

File No. 100072

Committee Item No. _____

Board Item No. 56

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date January 26, 2010

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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OTHER

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Completed by: Annette Lonich Date January 19, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

FILE NO. _____ 100072

MOTION NO. _____

1 [Final Map 4789 – 235 Waller Street]

2
3 **Motion approving Final Map 4789, a Six Unit Residential Condominium Project,**
4 **located at 235 Waller Street being a subdivision of Lot 035 in Assessors Block No.**
5 **0869 and adopting findings pursuant to the General Plan and City Planning Code**
6 **Section 101.1**

7
8 MOVED, That the certain map entitled "FINAL MAP 4789", comprising 3 sheets,
9 approved January 5, 2010, by Department of Public Works Order No. 178, 489 is hereby
10 approved and said map is adopted as an Official Final Map 4789; and be it

11 FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own
12 and incorporates by reference herein as though fully set forth the findings made by the City
13 Planning Department, by its letter dated March 12, 2009, that the proposed subdivision is
14 consistent with the objectives and policies of the General Plan and the Eight Priority Policies
15 of Section 101.1 of the Planning Code; and be it

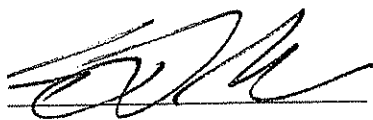
16 FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes
17 the Director of the Department of Public Works to enter all necessary recording information on
18 the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerk's
19 Statement as set forth herein; and be it

20 FURTHER MOVED, That approval of this map is also conditioned upon compliance by
21 the subdivider with all applicable provisions of the San Francisco Subdivision Code and
22 amendments thereto.

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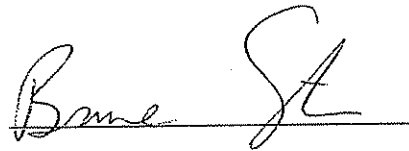
RECOMMENDED:



Edward D. Reiskin

Director of Public Works

DESCRIPTION APPROVED:



Bruce R. Storrs, PLS

City and County Surveyor

Office of the Treasurer & Tax Collector
City and County of San Francisco

Property Tax & Licensing
George Putris, Tax Administrator



José Cisneros, Treasurer

I, George W. Putris, Tax Administrator of the City and County San Francisco, State of California, do hereby certify that according to the records of my office, there are no liens against the subdivision designated on the map entitled:

Block No. 0869 Lot No. 035

Address: 235 Waller Street

for unpaid City & County property taxes or special assessments collected as taxes.

George W. Putris

Tax Administrator

Dated this 13th day of November 2009



Gavin Newsom, Mayor
Fred V. Abadi, Ph.D., Director



(415) 554-5800
FAX (415) 554-5843
http://www.sfdpw.com

Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager
Bruce Storrs, City and County Surveyor

RECEIVED
09 MAR 17 AM 9:01

Date: July 31, 2007

Project ID: 4789			
Project Type: 6 Units Condo Conversion			
Address#	StreetName	Block	Lot
235	WALLER ST	0869	35
Tentative Map Referral			

NW

2007.0901 Q

Department of City Planning
1660 Mission Street
San Francisco, CA 94103

Attention: Mr. Lawrence Badiner

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- Print of Parcel Map
- List "B"
- Proposition "M" Findings
- Photos

Sincerely,

Bruce R. Storrs
Bruce R. Storrs, P.L.S.
City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

✓

Approved by Planning Commission per Motion No. 17833

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Lawrence Badiner at the above address):

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Lawrence Badiner at the above address):

PLANNING DEPARTMENT

DATE 3.12.09

Anna Ballister, Anna Hollister
for Mr. Lawrence B. Badiner, Zoning Administrator



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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 17833

HEARING DATE: FEBRUARY 26, 2009

Date: February 26, 2009
Case No.: 2007.0901Q
Project Address: 235 Waller Street
Zoning: RTO (Residential, Transit-Oriented)
 40-X Height and Bulk District
Block/Lot: 0869/035
Project Sponsor: Goldstein, Gellman, Melbostad, Gibson & Harris – Condo Division
 c/o Pamela Wiget
 1388 Sutter Street Suite 1000
 San Francisco, CA 94109
Staff Contact: Aaron Hollister – (415) 575-9078
 aaron.hollister@sfgov.org

ADOPTING FINDINGS RELATING TO THE REVIEW FOR CONSISTENCY WITH THE GENERAL PLAN OF A SIX-UNIT CONDOMINIUM CONVERSION LOCATED AT 235 WALLER STREET WITHIN AN RTO (RESIDENTIAL, TRANSIT-ORIENTED) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT. THE PROPOSAL IS TO ALLOW THE CONDOMINIUM CONVERSION SUBDIVISION OF A SIX-UNIT RESIDENTIAL BUILDING.

PREAMBLE

- On July 31, 2007, 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 six-unit residential building (hereinafter Project) located at 235 Waller Street, mid-block between Webster and Buchanan Streets, Assessor's Block 0869, Lot 035 in an RTO (Residential, Transit-Oriented) 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 six-family residential building.
- On February 26, 2009, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Condominium Conversion Subdivision Application No. 2007.0901Q, 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. 2007.0901Q.

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:

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

Three units are owner-occupied, two units are tenant-occupied, and one unit is vacant. The tenants do not intend to purchase their respective units. 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.

1990 RESIDENCE ELEMENT

OBJECTIVE 3: TO RETAIN THE EXISTING SUPPLY OF HOUSING

POLICY 4:

Restrict the conversion of rental housing to condominiums or other forms of tenure or occupancy by promoting the meaningful expansion of home ownership opportunities.

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 14: TO AVOID OR MITIGATE HARDSHIPS IMPOSED BY DISPLACEMENT

Three units are owner-occupied, two units are tenant-occupied, and one unit is vacant. The tenants do not intend to purchase their respective units). 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.

7. Code Section 101.1 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. 2007.0901Q.

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 February 26, 2009.

Linda Avery
Commission Secretary

AYES: Miguel, Olague, Antonini, Lee, Borden, Moore, Sugaya

NAYS: None

ABSENT: None

ADOPTED: February 26, 2009

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