



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Dwelling Unit Merger

HEARING DATE APRIL 15, 2010

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

Reception:
415.558.6378

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Planning
Information:
415.558.6377

Date: April 8, 2010
Case No.: **2010.029 D**
Project Address: **301 MAIN ST (aka The Infinity) - Units B-15C and B-15D**
Zoning: RC-4 (Residential-Commercial Combined Districts, High Density)
 Folsom and Main Residential/Commercial Special Use District
 400-W Height and Bulk District
Block/Lot: 3745/227 and 228
Project Sponsor: Eran Pilovsky
 301 Main Street, #15D
 San Francisco, CA 94105
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org
Recommendation: **Do Not Take Discretionary Review and Approve as Proposed**

PROJECT DESCRIPTION

The proposal is to merge two existing dwelling units (B-15C and B-15D) into one single dwelling unit. Unit 15C contains 808 square feet, one bedroom, and one bathroom. Unit 15D contains 1,301 square feet, 1 bedroom and 1 ½ bathrooms. The proposed merger would result in one dwelling unit containing 2,117 square feet, 3 bedrooms, and 2 ½ bathrooms.

SITE DESCRIPTION AND PRESENT USE

The proposed dwelling unit merger falls within the Infinity, a mixed-use development containing 655 dwelling units, nearly 14,000 square feet of ground floor commercial space, and a multi-level basement garage. The development envelops one half of a City block and is bounded by Main, Folsom, and Spear Streets. The existing dwelling unit mix in the development is as follows:

Unit Type	Units	% of Total
1BR	209	32
2BR	378	58
3BR	68	10
TOTAL	655	100%

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site lies in a transitional area between the anchorage of the San Francisco – Oakland Bay Bridge (Interstate 80) and the Rincon Hill Plan Area to the south, the Embarcadero to the east, the South of Market portion of downtown to the north, and the Transbay Transit Center Plan Area to the west. The surrounding area includes a mix of uses located in moderate to large scale buildings. Much of the surrounding area is taken up by surface parking lots that resulted from the demolition of the Embarcadero Freeway.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 5, 2010	April 5, 2010	10 days
Mailed Notice	10 days	April 5, 2010	April 5, 2010	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	8 (Infinity Residents)		
Other neighbors on the block or directly across the street			
Neighborhood groups			

The Department received 9 letter of support and no letters of opposition to this project.

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

The project sponsor and his family currently own and live in both units.

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

Project Meets Criteria

The proposed merger is designed to provide a single family-sized dwelling unit for the project sponsor and his family to occupy.

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.

Criteria is Not Applicable

The existing building is located one of only two properties that fall within a small pocket of RC-4 zoning and the Folsom and Main Residential/Commercial Special Use District. Additionally, due to the varying nature of the surrounding areas, the transitional nature of the immediate area, and high number of existing dwelling units in the building (655), there is no discernable "prevailing" density.

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

Criteria is Not Applicable

The Folsom and Main Residential/Commercial Special Use District has no density controls (minimum or maximum), and the proposal does not impact any other physical characteristic of the development. Since there is no prescribed density for this District, the proposal can not bring the building closer to conformity.

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 proposed merger is not the result of a design or functional deficiency. The existing units are designed and function as 1-bedroom units, and the project sponsor proposes to merge them to provide a 3-bedroom, family-sized unit for his family.

GENERAL PLAN COMPLIANCE:

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

2004 HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN THE EXISTING SUPPLY OF HOUSING.

The existing housing stock is the City's major source of relatively affordable housing. It is very difficult to replace given the cost of new construction and the size of public budgets to support housing construction. Priority should be given to the retention of existing units as a primary means to provide affordable housing.

Policy 2.2:

Control the merger of residential units to retain existing housing.

The Planning Commission has adopted policies that require Discretionary Review for all dwelling unit merger applications. The Housing Element, General Plan Priority Policies (Planning Code Section 101.1), and other Planning Commission directives are used to consider merger proposals on a case-by-case basis. Specifically, these criteria state that when reviewing applications for the removal of a legal dwelling unit, the Planning Commission must consider the

detrimental effects to the housing supply, landmark designations, and planned owner occupancy.

The Planning Commission must also work to minimize displacement, and ensure code compliance and structural safety.

Implementation 2.2:

The Planning Department will continue to require Discretionary Review for all dwelling unit merger applications. Merger proposals will be considered on a case-by-case basis and approved or rejected on their individual merits as they pertain to policies of this Housing Element, the General Plan Priority Policies (Planning Code Section 101.1), and other Planning Commission directives. Detrimental effects to the housing supply, the minimization of displacement hardships, code compliance, structural safety, landmark designations, and planned owner occupancy will continue to be considered during Discretionary Review.

The proposal has gone through the required process for dwelling unit mergers and the Department has determined that there will be no significant detrimental effects to the housing supply, no tenant displacement, and no impacts on code compliance, structural safety, or landmark structures.

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 will not increase, decrease, or otherwise impact any retail uses in the area.

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

The proposed dwelling unit merger is within a large residential development that includes more than 600 dwelling units. Additionally, the project site is located in a transitional area between other neighborhoods that include various land uses and residential densities. As a result, the neighborhood character in the immediate area surrounding the project site is still forming. The proposal will have no physical impact on the exterior of the existing building, and the merger will result in the loss of less than one percent of the residential units on the property. Therefore, the proposal will have no impact on the character or the cultural or economic diversity of the neighborhood.

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

The proposal will not increase, decrease, or otherwise impact the supply of affordable housing in the City.

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

The proposal will not impact transit or neighborhood streets because there will be no increase in the number of residents as a result of the proposed merger.

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 proposal will not increase, decrease, or otherwise impact any industrial uses in the area.

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

The existing building met all seismic safety requirements of the Building Code at that time of its construction, and the proposed merger will not impact the building's seismic rating.

7. Landmarks and historic buildings be preserved.

The proposal will not increase, decrease, or otherwise impact any historic buildings in the area.

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

The proposal will not increase, decrease, or otherwise impact any parks or open spaces in the area.

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 resulting unit will be owner-occupied by the Project Sponsor and his family.
- The project will add a family-sized unit while reducing the number of dwelling units on-site by less than one percent.
- The proposed merger will have little to no impact in an area zoned for very high densities.
- The Project is consistent with the Planning Code, Priority Policies, and the General Plan.

RECOMMENDATION: Do Not Take Discretionary Review and Approve as Proposed
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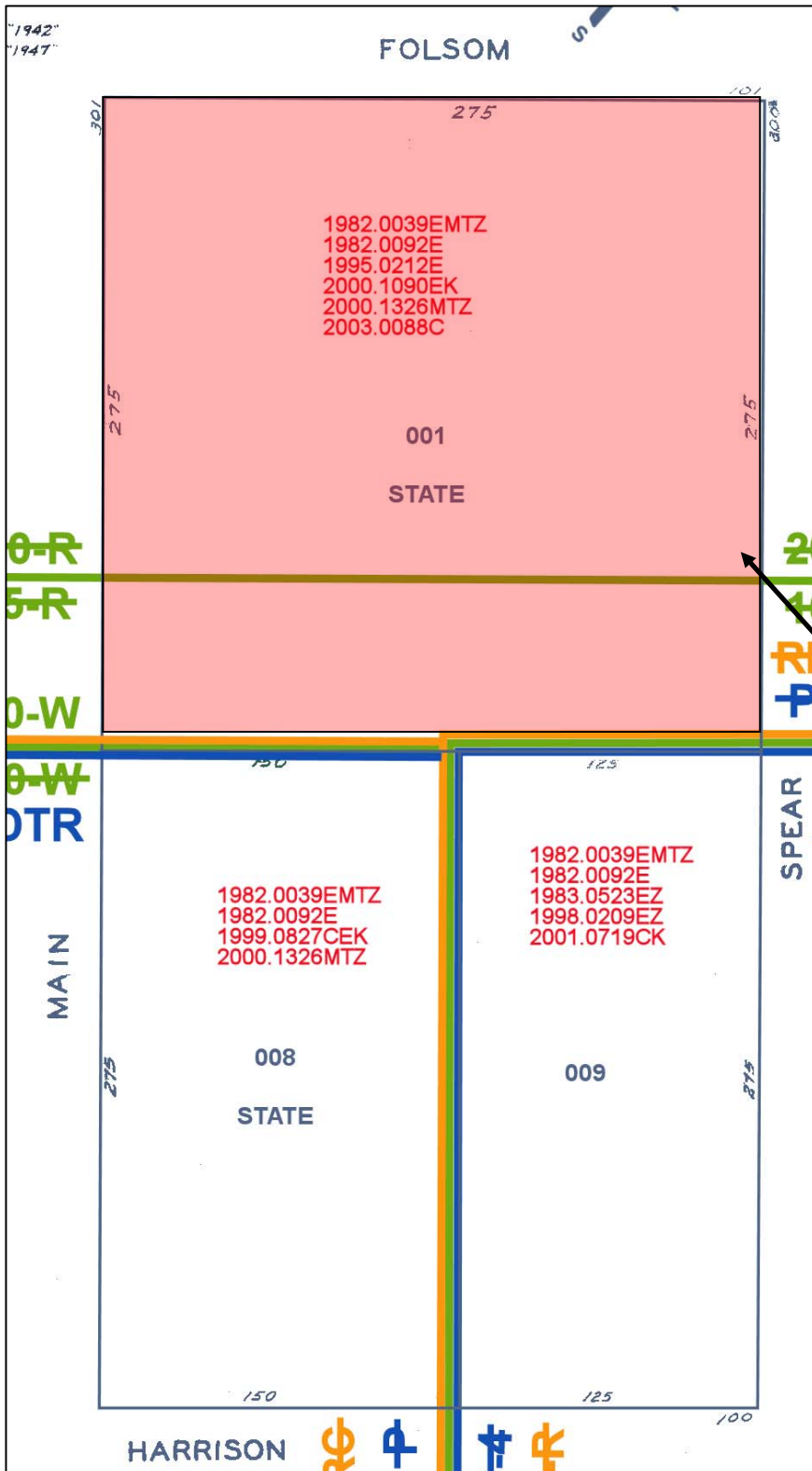
Attachments:

Parcel Map

Sanborn/Dwelling Unit Map
Aerial Photographs
Zoning Map
Letters of Support
Sponsor's Letter
Reduced Plans

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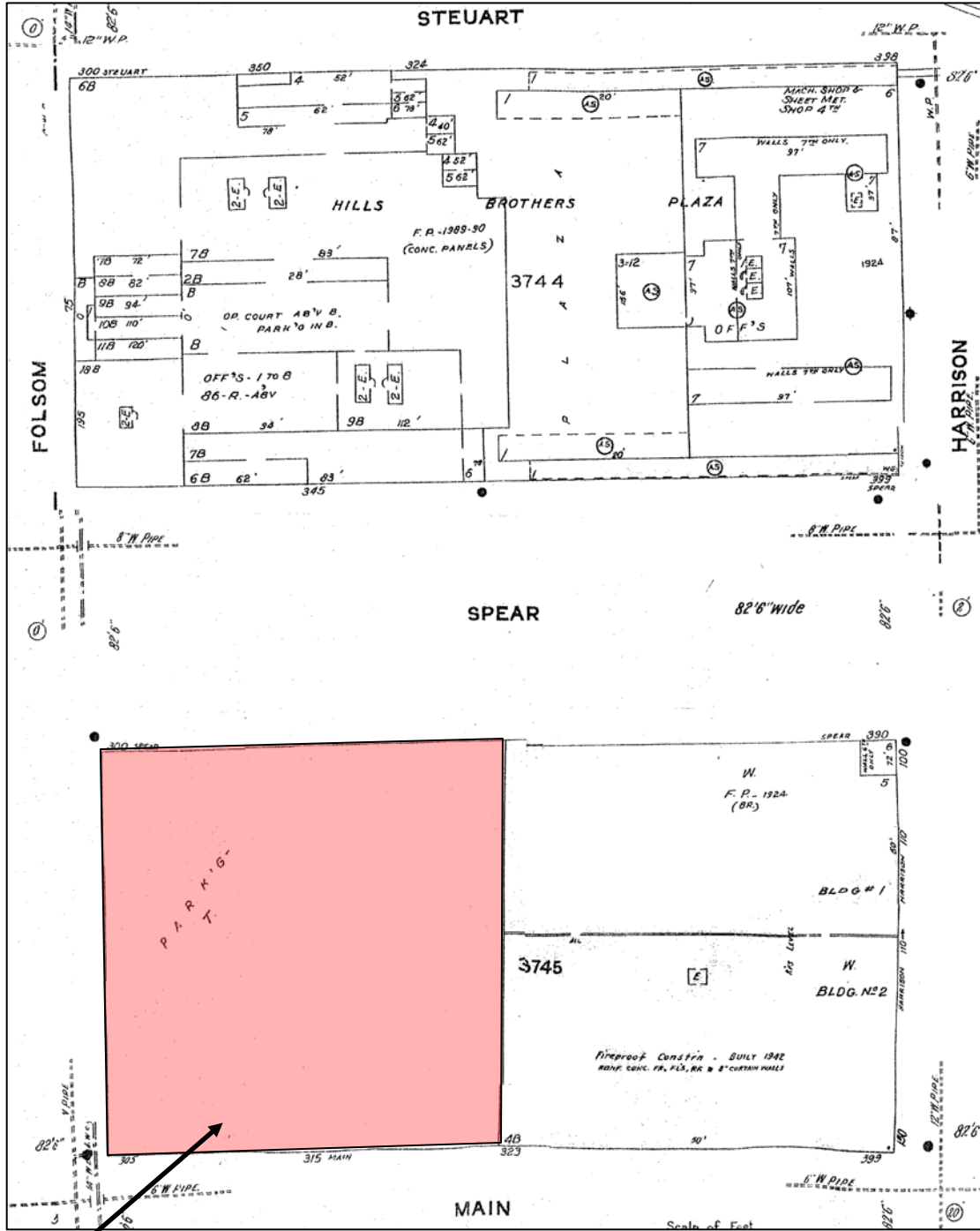
Parcel Map



SUBJECT PROPERTY

Mandatory Discretionary Review
Case Number 2010.0029D
Dwelling Unit Merger
301 Main Street (aka The Infinity)

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.

Mandatory Discretionary Review
Case Number 2010.0029D
 Dwelling Unit Merger
 301 Main Street (aka The Infinity)

Aerial Photo

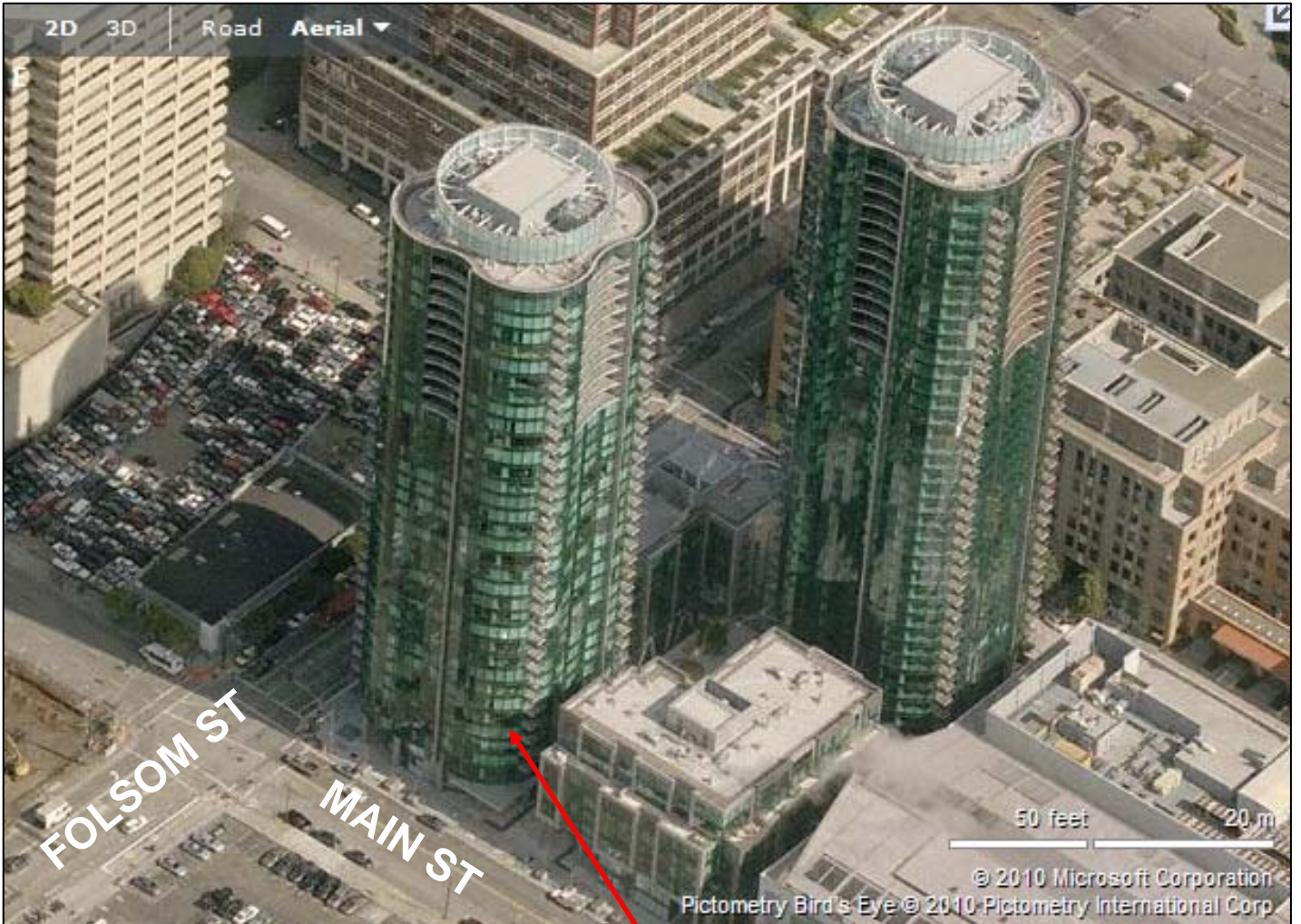


SUBJECT PROPERTY



Mandatory Discretionary Review
Case Number 2010.0029D
Dwelling Unit Merger
301 Main Street (aka The Infinity)

Aerial Photo

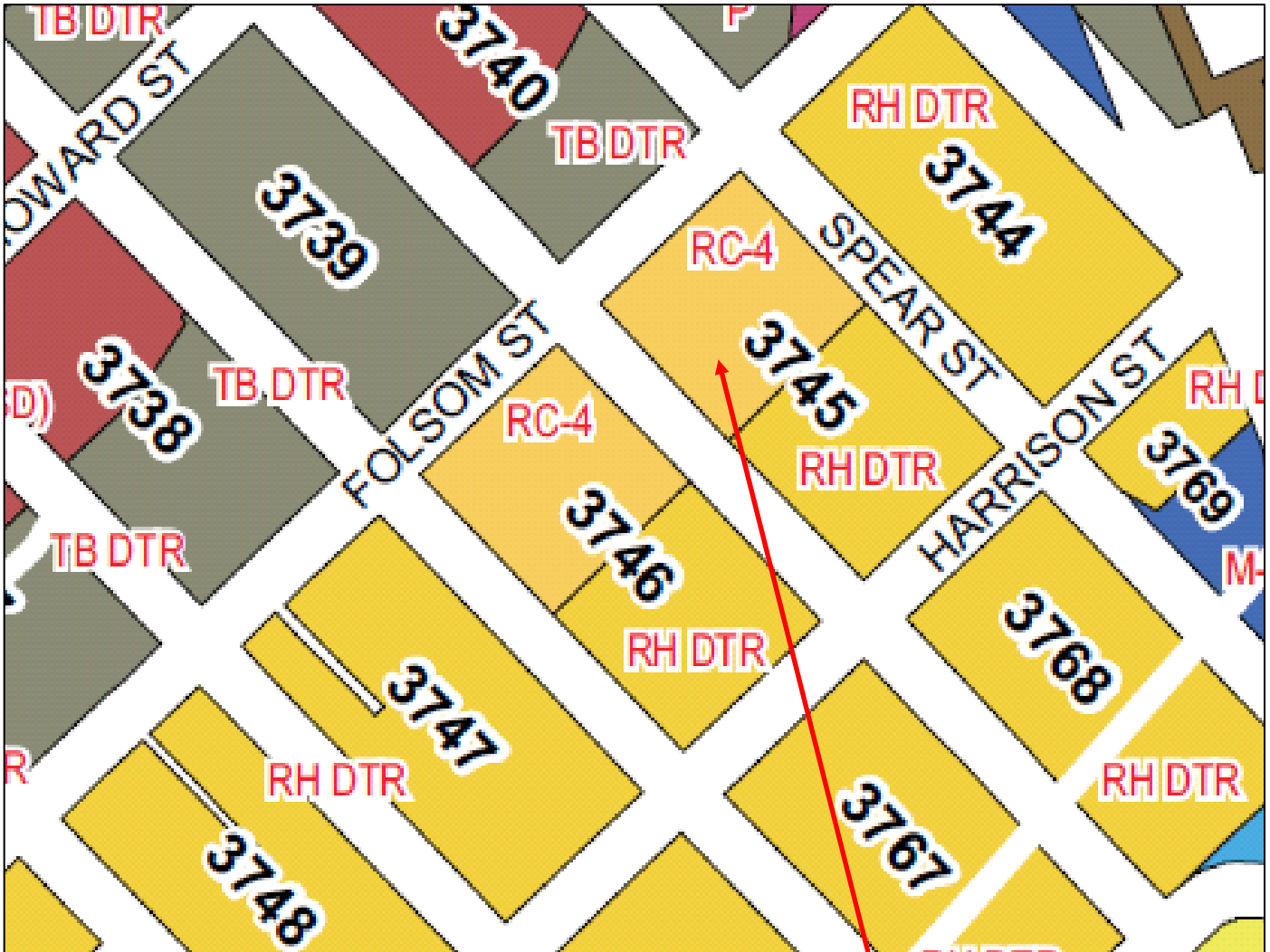


SUBJECT PROPERTY



Mandatory Discretionary Review
Case Number 2010.0029D
Dwelling Unit Merger
301 Main Street (aka The Infinity)

Height and Bulk Map



SUBJECT PROPERTY



Mandatory Discretionary Review
Case Number 2010.0029D
Dwelling Unit Merger
301 Main Street (aka The Infinity)



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Masti Pahlbod, Realtor
Prudential California
One Daniel Burnham Ct #260C
San Francisco, CA 94109

Residence:
501 Beale Street
San Francisco, CA 94105

April 4, 2009

San Francisco Planning Department, and
San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

I would like to convey my support of Anat and Eran Pilovsky's application to combine two units at the Infinity Towers.

I am a realtor specializing in SOMA high-rises and met Anat and Eran and their younger son shortly after they moved from Palo Alto to San Francisco. I saw how on one hand they fell in love with living in the South Beach high-rise lifestyle living, but on the other hand were frustrated in that their 2 bedroom unit was too small for their family and financing a large purchase of a 3 bedroom unit was not possible as the financing environment became more and more challenging over time. They were under pressure as the time neared for their older son to come back home after being overseas for 9 months and they did not have the adequate space for the entire family.

I would have loved to help them find a 3 bedroom home in one of the new SOMA high-rises but I was so happy they were able to purchase the unit next door, which was much easier to finance, and I was so excited to see them plan their family home in the Infinity. I live in South Beach myself and am happy to see the Pilovskys make this their family home here. People like them make South Beach a diverse and stable residential neighborhood.

Sincerely

A handwritten signature in blue ink that reads "M. Pahlbod".

Masti Pahlbod

Mary Frances Callan
301 Main Street, #5B
San Francisco, CA 94105

April 1, 2010

San Francisco Planning Department and
San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

RE: Pilovsky Request to Combine Two Units in the Infinity

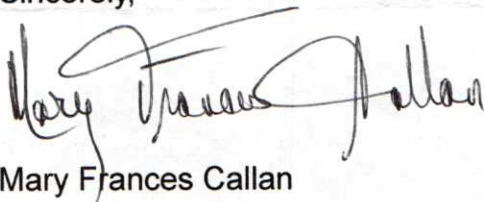
Dear Mr. Teague,

This letter is being written in support of the Pilovsky family request to combine two residential units in the Infinity. Doing this will allow them to have a family home adequate for their children and visiting family members. They will become permanent residents and add to the stability of the complex. As we have a number of single residents as well as residents who use these as second homes it will also add to the diversity of the complex.

It is my hope that the request is granted. I am confident the end result will not only be a lovely residence but also one that adds to the value of our complex.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Frances Callan". The signature is fluid and cursive, with a large initial "M" and "F".

Mary Frances Callan

CC: Eron and Anat Pilovsky

Talia and Gidi Cohen
338 Spear Street, Unit 35E
San Francisco, CA 94105

4/6/2010

San Francisco Planning Department, and
San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

We would like to share our support of the Pilovsky family's request to combine two units and make their permanent family home here at the Infinity where we reside as well. We understand that the Pilovsky family made a move from Palo Alto to San Francisco and fell in love with the city and the South Beach neighborhood. We would love to see larger units available in the neighborhood to make this a family friendly place.

Sincerely,
Talia Cohen



Eran Pilovsky

From: Victor Eyal [VEyal@umasolar.com]
Sent: Sunday, April 04, 2010 11:06 PM
To: Eran Pilovsky
Subject: Combining two units in the Infinity

Ronit and Victor Eyal
301 Main St. #26B
San Francisco, CA 04105

4/4/2010

To:
San Francisco Planning Department, and
San Francisco Planning Commission,
c/o Mr. Corey Teague, City Planner,

Dear Mr. Teague,

It came to our attention that the Pilovsky family requests to combine 2 units in the Infinity Building. As residence and owners of our home in the Infinity, we would like to express our approval and excitement of allowing the Pilovsky family to combine the two units, and make their permanent family home here at the Infinity, as our neighbors.

There are many single people in the building and many second home residents here. Having more families make the Infinity their permanent home strengthens and stabilizes the neighborhood and will benefit all residents. People with kids should not be discriminated against, and it is obvious that they need extra space for their larger family. They should be given the opportunity to raise kids in this great city.

Please approve their request to combine their two units.

Respectfully and sincerely,

A handwritten signature in black ink, appearing to read "Eyal", written in a cursive style.



Anat Pilovsky <anat.pilovsky@gmail.com>

Neighbor support letter

1 message

g345@abouzeid.com <g345@abouzeid.com>

Sun, Apr 4, 2010 at 4:40 PM

To: anat.pilovsky@gmail.com

Gilbert Bouzeid
338 Spear Street, Unit 15-E
San Francisco, CA 94105

April 5, 2010

San Francisco Planning Department, and San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

We would like to share our support of the Pilovsky family's request to combine two units and make their permanent family home here at the Infinity where we reside as well. We are delighted to see a family move into the Infinity and know that finding a large enough home for a family of four is very difficult.

Gilbert Bouzeid

Michael Katz, M.D.
338 Spear Street, Unit 4F
San Francisco, CA 94105

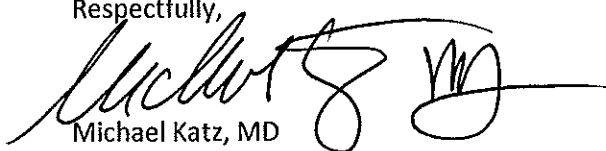
April 3, 2010

To:
San Francisco Planning Department, and
San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

Dear Mr. Teague:

We would like to share our support of the Pilovsky family's request to combine two units and make their permanent family home here at the Infinity where we reside as well. We also own a unit at this development and thus understand that the Pilovsky family made a move from Palo Alto to San Francisco after falling in love with the city and the South Beach neighborhood. We would love to see larger units available in the neighborhood to make this a family friendly place. We whole heartedly support their application and hope that you will too,

Respectfully,


Michael Katz, MD

Yael Ben-Efraim
338 Spear Street, Unit 31F
San Francisco, CA 94105

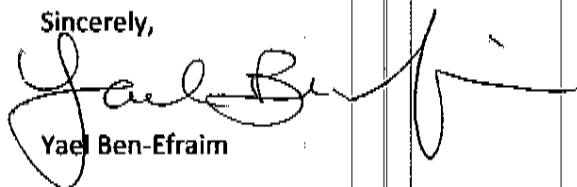
April 1, 2010

San Francisco Planning Department, and
San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

We would like to share our support of the Pilovsky family's request to combine two units and make their permanent family home here at the Infinity. We are delighted to see a family move into the Infinity and know that finding a large enough home for a family of four is very difficult.

Having more families make the Infinity their permanent home, strengthens and stabilizes the neighborhood and will benefit all residents in the long term.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yael Ben-Efraim', written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Yael Ben-Efraim

From: vernon <jpvern@comcast.net>
Subject: Pilovsky family 301 Main Street, Suite 15D, San Francisco, California 94105
Date: April 6, 2010 9:57:04 PM PDT
To: The San Francisco Planning Department

It is a delight knowing the Pilovsky family and having them as our neighbors at the Infinity. The Pilovsky family believes it is indeed possible to raise a happy and healthy family in San Francisco and have also proven this by being good neighbors, accommodating and friendly to others at the Infinity as well as the surrounding area of South Beach. This is especially true with our family as during a recent illness with my wife, they have gone out of their way to help our family with shopping, cooking, etc. These are truly the type of people we need more of in San Francisco and especially at the Infinity.

Most sincerely,



Pipkin Family
301 Main Street, #16F
Infinity Building B
San Francisco, CA 94105
(415) 817-1121

Rita Rekitar
301 Main Street # 19B
San Francisco, CA 94105

April 7, 2010

San Francisco Planning Department, and
San Francisco Planning Commission
c/o Mr. Corey Teague, City Planner

We would like to share our support of the Pilovsky family's request to combine two units and make their permanent family home here at the Infinity where we reside as well. We are delighted to see a family move into the Infinity and know that finding a large enough home for a family of four is very difficult.

Sincerely,
Rita Rekitar

A handwritten signature in black ink, appearing to read 'Rita Rekitar', written over the printed name.

**ERAN & ANAT PILOVSKY
301 Main Street, Unit 15D
San Francisco, CA 94105**

April 8, 2010

San Francisco Planning Department, and
San Francisco Planning Commission
C/O Mr. Corey Teague, City Planner

Re: Our application to combine two units at 301 Main Street, San Francisco

We own units 15C and 15D at 301 Main Street and would like to share with you some background for our application to combine the two units.

We purchased unit 15D in May 2008 as a second home while living in Palo Alto. We quickly fell in love with the South Beach urban high-rise living. In September 2008 we decided to try and make the Infinity our primary home. We rented out our Palo Alto home and moved in full time to the two bedroom unit with our younger ten year old son.

After settling in at our new home and our son's school we confirmed that this is where we want to stay and were looking for a larger home that can accommodate our family needs including an additional bedroom for our older son who was returning home from a year abroad.

For several months, roughly from December 2008 until May 2009, we looked for a three bedroom condo in the South Beach high-rise buildings in general and at the Infinity in particular. There were many small one and two bedroom units on the market but we were not able to find a large three bedroom unit that we could afford.

In May 2009 we had the opportunity to purchase the next door one bedroom unit (15C), in anticipation of combining the two units into our family home. We sold our Palo Alto home which helped us finance the purchase of the additional unit.

I would like to point to the following factors to hopefully help the Commission approve our application:

1. The combination of the units will enable us to live in the downtown / South Beach neighborhood in a family size unit. There are relatively few three bedroom units in the South Beach high-rises. The Infinity has only 68 units (10% of the total) three bedroom units, all of which are either in the 5-6 story buildings which do not provide the high-rise living experience, or in the 28th to 42nd floors of the towers which tend to be more expensive and overwhelming in height. The three bedroom units in the Infinity range in size from approximately 1,300 SF to 1,800 square feet which is too small for our needs as a family of four. The combined two units on the 15th floor are just over 2,100 square feet.

2. The original approval of the Infinity project called for maximizing the number of family size units. Combining the two units will help achieve the city's goal.
3. Having a family home in the South Beach neighborhood helps to strengthen and stabilize the neighborhood.
4. There are many available one and two bedroom units in the South Beach neighborhood and rental vacancy is high. We do not believe that the combination adversely impacts housing availability dynamics.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eran & Anat Pilovsky". The signature is written in a cursive, flowing style.

Eran & Anat Pilovsky

SHEET INDEX AND NOTES

- A1** PROPOSED PLAN & NOTES
- A2** PROPOSED ELECTRICAL AND LIGHTING PLAN & SCHEDULE
- A3** (E) PLAN FOR REFERENCE AND PROPOSED REFLECTED CEILING PLAN

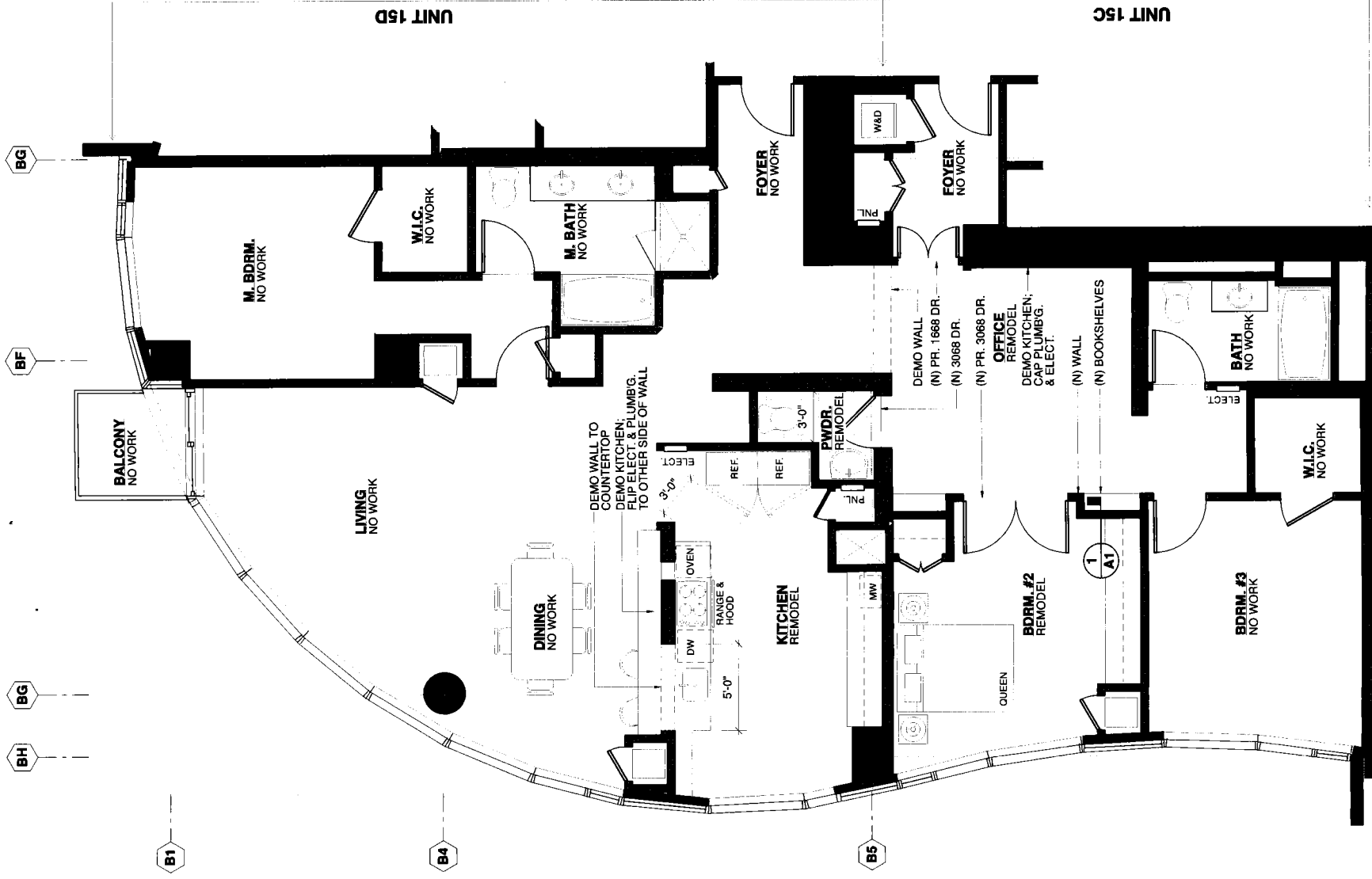
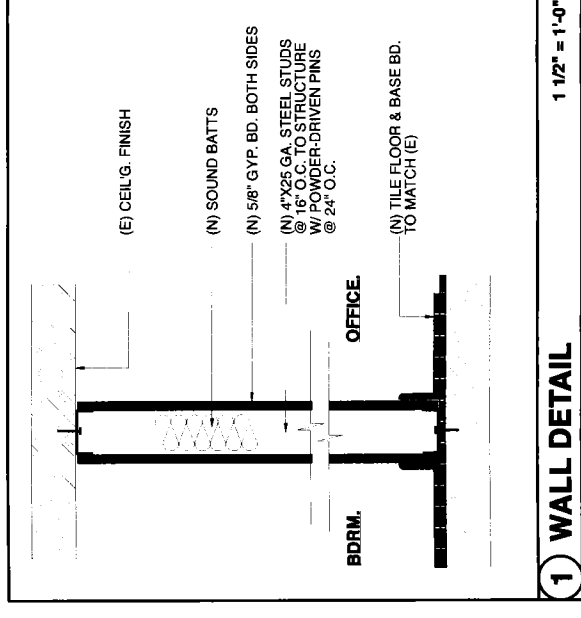
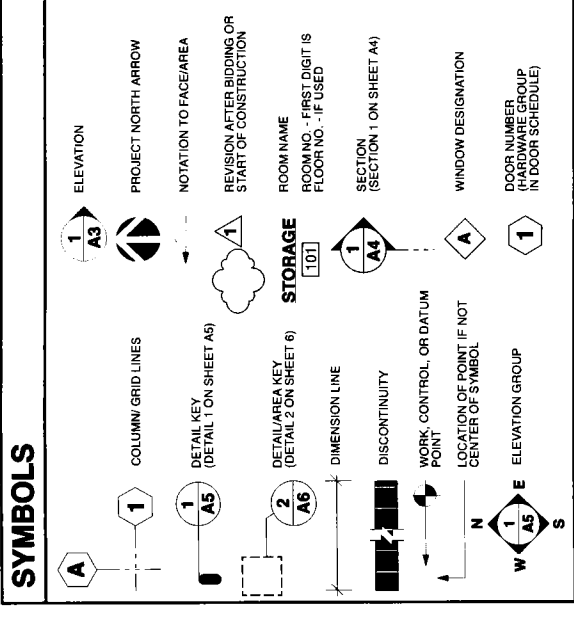
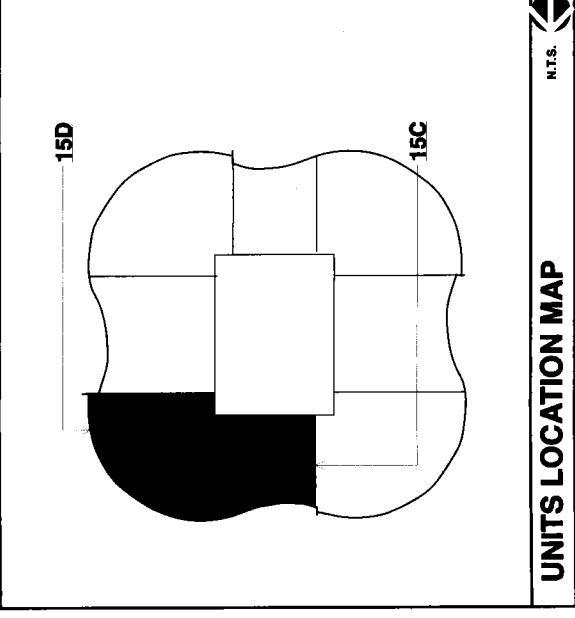
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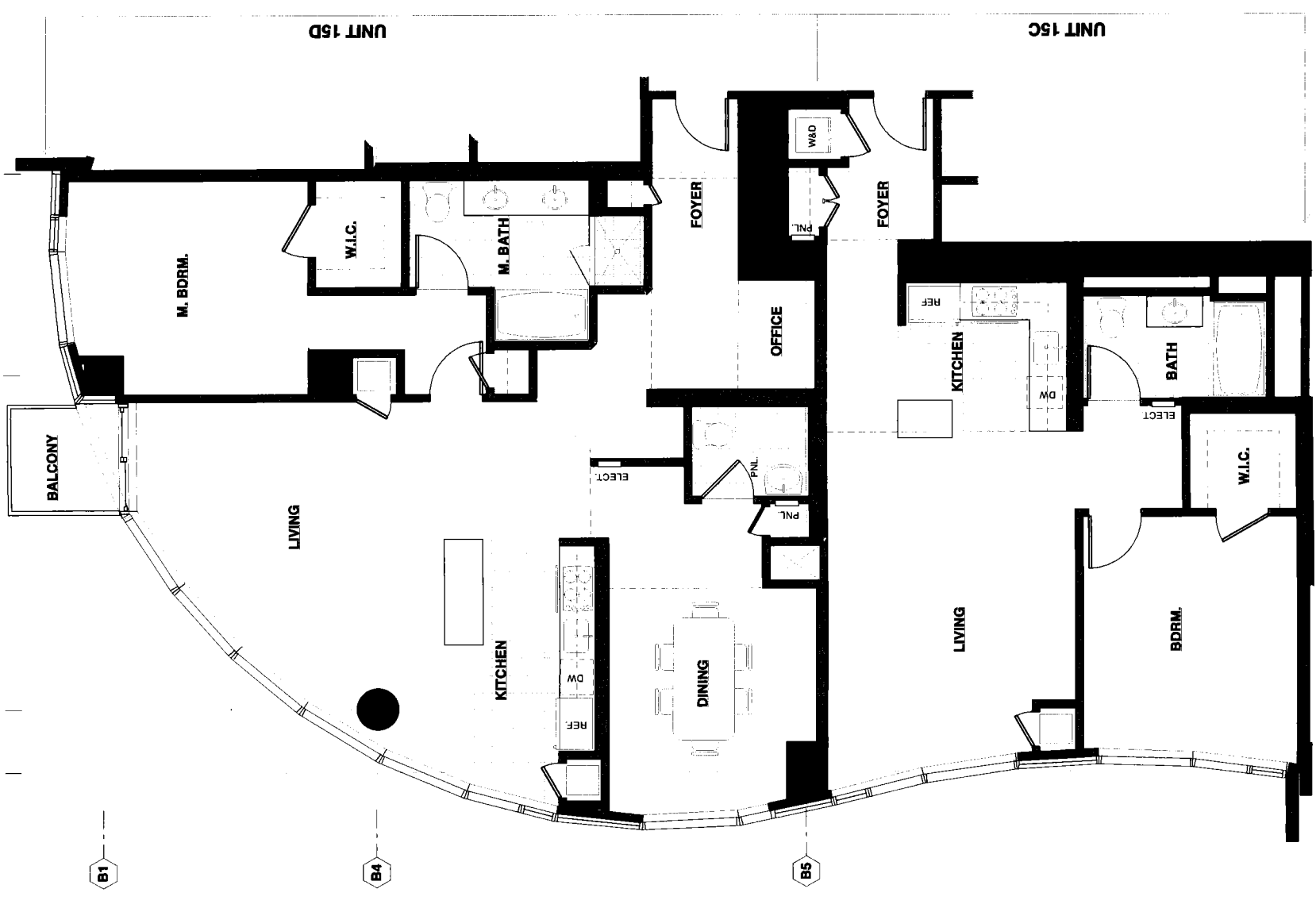
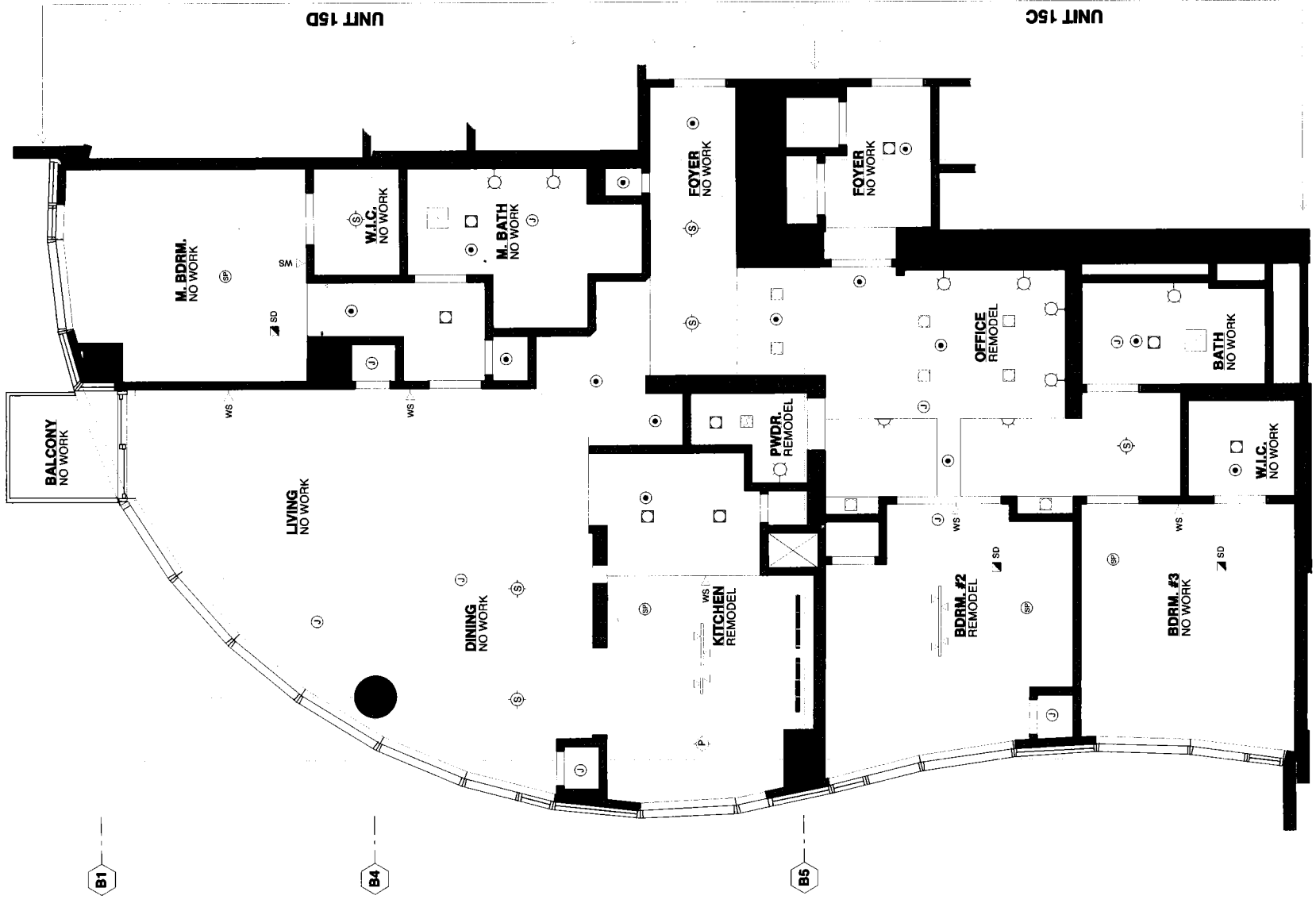
- 1) REMODEL 15D KITCHEN BY FLIPPING FIXTURES, ELECTRIC & PLUMBING TO OTHER SIDE OF WALL, AND DEMO 15C KITCHEN
- 2) RELOCATE POWDER ROOM DOOR
- 3) DEMO WALL BETWEEN FOYERS
- 4) REMODEL 15C LIVING ROOM INTO BEDROOM

NO STRUCTURAL WORK IS PROPOSED.

GENERAL NOTES

- ALL CONSTRUCTION TO CONFORM TO CODES AND MINIMUM STANDARDS OF:
1. THE 2007 SAN FRANCISCO BUILDING CODE CONSISTS OF THE 2007 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS
 2. THE 2007 SAN FRANCISCO ELECTRICAL CODE CONSISTS OF THE 2007 CALIFORNIA Electrical Code with San Francisco Amendments
 3. THE 2007 SAN FRANCISCO ENERGY CODE CONSISTS OF THE 2007 CALIFORNIA ENERGY CODE, WHICH IS ESSENTIALLY THE SAME AS THE 2005 CALIFORNIA ENERGY CODE, WITH NO LOCAL AMENDMENTS
 4. THE 2007 SAN FRANCISCO HOUSING CODE
 5. THE 2007 SAN FRANCISCO MECHANICAL CODE CONSISTS OF THE 2007 CALIFORNIA MECHANICAL CODE WITH SAN FRANCISCO AMENDMENTS
 6. THE 2007 SAN FRANCISCO PLUMBING CODE CONSISTS OF THE 2007 CALIFORNIA PLUMBING CODE WITH SAN FRANCISCO AMENDMENTS
 7. VERIFY EXISTING DIMENSIONS AND CONDITIONS ON SITE, CALLED OFF DIMENSIONS TO TAKE PRECEDENCE OVER DIMENSIONS AND CONDITIONS ON FACE OF STUD UNLESS OTHERWISE NOTED. ANY ERRORS, OMISSIONS OR AMBIGUITIES IN THE DRAWINGS ARE TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES AND SEQUENCES OF CONSTRUCTION. THE CONTRACTOR SHALL ALSO BE SOLELY RESPONSIBLE FOR ALL SAFETY PROGRAMS AND PROCEDURES DURING CONSTRUCTION. THE CONTRACTOR MUST MAINTAIN THE SHORING AND BRACING UNTIL THE NEW PERMANENT STRUCTURE CAN PROVIDE ADEQUATE VERTICAL AND LATERAL SUPPORT.
 9. ALL MATERIALS AND EQUIPMENT ARE TO BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
 10. SHEETROCK MANUFACTURED IN CHINA PROHIBITED.





(A) REMODELED REFLECTED CEILING PLAN

(B) FLOOR PLAN (FOR REFERENCE ONLY)

