

1 [Subdivision - Lot Merger Ordinance - 525-31 Greenwich Street and 15 Kramer Place]

2

3 **Ordinance providing for the merger of Lot Nos. 71 and 72 of Assessor's Block No. 0088**
4 **(525-31 Greenwich Street and 15 Kramer Place, respectively) in the City and County of**
5 **San Francisco pursuant to California Government Code Sections 66451.11 et seq.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike-through normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Findings. The Board of Supervisors hereby finds and declares that the
11 following conditions exist that create a need to merge Lots 71 and 72 of Assessor's Block 0088
12 (525-31 Greenwich Street and 15 Kramer Place, respectively) in the City and County of San
13 Francisco:

14 A. On August 6, 2010, a Certificate of Compliance was recorded in the City's Official
15 Records indicating that Lots 71 and 72 of Assessor's Block 0088 (525-31 Greenwich Street
16 and 15 Kramer Place, respectively) are separate legal lots.

17 B. The City and County of San Francisco (the "City") adopted Resolution No.
18 _____ on _____ 2011, a copy of which on file with the Clerk of
19 the Board in File No. _____ to indicate its intention to adopt a Merger Ordinance to
20 merge Lots 71 and 72 of Assessor's Block 0088. Said Resolution is incorporated herein by
21 reference.

22 C. California Government Code Section 66451.11 provides that "[a] local agency may,
23 by ordinance which conforms to and implements the procedures prescribed by this article,
24 provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same
25 owner if any one of the contiguous parcels or units held by the same owner does not conform

1 to standards for minimum parcel size, under the zoning ordinance of the local agency
2 applicable to the parcels or units of land and if all of the following requirements are satisfied:
3 (a) At least one of the affected parcels . . . is developed only with an accessory structure or
4 accessory structures [and] (b) With respect to any affected parcel, one or more of the
5 following conditions exists: (1) Comprises less than 5,000 square feet in area at the time of
6 determination of merger”

7 D. The requirement of California Government Code Section 66451.11 that contiguous
8 parcels or units held by the same owner may be merged if one of the affected parcels does
9 not conform to standards for minimum parcel size under the applicable local zoning ordinance
10 is satisfied by the following determinations:

11 1. Lots 71 and 72 of Assessor Block 0888 are contiguous and in the same ownership
12 as of the date of recordation of the Notice of Intent to Determine Status, as required by
13 California Government Code Section 66451.13.

14 2. Lots 71 and 72, and in particular Lot 71, do not conform to the standards for
15 minimum parcel size under the applicable zoning ordinance because of the following:

16 (a) The division of former Lots 30 and 32 into Lots 71 and 72 of Assessor Block 0088
17 does not conform to San Francisco Planning Code Sections 121(b) and 121(e) because
18 neither Lot 71 nor Lot 72 meet the minimum lot area of 2,500 square feet.

19 (1) Planning Code Section 121(b) requires that “[w]here the predominant pattern of
20 residential development in the immediate vicinity exceeds the minimum standard for lot width
21 or area, or the minimum standards for both lot width and area, set forth below in this Section,
22 any new lot created by a subdivision or lot split under the Subdivision Code shall conform to
23 the greater established standards”

24 (2) The housing and neighborhood character of the neighborhood in and surrounding
25 Assessor Block 0088 is distinguished by average lot areas at or exceeding 2,500 square feet.

1 (3) Lot 71 of Assessor Block 0088 is 1,782.5 square feet so it is significantly less than
2 the minimum lot size of two thousand five hundred (2,500) square feet as required in the
3 Planning Code; consequently, the size of this parcel is less than the predominant pattern of
4 residential development in the immediate vicinity.

5 (b) The size of Lot 71 and Lot 72 do not conform to the minimum standards of Section
6 121(e) of the Planning Code.

7 (1) Planning Code Section 121(e) provides that in RM-2 Districts, the minimum lot size
8 shall be two thousand five hundred (2,500) square feet.

9 (2) Lot 71, which is zoned as RM-2, measures 1,782.5 square feet so it is less than the
10 two thousand five hundred (2,500) square foot minimum standard set forth in Section 121(e)
11 of the Planning Code.

12 (3) Lot 72, which is zoned as RM-2, measures 2,480 square feet so it is less than the
13 two thousand five hundred (2,500) square foot minimum standard set forth in Section 121(e)
14 of the Planning Code.

15 E. The requirement of California Government Code Section 66451.11(a) that at least
16 one of the affected parcels is developed with only an accessory structure is satisfied because
17 Lot 72 of Assessor's Block 0088 contains only a one-story accessory structure used for
18 residential parking for the use of Lot 71.

19 F. The requirement of California Government Code Section 66451.11(b) that at least
20 one of the affected parcels is less than five thousand (5,000) square feet is satisfied because
21 Lot 71 of Assessor's Block 0088 is 1,782.5 square feet and Lot 72 is 2,480 square feet.

22 G. In addition, development of Lot 72 of Assessor's Block 0088 would violate the
23 Planning Code Section 101.1 Priority Policies. Priority Policy 2 addresses preserving the
24 cultural and economic diversity of our neighborhoods by conserving and protecting existing
25

1 housing and neighborhood character. Priority Policy 3 addresses the enhancing the supply of
2 affordable housing. Priority Policy 8 addresses preservation of open space and vistas.

3 1. Among other factors concerning this site, the development of Lot 72 would result in
4 excessive density and the loss light, open space, and vistas.

5 H. The Resolution of Intention to Adopt a Merger Ordinance, the Notice of Intention to
6 Determine Status, and all other prerequisites for passage of this Ordinance, as set forth in
7 California Government Code Sections 66451.11 et seq., have occurred and information
8 concerning these requirements are on file with the Clerk of Board in File No. _____.

9 I. The current owner of record for Lots 71 and 72 of Assessor's Block 0088 has had an
10 opportunity to present evidence that the affected property does not meet the standards for
11 merger specified in this Lot Merger Ordinance at a hearing held for that purpose.

12 J. For the foregoing reasons, the Board finds that the division of former Lot 30 of
13 Assessor's Block 0088 into Lots 71 and 72 of Block 0088 should be reversed.

14 Section 2. Merger of Lots 71 and 72 of Assessor's Block 00888. Based upon Planning
15 Code Section 121(b) and (e) and California Government Code Sections 66451.11 et seq.,
16 Lots 71and 72 of Assessor's Block 0088 are hereby merged.

17 Section 3. Recordation of Notice of Merger. Within thirty (30) days after the effective
18 date of this Ordinance, the Clerk of the Board of Supervisors shall record the determination of
19 the merger of Lot 71 and Lot 72 of Assessor's Block 0088 in the Office of the Recorder of the
20 City and County of San Francisco by recording a notice of merger specifying the name of the
21 record owner, particularly describing the real property, and assigning a number to the merged
22 lot.

23 Section 4. Codification. It is the intent of the Board of Supervisors of the City and
24 County of San Francisco that this Ordinance shall not be codified.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
John D. Malamut
Deputy City Attorney