

1 [Approving decision of the Director of Public Works and disapproving Tentative Parcel Map for  
2 901 Bush Street]

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4 **Motion approving decision of the Director of Public Works, and disapproving Tentative**  
5 **Parcel Map for a 38-unit condominium project located at 901 Bush Street, Lot 001 in**  
6 **Assessor’s Block 0282.**

7 MOVED, That the decision of the Department of Public Works, dated October 6, 2005,  
8 disapproving a proposed Tentative Parcel Map for a 38-unit new condominium located at:  
9 901 Bush Street, Lot 001 in Assessor’s Block No. 0282, be and the same is approved  
10 for the following reasons.

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12 The proposed condominium project is not consistent with the City's General Plan or the  
13 General Plan Priority Policies. Because the application of different City codes to this project  
14 has resulted in an apparent inconsistency, it is not possible to find this proposed project  
15 consistent with the City's General Plan or General Plan Priority Policies. The Department of  
16 Public Works has determined that this project is not a conversion and is considered a new  
17 structure for purposes of the Subdivision Code. The restrictions on conversions of rental units  
18 to condominiums therefore would not apply. On the other hand, however, the alterations to  
19 the building have been considered restoration of an existing non-complying structure and non-  
20 conforming use in an existing building under the Planning Department's building permit  
21 review. Accordingly, the City would allow the building to return to its prior non-compliance  
22 with parking, rear yard, and open space requirements. The proposed project has also been  
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1 considered a non-conforming use because it does not conform to the density and affordable  
2 housing requirements of the Planning Code.

3 The proposed condominium project is not consistent with three of the eight General  
4 Plan Priority Policies. The proposed project is not consistent with Priority Policies Two and  
5 Three, set forth in Planning Code Sections 101.1(b)(2) and (b)(3), that existing housing and  
6 neighborhood character be conserved and protected in order to preserve the cultural and  
7 economic diversity of our neighborhoods, and that the City's supply of affordable housing be  
8 preserved and enhanced, because the proposed project would result in the loss of all  
9 affordable and market rate rental units that existed prior to the fire at the property and will  
10 provide no alternative affordable residential units. This Board has inadequate information at  
11 this time to determine that the proposed project is consistent with Priority Policy Seven, set  
12 forth in Planning Code Section 101.1(b)(7), that landmarks and historic buildings be  
13 preserved, because the Planning Department has not had an opportunity to advise the Board  
14 about whether the construction adversely affects the historic value of this building. The  
15 building is a contributor to a National Register historic district and is listed on the California  
16 Register.  
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19 In addition, this project is inconsistent with the following Policies and Objectives of the  
20 Housing Element of the General Plan:

21 Objective 2: To increase the supply of housing without overcrowding or adversely  
22 affecting the prevailing character of existing neighborhoods.

23 Policy 2.4 Adopt specific zoning districts which conform to a generalized residential  
24 land use and density plan and the Master Plan.  
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High density districts, such as this RC-4 zone, should have a maximum of 283 units per acre. The subject lot is approximately 0.11 acres. At the General Plan density, a maximum of 30 units could be provided at this site, but 38 "new" units are proposed.

Policy 3.4: Restrict the conversion of rental housing to condominiums or other forms of tenure or occupancy.

Policy 13.6: Provide adequate rental housing opportunities.

The City regulates condominium conversions by ordinance to preserve a reasonable balance between ownership and rental housing in San Francisco by providing an annual limitation on the number of units which may be converted in any one year, and to prevent the effective loss of the City's low and moderate income housing stock. The conversion provisions of the Subdivision Code also protect and control displacement of tenants, including elderly and low-income tenants. The definition of this project as a new project and not a condominium conversion would mean that the City would not be able to protect the original tenants of the building or preserve rental housing, as set forth in the Subdivision Code in the case of conversions.

Housing Supply Objective 1: Provide new housing, especially permanently affordable housing in appropriate locations, which meets identified housing needs and takes into account the demand for affordable housing created by employment demand.

Policy 4.2: Include affordable units in larger housing projects.

The City attempts to provide adequate affordable housing in the City by requiring a minimum of 10 percent affordable housing units in any new housing project containing 10 or

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more units under Planning Code Section 315. Yet because this project has not been considered new construction, this requirement has not been applied to this project.

The project is thus inconsistent with the aforementioned Housing Element Policies and Objectives found in the City's General Plan. California Government Code Sections 66473.5 and 66474 require disapproval of any tentative map where the legislative body does not find the proposed project consistent with the General Plan.