

1 [Conversion of Residential Rental Uses]  
2 IMPOSING INTERIM ZONING CONTROLS FOR A PERIOD OF UP TO 18 MONTHS TO  
3 PROHIBIT THE CONVERSION OF RESIDENTIAL RENTAL UNITS IN BUILDINGS OF  
4 THREE (3) OR MORE UNITS TO A NON-RENTAL USE WITHOUT OBTAINING  
5 CONDITIONAL USE AUTHORIZATION FROM THE PLANNING COMMISSION, AND  
6 MAKING THE DETERMINATION OF CONSISTENCY WITH THE PRIORITY POLICIES OF  
7 PLANNING CODE SECTION 101.1 (PROPOSITION M).

8 WHEREAS, The State Zoning and Planning Law requires the City adopt a housing  
9 element pursuant to which policies are implemented to "assist in the development of adequate  
10 housing to meet the needs of low and moderate income households" (Government Code §  
11 65583(c)(3)) and "to conserve the . . . existing affordable housing stock" (Government Code  
12 §§ 65583(c)(2) and (c)(4)); and,

13 WHEREAS, Pursuant to that statutory mandate, Objective 3 of the Residence Element  
14 of the San Francisco General Plan prioritizes the retention of existing units as a means of  
15 providing affordable housing; and,

16 WHEREAS, Policy 3-4 of the Residence Element, which implements Objective 3,  
17 specifically recognizes that conversion of existing rental apartment buildings to  
18 condominiums, stock cooperatives or tenant-in-common ownership depletes the City's supply  
19 of affordable housing and concludes that conversion should "not result in a shift in the balance  
20 between ownership and rental housing"; and,

21 WHEREAS, Policy 3-4 lists specific remedial measures the City can adopt to  
22 ameliorate or minimize the negative effects of conversion of affordable housing to less  
23 affordable housing or commercial uses; and,

24 WHEREAS, The City has implemented some of the measures identified in Policy 3-4,  
25 for example, by limiting the annual number of condominium conversions; and,

/s  
SUPERVISOR BIERMAN, KATZ  
BOARD OF SUPERVISORS

1           WHEREAS, Policy 3-4 explicitly acknowledges that affordable housing in multi-unit  
2 buildings is primarily rental housing; and,

3           WHEREAS, Given the high cost of home-ownership in the City, rental housing is often  
4 the only housing affordable for low and moderate income households; and,

5           WHEREAS, Conversion of rental housing units to condominiums, tenancies-in-  
6 common or other forms of owner occupancy, reduces the limited supply of affordable housing;  
7 and,

8           WHEREAS, Losses in the number of rental housing units from conversion to non-rental  
9 use over the past few years have been documented; and,

10          WHEREAS, Annual construction of new rental housing units has not kept pace with the  
11 annual loss of rental units; and,

12          WHEREAS, The increased demand for rental housing and the conversion of existing  
13 rental units to non-rental use has led to shortage of rental housing in the City; and,

14          WHEREAS, The serious impacts on the health, safety and welfare of residents in  
15 neighborhoods vulnerable to conversion of affordable rental housing to non-rental use will  
16 continue unless fairly and reasonably regulated; and,

17          WHEREAS, The procedure for consideration and imposition of interim zoning controls  
18 by the Board of Supervisors is set forth in Section 306.7 of the Planning Code; and,

19          WHEREAS, Planning Code Section 306.7 requires the Board of Supervisors to  
20 consider the impact on the public health, safety, peace and general welfare if these interim  
21 controls are not imposed; and,

22          WHEREAS, The imposition of these interim zoning controls is necessary to minimize  
23 existing negative impacts on the supply of affordable rental housing. By taking this approach,  
24 public officials and members of the public have time to observe changes, if any, resulting from  
25 the interim controls. The time afforded by interim controls allows public officials to discuss

**SUPERVISOR BIERMAN**  
**BOARD OF SUPERVISORS**

1 and consider the general issues surrounding conversion of residential rental units in multi-unit  
2 buildings to non-rental use, with the goal of establishing appropriate permanent controls for  
3 conversion of residential rental units in multi-unit buildings to non-rental use; and,

4 WHEREAS, These controls are intended and designed to ameliorate the problems and  
5 conditions associated with conversion of residential rental units in multi-unit buildings to non-  
6 rental use by requiring any such conversion sought during the next eighteen (18) months to  
7 obtain conditional use authorization, as defined in these controls; and,

8 WHEREAS, The proposed interim zoning controls are consistent with the priority  
9 policies of City Planning Code Section 101.1, in that the proposed zoning controls will not: 1.  
10 adversely affect neighborhood-serving retail uses or local employment since the proposed  
11 zoning would maintain the residential character of neighborhoods, increasing the viability of  
12 neighborhood-serving uses; 2. detrimentally impact existing housing and neighborhood  
13 character because it would preserve existing rental housing for family, single-person and  
14 elderly households; 3. detrimentally affect the City's supply of affordable housing because it  
15 would directly preserve such housing; 4. impede commuter traffic, neighborhood parking or  
16 transit service because the proposal would not have any detrimental effect on the public  
17 thoroughfares; 5. displace any industrial establishments; 6. diminish the City's ability to  
18 protect against injury and loss of life in an earthquake because it maintains existing uses  
19 addresses only uses within buildings rather than building structure and would not discourage  
20 reuse, remodeling or redevelopment of landmarks and historic buildings; and 8. reduce the  
21 amount of accessible open space and parks because it does not address building envelopes  
22 or open space encroachment; now, therefore, be it

23 RESOLVED, That by this resolution the Board of Supervisors hereby establishes  
24 conditional use controls on buildings containing three (3) or more residential rental units; and,  
25 be it

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1 FURTHER RESOLVED, That for purposes of these interim controls, such controls shall  
2 encompass all zoning districts in which residential uses are principally or conditionally  
3 permitted; and, be it

4 FURTHER RESOLVED, That conversion of residential rental units in multi-unit  
5 buildings to non-rental use shall be governed by adding the following provision to the Planning  
6 Code. Section 209.10. After February 23, 1999, no person, entity, partnership or corporation  
7 which is the legal owner of record of a building consisting of three (3) or more residential  
8 rental units shall convert any residential rental unit which was used for residential rental  
9 purposes to non-rental use unless the Planning Commission grants conditional use  
10 authorization pursuant to Section 303 of this Code. When considering whether to approve  
11 conditional use authorization for the proposed non-rental use, in addition to the criteria  
12 provided in Section 303, the Planning Commission shall give primary consideration to the  
13 adverse impact of the proposed conversion on the supply of rental housing and any  
14 unreasonable hardship to the applicant if the proposed conversion is denied.

15 For purposes of this section, the following definitions shall apply.

16 "Residential Rental Unit" shall mean a unit constructed before June 13, 1979 that is or has  
17 been occupied by a residential tenant for at least 32 consecutive days within the five (5) years  
18 preceding the effective date of these interim controls.

19 "Non-rental Use" shall mean any commercial, industrial or public use or occupancy by any  
20 person with an equity interest in the building. Non-rental use shall not include vacant units;  
21 now, therefore, be it

22 FURTHER RESOLVED, That these interim controls advance and are consistent with  
23 the priority policies of Planning Code Section 101.1 in that they attempt to preserve existing  
24 affordable housing and neighborhood character; and, be it

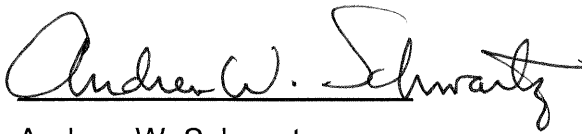
25  
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1 FURTHER RESOLVED, That these interim controls shall be effective on February 23,  
2 1999, and shall remain in effect for eighteen (18) months or until the adoption of permanent  
3 legislation regulating the conversion of residential rental units in buildings containing three (3)  
4 or more residential rental units to non-rental use, whichever occurs first.

5  
6 APPROVED AS TO FORM:

7 LOUISE H. RENNE, City Attorney

8  
9 By:



10 Andrew W. Schwartz  
11 Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

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**File Number:** 990093

**Date Passed:**

Resolution imposing Interim Zoning Controls for a period of up to 18 months to prohibit the conversion of residential rental units in buildings of three (3) or more units to a non-rental use without obtaining conditional use authorization from the Planning Commission, and making the determination of consistency with the priority policies of Planning Code Section 101.1 (Proposition M).

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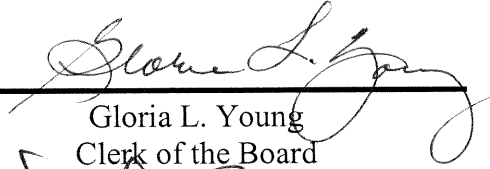
March 1, 1999 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Teng, Yaki

Excused: 3 - Kaufman, Newsom, Yee

File No. 990093

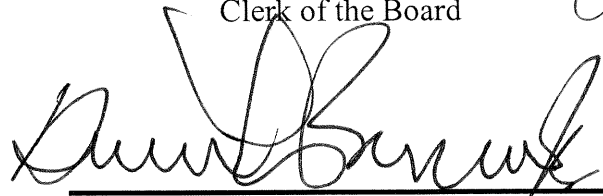
I hereby certify that the foregoing Resolution was ADOPTED on March 1, 1999 by the Board of Supervisors of the City and County of San Francisco.

  
Gloria L. Young  
Clerk of the Board

MAR - 9 1999

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Date Approved

  
Mayor Willie L. Brown Jr.