



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20435

HEARING DATE APRIL 25, 2019

*Project Name:* Amendments Relating to Terrace Infill on Noncomplying Structures  
*Case Number:* 2016-007303PCA [Board File No. TBD]  
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**RESOLUTION RECOMMENDING APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PERMIT NEW FLOOR AREA OR BUILDING VOLUME ON THE ROOFTOP OF A NONCOMPLYING STRUCTURE THAT IS DESIGNATED AS A SIGNIFICANT BUILDING UNDER PLANNING CODE ARTICLE 11 AND LOCATED ON ASSESSOR'S BLOCK NO. 3707, PROVIDED THAT THE ROOFTOP HAS AN EXISTING PARAPET AT LEAST 17 FEET IN HEIGHT ALONG THE PRIMARY BUILDING FRONTAGE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on April 5, 2018 the Project Sponsor submitted a proposed Ordinance under which would amend Section 188(g) of the Planning Code to permit new floor area or building volume on the rooftop of a noncomplying structure that is designated as a Significant Building under Planning Code Article 11 and located on Assessor's Block No. 3707, provided that the rooftop has an existing parapet at least 17 feet in height along the primary building frontage;

WHEREAS, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review on August 22, 2018; and

WHEREAS, the Draft IS/MND was available for public comment until September 11, 2018; and

WHEREAS, on September 11, 2018, two separate appellants, Rachel Mansfield-Howlett of Provencher & Flatt, LLP, on behalf of Friends of Hearst Building, and Yasin Salma, filed letters appealing the determination to issue a MND. Both appellants provided supplemental appeal letters. The supplemental letter and material from friends of Hearst Building was received November 15, 2018. Accordingly, the

Department requested a continuance in order to assess the information and prepare a supplemental response, which the Planning Commission granted; and

WHEREAS, on February 14, 2019, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, the Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning, and that the summary of comments and responses contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31; and

WHEREAS, the Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2016-007303, at 1650 Mission Street, Fourth Floor, San Francisco, California; and

WHEREAS, the Planning Department prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action; now therefore, be it

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 20, 2019, and recommended approval to the Planning Commission and Board of Supervisors; and,

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 25, 2019; and,

WHEREAS, 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 Department staff and other interested parties; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Commission hereby recommends **approval** of the proposed ordinance.

## 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 Commission finds that the Ordinance fosters the preservation of a historic structure, ensures the work will not be visible from a primary façade, and will be done in accordance with the Secretary of Interior's Standards.
2. The Commission finds that the Ordinance will help facilitate the rehabilitation and reuse of a historic resource and would increase the public access of the historic building and the New Montgomery-Mission-2nd Street Conservation District as a whole.
3. **General Plan Compliance.** The proposed Ordinance and the Commission is consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed Ordinance will facilitate the establishment of a retail hotel use that provides net benefits in the form of tourism to the city and commercial activity associated with visiting guests to San Francisco. A rooftop lounge and event space will be open to the general public, allowing both local residents and visitors to enjoy the rehabilitated historic building and its amenities. Any potential undesirable consequences may be addressed through existing regulatory controls.*

### OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

#### Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

#### Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed Ordinance allows new commercial activity along the Market Street corridor in the form of visiting guests for both work and pleasure, who create activity downtown both during and outside of*

*regular business hours. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it brings more people into the area to work, shop, dine and recreate. The project will preserve and rehabilitate a historic resource identified as a Significant Building, which adds to the cultural environment of the city. This enhances San Francisco as a location for firms.*

## **COMMERCE AND INDUSTRY ELEMENT**

### **OBJECTIVE 2**

CONSERVATION OF RESOURCES WHICH PROVIDES 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.

## **THE DOWNTOWN PLAN**

### **OBJECTIVE 12**

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

#### **Policy 12.1**

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 12.2**

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

*Because of its limited scope and strong review requirements, the proposed Ordinance is consistent with the above Objectives and Policies in the Urban Design Element and the Downtown Plan; it will allow for a change to a Significant Building per Article 11 of the Planning Code, while ensuring the preservation of its historic features and not weakening its original character.*

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

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

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The loading area will be on a secondary street with little traffic and hotel guests arriving by car can take advantage of valet service.*

5. 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

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

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings. The project proposes rehabilitation of the subject property according to both local and national standards.*

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

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

5. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 25, 2019.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Johnson, Melgar, Moore, Richards

NOES: Koppel

ABSENT: None

ADOPTED: April 25, 2019