# Discretionary Review Analysis <br> Dwelling Unit Merger <br> HEARING DATE: APRIL 5, 2012 

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

Reception:
415.558 .6378

| Date: | March 29, 2012 |
| :--- | :--- |
| Case No.: | 2011.1298D |
| Project Address: | 2347-2351 BAY STREET |
| Permit Application: | 2011.12.02.9973 |
| Zoning: | RH-3 (Residential, House, Three-Family) |
|  | 40-X Height and Bulk District |
| Block/Lot: | 0926/035 |
| Project Sponsor: | Yakuh Askew |
|  | Y.A. Studio |
|  | 2407 Harrison Street, \#2 |
|  | San Francisco, CA 94110 |
| Staff Contact: | Christine Lamorena - (415) 575-9085 |
|  | christine.lamorena@sfgov.org |
| Recommendation: | Do not take DR and approve as proposed |

Fax:
415.558.6409

## PROJECT DESCRIPTION

The proposal is to merge two of the residential units into one unit, changing the building's unit count from three units to two units. The project also includes construction of a three-story rear horizontal addition and deck, a one-story rear horizontal addition with a roof deck and stairs to grade, the infill of the ground floor of the existing eastern lightwell, and the installation of a roof hatch and skylights. Various interior alterations are also proposed.

## SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of Bay Street between Baker and Broderick Streets in the Marina neighborhood. The site contains a two-story over garage, three-unit building constructed in 1926 and has approximately 25 feet of lot frontage with a lot depth of approximately 137 feet and a lot area of approximately 3,400 square feet.

The existing building is comprised of a garage and one-bedroom unit of approximately 550 square feet in size on the ground floor, a two-bedroom flat of approximately 1,700 square feet in size on the second floor, and an identical two-bedroom flat of the same size on the third floor. Upon completion, the proposed dwelling unit on the ground floor will be approximately 850 square feet in size while the merged upper unit will be approximately 3,650 square feet in size. The subject property is within an RH3 Zoning District and 40-X Height and Bulk District.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood consists of a combination of two- to four-story buildings, containing a mix of single-family dwellings, two- to four-unit buildings, as well as larger apartment buildings. The subject block is split in terms of zoning designation. Properties to the west fronting on Baker Street are zoned RH-1 while the corner properties to the east on Broderick Street are zoned RM-3, which allows for higher density at a rate of one dwelling unit per 1,000 square feet of lot area. The adjacent properties to the east, south, and north are three, two and four unit buildings, respectively.

HEARING NOTIFICATION

| TYPE | REQUIRED <br> PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL <br> PERIOD |
| :--- | :---: | :---: | :---: | :---: |
| Posted Notice | 10 days | March 26,2012 | March 26,2012 | 10 days |
| Mailed Notice | 10 days | March 26,2012 | March 26,2012 | 10 days |

## PUBLIC COMMENT

|  | SUPPORT | OPPOSED | NO POSITION |
| :--- | :---: | :---: | :---: |
| Adjacent neighbor(s) | X | 1 | X |
| Other neighbors on the <br> block or directly across <br> the street | X | X | X |
| (Resident at 2355 Bay Street) |  |  |  |

Department staff has exchanged several phone calls with a neighbor at the adjacent property (2355 Bay Street) in opposition to the one-story horizontal addition at the rear of the building.

## 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

According to the Project Sponsor, the subject property was purchased in 2007. Since that time, all three of the units have been owner-occupied. The property owner's in-laws currently reside in the ground floor unit while the property owner and his immediate family occupy the upper units.
2. Removal of the unit(s) and the merger with another is intended for owner occupancy.

## Project Meets Criteria

The property will continue to be occupied by the property owner and his family members. There is no intention for either of the units to be rented to the general public.
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 Meets Criteria

The prevailing density in the area is mixed. The density of the subject block ranges from single-family dwellings, two- to four-dwelling unit buildings, as well as larger apartment buildings. Within the same RH-3 Zoning District in the immediate area, the prevailing density is two-unit buildings accounting for 39 percent of the total, single-family dwellings accounting for 24 percent of the total, and three-unit buildings accounting for 21 percent of the total.
4. Removal of the unit(s) will bring the building closer into conformance with prescribed zoning.

## Project Does Not Meet Criteria

The subject property is zoned RH-3, which permits three dwelling units.
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

There are no functional deficiencies in the existing building.

## 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 2:
RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.2:
Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

OBJECTIVE 4:
FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

## Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Although this proposal would remove one dwelling unit, it would allow the property owner to remodel and expand his home for his growing immediate family. The merged upper unit would have common living areas such as the kitchen and family room on the lower floor with three bedrooms and an office on the upper floor.

## 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.

This is not applicable since the property is a residential use.
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Department of Building Inspection authorizes this building as a three-unit building. Originally, it was constructed as a two-unit building.
3. That the City's supply of affordable housing be preserved and enhanced.

The proposal will remove one family-sized unit from the City's housing stock.
4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposal will not impede MUNI service or overburden streets or neighborhood parking. Public transit lines are available nearby on Broderick Street.
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.

This is not applicable since the property is a residential use.
6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposal will comply with applicable code standards.
7. Landmarks and historic buildings be preserved.

The existing building is not a landmark nor is it identified in any surveys.
8. Parks and open space and their access to sunlight and vistas be protected from development.

The proposal will not affect any existing parks or open spaces.

## 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 project meets a majority of the dwelling unit merger criteria.
- The project is in a an area of mixed densities and will bring the building closer into conformance with the prevailing density in its immediate area and in the same RH-3 Zoning District.


## RECOMMENDATION: Do not take DR and approve as proposed

## Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Section 311 Notice
Project Sponsor Submittal
Cover Letter
Response to Dwelling Unit Merger Criteria - Form B
Site Photos
Density Map
Reduced Plans

CL: G:IDOCUMENTSI2011|DRs|2011.1298|2347-2351 Bay St_DR Analysis for DUM.doc

## Parcel Map



Discretionary Review Hearing
Case Number 2011.1298D
2347-2351 Bay Street
Block 0926 / Lot 035

## Sanborn Map*


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

Discretionary Review Hearing
Case Number 2011.1298D
2347-2351 Bay Street
Block 0926 / Lot 035

## Zoning Map



Discretionary Review Hearing
Case Number 2011.1298D
2347-2351 Bay Street

## Aerial Photo

## SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2011.1298D
2347-2351 Bay Street

## Aerial Photo



Discretionary Review Hearing
Case Number 2011.1298D
2347-2351 Bay Street

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On December 2, 2011, the Applicant named below filed Building Permit Application No. 2011.12.02.9973 (Alteration) with the City and County of San Francisco.

| CONTACTINFORMATION | PROJECTSITE INFORMATION |  |  |
| :--- | :--- | :--- | :--- |
| Applicant: | Yakuh Askew | Project Address: | 2347-2351 Bay Street |
| Address: | 2407 Harrison Street, Sulte \#2 | Cross Streets: | Baker and Broderick Streets |
| City, State: | San Francisco, CA 94110 | Assessor's Block /Lot No.: | 0926/035 |
| Telephone: | (415) 920-1839 | Zoning Districts: | RH-3/40-X |

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30 -day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a weekend or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

| [] DEMOLITION and/or | [] NEW CONSTRUCTION or | [X] ALTERATION |
| :---: | :---: | :---: |
| [] VERTICAL EXTENSION | [X] CHANGE \# OF DWELLING UNITS | [ ] FACADE ALTERATION(S) |
| [] HORIZ. EXTENSION (FRONT) | [] HORIZ EXTENSION (SIDE) | [X] HORIZ. EXTENSION (REAR) |
| PROJECT FEATURES | EXISTING CONDITIO | PROPOSED CONDITION |
|  |  |  |
| PROJECT DESCRIPTION |  |  |

The proposal is to merge two of the residential units located on the $2^{\text {nd }}$ and $3^{\text {rd }}$ floors into one unit, changing the building's unit count from three to two units, to construct a three-story horizontal addition and 3rd story deck, to construct a one-story horizontal addition with a roof deck and stairs to grade at the rear of the building, to infill the ground floor of the existing eastern lightwell, and to install a roof hatch and skylights. Various interior alterations are proposed. The Dwelling Unit Merger (Case 2011.1298D) is subject to a public hearing with the Planning Commission. A hearing has been tentatively scheduled for April 5, 2012. Please see the attached plans for additional information.

## PLANNER'S NAME: Christine Lamorena

PHONE NUMBER:
EMAIL:
(415) 575-9085
christine.lamorena@sfgov.org

DATE OF THIS NOTICE:
EXPIRATION DATE:

2/23/2012
3/23/2012

Planner: Christine Lamorena
Application: 201 I.12.02.9973
Case: 2011.1295D

# Russell Residence Dwelling Unit Merger 2347-235I Bay Street San Francisco, CA 

Architect / Authorized Agent:
Yakuh Askew, AIA, NoMa, LEED AP BD+C
Y.A. studio

2407 Harrison Street, Suite 2
San Francisco, CA 94110
415.920.1839 p

4I5.920.I 840 f

Hearing Date:April 5th, 2012

| Planner: | Christine Lamorena |
| :--- | :--- |
| Application: | 2011.0928 .5663 |
| Case: | 12.0068D |
| Hearing Date: | April 5th, 2012 |
| Project: | Russell Residence, 2347-5 I Bay Street |

Dear President Fong and fellow Commissioners,
The project before you is a proposal to merge two of the three residential units at 2347-235I Bay Street.

## Recent History of Tenants:

Our clients Mark and Zhanna Russell have lived in the building with their extended family since purchasing the property in 2007. Since at least, that time, no units have been rented. As their family has been growing over the years, it has become necessary to expand the bedroom and living areas, to accommodate their needs.

## Conformance with Neighborhood:

The immediate neighborhood is a mix of $\mathrm{I}, 2,3$ unit and even higher density buildings. However, the majority ( $40 \%$ ) are 2 -units buildings, which supports the intent of this proposal, which is to become closer into conformance. 3-unit buildings only make up about $21 \%$ and single-family residences, about $24 \%$.

## Design:

From the street, there will be no noticeable change to the building. The majority of the proposal involves updating the interior of the residence with a modest exterior addition that requests no variances or other special consideration, and is supported by the neighborhood.

## Summary:

We are confident that based on the merits of this case, supported by the fact that it meets a majority of the criteria for a merger, you will share our conclusion, and follow the recommendation of the Planning Department, to not take DR, and support this family's desire to update their home.

Thank you for your time and consideration.
Sincerely,

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## Loss of Dwelling Units Through Merger <br> (FORM B - COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(e), the merger of residential dwelling-units not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative review criteria only apply to those Residential Units proposed for Merger that are (1) not affordable or financially accessible housing are exempt from Mandatory DR (valued by a credible appraisal within the past six months to be greater than $80 \%$ of combined land and structure value of single-family homes in San Francisco); or (2) meet a supermajority of the merger criteria listed below. Please see website under Publications for Loss of Dwelling Units Numerical Values.

1. Does the removal of the unit(s) eliminate only owner-occupied housing, and if so, for how long was the unit(s) proposed to be removed owner-occupied?

The property was purchased by the Project Sponsor in 2007. Since that time, all the units have been occupied by the Project Sponsor and his family. The in-laws currently reside in the lower unit and the upper units are occupied by the Project Sponsors growing immediate family.
2. Is the removal of the unit(s) and the merger with another intended for owner occupancy?

The property will continue to be occupied by the Project Sponsor as his primary residence, and the remodeled lower level unit, will continue to be occupied by the Project Sponsors in-laws. There is no intention for either of the units to be rented to the general public.
3. Will the removal of the unit(s) bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district?

The prevailing density of the immediate area and in the same zoning district is (2) unit buildings with 39\% being described as such. The approval of the proposed Dwelling Unit Merger would bring the property into closer conformance with the prevailing density. The second highest densities are Single-Family properties accounting for $24 \%$ of the total, followed by $21 \%$ for (3) unit buildings. The zoning district allows for 1, 2 or 3 units properties.
4. Will the removal of the unit(s) bring the building closer into conformance with the prescribed zoning?

The zoning district allows for 1, 2 or 3 units properties. The property will be in-compliance with or without the proposed dwelling unit merger.
5. Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?

The current building does not have any design or functional deficiencies that can not be correct through interior alterations. Those that have been identified will be addressed as a component of this permit.


|  |  | 2347-2351 BAY STREET DENSITY CALCULATIONS |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | (BASED ON PROPERTIES WITHIN THE SAME RH-3 ZONE |  |  |  |  |  |  |  |
|  |  | AND WITHIN 150'-0" OF PROJECT SPONSOR) |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  | NUMBER OF DWELLING UNITS PER LOT |  |  |  |  |  |  |  |
|  |  | 1 | 2 | 3 | 4 | 6 | 7 | 18 |  |
| BLOCK | LOT |  |  |  |  |  |  |  |  |
| 923 | 18 | 1 |  |  |  |  |  |  |  |
|  | 17 | 1 |  |  |  |  |  |  |  |
|  | 039-040 |  | 1 |  |  |  |  |  |  |
|  | 15 |  | 1 |  |  |  |  |  |  |
|  | 14 |  |  | 1 |  |  |  |  |  |
|  | 13 | 1 |  |  |  |  |  |  |  |
|  | 12 | 1 |  |  |  |  |  |  |  |
|  | 11 | 1 |  |  |  |  |  |  |  |
|  | 10 | 1 |  |  |  |  |  |  |  |
| 926 | 44-45 |  | 1 |  |  |  |  |  |  |
|  | 48-50 |  |  | 1 |  |  |  |  |  |
|  | 33 |  | 1 |  |  |  |  |  |  |
|  | 34 |  |  |  | 1 |  |  |  |  |
|  | 35 |  |  | 1 |  |  |  |  |  |
|  | 36 |  |  | 1 |  |  |  |  |  |
|  | 37 |  |  | 1 |  |  |  |  |  |
|  | 38 |  |  | 1 |  |  |  |  |  |
|  | 42-43 |  | 1 |  |  |  |  |  |  |
|  | 2 |  |  | 1 |  |  |  |  |  |
|  | 3 |  | 1 |  |  |  |  |  |  |
|  | 4 |  | 1 |  |  |  |  |  |  |
|  | 5 |  |  |  |  |  |  | 1 |  |
|  | 40-41 |  | 1 |  |  |  |  |  |  |
|  | 18 |  |  |  |  | 1 |  |  |  |
|  | 17 | 1 |  |  |  |  |  |  |  |
|  | 16 |  | 1 |  |  |  |  |  |  |
|  | 14 |  | 1 |  |  |  |  |  |  |
|  | 46-47 |  | 1 |  |  |  |  |  |  |
|  | 12 |  | 1 |  |  |  |  |  |  |
|  | 11 |  |  |  |  |  | 1 |  |  |
|  | 10 |  |  |  | 1 |  |  |  |  |
|  | 7 |  | 1 |  |  |  |  |  |  |
|  | 8 | 1 |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  | TOTAL |
|  | SUBTOTAL | 8 | 13 | 7 | 2 | 1 | 1 | 1 | 33 |
|  |  |  |  |  |  |  |  |  |  |
|  | Percentage | 24.2\% | 39.4\% | 21.2\% | 6.1\% | 3.0\% | 3.0\% | 3.0\% | 100.0\% |






GENERAL NOTES



























GENERAL CONSTRUCTION NOTES:







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## APPLICABLE CODES

2010 CALFFRNA BULLING COD
2010 CALIFORNA FRE CODE
2010 Californa plumbng co

2010 CALIFORNA MENERGY CO
ALL OTHER APPLCABLE LOCALAND STATE
DEFFERRED SUBMITTALS: NONE

SCOPE OFWORK

| Remode and adotionto exiting (3) Unt |
| :--- |
| Bulling includng dweling unt Mergero |

 REMODELED KTCHEN NEW B
UN-OCCUPED ROOF DECK.

PROJECT DATA:
BLOCK $/$ LOT:
EXXTTNG USE
EXISTING USE:
PROPSED USE
EXITING UNITS:

Proposed Unis

ZONN: | HEGHT LIMT |
| :--- |
| LOT: | LOT AREA:

(E) CONSTRUCTIONTTPE R2 R3
R3 APARTMENTS
(2) DWELING UNITS (2) DWELING UNTT
RH-3. RESIDENTAL
40.2



PROJECT DIRECTORY:

## OWNER: <br> ${ }^{\text {Madr RUSSEL }}$


ARCHITECTURAL
YA. .sudio

SHEET INDEX
architectural

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LOCATION PHOTO
A34, 234, STRET


FRONT FACADE PHOTO

$-{ }_{-}^{2347,2349,23}$| BAY STREET |
| :---: |

REARYARD PHOTO


ARIAL PHOTO
$-234,2349,235$
\ Y.A. studio


TNDEX, NOTES, LOCATION MAP










[^0]:    Yakuh Askew,AIA

