



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Extension of Performance Period

HEARING DATE: JULY 19, 2012

Date: July 12, 2012
Case No.: **2012.0509C**
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**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

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.

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.

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.

ENVIRONMENTAL REVIEW

On January 9, 2008, the Project was determined to be exempt from the California Environmental Quality Act as a Class 32 Categorical Exemption ("CatEx"), 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.

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|------------------------|-----------------------------|---------------------------|----------------------|
| Classified News Ad | 20 days | June 29, 2012 | June 29, 2012 | 20 days |
| Posted Notice | 20 days | June 29, 2012 | June 29, 2012 | 20 days |
| Mailed Notice | 10 days | June 29, 2012 | June 27, 2012 | 22 days |

PUBLIC COMMENT

- As of the date of publication, staff has received no comments on the requested extension of entitlements.

ISSUES AND OTHER CONSIDERATIONS

- At the hearing on January 31, 2008, the Planning Commission granted exceptions for the Project under Planning Code Section 309, including freight loading and bulk, and granted an allocation of office square footage under the Annual Office Development Limitation Program.
- Upon the recommendation of the General Manager of the Recreation and Park Department, and in consultation with the Recreation and Park Commission, the Planning Commission also 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.
- The project has not been constructed following the original 2008 approval, due to the recent weakness in the real estate market and the associated difficulties in securing financing. The sponsor wishes to preserve the opportunity to construct the projects pending future improvements in the national and global economic outlook.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant an amendment to the conditions of approval for the original Section 309 Determination of Compliance (per Planning Code Section 309) and Allocation Office Square Footage under the Annual Office Development Limitation Program (per Planning Code Sections 320-325) to extend the performance period for three years (to July 19, 2015).

BASIS FOR RECOMMENDATION

- The requested extension is appropriate given the recent economic downturn, which is beyond the control of the project sponsor.
- The project would add office square footage to an existing, relatively low-scaled office tower, in a location suitable for intense, urban development.
- The project is desirable for, and compatible with the surrounding neighborhood.

| |
|--|
| RECOMMENDATION: <i>Approval with Conditions</i> |
|--|

Attachments:

Draft Motion to Extend Performance Period

Block Book Map

Sanborn Map

Aerial Photograph

Zoning Map

Project Sponsor Submittal Package:

- Project Sponsor Submittal Letter, dated July 11, 2012
- Previous Approval Motions
- Approved Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: Existing Conditions (11" by 17") |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: Proposed Project (11" by 17") |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

Exhibits above marked with an "X" are included in this packet

Planner's Initials



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 Draft Motion

HEARING DATE: JULY 19, 2012

Date: July 12, 2012
Case No.: 2012.0509C
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 AN 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. 2012.0509C) 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. 2012.0509C.

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. 2012.0509C, 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. 2012.0509C**, 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:

NAYS:

ABSENT:

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. XXXXXX. 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. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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.

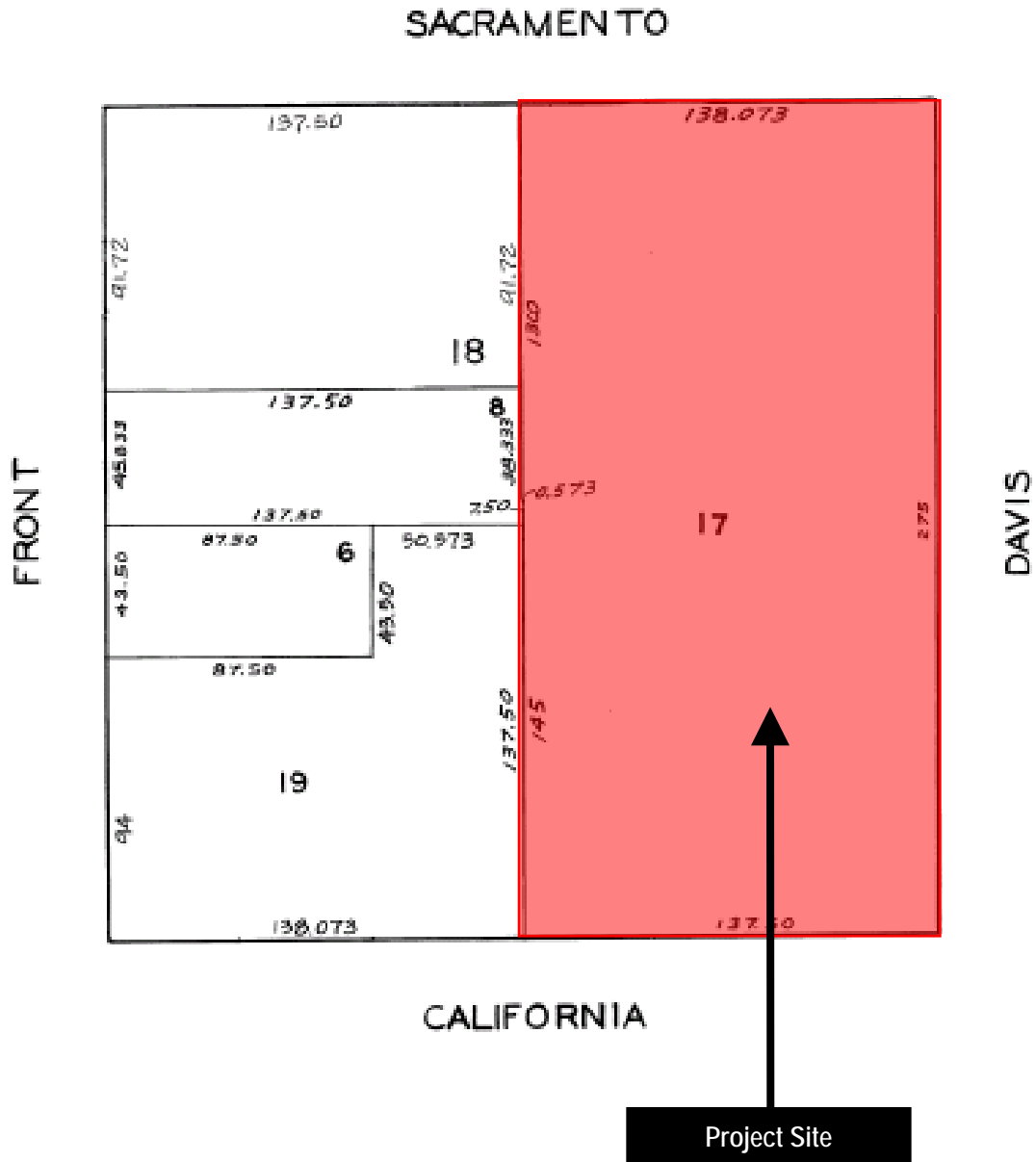
Conditions of Approval, Compliance, Monitoring, and Reporting

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.

Parcel Map



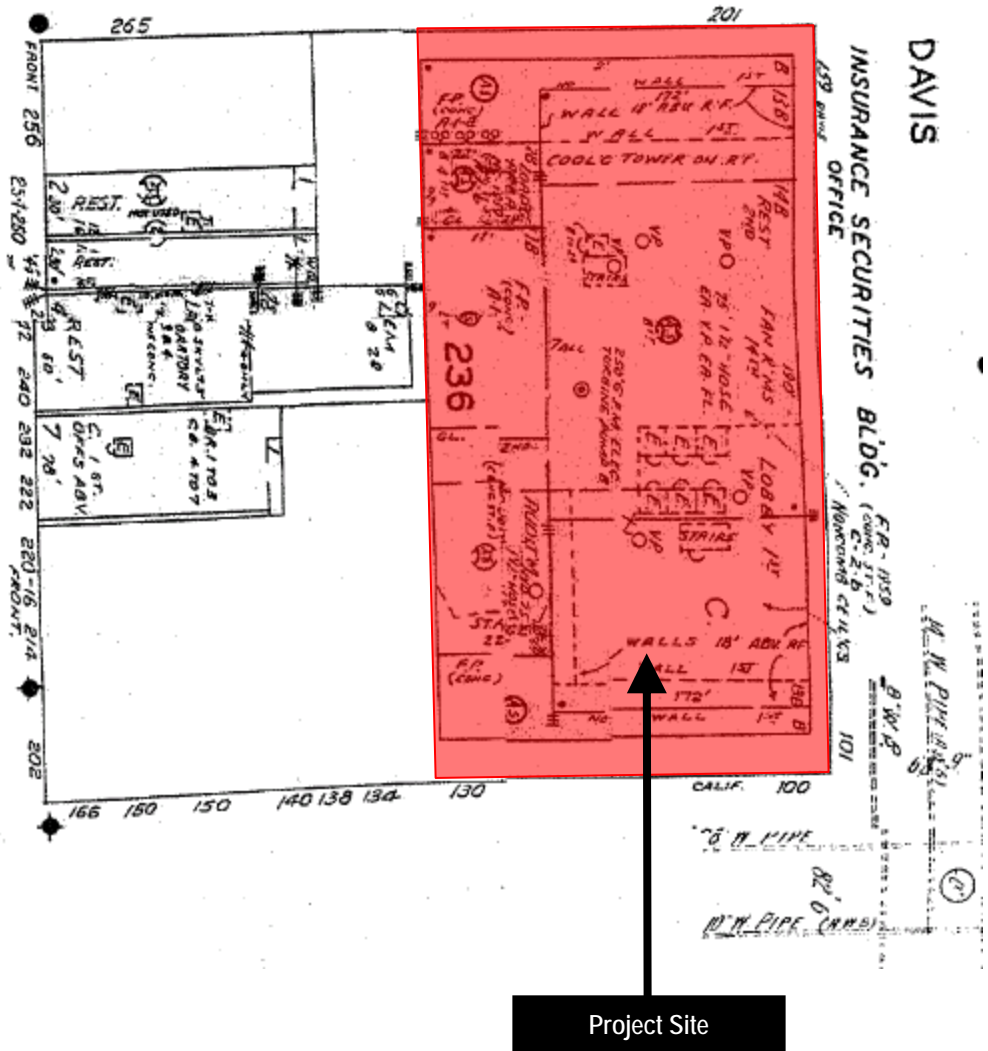
Case No. 2012.0509C
100 California Street
Extension of Entitlements

Sanborn Map*

FRONT

68' 9" Wide

68' 9"



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Case No. 2012.0509C
 100 California Street
 Extension of Entitlements

Aerial Photo



Project Site



Case No. 2012.0457C
168-186 Eddy Street
Extension of Entitlements

Aerial Photo

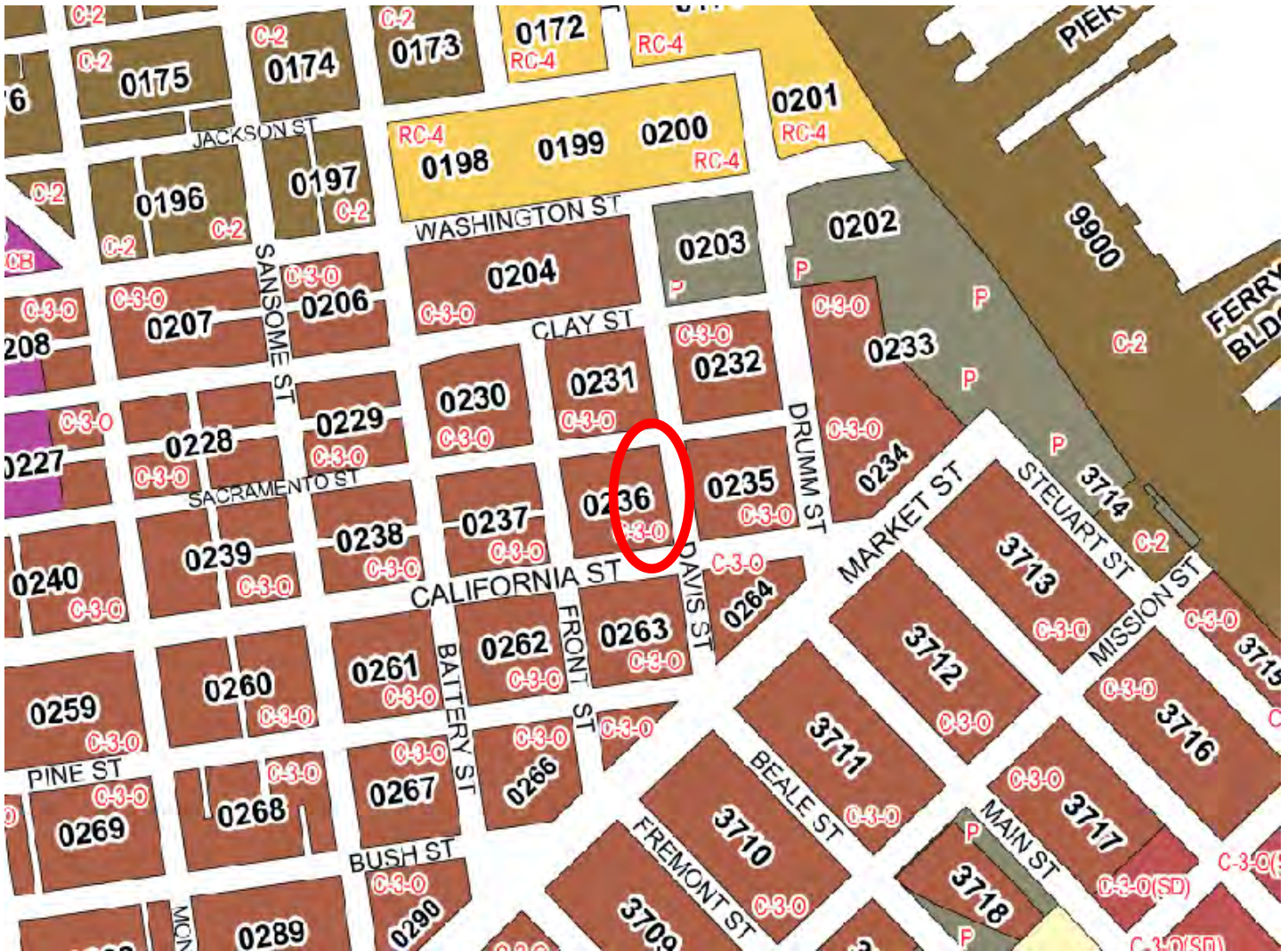


(looking east)

Project Site

Case No. 2012.0509C
100 California Street
Extension of Entitlements

Zoning Map



Case No. 2012.0509C
100 California Street
Extension of Entitlements

REUBEN & JUNIUS_{LLP}

July 11, 2012

By Hand Delivery

Mr. Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: Case No. 2012.0509C
Application for Extension of Performance Condition
100 California Street
Our file: 5782.01**

Dear President Fong and Commissioners:

We represent 100 California Street Property, LLC, the “Project Sponsor” of an approved office building expansion project at 100 California Street (the “Project”). We respectfully request your approval of a two-year extension of the performance condition of the Project’s original approvals.

The Project is a six-story, 76,500 gsf addition of new office space that would increase the height of the subject structure from approximately 190 feet to approximately 267 feet; additionally, a 1,530 gsf ground-floor retail-space addition is approved. The Planning Commission originally granted Office Development Limit and C-3 District Permit Review approvals for the Project in 2008 pursuant to Motion Nos. 17543 and 17544 (the “Project Approvals”). The Planning Commission granted the Project Approvals subject to performance conditions. Condition 2.D of Motion No. 17543 requires that a site permit or building permit be obtained within 18 months of the Project Approval, and Condition 2.D of Motion No. 17544 requires that a site permit or building permit be obtained within 3 years of the Project Approval (collectively, the “Performance Condition”).

Since the Project was approved, we have seen a significant economic crisis that is only recently showing signs of stabilizing. Even with these improvements, access to credit remains difficult, particularly with projects like this that seek to integrate new construction into an existing structure. As with many projects, these financial difficulties have made financing the Project difficult.

The Project Sponsor now has a new ownership entity which, combined with the improved economy, puts it in a much better position to begin processing building permits and gearing up

President Fong and Commissioners
San Francisco Planning Commission
July 11, 2012
Page 2

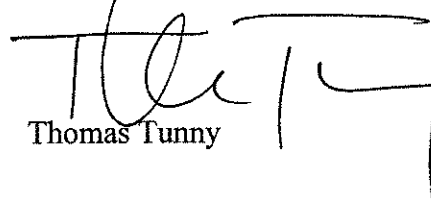
for construction. We are optimistic that the Project Sponsor could begin processing building permits within one year. No changes to the Project are being requested at this time.

For these reasons, the Project Sponsor seeks a two-year extension of the Performance Condition, with the extension commencing on the date the Planning Commission grants the extension.

Thank you for your consideration of this matter.

Very truly yours,

REUBEN & JUNIUS, LLP



Thomas Tunny

Enclosures

cc: Commission Vice-President, Cindy Wu
Commissioner Michael Antomini
Commissioner Gwyneth Borden
Commissioner Ron Miguel
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
Linda Avery, Commission Secretary
John Rahaim, Planning Director
Kevin Guy, Planner
100 California Street Property, LLC

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REUBEN & JUNIUS, LLP

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> TDIF (Admin. Code) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input checked="" type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 17543

Hearing Date: January 31, 2008
Case No.: **2006.0660BEKX**
Project Address: **100 CALIFORNIA STREET**
Zoning: C-3-O (Downtown Office) District
350-S Height and Bulk District
Block/Lot: 0236/017
Project Sponsor: Tuija I. Catalano, attorney
Reuben and Junius. LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Jim Miller – (415) 558-6344
jim.miller@sfgov.org

ADOPTING FINDINGS MAKING A DETERMINATION OF COMPLIANCE AND GRANTING EXCEPTIONS TO PLANNING CODE STANDARDS FOR FREIGHT LOADING AND BUILDING BULK UNDER SECTION 309 OF THE PLANNING CODE AUTHORIZING A VERTICAL ADDITION OF APPROXIMATELY 76,500 SQUARE FEET OF OFFICE SPACE TO AN EXISTING 13-STORY OFFICE BUILDING, PLUS APPROXIMATELY 1,530 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND AUTHORIZING EXCEPTIONS TO PLANNING CODE STANDARDS FOR OFF-STREET LOADING (Section 152.1) AND BUILDING BULK (Sections 270 and 272), LOCATED AT 100 CALIFORNIA STREET ON ASSESSOR'S BLOCK 0236, LOT 017, IN THE C-3-0 (DOWNTOWN, OFFICE) DISTRICT AND WITHIN THE 350-S HEIGHT AND BULK DISTRICT.

RECITALS

1. On May 11, 2006, Tuija I. Catalano of Reuben & Junius, LLP, authorized agent of 100 California Street Property. LLC (hereinafter "Applicant"), filed Application No. 2006.0660BEKX (hereinafter "Application") with the San Francisco Planning Department (hereinafter "Department") for review pursuant to Planning Code (hereinafter "Code") **Section 309** for addition of approximately 78,000 gross square feet of area to an existing building at 100 California Street, northwest corner at Davis Street. This space would consist of a six-story, 76,500-square-foot addition of new office space that would increase the height of the subject structure from

approximately 190 feet to approximately 267 feet. Additionally a 1,530-square-foot ground-floor retail-space addition is proposed (hereinafter, summarily, "Project"), requiring exceptions to Code standards for off-street freight loading (**Section 152.1**) and building bulk (**Sections 270 and 272**), as set forth in **Section 309(a)(8 and 12)** of the Code. The site is in the C-3-O (Downtown, Office) District and within a 350-S Height and Bulk District.

2. It was determined by the Department, in accordance with the provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the Implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed project could have no significant impact on the environment and was exempt from CEQA. A Categorical Exemption (Class 32, State Guidelines) from environmental review was issued for the project on January 9, 2008.
3. On January 31, 2008, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2006.0660BEKX, at which time the Commission reviewed and discussed the findings prepared for its review by the Department staff.
4. Also on January 31, 2008, the Commission adopted Motion No. 17542 finding that net-new shadow to be cast by the Project on lands under the jurisdiction of the Department of Recreation and Parks would not be adverse (pursuant to being advised of same by the Director of the Department of Recreation and Parks).
5. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed Project.
6. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department staff, and other interested parties.
7. **MOVED**, that the Commission hereby grants the approval requested in Application No. 2006.0660BEKX subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, 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. **Site Description.** The Project is at 100 California Street, northeast corner at Davis Street, 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 Subject

Property is developed with a 13-story, 190-foot-tall office building containing approximately 247,500 gross square feet (hereinafter "gsf") 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 (totaling approximately 11,000 gsf in area) which feature mature landscaping including a number of large trees. The ground floor of the subject building is devoted to lobby space as well as retail and service uses including a copy service, a coffee shop, a barber shop and a health club (which also occupies a large space on the second floor as well as basement space).

3. **Surrounding Neighborhood.** The C-3-O District which contains the subject property is within the densely-developed office core of the city. South, southeast and east of the subject property are the 101, One and 50 California Street buildings, 49, 32, and 42 stories tall, respectively. To the north across Sacramento Street is the Embarcadero Center with four very tall office towers and three continuous floors of retail use. Immediately to the west is the 150 California Street building; a 23-story office building.
4. **Project Description.** The Project is the addition of approximately 78,000 square feet of space to the existing 247,550-square foot building, after demolition of the partial penthouse floor. This new space would consist of office space in six new floors (approximately 77 feet of additional height) and 1,530 square feet of ground-floor retail space on the California Street side up against the next-door building at 150 California Street. The upper-floor addition has been carefully sculpted so that minimal net-new shadow would fall on the upper level of the Embarcadero Center pedestrian way. No net-new shadow would fall on the Maritime Plaza building's outdoor open space. However, there would be a small amount of shadow cast onto the pedestrian way of the Embarcadero Center and, through the slots between the intervening buildings to the northeast of the Project site. The new shadowing on the Justin Hermann Plaza was the subject of a public hearing at the Recreation and Park Commission on November 1, 2007. At that juncture, that commission found that this new shadow would not be adverse. The project sponsor entered into an agreement to provide physical improvements to this park space as an off-set to the increased shadowing. In addition, the project sponsor seeks the allocation of approximately 76,500 square feet of office space pursuant to the standards established in Planning Code Sections 321 and 322.
5. **Environmental Review.** The Project was issued a Categorical Exemption on January 9, 2008 (Case No. 2006.0660BEKX), Class 32.
6. **Section 309 Review.** Because the Project requests exceptions under Code Section 309, exceeds 75 feet in height, and exceeds 50,000 square feet in floor area, a public hearing is required before the Commission. The Commission may approve a project, disapprove a project, grant exceptions from certain requirements of the Code, and/or impose conditions on an approval. The proposed Project is required to meet all applicable Code requirements or request exceptions as permitted by Code Section 309(a)(1)-(12). As stated above, the Project Sponsor is seeking exceptions from Code Section 152.1 freight loading and Code Sections 270 and 272 bulk-limit requirements (Code Section 309(a)(8 and 12)).

7. **Planning Code Compliance.** The Planning Commission finds and determines that the proposed Project meets all applicable Code requirements, or is granted an exception thereto, and makes the following additional findings:

A. **Maximum Floor Area Ratio** -- Pursuant to standards set forth in **Section 124** of the Code, the base floor area ratio (hereinafter "FAR") in the C-3-O District is 9.0:1.

The subject building, at present, has an FAR of approximately 6.5:1. After the Project is completed, it would have an FAR of approximately 8.5:1. Therefore, no Transferable Development Rights (hereinafter "TDR's") would be needed in conjunction with the Project.

B. **Setbacks and Separation of Towers** -- **Section 132(c)(1)** of the Code requires all structures in the "S" Bulk District to provide a minimum 15-foot setback from the interior property lines that do not abut public sidewalks and from the property lines abutting a public street or alley. The setback is required at the lower tower height¹, and is measured from the interior property line or the center of a public right-of-way.

*The existing building abuts three public rights-of-way, California (82 feet, six inches wide), Davis (68 feet, nine inches wide) and Sacramento (49 feet wide) Streets. The building façades facing these three streets as well as the façades of the proposed building addition comply with the 15-foot setback requirement as measured from the center of the three adjoining streets. For the interior property line setbacks, the building is set back 46 feet, nine inches from its western interior property line thereby exceeding the required 15-foot setback. Thus, the Project would comply with the **Section 132(c)(1)** setback requirements.*

C. **Open Space** -- Code **Section 138** requires that, in a C-3-O District, an application for a permit to construct a new building or an addition of gross floor area equal to 20 percent or more of the existing building requires the provision of public open space at a ratio of one square foot of open space for every 50 square feet of developed space.

*The Project would add approximately 78,000 square feet of new floor space. At a ratio of 1:50, the added floor area would require 1,560 square feet of open space. The entire building, including the Project (approximately 325,500 square feet), under the current Code would be subject to open space requirement of 6,510 square feet. The existing building site contains approximately 11,000 square feet of ground-level exterior open space in the form of plazas and walkways. This total would be reduced by approximately 1,530 square feet to accommodate the proposed new retail space. The remainder would be sufficient to cover the amount of outdoor open space accessible to the public that would be required by Code **Section 138** in conjunction with the Project. A condition of approval to improve the existing open space at the discretion of the Director of Planning is imposed in Exhibit A attached to this motion.*

D. **Pedestrian Streetscape Improvements** -- Code **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.

¹ The lower tower starts at the height that is equal to 1.25 times the width of the principal street on which the building faces.

The Project is subject to Section 138.1 requirements. The Project would include appropriate streetscape improvements and comply with this requirement as determined by the Planning Department or the Department of Public Works.

- E. Downtown Park Special Fund -- Under Section 139 of the Code, projects that add 20 percent more gross floor area to an existing building are subject to the Downtown Park Fee.

The Project proposes approximately 76,500 square feet of new office use and is subject to this requirement. The project sponsor will comply with this requirement.

- F. Street Trees in C-3 Districts -- Code Section 143 requires that street trees be installed by the owner or developer in the case of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building.

The Project proposes approximately 78,000 square feet of new use and is subject to this requirement. The project sponsor will comply with this requirement.

- G. Reduction of Shadows on Certain Public or Publicly Accessible Open Spaces in C-3 Districts -- Pursuant to Section 147 of the Code, new buildings and additions to existing buildings, where the building height exceeds 50 feet, must be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

The Project has been carefully designed so as to minimize shadowing impacts on nearby public and private open spaces such as the promenades of the Embarcadero Center and the Maritime Plaza. Therefore, the Project would comply with the provisions of Section 147 of the Code. The most feasible and appropriate way to add to the developed area of the site is as proposed.

- H. Reduction of Ground-Level Wind Currents in C-3 Districts -- Code Section 148 requires, in C-3 Districts, that new buildings and additions to existing buildings 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 ten percent of the time year round, between 7:00 A.M. and 6:00 P.M., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial public use and seven m.p.h. equivalent wind speed in public seating areas.

The Certificate of Determination of Exemption from Environmental Review prepared for the Project concludes that there appear to be no adverse effects on the wind environment that could result from the proposed Project. The ability of this Project to have an effect on the wind environment is very small, and there is no reason to conclude that modification of the design of the Project would improve the existing moderate wind conditions that occur in the vicinity.

- I. Public Art -- Section 149 of the Code sets forth a public art requirement for construction of new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3

District. Such public art must be equal in value to one percent of the construction cost of the building or addition as determined by the Director of the Department of Building Inspection. It must be installed and maintained (i) in areas on the site of the building or addition and clearly visible from the public sidewalk or the open-space feature required by Code **Section 138**, or (ii) on the site of the open-space feature provided pursuant to said **Section 138**, or (iii) upon the approval of any relevant public agency, on adjacent public property, or (iv) in a publicly accessible lobby area of a hotel.

The Project proposes approximately 76,500 square feet of new office use and is subject to this requirement. The project sponsor will comply with this requirement. At an estimated cost of construction of \$9,100,000, approximately \$91,000 in public art would be required of the Project. Final construction cost will be adjudicated as part of the Building Permit process.

- J. Off-street Parking -- Pursuant to Code **Section 161(c)**, no off-street parking is required for any use in a C-3 District.

The existing building has no off-street parking and none is proposed as part of the Project.

- K. Freight Loading -- **Section 152** of the Code sets forth requirements for off-street freight loading. Table 152.1 thereunder requires, in C-3 Districts, 0.1 off-street freight loading spaces per 10,000 square feet of gross floor area (to the closest whole number). In that the Project would add approximately 78,000 square feet of floor area to the existing building, it would trigger a requirement of one off-street loading space.

*The Project is the subject of a **Section 309** exception in that it would not comply with the requirements of this Section.*

- L. Shower and Locker Facilities -- Code **Section 155.3(c)3** requires the installation of four showers and eight clothes lockers where the gross square footage of floor area added to a building containing general business offices through major renovation is in excess of 50,000 square feet.

In that the proposed addition is approximately 78,000 square feet, this standard applies to the Project and will be met by the Applicant.

- M. Bulk Limits -- Code **Sections 270** and **272** establish building bulk limits. The requirements for the Project site are discussed in the "Exceptions" portion of this Motion.

*The Project is the subject of a requested **Section 309** exception in that it would not comply with the requirements of these Sections.*

- N. Jobs-Housing Linkage Program -- The Code **Section 313** housing requirements apply to office projects proposing at least 25,000 square feet of new use.

*The Project proposes approximately 78,000 square feet of new use and thus is subject to **Section 313** requirements. The Project would make a contribution to the Citywide Affordable Housing Fund. Based on the net addition of approximately 76,500 square feet of office space (the 1,530 square feet of retail use not*

being subject to this fee) , the Project would pay a fee of \$1,521,585 using the Code-specified multiplier of \$19.89 per gross square foot. The exact fee will be determined based on drawings submitted with the Building Permit Application and the multiplier in effect at the time of the transfer (as amended at the time of its applicability, as determined by the Zoning Administrator).

- O. Child Care Provision -- Section 314.3 applies to office development projects proposing the net addition of 50,000 or more gross square feet of use. Such projects must provide a child-care facility on or near the site of the development, arrange with a nonprofit organization to provide a child-care facility, or pay an in-lieu fee to the City.

The Project proposes approximately 76,500 square feet of new office use and therefore is subject to Section 314 requirements. The Sponsor will either provide the facility itself, make arrangements with an appropriate organization to do so, or pay the in-lieu fee.

- P. Height Limits -- Pursuant to Code Section 260, the height limit in this district is 350-S, with heights to 350 feet permitted as of right.

The proposed building, including the addition represented by the Project, would have an approximate height of approximately 271 feet, and thus would comply with the applicable height limit.

- Q. Shadowing -- Pursuant to Code Section 295, no building permit authorizing the construction of any structure exceeding 40 feet in height that will cast any shade or shadow upon any property under the jurisdiction of the Recreation and Park Commission during the times of one hour after sunrise and one hour before sunset, all year round, may be issued except on prior action of the Commission pursuant to the provisions of this Section. The Commission must conduct a hearing and must disapprove the issuance of any building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant.

On January 24, 2007, the Commission adopted Motion No. 17542 finding, on the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, that the net-new shadow to be cast by the Project would not be adverse.

2. Exceptions Requested Pursuant to Section 309: The Planning Commission finds and determines that the following exceptions, as permitted in Sections 309(a)(8), and 309(a)(12), and as requested by the Project Sponsor are warranted and hereby granted:

- A. Freight Loading Requirement -- Code Section 152.1. The Project requires an exception to the freight loading requirement because the proposed building would not include Code-compliant freight loading spaces.

Table 152.1 requires that office buildings in C-3 Districts provide freight loading space at a ratio of 0.1 off-street freight loading space per 10,000 square feet of gross floor area (rounded to the closest whole number). The subject building, inclusive of the Project, would contain approximately 324,000 square feet of gross floor area (the existing 247,500 building square footage plus the proposed 76,500 square foot addition), and thus would require three freight loading spaces (two for the existing building plus a third space as a result of the proposed Project). The existing building contains one freight loading space within the building and three spaces at the curb along the frontage on Sacramento Street. The three spaces are currently used for building operations.

Under Section 309(a)(8) of the Code, waiver or a reduction of the freight loading requirements may be granted subject to consideration of the following criteria from Code Section 161(h):

(1) 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 proposes a vertical addition to an existing building as well as a small, ground-floor addition proposed to house a retail use. The existing building contains one freight loading space inside and three along the Sacramento Street curb. Since the building does not contain a garage and one is not proposed as part of the Project, additional off-street loading spaces cannot be achieved at the subject site. Substantial alterations to the building would be required to accommodate additional freight loading spaces on the Subject Property.

(2) Provision of the required 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;

Retail tenants occupy the existing ground floor and additional ground-floor retail space is proposed. The existing building contains one freight loading space. Additional freight loading spaces cannot be added in the building in the absence of substantial building alterations that would likely result in a reduction of ground-level retail space.

(3) 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; and

The Project involves an existing building located in an already built-out area of the Downtown Financial District. A jointly-used underground facility would require considerable alterations to the existing building and to the adjacent building(s) and would not be feasible.

(4) 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.

The existing building was constructed in 1959 and contains approximately 247,500 gross square feet of floor area. The existing building contains one freight loading space. Three on-street spaces along the Sacramento Street frontage are reserved for building operations. The property has 137 feet, six inches of frontage along California Street, 275 feet along Davis Street, and approximately 138 front feet along Sacramento Street. Both the California and Sacramento Street frontages have several yellow (loading) spaces. The delivery functions resulting from the additional floor area proposed as a part of the Project could be provided for adequately at the

existing yellow zones. The existing building and the proposed Project would be provided with ample freight loading area and the lack of additional freight loading spaces within the building would not cause any disturbance to the pedestrian or transit circulation, or to traffic flows in general.

B. **Bulk Limits.** The Project requires an exception to the bulk limit requirement, as set forth in Code Sections 270 and 272, because the proposed building will not comply with the bulk limits provided by the Code.

The Project is located in the 350-S Height and Bulk District, and is subject to the following bulk controls for the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, and a maximum floor size of 20,000 square feet (with an average floor size of 17,000 square feet). The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater) and up to the height of 160 feet. The widest abutting street (California Street) is 82.5 feet wide. Therefore, the lower tower controls apply to the Project above the height of 103.25 feet, or starting at approximately the eighth floor of the existing building.

The existing building has a length of 223 feet, a diagonal dimension of 245 feet, and a floor plate of approximately 19,080 square feet (excluding the partial penthouse structure). Thus the lower tower controls apply to the existing building only. The existing building, which was built in 1959, pre-dates the Code section that governs building bulk, and, therefore, it exceeds the permitted maximum length and diagonal dimensions. No change is proposed for the existing floors with the exception that the partial penthouse on the 14th floor would be removed and replaced with a new floor.

Properties in the "S" bulk district are subject to the following upper-tower controls: a maximum diagonal dimension of 160 feet, a maximum length of 130 feet, a maximum floor size of 17,000 square feet (with an average floor size of 12,000 square feet). The upper-tower controls apply above a height of 160 feet.

The upper-tower controls start at approximately the 11th floor of the existing building and extend to the top of the proposed addition. Similar to the tower controls, the existing floors that are within the upper tower, already exceed the permitted dimensions, including length, diagonal dimension and the maximum floor plate. The dimensions and areas for the new floors proposed as part of the Project vary as follows:

| | |
|-----------|--|
| Level 15: | 227-foot diagonal; 227-foot length; 14,454 square-foot floor plate |
| Level 16: | 227-foot diagonal; 227-foot length; 14,454 square-foot floor plate |
| Level 17: | 207-foot diagonal; 205-foot length; 13,322 square-foot floor plate |
| Level 18: | 187-foot diagonal; 183-foot length; 11,949 square-foot floor plate |
| Level 19: | 168-foot diagonal; 161-foot length; 10,426 square-foot floor plate |
| Level 20: | 148-foot diagonal; 139-foot length; 8,772 square-foot floor plate |
| Roof: | 129-foot diagonal and 116-foot length |

The average floor plate for the addition is 12,230 square feet, and for the entire upper tower (including three upper floors that contain 19,080 square feet each) is 14,513. Thus, the Project would exceed the maximum floor plate for the existing floors, the maximum average floor plate for all but three of the floors in the upper tower, the maximum diagonal dimension for each existing and all but two of the added floors, and the maximum length for all of the existing floors and all but one of the proposed new floors. Accordingly, the proposed Project requires an exception to these requirements pursuant to Section 309(a)(12) of the Code.

Per **Section 272** of the Code, exceptions to bulk limits in C-3 Districts may be granted provided at least one of the following criteria is met:

(1) Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the General Plan;

The Project proposes an addition to an existing building constructed in 1959 that already exceeds the current maximum length and diagonal dimensions for the lower tower and the maximum length, diagonal dimension and floor plate for the upper tower (a Code standard that was added after the subject building was constructed). The Project consists mostly of a vertical addition to an existing building and has been carefully designed to ensure compatibility with the existing design and shape. The new floors have been designed with both structural consistency and shadow reduction in mind. The requested bulk exceptions are necessary to allow the Project to proceed in light of the size and shape of the existing building and lot. Requiring the Project to comply with the lower- and upper-tower bulk controls would result in an inferior building (as far as shading and shadowing of public open spaces is concerned), and would require substantial alterations to the proposed addition as well as the existing building.

(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation; and provided further that all of the following criteria are met:

Although the building does not provide widespread public service benefits or significance to the community at large, it still, nevertheless, meets the sub-criteria below.

(A) The added bulk does not contribute significantly to shading of publicly-accessible open space,

The Project has been carefully designed to minimize any shadow impact that it might cause. The addition is set back from the existing building and is curved as each of its edges. The additional floors are significantly smaller than the floor plates of the existing building. Thus, the visual impact from street view has been minimized. In addition, for the building façade facing Sacramento Street, the addition is progressively set back at each additional floor so that each floor plate starting with the new 15th floor is smaller than the floor below it. The proposed Project would be harmonious with the existing building and the vicinity.

(B) The added bulk does not increase ground level wind currents in violation of the provisions of **Section 148** of this Code;

The Project consultant has engaged a consultant to evaluate the Project's wind impacts, if any. A Wind Evaluation Opinion Letter has been prepared and made a part of the Environmental Evaluation file for the Project. The Project would not result in increases in the ground-level wind currents that would exceed Code Section 148 provisions. The existing building is approximately 193 feet high to the top of its finished roof. The proposed Project would add approximately 77 feet, six inches to this total. The maximum height permitted in the 350-S Height and Bulk District (which includes the Subject Property) is 350 feet. The proposed Project would be substantially under this maximum figure. Even with the proposed addition, the subject building would be shorter than many buildings in the nearby area. The Project would not result in any significant

shading of publicly accessible open space, and would not increase the ground level wind currents in violation of Code Section 148.

(3) The added bulk does not significantly affect light and air to adjacent buildings:

Many of the buildings surrounding the Project are significantly taller buildings. South, southeast and east of the subject property are the 101, One and 50 California Street buildings, 49, 32, and 42 stories tall, respectively. To the north across Sacramento Street is the Embarcadero Center with four very tall office towers and three continuous floors of retail use. Immediately to the west is the 150 California Street building; a 23-story office building. The proposed addition to an existing 13-story building is not anticipated to have a significant effect on the light and air to the adjacent and abutting buildings.

(4) If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass.

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements,

(C) Differences in materials, colors or scales of the facades that produce separate major elements,

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted, and

The Project has been designed to ensure compatibility with the existing building while limiting the amount of shadow on nearby public spaces. The proposed floors would include similarly-sized windows and the exterior wall materials, including stainless steel and glass with a minimal blue stone, would be similar to that of the existing floors. The different appearance including setbacks and a different shape clearly distinguishes the proposed addition from the existing building façade and reduces the appearance of bulk for the building while providing it a new and interesting architectural termination to the tower form.

(5) The building, structure or development is made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits.

- (B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character,
- (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development, and
- (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The immediate vicinity contains a wide variety of building types, shapes, materials, and designs. The proposed Project would result in a building similar in size and scale to other surrounding buildings. It would blend in well with the other buildings. The proposed Project would complement the existing building materials and those used in adjacent and abutting buildings.

3. Modification Required by the Commission: Section 309(b) of the Planning Code provides that the Commission may impose additional requirements and limitations in order to achieve the objectives and policies of the General Plan. The Commission imposes additional modifications on the project as indicated above or included in Exhibit A (Conditions of Approval) appended to this motion.
4. Section 101.1 Priority Policy Findings: Section 101.1(b)(1-8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Planning Commission finds and determines that the Project is consistent with the eight policies in the following ways.

A. That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The Project would not displace any existing retail uses. The Project proposes an addition of approximately 76,500 square feet of new office space, and thus could potentially bring new employees to the site thereby strengthening the existing neighborhood retail operations.

B. That Existing Housing and Neighborhood Character be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhood.

The Project Site does not contain any housing, and thus the Project would have no impact on existing housing. The Project is located in a C-3-O District characterized by high-rise office buildings and other large and midsize commercial buildings. The proposed Project would be consistent with the existing neighborhood.

C. The City's Supply of Affordable Housing be Preserved and Enhanced.

The Project would contribute an in-lieu payment of approximately \$1,500,000 to enhance the City's supply of affordable housing thereby complying with the provisions of Code Section 313 governing the "Jobs-Housing Linkage Program".

D. That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

The amount of commuter traffic generated by the Project would not impede Muni transit service or overburden streets or neighborhood parking. The Project is located within the Downtown Core area, and is in close proximity to a variety of local and regional public transit options.

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.

The Project would not displace any tenants, and would have no material effect on industrial or service sector space.

F. That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

The Project would conform to the structural and seismic requirements of the San Francisco Building Code. The Department of Building Inspection is conducting a peer review to assure seismic-safety compliance of the proposed Project.

G. That Landmarks and Historic Buildings be Preserved.

The Project does not involve any historically significant buildings, and thus would have no impact on this priority policy.

H. That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

The Project would not have a negative impact on parks and open spaces or their access to sunlight or vistas.

5. Consistency with the General Plan: The Project would be, on balance, consistent with and will not adversely affect the General Plan:

Commerce and Industry Element:

OBJECTIVE 1: MANAGE ECONOMIC GROWTH TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT

Policy 1.1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The Project would add approximately 76,500 square feet of office space in the Downtown Core area in close proximity to existing services, including existing public transit services. It would provide net benefits in the form of job creation and efficient use of existing commercial space. The Project is anticipated to result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood.

Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would locate commercial activity according to the generalized land use plan by adding new office space in the Downtown Core area zoned for the C-3-O (Downtown, Office) 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 would create approximately 76,500 square feet of new office space in the Downtown Core area in support of this objective. The Project is centrally located close to many jobs and services. It would add to the existing business climate by offering modern space in a state-of-the-art structure.

Urban Design Element

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

The Project proposes an appropriately-scaled addition to an existing 13-story building. The Project height would be below the permitted height limitations. The proposed addition would be compatible with the existing building and the scale of development in the Downtown Core area

Downtown Plan Element

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 proposes an expansion of the existing commercial building, and would not displace any uses. The Project proposes to add approximately 76,500 square feet of new office uses and approximately 1,530 square feet of new, ground-floor retail space in the Downtown Core area. The Project, while enhancing the City's ability to attract and retain business activity, would also serve to concentrate office use in the downtown core.

OBJECTIVE 5: RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

Policy 5.1: Provide space for support commercial activities within the downtown and in adjacent areas.

The Project proposes to add approximately 78,000 square feet of new commercial space in the Downtown Core area, and thus supports this policy.

Transportation Element

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 Subject Property is located within an existing high-density downtown neighborhood in close proximity to a variety of transportation options. No additional parking is proposed as part of the Project. Because the neighborhood is dense and well-established, the Project would make good use of the existing transit services available in the area and would assist in maintaining the desirable urban characteristics and services in the area.

6. 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. The Commission finds that granting the Project Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

DECISION

The Commission, after carefully balancing the competing public and private interests, based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented the public hearing, and all other written materials submitted by all parties, hereby APPROVES Application No. 2006.0660BEKX subject to the conditions attached hereto as Exhibit A, which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated January 24, 2008, on file in Case Docket No. 2006.0660BEKX.

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 (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 at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on January 31, 2008.

Linda Avery
Commission Secretary

AYES: Commissioners Olague, Antonini, S. Lee, Moore and Sugaya

NAYS: None

Motion 17543
January 31, 2008

CASE NO. 2006.0660BEKX
100 California Street

ABSENT: Commissioners Alexander and W. Lee

ADOPTED: January 31, 2008

Exhibit A

Conditions of Approval

Wherever "Applicant" or "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the project or other persons having an interest in the project or underlying property.

The authorization contained herein is a Determination of Compliance and two exceptions under the Planning Code (off-street loading and building bulk) given pursuant to Code **Section 309**, generally as described in the text of Motion No. 17543, in Application No. 2006.0660BEKX, and as shown on plans dated January 24, 2008 labeled "Exhibit B" and on file with said Application, for a vertical expansion of an existing building by approximately 76,500 square feet in six new office floors and the addition of approximately 1,530 square feet of ground-floor retail space, Assessor's Block 0236, Lot 017 in a C-3-O (Downtown, Office) District and within a 350-S Height and Bulk District.

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct, or to receive or apply for a building permit. The Project Sponsor must obtain a project authorization under Code **Section 322**, 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.

2. GENERAL CONDITIONS

- A. Community Liaison. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. **Prior to the commencement of construction activities**, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the project site written notice of the name, business address, and telephone number of the community liaison.
- B. Recordation. **Prior to the issuance of any building permit application** for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after recordation of such notice, at the request of the Project Sponsor,

the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

- C. Reporting. The Project Sponsor shall submit two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion **every six months from the date of this approval through the issuance of the first temporary certificate of occupancy**. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.
- D. Performance.
- (1) A site permit or building permit for the herein-authorized Project shall be obtained within 18 months of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void.
 - (2) This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required site or building permits within 18 months (per Code Sections 321 and 322) of the date of this approval or this authorization may be null and void. Construction, once commenced, shall be pursued diligently to completion.
- E. Construction.
- (1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
 - (2) Truck movements shall be limited to the hours between 9:30 A.M. and 3:30 P.M. to minimize disruption of the general traffic flow on adjacent streets.
 - (3) The contractor shall arrange for off-street parking for construction workers.
 - (4) The Applicant and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.
- F. First Source Hiring Program. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this program, including having an Occupancy Program approved by the First Source Hiring Administrator **prior to the issuance of the first Certificate of Occupancy**.

- G. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT

- A. Housing Fee. The Project Sponsor shall pay the Jobs-Housing Linkage Program (JHLP) fee as required by Planning Code Section 313. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.
- B. Design. The Applicant and the Project architects shall continue to work on aspects of design development with the Department.
- C. Signage. The Applicant shall develop a signage program for the Project, which shall be subject to review and approval by Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.
- D. Lighting. The Applicant shall develop a lighting program for the Project, which shall be subject to review and approval by Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the Project.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SUPERSTRUCTURE ADDENDUM TO A BUILDING (OR SITE) PERMIT

- A. Design.

(1) Except as otherwise provided in the attached Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans by dated January 24, 2008, labeled "Exhibit B".

(2) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Planning Director.

(3) Final detailed building plans shall be reviewed and approved by the Department. Detailed building plans shall include a final site plan, floor plans, elevations, sections, landscape plan including the retention of the mature street trees on the Project site, specification of finish materials and colors, and details of construction.

(4) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.

(5) Per Code **Section 141**, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

B. Publicly-Accessible Open Space. Although the square footage of open space accessible to the public on the Subject Property already exceeds the amount that would be required for the existing building square-footage as well as the proposed addition represented by the Project, the Applicant is hereby required, at the discretion of the Planning Director, to make improvements to said existing open space. Trees, other landscaping and/or windscreens may be provided in the publicly-accessible open space areas to reduce wind speeds, as deemed appropriate, and provide sheltered areas. Said public open space shall bear plaques at each entrance including the standard City logo identifying it, the hours open to the public (8:00 A.M. to 6:00 P.M.), and contact information for building management. A map showing other nearby open spaces that are publicly accessible shall also be provided in the open space area. Design of the plaque and the map shall be approved by the Department staff prior to installation. Said plaque shall include such information as availability of public restrooms, access to food service, number of seats, etc.

C. Pedestrian Streetscape Improvements. A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Planning Director, in consultation with staff from the Department of Public Works and the Department of Parking and Traffic. Other agencies shall be contacted as appropriate. The Project shall include pedestrian streetscape improvements, the retention of existing mature street trees as described in this Motion and in conformance with Planning Code **Section 138.1**, **Section 143**, and the Downtown Streetscape Plan.

D. Public Artwork.

(1) The Project shall include the 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.

(2) The Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, type and location of the art. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the Department in consultation with the Commission.

- E. Garbage and Recycling. The building design shall provide adequate space designated for trash compactors and trash loading. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided at the ground level of the project. Such space shall be indicated on the building plans.

5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATION OF OCCUPANCY.

- A. Transit Impact Development Fee. The Project Sponsor shall pay the Transit Impact Development Fee as required by Chapter 38 of the Administrative Code. The net addition of gross floor area of office use subject to this requirement shall be determined 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 Director with certification that the fee has been paid.

- B. Downtown Park Fee. The Project Sponsor shall pay the Downtown Park Fee as required by **Section 139** of the Code. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

- C. Street Trees. The Project Sponsor shall provide (and maintain existing) street trees as set forth in Code **Section 143**.

- D. Public Art.

(1) The Applicant 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.

(2) The Project Sponsor shall comply with Code **Section 149(b)** by providing a plaque or cornerstone identifying the Project 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.

- E. Garbage and Recycling. The Project Sponsor shall provide the garbage and recycling areas as outlined above and contract for recycling pickup.
- F. Childcare Brokerage Services and Fees.
- (1) The Project Sponsor shall execute an agreement with the Department and the Mayor's Office of Community Development for the provision of childcare brokerage services and preparation of a childcare plan to be approved by the Director of Planning. The childcare plan and childcare brokerage services shall be designed to meet the goals and objectives set forth in Code **Section 165**.
- (2) The Project Sponsor shall pay the in lieu childcare fee to the City Controller required under Code **Section 314**. Alternately, the Project Sponsor may elect to provide childcare services on-site as provided for in Code **Section 314**. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.
- G. Emergency Preparedness Plan. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> TDIF (Admin. Code) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input checked="" type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 17544

Hearing Date: January 31, 2008
Case No.: **2006.0660BEKX**
Project Address: **100 CALIFORNIA STREET**
Zoning: C-3-O (Downtown Office) District
350-S Height and Bulk District
Block/Lot: 0236/017
Project Sponsor: Tuija I. Catalano, attorney
Reuben and Junius. LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Jim Miller – (415) 558-6344
jim.miller@sfgov.org

ADOPTING FINDINGS APPROVING ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2007-2008 ANNUAL OFFICE-DEVELOPMENT LIMITATION PROGRAM FOR A PROPOSED PROJECT LOCATED AT 100 CALIFORNIA STREET THAT WOULD ADD APPROXIMATELY 76,500 SQUARE FEET OF OFFICE AREA TO AN EXISTING OFFICE BUILDING PURSUANT TO PLANNING CODE SECTIONS 321 AND 322 ON ASSESSOR'S BLOCK 0236, LOT 017, WITHIN THE C-3-0 (DOWNTOWN OFFICE) DISTRICT AND WITHIN A 350-S HEIGHT AND BULK DISTRICT.

RECITALS

1. On May 11, 2006, Tuija I. Catalano of Reuben & Junius, LLP, authorized agent of 100 California Street Property. LLC (hereinafter "Applicant"), filed Application No. 2006.0660BEKX (hereinafter "Application") with the San Francisco Planning Department (hereinafter "Department") for addition of approximately 76,500 gross square feet of office area to an existing office building at 100 California Street, northwest corner at Davis Street (hereinafter "Project"), pursuant to Planning Code (hereinafter "Code") **Section 321** (Office Development Annual Limit) and **Section 322** (Procedure for Administration of Office Development Limit). The site is in the C-3-O (Downtown, Office) District and within a 350-S Height and Bulk District.

2. provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the Implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed project could have no significant impact on the environment and was exempt from CEQA. A Categorical Exemption (Class 32, State Guidelines) from environmental review was issued for the project on January 9, 2008.
3. On January 31, 2008, the Planning Commission (hereinafter "Commission") adopted Motion No. 17542 finding that the net-new shadow to be cast on Justin Hermann Plaza by the proposed addition to the existing office building at 100 California Street would not be adverse (Case No. 2006.0660BEKX).
4. Also on January 31, 2008, the Commission adopted Motion No. 17543 determining the proposed project to be in compliance with Code Section 309 and authorizing exceptions to the otherwise applicable Code standards for off-street loading (**Section 152.1**) and building bulk (**Sections 270 and 272**) (Case No. 2006.0660BEKX).
5. On January 31, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2006.0660BEKX, at which time the Commission reviewed and discussed the findings prepared for its review by the Department staff.
6. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed Project.
7. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department staff, and other interested parties.
8. **MOVED**, that the Commission hereby grants the approval requested in Application No. 2006.0660BEKX subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, 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. **Site Description.** The Project is at 100 California Street, northeast corner at Davis Street, a through-lot to Sacramento Street, Lot 17 in Assessor's Block 236, in a C-3-O (Downtown Office) District, and a 350-S Height and Bulk District (hereinafter "Subject Property"). The Subject Property is developed with a 13-story, 190-foot-tall office building containing approximately 247,500 gross square feet (hereinafter "gsf") 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

(totaling approximately 11,000 *gsf* in area) which feature mature landscaping including a number of large trees. The ground floor of the subject building is devoted to lobby space as well as retail and service uses including a copy service, a coffee shop, a barber shop and a health club (which also occupies a large space on the second floor as well as basement space).

3. **Surrounding Neighborhood.** The C-3-O District which contains the subject property is within the densely-developed office core of the city. South, southeast and east of the subject property are the 101, One and 50 California Street buildings, 49, 32, and 42 stories tall, respectively. To the north across Sacramento Street is the Embarcadero Center with four very tall office towers and three continuous floors of retail use. Immediately to the west is the 150 California Street building; a 23-story office building.
4. **Project Description.** The Project is a six-story, 77-foot-high vertical addition of approximately 76,500 square feet of office space to the existing 247,550-square-foot office building, after demolition of the partial penthouse floor, resulting in a building with approximately 325,500 square feet of floor area. There would also be an addition of 1,530 square feet of ground-floor retail space on the California Street side up against the next-door building at 150 California Street. The upper-floor addition has been carefully sculpted so that minimal net-new shadow would fall on the upper level of the Embarcadero Center pedestrian way. No net-new shadow would fall on the Maritime Plaza building's outdoor open space. However, there would be a small amount of shadow cast onto the pedestrian way of the Embarcadero Center and through the slots between the intervening buildings to the northeast of the Project site. The new shadowing on the Justin Hermann Plaza was the subject of a public hearing at the Recreation and Park Commission on November 1, 2007. At that juncture, that Commission found that this new shadow would not be adverse. The project sponsor entered into an agreement to provide physical improvements to this park space as an off-set to the increased shadowing. In addition, the project sponsor seeks the allocation of approximately 76,500 square feet of office space pursuant to the standards established in Code Sections 321 and 322.
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Code in the following manner (as indicated in *italics*):

Code Section 321: establishes standards for San Francisco's Office Development Annual Limit. Section (b)(3) thereunder establishes approval criteria for this program. In determining if the Project would promote the public welfare, convenience and necessity, the Commission has considered the seven criteria established by Code Section 321(b)(3), and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

The Project would add approximately 76,500 square feet of office space to an existing office/retail building in the C-3-O Zoning District. The Project would improve the balance between San Francisco's economic

growth and its housing supply, by contributing to the development of affordable housing pursuant to the Jobs-Housing Linkage Program (Section 313 of the Code). A considerable amount of new housing is being constructed downtown and a number of older office buildings have been converted to dwellings. This Project balances this other housing production. At \$19.89 per square foot, the multiplier that is applicable to the Project as of September 7, 2007, as set forth in the Code, approximately \$1,521,585 (based upon an addition of approximately 76,500 square feet) would be contributed by the Project. The actual amount of the contribution will be determined by the Zoning Administrator according to the multiplier in effect at the time that the actual transfer is made. The Project Site is located in close proximity to many public transportation options, including a number of MUNI and other transit lines are near the Project site.

The Commission finds and determines that the allocation of the square footage to the Project will improve the balance between economic growth and housing production, and promote the public welfare, convenience and necessity.

II. THE CONTRIBUTION OF THE OFFICE DEVELOPMENT TO, AND ITS EFFECTS ON, THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN.

The Project specifically advances the following objectives and policies of the General Plan, with respect to the effects of the development specific to its location:

Commerce and Industry Element:

OBJECTIVE 1: MANAGE ECONOMIC GROWTH TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT

Policy 1.1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The Project would add approximately 76,500 square feet of office space in the Downtown Core area in close proximity to existing services, including existing public transit services. In addition to providing additional first-rate corporate office space, and thereby enhancing the City's working environment, the Project is anticipated to result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood.

Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would locate commercial activity according to the generalized land use plan by adding new office space in the Downtown Core area zoned for the C-3-O (Downtown, Office) 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 would create approximately 76,500 square feet of new office space in the Downtown Core area in support of this objective.

Urban Design Element

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

The Project proposes an addition to an existing 13-story building. The Project height would be below the permitted height limitations. The proposed addition is compatible with the existing building, and is very similar in scale to other development in the Downtown Core area.

Downtown Plan Element

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 proposes an expansion of an existing commercial building, and would not displace any uses. The Project proposes to add approximately 76,500 square feet of new office uses and approximately 1,530 square feet of ground-floor retail space, thus locating additional office uses in the Downtown Core area. As expansion of corporate office space in downtown San Francisco has been very minimal in recent years, this expansion of a mid-sized office building will provide needed new office without any significant negative impacts.

OBJECTIVE 5: RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

Policy 5.1: Provide space for support commercial activities within the downtown and in adjacent areas.

The Project would add approximately 76,500 square feet of new office space plus approximately 1,530 square feet of new ground-floor retail space; space that could easily accommodate support commercial activity for corporate firms nearby.

Transportation Element

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 site is located within an existing high-density downtown neighborhood in close proximity to a variety of transportation options. No additional parking is proposed as part of the Project, thus encouraging new building occupants to take public transit rather than drive.

The Commission finds and determines that the Project advances the objectives and policies of the General Plan.

III. THE QUALITY OF THE DESIGN OF THE PROPOSED OFFICE DEVELOPMENT

The proposed vertical addition has been designed to be compatible with but differentiated from the existing building. The Project would remove an existing partial 14th floor and add six new floors for a total of 19 floors. The floor plates for the added floors would be somewhat smaller in size to the existing building floor plates in that the building form has been sculpted to avoid net-new shadow casting on nearby public open spaces to the north. The addition has been designed in such a way as to complement the existing building but to be different in style from the original, thereby creating a new and interesting termination to the building form.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

(a) Use. The Project is within the Downtown Core area, which is designated by the Planning Code and General Plan as the primary location for high density office use. With the exception of the ground-floor, second floor and basement retail uses, the remainder of the building (i.e. third floor through 13th-floor penthouse) is already occupied by lawful pre-existing office uses. The proposed addition would provide approximately 76,500 square feet of new office use.

(b) Transit Accessibility. The Project site is in close proximity to many public transit services that can be used by the building tenants and occupants. The Subject Property is on the California Street Cable Car line, the #1 – California MUNI trolley-bus line and is located one block from the Embarcadero BART station. It is well served by many transit services.

(c) Open Space Accessibility. The Code requires one square foot of open space for every 50 square feet of commercial uses in the C-3-O Zoning District. The existing building contains approximately 11,000 square feet of open space in pedestrian courtyards and outdoor walkway space at the ground level of the subject property, exceeding the open space requirement of the existing building plus the new open space that would be required in conjunction with the Project.

(d) Urban Design. The proposed addition would complement the existing façade and other buildings in the immediate vicinity. The proposed six new floors have been sculpted to avoid net-new shadow casting and are designed with a contemporary façade providing a differentiation between the existing and new building elements.

(e) Seismic Safety. The existing building was built in 1959. The Project will cause this building to be seismically strengthened and the new portion thereof would be built to the current standards for seismic safety of the San Francisco Building Code.

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

(a) Anticipated Employment Opportunities. The Project would add approximately 76,500 square feet of new office space, and would create new employment opportunities.

(b) Needs of Existing Businesses. The existing building is an office building with lower-floor retail use. With the vertical addition, the Project would supply new office space downtown and help attract and maintain a diverse employment base in the City. By attracting a more diverse tenant base, the Project would contribute to the expansion of the City's employment base.

(c) Availability of Space Suitable for Anticipated Uses. Despite a downturn in the office market from its high point in the late 1990's, there remains a demand for office space in San Francisco for all types of users. The Project would contribute towards meeting the demand for office space, and the anticipated office users would strengthen the City's role as a business center.

VI. THE EXTENT TO WHICH THE PROPOSED DEVELOPMENT WILL BE OWNED OR OCCUPIED BY A SINGLE ENTITY.

Currently, the building is leased to various office and retail tenants. Office tenants currently occupy the upper floors. According to the Project Sponsor, the existing occupants' tenancies are not anticipated to be impacted by the proposed Project, in that a significant portion of the Project's construction activities are anticipated to occur during non-business hours thereby minimizing disruption to existing tenants. The Project Sponsor anticipates that the proposed Project's upper levels, floors 13 through 19, will be occupied by tenancies similar to those of the lower office floors.

VII. THE USE, IF ANY, OF TRANSFERABLE DEVELOPMENT RIGHTS (hereinafter ("TDR's")) BY THE PROJECT SPONSOR.

The Project anticipates no need to purchase TDR's. The Subject Property is in a C-3-O District which has a Floor Area Ratio (hereinafter "FAR") of 9:1. Therefore, it could contain up to approximately 340,983 square feet of base floor area. In that the proposed use would bring the total square footage of floor area on the Subject Property up to approximately 325,500 square feet, no TDR's would be necessary to accommodate it.

6. Jobs-Housing Linkage Program (Code Section 313): The Project would make a contribution to the Citywide Affordable Housing Fund. Based on the net addition of approximately 76,500 gross square feet of office space, the Project would pay a fee of \$1,521,585 using the Code-specified multiplier of \$19.89 per gross square foot. The exact fee will be determined based on drawings submitted with the Building Permit Application and the multiplier in effect at the time of the transfer.
7. Section 101.1 Priority Policy Findings: Code Section 101.1(b)(1-8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Planning Commission finds and determines that the Project is consistent with the eight policies in the following ways.

A. That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The Project would not displace any existing retail uses. The Project proposes an addition of approximately 76,500 square feet of new office space, and thus could potentially bring new employees to the site thereby strengthening the customer base of the existing neighborhood retail operations. The Project would also add approximately 1,530 square feet of ground-floor retail space on the California Street frontage.

B. That Existing Housing and Neighborhood Character be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhood.

The Project Site does not contain any housing, and thus the Project would have no impact on existing housing. The Project is located in the C-3-O and C-3-O(SD) Districts characterized by high-rise office buildings and other large and midsize commercial buildings. The proposed Project would be consistent with the existing neighborhood.

C. That the City's Supply of Affordable Housing be Preserved and Enhanced.

The Project would contribute to the City's supply of affordable housing by complying with the Jobs-Housing Linkage Program (Code Section 313).

D. That Commuter Traffic not Impede Muni Transit Service or Overburden our Streets or Neighborhood Parking.

The amount of commuter traffic generated by the Project would not impede Muni transit service or overburden streets or neighborhood parking. The Subject Property is situated in the Downtown Core area, and is in close proximity to a variety of local and regional public transit options.

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.

The Project would not displace any tenants, and would have no material effect on industrial or service sector space.

F. That the City Achieve the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

The Project would conform to the structural and seismic requirements of the San Francisco Building Code. The Department of Building Inspection is conducting a peer review to assure seismic-safety compliance of the proposed Project.

G. That Landmarks and Historic Buildings be Preserved.

The Project would not involve the demolition or alteration of any historically significant buildings, and thus would have no impact on this priority policy.

H. That our Parks and Open Space and their Access to Sunlight and Vistas be Protected from Development.

The Project would not have a negative impact on parks and open spaces or their access to sunlight or vistas, per the Commission's finding, contained in Motion No. 17542, of no adverse impact of shadowing on Justin Hermann Plaza.

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.

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 Conditional Use Application No. 2006.0660BECKX** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this office-space allocation Use Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 17544. 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 at (415) 575-6880, or, in person, at 1660 Mission Street, Third Floor, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 31, 2008.

Linda Avery

Motion 17544
January 31, 2008

CASE NO. 2006.0660BEKX
100 California Street

Commission Secretary

AYES: Commissioners Olague, Antonini, S. Lee, Moore and Sugaya

NAYS: None

ABSENT: Commissioners Alexander and W. Lee

ADOPTED: January 31, 2008

Exhibit A

Conditions of Approval

Wherever "Applicant" or "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the project or other persons having an interest in the project or underlying property.

The authorization contained herein is an allocation of office square footage under the 2007-2008 annual Office-Development Limitation Program for a proposed project at 100 California Street that would add approximately 76,500 square feet of office space to an existing building pursuant to Planning Code Sections 321 and 322 on Assessor's Block 0236, Lot 017, within a C-3-O (Downtown Office) District and within a 350-S Height and Bulk District, generally as described in the text of Motion No. 17544, in Application No. 2006.0660BEKX, and as shown on plans dated January 24, 2008 labeled "Exhibit B" and on file with said Application, for a vertical expansion of an existing building by approximately 76,500 square feet in six new office floors and the addition of approximately 1,530 square feet of ground-floor retail space, Assessor's Block 0236, Lot 017 in a C-3-O (Downtown, Office) District and within a 350-S Height and Bulk District.

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct, or to receive or apply for a building permit. The Project Sponsor must obtain a project authorization under Code **Section 309**, 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.

2. GENERAL CONDITIONS

- A. Community Liaison. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. **Prior to the commencement of construction activities**, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the project site written notice of the name, business address, and telephone number of the community liaison.
- B. Recordation. **Prior to the issuance of any building permit application** for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

- C. Reporting. The Project Sponsor shall submit two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion **every six months from the date of this approval through the issuance of the first temporary certificate of occupancy.** Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.
- D. Performance.
- i. A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void.
 - ii. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required site or building permits within three (3) years of the date of this approval or this authorization may be null and void. Construction, once commenced, shall be pursued diligently to completion.
- E. Construction.
- (1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
 - (2) Truck movements shall be limited to the hours between 9:30 A.M. and 3:30 P.M. to minimize disruption of the general traffic flow on adjacent streets.
 - (3) The contractor shall arrange for off-street parking for construction workers.
 - (4) The Applicant and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.

F. First Source Hiring Program. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this program, including having an Occupancy Program approved by the First Source Hiring Administrator **prior to the issuance of the first Certificate of Occupancy.**

G. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT

A. Housing Fee. The Project Sponsor shall pay the Jobs-Housing Linkage Program (JHLP) fee as required by Planning Code **Section 313.** The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

B. Design. The Applicant and the Project architects shall continue to work on aspects of design development with the Department.

C. Signage. The Applicant shall develop a signage program for the Project, which shall be subject to review and approval by Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.

D. Lighting. The Applicant shall develop a lighting program for the Project, which shall be subject to review and approval by Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the Project.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SUPERSTRUCTURE ADDENDUM TO A BUILDING (OR SITE) PERMIT

A. Design.

(1) Except as otherwise provided in the attached Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans by dated December 13, 2007, labeled "Exhibit B".

(2) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department.

(3) Final detailed building plans shall be reviewed and approved by the Department. Detailed building plans shall include a final site plan, unit plans, elevations, sections, landscape plan including the retention of the mature street trees on the Project site, specification of finish materials and colors, and details of construction.

(4) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.

(5) Per Code Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

B. Publicly-Accessible Open Space. Although the square footage of open space accessible to the public on the Subject Property already exceeds the amount that would be required for the existing building square-footage as well as the proposed addition represented by the Project, the Applicant is hereby required, at the discretion of the Director of Planning, to make improvements to said existing open space. Trees, other landscaping and/or windscreens may be provided in the publicly-accessible open space areas to reduce wind speeds, as deemed appropriate, and provide sheltered areas. Said public open space shall bear plaques at each entrance including the standard City logo identifying it, the hours of public availability (8:00 A.M. to 6:00 P.M.), and contact information for building management. A map showing other nearby open spaces that are publicly accessible shall also be provided in the open space area. Design of the plaque and the map shall be approved by the Department staff prior to installation..

C. Pedestrian Streetscape Improvements. A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with staff from the Department of Public Works and the Department of Parking and Traffic. Other agencies shall be contacted as appropriate. The Project shall include pedestrian streetscape improvements, the retention of existing mature street trees as described in this Motion and in conformance with Planning Code Section 138.1, Section 143, and the Downtown Streetscape Plan.

D. Public Artwork.

(1) The Project shall include the 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.

(2) The Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, type and location of the art. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the Department in consultation with the Commission.

E. Garbage and Recycling. The building design shall provide adequate space designated for trash compactors and trash loading. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided at the ground level of the project. Such space shall be indicated on the building plans.

5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATION OF OCCUPANCY.

A. Transit Impact Development Fee. The Project Sponsor shall pay the Transit Impact Development Fee as required by Chapter 38 of the Administrative Code. The net addition of gross floor area of office use subject to this requirement shall be determined 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 Director with certification that the fee has been paid.

B. Downtown Park Fee. The Project Sponsor shall pay the Downtown Park Fee as required by **Section 139** of the Code. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

C. Street Trees. The Project Sponsor shall provide (and maintain existing) street trees as set forth in Code **Section 143**.

D. Public Art.

(1) The Applicant 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.

(2) The Project Sponsor shall comply with Code **Section 149(b)** by providing a plaque or cornerstone identifying the Project 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.

E. Garbage and Recycling. The Project Sponsor shall provide the garbage and recycling areas as outlined above and contract for recycling pickup.

F. Childcare Brokerage Services and Fees.

(1) The Project Sponsor shall execute an agreement with the Department and the Mayor's Office of Community Development for the provision of childcare brokerage services and preparation of a childcare plan to be approved by the Director of Planning. The childcare plan and childcare brokerage services shall be designed to meet the goals and objectives set forth in Code **Section 165**.

(2) The Project Sponsor shall pay the in lieu childcare fee to the City Controller required under Code **Section 314**. Alternately, the Project Sponsor may elect to provide childcare services on-site as provided for in Code **Section 314**. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

G. Emergency Preparedness Plan. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

Proposed Additions to:

**100 California Street
San Francisco
California**



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Planning Review
Package
November 21, 2007

100 California
Street

Vertical/Horizontal
Addition
San Francisco, CA

Broadway Partners
375 Park Avenue
Suite 2107
New York, NY
10152

Cover Page

Owner:

Broadway Partners

375 Park Avenue, Suite 2170
New York, NY 10152

Architect:

Steven H. Worthington Architect

237 Grattan Street
San Francisco, CA 94117

SF Planning Department

Craig Nikitas, Senior Planner

Jim Miller, Associate Planner

Prepared by:

Steven H. Worthington Architects

November 21, 2007

| | |
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New York, NY
10152

Contents

Site Area: 37,892 sq. ft.

Zoning District: C-3-O (Downtown Office)

Height & Bulk District: 350-S

Existing Building Area: 247,544 gr.sq.ft.

F.A.R. (Existing): 6.5:1

F.A.R. Addition: 76,416 gr.sq.ft.

Proposed Total Building Area: 323,960 gr.sq.ft.

F.A.R. (Proposed): 8.5:1

Number of Stories (Existing): 14 stories plus full partially-occupied basement and partial 15th floor

Number of Stories (Proposed): 20 stories plus full partially-occupied basement plus rooftop mechanical penthouse

Type of Construction: Type 1 FR

Type of Occupancy: B (office -retail)

Building Use: Office Building / High-rise

Parking: No existing parking and none proposed

| Floor | | Total Floor Area | Total Gross Floor Area Per 102.9 |
|----------|------------------------|------------------|----------------------------------|
| Level 1 | New Retail Area | 1,530 sq.ft. | - |
| Level 14 | Additional Office Area | 5,262 sq.ft. | 5,262 sq.ft. |
| Level 15 | Lost Office Area | (2,223) sq.ft. | (2,223) sq.ft. |
| Level 15 | New Office Area | 15,195 sq.ft. | 14,454 sq.ft. |
| Level 16 | New Office Area | 15,195 sq.ft. | 14,454 sq.ft. |
| Level 17 | New Office Area | 14,063 sq.ft. | 13,322 sq.ft. |
| Level 18 | New Office Area | 12,690 sq.ft. | 11,949 sq.ft. |
| Level 19 | New Office Area | 11,167 sq.ft. | 10,426 sq.ft. |
| Level 20 | New Office Area | 9,513 sq.ft. | 8,772 sq.ft. |
| | | 82,392 sq.ft. | 76,416 Gr.Sq. Ft. |



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Vicinity Map
Location Plan
1" = 100'

100 California Existing Building



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Site
Context
Aerials



View From Justin Hermann Plaza



View From Davis



View From Embarcadero Center Level 3



California Street Corridor

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Site Context
Existing
Urban-Massing



Davis at California



Inactive California Streetscape



Sacramento Streetscape

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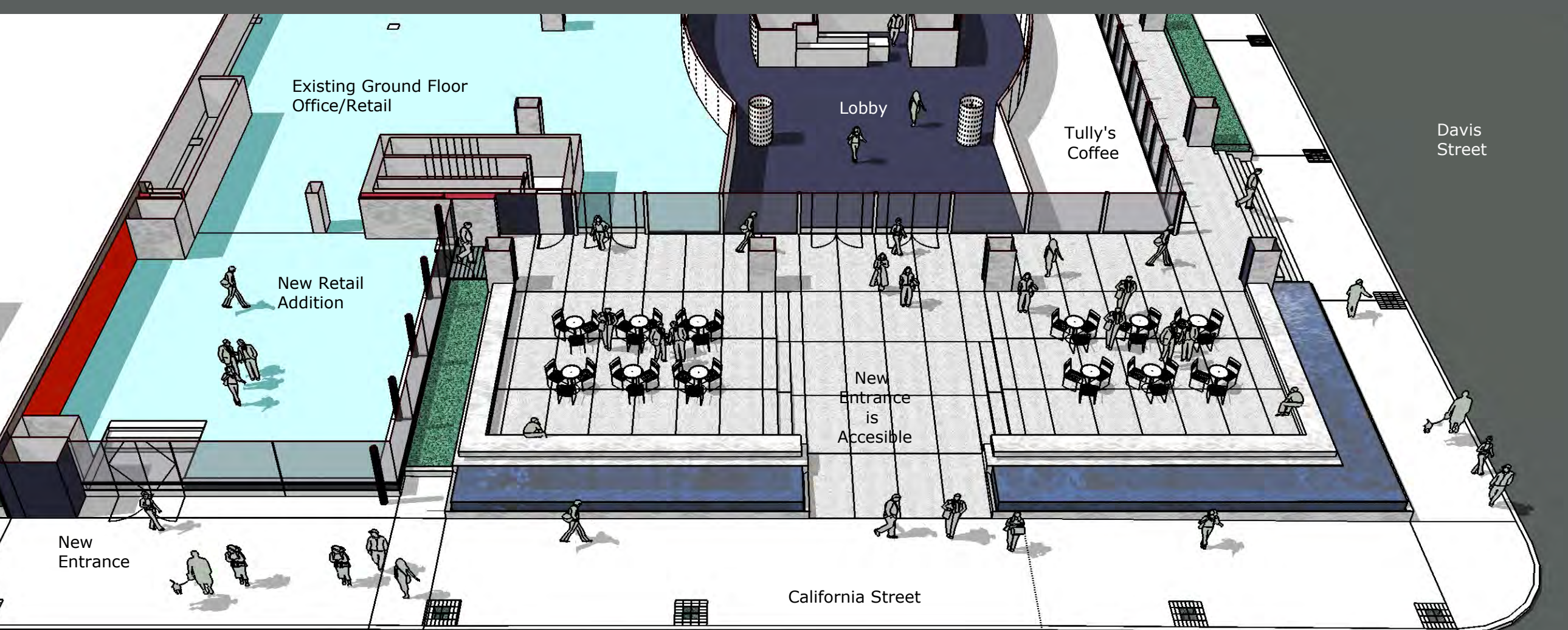
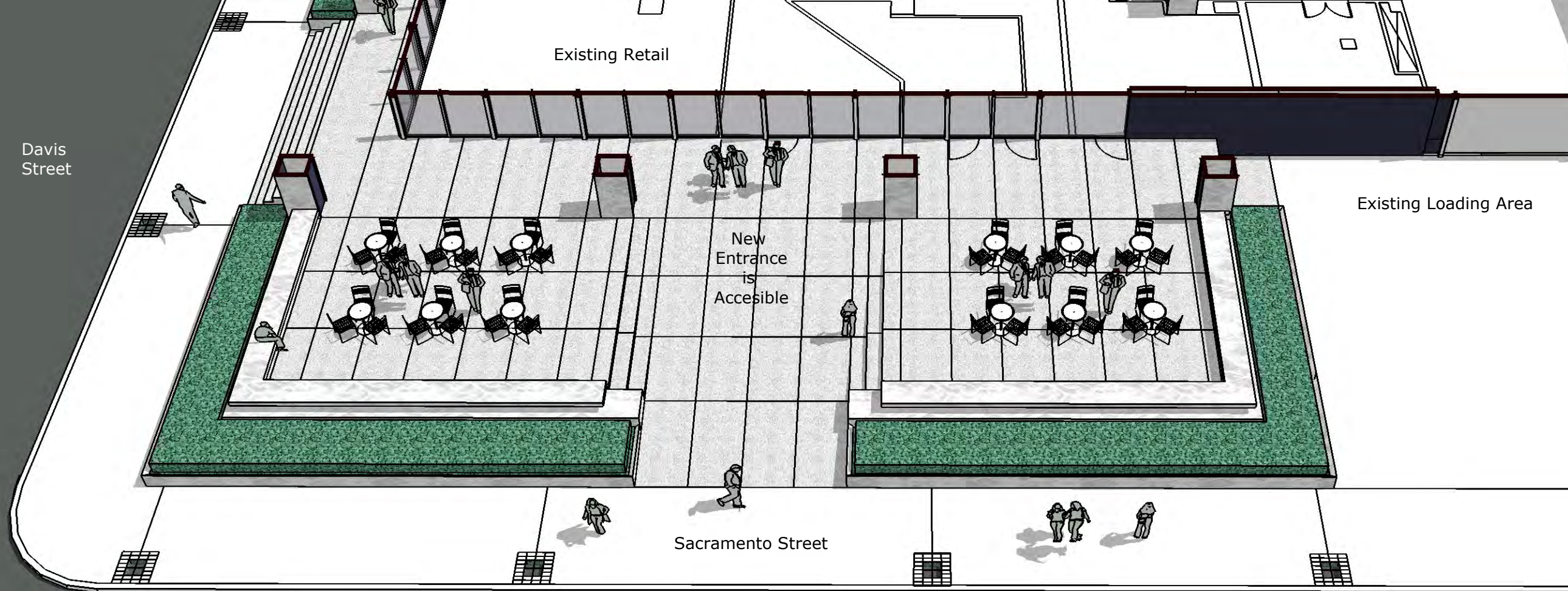
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Site Context
Street-Level
Views



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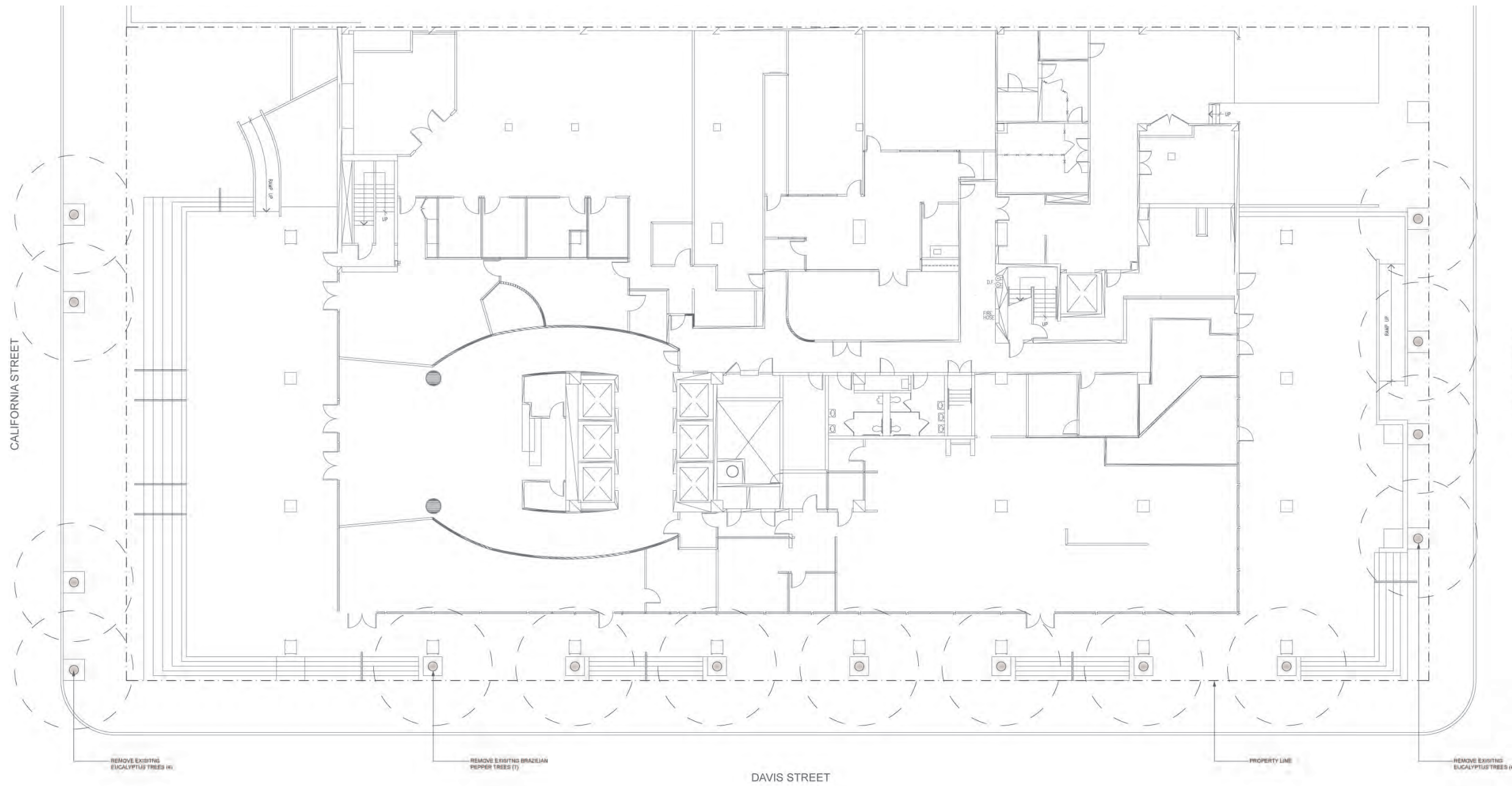
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Site Plan
Diagram



100 CALIFORNIA
 SAN FRANCISCO, CALIFORNIA
 BROADWAY PARTNERS

TREE REMOVAL PLAN
 *SEE CONCEPTUAL LANDSCAPE PLAN FOR NEW TREE PLANTING

LANDSCAPE OFFICE LTD.
 0 4 8 16 NORTH
 SCALE: 1/8"=1'-0"
 NOVEMBER 19, 2007

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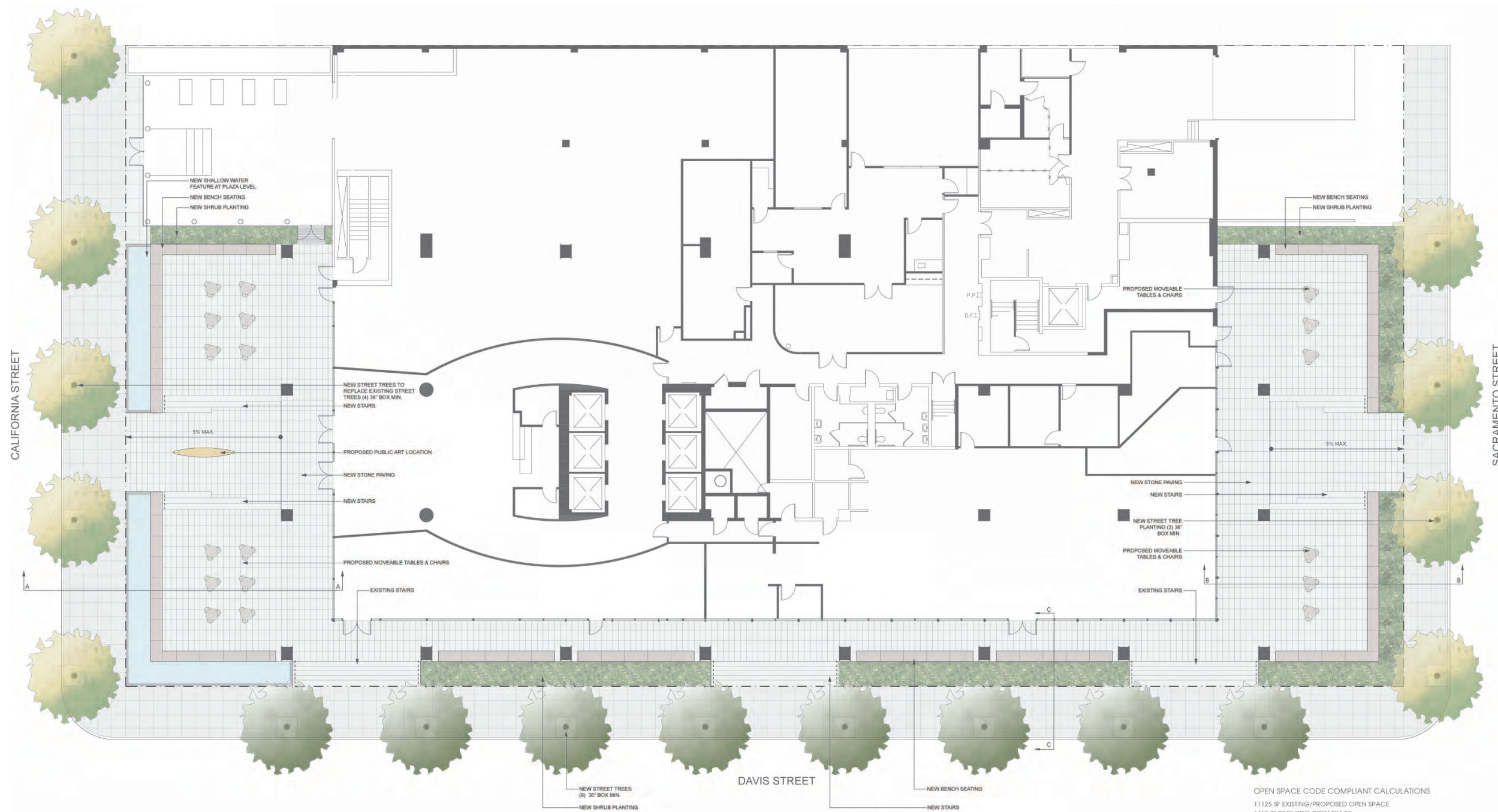
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Tree Removal
 Plan



OPEN SPACE CODE COMPLIANT CALCULATIONS
 11125 SF EXISTING/PROPOSED OPEN SPACE
 6410 SF REQUIRED OPEN SPACE

OPEN SPACE DESIGNATION = PLAZA
 SEATING REQUIREMENTS = 1 LF OF SEATING / LF OPEN SPACE = 320 LF

PROPOSED SEATING
 BENCH SEATING 343 LF
 TABLE/CHAIR SEATING 18/54

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Conceptual
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California Street
Section



100 CALIFORNIA
SAN FRANCISCO, CALIFORNIA
BROADWAY PARTNERS

SACRAMENTO STREET
SECTION B

LANDSCAPE OFFICE LTD.

0 1 2 4

SCALE: 1/2"=1'-0"
NOVEMBER 19, 2007

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Sacramento
Street Section



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Davis Street
 Section

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2658 Bridgway #230 .
Sausalito, CA 94965

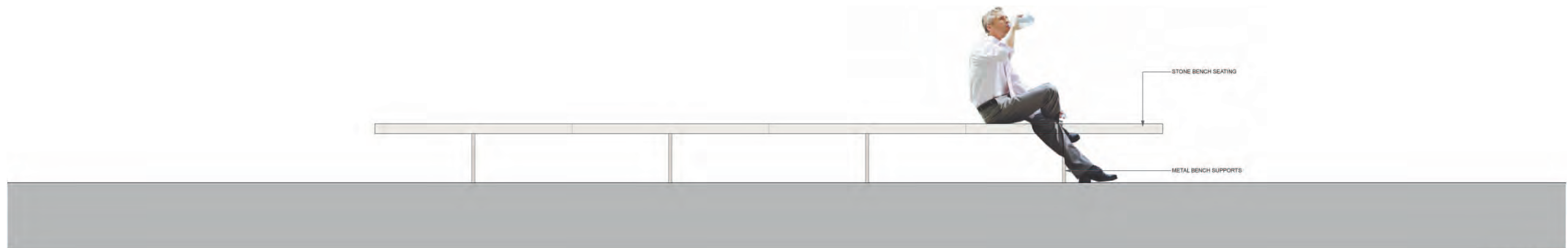
Planning Review
Package
November 21, 2007

100 California
Street

Vertical/Horizontal
Addition
San Francisco, CA

Broadway Partners
375 Park Avenue
Suite 2107
New York, NY
10152

Site Landscape
Bench Detail
Alternates



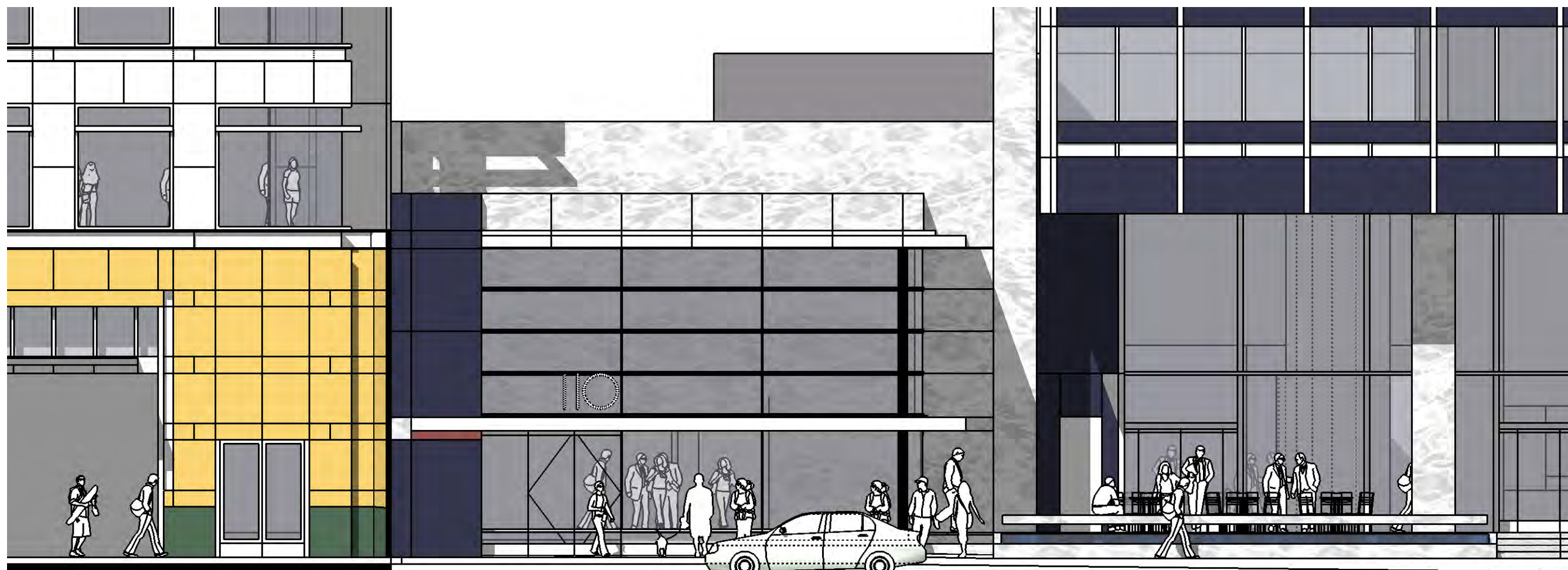
ELEVATION B



ELEVATION A



East Elevation



South Elevation

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100 California
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Horizontal
Addition
Elevations

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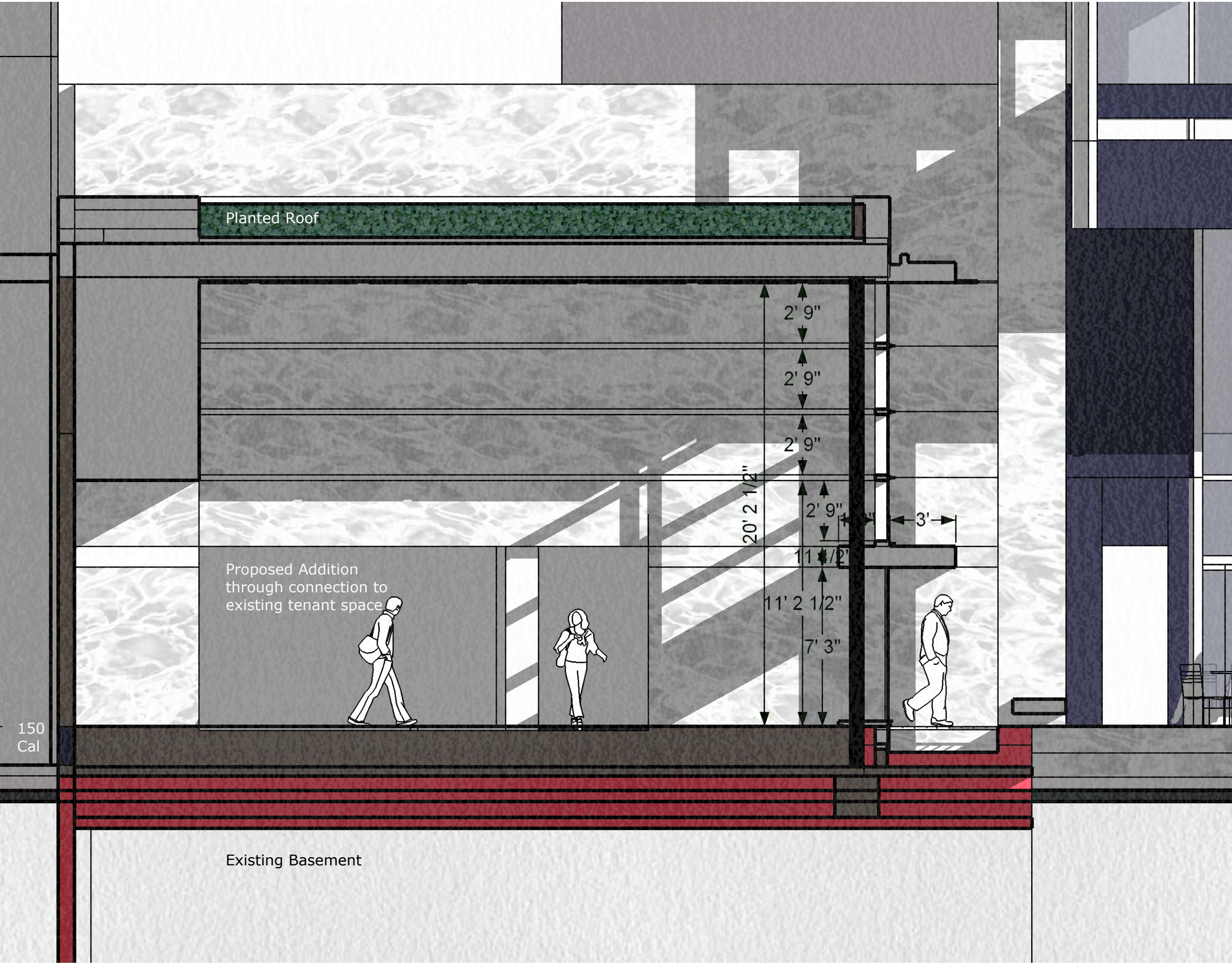
100 California
Street

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Addition
San Francisco, CA

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Suite 2107
New York, NY
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Horizontal
Addition
E-W Section
1/4" = 1'0"

15

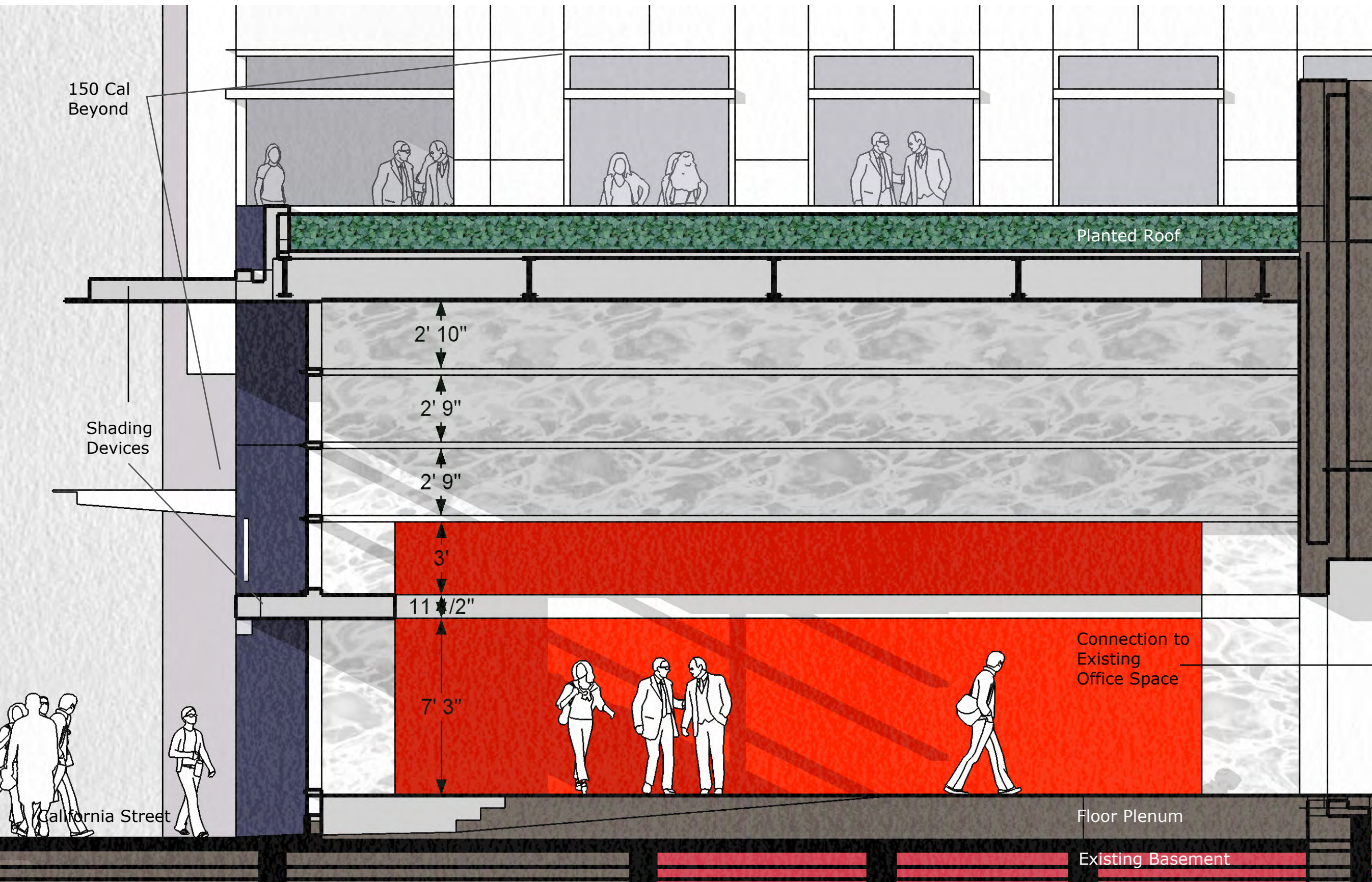


Planted Roof

Proposed Addition
through connection to
existing tenant space

Existing Basement

150
Cal



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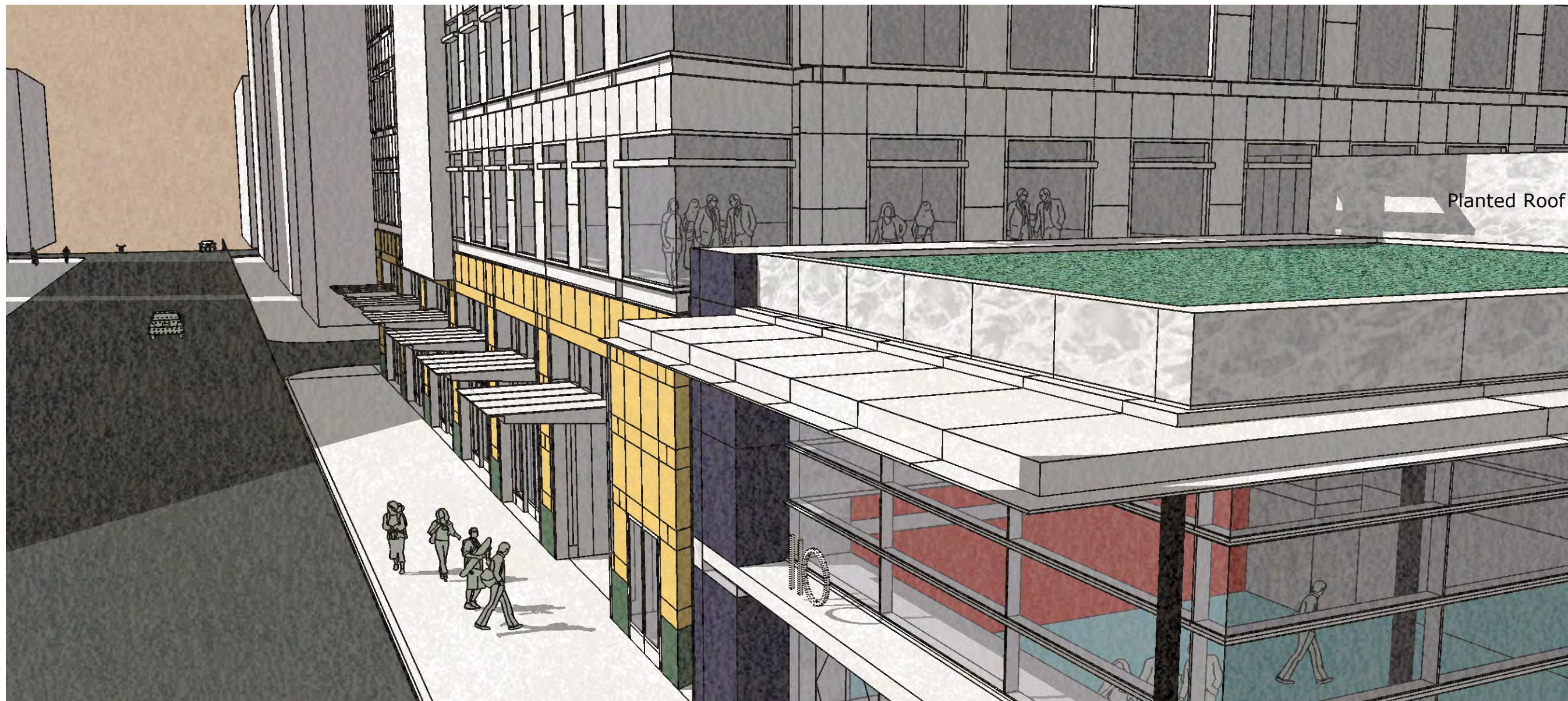
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Addition
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Horizontal
Addition
N-S Section
1/4" = 1'0"



Planted Roof

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Horizontal
Addition
Views



California Street Plaza

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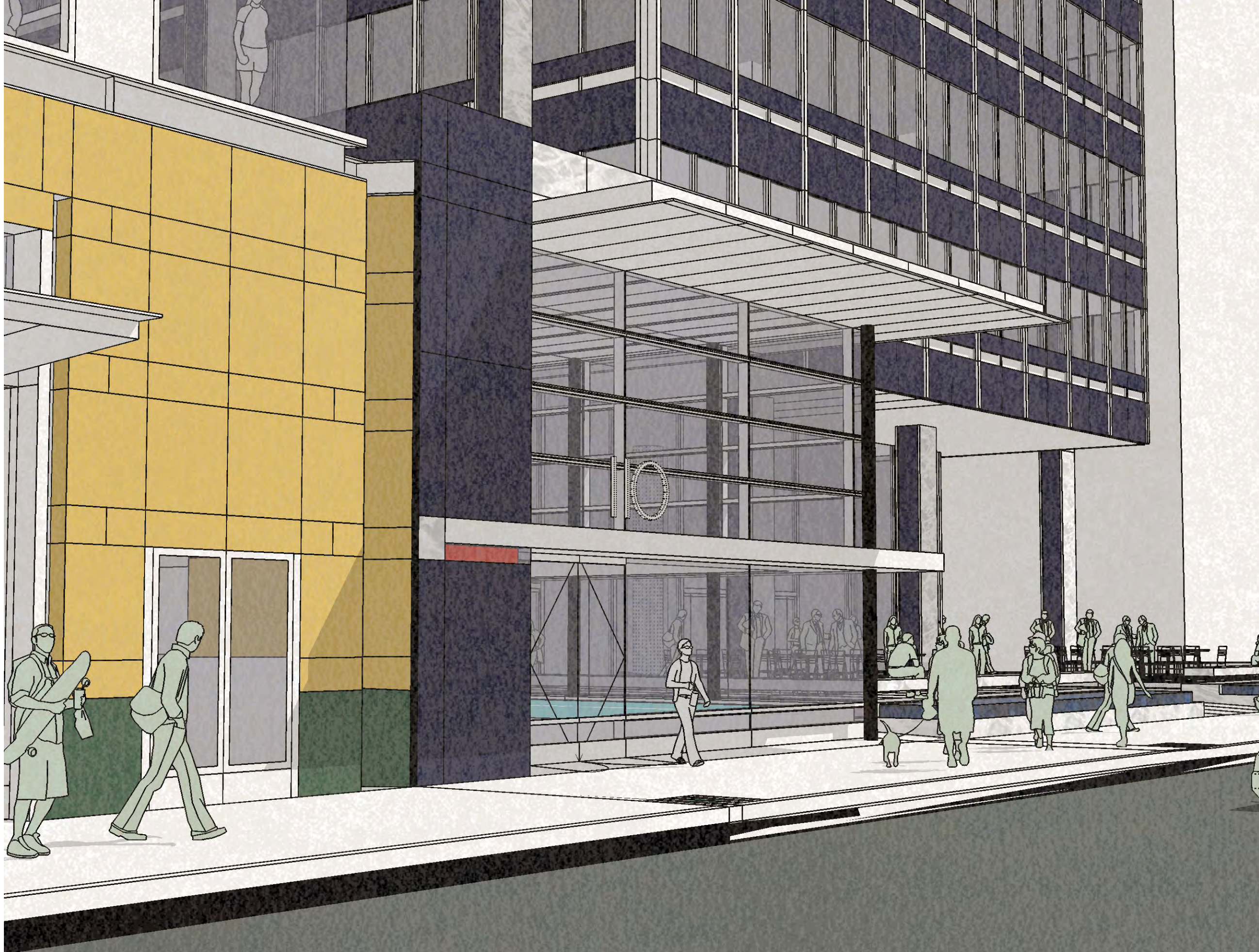
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Street

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Horizontal
Addition
Views



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Horizontal
Addition
Relationship



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Horizontal
Addition
Rendering

20



Trees Removed in this image to see Architecture - See Landscape Plan for Proposed Site Renovation

Embarcadero center Beyond

50 california

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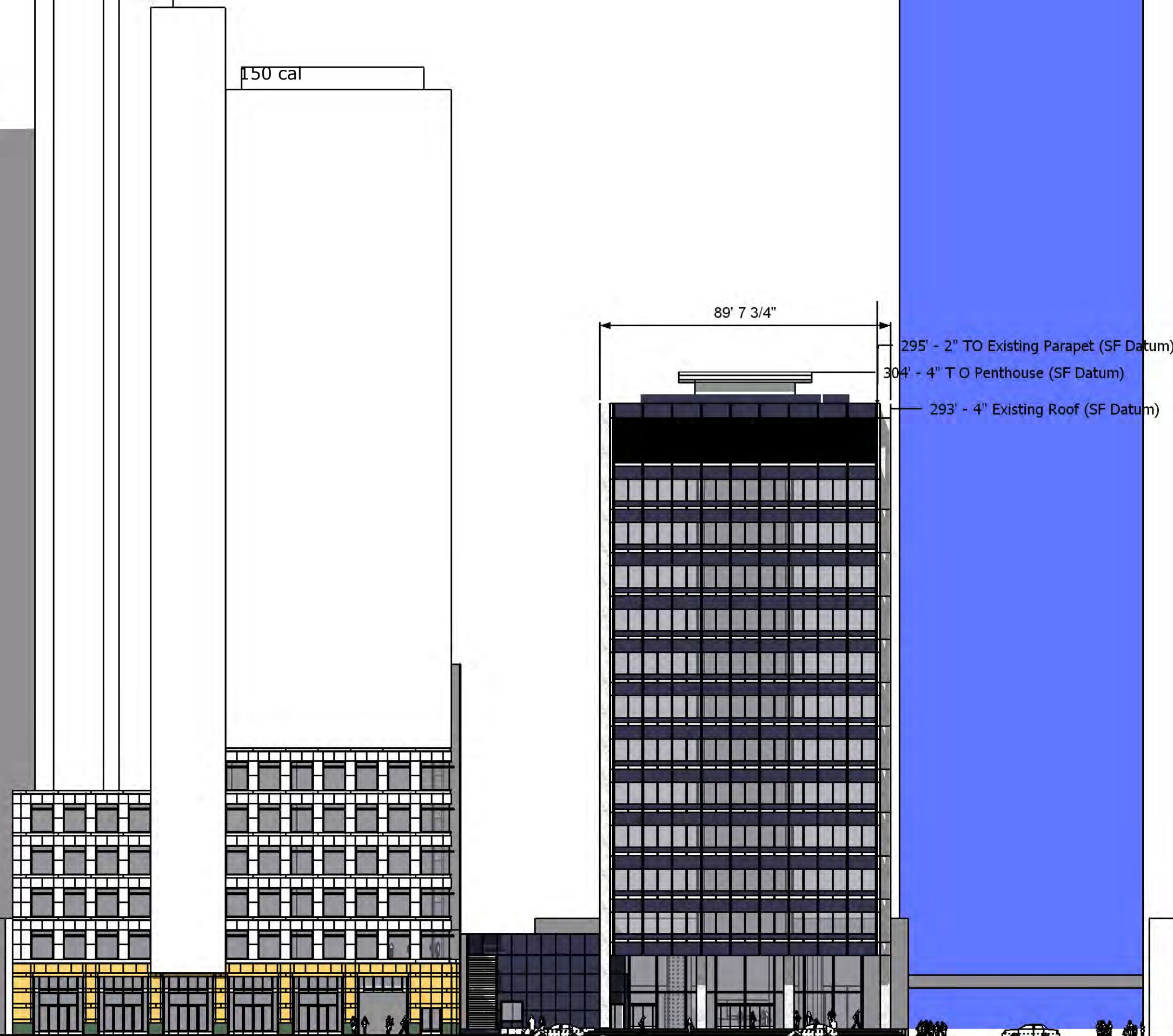
100 California
Street

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Addition
San Francisco, CA

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Suite 2107
New York, NY
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Existing
California Street
Elevations

21



Embarcadero center Beyond

50 california

150 cal

Elev. T. O. Mech. Screen (Elev. 385'-10")

5' 0" Glass Parapet (Roof Elev. 370' - 10")

12' Level 20

12' Level 19

12' Level 18

12' Level 17

12' Level 16

12' - 0" Level 15 (Elevation 298' - 10")

5' 6" (Existing Roof Elev. 293'-4")

102' - 6" First floor Elevation (SF Datum)

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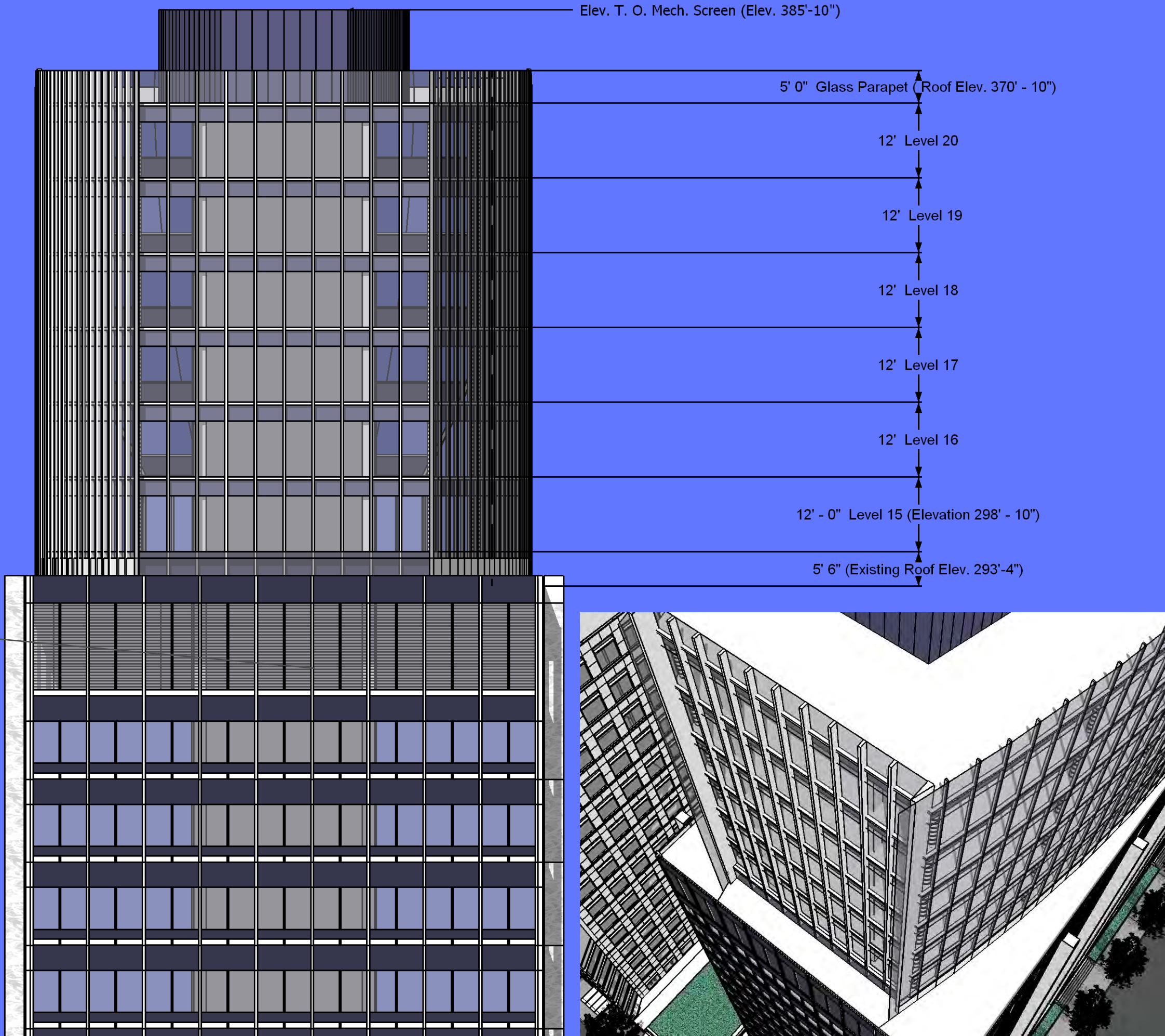
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100 California
Street

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Addition
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Vertical Addition
California Street
Elevations



New Glazing added to 14th Floor Office Areas

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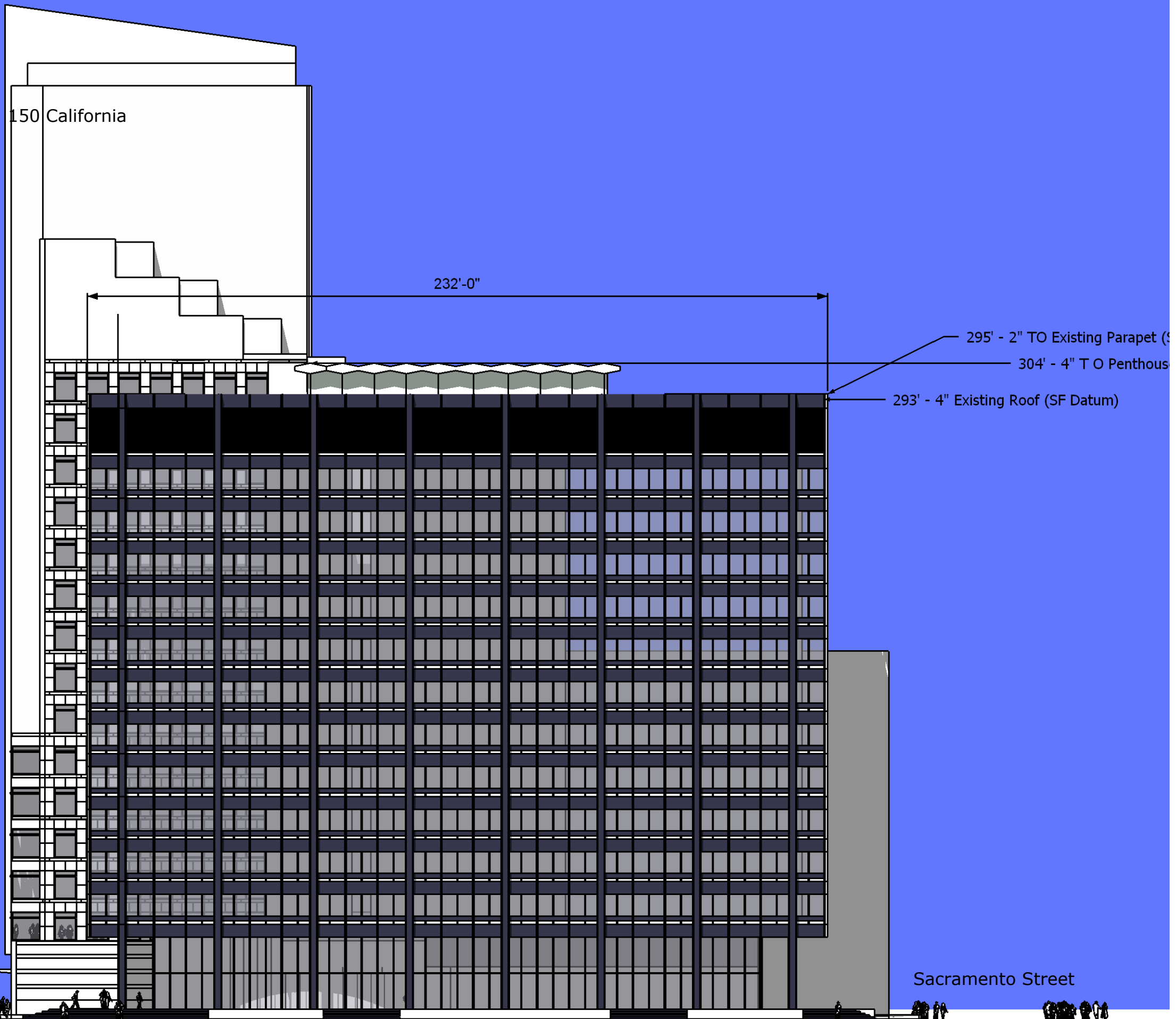
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100 California
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Vertical/Horizontal
Addition
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Vertical Addition
California Street
Elevations



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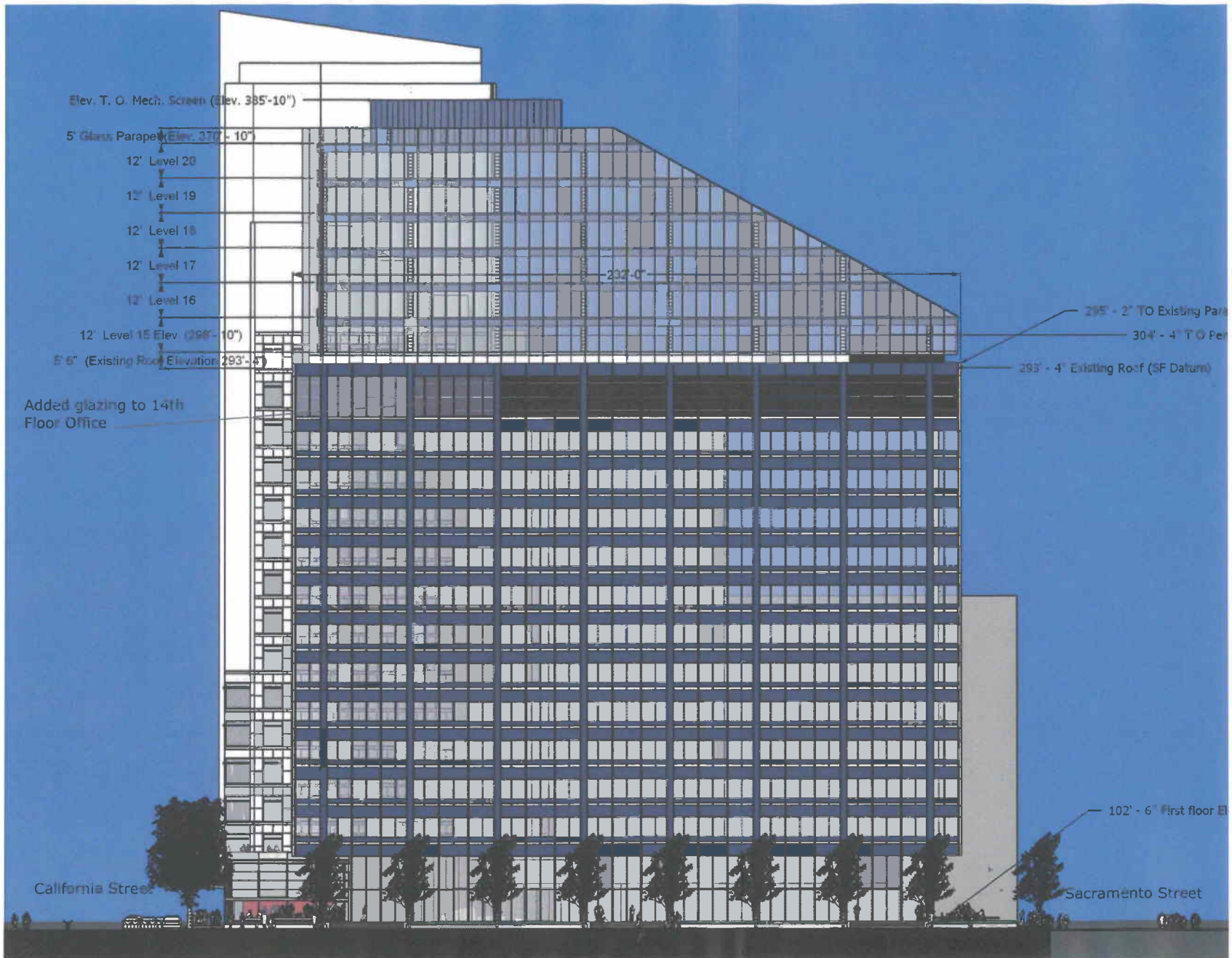
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100 California
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Vertical/Horizontal
Addition
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Existing
Davis Street
Elevations



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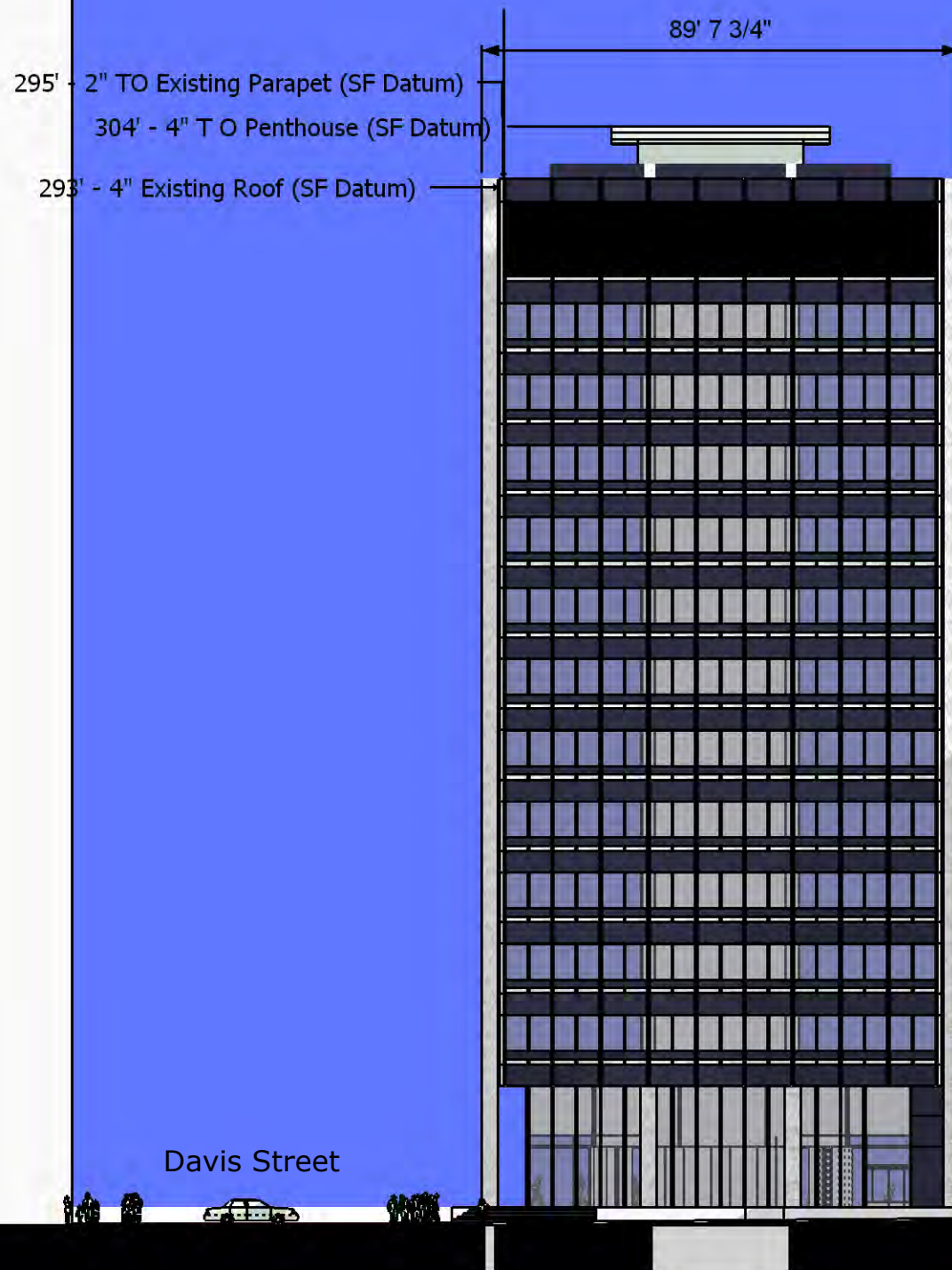
100 California
 Street

Vertical/Horizontal
 Addition
 San Francisco, CA

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 New York, NY
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Vertical Addition
 Davis Street
 Elevations

25



295' - 2" TO Existing Parapet (SF Datum)
 304' - 4" T O Penthouse (SF Datum)
 293' - 4" Existing Roof (SF Datum)

89' 7 3/4"

150 california

50 California Building

Davis Street

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Existing
 Sacramento St.
 Elevations

Elev. T. O. Mech. Screen (Elev. 385'-10")

5' 0" Glass Parapet (Roof Elev. 370' - 10")

12' Level 20

12' Level 19

12' Level 18

12' Level 17

12' Level 16

12' - 0" Level 15 (Elevation 298' - 10")

5' 6" (Existing Roof Elev. 293'-4")

102' - 6" First floor Elevation (SF Datum)

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100 California
Street

Vertical/Horizontal
Addition
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Vertical Addition
Sacramento St.
Elevations

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Street

Vertical/Horizontal
Addition
San Francisco, CA

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Vertical Addition
Sacramento St.
Elevation

Elev. T. O. Mech. Screen (Elev. 385'-10")

5' 0" Glass Parapet (Roof Elev. 370' - 10")

12' Level 20

12' Level 19

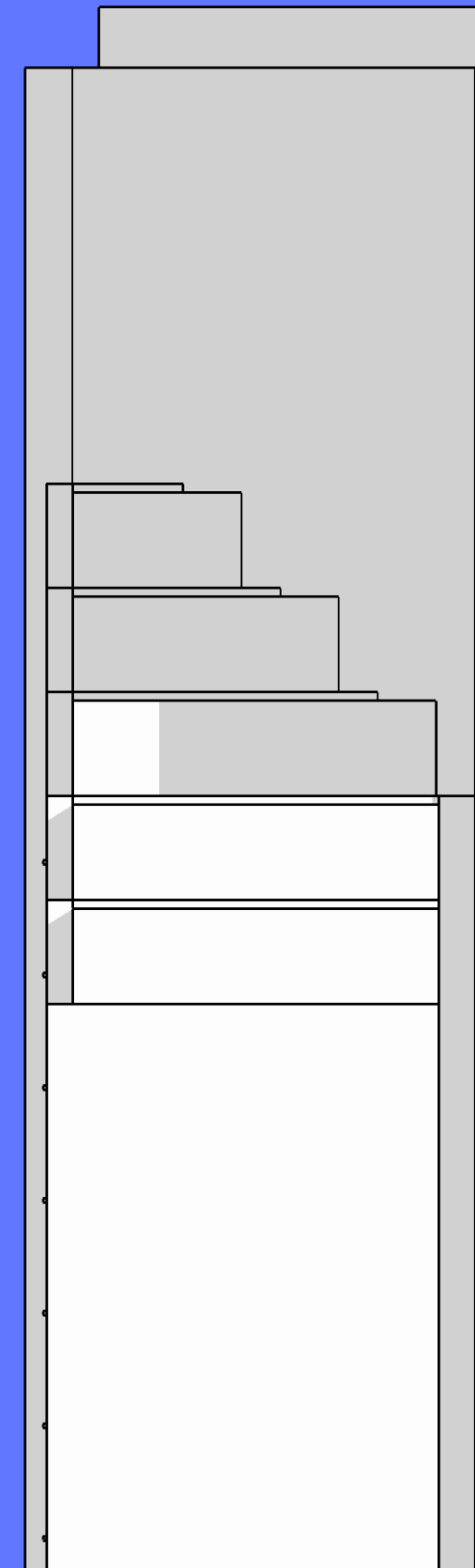
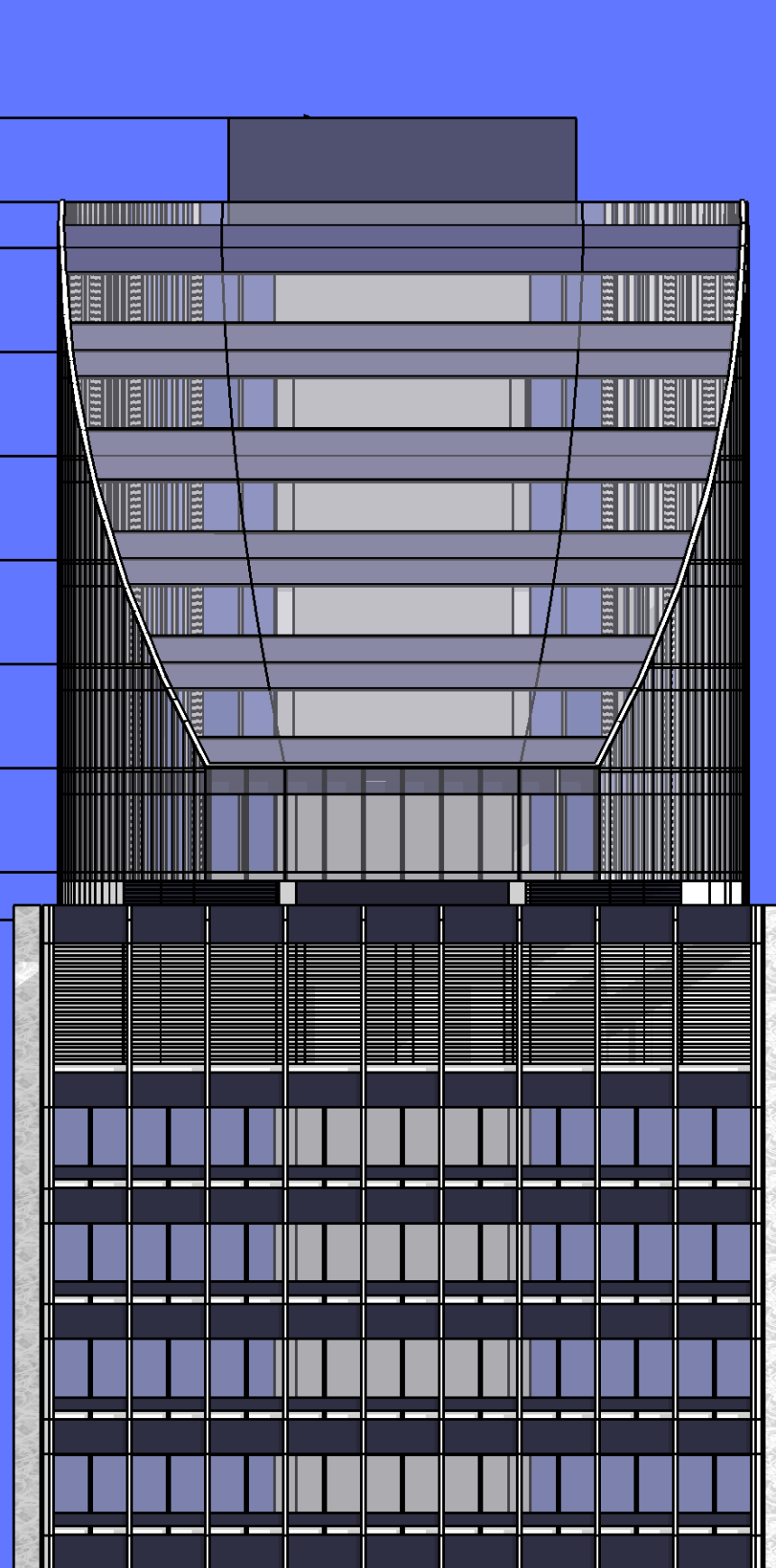
12' Level 18

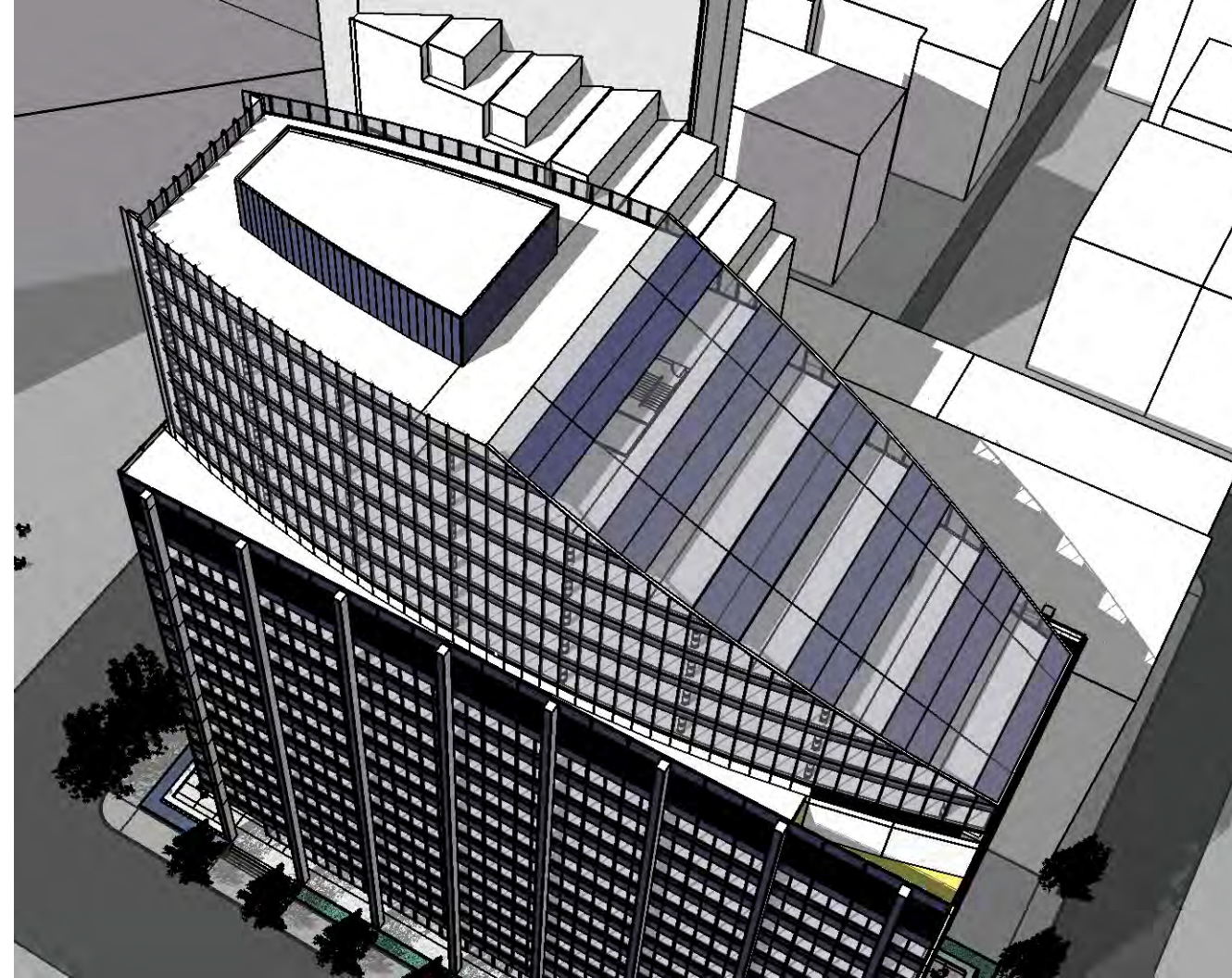
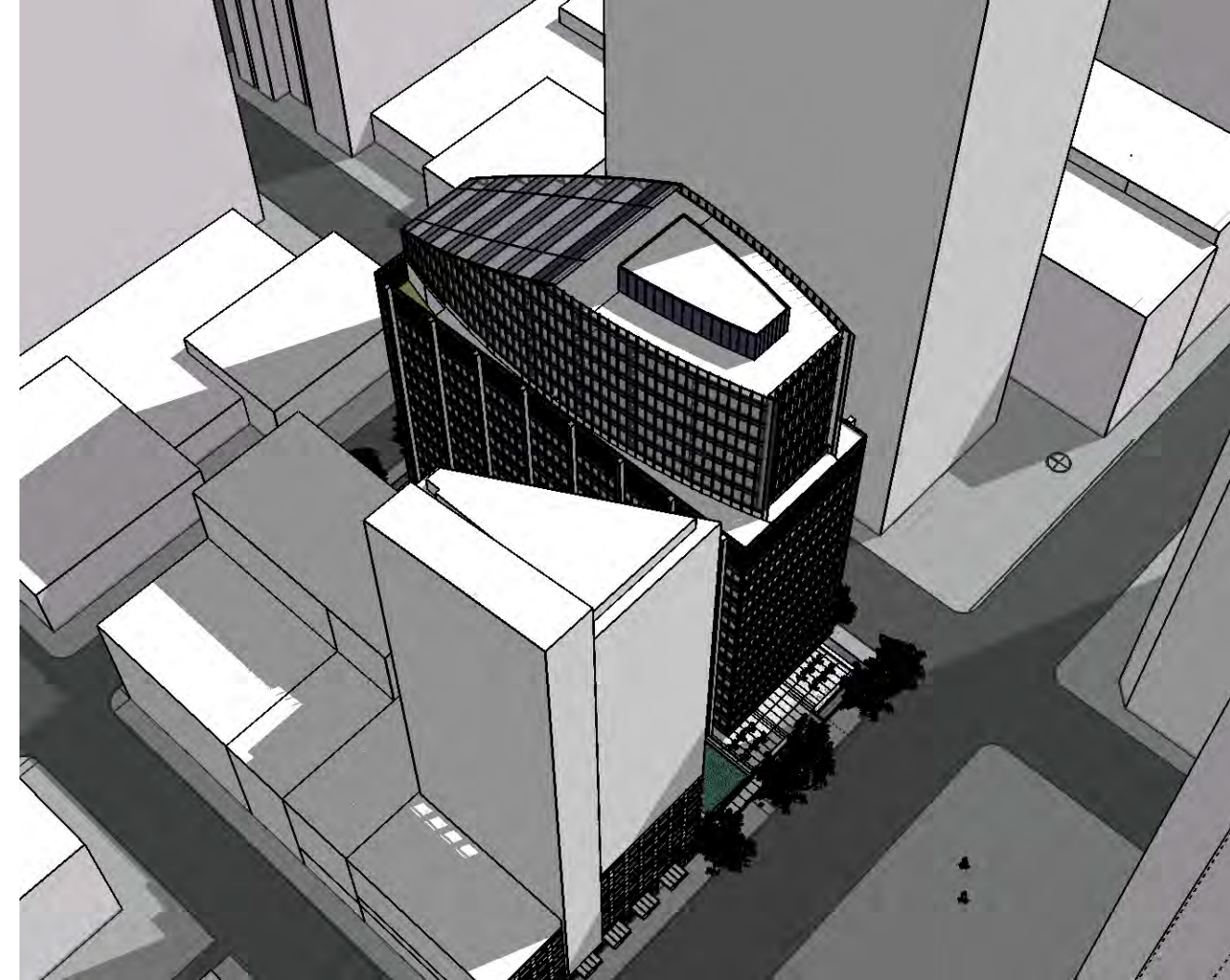
12' Level 17

12' Level 16

12' - 0" Level 15 (Elevation 298' - 10")

5' 6" (Existing Roof Elev. 293'-4")





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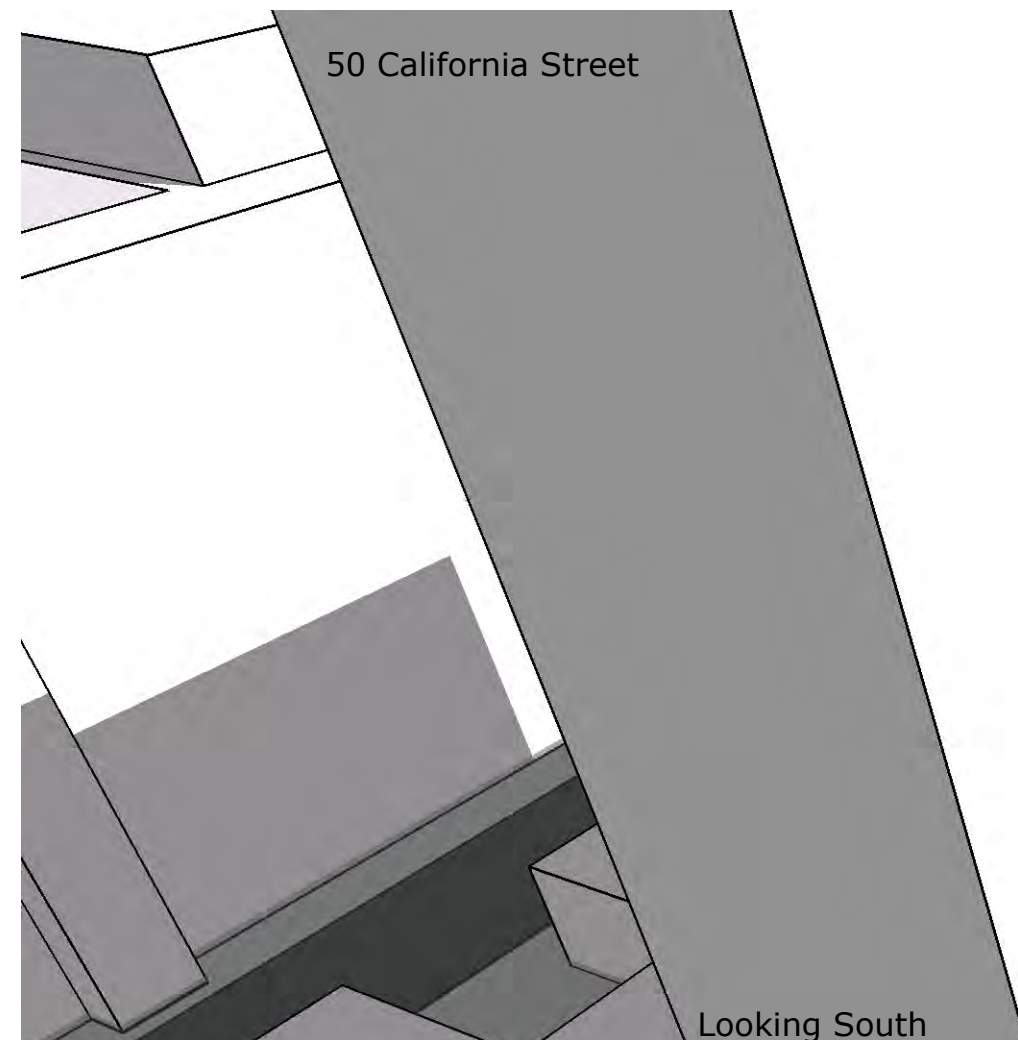
Planning Review
Package
November 21, 2007

100 California
Street

Vertical/Horizontal
Addition
San Francisco, CA

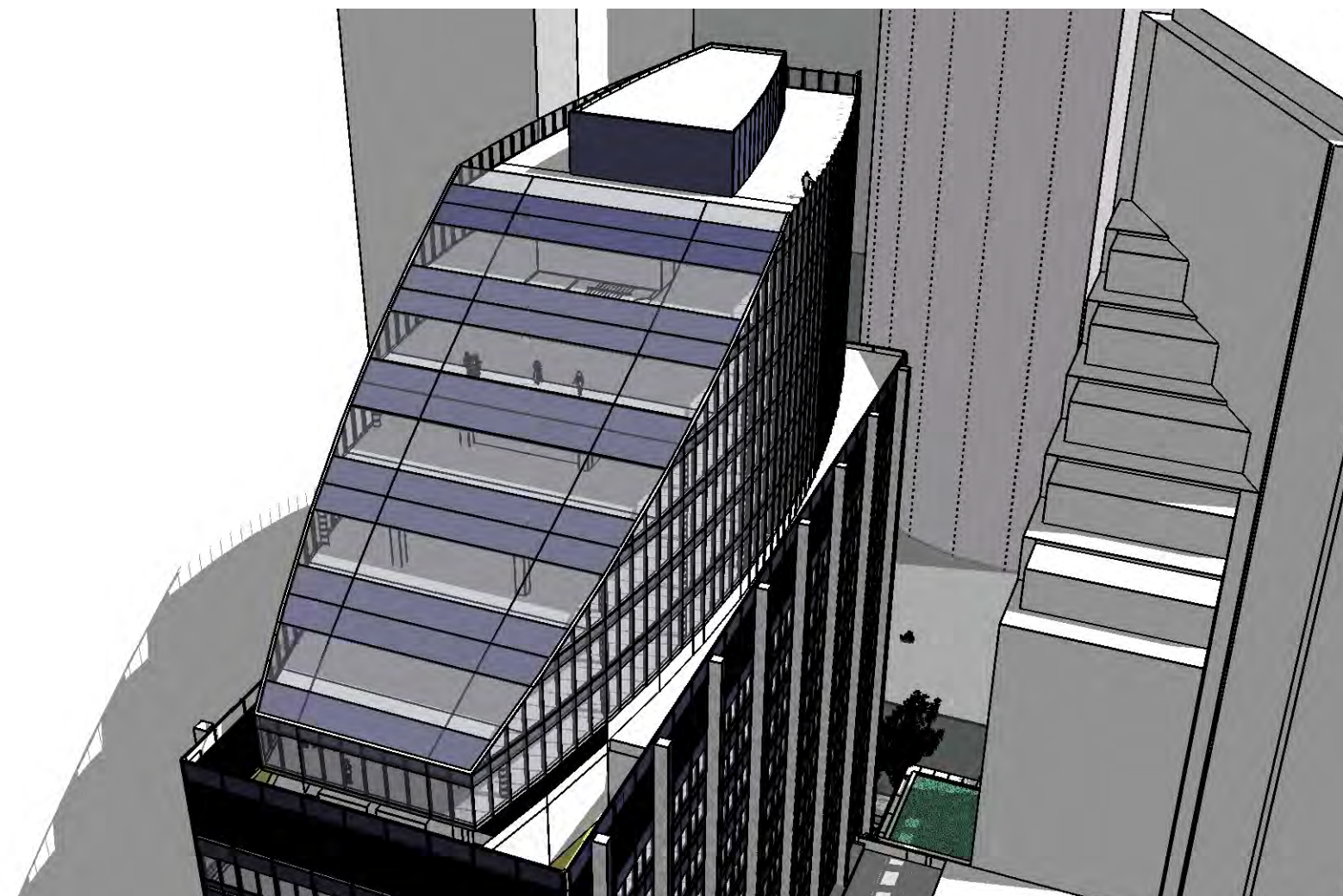
Broadway Partners
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New York, NY
10152

Vertical Addition
3d Arial views



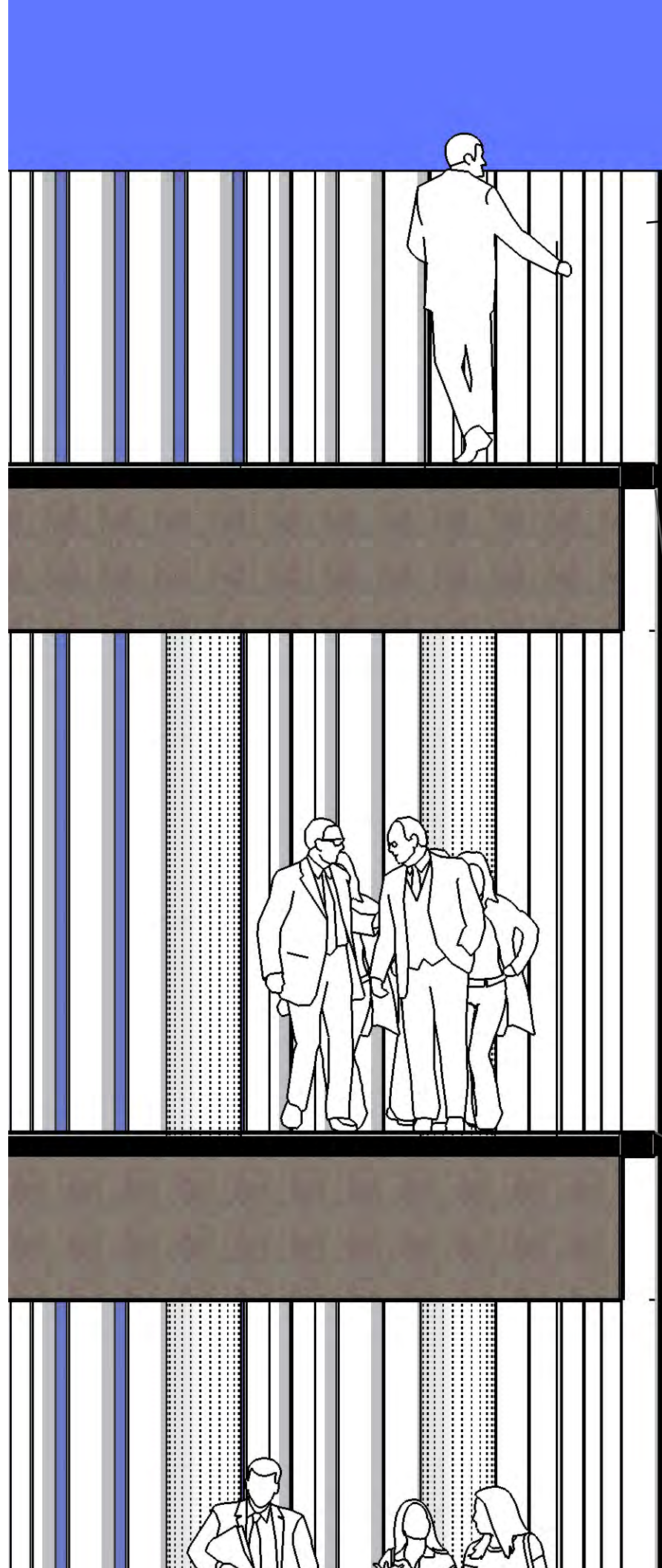
50 California Street

Looking South



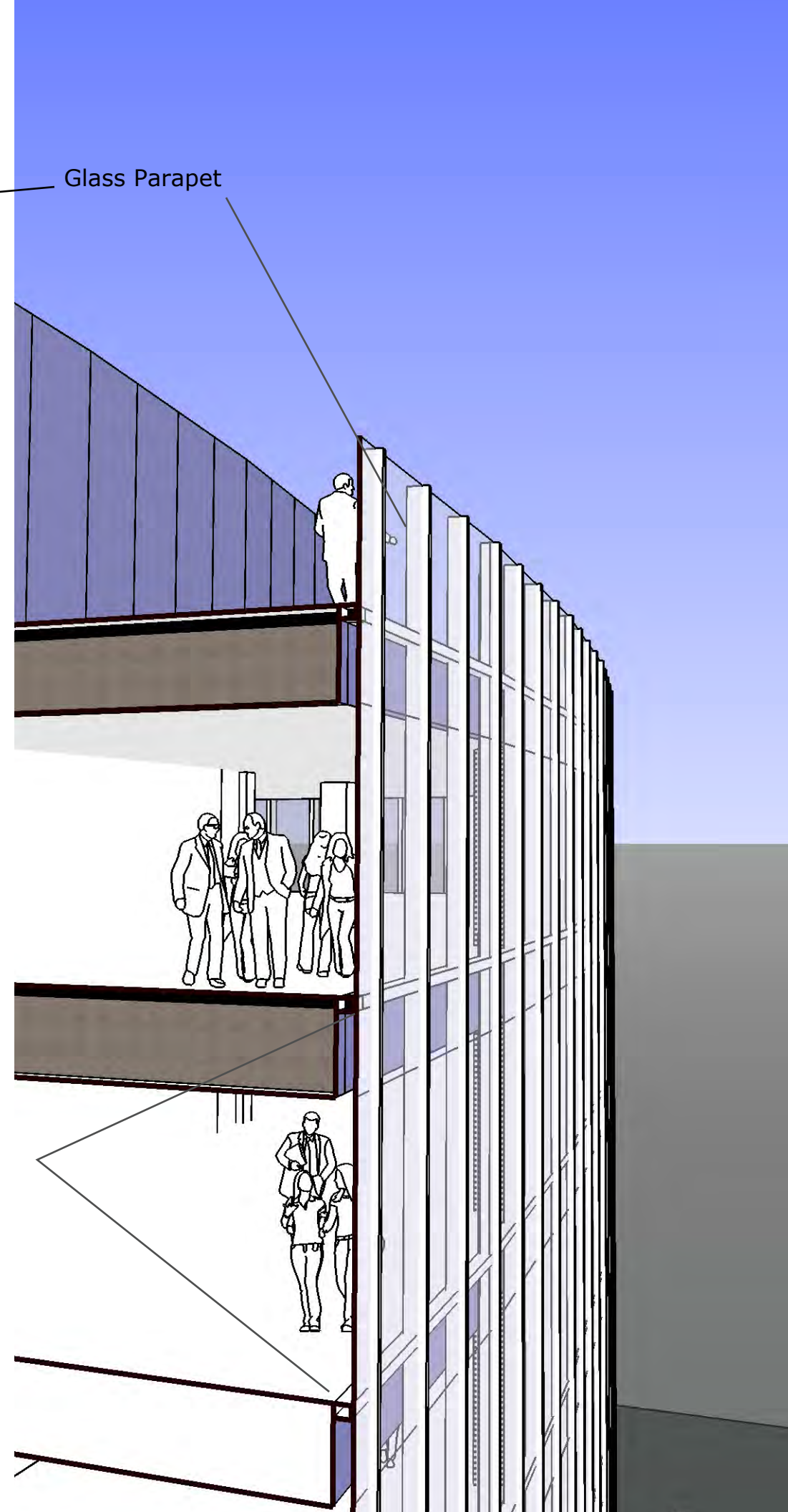
Roof Level

Level 20



Glass Parapet

Full Height
Glazing



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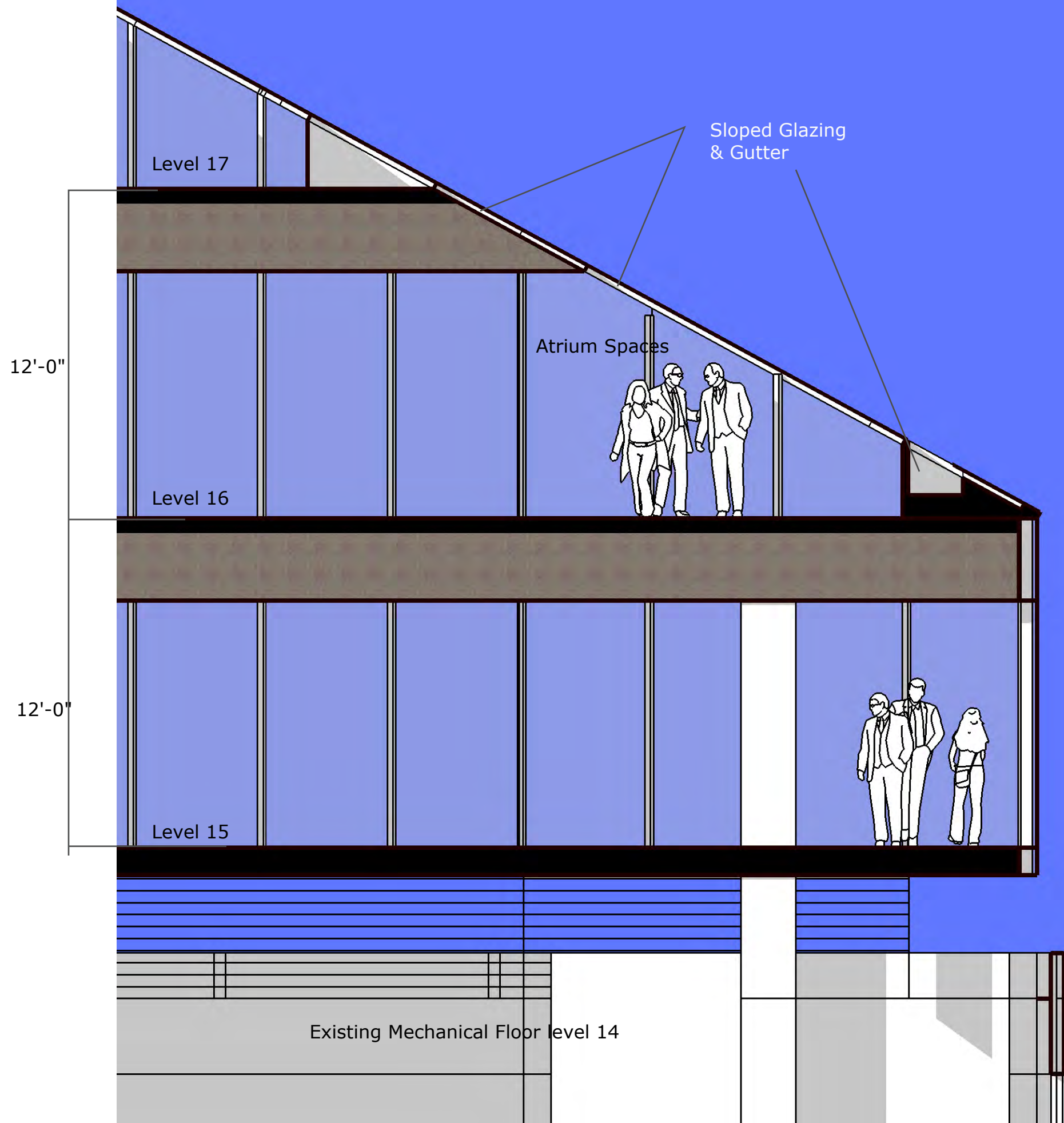
100 California
Street

Vertical/Horizontal
Addition
San Francisco, CA

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Vertical Addition
E-W Building
Section

30



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Vertical Addition
N-S Building
Section



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Vertical Addition
California Street
Rendering



View from Embarcadero Center
pedestrian bridge over Front Street



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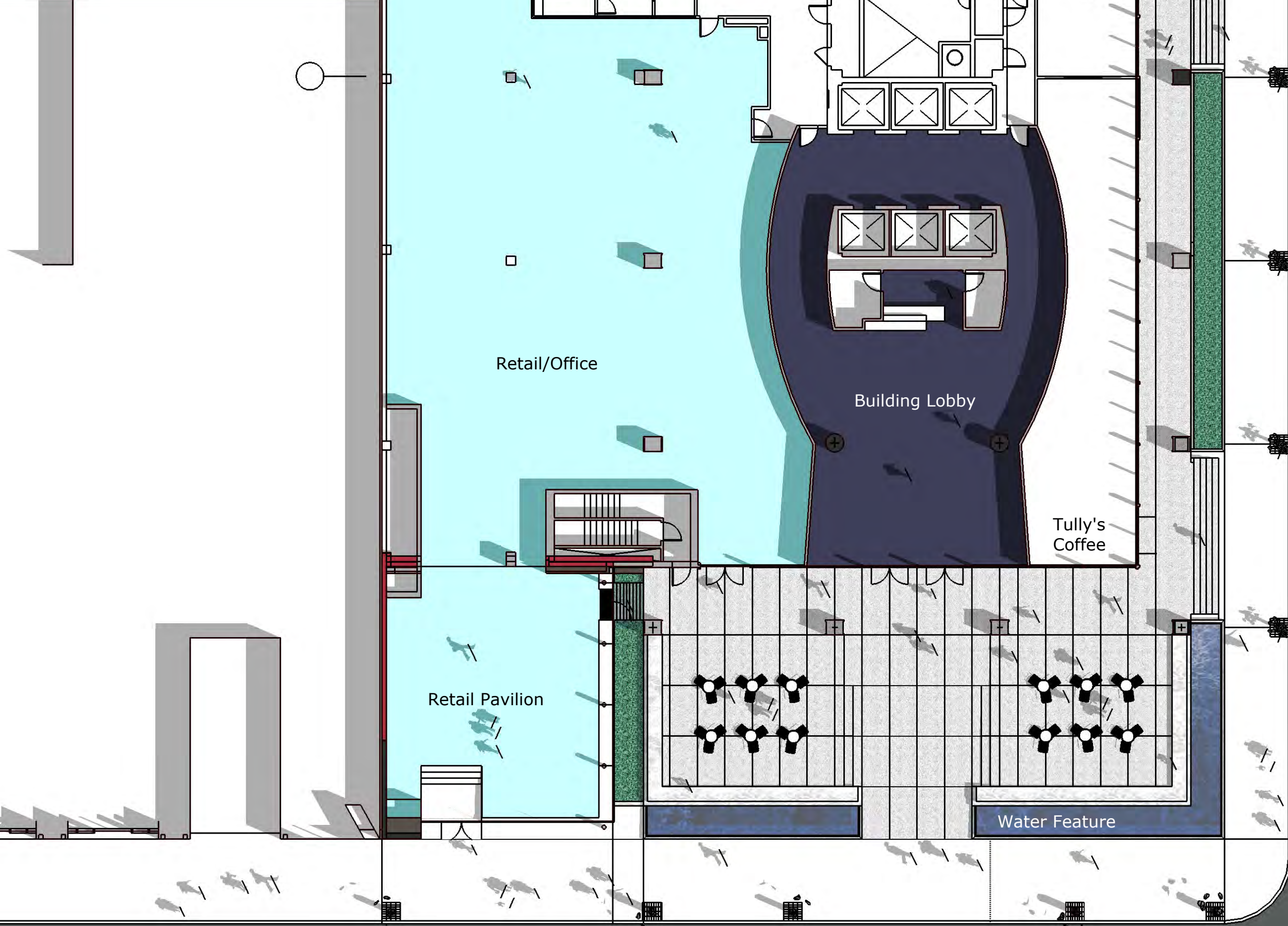
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Addition
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Vertical Addition
Embarcadero
Center View



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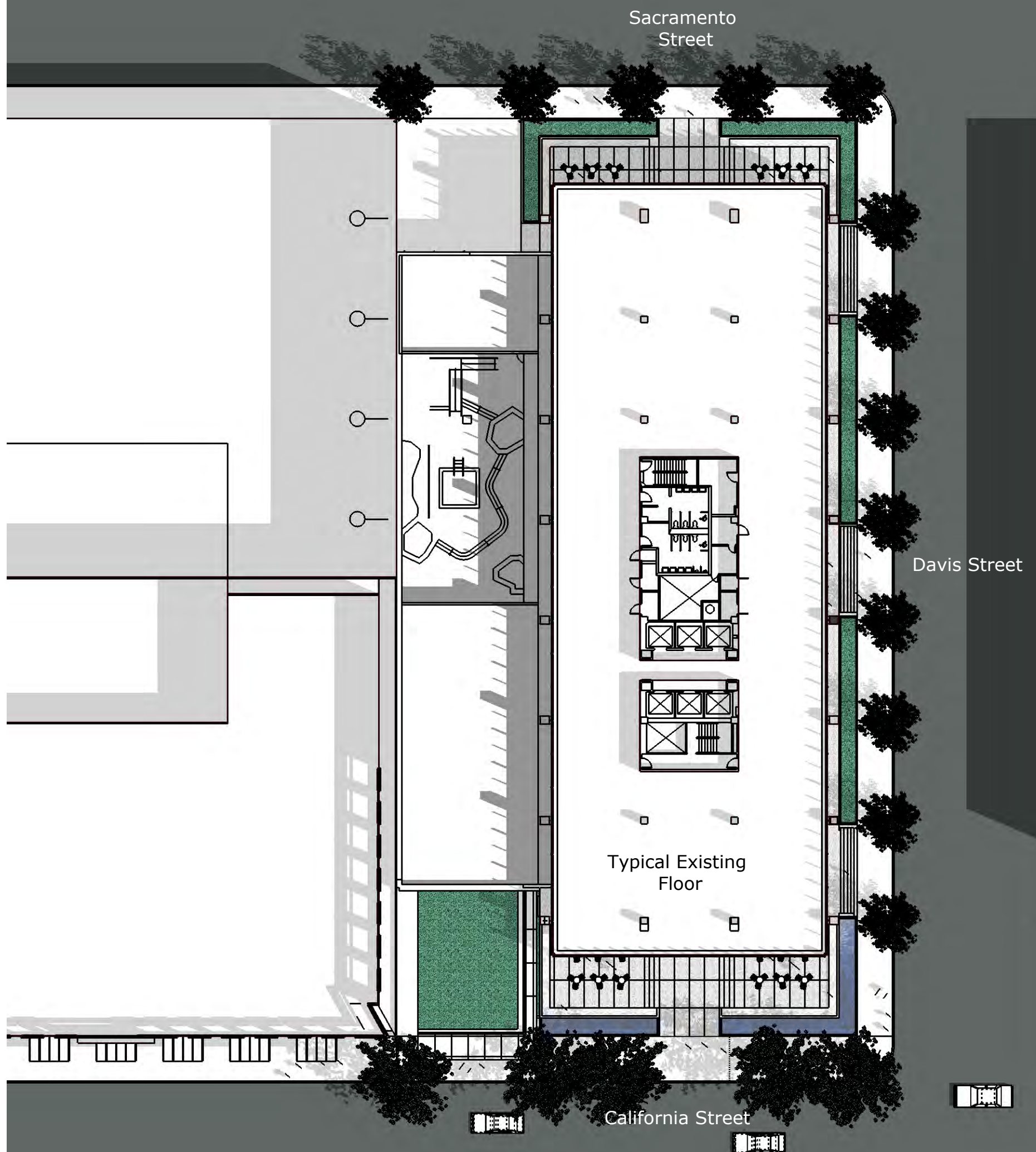
100 California
Street

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Addition
San Francisco, CA

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Ground
Floor Plan
1/16" = 1'-0"

California
Street

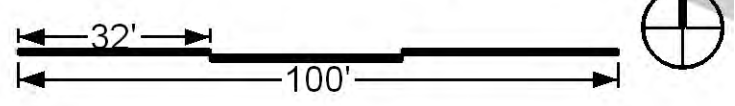


Sacramento Street

Davis Street

Typical Existing Floor

California Street



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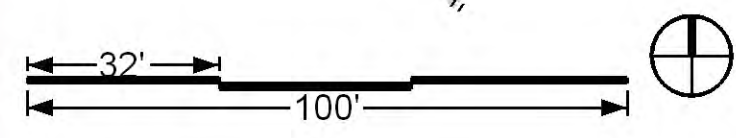
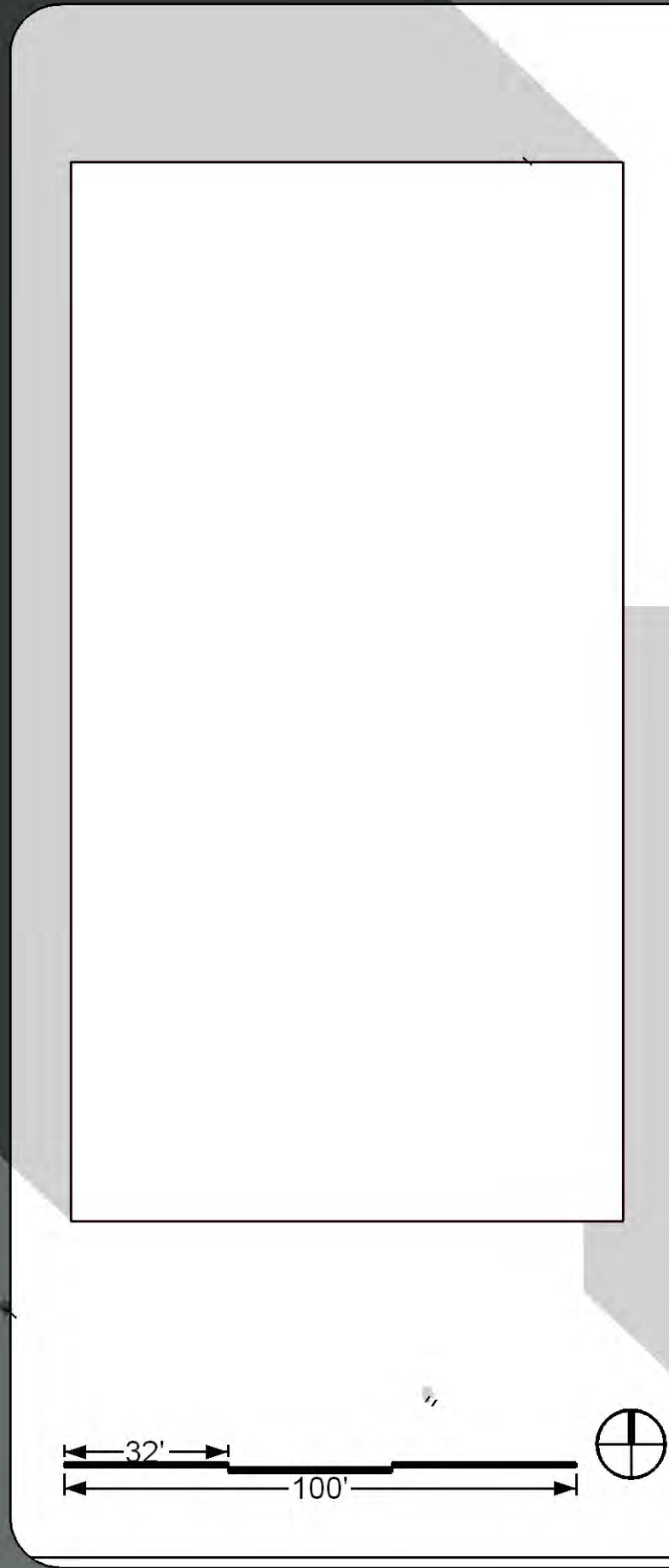
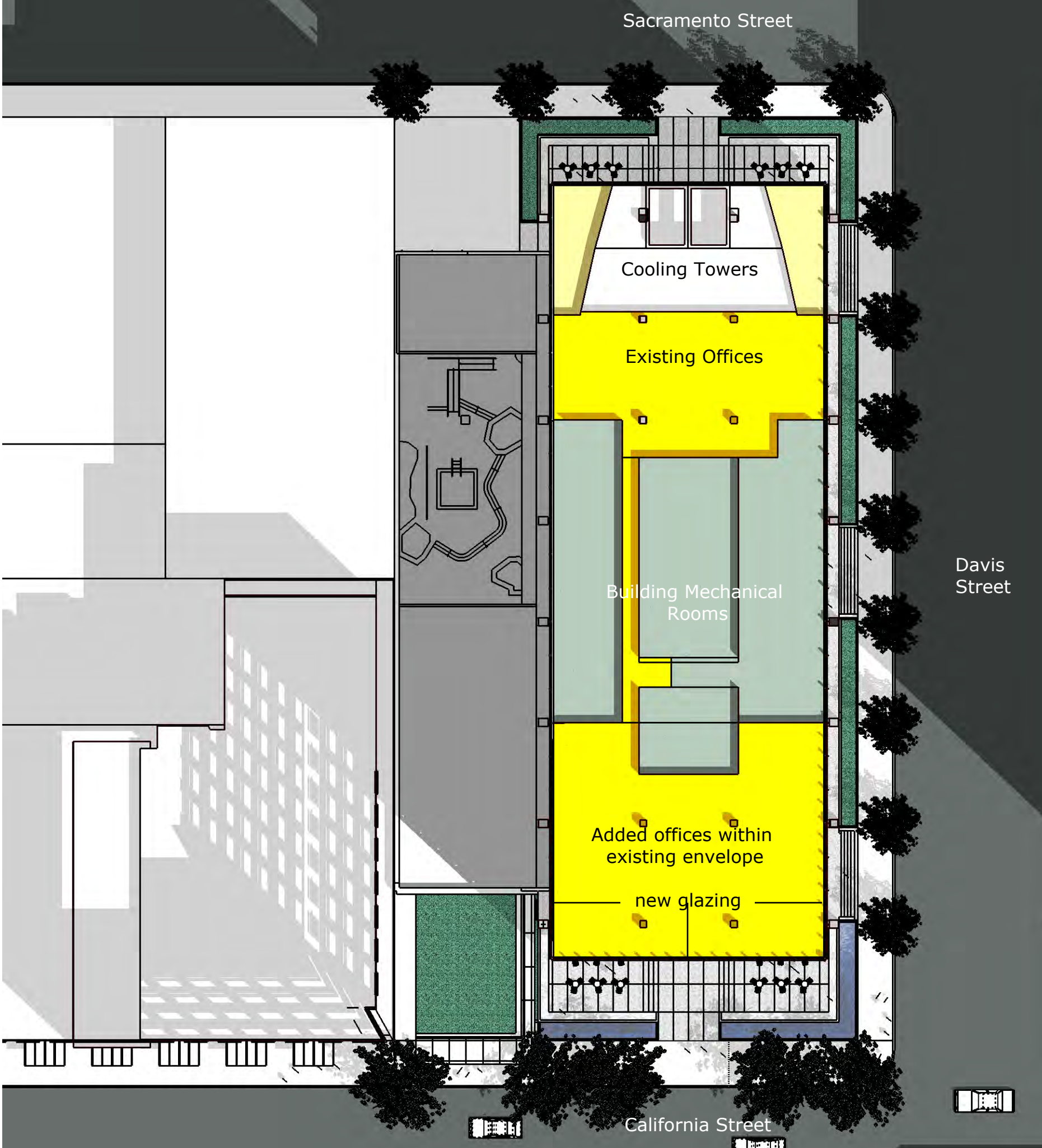
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Existing Typical
Floor Plan



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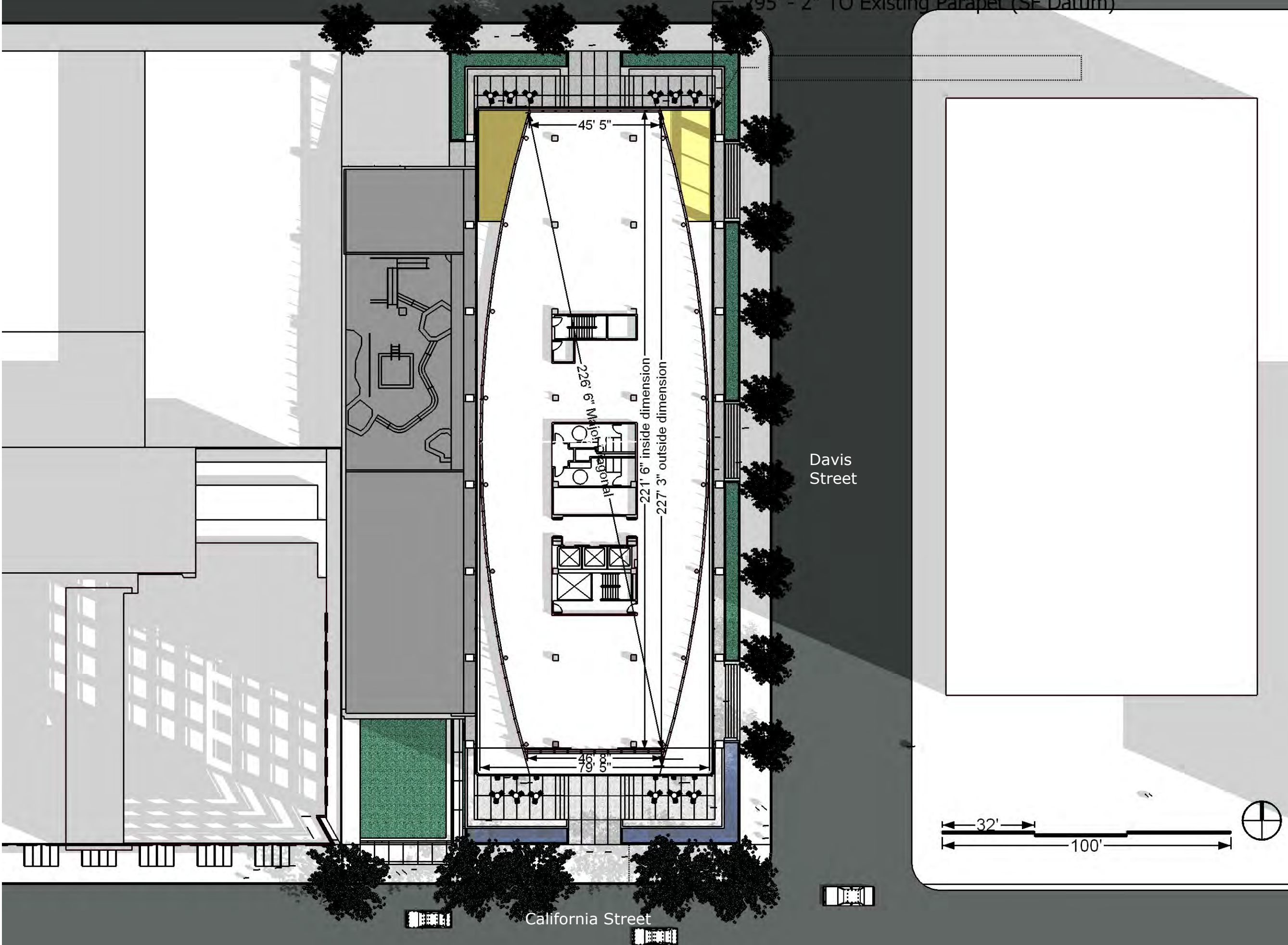
Vertical/Horizontal
Addition
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Remodeled
Level 14
Floor Plan

Sacramento Street

295' - 2" TO Existing Parapet (SF Datum)



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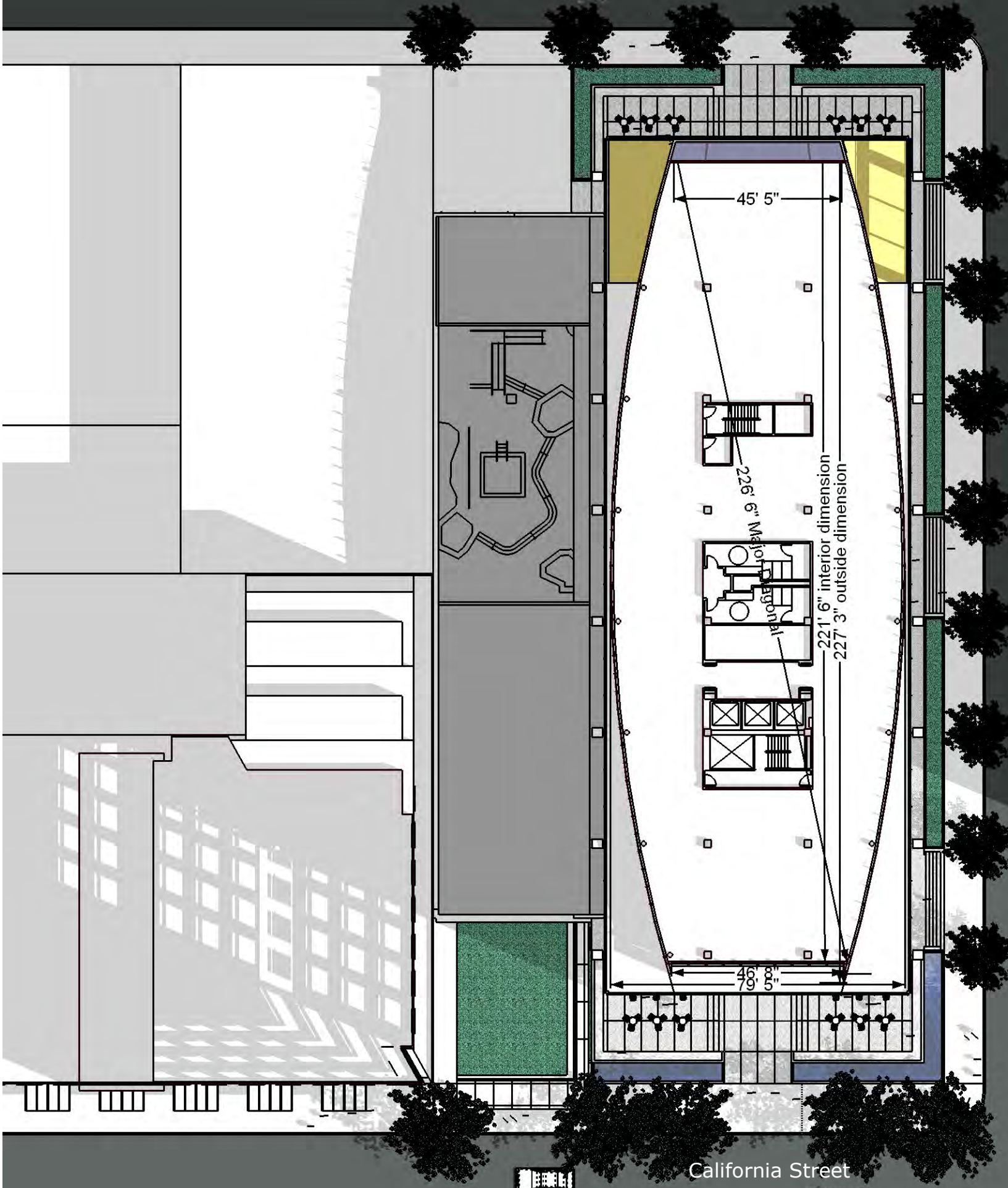
100 California
 Street

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 Addition
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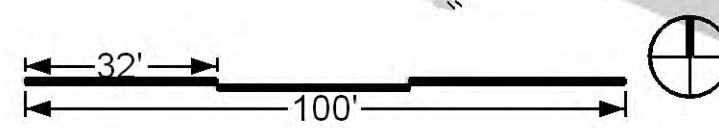
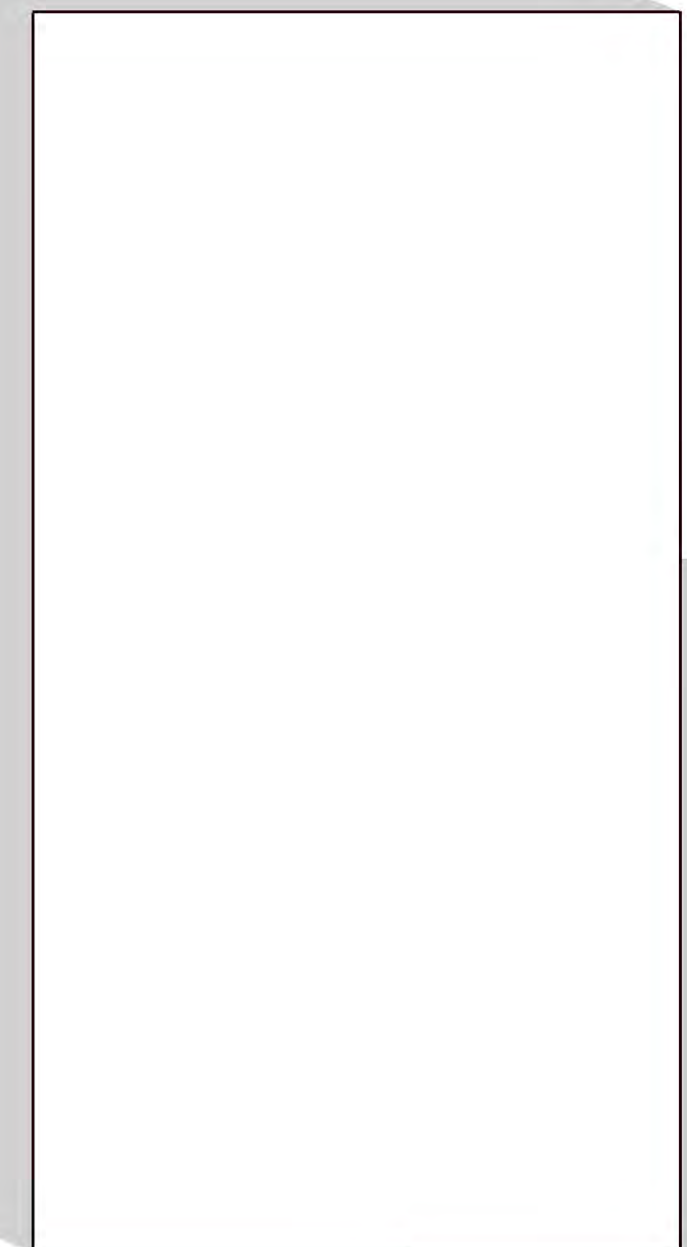
Added
 Level 15
 Floor Plan

Sacramento Street



Davis Street

California Street



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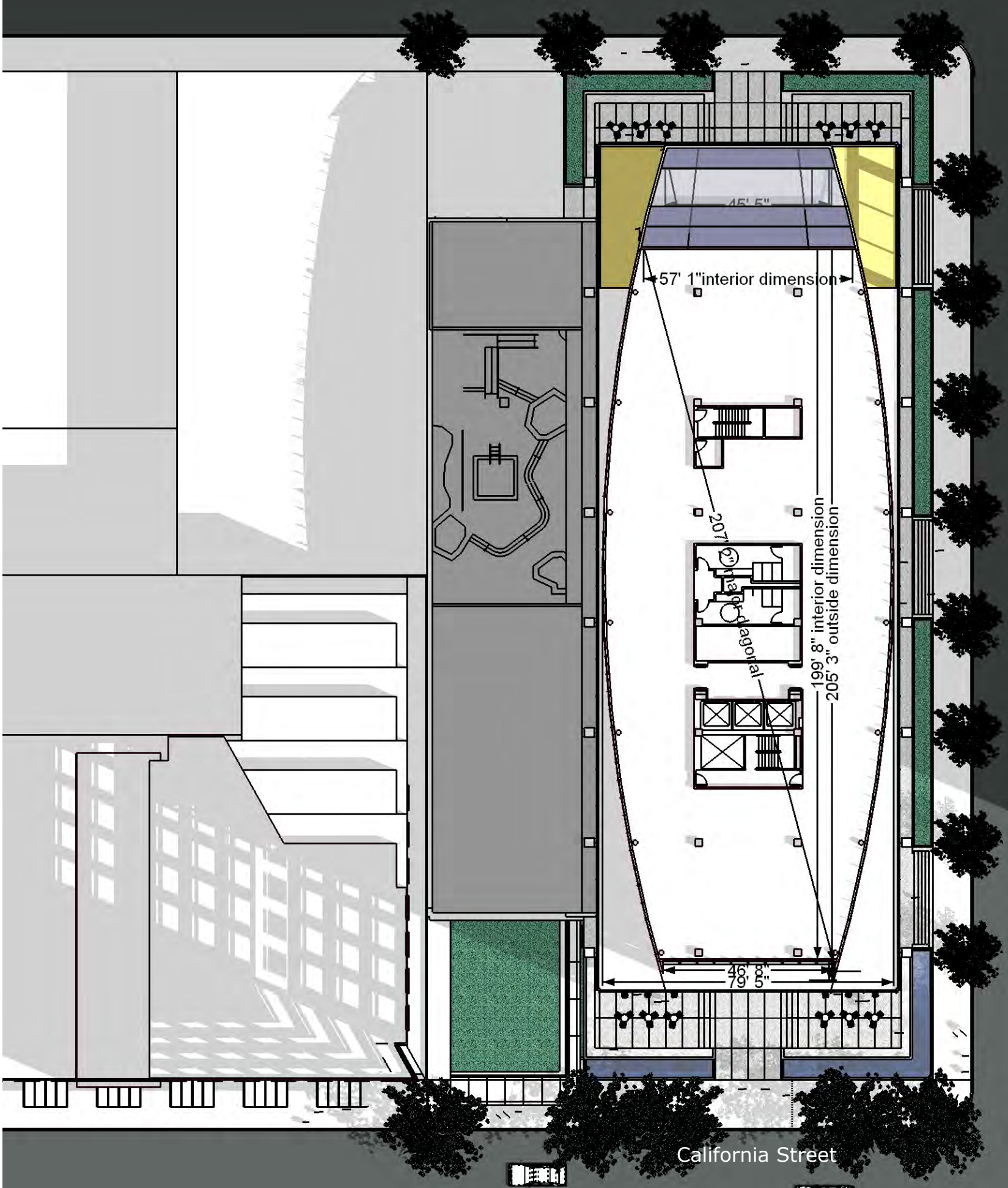
100 California
 Street

Vertical/Horizontal
 Addition
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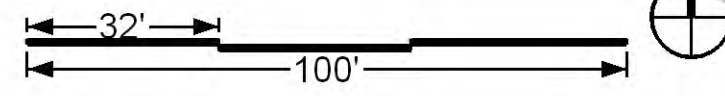
Added
 Level 16
 Floor Plan

Sacramento Street



Davis Street

California Street



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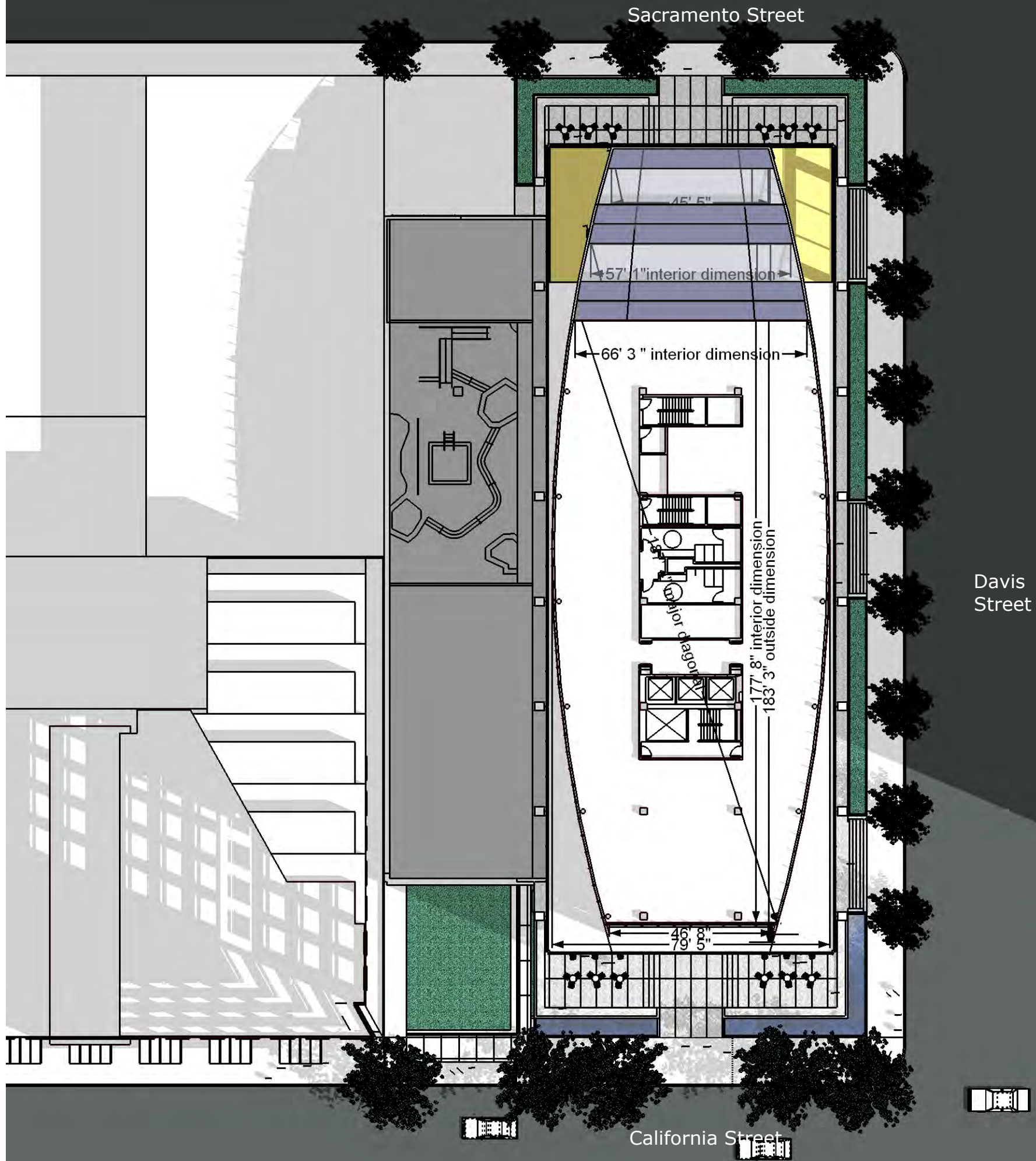
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 Package
 November 21, 2007

100 California
 Street

Vertical/Horizontal
 Addition
 San Francisco, CA

Broadway Partners
 375 Park Avenue
 Suite 2107
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 10152

Added
 Level 17
 Floor Plan



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Added
 Level 18
 Floor Plan

Sacramento Street

Davis Street

California Street

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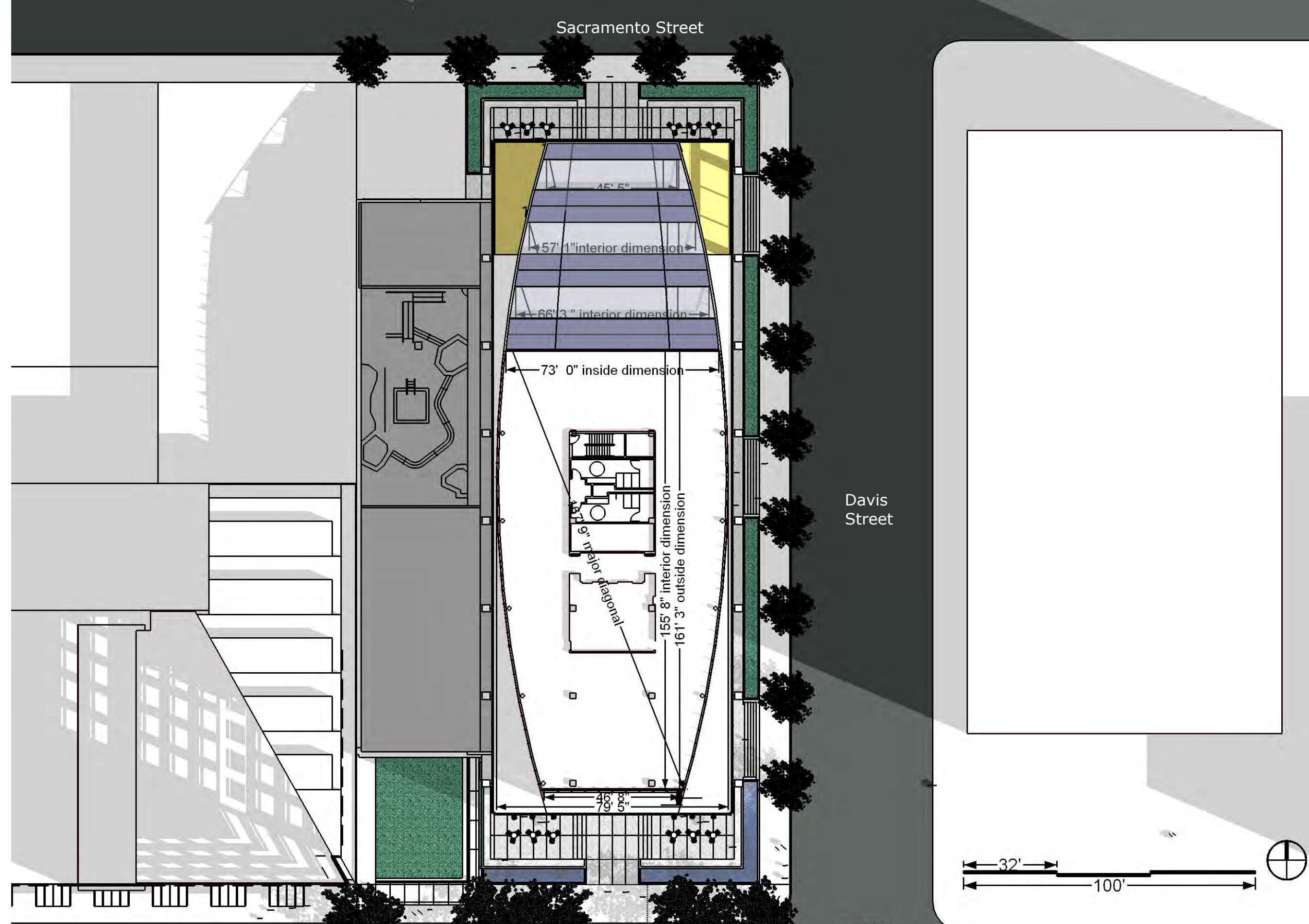
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Added
Level 19
Floor Plan

41



Sacramento Street

Davis Street

California Street

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Added
Level 20
Floor Plan



Sacramento Street

Davis Street

California Street

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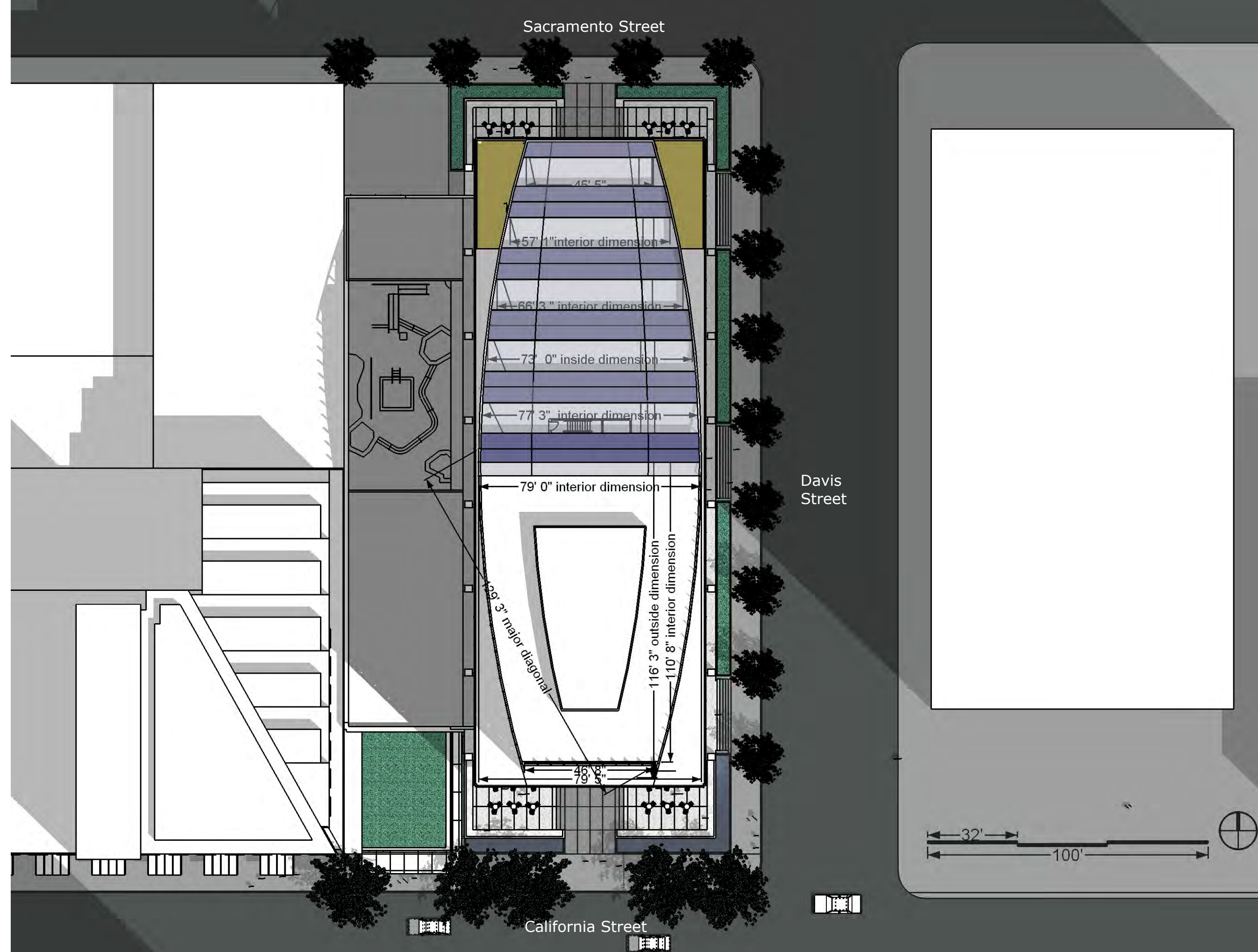
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Added
Roof Level

43



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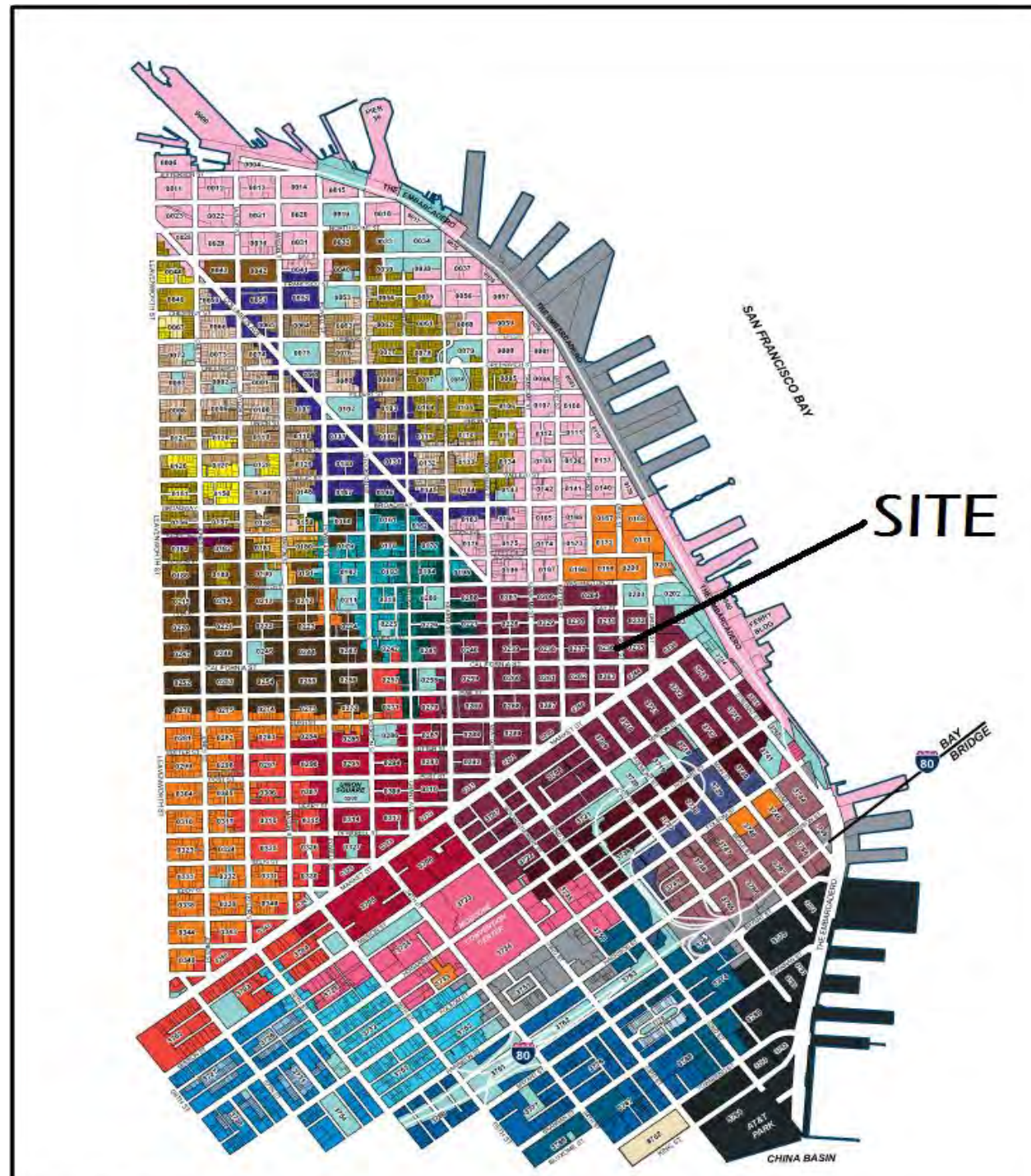
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Appendix
Zoning Use District
Sheet ZN 01
Height & Bulk District
Sheet HT 01

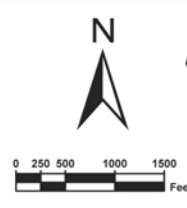


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HEIGHT AND BULK DISTRICTS

OS ← "Open Space" District
"Numbers" are Height Limits in feet. See Planning Code Section 250 and following.
"Letters" refer to Bulk Limits. See Planning Code Section 270.
00-Z-1 ← "Suffix Numbers" identify districts in which special regulations apply. See Planning Code Sections 263 and following.



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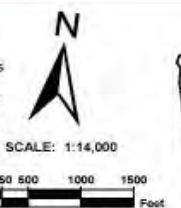
SHEET HT01

20060115-1

ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS
RH-1(RD) RH-1 RH-1S RH-2 RH-3
RESIDENTIAL MIXED (APARTMENTS & HOUSES) DISTRICTS
RM-1 RM-2 RM-3 RM-4
NEIGHBORHOOD COMMERCIAL DISTRICTS
NC-1 NC-2 NC-3 NC-4 NC-5
SOUTH OF MARKET MIXED USE DISTRICTS
SPO RED RSD SLR SLI SSO
COMMERCIAL DISTRICTS
C-2 C-3 C-3-S C-3-R C-3-O C-3-O(S)
INDUSTRIAL DISTRICTS
C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS
CMC CVR CCB
RESIDENTIAL-COMMERCIAL DISTRICTS
RC-3
REDEVELOPMENT AGENCY DISTRICTS
RB-RA RB-RB
DOWNTOWN RESIDENTIAL DISTRICTS
RH-DTR TB-DTR
MISSION BAY DISTRICTS
MB-OS MB-O
PUBLIC DISTRICT
P



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20060115-1

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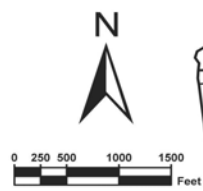
Appendix
Special Use District
Sheet SU 01
Preservation District
Sheet PD 01



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PRESERVATION DISTRICTS

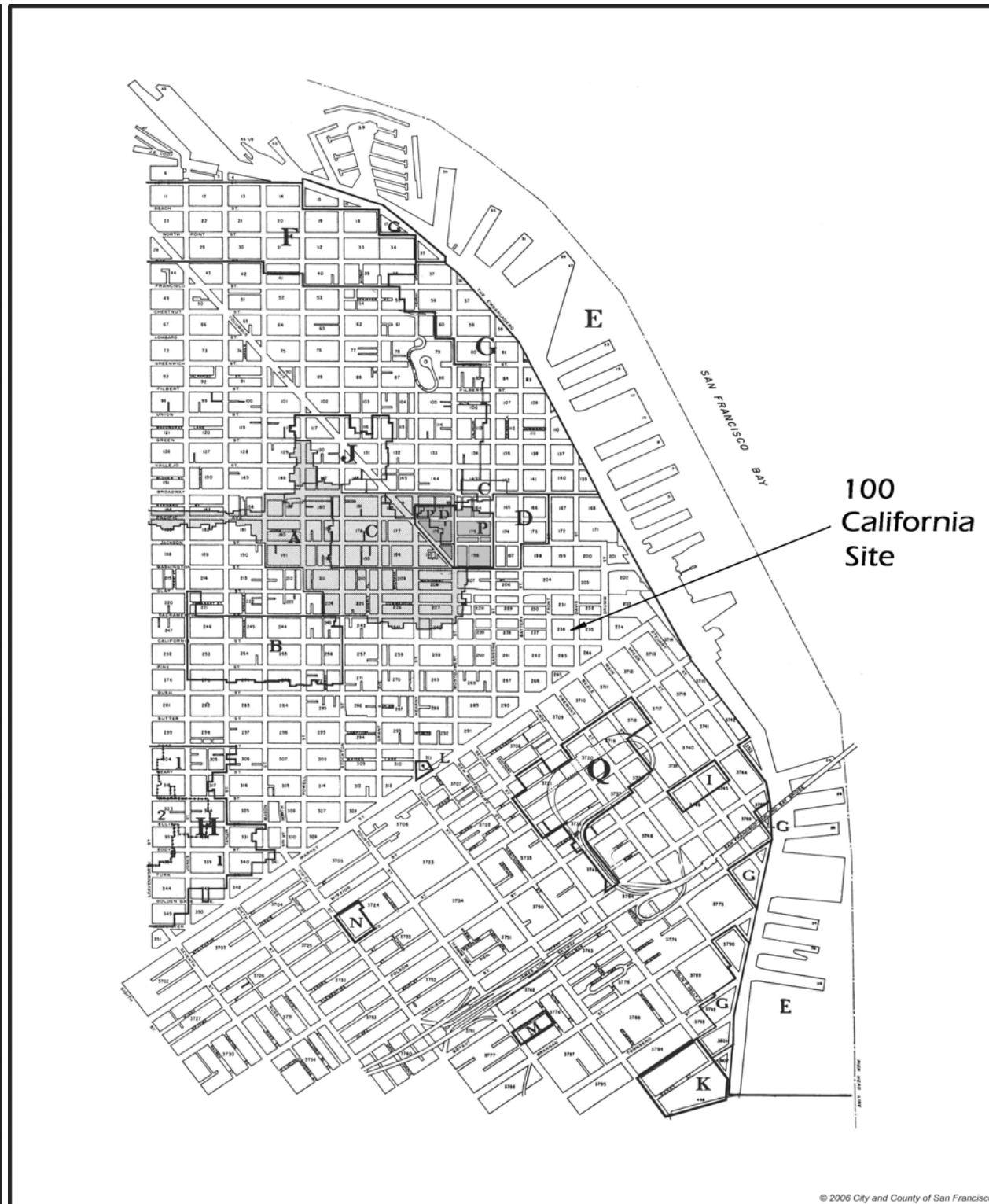
- A: Commercial/Leidesdorff Conservation District
- B: Front/California Conservation District
- C: Pine/Sansome Conservation District
- D: Kearny/Belden Conservation District
- E: Kearny/Market/Mason/Sutter Conservation District
- F: New Montgomery/Second Conservation District
- G: Telegraph Hill Historic District
- H: Northeast Waterfront Historic District
- I: Jackson Square Historic District
- J: South End Historic District
- K: South of Market Extended Preservation District



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PD 01

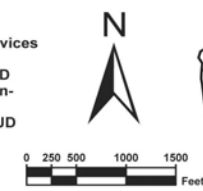
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SPECIAL USE DISTRICTS

- A: Garment Shop SUD (dotted)
- B: Nob Hill SUD
- C: Washington-Broadway SUD 1
- D: Washington-Broadway SUD 2
- E: Waterfront SUD 1
- F: Waterfront SUD 2
- G: Waterfront SUD 3
- H: North of Market Residential SUD with Subareas 1 & 2
- I: Folsom & Main Residential/Commercial SUD
- J: North Beach Financial Services Restricted Use SUD
- K: Northeast China Basin SUD
- L: Downtown Housing Demonstration SUD
- M: 4th and Folsom Streets SUD
- N: C-3-(SU) SUD
- P: Jackson Square SUD (shaded)
- Q: Transbay C-3 SUD



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SU 01

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Appendix
Special Sign
District
Sheet SS 01

