



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Proposed Planning Code Amendments: Student Housing

HEARING DATE: MAY 17, 2012

Date: May 10, 2012
Case No.: 2011.0206T
Project Address: **Planning Code Amendments: Student Housing**
Initiated by: Planning Commission
Legislative Sponsor: Supervisor Wiener & Supervisor Kim
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Recommendation: **Approval with Modifications**

PLANNING CODE AMENDMENT

On October 27, 2011 the Commission initiated amendments to the Planning Code controls for Student Housing. At that hearing and pursuant to Planning Code Section 306.3, the Planning Commission authorized the Department to prepare for a hearing to consider the Planning Code amendments contained in the draft Ordinance. On November 10, 2011 the Planning Commission adopted Resolution 18485 recommending that the Board of Supervisors adopt a proposed Ordinance to amend the Planning Code controls for Student Housing.

The Commission's proposed Ordinance would amend the Planning Code (herein after "Code") to achieve the following:

- 1) encourage the production of new Student Housing;
- 2) protect the existing housing stock;
- 3) create a definition of Student Housing that may be used throughout the Code; and
- 4) make additional modifications to the Planning Code for consistency and clarity.

The proposed Code amendment creates a definition of Student Housing that is based on occupancy and ownership and/or control. With the adoption of the proposed Ordinance, Student Housing would take the form of dwelling units (as defined in Code Section 102.6), Group Housing (as defined in Code Section 209.2), or Single Room Occupancy (SRO) units (as defined in Code Section 890.88), and must be owned, operated, or otherwise controlled by an accredited Post-Secondary Educational Institution (as defined in Code Section 209.3 (i)). Additional Code changes have been included in the proposed Ordinance in order to encourage the production of new Student Housing while protecting San Francisco's existing housing stock.

On January 10, 2012, Supervisor Wiener signed on as a Board Sponsor and introduced the legislation for hearing at the Board of Supervisors.

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Since this Commission's recommendation there have been requests to reconsider the prohibition on the conversion of existing housing. Currently, the following methods of conversion are being considered:

- **Supervisor Wiener** proposed to allow three limited exceptions where the conversion of existing housing and SROs would be permitted to be converted to student housing.
- **Supervisor Kim** proposed that residential and SRO buildings that have been vacant for at least one year or underutilized for at least two years and create blight could be converted to student housing via Conditional Use authorization.

This case report will focus on the new amendments that have been proposed to the draft Ordinance since the Planning Commission's recommendation. For a review of the current controls please see attached Appendix E.

A Review of The Way It Would Be Under the Commission's Recommendation:

The **Planning Commission** recommended approval of a proposed Ordinance with modifications that would achieve the following:

- Create a new Code section 102.36 would create a citywide land-use definition of Student Housing. This new definition would reflect the variety of Student Housing types that are anticipated. The definition would be based on the occupancy as well as the ownership or control of the space. Student Housing would take the form of a dwelling unit, Group Housing, or an SRO that is occupied by students of an accredited Post-Secondary Educational Institution . In addition, the housing must be owned or otherwise controlled by the educational institution.
- Conversions from any existing form of housing to Student Housing would be prohibited with proposed amendments to Code Section 317.
- Conversions from Student Housing to any form of residential use permitted in the underlying zoning district would be approvable by the Zoning Administrator, provided that all Planning Code Requirements have been met or appropriately modified. At the time of the conversion, the property owner would need to comply with the Inclusionary Affordable Housing Program per Section 415. This is reflected in the proposed addition of Code Section 307(j).
- Student Housing would be exempt, as are Group Housing, SROs, and dwellings offered at Below Market Rate, from the unit mix requirement within RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use Districts. If at any point the housing no longer qualifies as Student Housing (as would be defined in new Section 102.36), the exemption from the unit mix requirement would no longer be applicable, and modifications to the unit mix may be required. This is reflected in the proposed amendment to Section 207.7(B)(3).
- Dwelling units that are less than 350 square feet plus a bathroom – including those that are considered Student Housing – would have the same reduced open space requirement (one-third that of dwelling units) as Group Housing and SROs, with the proposed amendment to Section 135(d)(2).

- A change of use to Group Housing within an NC district would require neighborhood notification pursuant to Section 312.
- Qualified Student Housing, as defined in Planning Code Section 401, may consist of all or part of a building, with the proposed modification to the definitions in Section 401.
- The Commission recommended that the Board modify Planning Code Section 317(f)(1) to clarify that for the purposes of conversion residential uses are defined as follows: “For the purposes of this subsection, residential uses that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.”

The Way It Would Be Under the Newly Proposed Amendments Since the Commission Hearing:

Supervisor Wiener’s Newly Proposed Amendments:

At the March 26, 2012, Land Use Hearing, **Supervisor Wiener** recommended the following amendments. **Supervisor Wiener** proposed to amend Section 317(b)(1) of the proposed Ordinance to allow the following limited exceptions where the conversion of existing housing and SROs would be allowed to student housing if:

- 1) the housing was built by the Post-Secondary Educational Institution that will own, operate or otherwise control the Student Housing,
- 2) is in a convent monastery (or similar religious order facility), or
- 3) is on a lot directly adjacent to the post-secondary Educational Institution that will own operate or otherwise control the Student Housing, so long as the lot has been owned by the Post-Secondary Educational Institution for at least ten years as of the effective date of this ordinance.

Supervisor Wiener also proposed to amend the proposed Ordinance by amending Section 124¹, to create a new subsection (k), to permit additional square footage above the floor area ratio limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as Significant or Contributory pursuant to Article 11.

Since the Land Use hearing, the Department has received a letter dated April 10, 2012 from the San Francisco Housing Action Coalition (SFHAC) that described additional modifications. **Supervisor Wiener’s** office has indicated that the Supervisor would support these modifications from SFHAC upon the Commission’s recommendation. The amendments proposed by SFHAC include the following:

¹ In Board File No 111374-2 as referred to the Planning Commission, the Legislative Digest and long titled of the Ordinance refer to amendments to Planning Code Section 214. There is no Section 214. The amendments described in the Ordinance are actually to 124 Basic Floor Area Ratio.

- 1) replacing the requirement that institutions be in “long-term master lease for a period of at least 20 years” with a requirement of being in an “other contractual agreement”;
- 2) specifying that those projects which convert a “non-residential” building are eligible for the exemption from the inclusionary requirement;
- 3) adding a requirement that the Zoning Administrator may approve the conversion of a “Student Housing” use to “Non-Student Residential Use” only if the building owner has made an “extensive and good faith effort” to find another qualified institution to lease the space;
- 4) minor technical clarifications such as specifying that more than one “Qualified Student Housing Project” may be in a building and that a project may remain “Qualified Student Housing” if the owner or lease-holder transitions from one “Qualified Educational Institution” to another.

Supervisor Kim’s Newly Proposed Amendments:

Supervisor Kim proposed that residential and SRO buildings that have been vacant for at least one year or underutilized for at least two years and create blight could be converted to student housing via Conditional Use authorization. To be considered “vacant” a Residential Building would have to be completely vacant and listed on the Department of Building Inspection’s Vacant Building Registry for at least one year from the time of application. To be considered “underutilized” a building would need to be 20% or less occupied for at least two years prior to application, as proven by an affidavit of the buildings owner. Note: the Ordinance, as written, applies to all residential buildings, including single-family, group housing, apartments, and residential hotels. The Supervisor’s office reports that the Supervisor’s primary concern is blighted Residential Hotel buildings in the Tenderloin.

REQUIRED COMMISSION ACTIONS

The proposed Ordinance is before the Commission so that it may recommend approval or disapproval the proposed Planning Code amendments.

ISSUES AND CONSIDERATIONS

Producing new housing vs. converting existing housing

In November 2010, the Commission recommended an Ordinance² that the Board later approved, first establishing that “Qualified Student Housing” would be exempt from the Inclusionary Requirement. That law established that this benefit was *only to be conferred* to new development and *would not apply* to the conversion of existing housing stock.

In November 2011, the Commission recommended that conversions from any form of housing to Student Housing be prohibited. This prohibition is intended as a clear protection for the City’s existing housing stock, including everything from single-family housing and apartment buildings

² Ordinance No. 321-10 (Board File 101095).

to group housing and Residential Hotels³ (SROs)⁴. With this report, the Department is also recommending approval of new incentives to encourage the production of Student Housing through new construction.

If this proposed Ordinance were to be adopted consistent with the Commission's 2011 recommendations, incentives to construct new Student Housing would expand beyond the exemption from the Inclusionary Affordable Housing to also include an exemption from the unit mix requirements within RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use districts. In addition, the Commission recommended that the open space requirements for very small dwelling units – less than 350 square feet plus a bathroom – be reduced to 1/3 the basic requirement of dwelling units, which is consistent with the way that open space for Group Housing and SROs is provided.

Further, another incentive is being proposed by Supervisor Wiener. If this amendment is adopted, the proposed Ordinance would provide the additional benefit of exemption for Student Housing from the FAR requirement in certain C-3 Districts.

The Need for Student Housing. The student housing market is an area with strong demand, according to the National Center for Education Statistics. In 2010, a record 19.1 million students were enrolled in two-year and four-year colleges and universities, a 25% jump since 2000, according to the National Center for Education Statistics. According to the Wall Street Journal's Market Watch, student housing rents are 10-20% higher than traditional rents and occupancy is high at 98%⁵.

Locally too, the demand appears quite high as the national increase in students looking for housing is amplified by the City's chronic housing shortage. Tim Colen, Executive Director of the San Francisco Housing Action Coalition estimates that San Francisco has about 14 post-

³ Planning Code Section 890.47 defines a **Residential Hotel** as "A hotel, as defined in Chapter 41 of the San Francisco Administrative Code, which contains one or more residential hotel units. A residential hotel unit is a guest room as defined in Section 203.7 of Chapter XII, Part II of the San Francisco Municipal Code (Housing Code), which had been occupied by a permanent resident on September 23, 1979, or any guest room designated as a residential unit pursuant to Sections 41.6 or 71.7 of Chapter 41 of the San Francisco Administrative Code. Residential hotels are further defined and regulated in the Residential Hotel Unit Conversion and Demolition Ordinance, Chapter 41 of the San Francisco Administrative Code."

⁴ The Planning Code Section 890.88 defines **Single Room Occupancy (SRO) Unit** as "A dwelling unit or group housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room occupancy building (or "SRO" building) is one that contains only SRO units and non nonaccessory living space."

⁵ Wall Street Journal. "How to Buy Property in College Towns". Waters, Jennifer. 9/24/10.

secondary institutions with between 300 to 60,000 students each jointly serving 120,000 students⁶. The SFHAC estimates that 2/3 of these students may have housing at home or commute from outside of San Francisco, leaving the generated demand for housing at a *shortfall between 40,000 to 50,000 beds*.

Anecdotal evidence from the Department of Building Inspection indicates that inquiries on converting SROs to student housing is rising. The Academy of Art University (AAU) submitted a description of their student housing inventory to the Planning Department in November 2010. According to AAU's letter they were using five buildings "previously designated as Residential Hotel use" for student housing, representing a loss of 263 Residential Hotel units. This year, the San Francisco Art Institute reported in an Institutional Master Plan application submitted to the Department that,

"The ability to lease dwelling units anywhere seems not to be a viable possibility at this time and SFAI will continue to focus on group quarters type housing offering rooms for single or double occupancy for its students similar in quality to dormitory housing...For the foreseeable future SFAI envisions responding to offers to lease rooms made by owners of tourist or residential or mixed residential-tourist hotels and similar quarters, with a focus on the area north of Market Street and east of Van Ness Avenue".

Interactions between Student Housing and San Francisco's Traditional Housing Stock.

Student housing by definition is housing owned and/or in a long-term lease (or under the SFHAC proposal could be under a "contractual agreement") by the institution. This means that existing housing converted to student housing is removed from the open housing market and would be restricted to *only* those affiliated with the institution. Student housing is unique in that the demand for this housing type is created by the institution. Parts of the legislative proposal under consideration today would seek to allow institutions already exempted from the Inclusionary Housing requirement (Section 415) to also satisfy their demand for housing with the existing housing stock. The General Plan states that the City should "preserve and maintain the existing housing stock, which provides some of the City's most affordable units".

This concern is amplified when the implications are considered for rental units and SROs. Objective Three of the Housing Element states, "Protect the affordability of the existing housing stock, especially rental units." San Francisco is a city of renters and the larger rental properties are likely to be attractive for educational institutions. The existing housing stock can be and are leased to students. Rental units converted to student housing could no longer be occupied by anyone *except* students.

The General Plan seeks to protect rent controlled units in Housing Element Policy 3.1: **"Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.** Sixty-two percent of San Francisco's residents are renters. In the interest of the long term health and diversity of the housing

⁶ See Exhibit A for the Planning Department's map of Post-Secondary Educational Institutions.

stock the City should work to preserve this approximate ratio of rental units. The City should pay particular attention to rent control units which contribute to the long term existence and affordability of the City's rental housing stock without requiring public subsidy, by continuing their protection and supporting tenant's rights laws. Efforts to preserve rental units from physical deterioration include programs that support landlord's efforts to maintain rental housing such as: maintenance assistance programs, programs to support and enhance property management capacity, especially for larger companies, and programs to provide financial advice to landlords."

When it comes to Residential Hotels, Policy 3.5 of the Housing Element states, "Retain permanently affordable residential hotels and single room occupancy (SRO) units." SROs, long valued as housing for protected classes of individuals such as seniors, the disabled and low-income, these groups would no longer be able to access student housing unless they were also enrolled in the institution. According to a report commissioned by the Human Services Agency, "The City of San Francisco is unable to meet [existing] residents' demand for affordable housing. Many of the city's most vulnerable populations, including families with children seniors and adults with disabilities, and other public service recipients, are often at risk for homelessness. SROs account for a substantial portion of San Francisco's affordable housing stock, as they *provide housing for more low-income people than all the city's public housing developments*". See Exhibit B for the Executive Summary of the HSA report which provides a profile of the estimated 18,500 people living in SROs. The full report is available online at http://www.sf-planning.org/ftp/files/legislative_changes/HSA_Report_on_SROs_2009.pdf.

Are "Qualified Students" Low-Income relative to Other San Franciscans? The 2010 Duffy Ordinance No. 321-10 (Board File 101095) amended Section 415 of the Code to provide an exemption from Inclusionary Housing fees for "Qualified Student Housing," which is defined as housing that is owned or controlled through a long-term lease in which a minimum of 30% of beds are occupied by students who are eligible to receive need-based financial aid, including but not limited to Pell Grants, Perkins Loans, Stafford Subsidized Loans, or other grants or loans. At the time, this requirement seemed to guarantee that a percentage of students would be housed who were low-income, thus assuring decision-makers that relief from the Inclusionary Requirement was warranted. Since the adoption of this proposed Ordinance, the Department has determined that at least one of these "need-based financial aid" requirements, the Stafford Subsidized Loan, is not truly need-based. According to the Stafford Loan website⁷, in order to be eligible for the subsidized Stafford loan, students must complete the FAFSA application and meet the following qualifications, none of which are need-based:

- be a US Citizen or eligible non-citizen;
- be enrolled half-time or more in an accredited academic program;
- have completed high school or equivalent (e.g. GED); and
- not be in default or delinquent on any existing federal loan.

⁷ <http://www.staffordloan.com/stafford-loan-info/subsidized-student-loan.php>, retrieved on 5/1/2012.

Existing FAR Exemptions. Under existing controls buildings in Downtown Commercial General (C-3-G) and Downtown Commercial Support (C-3-S) Districts allow additional square footage above that permitted by the base floor area ratio limits for construction of dwellings units for affordable housing. Specifically, this existing exemption applies to households whose incomes are within 150 percent of the median other as long as the units are not added to a designated Significant or Contributory building and the building remains affordable for at least 20 years. The additional square footage includes only the amount necessary to accommodate dwelling units. See Exhibit C for a map of the C-3-G and C-3-S districts.

District	Basic Floor Area Ratio Limit
C-3-O	9.0 to 1
C-3-R, C-3-C, C-3-G, and C-3-O (SD)	6.0 to 1
C-3-S	5.0 to 1
C-3-S (SU)	7.5 to 1

Existing FAR limits in the C-3 Districts. Note, only C-3-G (Downtown Commercial General) and C-3-S (Downtown Commercial Support) districts are proposed to allow student housing above the FAR limits.

Vacant Buildings

Supervisor Kim’s proposal to allow the conversion of vacant buildings to Student Housing may provide an incentive to vacate buildings citywide. According to the Department of Building Inspection which maintains the Vacant Building list, there are over 535 buildings currently on this list, representing an unknown number of dwelling units. As written, the amendments could encourage owners to vacate buildings in the hopes of attracting secondary institutions as buyers. This may increase vacancies resulting in secondary blight effects.

Confirming “Underutilized” Building Status May Be Difficult

Under the proposal by Supervisor Kim, an “underutilized” a building would need to be 20% or less occupied for at least two years prior to application, as proven by an affidavit of the buildings owner. Since the building owner is attesting to the occupancy of the building over the previous two years, it would be difficult to confirm the occupancy for previous years. When it comes to SROs, the Department of Building Inspection has been tasked with tracking occupancy rates of SROs. However, DBI relies on unverified self-reporting from SRO owners.

If this proposal is to move forward, perhaps the building owner would register the building with the Department of Building Inspection as “under-utilized” 3 years prior to applying for a conversion of the building to student housing. This would allow inspectors to confirm the actual occupancy in the years prior to considering the conversion. It would also be consistent with the Planning Code definition of vacancy that begins at three years. The Department is concerned

that this amendment would encourage vacating housing stock—a dangerous precedent even if just for a two or three year period.

SROs as Protected Housing: Single-Resident Occupancy (SRO) Hotels. City policy, as articulated in the General Plan, supports retention and restricts conversion of SROs and residential hotels. See Exhibit D for a map of the existing Residential Hotels. The General Plan prioritizes this housing because, “Residential or single-room occupancy hotels (SROs) offer a unique housing opportunity for lower income elderly, disabled, and single-person households.” SROs are unusual in that this housing type offers affordable housing without public subsidy to create the housing. In 2000, the Office of Legislative Analyst completed a report describing shelter options, including SROs, for limited income people. The Executive Summary stated

“In San Francisco, SRO hotels have historically been concentrated in the Tenderloin/Downtown area, South of Market, the Mission/Market area and the North Beach/Chinatown area. Commercial Single Room Occupancy hotels, or SROs, were originally intended to provide low-cost long-term housing for single adults, and intermittent housing for non-residents such as seamen. The overwhelming increase in the numbers of homeless people in the last 20 years, combined with the shortage of affordable housing since the 1960s, has made SRO hotels an important housing option for many low-income adults... In the current housing market, average monthly room rates have risen to \$550 and above. However, public assistance, in the form of rental subsidies, have helped to reduce monthly payments for eligible recipients by almost half. A diminishing supply of the SRO hotel stock serving low-income single adults and hikes in room rates have also led the City to seek collaborations with local hotel operators and non-profit organizations to ensure the availability and affordability of rooms for low-income and homeless single adults.”

The Housing Element of the San Francisco General Plan primarily recognizes the threat of conversion of SROs to commercial and tourist use and references the Residential Hotel Ordinance, San Francisco Administrative Code Section 41.⁸ The text for Housing Element Policy 3.5 Retain permanently affordable residential hotels and single room occupancy (SRO) units continues, “The proximity of most SROs to the downtown area has fueled pressure to convert SRO’s to tourist hotels. In response to this, the City adopted its Residential Hotel Ordinance, which regulates and protects the existing stock of residential hotels. This ordinance requires permits for conversion of residential hotel rooms, requires replacement on a 1 to 1 level⁹ in the

⁸ The San Francisco Administrative Code, Section 41, originally passed in 1980, sought to protect Residential Hotels from the immediate threat—conversion to Tourist Hotel use.

⁹ Administrative Code Section 41.13(a) provides five mechanisms for satisfying the 1:1 replacement requirement: including: 1) construct a comparable unit at comparable rent; 2) bring a comparable, unprotected unit into protection; 3) build new or rehab existing apartment units for elderly, disabled or low-income persons or households, including emergency housing; 4)

case of conversion or demolition.” While student housing was not conceived as a use type when the housing element was adopted, it carries that this policy might apply to a conversion of SROs to other uses that would preclude protected tenants from occupying the units.

Under existing laws, SROs may be converted to residential use without requiring the 1:1 replacement. The loss of SRO units to housing uses was not anticipated when the Residential Hotel Ordinance was created as the occupancy type is not standard or desirable for most residential units. That changes however, when Student Housing is considered. Anticipating future threats is difficult. The proposed amendment will result in the loss of affordable housing. Not only will the units likely be revamped and made more expensive, but also the units will be occupied by students only. SRO units converted to student housing are removed from the City’s housing market and would be reserved for student use only. Perhaps more importantly, while currently institutions could secure SROs for student housing, doing so may remove many of the existing protections, including rent control¹⁰. While the potential interactions with State Law are still being researched, a discussion of this issues as described by staff at the Rent Board is described later in this report. Rent control protections help ensure that long-term tenants may continue to reside in the SRO without large changes in rent.

SROs and Residential Hotels

The chart, from the 2011 Housing Inventory, illustrates that about 200 Residential Hotel units have been lost between 2007-2011.

Year	For Profit Residential Hotels			Non-Profit Residential Hotels		TOTAL	
	Buildings	Resid. Rooms	Tourist Rooms	Buildings	Resid. Rooms	Buildings	Resid. Rooms
2007	419	14,233	3,004	84	4,886	503	19,119
2008	419	14,160	2,998	85	4,978	504	19,138
2009	418	14,040	2,953	87	5,105	505	19,145
2010	412	13,790	2,883	87	5,163	499	18,953
2011	417	13,680	2,805	88	5,230	505	18,910

Table 16: Changes in Residential Hotel Stock 2007-2011.

This relatively minor decrease can be compared with the early inventories of residential hotels as noted in the Residential Hotel Conversion Ordinance (Administrative Code 41.3(d)). The Residential Hotel Conversion Ordinance was adopted in 1990. It cites studies done by the

pay the City an amount equal to 80 % of the cost of construction, plus site acquisition costs; or 5) pay to a public entity or nonprofit organization the same amount to construct comparable units.

¹⁰ California rent control applies to properties built (or certificate of occupancy issued) before November of 1978. In this case, the Department of Building Inspection may issue a new certificate of occupancy when an SRO was converted to student housing, bringing the date of the certificate of occupancy post-November 1978.

Planning Department (then called the “Department of City Planning”) showing the rapid loss of residential hotel units prior to adoption; another loss immediately after adoption which grandfathering provisions allowed for additional conversions; and followed by a period of stability after the protections were put into place. From the Ordinance, “[There were] “26,884 residential hotel units in the City in December of 1979, a decrease of 6,098 such units from 1975. Since enactment of this Chapter, residential hotel units have continued to decrease, at a slower rate: in 1981, there were 20,466 residential hotel units as defined by this Chapter; in 1988, there were 18,723 residential hotel units, a decrease of 1,743 over a period of 7 years.

Year	Residential Hotel Units	Change In Units
1975	32,982	--
1979	26,884	- 6098
1981 After passage of Residential Hotel Ordinance, which grandfathered in additional conversions.	20,466	- 6418
1988	18,723	- 1743
2011	18,910	+ 187

Following a period of steady decline in Residential Hotel Units, the number of rooms over past 25years has been very stable.

Residential Hotel Units Today. San Francisco’s stock of Residential Hotels are a mix of non-profit and private ownership. Of the total Residential Hotel building stock, non-profit buildings account for 17.4% and while 82.6% of the buildings are privately-owned. Of the total number of Residential Hotel Units, non-profit organizations control 27.2% of the available units and for profit owners control 72.8% of the available units.

Vacancy rates submitted to the Department of Building Inspection¹¹, the 411 privately-owned Residential Hotels report a vacancy rate of 14% (1,976 units)¹². There are 11 buildings that self-reported 100% vacancy, this represents 207 units and 1.5% of all SRO units. At the same time, nearly a third of all SRO units (3,098) are in the 130 buildings that self-reported 0% vacancies. Again, because the numbers are self-reported, this data has limits. There are 86 buildings with no reported data on vacancy, this represents 2,847 units or 20.9% of all SRO units.

Monthly rents range from \$195 to \$2,943. This data comes from the 2009 report commissioned by the San Francisco Human Services Agency attached as Exhibit B. This report provides a comprehensive overview of SROs and residents. In summary, the average reported rents may not be the best reflection because the high-end rents are unusual and do not represent the typical

¹¹ The most recent complete set of data submitted to DBI currently available is the 2010 data set. This data has the following limitations: it is self-reported by SRO owners; it is not verified; the data set is not fully populated; and there appear to be discrepancies between reported vacant units and calculated vacant units based on rented units (in some cases, rented residential units exceed the total number of reported residential units).

¹² This number vacancy rate at the time survey was collected and not the rate over the year

rates. Over two-thirds of the surveyed hotels had monthly rents below \$601, while less than 10% had a monthly rent that exceeded \$1000.

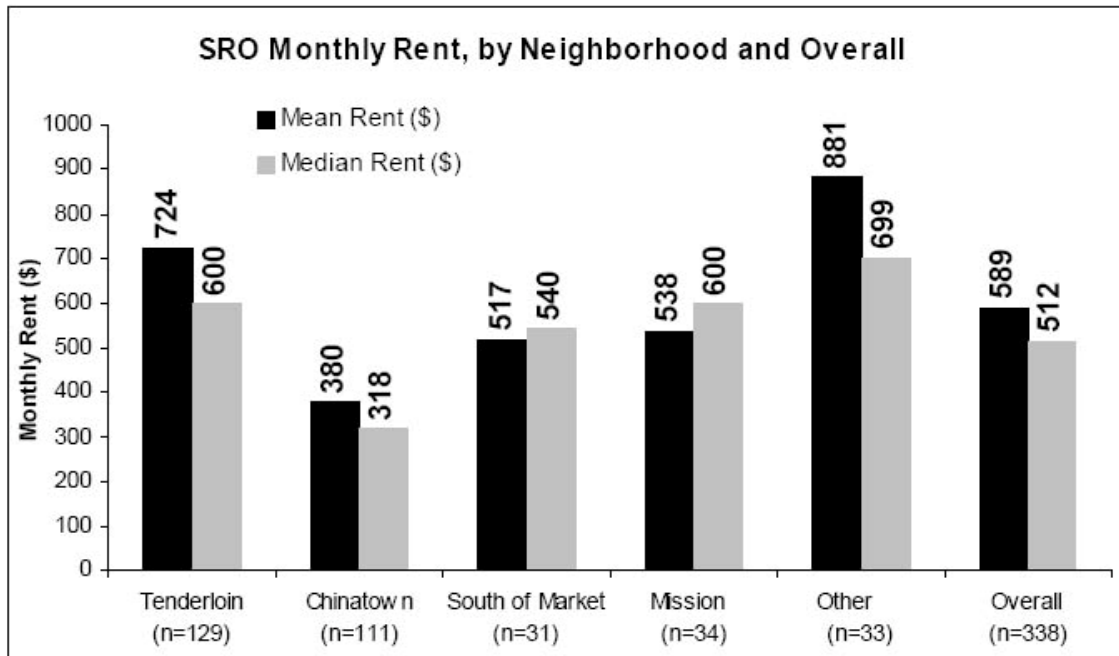


Table from the 2009 study Commissioned by the SF Human Services Agency. See Exhibit B for more details.

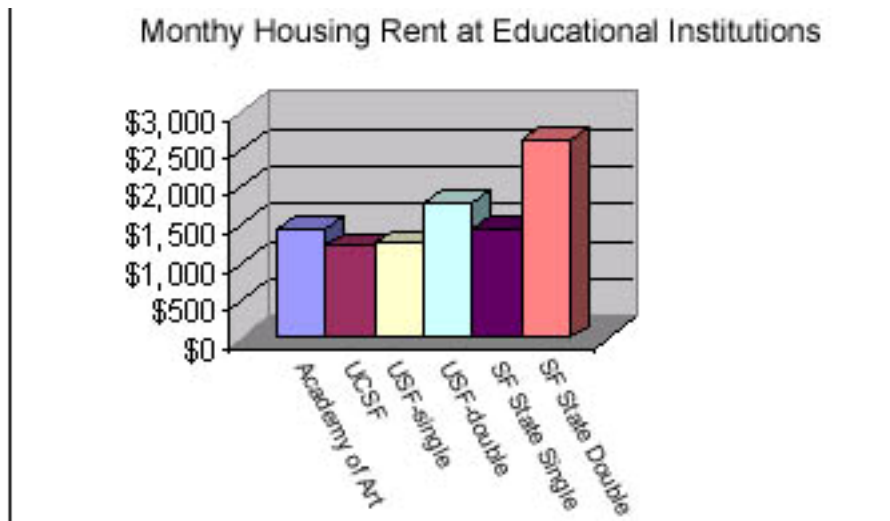


Table of current monthly rent per unit from select San Francisco Universities. Note direct comparisons to SROs are difficult as the room types are not directly comparable.¹³

¹³ As retrieved from the university websites on May 2012. Numbers cited are from Academy of Art Residence Halls, UCSF Studio Apartments, USF Traditional Style Halls, and SF State's Centennial Square. The SF State rent includes five meals per week.

Condition of Existing SROs. SROs managed by the City or those involved in the Master Lease program are brought up to contemporary Building, Health, and Fire Code requirements. However, the City receives numerous complaints about the condition of SRO rooms throughout the City. Lack of clean and working bathrooms is common. Senior citizens who are barely ambulatory are placed in SROs without elevators or services. Communal kitchens at times fail to provide a sanitary environment for cooking. See Exhibit F: DBI's list of "Most Common Residential Hotel Complaints". It's clear that conditions for SRO living should be improved for the residents and neighbors.

Discuss Other Avenues for Addressing "Blighted" SRO Buildings

Addressing blight in the Tenderloin and South of Market areas should be prioritized by the City. However, giving up the affordable SRO housing stock to institutional use no longer available to the City's low income residents should be a last resort. There may be other avenues to encourage better usage of currently vacant or underutilized SRO buildings. Additional avenues discussed here include providing 1) funding assistance for acquisition and rehabilitation of SRO buildings in disrepair, including requiring replacement of housing lost to institutional use; 2) researching Mills Act Tax Relief to assist SRO owners in maintenance and upkeep of buildings; 3) developing opportunities for SRO building owners to sell Transferrable Development Rights (TDR) to upgrade dilapidated buildings 4) allow conversion but require replacement of units 5) increase funding for and adapt the City's "Small Site Acquisition and Rehabilitation Program"; and 6) use of the Vacant Building Ordinance to encourage return of vacant buildings to residential use.

1. Funding Assistance, Acquisition and Rehabilitation Program. Another avenue could include funding assistance for "blighted" SRO buildings. The Housing Element Policy 3.1 seeks to preserve rental units, especially rent controlled units to meet the City's affordable housing needs.

According to the General Plan, "Sixty-two percent of San Francisco's residents are renters. In the interest of the long term health and diversity of the housing stock the City should work to preserve this approximate ratio of rental units. The City should pay particular attention to rent control units which contribute to the long term existence and affordability of the City's rental housing stock without requiring public subsidy, by continuing their protection and supporting tenant's rights laws. Efforts to preserve rental units from physical deterioration include programs that support landlord's efforts to maintain rental housing such as: maintenance assistance programs, programs to support and enhance property management capacity, especially for larger companies, and programs to provide financial advice to landlords."

The City currently is involved in at least two programs. The Human Services Agency administers the "Housing and Homeless Program" which manages 27 SRO buildings as well as oversees the creation of new buildings with efficiency units. This program is funded by Care Not Cash, the General Fund, and the Mayor's Office of Housing. The

Department of Public Health manages buildings through their “Direct Access to Housing” program where the City leases SRO buildings. Both of these existing programs would benefit from the infusion of cash that may be provided by requirement replacement funding when SROs are converted to Student Housing.

2. Mills Act Tax Relief. The Mills Act is a program enacted by the State of California in 1976 and the local Administrative Code that grants the ability to directly participate in an historic preservation and economic incentive program. The Mills Act provides owners of both owner-occupied and income-producing property the opportunity to actively participate in the rehabilitation, restoration, preservation, and maintenance of “qualified historical properties” while receiving property tax relief. The tax relief provided may be substantial. In the past properties worth \$3 million have applied for a Mills Act Contract that would grant over \$300,000 worth of tax relief over a 10 year period. More research needs to be done to determine if existing SRO properties would be eligible for this tax credit. To qualify a property must be designated as a qualified historic building¹⁴. Amendments to the City’s Administrative Code may make this a more feasible option for existing SRO buildings.

3. Transfer of Development Rights. This idea has been raised by certain advocates. There are three issues with this proposal. First, the majority of existing SROs are not currently located within zoning that would allow the sale of TDR¹⁵s. Second, there may be opposition from historic preservationists who believe that the existing program is being “watered-down”. Finally and most importantly, it’s unlikely that the existing SROs have much, if any, available development rights to sell. SROs tend to maximize the lot potential and are unlikely to have extra potential, given the rezoning efforts that have happened since the SROs were built.

4. Require replacement of SRO units converted to Student Housing. This is, perhaps, the most promising source of funding for renovation of existing SRO units. Requiring one to one replacement of SRO units under the Residential Hotel Ordinance has been very successful in preserving the number of SRO units in San Francisco. Prior to adoption of this Ordinance, rooms were by the thousands every few years. Since adoption, the number of rooms has stabilized at around 18,000-19,000 rooms. A similar

¹⁴ A qualified historic property must meet one of these criteria: 1) Property is individually listed in the National Register of Historic Places; 2) Property is listed as a contributor to an historic district included on the National Register of Historic Places; 3) Property is designated as a City Landmark under Article 10 of the Planning Code; 4) Property is designated as a contributory building to an historic district designated under Article 10 of the Planning Code; 5) Property is designated as a Category I or II (significant) to a conservation district under Article 11 of the Planning Code; or Property is designated as a Category III or IV (contributory) to a conservation district under Article 11 of the Planning Code.

¹⁵ TDR sales are only allowed in the C-3 Districts, the SoMa Extended Preservation District, and the parcels zoned Public that are adjacent to Downtown.

replacement requirement for conversion to Student Housing could allow certain SRO buildings to convert while maintaining this important housing resource.

5. Increase Funding for and Adapt the City's Small Site Acquisition and Rehabilitation Program. In 2009, the Board of Supervisors passed Ordinance Number 63-09¹⁶ amended the Code's Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units. This program could be expanded to apply to buildings with more units and/or could be contracted to apply only to SROs.

6. Report Vacant Buildings. The Department of Building Inspection (DBI) implements Section 103A.4 of the Building Code, "The Vacant Building Ordinance". This law seeks to remedy vacant buildings that can be public safety hazards, potential havens for criminal activities, and neighborhood eyesores. Failure to register a vacant building results in substantial financial and legal enforcement penalties. The law requires registration to be exempt from penalties. After building registration, DBI completes an inspection and collects the \$765 annual registration fee, and requires that the buildings be secured and repaired, brought up to appropriate codes for structural safety, and ultimately returned to residential and commercial uses beneficial to the community. Vacant and/or abandoned buildings can be reported to DBI's Code Enforcement Services either by telephoning 415/558-6454, or by emailing the suspected address to dbi.codeenforcement@sfgov.org and/or calling the City's 3-1-1 system.

Student Housing Proposals and State Laws.

In conversation with staff from the SF Rent Board, it seems there are two state laws that may have implications for both the changes proposed by Supervisor Wiener and Supervisor Kim. A summary is provided here:

Ellis Act. This state law, Government Code section 7060- 7060.7 [1], provides an avenue for owners of rental units to evict tenants so as to go out of the rental housing business. The amendments proposed by Supervisor Kim may encourage Ellis Act evictions so that buildings would qualify as either vacant and/or underutilized. We are working with Supervisor Kim and the City Attorney's Office to suggest amendments to the legislation to minimize this concern, and hope to have something ready for your review at the hearing on May 17th.

Costa-Hawkins. California Civil Code Section 1954.50-1954.535, commonly known as the Costa-Hawkins Rental Housing Act, says that units are exempt from rent control if a certificate of occupancy is issued after February 1, 1995. In

¹⁶ <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances09/o0063-09.pdf>

some cases, under both the Supervisor Wiener and Supervisor Kim's proposal, the project may trigger issuance of a certificate of occupancy, which raises the issue of whether the units would be exempt from rent control limitations pursuant to state law. We are working with the City Attorney's Office to understand the full extent of this concern and minimize it to the extent possible. We hope to have language ready for your review at the hearing on May 17th.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the new amendments proposed by Supervisor Wiener and Supervisor Kim and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

Overall Recommendations: In December, 2010, Ordinance Number 321-10 was passed providing an Affordable Housing Program exemption for Qualified Student Housing.¹⁷ When the Planning Commission considered this Ordinance, introduced by Supervisor Dufty, it recognized *both* the need for additional Student Housing *and* for protections for existing forms of housing from conversion to Student Housing. The goal of the proposed Ordinance is to encourage the production of new Student Housing while protecting the City's existing housing stock. Of primary concern is to prohibit the conversion from any form of housing to Student Housing. The Department also prepared for a future potential in the event that approved Student Housing units would seek to convert to standard housing. The recommended process would allow this conversion provided that the requirements for standard housing have been met.

The new proposed Ordinance initiated by the Planning Commission this fall and now sponsored by Supervisor Wiener is consistent with the 2010 Ordinance. The two-pronged approach of offering significant incentives by the relieving student housing from the Affordable Housing Inclusionary requirements and prohibiting the conversion of existing housing to student housing will ensure that the City will benefit from the production of new student housing without losing existing housing to purely institutional use.

In conversation with the Mayor's Office of Housing (MOH), MOH felt that the primary emphasis should not be ensuring that low-income students occupy the Student Housing units, but rather that the City ensure true students occupy the units *and that* the City is able to monitor the units to ensure that if the units return to unrestricted residential use the required fees would be collected. Therefore, in consultation with MOH, the Department would recommend the following modifications:

- The definition of Qualified Student Housing in Section 401 should be replaced with the newly proposed the definition for "Student Housing" in Section 102.36.

¹⁷ Ordinance No. 321-10 (Board File 101095) amends Section 415 of the Code to provide an exemption from Inclusionary Housing fees for "Qualified Student Housing," which is defined as housing that is owned or controlled through a long-term lease in which a minimum of 30% of beds are occupied by students who are eligible to receive need-based financial aid, including but not limited to Pell Grants, Perkins Loans, Stafford Subsidized Loans, or other grants or loans.

- The definition of Qualified Educational Institution in Section 401 should be replaced with the existing definition of Post-Secondary Educational Institution in Section 209.3(i).
- The definition of Qualified Student in Section 401 should be amended to replace the need-based criteria with a description “a student who is enrolled at least part-time or more in a Qualified Educational Institution”.
- The monitoring requirements of the Mayor’s Office of Housing in Section 415.3 (c) (4) (C) (i) and (ii) should be amended to clarify that the Qualified Educational Institution can present a lease with at least a five year term and that the report will not include information on rents and the type of dwelling unit provided for each student.

Technical Amendment. The Department recommends a minor technical modification. In the long title of the Ordinance this FAR exemption cites Section 214. The proper section should be 124.

Basis for Recommendation of Supervisor Wiener's Newly Proposed Amendments:

Three Permitted Conversions. Supervisor Wiener's proposed amendments (described on page 3 of this report) do provide three avenues for allowing the conversion of a relatively small amount of existing housing to student housing use, however, the circumstances whereby such conversions would be allowed are very limited. For this reason, the Department recommends *approval of these permitted conversions*.

First, allowing housing that had been built by an institution to be converted to student housing is fair. Second, allowing parcels that are adjacent to the institutions to be converted *but only* where the institution had owned the land for at least 10 years "as of the effective date of the Ordinance" is also a limited subset. While it is the Department's understanding that this exemption for adjacent properties was intended to apply to private dorms for University of San Francisco, it has come to the Department's attention that there are at least four former Parkmerced buildings (with a total of 180 units, some of which are occupied by students and some by San Francisco's general population) adjacent to San Francisco State University that have been owned by the university or the SFSU Foundation since 2001 (over 10 years) that might qualify for this exemption. The buildings at the former Stonestown Apartment complex were purchased by SFSU in 2005 and would not be affected. Similarly, very little housing in San Francisco is estimated to qualify for the convent and monastery exemption, the last of the Supervisor's three exemptions.

FAR Exemption. True to the original spirit of the Ordinance, Supervisor Wiener also introduces additional incentives for building new student housing. Under the proposal student housing in the C-3-G and C-3-S districts would be permitted above the FAR limits, provided that the housing was not in a designated Significant or Contributory building as designated in Article 11. This type of FAR exemption is already provided for affordable housing and parking in these districts. The Department originally recommended disapproval of removing the FAR limits, but is now prepared to *recommend approval*. This is based upon the fact that only Affordable Housing and, if this proposal were to be adopted, also Student Housing would be exempt from FAR in the C-3. Therefore, the FAR exemption would only enable Student Housing or, should the Student Housing use fail, Affordable Housing. There is no avenue, either by Conditional Use authorization nor Variance, to allow other residential uses in excess of FAR limits.

SFHAC Amendments. The Department also recommends *approval with modification* for the SFHAC proposed amendments, primarily these are minor in nature. The major substantive change would be to relieve educational institutions from entering into a 20 year lease for buildings which were not owned by the institution. As described by SFHAC, 20-year leases for commercial property are difficult to obtain. The Mayor's Office of Housing (MOH) stated concern that merely requiring a contractual agreement to be monitored by the Mayor's Office of Housing provides insufficient assurance that the agreements could be monitored effective. Therefore, MOH is concerned that the building owner may not be compelled to pay inclusionary fees if the building converts to a non-student housing use. For this reason, MOH would prefer to keep a requirement for the length of the lease for these uses. MOH is comfortable lessening the period of the lease from 20 years to 5 years. The Department defers to the MOH on enforceability of this clause and therefore also *recommends requiring at a lease for at least five years* in order to qualify for the exemption from the Inclusionary Affordable Housing requirement.

Technical Amendment. Lastly, the Department recommends a minor technical modification. In the long title of the Ordinance this FAR exemption cites Section 214. The proper section should be 124.

Basis for Recommendation of Supervisor Kim’s Newly Proposed Amendments:

The Commission has recently taken two actions: first in November 2010 and later in 2011 to affirm that institutions seeking to establish Student Housing should build new housing and should not convert existing housing. For this reason, the Department maintains that conversion of existing housing stock should *generally be prohibited*. It is our understanding that the Supervisor’s primary concern is blighted SRO buildings in the Tenderloin, therefore the Department struggled with a circumstance whereby some limited conversions could be allowed.

The Department believes that allowing conversions of SROs to student housing may present three risks to an identified and vulnerable housing asset, San Francisco’s SRO housing stock. First, the proposal as drafted would allow the conversion of “vacant” or “underutilized” SROs units to student housing in certain circumstances. Although qualified, this language may encourage property owners to evict existing tenants and/or to encourage existing tenants to vacate the unit. While individuals may determine to vacate a unit for a number of units the Department is concerned that the units may be lost purely because the units are vacant. Once a protected SRO unit is lost, it is unlikely to be replaced at the same level of affordability.

Second, the units may no longer be protected under rent control. This proposed amendment presents a major potential for the conversion of a significant portion of the City’s housing stock, and protected housing stock at that. The City does not allow the conversion of Residential Hotel units into Tourist Hotel units to address blight and it should not allow the conversion of Residential Hotel units into Student Housing to address blight.

Perhaps most importantly, at the last inventory there are just over 18,000 Residential Hotel units in San Francisco. Housing more people than all of the City’s public housing, this represents no minor fraction of the housing stock, yet this is significantly less than the estimated existing shortfall of student housing. Once these units are converted to Student Housing, the units will no longer be available to the City’s general low-income population but instead will be only for student tenants.

For these reasons, the Department recommends modifying the proposal to be consistent with the existing Residential Hotel Ordinance. Conversions of SROs to Student Housing could be done but only when one to one replacement of the lost units would be provided.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received letters from the Tim Colen on behalf of the Housing Action Coalition (SFHAC), Randy Shaw, Executive Director of the Tenderloin Housing Clinic; and Richard Rabbitt. The letters are attached.

RECOMMENDATION: Recommendation of Approval with Modifications

ATTACHMENTS AND EXHIBITS

- Attachment A: Draft Planning Commission Resolution: Recommending Approval with Modifications of Amendments to the Planning Code
- Attachment B: Draft Ordinance as Referred to Commission with Supervisor Wiener's New Proposed Amendments
- Attachment C: Memorandum from Supervisor Kim and her Proposed Amendments
- Attachment D: Letters of Comment from the Public

- Exhibit A: Planning Department Map of Post-Secondary Educational Facilities
- Exhibit B: Executive Summary of Report Commissioned by the Human Services Agency
(The complete report is available the Department's website at:
http://www.sf-planning.org/ftp/files/legislative_changes/HSA_Report_on_SROs_2009.pdf.)
- Exhibit C: Map of the C-3-G and C-3-S Districts
- Exhibit D: Map of Residential Hotels
- Exhibit E: Review of Existing Planning Code Controls for Student Housing
- Exhibit F: Department of Building Inspection's list of Most Common Residential Hotel Complaints



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: MAY 17, 2012

Date: May 10, 2012
Case No.: 2011.0206T
Project Address: **Planning Code Amendments: Student Housing**
Initiated by: Planning Commission
Legislative Sponsor: Supervisor Wiener & Supervisor Kim
Staff Contact: AnMarie Rodgers, Manager, Legislative Affairs
AnMarie.Rodgers@sfgov.org

Recommendation: **Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ADD A NEW SECTION 102.36 TO CREATE A DEFINITION OF STUDENT HOUSING, TO AMEND SECTION 135(D)(2) TO ADJUST THE MINIMUM OPEN SPACE REQUIREMENTS FOR DWELLING UNITS THAT DO NOT EXCEED 350 SQUARE FEET PLUS A BATHROOM, TO AMEND SECTION 207(B)(3) TO EXEMPT STUDENT HOUSING FROM THE UNIT MIX REQUIREMENT IN RTO, NCT, DTR, AND EASTERN NEIGHBORHOOD MIXED-USE DISTRICTS, TO AMEND SECTION 307 TO PERMIT THE CONVERSION OF STUDENT HOUSING TO RESIDENTIAL USES THAT DO NOT QUALIFY AS STUDENT HOUSING, TO AMEND SECTION 312 TO REQUIRE NOTICE FOR A CHANGE OF USE TO GROUP HOUSING IN NC DISTRICTS, TO AMEND SECTION 317 TO PROHIBIT THE CONVERSION OF RESIDENTIAL USES TO STUDENT HOUSING, AND TO AMEND SECTION 401 TO MAKE CONFORMING AMENDMENTS AND TO MODIFY THE DEFINITION OF QUALIFIED STUDENT HOUSING.

PREAMBLE

WHEREAS, the existing Code does not include a clear definition of Student Housing based on occupancy and ownership or control that is applicable citywide; and

WHEREAS, the Code sections controlling loss of dwelling units do not specifically address the conversion from housing to Student Housing; and

WHEREAS, the Code does not provide a clear process for converting Student Housing to housing; and

WHEREAS, the open space requirements for dwelling units that are smaller than 350 square feet plus a bathroom may be greater than the actual need; and

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WHEREAS, the dwelling unit mix requirement within the RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use Districts may not facilitate the production of new Student Housing; and

WHEREAS, no neighborhood notification is currently required for the addition of new Group Housing within the NC Districts, which appears to be inconsistent with other noticing requirements within the NC Districts; and

Whereas, pursuant to Planning Code Section 306.3 the Planning Commission adopted Resolution No. 18477 initiating amendments to the Planning Code on October 27, 2011; and

Whereas, on November 10, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on November 10, 2011, the Commission approved Resolution No. 18485 recommending approval of the proposed Ordinance; and

WHEREAS, On January 10, 2012, Supervisor Wiener signed on as a Board Sponsor and introduced the legislation at the Board of Supervisors; and

WHEREAS, March 26, 2012, Land Use Hearing, Supervisor Wiener recommended the following amendments. Supervisor Wiener proposed to amend Section 317(b)(1) of the proposed Ordinance to allow the following limited exceptions where the conversion of existing housing and SROs would be allowed to student housing if:

- 1) the housing was built by the post-secondary Educational Institution that will own, operate or otherwise control the Student Housing,
- 2) is in a convent monastery (or similar religious order facility), or
- 3) is on a lot directly adjacent to the post-secondary Educational Institution that will own operate or otherwise control the Student Housing, so long as the lot has been owned by the post-secondary Educational Institution for at least ten years as of the effective date of this ordinance.

WHEREAS, Supervisor Wiener also proposed to amend the proposed Ordinance by amending Section 124¹, to create a new subsection (k), to permit additional square footage above the floor area ratio limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as Significant or Contributory pursuant to Article 11.

WHEREAS, since the Land Use hearing, the Department has received a letter dated April 10, 2012 from the San Francisco Housing Action Coalition (SFHAC) that described additional modifications. **Supervisor Wiener's** office has indicated that the Supervisor would support these

¹ In Board File No 111374-2 as referred to the Planning Commission, the Legislative Digest and long titled of the Ordinance refer to amendments to Planning Code Section 214. There is no Section 214. The amendments described in the Ordinance are actually to 124 Basic Floor Area Ratio.

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modifications from SFHAC upon the Commission's recommendation. The amendments proposed by SFHAC include the following:

- 1) replacing the requirement that institutions be in "long-term master lease for a period of at least 20 years" with a requirement of being in an "other contractual agreement";
- 2) specifying that those projects which convert a "non-residential" building are eligible for the exemption from the inclusionary requirement;
- 3) adding a requirement that the Zoning Administrator may approve the conversion of a "Student Housing" use to "Non-Student Residential Use" only if the building owner has made an "extensive and good faith effort" to find another qualified institution to lease the space;
- 4) minor technical clarifications such as specifying that more than one "Qualified Student Housing Project" may be in a building and that a project may remain "Qualified Student Housing" if the owner or lease-holder transitions from one "Qualified Educational Institution" to another.

WHEREAS, on April 11, 2012 Supervisor Kim sent a memorandum to this Commission proposing further amendments to the proposed Ordinance. Specifically, Supervisor Kim proposed that residential and SRO buildings that have been vacant for at least one year or underutilized for at least two years and create blight could be converted to student housing via Conditional Use authorization. To be considered "vacant" a Residential Building would have to be completely vacant and listed on the Department of Building Inspection's Vacant Building Registry for at least one year from the time of application. To be considered "underutilized" a building would need to be 20% or less occupied for at least two years prior to application, as proven by an affidavit of the buildings owner.

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance.

MOVED, that the Commission hereby adopts this Resolution to recommend *approval with modifications* of the draft Ordinance to the Board of Supervisors; and

The specific modifications include:

- **Previous Recommendation:** Modify Planning Code Section 317(f)(1) to clarify that for the purposes of conversion residential uses are defined as follows: “For the purposes of this subsection, residential uses that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.
- **New Overall Recommendations:**
 - **SF Housing Action Coalition Amendments.** The Commission recommends support for most of the SF HAC proposed amendments, primarily these are minor in nature. The major substantive change would be to relieve educational institutions from entering into a 20 year lease for buildings which were not owned by the institution. The Mayor’s Office of Housing (MOH) stated a preference for maintaining a requirement for at least a 5 year lease. The Commission defers to the MOH on enforceability of this clause and therefore also recommends requiring at a lease for at least five years in order to qualify for the exemption from the Inclusionary Affordable Housing requirement.
 - **Technical Amendment.** The Commission recommends a minor technical modification. In the long title of the Ordinance this FAR exemption cites Section 214. The proper section should be 124.
 - **Recommendations from the Mayor’s Office of Housing.** In consultation with MOH, the Commission would recommend the following modifications:
 - The definition of Qualified Student Housing in Section 401 should be replaced with the newly proposed the definition for “Student Housing” in Section 102.36.
 - The definition of Qualified Educational Institution in Section 401 should be replaced with the existing definition of Post Secondary Educational Institution in Section 209.3 (i).
 - The definition of Qualified Student in Section 401 should be amended to replace the need based criteria with a description “a student who is enrolled at least part-time or more in a Qualified Educational Institution”.
 - The monitoring requirements of the Mayor’s Office of Housing in Section 415.3 (c) (4) (C) (i) and (ii) should be amended to clarify that the Qualified Educational Institution can present a lease with at least a five year term and that the report will not include information on rents and the type of dwelling unit provided for each student.
- **New Recommendations for Supervisor Wiener’s Proposals:**
 - **Three Permitted Conversions.** Allow Supervisor Wiener’s proposed amendments (described on page 3 of the Executive Summary) to provide avenues for allowing the conversion of a relatively small amount of existing housing to student housing use, however, the circumstances whereby such conversions would be allowed are very limited.

- **FAR Exemption.** True to the original spirit of the Ordinance, Supervisor Wiener also introduces additional incentives for building new student housing. Under the proposal student housing in the C-3-G and C-3-S districts (See Exhibit C) would be permitted above the FAR limits, provided that the housing was not in a designated Significant or Contributory building as designated in Article 11. This type of FAR exemption is already provided for affordable housing and parking in these districts. The Commission recommends approval.
- **New Recommendations for Supervisor Kim's Proposals:**
 - The Commission has recently taken two actions: first in November 2010 and later in 2011 to affirm that institutions seeking to establish Student Housing should build new housing and should not convert existing housing. For this reason, the Commission maintains **that conversion of existing housing stock should generally be prohibited.**
 - It is the Commission's understanding that the Supervisor's primary concern is blighted SRO buildings in the Tenderloin, therefore the Commission struggled with a circumstance whereby some limited conversions could be allowed. For the reasons outlined in this Resolution and the accompanying staff report, the Commission recommends that **conversions of SROs to Student Housing could be permitted but only when one to one replacement of the lost units would be provided consistent with the current controls for conversions of SROs to Tourist Hotels as defined in Administrative Code Section 41.**
 - Lastly, the Commission recommends that **further avenues be explored for increasing funding for acquisition and rehabilitation of existing SROs including but not limited to expanding the Small Site Acquisition and Rehabilitation Program and Mills Act Tax Relief.**

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Ordinance, as modified, will encourage the production of new student housing while protecting the City's existing housing stock by prohibiting the conversion from any form of housing to student housing, and by providing incentives for the construction of new student housing;
2. The new definition of student housing acknowledges the different forms that new student housing may take, such as very small efficiency dwellings with individual kitchens and bathrooms in addition to group housing;
3. The Ordinance, as modified, provides incentives to construct new student housing such as an exemption from the unit mix requirements within RTO, NCT, DTR, and Eastern Neighborhood Mixed-Use districts, a reduction in the open space requirements for very

small dwelling units, and a streamlined process by which student housing may be converted to standard housing.

4. In December, 2010, Ordinance Number 321-10 was passed providing an Affordable Housing Program exemption for Qualified Student Housing. When the Planning Commission considered this Ordinance, introduced by Supervisor Dufty, it recognized both the need for additional Student Housing and for protections for existing forms of housing from conversion to Student Housing.
5. The Commission believes the goal of the proposed Ordinance should be to encourage the production of new Student Housing while protecting the City's existing housing stock. Of primary concern is to prohibit the conversion from any form of housing to Student Housing.
6. The Commission recommended process would allow for conversion from Student Housing to other residential uses provided that the requirements for standard housing have been met.
7. The new proposed Ordinance initiated by the Planning Commission this fall and now sponsored by Supervisor Wiener is consistent with the 2010 Ordinance. The two-pronged approach of offering significant incentives by the relieving student housing from the Affordable Housing Inclusionary requirements and prohibiting the conversion of existing housing to student housing will ensure that the City will benefit from the production of new student housing without losing existing housing to purely institutional use.
8. The General Plan states that the City should "preserve and maintain the existing housing stock, which provides some of the City's most affordable units".
9. The Office of the Legislative Analyst report states, "The overwhelming increase in the numbers of homeless people in the last 20 years, combined with the shortage of affordable housing since the 1960s, has made SRO hotels an important housing option for many low-income adults."
10. Residential Hotels have typically not been attractive for other residential uses but as demand for Student Housing increases, the threat to this affordable housing stock will increase unless institutions are encouraged to build new housing.
11. The Residential Hotel Ordinance regulates and protects the existing stock of residential hotels. This ordinance requires that residential hotel rooms replaced with tourist rooms should be replaced at a 1 to 1 ratio.
12. According to a 2009 report commissioned by the Human Services Agency, "The City of San Francisco is unable to meet [existing] residents' demand for affordable housing. Many of the city's most vulnerable populations, including families with children seniors and adults with disabilities, and other public service recipients, are often at risk for

homelessness. SROs account for a substantial portion of San Francisco’s affordable housing stock, as they provide housing for more low-income people than all the city’s public housing developments”.

- 13. **General Plan Compliance.** This Resolution is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

POLICY 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

POLICY 1.9

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

POLICY 2.2

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

The proposed Ordinance with the Commission’s recommended modifications would protect the existing housing stock from conversion from standard housing to student housing.

HOUSING ELEMENT POLICY 3.1

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

Sixty-two percent of San Francisco's residents are renters. In the interest of the long term health and diversity of the housing stock the City should work to preserve this approximate ratio of rental units. The City should pay particular attention to rent control units which contribute to the long term existence and affordability of the City's rental housing stock without requiring public subsidy, by continuing their protection and supporting tenant's rights laws. Efforts to preserve rental units from physical deterioration include programs that support landlord's efforts to maintain rental housing such as: maintenance assistance programs, programs to support and enhance property management capacity, especially for larger companies, and programs to provide financial advice to landlords.

HOUSING ELEMENT POLICY 3.5

Retain permanently affordable residential hotels and single room occupancy (SRO) units. Residential or single-room occupancy hotels (SROs) offer a unique housing opportunity for lower income elderly, disabled, and single-person households.

The proximity of most SROs to the downtown area has fueled pressure to convert SRO's to tourist hotels. In response to this, the City adopted its Residential Hotel Ordinance, which regulates and protects the existing stock of residential hotels. This ordinance requires permits for conversion of residential hotel rooms, requires replacement on a 1 to 1 level in the case of conversion or demolition

The proposed Ordinance with the Commission's recommended modifications recognizes the need for new student housing, and is intended to encourage the production of new student housing while protecting the City's existing housing stock. The proposed Ordinance will provide incentives for providing new student housing in transit-rich neighborhoods such as RTO, NCT, DTR, certain C-3 Districts and Eastern Neighborhoods Mixed-Use Districts. In addition, the proposed Ordinance with the Commission's recommended modifications recognizes that the City's existing housing stock, particularly forms such as Group Housing and SROs that often provide housing for low-income residents, need protection from conversion to student housing.

14. This Resolution is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced.
 - B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - C) The City's supply of affordable housing will be preserved and enhanced.

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Definition of Student Housing and Modifications

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking.
- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced.
- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
- G) That landmark and historic buildings will be preserved.
- H) Parks and open space and their access to sunlight and vistas will be protected from development.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 17, 2012.

Linda Avery
Commission Secretary

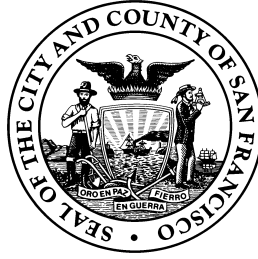
AYES:

NAYS:

ABSENT:

ADOPTED:

BOARD of SUPERVISORS



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

March 27, 2012

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On March 26, 2012, the Land Use and Economic Development Committee accepted amendments to the proposed legislation and requested it be re-referred back to the Planning Department and Commission for consideration.

File No. 111374-2

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312, to require notice for a change of use to Group Housing; 6) amending Section 317, to prohibit the conversion of residential units into Student Housing, except in specified circumstances; 7) amending Section 401, to make conforming amendments and amend the definition of Qualified Student Housing; 8) amending Section 214, to create a new subsection (k), to permit additional square footage above the floor area ratio limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as Significant or Contributory pursuant to Article 11; 9) amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and 10) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board



By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

1 [Planning Code - Creating a New Definition of Student Housing]

2
3 **Ordinance amending the San Francisco Planning Code by: 1) adding a new Section**
4 **102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to**
5 **adjust the minimum open space requirements for dwelling units that do not exceed 350**
6 **square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student**
7 **Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods**
8 **Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student**
9 **Housing into residential uses, when certain conditions are met; 5) amending Section**
10 **312, to require notice for a change of use to Group Housing; 6) amending Section 317,**
11 **to prohibit the conversion of residential units into Student Housing, except in specified**
12 **circumstances; and 7) amending Section 401, to make conforming amendments and**
13 **amend the definition of Qualified Student Housing; 8) amending Section 214, to create**
14 **a new subsection (k), to permit additional square footage above the floor area ratio**
15 **limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S**
16 **Districts, that are not designated as Significant or Contributory pursuant to Article 11;**
17 **9) amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and**
18 **10) making findings, including environmental findings and findings of consistency with**
19 **the priority policies of Planning Code Section 101.1 and the General Plan.**

20 NOTE: Additions are *single-underline italics Times New Roman*;
21 deletions are *strike-through italics Times New Roman*.
22 Board amendment additions are double-underlined;
23 Board amendment deletions are ~~strikethrough-normal~~.

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

24 Section 1. Findings. The Board of Supervisors of the City and County of San
25 Francisco hereby finds and determines that:

Supervisor Wiener
BOARD OF SUPERVISORS

1 (a) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. 111374 and is incorporated herein by
5 reference.

6 (b) On November 3, 2011, the Planning Commission, in Resolution
7 No. 18485 approved and recommended for adoption by the Board of Supervisors
8 this legislation and adopted findings that it is consistent, on balance, with the City's General
9 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
10 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
11 Supervisors in File No. 111374, and is incorporated by reference herein.

12 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
13 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
14 Planning Commission Resolution No. 18485, and incorporates such reasons by
15 reference herein.

16
17 Section 2. The San Francisco Planning Code is hereby amended by adding Section
18 102.36, to read as follows:

19 **SEC. 102.36. STUDENT HOUSING.**

20 Student Housing is a living space for students of accredited post-secondary Educational
21 Institutions that may take the form of dwelling units, group housing, or a SRO. Unless expressly
22 provided for elsewhere in this Code, the use of Student Housing is permitted where the form of
23 housing is permitted in the underlying Zoning District in which it is located. Student Housing must be
24 owned, operated or otherwise controlled by an accredited post-secondary Educational Institution, as
25 defined in Section 209.3(i) of this Code. Student Housing may consist of all or part of a building.

1
2 Section 3. The San Francisco Planning Code is hereby amended by amending Section
3 135(d)(2), to read as follows:

4 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**
5 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**

6 (d)(2) For group housing structures, ~~and~~ SRO units, and dwelling units that measure less
7 than 350 square feet plus a bathroom, the minimum amount of usable open space provided for
8 use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in
9 Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot
10 shall in no case be considered to be less than one bedroom for each two beds. Where the
11 actual number of beds exceeds an average of two beds for each bedroom, each two beds
12 shall be considered equivalent to one bedroom.

13 Section 4. The San Francisco Planning Code is hereby amended by amending Section
14 207.6(b)(3), to read as follows:

15 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND**
16 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

17 (3) This Section does not apply to buildings for which 100 percent of the residential
18 uses are: group housing, dwelling units which are provided at below market rates pursuant to
19 Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, ~~s~~Student ~~H~~Housing (as
20 defined in Sec. ~~315.1.38-106.36~~), or housing specifically and permanently designated for
21 seniors or persons with physical disabilities.

22
23 Section 5. The San Francisco Planning Code is hereby amended by adding Section
24 307(j), to read as follows:

25 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

1 (j) Conversion from Student Housing to Non-Student Residential Use. If a residential
2 project no longer qualifies as Student Housing as defined in Planning Code Section 102.36, the Zoning
3 Administrator may allow the conversion of the Student Housing to any permitted residential use in the
4 zoning district in which the Student Housing is located upon determination that the converted Student
5 Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined
6 in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable
7 to that residential use have been met or modified through appropriate procedures.

8
9 Section 6. The San Francisco Planning Code is hereby amended by amending
10 Section 312(c), to read as follows:

11 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (c) Changes of Use. In NC Districts, all building permit applications for a change of
14 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
15 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
16 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as
17 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
18 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as
19 defined in Section 790.93, a massage establishment, as defined in Section 790.60, an
20 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined
21 in Sections 790.36 and 790.38, ~~or~~ a fringe financial service use, as defined in Section
22 790.111, or Group Housing as defined in Section 790.88(b) shall be subject to the provisions of
23 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit
24 applications for a change of use from any one land use category to another land use category
25 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage

1 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
2 provisions of Subsection 312(d).

3 For the purposes of this Subsection, "land use category" shall mean those categories
4 used to organize the individual land uses which appear in the use tables in Article 8,
5 immediately preceding a group of individual land uses, and include the following: residential
6 use, institutional use, retail sales and service use, assembly, recreation and entertainment
7 use, office use, motor vehicle services use, industrial home and business service use, or other
8 use.

9
10 Section 7. The San Francisco Planning Code is hereby amended by amending Section
11 317, subsections (b)(1) and (f)(1), to read as follows:

12 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
13 **DEMOLITION.**

14 (b)(1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
15 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
16 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
17 to a non-residential use. The change of occupancy from a dwelling unit, group housing, or SRO to
18 Student Housing is also considered a conversion of a residential unit. Notwithstanding the
19 foregoing, the change of use or occupancy of a dwelling unit, group housing, or SRO to
20 Student Housing is not considered a conversion of a residential unit if the dwelling unit, group
21 housing or SRO (i) was built by the post-secondary Educational Institution that will own,
22 operate or otherwise control the Student Housing; (ii) is in a convent, monastery (or similar
23 religious order facility); or (iii) is on a lot directly adjacent to the post-secondary Educational
24 Institution that will own, operate or otherwise control the Student Housing, so long as the lot
25

1 has been owned by the post-secondary Educational Institution for at least ten years as of the
2 effective date of this ordinance.

3 (f) Loss of Residential Units Through Conversion.

4 (1) Conversion of Residential Units not otherwise subject to Conditional Use
5 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
6 building permit application at a Mandatory Discretionary Review hearing. The conversion of
7 residential uses units to Student Housing is prohibited. For the purposes of this subsection,
8 residential uses units that have been defined as such by the time a First Certificate of Occupancy has
9 been issued by the Department of Building Inspection for new construction shall not be converted to
10 Student Housing.

11
12 Section 8. The San Francisco Planning Code is hereby amended by amending the
13 definitions of "Qualified Student Housing Project" and "Student Housing" in Section 401, to
14 read as follows:

15 **SEC. 401. DEFINITIONS.**

16 "Qualified Student Housing Project" shall mean any Student Housing project that
17 contains housing for Qualified Students and which may also contain housing for persons who
18 are enrolled students but not Qualified Students, created either through new construction or
19 conversion of an existing building or space. A Qualified Student Housing Project may consist of
20 all or part of a building.

21 "Student Housing." ~~A building where 100 percent of the residential uses are affiliated with~~
22 ~~and operated by an accredited post-secondary educational institution. Typically, student housing is for~~
23 ~~rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for~~
24 ~~one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use~~
25 ~~Districts. As defined in Planning Code Section 102.36.~~

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Section 9. The San Francisco Planning Code is hereby amended by amending Section 214, to add a new subsection (k), to read as follows:

SEC. 124. BASIC FLOOR AREA RATIO.

(k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of a project, or portion thereof, that constitutes a Qualified Student Housing Project, as defined in Section 401 of this Code. Such approval shall be subject to the conditional use procedures and criteria in Section 303 of this Code.

Section 10. The San Francisco Planning Code is hereby amended by amending Table 814, in Section 814, and by adding a new # to the Specific Provisions section of that Table, to read as follows:

814.16(a)	Student Housing	§ 315.1(38) <u>102.36</u>	C#
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SPECIFIC PROVISIONS FOR SPD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
<u>§ 814.16</u>	<u>§ 102.36</u>	<u>Student Housing generally is permitted where the particular form of housing is permitted in the underlying Zoning District in which it is located (see Section 102.36.) However, in the South</u>

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		<u>Park District Student Housing is subject to a conditional use requirement subject to Section 303.</u>
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Section 11. The San Francisco Planning Code is hereby amended by amending Tables 840, 841, 842 and 843, in Sections 840, 841, 842 and 843, to read as follows:

840.23	Student Housing	§ 315.1(38)	C
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841.23	Student Housing	§ 315.1(38)	C
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842.23	Student Housing	§ 315.1(38)	C
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843.23	Student Housing	§ 315.1(38)	C
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Section 12. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 13. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent parts of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance to the "Note" that appears under the official title of this legislation. This Ordinance

1 shall not be construed to effectuate any unintended amendments. Any additions or deletions
2 not explicitly shown as described above, omissions, or other technical and non-substantive
3 differences between this Ordinance and the Planning Code that are contained in this
4 legislation are purely accidental and shall not effectuate an amendment to the Planning Code.
5 The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
6 affected City departments, to make those necessary adjustments to the published Planning
7 Code, including non-substantive changes such as renumbering or relettering, to ensure that
8 the published version of the Planning Code is consistent with the laws that this Board enacts.

9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11
12 By:

13 

14 ANDREA RUIZ-ESQUIDE
15 Deputy City Attorney
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Member, Board of Supervisors
District 6



City and County of San Francisco

JANE KIM
金貞妍

To: President Rodney Fong and Members of the Planning Commission

From: Supervisor Jane Kim

Date: April 11, 2012

Re: Amendments to Student Housing Definition – Planning Code

Dear President Fong and Commissioners:

Thank you for the opportunity to address you on the Definition of Student Housing that you are considering. This legislation provides us with an important opportunity to create a definition of Student Housing for our Planning Code. It is my strong belief that all stakeholders have an interest in a strong and clear definition. I would like to explore a definition that would allow a certain degree of flexibility for those buildings that have historically been vacant and severely underutilized and create blight for our neighborhood. To address that specific issue I have included with this memo draft amendments to the original legislation that the commission considered and recommended on November 10th 2011. My amendments provide an opportunity for vacant and underutilized building to convert to student housing through a Conditional Use process. These amendments are included in the attached legislation and start of page 6 and continue on page 7 and include clear definitions for what we consider vacant and underutilized buildings.

Thank you for your consideration,

Regards,

A handwritten signature in blue ink, appearing to read "Jane Kim".

Supervisor Jane Kim

FILE NO.

ORDINANCE NO.

1 [Planning Code – Creating a New Definition of Student Housing.]

2

3 **Ordinance amending the San Francisco Planning Code by 1) adding a new Section**
4 **102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to**
5 **adjust the minimum open space requirements for dwelling units that do not exceed 350**
6 **square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student**
7 **Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods**
8 **Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student**
9 **Housing into residential uses, when certain conditions are met; 5) amending Section**
10 **312, to require notice for a change of use to Group Housing; 6) amending Section 317,**
11 **to prohibit the conversion of residential units into Student Housing, except in specified**
12 **circumstances; and 7) amending Section 401, to make conforming amendments and**
13 **amend the definition of Qualified Student Housing; 8) amending Section 214, to create**
14 **a new subsection (k), to permit additional square footage above the floor area ratio**
15 **limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S**
16 **Districts, that are not designated as Significant or Contributory pursuant to Article 11;**
17 **amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and**
18 **making findings, including environmental findings and findings of consistency with the**
19 **priority policies of Planning Code Section 101.1 and the General Plan.**

20 NOTE: Additions are *single-underline italics Times New Roman*;
21 deletions are *strike-through italics Times New Roman*.
22 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

24 Section 1. Findings. The Board of Supervisors of the City and County of San
25 Francisco hereby finds and determines that:

Supervisor Wiener
BOARD OF SUPERVISORS

1 (a) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. _____ and is incorporated herein by
5 reference.

6 (b) On _____, 2011, the Planning Commission, in Resolution
7 No. _____ approved and recommended for adoption by the Board of Supervisors
8 this legislation and adopted findings that it is consistent, on balance, with the City's General
9 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
10 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
11 Supervisors in File No. _____, and is incorporated by reference herein.

12 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
13 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
14 Planning Commission Resolution No. _____, and incorporates such reasons by
15 reference herein.

16
17 Section 2. The San Francisco Planning Code is hereby amended by adding Section
18 102.36, to read as follows:

19 **SEC. 102.36. STUDENT HOUSING.**

20 *Student Housing is a living space for students of accredited post-secondary Educational*
21 *Institutions that may take the form of dwelling units, group housing, or a SRO. Unless expressly*
22 *provided for elsewhere in this Code, ~~T~~the use of Student Housing is permitted where the form of*
23 *housing is permitted in the underlying Zoning District in which it is located. Student Housing must be*
24 *owned, operated or otherwise controlled by an accredited post-secondary Educational Institution, as*
25 *defined in Section 209.3(i) of this Code. Student Housing may consist of all or part of a building.*

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Section 3. The San Francisco Planning Code is hereby amended by amending Section 135(d)(2), to read as follows:

SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

(d)(2) For group housing structures, ~~and~~ SRO units, and dwelling units that measure less than 350 square feet plus a bathroom, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

Section 4. The San Francisco Planning Code is hereby amended by amending Section 207.6(b)(3), to read as follows:

SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, NCT, DTR, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(3) This Section does not apply to buildings for which 100 percent of the residential uses are: group housing, dwelling units which are provided at below market rates pursuant to Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, ~~s~~Student ~~H~~Housing (as defined in Sec. ~~315.1.38-106.36~~), or housing specifically and permanently designated for seniors or persons with physical disabilities.

Section 5. The San Francisco Planning Code is hereby amended by adding Section 307(j), to read as follows:

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

1 (j) Conversion from Student Housing to Non-Student Residential Use. If a residential
2 project no longer qualifies as Student Housing as defined in Planning Code Section 102.36, the Zoning
3 Administrator may allow the conversion of the Student Housing to any permitted residential use in the
4 zoning district in which the Student Housing is located upon determination that the converted Student
5 Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined
6 in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable
7 to that residential use have been met or modified through appropriate procedures.

8
9 Section 6. The San Francisco Planning Code is hereby amended by amending
10 Section 312(c), to read as follows:

11 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (c) Changes of Use. In NC Districts, all building permit applications for a change of
14 use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a
15 walkup facility, as defined in Section 790.140, other large institutions, as defined in Section
16 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as
17 defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small
18 self-service restaurant, as defined in Section 790.91, a self-service specialty food use, as
19 defined in Section 790.93, a massage establishment, as defined in Section 790.60, an
20 outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined
21 in Sections 790.36 and 790.38, ~~or~~ a fringe financial service use, as defined in Section
22 790.111, or Group Housing as defined in Section 790.88(b) shall be subject to the provisions of
23 Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit
24 applications for a change of use from any one land use category to another land use category
25 shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage

1 use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
2 provisions of Subsection 312(d).

3 For the purposes of this Subsection, "land use category" shall mean those categories
4 used to organize the individual land uses which appear in the use tables in Article 8,
5 immediately preceding a group of individual land uses, and include the following: residential
6 use, institutional use, retail sales and service use, assembly, recreation and entertainment
7 use, office use, motor vehicle services use, industrial home and business service use, or other
8 use.

9

10 Section 7. The San Francisco Planning Code is hereby amended by amending Section
11 317, subsections (b)(1) and (f)(1), to read as follows:

12 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
13 **DEMOLITION.**

14 (b)(1) "Conversion of Residential Unit" shall mean the removal of cooking facilities in a
15 Residential Unit or the change of occupancy (as defined and regulated by the Building Code),
16 or the change of use (as defined and regulated by the Planning Code), of any Residential Unit
17 to a non-residential use. The change of occupancy from a dwelling unit, group housing, or SRO to
18 Student Housing is also considered a conversion of a residential unit. Notwithstanding the
19 foregoing, the change of use or occupancy of a dwelling unit, group housing, or SRO to
20 Student Housing is not considered a conversion of a residential unit if the dwelling unit, group
21 housing or SRO (i) was built by the post-secondary Educational Institution that will own,
22 operate or otherwise control the Student Housing; (ii) is in a convent, monastery (or similar
23 religious order facility); or (iii) is on a lot directly adjacent to the post-secondary Educational
24 Institution that will own, operate or otherwise control the Student Housing, so long as the lot

25

1 has been owned by the post-secondary Educational Institution for at least ten years as of the
2 effective date of this ordinance.

3 (f) Loss of Residential Units Through Conversion.

4 (1) Conversion of Residential Units not otherwise subject to Conditional Use
5 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
6 building permit application at a Mandatory Discretionary Review hearing. Except as set forth
7 in subsection 317(f)(2), ~~T~~the conversion of residential uses units to Student Housing is prohibited.
8 For the purposes of this subsection, residential uses units that have been defined as such by the time a
9 First Certificate of Occupancy has been issued by the Department of Building Inspection for new
10 construction shall not be converted to Student Housing.

11 (2) Conversion of Vacant or Underutilized Residential Buildings, as defined below,
12 into Student Housing shall be subject to a Conditional Use requirement pursuant to Section
13 303 of this Code.

14 (i) For purposes of this subsection, a Vacant Building is a Residential Building that
15 has been completely vacant for at least one year from the time of application, and that has
16 been on the Department of Building Inspection's Vacant Building Registry pursuant to Section
17 103A.4 of the San Francisco Building Code for at least one year prior to the application.

18 (ii) For purposes of this subsection, an Underutilized Building is a Residential
19 Building where 20% or less of the residential units have been occupied during the two years
20 prior to the time of application. At the time of application, the project sponsor shall submit an
21 affidavit declaring, to the best of his or her knowledge, what the total number of occupied
22 residential units in the Residential Building has been during the last two years.

23 (iii) Nothing herein shall be construed as limiting or diminishing a tenant's rights
24 under the City's Residential Rent Stabilization and Arbitration Ordinance, set forth in Chapter
25 37 of the Administrative Code.

1 (23) Except for conversion of Vacant or Underutilized Residential Buildings into
2 Student Housing as set forth above. ~~The~~ Planning Commission shall consider these criteria in
3 the review of applications for Conversion of Residential Units;

4 (i) whether conversion of the unit(s) would eliminate only owner occupied housing,
5 and if so, for how long the unit(s) proposed to be removed were owner occupied

6 (ii) whether conversion of the unit(s) would provide desirable new non-residential
7 use(s) appropriate for the neighborhood and adjoining district(s);

8 (iii) whether conversion of the unit(s) will bring the building closer into conformance
9 with the prevailing character of its immediate area and in the same zoning district;

10 (iv) whether conversion of the unit(s) will be detrimental to the City's housing stock;

11 (v) whether conversion of the unit(s) is necessary to eliminate design, functional, or
12 habitability deficiencies that cannot otherwise be corrected.

13
14 Section 8. The San Francisco Planning Code is hereby amended by amending the
15 definitions of "Qualified Student Housing Project" and "Student Housing" in Section 401, to
16 read as follows:

17 **SEC. 401. DEFINITIONS.**

18 "Qualified Student Housing Project" shall mean any Student ~~h~~Housing project that
19 contains housing for Qualified Students and which may also contain housing for persons who
20 are enrolled students but not Qualified Students, created either through new construction or
21 conversion of an existing building or space. A Qualified Student Housing Project may consist of
22 all or part of a building.

23 "Student ~~h~~Housing." ~~A building where 100 percent of the residential uses are affiliated with~~
24 ~~and operated by an accredited post-secondary educational institution. Typically, student housing is for~~
25 ~~rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for~~

1 ~~one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use~~
 2 ~~Districts. As defined in Planning Code Section 102.36.~~

3

4 Section 9. The San Francisco Planning Code is hereby amended by amending Section
 5 214, to add a new subsection (k), to read as follows:

6 **SEC. 124. BASIC FLOOR AREA RATIO.**

7 (k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant
 8 or Contributory pursuant to Article 11 of this Code, additional square footage above that
 9 permitted by the base floor area ratio limits set forth above may be approved for construction
 10 of a project, or portion thereof, that constitutes a Qualified Student Housing Project, as
 11 defined in Section 401 of this Code. Such approval shall be subject to the conditional use
 12 procedures and criteria in Section 303 of this Code.

13

14 Section 10. The San Francisco Planning Code is hereby amended by amending
 15 Table 814, in Section 814, and by adding a new # to the Specific Provisions section of that
 16 Table, to read as follows:

17

814.16(a)	Student Housing	§ 315.1(38) <u>102.36</u>	C#
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19

20

SPECIFIC PROVISIONS FOR SPD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
<u>§ 814.16</u>	<u>§ 102.36</u>	<u>Student Housing generally is permitted where the particular</u>

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		<p><u>form of housing is permitted in the underlying Zoning District in which it is located (see Section 102.36.) However, in the South Park District Student Housing is subject to a conditional use requirement subject to Section 303.</u></p>
--	--	---

Section 11. The San Francisco Planning Code is hereby amended by amending Tables 840, 841, 842 and 843, in Sections 840, 841, 842 and 843, to read as follows:

840.23	Student Housing	§ 315.1(38)	€
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841.23	Student Housing	§ 315.1(38)	€
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842.23	Student Housing	§ 315.1(38)	€
--------	-----------------	-------------	---

843.23	Student Housing	§ 315.1(38)	€
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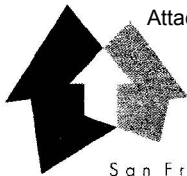
Section 12. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 13. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent parts of the Planning Code that are explicitly shown in this legislation

1 as additions, deletions, Board amendment additions, and Board amendment deletions in
2 accordance to the "Note" that appears under the official title of this legislation. This Ordinance
3 shall not be construed to effectuate any unintended amendments. Any additions or deletions
4 not explicitly shown as described above, omissions, or other technical and non-substantive
5 differences between this Ordinance and the Planning Code that are contained in this
6 legislation are purely accidental and shall not effectuate an amendment to the Planning Code.
7 The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
8 affected City departments, to make those necessary adjustments to the published Planning
9 Code, including non-substantive changes such as renumbering or relettering, to ensure that
10 the published version of the Planning Code is consistent with the laws that this Board enacts.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 ANDREA RUIZ-ESQUIDE
16 Deputy City Attorney
17
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23
24
25



San Francisco
HOUSING
ACTION
COALITION

95 Brady Street
San Francisco, CA 94103
415 541 9001 tel
415 431 2468 fax
info@sfhac.org
www.sfhac.org

April 10, 2012

Ms. Sophie Middlebrook Hayward
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Ref: Amendments to Student Housing Ordinance

Dear Ms. Hayward:

Thank you again for meeting with members of the San Francisco Housing Action Coalition (SFHAC) yesterday – we are happy that this proposal, one we have worked on for over two years, is finally coming forward for a decision.

Attached to this letter are our final suggested revisions to the section covering definitions. In our discussions with potential housing developers and educational institutions, we have learned that the legislation as now drafted is too restrictive. It states that if the educational institution is not to be the owner it must have a master lease for 20 years. That is too long a period, something no commercial tenants would consider. Also the educational institution may not wish to be a master lessee.

The SFHAC believes it would be preferable to let the owner of the real property and the educational institution work out their own contractual relationship provided it remains clear that the subject units must be used for qualified student housing and that, if and when they are not, the owner must pay the inclusionary fee plus interest or provide the requisite number of inclusionary units. The language we suggest in the attachment retains all the current safeguards while allowing the desired flexibility.

We look forward to working with you to get this important housing policy advance over the finish line.

Sincerely,

Tim Cole, Executive Director

Cc: Chandra Egan, MOH
Supervisor Scott Wiener

SAN FRANCISCO HOUSING ACTION COALITION

PROPOSED CHANGES - APRIL 9, 2012

SEC. 401. DEFINITIONS.

"Qualified Educational Institution" for purposes of Section 415 shall mean an accredited post secondary Educational Institution which has Qualified Students.

"Qualified Student" for purposes of Section 415 shall mean a student who receives or is eligible to receive need-based financial aid including, but not limited to, Pell Grants, Perkins Loans, Stafford Subsidized Loans or other grants or loans and is currently enrolled at a Qualified Educational Institution..

"Qualified Student Housing Project" for purposes of Section 415 shall mean any housing project that contains housing for Qualified Students and which may also contain housing for persons who are enrolled students but not Qualified Students, created either through new construction or conversion of an existing non-residential building or space. There may be more than one Qualified Student Housing Project in a building.

"Qualified Student Housing" shall mean housing or group housing (measured either by units or beds) or accessory living space within a non-residential space, either owned by a Qualified Educational Institution or controlled by a Qualified Educational Institution through a long-term master lease for a period of at least 20 years or other contractual agreement in which at least thirty percent (30%) of such beds are occupied by Qualified Students. The Qualified Student Housing may be on the site of the Institution or at another location in the City and County of San Francisco.

Sec 415.3 (c)

Section 415.1 et seq., the Inclusionary Housing Program, shall not apply to:

(5) A Qualified Student Housing Project that meets all of the following criteria:

(A) The building or space conversion does not result in loss or conversion of existing housing, including but not limited to rental housing and dwelling units;

(B) An institutional master plan (IMP) pursuant to Section 304.5 is on file with the Planning Department prior to the issuance of any building permit or alteration

permit in connection with the creation of the Qualified Student Housing Project, and, in addition to the requirements of Section 304.5, such IMP shall describe: (i) to the extent such information is available, the type and location of housing used by its students; (ii) any plans for the provision of Qualified Student Housing; and (iii) the Educational Institution's need for student housing to support its program; and (iv) the percentage of its students, on an average annual basis, that receive some form of need-based assistance as described in (113B).

(C) The Mayor's Office of Housing (MOH) is authorized to monitor this program. MOH shall develop a monitoring form and annual monitoring fee to be paid by the owner of the real property or the Qualified Educational Institution or Institutions. The owner of the real property and each Qualified Educational Institution shall agree to submit annual documentation to the Mayor's Office of Housing (MOH) and the Planning Department, on or before December 31 of each year, that addresses the following:

(i) Evidence that the Qualified Educational Institution continues to own or otherwise control the Qualified Student Housing Project under a master lease or other contractual agreement including a certificate from the owner of the real property and the Qualified Educational Institution attaching a true and complete copy of the master lease or other contractual agreement (financial information may be redacted) and certifying that the lease or contract has not otherwise been amended or terminated; and

(ii) Evidence, on an average annualized basis, of the percentage of Qualified Students in good standing enrolled in the Qualified Educational Institution or Institutions who are occupying the beds or accessory living space in the each Qualified Student Housing Project, including but not limited to the number and percentage of qualifying students; the rent paid by each student; the type of dwelling the rent covers (i.e. single room; double room; etc.); and

(iii) The owner of the real property ~~Qualified Educational Institution~~ records a Notice of Special Restrictions (NSR) against fee title to the real property on which the Qualified Student Housing is located that states the following:

- The Qualified Educational Institution, or the owner of the real property on its behalf, must file a statement with the Department if it intends to terminate the Qualified Student Housing Project at least 60 days before it terminates such use ("statement of termination");

- The Qualified Student Housing Project becomes subject to the Inclusionary Housing Ordinance requirements applicable to Housing Projects other than Qualified Housing Projects if (1) ~~the a~~ Qualified Educational Institution files a statement of termination with the Department and another Qualified Educational Institution or Institutions have not been substituted and obligated to meet the requirements of this section; or (2) the owner of real property ~~Qualified Educational Institution~~ fails to file a statement of termination and fails to meet the requirements for a Qualified Student

Housing Project, then within not more than one year of a Notice Of Violation issued by the Planning Department;

- If the units in a Qualified Student Housing Project or Projects become subject to the Inclusionary Housing Ordinance then ~~it~~ the owner of the units shall (1) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the project if there is no evidence the Project ever qualified as Qualified Student Housing or, if Qualified Student Housing was provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households and interest would accrue from that date if the fee is not paid; or (2) provide the required number of on-site affordable units required at time of original project approval and that those units shall be subject to all of the requirements of this Program. In this event, the owner of the real property project sponsor shall record a new NSR providing that the designated units must comply with all of the requirements of this Program.

- The Qualified Educational Institution is required to report annually as required in subsection (C) above;

- The City may commence legal action against the owner and/or Qualified Educational Institution to enforce the NSR and the terms of Article IV of the Planning Code and Planning Code Section 415 et seq. if it determines that the project no longer meets the requirements for a Qualified Student Housing Project; and

- The Qualified Student Housing Project may be inspected by any City employee to determine its status as a Qualified Student Housing Project and its compliance with this Section at any time upon at least 24 hours' prior notice to the owner of the real property or to the master lessee.

(d) For projects that have received a first site or building permit prior to the effective date of Section 415.1 et seq., the requirements in effect prior to the effective date of Section 415.1 et seq. shall apply.

Sec 307 Other Powers of the Zoning Administrator.

(i) Conversion from Student Housing to Non-Student Residential Use. If a residential project no longer qualifies as Student Housing as defined in Planning Code Section 102.36, the Zoning Administrator may allow the conversion of the Student Housing to any permitted residential use in the zoning district in which the Student Housing is located upon determination that

(a) the Qualified Educational Institution has terminated its contractual agreement regarding occupancy of the Student Housing units proposed to be converted and the building owner has made an extensive and good faith effort to obtain an agreement with another Qualified Educational Institution or Institutions.as a replacement., and

(b) the converted Student Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined in Planning Code Section 416.3(c)(5)(C)(iii) and all other Planning Code requirements applicable to that residential use have been met or modified through appropriate procedures.

From: [Richard Rabbitt](mailto:richard.rabbitt@alumni.stanford.edu)
Sent By: richard.rabbitt@alumni.stanford.edu
To: smiddleb@gmail.com; Andres.Power@sfgov.org; [Scott Wiener](mailto:Scott.Wiener@sfgov.org); Sophie.Hayward@sfgov.org
Subject: USF conversion of residence for 60 priests to 175 student dorm
Date: 04/01/2012 06:36 PM
Attachments: [4518_001.pdf](#)
[4540_001.pdf](#)
[4676_001.pdf](#)

Dear Ms. Hayward,

thank you for your response.

In case it is helpful to you and Supervisor Wiener, I wanted to make you aware of some history of housing conversion at USF that illustrates a concrete concern of the neighborhood with respect to the change in use from religious housing to student housing. While this was a past occurrence and while the proposed ordinance looks to the future and envisions some changes in the rules, I think it is an example of a failure of an institution to properly notify the surrounding community of its intentions to convert housing to a more intensified use that was arguably not in compliance with the proper permitting requirements at the time. Accordingly, this is a subject of concern to a number of people in the area and suggests that careful drafting of the conversion language re religious housing may be appropriate.

1. In 1996, USF had an existing religious housing building (Xavier Hall) on its "main campus" that housed 60 Jesuits. It wished to build new Jesuit housing on the Lone Mountain campus to replace this housing and obtained a permit to build a new building; in evaluating the environmental impact of such a change, a Negative Declaration was filed, in part based on the assertion that the new housing would only house 35 Jesuits and that there would not be any increase in the campus population. The assertion was made that the existing Jesuit housing would become faculty offices.

2. However, once the replacement housing was completed in 1999, USF instead converted the existing building to a dorm for approximately 172 students without a conditional use permit, a conversion that would allow a 172 person increase in the campus population and an increased intensification of the use of the existing building (which was supposedly built for a maximum of 100 Jesuits).

3. So this was a past situation where the neighborhood was not only not informed but was misinformed and where the conversion resulted in an intensification of use without a conditional use permit.

See attachments for substantiation of these points.

Again, I realize that this was a past event, but, given that I understand that one of the objectives of the current legislation is to put in place protections for existing residential neighborhoods against undisclosed changes in use of existing buildings that may be used by an institution to expand its enrollment, I thought it would be worth noting this past example for your information and for your consideration in connection with any blanket exception for conversion of religious housing. I understand that there may be some sentiment behind the currently proposed ordinance that seeks to disincentivize behavior on the part of certain educational institutions that does not respect the proper planning rules; with that context in mind, you might find this information of interest.


Thank you for your consideration of this.



Richard Rabbitt
<richard.rabbitt@stanfordalumni.org>
Sent by:
richard.rabbitt@alumni.stanford.edu

To: Sophie.Hayward@sfgov.org
cc: AnMarie.Rodgers@sfgov.org
bcc:
Subject: Re: Fwd: Clarification of Student Housing Ordinance prohibition on conversion of existing residential dwellings

05/10/2012 12:46 PM

History:  This message has been replied to.

Ms. Hayward,

I sent the specific comments set forth below to you on April 1st, and, just to be sure that you didn't miss them, reiterated on April 13th that I had sent these to you. These are specific comments on the proposed ordinance language and yet you failed to include these in the package to the Planning Commission that was just circulated by Ms. Rodgers.

If I am incorrect and they are in the package, please let me know.

Since the package is therefore incomplete and does not include my comments, I request that you delay the hearing so that you can properly include my comments and circulate them to the distribution list.

I also note that, with respect to the email from me that you did include, you did not include the attachments. Was this intentional? Is there a reason why you did not include those attachments?

I look forward to your response.

On Fri, Apr 13, 2012 at 10:33 AM, Richard Rabbitt <richard.rabbitt@stanfordalumni.org> wrote:

Thank you and thank you for copying me

On Fri, Apr 13, 2012 at 9:22 AM, <Sophie.Hayward@sfgov.org> wrote:

> Yes. The memo that I distributed to the commission was just about the
> continuance and the amendments. I will be distributing a full packet in
> advance of the action hearing, scheduled for 5/17, which will include a
> full report, the Department's recommendations, as well as correspondence
> from the public.

> Best,

> Sophie

>

>

> Sophie Middlebrook Hayward, LEED AP

> 1650 Mission Street, Suite 400

> San Francisco, CA 94103

> [\(415\) 558-6372](tel:(415)558-6372) ph

> [\(415\) 558-6409](tel:(415)558-6409) fax

> I wanted to suggest some further improvements to the
> draft Student Housing ordinance.
>
> As you know, the amendment, proposed by Supervisor Wiener, would provide
> certain
> exemptions to the prohibition on conversion of existing residential
> dwellings, which exemptions basically boil down to (1) housing
> previously built by the institution; (2) monasteries, convents, or
> other religious housing, whether or not built or owned by the
> institution; and (3) existing residential housing that is "directly
> adjacent" to the institution and which has been owned for more than 10
> years by the institution as of the date of the ordinance.
>
> I understand that the stated objective of this language is the need to not
> upset current plans of various institutions that have supposedly been
> planning to increase their student housing through utilization of one
> or more of these exceptions.
>
> My clarifications below would still satisfy the stated objective of the
> institutions to be able to convert per this current plans while not
> allowing those exceptions to be interpreted too
> broadly and undermine the policy objectives of the general prohibition
> on conversion of the existing housing stock (which is intended to
> protect families).
>
> My suggestions are as follows: (1) for housing previously built by the
> institution, it should also be owned by the institution as of the date
> of the ordinance; (2) with respect to religious housing, it should be
> owned by the institution as of the date of the ordinance and it should
> not result in an increase in occupancy (e.g, a 35 person convent
> should not be converted to a 100 person dorm); (3) with respect to
> "directly adjacent", that should be defined to be on a lot that is
> physically contiguous to a lot owned by the institution that is
> permitted for institutional use and not residential use where
> physically contiguous means that there is no gap between the lots
> (e.g., either due to a street, intervening lot, or otherwise); (4)
> more importantly, in order to balance the needs of the institution to
> follow through on its existing plans but balance that with the need to
> not upset the reasonable expectations of neighbors based on what plans
> have been disclosed to the public, any conversion to student housing
> that falls within one of the foregoing exceptions must also satisfy
> this additional requirement: i.e. that the proposed conversion has
> been previously disclosed to the public in the filed Institutional
> Master Plan of such institution that is on file as of the date of the
> ordinance or by any permits for any such conversion that have been
> filed as of the date of the ordinance.

>
> Here are my suggestions incorporated into the relevant section of the
> ordinance language (my inserts below are in [brackets]):
>
> "Notwithstanding the foregoing, [if, prior to the effective date of
> this ordinance, a post-secondary Educational Institution has
> previously disclosed in writing, pursuant to its filed Institutional
> Master Plan or by specific permit applications filed with the Building
> Department, its intent to convert existing dwelling units, group
> housing, or SRO to Student Housing,] the change of use or occupancy of
> a dwelling unit, group housing, or SRO to Student Housing is not
> considered a conversion of a residential unit if the dwelling unit,
> group housing or SRO (i) was built by [and is owned as of the
> effective date of this ordinance by] the post-secondary Educational
> Institution that will own, operate, or otherwise control the Student
> Housing; (ii) is in a convent, monastery (or similar religious order
> facility) [that is owned by the post-secondary Educational Institution
> as of the effective date of this ordinance and where such conversion
> does not increase the occupancy of such building]; or (iii) is on a
> lot directly adjacent [(with "directly adjacent" meaning that two
> legal lots are physically contiguous with no intervening lot or public
> right of way such as a street or sidewalk and where one of the lots is
> already permitted for the post-secondary Educational Institution use)]
> to the post-secondary Educational Institution that will own, operate,
> or otherwise control the Student Housing, so long as the lot has been
> owned by the post-secondary Educational Institution for at least ten
> years of the effective date of this ordinance."

>
>
> I would appreciate your consideration of these proposed
> clarifications.

>
> Regards,
>
> Richard Rabbitt

>
>
>



"Guibert, Caroline A."
<cguibert@coblentzlaw.com>

01/12/2010 08:10 PM

To "David Lindsay" <David.Lindsay@sfgov.org>

cc "Sara Vellve" <Sara.Vellve@sfgov.org>

bcc

Subject RE: Xavier Hall/Fromm Hall at USF

David:

I apologize for the delay in getting this information to you. Xavier Hall (now known as Fromm Hall) was converted from a Jesuit residence hall to a student residence hall after the Jesuit community was relocated to a new Jesuit residence (Loyola House) in 1999 (a CU was obtained for Loyola House in 1997). No building permit was required for this conversion. According to USF, the only work done to convert Xavier Hall to a student residence hall was the removal of equipment and furniture and the installation of new carpet, furniture and paint. Clearly no CU was required as there was neither a change in use nor a significant intensification of an existing use.

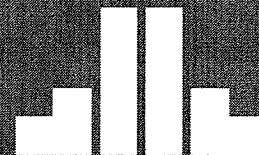
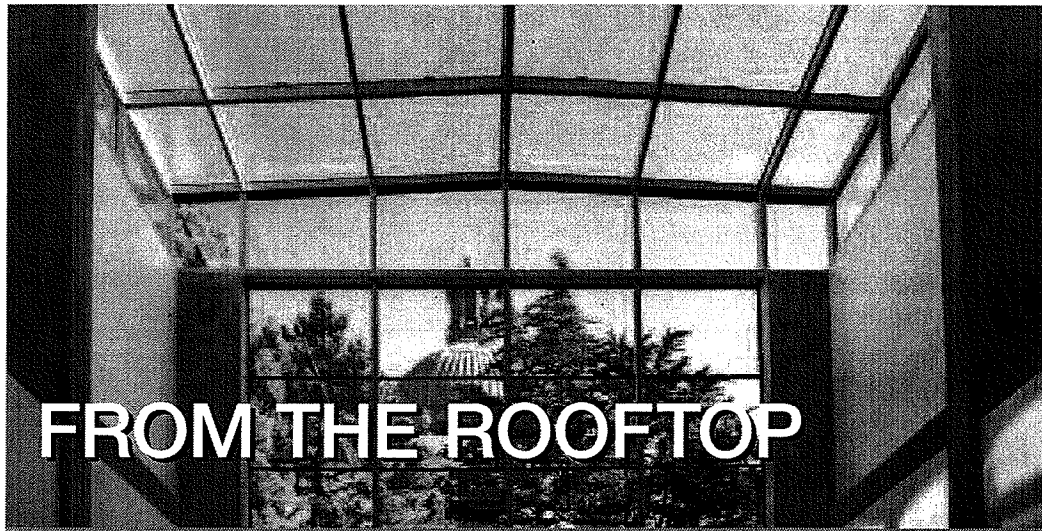
-----Original Message-----

From: David Lindsay [mailto:David.Lindsay@sfgov.org]
Sent: Tuesday, December 29, 2009 10:22 AM
To: Guibert, Caroline A.
Subject: Xavier Hall/Fromm Hall at USF

Caroline - I'm Sara Vellve's supervisor (Sara is assigned to the current USF project that will be before the Planning Commission in February) and have been contacted by USF neighbor Richard Rabbit regarding the conversion of Xavier Hall from a priests' residence to a student dorm (now known as Fromm Hall) back in the late 1990s. Mr. Rabbit is asking by what means did the conversion take place. It is his view that Conditional Use authorization should have been required.

At this point, I'm just trying to identify any building permits and/or correspondence between USF and the Planning Department regarding the change and am wondering if you can assist me. As you can imagine, there are dozens of building permit applications over the decades for various projects on the USF campus - a cursory review doesn't show any permits in the late 1990s for tenant improvements to Xavier Hall. The only thing I have been able to identify so far is a reference in a 2002 Inst. Master Plan update indicating that the building had been changed from a priests' residence to a student dorm. Any information you can provide regarding this change would be appreciated. I'm happy to discuss this with you over the phone. Thanks.

David Lindsay, Senior Planner
Manager, Northwest Quadrant
Neighborhood Planning
San Francisco Planning Department



THE FROMM INSTITUTE
FOR LIFELONG LEARNING
at the University of San Francisco

FROM THE ROOFTOP

FROMM HALL INAUGURAL YEAR 2006 - 2007

DON'T "WAITE," NOMINATE!

Volume 94, Issue 2 • April 30, 2007

A long time ago, in its second year of existence, when the Fromm Institute was just a youngster, its students went through something like an organizational puberty. An early adolescence is a tough time, even for institutes, but at two, it was really difficult. Not quite satisfied with just attending a good school with six great classes to choose from each session, the 120 people who were enrolled back in 1978 wanted a social life, too. What kids don't?

The leader of the pack was a crusty but stylish chap (he wore the biggest shirt collars over his suit jacket – hey, it was the late 70s). His name was Captain Girvan Waite. He was a sea captain, a retired merchant marine officer, and he was, as you'll soon see, a born leader.

One day he approached Hanna Fromm in a respectful manner, much like a sea captain to an admiral. He voiced his idea for an association of students who might organize various social events that would add to the overall Fromm Institute experience.

Concerned that no one would be excluded, Mrs. Fromm, who was new to this world of lifelong learning asked, *"How would one belong?"*

In true military style, Captain Waite came up with the perfect conscription. Everybody who enrolled as a student would become a member, automatically, whether they wanted to or not. *"They can pay a voluntary dues, too,"* he added. This universal eligibility struck Mrs. Fromm as very fair and a voluntary dues structure, quite practical. *"It's a great idea Captain,"* she replied and then, just as if she had served in the military herself, she volunteered the man who had the idea to do the job. *"Captain Waite,"* she said, *"You'd make the perfect President!"*

As time marched on the chain of command passed from the captain to Helen MacCollister and then to Sophia Conley. Because Sophia seemed to be more of a benevolent dictator than a president, the Fromm Institute students, who numbered around 250 by then, led by Dr. Ben Budai and Dr. Jean Hayward, formalized the Association creating By-Laws that set election protocols, terms and term limits. Immediately thereafter, the students elected Dr. Budai and subsequently Dr. Hayward to serve full terms as their presidents. No good deed goes unrewarded!

Following them and moving into more recent history, the Fromm Institute Student Association has been led by such talented, dedicated people as Joan San Jule, Dolores Simon and now "P.J." Joseph. While this anecdotal history focuses on the Presidents, it's equally important to understand that these men and women have been served by an incredibly competent corps of officers and steering committee members from which the leadership ascends.

In this the third week of Spring classes you are reminded not only of Capt. Waite and the long history of the Student Association's leadership, but more immediately of your responsibility to it. As required in the By-Laws, it is time to call for nominations for the four officers: President, Vice President, Secretary, and Treasurer. Those same rules remind all of



*Capt. Girvan Waite, in the driver's seat
on "Evening Magazine," 1979*

us that (1) the term of service is two years, that (2) no one can serve more than two terms (four years) and that (3) all current students can nominate any other current student who agrees to run.



From left to right,
Phyllis "P.J." Joseph,
Alan Entine, Dorothy
Auerbach, Joan Cucek



After two terms in office, President "P.J." Joseph, Treasurer Dorothy Auerbach and Secretary Joan Cucek must relinquish these offices. Their service has been exemplary and their leadership has been exceptional. Throughout their two terms, with their respective responsibilities, the Student Association has continued to grow and mature thanks to their hard work.

Dorothy and Joan could, if willing, serve in other capacities. "P.J." will retire at the end of the year. Vice President Alan Entine is finishing a first term and is able to serve again or to be nominated for another office. The members of the Steering Committee (Jenny Wong, Liz Jonsen, Rosemary Jones and Alan Jackman), if willing to serve as officers, have the organizational experience to do so. When it comes to nominations though, the decision is ultimately yours. Anyone who is willing to serve can run for office and all students can nominate someone so interested.

Students of the Fromm Institute, it's time to keep Captain Waite's good idea alive. For the next week from April 30 until May 4 nominations can be made and placed in the Feedback Box in the Activities Hallway by Magnolia's. Nomination Forms are also there. Remember to get the consent of the person you nominate.

As he was about to retire and pass the gavel to Mrs. MacCollister, Capt. Waite offered his definition of leadership. *"It's the art of getting someone else to do something that you want done because he wants to do it."* Of course he was referring to that moment with Hanna Fromm.

This year as we end our thirty-first, the Fromm Institute is a long way from organizational puberty and we do have a strong social program thanks to the leadership of so many in the Fromm Institute Student Association. With your nominations this week, and your participation in the election in the weeks to come, you can insure that this tradition continues. Make the Captain proud. Don't "Waite," Nominate!

SPRING BARBEQUE CELEBRATES THE MANY FACETS OF FROMM HALL

On **Wednesday, May 9 from 11:45 a.m. to 12:45 p.m. at lunchtime**, a spring social is planned so that the many occupants of Alfred & Hanna Fromm Hall can get to know each other. The inner courtyard will be smokin' with burgers, hot dogs, salad and slaw and you'll have a chance to eat, meet and greet all the diverse people who share this USF facility with us.

Fromm Hall not only houses the Fromm Institute for Lifelong Learning and its 1,000 students but it also is home to the Fromm Residence, four floors of dorm rooms for 172 undergraduate women. At its 650 Parker entrance, St. Ignatius Church has its dedicated staff and parish offices, and on the Golden Gate Avenue side, USF's XART Program for the Visual & Performing Arts is located in what once was the building's garage.

Garage? Yes, when it was originally built in 1957, Fromm Hall was called Xavier Hall and was the Jesuit residence for USF. You know all about the chapel, but how about a meditation garden, a dining room and that garage? Did you know the university's copy center is here, or what good work the St. Ignatius Parish does? Can you imagine what it's like to look out of your dorm down into our atrium? Ever wonder how large the USF's Visual Arts program is?

Join us after the "*Inward Eye*" lecture and before your Wednesday afternoon classes for an "eat, meet and greet" to gab and mingle with all the residents of Fromm Hall, to hear how they live, teach, work and create here and to celebrate the multi-generational and multi-purpose facility. **Wednesday, May 9 is Fromm Hall Day here at Fromm Hall!**

SAN FRANCISCO
Faith

NEWS

1998 NEWS

December
November
October
September
July/August
June
May
April
March
February
January

ARTICLES

LETTERS

FOLLOW ME

ROAMIN' CATHOLIC

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NEWS
DECEMBER 1998

THE NOVEMBER ELECTIONS PROVED A MIXED, perhaps dismal, outcome for California pro-lifers. The most serious blow is that for the first time in 16 years an aggressively pro-abortion Democrat, Gray Davis, now occupies the Governor's office.

According to a Republican operative, who spoke on condition of anonymity, Dan Lungren deserves considerable blame for this outcome, having run a feckless, defensive, and self-absorbed campaign. "Lungren's message was essentially, 'I'm a great guy, I come from a great family, I come from a great state, vote for me'."

While Davis presented his pro-abortion views unapologetically, Lungren fled from his staunchly pro-life past, relegating his view of abortion to the subjective sphere of private religion. He trotted his wife Bobbi out for a campaign ad in an attempt to neutralize the abortion issue. According to the operative, many pro-lifers did not participate in the election because of Lungren's waffling and his willingness to support pro-abortion judges like Chief Justice George and Justice Ming Chin.

Republican candidate Matt Fong ran scared as well, says the operative. After the *San Francisco Chronicle* revealed that in 1997 he had given \$50,000 to the Rev. Lou Sheldon of the Traditional Values Coalition, Fong quickly signed a statement in which he promised to fulfill a homosexual wish-list (a vote to confirm homosexual James Hormel's appointment as Ambassador to Luxembourg, hate crime legislation, etc.) Sensing weakness, Boxer continued to bludgeon Fong with the novel claim that he was too conservative for California and she won easily.

Other Republicans also fared badly. Relative political newcomer, Cruz Bustamente, a pro-abortion Catholic, defeated Republican Tim Leslie in the Lt. Governor's race by 14 percent. Democrat Phil Angelides defeated Republican Curt Pringle in the Treasurer's race by 13 percent margin in the Treasurer's race. Democrat incumbent Diane Eastin defeated Gloria Matta Tuchman in the Superintendent's race

Paul's influence-- both spiritual and temporal-- is unmatched by any religious leader of the 20th century."

The Pope "has exercised his authority like no pontiff since the Renaissance and left his indelible signature on the church and the world beyond." He was a "key to the ultimate collapse of the Soviet Union." "He has harshly condemned tyrants on their own turf for human rights violations and scolded the West for its shallow moral values and failure to share its vast bounty with the poor of the world."

"Only three of 264 [popes] have the epithet 'the Great' attached to their names-- Leo I (440-461), Gregory I (590-604), and Nicholas I (858-867). Future historians may one day look back on John Paul's long, dynamic and sometimes controversial pontificate and properly number him, too, among the greats."



THE SAN FRANCISCO JESUIT COMMUNITY IS PLANNING TO MOVE TO A NEW LOCATION. Its present location is Xavier Hall, a building with room for 100 Jesuits on the lower campus of the University of San Francisco. But because only 30 Jesuits live there, the University of San Francisco and the Jesuit community have decided to build a smaller residence for the remaining Jesuits. This would make it possible for USF to convert Xavier Hall into faculty offices.

Father Thomas Lucas told USF's newspaper, the *Foghorn*, that the new residence will be small because "we have to look at the fact that there is not a vast number of Jesuits (applying). We didn't want to overbuild." Lucas expressed relief that the new building will afford more comfort for the Jesuits. Each Jesuit's room "will include its own bathroom, so residents won't have to share common restroom space," reported the *Foghorn*. "Dorm-style living gets kind of old when you're in your fifties and sixties," said Lucas.

In the November 1 *Foghorn*, Jesuit Paul Bernadicou acknowledged the disappearance of Jesuit vocations. "It's the way of the future," said Bernadicou. "The school has grown, but the number of Jesuits is no more than 30." *Foghorn* reporter Les Shu wrote that "Bernadicou does not foresee the University losing its Jesuit identity and mission, however most people at USF may not know what that mission or Jesuit education is. To Bernadicou, it is trying to help human beings develop personal skills as well as civil service, being helpful

to one another. It is also broadly religious and tries to engage in dialogue."

WHY IS INTEREST IN GREGORIAN CHANT so stagnant in the American Church? Because "there is a deafness on the part of most of the hierarchy," said Stanford historian William Mahrt in a November 1 lecture at the University of San Francisco.

Mahrt, discussing the value and structure of Gregorian Chant, noted that the sung "Divine Office has the function of sanctifying time." It enables Catholics throughout the day to "enter into a sacred action."

Unfortunately, said Mahrt, many priests and liturgists see Chant as passé. Priests who used to say the Divine office now "have an hour of meditation," said Mahrt.

Mahrt recalled asking a liberal liturgist, "But surely you must admit that the liturgy must be beautiful?" The liturgist was dumbfounded, said Mahrt. He had "forgotten that."

Mahrt said that there are "signs of revival," but "not as many as I would like." Some of the strongest interest in Chant, ironically, is coming from non-Catholic circles, he noted, including secular university students and Protestants. One Protestant group in Massachusetts sings "more Gregorian Chant" than priests do in Catholic France, where it originated.

IN A CAREFULLY WORDED COLUMN APPEARING IN THE ARCHDIOCESAN PUBLICATION *Sunday to Sunday* on November 1, San Francisco Archbishop William Levada condemned Gray Davis's and Barbara Boxer's aggressive pro-abortion campaigns, acknowledging that "the cities, suburbs and farms of America are full of Catholics...who can't vote anymore for Democrats who seem to make abortion the focal point of their campaigns."

Levada, perhaps wary of inflaming secularists in San Francisco, stressed that there is "not, and should not be, a Catholic political party or voting bloc," but wondered: "How many Catholic and other life-supporting voters have left the Democratic party and its pro-abortion policies and candidates over the past 25 years?" Pro-abortion "attack ads like those



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

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FAX: 558-6409 FAX: 558-6426 FAX: 558-6409 FAX: 558-6426

NEGATIVE DECLARATION

Date of Publication of Preliminary Negative Declaration: September 6, 1996

Lead Agency: Planning Department, City and County of San Francisco
1660 Mission Street, 5th Floor, CA 94103

Agency Contact Person: Irene Nishimura Telephone: (415) 558-6358

Project Title: 95.336E, University of San Francisco (USF) Lone Mountain New Housing

Project Sponsor: USF, Lone Mountain Development Co., Inc.

Project Contact Person: David Nelson, (415) 666-2729

Project Address: USF Lone Mountain Campus, south side of Anza Street between Parker Avenue and Wood Street, and east side of the Rossi Wing of the Lone Mountain Building

Assessor's Block(s) and Lot(s): Block 1107/Lot 3A

City and County: San Francisco

Project Description: The project proposes development of two independent residential projects on the USF Lone Mountain campus bounded by Anza Street, Turk Street, Parker Avenue and Collins Street in San Francisco's Richmond District. The project includes 136 residential units primarily intended for USF faculty or staff as part of the Anza Street Housing project on the south side of Anza Street between Parker Avenue and Collins Street, and construction of a 34-unit Jesuit Community Residence on the east side of the existing Rossi Wing of the Lone Mountain Building, south of the proposed Anza Street Housing project.

The proposed project would require review of its consistency with the University of San Francisco Physical Master Plan and authorization of Conditional Use from the City Planning Commission as a Planned Unit Development (PUD) for development of a site larger than 1/2 acre and for modifications of and exceptions from Planning Code provisions and requirements. The Jesuit Community Residence also would require Conditional Use Authorization from the Planning Commission for establishment of group housing in an RH-2 District. In addition, the proposed Anza Street reconfiguration and improvement component of the project would require a General Plan referral which would be reviewed for consistency with the San Francisco General Plan by the Planning Department. A subdivision map application for splitting the proposed Anza Street Housing site from the Lone Mountain campus parcel would require review and approval by the Planning Department and the Department of Public Works.

Building Permit Application Number, if Applicable: None, yet.

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached: Over

Mitigation measures, if any, included in this project to avoid potentially significant effects: See text.

Final Negative Declaration adopted and issued on October 2, 1996

In the independent judgement of the Department of City Planning, there is no substantial evidence that the project could have a significant effect on the environment.

Barbara W. Sahm
BARBARA W. SAHM
Environmental Review Officer

- cc: Robert Passmore
- Monica Jacobs (cover page only)
- Distribution List
- Bulletin Board
- Master Decision File

95.336E

would match those of existing buildings on the campus such as tile roofs with cement plaster and cast stone walls. The grounds of the Jesuit Residence would be landscaped.

The project would add to the built area of the campus and would be visible in short- and medium-distance views. The tower on the existing Lone Mountain Building would remain the most prominent feature in the long distance views of the campus. The Jesuit Community Residence would not have a demonstrable negative aesthetic effect on the visual character of the area.

Because of existing topography of Lone Mountain and the Lone Mountain Campus buildings, the Jesuit Community Residence would not alter any scenic views of San Francisco landmarks from south of the campus. Residents of Ewing Terrace east of the project site would have short distance views of the structure. Overall, development of the Jesuit Community Residence would not obstruct or degrade any existing scenic views or vistas currently observed from nearby streets, residences or public areas.

The Jesuit Community Residence would emit similar levels of light to that of existing buildings on the Lone Mountain Campus. No obtrusive light or glare would be generated by the proposed project that would adversely impact nearby residences or other properties.

The addition of about 136 dwelling units on the Anza Street Housing site would increase the population on the site. While potentially noticeable to the immediately adjacent neighborhood, this increase would not substantially increase the existing area wide population.

The Jesuit Community Housing project would provide 34 group housing units. The University's 60-member Jesuit population currently resides at Xavier Hall at the corner of Parker and Golden Gate Avenues. The Jesuit Community Housing project would relocate approximately 33 Jesuit faculty members from Xavier Hall; one of the units of the proposed 34 group housing units would be used for visitors. The remaining approximately 25 Jesuit residents in Xavier Hall would move to another Jesuit facility in California, resulting in a net reduction in on-campus residents of 25 people. As described in USF's 1993 Physical Master Plan, Xavier Hall, when vacated, would house faculty offices. No increase in the number of faculty, students, or employees is planned.

An independent consultant prepared a transportation study summarized here.² The *San Francisco Master Plan* designates several of the streets in the project vicinity as Major Thoroughfares or Secondary Thoroughfares or Local Streets. Geary Boulevard is a Major Thoroughfare; Turk Street and Masonic Avenue are Secondary Thoroughfares, and Anza Street and Parker Avenue are local streets.

The Anza Housing project would include access from the proposed frontage road on Anza Street, and from driveways serving the cluster housing at the east end of the site. The project proposes a new frontage road, formed by a new median within the existing Anza Street right-of-way, which would be one-way eastbound, with median breaks at Spruce, Cook, and Blake Streets. Vehicles would exit the median at Wood Street. The intersection is proposed to be controlled by a stop sign and function as a four-legged intersection. The frontage road would be part of the public right-of-way of Anza Street. Development of the frontage road would require review and approval by the Department of Parking and Traffic (DPT). The Jesuit Community project would have vehicle access from the existing private roads on the Lone Mountain campus, served by a widened driveway and turn-around area. The proposed Anza Housing would be 138 residential units in flats and townhouses; the Jesuit community would be group housing with 34 single-room units, and ancillary dining and meeting space.

The person-trip generation was based on trip generation rates obtained from the *Guidelines for Environmental Review: Transportation Impacts*, July 1991. The Anza Housing would generate approximately 239 PM peak

From: [Randy Shaw](#)
To: sophie.hayward@sfgov.org
Subject: Fwd: Student Housing Legislation
Date: 04/05/2012 10:28 AM

fyi. Do not have anne-marie's address so please forward to her.

Dear Commissioners:

I am writing to request revisions to proposed legislation that would, among other provisions, ban educational institutions from purchasing or leasing single room occupancy hotels (SROs).

I did not express my concerns when this measure was before the Commission last fall because I was entirely unaware of it. It was not brought before the city's SRO Task Force, and even residential hotel owners only recently learned of it.

I have worked to protect and improve residential hotels to tourist lodgings for over 30 years. The Tenderloin Housing Clinic has been at the forefront of efforts to preserve the city's SRO's during this time, securing dozens of court injunctions against SRO's illegally renting to tourists and spearheading state legislation that exempts SRO's from the state Ellis Act. In 1999, we promoted the City's Hotel Leasing Program, a strategy that has dramatically increased occupancy levels among low-income tenants in SROs. You can be sure that if this proposed legislation helped preserve SRO's or protect tenants, we would strongly favor it.

But the measure does neither.

To the contrary, it addresses an alleged problem---educational institutions acquiring SRO's and then evicting longterm residents---for which there is no supporting evidence. Even worse, its chief impact would be to prevent SRO's that have not been primarily renting to permanent residents to begin doing so by leasing or selling to educational institutions.

There are 100% residential hotels that have had few if any permanent residents for years. In one case, the Globetrotter at 225 Ellis, my office has brought four lawsuits under multiple owners and lessees. While we stop each illegal conversion, we have not succeeded in restoring the 15-unit SRO to actual residential use. It would be far better for the City to allow the Globetrotter and similar hotels to sell or lease to educational institutions, as this would ensure 100% of the units are used for permanent housing.

I have heard that some believe the provisions in the legislation affecting SRO's is needed encourage schools to build new housing. But no educational institution is going to build 10x12 rooms without kitchen or private baths, the type of housing that constitutes much of the SRO market. Instead, schools will build apartment buildings. So while increasing development incentives for student housing makes sense, conditioning this on imposing an absolute ban on leasing or purchasing SRO's for student occupancy does not.

Students have always lived in Tenderloin apartments and hotels. This legislation is the first time I have heard student residence in the Tenderloin described as a negative.

Students do not cause violence or crime, they spend money in surrounding businesses, and are usually out walking in evenings. Students add to the neighborhood's public safety and should be encouraged.

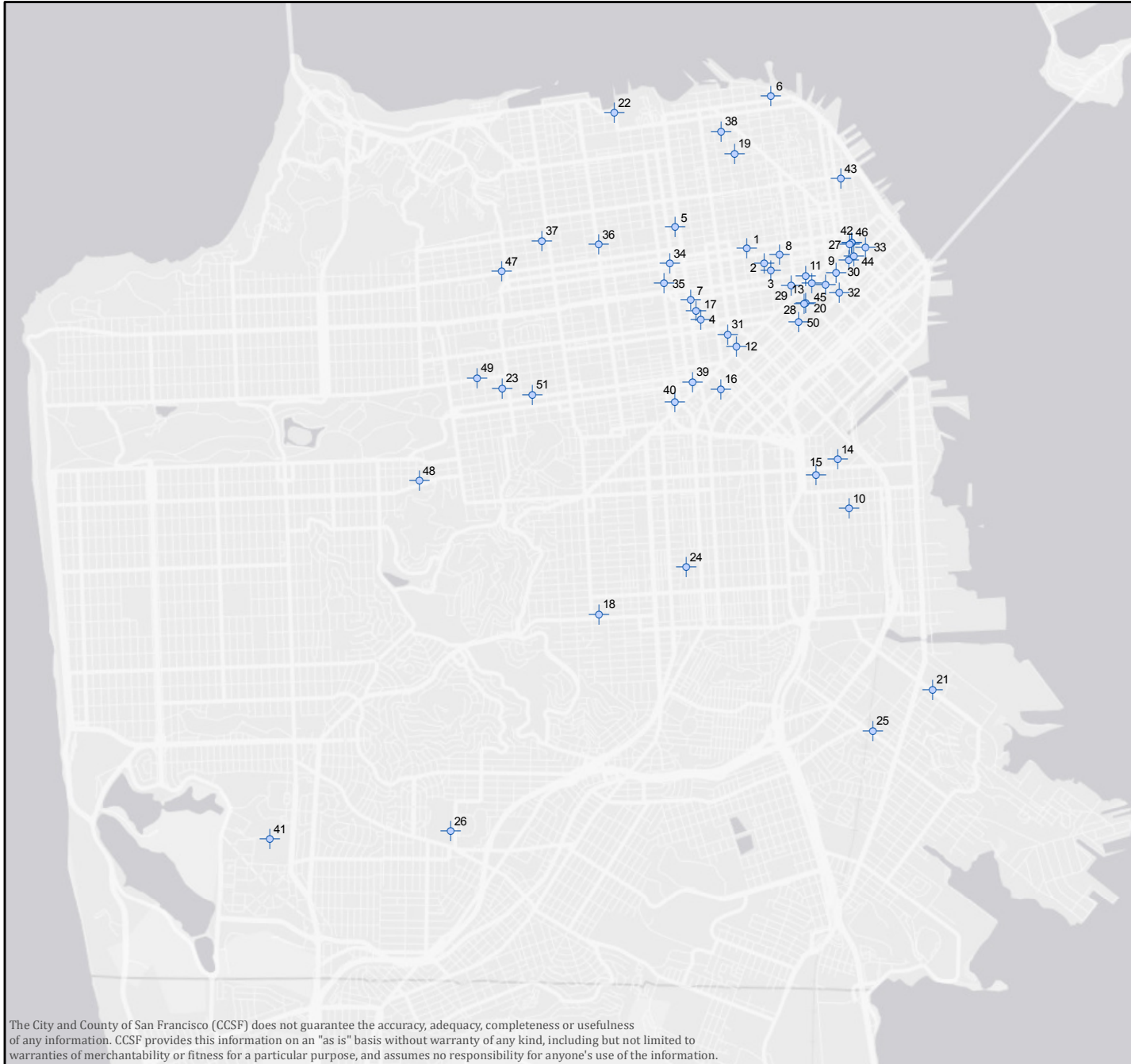
I see no factual basis for any restrictions on schools' leasing or purchasing SRO's. But if the Commission wants to address the issue, a far better solution would be to impose a conditional use requirement on purchases or leases by educational institutions. This would require Planning Commission approval for such leases or purchases, ensuring that long-term tenants were never put in jeopardy.

Thank you for your consideration.

Sincerely,

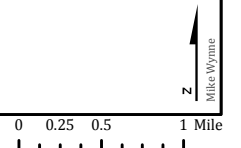
Randy Shaw
Executive Director

Post Secondary Schools



- 1 - AAU
- 2 - AAU
- 3 - AAU Liberal Arts
- 4 - AAU School of Fashion
- 5 - AAU School of Industrial Design
- 6 - AAU School of Interior Architecture
- 7 - Academy of Art
- 8 - Academy of Art College
- 9 - Academy of Art University
- 10 - American College of Traditional Chinese Medicine
- 11 - American Conservatory Theater
- 12 - Art Institute of California San Francisco
- 13 - Bryan College
- 14 - California College of the Arts
- 15 - California Culinary Academy
- 16 - California Institute of Integral Studies
- 17 - CCSF Alemany Campus Center
- 18 - CCSF Castro/Valencia Campus
- 19 - CCSF Chinatown/North Beach Campus
- 20 - CCSF Downtown Campus
- 21 - CCSF Evans Campus
- 22 - CCSF Ft Mason Center
- 23 - CCSF John Adams
- 24 - CCSF Mission Center
- 25 - CCSF Southeast Campus
- 26 - City College of San Francisco
- 27 - DeVry University
- 28 - Everest College
- 29 - Fashion institute of Design & Merchandising
- 30 - Golden Gate University
- 31 - Hastings College of the Law
- 32 - Heald Colleges of California
- 33 - Heald Colleges of California San Francisco
- 34 - Institute for Advanced Study of Human Sexuality
- 35 - Intercultural Institute of California
- 36 - Psychoanalytic Institute of Northern California
- 37 - Rudolf Steiner College
- 38 - San Francisco Art Institute
- 39 - San Francisco Conservatory of Music
- 40 - San Francisco Law School
- 41 - San Francisco State University
- 42 - San Francisco State University Downtown Center
- 43 - Saybrook University
- 44 - Sonoma College
- 45 - UC Berkeley Extension Art and Design Center
- 46 - UC Berkeley Extension Downtown Center
- 47 - UC Berkeley Extension Jewish Community Center
- 48 - University of California San Francisco
- 49 - University of San Francisco
- 50 - University of the Pacific Dugoni School of Dentistry
- 51 - Westmont College

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ADVANCED POLICY ANALYSIS

San Francisco's Single-Room Occupancy (SRO) Hotels: A Strategic Assessment of Residents and Their Human Service Needs

**A Study Conducted for the San Francisco
Human Services Agency (SF-HSA),
San Francisco, California**

by

Aimée Fribourg

SPRING 2009

The author conducted this study as part of the program of professional education at the Goldman School of Public Policy, University of California at Berkeley. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Goldman School of Public Policy, by the University of California or by any other agency.

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I would like to thank those individuals who contributed to this report by providing data and/or taking the time to speak with me: Rosemary Bosque, Jim Buick, Judy Chiang, Angela Chu, Jean Cooper, Tracy Dobronravova, September Jarrett, Deneen Jones, Jamie Lew, Janice Link, Maria Martinez, Mike McGinley, Teresa Ojeda, Johnson Ojo, Sam Patel, Alissa Pines, Michelle Rutherford, Luciana Tsay, Scott Walton, Hugh Wang, Cindy Ward, and Harry Williams.

I am also grateful to Larry Rosenthal and the members of my APA seminar for their feedback and encouragement throughout the semester.

Executive Summary

This report provides a profile of Single-Room Occupancy (SRO) hotel residents and their human service needs, drawing on caseload data from various city programs, key informant interviews, and administrative records reviews. Specifically, this study describes SRO residents through four distinct lenses: an overall “master profile”, seniors and adults with disabilities, children and families, and public service utilization.

The city of San Francisco is unable to meet residents’ demand for affordable housing. Many of the city’s most vulnerable populations, including families with children, seniors and adults with disabilities, and other public service recipients, are often at risk for homelessness. SROs account for a substantial portion of San Francisco’s affordable housing stock, as they provide housing for more low-income people than all the city’s public housing developments.

Most of San Francisco’s SRO hotels were built in the early decades of the 20th century. Most of these buildings have less than 40 units, and average monthly rents range from \$500 and \$600. These residential hotels are concentrated in four neighborhoods: the Tenderloin (208 buildings), Chinatown (145), South of Market (60), and Mission (50). While these neighborhoods differ across many dimensions, they all have lower median household incomes, higher proportions of residents in poverty, more racial and ethnic diversity, and higher unemployment rates than citywide measures.

An estimated 18,500 people live in the 530 buildings classified as SROs by the Planning Department. The city works closely with 46 of these hotels through the Human Service Agency (HSA)’s Single Adult Supportive Housing program, including Care Not Cash, and the Department of Public Health’s Direct Access to Housing program. Sixty-six are owned by non-profits. The remaining hotels represent opportunities for mutually beneficial partnerships between service providers and hotel owners.

I. Master Profile

The master profile is based on aggregated information from ten human service programs:

<ul style="list-style-type: none">• Adult Protective Services (APS)• California Work Opportunities and Responsibility to Kids (CalWORKS)• Cash Assistance Program for Immigrants (CAPI)• County Adult Assistance Programs (CAAP, or General Assistance)• Food Stamps	<ul style="list-style-type: none">• Foster Care• In-Home Supportive Services (IHSS)• Medi-Cal• Office on the Aging (OOA)• Supplemental Security Income (SSI)
--	--

These are all the programs for which Social Security Number was available, thus enabling the merging of caseload data into one master list of unduplicated individuals. While this dataset represents almost two-thirds of the estimated total number of SRO residents, it only includes those individuals connected with at least one of the ten above programs. People who receive other services or no services at all (e.g., those who are ineligible or not in need) are therefore

excluded. Nevertheless, this master profile is a good faith effort to capture as much information as possible about SRO residents. Key findings include:

- Most of the individuals in this dataset (57%) participate in only one of these ten programs.
- While males represent between two-thirds and three-fourths of SRO residents among African-Americans, Latinos, and Whites, they are the minority among Asian/Pacific Islanders (API) SRO residents.
- Close to half the individuals in the SRO resident master profile are API, just under one-fourth are White, and almost one-fifth are African-American.
- English is the primary language of more than half of these SRO residents; Chinese is the primary language of slightly over one-third.
- Younger SRO residents (under 18 years old) are mostly API and Latino. The API population also has the highest proportion of seniors living in SROs.

II. Seniors and Adults with Disabilities

The profile of seniors and adults with disabilities who live in SROs draws on caseload data from Adult Protective Services (APS), In-Home Supportive Services (IHSS),¹ Office On the Aging (OOA),² and Supplemental Security Income (SSI). Data and key informant interviews suggest that seniors and adults with disabilities who live in SROs are generally more socially isolated than their non-SRO-dwelling counterparts, and that they often need a broad range of comprehensive support services. Key findings include:

- Males account for the majority of SRO residents who receive SSI, IHSS, OOA, and APS services, while they represent minority of non-SRO program participants.
- In all four programs, SRO residents are significantly younger than non-SRO residents.
- With respect to ethnicity, almost half of all IHSS recipients in SROs are Asian/Pacific Islanders, while Whites make up over half of those with reports of abuse. Among SRO residents in all four programs, about one-fifth are African-American and a small percentage is Latino.
- SRO residents are generally less functionally limited than non-SRO residents, according to IHSS rankings.
- Compared to non-SRO residents who receive OOA services, SRO residents are more likely to be disabled or unemployed (as opposed to retired or employed), single or divorced (as opposed to married or widowed), and have veteran status.
- With respect to abuse, SRO residents involved with APS are more likely to be reported for “self-abuse”, while non-SRO residents are more likely to be reported for abuse by others.

¹ IHSS provides personal assistance services that allow low-income people with chronic and disabling conditions to remain in their homes.

² OOA contracts with community-based organizations to provide services for seniors and people with disabilities.

III. Children and Families

Findings about children and families who live in SROs are informed by individual-level data from the California Work Opportunities and Responsibility to Kids (CalWORKS), Child Welfare Services, First 5 San Francisco, and Subsidized Child Care; and neighborhood-level data from the Department of Public Health and the San Francisco Unified School District (SFUSD). SROs are generally far from ideal homes for children and families due to crowded conditions, lack of privacy, and often unsafe surroundings. Key findings include:

- Of the 910 SFUSD children living in SROs, over half are in Chinatown and close to one-third are in the Tenderloin.
- Over half of the SFUSD children who live in SROs are Chinese and almost one-fifth are Latino. The data suggest that many of these children are immigrants—over two-thirds of children living in SROs are in Chinatown and the Mission, and half of those in the Tenderloin, have English Language Learner status.
- With respect to public health services used by children who live in SROs, those in Chinatown’s SROs made the greatest number of primary health care visits in 2008 and those in the Tenderloin’s SROs account for the most Emergency Department and inpatient service visits. Children in those two neighborhoods also represent the bulk of mental health service clients among SRO residents.
- Children who live in SROs display a higher substantiation rate for child abuse reports than non-SRO residents, although the total number of child welfare referrals made for SRO residents decreased by about one-third between 2005 and 2008.

IV. Public Service Utilization

This profile uses individual-level data from the Food Stamps program, County Adult Assistance Programs (CAAP, or General Assistance), and Medi-Cal; and neighborhood-level data from the Department of Public Health. Key findings include:

- Among SRO residents, males make up just over half of Medi-Cal recipients, about two-thirds of Food Stamps recipients, and over three-fourths of CAAP beneficiaries.
- The mean and median ages for Medi-Cal, Food Stamps, and CAAP recipients who live in SROs range from 43 to 55 years.
- Ethnicity varies across programs. African-Americans and Whites each make up slightly over one-third of CAAP recipients who live in SROs; Food Stamps recipients who live in SROs are relatively evenly distributed among African-Americans, Asian/Pacific Islanders, and Whites; almost two-thirds of Medi-Cal recipients who live in SROs are Asian/Pacific Islanders.
- English is the primary language of the overwhelming majority of CAAP and Food Stamps recipients who live in SROs, while Chinese is the primary language of just over half of SRO residents with Medi-Cal.
- Among all SRO residents, those in the Tenderloin used the largest portion of medical, mental health, and substance abuse services in 2008.

Recommendations

1. Develop and use criteria to target specific SROs and populations of SRO residents for outreach.

The data suggest that many SRO residents may not be taking full advantage of services for which they are eligible. Moreover, many private SRO owners have a strong interest in addressing tenants' needs, especially when they interfere with hotel operations (e.g., mental illness, substance abuse, hoarding and cluttering, criminal activities).³ Potential criteria for targeted outreach include:

- a. Supplemental Security Income (SSI) recipients who do not receive In-Home Supportive Services (IHSS). This study found that, while all SSI recipients are income-eligible for IHSS and many would likely benefit from caretaker services, just under one-third of SSI recipients living in SROs also receive IHSS.
- b. SFUSD children with free/reduced lunch who do not receive Food Stamps. This study found that the number of children living in SROs who receive Food Stamps is less than half the number of children in SROs who receive free/reduced lunch. While some of these children may be ineligible (e.g., due to immigration status), those who do qualify would likely benefit from additional nutritional support.
- c. Concentrations of Personal Assisted Employment Services (PAES) recipients, especially in the Tenderloin. PAES recipients are employable adults, and SRO residents who receive PAES should be targeted by HSA's Boyd Hotel Workforce Development Center in the Tenderloin, which offers services for formerly homeless individuals living in supportive housing units.
- d. Concentrations of seniors and adults with disabilities, considering the Services Connection Program as a model. This program is a collaboration between DAAS, the San Francisco Housing Authority, resource centers, and community-based service providers.
- e. Concentrations of children and families. Target hotels with the greatest number of children and families for on-site services such as outreach for benefit screening, after-school activities, and exit strategies.

2. Preserve SROs as affordable housing stock in San Francisco.

While new construction may take years, San Francisco's SROs already house more low-income people than the city's public housing developments. Strategies such as master leasing can be mutually beneficial to owners, service providers, and residents. Owners benefit from a guaranteed income stream, service providers are able to offer on-site support and, according to the San Francisco Planning Department, "the transfer of residential hotels to effective non-profit housing organizations...ensure[s] permanent affordability, livability, and maintenance."⁴

3. Bring key stakeholders together to strategize about how to better serve low-income SRO residents.

Establishing partnerships that promote information-sharing between city departments,

³ Conversation with Sam Patel, president of the San Francisco Independent Hotel Owners and Operators Association, on 5/7/09.

⁴ San Francisco General Plan: Housing Element (2004)

community-based organizations, and hotel owners and residents will increase efficiency by fostering collaborative service delivery. For example:

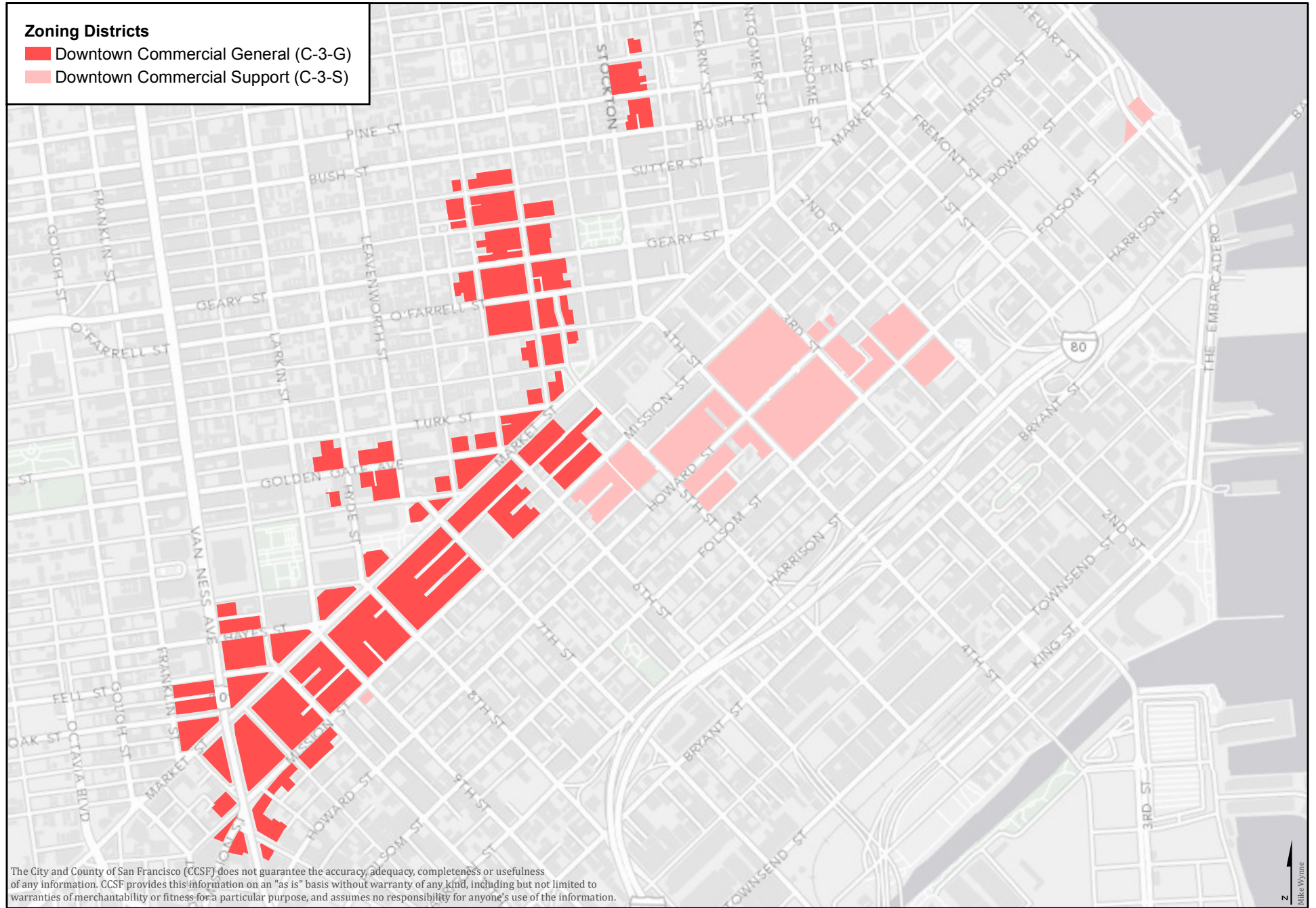
- a. San Francisco Police Department. While some private SRO owners already work closely with local police,⁵ formalizing these partnerships would grant owners more direct access to police services and allow police officers to better protect and serve the community.
- b. Human Services Agency (HSA) and community-based service providers. Establishing partnerships with human service providers would equip hotel owners with information about available services and more direct access to providers. Moreover, the HSA and community-based providers would have the opportunity to expand their client base.
- c. SRO Commission and/or Resident Councils. Creating a formal setting in which tenants may voice their concerns and communicate with hotel owners and property managers would help foster increased understanding and cooperation.

4. Monitor changes in the SRO resident profile over time.

San Francisco's SRO population is constantly shifting, and the HSA and other service providers should identify changing trends in SRO residents' demographics and human service needs. Monitoring changes in the SRO population will help ensure the provision of appropriate services based on clients' needs. This report may be used as a baseline against which to measure change.

⁵ Conversation with Sam Patel, president of the San Francisco Independent Hotel Owners and Operators Association, 5/7/09.

C-3 Zoning Districts

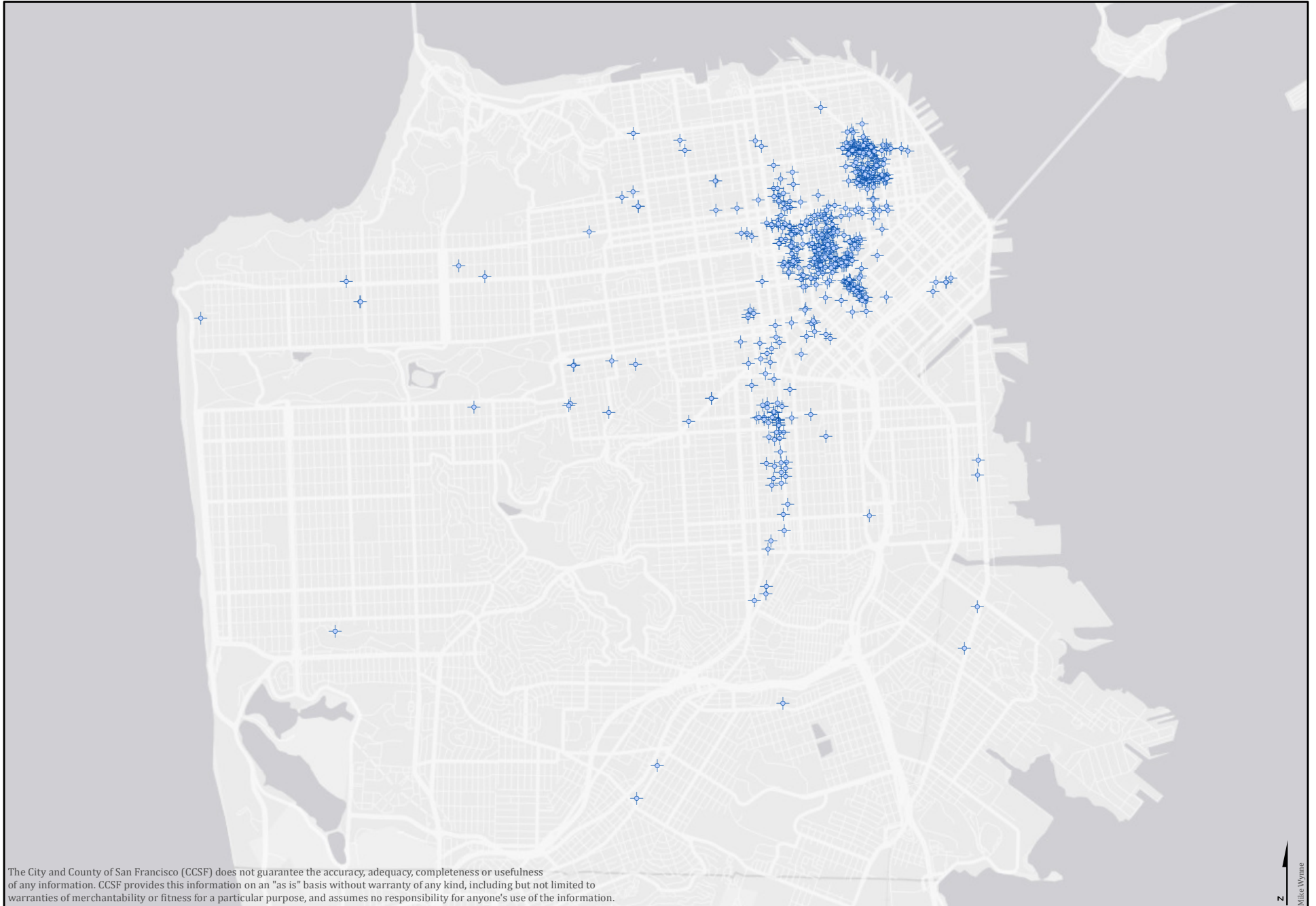


Residential Hotels

Source: DBI's 2010 Inventory



SAN FRANCISCO
PLANNING DEPARTMENT



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Printed: 7 May, 2012

0 0.25 0.5 1 Mile





SAN FRANCISCO PLANNING DEPARTMENT

Exhibit E: Review of Existing Planning Code Controls for Student Housing

The Way It Is Now:

The proposed Ordinance amends five existing Sections of the Planning Code (hereafter referred to as "Code"). Below is a concise summary of the pertinent components of the Sections proposed for amendment.

- There currently exist two relevant definitions in the Code:
 - **Student Housing in Eastern Neighborhood Mixed-Use Districts.** This definition, located in Planning Code Section 401, identifies Student Housing as a "building where 100 percent of the residential uses are affiliated with and operated by an accredited post-secondary educational institution. Typically, Student Housing is for rent, not for sale. This housing shall provide lodging or both meals and lodging, by prearrangement for one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use Districts." This definition only applies to a limited area of the City's zoning districts, and does not apply citywide.
 - **Qualified Student Housing.** This definition, also located in Planning Code Section 401, defines Qualified Student Housing as, "housing or Group Housing (measured either by units or beds) or accessory living space within a non-residential space, either owned by a Qualified Educational Institution or controlled by a Qualified Educational Institution through a long-term master lease for a period of at least 20 years in which at least thirty percent (30%) of such beds are occupied by Qualified Students. The Qualified Student Housing may be on the site of the Institution or at another location in the City and County of San Francisco." This definition relates to income level of the occupants and the ownership of the housing for the purposes of an exemption from the inclusionary housing fee, but does not define the form of Student Housing or where it is permitted.
- Code Section 317, which addresses the loss of dwelling units through demolition, merger, or conversion, does not specifically address the loss of residential dwellings through the conversion from housing to Student Housing.
- Code Section 135 outlines the requirements for usable open space for dwelling units and Group Housing. Section 135(d)(2) identifies a reduced requirement for usable open space for use by each bedroom in both Group Housing and SRO units, which is one-third that of required for a dwelling unit.
- Code Section 207.6 defines minimum dwelling unit mixes in certain zoning districts, in order to ensure an adequate supply of family sized units, which include at least two bedrooms. Section 207.6(b)(3) does not apply to buildings for which 100 percent of the uses are Group Housing, dwelling units which are provided at below market rates, Single Room Occupancy Units, or Student Housing pursuant to the existing definition located in Section 401 (which applies only to mixed-use districts within the Eastern Neighborhoods).

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- Code Section 312(c) defines the circumstances in Neighborhood Commercial (NC) districts in which changes of use require neighborhood notification. Currently, a change of use to Group Housing from any other use does not trigger neighborhood notice.



DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services

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MOST COMMON COMPLAINTS RECEIVED BY DBI FOR RESIDENTIAL HOTELS

(UPDATED NOVEMBER 7, 2011)

BEGINNING WITH THE MOST PREVALENT COMPLAINTS:

1. Public Bathrooms (out of order, lack of maintenance, not sanitary, insufficient number)
2. Bed bugs (DPH is the lead CCSF agency)
3. Other insect, vermin infestation
4. Mold & Mildew
5. Lack of proper heat/hot water (seasonal)
6. Leaking plumbing fixtures/roof
7. Lack of proper secondary means of egress (blocked hallway/fire escape, etc.)
8. Lack of sufficient garbage receptacles (or insufficient pick-up)
9. Garbage room/area poorly maintained
10. Broken/inoperative windows, lack of proper weather-stripping of windows
11. Lack of proper sanitation/maintenance in the common areas and guest rooms
12. Existing elevator in disrepair or out of order
13. Lack of proper building security
14. Poorly maintained community kitchen(s)
15. Electrical Service insufficient for appliances
16. Flooded/unsanitary light wells
17. Smoke Detectors/ fire extinguishers/ fire sprinklers missing/not operational
18. Lack of proper ventilation
19. Broken/missing handrails/guards
20. Excessive storage (hoarding & cluttering)
21. Construction/building alteration without proper permit
22. Illegal conversion without proper permit (including residential guest rooms under HCO)
23. Lack of required post office mail receptacles
24. Overcrowding in guest rooms
25. Lack of proper exit signage
26. Missing (135 degree) door viewers, or padlocks on guest room doors
27. Missing self closing devices for public bath room, community kitchen, and entry doors
28. Existing entry door- bell system inoperable
29. Lack of guest room identification numbers
30. Lack of proper artificial lighting in public corridors
31. Lack of on-site caretaker (only required for hotels of 12 or more guest rooms)

Note: The Information above is subject to change without notice and does not describe a San Francisco Housing Code violation per se which must be verified by site inspection.