



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: June 13, 2013

TO: Architectural Review Committee of the Historic Preservation Commission

FROM: Lily Yegazu, Historic Preservation Technical Specialist – (415) 575-9076

REVIEWED BY: Tim Frye, Preservation Coordinator, (415) 575-6822

RE: **Review and Comment at June 19, 2013 Hearing**
722-728 Montgomery Street - The Belli Building (Langerman's Building) & Genella Building (Belli Annex)
Case No. 2008.1084E

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BACKGROUND

The Planning Department (Department) has requested review and comment before the Architectural Review Committee (ARC) regarding the proposed exterior alteration of existing Landmark Buildings (**The Belli Building (Langerman's Building – Landmark No. 9 and Genella Building /Belli Annex – Landmark No. 10)** within the Jackson Square Landmark District, which is listed in Appendix B of Article 10 of the San Francisco Planning Code.

The attached materials proposing to resume construction at the subject site with modifications from the scope of work specified in a previously approved Certificate of Appropriateness (Case No. 2005.0139A) were submitted to the Planning Department (Department) by the Project Sponsor, Gary Gee of Gary Gee Architects, Inc. The proposal is currently undergoing staff review per Article 10 of the Planning Code and will require approval of a Certificate of Appropriateness (CofA) by the Historic Preservation Commission (HPC). Before completing the CofA review, the Department is seeking comments from the ARC in order to guide staff's evaluation and recommendations. At this time, the ARC is not being asked to review and comment on the scope of work related to the Montgomery Street elevation.

The project site has had various entitlements issued throughout the years, including the Certificate of Appropriateness and Variance approvals listed below:

- 1998.038A: Certificate of Appropriateness for repairs of the Montgomery Street façade and 3rd floor addition at the rear approved by the Landmark Preservation Advisory Board on February 18, 1998.
- 2005.0139V: Variance approval for rear yard, open space, dwelling unit exposure and parking

for the conversion of office use to 12 dwelling units with ground level commercial uses fronting Montgomery Street was approved by the Zoning Administrator on July 29, 2005.

2005.0139A: Certificate of Appropriateness for two rooftop access penthouses, one containing a stair and another containing both a stair and an elevator was approved by the Landmarks Preservation Advisory Board on September 21, 2005.

For comparison of previous (2005) Certificate of Appropriateness and current request, please refer to the Page & Turnbull report.

Building permits were issued and construction work was underway per the above entitlement approvals until all work was stopped in 2007 due to funding issues. The subject buildings had been left barricaded since then. In addition, during said the construction period, the original brick lining the courtyard, courtyard passages and the Hotaling Place façade as well as windows and wood paneling were removed from the buildings and stored offsite. The project sponsor has indicated that these materials are no longer available to the current owner as they have been lost.

PROPERTY DESCRIPTION

The site is located at East side of Montgomery Street, between Washington and Jackson Streets (Assessor's Block 0196, Lot 30). The Belli Building (Langerman's Building) and Genella Building (Belli Annex) are designated as Landmark Nos. 9 and 10 respectively under Article 10 and are located within The Jackson Square Landmark District as compatible/contributing structures. The site is zoned Community Business (C-2) District and a 65-A Height & Bulk District.

PROJECT DESCRIPTION

The proposed project is to resume the previously started construction to convert the office use to 12-unit residential use with modifications as outlined below:

- Hotaling Place Façade:
 - As previously mentioned, the original brick that was removed and stored offsite is no longer available to use on the building. As such, the project sponsor is proposing to use a brick veneer replacement material along the Hotaling Place façade.
 - The brick veneer is proposed to be installed in the same plane as the original brick with grouted joints to create shadow lines. A seismic expansion joint will be installed where the new brick veneer meets the remaining original brick along the edges of the Hotaling Place façade. The seismic joint is proposed to be obscured by a copper rainwater leader installed directly in front of the joints.
 - In addition, the windows that were previously removed would also be replaced with new wood windows to match the historic windows based on photographic evidence.
- North and South Façade:
 - The portion of the north and south side elevations that are visible above the

adjacent buildings are currently clad with incorrectly installed 16 gauge metal siding which will be replaced with new metal panels. The metal panel approach is considered due to existing space and installation constraints along the side property lines. The proposed metal panels are 5" thick and are composed of a mineral wool batt sandwiched by embossed 24 gauge sheet metal panels on both the exterior and interior sides and will meet the 1-hour rating required for the second and third level property line walls.

- The first 4' on each (north and south) side elevation will be clad with the brick veneer matching that proposed on the Hotaling Place façade to provide the appearance of the brick finish turning the corner.
- A new 3rd floor property line window is proposed on the north side elevation, closer to the Montgomery Street façade. The new window will be a rated metal-clad wood window similar to those proposed on the courtyard facades.
- Courtyard Façade:
 - All courtyard facing walls are proposed to be finished with stucco.
 - All windows will be replaced with metal clad wood windows and will have fiberglass reinforced foam trim.
 - The previously proposed roll down doors above the third floor windows will be eliminated as they are no longer required.
 - New doors are also proposed on the ground floor of the courtyard elevations.
- Roof Area:
 - A new deck area is proposed on the roof for use by future residents of the building. The roof deck will be approximately 814 square feet. The roof deck area will be surrounded by 42" high glass guardrails and will be setback more than 20-feet from both the Montgomery Street and Hotaling Place facades.
 - A new stair penthouse structure with 8'-10" maximum height above the roof deck finish is proposed on the roof area nearest to the Montgomery Street façade in addition to the existing stair penthouse. The penthouse is proposed to include an ADA accessible elevator penthouse with a maximum height of 15'-6" above the finish roof deck surface. The penthouse is proposed to have a stucco finish.
 - In addition to mechanical equipments, two mechanical rooms are proposed to be located adjacent to each penthouse, also finished in stucco and new skylights (10) are proposed on the unoccupied portions of the roof.

ARTICLE 10 – Appendix B – The Jackson Square Landmark District

In reviewing an application for a Certificate of Appropriateness, the Historic Preservation Commission must consider whether the proposed work would be compatible with the character of the Jackson Square Landmark District as described in Appendix B of Article 10 of the Planning Code and the character defining features specifically outlined in the designating ordinance. In pertinent part, Appendix B states:

Overall Form and Continuity. On interior streets, building height is generally well-related to street width. Buildings are typically two or three stories high at the street.

Fenestration. Glazing is deeply recessed, producing a strong interplay between light and shade. Protruding window frames are common. Windows are narrow and vertical in emphasis, rhythmically spaced, and match the bay spacing below and the shape and proportion of windows in nearby buildings. Door openings are frequently narrow and high. At the upper floors, the proportion of windows to solid wall is typically less than 50 percent.

Materials. Standard brick masonry is pre-dominant, at times exposed and at times painted, with thick bearing walls. Some buildings are stuccoed over the brick and some are concrete. The sides of buildings are frequently of brick and form a significant part of the view from the street where they are higher than adjacent buildings. Cast iron is often used in details and decorative features, notably in pilasters. Iron shutters are also found.

Color. Red brick is typical. Earth tones predominate, with painted brick, where it occurs, typically in muted but not timid tones. Reds, browns, yellows, greens, grays and blue are found.

STAFF ANALYSIS

Staff has been working closely with the Project Sponsor to resolve issues and complete the construction work that has stalled since 2007. There are several components of the proposed project that the Department seeks the advice of the ARC regarding compatibility with the Secretary of the Interior's Standards. The Department would like the ARC to consider the following information:

Brick Veneer on Hotaling Place Elevation:

The Sponsor proposes to clad the Hotaling façade with a brick veneer that will closely match the original brick in size, color, and texture as well as mortar color. The Department has met with the Sponsor to review various options for suitable replacement materials. Mock-ups of four different brick veneers were prepared and reviewed by staff at the project site. Of the four samples, the McNear Genova veneer appeared to have tones as well as size (height and width) similar to the original bricks remaining on the building. However, the mortar color appeared to be darker than the mortar on the original bricks.

While not ideal, the use of a brick veneer replacement material along the Hotaling façade, which is a primary façade of the buildings, is appropriate and is consistent with the Secretary of the Interior Standards given the extenuating circumstances and provided that an emphasis is placed upon matching the character and proportion of the historic façade and window proportions and patterns along this façade.



Original brick and mock-up of brick veneer.

Recommendation:

1. While the proposal resolves the issue of the missing bricks, the Department recommends that in addition to the size and tone of the brick, the mortar color on the brick veneer match the historic mortar in color and composition.

New Windows on Hotaling Place Elevation:

Similar to the original bricks, all the original windows on this façade have been previously removed and are no longer available for use by the current property owner. As such, new Marvin wood window are proposed to replace the original windows on the Hotaling façade. The Sponsor has indicated that the proposed windows are not custom windows but will match the windows shown on the elevations drawn by Heller Manus Architects in 2002 for a previous approval since no earlier drawings or photographs of the Hotaling Place façade were found. It is the Department’s understanding that the pattern, size and proportion of the openings are meant to reflect and reference those of the original windows along the Hotaling Place façade based on the limited documentation available. It should be noted that although the sample wood window in the picture below shows divided lights within the upper sash, the actual windows will not have divided lights.



Recommendation:

2. The Department believes that the proposed Marvin wood windows along the Hotaling Place elevation are appropriate and meet the Secretary of Interior's Standards provided they match the original windows in size and proportion including providing ogee lugs.

North and South Façade:

A new metal stud wall will be erected along the north and south property line with a metal-clad, fire-rated insulated panel attached to the exterior. The proposed panels are 5" thick and chosen to fit within the opening between the subject buildings and adjacent property line walls while providing the needed fire projection.



Mock-up of panels and existing space between subject building and adjacent building wall.

Recommendation:

3. While not ideal, the Department believes that the proposed paneling along the south and north elevation are consistent with the Secretary of the Interior's Standards, in that the panels are proposed on secondary elevations. In addition, the panels will be painted a neutral and muted color (Pearl Grey) in keeping with the color tones found in the Jackson Square Landmark District.

Courtyard Façade:

The courtyard façades were previously approved (Certificate of Appropriateness No. 2005.0139A) to be clad with brick veneer, stucco and wood siding. The current proposal is to use stucco on all exterior walls within the courtyard. As the courtyard is not visible from the public right-of-way, the Department believes either approach is acceptable.

The exterior windows on doors on the courtyard elevations will be double glazed metal-clad wood frame windows and doors. The windows will have partially recessed frames and built-in edges flush with the cement plaster exterior surface. Architectural window trim of foam encased in painted fiber cement material is proposed to frame the top and bottom of the windows. As the courtyard elevations are not visible from the public right-of-way, the Department believes that the use of metal-clad wood windows is acceptable. However, the use of the proposed foam trim is not recommended as substitute material since its appearance and its performance may deteriorate rapidly and does not appear to meet the Secretary of Interior's Standards for substitute materials as outlined in Preservation Brief #16, The Use of Substitute materials on Historic Building Exteriors.

Recommendation:

4. The Department recommends that instead of the proposed foam trim on the windows on the courtyard facades a painted wood trim be used.

Roof Area:

Although the previous Certificate of Appropriateness (Case No. 2005.0139A) included a request for a 3,500 square foot roof deck area to be used by the future residents of the building, the Landmarks Preservation Advisory Board approved the project with a condition of approval that the roof deck be removed from the request. The Board based this condition on the findings previously made to approve a variance request from the open space requirements of the planning code which stated that, "providing a rooftop open space area would require significant rooftop additions such as decking, railing as well as building and fire code-required penthouses, thereby detracting from the building's historic appearance as well as that of the surrounding historic district." Furthermore, the stair and elevator penthouse was also conditioned to be limited in height to 8'-10" and 11' respectively with the penthouses roof sloped to follow the slope of the stairs to minimize the bulk of the penthouses.

Recommendation:

5. Based on the previous action by the Landmarks Preservation Advisory Board, the Department recommends that the proposed roof deck area be eliminated from the proposal consistent with the Landmarks Preservation Advisory Board previous approval. Furthermore, the removal of the roof deck from the proposal will eliminate the need for an ADA accessible elevator, thereby reducing the height of the penthouse to the previously approved height of 11'.

REQUESTED ACTION

Specifically, the Department seeks comments on:

- The compatibility of project with the Secretary of the Interior Standards;
- The project concerns raised by staff; and,
- The project recommendations proposed by staff.

ATTACHMENTS

- Copy of 2005 Certificate of Appropriateness Approval (Case No. 2005.0139A)
- Copy of 2005 Variance Approval (Case No. 2005.0139V)
- Project Sponsor architectural plans, elevations, and photographs, June 2013.



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July 29, 2005

VARIANCE DECISION

UNDER THE PLANNING CODE
CASE NO. 2005.0139V

APPLICANT: Suheil Shatara
Shatara Architecture, Inc.
522 2nd Street
San Francisco, CA 94107

CASE PLANNER: Adam Light (415) 558-6254

PROPERTY IDENTIFICATION - 722 MONTGOMERY STREET:

East side of Montgomery Street, between Washington and Jackson Streets; Lot 26 in Assessor's Block 196, in C-2 (Community Business) District and a 65-A Height and Bulk District.

DESCRIPTION OF VARIANCE SOUGHT - REAR YARD, OPEN SPACE, DWELLING UNIT EXPOSURE, AND PARKING VARIANCES: The proposal is to convert the original office use to approximately 18 dwelling units with ground level commercial uses fronting on Montgomery Street. No expansion of the original building envelope is planned beyond what was approved by Certificate of Appropriateness No. 1998.0038A.

Planning Code Section 134 requires a rear yard equaling 25% of the lot depth. The subject lot is 127 feet deep, resulting in a required rear yard of approximately 32 feet. The original building envelope occupies the entire lot; therefore a rear yard variance of approximately 32 feet is requested.

Planning Code Section 135 requires 36 square feet of private usable open space for each dwelling unit, or 48 square feet of common usable open space for each dwelling unit. While a central courtyard would provide approximately 450 square-feet of common usable open space it would not meet the requirements for common usable open space, either in total square footage required (862 square feet, Section 135(d)), or the vertical to horizontal dimension ratio (Section 135(g)(2)).

Planning Code Section 140 requires that each unit have one major room that faces either a public street measuring at least 25 feet in width, a code complying rear yard, or an interior court that

measures 25 feet in every horizontal dimension increasing by five feet at each successive level above the second floor. Six units will face onto Hotaling Place, that measures only 20 feet in width, and eight units will face onto the interior courtyard that will measure 16 feet by 27 feet. Therefore a dwelling unit exposure variance is requested for 14 of the proposed 18 units.

Planning Code Section 151 requires that there be one parking space for each new unit constructed in a C-2 District as well as the Washington Broadway Special Use District. Therefore, 18 parking spaces are required for the proposed project, which contains 18 units. Because the subject building is a San Francisco Landmark, an automobile entrance on either the Montgomery Street or Hotaling Street facades would not be compatible with the historic character of the building or the neighborhood. Therefore an 18-space parking variance is requested.

PROCEDURAL BACKGROUND:

1. This proposed change in use was determined to be Categorical Exempt from Environmental Review under CEQA Guidelines Section 15301.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2005.0139V on May 25, 2005.**

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as Exhibit A and dated June 22, 2005 to convert the commercial uses on the second and third floors to residential units subject to the following conditions:

1. Any further physical expansion beyond what is proposed under this application, even within the buildable area, is not permitted. This variance is granted on the condition that the project stay within the current envelope of the building as approved under the approved Certificate of Appropriateness (Case No. 1998.0038A) plus any additional stair penthouses required by building and fire codes. Notwithstanding the above restriction, minor modifications in general conformity, particularly to conform to Building Code requirements, with Exhibit A may be allowed.
2. A Certificate of Appropriateness will be required for the construction of any stair penthouses required by City building and fire codes.
3. The number of proposed dwelling units shall be reduced from 18 units to a maximum of 12 dwelling units, with a maximum of two units per floor that rely on the central light well for their sole source of light and air. Ground floor and basement uses shall be principally permitted commercial uses. Such commercial uses may occupy portions or all of the upper levels, so long as they are code-compliant and no occupancy permits have been granted for any of the currently proposed and approved dwelling units.
4. The project must be constructed in accordance with the approved Certificate of Appropriateness and any other restrictions that may be imposed by the Department to insure that the building is restored to its historic exterior appearance.
5. All necessary permits to implement the proposed change of use must be obtained within 90 days of the effective date of this decision letter, with the ability of this deadline to be

extended an additional 90 days at the discretion of the Zoning Administrator due to unforeseen and unavoidable delays. The Project Sponsor shall submit the required permits within a timely manner such that the 90-day deadline is met as follows:

- (a) A complete site permit application for the proposed change of use shall be submitted to the Planning Department through the Department of Building Inspection within 20 days of the date of this letter. The site permit shall accurately reflect the conditions of approval of this variance.
 - (b) The Project Sponsor shall record any required Notices of Special Restrictions on the City and County land records as well as coordinate with the Mayor's Office Housing regarding any required BMR units within 30 days of the date of this letter.
 - (c) The Project Sponsor shall, as of the date of this letter, immediately begin coordination with the Department of Building Inspection, the Department of Public Works, and the Department of Parking and Traffic to insure that all necessary permits to begin implementation of the proposed change of use granted by this variance are issued within 90 days of the date of this letter.
 - (d) The Project Sponsor shall immediately notify the Zoning Administrator and the City Attorney's office if it appears that for unforeseen and unavoidable circumstances that the 90-day deadline for the issuance of all necessary permits may not be met.
 - (e) The Project Sponsor shall give bi-weekly updates to the Zoning Administrator and the City Attorney to update both on the progress of the permitting process for this proposed change of use.
6. Construction consistent with this variance must begin no later than 30 days after the issuance of the subject change-of-use building permit. The Project Sponsor shall also diligently pursue construction (as determined by the Zoning Administrator) consistent with this variance to completion. The Project Sponsor is not absolved from continuing construction on the foundation and framing of the subject property consistent with the Settlement Agreement entered into by the Project Sponsor and the City in the matter of *City and County of San Francisco v. Glometro, Inc.*, San Francisco Superior Court Case No. 320-263. Construction related to this variance decision shall be completed within one year after issuance of the building permit.
 7. Failure to meet any of the above deadlines shall not be due to a change in marketing strategy or other preferences by the Project Sponsor.
 8. Inclusionary Affordable Housing Program
 - (a) The project shall comply with the inclusionary housing requirements set forth in Section 315 et seq. of the Planning Code. Either 10% (5) or 15% (7) Below Market Rate (BMR) units shall be provided, depending on whether they are provided on- or off-site, or an in-lieu fee shall be paid.
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- (b) If the applicant chooses to provide units off-site, the Applicant shall comply with the requirements of Section 315.5.
 - (c) If the Applicant chooses to pay a fee in-lieu of providing units, the Applicant shall comply with the requirements of Section 315.6.
 - (d) If the applicant chooses to provide units on-site, the BMR units shall be designated on the building plans prior to approval of any building permit. BMR units shall (1) reflect the unit size mix of the market rate units, (2) shall be reasonably evenly distributed throughout the project as determined by the Mayor's Office of Housing and the Zoning Administrator, (3) shall be constructed and marketed concurrently with the construction and sale of the market rate units, and (4) shall be of the same quality and materials as the market rate units in the project.
 - (e) Based on the approval of 12 dwelling units, if the BMR units are provided on-site, the Project shall provide one (1) BMR unit of the appropriate size and type as determined by the Zoning Administrator.
 - (f) The Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing (MOH) or its successor, the monitoring agency for the BMR unit, at 25 Van Ness Avenue, Suite 600, San Francisco, California, 94102.
9. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
10. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a Variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET.

- A. Rear Yard Variance – The subject property is a San Francisco Landmark and a contributor to the Jackson Square Historic District. Meeting the Planning Code requirements for rear yard would require elimination of major portions of this building,

compromising its historic architectural design as well as the character of the surrounding historic district.

- B. Open Space Variance – Providing a rooftop open space area would require significant rooftop additions such as the decking, railing as well as building and fire code-required penthouses, thereby detracting from the building's historic appearance as well as that of the surrounding historic district.
- C. Dwelling Unit Exposure Variance – Providing the proposed residential adaptive reuse for this landmark building in a way that complies with Section 140 of the Planning Code would either require a reduction of dwelling units to a third or half of what is approved by this letter or would result in elimination of significant portions of the building. Given the landmark status of this building and its contributory status to the surrounding historic district, as well as the City's desire to substantially increase housing opportunities in San Francisco, neither option is desirable.
- D. Parking Variance – The subject landmark building has never had parking and to introduce parking at this time would compromise the historic architectural integrity of the building and interfere with the heavy amount of pedestrian traffic in this busy area of the City.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

REQUIREMENT MET.

- A. Rear Yard Variance – Requiring compliance with rear yard requirements would necessitate the removal of the 25% of the landmark building, resulting in a significant hardship for the property owner.
- B. Open Space Variance – The project sponsor could provide open space in the form of a rooftop deck, but this would require rooftop penthouse access, adding additional height to this landmark building, which is not desirable. The only other option would be to eliminate significant portions of the building to provide the required open space in code complying dimensions, which would create a significant hardship for the property owner.
- C. Dwelling Unit Exposure Variance – Dwelling unit exposure requirements can only be met at the front of the property, as Hotaling Street is not wide enough to meet the requirements of Section 140, and the interior light court is short by ten feet in the north-to-south direction. In order to meet the provisions of Section 140, the Project Sponsor would either have to eliminate significant portions of the building, or reduce the number of dwelling units to approximately four or six units, which is significantly below the dwelling unit density allowed in a C-2 Zoning District, and therefore either option would constitute a significant hardship for the property owner.

- D. Parking Variance – providing the required parking on-site would require the introduction of a large garage door, which would require the property owner to compromise the historic façade designs of the building, either on Montgomery or Hotaling Street, resulting in a significant hardship.

FINDING 3.

That such Variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET.

To avoid undesirable alterations to the subject building for reasons as stated above for each variance in Findings 1 and 2, the granting of these variances are necessary for the preservation and enjoyment of the right to have a property in which the entire lot is covered by the building envelope, does not provide parking or open space, or generous dwelling unit exposures. There are many properties in the surrounding and nearby neighborhood that are similarly developed, both commercial and residential. These conditions are part of the character of this dense urban area of San Francisco.

FINDING 4.

That the granting of such Variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET.

- A. Rear Yard Variance – In many parts of San Francisco, rear yard areas contribute to mid-block open spaces. Such spaces do not exist in the immediate project area, and therefore no such spaces will be adversely affected.
- B. Open Space Variance – There will be open space provided on the site in the courtyard area, and there are nearby public parks, such as Redwood Park and many other spaces throughout the Downtown area that will provide adequate open space for this property.
- C. Dwelling Unit Exposure Variance – Adequate light and air will be provided to all units in the building. The number of units has been reduced so that units that face solely on the interior courtyard will have windows to more than one room facing on this area. Even though Hotaling Place is only 20 feet wide, sufficient light and air exists for the rear units requiring this variance, particularly given the low height of the subject and surrounding buildings.
- D. Parking Variance -- Numerous forms of public transportation exist in the immediate area, eliminating the necessity for on-site parking of private automobiles. The addition of up to 12 dwelling units to the neighborhood will not result in any substantial burden on on-street parking or demand on existing public transit.

FINDING 5.

The granting of such Variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

REQUIREMENT MET.

- A. Granting the requested variances will restore and provide an appropriate adaptive reuse for a San Francisco Landmark in such a way that the character of the surrounding historic district will be preserved, and thus will be consistent with Section 101.1 priority planning policies and General Plan policies encouraging preservation of historical resources in San Francisco.
- B. Granting the requested variances will create twelve much-needed dwelling units, consistent with Section 101.1 and General Plan policies encouraging an increase in housing units, and will do so in such a way that will be consistent with the City's transit first policies.

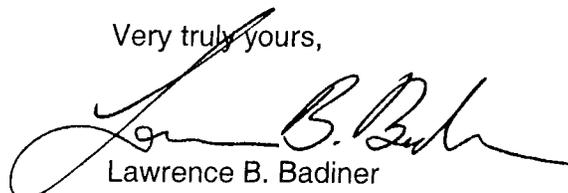
The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this Variance decision to the Board of Permit Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Third Floor, or call 575-6880.

Very truly yours,



Lawrence B. Badiner
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.



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CERTIFICATE OF APPROPRIATENESS

Case No: 2005.0139A Assessor's Block: 0196 Lot: 026

Address of Property: 722 Montgomery Street

Date Application Filed: August 17, 2005

San Francisco Landmark No.: 9; Name: The Belli Building

Historic District: Jackson Square

Description of Work Proposed:

The proposal calls for construction of:

- 1) Two standing-seam, copper-clad rooftop access penthouses, one containing a stair and another containing both a stair and an elevator.
 - a. The westernmost penthouse, which would contain both a stair and an elevator, would be set back approximately 26'-0" from the western or Montgomery Street façade. The stair portion of the penthouse would be approximately 8'-6" in height above the finished roof, while the elevator portion would be approximately 11'-0" above the finished roof height. This penthouse would have footprint of approximately 250 square feet.
 - b. The easternmost penthouse, which would contain a stair only, would be set back approximately 23'-6" from the eastern or Hotaling Street façade. Like the stair portion of the above-mentioned penthouse, this penthouse would be approximately 8'-6" in height with a footprint of approximately 200 square feet.
- 2) An approximately 3,500 square-foot roof deck that would provide required residential open space. The roof deck surface material would consist of non-combustible pavers, as required by the Fire Code for a roof deck of this size. Transparent glass railing with metal framing around the perimeter of the deck is currently proposed.

Action by the Landmarks Preservation Board Advisory Board on September 21, 2005:
Recommendation of no significant impact or potential detrimental effect per findings in record of the hearing. A motion to recommend approval WITH CONDITIONS was passed 6-0 by the Landmarks Board.

Final Action on the Certificate of Appropriateness by the Planning Department:

The Department has reviewed the proposed work and the recommendation of the Landmarks Preservation Advisory Board and has determined that, UNDER THE FOLLOWING

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CONDITIONS, the proposed work would not have a significant impact upon, and would not be potentially detrimental to 722 Montgomery Street, The Belli Building, Landmark No. 9. APPROVED WITH CONDITIONS in conformance with the architectural plans stamped Exhibit A and dated September 21, 2005, on file in the docket for **Case No. 2005.0139A**, based upon the following findings:

Conditions of Approval:

1. The size of the stair penthouses shall be reduced by sloping the roof of the penthouses to follow the slope of stairs in order to minimize the bulk of these penthouses.
2. The height of the elevator penthouse shall remain at the height approved under the previous Certificate of Appropriateness (Case No. 1998.0038A).
3. Because an open space variance has been granted on the grounds that a roof deck and other associated rooftop appurtenances may create architecturally inappropriate visual clutter, the proposed roof deck shall not be constructed and is hereby disapproved under this Certificate of Appropriateness.

Findings of the Department:

- The proposal will not entail the removal, alteration or obstruction of any character-defining, historic feature, but will actually restore a number of historical architectural features.
- The proposed project is compatible with historic fabric of the subject landmark building, while not giving a false sense of history, therefore meeting the following Secretary of the Interior's Standards for Rehabilitation:

Standard No. 2: *The historic character of the property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.*

Standard No. 9: *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property...*

- For these reasons the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10 and the Secretary of the Interior's Standards for Rehabilitation.

October 14, 2005

Date

Dean Macris

Dean Macris
Director of Planning

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Duration of this Certificate of Appropriateness: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Director of Planning. Implementation of this Certificate of Appropriateness is accomplished by completion of construction work (verified through a job card signed by a District Building Inspector) after issuance of an appropriate Building Permit.

APPEAL: Any aggrieved person may appeal the action on this Certificate of Appropriateness by appeal of the issuance of the Building Permit required to implement the proposed work. Contact the Board of Appeals (575-6880) for instructions on filing a permit appeal.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

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