



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code 83)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18529

HEARING DATE: FEBRUARY 2, 2012

Date: January 26, 2011
Case No.: **2011.0679Q**
Project Address: **1120-1130 Kearny Street**
Zoning: RH-3 (Residential, House, Three-Family)
 40-X Height and Bulk District
Block/Lot: 0144/022
Project Sponsor: Cam Perridge of
 Sirkin and Associates
 388 Market Street, Suite 1300
 San Francisco, CA 94111
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ADOPTING FINDINGS RELATING TO THE REVIEW FOR CONSISTENCY WITH THE GENERAL PLAN OF A SIX-UNIT RESIDENTIAL CONDOMINIUM CONVERSION LOCATED AT 1120-1130 KEARNY STREET WITHIN THE RM-2 (RESIDENTIAL, MIXED, MODERATE DENSITY) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 18, 2011, Cam Perridge of Sirkin and Associates (hereinafter "Project Sponsor") filed an application with the Department of Public Works, Bureau of Street Use and Mapping for Planning Department (hereinafter "Department") review to allow the Condominium Conversion Subdivision of a six-unit residential building (hereinafter "Project") within the RM-2 (Residential, Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District.

On February 2, 2012, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Condominium Conversion Subdivision Application No. 2011.0679Q, at which time the Commission reviewed and discussed the findings prepared for their review by the staff of the Department.

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 residential units for consistency with the General Plan. 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 relocation payment.

The 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 categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 (Class 1, Existing Structures).

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

MOVED, that the Commission hereby approves the Condominium Conversion Subdivision as requested in Application No. 2011.0679Q.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. The applicant requests Planning Department review of a Condominium Conversion Subdivision Application to allow for the conversion of a six-unit residential building.
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

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.

POLICY 3.3:

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

The condominium conversion subdivision lottery sets an annual limit on condominium conversions for conversion-eligible buildings as set forth in Article 9 of the Subdivision Code. Rent-controlled units are not eligible for the condominium lottery. Conversions of condominium conversion-eligible buildings allow for home ownership opportunities for San Francisco residents.

7. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires a review for consistency with said policies prior to taking any action that requires a finding of consistency with the General Plan. Review of the relevant priority planning policies yielded the following determinations:
 - 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 Project would have no adverse effect on 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 Project 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 such housing would be affected by the Project.

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

The Project simply represents a change in form of residential tenure and does 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 Project represents a change in the form of residential tenure and do not affect 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 Project is subject to inspection by the Department of Building Inspection. Prior to recordation of the final condominium subdivision map, any Building Code-required repairs, inclusive of those related to life safety issues, must be completed.

- G. That landmarks and historic buildings be preserved.

The Project represents a change in the form of residential tenure and does not propose any alterations that would affect the potential historic building.

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

The Project represents a change in the form of residential tenure and do not affect public parks or open space.

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. 2011.0679Q.**

EFFECTIVE DATE OF MOTION: The effective date of Motion No. 18529 shall be the date of this Motion.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 2, 2012.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Fong, Moore, Sugaya

NAYS:

ABSENT:

ADOPTED: February 2, 2012