



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Dwelling Unit Merger

HEARING DATE JUNE 23, 2011

Date: June 16, 2011
Case No.: **2011.0364 D**
Project Address: **1333 JONES STREET**
Permit Application: **2011.0330.3104**
Zoning: RM-4 (Residential Mixed High Density District)
65-A Height and Bulk District
Block/Lot: 0215C/036 & 037
Project Sponsor: Kim Albanese
Muratore Corp.
2525 Phelps Street
San Francisco, CA 94124
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Do Not Take Discretionary Review and Approve the Application**

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PROJECT DESCRIPTION

The proposal is to construct a door between two owner occupied dwelling units on the seventh floor in a 14-story residential condominium building (The Comstock Building). The project would not completely demolish the common wall between the two units and each unit would maintain a kitchen. The intent of the request is to allow convenient joint use of the units by the owners and their family. The project would not amend the condominium documents for the building nor alter the tax assessment of the property. The matter is before the Planning Commission because such joint use of two units and the construction of a connecting door is considered a dwelling unit merger under the provisions of Planning Code Section 317.

SITE DESCRIPTION AND PRESENT USE

The subject dwelling units represent two of ten dwelling units on the seventh floor of an approximately 14-story residential condominium building. The two units are used jointly by the owners, their adult children, and their families.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The neighborhood surrounding the subject property is moderate to high density residential with a mix of one to 120 dwelling units per parcel. The subject building is among the largest and most densely developed on the block. The project will not alter the exterior of the subject building.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	June 13, 2011	June 13, 2011	10 days
Mailed Notice	10 days	June 13, 2011	June 13, 2011	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			X
Other neighbors on the block or directly across the street			X
Neighborhood groups			X

The Department has not received any comment from the public regarding this case.

PROJECT ANALYSIS

DWELLING UNIT MERGER CRITERIA

Below are the five criteria to be considered by the Planning Commission in evaluating dwelling unit mergers, per Planning Code Section 317:

1. Removal of the unit(s) would only eliminate owner occupied housing.

Project Meets Criteria

Both units are now and will remain occupied on a full-time basis by the owners and their family.

2. Removal of the unit(s) and the merger with another is intended for owner occupancy.

Project Meets Criteria

The units are and will continue to be owner occupied on a full time basis. The intent of the request is to allow convenient joint use of the units by the owners and their family. The owners currently occupy both of the units. They live in one unit and their adult children and families occupy the other unit on a rotating basis. Opening a door in the common wall will allow the residents to use each unit independently while allowing them to move between the two spaces internally without leaving the units to use the common hallway.

3. Removal of the unit(s) will bring the building closer into conformance with the prevailing density in its immediate area and the same zoning.

Project Does Not Meet Criteria

The subject building is in an RM-4, Residential Mixed High Density District, zoning district that allows one dwelling unit per 200 square feet of lot area. The subject lot is 33,000 square feet in area with a maximum density of 165 units. The existing building has 129 dwelling units. Other buildings in the

vicinity are generally within the density limits for their respective zoning districts. The proposed merger does not make the building more conforming with the prevailing density in the immediate area.

4. Removal of the unit(s) will bring the building closer into conformance with prescribed zoning.

Project Does Not Meets Criteria

The subject building is in an RM-4, Residential Mixed High Density District, zoning district that allows one dwelling unit per 200 square feet of lot area. The subject lot is 33,000 square feet in area with a maximum density of 165 units. The existing building has 129 dwelling units. The proposed merger does not make the building more conforming with the density limits of the Planning Code.

5. Removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

Project Does Not Meet Criteria

The building was designed as a residential apartment building with 10 dwelling units on each floor. The proposed merger would alter that pattern.

GENERAL PLAN COMPLIANCE:

The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

TO AVOID OR MITIGATE HARDSHIP IMPOSED BY DISPLACEMENT.

Policy 1.1:

Minimize relocation hardship and displacement caused by the demolition or conversion of housing.

The proposal will merge two dwelling units on the seventh floor of a residential condominium building. Both units are now and will remain occupied on a full-time basis by the owners and their family. No tenants have been displaced because of the proposed merger.

SECTION 101.1 PRIORITY POLICIES

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:

1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The proposal would merge two apartments on the seventh floor of a residential condominium building. No neighborhood commercial uses are present in the building and none will be affected by the proposed unit merger.

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

The proposal will eliminate a dwelling unit but will not affect the character of the neighborhood. The merger is entirely internal within a larger residential condominium building and will not be noticeable outside of the subject units.

3. That the City's supply of affordable housing be preserved and enhanced.

The units proposed to be merged are not affordable housing and renovation and merger of the units will not affect housing affordability in the City.

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

No additional occupants will result from the merger thus; it will not effect MUNI operations or parking.

5. 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 subject property is within a residential zone district as are all nearby properties. No area property is used or zoned for industrial use. The proposed merger will not affect the industrial or service sectors.

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The project involves construction of a door in a common wall and will not affect the ability of the building to withstand an earthquake.

7. Landmarks and historic buildings be preserved.

The project will not alter the exterior of the building and thus would have no effect on any historic or architectural significance of the building.

8. Parks and open space and their access to sunlight and vistas be protected from development.

The project is internal to an existing residential condominium building, will not alter the exterior of the building, and would thus have no impact on sunlight to, or vistas from, any public park or open space.

ENVIRONMENTAL REVIEW

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.

BASIS FOR RECOMMENDATION

- The condominium map for the property would not be altered because of this action.
- The property owners or any other party would not cause the assessment for the property to be changed from two residential units.
- The changes to the unit would be limited to construction of a door between the two units to allow joint use and both existing kitchens will be maintained.
- The joint use of the units could be abandoned and the dividing common wall restored if either or both of the units are sold outside the current family of ownership.
- Both units are now and will remain occupied on a full-time basis by the owner and her family.

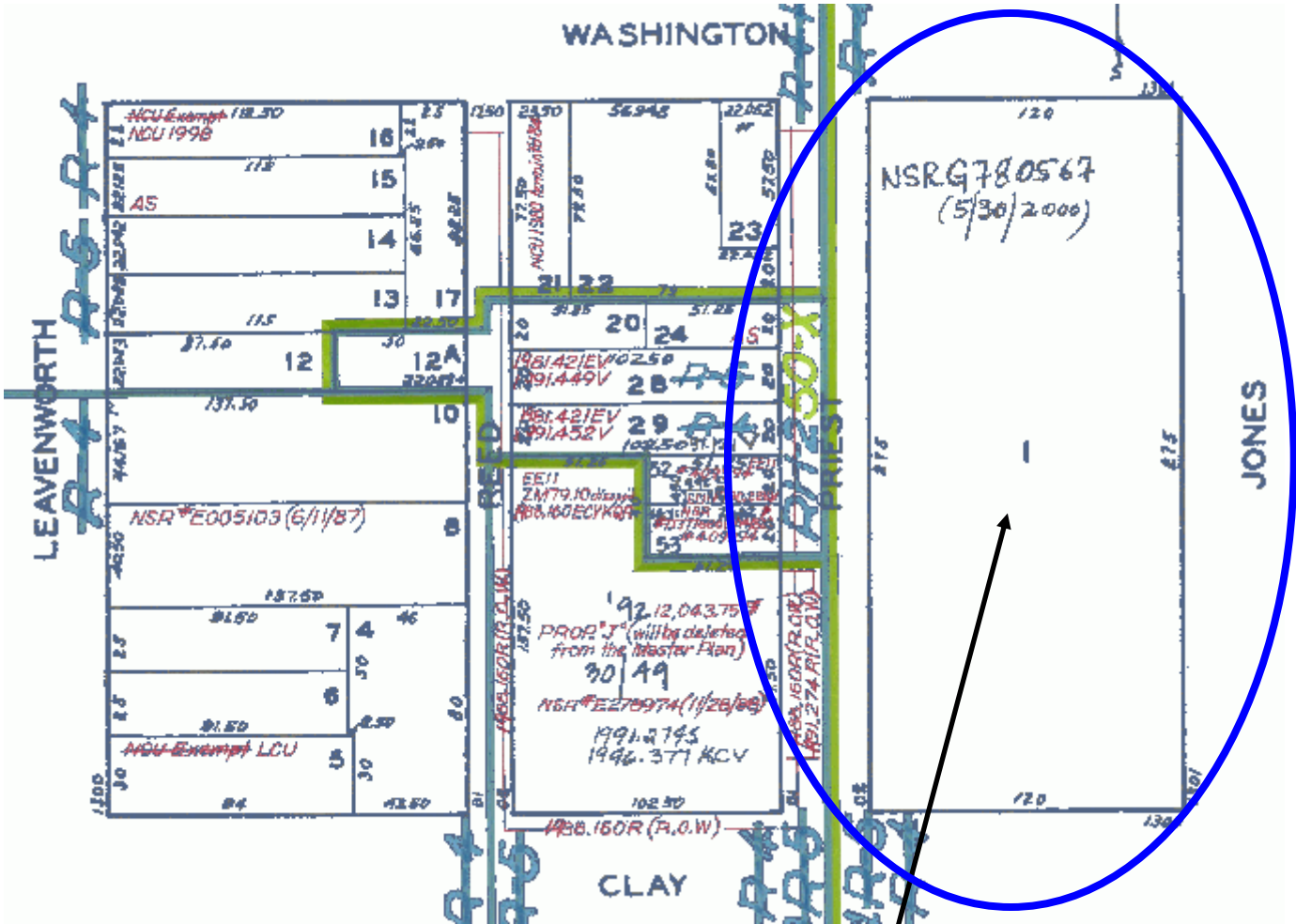
RECOMMENDATION: Do Not Take Discretionary Review and Approve the Application
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Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Section 311 Notice
Reduced Plans

RC: G:\DOCUMENTS\NE Cases\1333 Jones DUM 11\0364d rpt.doc

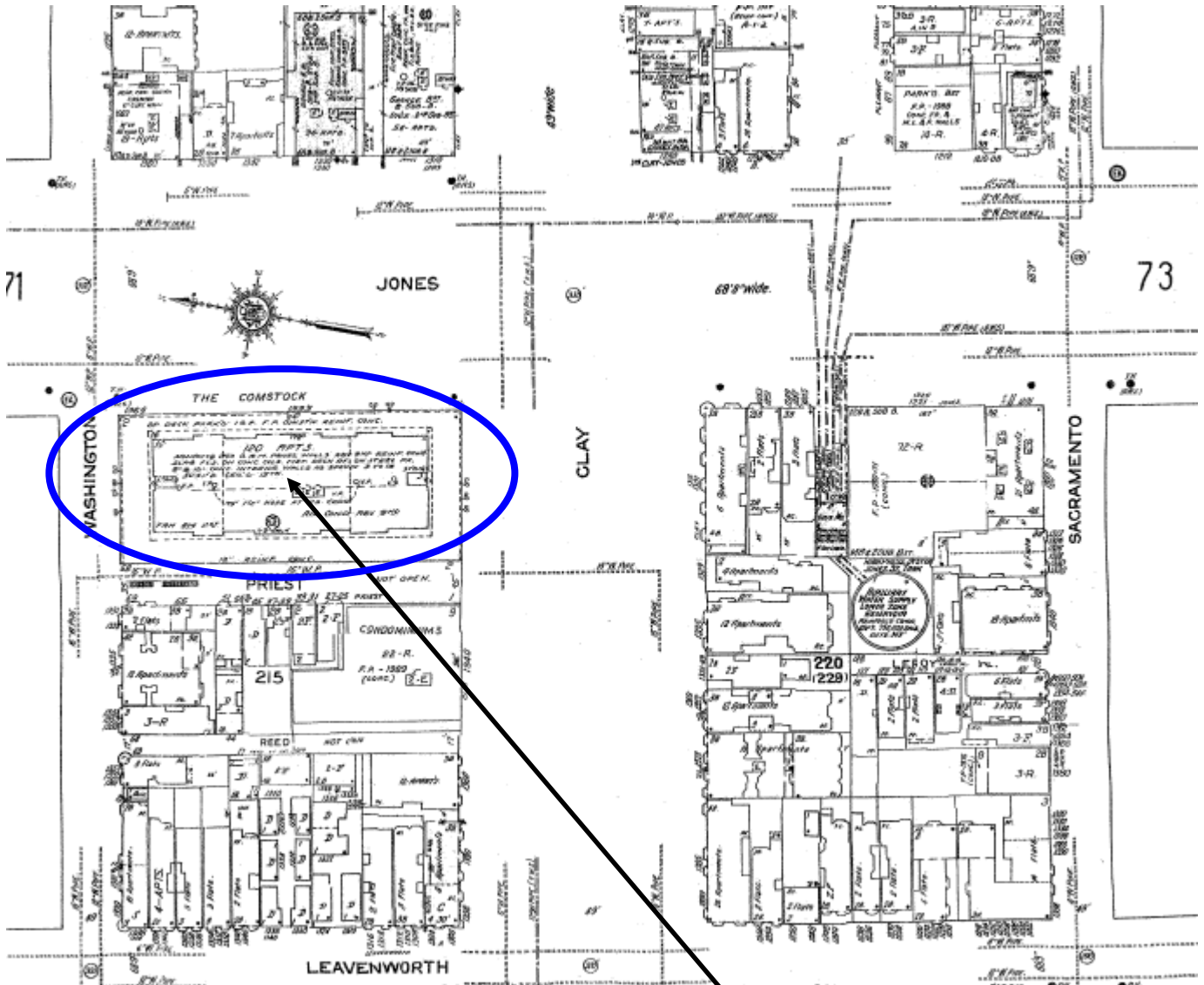
Parcel Map



SUBJECT PROPERTY

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Sanborn Map*



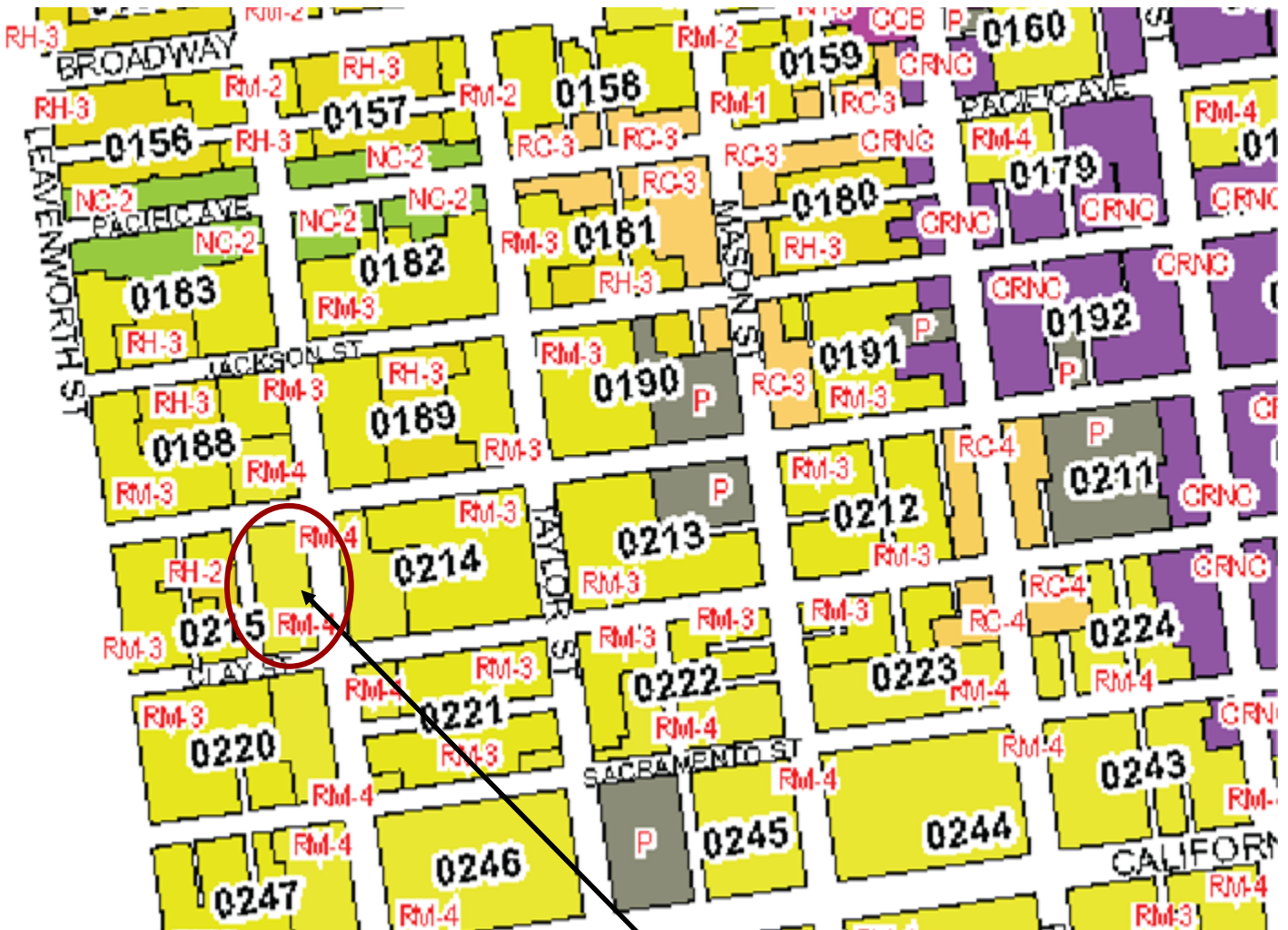
SUBJECT PROPERTY



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

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Zoning Map



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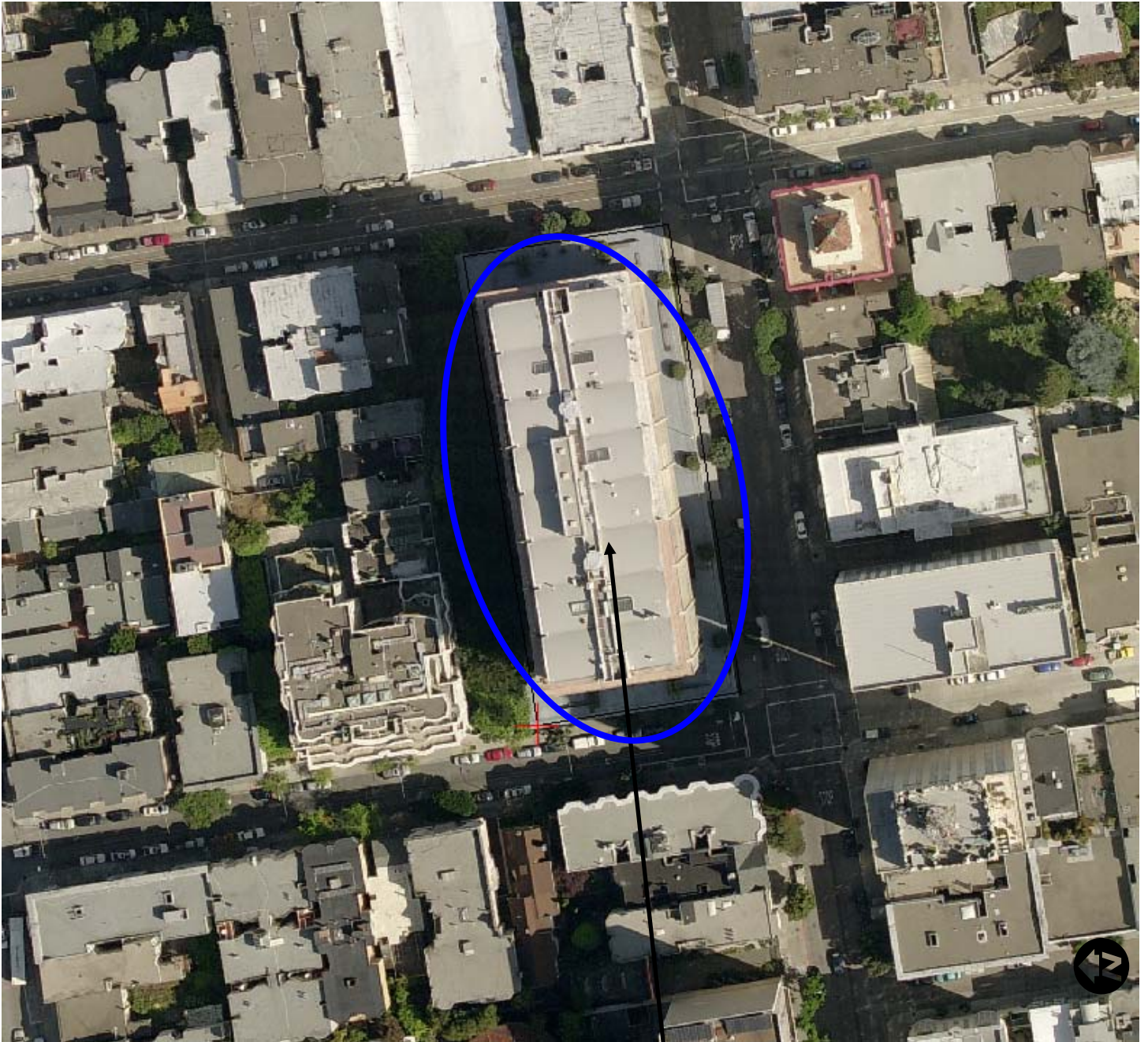


ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS					
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	
RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS					
RM-1	RM-2	RM-3	RM-4		
NEIGHBORHOOD COMMERCIAL DISTRICTS					
NC-1	NC-2	NC-3	NCD	NC-S	
SOUTH OF MARKET MIXED USE DISTRICTS					
SPD	RED	RSD	SLR	SLI	SSO
COMMERCIAL DISTRICTS					
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-OISD
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			

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Aerial Photo



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Site Photo



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Context Photo



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