



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> 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 19289

HEARING DATE: DECEMBER 4, 2014

Date: November 25, 2014
Case No.: **2014.1176Q**
Project Address: **2438 Lake Street**
Zoning: RM-1 (Residential, Mixed, Low Density) District
40-X Height and Bulk District
Block/Lot: 1333/020
Project Sponsor: Cam Perridge
388 Market Street, Suite 1300
San Francisco, CA 94111
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org

ADOPTING FINDINGS RELATING TO THE REVIEW FOR CONSISTENCY WITH THE GENERAL PLAN TO ALLOW A CONDOMINIUM CONVERSION SUBDIVISION OF A THREE-STORY OVER GARAGE, SIX-UNIT BUILDING INTO RESIDENTIAL CONDOMINIUMS WITHIN A RM-1 (RESIDENTIAL, MIXED, LOW DENSITY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 21, 2014, Cam Perridge (hereinafter "Project Sponsor") filed an application with the Department of Public Works, Bureau of Street Use and Mapping for Planning Department review to allow the Condominium Conversion Subdivision of a three-story-over-garage, six-unit building into residential condominiums within a RM-1 (Residential, Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. The subject building is considered a legal use as the Report of Residential Building Record indicates that the legal authorized occupancy and use is a six-unit dwelling.

On December 3, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Condominium Conversion Subdivision Application No. 2014.1176Q.

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. Units may be converted to condominiums so long as they meet the requirements of the Expedited Conversion Program per the Subdivision Code. An exception is provided for two-unit buildings where both units are owner-occupied for one year.
- 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 five years prior to the date of application for conversion.
 - ii. Buildings consisting of six units or less in which at least three of the units have been occupied continuously by three of the owners of record for five years prior to the date of application for conversion.

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.

The Subdivision 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.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties.

MOVED, that the Commission hereby approves the Condominium Conversion Subdivision requested in Application No. 2014.1176Q based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.

2. The applicant requests Planning Department review of a Condominium Conversion Subdivision Application to allow for the conversion of the multi-unit building.
3. As required by Section 1396 of the San Francisco Subdivision Code, at least three of the units have been owner occupied continuously by one or more of the owners of record for five years prior to the date of application for conversion.
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:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.4:

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

Property owners are required to correct outstanding code violations identified in a Physical Inspection Report issued by the Department of Building Inspection (DBI). All work must be completed and a DBI Certificate of Final Completion must be issued prior to DPW approval.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.3:

Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

Conversions of rental stock to condominiums help achieve affordable homeownership, providing a category of housing stock for moderate income housing needs. Through the Expedited Conversion Program, properties are eligible to convert from rental units to ownership status so long as owner-occupancy requirements are met.

7. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would have no adverse effect upon existing neighborhood-serving retail uses as it is a change in form of residential tenure.

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

The proposal is a change in form of residential tenure and would not alter the existing housing and neighborhood character of the vicinity.

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

No housing would be removed for this project.

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

The proposal is a change in form of residential tenure and would not affect public transit or neighborhood parking.

E. That 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 is a change in form of residential tenure and would not involve the industrial or service sectors of the City.

F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposal is subject to inspection by the Department of Building Inspection and will be required to make any code required repairs, including those related to life safety issues, prior to the recordation of the final condominium subdivision map.

G. That landmarks and historic buildings be preserved.

The proposal is a change in form of residential tenure and would not affect landmarks or historic buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposal is a change in form of residential tenure and would not affect public parks or open space.

8. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
9. The Commission hereby finds that approval of the Condominium Conversion Subdivision would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, Department staff 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. 2014.1176Q.**

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 3, 2014.

Jonas Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 3, 2014

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name:

Add: SIRKINLAW APC
388 Market St • Ste 1300
City: San Francisco • California • 94111

State:

CONFORMED COPY of document recorded
01/12/2015, 2015K003567
on _____ with document no _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

(Space Above This Line For Recorder's Use)

We Emmanuel Darzius, Fred Tanaka, Alexander Ruzhinsky,
Phillip M. Ng, Pierre Martin, mila Martin, Paul Hou Chow Lee,
the owners of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described):

BEING ASSESSOR'S BLOCK: 1333, LOT: 020;

COMMONLY KNOWN AS: 2438 LAKE STREET;

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to the approval of Condominium Conversion Application No. 2014.1176Q by the Planning Department as a referral from the Department of Public Works, Bureau of Street-Use and Mapping, Project ID: 8300.

The tentative map filed with the present application indicates that the subject building at 2438 Lake Street is a six-unit building located in a RM-1 (Residential, Mixed, Low Density) Zoning District. Within the RM-1 Zoning District, a maximum of three dwelling units can be considered legal and conforming to the Planning Code. The remaining three units must be considered legal, nonconforming dwelling units.

The restrictions and conditions of which notice is hereby given are:

1. That three of the dwelling units shall be designated as nonconforming dwelling units if and when any future expansion occurs. Section 181 of the Planning Code provides that

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the Northerly line of Lake Street, distant thereon 57 feet and 6 inches Easterly from the Easterly line of 26th Avenue; and running thence Easterly along said Northerly line of Lake Street 25, feet; thence at a right angle Northerly 108 feet; thence at a right angle Westerly 25 feet; thence at a right angle Southerly 108 feet to the point of beginning.

Being part of Outside Land Block No. 47

Assessor's Lot 20; Block 1333

ACKNOWLEDGMENT

State of California
County of ALAMEDA)

On DEC 22, 2014 before me, HITEN BHUPTANI, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared EMMANUEL DARZINS,
who proved to me on the basis of satisfactory evidence to be the person ~~or~~ whose name ~~is~~ is/~~was~~
subscribed to the within instrument and acknowledged to me that he/~~she~~ they executed the same in
his/~~her~~ authorized capacity ~~(is)~~, and that by his/~~her~~ their signature ~~(s)~~ on the instrument the
person ~~(s)~~, or the entity upon behalf of which the person ~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

a nonconforming use, and any structure occupied by such a use shall not be enlarged, intensified, extended or moved to another location, unless the result will be the elimination of the non-conforming use with exceptions outlined under Section 181(b) of the Code.

2. That the remaining three dwelling units shall remain legal and conforming, subject to all of the restrictions of the Code, and any other applicable City Codes. In case of conflict, the more restrictive City Code shall apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The property owners shall record a copy of these conditions with the Office of the Recorder of the City and County of San Francisco as part of the property records for the block and lot identified above.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Fred Tanaka (Signature) Fred Tanaka (Printed Name)

Dated: December, 19, 20 14 at San Francisco, California.
(Month, Day) (City)

(Signature) (Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

ACKNOWLEDGMENT

State of California

County of SAN FRANCISCO

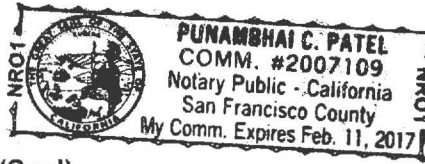
On DEC 19th, 2014 before me, PUNAMBHAI C. PATEL / NOTARY PUBLIC
(insert name and title of the officer)

personally appeared FRED M. TANAKA,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

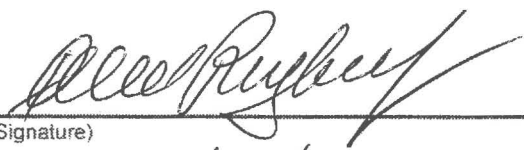


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(Signature) ALEXANDER RUZHINSKY
(Printed Name)
Dated: 12/19/2014, 2014 at SAN FRANCISCO, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

ACKNOWLEDGMENT

State of California

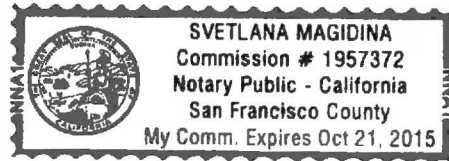
County of San Francisco


On December 19, 2014 before me, Svetlana Magidina, Notary Public
(insert name and title of the officer)

personally appeared Alexander Rezhinsky
who proved to me on the basis of satisfactory evidence to ~~be~~ the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in
his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature 

(Seal)

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Philip M. Ng (Signature) Philip M. Ng (Printed Name)

Dated: Dec. 18, 2014 at San Francisco, California.
(Month, Day) (City)

(Signature) (Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

ACKNOWLEDGMENT

State of California
County of San Francisco

On Dec 18, 2014 before me, Lina Lei Hammon, Notary Public
(insert name and title of the officer)

personally appeared Phillip M. Ng,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lina Lei Hammon (Seal)





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 PIERRE MARTIN
(Signature) (Printed Name)
Dated: 12/22, 2014 at SAN FRANCISCO, California.
(Month, Day) (City)

 MILA MARTIN
(Signature) (Printed Name)
Dated: 12/22, 2014 at SAN FRANCISCO, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

ACKNOWLEDGMENT

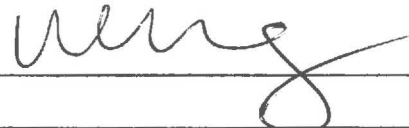
State of California
County of San Francisco

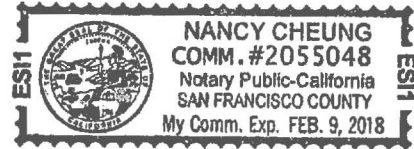
On December 22, 2014 before me, Nancy Cheung, Notary Public
(insert name and title of the officer)

personally appeared Pierre Martin and Mila Martin,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are
subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/they executed the same in
~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

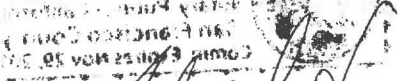


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[Signature]
(Signature)

PAUL HON HOW LEE
(Printed Name)

Dated: 12-23, 2014 at San Francisco, California.
(Month, Day) (City)

(Signature)

(Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature)

(Printed Name)

Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

ACKNOWLEDGMENT

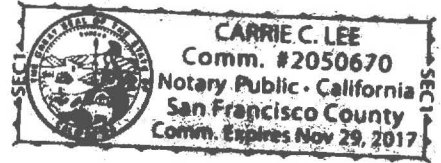
State of California
County of San Francisco

On December 23, 2014 before me, Carrie C. Lee, Notary Public
(insert name and title of the officer)

personally appeared - Paul Honchow Lee -
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature Carrie C. Lee (Seal)