Urgency Ordinance imposing an interim zoning moratorium on the conversion of residential rental units to student housing for 45 days and making required findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) General Findings.

(1) A number of times in the past, this Board of Supervisors has found that a shortage of decent, safe and sanitary rental housing in San Francisco has led to serious adverse effects on City residents, especially the elderly, persons with disabilities, and low-and moderate-income persons and households.

(2) In Chapter 37 of the San Francisco Administrative Code (the Residential Rent Stabilization and Arbitration Ordinance), the Board found that the shortage of decent, safe and sanitary housing had resulted in a critically low vacancy rate leading to the inability of displaced tenants to find alternative housing at affordable rent levels. The Board further found that this situation has had a detrimental effect on substantial numbers of renters in the City, especially creating hardships for senior citizens, persons on fixed incomes, and low- and moderate-income households.

(3) In Chapter 41 of the San Francisco Administrative Code (the Residential Hotel Conversion and Demolition Ordinance), the Board found that there was a severe shortage of...
decent, safe, sanitary and affordable rental housing in San Francisco, that this shortage affects most severely the elderly, persons with disabilities, and low-income persons, and that many of the elderly, persons with disabilities, and low-income persons and households reside in residential hotel units. Similar findings were made by the Board in Chapter 41A of the San Francisco Administrative Code, which established a permanent ban on the conversion of apartment units to tourist and transient use.

(4) In Chapter 41C of the San Francisco Administrative Code, which prohibits the conversion of a residential unit to a time-share use, the Board found that there was a severe shortage of permanent housing in San Francisco; a small supply of suitable vacant land, zoning constraints, construction costs and other factors that limit the construction of additional housing; population pressures and other demographic trends that cause great demand and are likely to accelerate the demand for San Francisco housing; and the conversion of permanent housing to tourist or other temporary use removes housing units from the available stock and worsens the existing shortage. The Board further found that the shortage of housing most acutely affects low- and moderate-income persons, the elderly, and persons with disabilities, both those already living in San Francisco and those wishing to move to the City.

(5) There continues to be a high demand for decent, safe, sanitary, and affordable rental housing in San Francisco by both those already living in the City and those wishing to move to the City. The conversion of permanent rental housing stock, both apartments and residential hotel units, into student housing is having the same or similar detrimental effects that the Board found applied to the conversions of residential rental units to the other uses described above.

(b) Findings Related to Imposition of an Interim Moratorium.

Supervisor Daly
BOARD OF SUPERVISORS
(1) Under California Government Code Section 65858, by a four-fifths vote of the Board of Supervisors the City can adopt as an urgency measure an interim moratorium on a land use for up to 45 days without following the procedures otherwise required prior to adoption of a zoning ordinance in order to protect the public safety, health and welfare.

(2) Planning Code Section 306.7 provides for the imposition of interim zoning controls to accomplish several objectives, including preservation of the City's rental housing stock and preservation of the character of existing residential neighborhoods.

(3) These controls are intended and designed to deal with and ameliorate the problems and conditions associated with conversion of the City's rental housing stock to student housing, as described in subsection (a) above, pending the adoption of permanent legislation.

(4) This Board has considered the impact on the public health, safety, peace, and general welfare if the proposed interim controls were not imposed and has determined that the public interest will best be served by imposition of these interim controls at this time in order to ensure that the legislative scheme which ultimately may be adopted is not undermined during the planning and legislative process for permanent controls, which process shall be conducted within a reasonable time.

(c) Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ________________ and is incorporated herein by reference.

(d) Planning Code Section 101.1 Findings.
This interim zoning moratorium advances and is consistent with Priority Policy No. 2 by conserving existing housing and neighborhood character and with Policy No. 3 by protecting and enhancing the City's supply of affordable housing. The Board finds that the proposed interim zoning moratorium does not, at this time, have any impact upon Priority Policy Nos. 1, 4, 5, 6, 7, and 8.

Section 2. The following interim zoning moratorium shall be adopted as an Urgency Ordinance pursuant to California Government Code Section 65858:

While this Urgency Ordinance and any extension of it is in effect, no institution that is subject to the Institutional Master Plan requirements of Planning Code Section 304.5 shall convert either a rental dwelling unit or a residential hotel unit to student housing, except that this moratorium shall not apply to the following:

1. a property that is listed as student housing on an Institutional Master Plan submitted to the Planning Department prior to August 12, 2008; or
2. a conversion for which an environmental evaluation application documenting the change of use to student housing has been submitted to the Planning Department prior to August 12, 2008; or
3. a conversion for which a conditional use application for change of use to housing for students has been submitted to the Planning Department prior to August 12, 2008; or
4. a conversion that is the subject of an enforcement action by the Planning Department and which is required in order to abate the violation.

For purposes of this Urgency Ordinance, the following definitions shall apply:

1. "Dwelling unit" shall be as defined in Section 102.7 of the Planning Code.
(2) "Residential hotel unit" shall mean a "residential unit" as defined in Section 41.4(q) of the Residential Hotel Unit Conversion and Demolition Ordinance (Chapter 41 of the San Francisco Administrative Code).

(3) "Student housing" shall mean group housing as defined in Sections 209.2(c), 216(a), 790.88(b), and 890.88(b) of the Planning Code.

Section 3. This interim moratorium shall remain in effect for 45 days unless extended in accordance with California Government Code Section 65858 or permanent controls are adopted to address the conversion of residential rental units to student housing, whichever first occurs.

Section 4. As required by California Government Code Section 65858, within 25 days of the Board's approval of this Ordinance, the Planning Department shall submit to the Clerk of the Board a written report describing the measures taken to alleviate the conditions that led to the adoption of this Ordinance. Upon receipt of the report, the Clerk shall calendar a motion for the full Board to consider and approve said report. The hearing and the action taken on the report shall be no later than 35 days after this Ordinance is finally adopted.

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

By:
JUDITH A. BOYAJIAN
Deputy City Attorney
Urgency Ordinance imposing an interim zoning moratorium on the conversion of residential rental units to student housing for 45 days and making required findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1.

October 7, 2008 Board of Supervisors — FINALLY PASSED
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbom, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick
I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 7, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clk of the Board

10/17/2008
Date Approved

Mayor Gavin Newsom