



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Condominium Conversion

HEARING DATE: JANUARY 28, 2010
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

Hearing Date: January 28, 2010
Case No.: **2009.0387Q**
Project Address: **333 Greenwich Street**
Zoning: RH-3 (Residential, House, Three-Family)
40-X Height and Bulk District
Block/Lot: 0086/010
Project Sponsor: Cam Perridge
Sirkin Paul Associates
250 Montgomery Street, Suite 1200
San Francisco, CA 94104
Staff Contact: Aaron Hollister – (415) 575-9078
aaron.hollister@sfgov.org
Recommendation: **Approval**

PROJECT DESCRIPTION

The project proposes to convert a five-unit apartment building into five 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 units, where at least one unit is residential, for consistency with the General Plan.

Unit Description

Unit No.	Square-Feet	No. of Bedrooms
1	955	1
2	1,274	2
3*	1,274	2
5	625	1
6	625	1

* Current Unit 3 and former Unit 4 were legally merged in 2006

Rental History:

- Four of the units are owner-occupied and one unit is tenant-occupied. The occupant of the tenant-occupied does not intend to purchase the unit (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
1	1999-present	Thomas Brennan	O/O	N/A	Yes
2	2001-present	Stanley Teng	O/O	N/A	Yes
3	08/03-present	Jon Ritt	O/O	N/A	Yes
5	08/02-07/07	Gary Rossi	O/O	Sold Unit	N/A
5	07/07-present	Yong Xia Lai & David S. Wilkerson	O/O	N/A	Yes
6	08/02-07/07	Gary Rossi	O/O	Sold Unit	N/A
6	07/07-present	Robert Adam Lauridsen	\$2800	N/A	No

SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Greenwich Street, between Pioneer Park and Montgomery Street, Assessor’s Block 0086, Lot 010. This site is within an RH-3 (Residential-House Districts, Three Family) District and a 40-X Height and Bulk District.

The Project Site is occupied by a five-unit, three-story apartment building, which was constructed in 1956. The subject residential building occupies nearly the entire lot and is located along the Greenwich Street steps.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The immediate project area is developed with multi-story, multi-unit residential buildings varying somewhat in size and unit density. The project site is located near the top of the east-facing slope of Telegraph Hill, adjacent to Pioneer Park and Coit Tower. The topography of the project area slopes steeply down from west to east from the top of Telegraph Hill to San Francisco Bay. The buildings in the project area are perpendicularly developed in rows running down Telegraph Hill with the buildings looking-down on the Bay and each other as they proceed down the hill. The project area contains an eclectic mix of buildings built at varying times and with varying architectural styles.

ENVIRONMENTAL REVIEW STATUS

Condominium conversions of existing buildings are categorically exempt from environmental review under Class 1(k), Section 15101(k) under the California Environmental Quality Act.

HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 18, 2010	January 18, 2010	10 days
Mailed Notice	10 days	January 18, 2010	January 15, 2010	13 days

PUBLIC COMMENT

- 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 units, where at least one unit is residential, for consistency with the General Plan. Similar projects with four or fewer units are approved administratively. This provision requiring Commission review for larger projects may be a residual of former rent control regulations.
- The property is a legal nonconforming use because it contains five dwelling units where the Code only permits three dwelling units. By Code, there are only three conforming dwelling units on the property.

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 Residence 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 (Objective 2, Policy 3).
- 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 checked="" 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: 333 Greenwich Street Executive Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

Inclusionary Housing (Sec. 315)

First Source Hiring (Admin. Code 83)

Jobs Housing Linkage Program (Sec. 313)

Child Care Requirement (Sec. 314)

Downtown Park Fee (Sec. 139)

Other

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Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATING TO THE REVIEW FOR CONSISTENCY WITH THE GENERAL PLAN OF A FIVE-UNIT CONDOMINIUM CONVERSION LOCATED AT 333 GREENWICH STREET WITHIN AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT. THE PROPOSAL IS TO ALLOW THE CONDOMINIUM CONVERSION SUBDIVISION OF A FIVE-UNIT RESIDENTIAL BUILDING.

PREAMBLE

1. On May 7, 2009, The Department of Public Works, Bureau of Street Use and Mapping (hereinafter Applicant) made application for Planning Department review to allow the Condominium Conversion Subdivision of a five-unit residential building (hereinafter Project) located at 333 Greenwich Street, between Pioneer Park and Montgomery Street, Assessor's Block 0086, Lot 010 in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The subject building is considered a legal use as a Report of Residential Building Record indicates the legal authorized occupancy and use of the building as a five-family residential building.
2. On January 28, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Condominium Conversion Subdivision Application No. 2009.0387Q, at which time the Commission reviewed and discussed the findings

prepared for their review by the staff of the Department.

3. 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.
4. The Subdivision Code requires that the Planning Commission hold a public hearing to review condominium conversion subdivisions containing five to six units for consistency with the General Plan where at least one unit is residential. 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 \$1,000 relocation payment.
5. 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.
6. The proposed Condominium Conversion Subdivision application was determined by the San Francisco Planning Department (hereinafter Department) to be Categorically Exempt from environmental review under Class 1(k), Section 15101(k) under the California Environmental Quality Act Guidelines.
7. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this Project.
8. 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.
9. **MOVED**, that the Commission hereby approves the Condominium Conversion Subdivision as requested in Application No. 2009.0387Q.

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 five-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:

2004 HOUSING ELEMENT

OBJECTIVE 2: DISCOURAGE THE DEMOLITION OF SOUND EXISTING HOUSING.

POLICY 3:

Restrict the conversion of rental housing to other forms of tenure or occupancy.

This application was selected through the condo subdivision lottery, which sets an annual limit on condo conversions. Conversion of the subject property would allow for home ownership opportunities for San Francisco residents.

OBJECTIVE 9: AVOID OR MITIGATE HARDSHIPS IMPOSED BY DISPLACEMENT

Four units are owner-occupied and one unit is tenant-occupied. The occupant of the tenant-occupied unit does not intend to purchase the unit. The tenant was notified of the right-of-first refusal to purchase the unit, as required by the Subdivision Code, and of other rights to which the tenant is entitled under provisions of the same Code.

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 the proposed project will be in keeping with the existing neighborhood character

- b) That the proposed project will have no effect on landmarks or historic buildings, public transit, the number of affordable housing units in the city, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, or public parks and open space.
- c) The subject property is currently at least 50 percent owner occupied. Conversion to condominium ownership will not affect the City's supply of affordable housing.
- d) The conversion will not affect commuter traffic or neighborhood parking in that existing residential use will neither change nor intensify.
- e) No displacement of industrial or service sectors will be caused by this conversion
- f) The applicant has applied for an inspection of the subject building by the Department of Building Inspection and will be required to make any Code-required repairs, including those relative to life safety issues, prior to recordation of the final condominium subdivision map.
- g) The conversion will not affect landmarks or historic buildings.
- h) Conversion to condominium ownership will 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. 2009.0387Q.**

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17833. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 28, 2010.

Linda Avery
Commission Secretary

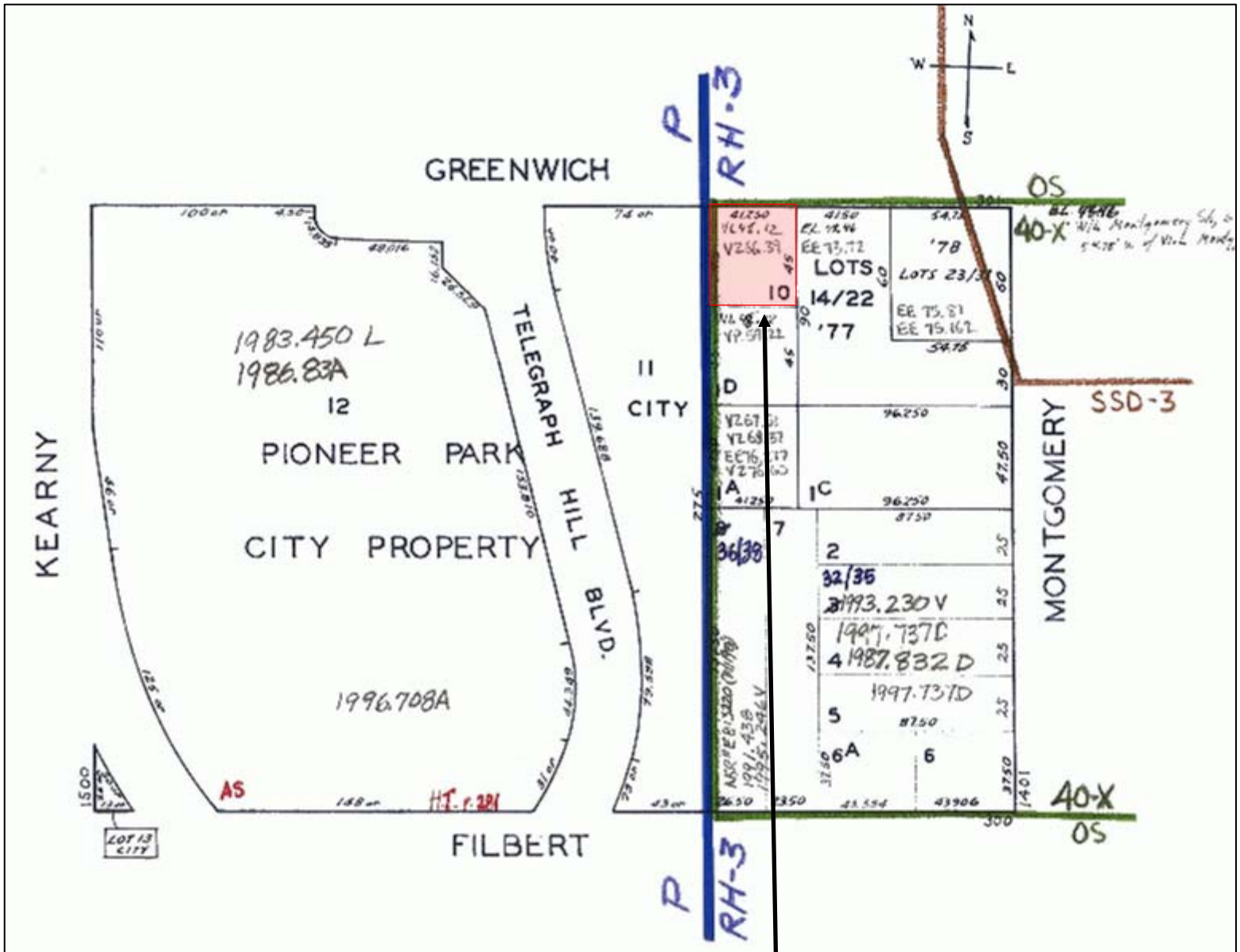
AYES:

NAYS:

ABSENT:

ADOPTED: January 28, 2010

Parcel Map

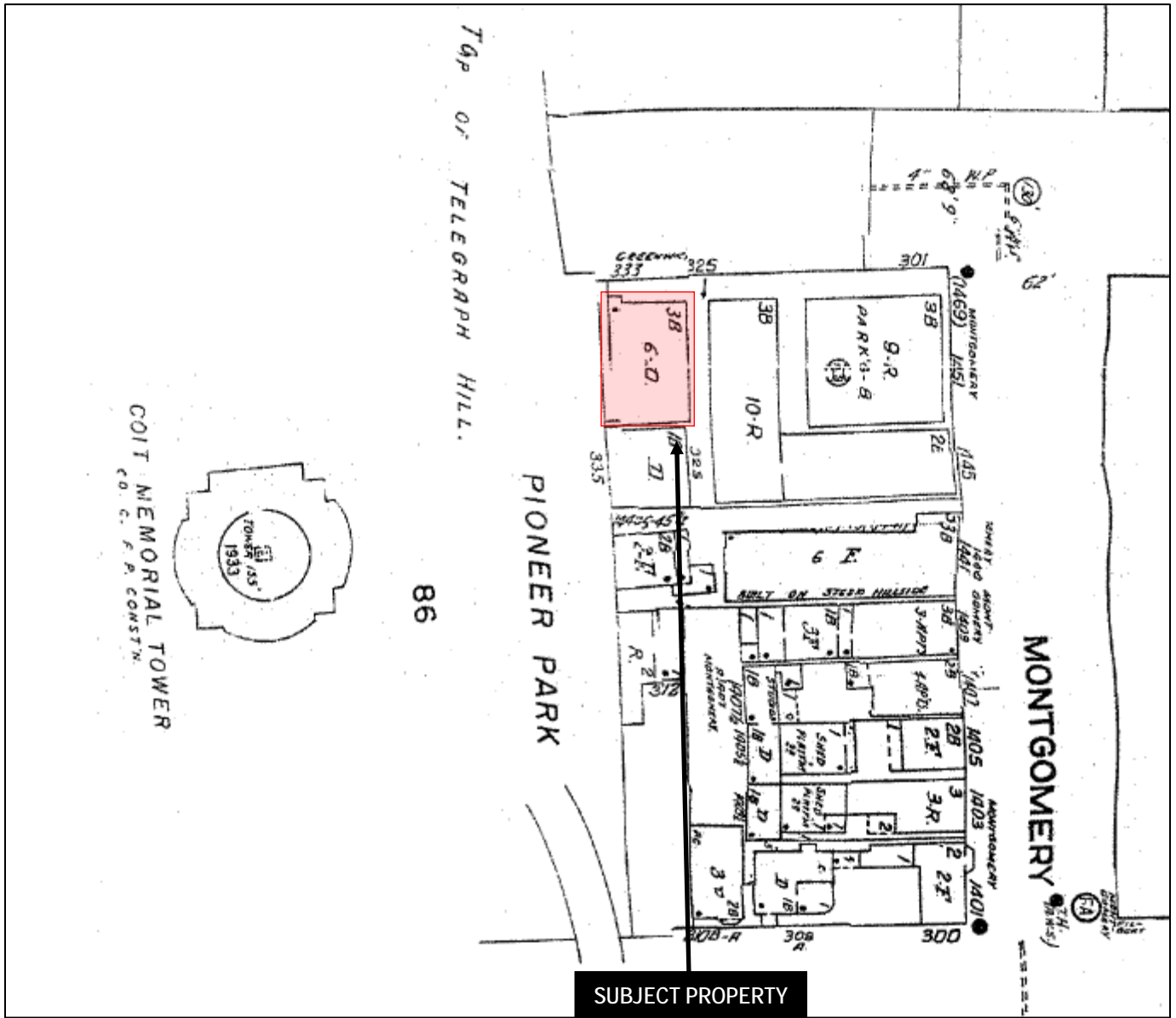


SUBJECT PROPERTY



Condo Conversion Subdivision
 Case Number 2009.0387Q
 333 Greenwich Street

Sanborn Map*



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



Condo Conversion Subdivision
Case Number 2009.0387Q
333 Greenwich Street

Aerial Photo

East-Facing



MONTGOMERY STREET

SUBJECT PROPERTY



Condo Conversion Subdivision
Case Number 2009.0387Q
333 Greenwich Street

Aerial Photo

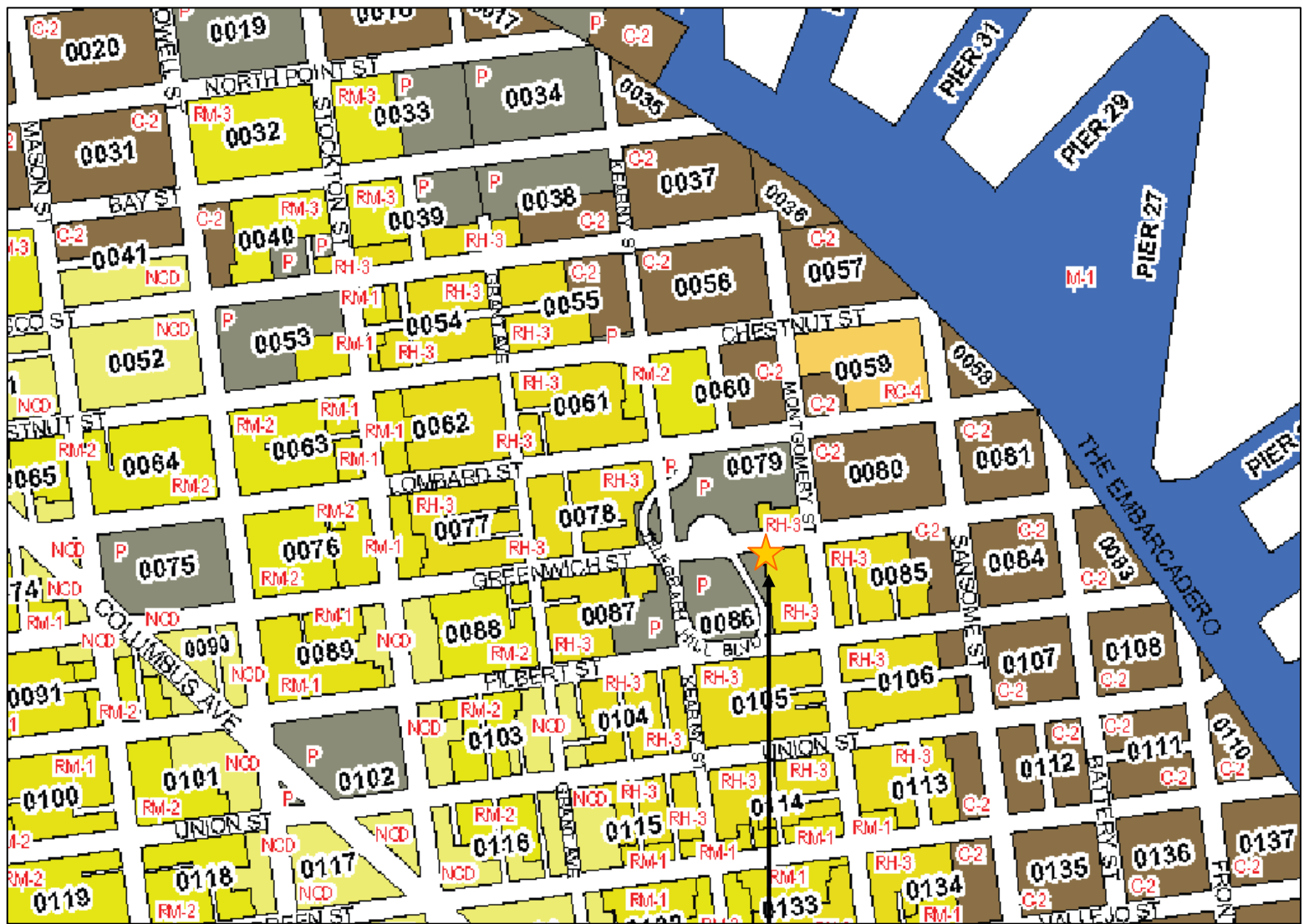


SUBJECT PROPERTY



Condo Conversion Subdivision
Case Number 2009.0387Q
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Zoning Map



SUBJECT PROPERTY

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(OSD)
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			



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