



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0252

HEARING DATE: JANUARY 19, 2012

Date: February 1, 2012
Case No.: 2011.0674D
Project Address: 19-21 CHILD STREET
Permit Application: 2011.0822.2940
Zoning: RH-3 (Residential, House, Three-Family)
40-X Height and Bulk District
Block/Lot: 0078/037
Project Sponsor: Anne Fung & Jeffrey Sternberg
19-21 Child Street
San Francisco, CA 94133
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ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0674D AND APPROVING WITH A NOTICE OF SPECIAL RESTRICTIONS FOR BUILDING PERMIT 2011.0822.2940 PROPOSING THE MERGER OF TWO EXISTING DWELLING UNITS INTO ONE DWELLING UNIT WITHIN THE RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 22, 2011, Anne Fung & Jeffery Sternberg in care of Melinda Sarjapur of Reuben & Junius, LLP (Property Owners), filed for Building Permit Application No. 2011.0822.2940 proposing to merge existing dwelling units that would reduce the total number of dwelling units found in the subject residential structure from two to one in the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

On June 29, 2011, the Property Owners filed an application with the Planning Department (hereinafter "Department") for Mandatory Discretionary Review (2011.0674D) of a dwelling unit merger pursuant to Planning Code Section 317.

The project is categorically exempt from the environmental review process under Section 15061(b)(3) of the State CEQA Guidelines, pursuant to Title 14 of the California Administrative Code as a Class 1 Categorical Exemption.

On January 19, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2011.0674D.

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.

ACTION

The Commission hereby takes Discretionary Review and approves Building Permit Application 2011.0822.2940 subject to the following conditions:

1. The property owners shall record a Notice of Special Restrictions (NSR) prior to the approval of Building Permit Application No. 2011.0822.2940 by the Planning Department with the requirement that prior to entering into any contract for the sale of the property, the Property Owners shall file the necessary building permit application to return the property to a two-unit building. The City Attorney's Office shall review and approve the final form of the NSR before the NSR document is recorded.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

1. The Commission recognized the public testimony in favor of the project, as well as the opportunity for a multi-generational living arrangement that the Property Owners intend to pursue in the structure. Also, recognizing that both existing units are family-size units, the Commission required the aforementioned NSR to return the dwelling units to their respective configurations once the Property Owners enter into a contract for the sale of the property.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department after the NSR is reviewed and approved by the City Attorney's Office and the NSR is recorded by the Property Owners.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit as referenced in this action memo on January 19, 2012.

Linda D. Avery
Commission Secretary

AYES: Miguel, Borden, Fong, Moore

NAYS: Antonini

ABSENT: Sugaya

ADOPTED: January 19, 2012