



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Motion 18666

HEARING DATE: JULY 19, 2012

*Date:* July 12, 2012  
*Case No.:* **2012.0509X**  
*Project Address:* **100 CALIFORNIA STREET**  
*Zoning:* C-3-O (Downtown Office) District  
 350-S Height and Bulk District  
*Block/Lot:* 0236/017  
*Project Sponsor:* Andrew Junius  
 Reuben & Junius  
 One Bush Street, Suite 600  
 San Francisco, CA 94104  
*Staff Contact:* Kevin Guy- (415) 558-6163  
 kevin.guy@sfgov.org  
*Recommendation:* **Approval with Conditions**

**ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A DETERMINATION OF COMPLIANCE UNDER PLANNING CODE SECTION 309 AND ON A ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM (PLANNING CODE SECTIONS 320-325) TO EXTEND THE PERFORMANCE PERIOD FOR THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT, TO ALLOW CONSTRUCTION OF A SIX STORY VERTICAL ADDITION CONTAINING APPROXIMATELY 78,000 SQUARE FEET OF OFFICE SPACE TO AN EXISTING 13-STORY OFFICE BUILDING, REACHING A TOTAL HEIGHT OF APPROXIMATELY 267 FEET, AND TO ADD A GROUND-FLOOR RETAIL SPACE MEASURING APPROXIMATELY 1,500 SQUARE FEET, WITHIN THE C-3-O ZONING DISTRICT AND THE 350-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On January 19, 2011, Andrew Junius, acting on behalf of 100 California Street Property LLC ("Project Sponsor"), submitted a request (Case No. 2012.0509X) with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally

approved by the Planning Commission ("Commission") on December 13, 2007 (Case No. 2006.0660BEKX), and would construct a six-story vertical addition containing approximately 78,000 square feet of office space to an existing 13-story office building, reaching a total height of approximately 267 feet, and to add a ground-floor retail space measuring approximately 1,500 square feet, located at 100 California Street, within the C-3-O Zoning District and the 350-S Height and Bulk District (collectively, "Project").

At the hearing on December 13, 2007, the Commission granted exceptions for the Project under Planning Code Section 309, including freight loading and bulk (Motion No. 17543, Case No. 2006.0660X). The Commission also granted an allocation of office square footage under the Annual Office Development Limitation Program (Motion No. 17544, Case No. 2006.0660B).

At the hearing on December 13, 2007, the Commission, upon the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, found that the net new shadow cast by the Project on Embarcadero Plaza II would not be adverse, and allocated the additional shadow to the Project (Motion No. 17542, Case No. 2006.0660K).

On January 9, 2008, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption ("CatEx") under CEQA as described in the determination contained in the Planning Department files for the Project. Since the CatEx was finalized, and the Addendum to the CatEx was published, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the CatEx due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the CatEx.

On July 19, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2012.0509X.

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 the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby approves the three-year extension of the performance period requested in Application No. 2012.0509X, subject to the conditions of Motion Nos. 17543 and 17544 and the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The project sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to

July 19, 2015). The project was originally approved by the Planning Commission on January 31, 2008, and would construct a six-story vertical addition containing approximately 78,000 square feet of office space to an existing 13-story office building, reaching a total height of approximately 267 feet, and to add a ground-floor retail space measuring approximately 1,500 square feet.

3. **Site Description and Present Use.** The subject property is located at 100 California Street, northeast corner at Davis Street, and is a through-lot to Sacramento Street, Lot 017 in Assessor's Block 0236, in a C-3-O (Downtown Office) District, and a 350-S Height and Bulk District (hereinafter "Subject Property"). The property is developed with a 13-story, 190-foot-tall office building containing approximately 247,500 square feet of floor area with a partial 14th-floor penthouse. The building is set back on its three street frontages and is surrounded by plazas and walkways (with a total area of approximately 11,000 square feet). The ground floor of the subject building is devoted to lobby space as well as retail and service uses.
4. **Surrounding Properties and Neighborhood.** The C-3-O District comprises the densely-developed office core of the city. Several tall existing towers are situated in the immediate vicinity, including 101 California Street (49 stories), 50 California Street (42 stories), and One California Street (32 stories). To the north across Sacramento Street is the Embarcadero Center, with four towers of varying heights situated over three continuous floors of retail use. Located immediately to the west is the 150 California Street building, a 23-story office building. Other uses near the project site include, residential towers, tourist and residential hotels, and institutional and cultural uses.
5. **Public Comment.** To date, the Department has received no correspondence regarding the requested extension.
6. This Commission adopts the findings of the previous Planning Commission Motion Nos. 17543 and 17544, as though fully set forth herein.
7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
8. The Commission finds that, given the weakness in the real estate market in recent years and the associated difficulties in securing financing, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2(D). of Planning Commission Motion No. 17543, to amend condition of approval No. 2(D). of Planning Commission Motion No. 17544 to extend the performance period of the Project to July 19, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to condition of approval No. 2(D). of Planning Commission Motion No. 17543, and of the proposed amendment to condition of approval No. 2(D). of Planning Commission Motion No. 17544 in this case would promote the health, safety, and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** the extension of the performance period for an Allocation of Office Space (Sections 320-325) and Determination of Compliance under Planning Code Section 309, **Application No. 2012.0509X**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion Nos. 17543, as amended by this approval to modify Condition 2(D), and Motion 17544, as amended by this approval to modify Condition 2(D) to extend the performance period of the project to July 19, 2015.

The Planning Commission further finds that since the CatEx was issued, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the CatEx due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the CatEx.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this extension of the performance period for an Allocation of Office Space (Sections 320-325) and Determination of Compliance under Planning Code Section 309 within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304 or call (415) 575-6880.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 19, 2012.

Linda Avery  
Commission Secretary

AYES: Antonini, Borden, Moore, Sugaya, Wu

NAYS:

ABSENT: Fong

ADOPTED: July 19, 2012

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is extend the performance period under Motion Nos. 17543 and 17544 until July 19, 2015, for a project located at 100 California Street, Block 0236, Lot 017, within the C-3-O District and the 350-S Height and Bulk District to construct a six-story vertical addition containing approximately 78,000 square feet of office space to an existing 13-story office building, reaching a total height of approximately 267 feet, and to add a ground-floor retail space measuring approximately 1,500 square feet, and subject to conditions of approval reviewed and approved by the Commission on January 31, 2008 under Motion Nos. 17543 and 17544, as amended by the Planning Commission on July 19, 2012 under Motion No **18666**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 31, 2008 under Motion Nos. 17543 and 17544, as amended by the Planning Commission on July 19, 2012 under Motion No. **18666**.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18666** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Allocation of Office Space (Sections 320-325) and the Determination of Compliance under Planning Code Section 309, and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Allocation of Office Space (Sections 320-325) and Determination of Compliance under Planning Code Section 309.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion, amending the expiration date of the performance specified the approval granted per Motion No. 17543 and 17544 (until July 19, 2015). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this extension of the performance period for an Allocation of Office Space (Sections 320-325) and Determination of Compliance under Planning Code Section 309 is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*