



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Condominium Conversion

HEARING DATE: FEBRUARY 2, 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: January 26, 2012
Case No.: **2011.0679Q**
Project Address: **1120-1130 Kearny Street**
Zoning: RM-2 (Residential, Mixed, Moderate Density)
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
Staff Contact: Aaron Hollister – (415) 575-9078
aaron.hollister@sfgov.org
Recommendation: **Approval**

PROJECT DESCRIPTION

The project proposes to convert a six-unit apartment building into six residential condominiums. No alterations to the building are proposed other than those that result from the Building Department’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.

Unit Description

Unit No.	Square-Feet	No. of Bedrooms
1120	1,100	2
1122	1,100	2
1124	1,100	2
1126	1,100	2
1128	1,100	2
1130	1,100	2

Rental History:

- All six units are owner-occupied. Four of the owner-occupants intend to purchase their units (see table below).
- There are no households with persons that are aged 62 or older or permanently disabled.

Five-Year Rental History

Unit #	Duration	Occupant	Rent	Reason for Leaving	Purchaser
1120	02/05-present	Phillip D. Green & Elizabeth L. Cobbs	O/O	N/A	No
1122	07/02-present	Sheryl Lynne Painter	O/O	N/A	Yes
1124	04/06-present	Kristina Kliszewski	O/O	N/A	Yes
1126	10/03-present	Stephen Newman & Sarah Jewel	O/O	N/A	No
1128	10/03-present	John A. McCormick, Jr.	O/O	N/A	Yes
1130	10/03-present	Matthew Kliszewski	O/O	N/A	Yes

SITE DESCRIPTION AND PRESENT USE

The project is located on the east side of Kearny Street, between Vallejo Street and Broadway, Assessor's Block 0144, Lot 022. This site is within the RM-2 (Residential, Mixed, Moderate Density) District and 40-X Height and Bulk District. The Project Site is occupied by a six-unit, three-story over garage apartment building, which was constructed circa 1906.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The project is located in the North Beach/Telegraph Hill Neighborhood of San Francisco, and is immediately adjacent to the Broadway Neighborhood Commercial District. The immediately surrounding area is densely populated and features apartment buildings and buildings containing flats. Located immediately to the south of the project site, the Broadway NCD functions as a regional and citywide entertainment district derived from a concentration of nightclubs, music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery Street,. The Broadway NCD attracts locals and visitors alike, mainly in the evening and late-night hours

ENVIRONMENTAL REVIEW STATUS

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

HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 23, 2012	January 23, 2012	10 days

Mailed Notice	10 days	January 23, 2012	January 23, 2012	10 days
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PUBLIC COMMENT

- To date, the Department has not received any correspondence regarding the proposal.

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 residential units for consistency with the General Plan. Similar projects with four or fewer units are approved administratively.

REQUIRED COMMISSION ACTION

The proposal 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.

RECOMMENDATION:	Approval
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Attachments:

Draft Approval Motion
Block Book Map
Sanborn Map
Aerial Photographs
Photographs

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"/> Parcel 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 Photo | <input type="checkbox"/> Community Meeting Notice |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Public Correspondence |
| <input checked="" type="checkbox"/> Site Photos | |

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

AJH
Planner's Initials

AJH: 1120-1130 Kearny Street Executive Summary.doc



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. XXXXX

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
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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. XXXXX 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

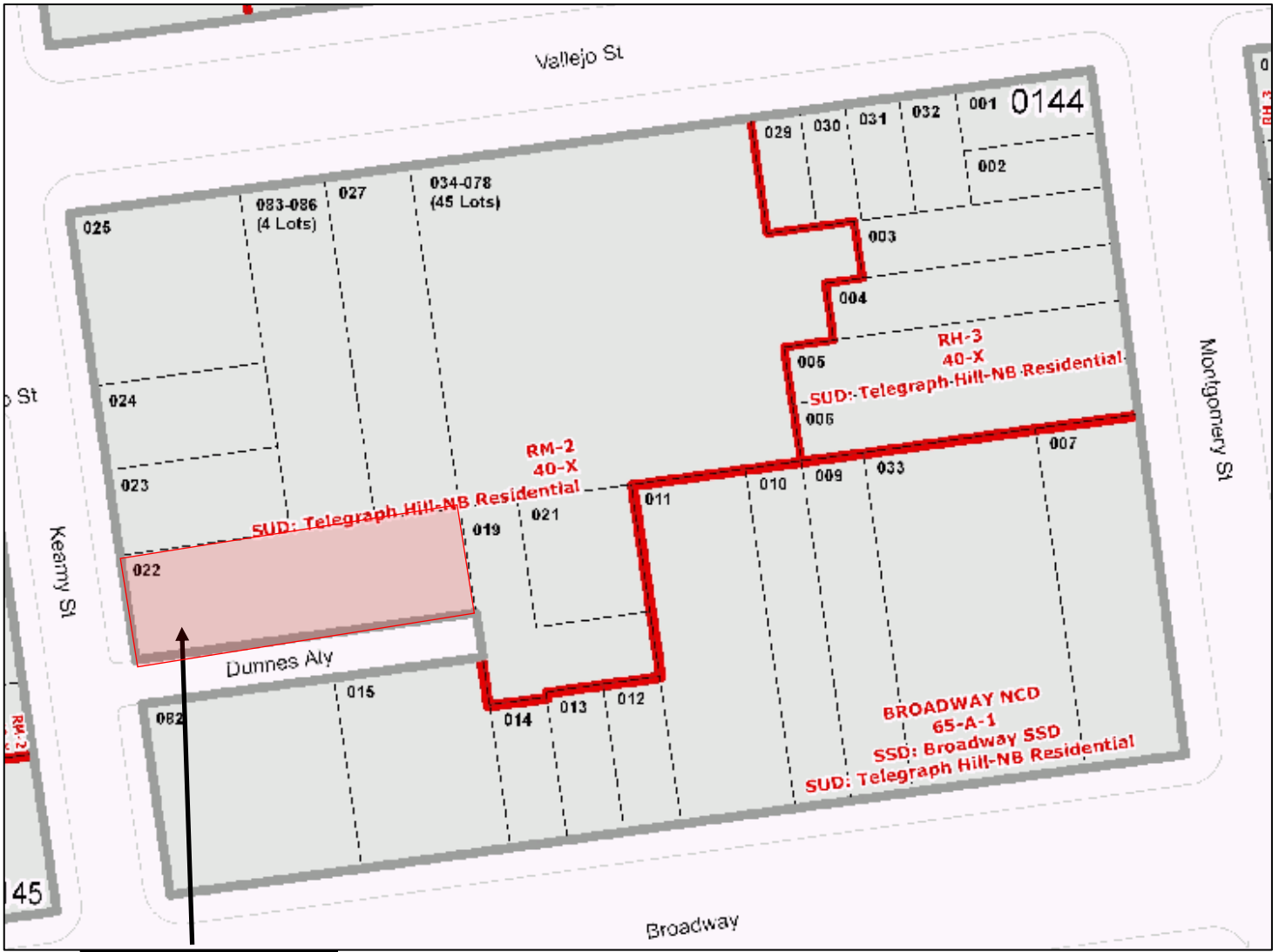
AYES

NAYS:

ABSENT:

ADOPTED: February 2, 2012

Parcel Map

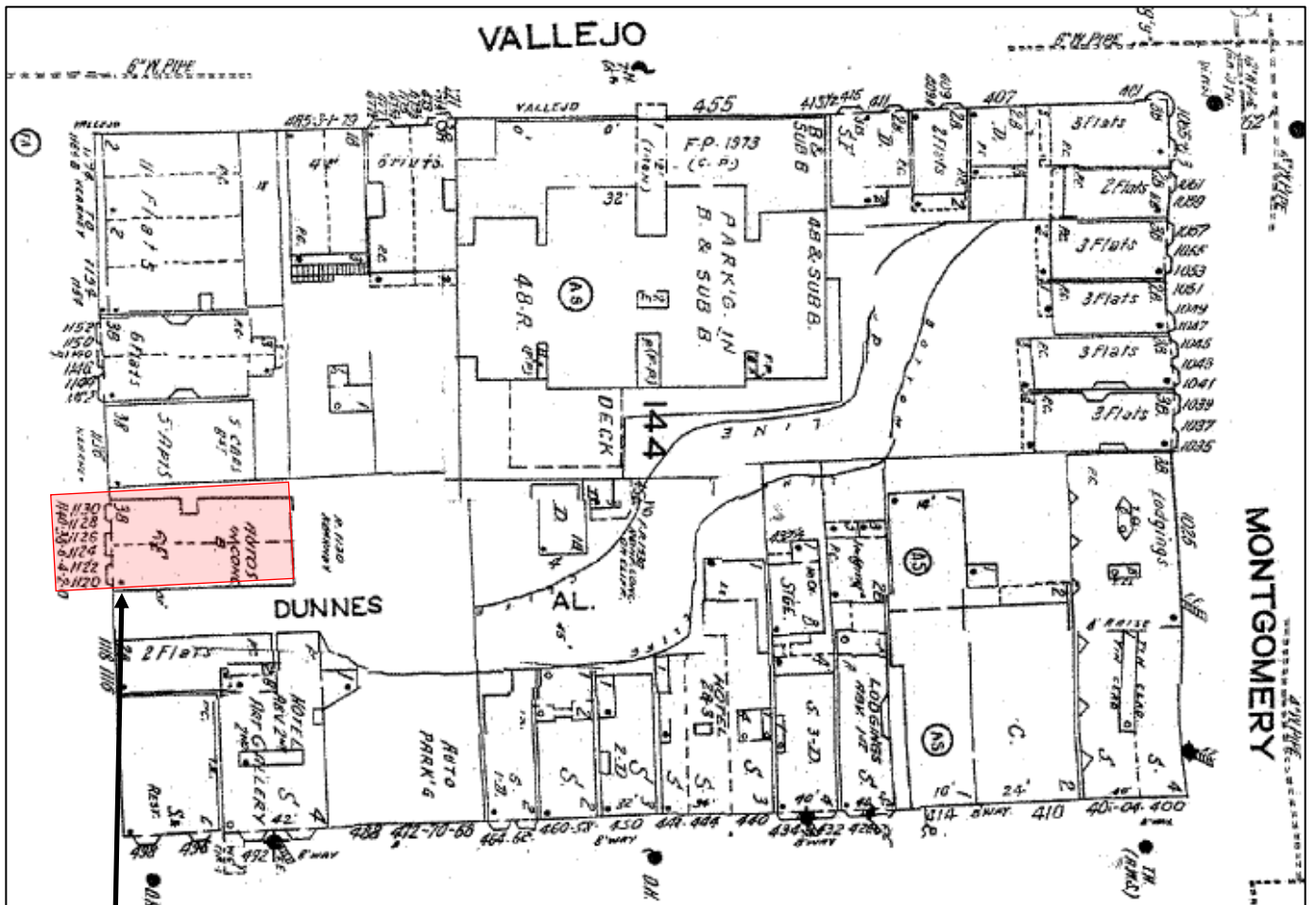


SUBJECT PROPERTY



Case Number 2011.0679Q
Condo Conversion
1120-1130 Kearny Street

Sanborn Map*



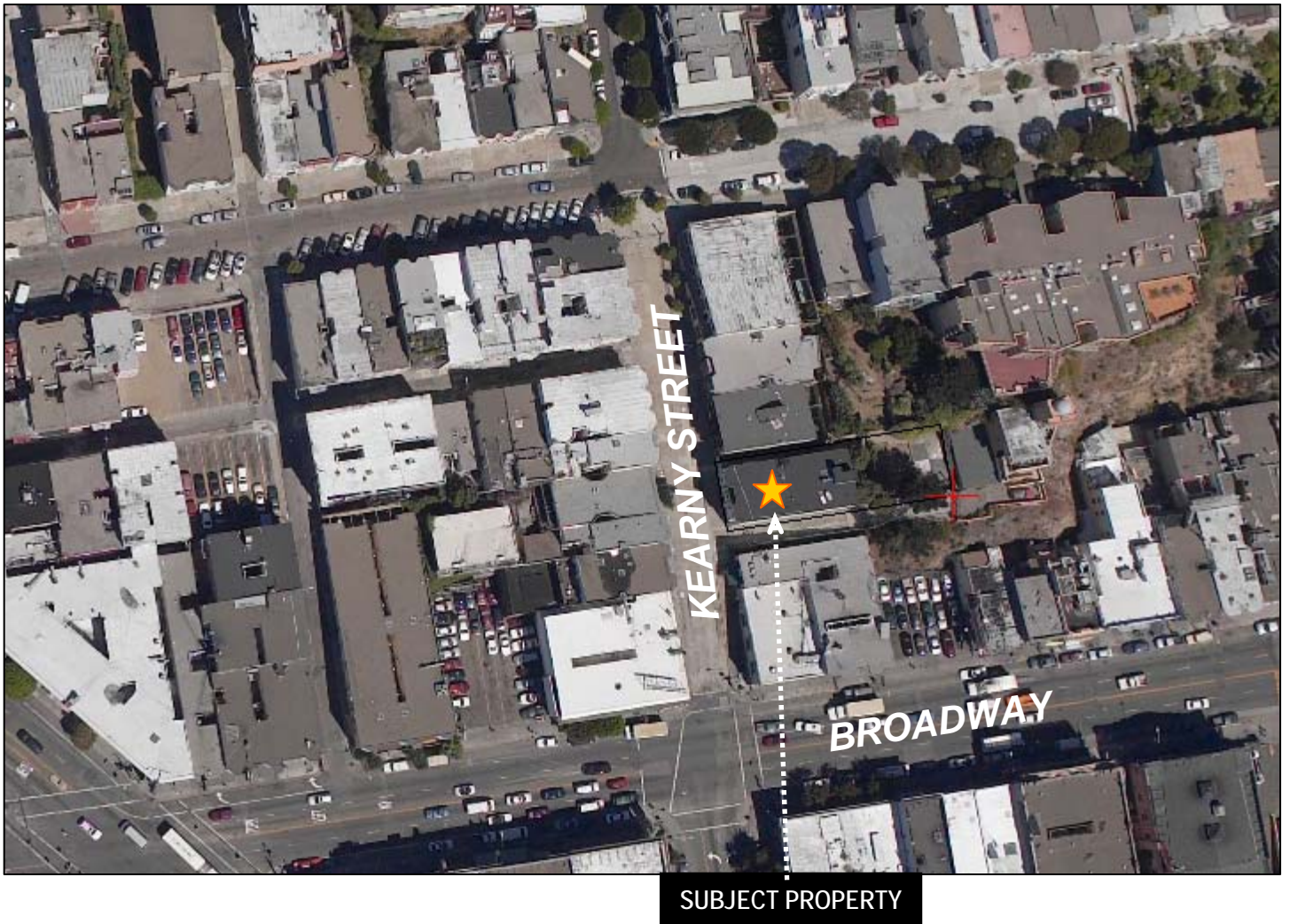
SUBJECT PROPERTY



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

Case Number 2011.0679Q
 Condo Conversion
 1120-1130 Kearny Street

Aerial Photo



Case Number 2011.0679Q
Condo Conversion
1120-1130 Kearny Street

Aerial Photo

East-Facing

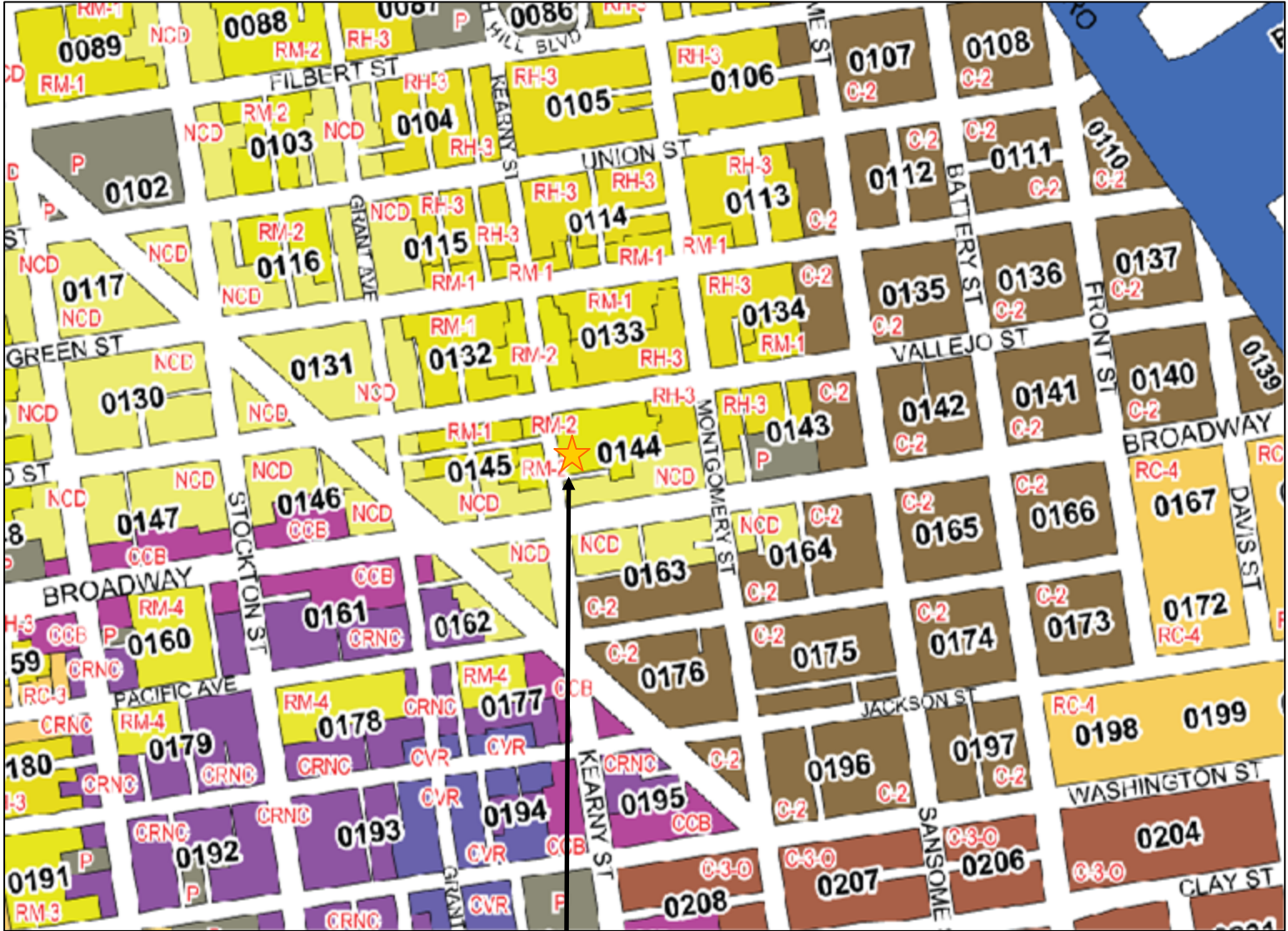


SUBJECT PROPERTY



Case Number 2011.0679Q
Condo Conversion
1120-1130 Kearny Street

Zoning Map



SUBJECT PROPERTY

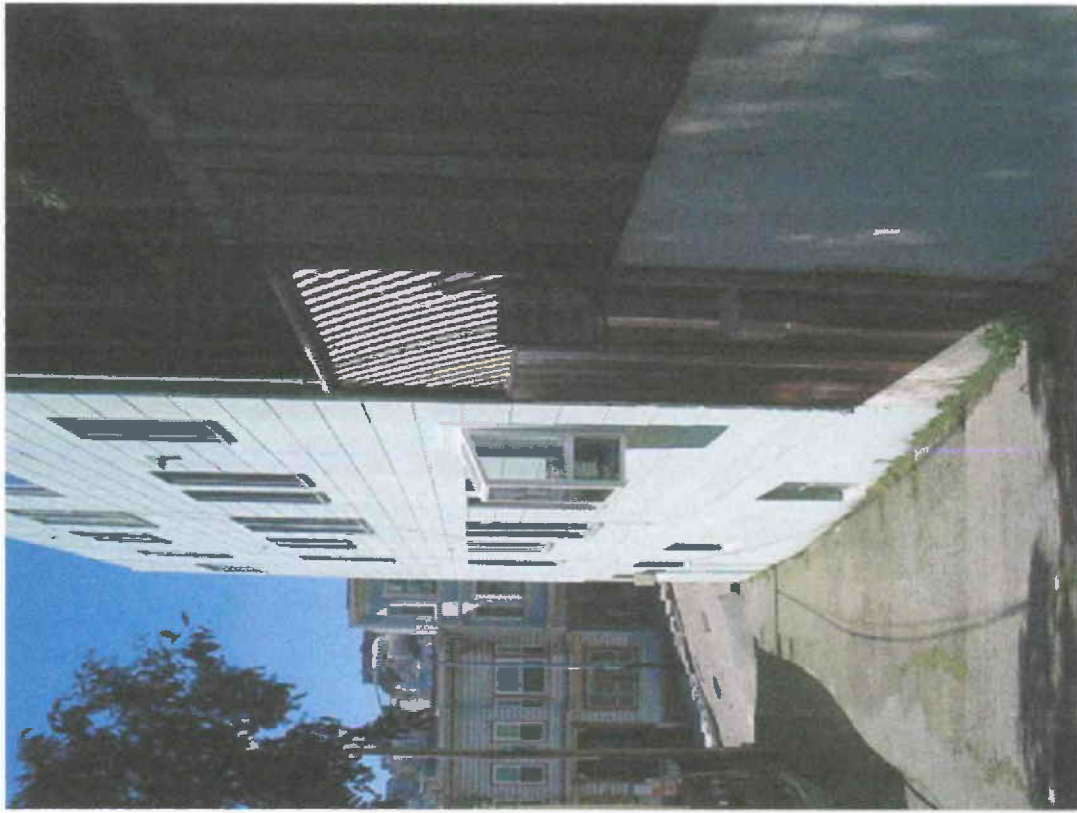


Case Number 2011.0679Q
Condo Conversion
1120-1130 Kearny Street

1120-1130 Kearny, San Francisco, CA 94133 Block 0144 Lot 022



1120-1130 Kearny, San Francisco, CA 94133 Block 0144 Lot 022



1120-1130 Kearny, San Francisco, CA 94133 Block 0144 Lot 022Rear2

