



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary

### Condominium Conversion Subdivision

HEARING DATE: NOVEMBER 15, 2012  
CONSENT CALENDAR

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* November 8, 2012  
*Case No.:* **2012.1266Q**  
*Project Address:* **3559 – 3561 17<sup>th</sup> Street/ 28 Dolores Terrace**  
*Zoning:* RM-1 (Residential, Mixed, Low-Density)  
*Height/ Bulk* 40-X  
*Block/Lot:* 3578/069  
*Project Sponsor:* Brian de los Santos  
Goldstein, Gellman, Melbostad, Harris & McSparran  
1388 Sutter Street, Suite 1000  
San Francisco, CA 94109  
*Staff Contact:* Michael Smith – (415) 558.6322  
[michael.e.smith@sfgov.org](mailto:michael.e.smith@sfgov.org)  
*Recommendation:* **Approval**

#### PROJECT DESCRIPTION

The project proposes to convert five dwellings located in two separate buildings on the same lot into residential condominiums. No alterations to the building are proposed other than those that result from the Department of Building Inspection’s Physical Inspection Report. The Subdivision Code requires that the Planning Commission hold a public hearing to review condominium conversion subdivisions containing five to six residential units for consistency with the General Plan.

#### Residential Unit Description

Unit No.	Square-Feet	No. of Bedrooms
3559	750	1
3559A	750	1
3561	750	1
3561A	750	1
28	900	2

**Rental History:**

- Four of the five dwelling units are owner-occupied.
- There are no households with persons that are aged 62 or older or permanently disabled.

**Five-Year Rental History**

<b>Unit #</b>	<b>Duration</b>	<b>Occupant</b>	<b>Rent</b>	<b>Reason for Leaving</b>	<b>Purchaser</b>
3559	10/29/03-present	Kolin Ohi	O/O	n/a	Yes
3559	3/1/03–10/28/03	Kolin Ohi	\$1,150	Bought Unit	
3559A	10/29/03-present	Shawn Anderson	O/O	n/a	Yes
3559A	11/1/02-10/28/03	Shawn Anderson	\$1,150	Bought Unit	
3561	10/29/03-present	Kevin Bill	O/O	n/a	Yes
3561	7/1/96-10/28/03	Kevin Bill	\$910	Bought Unit	
3561A	10/29/03-present	Sam Phillips	O/O	Sold	Yes
3561A	2/1/02-10/28/03	Sam Phillips	\$1,150	Bought Unit	
28	5/1/12-present	Julie Sutherland/ Amy Whalen	\$1,875	n/a	No
28	5/1/06-5/1/12	Julie Sutherland/Nachelle Valdez	\$1,875	Roommate split	
28	2/1/03-1/2/06	Julie Sutherland	\$1,875	Got Roommate	

**SITE DESCRIPTION AND PRESENT USE**

The project site is located at 3559 – 3561 17<sup>th</sup> Street and 28 Dolores Terrace on the south side of 17<sup>th</sup> Street between Dolores and Guerrero Streets on Assessor’s Block 3578, Lot 069. The project site is located within a RM-1 (Residential, Mixed, Low-Density) Zoning District, 40-X Height and Bulk District, and is approximately 2,500 square feet in size (25 feet wide by 100 feet deep). The property is a through lot that is developed with two separate buildings. 3559 – 3561 17<sup>th</sup> Street is on the northern portion of the lot and contains four dwellings. 28 Dolores Terrace is located on the southern portion of the lot and contains one dwelling.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located in the Mission Dolores neighborhood. The surrounding development consists mainly of multi-unit buildings and the scale of development in the area consists of three- to four-story structures. Many of the properties on the subject block are through lots containing two buildings that front on different streets.

The property immediately adjacent to the east at 3555 – 3557 17<sup>th</sup> Street is a two-story over garage building containing four residential units. The property immediately adjacent to the west at 3563 – 3565 17<sup>th</sup> Street Avenue is a two-story over garage building containing four residential units.

## **ENVIRONMENTAL REVIEW STATUS**

The project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

## **HEARING NOTIFICATION REQUIREMENTS**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Posted Notice	10 days	November 5, 2012	November 2, 2012	13 days
Mailed Notice	10 days	November 5, 2012	November 2, 2012	13 days

## **PUBLIC COMMENT**

- The Department received one letter from a neighbor in support of the project.

## **ISSUES AND OTHER CONSIDERATIONS**

- The Subdivision Code requires that the Planning Commission hold a public hearing to review condominium conversion subdivisions containing five to six units, where at least one unit is residential, for consistency with the General Plan. Similar projects with four or fewer units are approved administratively. This provision requiring Planning Commission review for larger projects may be a residual of former rent control regulations.

## **REQUIRED COMMISSION ACTION**

The proposed project requires Planning Commission approval under Section 3.527 of the Charter and Sections 1332 and 1381 of the Subdivision Code to allow the condominium conversion subdivision of five to six residential unit buildings. Findings must be made that the proposal is consistent with the General Plan and the Subdivision Code.

**BASIS FOR RECOMMENDATION**

- The proposed project is consistent with the Housing Element of the General Plan in that the existing supply of housing will be maintained, the condo subdivision application is subject to the restrictions of the Subdivision Code, and the subdivision will allow for home ownership opportunities for San Francisco residents.
- The eight priority planning policies set forth by City Planning Code Section 101.1 are being met.
- The project meets the requirements for condominium conversions under the California State Map Act and the San Francisco Subdivision Code.

<b>RECOMMENDATION:</b> <b>Approval</b>
----------------------------------------

**Attachments:**

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photograph
- Site Photograph

## Exhibit Checklist

- |                                                         |                                                           |
|---------------------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Executive Summary   | <input type="checkbox"/> Project sponsor submittal        |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                      |
| <input type="checkbox"/> Environmental Determination    | <input type="checkbox"/> Check for legibility             |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>                         |
| <input type="checkbox"/> Height & Bulk Map              | <input type="checkbox"/> Check for legibility             |
| <input checked="" type="checkbox"/> Block Book Map      | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report                        |
| <input checked="" type="checkbox"/> Aerial Photos       | <input type="checkbox"/> Community Meeting Notice         |
| <input type="checkbox"/> Context Photo                  | <input type="checkbox"/> Public Correspondence            |
| <input checked="" type="checkbox"/> Site Photo          |                                                           |

Exhibits above marked with an "X" are included in this packet

MES  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

- |                                                                  |                                                            |
|------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

HEARING DATE: NOVEMBER 15, 2012

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*Case No.:* **2012.1266Q**  
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[michael.e.smith@sfgov.org](mailto:michael.e.smith@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE REVIEW FOR CONSISTENCY WITH THE GENERAL PLAN TO ALLOW A CONDOMINIUM CONVERSION SUBDIVISION OF FIVE DWELLINGS LOCATED IN TWO SEPARATE BUILDINGS ON THE SAME LOT INTO RESIDENTIAL CONDOMINIUMS WITHIN A RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On July 9, 2012, Brian de los Santos of Goldstein, Gellman, Melbostad, Harris & McSparran (hereinafter “Project Sponsor”) filed an application with the Department of Public Works, Bureau of Street Use and Mapping for Planning Department review to allow the Condominium Conversion Subdivision of five dwellings located in two separate buildings on the same lot into residential condominiums within a RM-1 (Residential, Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District. The subject buildings are considered legal uses as the Reports of Residential Building Record indicates that the legal authorized occupancy and use of the building are four-family dwelling and single-family dwelling respectively.

On November 15, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Condominium Conversion Subdivision Application No. 2012.1266Q.

Section 1396, Article 9 of the Subdivision Code of the City and County of San Francisco sets forth the following rules and regulations for condominium conversions:

- A. A maximum of two-hundred (200) units may be converted to condominium units annually. An exception is provided for two-unit buildings where both units are owner-occupied for one year or one unit is owner occupied for three years.
- B. The following categories of buildings may be converted to condominiums:
  - i. Buildings consisting of four units or less in which at least one of the units has been occupied continuously by one of the owners of record for three years prior to the date of registration for the lottery as selected by the Director of Public Works.
  - ii. Buildings consisting of six units or less in which at least 50 percent of the units have been occupied continuously by one of the owners of record for three years prior to the date of registration for the lottery as selected by the Director of Public Works.

The Subdivision Code requires that the Planning Commission hold a public hearing to review condominium conversion subdivisions containing five to six units for consistency with the General Plan where at least one unit is residential. The Code calls for a sales program which promotes affirmative action in housing, a non-transferable tenant right of first-refusal to purchase the unit occupied by the tenant and various relocation requirements, including the right to a \$1,000 relocation payment.

The Subdivision Code further provides for a lifetime lease for all tenants aged 62 years or older and/or are permanently disabled, and requires that no less than 40 percent of the tenants either have signed Intent to Purchase forms or be in a position of accepting such a lifetime lease. The Code prohibits any increase in rents while the conversion application is pending before the City.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

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.

**MOVED**, that the Commission hereby approves the Condominium Conversion Subdivision requested in Application No. 2012.1266Q based on the following findings:

## **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 above recitals are accurate and constitute findings of this Commission.

2. The applicant requests Planning Department review of a Condominium Conversion Subdivision Application to allow for the conversion of five dwellings in two separate buildings on the same lot.
3. As required by Section 1396 of the San Francisco Subdivision Code, 50 percent or more of the units have been owner occupied continuously by one or more of the owners of record for three years prior to the date of registration for the lottery as selected by the Director of Public Works.
4. Tenants in the subject building were notified of their right-of-first refusal to purchase the unit they occupy, as required by the Subdivision Code, and of other rights to which they are entitled under provisions of the same Code.
5. A search of the Rent Board database did not show any tenant petitions or eviction notices filed with the Rent Board in the last 5 years.
6. On balance, the Project is consistent with the Objectives and Policies of the General Plan, as follows:

## 2009 HOUSING ELEMENT

### Objectives and Policies

#### OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

#### Policy 3.1:

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

*This application was selected through the condominium conversion subdivision lottery, which sets an annual limit on condominium conversions. Conversion of the subject property would allow for home ownership opportunities for San Francisco residents.*

7. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal would have no adverse effect upon existing neighborhood-serving retail uses as it is a change in form of residential tenure.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposal is a change in form of residential tenure and would not alter the existing housing and neighborhood character of the vicinity.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*No housing would be removed for this project.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The proposal is a change in form of residential tenure and would not affect public transit or neighborhood parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The proposal is a change in form of residential tenure and would not involve the industrial or service sectors of the City.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposal is subject to inspection by the Department of Building Inspection and will be required to make any code required repairs, including those related to life safety issues, prior to the recordation of the final condominium subdivision map.*

- G. That landmarks and historic buildings be preserved.

*The proposal is a change in form of residential tenure and would not affect landmarks or historic buildings*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The proposal is a change in form of residential tenure and would not affect public parks or open space.*

8. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

9. The Commission hereby finds that approval of the Condominium Conversion Subdivision would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Condominium Conversion Subdivision Application No. 2012.1266Q.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 15, 2012.

Jonas Ionin  
Acting Commission Secretary

AYES:

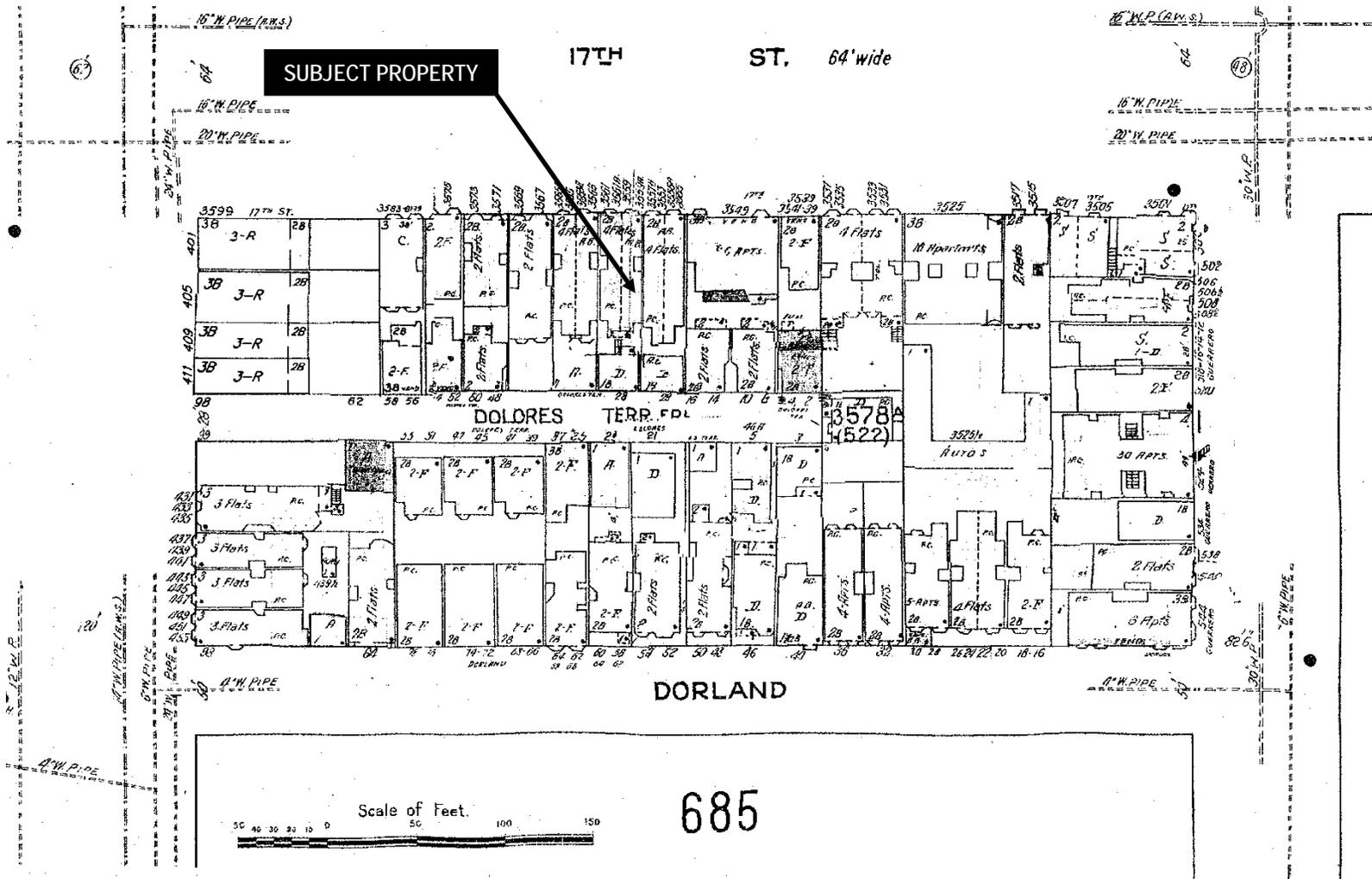
NAYS:

ABSENT:

ADOPTED: November 15, 2012



# Sanborn Map\*

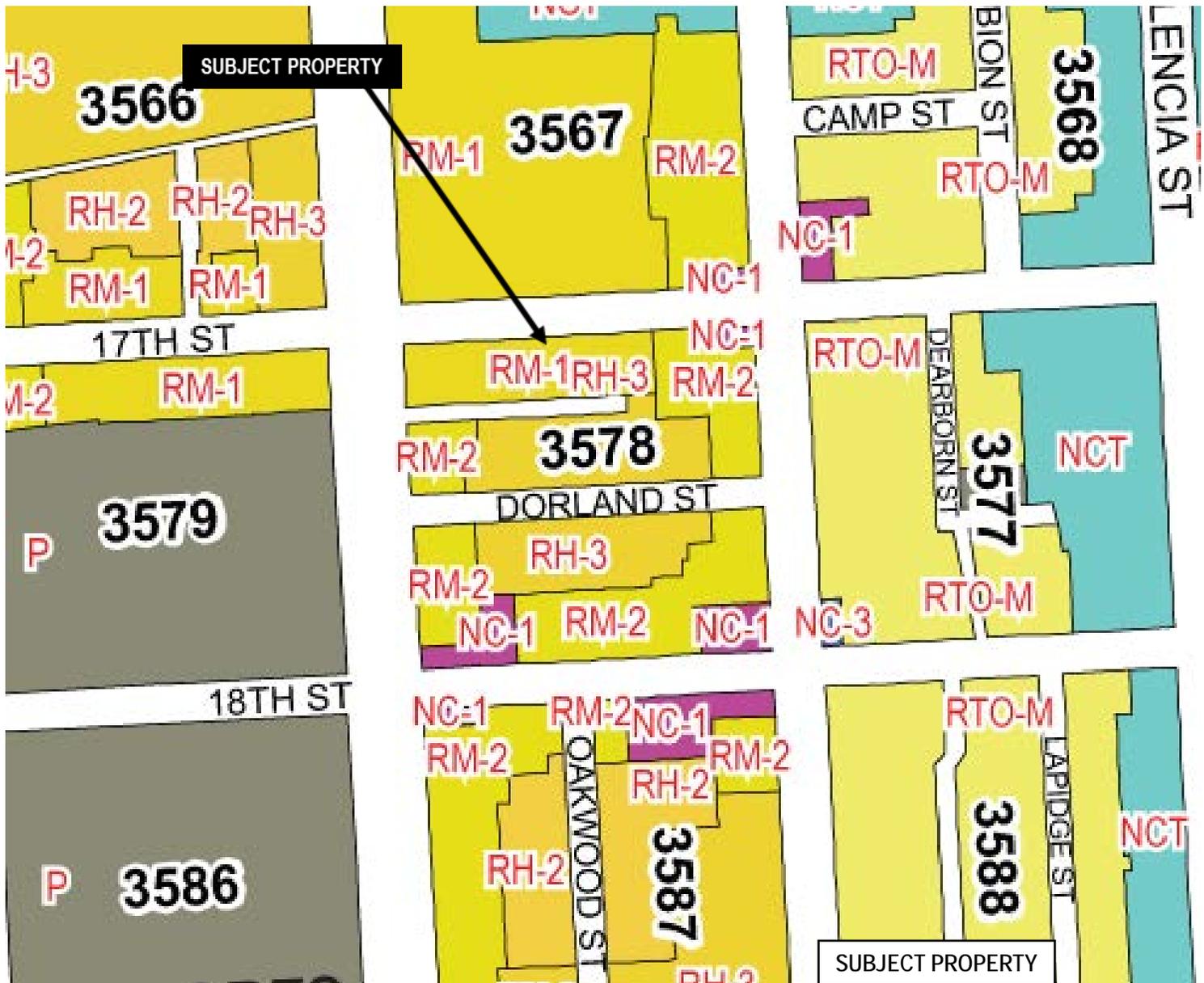


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



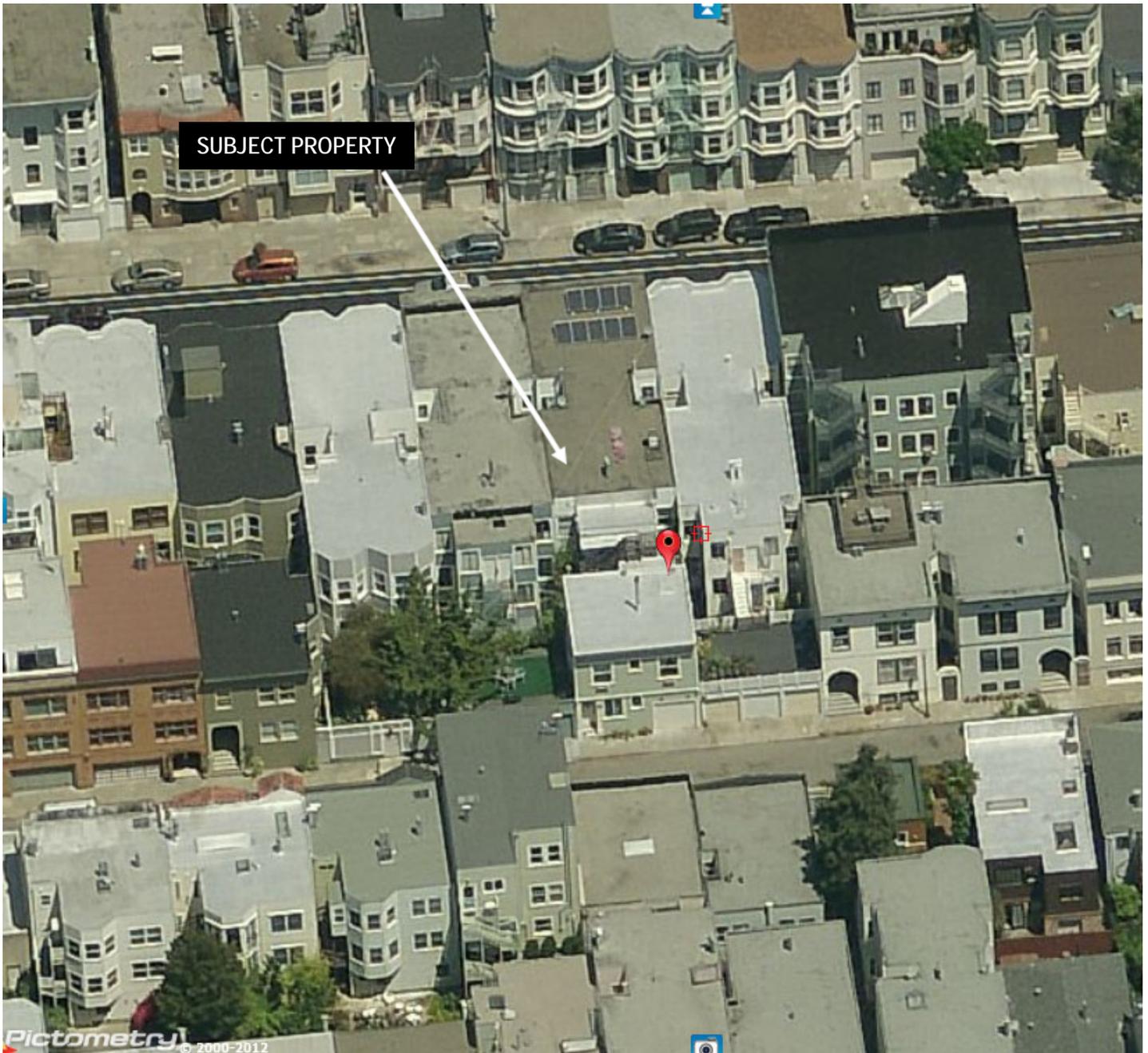
Commission Hearing  
 Case Number 2012.1266Q  
 3559-3561 17th Street/ 28 Dolores Terrace

# Zoning Map



Commission Hearing  
 Case Number 2012.1266Q  
 3559-3561 17<sup>th</sup> Street/ 28 Dolores Terrace

# Aerial Photo



Commission Hearing  
Case Number 2012.1266Q  
3559-3561 17<sup>th</sup> Street/ 28 Dolores Terrace

# Aerial Photo



SUBJECT PROPERTY

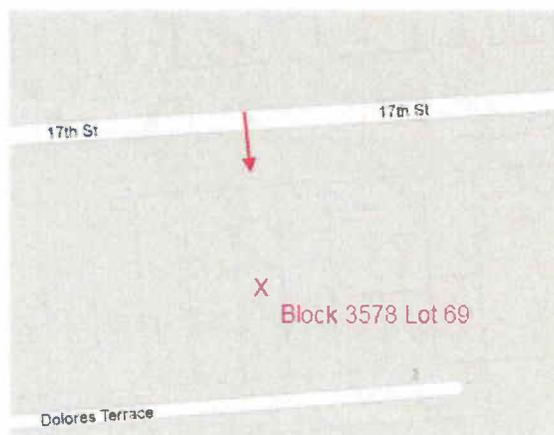


Commission Hearing  
Case Number 2012.1266Q  
3559-3561 17<sup>th</sup> Street/ 28 Dolores Terrace

From 17<sup>th</sup> Street:



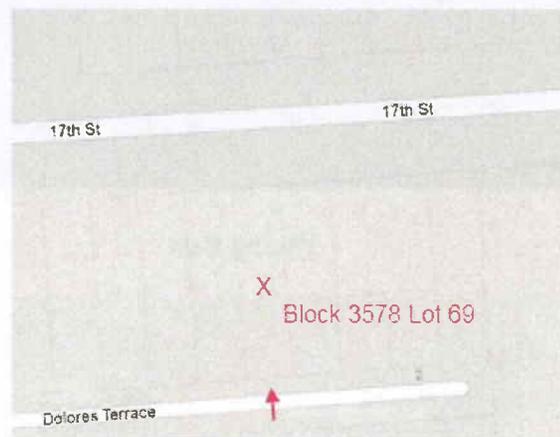
Facing South



From Dolores Terrace:



Facing North



*Note: narrow width of street makes a full, "facing north" picture difficult*