



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <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 No. 18072

HEARING DATE: APRIL 8, 2010

*Date:* April 8, 2010  
*Case No.:* **2009.0412CV**  
*Project Address:* **1338 FILBERT STREET**  
a.k.a. Filbert Street Cottages, City Landmark No. 232  
*Zoning:* RH-2 (Residential, House, Two-Family) District  
40-X Height and Bulk District  
*Block/Lot:* 0524/031, 032, 033 and 034  
*Project Sponsor:* Dominique Lahaussais and David Low  
c/o Andrew Junius  
Reuben and Junius LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Glenn Cabreros – (415) 558-6169  
[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 157, 204.5, 303 AND 317 OF THE PLANNING CODE PROPOSING TO MERGE TEN DWELLING UNITS TO FOUR DWELLING UNITS AND TO ALLOW TWO PARKING SPACES ABOVE THE AMOUNT ALLOWED AS-OF-RIGHT BY THE PLANNING CODE WITHIN AN RH-2 (RESIDENTIAL, HOUSE, TWO-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On September 15, 2009, Dominique Lahaussais and David Low c/o Andrew Junius (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Sections 157, 204.5, 303 and 317 of the Planning Code proposing to merge ten dwellings units to four units and to allow two accessory parking spaces above the amount allowed as-of-right by the Planning Code for a total of eight parking spaces within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

On February 17, 2010, the Historic Preservation Commission approved a Certificate of Appropriateness, Case No. 2009.0412A, and requested minor modifications be made to the project.

On April 8, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0412C.

Per Case No. 2009.0412E, the Project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 32 exemption under CEQA Guidelines as described in the determination contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

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. 2009.0412C, 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 is located on the north side of Filbert Street between Larkin and Polk Streets, Assessor's Block 0524, Lots 031, 032, 033 and 034 at the western edge of the Russian Hill neighborhood. The property is also known as the Filbert Street Cottages, which were designated in 2001 as San Francisco Landmark No. 232. The property is located within an RH-2 (Residential, House, Two-Family) District in a 40-X Height and Bulk District. The development lot (containing all four subject lots) measures 62.5 feet wide by 137.5 feet deep with an area of approximately 8,594 square feet. The property is developed with five structures (referred to as Cottages A, B, C, and D and the Studio). Cottages A, B, C and D are similar two-story structures, and the Studio is a one-story structure that is connected to Cottage A. Cottage A and the Studio make up Lot 031. Cottage B is Lot 032. Cottage C is Lot 033. Cottage D is Lot 034. Lots 031 and 032 each contain two dwelling units. Lots 033 and 034 each contain two units and one guest room with cooking (equivalent to each lot containing three units). In total, the five structures contain 10 units and the property provides no off-street parking. All units are currently vacant. Per the Project Sponsor, Cottage A was owner-occupied as recently as 2006, and according to the Landmark Designation Report, the last tenant moved out in September 2000.

3. **Surrounding Properties and Neighborhood.** Directly east and uphill from the project are large multi-unit buildings (three- to five-story structures ranging from three to seven dwelling units) that front Larkin Street and are within an RH-3 (Residential, House, Three-Family) Zoning District. To the north, the rear yards of three lots containing residential buildings abut the subject property's rear property line. Directly west and downhill from the project is a two-story-over-basement building containing two units. The immediate context is characterized primarily by residential land uses with buildings dating from 1900-1930. The greater neighborhood is generally characterized by its steeply sloping terrain and a wide range of building types and styles dating from 1850-1930, with a scattering of more contemporary buildings throughout. While portions of the Russian Hill neighborhood have been surveyed as potential historic districts, the immediate blocks surrounding the 1338 Filbert Street site have not been formally surveyed. Moreover, the area contains relatively few individual properties identified in previous architectural or historic surveys.
  
4. **Project Description.** The proposed project involves the rehabilitation and expansion of the five existing structures for use as four single-family residences. The four lots are oriented east-to-west, each containing a single cottage. The cottages are oriented to face west and are placed in a uniform row with equal space between each (approximately 7.5 feet). The proposed work includes construction of a single continuous structure in the space located to the east of the cottages (the rear of the cottages) and to the north of the Studio; installation of a below-grade garage; and, restoration of the contributing features of the cottages, studio, and landscape. In total, the project would add approximately 5,896 square feet to the existing 5,590-square-foot building complex for a total 11,486 square feet of residential building space. At all cottages, the existing rear additions would be removed and replaced by a three-story structure, running continuously along the east property line from the north wall of the historic studio to the rear (north) property line. The structure would be attached to the rear (east) walls of all four cottages and would contain separate living spaces for each cottage. Three of the cottages would also be raised approximately six to twelve inches in order to accommodate new concrete foundations and to lift the buildings slightly above grade. The currently sloped grade between Cottages A and B and Cottages C and D would be lowered and flattened to match grade at the front of the cottages. Also, gates and a privacy wall would be added in the spaces between the cottages. Several new window openings would be created at the side elevations of each cottage, and several non-historic windows/doors would be replaced within the historic openings. The roof of the Studio would be raised approximately 15 inches to accommodate a new stair where the Studio wall meets the roof of Cottage A. Both the historic slope of the Studio roof and the historic window would be retained. The site would be excavated beneath the cottages to create a sub-grade, single-level, eight-car garage, which would be accessed from a car lift located at the south property line. The garage would require a curb cut but would not require the removal of any street trees. Additionally, the historic landscaping and grape-stake fence, which were both contributory features of the site that have since been removed, would be recreated based upon archival and photographic evidence.
  
5. **Public Comment.** Six individuals have provided letters in support of the project. Two persons testified in opposition to the project at the public hearing. Russian Hill Neighbors (neighborhood

association) has provided a letter and voiced at the hearing that they are in support of the project, particularly the need to rehabilitate and preserve the City Landmark and the need for parking in their neighborhood where on-street parking is currently difficult to find.

6. **California Environmental Quality Act (CEQA).** After considering the Categorical Exemption, Class 32 (issued pursuant to State CEQA Guidelines Section 15332), the Historic Resource Evaluation Report (HREER) and other information in the record, the Commission hereby makes the following findings:
  - A. The Commission has independently reviewed and analyzed the Categorical Exemption, the HREER and all other information contained in the record.
  - B. The subject property is San Francisco Landmark No. 232: 1338 Filbert Street Cottages, designated in 2001, and is therefore considered to be a "Category A" (Historic Resource) property for the purposes of the Planning Department's CEQA review procedures.
  - C. The proposed project would rehabilitate the five existing structures at the property (Cottages A, B, C, D and the Studio) for use as four-single family residences, construct an addition at the rear of the four existing cottages, install a below-grade garage, and restore the contributing features of the cottages, studio and landscape. In total, the project would add approximately 5,895.6 square feet to the existing 5,590.3 square foot complex for a total of 11,485.9 square feet.
  - D. The proposed project meets the criteria of the Class 32 Categorical Exemption as the project is an in-fill development meeting the following conditions:
    - i. The project is consistent with the applicable General Plan policies and applicable zoning designations and regulations;
    - ii. The project occurs in an urban location not more than five acres and surrounded by urban uses;
    - iii. The project occurs where all public services and facilities are available;
    - iv. The area in which the project is located is not environmentally sensitive;
    - v. The project would not result in any significant effects relating to traffic, noise, air quality or water quality; and
    - vi. Pursuant to the HREER and other information in the record, it is determined that the proposed project would not cause a substantial adverse change in the significance of historic resource.

Based on the above findings, and on its review, consideration and full appraisal of the Categorical Exemption, the HREER and all other evidence contained in the record, the Commission finds that the Categorical Exemption is adequate for its use as the decision-making body for the approval of the project, and that no further environmental review is required for the project.

7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Certificate of Appropriateness.** Planning Code Section 1006 requires approval of a Certificate of Appropriateness be approved to allow alterations to any landmark.

*On February 17, 2010, the Historic Preservation Commission at a public hearing approved a Certificate of Appropriateness (vote: +5, -0, 2 absent), Case No. 2009.0412A, and requested minor modifications be made to the project. Four conditions of approval were required by the Historic Preservation Commission, and those conditions are listed in Exhibit A of this Conditional Use Authorization Motion.*

- B. **Rear Yard.** Planning Code Section 134 allows an averaged rear yard based on the conditions of the adjacent property, but no less than 25 percent of the lot or 15 feet whichever is greater.

*The required rear yard for the project is approximately 55 feet based on the rear yard of the adjacent building. Existing buildings, specifically Cottages C and D, were originally constructed within the full depth of the required rear yard. Such buildings are considered to be legal noncomplying structures within the rear yard. Alterations within the required rear yard are proposed, and the project sponsor has requested a variance from the rear yard requirement and for alterations to noncomplying structures (Case No. 2009.0412V).*

- C. **Useable Open Space.** Planning Code Section 135 requires each dwelling unit to have private or common useable open space. The RH-2 District requires 125 square feet of private open space per unit or 166 square feet of common open space per unit. Furthermore, Section 135 prescribes minimum dimensions and minimum area requirements for the useable open space.

*The Project provides 550 square feet of open space that has the minimum dimensions needed to meet the useable open space requirements. Section 135 requires 665 square feet of common useable open space for the proposed four units, and therefore the existing property is legally noncomplying with regard to useable open space. 3,170 square feet of common space is provided at the project; however the minimum dimension of 15 feet to meet the common open space requirement per Section 135 is not satisfied. As the most of the open space only provides a width of 14 feet, and the project also results in a reduction of the overall area of the noncomplying open space (in the area of the addition), the project sponsor has requested a variance from the useable open space requirements (Case No. 2009.0412V).*

- D. **Height.** The project is within the 40-X Height and Bulk District. Planning Code Sections 260 and 261 allow structures within the RH-2 District up to 40 feet in height.

*The project is well within the prescribed height limit, as viewed from the sidewalk and measured per the Planning Code definition of height, the project would be approximately 15 feet above the curb height.*

- E. **Parking Exceeding Accessory Amounts.** Planning Code Section 204.5 states that accessory parking shall be parking that does not exceed of 150 percent of the required number of spaces where three or more spaces are required by the Planning Code. Planning Code Section 157 sets forth the following criteria, in addition to Conditional Use criteria per Section 303, for when the amount of parking exceeds the amount of accessory parking.

*As the project proposes four units, four parking spaces are allowed. Two accessory parking spaces or up to a total of six parking spaces (equal to 150 percent of the required amount of parking) is allowed as-of-right. The project proposes two parking spaces in excess of the accessory amount for a total of eight parking spaces.*

- i. Demonstrates that trips to the use of uses to be served, and the apparent demand for additional parking classified by the Code as accessory, by transit service which exists or is likely provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means.

*The Project Sponsor proposes to construct a subterranean parking garage with a total of eight parking spaces, two in excess of the six allowed with accessory parking. Due to the size of the proposed units, it is anticipated that Project residents will own at least two vehicles per unit, and therefore the eight spaces will be necessary to serve Project's parking demand. The surrounding area, like much of San Francisco, has limited street parking. Furthermore, due to the configuration of the property and the location of the historic cottages, there is no opportunity to construct surface parking. For this reason, in order to provide the parking, the Project Sponsor proposes to construct a subterranean garage which requires a significant amount of excavation. In order to maintain the integrity of the landmark and to disturb as little surface area of the property as possible, the Project Sponsor proposes to construct an innovative car lift to access the garage, which, when in the closed position at ground level with a planted canopy, will be extremely unobtrusive. For these reasons, including the complexity and cost to construct the subterranean garage, parking in excess of accessory is proposed.*

- ii. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be provided by Planning Code Section 166.

*Car share spaces are not required for this small project. The proposed parking garage will not be accessible to non-residents of the Project, and therefore car-share parking spaces are not feasible to provide.*

- iii. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contributions to traffic congestion, or disruption of or conflict with transit services.

*The proposed parking will have no detrimental effects on the surrounding area. The Project is residential and will not create significant new commuter traffic that could overburden local streets or neighborhood parking. The construction of the subterranean garage with 8 spaces will ensure that the Project does not contribute to the need for on-street parking. When the car lift is in the*

*closed position (level with the ground and with a planted cover), the existence of the parking garage will be completely masked, even to Project residents. Furthermore, the construction of the garage will have no negative effect on the Property itself, and all historic features will be protected.*

- iv. In the case of uses other than housing, limitation of the proposed parking to short-term, occupancy by visitors rather than long-term occupancy by employees.

*The proposed use for the Project is residential, and therefore, this criterion does not apply.*

- v. Availability of the proposed parking to the general public at time when such parking is not needed to serve the use or uses for which is primarily intended.

*The project will produce only 8 parking spaces intended for use by the residents of the four cottages. The project is located in a residential neighborhood. Both the size of the project and its location make it impractical to share the parking with the public. In addition, due to its location in a subterranean garage accessible to cars only by a car lift, it would not be feasible to make the proposed parking accessible to the general public. The car lift will be located on private property behind a gate. In addition, once in the garage, the only egress would be into the front and rear of the garden, and into the units themselves. For these reasons, public access to the garage would not be possible.*

- F. **Dwelling Unit Density.** Planning Code Section 209.1 allows in the RH-2 District one dwelling unit for each 1,500 square feet of lot area with Conditional Use authorization.

*With regard to density, the development lot containing approximately 8,594 square feet of lot area would allow for five dwelling units with Conditional Use authorization. If the existing ten units were to be retained, five units would be considered to have a grandfathered Conditional Use authorization and five units would be legal, nonconforming uses with regard to the prescribed density limits. As the project proposes a dwelling unit merger from ten to four units, the four remaining units are allowed to maintain their grandfather Conditional Use authorization status.*

- G. **Loss of Dwelling Units through Merger.** Planning Code Section 317(e) establishes five criteria for loss of dwelling units through merger.

- i. Does the removal of the units eliminate only owner-occupied housing, and if so, for how long were the units proposed to be removed owner-occupied?

*Criterion met. All of the units are currently vacant although Cottage A was owner-occupied as recently as 2006. According to the Landmark Designation Report the last tenant moved out of the property in September 2000.*

- ii. Is the removal of the unit and the merger intended for owner occupancy?

*Criterion partially met. One of the proposed units is proposed for owner occupancy by the project sponsor. The remainder of the units is proposed to be sold and not used as rental units by the project sponsor.*

- iii. Will the removal of the units being the building closer into conformance with the prevailing density in its immediate area and in the same zoning district?

*Criterion met. The prevailing density in the surrounding area within the RH-2 Zoning District (surveying 16 buildings within a 150-foot radius) is of two-unit dwellings (six, two-unit buildings). In the surveyed area, a total of ten buildings have two or fewer units. Thirteen buildings have four (the same amount as the project) or fewer units with the three remaining buildings each containing five, seven and nine units each. The average density in the survey area (only within the RH-2 District) is 2.9 units per building (49 total units/16 buildings). The proposed merger will bring the project's density closer to the actual, predominant density in the immediate area, whether measured as prevailing or average, and thus the Project complies with this criterion.*

- iv. Will the removal of the units bring the building closer into conformance with prescribed zoning?

*Criterion met. The property is located in the RH-2 Zoning District which permits up to two dwelling units for the property. The cottages are currently divided into ten units. The proposed merger will establish the property's use as four dwelling units and will bring the Property's density closer to conformance with the prescribed zoning.*

- v. Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?

*Criterion met. The removal of the units is necessary to correct various design and functional deficiencies and therefore the project complies with this guideline. The cottages were originally constructed in 1907 as four single-family dwellings. During the occupancy of Marian Hartwell, (approximately 1943-1972), the studio was added to Cottage A (1946), and additions were made to the rear of the other three cottages (early 1950s). Ms. Hartwell also reconfigured the buildings into 10 units, legalized in the early 1970s. The cottages are currently vacant, and in poor condition due to physical deterioration.*

*The foundation slabs of the cottages are currently below grade, which is causing deterioration and moisture problems for the wood siding near the base of the buildings. The composition shingle roofing is in poor condition and at the end of its practical lifespan. The boxed eaves and gutters suffer from moisture damage and general deterioration. All wood cladding material is suffering from paint deterioration. The windows and doors range in condition from fair to poor with many experiencing weather deterioration, diminishing paint, worn and moisture-damaged thresholds and missing panes. In particular, the wood casement windows flanking the lower entry door at each cottage have reached a critical state of deterioration; several are unable to close tightly and are missing glass. The door to Cottage B is deteriorated beyond repair. The stair, landing floor and skirting leading to the upper floor of Cottage C are in critical condition.*

*The existing cottages and studio are quite small, consisting of just over 5,500 square feet divided into 10 variously-sized living spaces, at least 8 of which have kitchens. The ceilings on both the*



*upper and lower levels of the cottages are extremely low, contributing to the cramped quality of the existing units. Very few of the interior elements are considering to be contributing for purposes of the cottages' historic status; the existing interior partitions are not historic. Many of the interior features, including wall and ceiling finishes and flooring, are in fair to poor condition. The reduction in units from 10 to four would bring the cottages more closely into conformance with the prescribed density for the property as well as the historic density at the time the cottages were constructed in 1907 (four units).*

*In addition, the removal of the units is necessary to correct an acoustical issue which does not meet Building Code standards and will be extremely undesirable for future residents. The cottages are a City Landmark and the existing wood frame construction in the cottages is considered to be a significant and contributing feature to the historic status of the buildings. For this reason, all of the wood frame construction will be retained. However, because the framing is over 100 years old, its sound transmission coefficient (STC) does not meet Building Code standards and therefore the level of noise which will carry through the floors of the cottages is unacceptable. This acoustic problem cannot be remediated without compromising the existing ceiling heights in the cottages. Many of the ceilings in the cottages are already uncomfortably low and in some cases would not comply with code minimums, were acoustical remediation to occur. For these reason, the units need to be merged so that the upper and lower floors are part of a single unit.*

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The proposed Project is desirable because it will renovate and repair a vacant and deteriorating City Landmark. The property, due to its location and size, is well-suited for this small residential development. The Project Sponsor has carefully designed the Project to ensure that it is compatible with the scale and character of the surrounding area.*

*The Filbert Street Cottages are designated as San Francisco Landmark #232. The design of the Project complies with the Secretary of the Interior's Standards for Rehabilitation and rehabilitates the City Landmark.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The property is well suited for residential development and is surrounded by similar land uses. The design and size of the proposed Project is compatible with the scale and context of the surrounding neighborhood.*

- 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;

*The Project will not adversely impact traffic patterns or parking. As the project creates four family-sized dwelling units (each containing two or more bedrooms), the Project Sponsor is seeking conditional use authorization to create parking equal to two parking spaces per unit.*

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

*The Project consists of residential units and a subterranean garage. The Project will not produce, or include, any uses that would emit noxious or offensive emissions such as noise, glare, dust and odor. Such emission are not typically associated with residential uses.*

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

*The proposed Project is intended to produce an attractive, safe and comfortable environment for its residents. The Filbert Street Cottages are a City Landmark, and the proposed Project will preserve the historic character of the Property. The landscaping is currently in poor condition. The Project Sponsor intends to replace the plants listed in the Landmark Designation Report with similar species and similar sized specimens in the approximate locations of the historic plantings where possible. Landscaping to be retained includes the brick patios and walkways, planting beds and front garden, and the brick wall beneath the grapestake fence. The grapestake fence would be reconstructed.*

*Substantial excavation would be required for the new subterranean parking garage and car lift to be constructed underneath the footprint of the cottages. The existing brick paving, brick staircase, and other landscaping features would be protected in place or removed prior to excavation and then reinstalled. The finished result of the excavation would not be visible above ground, and therefore would not affect any of the property's materials, features or spatial relationships.*

*Lighting along the building facade and at the street level will be consistent with the residential character of the neighborhood.*

- 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 relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## URBAN DESIGN ELEMENT OBJECTIVES AND POLICIES

### Objectives and Policies

#### **OBJECTIVE 2:**

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

#### **Policy 2.4:**

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

#### **Policy 2.5:**

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

#### **Policy 2.6:**

Respect the character of older development nearby in the design of new buildings.

*The Project will renovate and repair a City Landmark and use the cottages as residences, as they were historically. The design of the Project complies with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. Distinctive materials and features will not be removed, but rather will be restored and repaired. The Project does not include features which will create a false sense of historical development. When necessary, deteriorated historic features will be replaced in kind.*

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.

*The project is residential in nature and within a residential area. Neighborhood-serving retail uses would not be affected by the project.*

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

*The existing units in the surrounding neighborhood would not be adversely affected. The project is small in scale and would rehabilitate a City Landmark.*

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

*The existing units have not been occupied by tenants since September 2000, and have not been contributing to the City's current housing stock. The units are currently not habitable due to their current deteriorated condition. The existing dwelling units are not considered affordable housing, thus the City's supply of affordable housing will be unaffected.*

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

*The project is for four units and not located on a transit line. Transit service would not be impeded. The project would provide eight parking spaces where none are currently provided.*

- 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 will maintain the existing residential use at the site, therefore industrial and service sectors would be unaffected. The construction of the project will create temporary employment opportunities.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal would improve the existing structures' ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The project will rehabilitate and preserve the Filbert Street Cottages, City Landmark No. 232.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

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. 2009.0412C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans, dated March 11, 2010, filed with the Application and stamped "EXHIBIT B", 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. 18072. 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 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 8, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel

NAYS: Commissioners Moore, Olague

ABSENT: Commissioner Sugaya

ADOPTED: April 8, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Sections 157, 204.5, 303 and 317 of the Planning Code proposing to merge ten dwelling units to four dwelling units and to allow two accessory parking spaces above the amount allowed as-of-right by the Planning Code within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, in general conformance with plans, dated March 11, 2010, filed with the Application as received on September 15, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.0412C**, reviewed and approved by the Commission on April 8, 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 2083, Lot 001), 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. 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 \$250 a day in accordance with Planning Code Section 176.
4. 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).
5. All exterior lighting for the structures and landscape shall be residential in character and minimize "light pollution." Up lighting shall not be installed at the structures or landscaping. All lighting shall be designed/installed to minimize glare into adjacent buildings and rear yards.
6. The proposed curb cut shall be limited to 10 feet in width including curb returns.
7. Per Historic Preservation Commission's approval of the Certificate of Appropriateness per drawings received January 13, 2010 and on file in the docket for Case No. 2009.0412A, the following conditions shall apply:
  - a. That the wood-framed windows in new openings at the existing buildings will have a painted finish.
  - b. That the color of the addition's rain screen siding will be at least as dark as the *Golden Khaki Deep* color presented at the hearing.
  - c. That the addition above the studio roof will be set back approximately an additional 4.5 feet from the south property line, but not so much as to impede access to the bedroom level above. (The

setback would measure approximately 22 feet from the southern wall of the Studio to the southern wall of the addition.)

- d. That the sun screen will be divided into four individual sun screens corresponding to the widths of the cottages below.
8. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
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 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.