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).

The appellant, Stephen M. Williams, Esq., filed a timely appeal on July 14, 2003, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2002.0497C), to allow 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).

The public hearing before the Board of Supervisors on said appeal was scheduled for August 12, 2003. On August 12, 2003, the Board continued the public hearing to September 16, 2003. On September 16, 2003, the Board conducted a duly noticed hearing on the appeal from the Planning Commission's approval referred to in the first paragraph of this motion.

Following the conclusion of the public hearing on September 16, 2003, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 16596, dated June 30, 2003).

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

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

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

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

FURTHER MOVED, That at the September 16, 2003, public hearing on this appeal several members of the public testified that the Project, as proposed, was too massive in design; that its bulk would not be consistent with the neighboring buildings; that adjacent buildings, especially to the rear of the Project, were considerably shorter and less bulky in
design; that the proposed Project would cast more extensive shadows onto adjacent
properties; and that the Project, as proposed, would create issues of lateral support failure for
adjacent property owners.

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

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

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

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

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

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

6. If permittees receive permission to enter the property of adjacent property owners
during construction of the Project, then all structures on the adjacent property shall be
underpinned. If permittees do not receive permission to enter the property of adjacent
property owners during construction of the Project, then the permittees shall provide rigid
shoring of the adjacent property at the construction site, including the use of pre-stressed
7. No permits for work on the Project construction site shall be issued until the Project has received Structural Advisory Committee peer review.

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

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

(2) The Project, as proposed, must provide adequate protection for the safe lateral support of adjacent properties, especially considering the size of the construction and excavation that will take place on the property. Without adequate lateral support, serious damage to persons and structures on adjacent properties may occur. The Planning Commission's decision did not adequately address this significant concern, which was stated by many of the public speakers, and was supported with testimony and information provided by professional consultants. The Board is unable to find that the Project, as proposed, is not detrimental, during both construction and after construction, 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.

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

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