

FILE NO. 031625

MOTION NO. M03-179

1 [Adopting findings related to the conditional use appeal on property located at 2026 Lombard
2 Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**
4 **of Conditional Use Application No. 2002.0497C (which allowed the construction of an**
5 **approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking**
6 **spaces on a lot containing approximately 13,600 square feet), pursuant to Planning**
7 **Code Section 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood**
8 **Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard**
9 **Street, north side, between Fillmore and Webster Street (Lot 025 in Assessor's Block**
10 **0492).**

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11
12 The appellant, Stephen M. Williams, Esq., filed a timely appeal on ^{July 14, 2003} ~~August 12, 2003~~,
13 protesting the approval by the Planning Commission of an application for a conditional use
14 authorization (Conditional Use Application No. 2002.0497C), to allow the construction of an
15 approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking spaces on a
16 lot containing approximately 13,600 square feet) pursuant to Planning Code Section 712.11,
17 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and
18 a 40-X Height and Bulk District, located at 2026 Lombard Street, north side, between Fillmore
19 and Webster Street (Lot 025 in Assessor's Block 0492).

20 The public hearing before the Board of Supervisors on said appeal was scheduled for
21 August 12, 2003, On August 12, 2003, the Board continued the public hearing to September
22 16, 2003. On September 16, 2003, the Board conducted a duly noticed hearing on the appeal
23 from the Planning Commission's approval referred to in the first paragraph of this motion.
24 Following the conclusion of the public hearing on September 16, the Board disapproved the
25 decision of the Planning Commission (Planning Commission Motion No. 16596, dated June

1 12, 2003) and approved the issuance of requested Conditional Use Application No.
2 2002.0497C, subject to the conditions imposed by the Planning Commission, and further
3 subject to additional conditions imposed by the Board of Supervisors.

4 In reviewing the appeal of the approval of the requested conditional use authorization,
5 this Board reviewed and considered the written record before the Board and all of the public
6 comments made in support of and in opposition to the appeal.

7 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
8 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
9 though fully set forth, the findings made by the Planning Commission in its Motion No. 16596,
10 dated June 12, 2003, except as indicated below.

11 FURTHER MOVED, That on September 16, 2003, the Board of Supervisors conducted
12 a noticed public hearing on an appeal of the Planning Commission's certification of the Final
13 Mitigated Negative Declaration for this proposed Project. Following the completion of the
14 appeal hearing on September 16, 2003, the Board affirmed the Planning Commission's
15 adoption of the Mitigated Negative Declaration. The Board of Supervisors also certified, at the
16 September 16 meeting, that it had reviewed the Final Mitigated Negative Declaration relating
17 to the proposed Project and adopted as its own the findings of the Planning Commission. The
18 Board further finds that there have been no substantial Project changes, no substantial
19 changes in Project circumstances, and no new information of substantial importance that
20 would change the conclusions set forth in the Final Mitigated Negative Declaration that the
21 proposed Project would have no significant impact on the environment.

22 FURTHER MOVED, That at the September 16, 2003, public hearing on this appeal
23 several members of the public testified that the Project, as proposed, was too massive in
24 design; that its bulk would not be consistent with the neighboring buildings; that adjacent
25 buildings, especially to the rear of the Project, were considerably shorter and less bulky in

1 design; that the proposed Project would cast more extensive shadows onto adjacent
2 properties; and that the Project, as proposed, would create issues of lateral support failure for
3 adjacent property owners.

4 FURTHER MOVED, That on September 16, 2003, the Board of Supervisors
5 disapproved the decision of the Planning Commission by its Motion No. 16596, which
6 approved Conditional Use Application No. 2002.0497C, and approved the requested
7 Conditional Use Authorization subject to the conditions imposed by the Planning Commission,
8 and further subject to the following additional conditions imposed by the Board:

9 1. The fourth floor of the proposed Project shall be further revised to delete from
10 the rear portion of the fourth floor of the building an additional twenty feet, in addition to the
11 feet previously removed from the rear portion of the fourth floor by the Planning Commission.

12 2. The third floor of the proposed Project shall be further revised to delete from the
13 rear portion of the third floor of the building an additional ten feet, in addition to the feet
14 previously removed from the rear portion of the third floor by the Planning Commission.

15 3. The City and County of San Francisco and its officers and employees shall be
16 named as additional insureds in insurance policies to be obtained for the proposed
17 construction work related to this Project.

18 4. Rigid wall support is required for all of the excavation work performed at the
19 construction site.

20 5. Pump testing and data reporting (to the City) for the construction site is required.

21 6. If permittees receive permission to enter the property of adjacent property owners
22 during construction of the Project, then all structures on the adjacent property shall be
23 underpinned. If permittees do not receive permission to enter the property of adjacent
24 property owners during construction of the Project, then the permittees shall provide rigid
25 shoring of the adjacent property at the construction site, including the use of pre-stressed

1 materials.

2 7. No permits for work on the Project construction site shall be issued until the Project
3 has received Structural Advisory Committee peer review.

4 FURTHER MOVED, That the Board of Supervisors finds that findings made by the
5 Planning Commission that the Project, as approved by the Commission, complies with the
6 criteria of Planning Code Section 303 are incorrect and without substantiation for the following
7 reasons:

8 (1) The Project, at the size and intensity contemplated in the Commission
9 approved design, will not provide a development that is necessary or desirable, or compatible
10 with, the neighborhood or the community. As stated in the Commission's decision, the rear of
11 the subject property abuts several lots lying in two different zoning Districts, the NC-2 (Small
12 Scale Neighborhood Commercial) and RH-3 (Residential, House, Three family). These lots
13 are primarily higher density residential (12-24) apartments with several single and two family
14 dwellings as well. Building heights in the area range from 20 to approximately 40 feet, with
15 taller buildings common along Lombard Street and along nearby Chestnut Street. The
16 proposed Project would replace a two-story hotel/motel with a four-story hotel, with the square
17 footage of the new structure increasing from the 8,630 square feet of the current structure to
18 49,000 square feet for the new structure. The Project, as approved, is not designed to fit well
19 within the context and mitigate its larger size. The rear building walls, which will be
20 immediately adjacent to less intensive uses, including residential uses, will be at the property
21 line on the ground floors, and would be set back by ten feet on the third floor, and ^{ten} ~~twenty~~ feet
22 on the fourth floor in the Commission's approved proposal. Even with these setbacks on the
23 third and fourth floors, the overall impact of the building in the rear will be to create a massive
24 and bulky structure (with windows included) immediately adjacent to residential units, creating
25 a loss of air and light, as well as privacy. The building, as approved by the Commission, will

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1 overwhelm and dominate the rear properties and residential units with the new construction.

2 (2) The Project, as proposed, must provide adequate protection for the safe
3 lateral support of adjacent properties, especially considering the size of the construction and
4 excavation that will take place on the property. Without adequate lateral support, serious
5 damage to persons and structures on adjacent properties may occur. The Planning
6 Commission's decision did not adequately address this significant concern, which was stated
7 by many of the public speakers, and was supported with testimony and information provided
8 by professional consultants. The Board is unable to find that the Project, as proposed, is not
9 detrimental, during both construction and after construction, to the health, safety, convenience
10 or general welfare of persons residing or working in the vicinity, or injurious to property,
11 improvements or potential development in the vicinity.

12 FURTHER MOVED, That with the imposition of the additional conditions stated above,
13 the Board will be reducing the bulk of the Project by eliminating from the rear of the top two
14 floors of the building that part of those two floors that are immediately adjacent to neighboring
15 parcels that include residential units. This will reduce the bulk of the building, and revise the
16 building so that it will more closely resemble the bulk and mass of buildings to the rear of the
17 Project. This modification to the Project will also reduce the loss of light and air, and privacy
18 to the rear properties adjacent to the building. With the imposition of the construction and
19 geotechnical conditions the Board is taking steps intended to protect the applicant's property,
20 as well as the property of adjacent property owners, and to protect the safety of persons
21 living, working and visiting in the immediate area of the Project.

22 FURTHER MOVED, That with the imposition of the additional conditions, as listed
23 above, the Board of Supervisors finds that the Project, as revised, will meet the requirements
24 of Planning Code Section 303. The revised Project will provide a development that is
25 necessary or desirable for, and compatible with, the neighborhood or the community, and that

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such use 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, and that such use will not adversely affect the General Plan.

FURTHER MOVED, That, on balance, the Project, as revised by the Board of Supervisors, is consistent with the objectives and policies of the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16596, dated June 12, 2003, and approved the issuance of Conditional Use Application No. 2002.0497C on property located at 2026 Lombard Street, subject to the conditions imposed by the Planning Commission and the additional conditions imposed by the Board of Supervisors on September 16, 2003, as referred to earlier in this motion.



City and County of San Francisco

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

Tails Motion

File Number: 031625

Date Passed: September 30, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0497C (which allowed the construction of an approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet), pursuant to Planning Code Section 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side, between Fillmore and Webster Street (Lot 025 in Assessor's Block 0492).

September 24, 2003 Board of Supervisors — REFERRED: Board of Supervisors

September 30, 2003 Board of Supervisors — APPROVED

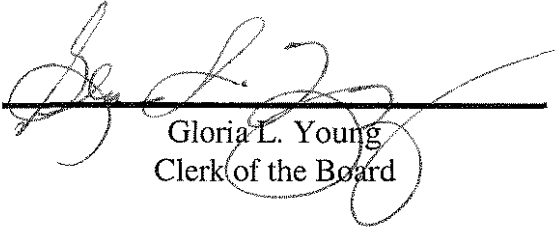
Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Absent: 1 - Ammiano

Excused: 1 - Newsom

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I hereby certify that the foregoing Motion was APPROVED on September 30, 2003 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board