

BOARD of SUPERVISORS

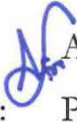


City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

Date: December 28, 2016

To: Tom Hui, Director of the Department of Building Inspection (DBI)
John Rahaim, Director of the Planning Department
Joanne Hayes-White, Chief of the San Francisco Fire Department
Jon Givner, Deputy City Attorney
Naomi Kelly, City Administrator
Olson Lee, Director of the Mayor's Office of Housing and Community Development (MOHCD)
Jocelyn Kane, Executive Director, Entertainment Commission
Tom DeCaigny, Director of Cultural Affairs, Arts Commission
Susan Pontious, Director of Public Art Program, Arts Commission

From:  Angela Calvillo, Clerk of the Board

Subject: Promoting Safety and Minimizing Displacement of Unauthorized Live/Work Spaces and Entertainment Venues (File No. 161342)

On December 13, 2016, the Board of Supervisors adopted Resolution No. 551-16, sponsored by Supervisor Avalos (File No. 161342, Promoting Safety and Minimizing Displacement of Unauthorized Live/Work Spaces and Entertainment Venues), enacted December 23, 2016.

Please find the attached courtesy copy of the Resolution for DBI, Planning, Fire Department, City Attorney, City Administrator, Housing and Community Development, Entertainment Commission, and Arts Commission's information and consideration.

If you have and questions or require additional information, please contact the Office the Clerk of the Board at (415) 554-5184.

c: Supervisor John Avalos
William Strawn, Legislative & Public Affairs, DBI
Carolyn Jayin, DBI
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Acting Environmental Review Officer, Planning Department
AnMarie Rodgers, Senior Policy Advisor, Planning Department
Aaron Starr, Acting Manager of Legislative Affair, Planning Department
Joy Navarrete, Environmental Planning, Planning Department
Jeanie Poling, Environmental Planning, Planning Department
Kelly Alves, Secretary, Fire Department
Brittany Feitelberg, Executive Secretary, Deputy City Attorney
Eugene Flannery, Secretary, MOHCD
Kate Hartley, Deputy Director, MOHCD
Crystal Stewart, Commission Secretary, Entertainment Commission
Rebekah Krell, Deputy Director, Arts Commission

1 [Promoting Safety and Minimizing Displacement of Unauthorized Live/Work Spaces and
2 Entertainment Venues]

3 **Resolution finding that unauthorized live/work spaces and entertainment venues are**
4 **valuable and irreplaceable components of the City's housing stock and artistic**
5 **communities; and urging various City departments to address safety issues in these**
6 **unauthorized spaces, develop a legalization process that minimizes displacement, and**
7 **identify resources to help property owners fund safety improvements and legalization.**

8
9 WHEREAS, On December 2, 2016 a fire in an Oakland warehouse that was being
10 used as an unauthorized live/work space known as "Ghost Ship" claimed the lives of thirty-six
11 young people who ranged in age from ages 17 to 36; and

12 WHEREAS, In addition to the unfathomably tragic loss of life, the Ghost Ship fire has
13 led to evictions and citations for unauthorized housing units, art spaces, and entertainment
14 venues ("unauthorized spaces") across the country; and

15 WHEREAS, San Francisco has a long history of cultivating and celebrating
16 underground art spaces that have provided safe spaces for the LGBTQ community, artists,
17 immigrants, low-income residents, and other vulnerable communities; and sf

18 WHEREAS, Media reports published on December 8 and 9, 2016 inaccurately stated
19 that the City and County of San Francisco was conducting a crackdown on unauthorized
20 spaces and have generated needless alarm among both tenants and owners of buildings
21 containing unauthorized units; and

22 WHEREAS, In recent years, the Board of Supervisors has passed multiple pieces of
23 legislation recognizing the need to preserve unauthorized housing units whenever possible
24 because they represent a valuable and irreplaceable source of naturally occurring affordable
25 housing; and

1 WHEREAS, Objective 2 of the San Francisco Housing Element is to “retain existing
2 housing units, and promote safety and maintenance standards, without jeopardizing
3 affordability;” and

4 WHEREAS, In March 2016, the Board of Supervisors unanimously passed ordinance
5 33-16 to require the legalization of all unauthorized residential units, unless the Planning
6 Commission approves the removal of the unit, it is determined that the unit cannot be
7 legalized, or if it determined that a serious and imminent hazard exists; and

8 WHEREAS, Planning Commission Resolution No. 19532 supported this ordinance and
9 found that “as for unauthorized units, the proposed legislation would fill the void of necessary
10 controls for retaining this important portion of our housing stock. Many of these units are
11 tenant occupied at lower rates of rent due to the illegal status of the unit. Removing these
12 units only exacerbates the already critical state of evictions and displacement in San
13 Francisco;” and

14 WHEREAS, Planning Commission Resolution No. 19660 recommended that the Board
15 of Supervisors expand protections for unauthorized units by allowing for more than one
16 unauthorized unit to be legalized per lot; and

17 WHEREAS, In recent years, City departments have successfully saved many
18 unauthorized housing units while simultaneously ensuring safe conditions for both the tenants
19 and the surrounding neighborhoods—ranging in scale and complexity from individual “in-law
20 units” to large multi-unit commercial buildings; and

21 WHEREAS, San Francisco’s Department of Building Inspection (DBI) has become a
22 national model for their ability to ensure safe conditions while also minimizing displacement of
23 tenants; and

24 WHEREAS, DBI’s groundbreaking Code Enforcement Outreach Program partners with
25 non-profit organizations representing the interests of tenants and property owners to identify

1 occupancy hazards, assist in code compliance issues, prevent displacement, and serve as
2 liaisons between tenants, property owners, and the department; and

3 WHEREAS, The San Francisco Entertainment Commission has similarly worked with
4 unauthorized entertainment venues to help them obtain permits and ensure their facilities
5 comply with local and state codes; and

6 WHEREAS, The San Francisco Arts Commission provides funding for fire and life
7 safety tenant improvements for nonprofit art spaces through its annual Creative Space grant
8 program and is committed to the safety and stability of all San Francisco's arts and culture
9 spaces; and

10 WHEREAS, The Arts Commission supports San Francisco's individual artists through
11 annual unrestricted commissions awarded through the Cultural Equity Endowment Fund that
12 can be used for a variety of purposes including rent and/or safety improvements of live and/or
13 work spaces; and

14 WHEREAS, In the wake of the Ghost Ship fire, a number of arts organizations in San
15 Francisco and the Bay Area have organized to offer free safety consultations and
16 improvements for unauthorized spaces; now, therefore, be it

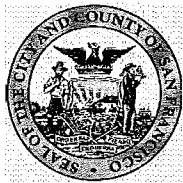
17 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
18 finds that communities formed in unauthorized live/work spaces and entertainment venues
19 that operate safely and responsibly are valuable, and the loss of these spaces would
20 adversely impact the City's housing stock; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors is committed to protecting
22 these unauthorized live/work spaces and entertainment venues whenever they can be
23 legalized, helping property owners make them safe and secure, and protecting tenants from
24 displacement; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors urges DBI to include in its Code
2 Enforcement Outreach Program non-profit organizations that have experience with supporting
3 unauthorized spaces; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors urges DBI, the Planning
5 Department, the San Francisco Fire Department, the City Attorney, the City Administrator, the
6 Mayor's Office of Housing and Community Development, the Entertainment Commission, the
7 Arts Commission, and any other relevant City agencies to work together to:

- 8 - quickly address any imminent safety hazards in unauthorized spaces,
- 9 - develop a process based on DBI's successful Code Enforcement Outreach
10 Program for the legalization of unauthorized spaces that is consistent with
11 neighborhood context whenever possible that minimizes the displacement of
12 tenants and assists property owners, and
- 13 - identify resources to help property owners fund needed safety improvements and
14 legalization, such as low-interest loans, the Code Enforcement Fund, and the
15 Housing Stabilization and Preservation Fund.



City and County of San Francisco

Tails

Resolution

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

File Number: 161342

Date Passed: December 13, 2016

Resolution finding that unauthorized live/work spaces and entertainment venues are valuable and irreplaceable components of the City's housing stock and artistic communities; and urging various City departments to address safety issues in these unauthorized spaces, develop a legalization process that minimizes displacement, and identify resources to help property owners fund safety improvements and legalization.

December 13, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE
WHOLE BEARING SAME TITLE

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and
Yee

Vacant: 1 - District 8

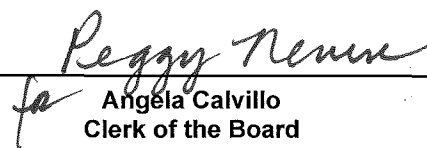
December 13, 2016 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and
Yee

Vacant: 1 - District 8

File No. 161342

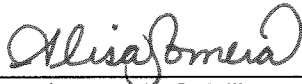
I hereby certify that the foregoing
Resolution was ADOPTED AS AMENDED
on 12/13/2016 by the Board of Supervisors
of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

Unsigned
Mayor

12/23/2016
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



for Angela Calvillo
Clerk of the Board

12/23/2016

Date