



# SAN FRANCISCO PLANNING DEPARTMENT

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December 9, 2016

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Peskin  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Department Case Number 2016-013415PCA:  
Terrace Infill for Noncomplying Structure Designated as a Significant Building  
in C-3 Zoning District  
Board File No. 161068  
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Peskin,

On November 16 the Historic Preservation Commission, and on December 8 the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would amend the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District;

At their respective hearings both Commission's recommended approval with modification.

The Commissions' proposed modifications were as follows:

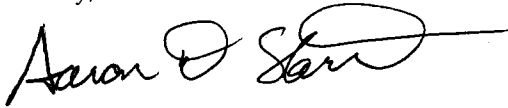
1. Delete finding two: "Not have an adverse impact on any character-defining features of the building;"
2. Restrict the proposed change only to the block that contains the Clift Hotel: Assessor's Block number 0316.
3. Place a two-year time limit on the proposed Planning Code change. The following language should be inserted into the proposed ordinance: The City Attorney is hereby authorized to direct the Publisher to delete this Section on or after XXXX, XX 20XX.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the two Commissions.

Please find attached documents relating to the actions of the Commission. Please note that the Commissions' resolutions have not yet been finalized by the Commission Secretary; however, signed and finalized resolutions will be provided to the Clerk of the Board prior to the Land Use hearing on December 13, 2016. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr  
Manager of Legislative Affairs

cc:

Kate H. Stacy, Deputy City Attorney  
Sunny Angulo, Aide to Supervisor Peskin  
Andrea Ausberry, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution  
Planning Department Executive Summary  
Historic Preservation Commission Resolution  
Historic Preservation Commission Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. TBD

HEARING DATE DECEMBER 8, 2016

*Project Name:* **Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District**  
*Case Number:* **2016-013415PCA [Board File No. 161068]**  
*Initiated by:* Supervisor Peskin / Introduced October 4, 2016  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PERMIT TERRACE INFILL ON A NONCOMPLYING STRUCTURE THAT IS DESIGNATED AS A SIGNIFICANT BUILDING UNDER PLANNING CODE, ARTICLE 11, AND LOCATED IN A C-3 ZONING DISTRICT; 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 October 4, 2016 Supervisors Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 161068, which would amend the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 16, 2016; and,

WHEREAS, The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment; 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, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. The Commission's proposed modifications are as follows:

1. Delete finding two: "Not have an adverse impact on any character-defining features of the building;"
2. Restrict the proposed change only to the block that contains the Clift Hotel: Assessor's Block number 0316.
3. Place a two-year time limit on the proposed Planning Code change. The following language should be inserted into the proposed ordinance: The City Attorney is hereby authorized to direct the Publisher to delete this Section on or after XXXX, XX 20XX.

## 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 supports allowing historic buildings to adapt to changing needs as long as it doesn't impact the resource; however, the Commission acknowledges that the Planning Department does not know how much utility this narrowly tailored ordinance would have for the rest of the C-3 District.
2. Because the Planning Department does not have any way of knowing how many buildings this ordinance would impact, or if any other buildings would be able to take advantage of it at all, the Commission is proposing to limit the ordinance even further with the proposed recommendations.
3. The Commission agrees with the Historic Preservation Commission's recommendation to remove finding two in the proposed ordinance because it is not useful for their review.
4. Having a sunset date will allow the City Attorney to direct the published to remove the language after two years, while still providing the Clift Hotel enough time to take advantage of this change. The two year time period will also give the City an indication as to whether this amendment could be useful to other properties.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## URBAN DESIGN ELEMENT

### OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE 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 significant older buildings to enhance rather than weaken their original character.

*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.*

6. **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.*

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;

*Because of its limited scope and strong review requirements, the proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

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.*

7. **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 with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 8, 2016.

Jonas P. Ionin  
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore and Richards

NOES: None

ABSENT: None

ADOPTED: December 8, 2016



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment

HEARING DATE: DECEMBER 8, 2016  
EXPIRATION DATE: JANUARY 11, 2017

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*Project Name:* **Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District**

*Case Number:* **2016-013415PCA [Board File No. 161068]**

*Initiated by:* Supervisor Peskin / Introduced October 4, 2016

*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

*Recommendation:* **Recommend Approval with Modifications**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District.

#### The Way It Is Now:

Buildings that are noncomplying with regards to height, Floor Area Ratio (FAR) and bulk limits are prohibited from expanding if it would make the building more noncomplying.

#### The Way It Would Be:

Buildings that are designated as significant under Article 11 and within the C-3 District that are noncomplying with regards to height, FAR and bulk limits would be allowed to infill an existing terrace of up to 1,500 sq. ft. Any infill would require a major alteration permit and is subject to Historic Preservation Commission (HPC) review and approval.

HPC would have to find that the terrace infill would:

1. Not be visible from the primary building frontage;
2. Not have an adverse impact on any character-defining features of the building; and
3. Not exceed 1,500 net new square feet per building; and

### BACKGROUND

This Ordinance is being proposed to allow the Clift Hotel to infill an existing terrace. The Clift Hotel (495 Geary St.) is located at the corner of Geary and Taylor Streets within the C-3-G Zoning District. The hotel is designated as a Significant Building: Category 1 under Article 11, and it is over its FAR, height and bulk limits so new floor area or bulk cannot be added to the building. The terrace that they wish to infill is located within the inner courtyard of the building, not on a primary façade, and not easily visible from the street.



The Clift Hotel has enclosed the terrace with a tent structure and has used it for parties and the like; however, the Fire Department told Clift that without sprinklers the tent's occupancy load is limited, so the hotel wishes to enclose the terrace with a more permanent structure with sprinklers.

## ISSUES AND CONSIDERATIONS

### HPC Review

This ordinance was reviewed by the HPC on November 16, 2013, which voted unanimously to recommend approval with modifications of the proposed ordinance. The HPC took most of staff recommended modifications, but instead of taking the proposed modifications in recommendation one below, the HPC voted to delete finding two in the proposed ordinance altogether. Recommendations two and three were not changed.

Staff's original recommendations to the HPC on 11/16/16:

1. Amend language in finding two as follows:

Not alter, remove, or obscure ~~have an adverse impact on~~ any character-defining features of the building;

2. Restrict the proposed change only to the block that contains the Clift Hotel: Assessor's Block Number 0316.
3. Place a two-year time limit on the proposed Planning Code change. The following language should be inserted into the proposed ordinance: The City Attorney is hereby authorized to direct the Publisher to delete this Section on or after XXXX, XX 20XX.

Staff proposed the modifications in recommendation one because the language in the proposed ordinance is related more to CEQA review and not historic review. Staff's proposed language is more consistent with what the HPC uses to review major alteration permits; however, since the HPC already uses this criteria in reviewing major alteration permits, the HPC decided to take it out altogether as it would be duplicative and unnecessary. Staff's recommendation to the Planning Commission has been amended to reflect the HPC's modifications.

### Article 11 Buildings

The proposed ordinance would only apply to Significant Buildings under Article 11. Significant Buildings include two categories, Categories 1 and 2, and encompasses 255 buildings (210 in Category 1 and 45 in Category 2). Since Article 11 only applies to the C-3 Districts, all of these buildings are located within a C-3 District. The criteria for listing a building in either Category 1 or Category 2 are as follows:

#### Significant Buildings - Category I. Buildings that:

1. Are at least 40 years old; and
2. Are judged to be Buildings of Individual Importance; and
3. Are rated Excellent in Architectural Design or are rated Very Good in both Architectural Design and Relationship to the Environment.

#### Significant Buildings - Category II. Buildings:

1. That meet the standards of a Category 1 Building; and

2. To which, because of their depth and relationship to other structures, it is feasible to add different and higher replacement structures or additions to height at the rear of the structure, even if visible when viewing the principal facades, without affecting their architectural quality or relationship to the environment and without affecting the appearance of the retained portions as separate structures when viewing the principal facades. The designation of Category II Buildings shall identify for each building the portion of the building beyond which such additions may be permitted.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Delete finding two: "Not have an adverse impact on any character-defining features of the building;"
2. Restrict the proposed change only to the block that contains the Clift Hotel: Assessor's Block Number 0316.
3. Place a two-year time limit on the proposed Planning Code change. The following language should be inserted into the proposed ordinance: *The City Attorney is hereby authorized to direct the Publisher to delete this Section on or after XXXX, XX 20XX.*

## BASIS FOR RECOMMENDATION

The Department does not object to allowing the proposed infill and supports allowing historic buildings to adapt to changing needs as long as it doesn't impact the resource; however, the Department does not know how much utility this narrowly tailored ordinance would have for the rest of the C-3 District. The Department has no way of knowing how many buildings this ordinance would impact, or if there are any other buildings would be able to take advantage of it. We know that there are 255 buildings that are considered Significant per Article 11; but we don't know how many are non-conforming with regards to height, FAR, and bulk limits, or how many of those buildings have terraces of less than 1,500 sq. ft. Therefore, the Department is proposing to limit the ordinance further with the following recommendations so that it only impacts the Clift Hotel.

### Recommendations:

1. **Delete finding two:** The HPC recommended that finding two be deleted since the language proposed is more closely aligned with CEQA review and not historic review, and because the amended language proposed by staff (discussed above) would be duplicative of what the HPC already uses for Major Permits to Alter.
2. **Restrict the proposed change only to the block that contains the Clift Hotel.** The Department would like to narrow the proposed ordinance to only impact the intended block mainly because we have no way of know how many properties this ordinance would impact. On the subject block there are two other properties designated as Significant under Article 11, The Geary and Curran Theaters. Neither of these properties appears to have an eligible terrace. There are other buildings also listed under Article 11, but are designated as Contributors. Given the uncertainty

and that only one property has so far asked for such an exception we recommend limiting it to just the subject block.

- 3. Place a two-year time limit on the proposed Planning Code change.** Changes like this, which have limited utility, live on in the Planning Code in perpetuity, adding unnecessary complexity to an already complex Planning Code. Having a sunset date will allow the City Attorney to direct the published to remove the language after two years, while still providing the Clift Hotel enough time to take advantage of this change. The two year time period will also give the City an indication as to whether this amendment could be useful to other properties, and make modifications to the Code accordingly.

### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

### **IMPLEMENTATION**

The Department determined that this ordinance will not impact our current implementation procedures.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

### **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval with Modification</b>
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### **Attachments:**

- Exhibit A:            Draft Planning Commission Resolution
- Exhibit B:            Board of Supervisors File No. 161068



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Preservation Commission Resolution No. 835 HEARING DATE NOVEMBER 16, 2016

*Project Name:* **Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District**

*Case Number:* **2016-013415PCA [Board File No. 161068]**

*Initiated by:* Supervisor Peskin / Introduced October 4, 2016

*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PERMIT TERRACE INFILL ON A NONCOMPLYING STRUCTURE THAT IS DESIGNATED AS A SIGNIFICANT BUILDING UNDER PLANNING CODE, ARTICLE 11, AND LOCATED IN A C-3 ZONING DISTRICT; 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 October 4, 2016 Supervisors Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 161068, which would amend the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District;

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 16, 2016; and,

WHEREAS, The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment; 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, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. The Commission's proposed modifications are as follows:

1. Delete finding two: "Not have an adverse impact on any character-defining features of the building;"
2. Restrict the proposed change only to the block that contains the Clift Hotel: Assessor's Block number 0316.
3. Place a two-year time limit on the proposed Planning Code change. The following language should be inserted into the proposed ordinance: The City Attorney is hereby authorized to direct the Publisher to delete this Section on or after XXXX, XX 20XX.

## 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 supports allowing historic buildings to adapt to changing needs as long as it doesn't impact the resource; however, the Commission acknowledges that the Planning Department does not know how much utility this narrowly tailored ordinance would have for the rest of the C-3 District.
2. Because the Planning Department does not have any way of knowing how many buildings this ordinance would impact, or if any other buildings would be able to take advantage of it at all, the Commission is proposing to limit the ordinance even further with the proposed recommendations.
3. The Commission proposes to remove the language in finding two because it is not useful for historic preservation review.
4. Having a sunset date will allow the City Attorney to direct the published to remove the language after two years, while still providing the Clift Hotel enough time to take advantage of this change. The two year time period will also give the City an indication as to whether this amendment could be useful to other properties.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### URBAN DESIGN ELEMENT

#### OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE 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 significant older buildings to enhance rather than weaken their original character.

*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.*

6. **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.*

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;

*Because of its limited scope and strong review requirements, the proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

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.*

7. **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 with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 16, 2016.

Jonas P. Ionin  
Commission Secretary

AYES: Hyland, Johnck, Johns, Pearlman, and Wolfram

NOES: None

ABSENT: Hasz, Matsuda

ADOPTED: November 16, 2016





# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment

HEARING DATE: NOVEMBER 16, 2016

EXPIRATION DATE: JANUARY 11, 2017

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*Project Name:* **Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District**

*Case Number:* **2016-013415PCA [Board File No. 161068]**

*Initiated by:* Supervisor Peskin / Introduced October 4, 2016

*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

*Recommendation:* **Recommend Approval with Modifications**

### PLANNING CODE AMENDMENT

The proposed Ordinance would the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District.

#### The Way It Is Now:

Buildings that are noncomplying with regards to height, Floor Area Ratio (FAR) and bulk limits are prohibited from expanding if it would make the building more noncomplying.

#### The Way It Would Be:

Buildings that are designated as significant under Article 11 and within the C-3 District that are noncomplying with regards to height, FAR and bulk limits would be allowed to infill an existing terrace of up to 1,500 sq. ft. Any infill would require a Major Alteration permit and is subject to Historic Preservation Commission (HPC) review and approval.

HPC would have to find that the terrace infill would:

1. Not be visible from the primary building frontage;
2. Not have an adverse impact on any character-defining features of the building; and
3. Not exceed 1.500 net new square feet per building; and

### BACKGROUND

This Ordinance is being proposed to allow the Clift Hotel to infill an existing terrace. The Clift Hotel (495 Geary St.) is located at the corner of Geary and Taylor Streets within the C-3-G Zoning District. The hotel is designated as a Significant Building: Category 1 under Article 11. The terrace that they wish to infill is located within the inner courtyard of the building, not on a primary façade, and not easily visible from the street. The Clift Hotel has enclosed the terrace with a tent structure and has used it for parties and the like; however, the Fire Department has said that they can no longer use the tent for life and safety reasons. The hotel wishes to enclose the terrace with a more permanent structure.

## ISSUES AND CONSIDERATIONS

### Article 11 Buildings

The proposed ordinance would only apply to Significant Buildings under Article 11. Significant Buildings include two categories, Categories 1 and 2, and encompasses 255 buildings (210 in Category 1 and 45 in Category 2). Since Article 11 only applies to the C-3 Districts, all of these buildings are located within a C-3 District. The criteria for listing a building in either Category 1 or Category 2 are as follows:

### Significant Buildings - Category I. Buildings that:

1. Are at least 40 years old; and
2. Are judged to be Buildings of Individual Importance; and
3. Are rated Excellent in Architectural Design or are rated Very Good in both Architectural Design and Relationship to the Environment.

### Significant Buildings - Category II. Buildings:

1. That meet the standards of a Category 1 Building; and
2. To which, because of their depth and relationship to other structures, it is feasible to add different and higher replacement structures or additions to height at the rear of the structure, even if visible when viewing the principal facades, without affecting their architectural quality or relationship to the environment and without affecting the appearance of the retained portions as separate structures when viewing the principal facades. The designation of Category II Buildings shall identify for each building the portion of the building beyond which such additions may be permitted.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Amend language in criteria 2 as follows:  
*Not alter, remove, or obscure ~~have an adverse impact on~~ any character-defining features of the building;*
2. Restrict the proposed change only to the block that contains the Clift Hotel: Assessor's Block Number 0316.
3. Place a two-year time limit on the proposed Planning Code change. The following language should be inserted into the proposed ordinance: *The City Attorney is hereby authorized to direct the Publisher to delete this Section on or after XXXX, XX 20XX.*

## BASIS FOR RECOMMENDATION

The Department does not object to allowing the proposed infill and supports allowing historic buildings to adapt to changing needs as long as it doesn't impact the resource; however, the Department does not know how much utility this narrowly tailored ordinance would have for the rest of the C-3 District. The Department has no way of knowing how many buildings this ordinance would impact, or if there are any other buildings would be able to take advantage of it. We know that there are 255 buildings that are considered Significant per Article 11; but we don't know how many are non-conforming with regards to height, FAR, and bulk limits, or how many of those buildings have terraces of less than 1,500 sq. ft. Therefore, the Department is proposing to limit the ordinance further with the following recommendations so that it only impacts the Clift Hotel.

### Recommendations:

1. **Amend language in criteria 2:** The language the Department is proposing be removed is related more to CEQA review language; the proposed language is more consistent with what the HPC uses to review Major Alteration Permits.
2. **Restrict the proposed change only to the block that contains the Clift Hotel.** The Department would like to narrow the proposed ordinance to only impact the intended block mainly because we have no way of know how many properties this ordinance would impact. On the subject block there are two other properties designated as Significant under Article 11, The Geary and Curran Theaters. Neither of these properties appears to have an eligible terrace. There are other buildings also listed under Article 11, but are designated as Contributors. Given the uncertainty and that only one property has so far asked for such an exception we recommend limiting it to just the subject block.
3. **Place a two-year time limit on the proposed Planning Code change.** Changes like this, which have limited utility, live on in the Planning Code in perpetuity, adding unnecessary complexity to an already complex Planning Code. Having a sunset date will allow the City Attorney to direct the published to remove the language after two years, while still providing the Clift Hotel enough time to take advantage of this change. The two year time period will also give the City an indication as to whether this amendment could be useful to other properties.

## REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

## IMPLEMENTATION

The Department determined that this ordinance will not impact our current implementation procedures.

## ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

## PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval with Modification</b>
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**Attachments:**

- Exhibit A:      Draft Planning Commission Resolution
- Exhibit B:      Board of Supervisors File No. 161068