

1 [Below Market Rate Condominium Conversion Program – Release of Units at 3321 17th
2 Street.]

3 **Resolution approving the release of six units at 3321 17th Street from the Below Market**
4 **Rate Condominium Conversion Program under Subdivision Code Sections 1341 and**
5 **1385.**

6
7 WHEREAS, In 1979, the Board of Supervisors created the Below Market Rate
8 Condominium Conversion Program, San Francisco Subdivision Code Sections 1341 and
9 1385 (the "Program"), to require that certain units be restricted as below-market-rate units
10 ("BMR Units") as a condition of subdivision approval; and,

11 WHEREAS, The Mayor's Office of Housing ("MOH") currently administers the Program
12 and there are approximately 550 BMR Units in the Program; and,

13 WHEREAS, On November 15, 1979, the Planning Commission approved the subdivision of
14 3321 17th Street (the "Property") on the condition that all 21 units on the Property become
15 BMR Units regulated under the Program; and

16 WHEREAS, On April 21, 1980, the Board of Supervisors approved a subdivision map
17 for the Property "subject to compliance by the subdivider with all of the conditions set forth in
18 Resolution No. 8419 of the City Planning Commission" and "compliance by the subdivider
19 with all applicable provisions of the Subdivision Code and amendments thereto;" and,

20 WHEREAS, At the time the Program permitted the release of a BMR Unit from the
21 Program if the owner of the BMR Unit demonstrated that it has marketed but it could not sell
22 the Unit at the restricted price for an extended period of time; and,

23 WHEREAS, Based on records maintained by MOH, fifteen (15) BMR Units at the
24 Property were released from the Program on or before November 1983 because the owner of
25

1 the BMR Unit demonstrated that it had marketed but could not sell the Unit at the restricted
2 price; and,

3 WHEREAS, While the City developed a consistent practice of including a notation
4 directly on recorded subdivision maps to designate BMR Units under the Program, this
5 practice developed after the subdivision of the Property. In the case of the Property, the City
6 or subdivider merely copied Board of Supervisors Resolution No. 337-80 on top of page two
7 of the recorded subdivision map; and,

8 WHEREAS, The original subdivision map for the Property is unavailable and the
9 contents of Board of Supervisors Resolution No. 337-80 is not legible on the copy of the map,
10 recorded in the Assessor/Recorder's Office, and on file in Clerk of the Board file No.
11 090102; and,

12 WHEREAS, This is the only Property that the Mayor's Office of Housing is aware of for
13 which the BMR restrictions were recorded in this manner; and,

14 WHEREAS, At least four (4) of the six (6) remaining BMR Units at the Property were
15 previously sold at least once at a market rate price to purchasers who assert that they had no
16 notice or knowledge of the alleged affordability restrictions under the Program; now, therefore,
17 be it

18 RESOLVED, That due to the unique circumstances of this building, the BMR Units at
19 the Property are released from the Program; and, be it

20 FURTHER RESOLVED, That the Mayor's Office of Housing shall notify the owners of
21 the BMR Units at the Property that this Resolution has been passed and that the six (6)
22 remaining BMR Units at the Property are hereby released from the Program; and, be it

23 FURTHER RESOLVED, That any action previously taken by any City employee or
24 official consistent with this resolution is hereby ratified and affirmed.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 090102

Date Passed:

Resolution approving the release of six units at 3321 17th Street from the Below Market Rate Condominium Conversion Program under Subdivision Code Sections 1341 and 1385.

February 10, 2009 Board of Supervisors — ADOPTED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

File No. 090102

I hereby certify that the foregoing Resolution was ADOPTED on February 10, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

2/20/09

Date Approved

for
Mayor Gavin Newsom