



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary DETERMINATION OF COMPLIANCE UNDER PLANNING CODE SECTION 309

HEARING DATE: AUGUST 5, 2010

Date: July 22, 2010
Case No.: **2006.1106BMXZ**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
c/o Andrew Junius of Reuben & Junius LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy – (415) 558-6163
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project proposes to demolish the existing surface parking lot and the existing loading dock on the adjacent property, and to construct a 26-story, 350-foot tall office building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space.

SITE DESCRIPTION AND PRESENT USE

The subject site is a 23,925 sq. ft., roughly square parcel located at the southwest corner of Second and Howard Streets (Lot 063 of Assessor's Block 3735). The project site is within the C-3-O(SD) District and a 350-S/150-S Height and Bulk Districts.

The site is currently occupied by a surface parking lot with a small parking lot attendant shed. The Project also contemplates the future acquisition of a portion of the adjacent property to the west (Lot 005 in Assessor's Block 3735), measuring 1,650 square feet. This portion fronts on Tehama Street, and is currently occupied by a loading dock serving the adjacent building at 631 Howard Street. This loading dock would be demolished, and the area would be utilized as a driveway ramp to access the subterranean parking for the Project.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The Project Site is located in an area characterized by dense urban development. There are many high-rise structures containing dwellings, offices, and other commercial uses. Located across Second Street is 201 Second Street, which is currently occupied by a surface parking lot but is entitled for a 19-story, 103-unit residential development with ground floor retail. The immediate

vicinity around the project site contains several high-rise buildings, including 246 Second Street, an approximately 16-story residential building, 580-590 Folsom Street (with frontage on Second Street), an approximately 18-story building, 75 Hawthorne Street, an approximately 20-story building, and 645 Howard Street, also known as One Hawthorne, a 25-story, 189-unit mixed-use building, which was recently completed. There are numerous smaller commercial buildings in the area as well. The existing height limits in the area range from 80 feet to 550 feet.

ENVIRONMENTAL REVIEW

On January 27, 2010, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until March 15, 2010. On March 4, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On July 8, 2010, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project.

HEARING NOTIFICATION REQUIREMENTS *

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 2, 2010	July 2, 2010	20 days
Posted Notice	20 days	July 2, 2010	July 2, 2010	20 days
Mailed Notice	10 days	July 12, 2010	July 2, 2010	20 days

* Item was continued without a hearing from the July 22, 2010 Planning Commission agenda.

PUBLIC COMMENT

To date, staff has received one communication in regards to the proposed project from a nearby resident. The resident expresses concerns with airborne dust and debris during construction, and with the loss of light and air to adjacent buildings.

ISSUES AND OTHER CONSIDERATIONS

- **Height:** The finished roof of the Project will reach a height of 350 feet. Rooftop mechanical equipment, elevator penthouses, and associated screening will reach a height of 370 feet. Pursuant to Planning Code Section 260(b)(1), these features are exempt from the applicable height limit. A relatively small area at the western portion of the site, measuring approximately 3,700 square feet, is subject to a 150-foot height limit. The project sponsor has requested a Zoning Map Amendment and a General Plan Amendment to change the applicable height limit on the westerly portion of the property from the 150-S to the 350-S Height and Bulk District. These amendments will make the height limit for this westerly portion consistent with the remainder of the project site.
- **Bulk:** The Project Site is located in a "-S" Bulk District, which provides the following bulk controls for the lower tower of the building: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, a maximum floor size of 20,000 sq. ft., a maximum average floor size of 17,000 sq. ft. The lower tower of the project exceeds the

specified controls of the "-S" Bulk District for maximum diagonal dimension (each floor proposed at approximately 208 feet), and for the maximum floor size and average floor size (each floor proposed at approximately 20,493 square feet). The upper tower complies with the applicable controls of the "-S" Bulk District.

Pursuant to Planning Code Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five specified criteria is met. The manner in which the building is separated into base, lower and upper tower divides the mass of the building into distinct elements. Above the 5th floor, the building is set back from the westerly interior property line and along the Howard Street frontage. Above the 17th floor, the building is substantially set back from the Tehama and Second Street frontages, completing the visual division of the building into a distinct tripartite arrangement. The exterior skin of the building is comprised of overlapping, full-floor glass panels. At a detailed level, the overlap of these panels provides depth and shadow to the building, and creates a dynamically shifting appearance to the building the changes depending on the orientation of the viewer. The added bulk is not anticipated to significantly affect light and air to adjacent buildings. The Project fronts on two wide public streets (Howard and Second Streets), and one alley (Tehama Street). These streets serve to maintain a separation and openness along these frontages. The immediate vicinity contains a wide variety of building types, shapes, materials and designs, and the scale of the Project will be compatible within the skyline from distant vantage points.

- **Ground-Level Wind Currents.** Pursuant to Planning Code Section 148, new buildings in C-3 Districts must be designed so as not cause ground-level wind currents to exceed specified comfort levels. When preexisting ambient wind speeds exceed the comfort levels, new buildings must be designed to attenuate ambient wind speeds to meet the specified comfort level. According to the wind analysis prepared for the project, 10 out of 51 test points in the vicinity currently exceed the comfort level. Construction of the project would eliminate four of the existing exceedances and would create six new exceedances. An exception to the requirements of Section 148 may be granted if the building cannot be shaped to meet the requirements without creating an ungainly building form, and unduly restricting the development potential of the building site, and the additional exceedances are insubstantial.

The increase in wind speeds at the six new exceedance locations is minimal, ranging from one to four miles per hour above the comfort level. The percent of time that the comfort level is exceeded amongst exceedance locations will only slightly increase, from 16.4% to 17%. The wind analysis also concluded that further changes to the design of the project are unlikely to substantially reduce preexisting wind levels.

- **Sunlight Access To Public Sidewalks.** Planning Code Section 146(a) requires new buildings to be shaped within an angled sunlight access plane along certain streets, in order to preserve sunlight to public sidewalks. These requirements apply to the west side of Second Street along the project frontage, however, the project does not comply with the required sunlight access plane. An exception to this requirement may be granted if the penetration of the plane does not create shadow because of the shadow already cast

by other buildings, or if the shadow created by the penetration of the plane is deemed insignificant. The shadow analysis prepared for the project indicates that the portion of the building that penetrates this plane would result in a small increase in shadows along the sidewalk. Many of the existing buildings on the west side of Second Street cast shadows on the sidewalk. The new shadows resulting from the project would be limited in area. In addition, these new shadows would move quickly through the area, with a duration lasting less than 45 minutes throughout most of the year.

REQUIRED ACTIONS

In order for the project to proceed, the Commission must 1) Recommend approval to the Board of Supervisors of an amendment of the Height and Bulk Map HT1 to change the Height and Bulk district for the western portion of the property from 150-S to 350-S (Planning Code Section 302) and of amendments to the General Plan (Planning Code Section 340) to be consistent with the proposed height district; 2) Allocate 430,650 square feet of office space under the Annual Office Development Limitation Program (Planning Code Sections 321 and 322); and, 3) Determine that the project complies with Planning Code Section 309, granting requests for three exceptions regarding Sunlight Access to Public Sidewalks in C-3 Districts (Planning Code Section 146), Reduction of Ground-Level Wind Currents in C-3 Districts (Planning Code Section 148), and Bulk Limits (Planning Code Sections 270, 272).

BASIS FOR RECOMMENDATION

- The project will add office and retail space that will contribute to the employment base of the City and bolster the viability of the Financial District as the center of commerce for the City.
- The new employees within the building would support commercial establishments in the surrounding area.
- Compared with the existing surface parking lot, the ground-floor retail spaces and views of the interior public open space will enliven the streetscape.
- The project is proposed to LEED-Gold standards.
- Public transit and neighborhood-serving commercial establishments are abundant in the area. Employees would be able to walk or utilize transit to commute and satisfy convenience needs without reliance on the private automobile. This pedestrian traffic will activate the sidewalks and open space areas in the vicinity.
- The project meets all applicable requirements of the Planning Code, aside from the exceptions requested pursuant to Planning Code Section 309.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft CEQA Findings Motion
Draft Section 309 Motion
Draft Section 321/322 Motion
Draft Resolution and Ordinance for General Plan Amendment/Height Change
Draft Resolution and Ordinance for Zoning Map Amendment/Height Change
Block Book Map

Executive Summary
Hearing Date: August 5, 2010

CASE NO. 2006.1106BMXZ
222 Second Street

Sanborn Map
Aerial Photograph
Zoning District Map
Communications from the Public
Brief from Project Sponsor, dated July 20, 2010
Graphics Package from Project Sponsor

Exhibit Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | |
| <input checked="" type="checkbox"/> Sanborn Map | |
| <input checked="" type="checkbox"/> Aerial Photo | |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

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

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion CEQA Findings

HEARING DATE: AUGUST 5, 2010

Date: July 22, 2010
Case No.: **2006.1106E**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR A PROJECT TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND LOADING DOCK AND CONSTRUCT A 26-STORY, 350-FOOT TALL BUILDING CONTAINING APPROXIMATELY 430,650 GROSS SQUARE FEET OF OFFICE SPACE, APPROXIMATELY 5,000 SQUARE FEET OF GROUND FLOOR RETAIL SPACE, APPROXIMATELY 28,000 SQUARE FEET OF SUBTERRANEAN PARKING AREA, AND APPROXIMATELY 8,600 SQUARE FEET OF PUBLICLY-ACCESSIBLE OPEN SPACE, LOCATED AT 222 SECOND STREET (ASSESSOR'S BLOCK 3735, LOT 063), WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE SPECIAL DEVELOPMENT) DISTRICT AND 350-S/150-S HEIGHT AND BULK DISTRICTS.

In determining to approve the proposed project located at 222 Second Street ("proposed project" or "project"), the San Francisco Planning Commission ("Planning Commission" or "City") makes and adopts the following findings of fact regarding the project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

Section I provides a description of the proposed 222 Second Street Office Project, the environmental review process for the project, the Planning Commission actions to be taken, and the location of records.

Section II sets forth findings as to the disposition of the mitigation measures proposed in the Final EIR. The mitigation measures are set forth in Exhibit A. Exhibit B, attached, contains the Mitigation

Monitoring and Reporting Program (“MMRP”), which provides a table setting forth each mitigation measure listed in the Draft Environmental Impact Report that is required to reduce or avoid a significant adverse impact. Exhibit B also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091.

Section III identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in Exhibit A.

Section IV identifies the project alternatives that were analyzed in the EIR and discusses the reasons for rejecting each.

Section V sets forth the Planning Commission’s Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

a. Project Description

The subject property is located on the southwest corner of the intersection of Second and Howard Streets at 222 Second Street (Assessor's Block 3735, Lot 063). The property is approximately 23,925 square feet in area. The project site is currently developed with a surface parking lot.

The proposed project would demolish an existing surface parking lot and construct a 26-story, 350-foot tall building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space. The proposed project includes acquisition of a portion of adjacent Lot 5 and demolition of an existing loading dock at the 631 Howard Street (William Volker) building. Vehicle access to the below-grade parking would be via a two-way ramp from Tehama Street, at the southwest corner of the project site. Freight loading access would also be from Tehama Street, where the loading dock would be located.

As stated above, the project includes the acquisition and incorporation into the project site of a 1,650-square-foot (20-foot-by-82.5-foot) portion of the adjacent property (Lot 5 in Assessor’s Block 3735), which would increase the size of the project site to 25,575 square feet, and to demolish the existing loading dock at 631 Howard Street, which occupies the portion of the adjacent parcel to be acquired.

The subject property is located in an area characterized by dense urban development. Many high-rise buildings that contain dwellings, offices and other commercial uses are located in the immediate project vicinity. Across Second Street is 201 Second Street, which is currently occupied by a surface parking lot but is entitled for a 19-story, 103-unit residential development with ground floor retail. An approximately 16-story residential building is at 246 Second Street; 580-590 Folsom Street (with frontage on Second Street) contains an approximately 18-story building; 75 Hawthorne Street is an approximately 20-story building, and 645 Howard Street, also known as One Hawthorne, is a 25-story, 189-unit mixed-use building, which was recently completed. There are numerous smaller commercial buildings in the area as well. Existing height limits in the area range from 80 feet to 550 feet.

The Yerba Buena Center and the cultural attractions and high-rise hotels in its vicinity are about one block west of the project site. The Transbay Transit Terminal is two blocks northeast of the project site, and the elevated Interstate 80 freeway that leads to the Bay Bridge is just over two blocks south.

The project analyzed in the EIR consists of a series of approvals that together define the terms under which the project will occur. It is composed of the following major permits and approvals, and related and collateral actions:

- Amending Planning Code Height and Bulk Map Sheet HT1 (rezoning) to increase height limit to 350 feet on a portion of the site;
- Amending the Downtown Plan (General Plan) height map to increase height limit to 350 feet on a portion of the site;
- Approvals under Section 309 of the Planning Code, with exceptions for bulk requirements, ground-level wind currents, and sunlight access to public sidewalks;
- Allocation of office space under Section 321 of the Planning Code (Office Development Annual Limit);
- General Plan and Planning Code section 101.1 priority policy consistency determinations;
- Street Space Permit from the Bureau of Street Use and Mapping for use of a public street space during project construction (for a pedestrian walkway);
- Special Traffic Permit from the Department of Parking and Traffic for use of a public street space during project construction (for a pedestrian walkway);
- Grading, demolition, site and issuance of building permits.

b. Environmental Review

On January 27, 2010, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of Availability of the DEIR and of the date and time of the public hearing were posted near the Project Site on or about January 27, 2010.

On January 25, 2010, copies of the DEIR were delivered to the State Clearinghouse for distribution to government agencies. On January 26, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies.

A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on January 25, 2010.

The Planning Commission held a duly advertised public hearing on said DEIR on March 4, 2010, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on March 25, 2010.

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing during the public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in the "Comments and Responses" published on July 8, 2010, which was distributed on July 8, 2010, to

the Planning Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices.

A Final EIR has been prepared by the Planning Department, consisting of the DEIR, any consultations and comments received during the review process, and the Comments and Responses all as required by law. Since publication of the DEIR, no new information of significance has become available that would require recirculation of the EIR under CEQA Guidelines Section 15088.5.

c. Planning Commission Actions

The Planning Commission is currently considering various actions (“Actions”) in furtherance of the Project, which include the following:

- Certification of the Final EIR;
- Adoption of these CEQA Findings, including mitigation measures and the MMRP;
- Recommendation to the Board of Supervisors to Adopt a Zoning Map Amendment, amending Height and Bulk District Map HT1;
- Recommendation to the Board of Supervisors to Adopt an amendment to the Downtown Plan (General Plan) height map;
- Approval of a C-3 District Review, including exceptions, under Planning Code Section 309;
- Allocation of office space under Planning Code Section 321;
- Initial determination of the net addition of gross floor area of office use under Planning Code Sections 139, 313 and 314.

d. Location of Records

The record upon which all findings and determinations related to the Project are based include the following:

- The EIR, and all documents referenced in or relied upon by the EIR;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the EIR;
- All applications, letters, testimony, and presentations presented to the City by the project sponsor and its consultants in connection with the project;
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the project and the EIR;
- The MMRP; and

- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department is the custodian of these documents and materials.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

II. Findings Regarding Mitigation Measures

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this section concern mitigation measures discussed in the Final EIR, presented in a Mitigation Monitoring and Reporting Program ("MMRP"), attached as Exhibit A to these Findings, which shall be adopted as conditions of project approval. The Final EIR includes a series of mitigation measures that have been identified that would eliminate or reduce to a less-than-significant level the following potential environmental impacts of the project listed in this section. All of the mitigation measures set forth in the Final EIR that are needed to reduce or avoid these significant adverse environmental impacts are contained in Exhibit A. The Planning Commission finds that such measures are feasible and shall be adopted as conditions of project approval.

a. Cultural Resources

M-CP-1: According to the FEIR, it is reasonable to presume that archaeological resources may be present in the soils beneath the project site. Any potentially significant adverse effect of below-grade excavation and project construction on such resources can be mitigated to a less-than-significant level if the project sponsor retains the services of a qualified archaeological consultant to, in consultation with City staff, (i) undertake an archaeological testing program to determine whether such resources are present, and, (ii) if necessary, to implement an archaeological monitoring and/or data recovery program to ensure that construction does not significantly and adversely effect such resources.

The Planning Commission finds that the foregoing mitigation measure is feasible and will mitigate the potential impacts of project construction on cultural resources to a less-than-significant level. The measure shall be adopted as a condition of project approval.

b. Transportation

M-TR-1a: According to the FEIR, at the unsignalized intersection of Second and Tehama Streets, the addition of project-generated traffic would cause side-street left turns to degrade to unacceptable levels of service ("LOS") (eastbound Tehama left turns from LOS C to LOS F, and westbound Tehama left turns from LOS D to LOS E), which would constitute a significant project traffic impact. At this intersection, the Parking and Traffic Division of the San Francisco Municipal Transportation Agency would prohibit left turns from Tehama Street onto Second Street using appropriate traffic control devices.

Implementation of this mitigation measure would improve the LOS on both Tehama Street approaches to an acceptable LOS D or better.

M-TR-1b: According to the FEIR, with the addition of project traffic, operating conditions at the signalized intersection of Folsom and Second Streets would degrade from LOS D to an unacceptable LOS E, which would constitute a significant project impact. At this intersection, the Parking and Traffic Division of the San Francisco Municipal Transportation Agency would modify the signal timing to provide more time for traffic on southbound Second Street. Evaluation of possible signal timing modifications indicates that shifting two seconds of green from eastbound Folsom Street to southbound Second Street would improve the p.m. peak-hour LOS to an acceptable LOS D.

M-TR-4: According to the FEIR, delivery vehicles would be able to back into the loading dock at the site, located along Tehama Street. However, this would cause temporary impedance of traffic flow on Tehama Street, which would cause temporary disruption of traffic flow (e.g., vehicles traveling to and from the 55 Hawthorne Street parking garage at the end of Tehama Street). The effect on Tehama Street traffic flow during peak traffic periods would be noticeable (although generally limited to vehicles using Tehama Street to access parking in the project and the 55 Hawthorne Street parking garage). During other hours, because traffic volume on Tehama Street would not be heavy, the effect of those short-term delays would be expected to be minimal. This impact, however, could be avoided if the project sponsor were to request that the San Francisco Municipal Transportation Agency prohibit parking on the north side of Tehama Street to facilitate vehicle movements into and out of the loading/service area, and reduce the amount and duration of temporary disruption of traffic flow.

The Planning Commission finds that the foregoing mitigation measures are feasible and will mitigate the potential impacts of the project on transportation to a less-than-significant level. The measures shall be adopted as a condition of project approval.

c. Noise

M-NO-1: According to the FEIR, demolition, excavation, and building construction would temporarily increase noise in the subject property's vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would use noise control techniques for trucks and equipment, locate stationary noise sources as far from adjacent properties as possible and muffle or construct barriers around such stationary noise sources, use hydraulic or electric impact tools when possible and use mufflers on any pneumatic tools, and would take other steps to minimize noise impacts on adjacent properties such as limiting construction hours and strategically selecting haul routes.

M-NO-2: According to the FEIR, a geotechnical due diligence study recommended a mat foundation for the project, which would not require pile driving, thereby avoiding the significant noise impacts that are associated with pile driving. In the event that pile driving is determined to be required, the project sponsor would require that the project contractor predrill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving. Any pile driving activity that takes place would be limited to times that would result in the least disturbance to neighboring uses.

M-NO-3: According to the FEIR, to the extent that other construction projects are proposed or undertaken in close enough proximity to the project site such that cumulative effects related to construction noise would be anticipated, combined noise effects would be greater or last longer, or both. In the event that one or more nearby projects were to be undertaken at the same time as the proposed

project, the project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity.

The Planning Commission finds that the foregoing mitigation measures are feasible and will mitigate the potential impacts of the Project on noise to a less-than-significant level. The measures shall be adopted as a condition of Project approval.

d. MMRP

The attached Exhibit A contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the EIR that is required to reduce or avoid a significant adverse impact. Exhibit A also specifies the party responsible for implementation of each measure, establishes monitoring actions, and a monitoring schedule.

The Planning Commission finds that the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A (sometimes the "MMRP") is designed to ensure compliance with, among other things, CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. The Planning Commission further finds that the MMRP presents measures that are appropriate and feasible for adoption and the MMRP should be adopted and implemented as set forth herein and in Exhibit A.

All of the above measures shall be adopted as conditions of Project approval.

III. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the City finds that there are significant project-specific or cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in Exhibit A.

TR-1: According to the FEIR, the project would result in a significant impact at the intersection of Harrison and Second Streets. Although the addition of project traffic would not alter the existing LOS, which would remain at an unacceptable LOS E for the intersection overall, project traffic would constitute about 16 percent of the southbound left turn volume, and the increased delay at this intersection would constitute a significant project traffic impact. No feasible mitigation is available for this impact; the unacceptable LOS is primarily the result of heavy traffic flow to the Bay Bridge in the p.m. peak hour.

TR-2: According to the FEIR, the project's contribution to future traffic growth at the intersections of Howard and Third Streets, Howard and New Montgomery Streets, Folsom and Second Streets and Harrison and Second Streets would constitute a cumulatively considerable contribution to adverse 2025 cumulative traffic conditions, and would be considered a significant impact. That determination was reached based on the examination of the traffic volumes for the vehicle movements that determine the overall LOS performance at the intersections projected to operate at LOS E or F under 2025 cumulative conditions. The project would add substantial numbers of vehicles to turning movements that determine the overall LOS F performance at these four intersections. No feasible mitigation measure is available for the cumulative impacts at the above four intersections as each intersection is already signalized.

IV. EVALUATION OF PROJECT ALTERNATIVES

a. Alternatives Analyzed in the FEIR

The FEIR analyzed five project alternatives: a “No Project Alternative”, a “Compliance with Planning Code Bulk Limits Alternative”, a “Reduced Project Alternative”, a “Preservation Alternative”, and a “No-Rezoning Alternative.”

Under the **No Project Alternative**, the project site would remain in its existing condition. The existing parking lot, parking lot attendant shed and loading dock at 631 Howard Street would continue to operate for the foreseeable future. Conditions described in detail for each environmental topic in Chapter IV, Environmental Setting, Impacts, and Mitigation Measures, of the Final EIR, would remain and none of the impacts associated with the proposed project would occur.

Under the **Compliance with Planning Code Bulk Limits Alternative**, an office tower would be built at essentially the same density as with the proposed project (i.e., the office and retail floor area would be virtually the same as that with the project and the same number of auto and bicycle parking spaces would be provided). However, this alternative would entail construction of a 27-story building, compared to 26 stories with the project, and the shape of the building would be tailored to the Downtown Plan bulk limits (as set forth in the controls for the “S” bulk district in which the project site is located). The office tower under this alternative would consist of three elements, as with the project, but tower’s base would have floor plates about 15 percent smaller than those of the project. Thus, this alternative would have an eight-story base that would occupy the entire project site and be 103 feet tall, the maximum permitted under the Planning Code, compared to the approximately 60-foot height of the base element with the project; a nine-story lower tower, which would have floor plates of 17,000 gross square feet, almost 25 percent smaller than the base; and a 10-story upper tower, with floor plates of 12,000 gross square feet, almost 30 percent smaller than those of the lower tower (less than 55 percent as large as the floor plates of the base). To achieve the relative bulk reductions, the lower tower would be set back from the building base on all four sides, and there would be additional setbacks at the upper tower. Like the project, this alternative would have a 20-foot-tall mechanical penthouse. Also like the project, this alternative would have a two-way entrance ramp to the basement parking levels on Howard Street. Open space would be provided at the floors where the lower and upper towers would be set back (floors 9 and 18), as opposed to the ground floor open space in the project.

The height of the tower under this alternative would be the same as that of the proposed project (approximately 350 feet plus mechanical levels) because, while this alternative would have one additional story, the floor-to-floor heights would be reduced by 4 inches (in the upper and lower towers) to 6 inches (in the eight-story base), compared to those of the project. In addition, the ground floor would be several feet shorter than the double-height lobby proposed with the project. Therefore, this alternative, unlike the proposed project (which requires rezoning and a General Plan map amendment for height), would comply with the 350-foot height limit that applies to most of the project site.

The FEIR finds that effects of this alternative would be the same as or similar to those of the project. Like the project, this alternative would have a significant, unmitigable impact on intersection level of service at the intersection of Second and Harrison Streets, and would contribute considerably to significant cumulative traffic impacts at the intersections of Howard/Third Streets, Howard/New Montgomery Streets, Folsom/Second Streets, and Harrison/Second Streets, which likewise could not be mitigated. This alternative would not result in any new significant impacts that would not arise with the project. Effects

related to the building design, including aesthetics, historical resources, shadow, and wind, would be similar to— or slightly less substantial than—those of the project, because the lesser bulk at the lower tower and the additional setbacks would incrementally reduce this alternative’s visual presence and apparent bulk, reduce the width of shadows cast by this alternative tower, and tend to reduce ground-level winds, even though under this alternative the tower would be the same height as that proposed with the project (approximately 350 feet plus mechanical penthouse). With respect to wind, this alternative would have an additional setback on its Second Street façade, at level 9, which the project would not have, which could slightly lessen ground-level winds at the corner of Second and Howard Streets, compared to those of the project. All other effects would be essentially the same under this alternative as with the proposed project.

The **Reduced Project Alternative** would entail development of a 19-story, 250-foot-tall building containing the same mix of uses as the project: office space on floors 2 through 19, and ground-floor restaurant/retail space. A single basement level would be provided, but no on-site parking spaces would be included in this alternative. Under this alternative, the new building would be 150 feet tall on the western portion of the project site, in compliance with the existing height limit on that part of the parcel. Therefore, this alternative would not entail rezoning or a General Plan map amendment to change the height limit of the western portion of the site. Unlike the project, this alternative would not include acquisition of a portion of the parcel occupied by the adjacent 631 Howard Street building and demolition of the concrete loading dock on that site. This alternative would provide approximately 335,000 square feet of office space (about 325,000 square feet of gross floor area) and about 3,000 square feet of restaurant/retail space on the ground floor. The floor area ratio would be 13.6:1.

With 25 percent less office space than the project and a reduction in the amount of ground-floor restaurant/retail space, this alternative would generate nearly 30 percent fewer peak-hour vehicle trips than the proposed project. However, this would not be sufficient to avoid the project’s significant traffic impacts at the intersections of Folsom/Second Streets and Harrison/Second Streets. This alternative would avoid the project’s impact at the Second/Tehama Streets intersection because, with no on-site parking, this alternative would not increase traffic on Tehama Street except for travel by fewer than 5 trucks during the peak hour. However, because this alternative would contribute considerably to the southbound Second Street left turn at Harrison/Second Streets (more than 20 percent of the growth), the cumulative impact at this intersection could be significant. The project’s contribution would not be considerable to Howard/Third Streets or Howard/New Montgomery Streets, and the cumulative impact there would be less than significant. Already less-than-significant impacts associated with the Project would be further reduced.

Like the Project, the **Preservation Alternative** would develop a 26-story, 350-foot-tall office building with ground-floor restaurant/retail space. The Preservation Alternative would provide the same amount of office and retail space as the project and, also like the project, would include two basement parking levels. The primary difference between this alternative and the project is that the Preservation Alternative is intended to be more sympathetic in design to the adjacent 631 Howard Street building and to the New Montgomery–Second Street Historic District and the Second and Howard Streets National District.

Like the Project, this alternative would entail rezoning and a General Plan map amendment to change the height limit of the western portion of the site from 150 feet to 350 feet and would include acquisition of a portion of the parcel occupied by the adjacent 631 Howard Street building and demolition of the concrete loading dock on that site.

The Preservation Alternative would further reduce the Project's less-than-significant impact on the William Volker Building at 631 Howard Street and on the nearby historic districts due to its inclusion of a relatively strongly defined element at the corner of Second and Howard Streets, its traditional design and set off from the remainder of the tower by an upper cornice and its setbacks. With the same office floor area, the same restaurant/retail space, and the same number of parking spaces as the project, the Preservation Alternative would have the same impacts related to the intensity of development as the project. Transportation effects and effects on air quality and noise would be the same as those of the project. All of the Project's less-than significant impacts discussed in FEIR Chapter IV would be essentially the same under this alternative as with the project. This alternative would not result in any new significant impacts that would not arise with the project.

The **No Rezoning Alternative** would entail development of an office tower at essentially the same height and density as with the project (i.e., the office and retail floor area would be the same as that with the Project and the same number of auto and bicycle parking spaces would be provided). However, in order to comply with the existing 150-foot height limit on the northwestern portion of the project site, this alternative would entail construction of a building that would be limited to 150 feet in height in this portion of the site, and this alternative would be 27 stories tall, rather than 26 stories as with the project. The development program under this alternative would be the same as that of the project, and this alternative would also include acquisition of a portion of the adjacent 631 Howard Street parcel and demolition of the concrete loading dock on that site.

With the same office floor area, the same restaurant/retail space, and the same number of parking spaces as the project, the No-Rezoning Alternative would have the same impacts related to the intensity of development as the project. Transportation effects and effects on air quality and noise would be the same as those of the project. All less-than-significant impacts will continue to be less-than-significant.

b. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable and would not meet any of the Project Sponsor's objectives. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not promote the City's environmental policies, as it would not provide infill development focusing significant new development within San Francisco's existing urban core. Such infill developments make use of existing transportation and other infrastructure while lessening the need for expanding the regional urban boundaries through greenfield development. The No Project Alternative would not promote these environmental goals.

(2) Compliance with Planning Code Bulk Limits Alternative. The Compliance with Planning Code Bulk Limits Alternative would not be desirable and it would not meet the project sponsor's objectives. The

Compliance with Planning Code Bulk Limits Alternative is rejected in favor of the project and is found infeasible for the following environmental, economic and social reasons:

- (a) The Compliance with Planning Code Bulk Limits Alternative would meet some but not all of the project sponsor's objectives. This alternative would be less desirable from a public standpoint in that it would move the public open space from the ground floor to the 9th and 18th floors and would eliminate the ground floor open space. The public benefit of maximizing the pedestrian experience and creating an indoor open space of outstanding design and scale in the pedestrian sense would be lost, with no commensurate gain.
- (b) The Compliance with Planning Code Bulk Limits Alternative would still cause a significant and unavoidable impact on traffic at Second and Folsom Streets and would contribute to future traffic growth at the intersections of Howard and Third Streets, Howard and New Montgomery Streets, Folsom and Second Streets and Harrison and Second Streets, constituting a cumulatively considerable contribution to adverse 2025 cumulative traffic conditions, and would be considered a significant and unavoidable impact.

(3) Reduced Project Alternative. The Reduced Project Alternative would not be desirable and it would not meet the Project Sponsor's objectives. The Reduced Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The Reduced Project Alternative would meet some but not all of the project sponsor's objectives. Specifically, this alternative would provide almost 100,000 less square feet of office space compared to the project. This alternative's amount of square footage is not sufficient to provide a reasonable return on investment for the Project Sponsor and would likely result in the project not proceeding.
- (b) The Reduced Project Alternative would eliminate all off-street parking spaces, thereby making the office space within the building less competitive with similarly situated Class A office buildings in the downtown core, again making the building less likely to attract prime credit tenants, and thereby less likely to obtain the financing necessary to begin construction.
- (c) The Reduced Project Alternative would still create a significant and unavoidable impact on traffic at Second and Folsom Streets and Harrison/Second Street, and would continue to be considered a significant and unavoidable impact.
- (d) The Reduced Project Alternative would not promote the City's environmental policies, as it would not provide the same degree of infill development focusing significant new development within San Francisco's existing urban core, compared with the proposed project. Such infill developments make use of existing transportation and other infrastructure while lessening the need for expanding the regional urban boundaries through greenfield development.

(4) Preservation Alternative. The Preservation Alternative would not be desirable and it would not meet the Project Sponsor's objectives. The Preservation Alternative is rejected in favor of the project and is found infeasible for the following environmental, economic and social reasons:

- (a) The Preservation Alternative would have similar impacts as the project, and would still create a significant and unavoidable impact on traffic at Second and Folsom Streets and would contribute to future traffic growth at the intersections of Howard and Third Streets, Howard and New Montgomery Streets, Folsom and Second Streets and Harrison and Second Streets, constituting a cumulatively considerable contribution to adverse 2025 cumulative traffic conditions, and would be considered a significant and unavoidable impact.
- (b) The project site is not located in any historic or preservation districts. The proposed project would have a less than significant effect on cultural resources in the vicinity. The adoption of a preservation alternative to further reduce these effects is unwarranted in light of the fact that the benefit of such an alternative is minimal, there is no reduction in any other environmental effect, and would not meet all of the project sponsor's objectives.

(5) No Rezoning Alternative. The No Rezoning Alternative would not be desirable and it would not meet the Project Sponsor's objectives. The No Rezoning Alternative is rejected in favor of the project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Rezoning Alternative would meet some but not all of the project sponsor's objectives. Having to comply with the height limit on the small northwestern portion of the site would limit the flexibility to design the best possible building for the site. It would require increasing the size of the base of the building, which would raise the height of the base, and eliminate the project's sympathetic transition of the base of the building to the adjacent historic building at 631 Howard, and would push more of the mass of the building toward the corner of Second and Howard Streets.
- (b) The No Rezoning Alternative would have similar impacts as the project. This alternative would still create a significant and unavoidable impact on traffic at Second and Folsom Streets and would contribute to future traffic growth at the intersections of Howard and Third Streets, Howard and New Montgomery Streets, Folsom and Second Streets and Harrison and Second Streets, constituting a cumulatively considerable contribution to adverse 2025 cumulative traffic conditions, and would be considered a significant and unavoidable impact.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures and alternatives, significant impacts related to traffic (TR-1, Significant and Unavoidable Impacts at the Intersection of Second/Harrison Streets, and TR-2, Significant and Unavoidable Impacts at the Intersections of Howard/Third Streets, Howard/New Montgomery Streets, Howard/Second Streets, and Harrison/Second Streets) will remain significant and unavoidable and in accordance with CEQA Guidelines Section 15092(b)(2)(B), such remaining impacts are acceptable to the overriding considerations described below. In accordance with CEQA Guidelines Section 15093, CEQA Section 21081(b), and Chapter 31 of the San Francisco Administrative Code, the Planning Commission hereby finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the

benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified are acceptable in light of each of these overriding considerations.

- The project will provide the significant new Class A office space at this prominent corner site, furthering the Downtown Plan's goals and objectives of concentrating office uses in the Central Business District.
- The project is located within the C-3-O (SD) District, which district facilitates expansion of downtown office space south of Market, and south of the traditional downtown core, which is mostly built-out.
- The project will improve the quality of the pedestrian experience along both Howard and Second Streets. Currently, the site is occupied by a surface parking lot, a use that does not promote the City's Transit First objectives, and does not contribute to the pedestrian environment. The project will include new publicly-accessible open space within the building at this important downtown corner. This space will include food uses open to the public, public artwork, and public seating.
- The project will construct one of San Francisco's first major LEED Gold office buildings, thereby reducing the project's carbon footprint and maximizing energy efficiency of the building.
- The project promotes regional sustainability by focusing significant new development within San Francisco's existing urban core. Such infill developments make use of existing transportation and other infrastructure while lessening the need for new greenfield development.
- The project will also pay substantial additional one-time development fees to fund a variety of City programs including contributions to the Downtown Park Fund, payment of the Transit Impact Development Fee, contributions to the Jobs, Housing Linkage Program, contributions to child care and public schools. In addition, a significant public artwork will be commissioned as part of the project.
- During construction, the project will employ as many as 300 union laborers per day with an average of 150 laborers per day over the two-year construction period.
- Once completed, the project will provide space for up to 1,750 jobs, creating needed space for long term future job growth in the city, and providing additional revenues to the City through the payment of City payroll taxes.
- The project will generate significant new annual revenues to the City of approximately \$4,500,000 in annual new property taxes paid into the City's General Fund.
- The project promotes a number of the objectives of the Downtown Plan including Objective 1 wherein the Plan recognizes "the need to create jobs, specifically for San Franciscans, and to continue San Francisco's role as an international center of commerce and services. New jobs enhance these City functions, to expand employment opportunities, and to provide added tax resources, to make downtown growth at a reasonable scale and desirable course for the City."
- The project also promotes and is consistent with Downtown Plan Objective 2 which states that "Almost two-thirds of the City's new permanent jobs in recent years have

been located in the Downtown Financial District. This growth, primarily in the finance, insurance, real estate activities, and business services reflects the City's strong competitive advantage in this sector. Since the office sector is the City's major provider of employment opportunities, it is essential that's its vitality remain at a high level."

- The project furthers the City's historic preservation goals by absorbing unused development potential from historic buildings throughout the C-3 District with the use of transferable development rights (TDR). The City's TDR Program promotes and facilitates the preservation of existing downtown historic buildings by compensating owners of those buildings who are no longer able to develop the air space above their building. This unused development area is transferred historic buildings into the C-3-O (SD) District and allows for the creation of additional Class A office space.

Having considered these Project benefits, the Planning Commission finds, determines and concludes that the benefits of the Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

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 adopts the foregoing CEQA Findings and Statement of Overriding Considerations.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of August 5, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 5, 2010

**EXHIBIT A:
MITIGATION MONITORING AND REPORTING
PROGRAM (“MMRP”)**

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Cultural Resources—Archeology				
<p>M-CP-1: Archeological Research Design and Treatment Plan. Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).</p>	Project Sponsor, Archeologist.	Prior to any soil-disturbing activities.	See individual components below.	See individual components below.
<p><i>Archeological Testing Program.</i> Evidence of prehistoric settlement has been discovered in the project vicinity, such as the prehistoric midden sites CA-SFR-135 and CA-SFR-112. The archeological deposits associated with prehistoric settlement include shellmound deposition, prehistoric flaked-stone, ground stone, shell, and bone artifacts, house floors, and human remains. Previous archeological and geotechnical boring indicate that a marsh deposit, characterized by a reddish-brown to orange-brown organic sandy clay layer (3-10 ½ feet thick), is located 18 feet to 28 feet below ground surface. Although there has been no indication this layer contains evidence of cultural materials, i.e., shell, fire-affected rock, bone, or culturally</p>	No action required; see following component.			

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p>				
<p>developed soils, its depth is consistent with buried prehistoric midden sites in the vicinity. Since it is impractical to conduct additional archeological testing through trench excavations to the depths of potential prehistoric deposits, archeological monitoring will be conducted during construction-related excavations in depths between 18 and 28 feet below surface, as discussed below.</p>				
<p><i>Archeological Monitoring Program.</i> Archeological monitoring will be carried out during the excavation of soils between 0 feet and 31 feet below the present (pre-construction) ground surface. Soils below 31 feet are not expected to contain cultural remains, as these depths would likely pre-date human occupation.</p> <p>All aspects of the Plan will be administered by William Self Associates (WSA)'s Principal Investigator, who possesses the academic background and experience for historic archeological research defined in the Secretary of the Interior's Professional Qualifications Standards CFR 66, Appendix C, (48 FR 44738-9) and is certified by the Register of Professional Archeologists.</p> <p>The Field Archeologist(s) will report on a daily basis to the project's Construction Manager. Requests for archeological work to be conducted within the excavation area will be directed to the Construction Manager. Prior to the commencement of construction, the Construction Manager(s) will be provided with training in the various types of cultural material or features expected to be encountered during project excavations. Training will be conducted or supervised by WSA's Principal Investigator.</p> <p>At the discretion of the Principal Investigator and in consultation with the San Francisco Environmental Review Officer (ERO), a Field Archeologist will be on-site during excavation of soils or strata likely to contain cultural materials. All excavation and trenching with backhoe or bulldozer that are conducted in levels thought to potentially contain cultural material be monitored. Based on data recovered through archeological testing, historic cultural material may be encountered immediately below the foundations of the most recent structures on the site, down to approximately 8 feet below current grade. Prehistoric deposits, although not observed during the previous testing program, may lie at deeper levels, approximately 18-28 feet</p>	<p align="center">ERO and archeological consultant.</p>	<p>Ongoing during all soil-disturbing activities: training for Construction Manager to be completed prior to start of soil-disturbing activity.</p>	<p>ERO and archeological consultant</p>	<p>Considered complete upon end of excavation activities.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p>				
<p>below grade. The Field Archeologist will monitor the excavations of overlying soils along Howard, Second and Tehama streets that may expose pre-1906 building foundations, and in the central area where other historic privies may be exposed. The Field Archeologist should also monitor excavation within the project area to ensure that prehistoric deposits are not disturbed before they can be assessed for potential significance.</p>				
<p>In the event buried cultural material is encountered during project construction, in consultation with the Construction Manager, monitors will be able to temporarily redirect excavation until an assessment and/or documentation of the resource can be completed. Monitors will collect all diagnostic artifacts for further analysis.</p> <p>The Construction Manager, to ensure workplace safety and efficiency, will be responsible for overseeing the activities of the archeologist within the excavation per the site safety plan. Evaluation of excavated material shall be conducted on-site, but outside of the excavation, or when all work in the area of the find has stopped at the direction of the Construction Manager. Full safety equipment will be worn on-site at all times.</p> <p>The Field Archeologist(s), through coordination with the Construction Manager shall have the opportunity to screen random samples of excavated material within an area adjacent to the construction alignment. Field Archeologists will be permitted to signal equipment operators to place a sample of excavated material next to a screening station, where the soil will be screened and artifacts, if any, recovered. Provenience of the sample would be recorded, as accurately as possible using the existing project engineering stations. Should potentially significant cultural materials be identified during screening of the sample, the Principal Investigator and the Construction Manager will consult with the ERO to determine whether to redirect machinery to temporarily allow the Field Archeologist to recover in-situ cultural materials, temporarily allow machinery to be used solely to supply the Field Archeologist with excavated soils for continued screening (thus allowing a larger sample of the cultural debris to be salvaged) or to return to standard operations, permitting soil samples to be screened randomly.</p>	<p>Construction manager and archeological consultant and monitor(s).</p>	<p>During excavation and other soil-disturbing activities.</p>	<p>Archeological monitor to evaluate any buried cultural material encountered during construction to determine significance, and shall report findings to ERO.</p>	<p>Upon discovery.</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p> <p>The Field Archeologist will remain well clear of earth moving and excavation equipment. In the event cultural material or archeological features are exposed during construction excavation, the Field Archeologist may request the equipment operator to stop for a period of time sufficient to allow identification and preliminary assessment of the object(s) or feature(s). The Field Archeologist may also take advantage of equipment downtime or breaks in construction activity to examine the ground surface.</p> <p>The Field Archeologist will take advantage of equipment "down time," working during operator breaks and lunch or, in consultation with the Construction Manager, outside of scheduled work shifts. This will allow for optimum viewing of the ground surface with no interference from operating machinery. Coordination between the Field Archeologist and the Construction Manager is expected to address the anticipated need for archeological investigations.</p> <p>The Field Archeologist will retain on-site all of the necessary tools to permit efficient use of their time, should recording or data recovery be required This could include: daily monitoring and feature recording forms, digital camera, measuring tapes, shovels and other hand excavation tools, sifter screens of appropriate size, baggies and marking pens to allow collection of materials, and hammer, stakes, string, or other materials or tools as might be needed.</p> <p>Once excavations have reached depths at which buried cultural resources are unlikely to be present, the Principal Investigator may elect with the approval of the ERO, to provide for an "on-call" Field Archeologist, relying on the observations of the Construction Manager.</p>				
<p><i>Archeological Data Recovery Program (ARDP)</i>. Data recovery may be necessary if potentially significant cultural deposits are encountered during project construction.</p>	<p>Project sponsor and archeological consultant, in consultation with ERO.</p>	<p>Upon discovery of significant archeological resources.</p>	<p>Data recovery program to be described in Final Archeological Resources Report (see below).</p>	<p>Considered complete upon ERO approval of Draft FARR (see below).</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p> <p>A data recovery operation must be conducted in accordance with a well defined approach or research design. The research design presented above has been formulated to ensure that the results of data recovery can produce direct and indirect benefit to both the scientific community and lay public in an efficient and cost-effective manner. Data recovered will be analyzed to address the research questions presented in the Research Design regarding the history of San Francisco, and will take into account previous relevant research in the area. Specific recovery methods and analysis techniques are discussed below, as are categories of artifacts that will be collected, as well as those for which collection may not be required. Adequate provisions are provided for the modification of the program should unforeseen circumstances arise during construction.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				

MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Cultural Resources—Archeology (continued)				
<i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.	Project sponsor and archeological consultant; coroner, and Most Likely Descendant, if applicable.	During archeological field program.	Archeological monitor to notify coroner and, if appropriate, NAHC, and shall provide written report of such notification to ERO.	Considered complete upon receipt by ERO of any notification, if applicable.
<i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project sponsor and archeological consultant.	Following completion of any archeological field program.	ERO to review Draft FARR.	Considered complete upon ERO approval of Draft FARR.
Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public	Project sponsor.	Upon ERO approval of Draft FARR.	Project sponsor to provide ERO with copies of transmittals of FARR distribution.	Considered complete upon receipt by ERO of evidence of distribution, and three copies of the FARR.

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Cultural Resources—Archeology (continued)				
interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				
<i>On-Site Security.</i> The exposure of sub-surface archeological deposits carries with it the inherent risk of looting and destruction of valuable and spatially-sensitive archeological information, as was seen during the previous archeological testing at the site (Archeo-Tec 1990). Consequently, prior to penetration of the existing hardscape, a security fence will be erected around the project parcel. Once the hardscape has been removed and archeological testing begins, a security guard will be employed to provide security during those periods when the site is otherwise unoccupied. It will be the security guard's responsibility to insure that no unauthorized excavations occur and no cultural material is removed from the site.	Project sponsor and archeological consultant.	During all periods of soil-disturbing activity until consultant's determination that no cultural resources are likely to be present.	Project sponsor and ERO.	Considered complete upon consultant's determination, and ERO's concurrence, that no cultural resources are likely to be present.
2. Transportation				
M-TR-1a—Second and Tehama Streets: At the unsignalized intersection of Second and Tehama Streets, the Parking and Traffic Division of the San Francisco Municipal Transportation Agency (SFMTA) would prohibit left turns from Tehama Street onto Second Street using appropriate traffic control devices (e.g., regulatory signs). If a physical traffic control (i.e., a raised median the width of the double yellow centerline on Second Street) is needed to ensure no side-street left turns, then northbound left turns from Second to Tehama would also be prohibited. Implementation of this mitigation measure (either with signs only, or with signs and raised median) would improve the levels of service on both Tehama Street approaches to an acceptable LOS D or better. Because this measure is required to mitigate a project impact, implementation of the measure would be the financial responsibility of the project sponsor.	SFMTA, Parking and Traffic Division.	Prior to issuance of final Certificate of Occupancy, or as determined appropriate by SFMTA.	Monitoring of adequacy of signage and of necessity for physical control shall be conducted periodically during initial year(s) of project operation, as determined appropriate by SFMTA. Project sponsor may be required to bear reasonable cost for such monitoring.	First stage considered complete upon installation of signage. SFMTA monitoring shall determine whether physical control is necessary; implementation of this stage would be considered complete upon such installation.

MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
2. Transportation (continued)				
<p>M-TR-1b-Folsom and Second Streets: At the signalized intersection of Folsom and Second Streets, the Parking and Traffic Division of the San Francisco Municipal Transportation Agency would modify the signal timing to provide more time for traffic on southbound Second Street. Evaluation of possible signal timing modifications indicates that shifting two seconds of Green from eastbound Folsom Street to southbound Second Street would improve the p.m. peak-hour level of service to an acceptable LOS D. Because this measure is required to mitigate a project impact, implementation of the measure would be the financial responsibility of the project sponsor.</p>	SFMTA, Parking and Traffic Division.	Prior to issuance of final Certificate of Occupancy, or as determined appropriate by SFMTA.	SFMTA, Parking and Traffic Division.	Considered complete upon completion of signal timing change.
<p>M-TR-4-Parking Prohibition: The project sponsor would formally request that the San Francisco Municipal Transportation Agency hold a public hearing to prohibit parking space on the north side of Tehama Street, along the southern project site frontage, prior to occupancy of the project building. There are currently five metered parking spaces in this area (four regular spaces, and one yellow loading space).</p>	Project sponsor, SFMTA.	SFMTA to consider request for parking prohibition and implement absent overriding circumstances.	SFMTA, Parking and Traffic Division.	Considered complete
3. Noise				
<p>M-NO-1-General Construction Noise Control Measures: To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:</p> <p>The project sponsor would require the general contractor ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p>	Project sponsor and construction contractor(s).	During project construction.	The project sponsor or construction contractor shall make available a contact number for noise complaints during the construction period and shall file a report with the Planning Department at the conclusion of construction as to the number and nature of such complaints received and the means of resolving each such complaint.	The project sponsor shall ensure that a report is prepared and provided to the ERO documenting any noise complaints during construction and the remedial measures undertaken by the sponsor and/or contractor(s). Considered complete upon receipt of final monitoring report at completion of construction.

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>3. Noise (continued)</p> <p>The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</p> <p>The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</p> <p>The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.</p>				
<p>M-NO-2-Noise Control Measures for Pile Driving: Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor predrill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.</p> <p>Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>In the event pile driving is to be undertaken.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>See above. In addition, the report submitted to the ERO shall document measures implemented if pile driving is undertaken.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Noise (continued)				
<p>M- NO-3: In addition to implementation of Mitigation Measure NO-1a (and Measure NO-1b if applicable), prior to the time that construction of the proposed project is completed, the project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.</p>	<p>Project sponsor and construction contractor(s), along with Planning Department, SFMTA, and other applicable City departments.</p>	<p>During project construction.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>The project sponsor shall ensure that a report is prepared and provided to the ERO documenting any noise complaints during construction and the remedial measures undertaken by the sponsor and/or contractor(s). Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p align="center">Improvement Measures Identified by Planning Staff</p>	<p align="center">Responsibility for Implementation</p>	<p align="center">Mitigation Schedule</p>	<p align="center">Monitoring/Report Responsibility</p>	<p align="center">Status/Date Completed</p>
<p>Cultural Resources—Historical Resources</p>				
<p>I-CP-1a: Construction Best Practices and Monitoring Program for Historical Resources. The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and the 631 Howard Street building; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.</p>	<p>Project sponsor.</p>	<p>Prior to issuance of request for construction bids.</p>	<p>Project sponsor and Planning Department (MEA).</p>	<p>The project sponsor shall submit a copy of the relevant portion(s) of the construction bid package to MEA for inclusion in the project file.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Improvement Measures Identified by Planning Staff	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural Resources—Historical Resources (continued)				
<p>I-CP-1a Construction Monitoring Program. The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of the buildings at 631 Howard Street and 240 Second Street to document and photograph the buildings' existing conditions. The consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inches per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.</p>	<p>Project sponsor and historic architect or qualified historic preservation professional (historic consultant).</p>	<p>Throughout project construction.</p>	<p>Historic consultant.</p>	<p>The historic consultant shall prepare a brief report following the conclusion of construction that indicates the results of the monitoring program and the actions, if any, taken in response to threat(s) of damage to 613 Howard Street and 240 Second Street buildings. The project sponsor shall submit a copy of the report to MEA for inclusion in the project file.</p>



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Draft Motion Section 309

HEARING DATE: AUGUST 5, 2010

Date: July 22, 2010
Case No.: **2006.1106BMXZ**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
c/o Andrew Junius of Reuben & Junius LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy – (415) 558-6163
Kevin.Guy@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR BULK REQUIREMENTS UNDER PLANNING CODE SECTIONS 270 AND 272, GROUND-LEVEL WIND CURRENTS UNDER SECTION 148, AND SUNLIGHT ACCESS TO PUBLIC SIDEWALKS UNDER SECTION 146 FOR A PROJECT TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND LOADING DOCK AND CONSTRUCT A 26-STORY, 350-FOOT TALL BUILDING CONTAINING APPROXIMATELY 430,650 GROSS SQUARE FEET OF OFFICE SPACE, APPROXIMATELY 5,000 SQUARE FEET OF GROUND FLOOR RETAIL SPACE, APPROXIMATELY 28,000 SQUARE FEET OF SUBTERRANEAN PARKING AREA, AND APPROXIMATELY 8,600 SQUARE FEET OF PUBLICLY-ACCESSIBLE OPEN SPACE, LOCATED AT 222 SECOND STREET (ASSESSOR'S BLOCK 3735, LOT 063), WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE SPECIAL DEVELOPMENT) DISTRICT AND 350-S/150-S HEIGHT AND BULK DISTRICTS.

PREAMBLE

On September 12, 2006, Andrew Junius, acting on behalf of TS 222 Second Street LP ("Project Sponsor), submitted an Environmental Evaluation Application with the Planning Department

("Department"), Case No. 2006.1006E. The Department issued a Notice of Preparation of Environmental Review on May 19, 2007 to owners of properties within 300 feet, adjacent tenants, and other potentially interested parties.

On September 13, 2006, the Project Sponsor applied for a Planning Code Section ("Section") 309 Determination of Compliance and Request for Exceptions, Application No. 2006.1106X, on the property at 222 Second Street (Assessor's Block 3735, Lot 063) ("Project Site"), in connection with a project to demolish an existing surface parking lot and loading dock and construct a 26-story, 350-foot tall building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space ("Project"), in general conformity with plans dated August 5, 2010 and labeled Exhibit B.

On September 13, 2006, the Project Sponsor applied for an allocation of 430,650 square feet of office space to the project pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Case No 2006.1106B).

On May 5, 2007, the Project Sponsor submitted a request for review of a proposed development on the Project Site exceeding 40 feet in height, pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks (Case No. 2006.1106K). Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project would have no impact to properties subject to Section 295.

On May 28, 2010, the Project Sponsor submitted a request for a Zoning Map Amendment (Case No. 2006.1106Z) to amend Height and Bulk Map Sheet HT1 to increase the height limit at the westerly portion of the project site from 150 feet to 350 feet.

On May 28, 2010, the Project Sponsor submitted a request for a General Plan Amendment (Case No. 2006.1106M) to amend Downtown Plan - Map 5 (Proposed Height and Bulk Districts) to increase the height limit at the westerly portion of the project site from 150 feet to 350 feet.

On January 27, 2010, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until March 15, 2010. On March 4, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On July 8, 2010, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project.

On August 5, 2010, the Commission reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the draft EIR, and approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2006.1106E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting program ("MMRP"), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On August 5, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2006.1106X. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Section 309 Determination of Compliance and Request for Exceptions requested in Application No. 2006.1106X for the Project, subject to conditions contained in EXHIBIT A, attached hereto and incorporated by reference, 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 and Present Use.** The subject site is a 23,925 sq. ft., roughly square, parcel located at the southwest corner of Second and Howard Streets (Lot 063 of Assessor's Block 3735). The Project Site is within the C-3-O(SD) District and a 350-S/150-S Height and Bulk Districts.

The Project Site is currently occupied by a surface parking lot with a small parking lot attendant shed. The Project also contemplates the future acquisition of a portion of the adjacent property to the west (Lot 005 in Assessor's Block 3735), measuring 1,650 square feet. This portion fronts on Tehama Street, and is currently occupied by a loading dock serving the adjacent building at 631 Howard Street. This loading dock would be demolished, and the area would be utilized as a driveway ramp to access the subterranean parking for the Project.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. There are many high-rise structures containing dwellings, offices, and other commercial uses. Located across Second Street is 201 Second Street, which is currently occupied by a surface parking lot but is

- entitled for a 19-story, 103-unit residential development with ground floor retail. The immediate vicinity around the Project Site contains several high-rise buildings, including 246 Second Street, an approximately 16-story residential building, 580-590 Folsom Street (with frontage on Second Street), an approximately 18-story building, 75 Hawthorne Street, an approximately 20-story building, and 645 Howard Street, also known as One Hawthorne, a 25-story, 189-unit mixed-use building, which was recently completed. There are numerous smaller commercial buildings in the area as well. The existing height limits in the area range from 80 feet to 550 feet.
4. **Proposed Project.** The Project proposes to demolish the existing surface parking lot and the existing loading dock on the adjacent property, and to construct a 26-story, 350-foot tall office building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space.
 5. **Public Comment.** To date, Department staff has received been contacted by one individual in opposition to the Project, who expressed concerns with the height and compatibility of the Project compared with surrounding buildings, as well as the loss of private views.
 6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Floor Area Ratio (Section 124).** Section 124 establishes basic floor area ratios (FAR) for all zoning districts. As set forth in Section 124(a), the FAR for the C-3-O(SD) District is 6.0 to 1. Under Sections 123 and 128, the FAR can be increased to a maximum of 18.0 to 1 with the purchase of transferable development rights (TDR).

The basic floor area ratio in the C-3-O(SD) District is 6.0:1, and the maximum FAR with the purchase of TDR is 18.0:1. The Property has a lot area of approximately 23,925 square feet, thus the maximum development of the Property pursuant to Section 123 is 143,550 square feet of gross area under the basic FAR, and 430,650 square feet of gross area with the purchase of TDR. The Project proposes approximately 430,650 square feet of gross area, and thus complies with the existing FAR limits. The Project will require purchase of TDR pursuant to Section 128.
 - B. **Setbacks in C-3 Districts (Section 132.1).** In order to preserve the openness of the street to the sky and avoid the perception of overwhelming mass, or to maintain the predominant street wall, an upper-level setback may be required pursuant to Section 132.1. Section 132.1(c)(1) requires all structures in the "S" Bulk District provide a minimum setback of 15 feet from the interior property lines that do not abut public sidewalks and from the property lines abutting a public street or alley. This setback increases along a sloping line for building heights above 300 feet.

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 Site's principal frontage is on Second Street. Thus, the lower tower starts at a height of 103' (1.25 x 82.5').The

setback is required at the lower tower height and is measured from the interior property line or the center of a public right-of-way. The proposed building abuts three public right-of-ways: Howard Street, which has a width of 82.5 feet, Second Street, which is 82.5 wide, and Tehama Street, which is 35 feet wide. For the building facades facing Second, Howard, and Tehama Streets the proposed building will comply with the 15-foot setback requirement as measured from the center of Second, Howard, and Tehama Streets. For the interior property line setback, the building is set back approximately 20 feet from its southwestern interior property line, and thus the Project complies with this requirement.

- C. **Open Space (Section 138).** New buildings in the C-3-O(SD) Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail building. This public open space must be located on the same site as the building or within 900 feet within a C-3 district.

The Project proposes 430,650 gross sq. ft. of new office space. At a ratio of 1:50, the added floor area requires 8,613 sq. ft. of open space. The Project includes approximately 8,636 square feet of open space on the ground level, and thus complies with this requirement. The proposed open space is enclosed, and is designed in a manner that generally complies with the adopted Guidelines for Downtown Open Space. The design of the open space will be further refined throughout the building permit review process.

- D. **Streetscape Improvements (Section 138.1).** Section 138.1(b) requires that when a new building is constructed in a C-3 District, landscaping and other streetscape improvements must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project will include appropriate streetscape improvements and will comply with this requirement. The conceptual project plans show the installation of street trees along the frontage of the Project. The precise location, spacing, and species of these street trees, as well as other streetscape improvements, will be further refined throughout the building permit review process.

- E. **Downtown Park Fund (Section 139).** A project in a C-3 District that proposes a net addition of office space is required to pay a fee of \$2 per square foot, to be deposited in the Downtown Park Fund. The purpose of the Downtown Park Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees and visitors in downtown San Francisco.

The Project proposes approximately 430,650 sq. ft. of new office use, and is subject to this requirement. Conditions of approval have been added to ensure that the Project complies with this requirement.

- F. **Street Trees (Section 143).** Section 143 requires the installation of street trees in the case of the construction of a new building. One 15-gallon street tree shall be required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works.

The conceptual Project plans show the installation of street trees along the frontage of the Project. The precise location, spacing, and species of these street trees, as well as other streetscape improvements, will be further refined throughout the building permit review process.

- G. **Shadows on Public Open Spaces (Section 147).** Section 147 sets forth certain requirements and determinations regarding shadows being cast on public or publicly accessible open space. Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

The Project will be approximately 350 feet high and therefore must comply with Section 147.

The proposed project would cast shadow on the privately owned, publicly accessible open space at 235 Second Street in the late afternoon, from June through September. New project shadow would fall on this open space beginning as early as about 3:30 p.m. in June and as late as about 5:00 p.m. in September. During all of the time when new shadow would fall on the 235 Second Street open space, much of this open space would already be shaded by the 235 Second Street building itself, and project shadow would cover the unshaded portion of the open space closest to the corner of Second and Clementina Streets. No new shadow would fall on the 235 Second Street open space between October and May, because shadow from existing buildings would already reach this open space at the time that project shadow would also reach the space.

The project would also cast new shadow on the open space adjacent to the office building at 555 Mission Street during the late fall and early winter (mid-November through late January), for about 30 minutes during the period just before the 12:00 noon. This new shadow would fall mainly on the rear (Minna Street) side of this open space, where there are stone benches amidst deciduous trees planted in decomposed granite. This rear, or southerly, portion of the 555 Mission Street open space is currently in sunlight during the midday hours because the area to the south, between Minna and Natoma Streets, is occupied by a surface parking lot. Project shadow would not reach the open space adjacent to the office building at 560 Mission Street, nor would it reach the 100 First Street sun terrace or the open space at the planned 535 Mission Street building. The proposed project would cast shadow on two other publicly accessible open spaces around the winter solstice, when shadows are longest. In the early morning, the Project would cast new shadow on the publicly accessible open space at One Post Street. This shadow would last for about 15 minutes and would occur during the period between about 8:00 a.m. and

8:30 a.m. from mid-November through late January. In the mid- to late afternoon, project shadow would reach the edge of the open space in front of the office buildings at 400 and 401 Howard Street (part of the Foundry Square complex, on the northwest and southeast corners of First and Howard Streets). This shadow would occur from late November through mid-January, for about 15 minutes, during the period between about 2:45 p.m. and 3:30 p.m. Most of the open space at 400 Howard Street would already be in shadow from the 400 Howard Street building itself when shadow from 222 Second Street would reach this space, but because the Project would be on the south side of Howard Street, project shadow would cover the unshaded portion of this open space nearest the corner of First and Howard Streets. At 401 Howard, the open space is generally in the sun because there is a parking lot across First Street.

This new shadow described above would be of limited duration and would occur at each of the open spaces noted over only a few weeks of the year in late fall and early winter. Because of the limited duration and extent, these shadows would not be expected to substantially adversely affect use of the open spaces. Therefore, impact would be less than significant.

The Project would not cast new shadow on the following publicly accessible open spaces because other buildings already cast shadow during times when project shadow would otherwise fall on the open spaces: the open space east of Montgomery Street at Market Street (shaded by buildings directly across Market Street); the open space at Marathon Plaza, 333 Second Street (shaded by Marathon Plaza itself); the open space at 300 Beale Street (shaded by that building); and the Jessie Square open space in front (south) of the Contemporary Jewish Museum on Mission Street west of Third Street (shaded by the Aronson Building at 700 Mission Street and the St. Regis tower at 125 Third Street). The Project would cast new shadow on Yerba Buena Gardens, including the grassy open space (esplanade) in the center of the block bounded by Third, Fourth, Mission, and Howard Streets. New shadow would be added to this open space area in the early morning hours of the summer months when existing buildings of the Yerba Buena Center for the Arts (theater and gallery), as well as the elevated entrance to Moscone Center North and the restaurants atop the roof of this structure, already shade much of block.

New shadow would occur between September and May in the early hours of the morning. In mid May, the Project would add shadow between 7:15 a.m. and 8:00 a.m. In May and June the new shading would occur from the "first Proposition K minute" (the first minute after one hour after sunrise, ranging between 6:48 a.m. and 6:55 a.m.) until approximately 7:30 a.m. The project shadow would persist on Yerba Buena Center until 7:30 a.m. in mid July and recede by 8:00 a.m. in mid August. All project-related shadow effects would gone by the first week of September.

The maximum amount of new shadow at any one time would be approximately 34,313 square feet at 7:00 a.m. on June 21, the summer solstice. (At this time, nearly all of the square lawn area would be shaded, with most of the shadow cast by existing buildings.)

Because project shadow on Yerba Buena Center would occur only in the early morning between May and September, and would recede by no later than 8:00 a.m., project shadow would not substantially affect the use or enjoyment of this open space, and the effect would be less-than-significant.

Because project shadow on publicly accessible open spaces would be relatively limited, the Project complies with Planning Code Section 147.

- H. **Public Art (Section 149).** In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Section 149 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

Conditions of approval have been added to ensure that the Project complies with this requirement.

- I. **Off-street Parking (Section 151.1).** Pursuant to Section 151.1, non-residential uses in C-3 Districts are not required to provide off-street parking. Accessory parking for the proposed office uses is permitted, not to exceed 7% of the gross floor area of the building.

With 430,650 gross square feet of office uses, the Project may provide up to 30,146 square feet of off-street parking area. The Project includes two below-grade parking levels with 28,000 square feet of gross parking area, and thus the Project complies with the maximum allowances for accessory parking.

- J. **Loading (Section 152.1).** Section 152.1 establishes minimum requirements for off-street loading. For the Project, Table 152.1 requires off-street freight loading spaces to be provided at a ratio of 0.1 spaces per 10,000 square feet of gross office floor area. Section 153(a)(6) allows two service vehicle spaces to be substituted for one freight loading space provided that at least 50% of the total required number of loading spaces are provided.

With 430,650 square feet of office use, the Project requires 4 loading spaces. The Project will provide two full-size off-street loading spaces and one smaller size off-street loading space accessible off of Tehama Street, and four service vehicle spaces in the upper garage level. The four service vehicle spaces are provided in lieu of the third and fourth required full-size off-street loading spaces pursuant to Section 153(a)(6). Thus, with three freight-loading spaces, and four service vehicle spaces, the Project complies with this requirement.

- K. **Vehicular Access to Off-Street Parking and Loading (Section 155).** In C-3 Districts, where alternative frontages are available, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified as a Transit Preferential, Citywide Pedestrian Network, or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or designated an official City bicycle route or lane.

The Project will provide access to off-street parking and freight loading via Tehama Street. This portion of Tehama Street is not a street frontage identified as a Transit

Preferential, Citywide Pedestrian Network, or Neighborhood Commercial Street as designated in the Transportation Element of the General Plan or designated an official City bicycle route or lane, and therefore complies with this requirement.

- L. **Shower and Locker Facilities (Section 155.3).** New commercial buildings whose primary use consists of offices require four showers and eight lockers when the gross floor area exceeds 50,000 square feet.

The Project provides the required shower and locker facilities on the lower garage level, and thus complies with this requirement.

- M. **Bicycle Parking (Section 155.4).** New commercial buildings whose primary use consists of offices require 12 Class 1 bicycle parking spaces when the gross floor area exceeds 50,000 square feet.

The Project currently proposes approximately 23 bicycle stalls on the lower garage level, and thus complies with this requirement.

- N. **Height (Section 260).** Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within the 350-S and 150-S Height and Bulk Districts.

The finished roof of the Project will reach a height of 350 feet. Rooftop mechanical equipment, elevator penthouses, and associated screening will reach a height of 370 feet. Pursuant to Section 260(b)(1), these features are exempt from the applicable height limit. The Project Sponsor has requested a Zoning Map Amendment and a General Plan Amendment to change the applicable height limit on the westerly portion of the property from the 150-S to the 350-S Height and Bulk District. These amendments will make the height limit for this westerly portion consistent with the remainder of the Project Site.

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

The Department conducted a shadow analysis and determined that the Project would not impact any properties under the jurisdiction of the Recreation and Park Department.

- P. **Jobs-Housing Linkage Program (Section 313).** Pursuant to Section 313, large-scale development projects that contain entertainment, hotel, office, research and development, or retail uses are required to pay a fee to a designated housing developer or to the City in order to help offset the cost of building additional housing. This requirement applies to office projects proposing at least 25,000 square feet of new office uses.

The Project proposes approximately 430,650 sq. ft. of new office use and thus is subject to Section 313 requirements. The Sponsor will meet the requirements of Section 313 either by construction of the units or by payment of an in-lieu fee.

- Q. **Childcare Requirement (Section 314).** Under Section 314, large-scale development projects are required to (1) provide on-site childcare, (2) provide off-site childcare, (3) pay an in-lieu fee, or (4) combine the provision of on-site or off-site childcare with the payment of an in-lieu fee. This requirement applies to office development projects proposing the net addition of 50,000 or more gross square feet of use.
- The Project proposes approximately 430,650 sq. ft. of new office use and therefore Section 314 applies. The Sponsor will either provide the facility itself, make arrangements with an appropriate organization to do so, or pay the in-lieu fee.*
7. **Exceptions Requested Pursuant to Section 309.** The proposed Project is required to meet all applicable Code requirements or request exceptions as permitted by Section 309(a) (1)-(9). The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings, and grants each exception as further described below:

- A. **Section 270: Bulk Limits.** Section 270 establishes bulk limits applicable to all buildings. The Project Site is located in a 350-S/150-S Height and Bulk District which provides the following bulk controls for the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, a maximum floor size of 20,000 sq. ft., a maximum average floor size of 17,000 sq. ft. 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 220 feet. The widest abutting street to the Property is Second (and Howard) Street that is 82.5 feet wide. Thus, the lower tower controls apply above a height of 103 feet, corresponding with the 8th floor of the building until a height of 220 feet, corresponding with the 16th floor of the building. The upper tower controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 sq. ft., a maximum average floor size of 12,000 sq.ft.

The lower tower for the Project has a length dimension of approximately 158 feet, a diagonal dimension of approximately 208 feet, a maximum floor size of approximately 20,493 square feet, and an average floor size of approximately 20,493 sq. ft. Therefore, each floor within the lower tower exceeds the maximum diagonal bulk controls and the maximum floor size, and the lower tower floors collectively exceed the maximum average floor size.

The upper tower for the Project has a length dimension of approximately 116 feet, a diagonal dimension of approximately 159 feet, a maximum floor size of approximately 12,000 square feet, and an average floor size of approximately 12,000 sq. ft. The upper tower therefore complies with the applicable bulk requirements.

Per Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five listed criteria is met. The Project complies with the following of the listed criteria:

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

The added bulk is not anticipated to result in any significant affect in light and air to the adjacent buildings. The Project fronts on two wide public streets (Howard and Second Streets), and one alley (Tehama Street). These streets serve to maintain a separation and openness along these frontages. The two existing buildings that are immediately adjacent are the Marine Fireman's Union at 240 Second Street to the south, and the Volker Building at 631 Howard to the west. Both of these adjacent buildings are lower, older buildings whose primary light and air come from their primary street façade. Therefore, the Project will not significantly affect access to light and air for these adjacent 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

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers; or

The manner in which the building is separated into base, lower and upper tower divides the mass of the building into distinct elements. The Project has less volume at the base than would be permitted by the Planning Code, thereby compensating for the increase in floor area in the lower tower with a corresponding floor area reduction in the base. Above the 5th floor, the building is set back from the westerly interior property line and along the Howard Street frontage. This setback provides a distinct break between the massing of the base and the lower tower, and relates the height of the base to the older, low-scaled buildings in the vicinity. In addition, this setback reveals structural columns at the 5th floor, further strengthening the division between the base and the lower tower and introducing a new, rounded textural form. Above the 17th floor, the building is substantially set back from the Tehama and Second Street frontages, completing the visual division of the building into a distinct tripartite arrangement.

The exterior skin of the building is comprised of overlapping, full-floor glass panels. At a detailed level, the overlap of these panels provides depth and shadow to the building, and creates a dynamically shifting appearance to the building the changes depending on the orientation of the viewer.

(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. Existing buildings and recently approved developments range from 4 to 5-story buildings to existing approximately 16-, 18-, and 20-story buildings at 246 Second Street, 580-590 Folsom Street and 75 Hawthorne Street, respectively, to entitled 19-story development at 201 Second Street and completed 25-story building at One Hawthorne Street, respectively. Beyond the buildings in the immediate vicinity, the height of the Project will be compatible within the skyline from distant vantage points.

The Project will improve and enhance the pedestrian environment by the creation of a large new public open space within the base of the building. More than 8,600 square feet of publicly accessible open space, fronting on Second and Howard Streets, will create new visual interest in an appropriate human scale. This interior space will be activated by the presence of food service and seating areas. In addition, the presence of retail uses will enliven the ground floor near the corner of Tehama and Second Streets.

For these reasons, the Planning Commission finds that the Project satisfies at least three of the listed criteria, and therefore grants the bulk exceptions.

- B. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour

equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

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

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

As discussed in the EIR prepared for the Project, existing and post-Project ground-level wind currents were analyzed, with measurements taken at 51 test points.

Comfort Criterion

Without the Project, 10 of the 51 test points currently exceed the pedestrian comfort level of 11 mph. With the Project, four exceedances would be eliminated and six new ones would be created. Three of the new exceedances occur at three of the four corners of Second and Howard Streets, two are located at two of the four corners of Second and Tehama Streets, and one is located at the southwest corner of the Project Site, in at the dead end of Tehama Street where parking and loading access is located. All of the exceedances, except for the one located near the parking and loading access on Tehama Street, are in an area of substantial pedestrian use. An exception under Section 148 (a) is therefore required.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are so slight that they would be difficult for pedestrians to perceive. First, the amount by which the comfort level is exceeded at the six new exceedance locations is minimal. The wind speeds at these exceedance locations with the Project range from 12 to 15 miles per hour, or just 1 to 4 miles per hour above the comfort criterion. Of the total 12 exceedance locations that will exist with the Project, only one will have wind speeds up to 15 miles per hour, three will have wind speeds up to 14 miles per hour, three will have wind speeds up to 13 miles per hour, and five will have wind speeds up to 12 miles per hour. The average wind speed for the 51 locations would only increase with the Project by 0.1 mph to 10.2 mph. Second, the number of locations in which the comfort level will be exceeded is minimal. Only 12 of 51 test locations will exceed the comfort level, and the Project will only create a net increase of two locations that exceed the comfort level. Finally,

the amount of time during which the comfort level is exceeded is minimal. The average percent of time that the comfort level is exceeded amongst all 51 test locations is currently eight percent, which would be unchanged by the Project. And the average percent of time that the comfort level is exceeded amongst exceedance locations (10 existing, 12 with Project) will slightly increase from 16.4% to 17%. The limited amount of by which the comfort level is exceeded, the limited location in which the comfort level is exceeded and the limited time during which the comfort level is exceeded as a result of the Project is insubstantial.

The severity of the exceedances in the cumulative scenario (measured assuming the Project plus nine proposed or entitled buildings in the nearby area are built) is also insubstantial. Only one net new exceedance is created in the cumulative scenario. Of the total 11 exceedances, only three would have wind speeds measured at 14 mph or greater. The average wind speed for the 51 locations would drop by 0.1 mph, to 10 mph. The average percent of time that the comfort level is exceeded amongst all 51 test locations would also be unchanged. Finally, the average amount of time that the comfort level is exceeded amongst exceedance locations (10 existing, 11 cumulative) will slightly increase from 16.4% to 17.5%. The amount of by which the comfort level is exceeded, the location in which the comfort level is exceeded, and the time during which the comfort level is exceeded in the cumulative scenario is also insubstantial.

In addition, the Project cannot be shaped or other incorporate other wind baffling measures that would reduce the wind at the exceedance locations to comply with Section 148(a) without creating an unattractive building or unduly restricting the development potential of the Project Site. The wind analysis concludes that (a) the proposed new building will not generate adverse pedestrian level winds given the nature of the built environment surrounding the proposed development, and that (b) there is no reason to believe that modification of the design would improve the existing windy conditions that occur in the vicinity.

For the reasons discussed above, an exception from the comfort criterion is appropriate and hereby granted.

Hazard Criterion

The Project complies with the wind hazard criterion. The wind tunnel test indicated that all 51 test points currently meet the wind hazard criterion, i.e. wind speeds in these locations do not exceed 26 mph for more than one hour per year. The wind tunnel test predicted that all 51 locations would remain in compliance with construction of the Project and in the cumulative scenario.

Since the Project does not cause equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year, the Project complies with the hazard criterion requirement of Section 148.

- C. **Section 146: Shadows on Public Sidewalks.** In order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods, Section 146(a) requires new structures to avoid penetrating a sun

access plane defined by an angle sloping away from the street above a stipulated height at the property line as set forth in Table 146. Section 146(c) requires new buildings and additions to existing buildings in C-3 Districts to be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public sidewalks other than those protected by Section 146(a).

Section 146 applies to the west side of Second Street, from Market Street to a point 300 feet south of Folsom Street. Section 146 requires that a building be within an envelope that slopes away from the street at an angle of 62 degrees beginning at 132 feet above grade. The Project as proposed would have a street wall approximately 216 feet high on Second Street, with a 24.5-foot setback from Second Street above the 17th floor. A line from this setback to the top of the building would create an angle of approximately 11 degrees, and thus the Project would not comply with the sun angle plane, therefore, the Project Sponsor is seeking an exception to the requirements of Section 146.

An exception may be granted if (i) the penetration of the plane does not create shadow because of the shadow already cast by other buildings, or if (ii) "the shadow created by the penetration of the plane is deemed insignificant because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space."

The portion of Second Street affected by this portion of Section 146 is approximately 1,800 feet long and extends from Market Street to 300 feet south of Folsom Street. The increased shading occurs at various times during the year, and at various portions of this stretch of sidewalk. Many existing buildings on the west side of Second Street already shade major portions of this sidewalk throughout the year. The Project Sponsor submitted shadow calculations that determined that the Project causes an increase of only 0.6592% in shadow based on annual available sunlight (AAS).

The shadow calculations bear out that the new shadows either are small slivers of shadows moving along the sidewalk on a single block, or are a quickly moving shadow segment from curb to building across a larger sidewalk section. In midsummer, there will be a shadow section from between 5:30 to 6:15 PM that shrinks to a sliver, eventually vanishing by late summer on the sidewalk area between Howard and Tehama Streets. Starting midsummer, a new shadow sliver appears and then becomes a shadow section in late summer from around 1:15 to 2:30 PM on the sidewalk area between Howard and Natoma Streets and changes by early fall changes to around 11:15AM to 12:00 PM on the sidewalk area between Howard and Minna Streets. During the early fall a shadow sliver appears on the sidewalk area between Howard and Tehama Streets at 2:45 PM and changes to between 1:45 to 2:45 PM when we go off daylight savings time. In the late fall once daylight savings time ends, these last two shadows happen an hour earlier. In late fall the earlier shadow section is from around 10:00 to 11:45 AM and covers the sidewalk from Howard to Minna Streets and by mid-winter from around 9:30 to

10:00 AM and covers the sidewalk area between Howard and Mission Streets. The later shadow sliver will be on the sidewalk between Howard and Tehama Streets around 12:30 to 1:45 PM in the late fall and by midwinter vanishes completely. During the late fall a new shadow silver appears between Howard and Tehama Streets at noon and changes to between 11:15 to 11:45AM at midwinter.

The Planning Commission finds that this minor increase in shadow on this portion of the Second Street sidewalk that is created by penetration of the plane described in Section 146 is insignificant under Section 146(b) of the Code.

8. **General Plan Conformity.** The Project will affirmatively promote the following objectives and policies of the General Plan:

COMMERCE ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

The Project provides significant benefits by increasing the supply of office space in the Downtown area, and thus creating space for new employment opportunities in a location that is easily accessible by transit, and is within walking distance of many retail goods and services. It will result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood. Compared with the existing surface parking lot, the Project will enliven the streetscape with retail uses and views of a publicly-accessible interior open space.

Policy 1.3:

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

The Project Site is designated in the Downtown Plan of the General Plan for Downtown Office Uses. Thus, the Project Site is a suitable location for the Project and will concentrate office developments in the Downtown Core area.

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 reinforces the role of the Downtown Core as a focus of office activity and a regional employment center. The Project is centrally located and is close to many existing office developments and retail services.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.6:

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

The Project vicinity consists of a variety of building designs and scales. The subject block and vicinity contains several high-rise buildings, as well as a number of smaller buildings. The Project has been carefully designed to complement the existing development and neighborhood. The setback of the 5th floor of the building respects the context of older, lower-scaled buildings in the immediate vicinity, while the overall height and massing of the Project is suitable for its location within the Downtown Core.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.2:

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

The Project Site is currently occupied by a temporary surface parking lot, and the Project will not displace any permanent uses. The Project Site is well served by transit, and is close to many retail goods and services. The Project will reinforce the form of a compact Downtown Core, and will not contribute to office growth in an area that may result in undesirable consequences for neighborhoods adjacent to downtown.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.1:

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

The Project is located within an existing high-density urban context. The Downtown Core has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, and the Transbay Terminal, and the Ferry Building, and thus would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The Project proposes little off-street parking, encouraging users of the building to seek transportation options other than private automobile use.

9. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

- 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 Site does not contain any existing retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. The addition of office uses will bring new employees and visitors to the Project Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the vicinity of the Project Site.

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

The Site is currently used as a surface parking lot, and thus, the Project will have no effect on existing housing. The Project is compatible with the character of the area, which is somewhat varied in scale, but is generally defined by intense urban development.

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

The Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 314 Jobs-Housing Linkage Program.

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

The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just two blocks from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the proposed Transbay Terminal (approximately two blocks from the existing Transbay Terminal) providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.

- 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 Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project. The Project Site is currently occupied by a temporary surface parking lot operation.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any existing historic resources and is not located in any historic or preservation district. The Project would not affect any off-site historic resources.

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

The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. Therefore, the Project is not expected to have any impact on this policy.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Section 309 Determination of Compliance and Request for Exceptions would promote the health, safety, and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, in accordance with the standards specified in the Code, the Commission hereby **APPROVES Application No. 2006.1106X** and the Mitigation Monitoring and Reporting Program attached as conditions of approval in Exhibit C, and grants exceptions to Sections 146, 148, 270, and 272 pursuant to Section 309, subject to the following conditions attached hereto as Exhibit A (Conditions of Approval) which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2006.1106X.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304 or call (415) 575-6880.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 5, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 5, 2010

Exhibit A

Conditions of Approval

Wherever "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.

This approval and the granting of certain exceptions pursuant to Section 309 is for a Project located on the property at 222 Second Street, Lot 063 in Assessor's Block 3735, The Project Site is within an C-3-O(SD) District and an existing 350-S/150-S Height and Bulk District, in general conformity with the plans stamped Exhibit B and dated August 5, 2010. The Project includes the demolition of the existing surface parking lot and the existing loading dock on the adjacent property, and the construct a 26-story, 350-foot tall office building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space. The Project shall be completed in general conformity with the plans dated labeled "Exhibit B" on file in Case Docket 2006.1106X, except as modified herein.

1. CONDITIONS TO EFFECTIVENESS OF THIS APPROVAL

A. General Plan Amendment. It shall be a condition precedent to the effectiveness of this approval that the General Plan is amended to increase the height of the westerly portion of the Project Site from 150 feet to 350 feet, and this approval shall not be effective until such an amendment has been approved by the Board of Supervisors, has become effective and any appeal or referendum period has run, or if appealed, the amendment has been upheld.

B. Zoning Map Amendment. It shall be a condition precedent to the effectiveness of this approval that the Zoning Map is amended to change the Height and Bulk designation of the westerly portion of the Project Site from 150-S to 350-S, and this approval shall not be effective until such an amendment has been approved by the Board of Supervisors, has become effective and any appeal or referendum period has run, or if appealed, the amendment has been upheld.

C. Office Allocation. It shall be a condition precedent to the effectiveness of this approval that the Project receive an allocation of 430,650 square feet of allowable office development under Annual Office Development Limitation Program.

2. COMPLIANCE WITH OTHER REQUIREMENTS

A. This decision conveys no right to construct, or to receive or apply for a building permit. The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with, the Conditions set forth in this Exhibit A. If these conditions conflict with any other requirement imposed on the Project, the more restrictive or

protective condition or requirement, as determined by the Zoning Administrator, shall apply.

3. GENERAL CONDITIONS

A. Mitigation and Improvement Measures. Measures within the Commission's jurisdiction proposed as part of the Project, as outlined in Exhibit C – Mitigation Monitoring and Reporting Program (MMRP) shall be a condition of approval and is accepted by the Project Sponsor or its successor in interest. If said measures are less restrictive than the other conditions herein, the more restrictive and protective control as determined by the Zoning Administrator, shall govern.

B. Community Liaison. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation. Prior to the issuance of any building permit 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 the 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.

D. Reporting. The Project Sponsor shall submit to the Zoning Administrator 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.

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). The project sponsor 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. Performance

- (1) 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.
- (2) This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City, state or federal agency or by appeal of issuance of such permit. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the authorized development.

G. Revocation. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been issued within three (3) years of the date this approval is effective. 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 thenceforth diligently to completion. The Planning 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 effectiveness of this approval. This authorization may be extended at the discretion of the Zoning Administrator if 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) or by any legal challenge.

H. Failure to comply with any of the Conditions of Approval shall constitute a violation of the Planning Code, enforceable by the Zoning Administrator. Should the monitoring of the Conditions of Approval be required, the Applicant or successors shall pay fees as established in Planning Code Section 351(f) (2).

I. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement.

J. 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.

K. First Source Hiring. 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.

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

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

B. Transferable Development Rights (TDR). The Project Sponsor shall purchase the required number of TDR and secure a Notice of Use of TDR.

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

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

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

C. Child Care 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 Planning Code Section 165.

(2). The Project Sponsor shall pay the Child Care Fee as required by Planning Code Section 314. The net addition of gross square footage of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

D. 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 the first certificate of occupancy, the Project Sponsor shall provide the Director with certification that the fee has been paid.

E. Public Artwork

(1). Pursuant to Section 149, 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, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission.

5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF AN ARCHITECTURAL ADDENDUM

A. Design

(1). Final detailed building plans shall be reviewed and approved by the Planning Department before issuance of the first addendum to the site permit. Detailed building plans shall include a final site plan, parking plan, open space and landscaping plans, floor plans, elevations, sections, specifications of finish materials and colors, and details of construction.

(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. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to ensure a high design quality is maintained.

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

(4). Per 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. Usable Open Space. A final plan showing location and area of common usable open space shall be submitted for review by, and shall be satisfactory to, the Director of the Department. The Project shall include the common usable open space and private usable open space balconies generally as described in this Motion, as shown in Exhibit B.

C. Lighting. The Project Sponsor shall develop a lighting program for the Project, which shall be subject to review and approval by Planning 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.

D. 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 as described in this Motion and in conformance with Planning Code Section 138.1, Section 143, and the Downtown Streetscape Plan.

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

F. 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. Enclosed trash areas with provisions for separating recyclable and non-recyclable materials shall be provided for Project residents on each floor of the residential tower. These areas shall be indicated on the building plans.

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

A. Pedestrian Streetscape Improvements

- (1). The Project Sponsor shall complete the City's standard pedestrian streetscape improvements as required by the Department of Public Works and shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.
- (2). Street trees shall be installed pursuant to the requirements set forth in Section 143. The species and locations shall be subject to approval by the Department of Public Works.

B. Public Artwork

- (1). The Project Sponsor shall install the public art generally as described in this Motion and in a location visible 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

C. Garbage and Recycling. The Project Sponsor shall provide the garbage and recycling areas above, and contract for recycling pickup.

Exhibit C

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Cultural Resources—Archeology				
<p>M-CP-1: Archeological Research Design and Treatment Plan. Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).</p>	Project Sponsor, Archeologist.	Prior to any soil-disturbing activities.	See individual components below.	See individual components below.
<p><i>Archeological Testing Program.</i> Evidence of prehistoric settlement has been discovered in the project vicinity, such as the prehistoric midden sites CA-SFR-135 and CA-SFR-112. The archeological deposits associated with prehistoric settlement include shellmound deposition, prehistoric flaked-stone, ground stone, shell, and bone artifacts, house floors, and human remains. Previous archeological and geotechnical boring indicate that a marsh deposit, characterized by a reddish-brown to orange-brown organic sandy clay layer (3-10 ½ feet thick), is located 18 feet to 28 feet below ground surface. Although there has been no indication this layer contains evidence of cultural materials, i.e., shell, fire-affected rock, bone, or culturally</p>	No action required; see following component.			

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p>				
<p>developed soils, its depth is consistent with buried prehistoric midden sites in the vicinity. Since it is impractical to conduct additional archeological testing through trench excavations to the depths of potential prehistoric deposits, archeological monitoring will be conducted during construction-related excavations in depths between 18 and 28 feet below surface, as discussed below.</p>				
<p><i>Archeological Monitoring Program.</i> Archeological monitoring will be carried out during the excavation of soils between 0 feet and 31 feet below the present (pre-construction) ground surface. Soils below 31 feet are not expected to contain cultural remains, as these depths would likely pre-date human occupation.</p> <p>All aspects of the Plan will be administered by William Self Associates (WSA)'s Principal Investigator, who possesses the academic background and experience for historic archeological research defined in the Secretary of the Interior's Professional Qualifications Standards CFR 66, Appendix C, (48 FR 44738-9) and is certified by the Register of Professional Archeologists.</p> <p>The Field Archeologist(s) will report on a daily basis to the project's Construction Manager. Requests for archeological work to be conducted within the excavation area will be directed to the Construction Manager. Prior to the commencement of construction, the Construction Manager(s) will be provided with training in the various types of cultural material or features expected to be encountered during project excavations. Training will be conducted or supervised by WSA's Principal Investigator.</p> <p>At the discretion of the Principal Investigator and in consultation with the San Francisco Environmental Review Officer (ERO), a Field Archeologist will be on-site during excavation of soils or strata likely to contain cultural materials. All excavation and trenching with backhoe or bulldozer that are conducted in levels thought to potentially contain cultural material be monitored. Based on data recovered through archeological testing, historic cultural material may be encountered immediately below the foundations of the most recent structures on the site, down to approximately 8 feet below current grade. Prehistoric deposits, although not observed during the previous testing program, may lie at deeper levels, approximately 18-28 feet</p>	<p align="center">ERO and archeological consultant.</p>	<p>Ongoing during all soil-disturbing activities: training for Construction Manager to be completed prior to start of soil-disturbing activity.</p>	<p align="center">ERO and archeological consultant</p>	<p align="center">Considered complete upon end of excavation activities.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p>				
<p>below grade. The Field Archeologist will monitor the excavations of overlying soils along Howard, Second and Tehama streets that may expose pre-1906 building foundations, and in the central area where other historic privies may be exposed. The Field Archeologist should also monitor excavation within the project area to ensure that prehistoric deposits are not disturbed before they can be assessed for potential significance.</p>				
<p>In the event buried cultural material is encountered during project construction, in consultation with the Construction Manager, monitors will be able to temporarily redirect excavation until an assessment and/or documentation of the resource can be completed. Monitors will collect all diagnostic artifacts for further analysis.</p> <p>The Construction Manager, to ensure workplace safety and efficiency, will be responsible for overseeing the activities of the archeologist within the excavation per the site safety plan. Evaluation of excavated material shall be conducted on-site, but outside of the excavation, or when all work in the area of the find has stopped at the direction of the Construction Manager. Full safety equipment will be worn on-site at all times.</p> <p>The Field Archeologist(s), through coordination with the Construction Manager shall have the opportunity to screen random samples of excavated material within an area adjacent to the construction alignment. Field Archeologists will be permitted to signal equipment operators to place a sample of excavated material next to a screening station, where the soil will be screened and artifacts, if any, recovered. Provenience of the sample would be recorded, as accurately as possible using the existing project engineering stations. Should potentially significant cultural materials be identified during screening of the sample, the Principal Investigator and the Construction Manager will consult with the ERO to determine whether to redirect machinery to temporarily allow the Field Archeologist to recover in-situ cultural materials, temporarily allow machinery to be used solely to supply the Field Archeologist with excavated soils for continued screening (thus allowing a larger sample of the cultural debris to be salvaged) or to return to standard operations, permitting soil samples to be screened randomly.</p>	<p>Construction manager and archeological consultant and monitor(s).</p>	<p>During excavation and other soil-disturbing activities.</p>	<p>Archeological monitor to evaluate any buried cultural material encountered during construction to determine significance, and shall report findings to ERO.</p>	<p>Upon discovery.</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p> <p>The Field Archeologist will remain well clear of earth moving and excavation equipment. In the event cultural material or archeological features are exposed during construction excavation, the Field Archeologist may request the equipment operator to stop for a period of time sufficient to allow identification and preliminary assessment of the object(s) or feature(s). The Field Archeologist may also take advantage of equipment downtime or breaks in construction activity to examine the ground surface.</p> <p>The Field Archeologist will take advantage of equipment "down time," working during operator breaks and lunch or, in consultation with the Construction Manager, outside of scheduled work shifts. This will allow for optimum viewing of the ground surface with no interference from operating machinery. Coordination between the Field Archeologist and the Construction Manager is expected to address the anticipated need for archeological investigations.</p> <p>The Field Archeologist will retain on-site all of the necessary tools to permit efficient use of their time, should recording or data recovery be required This could include: daily monitoring and feature recording forms, digital camera, measuring tapes, shovels and other hand excavation tools, sifter screens of appropriate size, baggies and marking pens to allow collection of materials, and hammer, stakes, string, or other materials or tools as might be needed.</p> <p>Once excavations have reached depths at which buried cultural resources are unlikely to be present, the Principal Investigator may elect with the approval of the ERO, to provide for an "on-call" Field Archeologist, relying on the observations of the Construction Manager.</p>				
<p><i>Archeological Data Recovery Program (ARDP)</i>. Data recovery may be necessary if potentially significant cultural deposits are encountered during project construction.</p>	<p>Project sponsor and archeological consultant, in consultation with ERO.</p>	<p>Upon discovery of significant archeological resources.</p>	<p>Data recovery program to be described in Final Archeological Resources Report (see below).</p>	<p>Considered complete upon ERO approval of Draft FARR (see below).</p>

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>1. Cultural Resources—Archeology (continued)</p> <p>A data recovery operation must be conducted in accordance with a well defined approach or research design. The research design presented above has been formulated to ensure that the results of data recovery can produce direct and indirect benefit to both the scientific community and lay public in an efficient and cost-effective manner. Data recovered will be analyzed to address the research questions presented in the Research Design regarding the history of San Francisco, and will take into account previous relevant research in the area. Specific recovery methods and analysis techniques are discussed below, as are categories of artifacts that will be collected, as well as those for which collection may not be required. Adequate provisions are provided for the modification of the program should unforeseen circumstances arise during construction.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				

MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Cultural Resources—Archeology (continued)				
<i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.	Project sponsor and archeological consultant; coroner, and Most Likely Descendant, if applicable.	During archeological field program.	Archeological monitor to notify coroner and, if appropriate, NAHC, and shall provide written report of such notification to ERO.	Considered complete upon receipt by ERO of any notification, if applicable.
<i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project sponsor and archeological consultant.	Following completion of any archeological field program.	ERO to review Draft FARR.	Considered complete upon ERO approval of Draft FARR.
Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public	Project sponsor.	Upon ERO approval of Draft FARR.	Project sponsor to provide ERO with copies of transmittals of FARR distribution.	Considered complete upon receipt by ERO of evidence of distribution, and three copies of the FARR.

MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Cultural Resources—Archeology (continued)				
interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				
<i>On-Site Security.</i> The exposure of sub-surface archeological deposits carries with it the inherent risk of looting and destruction of valuable and spatially-sensitive archeological information, as was seen during the previous archeological testing at the site (Archeo-Tec 1990). Consequently, prior to penetration of the existing hardscape, a security fence will be erected around the project parcel. Once the hardscape has been removed and archeological testing begins, a security guard will be employed to provide security during those periods when the site is otherwise unoccupied. It will be the security guard's responsibility to insure that no unauthorized excavations occur and no cultural material is removed from the site.	Project sponsor and archeological consultant.	During all periods of soil-disturbing activity until consultant's determination that no cultural resources are likely to be present.	Project sponsor and ERO.	Considered complete upon consultant's determination, and ERO's concurrence, that no cultural resources are likely to be present.
2. Transportation				
M-TR-1a—Second and Tehama Streets: At the unsignalized intersection of Second and Tehama Streets, the Parking and Traffic Division of the San Francisco Municipal Transportation Agency (SFMTA) would prohibit left turns from Tehama Street onto Second Street using appropriate traffic control devices (e.g., regulatory signs). If a physical traffic control (i.e., a raised median the width of the double yellow centerline on Second Street) is needed to ensure no side-street left turns, then northbound left turns from Second to Tehama would also be prohibited. Implementation of this mitigation measure (either with signs only, or with signs and raised median) would improve the levels of service on both Tehama Street approaches to an acceptable LOS D or better. Because this measure is required to mitigate a project impact, implementation of the measure would be the financial responsibility of the project sponsor.	SFMTA, Parking and Traffic Division.	Prior to issuance of final Certificate of Occupancy, or as determined appropriate by SFMTA.	Monitoring of adequacy of signage and of necessity for physical control shall be conducted periodically during initial year(s) of project operation, as determined appropriate by SFMTA. Project sponsor may be required to bear reasonable cost for such monitoring.	First stage considered complete upon installation of signage. SFMTA monitoring shall determine whether physical control is necessary; implementation of this stage would be considered complete upon such installation.

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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
2. Transportation (continued)				
<p>M-TR-1b-Folsom and Second Streets: At the signalized intersection of Folsom and Second Streets, the Parking and Traffic Division of the San Francisco Municipal Transportation Agency would modify the signal timing to provide more time for traffic on southbound Second Street. Evaluation of possible signal timing modifications indicates that shifting two seconds of Green from eastbound Folsom Street to southbound Second Street would improve the p.m. peak-hour level of service to an acceptable LOS D. Because this measure is required to mitigate a project impact, implementation of the measure would be the financial responsibility of the project sponsor.</p>	SFMTA, Parking and Traffic Division.	Prior to issuance of final Certificate of Occupancy, or as determined appropriate by SFMTA.	SFMTA, Parking and Traffic Division.	Considered complete upon completion of signal timing change.
<p>M-TR-4-Parking Prohibition: The project sponsor would formally request that the San Francisco Municipal Transportation Agency hold a public hearing to prohibit parking space on the north side of Tehama Street, along the southern project site frontage, prior to occupancy of the project building. There are currently five metered parking spaces in this area (four regular spaces, and one yellow loading space).</p>	Project sponsor, SFMTA.	SFMTA to consider request for parking prohibition and implement absent overriding circumstances.	SFMTA, Parking and Traffic Division.	Considered complete
3. Noise				
<p>M-NO-1-General Construction Noise Control Measures: To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:</p> <p>The project sponsor would require the general contractor ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p>	Project sponsor and construction contractor(s).	During project construction.	The project sponsor or construction contractor shall make available a contact number for noise complaints during the construction period and shall file a report with the Planning Department at the conclusion of construction as to the number and nature of such complaints received and the means of resolving each such complaint.	The project sponsor shall ensure that a report is prepared and provided to the ERO documenting any noise complaints during construction and the remedial measures undertaken by the sponsor and/or contractor(s). Considered complete upon receipt of final monitoring report at completion of construction.

MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>3. Noise (continued)</p> <p>The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</p> <p>The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</p> <p>The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.</p>				
<p>M-NO-2-Noise Control Measures for Pile Driving: Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor predrill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.</p> <p>Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>In the event pile driving is to be undertaken.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>See above. In addition, the report submitted to the ERO shall document measures implemented if pile driving is undertaken.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3. Noise (continued)				
<p>M- NO-3: In addition to implementation of Mitigation Measure NO-1a (and Measure NO-1b if applicable), prior to the time that construction of the proposed project is completed, the project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.</p>	<p>Project sponsor and construction contractor(s), along with Planning Department, SFMTA, and other applicable City departments.</p>	<p>During project construction.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>The project sponsor shall ensure that a report is prepared and provided to the ERO documenting any noise complaints during construction and the remedial measures undertaken by the sponsor and/or contractor(s). Considered complete upon receipt of final monitoring report at completion of construction.</p>
Improvement Measures Identified by Planning Staff	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural Resources—Historical Resources				
<p>I-CP-1a: Construction Best Practices and Monitoring Program for Historical Resources. The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and the 631 Howard Street building; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.</p>	<p>Project sponsor.</p>	<p>Prior to issuance of request for construction bids.</p>	<p>Project sponsor and Planning Department (MEA).</p>	<p>The project sponsor shall submit a copy of the relevant portion(s) of the construction bid package to MEA for inclusion in the project file.</p>

MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)

Improvement Measures Identified by Planning Staff	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural Resources—Historical Resources (continued)				
<p>I-CP-1a Construction Monitoring Program. The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of the buildings at 631 Howard Street and 240 Second Street to document and photograph the buildings' existing conditions. The consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inches per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.</p>	<p>Project sponsor and historic architect or qualified historic preservation professional (historic consultant).</p>	<p>Throughout project construction.</p>	<p>Historic consultant.</p>	<p>The historic consultant shall prepare a brief report following the conclusion of construction that indicates the results of the monitoring program and the actions, if any, taken in response to threat(s) of damage to 613 Howard Street and 240 Second Street buildings. The project sponsor shall submit a copy of the report to MEA for inclusion in the project file.</p>



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Draft Motion Section 321/322

HEARING DATE: AUGUST 5, 2010

Date: July 22, 2010
Case No.: **2006.1106BMXZ**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
 350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
 c/o Andrew Junius of Reuben & Junius LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
Staff Contact: Kevin Guy – (415) 558-6163
Kevin.Guy@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2009-2010 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM AND PURSUANT TO SECTIONS 321 AND 322 OF THE PLANNING CODE FOR A PROPOSED PROJECT LOCATED AT 222 SECOND STREET THAT WOULD AUTHORIZE THE CONSTRUCTION OF A 350-FOOT TALL OFFICE DEVELOPMENT WITH A TOTAL OF 430,650 GROSS SQUARE FEET OF OFFICE USE ON ASSESSOR'S BLOCK 3735, LOT 063, IN THE C-3-O(SD) (DOWNTOWN OFFICE SPECIAL DEVELOPMENT) DISTRICT AND WITHIN THE 350-S/150-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 12, 2006, Andrew Junius, acting on behalf of TS 222 Second Street LP ("Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department ("Department"), Case No. 2006.1006E. The Department issued a Notice of Preparation of Environmental Review on May 19, 2007 to owners of properties within 300 feet, adjacent tenants, and other potentially interested parties.

On September 13, 2006, the Project Sponsor applied for an allocation of 430,650 square feet of office space to the project pursuant to Planning Code Section ("Section") 321 and Section 322 (Annual Office Development Limitation Program) (Case No 2006.1106B).

On January 27, 2010, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until March 15, 2010. On March 4, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On July 8, 2010, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project.

On August 5, 2010, the Commission reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the draft EIR, and approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2006.1106E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting program ("MMRP"), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On August 5, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2006.1106B. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Office Allocation requested in Application No. 2006.1106B, subject to 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. **Site Description and Present Use.** The subject site is a 23,925 sq. ft., roughly square, parcel located at the southwest corner of Second and Howard Streets (Lot 063 of Assessor's Block 3735). The Project Site is within the C-3-O(SD) District and a 350-S/150-S Height and Bulk Districts.

At present, the Project Site is currently occupied by a surface parking lot with a small parking lot attendant shed. The Project also contemplates the future acquisition of a portion of the adjacent property to the west (Lot 005 in Assessor's Block 3735), measuring 1,650 square feet. This portion fronts on Tehama Street, and is currently occupied by a loading dock serving the adjacent building at 631 Howard Street. This loading dock would be demolished, and the area would be utilized as a driveway ramp to access the subterranean parking for the Project.

3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. There are many high-rise structures containing dwellings, offices, and other commercial uses. Located across Second Street is 201 Second Street, which is currently occupied by a surface parking lot but is entitled for a 19-story, 103-unit residential development with ground floor retail. The immediate vicinity around the Project Site contains several high-rise buildings, including 246 Second Street, an approximately 16-story residential building, 580-590 Folsom Street (with frontage on Second Street), an approximately 18-story building, 75 Hawthorne Street, an approximately 20-story building, and 645 Howard Street, also known as One Hawthorne, a 25-story, 189-unit mixed-use building, which was recently completed. There are numerous smaller commercial buildings in the area as well. The existing height limits in the area range from 80 feet to 550 feet.
4. **Proposed Project.** The Project proposes to demolish the existing surface parking lot and the existing loading dock on the adjacent property, and to construct a 26-story, 350-foot tall office building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space
5. **Public Comment.** To date, Department staff has received been contacted by one individual in opposition to the Project, who expressed concerns with the height and compatibility of the Project compared with surrounding buildings, as well as the loss of private views.
6. **Office Allocation.** Section 321 establishes standards for San Francisco's Office Development Annual Limit. In determining if the proposed Project would promote the public welfare, convenience and necessity, the Commission 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.

There currently exists square feet of office space available for allocation to office buildings of more than 49,999 square feet of office space ("Large Buildings") during this Approval Period,

which ends October 16, 2010. If the Planning Commission approves the Project with up to 430,650 square feet of office space, there would be 3,415,573 square feet of office space available for allocation. On October 17, 2010 and October 17 of each succeeding year, an additional 875,000 square feet of office space will become available for allocation to buildings of greater than 49,999 square feet of office space.

The Project would improve the balance between San Francisco's economic growth and its housing supply, by contributing to the affordable housing fund pursuant to Planning Code Section 313. The Project is also subject to the Transportation Impact Development Fee, Child Care In-Lieu Fee, and Downtown Parks Special Fund Fee, all of which will contribute to maintaining a balance between economic growth and housing, transportation and public services. Additionally, the Project would create both construction period and permanent new jobs and comply with all the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and Section 164 of the Planning Code to maximize employment opportunities for local residents.

Few significant office developments in the downtown area have been constructed in recent years. The Project would furnish new class-A office space, which would draw more commercial and professional services into the vicinity and further encourage economic growth.

Therefore, the Project and the allocation of square footage would provide additional resources and help maintain the balance between economic growth, housing, transportation and public services.

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

The Project is consistent with the General Plan, as discussed in Section #8 of Motion No. _____, Case 2006.1106X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309). Overall, the Project would advance the objectives and policies of the Commerce, Urban Design, Downtown Plan, Transportation, and Environmental Protection Elements of the General Plan, and presents no significant conflicts with other elements.

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

The manner in which the building is separated into base, lower and upper tower divides the mass of the building into distinct elements. Above the 5th floor, the building is set back from the westerly interior property line and along the Howard Street frontage. This setback provides a distinct break between the massing of the base and the lower tower, and relates the height of the base to the older, low-scaled buildings in the vicinity. In addition, this setback reveals structural columns at the 5th floor, further strengthening the division between the base and the lower tower and introducing a new, rounded textural form. Above the 17th floor, the building is substantially set back from the Tehama and Second Street frontages, completing the visual division of the building into a distinct tripartite arrangement. The exterior skin of the building is comprised of overlapping, full-floor glass panels that. At a detailed level, the overlap of these panels provides depth and shadow to the building, and

creates a dynamically shifting appearance to the building the changes depending on the orientation of the viewer.

The Project will improve and enhance the pedestrian environment by the creation of a large new public open space within the base of the building. More than 8,600 square feet of publicly accessible open space, fronting on Second and Howard Streets, will create new visual interest in an appropriate human scale. This interior space will be activated by the presence of food service and seating areas. In addition, the presence of retail uses will enliven the ground floor near the corner of Tehama and Second Streets.

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's proposed office and retail uses are permitted uses in the C-3-O(SD) District. The site lies two blocks south of Market Street, one block southwest of the Transbay Terminal, and one northeast of the Yerba Buena Center. Numerous office buildings exist within the immediate vicinity of the Project site and the greater Downtown area. The Project furthers the Downtown Plan's goals and objectives of concentrating office uses into a compact Downtown Core.*

b) Transit Accessibility. *The area is served by a variety of transit options. The Project site is two blocks from the Montgomery Street MUNI and BART station, approximately six blocks from the CalTrain Depot at 4th and King Streets, and just one block away from the Transbay Terminal.*

c) Open Space Accessibility. *The ground-floor open space will be easily accessible to the public as well as tenants of the Project site, and will be a desirable addition to the City's open space. It will be accessible, well designed and comfortable, providing a variety of experiences and fulfilling all requirements of the Downtown Plan and the Downtown Streetscape Plan.*

d) Urban Design. *The proposed office Project will transform the existing surface parking lot at the site into a modern office tower with publicly accessible open space and retail/restaurant use on the ground floor. The immediate vicinity contains a wide variety of building types, shapes, materials, and designs. The setback of the building at the 5th story creates a sympathetic relationship to older, lower-scaled buildings in the area, while the overall height and volumetric composition of the Project are compatible to the taller buildings generally located throughout the Downtown Core.*

e) Seismic Safety. *The site is within the Seismic Hazards Zone, as defined by the California Division of Mines and Geology, adopted by the City and County of San Francisco on April 7, 1997. During a major earthquake on a segment of one of the nearby faults, strong to very strong ground shaking is expected to occur at the Project site. The sand layers below the water table have sufficient relative densities and/or clay contents to resist liquefaction. Typically the soil layers of concern for liquefaction are uncontrolled sandy fill and loose to medium dense native sand, below the groundwater level. Due to the nature of soil conditions at the project site, a mat foundation would be sufficient to support the proposed structure.*

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 contribute to the employment of economically disadvantaged persons by its participation in San Francisco's First Source Hiring Program ("FSHP"). During the construction period, the Project will employ up to 300 union laborers per day with an average of 150 laborers per day over the two-year construction period. Available entry-level construction jobs would be processed through the FSHP and would benefit economically disadvantaged persons. Upon completion of construction, the Project would be occupied by commercial tenants that would create up to 1,750 new jobs. Available entry level jobs offered by these businesses must be processed through the FSHP and would benefit economically disadvantaged persons. Because of the size of the development, the Project has the potential to create significant employment opportunities.

The Project will also comply with the requirements of Planning Code Section 164, which includes city resident employment and training requirements.

b) Needs of Existing Businesses. With approximately 430,650 gross square feet of new office space, the Project is anticipated to provide for a great variety and number of tenants, thereby better serving the needs of the business community. The building's floor plates are flexible and can accommodate both small and large businesses. The Project Site is well-served by transit, and is in close proximity to other firms consolidated within the Downtown Core.

c) Available Supply of Space Suitable for Such Anticipated Uses. The project will provide class-A office space that is suitable for a variety of office uses and sizes in a Downtown location. The anticipated office uses and tenants will strengthen the City's economy and the City's position as a business hub and regional employment center.

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

The site is currently under single ownership. The anticipated tenant or tenants will be determined at a later date. However, it is not known whether the Project will be occupied by a single entity.

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

The Project Sponsor shall purchase the required number of TDR and secure a Notice of Use of TDR.

7. **General Plan Conformity.** The General Plan Consistency Findings set forth in Section #8 of Motion No. _____, Case #2006.1106X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
8. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

- 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 Site does not contain any existing retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. The addition of office uses will bring new employees and visitors to the Project Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the vicinity of the Project Site.

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

The Site is currently used as a surface parking lot, and thus, the Project will have no effect on existing housing. The Project is compatible with the character of the area, which is somewhat varied in scale, but is generally defined by intense urban development.

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

The Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 314 Jobs-Housing Linkage Program.

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

The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just two blocks from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the proposed Transbay Terminal (approximately two blocks from the existing Transbay Terminal) providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.

- 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 Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project. The Project Site is currently occupied by a temporary surface parking lot operation.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any existing historic resources and is not located in any historic or preservation district. The Project would not affect any off-site historic resources.

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

The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. Therefore, the Project is not expected to have any impact on this policy.

9. 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.
10. The Commission hereby finds that granting the Project Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

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 Office Allocation Application No. 2006.1106B** 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 _____, on file in Case Docket No. 2006.1106B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 321 and 322 Office Space Allocation 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 in person at 1650 Mission Street, Room 304 or call (415) 575-6880.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 5, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

Exhibit A

Conditions of Approval

Wherever "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 2009 - 2010 Annual Office-Development Limitation Program for the addition of approximately 430,650 gross square feet of office area to the subject property, pursuant to Planning Code Sections 321 and 322 on Assessor's Block 3735, Lots 063, within a C-3-O(SD) (Downtown Office Special Development) District and the 350-S/150-S Height and Bulk District, and as shown on plans dated August 5, 2010, labeled "Exhibit B" and on file with Application No. 2006.1106B.

1. COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. _____, Case #2006.1106X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309), including the Mitigation, Monitoring, and Reporting Program, apply to this approval, and are incorporated herein as though fully set forth, except as modified herein.

2. GENERAL CONDITIONS

A. 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.

B. Recordation.

Prior to the issuance of any building permit 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 the 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.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution General Plan Amendment

HEARING DATE: AUGUST 5, 2010

Date: July 22, 2010
Case No.: **2006.1106BMXZ**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
c/o Andrew Junius of Reuben & Junius LLP
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RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND MAP 5 (PROPOSED HEIGHT AND BULK DISTRICTS) OF THE DOWNTOWN ELEMENT OF THE SAN FRANCISCO GENERAL PLAN TO RECLASSIFY A PORTION OF BLOCK 3735, LOT 063, FROM A 350-S/150-S HEIGHT AND BULK DISTRICT TO A 350-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO THE GENERAL PLAN IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE.

RECITALS

1. WHEREAS, the General Plan consists of goals, objectives, policies and the programs for the future physical development of the City and County of San Francisco that take into consideration social, economic, and environmental factors.
2. WHEREAS, the General Plan shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions.
3. WHEREAS, Section 340 of the Planning Code of the City and County of San Francisco provides that an amendment to the General Plan may be initiated by an application by one or more property owners, residents or commercial lessees or their authorized agents.

4. WHEREAS, TS 222 Second Street, LP ("Project Sponsor") owns the real property located in the City and County of San Francisco, California at 222 Second Street, Block 3735, Lot 063 ("Project Site").
5. WHEREAS, the Project Sponsor proposes to demolish an existing surface parking lot and loading dock and construct a 26-story, 350-foot tall building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space ("Project").
6. WHEREAS, Approval of the Project requires an amendment to Map 5 (Proposed Height and Bulk Districts) of the Downtown Element of the San Francisco General Plan to reclassify the height and bulk districts for the Project Site from 350-S/150-S to 350-S.
7. WHEREAS, On May 28, 2010, the Project Sponsor filed Application No. 2006.1106M to amend Map 5 (Proposed General Plan Map Amendment).
8. WHEREAS, The Project Sponsor has filed other applications with the San Francisco Planning Department ("Department"), including (a) a Section 309 Determination of Compliance and Request for Exceptions, including exceptions for bulk requirements, ground-level wind currents, and sunlight access to public sidewalks, (b) allocation of office space under Planning Code Section ("Section") 321 and Section 322 (Office Development Annual Limit), and (c) a Downtown Plan (General Plan) Amendment changing the height map to increase the height limit to 350 feet across the Project Site.
9. WHEREAS, The Department published a Draft Environmental Review Report (DEIR) on January 27, 2010 analyzing the Proposed Zoning Map Amendments and other actions related to the Project (Case No. 2006.1106E). On August 5, 2010, the Planning Commission ("Commission") certified the Project's Final Environmental Impact Report (FEIR), as set forth in Motion No. ____ and adopted findings pursuant to CEQA as set forth in Motion No. ____, which findings are incorporated herein by this reference thereto as if fully set forth in this Resolution.
10. WHEREAS, The Project will promote the public necessity, convenience, and general welfare in that it will provide an office building with ground floor retail, which is consistent and compatible with the scale, use, and character of existing development in the surrounding area. The Project would replace a surface parking lot with a structure containing office space and active ground level uses, which are desirable for the local area and the City. The Project Sponsor proposes to add up to 430,650 square feet of office space to the City's office supply. The Downtown Core where the Project will be located has been specifically identified as a location for future office development.

11. WHEREAS, The City's General Plan encourages the development of high density office space in the Downtown Plan area, because it is well served by public transit and a highly developed infrastructure and would contribute to a compact Downtown Core while minimizing displacement of other uses.
12. WHEREAS, The proposed height change will affect a relatively small area at the westerly portion of the Project Site, within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet. The proposed height change would make the applicable height limit consistent with the remainder of the Project Site.
13. WHEREAS, The proposed office building at 222 Second Street will improve an underutilized site, creating a project that is desirable for and compatible with the existing downtown development and the nearby community. The Project will add up to 430,650 square feet of office space to the City's office supply. The addition of office space is necessary and desirable at this location as it will be well-served by existing public transit and infrastructure. Moreover, the Project will minimize any detrimental impacts to the area by paying fees pursuant to the Downtown Park Fund, the Jobs Housing Linkage Program, the Child Care Capital Fund, and the Transit Impact Development Fee.
14. WHEREAS, The height of the proposed building, at 350 feet, is consistent and compatible with the other large buildings in the area.
15. WHEREAS, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set forth in Section #8 of Motion No. _____, Case #2006.1106X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309) which are incorporated herein as though fully set forth.
16. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:
 - 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 Site does not contain any existing retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. The addition of office uses will bring new employees and visitors to the Project Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the vicinity of the Project Site.

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

The Site is currently used as a surface parking lot, and thus, the Project will have no effect on existing housing. The Project is compatible with the character of the area, which is somewhat varied in scale, but is generally defined by intense urban development.

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

The Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 314 Jobs-Housing Linkage Program.

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

The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just two blocks from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within one block from the proposed Transbay Terminal (approximately two blocks from the existing Transbay Terminal) providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.

- 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 Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project. The Project Site is currently occupied by a temporary surface parking lot operation.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any existing historic resources and is not located in any historic or preservation district. The Project would not affect any off-site historic resources.

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

The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. Therefore, the Project is not expected to have any impact on this policy.

13. WHEREAS, A proposed ordinance, attached hereto as Exhibit A, has been drafted in order to make the necessary amendment to the General Plan of the City and County of San Francisco by changing the height and bulk district for the Project Site, as shown on "Map 5 – Proposed Height and Bulk Districts," referred to in Policy 13.1 of the Downtown Area Plan of the to implement the Project (Proposed Ordinance).
14. WHEREAS, The Proposed Ordinance would amend "Map 5 – Proposed Height and Bulk Districts" by reclassifying the height and bulk district for a portion of the Project Site from 150-S to 350-S.
15. WHEREAS, the Office of the City Attorney has reviewed the Proposed Ordinance and approved it as to form.
16. WHEREAS, Section 4.105 of the City Charter and Section 340 of the Planning Code require that the Commission consider any proposed amendments to the City's General Plan, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.
15. WHEREAS, On August 5, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed General Plan Map Amendment.
16. WHEREAS, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Map 5 (Proposed Height and Bulk Districts) of the Downtown Element of the San Francisco General Plan be amended to allow the reclassification of a portion of the property known as 222 Second Street, Block 3735, Lot 063, from a 350-S/150-S height and bulk district to a 350-S height and bulk district, as proposed in General Plan Map Amendment Application No. 2006.1106M; and,

Resolution XXXXX
Hearing Date: August 5, 2010

CASE NO. 2006.1106BMXZ
222 SECOND STREET

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed General Plan Map Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on August 5, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 5, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution Zoning Map Amendment

HEARING DATE: AUGUST 5, 2010

Date: July 22, 2010
Case No.: **2006.1106BMXZ**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
c/o Andrew Junius of Reuben & Junius LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy – (415) 558-6163
Kevin.Guy@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET HT1 TO RECLASSIFY BLOCK 3735, LOT 063, FROM A 350-S/150-S HEIGHT AND BULK DISTRICT TO A 350-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO ZONING MAP SHEET HT1 IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE.

RECITALS

1. WHEREAS, TS 222 Second Street, LP (“Project Sponsor”) owns the real property located in the City and County of San Francisco, California at 222 Second Street, Block 3735, Lot 063 (“Project Site”).
2. WHEREAS, the Project Sponsor proposes to demolish an existing surface parking lot and loading dock and construct a 26-story, 350-foot tall building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space (“Project”).
3. WHEREAS, Approval of the Project requires an amendment to Map HT1 of the Zoning Maps of the City and County of San Francisco (“Zoning Maps”) to reclassify the height and bulk district for a portion of the Project Site from 350-S/150-S to 350-S.

4. WHEREAS, On May 28, 2010, the Project Sponsor filed Application No. 2006.1106Z to amend Map 1H (Proposed Zoning Map Amendment).
5. WHEREAS, The Project Sponsor has filed other applications with the San Francisco Planning Department ("Department"), including (a) a Section 309 Determination of Compliance and Request for Exceptions, including exceptions for bulk requirements, ground-level wind currents, and sunlight access to public sidewalks, (b) allocation of office space under Planning Code Section ("Section") 321 and Section 322 (Office Development Annual Limit), and (c) a Downtown Plan (General Plan) Amendment changing the height map to increase the height limit to 350 feet across the Project Site.
6. WHEREAS, The Department published a Draft Environmental Review Report (DEIR) on January 27, 2010 analyzing the Proposed Zoning Map Amendments and other actions related to the Project (Case No. 2006.1106E). On August 5, 2010, the Planning Commission ("Commission") certified the Project's Final Environmental Impact Report (FEIR), as set forth in Motion No. _____ and adopted findings pursuant to CEQA as set forth in Motion No. _____, which findings are incorporated herein by this reference thereto as if fully set forth in this Resolution.
7. WHEREAS, The Project will promote the public necessity, convenience, and general welfare in that it will provide an office building with ground floor retail, which is consistent and compatible with the scale, use, and character of existing development in the surrounding area. The Project would replace a surface parking lot with a structure containing office space and active ground level uses, which are desirable for the local area and the City. The Project Sponsor proposes to add up to 430,650 square feet of office space to the City's office supply. The Downtown Core where the Project will be located has been specifically identified as a location for future office development.
8. WHEREAS, The City's General Plan encourages the development of high density office space in the Downtown Plan area, because it is well served by public transit and a highly developed infrastructure and would contribute to a compact Downtown Core while minimizing displacement of other uses.
9. WHEREAS, The proposed height change will affect a relatively small area at the westerly portion of the Project Site, within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet. The proposed height change would make the applicable height limit consistent with the remainder of the Project Site.
10. WHEREAS, The proposed office building at 222 Second Street will improve an underutilized site, creating a project that is desirable for and compatible with the existing downtown development and the nearby community. The Project will add up to 430,650 square feet of office space to the City's office supply. The addition of office space is necessary and desirable

at this location as it will be well-served by existing public transit and infrastructure. Moreover, the Project will minimize any detrimental impacts to the area by paying fees pursuant to the Downtown Park Fund, the Jobs Housing Linkage Program, the Child Care Capital Fund, and the Transit Impact Development Fee.

11. WHEREAS, The height of the proposed building, at 350 feet, is consistent and compatible with the other large buildings in the area.
12. WHEREAS, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set forth in Section #8 of Motion No. _____, Case #2006.1106X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309) which are incorporated herein as though fully set forth.
13. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

- 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 Site does not contain any existing retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. The addition of office uses will bring new employees and visitors to the Project Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the vicinity of the Project Site.

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

The Site is currently used as a surface parking lot, and thus, the Project will have no effect on existing housing. The Project is compatible with the character of the area, which is somewhat varied in scale, but is generally defined by intense urban development.

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

The Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 314 Jobs-Housing Linkage Program.

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

The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just two blocks from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition,

the Project Site is within one block from the proposed Transbay Terminal (approximately two blocks from the existing Transbay Terminal) providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.

- 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 Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project. The Project Site is currently occupied by a temporary surface parking lot operation.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any existing historic resources and is not located in any historic or preservation district. The Project would not affect any off-site historic resources.

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

The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. Therefore, the Project is not expected to have any impact on this policy.

13. WHEREAS, A proposed ordinance, attached hereto as Exhibit A, has been drafted in order to make necessary amendment to the Zoning Maps to implement the Project (Proposed Ordinance).
14. WHEREAS, The Proposed Ordinance would amend Map HT1 of the Zoning Maps by reclassifying the height and bulk district for a portion of the Project Site from 150-S to 350-S.
15. WHEREAS, the Office of the City Attorney has reviewed the Proposed Ordinance and approved it as to form.
16. WHEREAS, Section 4.105 of the City Charter and Section 302 of the Planning Code require that the Commission consider any proposed amendments to the City's Zoning

Maps and Planning Code, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.

15. WHEREAS, On August 5, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed Zoning Map Amendment.
16. WHEREAS, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Zoning Map Sheet HT1 be amended to reclassify a portion of the property located at 222 Second Street, Block 3735, Lot 063, from a 350-S/150-S Height and Bulk District to a 350-S Height and Bulk District, as proposed in Zoning Map Amendment Application No. 2006.1106Z; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed Zoning Map Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on August 5, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 5, 2010

Resolution XXXXX
Hearing Date: August 5, 2010

CASE NO. 2006.1106BMXZ
222 SECOND STREET

LEGISLATIVE DIGEST

[General Plan Amendment for a portion of 222 2nd Street (Assessor's Block 3735, Lot 063).]

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Currently, Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan of the San Francisco General Plan shows the height and bulk of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet, or "West Corner") of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) as 150-S.

Amendments to Current Law

This ordinance amends Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan of the San Francisco General Plan to change the zoning for the West Corner from its current height and bulk designation of 150-S to 350-S.

Background Information

The General Plan amendment is part of a project that proposes to build a 26-story, 350-foot tall building at the location. The proposed project would contain approximately 430,650 square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible interior open space at the ground floor. The Planning Department has prepared and Environmental Impact Report for the proposed project.

1 [General Plan Amendment for a portion of 222 2nd Street (Assessor's Block 3735, Lot 063).]

2
3 **Ordinance amending the General Plan of the City and County of San Francisco by**
4 **amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to**
5 **change the height and bulk classification of the west corner (within a rectangular area**
6 **measuring 45 feet in length along the westernmost portion of the Howard Street**
7 **frontage, to a depth of 82.5 feet) of the property located at 222 2nd Street (Assessor's**
8 **Block 3735, Lot 063) from 150-S to 350-S and adopting findings, including**
9 **environmental findings and findings of consistency with the General Plan and the**
10 **Priority Policies of Planning Code Section 101.1.**

11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~strikethrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings. The Board of Supervisors of the City and County of San
16 Francisco hereby finds and determines that:

17 A. On May 28, 2010, Andrew Junius acting on behalf of TS 222 Second Street,
18 L.P. ("Project Sponsor") filed an application for an amendment of Zoning Map HT1 of the
19 Zoning Map of the City and County of San Francisco, to change the height and bulk
20 classification of the west corner (within a rectangular area measuring 45 feet in length along
21 the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet ("West
22 Corner")) of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from
23 150-S to 350-S.

24 B. The Zoning Map amendment is part of a project proposed by the Project
25 Sponsor to build a 26-story, 350-foot tall building containing approximately 430,650 square

1 feet of office space, approximately 5,000 square feet of ground floor retail space,
2 approximately 28,000 square feet of subterranean parking area, and approximately 8,600
3 square feet of publicly-accessible interior open space at the ground floor ("Proposed Project").

4 C. The Proposed Project requires the amendment the General Plan of the City and
5 county of San Francisco, specifically, amendment of "Map 5 – Proposed Height and Bulk
6 Districts" of the Downtown Plan, to change the height and bulk classification of the West
7 Corner of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-S
8 to 350-S ("the Proposed General Plan Amendment").

9 D. On August 5, 2010, at a duly noticed public hearing, by Motion _____, the
10 Planning Commission certified the Final Environmental Impact Report ("FEIR") for the
11 Proposed Project. The Planning Commission certified that the FEIR for the Proposed Project
12 reflects the independent judgment and analysis of the City and County of San Francisco, is
13 adequate, accurate and objective, contains no significant revisions to the Draft EIR, and that
14 the content of the FEIR and the procedures through which it was prepared, publicized and
15 reviewed comply with the provisions of the California Environmental Quality Act ("CEQA")
16 (California Public Resources Code section 21000 et seq.), the State CEQA Guidelines
17 (California Code of Regulations Title 14 sections 15000 et seq.) and Chapter 31 of the San
18 Francisco Administrative Code ("Chapter 31"). a copy of the FEIR is on file with the Clerk of
19 the Board of Supervisors in File No. _____.

20 E. At the same hearing during which the Planning Commission certified the FEIR
21 for the Proposed Project, it also adopted CEQA Findings with respect to the approval of the
22 Proposed Project, including the General Plan Amendment, in Motion _____.

23 F. Pursuant to San Francisco Charter Section 4.105 and Planning Code Section
24 340, any amendments to the General Plan shall first be considered by the Planning
25

1 Commission and thereafter recommended for approval or rejection by the Board of
2 Supervisors.

3 G. On August 5, 2010 the Planning Commission conducted a duly noticed public
4 hearing on the Proposed General Plan Amendment pursuant to Section 340. The
5 Commission found that the Proposed General Plan Amendment served the public necessity,
6 convenience and general welfare, and by Resolution No. _____ adopted the Proposed
7 General Plan amendments and recommended them for approval to the Board of Supervisors.
8 A copy of Planning Commission Resolution No. _____ is on file with the Clerk of the Board
9 of Supervisors in File No. _____.

10 H. The Board of Supervisors has reviewed and considered the Final EIR, the
11 environmental documents on file referred to herein, and the CEQA Findings adopted by the
12 Planning Commission in support of the approval of the Proposed Project, including the
13 mitigation monitoring and reporting program. The Board of Supervisors has adopted the
14 Planning Commission's CEQA findings as its own and hereby incorporates them by reference
15 as though fully set forth herein.

16 I. Pursuant to Planning Code Section 340, this Board of Supervisors finds that the
17 General Plan Amendment will serve the public necessity, convenience and welfare for the
18 reasons set forth in Planning Commission Motion No. _____ (approving the Section 321
19 office allocation application for the Project), and Motion No. _____ (adopting findings
20 relating to a determination of compliance under Planning Code Section 309 for the Project),
21 and Resolution No. _____ (adopting environmental findings and recommending that the
22 Board of Supervisors approve this General Plan Amendment), and incorporates such reasons
23 by reference herein.

1 J. Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that
2 the General Plan Amendment is consistent with the Priority Policies of Section 101.1(b) of the
3 Planning Code and the General Plan, and hereby adopts the findings of the Planning
4 Commission, as set forth in Planning Commission Motion Nos. _____ and _____
5 and Planning Commission Resolution No. _____, and incorporates said findings by
6 reference herein.

7 Section 2. The Board of Supervisors hereby approves an amendment to the General
8 Plan as follows: Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan of the
9 General Plan of the City and County of San Francisco shall be amended to change the height
10 and bulk district classification of the West Corner of the property located at Block 3735, Lot
11 063 that is currently set at 150-S from 150-S to 350-S.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By:


16 ANDREA RUIZ-ESQUIDE
17 Deputy City Attorney
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LEGISLATIVE DIGEST

[Zoning Map Amendment for a portion of 222 2nd Street (Assessor's Block 3735, Lot 063).]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Currently, the height and bulk of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet, or "West Corner") of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) is 150-S.

Amendments to Current Law

This ordinance amends Zoning Map 1HT of the Zoning Map of the City and County of San Francisco to change the zoning for the West Corner from its current height and bulk designation of 150-S to 350-S.

Background Information

The Zoning Map amendment is part of a project that proposes to build a 26-story, 350-foot tall building at the location. The proposed project would contain approximately 430,650 square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible interior open space at the ground floor. The Planning Department has prepared and Environmental Impact Report for the proposed project.

1 [Zoning Map Amendment for a portion of 222 2nd Street (Assessor's Block 3735, Lot 063).]

2
3 **Ordinance amending the Zoning Map of the City and County of San Francisco by**
4 **amending Zoning Map 1HT to change the height and bulk district classification of the**
5 **west corner (within a rectangular area measuring 45 feet in length along the**
6 **westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the**
7 **property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-S to 350-S**
8 **and adopting findings, including environmental findings and findings of consistency**
9 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are *strikethrough italics Times New Roman*.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Findings. The Board of Supervisors of the City and County of San
15 Francisco hereby finds and determines that:

16 A. On May 28, 2010, Andrew Junius acting on behalf of TS 222 Second Street,
17 L.P. ("Project Sponsor") filed an application for an amendment of Zoning Map HT1 of the
18 Zoning Map of the City and County of San Francisco, to change the height and bulk
19 classification of the west corner (within a rectangular area measuring 45 feet in length along
20 the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet ("West
21 Corner")) of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-
22 S to 350-S ("Proposed Zoning Map Amendment").

23 B. The Proposed Zoning Map Amendment is part of a project proposed by the
24 Project Sponsor to build a 26-story, 350-foot tall building containing approximately 430,650
25 square feet of office space, approximately 5,000 square feet of ground floor retail space,

1 approximately 28,000 square feet of subterranean parking area, and approximately 8,600
2 square feet of publicly-accessible interior open space at the ground floor ("Proposed Project").

3 C. On August 5, 2010, at a duly noticed public hearing, by Motion _____, the
4 Planning Commission certified the Final Environmental Impact Report ("FEIR") for the
5 Proposed Project, including the Proposed Zoning Map Amendment. The Planning
6 Commission certified that the FEIR for the Proposed Project reflects the independent
7 judgment and analysis of the City and County of San Francisco, is adequate, accurate and
8 objective, contains no significant revisions to the Draft EIR, and that the content of the FEIR
9 and the procedures through which it was prepared, publicized and reviewed comply with the
10 provisions of the California Environmental Quality Act ("CEQA") (California Public Resources
11 Code section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations Title
12 14 sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code
13 ("Chapter 31"). A copy of the FEIR is on file with the Clerk of the Board of Supervisors in File
14 No. _____.

15 D. On August 5, 2010, the Planning Commission adopted Motion No. _____,
16 adopting CEQA Findings with respect to the approval of the Proposed Project, including the
17 Proposed Zoning Map Amendment. This Board of Supervisors hereby affirms and adopts said
18 findings based on the reasons set forth therein, and incorporates such reasons by reference.

19 E. On August 5, 2010 the Planning Commission adopted Resolution No.
20 _____, approving and recommended adoption by the Board of Supervisors of the
21 Proposed Zoning Map Amendment.

22 F. The letter from the Planning Department transmitting the Proposed Zoning Map
23 Amendment to the Board of Supervisors, the Final EIR, the CEQA Findings adopted by the
24 Planning Commission with respect to the approval of the Proposed Project, including a
25

1 mitigation monitoring and reporting program, are on file with the Clerk of the Board in File No.
2 _____. These and any and all other documents referenced in this Ordinance have
3 been made available to, and have been reviewed by, the Board of Supervisors, and may be
4 found in either the files of the City Planning Department, as the custodian of records, at 1650
5 Mission Street in San Francisco, or in File No. _____ with the Clerk of the Board of
6 Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by
7 reference.

8 G. The Board of Supervisors has reviewed and considered the Final EIR, the
9 environmental documents on file referred to herein, and the CEQA Findings adopted by the
10 Planning Commission in support of the approval of the Proposed Project, including the
11 mitigation monitoring and reporting program. The Board of Supervisors has adopted the
12 Planning Commission's CEQA findings as its own and hereby incorporates them by reference
13 as though fully set forth herein.

14 H. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
15 Zoning Map Amendment will serve the public necessity, convenience and welfare for the
16 reasons set forth in Planning Commission Motion No. _____ (approving the Section 321
17 office allocation application for the Project), and Motion No. _____ (adopting findings
18 relating to a determination of compliance under Planning Code Section 309 for the Project),
19 and Resolution No. _____ (adopting environmental findings and recommending that
20 the Board of Supervisors approve this Zoning Map Amendment), and incorporates such
21 reasons by reference herein.

22 I. Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that
23 the Proposed Zoning Map Amendment is consistent with the General Plan, as amended, and
24 with the Priority Policies of Planning Code Section 101.1 (b), and hereby adopts the findings
25

1 of the Planning Commission, as set forth in Planning Commission Motion Nos. _____
2 and _____ and Planning Commission Resolution No. _____, and incorporates said
3 findings by reference herein.

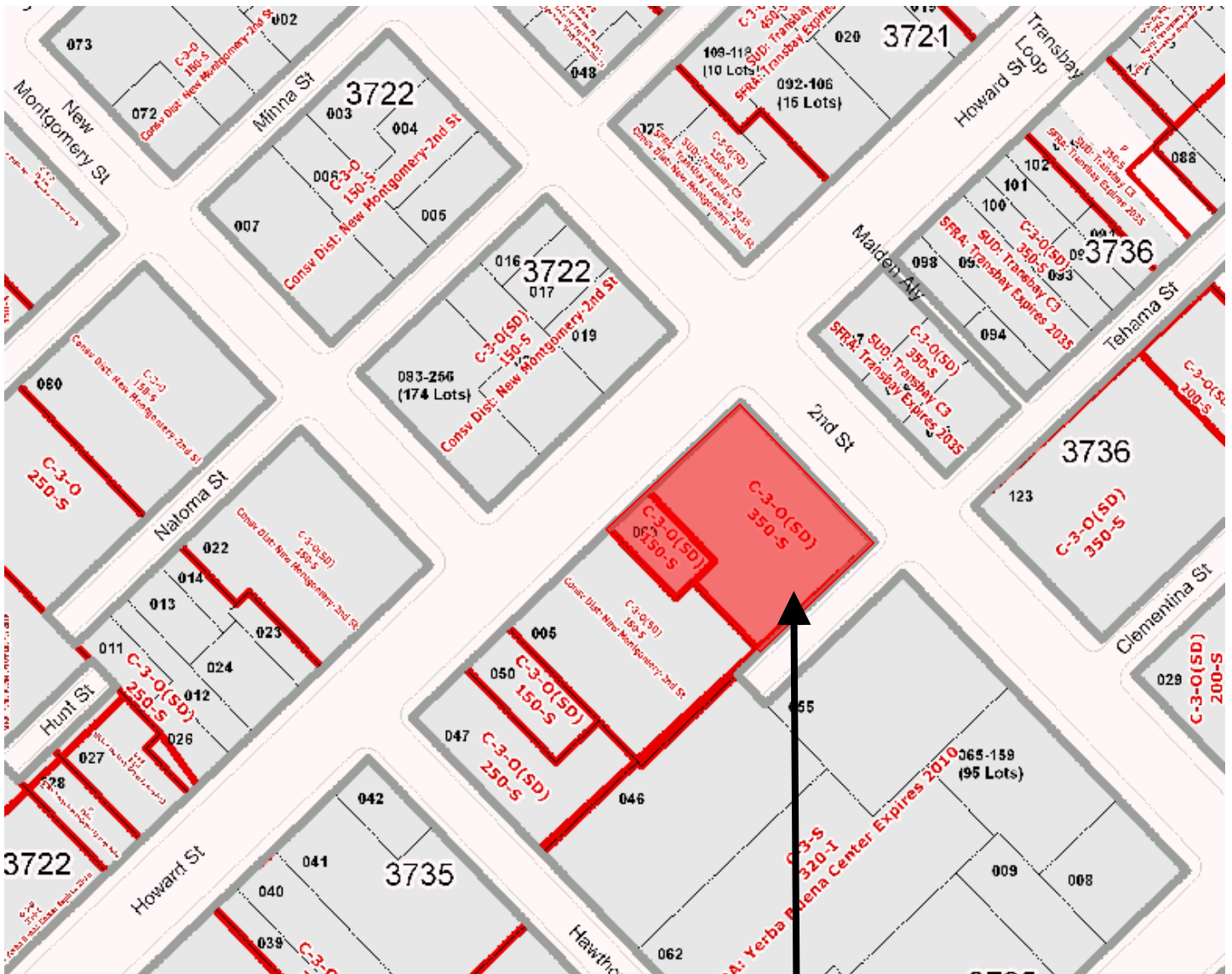
4 Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following
5 change in height and bulk district classification, duly approved and recommended to the
6 Board of Supervisors by Resolution of the Planning Commission, is hereby adopted as an
7 amendment to Zoning Map Sheet 1HT of the City and County of San Francisco:

<u>Description of Property</u>	<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts to Be Approved</u>
Assessor's Block 3735 Lot 063	350-S/150-S	<u>350-S</u>

12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: 
15 _____
16 ANDREA RUIZ-ESQUIDE
17 Deputy City Attorney

Parcel Map

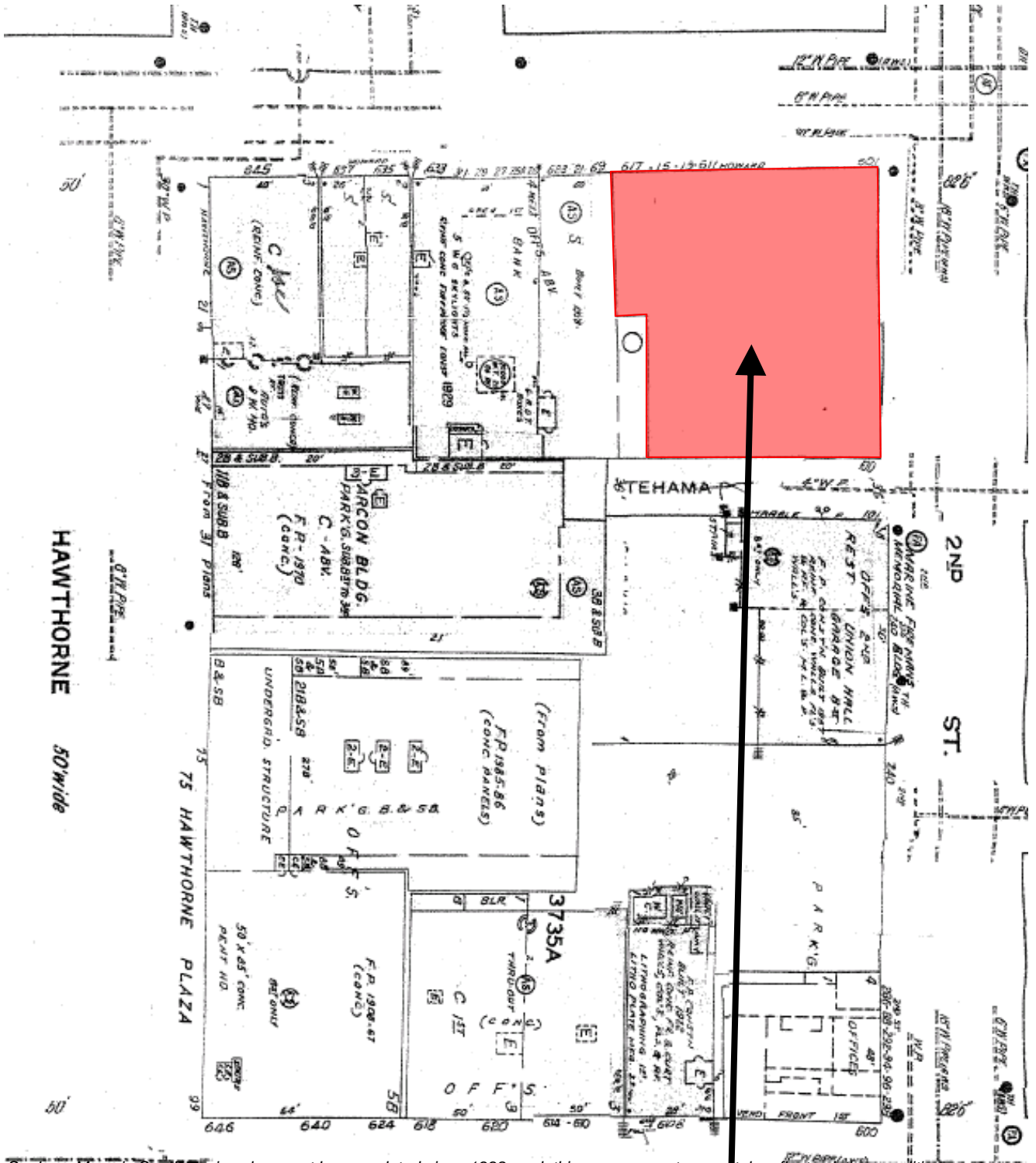


PROJECT SITE



Section 309 Determination of Compliance
Case Number 2006.1106BMXZ
222 Second Street

Sanborn Map*



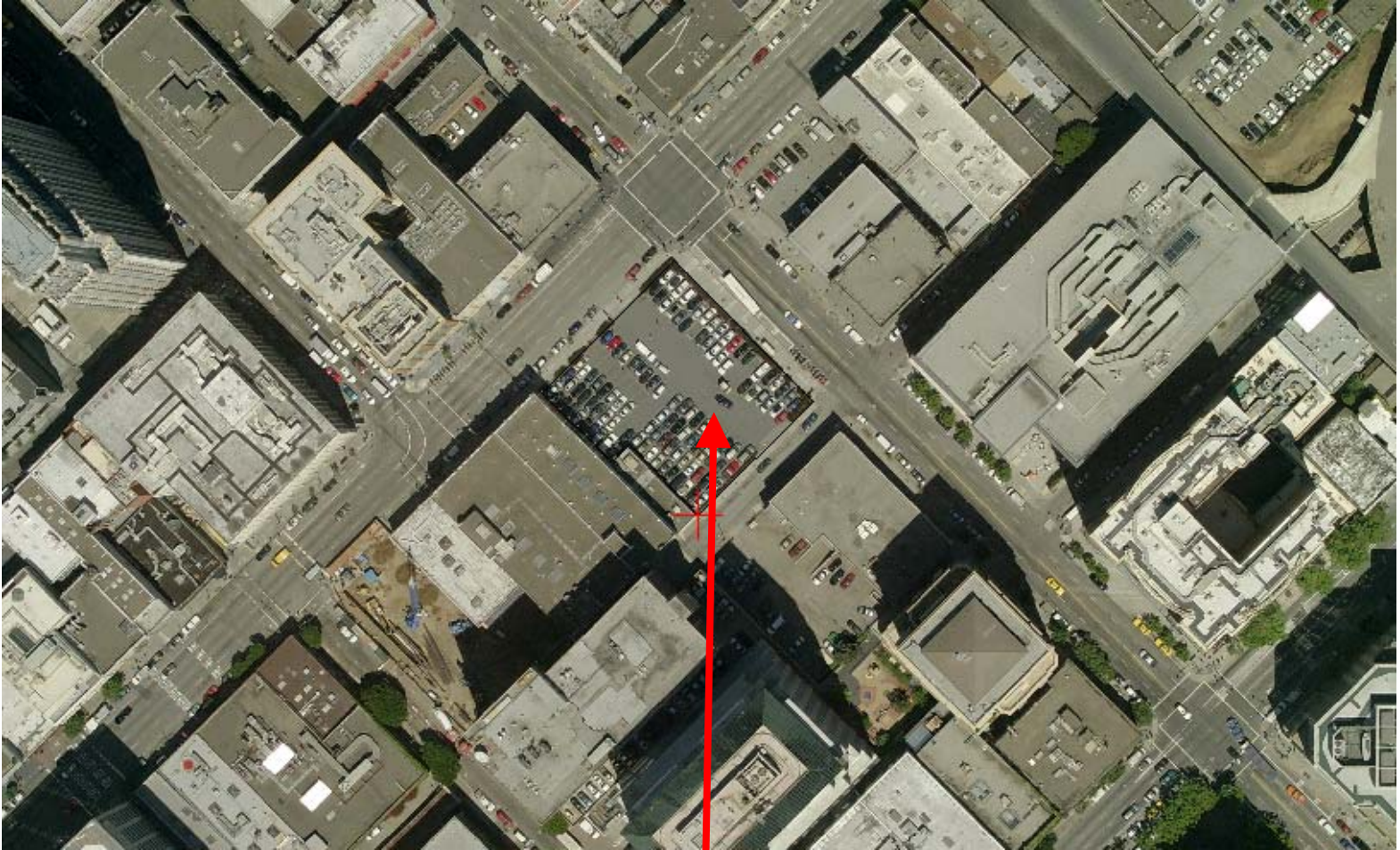
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

PROJECT SITE



Section 309 Determination of Compliance
 Case Number 2006.1106BMXZ
 222 Second Street

Aerial Photo

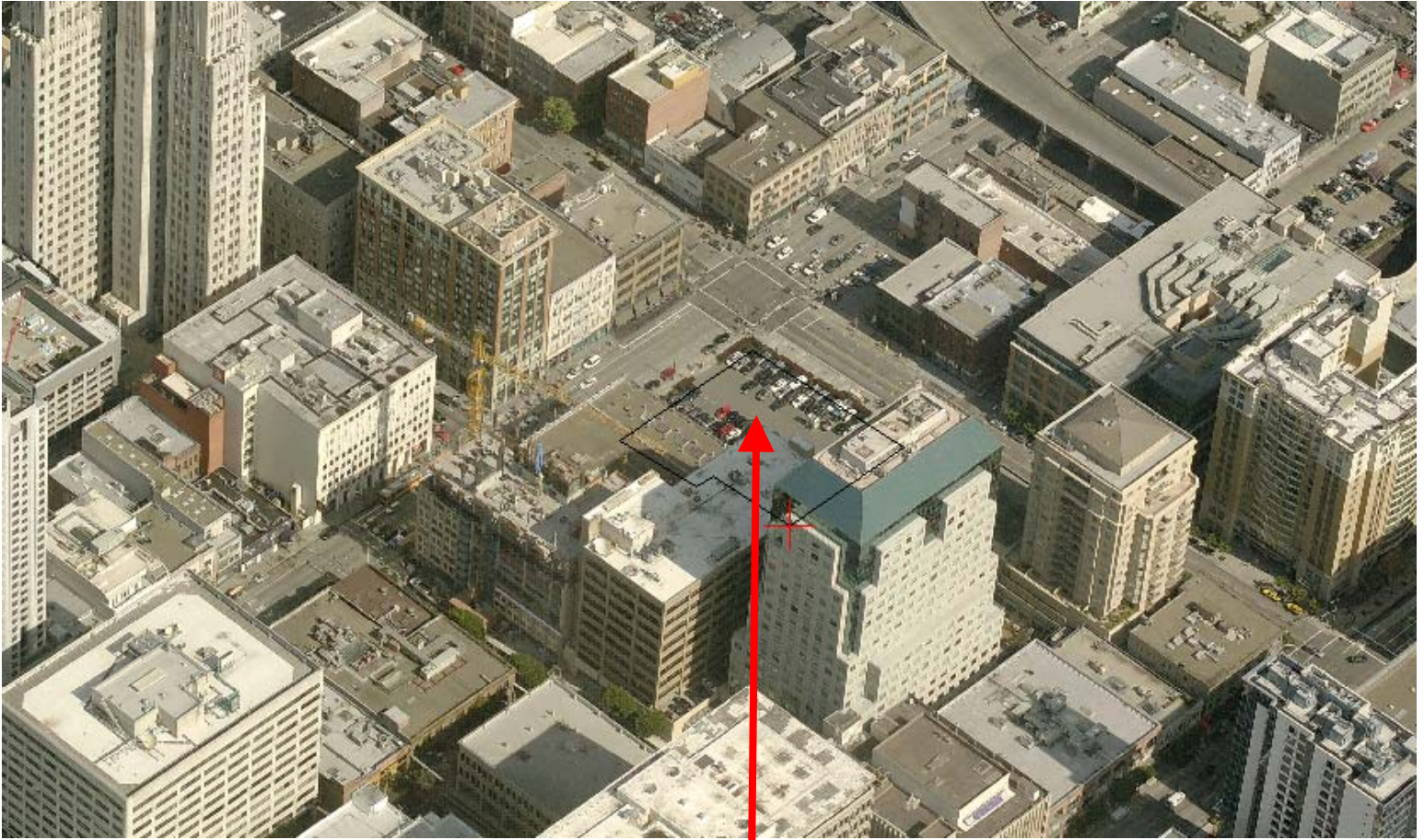


PROJECT SITE



Section 309 Determination of Compliance
Case Number 2006.1106BMXZ
222 Second Street

Aerial Photo



Looking North

PROJECT SITE

Section 309 Determination of Compliance
Case Number 2006.1106BMXZ
222 Second Street

Aerial Photo

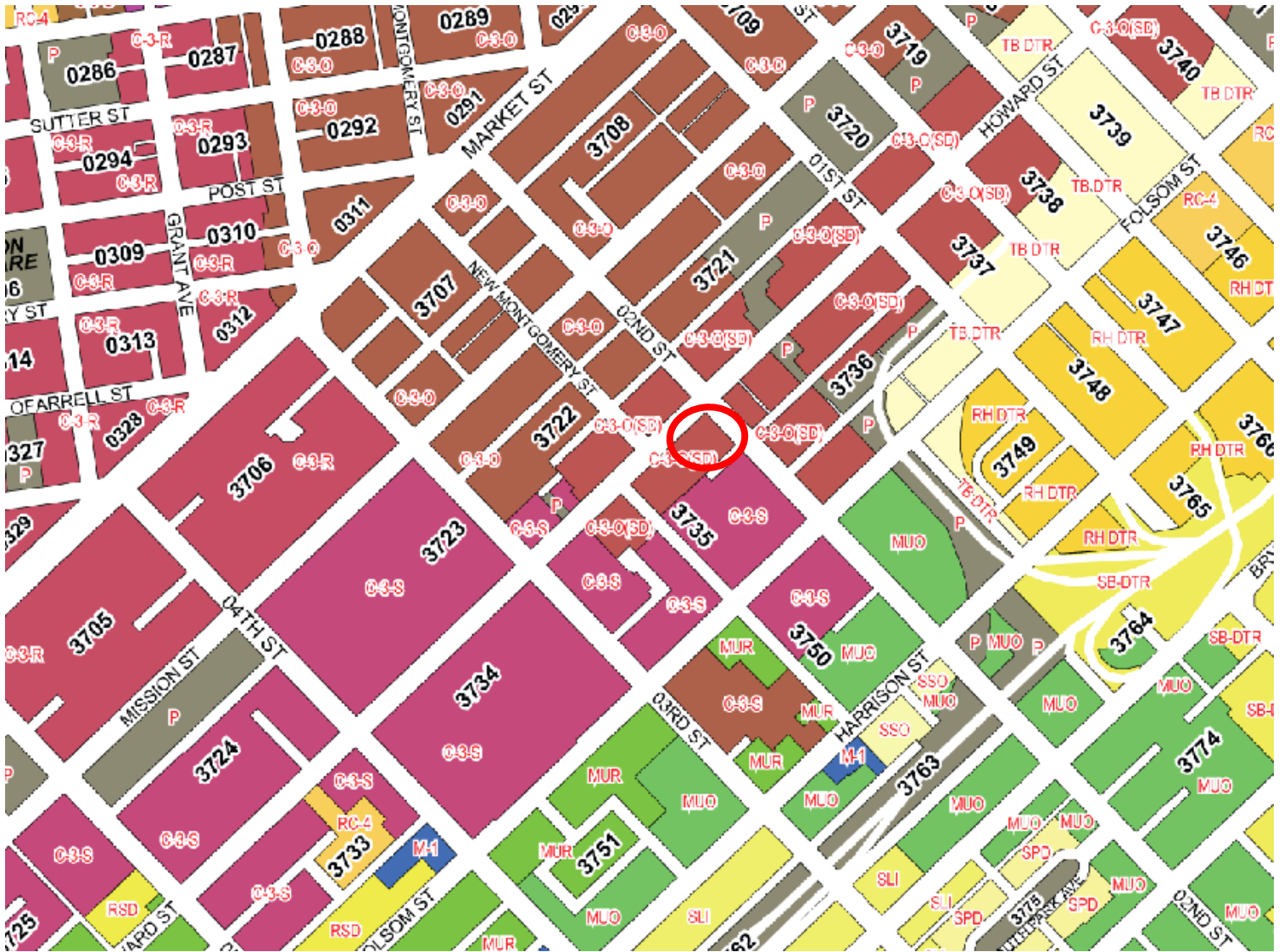


Looking West

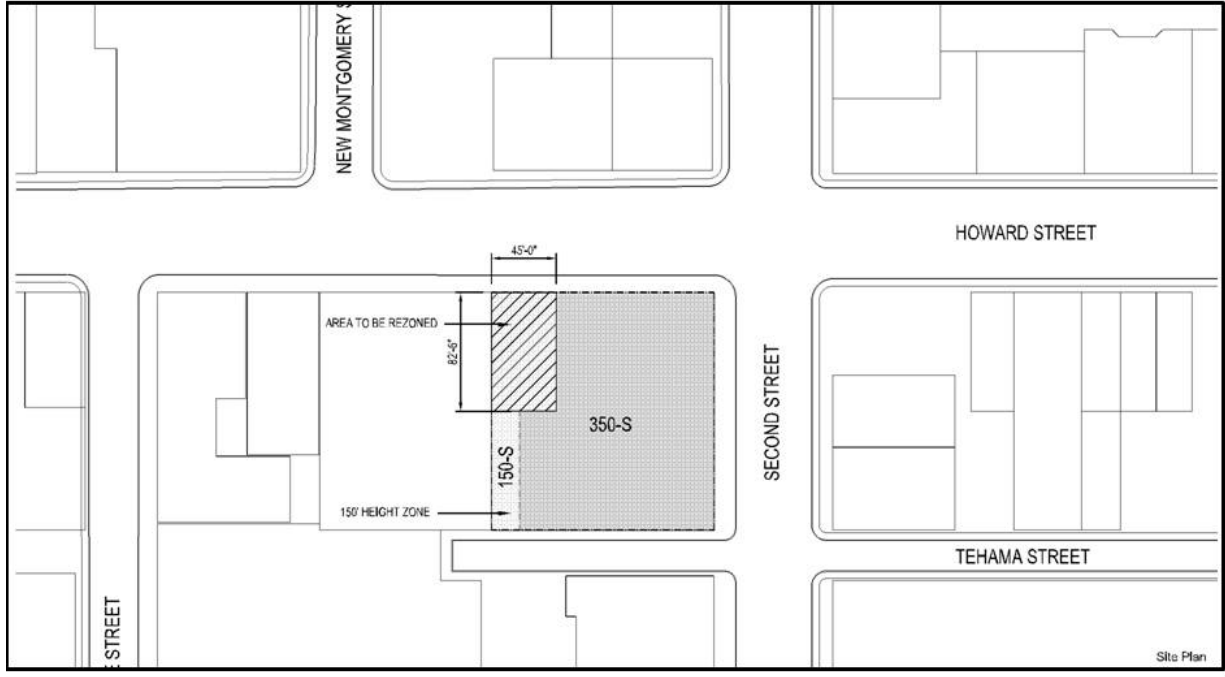
PROJECT SITE

Section 309 Determination of Compliance
Case Number 2006.1106BMXZ
222 Second Street

Zoning Map



Section 309 Determination of Compliance
Case Number 2006.1106BMXZ
222 Second Street



Existing Height and Bulk District classification



New Height and Bulk District classification



Richard Ho
<richardho_2000@yahoo.com>
m>
07/08/2010 02:09 PM

To kevin.guy@sfgov.org
cc Richard Ho <richardho_2000@yahoo.com>
bcc
Subject Case NO 2006.1106BMXZ - 222 2nd St

History:  This message has been replied to.

Hi Kevin,

I am a resident at 246 2nd St adjacent to where the new development is being planned for construction.

I am unable to attend the hearing but I wanted to voice the following concerns:

- 1) How does the developer intend on handling dirt and debris during construction as this will carry over to our residence.
- 2) I would be concern with air and light issues as I am already on a lower floor.

If you have any questions, I can be reached at 415-720-7328.

Thank you.

REUBEN & JUNIUS^{LLP}

July 20, 2010

Delivered by Hand

Mr. Ron Miguel, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

**Re: 222 Second Street
Project Sponsor's Brief in Support
CPC Hearing Date: August 5, 2010
Case No.: 2006.1106EXBMZ
Our File No.: 6250.14**

Dear President Miguel and Commissioners:

This office represents TS 222 Second Street, LLP ("Project Sponsor"), the owner and developer of the site located at the corner of Second and Howard Streets in downtown San Francisco. This site represents one of the last premier Class-A office sites in the City. The Project Sponsor has proposed a LEED Gold, 350-foot tall, 430,650 square-foot glass-skinned office tower. The Project will include over 8,600 square feet of indoor public open space at the base of the building fronting on the prominent corner of Second and Howard Streets. This open space will provide a unique and needed public amenity at this important downtown corner. We look forward to presenting the Project to you on August 5, 2010.

Background

The Project Sponsor acquired this site in 2006 and immediately began processing entitlements for an office project. This site currently consists of a surface parking lot that accommodates approximately 64 independently accessible parking spaces. This site has been a parking lot for approximately 20 years. A 290,000 square-foot office building was approved in 1989, but was never constructed.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Tuija I. Catalano | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Stephen R. Miller | Lindsay Petrone | John Kevin | Alison L. Krumbein | John McInerney²

¹ Also admitted in New York ² Of Counsel

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

Architecture and Design

The Project is a modern, steel and glass office tower that will include up to 430,650 square feet of gross floor area of office space. The Project's massing is divided into three distinct portions, a base, lower tower, and upper tower. The base has been specifically designed to both accommodate 8,600 square feet of indoor public open space, as well as specifically relate to the scale of the surrounding lower historic buildings, including the adjacent historic building at 631 Howard Street. There is a distinct separation between the glass base element and the lower tower, with an eight-foot setback at the fifth floor and exterior architectural elements that allow the lower tower to float above the base. At approximately 219 feet, the lower tower transitions into the upper tower, creating a more compact envelope on the skyline and setback from Second Street. The Project's lobby, open space and retail space completely surround the ground floor of the building, providing an extraordinary new pedestrian environment on Howard and Second Streets, as well as revitalizing the corner of Tehama and Second Streets.

A unique overlapping glass curtain wall system was developed to accentuate the vertical crystalline expression of the building form. Each pane of glass is tilted several inches, giving the building a sense of depth with an ever-changing play of light and shadow throughout the day. The tilted panes reverse direction with each stacked form and reinforce a classical tripartite building organization with a distinct base, middle and top that is consistent with the Downtown Plan. The overlapping glass also acts as a shading element that reduces solar heat gain, minimizes overall building energy consumption while maximizing natural lighting throughout the building.

At the far north-western corner of the site, adjacent to the building at 631 Howard Street, the Project needs a minor adjustment to the height zoning map. Currently, that portion of the site is zoned 150 feet. The rest of the site is zoned 350 feet. The area proposed for rezoning is approximately 3,713 square feet, representing only about 15% of the proposed site. Changing the height of this small section of the site to 350 feet will make it consistent with the height limit on the remaining majority of the site. This allows considerably more architectural and design flexibility, and results in a much better building. While a similar project with the same floor area could be constructed on the site without this height change, that project would result in a taller, bulkier base that would not respect the adjacent building at 631 Howard Street and the grand public open space and lobbies at the base would be diminished. We believe the minor adjustment in height allows for a significantly better building, both in an architectural sense and a public sense.

The Project Furthers the Goals of the Downtown Plan

The Project will provide significant new Class A office space at this prominent corner site, furthering the Downtown Plan's goals and objectives of concentrating office uses in the Central Business District ("CBD"). The Project is located within the C-3-O (SD) District, which district facilitates expansion of downtown office space south of Market, and south of the traditional downtown core, which is mostly built out.

The Project promotes a number of the objectives of the Downtown Plan including the following:

- Objective 1, where the Plan recognizes "the need to create jobs, specifically for San Franciscans, and to continue San Francisco's role as an international center of commerce and services. New jobs enhance these City functions, to expand employment opportunities, and to provide added tax resources, to make downtown growth at a reasonable scale and desirable course for the City."
- Objective 2, which states that "Almost two-thirds of the City's new permanent jobs in recent years have been located in the Downtown Financial District. This growth, primarily in the finance, insurance, real estate activities, and business services, reflects the City's strong competitive advantage in this sector. Since the office sector is the City's major provider of employment opportunities, it is essential that its vitality remain at a high level."

The Downtown CBD remains the primary economic engine of the City. That is where most of the jobs and transit infrastructure are located. The Downtown Plan prioritizes the continued construction of well-designed office buildings in this core district. The Project advances this important goal.

Economic and Public Benefits from the Project

The Project brings significant economic benefits to the City in the form of significant development fees, new property taxes, and new jobs. The Project is also a sustainable building, and will provide a major on-site public benefit in terms of new open space.

- Fees. The Project will pay significant development fees to fund a variety of City programs including contributions to the Downtown Park Fund, payment of the Transit Impact Development Fee, contributions to the Jobs, Housing Linkage Program, contributions to child care and public schools. In addition, a significant public artwork

will be commissioned as part of the Project. **The total value of all of these development fees and exactions exceeds \$15,000,000 in benefits to the City.**

- Construction Jobs. During construction, the Project will provide much needed construction jobs and will employ as many as 300 union laborers per day with an average of 150 laborers per day over the two-year construction period. These will all be union jobs.
- Permanent Jobs. Once completed, the Project will provide space for up to 1,750 jobs, creating needed space for long term future job growth in the City, and providing additional revenues to the City through the payment of City payroll taxes.
- Property Taxes. The Project will generate significant new annual revenues to the City of approximately \$4,500,000 in property taxes paid into the City's General Fund.
- Open Space and Pedestrian Experience. The Project will maximize the quality of the pedestrian experience along both Howard and Second Streets. Currently, the site is occupied by a surface parking lot, a use that does not promote the City's Transit First objectives, and does not contribute to the urban fabric or to the pedestrian environment. The Project will include significant new public open space within the building at this important downtown corner. This space will include food uses open to the public, as well as public artwork, and public seating.
- LEED Gold. The Project will construct one of San Francisco's first major LEED Gold office buildings, thereby reducing the Project's carbon footprint and maximizing energy efficiency of the building.
- Green Infill. The Project promotes regional green policies by focusing significant new development within San Francisco's existing urban core. Such infill developments make use of existing transportation and other infrastructure while lessening the need for expanding the regional urban boundaries through greenfield development.
- Preservation Goals. The Project furthers the City's historic preservation goals by absorbing unused development potential from historic buildings throughout the C-3 District with the use of transferable development rights (TDR). The City's TDR Program promotes and facilitates the preservation of existing downtown historic buildings by compensating owners of those buildings who are no longer able to develop the air space above their building. This unused development area is transferred from historic buildings into the C-3-O (SD) District and allows for the creation of additional Class A office space.

Exceptions Requested

The Project requires three exceptions to the Planning Code under Section 309: exception to the wind comfort criteria (Section 148), exception to the bulk limits (Section 270 and 272), and exception to sunlight access to downtown sidewalks (Section 146).

Wind Exception. The Project requires a minor exception to Planning Code Section 148. The Project does not create any wind hazards, but does create six additional exceedances of the comfort criteria in the vicinity of the project site. We note that the Project also eliminates four exceedances in the same vicinity. Wind consultants have confirmed that it would be impossible to design the building in such a way as to eliminate any new comfort criteria exceedances. Virtually all large downtown buildings require an exception to Section 148. This Project is no different, and does not change the wind conditions surrounding the site in any significant way.

Bulk Limits. The Project requires a minor bulk exception at the lower tower of the building. The base of the building is actually smaller by about 24,080 square feet than would be allowed by the Code. That floor area has been transferred to the lower tower. The lower tower diagonal exceeds the permitted diagonal by 17 feet, 9 inches. Also, the floor areas at the lower tower exceed the allowed maximum by a total of 22,437 square feet. The upper tower of the Project is also smaller than would be allowed otherwise. Virtually every downtown building receives some bulk exceptions to allow for flexibility in design of the building and accommodating for various site conditions. The Project here is asking for what we believe is a very minimal bulk exception.

Sidewalk Shadows. Section 146(a) requires new structures to avoid penetrating a sun access plane defined by an angle sloping away from the street above a stipulated height at the property line as set forth in Table 146. Section 309(a)(3) permits exceptions from the Section 146 shadow requirements. Section 146(a) applies to the west side of Second Street, from Market Street to a point 300 feet south of Folsom Street.

Section 146 requires that a building be within an envelope that slopes away from the street at an angle of 62 degrees beginning at 132 feet above grade. The Project does not comply with this requirement. A compliant project would be about 100,000 square feet smaller, and result in an awkward “wedge” shaped building. Such a small building, on such a prime site, would not be financeable and would not be the best use of the site.

An exception may be granted if “the shadow created by the penetration of the plane is deemed insignificant because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space.” We believe in this case the shadow is insignificant.

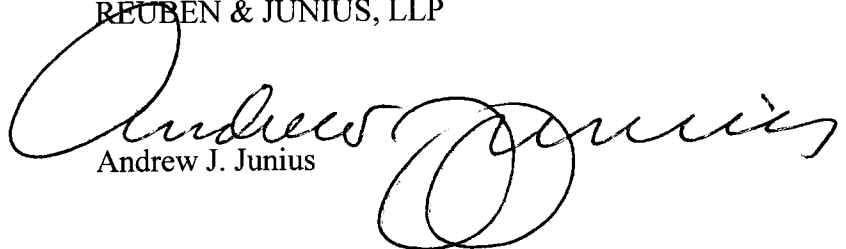
The portion of Second Street affected by this portion of Section 146 extends from Market Street to 300 feet south of Folsom Street. The increased shading occurs at various times during the year, and at various portions of this stretch of sidewalk. Many existing buildings on the west side of Second Street already shade major portions of this sidewalk throughout the year. Shadow calculations were done using the same methodology used for Prop K park studies. The study determined that the Project causes an increase of only 0.6592% in shadow based on annual available sunlight (AAS). This minor increase in shade on a single sidewalk in the central business district that is already heavily shaded by other buildings should be considered insignificant.

Conclusion

The Project represents a major opportunity for the City to ensure that this prime downtown site is developed with a superior, Class-A office building that achieves LEED Gold and provides significant public benefits. Tishman Speyer Properties, who will be the prime developer for the Project, has recently achieved extraordinary results with projects at both The Infinity and 555 Mission Street. The Project at 222 Second Street will be no different. We urge you to support the Project and look forward to presenting it to you.

Very truly yours,

REUBEN & JUNIUS, LLP



Andrew J. Junius

cc: Commissioner Christina Olague
Commissioner Michael Antonini
Commissioner Gwyneth Borden
Commissioner William L. Lee
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
John Rahaim – Planning Director
Linda Avery – Commission Secretary
Kevin Guy – Planner
Tishman Speyer Properties

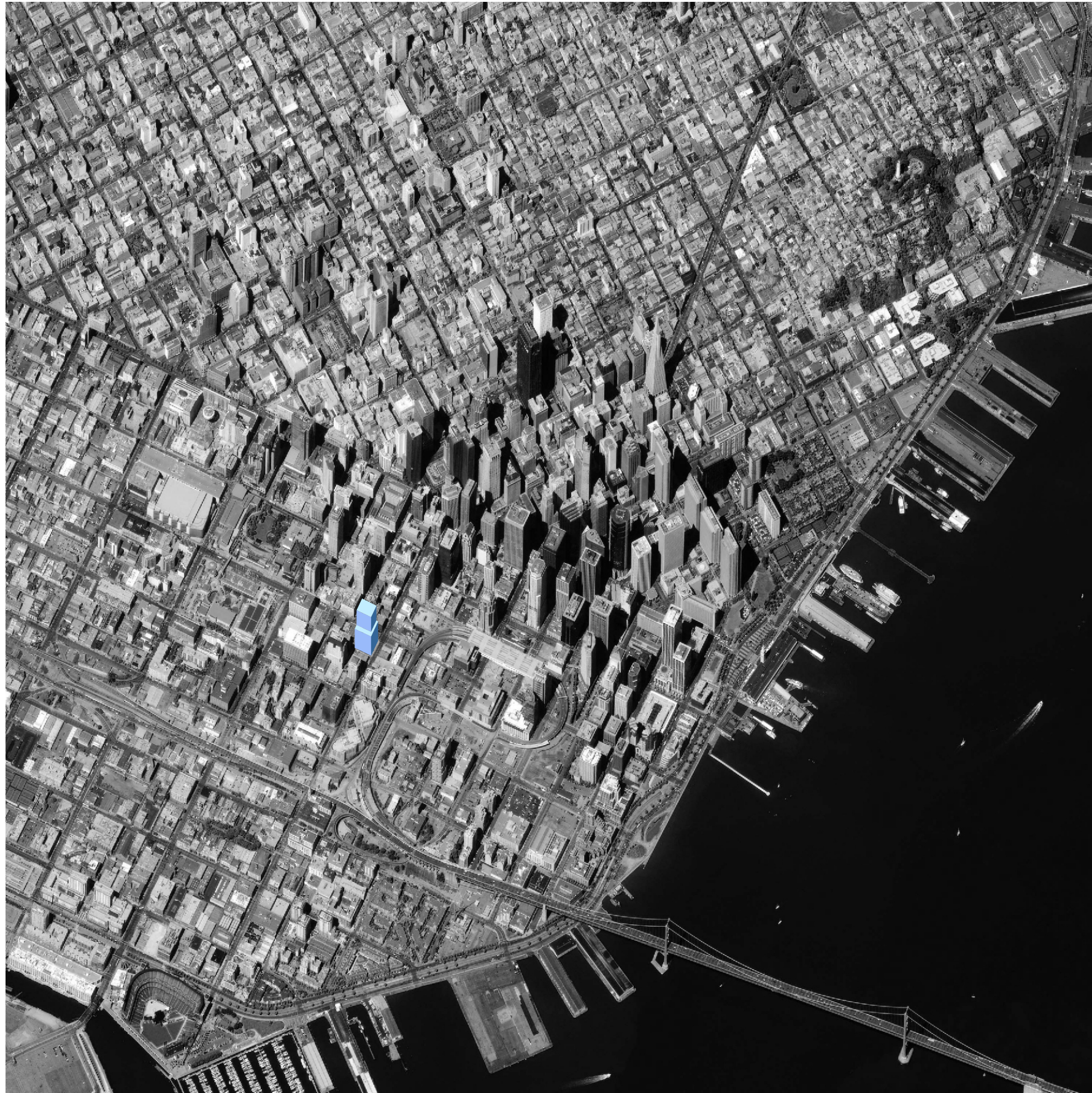


222 Second Street

July 22, 2010

T S 222 Second Street, LP

***Heller Manus Architects
Thomas Phifer and Partners***



JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET

SAN FRANCISCO, CA

AERIAL VIEW OF SOMA

Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS
ARCHITECTS **HM**



JULY 22, 2010

T.S. 222 Second Street, L.P.

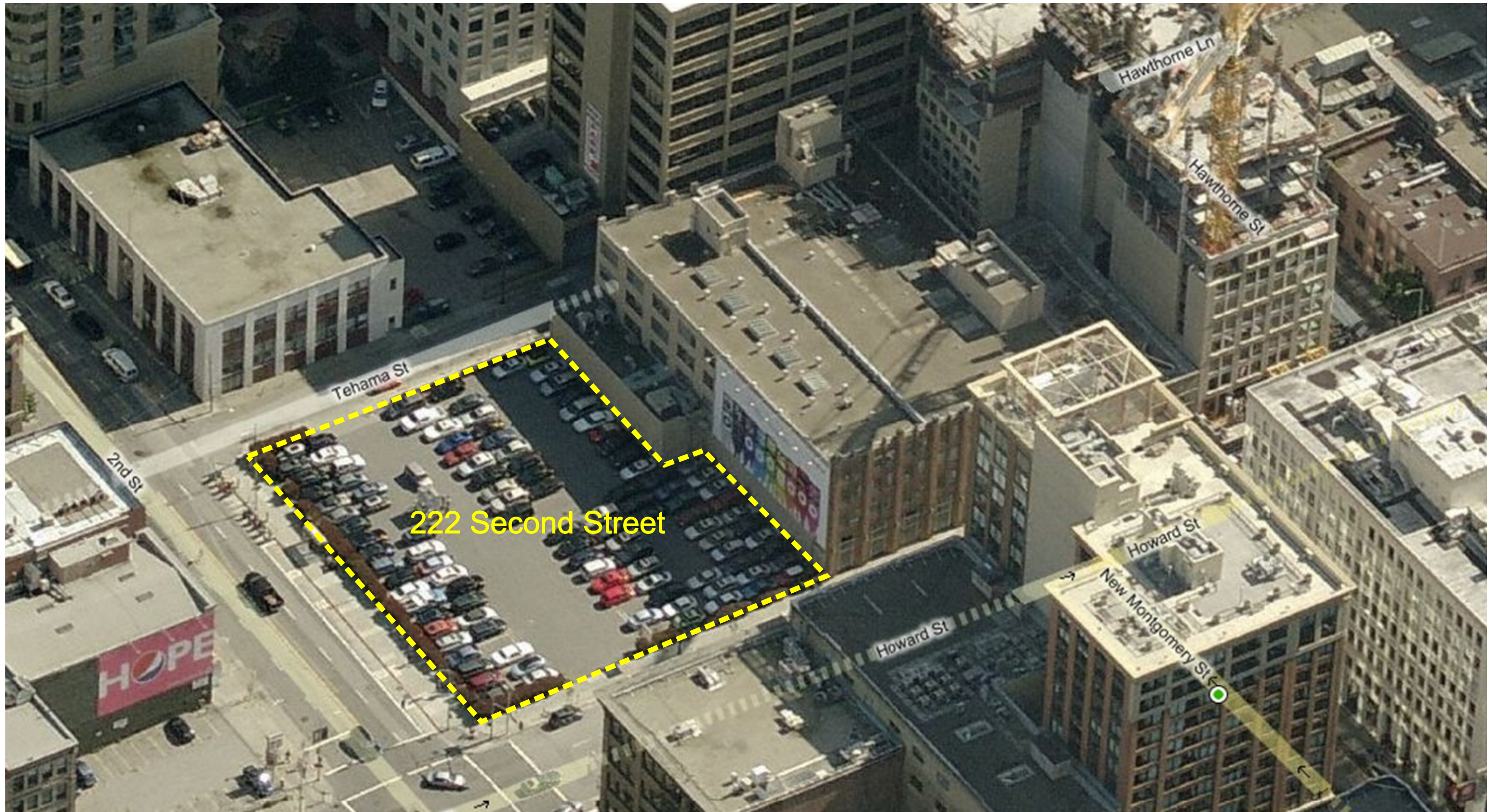
222 SECOND STREET

SAN FRANCISCO, CA

PLAN VIEW OF SITE

Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**



JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET

SAN FRANCISCO, CA

AERIAL VIEW OF SITE

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New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**



JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET

SAN FRANCISCO, CA

VIEW ON HOWARD STREET LOOKING WEST

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New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**

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JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET
SAN FRANCISCO, CA

VIEW ON 2ND STREET LOOKING SOUTH

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New York 212 337 0334

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JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET
SAN FRANCISCO, CA

VIEW ON 2ND STREET LOOKING NORTH

Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**



JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET
SAN FRANCISCO, CA

VIEW ON HOWARD STREET LOOKING EAST

Thomas Phifer and Partners
New York 212 337 0334

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JULY 22, 2010

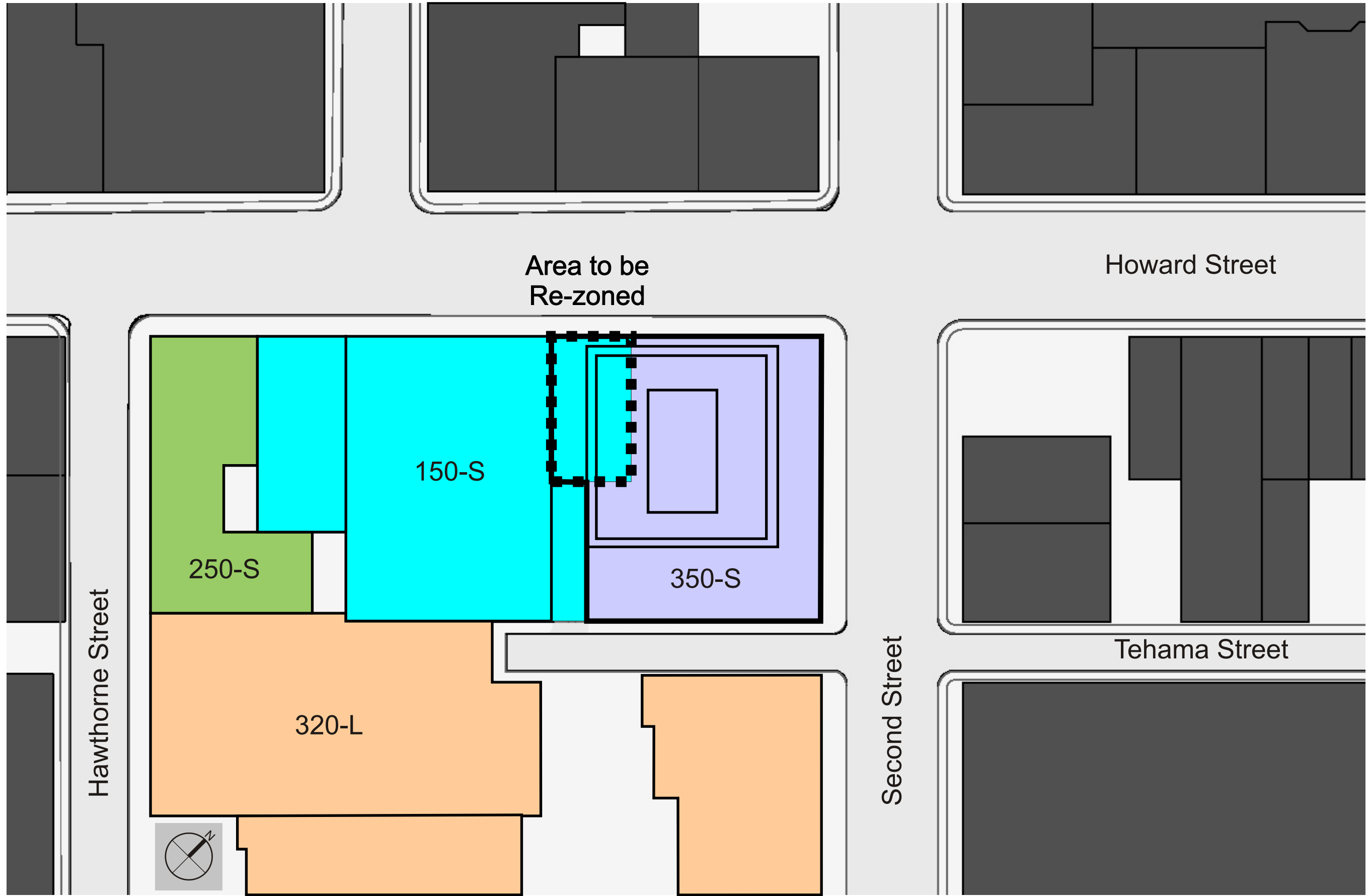
T.S. 222 Second Street, L.P.

222 SECOND STREET
SAN FRANCISCO, CA

VIEW ON HOWARD STREET LOOKING EAST

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T.S. 222 Second Street, L.P.

222 SECOND STREET

SAN FRANCISCO, CA

SITE PLAN - AREA TO BE RE-ZONED

Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**



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222 SECOND STREET

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SITE PLAN - PROPOSED ZONING

Thomas Phifer and Partners
New York 212 337 0334

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Planning Code Exceptions

Section 270 – Bulk Limits

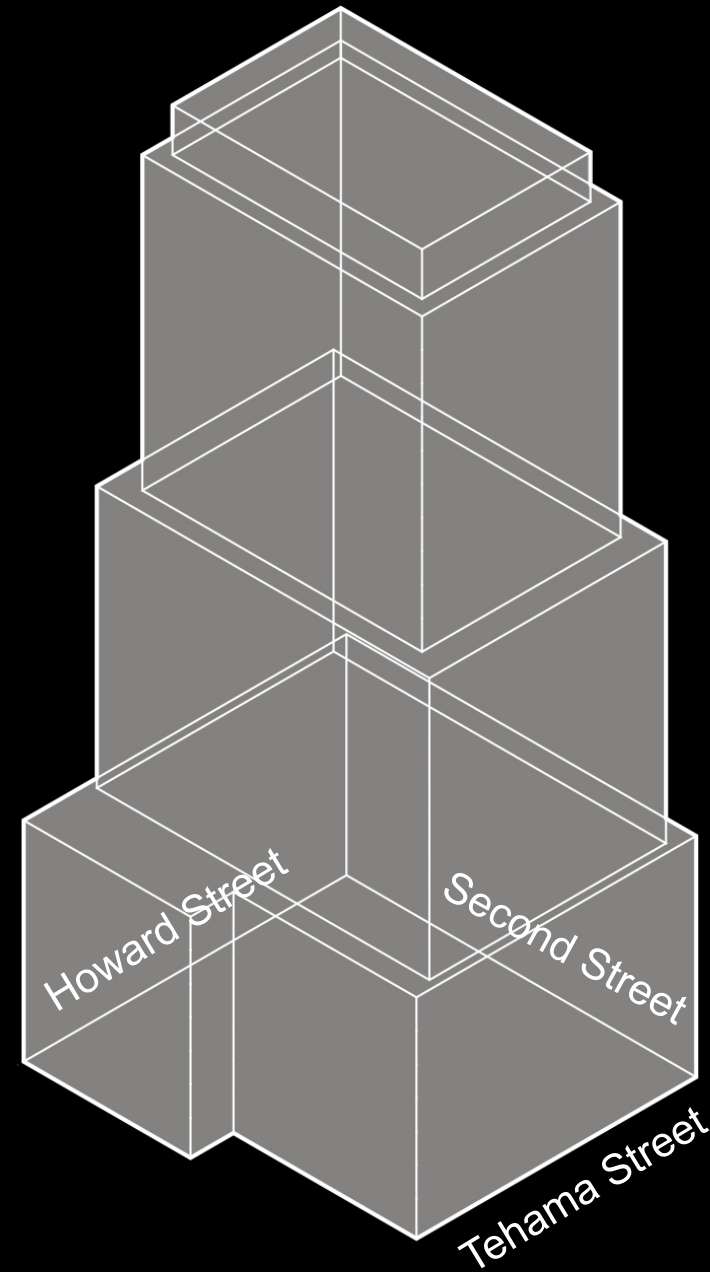
Per Section 272 – Bulk Limits: Special Exceptions in C-3 Districts, an exception to the bulk limits may be permitted provided that **there are adequate compensation for those portions of the building, structure or development that exceeds the bulk limits by corresponding reduction of other portions below the maximum bulk permitted.**

Section 148 – Reduction of Ground-Level Wind Currents in C-3 Districts

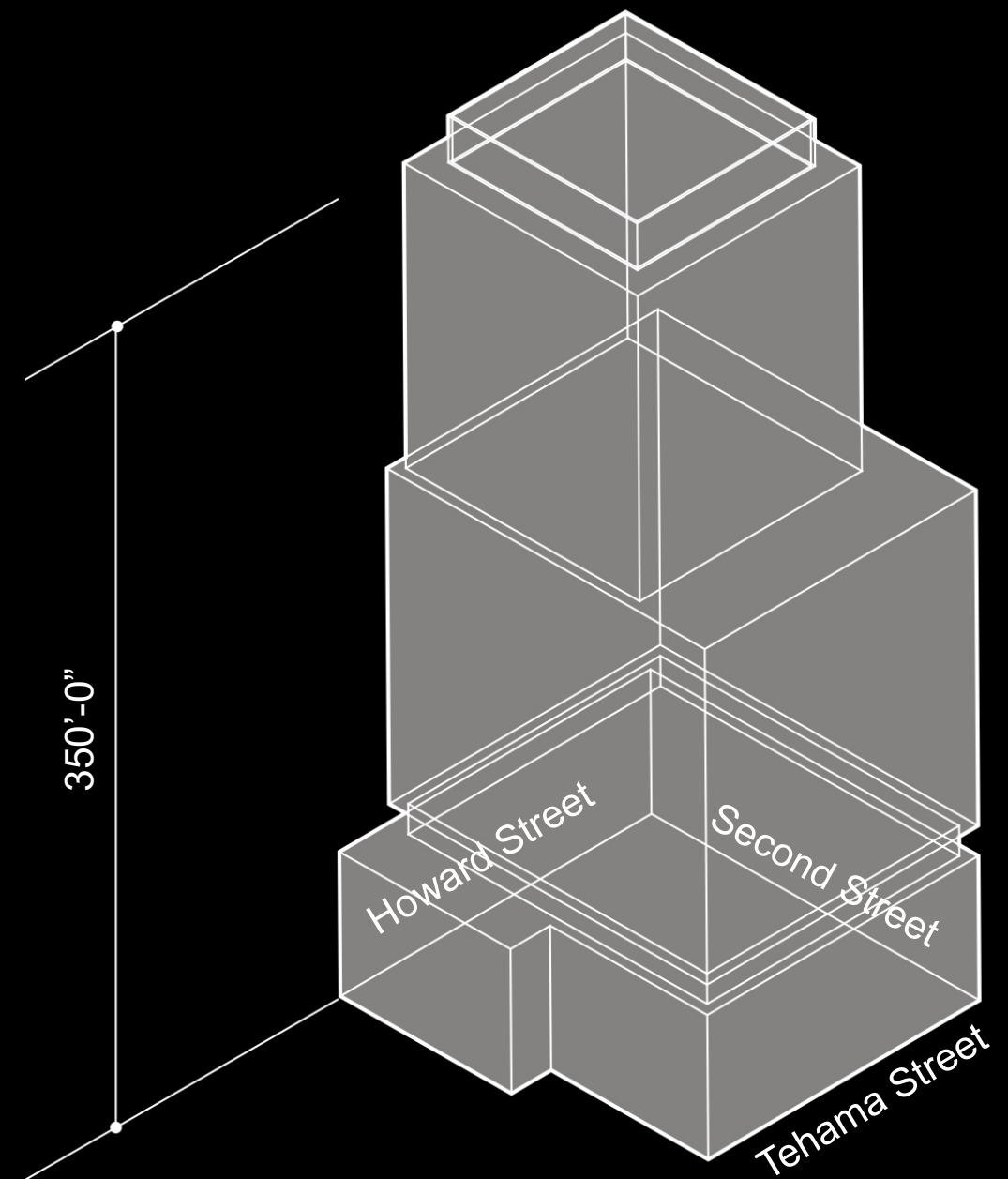
An exception may be granted allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, **because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.** No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Section 146 – Sunlight Access to Public Sidewalks in C-3 District

An exception to these requirements may be granted in cases where (i) the penetration of the plane does not create shadow because of the shadow already cast by other buildings, or (ii) **the shadow created by the penetration of the plane is deemed insignificant** because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space.



Zoning Compliant



Proposed Project

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222 SECOND STREET

SAN FRANCISCO, CA

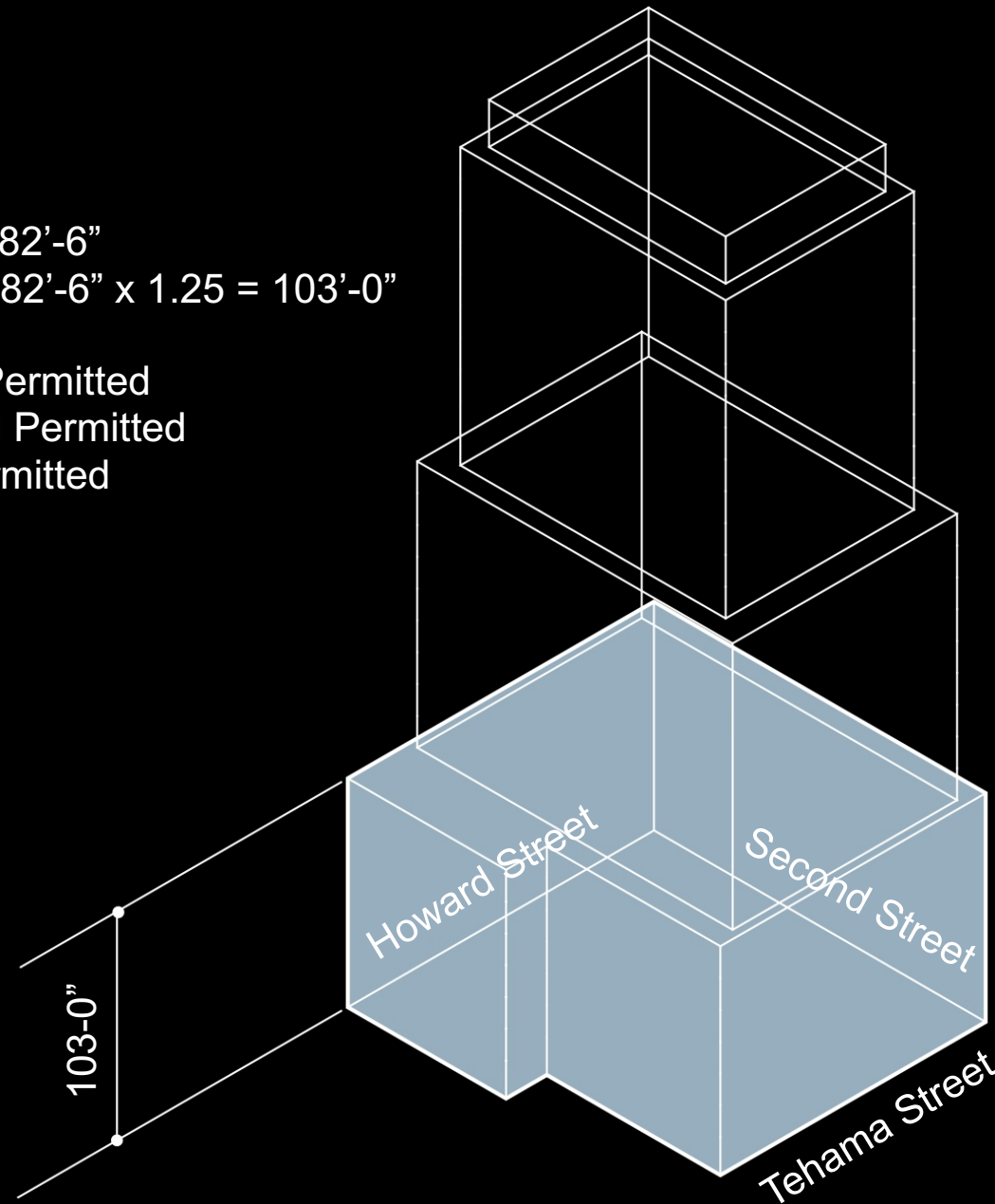
ZONING COMPLIANCE - BUILDING HEIGHT

Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**

Second Street Width: 82'-6"
Maximum Base Height: 82'-6" x 1.25 = 103'-0"

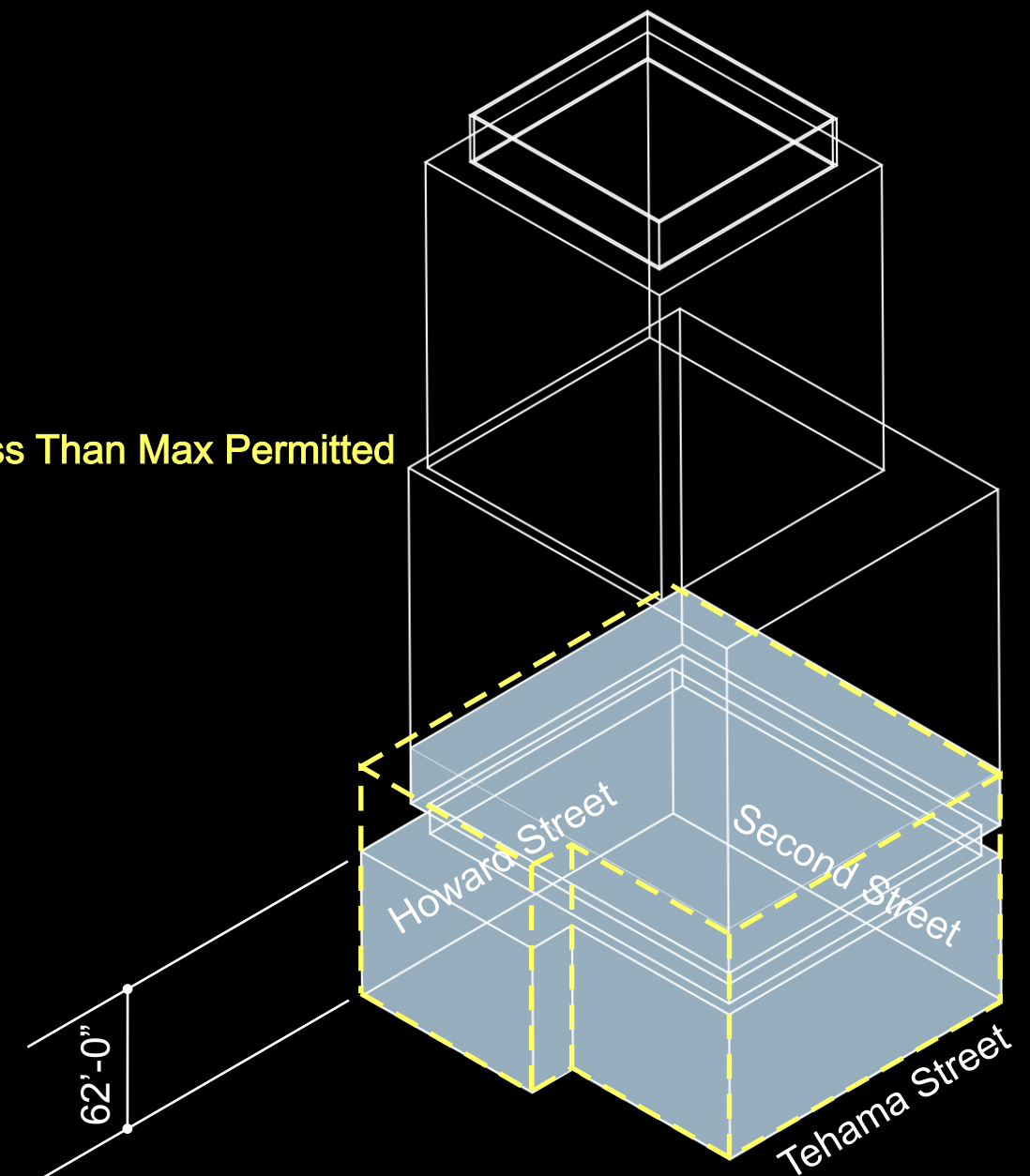
Unlimited Plan Length Permitted
Unlimited Plan Diagonal Permitted
Unlimited Plan Area Permitted



Zoning Compliant

24,080 SF Less Than Max Permitted

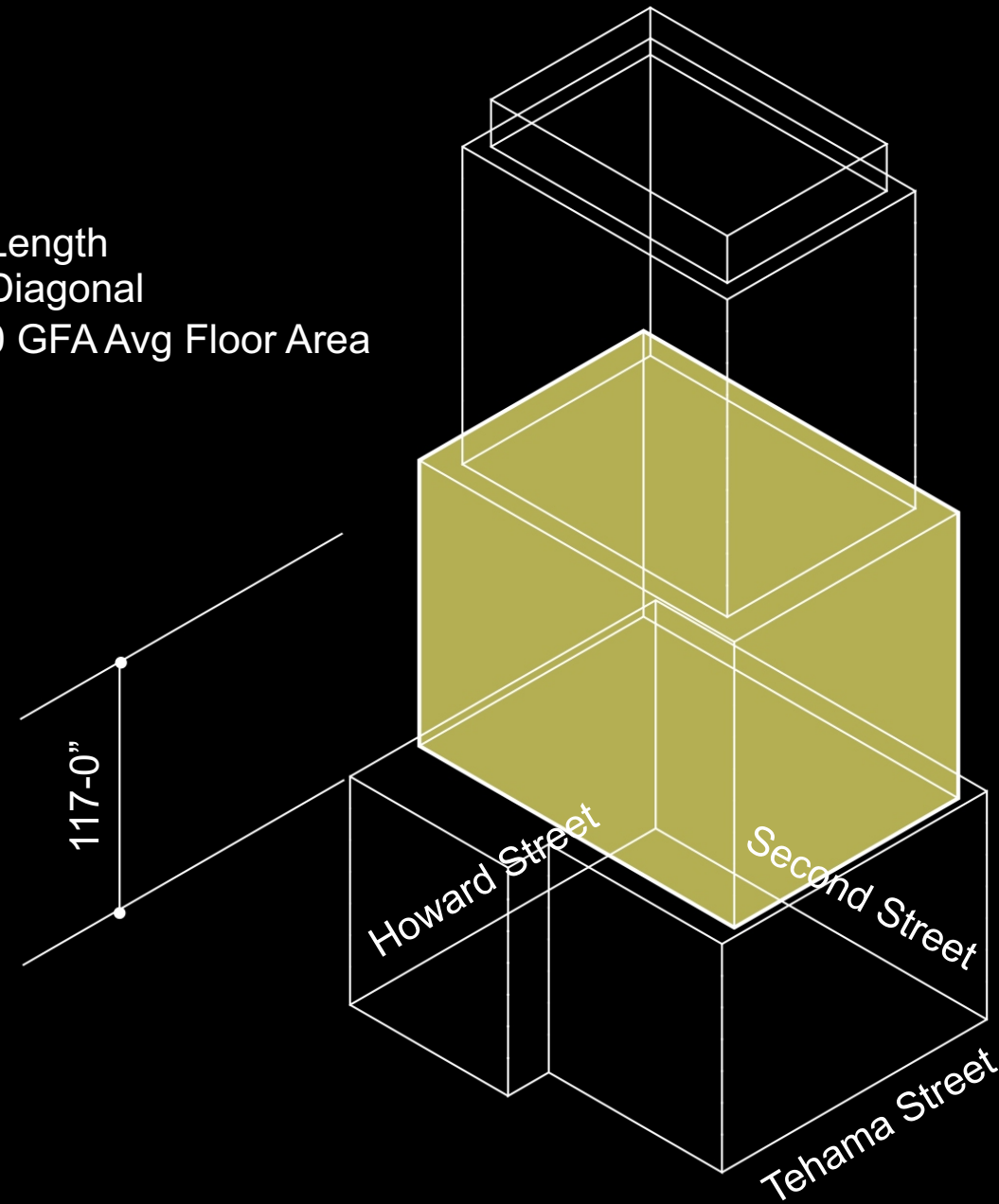
BASE CONTROLS



Proposed Project

LOWER TOWER CONTROLS

160'-0" Maximum Plan Length
 190'-0" Maximum Plan Diagonal
 20,000 GFA Max/17,000 GFA Avg Floor Area



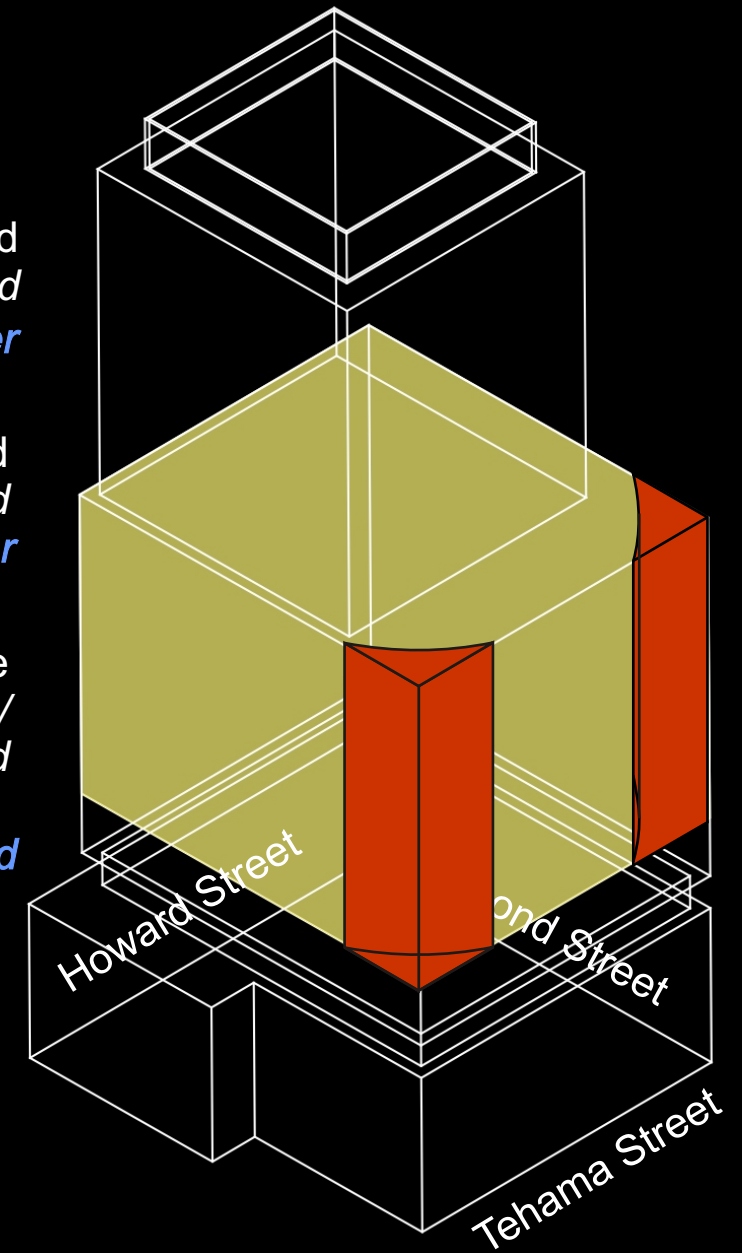
Zoning Compliant

157'-6" Plan Length Proposed
 160'-0" Permitted
 2'-6" Under

207'-9" Plan Diagonal Proposed
 190'-0" Permitted
 17'-9" Over

20,493 GFA Maximum/Average
 20,000 GFA Maximum/
 17,000 GFA Average Permitted

22,437 GFA Over Max Permitted



Proposed Project

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JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET

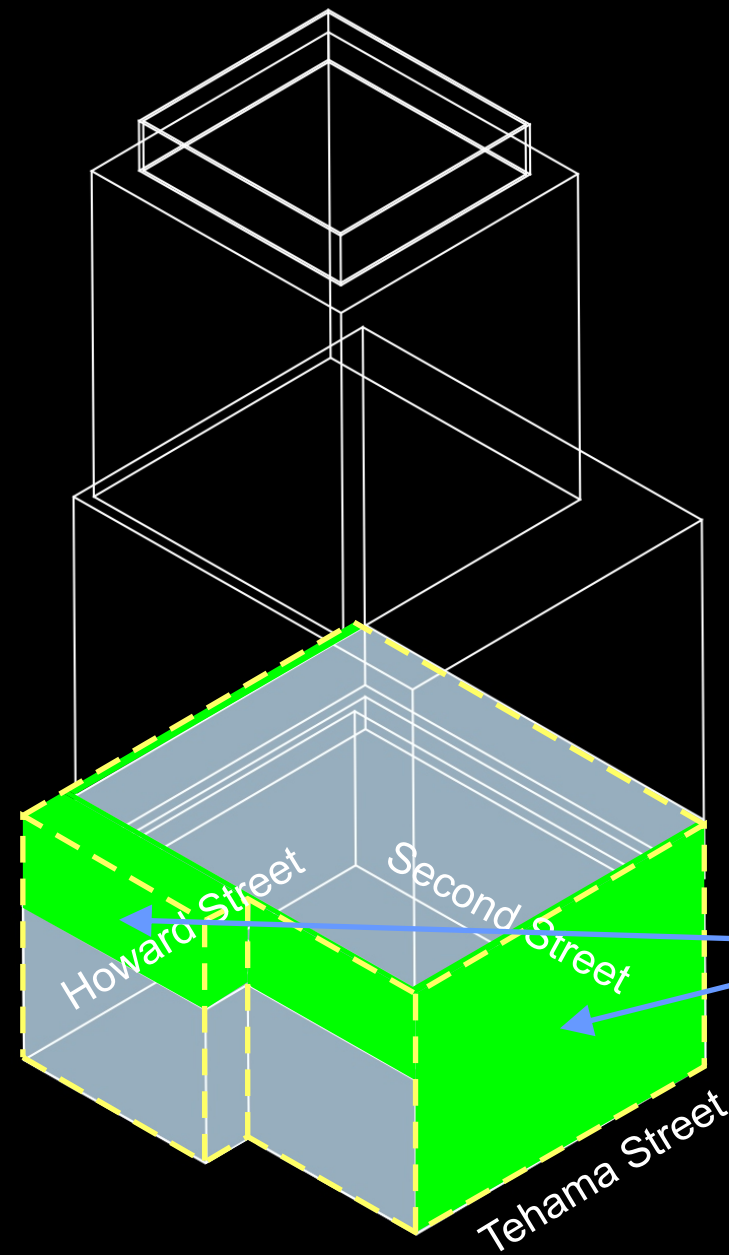
SAN FRANCISCO, CA

ZONING COMPLIANCE - LOWER TOWER

Thomas Phifer and Partners
 New York 212 337 0334

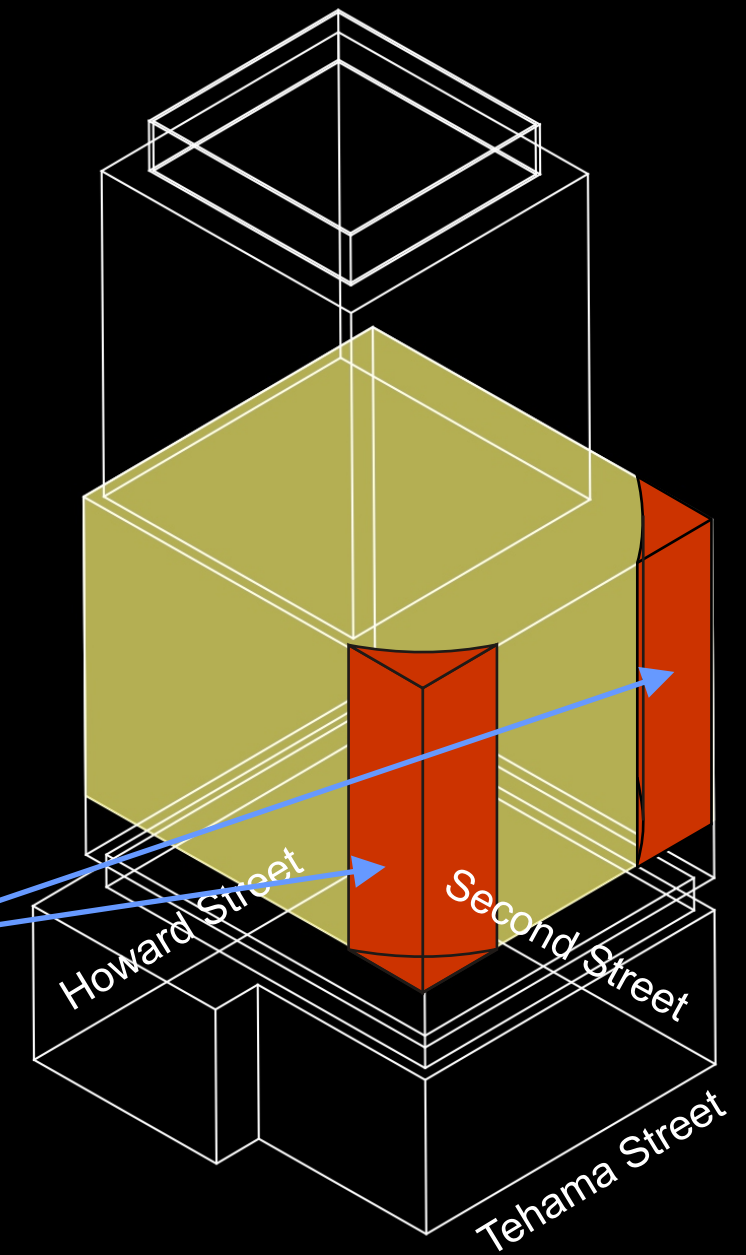
HELLER MANUS ARCHITECTS **HM**

BASE CONTROLS



Proposed Base

LOWER TOWER CONTROLS

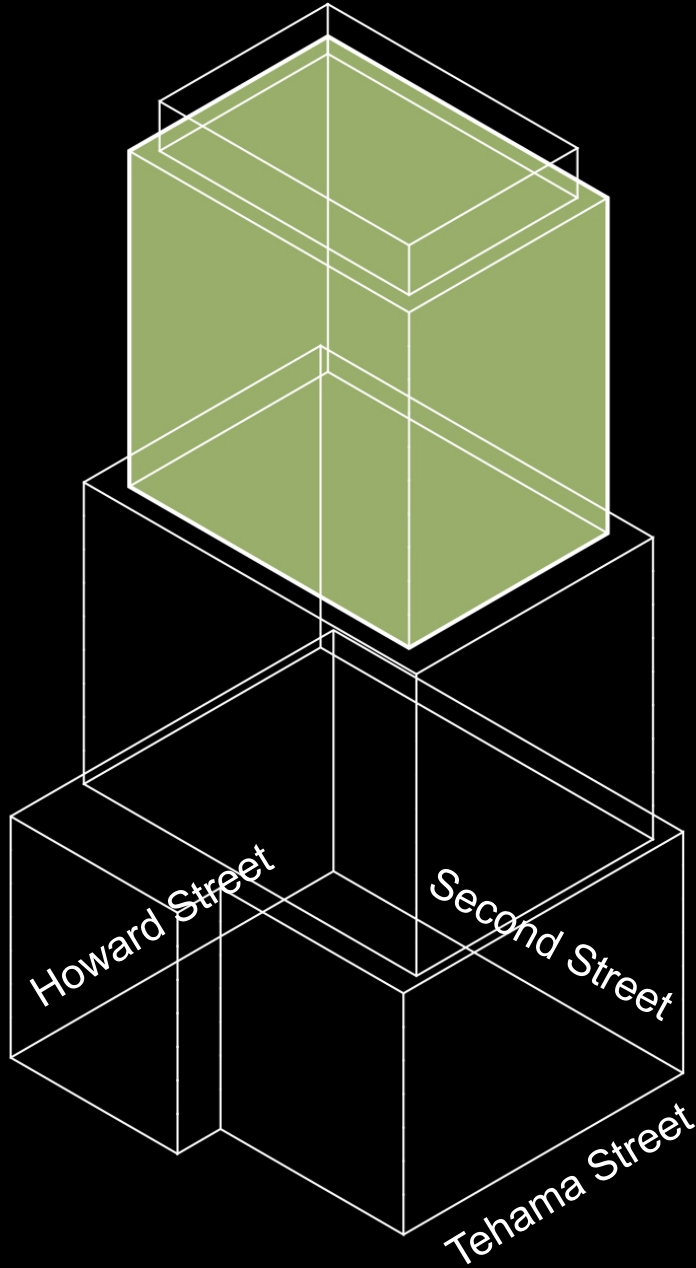


Proposed Lower Tower

Compensating Volume

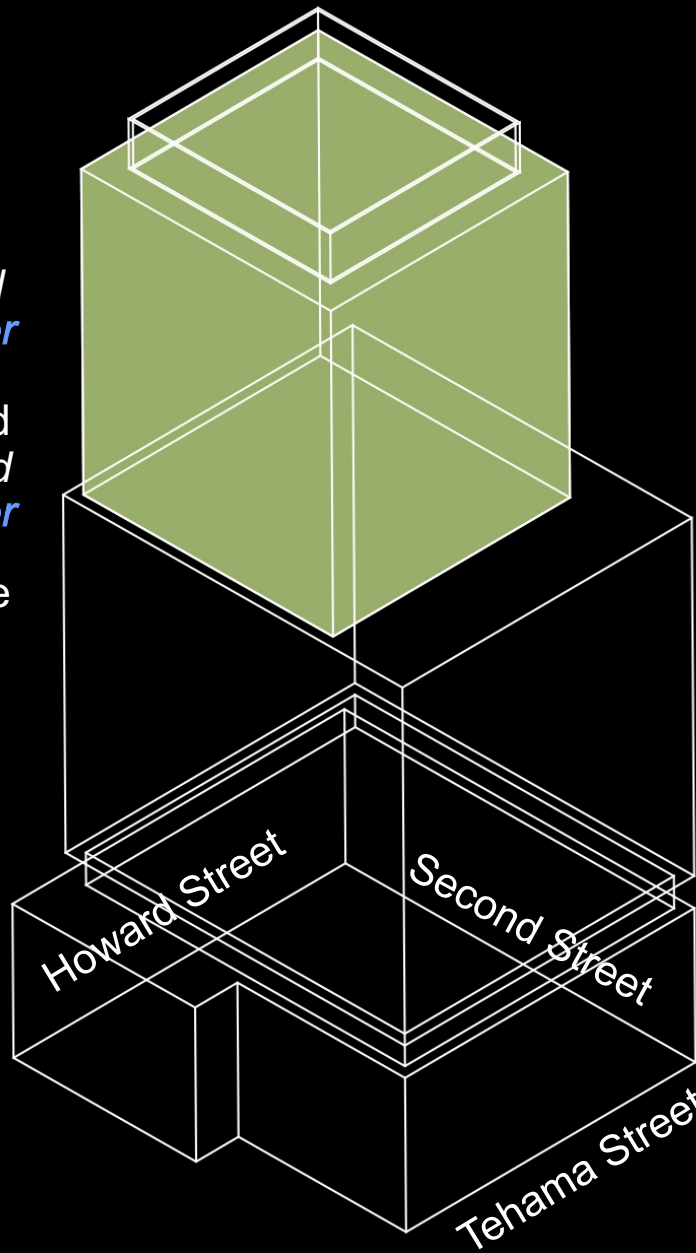
UPPER TOWER CONTROLS

130'-0" Maximum Plan Length
160'-0" Maximum Plan Diagonal
17,000 GFA Max/12,000 GFA Avg Area



Zoning Compliant

116'-0" Plan Length Proposed
130'-0" Permitted
14'-0" Under
158'-10" Plan Diagonal Proposed
160'-0" Permitted
1'-2" Under
12,000 GFA Maximum/Average



Proposed Project

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JULY 22, 2010

T.S. 222 Second Street, L.P.

222 SECOND STREET
SAN FRANCISCO, CA

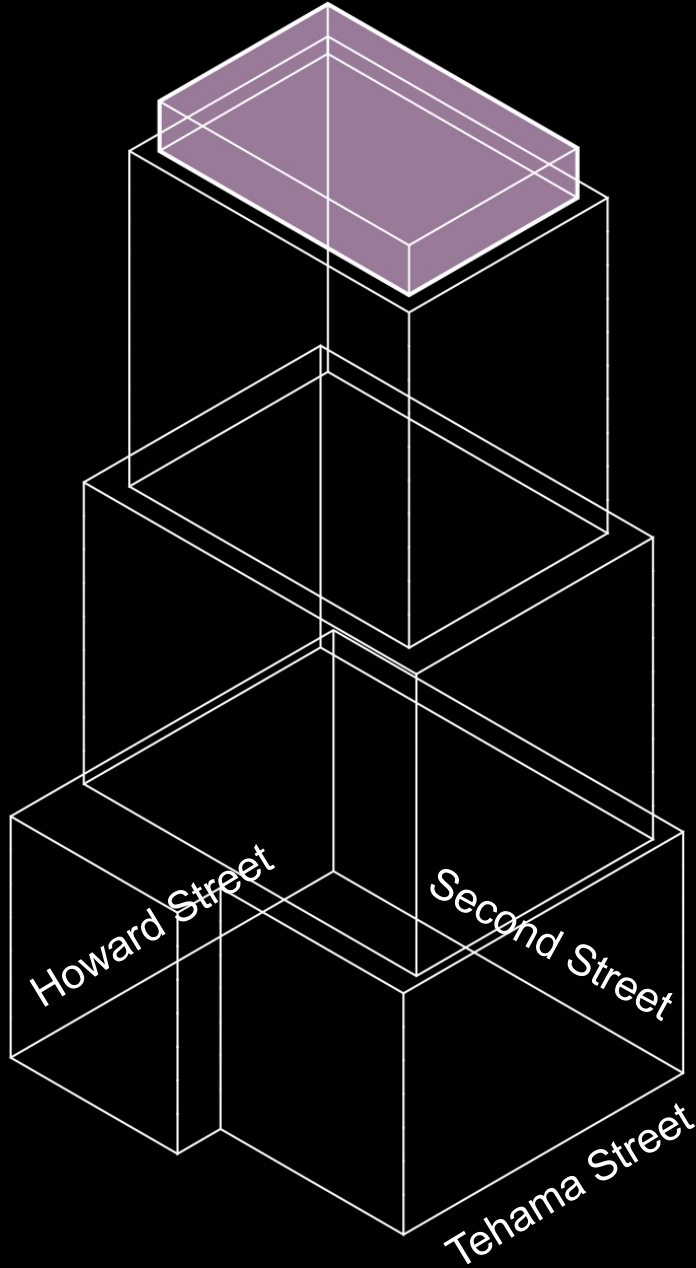
ZONING COMPLIANCE - UPPER TOWER

Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS ARCHITECTS HM

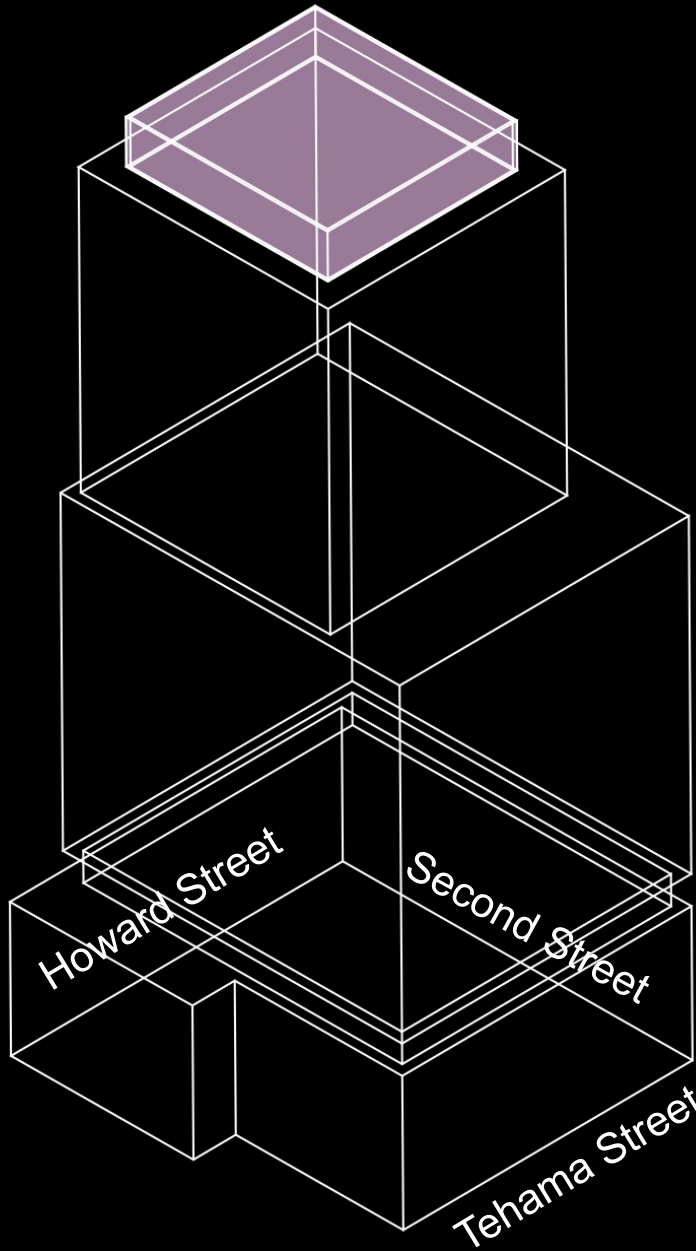
PENTHOUSE/ROOF SCREEN

180,000 cu ft Permitted



Zoning Compliant

164,880 cu ft Proposed



Proposed Project

222 SECOND STREET

SAN FRANCISCO, CA

ZONING COMPLIANCE - ROOF SCREEN

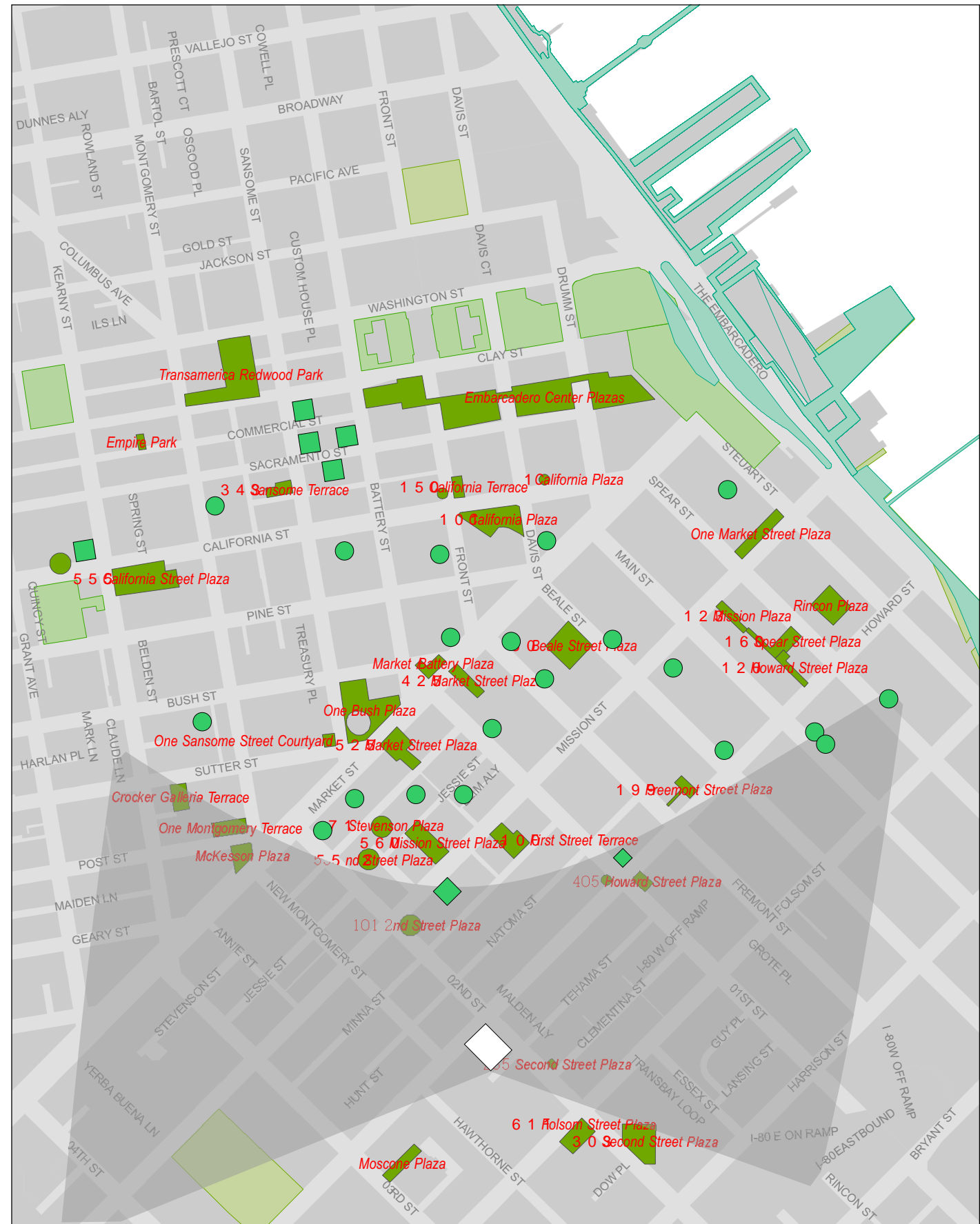
JULY 22, 2010

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Thomas Phifer and Partners
New York 212 337 0334

HELLER MANUS ARCHITECTS **HM**

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222 SECOND STREET

SAN FRANCISCO, CA

Publicly Accessible Private Open Spaces

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Howard Street



22,519 sf

222 SECOND STREET
SAN FRANCISCO, CA

GROUND FLOOR PLAN

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222 SECOND STREET

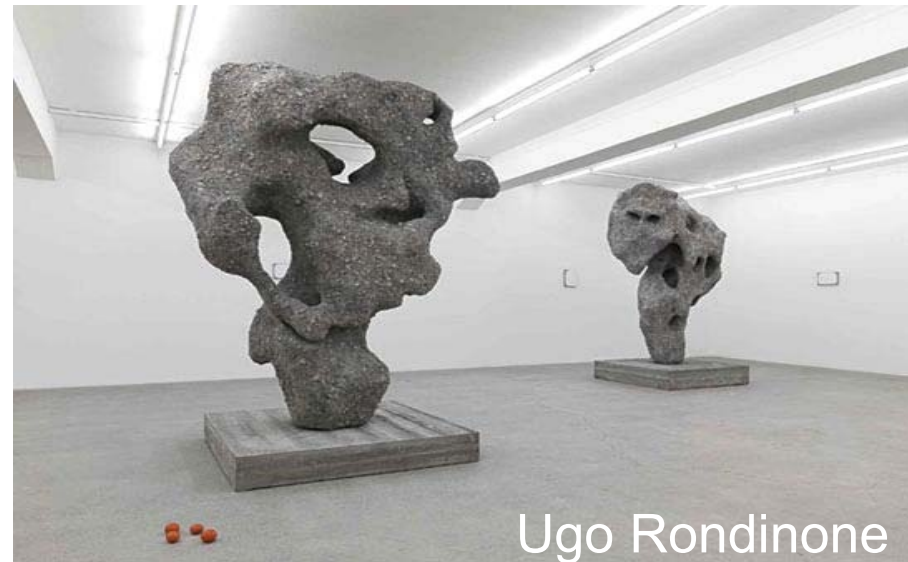
SAN FRANCISCO, CA

OPEN SPACE PLAN

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Ugo Rondinone



Frank Stella



Jonathan Borofsky



Public Art

222 SECOND STREET

SAN FRANCISCO, CA

JULY 22, 2010

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PUBLIC ARTWORK

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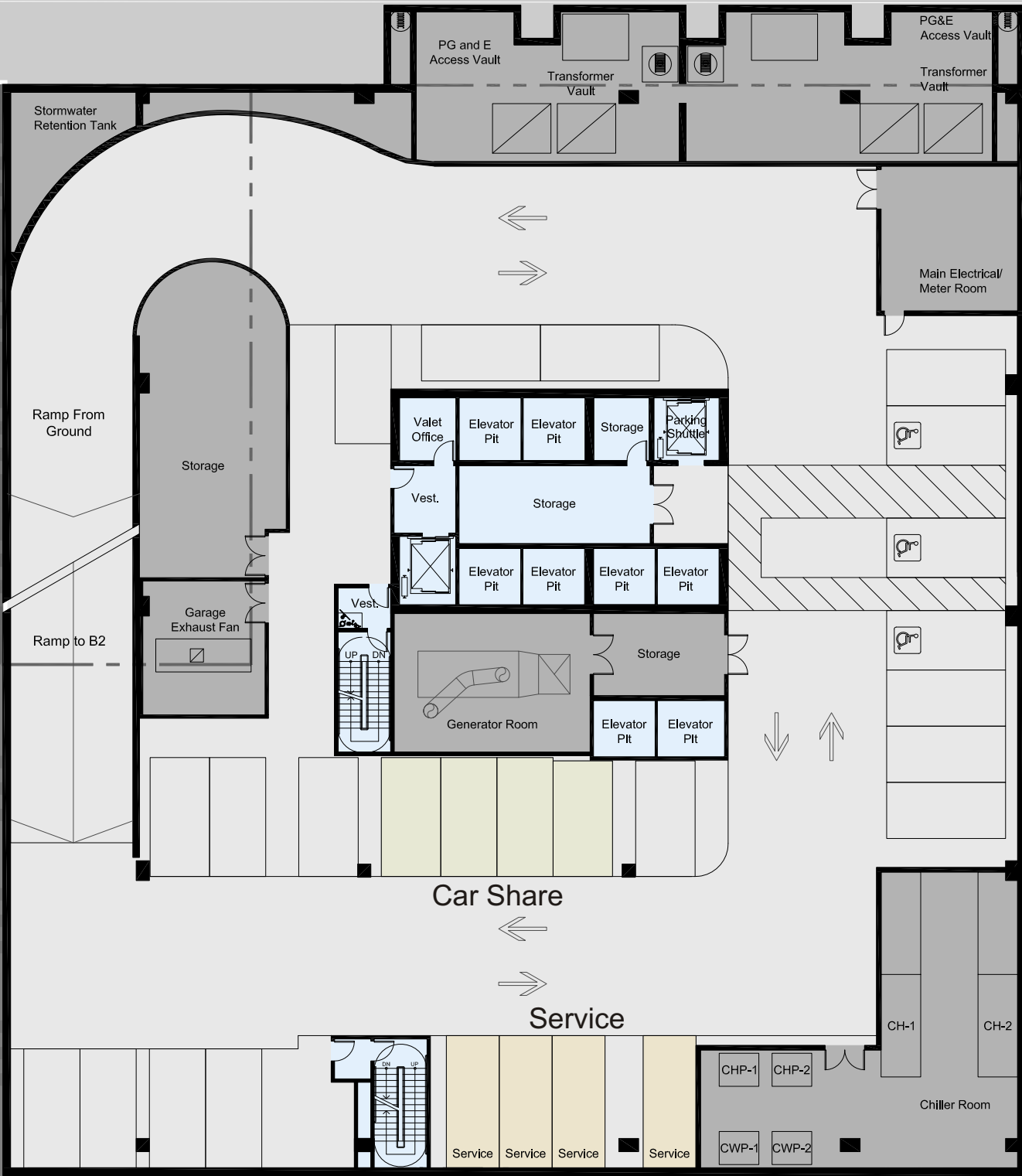
Howard Street

Second Street

Tehama Street

222 SECOND STREET SAN FRANCISCO, CA

FIRST BASEMENT FLOOR PLAN



22,174 sf

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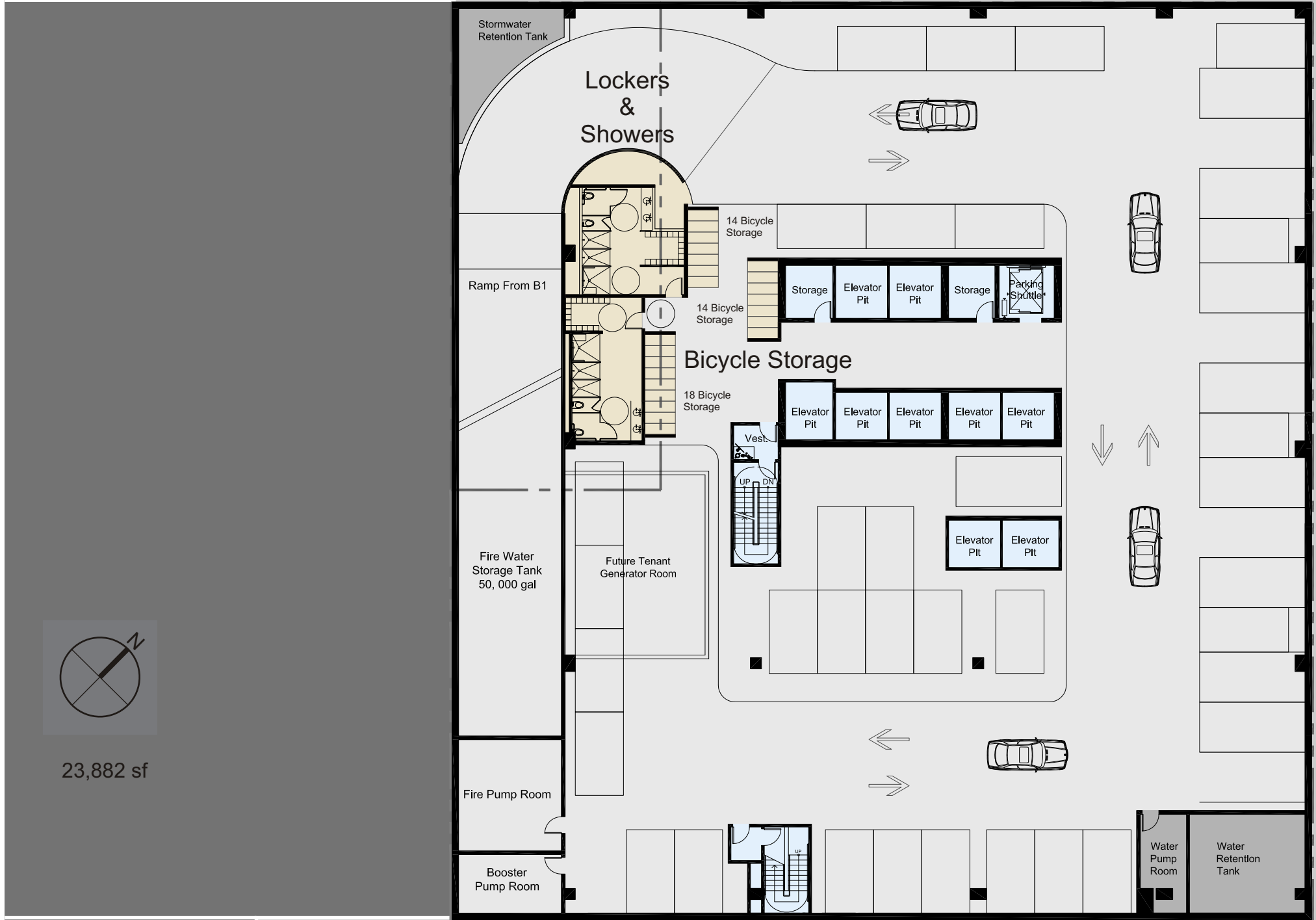
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Howard Street

Second Street

Tehama Street



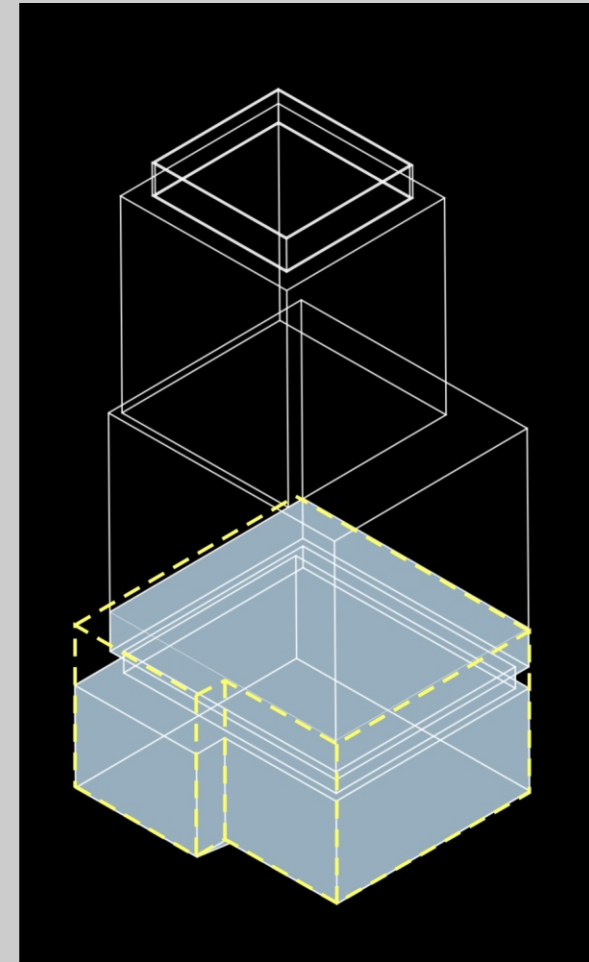
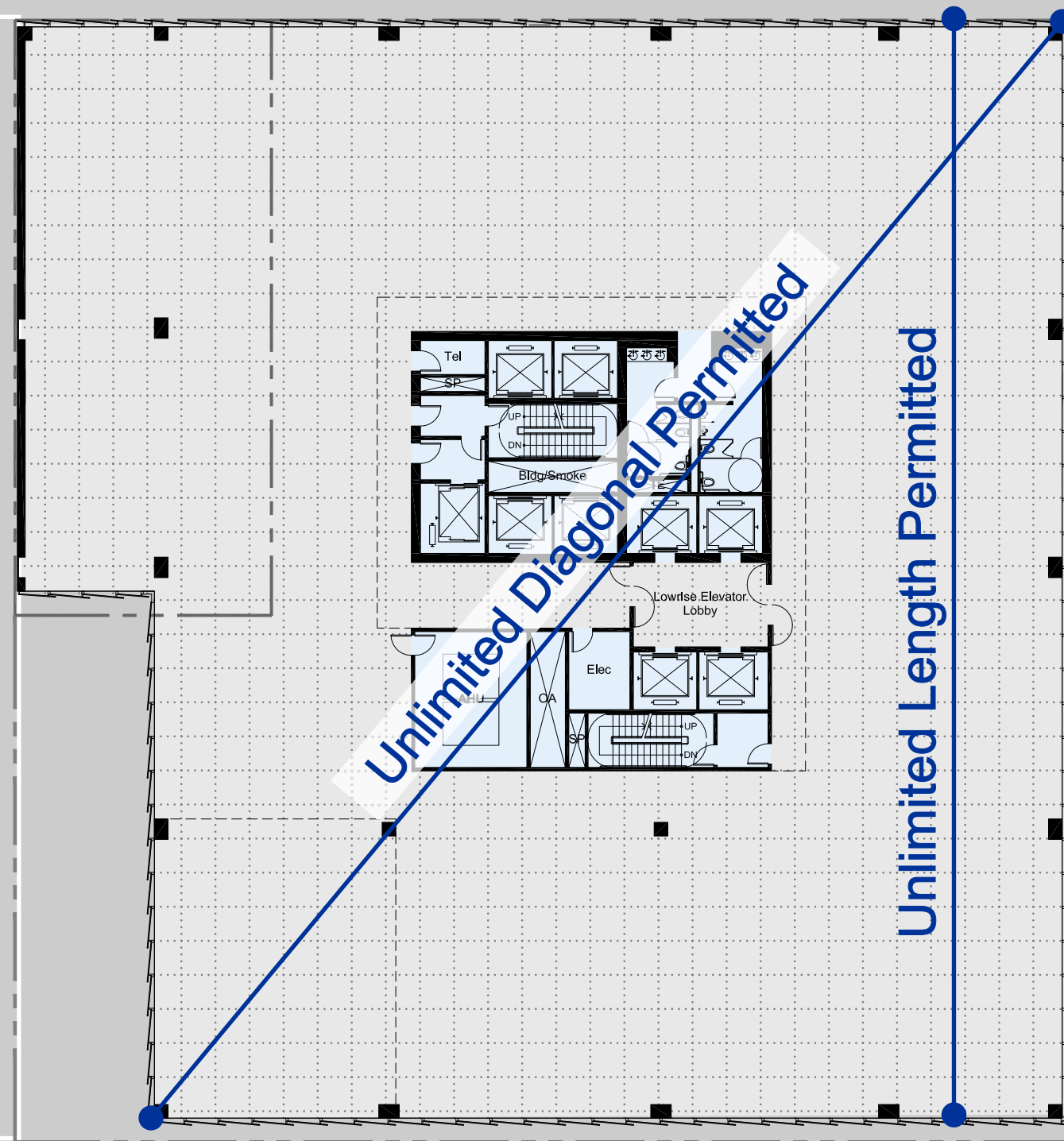
23,882 sf

222 SECOND STREET
 SAN FRANCISCO, CA

SECOND BASEMENT FLOOR PLAN

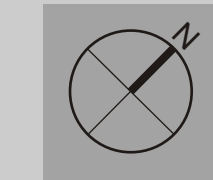
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Howard Street



Second Street

Tehama Street



22,792 GFA Maximum/Average
 Unlimited GFA Maximum/
 Average Permitted

222 SECOND STREET

SAN FRANCISCO, CA

BASE FLOOR PLAN - LEVELS 2-4

JULY 22, 2010

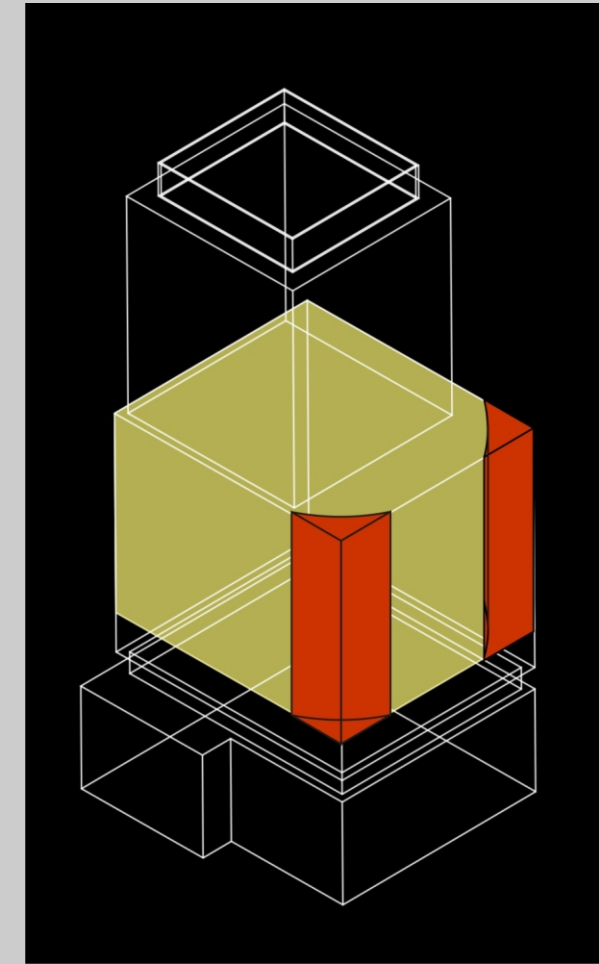
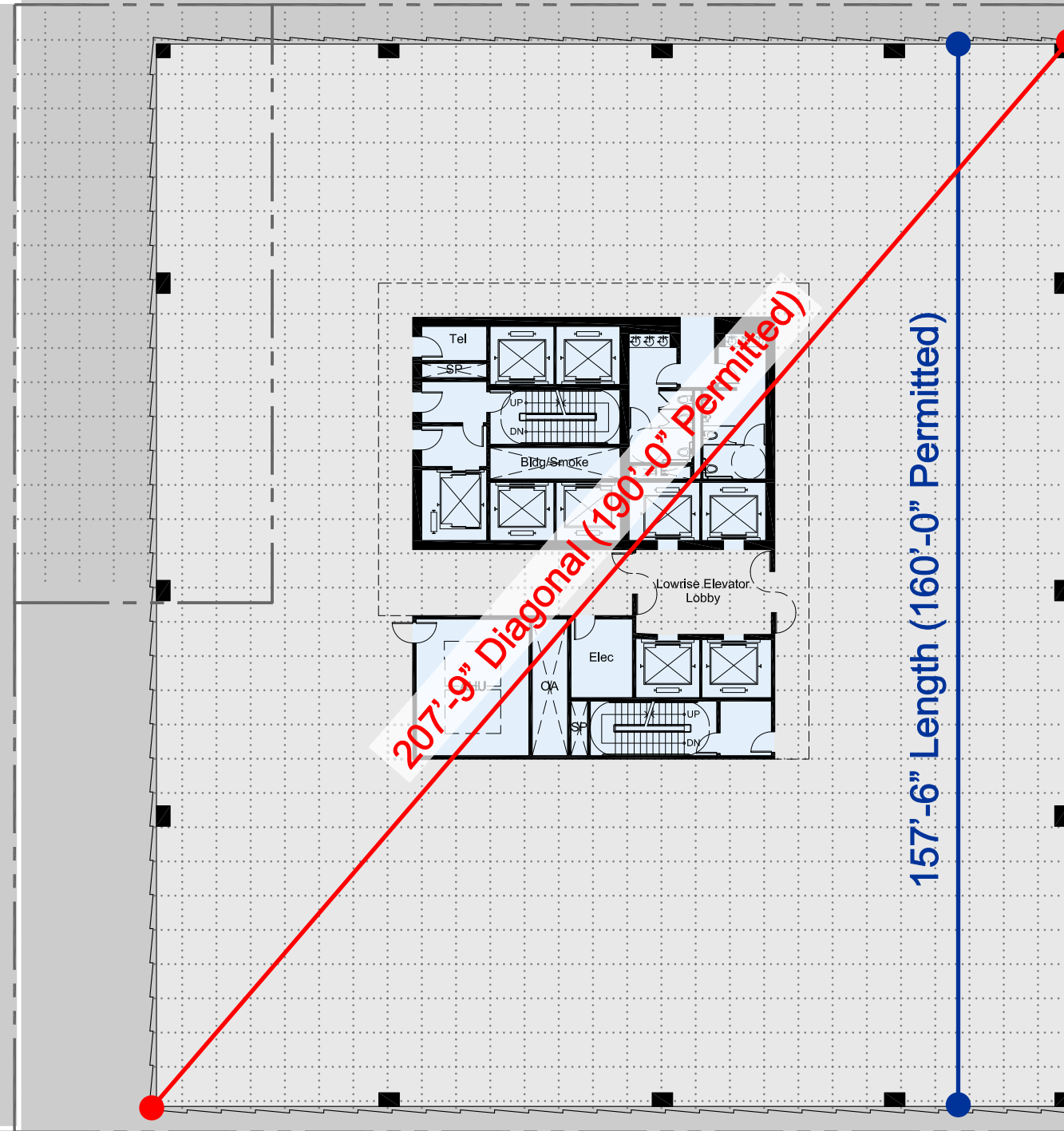
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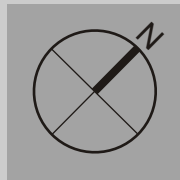
Howard Street



Second Street

Tehama Street

20,493 GFA Maximum/Average
 20,000 GFA Maximum/17,000 GFA
 Average Permitted



222 SECOND STREET
 SAN FRANCISCO, CA

TYPICAL LOWER TOWER FLOOR PLAN - LEVELS 8-16

JULY 22, 2010

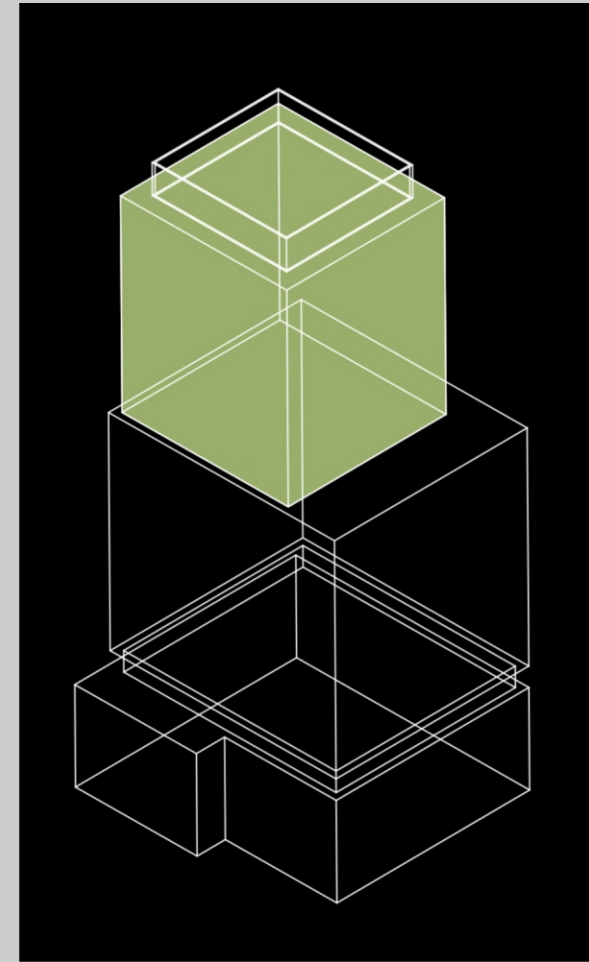
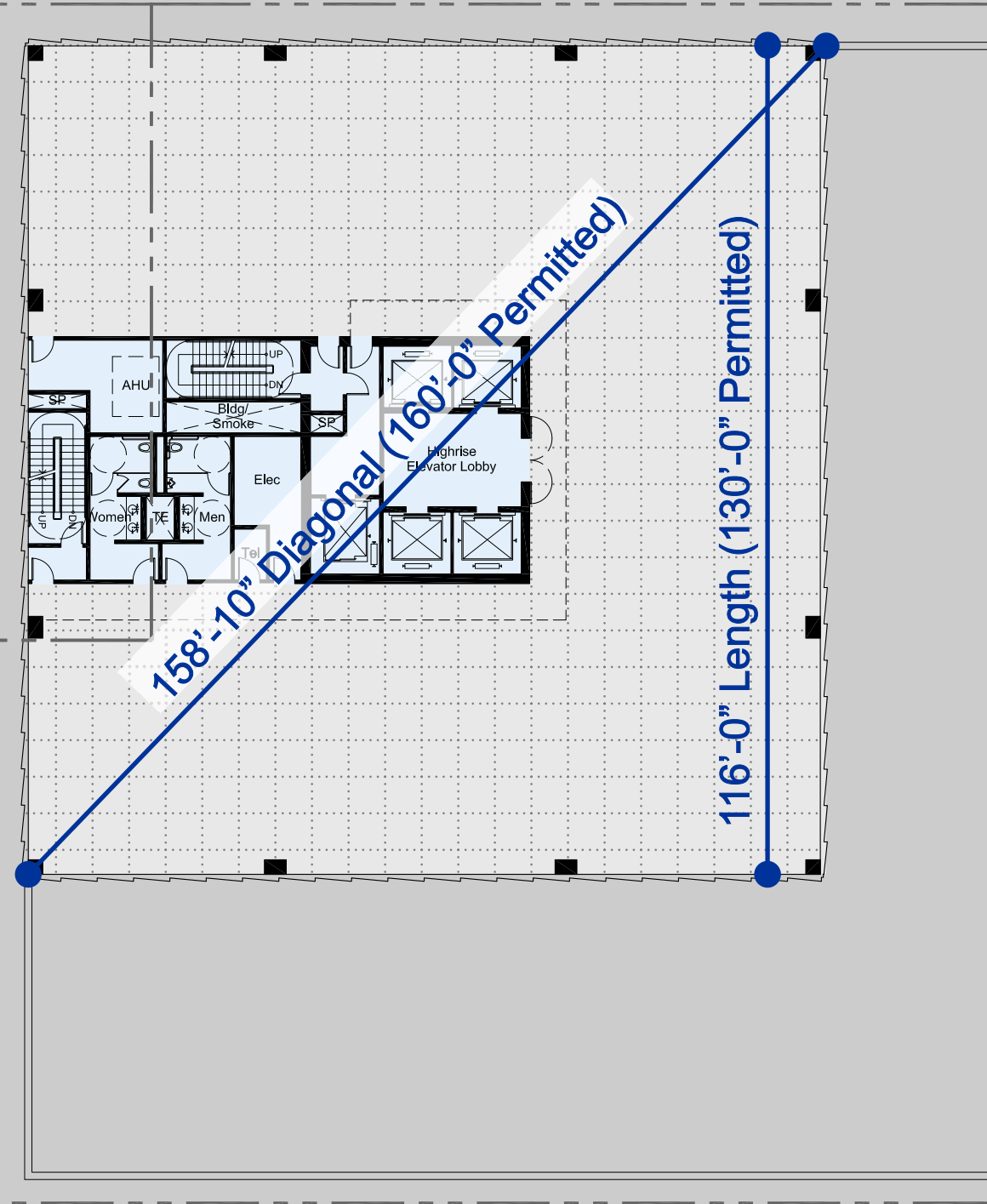
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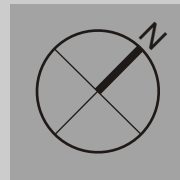
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Howard Street



Second Street

Tehama Street



12,000 GFA Maximum/Average
 17,000 GFA Maximum/12,000 GFA
 Average Permitted

222 SECOND STREET

SAN FRANCISCO, CA

TYPICAL UPPER TOWER FLOOR PLAN - LEVELS 17-26

JULY 22, 2010

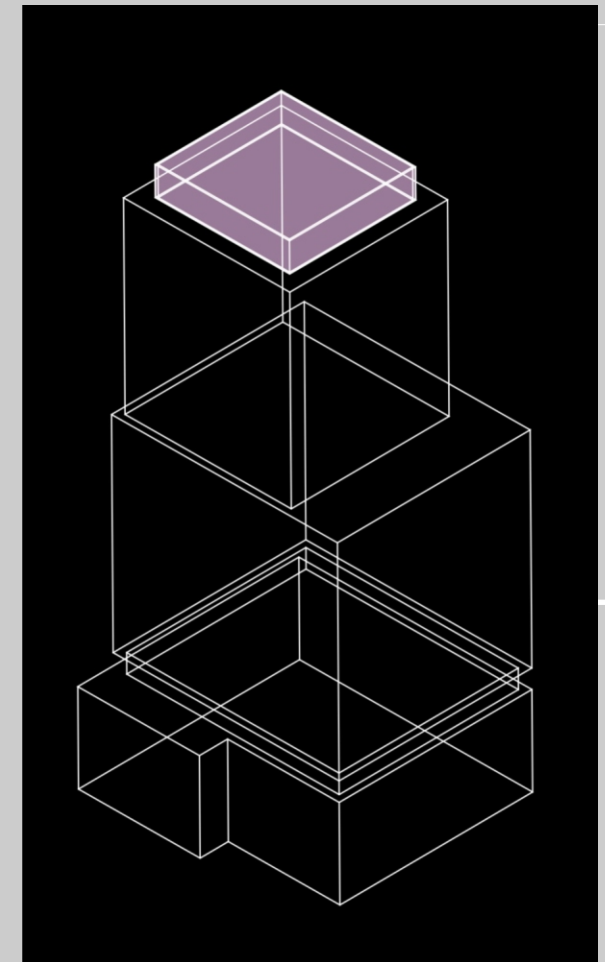
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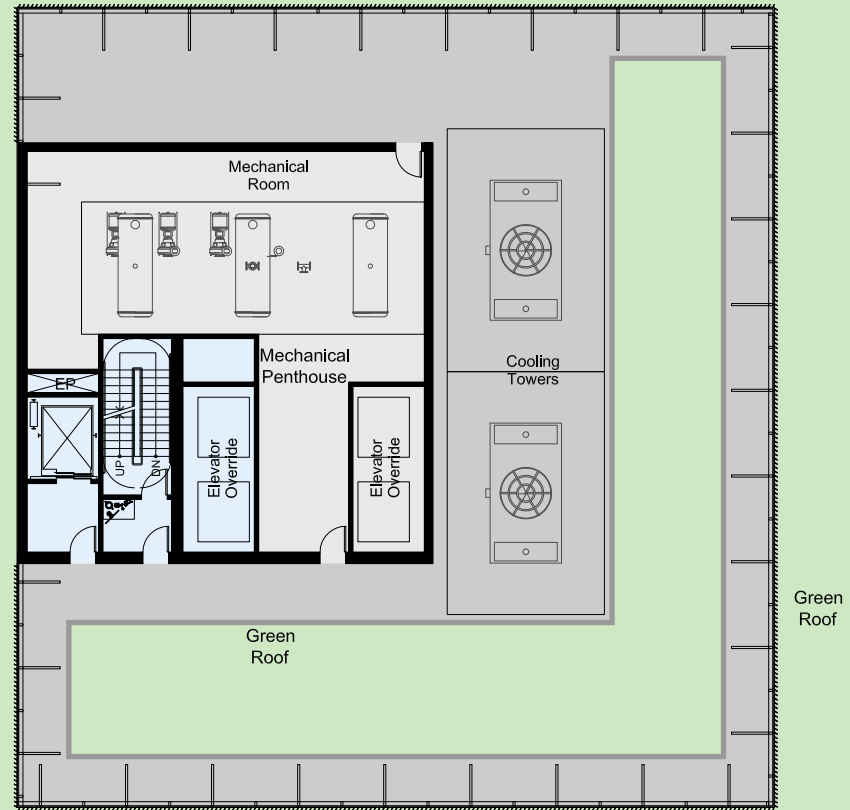
HELLER MANUS ARCHITECTS **HM**

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Howard Street

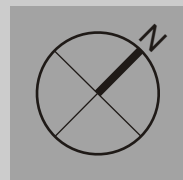


Second Street



Green Roof

Tehama Street



8,244 sf of Screened Area

222 SECOND STREET

SAN FRANCISCO, CA

ROOF PLAN

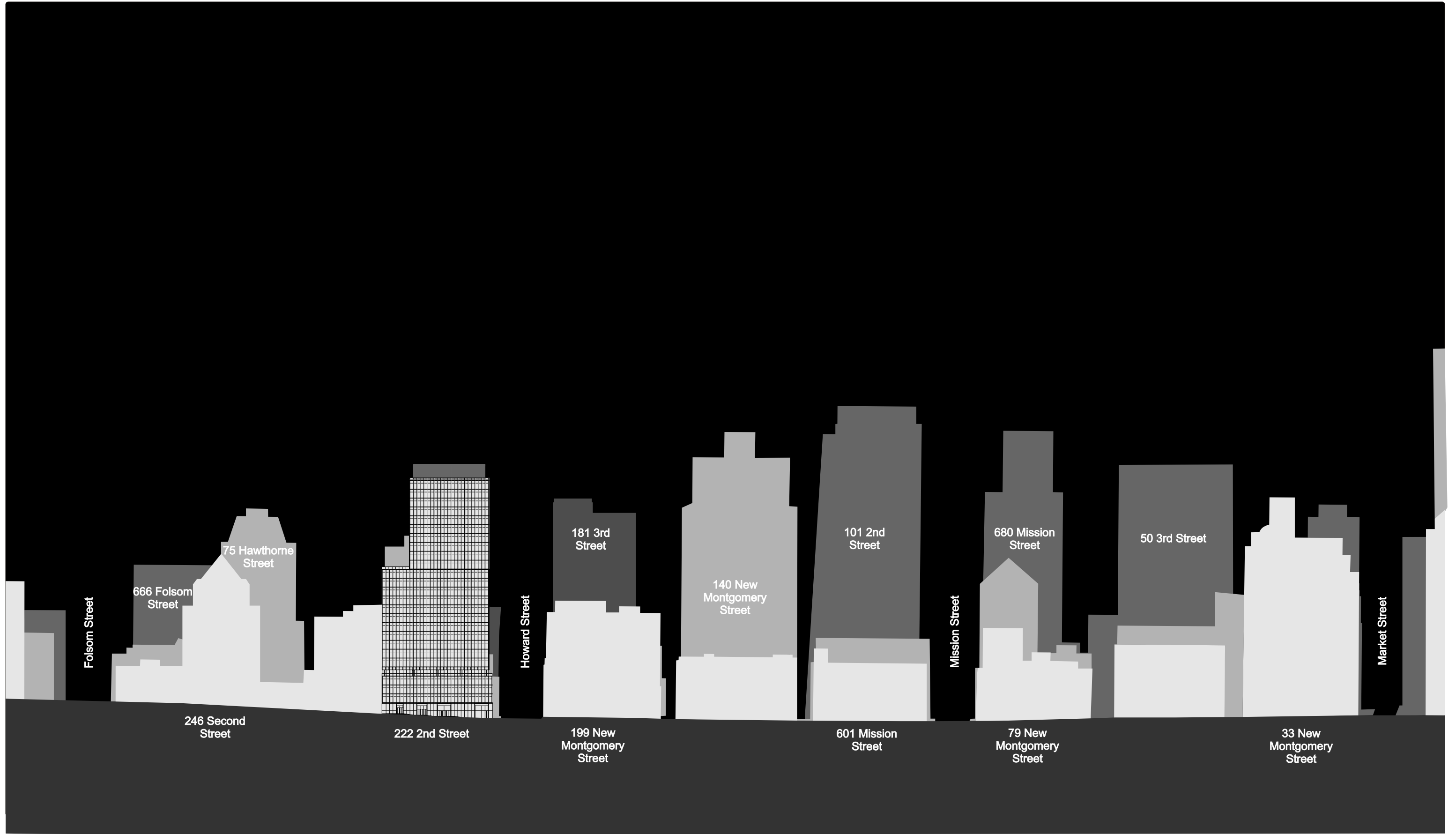
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222 SECOND STREET

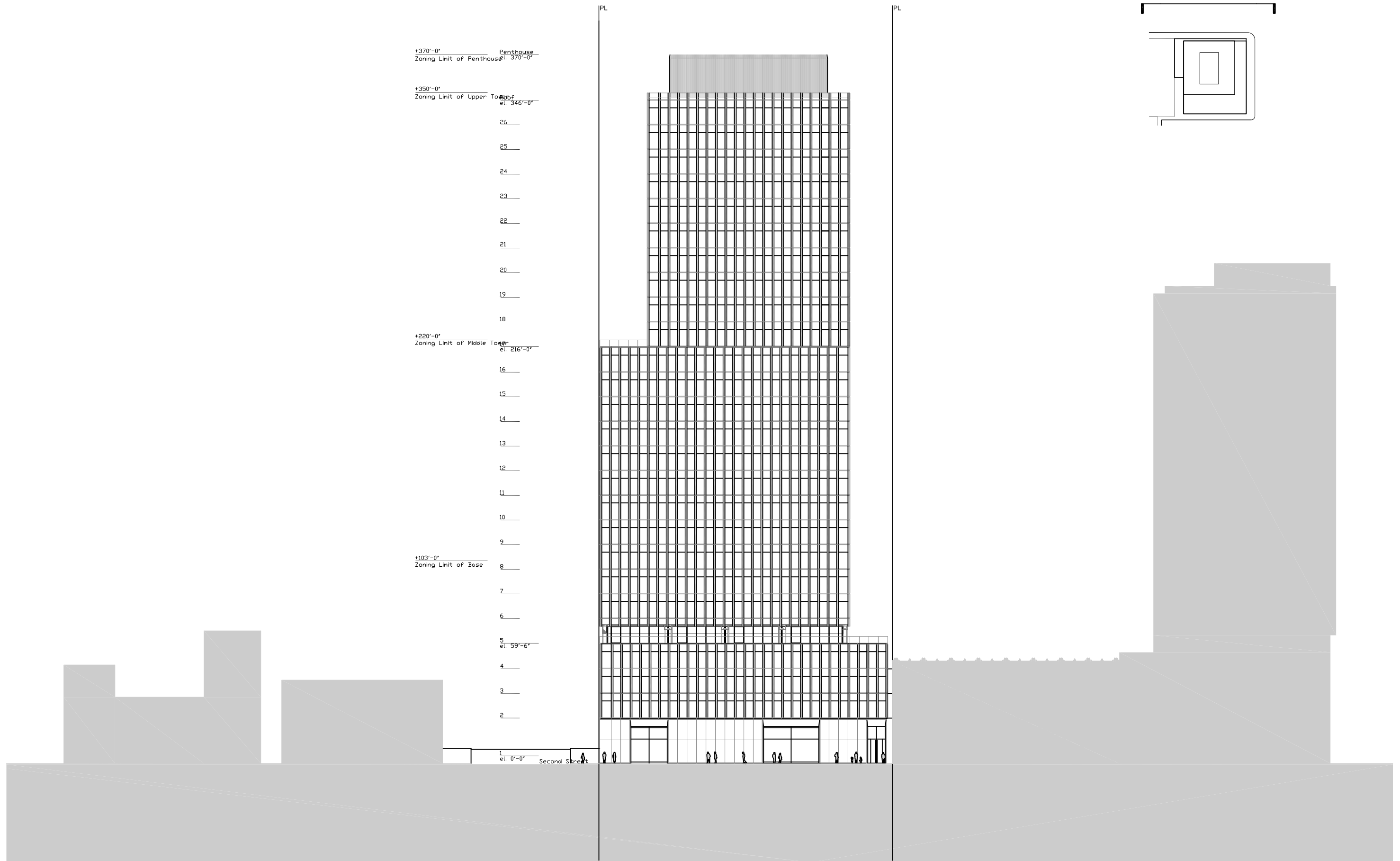
SAN FRANCISCO, CA

SECOND STREET ELEVATION

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222 SECOND STREET

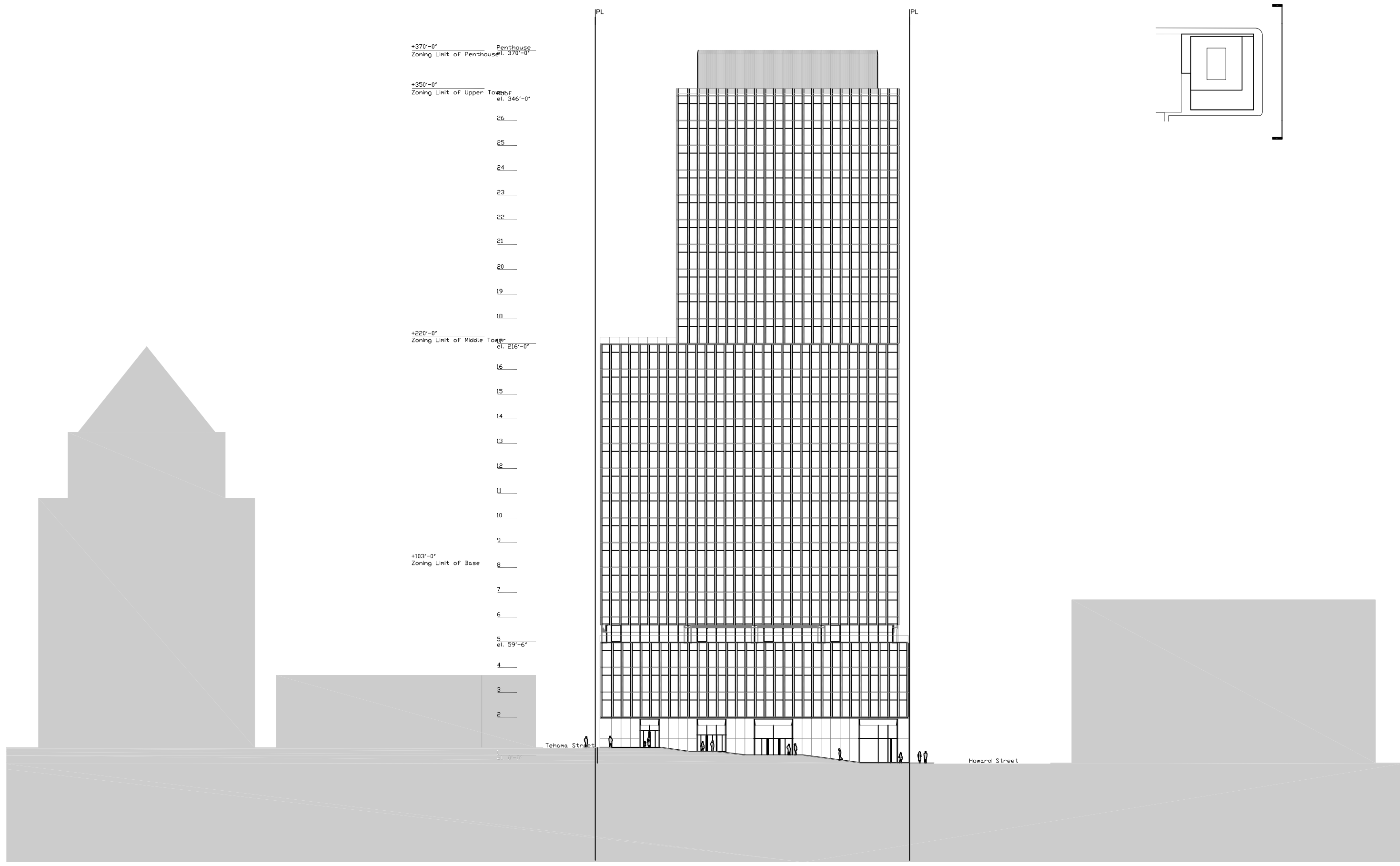
SAN FRANCISCO, CA

HOWARD STREET ELEVATION

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222 SECOND STREET

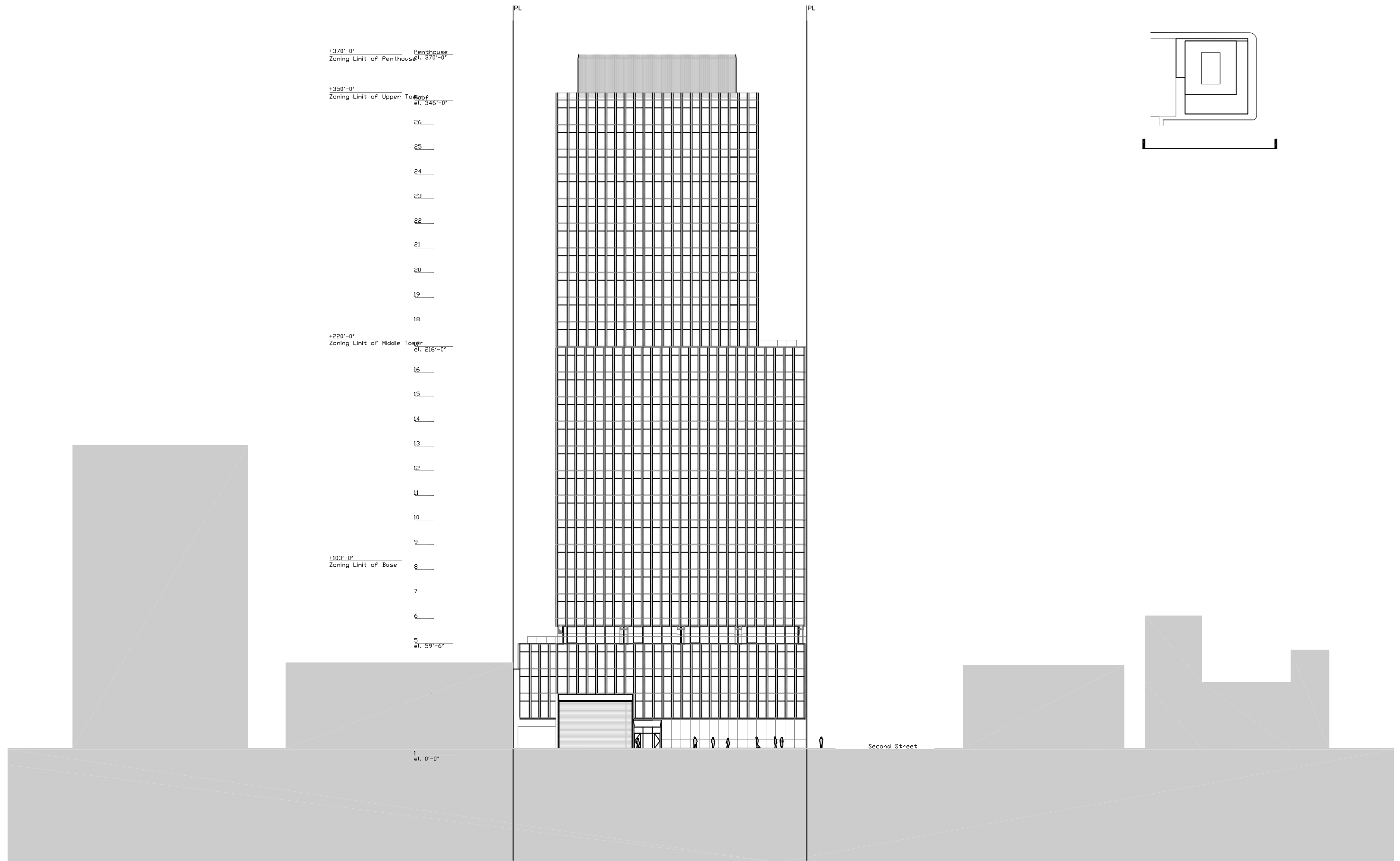
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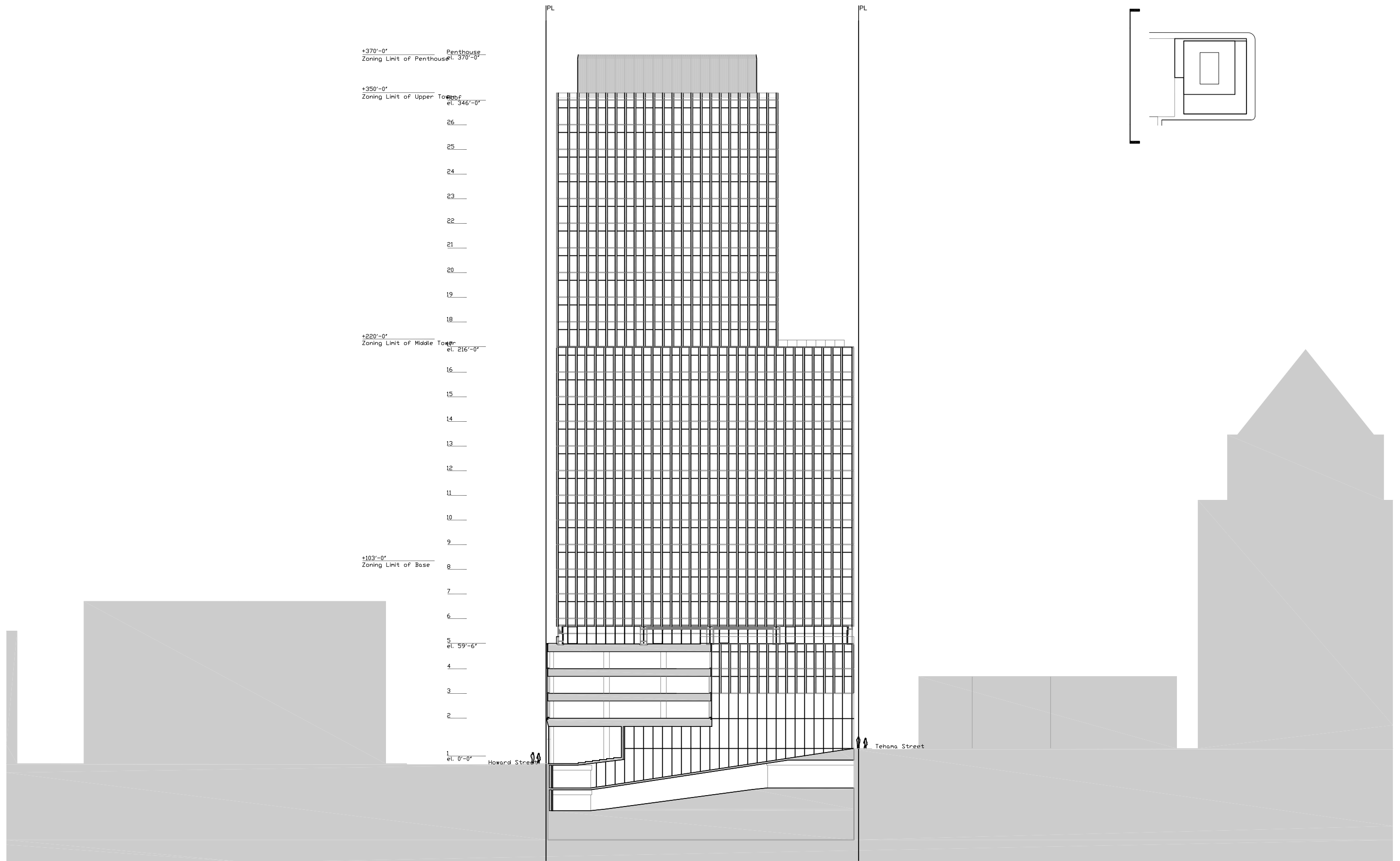
222 SECOND STREET
 SAN FRANCISCO, CA

TEHAMA STREET ELEVATION

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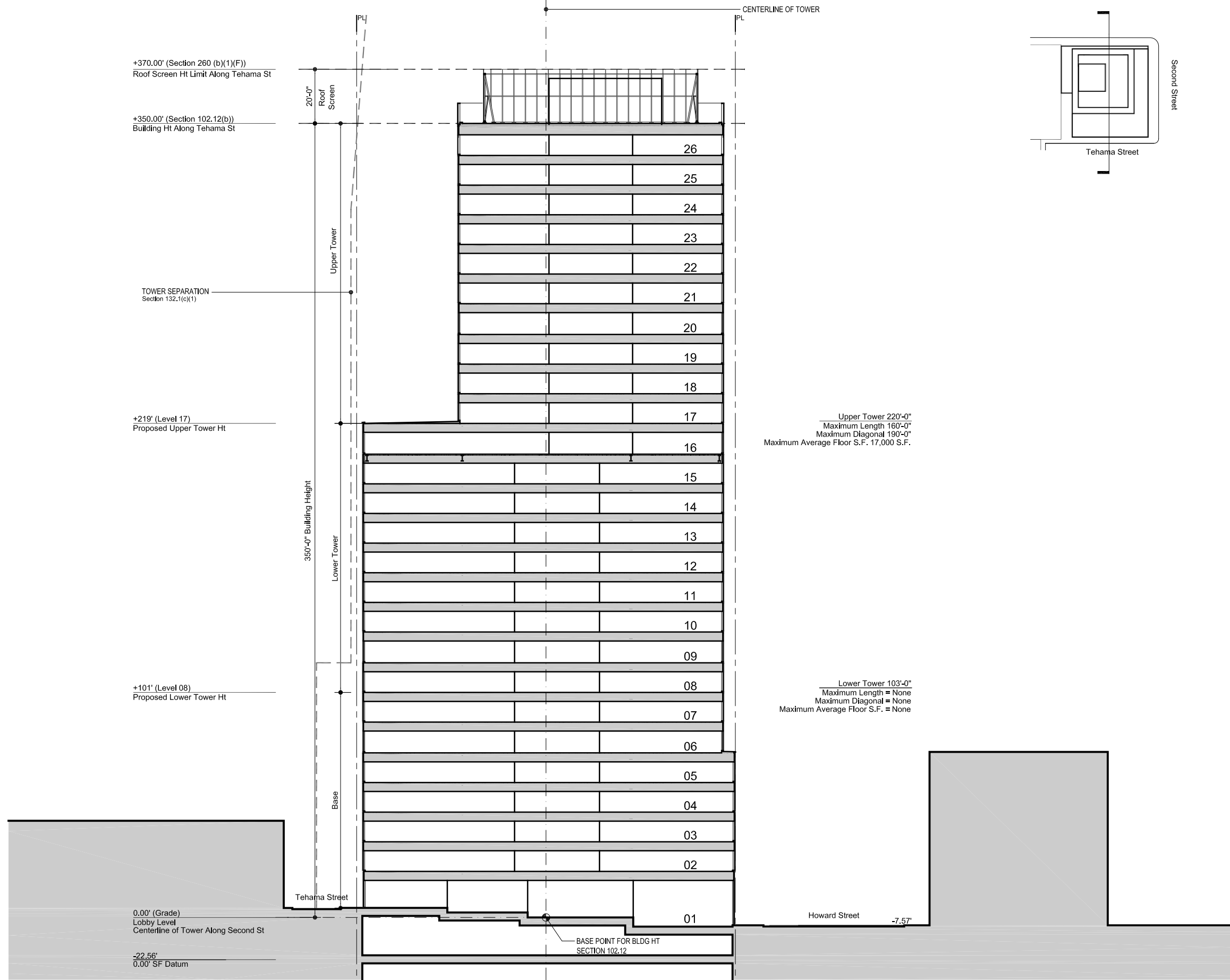
222 SECOND STREET

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WEST ELEVATION

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222 SECOND STREET

SAN FRANCISCO, CA

SECTION THROUGH BUILDING

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LEED CS-Core & Shell v2.0

Sustainable Sites

15 pts

- Site Selection
- Development Density
- Stormwater Management
- Heat Island Effect
- Light Pollution Reduction

Water Efficiency

2 pts

- Water Efficient Landscaping
- Water Use Reduction

Energy and Atmosphere

7 pts

- Optimize Energy Performance
- Enhanced Refrigerant Management
- Green Power

Materials and Resources

4 pts

- Construction Waste Management
- Recycled Content / Certified Wood

Indoor Environmental Quality

8 pts

- Outdoor Air Delivery Monitoring
- Increased Ventilation
- Low-Emitting Materials

Innovation & Design Process

3 pts

- Underground Parking
- Green Cleaning Program

LEED Accredited Professional

39 pts total

LEED Certified = 23~27; Silver = 28~33; **Gold = 34~44**; Platinum = 45~61

San Francisco Lights Out for Birds Program

Lights Out is a voluntary program where building owners, managers and tenants work together to ensure that any and all unnecessary lighting is turned off during the Spring and Fall migration seasons.

Already implemented at 555 Mission Street, Tishman Speyer is committed to the safety and well-being of all migratory birds.





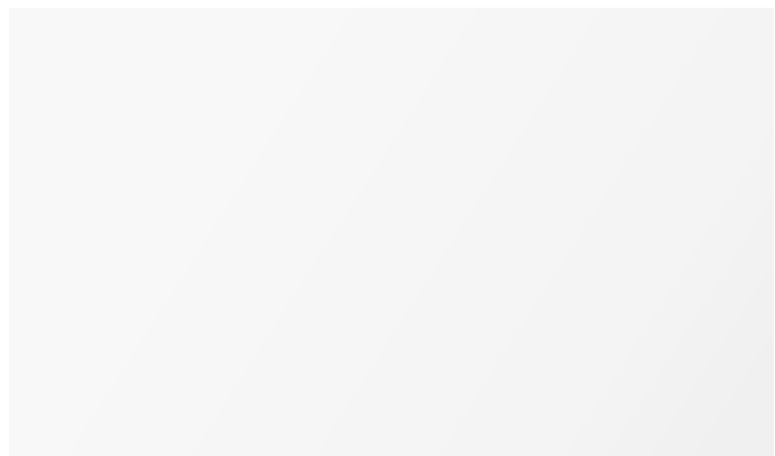
1" Insulated Low-E Glass



Stainless Steel



Black Anodized Aluminum



Clear Laminated Glass



White Marble



222 SECOND STREET

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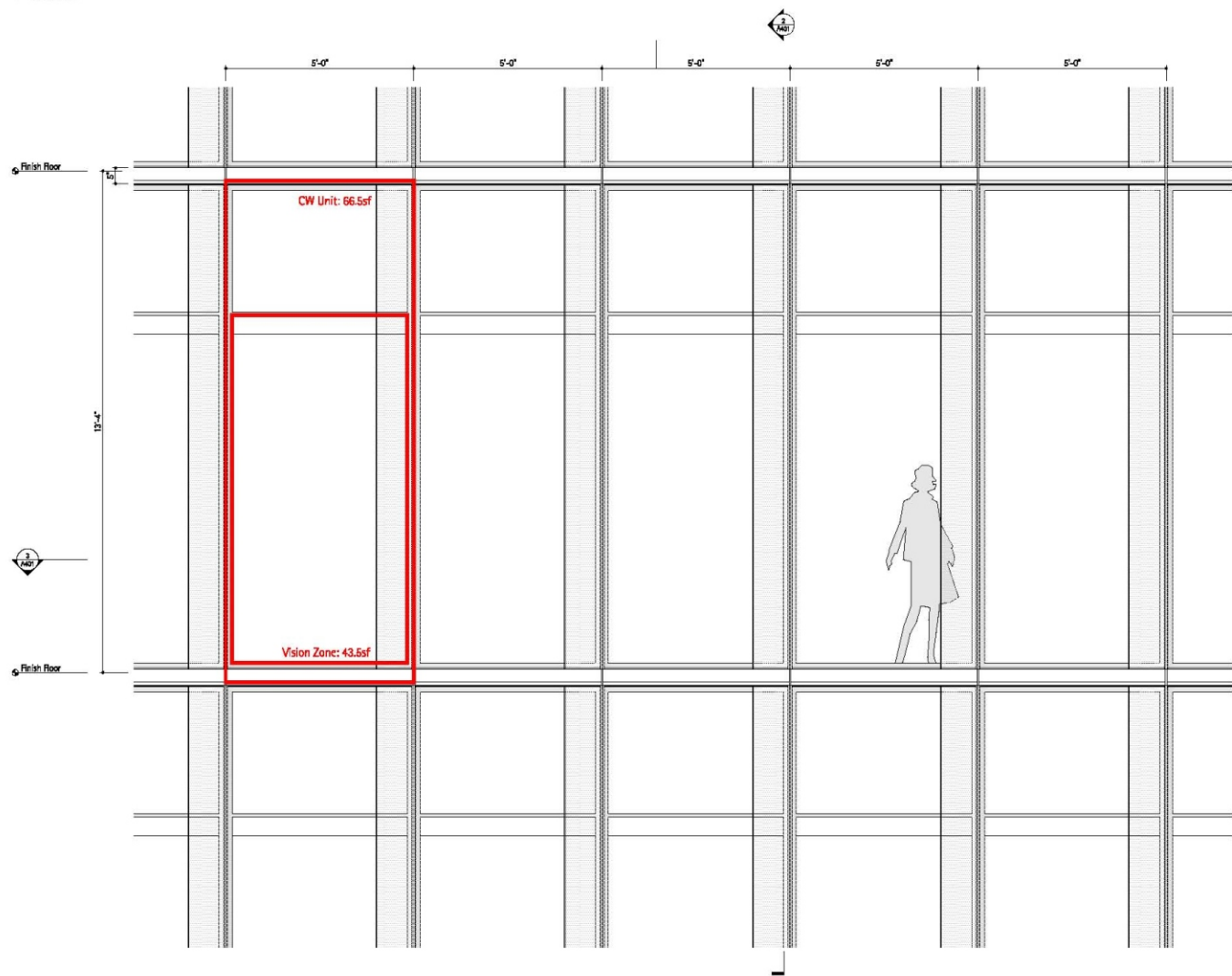
MATERIALS

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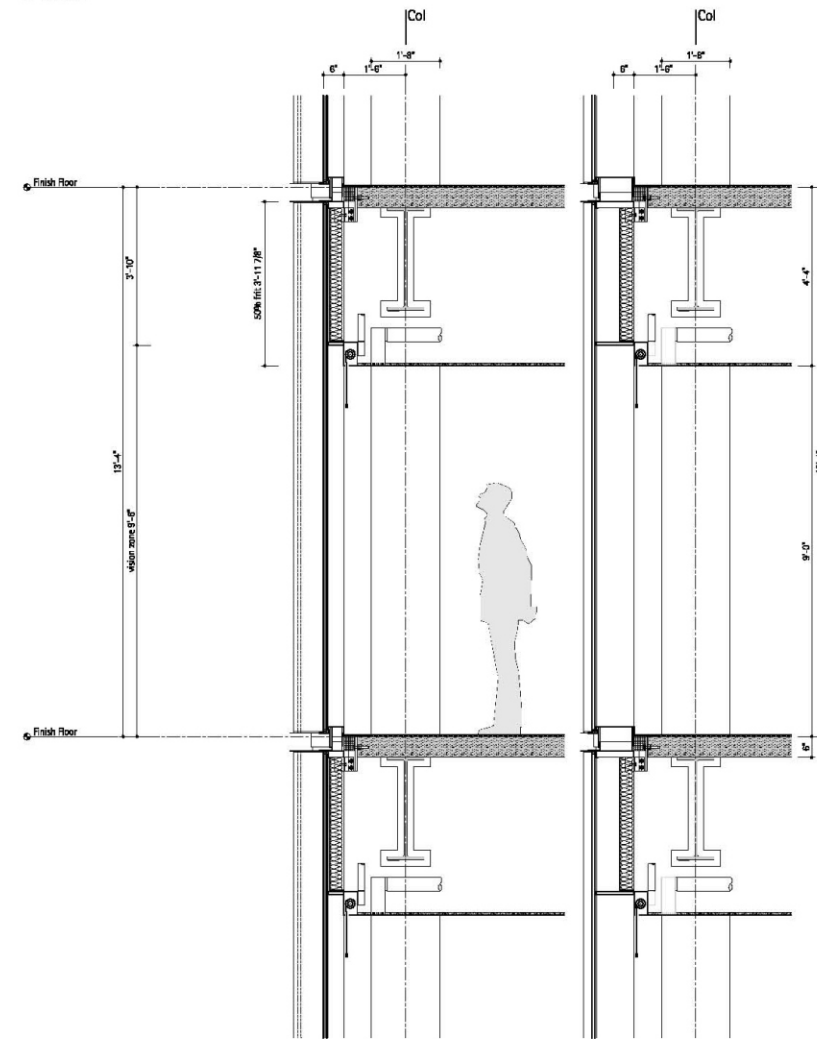
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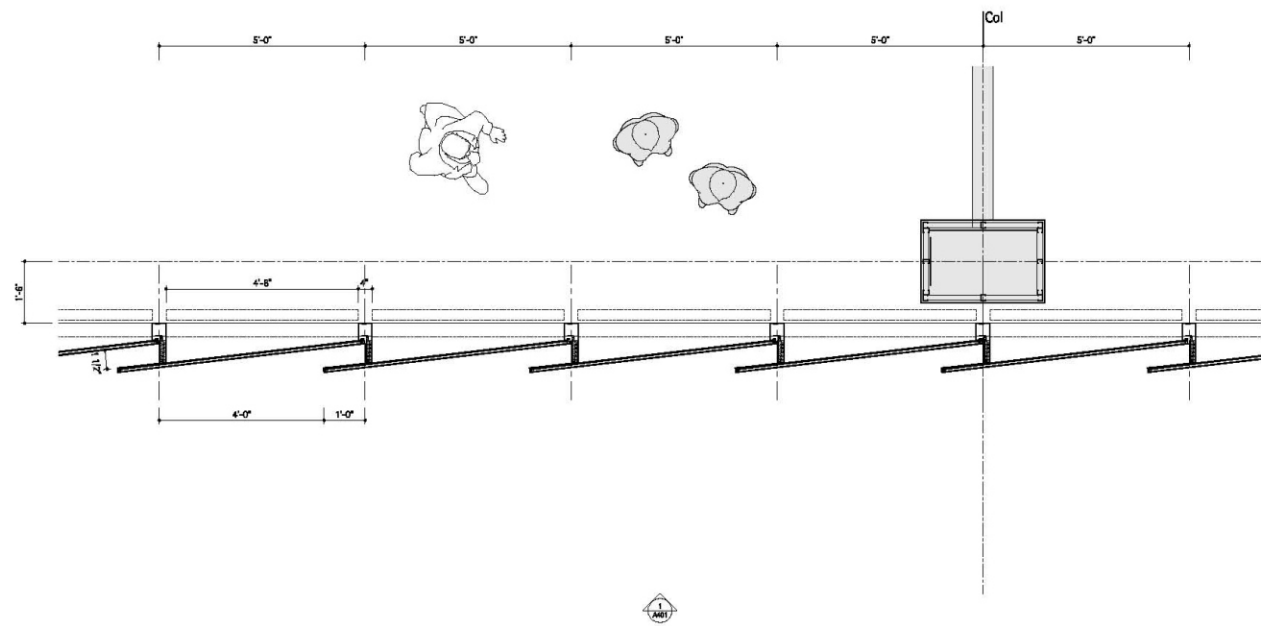
1 Elevation



2 Section



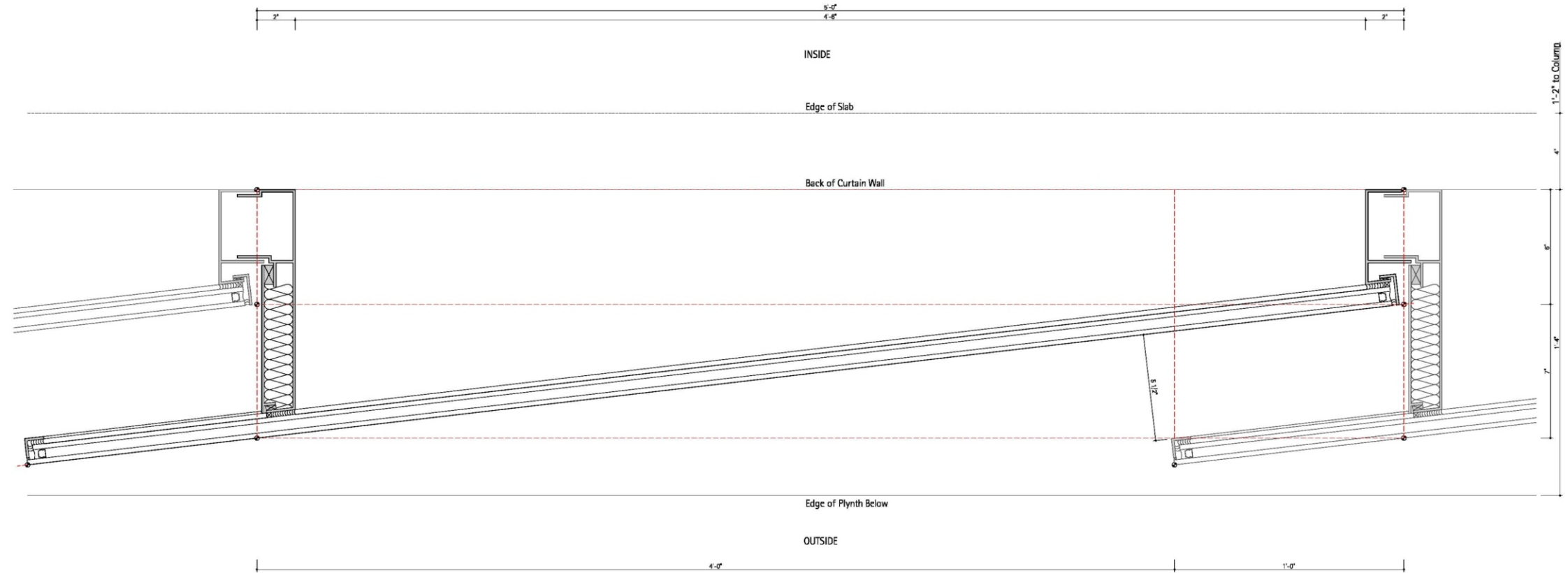
3 Plan



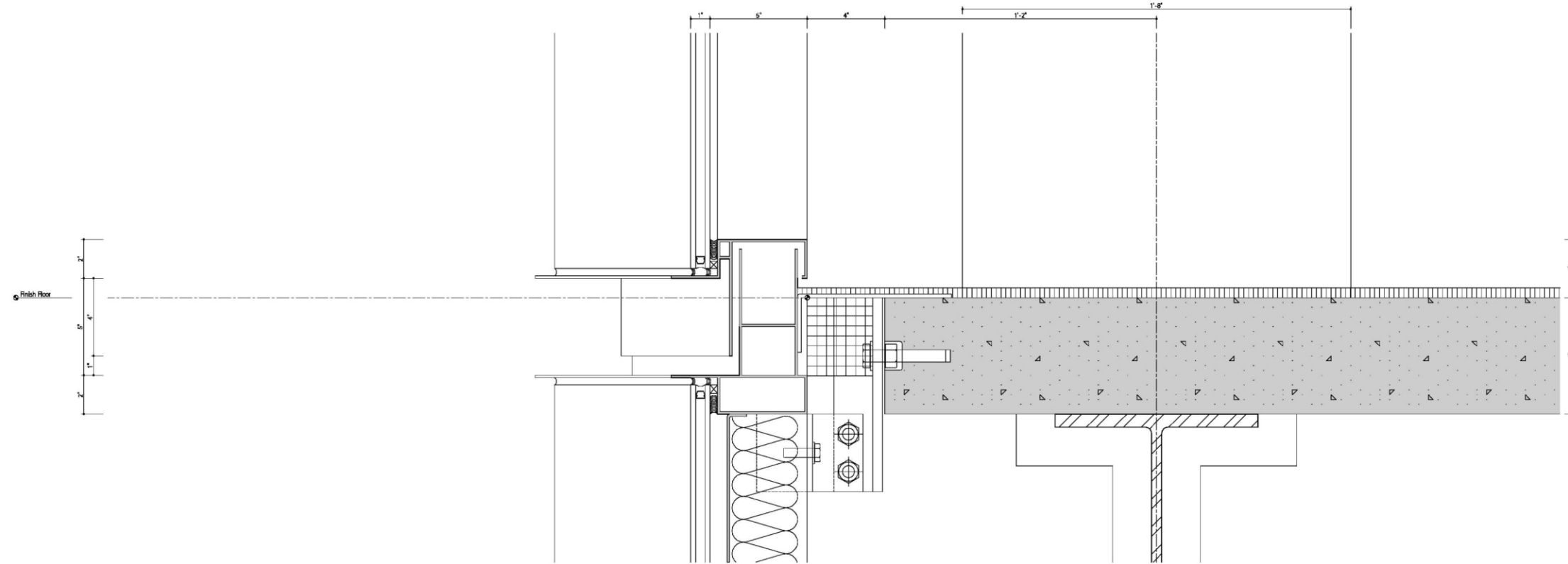
4 Rendering



1 Curtain Wall Unit Plan
Scale 6"=1'-0"



2 Curtain Wall Unit Section
Scale 6"=1'-0"



222 SECOND STREET
SAN FRANCISCO, CA

CURTAINWALL DETAILS

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VIEWS OF CURTAINWALL

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222 SECOND STREET SAN FRANCISCO, CA

VIEW ON HOWARD STREET LOOKING WEST

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222 SECOND STREET SAN FRANCISCO, CA

VIEW ON 2ND STREET LOOKING SOUTH

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222 SECOND STREET

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VIEW ON 2ND STREET LOOKING SOUTH

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222 SECOND STREET
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VIEW ON 2ND STREET LOOKING NORTH

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222 SECOND STREET
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VIEW ON 2ND STREET LOOKING NORTH

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SAN FRANCISCO, CA

VIEW FROM YERBA BUENA

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222 SECOND STREET
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VIEW FRONTING HOWARD STREET

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VIEW FRONTING SECOND STREET

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222 SECOND STREET
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VIEW OF NORTHEAST CORNER

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