



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)
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- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion 18007

HEARING DATE: JANUARY 14TH, 2010

Date: January 14th, 2010
Case No.: 2005.0252C
Project Address: 237, 239 and 241 MINERVA STREET
Zoning: RH-1 (Residential, House, One-Family) District
 40-X Height and Bulk District
Block/Lot: 7092/069 & 070
Project Sponsor: John Lau, Dickson Consulting Group
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Staff Contact: Tom Wang – (415) 558-6335
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121(F), 303 AND 317, FOR A SUBDIVISION OF ONE LOT INTO TWO NEW LOTS WITH EACH LOT HAVING A WIDTH LESS THAN THE MINIMUM REQUIRED LOT WIDTH; DEMOLITION OF AN EXISTING ONE-FAMILY DWELLING ON THE LOT PROPOSED FOR SUBDIVISION AND CONSTRUCTION OF A NEW ONE-FAMILY DWELLING ON EACH OF THE TWO NEW LOTS IN AN RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On March 10, 2005 John Lau, Dickson Consulting Group (hereinafter "Project Sponsor") authorized agent for Erma and Ernestine Morris (hereinafter "Property Owners") filed an application (hereinafter "Application"), involving a lot line adjustment that the parcel at *239 Minerva Street, Lot 070 in Assessor's Block 7092 (hereinafter "Subject Lot No.1") would acquire a vacant portion of land, measuring 9 feet wide and 125 feet deep, from the immediately adjacent parcel at *241 Minerva Street, Lot 069 in Assessor's Block 7092 (hereinafter "Subject Lot No.2"), for Conditional Use Authorization, pursuant to Planning Code Sections 121(f), 303 and 317 to allow for (1) a subdivision of the expanded Subject Lot No.1 into two lots with each new lot having a width of 24 feet 6 inches, 6 inches less than the minimum required lot width of 25 feet in RH-1 districts; (2) the demolition of an existing one-story, single-family dwelling at 239 Minerva Street on Subject Lot No.1; and (3) the construction of a two-story over garage,

single-family dwelling, measuring approximately 3,177 square feet, on each of the two new lots and maintain the existing single-family dwelling at 241 Minerva Street without any change on Subject Lot No.2.

* The Property Owners are in the possession of Lot 069 (241 Minerva Street) and Lot 070 (239 Minerva Street) in Assessor's Block 7092.

On January 14, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.0252C.

On July 22, 2009 the Project was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 15301(1) Categorical Exemption under CEQA as described in the determination contained in the Department files for the Project.

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 authorizes the Conditional Use requested in Application No. 2005.0252C, subject to the conditions contained in "EXHIBIT A" of this motion, 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. **Site Description and Present Use.** The Project Site, involving Subject Lot No. 1 at 239 Minerva Street and Subject Lot No.2 at 241 Minerva Street, is on the south side of Minerva Street between Capitol and Orizaba avenues. The Project Site in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Subject Lot No.1, measuring 40 feet wide and 125 feet deep with an area of 5,000 square feet, contains a vacant, one-story, one-family dwelling. Subject Lot No.2, measuring 35 feet wide and 125 feet deep with area of 4,375 square feet, contains a one-story over garage, one-family dwelling. Both lots contain grade sloping downward at approximately 9% from the front property line towards the rear property line.

3. **Surrounding Properties and Neighborhood.** Subject Lot No.1 and Subject Lot No.2 are interior lots. The adjacent building to the east of Subject Lot No.1 is a one-story over-garage, single-family dwelling. The adjacent building to the west of Subject Lot No.2 is a one-story over garage,

single-family dwelling. The subject block-face and the opposite block-face contain predominately two-story, single-family homes with a generally defined visual character, including compatible form, proportions, texture and architectural details.

4. **Project Description.** The Project proposes to (1) obtain a lot line adjustment that Subject Lot No.1 (239 Minerva Street) would acquire a vacant portion of land, measuring 9 feet wide and 125 feet deep, from the immediately adjacent Subject Lot No.2 (241 Minerva Street). As a result, Subject Lot No.1 would be 49 feet wide and 125 feet deep with an area of 6,125 square feet and Subject Lot No.2 would be 26 feet wide and 125 feet deep with an area of 3,250 square feet; (2) subdivide the expanded Subject Lot No.1 into two new lots, each measuring 24 feet 6 inches wide and 125 feet deep with an area of 3,062. feet; (3) demolish an existing one-story, single-family dwelling at 239 Minerva Street on Subject Lot No.1; and (4) construct a two-story over garage, single-family dwelling, measuring approximately 3,177 square feet, on each of the two new lots and maintain the existing single-family dwelling at 241 Minerva Street without any change on Subject Lot No.2.
5. **Public Comment.** The Department did not receive any response from the neighborhood about this Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Frontage.** Planning Code Section 121(a) provides that every newly created lot shall have and maintain frontage on a public street or alley as defined by this Code, or on some other permanent right-of-way from which there shall be vehicular access to such lot, and in each case such frontage shall have a minimum width of 16 feet.

Each of the proposed two lots would have a 24 feet 6 inches wide frontage on Minerva Street.
 - B. **Minimum Lot Width.** Planning Code Section 121(d)(2) provides that the minimum lot width for any lot created as a result of a lot subdivision in RH-1 Districts shall be 25 feet.

Each of the proposed two lots would have a lot width of 24 feet 6 inches only.
 - C. **Conditional Uses.** Planning Code Section 121(f) provides that notwithstanding the foregoing lot width requirement in any zoning use district other than an RH-1(D) District the Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to procedures and criteria for conditional use approval in Section 303 of this Code.

The proposed subdivision of the expanded Subject Lot No.1 would creat two new lots, each lot being 24 feet 6 inches wide and 125 feet deep with an area of 3,062 square feet and containing a proposed one-family dwelling, within an RH-1 District. Therefore, both new lots would require Conditional Use authorization.

After the proposed lot line adjustment, Subject Lot No.2 would be 26 feet wide and 125 feet deep with an area of 3,250 square feet and contain the existing one-family dwelling; therefore, complying with minimum lot width, area, and density requirements under Planning Code Section 121.

- D. **Rear Yard Requirement.** Planning Code Section 134 (a)(1) provides that in the RH-1 District, the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

Each of the proposed two new lots would contain a single-family dwelling and leave a rear yard depth of 45 feet, which is greater than the minimum rear yard depth of 31 feet 3 inches (25% of the total lot depth of 125 feet).

- E. **Off-Street Parking.** Planning Code Section 151 provides that one off-street parking space is required for each dwelling unit.

Each proposed single-family dwelling would provide two off-street parking spaces in the garage, one required space and a second non-required space.

- F. **Height Limits.** Planning Code Sections 260 and 261 provide that the limits upon the height of buildings and structures shall be as specified on the Zoning Map. No portion of a dwelling in any RH-1 District shall exceed a height of 35 feet.

Each proposed single-family dwelling would be 27 feet tall, measured from street curb to the top of the flat roof, which is under the 35 feet height limit in the RH-1 District.

- G. **Usable Open Space.** Planning Code 135 provides that a minimum of 300 square feet of usable open space is required for each dwelling unit in the RH-1 District.

Each of the proposed two lots would contain a rear yard, providing approximately 771 square feet of usable open space for the proposed single-family dwelling on the lot.

- H. **Loss of Residential Units through Demolitions.** Planning Code Section 317(d)(2) provides that if Conditional Use authorization is required for the approval of the permit to construct the replacement structure by other sections of this Code, the Commission shall consider the residential demolition as part of its decision on the Conditional Use application. This Code Section establishes additional criteria in the review of applications to demolish residential buildings.

Because the Commission may grant Conditional Use authorization to allow a proposed single-family dwelling on each of the two new lots in place of the existing single-family dwelling on Subject Lot No.1, the Commission shall also consider the demolition of such single-family dwelling as part of its decision on the Conditional Use authorization.

Item No.8 under FINDINGS in this Motion lists the additional criteria in Section 317 in the review of the demolition of the existing dwelling.

7. Under **Planning Code Section 303** the Planning Commission may approve an application for Conditional Use if the facts presented are such to establish:

A. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

i. The proposed two lots with lesser width.

The proposed subdivision of the expanded Subject Lot No.1 to create two new lots, each having a lot width of 24 feet 6 inches and a depth of 125 feet, would generally be in keeping with the predominant pattern of residential development for lot width in the subject block and the surrounding neighborhood. In the subject block, approximately 75% of all lots have a lot width of 25 feet and a depth of 125 feet and the remaining lots have varied widths and depths. The variation of each proposed lot width from the minimum 25 feet lot width required by the Planning Code will be negligible; it will not represent a significant deviation from the established lot width pattern for the subject block and will not be noticeable to an average person. The proposed lot subdivision is also desirable because it would create an in-fill housing opportunity that could potentially add a dwelling unit to the City's housing stock.

After the lot line adjustment, Subject Lot No.2, measuring 26 feet wide and containing the existing single-family dwelling without any change, would still be in keeping with the predominant pattern of residential development for lot width in the subject block and the surrounding neighborhood.

ii. The proposed residential demolition and replacement buildings.

The Project would replace an existing vacant, unsound and market-rate single-family dwelling with two new four-bedroom single-family dwellings. This development is consistent with the General Plan, which promotes the creation of family-sized dwellings

The existing structure is unsound and an eyesore in the neighborhood. Both new structures are a contemporary design that will add aesthetic value to the varied housing stock in this neighborhood.

The Project Site is within a desirable neighborhood, in close proximity to the Ocean View Recreation Center, schools and two MUNI M and 54 transit lines.

B. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structures;

- (a) The proposed two lots with lesser width.

The size and shape of the proposed two lots as well as Subject Lot No.2 with the lot line adjustment would not either significantly vary from the predominant pattern of residential development for lot width in the subject block or adversely affecting the prevailing neighborhood character.

- (b) The proposed residential demolition and replacement buildings.

The existing structure has been determined by the Department to be unsound housing. The demolition of this unsound single-family home and the construction of a single-family dwelling on each of the proposed two new lots will be beneficial to the health, safety, and general welfare of persons residing or working in the vicinity. The new building will be constructed to meet all relevant Building Code requirements.

Both proposed single-family dwellings would generally conform to the neighborhood character with respect to their size, layout or style. The only difference between the proposed two dwellings and the existing surrounding homes is building height. The existing surrounding homes are consistently two stories tall while both proposed dwellings would include a third story setback 15 feet from the front building wall. This third story 15 feet set back, which is consistent with the Residential Design Guidelines, will better integrate both proposed dwellings' height and bulk with their adjacent two-story buildings and will limit its visibility from the street.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Both proposed two single-family dwellings would have minimal impact on accessibility and traffic patterns for persons and vehicles arriving at and departing from the Project Site. Although only one off-street parking space is required per dwelling under the Planning Code, each proposed dwelling's garage could accommodate up to two vehicles. In addition, the Project Site is in close proximity to two MUNI transit lines.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

Since the Project is residential in nature, it would not be considered to generate noxious or offensive emissions.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

Both proposed single-family dwellings would include a landscaped rear yard on the ground level and a front and rear roof decks for the enjoyment of the future residents. A street tree would be planted along the public right-of-way on Minerva Street.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all applicable provisions of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable RH-1 District.

The Project is consistent with the stated purpose of the RH-1 Districts, which are intended to recognize, protect, conserve and enhance areas characterized by dwellings in the form of houses, usually with one unit.

8. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction;

Staff has reviewed the soundness report and conducted a site visit to verify assertions made in the soundness report. The items listed for repair work are consistent with the Planning Department habitability standards for the purposes of evaluating the soundness of an existing residential building. "Soundness" is an economic measure of the feasibility of repairing a sub-standard dwelling. It compares an estimate of construction-repair cost, or an Upgrade Cost, to an estimate called the Replacement Cost. The Upgrade Cost is an estimate of the cost to make the existing house "safe and habitable," that is, the cost to bring a sub-standard dwelling into compliance with the minimum standards of the Housing Code and with the Building Code in effect at the time of its construction, with certain retroactive life-safety exceptions. Section 317(d)(3)(B) of the Planning Code provides that a residential building is considered unsound if the cost to upgrade construction deficiencies exceeds 50 percent of the Replacement Cost. The soundness report asserts that the existing dwelling is unsound at the 50 percent threshold and staff concurs with this assessment.

- ii. Whether the property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the existing single-family dwelling on Subject Lot No.1.

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The factors leading to unsoundness are primarily due to original construction deficiencies. The existing single-family dwelling was not properly maintained by either previous or current owners.

- iv. Whether the property is an “historic resource” under CEQA;

Although the existing single-family dwelling is more than 50 years old, a review of the supplemental information resulted in a determination that the structure is not an historical resource.

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Not applicable. The existing single-family dwelling is not an historical resource.

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

Not applicable. The Project does not convert rental housing to other forms of tenure or occupancy because the existing single-family dwelling is not subject to rent control.

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Not applicable. The existing single-family dwelling is not subject to the Rent Stabilization and Arbitration Ordinance.

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

The Project would demolish an existing single-family dwelling; therefore, no existing housing is conserved.

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Both of the proposed single-family dwellings would conserve neighborhood character with appropriate scale, design, and materials, and promote economic diversity by creating family-sized housing.

- x. Whether the Project protects the relative affordability of existing housing;

The proposed two single-family dwellings would both be larger than the existing single-family dwelling to be demolished and would be market rate housing; therefore, they would be less affordable than the existing dwelling.

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 315;

The Project proposes no permanently affordable units.

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The Project would replace a two-bedroom, unsound single-family dwelling with a new single-family dwelling on each of the two new lots on a block characterized by single-family dwellings. Both proposed single-family dwellings would generally conform to the neighborhood character with respect to their size, layout, or style.

- xiii. Whether the Project creates quality, new family housing;

The Project would create quality new family-sized housing, including two four-bedroom, single-family dwellings.

- xiv. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

The overall scale, design, and materials of the proposed two single-family dwellings would be compatible with existing dwellings on the subject block-face and will compliment the neighborhood character with a contemporary design.

- xvi. Whether the Project increases the number of on-site dwelling units;

The Project proposes two single-family dwellings to replace an existing single-family dwelling; therefore, it would add one additional on-site dwelling unit.

- xvii. Whether the Project increases the number of on-site bedrooms.

The Proposed two-single-family dwellings would provide a total of eight on-site bedrooms; six bedrooms more than the existing single-family dwelling.

9. **General Plan Compliance.** The Project is, on balance, consistent with, and will not adversely affect the General Plan, including, among others, the following objectives and policies:

HOUSING ELEMENT

OBJECTIVE 1:

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project is located in an established residential neighborhood. Based on staff's review of the Soundness Report as well as conducting a site visit, the existing dwelling cannot feasibly be rehabilitated or brought to acceptable levels of seismic safety without an undue financial burden.

OBJECTIVE 2:

RETAIN THE EXISTING SUPPLY OF HOUSING.

Policy 2.1:

Discourage the demolition of sound existing housing.

The existing single-family dwelling proposed for demolition has been determined by the Department to be unsound housing.

OBJECTIVE 8

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.7:

Eliminate discrimination against households with children.

The Project provides two four-bedroom, family-sized single-family dwellings; suitable for households with children.

Policy 11.2:

Ensure housing is provided with adequate public improvements, services, and amenities.

The Project Site is within a desirable neighborhood, in close proximity to the Ocean View Recreation Center, schools and two MUNI transit lines.

10. **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.

No neighborhood serving retail uses would be displaced or otherwise adversely affected by the Project. Rather, the additional dwelling unit and the family-sized character of the proposed two single-family dwellings would provide more residents to patron the existing neighborhood-serving retail uses.

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

Based on the Soundness Report provided by the Project Sponsor, the existing building is unsound. The cost to repair and upgrade the existing structure would substantially exceed 50 percent of the cost to rebuild the structure. Based on staff's observations from the site visit, this structure is far beyond a "fixer-upper," commonly sought by first-time homeowners. The nature and number of necessary repairs warrant this structure prohibitively expensive to retain.

The variation of each proposed lot width from the minimum 25 feet lot width required by the Planning Code will be negligible; it will not represent a significant deviation from the established lot width pattern for the subject block. The Project will enhance the neighborhood's cultural and economic diversity by providing homeownership opportunities for two larger families

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

The existing structure does not contribute to the City's supply of affordable housing, as the structure has been vacant for at least five years, based upon the Property Owners' statement. It has been sitting vacant; contributing nothing to the City's housing supply. The unsound conditions hinder the marketability of this house for future owners or tenants, and the costs of necessary repairs significantly limit the level of affordability.

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

The Project would result in no significant impact on automobile traffic flow or on-street parking in the neighborhood. Each of the proposed two single-family dwellings would include two off-street parking spaces within the ground floor garage. Further, it can be reasonably anticipated that auto usage by residents and visitors would be substantially less at the Project Site given the availability of nearby MUNI transit service along Broad Street and Plymouth Avenue, respectively.

- 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 Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.

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

The existing building is unsound and susceptible to great damage in an earthquake. Both of the proposed two single-family dwellings would be built in compliance with the City's current Building Code Standards to protect against injury and loss of life in an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing building on Subject Lot No.1 is not an individual landmark and is neither within a recognized historic district nor included on any historic or architectural surveys. It has been determined by the Department not to be an historic resource, thus the proposed demolition of this building will not affect any historic properties

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

The Project does not exceed the 35-foot height limit, and is thus not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission.

The third story of each proposed three-story, single-family dwelling would be set back 15 feet from the front building wall, which would be consistent with the Residential Design Guidelines and would better integrate both proposed dwellings' height and bulk with their adjacent two-story buildings.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

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 Conditional Use Application No. 2005.0252C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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. 18007. 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 January 14th, 2010.

Linda Avery
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: January 14th, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 121(f), 303 and 317 of the Planning Code to (1) demolish the existing one-story, single-family dwelling at 239 Minerva Street on Subject Lot No.1; (2) obtain a lot line adjustment that Subject Lot No.1 would acquire a vacant portion of land, measuring 9 feet wide and 125 feet deep along the adjoining lot line, from Subject Lot No.2. As a result, Subject Lot No.1 would be 49 feet wide and 125 feet deep with an area of 6,125 square feet and Subject Lot No.2 would be 26 feet wide and 125 feet deep with an area of 3,250 square feet; (3) subdivide the expanded Subject Lot No.1 into two new lots, each measuring 24 feet 6 inches wide and 125 feet deep with an area of 3,062. feet; and (4) construct a two-story over garage, single-family dwelling, measuring approximately 3,177 square feet, on each of the two new lots and maintain the existing single-family dwelling at 241 Minerva Street without any change on Subject Lot No.2 in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application dated November 17, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2005.0252C**, reviewed and approved by the Commission on **January 14th, 2010**.
2. Prior to the issuance of the Building Permit for the Project the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor's Block 7092, Lots 069 and 070), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. The Project Sponsor shall obtain appropriate permits from the Department of Public Works to implement the lot line adjustment between Los 069 and 070 in Assessor's Block 7092 and subdivide the expanded Lot 070 in Assessor's Block 7092 into two new lots, each measuring 24 feet 6 inches wide and 125 feet deep.
4. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
5. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
6. Only one single-family dwelling shall be permitted to occupy each of the two new lots under this Conditional Use authorization.

7. Final design, materials, glazing, color, texture, and detailing shall be reviewed and approved by the Planning Department prior to the approval of any building permit application.
8. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
9. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by the Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

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