

BOARD of SUPERVISORS



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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development
Tiffany Bohee, Executive Director, Office of Community Investment and Infrastructure
Robert Collins, Acting Executive Director Rent

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: June 1, 2016

SUBJECT: INTERIM ZONING CONTROLS LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed interim zoning controls, introduced by Supervisor Peskin on May 24, 2016:

File No. 160599

Resolution imposing interim zoning controls for an 18-month period for all Residential Hotels, requiring Conditional Use authorization for any application for a permit to convert Residential Hotel Units under Administrative Code, Chapter 41; and making environmental findings and findings of consistency with the General Plan, and with the eight priority policies of Planning Code, Section 101.1.

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: andrea.ausberry@sfgov.org.

c: Eugene Flannery, Mayor's Office of Housing and Community Development
Sophie Hayward, Mayor's Office of Housing and Community Development
Claudia Guerra, Office of Community Investment and Infrastructure
Natasha Jones, Office of Community Investment and Infrastructure

1 [Interim Zoning Controls - Hotel Conversion Ordinance]

2
3 **Resolution imposing interim zoning controls for an 18-month period for all Residential**
4 **Hotels, requiring Conditional Use authorization for any application for a permit to**
5 **convert Residential Hotel Units under Administrative Code, Chapter 41; and making**
6 **environmental findings and findings of consistency with the General Plan, and with the**
7 **eight priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Planning Code, Section 306.7 provides for the imposition of interim zoning
10 controls that promote the public interest, including but not limited to development and
11 conservation of the City's commerce and industry to maintain the City's economic vitality and
12 maintain adequate services for its residents, visitors, businesses, and institutions, and the
13 preservation of neighborhoods and areas of mixed residential and commercial uses and their
14 existing character; and

15 WHEREAS, The City faces a shortage of decent, safe, sanitary, and affordable rental
16 housing, and this shortage affects most severely the elderly, the disabled, and low-income
17 people who are most vulnerable to becoming homeless; and

18 WHEREAS, The conversion of the City's limited number of residential hotel units
19 affects those persons who are least able to cope with displacement; and

20 WHEREAS, Existing zoning controls and the Administrative Code procedures for
21 converting residential hotel units have allowed the City's stock of residential hotel units to
22 decline in the 26 years since the City last revised the residential hotel unit conversion process;
23 and

24 WHEREAS, Administrative Code, Chapter 41 requires that the Planning Department
25 review applications for permits to convert residential hotel units for consistency with the

1 Planning Code, but Planning Code, Section 317(g)(4) provides that Planning Commission
2 approval is not required for such applications; and

3 WHEREAS, The interim controls established by this Resolution will allow time for the
4 orderly completion of a planning study and for the adoption of appropriate legislation; and

5 WHEREAS, This Board of Supervisors ("Board") has considered the impact on the
6 public health, safety, peace, and general welfare if these interim controls are not imposed;
7 and

8 WHEREAS, The Board has determined that the public interest will best be served by
9 imposition of these interim controls to ensure that the legislative scheme which may be
10 ultimately adopted is not undermined during the planning and legislative process for
11 permanent controls; and

12 WHEREAS, The Board makes the following findings of consistency with the Priority
13 Policies set forth in Planning Code, Section 101.1: By requiring Conditional Use authorization
14 for all permits to convert residential hotel units, this interim control advances Priority Policy 2,
15 that existing housing and neighborhood character be conserved and protected to preserve the
16 cultural and economic diversity of our neighborhoods; and Priority Policy 3, that the City's
17 supply of affordable housing be preserved and enhanced; and this interim control does not
18 conflict with the other Priority Policies of Section 101.1; and

19 WHEREAS, The Planning Department has determined that the actions contemplated in
20 this Resolution are in compliance with the California Environmental Quality Act (California
21 Public Resources Code, Sections 21000 et seq.). Said determination is on file with the Clerk
22 of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

23 The Board hereby affirms this determination; now, therefore, be it
24
25

1 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board hereby
2 requires that for all residential hotels, a Conditional Use authorization pursuant to Planning
3 Code Section 303 is required for any permit to convert a residential unit; and, be it

4 FURTHER RESOLVED, That the Planning Commission shall only grant a Conditional
5 Use authorization allowing the conversion of a residential unit upon finding that the conversion
6 will not adversely impact the housing stock of affordable residential units in the City; and, be it


7 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning
8 Department shall conduct a study of the contemplated zoning proposal and propose
9 permanent legislation to address the issues posed by conversion of residential hotel units;
10 and, be it

11 FURTHER RESOLVED, That these interim controls shall apply to all applications for
12 permits to convert where the application has not been received as of the effective date of this
13 Resolution; and, be it

14 FURTHER RESOLVED, That these interim controls shall remain in effect for a period
15 of eighteen (18) months unless extended in accordance with Planning Code Section 306.7(h)
16 or until permanent controls are adopted; and, be it

17 FURTHER RESOLVED, That the Planning Department shall provide reports to the
18 Board pursuant to Planning Code Section 306.7(i).

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: 
23 ROBB KAPLA
24 Deputy City Attorney

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