

1 [Adopting findings related to the conditional use appeal on property located at 40-50 Lansing
2 Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**
4 **of Conditional Use Application No. 2002.0446CEV (which allowed the construction of**
5 **an 84-foot tall residential building within an R (Residential) District pursuant to**
6 **Planning Code Section 152, and allowed the construction of a building with full lot**
7 **coverage in the Rincon Hill Special Use District pursuant to Planning Code Section**
8 **249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the Rincon**
9 **Special Use District/Residential Subdistrict) on property located at 40-50 Lansing Street**
10 **(a.k.a. 35 Guy Place) (Lot 11 in Assessor's Block 3749).**

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12 Under the provisions of Section 308.1 (b) of the City Planning Code, having determined
13 that they believed there was sufficient public interest and concern in the matter to warrant a
14 hearing before the Board of Supervisors, five members of the Board of Supervisors filed a
15 notice of appeal on June 2, 2003, bringing before the Board the decision of the Planning
16 Commission to approve a conditional use authorization (Conditional Use Application No.
17 2002.0446CEV), to allow the construction of an 84-foot tall residential building within an R
18 (Residential) District pursuant to Planning Code Section 152, and to allow the construction of
19 a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning
20 Code Section 249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the
21 Rincon Special Use District/Residential Subdistrict) on property located at 40-50 Lansing
22 Street (a.k.a. 35 Guy Place) (Lot 11 in Assessor's Block 3749).

23 The public hearing before the Board of Supervisors on said appeal was scheduled for
24 June 24, 2003, On June 24, 2003, the Board continued the public hearing to July 22, 2003.
25 On July 22, 2003, the Board conducted a duly noticed hearing on the appeal from the

1 Planning Commission's approval referred to in the first paragraph of this motion. Following
2 the conclusion of the public hearing on July 22, the Board disapproved the decision of the
3 Planning Commission (Planning Commission Motion No. 16572, dated May 1, 2003) and
4 approved the issuance of requested Conditional Use Application No. 2002.0446CEV, subject
5 to the conditions imposed by the Planning Commission, and further subject to additional
6 conditions imposed by the Board of Supervisors.

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

10 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
11 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
12 though fully set forth, the findings made by the Planning Commission in its Motion No. 16572,
13 dated May 1, 2003, except as indicated below.

14 FURTHER MOVED, That on April 8, 2003, the Board of Supervisors conducted a
15 noticed public hearing on an appeal of the Planning Commission's certification of the Final
16 Mitigated Negative Declaration for this proposed Project. Following the completion of the
17 appeal hearing on April 8, the Board continued to April 23, 2003, its consideration of the
18 appeal. On April 23, 2003, the Board affirmed the Planning Commission's adoption of the
19 Negative Declaration. The Board of Supervisors certified, at the July 22 meeting, that it had
20 reviewed the Final Mitigated Negative Declaration relating to the proposed project and
21 adopted as its own the findings of the Planning Commission. The Board further finds that
22 there have been no substantial Project changes, no substantial changes in Project
23 circumstances, and no new information of substantial importance that would change the
24 conclusions set forth in the Final Mitigated Negative Declaration that the proposed Project
25 would have no significant impact on the environment.

1 FURTHER MOVED, That at the July 22, 2003, public hearing on this appeal several
2 members of the public testified that the Project, as proposed, was too massive in design; that
3 its bulk would not be consistent with the neighboring buildings; that adjacent buildings were
4 considerably shorter and less bulky in design; and that a tall building that was built up to the
5 street frontage would change the nature of the street and create an uninviting residential
6 street, characterized by high walls, with reduced light and air. In addition, members of the
7 public testified that the presence of the proposed Project loading dock off-site in the
8 neighborhood, which is located on a narrow street, would create traffic congestion and a
9 danger to public safety as unloading occurred, and the unloaded materials were then
10 transported across and along the street to the Project.

11 FURTHER MOVED, That on July 22, 2003, the Board of Supervisors disapproved the
12 decision of the Planning Commission by its Motion No. 16572, which approved Conditional
13 Use Application No. 2002.0446CEV, and approved the requested Conditional Use
14 Authorization subject to the conditions imposed by the Planning Commission, and further
15 subject to the following two additional conditions imposed by the Board:

16 1. The structure, as approved by the Planning Commission, shall be further revised to
17 delete from the 7th and 8th floors of the structure on the southeasterly (Lansing Street) side of
18 the structure two housing units per floor (total of four units), those two units on each floor
19 being the units closest to Lansing Street, thereby setting back the 7th and 8th floors further
20 from the street frontage on Lansing Street, and reducing the bulk of the structure, especially
21 on the 7th and 8th floors.

22 2. The structure, as approved by the Planning Commission, shall be further revised by
23 moving the loading dock from its proposed off-site location to an on-site location within the
24 structure at 40-50 Lansing.

25 FURTHER MOVED, That the Board of Supervisors finds that findings made by the

1 Planning Commission that the Project, as approved by the Commission, complies with the
2 criteria of Planning Code Section 303 are incorrect and without substantiation for the following
3 reasons:

4 (1) The Project, at the size and intensity contemplated in the Commission
5 approved design, will not provide a development that is necessary or desirable, or compatible
6 with, the neighborhood or the community. As stated in the Commission's decision, the
7 building will be larger than most buildings in the immediate vicinity. The Project, though, as
8 approved, is not designed to fit well within the context and mitigate its larger size. The
9 building walls will be setback by only two and a half feet from the property line. In addition,
10 while some setbacks occur above 50-feet, the overall impact of the building will be to create a
11 massive and bulky wall adjacent to the public sidewalk on a narrow residential street, creating
12 an unappealing, looming canyon. The building, as approved by the Commission, will
13 overwhelm and dominate the surrounding neighborhood with its new construction.

14 (2) The project, as proposed, lacks adequate loading. As stated in the
15 Commission's decision, the Project will not provide an off-street loading space on-site, and a
16 loading dock is proposed to be located off-site. The Board disagrees with the Commission's
17 conclusions that the Project's impacts associated with loading and service activity would not
18 be significant. With more than seventy units in the building, the Board anticipates that there
19 will be tenant moves on a regular basis, and servicing for the building and its residents will
20 require deliveries of goods and services on a regular basis. Since the street is a narrow
21 residential street, large delivery vehicles will not be able to park, conveniently, adjacent to the
22 building's doors. The arrival of any delivery vehicles at the Project will reduce on-street
23 parking, block portions of the street, and create a safety hazard for those pedestrians and
24 cars attempting to move through the neighborhood. In addition, if deliveries are made to a
25 loading dock that is off-site, those delivered goods will need to be moved across and along

1 the narrow street, thereby adding to street congestion, and creating an additional safety
2 hazard.

3 FURTHER MOVED, That with the imposition of the additional conditions stated above,
4 the Board will be reducing the bulk of the Project by eliminating from the top two floors of the
5 building that part of those two floors that are visible from the street below. This will reduce the
6 impact of the Project on the street, reduce the bulk of the building, and revise the building so
7 that it will more closely resemble the bulk and mass of buildings in the neighborhood. In
8 addition, with the requirement of a loading dock on site, loading and unloading of vehicles will
9 be available within the building. This will eliminate the need to move goods and supplies
10 across and along the narrow residential streets, should reduce the time required to conduct
11 loading and unloading, and will provide off-street parking availability for on-site deliveries.

12 FURTHER MOVED, That with the imposition of the additional conditions, as listed
13 above, the Board of Supervisors finds that the project, as revised, will meet the requirements
14 of Planning Code Section 303. The revised project will provide a development that is
15 necessary or desirable for, and compatible with, the neighborhood or the community, and that
16 such use will not be detrimental to the health, safety, convenience or general welfare of
17 persons residing or working in the vicinity, or injurious to property, improvements or potential
18 development in the vicinity, and that such use will not adversely affect the General Plan.

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

22 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
23 competing public and private interests, disapproved the decision of the Planning Commission
24 by its Motion No. 16572, dated May 1, 2003, and approved the issuance of Conditional Use
25 Application No. 2002.0446CEV on property located at 40-50 Lansing Street (aka 35 Guy

1 Place), subject to the conditions imposed by the Planning Commission and the additional
2 conditions imposed by the Board of Supervisors on July 22, 2003, as referred to earlier in this
3 motion.

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