

LEGISLATIVE DIGEST

[Planning, Administrative Codes - Temporary Use of Hotels and Motels for Permanent Supportive Housing]

Ordinance amending the Planning Code and Administrative Code to allow certain hotels and motels to be used for Permanent Supportive Housing purposes without thereby abandoning or discontinuing the hotel use; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

In hotels subject to regulation under Administrative Code Chapter 41, certain units designated as tourist units within a residential hotel may be used for residential purposes without losing their designation under Chapter 41 as tourist units.

Under the Planning Code, a use that has been discontinued for a certain period of time – usually around three years – could lose the ability to continue that use if the current zoning would not allow the use or would require conditional use authorization. Thus, if a tourist hotel, or a portion of a tourist hotel, were used for residential purposes for three or more years, the tourist hotel could lose its ability to return to that tourist use after a certain number of years if the zoning would no longer allow the tourist use or would require special authorization for the tourist use, such as a conditional use permit.

New uses could be subject to development standards set forth in the Planning Code, and could be required to pay certain impact fees as required by Planning Code Article 4. Finally, conversion of a residential use to a non-residential use would require conditional use authorization under the terms of Planning Code Section 317.

Amendments to Current Law

The Legislation would allow any Hotel or Motel use to be used for Permanent Supportive Housing, as defined in Administrative Code Section 20.54.2, for up to twenty continuous years without losing its land use designation as a Hotel or Motel use under the Planning Code, irrespective of whether such existing Hotel or Motel use is a principally permitted, conditionally permitted, or nonconforming use. The Legislation would also allow any Hotel or Motel use in a building that is subject to the terms of Administrative Code Chapter 41 to use all or any portion of such Hotel or Motel for Permanent Supportive Housing, as defined in San Francisco Administrative Code Section 20.54.2, without losing its land use designation under the Planning Code as a Hotel or Motel at any time. The approval of the

Permanent Supportive Housing use as a temporary use would not be considered a conversion, discontinuance, abandonment, or change of use under the Planning Code.

The Legislation provides that the Permanent Supportive Housing would not be required to comply with development standards applicable to new residential uses, including but not limited to density, rear yard, open space, exposure, and other requirements set forth in Articles 1.2, 1.5, or 2 of the Planning Code, and would not be subject to any development impact fees set forth in Article 4 of the Planning Code.

The Legislation would allow a Hotel or Motel that is lawfully used for Permanent Supportive Housing purposes to return to its pre-existing lawful Hotel or Motel use without complying with Planning Code Section 317, and such return to a non-residential use would not be considered a Residential Conversion.

The Legislation would allow a temporary change of occupancy under Administrative Code Chapter 41 for Permanent Supportive Housing without changing the legal status of that unit as a tourist unit under Chapter 41, until lawful termination of such Permanent Supportive Housing use.

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