



SAN FRANCISCO PLANNING DEPARTMENT

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| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input checked="" type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other |

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Planning Commission Motion No. 19033 Section 309

HEARING DATE: DECEMBER 05, 2013

Date: November 26, 2013
Case No.: **2012.0605BEKUX**
Project Address: **300 CALIFORNIA STREET**
Zoning: C-3-O (Downtown Office)
400-S Height and Bulk District
Block/Lot: 0238/002
Project Sponsor: John Kevlin
Reuben, Junius & Rose, LLP
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS UNDER PLANNING CODE SECTION 148, SEPARATION OF TOWERS UNDER PLANNING CODE SECTION 132.1, AND OFF-STREET FREIGHT LOADING UNDER PLANNING CODE SECTION 161(i), IN ORDER TO CONSTRUCT A FOUR-STORY, 56,459 GROSS SQUARE FOOT ADDITION OF OFFICE SPACE TO AN EXISTING EIGHT-STORY, 117,187 GROSS SQUARE FOOT OFFICE BUILDING WITH GROUND FLOOR RETAIL, AT 300 CALIFORNIA STREET WITHIN THE C-3-O (DOWNTOWN OFFICE) DISTRICT AND THE 400-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 14, 2012, John Kevlin of Reuben, Junius & Rose, LLP on behalf of 300 California Partners, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Environmental Review, to allow the construction of a four-story, 56,459 gross square foot (hereinafter "gsf") addition of office space to an existing eight-story, 117,187 gsf office building.

On September 12, 2012, the Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309, with exceptions to the requirements for Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148), Separation of Towers (Section 132.1), and Off-Street Freight Loading (Section 161(i)) within the C-3-O (Downtown Office) District and a 400-S Height and Bulk District.

On September 12, 2012, the Project Sponsor filed an application with the Department for the Allocation of Office Space, pursuant to Planning Code Section 321, in order to allow the addition of 56,459 gsf addition of office space to an existing eight-story, 117,187 gsf office building.

On December 05, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Determination of Compliance Case No. 2012.0605BEKUX.

On November 21, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2012.0605BEKUX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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 authorizes the Determination of Compliance requested in Application No. 2012.0605BEKUX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

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 above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on the northwest corner of California and Battery Streets; Lot 002 in Assessor's Block 0238, in a C-3-O (Downtown Office) Zoning

District, and a 400-S Height and Bulk District (hereinafter "Subject Property"). The Subject Property is developed with an eight-story-over-basement, approximately 129-foot tall office building containing approximately 117,187 gsf of floor area. The building, built circa 1946, covers the entire 15,097 sf lot, which is located on a block bounded by California Street to the south, Battery Street to the east, Sansome Street to the west, and Sacramento Street to the north. It is located in the Financial District within the Downtown Area Plan. The ground floor of the building is devoted to a lobby space and retail uses, including Staples and Café Madeline. The upper floors are devoted to office space for AECOM, Recurrent Energy, Delivery Agent, KXEN.

3. **Surrounding Properties and Neighborhood.** The Project Site comprises a single parcel in the Downtown Area Plan and within the C-3-O Zoning District. The surrounding area consists of large office buildings with ground floor retail uses. This area of the Financial District is designated C-3-O and is developed with high-density office towers with ground floor retail and personal service uses. The property to the west is developed with a 22-story tall office building occupied by Union Bank, and the three buildings at the intersection of Battery and California Streets are 10-, 11-, and 14-stories tall.

The C-3-O District, plays a leading national role in finance, corporate headquarters and service industries, and serves as an employment center for the region, consisting primarily of high-quality office development. The intensity of building development is the greatest in the City, resulting in a notable skyline. The district is served by City and regional transit reaching its central portions and by automobile parking at peripheral locations. Office development is supported by some related retail and service uses within the area, with inappropriate uses excluded in order to conserve the supply of land in the core for further development of major office buildings.

4. **Project Description.** The Project is a four-story vertical addition of approximately 56,459 gsf of office space to the existing 117,187 gsf building with seven floors of office use over ground-floor retail, resulting in a 173,646 gsf, 12-story building. A new mechanical penthouse will be constructed on the roof, and 1,200 sf of public open space will be provided at a rooftop garden, which will satisfy the Project's public open space requirement.
5. **Public Comment.** The Department has not received any comments expressing support or opposition to this project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown Office District is 9.0 to 1, and can be increased to 18.0 to 1 with the purchase of Transferable Development Rights ("TDR").

The lot area of the Subject Property is 15,097 sf. The base FAR allows for up to 135,873 sf and the maximum FAR allows for up to 271,746 sf at the Property. The gross floor area of the existing building is 117,187, leaving 18,686 gsf within the base FAR limit. The Project proposes an addition of 56,459 gsf of floor area. This would exceed the base FAR by 37,773 gsf, and would require the purchase of an equal amount of TDR.

- B. Setbacks (Section 132.1).** Planning Code Section 132.1(d)(1) requires all structures in C-3 Districts to provide a 15 foot setback from interior lot lines and the center of adjacent public rights of way. The setback applies at a height equal to 1.25 times the width of the principal street that the building faces.

The principal street that the Property faces is California Street, which has a width of 82 feet, thereby applying the setback requirement at a height of 102.5 feet and above. This requirement will not affect the California and Battery Street frontages of the building, as those streets are 82 feet and 69 feet in width, respectively, and a 15 foot front setback from the center lines of the streets will not encroach on to the Property.

Halleck Street is 27 feet wide, which will require the Property to provide a 1.5 foot setback above 102.5 feet along its entire Halleck Street frontage. The Property's one interior lot line will also require a full 15 foot setback above 102.5 feet along the western lot line of the Property.

The Property will not provide any setbacks above 102.5 feet and will therefore require an exception from this requirement under Planning Code Section 309, as discussed in more detail in Section 7 below.

- C. Public Open Space (Section 138).** New buildings in the C-3-O Zoning District must provide public open space at a ratio of one square foot per 50 gsf of all new uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The Project proposes 56,459 gsf of new office space, and therefore must provide 1,129 sf of public open space. The Project complies with this requirement by providing 1,200 sf of public open space within a sun/view terrace on the rooftop of the building. The space will be designed in a manner that generally complies with the adopted Guidelines for Downtown Open Space, including the provision of outdoor seating. The design of the open space will be further refined throughout the building permit review process.

- D. Streetscape Improvements (Section 138.1).** Section 138.1 requires project sponsors to make streetscape Improvements where the proposed project includes the construction of a new building, substantial alterations to an existing building, or the addition of floor area equal to 20 percent or more of an existing building. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance

with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project proposes an addition of more than 20 percent of the existing building, therefore Section 138.1 applies. The Project will include appropriate streetscape improvements and will comply with the requirement. According to the Department of Public Works, the installation of new street trees is infeasible along the sidewalks of this property, so the Project Sponsor will pay an in-lieu fee to cover the cost for 13 of the 17 required street trees, while the existing four street trees in above grade planters will remain. The Project Sponsor will make other streetscape improvements, such as a raised crosswalk along Battery Street across Halleck Street, a widened sidewalk along the property's California Street frontage; and installation of benches, bike racks, and landscaping along the building's edge and furnishing zone.

- E. **Standards for Bird-Safe Buildings (Section 139).** Section 139 requires that buildings incorporate certain bird-safe building features. Certain requirements apply to new buildings when located within an Urban Bird Refuge, while other requirements apply anywhere in the City.

The Property is not located within 300 feet of an Urban Bird Refuge, and therefore the Project is not required to incorporate the location-related bird-safe building standards. The Project will, however, incorporate feature-related bird-safe standards where required.

- F. **Street Frontage Controls in Commercial Districts (Section 145.1(c)).** Section 145.1(c) of the Planning Code requires that within Downtown Commercial Districts, certain street frontage standards be included in the design of the lower floors of buildings. The Project complies with these standards as follows:

- i. Above Grade Parking Setback. *Neither the existing building nor the Project includes any above ground parking, and therefore this requirement does not apply.*
- ii. Parking and Loading Entrances. *No more than one-third or 20 feet, whichever is less, of any given street frontage may be devoted to ingress or egress to parking or loading. The existing access to the below-grade parking garage, along the 121-foot Halleck Street frontage, is less than 20 feet wide and is not proposed for alteration as part of this Project. No other parking entrances are proposed, and therefore the Project complies with this requirement.*
- iii. Active Uses. *With some exceptions, "active uses" must be provided in the first 25 feet of the ground floor and 15 feet on floors above from any façade facing a street of at least 30 feet. The Property fronts two streets that are equal to or greater than 30-feet in width: California Street and Battery Street; Halleck Street is 27-feet wide. Retail uses and a lobby are provided on the ground floor of the Subject Property fronting both California and Battery Streets, and office uses are provided above. The project complies with this requirement.*

- iv. Ground Floor Height. *The ground floor height of buildings in the C-3 District must be at least 14 feet. The ground floor of the Subject Property is 19 feet, 1 ½ inches, and therefore meets this requirement.*
- v. Street-Facing ground-level spaces. *Street-fronting interior spaces with non-residential uses and lobbies must be as close as possible to the level of the adjacent sidewalk and must open directly to the street, instead of just through building lobbies. The ground floor retail spaces and the building lobby open directly onto the sidewalk and are at the same level as the sidewalk.*
- vi. Transparency. *Frontages with active uses must be at least 60 percent transparent on the ground floor. The Property's California and Battery Street ground floor frontages provide at least 60 percent transparency. The Halleck Street frontage does not provide transparency; however, this is not required since active uses are not required along this frontage.*

G. Shadows on Public Sidewalks (Section 146). Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) does not apply to construction on California, Battery, or Halleck Streets, and therefore does not apply to the Project.

As it relates to Section 146(c), the Project would construct a four-story addition to an existing eight-story office building. The Property, located within a 400'-foot height district, is surrounded by towers that are substantially taller than the Project, which already cast shadows on the surrounding sidewalks. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's net new shadow effects would be very limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project is proposed at a height that is well below the zoned allowance for the Subject Property and cannot be further shaped to reduce shadows on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project will not create substantial adverse shadows on public sidewalks.

H. Shadows on Public Open Spaces (Section 147). Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In

determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

A shadow analysis determined that the Project would not cast net new shadow on Maritime Plaza or Sue Bierman Park, or on any other open space under the jurisdiction of the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be adversely affected by shadows cast by this Project.

- I. **Ground Level Wind (Section 148).** Pursuant to Section 148, in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

A total of 47 test point locations along sidewalk areas adjacent to and near the Subject Property were selected for the purpose of analyzing existing and proposed wind levels and wind near the Site pursuant to Planning Code Section 148. Under existing conditions – without the Project – four of the 47 test locations (Locations 15, 31, 45 and 47), exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time), and none of the locations exceeded the wind hazard criterion (speeds reaching or exceeding the hazard level of 26mph, as averaged for a single full hour of the year).

With the Project, the wind speeds would remain generally the same as under the existing conditions. All but three of the 47 ground-level test locations meet the Planning Code's 11 mph pedestrian-comfort criterion (Locations 15, 31, and 41). The Project results in the elimination of

two comfort exceedences, but creates one new comfort exceedance. The new pedestrian-level exceedance occurred only on the east side of Battery Street near California Street, where the wind speeds increased marginally from 10 to 12 mph. The Project would not create any wind hazard locations.

Exceeding the seating or pedestrian comfort criteria – and not eliminating all of the pre-existing comfort exceedences as part of the project – requires an exception through Planning Code Section 309, which is discussed in more detail in Section 7 below.

- J. **Parking (Section 151.1).** Planning Code Section 151.1 does not require any off-street parking for projects in the C-3 districts. Parking up to 7 percent of the gross floor area of office use is permitted.

The Project proposes no changes to the existing parking on the Subject Property. The existing 12,920 sf of basement parking, which exceeds seven percent of the proposed 173,646 sf building, is therefore considered a legal non-conforming use.

- K. **Off-Street Freight Loading (Section 152.1).** Planning Code Section 152.1 requires 0.1 off-street freight loading space per 10,000 gsf of office space, if the office space exceeds 10,000 gsf. The Code also requires one additional off-street freight loading space when a retail space is between 10,000 gsf and 30,000 gsf.

The Project adds 56,459 gsf of office space for a total of 162,246 gsf of office use. This requires two off-street freight loading spaces, where one space currently exists. Since the Project only includes one off-street loading space, the Project requires an exception through Planning Code Section 309, which is discussed in more detail in Section 7, below. Although the existing retail exceeds 10,000 gsf, the space is not expanding and therefore considered legal nonconforming with regard to the off-street loading requirements.

- L. **Bicycle Parking (Section 155.2).** Planning Code Section 155.2 requires existing commercial buildings that undergo major renovations that increase the building's gross floor area by more than 20 percent to include a certain amount of bicycle parking spaces. Section 155.2 requires one Class 1 space for every 5,000 occupied square feet of office space, and one Class 1 space for every 7500 occupied square feet of retail space. It also requires a minimum of two Class 2 spaces for any office use greater than 5,000 gross square feet, and one space for each additional 50,000 occupied square feet of office space; for retail uses, it requires one Class 2 space for every 2,500 sf of occupied floor area, with a minimum of two spaces

Planning Code Section 155.2, in total, requires 30 Class 1 spaces, and seven (7) Class 2 spaces. The existing basement accommodates 41 Class 1 spaces, and eight Class 2 spaces will be provided along the California Street sidewalk. The Project therefore complies with this requirement.

- M. **Use (Sections 215(b), 218(b)).** The project site is located in a Downtown Office (C-3-O) District wherein commercial office uses are permitted and encouraged. This district plays a leading national role in finance, corporate headquarters and service industries, and serving as an employment center for the region. It consists primarily of high-quality office development. The intensity of building development is the greatest in the City, and is well served by City and regional transit. Intense and compact office development is supported by some related retail and service uses within the area, with inappropriate uses excluded in order to conserve the supply of land in the core and its expansion areas for further development of major office buildings.

The Project is the expansion of an existing office building to accommodate four floors of additional office space. Office use above the ground floor is principally permitted in the C-3-O District, pursuant to Planning Code Section 219(c).

- N. **Height (Section 260).** The property is located in a 400-S Height and Bulk District, thus permitting structures up to a height of 400 feet.

The Project would reach a height of approximately 168 feet to the roof of the building, with various features such as elevator/mechanical penthouses, sunshades, and wind screens extending up to a maximum height of approximately 193 feet. The Project would therefore be well under the Planning Code's 400-foot height limit.

- O. **Bulk Limits (Section 270).** Planning Code Section 270(d) places certain bulk controls on buildings in S-Bulk Districts. Certain controls apply to the base, lower tower and upper tower portions of buildings.

Base: 0 feet to 102.5 feet in height.

There is no maximum length or diagonal dimension placed on the base of buildings in the S-Bulk District; however, the building base must be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means.

The additional floors proposed as part of this Project are located roughly at the top of the base of the building, and they are distinguished from the base through various design features.

Lower Tower: 102.5 feet to 160 feet in height.

The lower tower may have a maximum length of 160 feet, a maximum floor size of 20,000 sf, and a maximum diagonal dimension of 190 feet

The upper tower of the Project has a maximum length of approximately 124 feet, a maximum average diagonal dimension of 165'-6", and an average and maximum floor size of 14,783 sf. The lower tower of the Project meets these restrictions.

Upper Tower: 160 feet in height to the top of the building.

The upper tower may have a maximum length of 130 feet, a maximum average diagonal dimension of 160 feet, a maximum average floor size of 12,000 sf, and an absolute maximum floor size of 17,000 sf.

The upper tower of the Project has a maximum length of approximately 113 feet, a maximum average diagonal dimension of approximately 149 feet, and an average and maximum floor size of 11,600 sf. The upper tower of the Project meets these requirements. The Project also meets the upper tower volume reduction requirements outlined in Section 2740(d)(3)(B).

- P. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

The Department conducted a shadow analysis and determined that the Project would not have the potential to shade any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department. The Project therefore complies with this requirement.

- Q. **Downtown Park Special Fund (Section 412).** Under Section 412, a proposed office development project within the C-3-O District that results in a net addition of gross floor area of office use is required to pay a fee to offset the increased pressure on existing public parks in the Downtown area.

The Project proposes an addition of approximately 56,459 gsf of new office use to an existing 117,187 gsf office building. As such, the Project is subject to the Downtown Park Special Fund Fee.

- R. **Jobs-Housing Linkage Program (Section 413).** Projects that include an addition of 25,000 gsf or more of office space are subject to the Jobs-Housing Linkage Program Fee.

The Project includes an addition of approximately 56,459 gsf of office space, and is therefore subject to the Jobs-Housing Linkage fee.

- S. **Child Care Provisions (Section 414).** Pursuant to Planning Code Section 414, development projects proposing the net addition of 50,000 gsf or more of office or hotel space shall be required to comply with the Child Care Requirements, outlined in Planning Code Section 414.4.

The Project will comply with the Child Care requirements of Planning Code Section 414 through the payment of a fee.

- T. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 sf to an existing building in a C-3 District, Section 429

requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

The Project will comply by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be presented to the Planning Commission at an informational presentation prior to approval of the Building Permit's Architectural Addenda.

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception as further described below:

- A. **Section 132.1: Separation of Towers.** In order to provide light and air between structures, all structures in the S Bulk District shall be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right-of-way of a public street or alley. Pursuant to Planning Code Section 132.1(d)(2)(B), exceptions may be allowed to the extent that it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary.

Along the Project's Halleck Street frontage, only a 1.5 foot setback is required above a building height of 102'-6". The minimal encroachment of 1'-6" along the Halleck Street frontage will have virtually no effect on the light and air access to the street. Halleck Street is only 27 feet wide, is used mainly for parking access and loading for the adjacent buildings, and has few, if any, pedestrian entrances. The building immediately to the north of the Project, which also fronts on Halleck Street, has no setback. Due to the height of the existing buildings adjacent to the street, virtually no sunlight currently reaches the Halleck Street sidewalks. A 1'-6" encroachment in to the setback at a building height of 102'-6" will have no discernible effect on pedestrians.

The interior lot line of the Subject Property is adjacent to a 22-story building. The existing building at the Property is built to the interior lot line; the proposed four-story addition will also be built to the interior lot line. The center portion of the adjacent building's façade along the property line houses the elevator core and comes close, but does not touch, the shared property line with the Project. On either side of the elevator core are two setback portions of the building that are over 30-feet from the property line. These two setbacks extend from the ground level all the way to the top of the adjacent 22-story building. These setbacks provide the 30-feet that would otherwise be provided if these two buildings were built under the current Planning Code regulations. Since these setbacks extend between 20 and 30 feet into the building from Halleck and California Street, they effectively provide the appearance of separation of buildings that would apply with a combined 30 foot setback. Since the adjacent building is 22-stories tall, there is minimal likelihood that it will be modified in such a way that would make conditions on the Property any worse.

- B. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10

percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Independent consultants RWDI analyzed ground-level wind currents in the vicinity of the Project Site. A wind analysis was conducted using a scale model of the Project Site and its immediate vicinity.

A total of 47 test point locations along sidewalk areas adjacent to and near the Subject Property were selected for the purpose of analyzing existing and proposed wind levels and wind near the Site, pursuant to Planning Code Section 148. Under the existing conditions – without the Project – four of the 47 ground-level test locations (Locations 15, 31, 45 and 47), exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time), and none of the locations exceeded the wind hazard criterion (speeds reaching or exceeding the hazard level of 26mph, as averaged for a single full hour of the year).

With the Project, the wind speeds would remain generally the same as under the existing conditions. All but three of the 47 ground-level test locations meet the Planning Code's 11 mph pedestrian-comfort criterion (Locations 15, 31, and 41). The Project results in the elimination of two ground-level comfort exceedences, but creates one new ground-level comfort exceedance. The new pedestrian-level exceedance occurred only on the east side of Battery Street near California Street, where the wind speeds increased marginally from 10 to 12 mph. The Project would not create any wind hazards.

Exceeding the seating or pedestrian comfort criteria – and not eliminating all of the pre-existing comfort exceedences as part of the Project – requires an exception through Planning Code Section 309.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are slight, unlikely to be noticeable, and would remain substantially the same and the existing conditions. It is unlikely that the Project could be designed in a manner that would affect wind conditions substantially enough to eliminate all of the existing comfort exceedences, without unduly restricting the site's development potential.

Furthermore, an exception is justified because the Project will comply with the wind hazard criterion. The Wind Study indicated that all test points currently meet the wind hazard criterion, and that the Project would not cause wind speeds to reach or exceed the hazard level.

- C. **Section 161(i): Off-Street Freight Loading.** Pursuant to Planning Code Section 161(i), exceptions to the off-street loading requirement in the C-3 Districts may be granted in consideration of the following criteria:

- i. **Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety.**

The Project includes the construction of an additional four stories on an eight-story building. The existing below-grade parking level is not proposed to be altered, other than to accommodate bicycle parking spaces, showers, and lockers. Currently, there is one freight loading space in the parking garage along with 77 valet parking spaces. The current loading space has dimensions larger than those required by the Planning Code. Since the Project expands on an existing building located in the core of the City's Financial District, there is currently adequate loading space – on-street and off-street, to service the proposed building. Additional off-street loading is neither feasible nor needed.

- ii. **Provision of the require number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses.**

The ground floor of the Property is already developed and it would not be feasible to provide loading space on the ground floor, which is currently occupied by retail uses and building circulation.

- iii. **A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved cannot be provided.**

The Project proposes an addition to an existing office building with an existing parking and loading level within the basement, and therefore significant modifications to the existing parking garage, especially connecting it with other underground parking garages, is infeasible.

- iv. **Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic**

circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

Halleck Street effectively serves as on-street loading for all of the adjacent buildings, including the Subject Property. No parking is permitted for the entirety of Halleck Street adjacent to the Property. Due to its narrow width and its overwhelming use as a loading alley, Halleck Street is not heavily used by pedestrians.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project supports these policies in that it provides significant benefits to the City by increasing the supply of office space in the Downtown Core, thus creating new jobs at a location that is easily accessible by a variety of transit services. It will result in an increase in tax revenue for the City and an increase in demand for retail uses in the immediate neighborhood.

The Subject Property is zoned C-3-O, which principally permits office and retail uses. Therefore, the Project Site is an ideal location for the proposed Project and will concentrate office development in the core of the City's Financial District.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project supports this policy due to its location in the Downtown Core. The Project is anticipated to easily attract and retain commercial entities. The Project is centrally located and is close to many jobs and services. The Property is also conveniently accessible by multiple transit services. It will add to the existing business climate by offering modern office space within the City's Financial District.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project includes the addition of four-stories to the existing eight-story building. The Project will not substantially change the building's relationship with nearby buildings and will not significantly affect the building's existing scale relative to the surrounding built environment. The other three buildings at the intersection of California and Battery Streets are 10-, 11-, and 14-stories tall, and the one abutting property to the west is approximately 22-stories tall. The addition of four floors, for a total of 12 floors, will be consistent with the buildings in the surrounding area. The Project will continue to be vastly smaller than the other buildings on both sides of this block of California Street, and the building across Halleck Street. The building will continue to be of modest scale in comparison to the other buildings in the immediate vicinity.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 2:

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

Policy 2.1:

Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

Policy 2.2:

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

The Project strongly supports these Policies. It will not displace any permanent uses. The Property is currently occupied by an eight-story office building, and furthers the policy for a compact downtown core by expanding on top of an existing office building. The Property is exceptionally well served by transit, and is close to many services. The Project, while enhancing the City's ability to attract and retain office uses, will also serve to concentrate office use in the Downtown Core.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project is located within an existing high-density downtown neighborhood. The Downtown Financial District has a multitude of transportation options, including BART, MUNI bus and light rail service, Golden Gate Transit bus service, SAM Trans bus service, AC Transit bus services, ferry service, and the future Transbay Terminal. The Property would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The existing building at the Property contains one entire floor of retail use and the Project will preserve and maintain this use. The additional office workers that will result from this Project will increase demand for retail services in the vicinity.

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

The Project would not adversely affect any existing housing, since the Property is currently occupied by office and retail uses.

- C. That the City's supply of affordable housing be preserved and enhanced.

There is currently no housing on the site, so no affordable housing will be adversely affected. The Project will, however, contribute impact fees to the Jobs-Housing Linkage Program, which funds affordable housing.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Property is situated in the Downtown Core and is well served by public transit. The Property is located within walking distance of most of the region's transit services, including: BART, MUNI bus and light rail service, Golden Gate Transit bus service, SAM Trans bus service, AC Transit bus service, ferry service, and the future Transbay Terminal.

- E. 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.

No industrial or service sector businesses would be displaced by the Project, since the scope of the Project is a four-story addition to an existing eight-story office building. The Property does not include any industrial uses, and the ground floor retail uses will remain.

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

The Project would be constructed to meet all of the most current and rigorous seismic and life-safety requirements of the San Francisco Building Code. This proposal would not adversely affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

No landmarks or historic buildings would be demolished, and the property is not considered an historic resource under CEQA. Furthermore, the Property is not part of an historic or conservation district.

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

The project will have no negative impact on existing parks and open spaces, since there will be no net new shadows cast on any park or open space.

10. 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.
11. The Commission hereby finds that approval of the Downtown Authorization 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 a Determination of Compliance under Section 309, Application No. 2012.0605BEKUX**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. **19033**, in general conformance with plans on file, dated September 12, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals 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 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, San Francisco, or call (415) 575-6880.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 05, 2013.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Borden, Hillis, Sugaya, Wu

NAYS: Commissioner Moore

ABSENT: Commissioner Fong

ADOPTED: December 05, 2013

EXHIBIT A

AUTHORIZATION

1. This authorization is for the granting of a Downtown Authorization with certain exceptions pursuant to Planning Code Section 309, to allow the construction of a four-story, 56,459 gsf office addition to an existing eight-story-over-basement, 117,187 gsf office building with ground floor retail, with exceptions to Separation of Towers, Ground-Level Wind Currents in C-3 Districts, and Off-Street Freight-Loading, for the property located at 300 California Street, Block 0238, and Lot 002 pursuant to Planning Code Sections 132.1, 148, 161(i), and 309 within the C-3-O District and a 400-S Height and Bulk District; in general conformance with plans, dated September 12, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0605BEKUX and subject to conditions of approval reviewed and approved by the Commission on December 05, 2013, under Motion No. **19033**. 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

2. 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 **December 05, 2013**, under Motion No. **19033**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19033** 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 Planning Code Section 309 Determination of Compliance and any subsequent amendments or modifications.

SEVERABILITY

4. 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

5. 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 Planning Code Section 309 Determination of Compliance.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

6. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
7. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
8. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
9. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Additional Project Authorization.** The Project Sponsor must obtain a Project authorization under Sections 321 and 322 to allocate 56,459 gsf of office square footage, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN – COMPLIANCE AT PLAN STAGE

12. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. The final design shall be presented to the Commission as a future informational item. The final materials and details shall be reviewed and approved by the Planning Department prior to issuance of the architectural addenda.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

13. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

14. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

15. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

16. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan, the Downtown Plan, and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement

of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

17. **Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

18. **Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on California and Battery Streets and shall indicate that the open space is accessible to the public. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

19. **Ground Floor Transparency.** Pursuant to Planning Code Section 145.1(c)(6), frontages with active uses must be at least 60 percent transparent on the ground floor. The Property's California and Battery Street ground floor frontages shall be at least 60 percent transparent and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

20. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;

- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

21. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

22. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating a total of four (4) street trees, and sidewalk landscaping along California, Battery, and Halleck Streets. In addition, the Sponsor is required to pay an in-lieu fee for the remaining 13 required street trees. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of any additional trees in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of Section 138.1 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

23. **Bicycle Parking.** No fewer than 30 Class 1 bicycle parking spaces and seven (7) Class 2 bicycle parking spaces shall be provided as required by Planning Code Section 155.5.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

24. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than four (4) showers and 24 clothes lockers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

25. **Managing Traffic during Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning

Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

26. **Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of a site permit for all development which exceeds the base FAR of 9.0 to 1, up to an FAR of 18.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org

27. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

28. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by, and based on, drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

29. **Jobs Housing Linkage.** Pursuant to Planning Code Section 413, the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the building permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

30. **Childcare Requirements for Office and Hotel Development Projects.** Pursuant to Section 414, the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

31. **Art - C-3 District.** Pursuant to Planning Code Section 429, the Project shall include work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

32. **Art - C-3 District.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

33. **Art Plaques - C-3 District.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

34. **Art - C-3 District.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

35. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

36. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

37. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

38. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

39. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

40. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org