



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

TDIF (Admin. Code)

Jobs Housing Linkage Program (Sec. 313)

Downtown Park Fee (Sec. 139)

First Source Hiring (Admin. Code)

Child Care Requirement (Sec. 314)

Other

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Planning Commission Motion No. 17543

Hearing Date: January 31, 2008
Case No.: **2006.0660BEKX**
Project Address: **100 CALIFORNIA STREET**
Zoning: C-3-O (*Downtown Office*) District
350-S Height and Bulk District
Block/Lot: 0236/017
Project Sponsor: Tuija I. Catalano, attorney
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ADOPTING FINDINGS MAKING A DETERMINATION OF COMPLIANCE AND GRANTING EXCEPTIONS TO PLANNING CODE STANDARDS FOR FREIGHT LOADING AND BUILDING BULK UNDER SECTION 309 OF THE PLANNING CODE AUTHORIZING A VERTICAL ADDITION OF APPROXIMATELY 76,500 SQUARE FEET OF OFFICE SPACE TO AN EXISTING 13-STORY OFFICE BUILDING, PLUS APPROXIMATELY 1,530 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND AUTHORIZING EXCEPTIONS TO PLANNING CODE STANDARDS FOR OFF-STREET LOADING (Section 152.1) AND BUILDING BULK (Sections 270 and 272), LOCATED AT 100 CALIFORNIA STREET ON ASSESSOR'S BLOCK 0236, LOT 017, IN THE C-3-0 (DOWNTOWN, OFFICE) DISTRICT AND WITHIN THE 350-S HEIGHT AND BULK DISTRICT.

RECITALS

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

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

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

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description.** The Project is at 100 California Street, northeast corner at Davis Street, a through-lot to Sacramento Street, Lot 017 in Assessor's Block 0236, in a C-3-O (Downtown Office) District, and a 350-S Height and Bulk District (hereinafter "Subject Property"). The Subject

Property is developed with a 13-story, 190-foot-tall office building containing approximately 247,500 gross square feet (hereinafter “*gsf*”) of floor area with a partial 14th-floor penthouse. The building is set back on its three street frontages and is surrounded by plazas and walkways (totaling approximately 11,000 *gsf* in area) which feature mature landscaping including a number of large trees. The ground floor of the subject building is devoted to lobby space as well as retail and service uses including a copy service, a coffee shop, a barber shop and a health club (which also occupies a large space on the second floor as well as basement space).

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

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

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

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

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

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

C. **Open Space** – Code **Section 138** requires that, in a C-3-0 District, an application for a permit to construct a new building or an addition of gross floor area equal to 20 percent or more of the existing building requires the provision of public open space at a ratio of one square foot of open space for every 50 square feet of developed space.

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

D. **Pedestrian Streetscape Improvements** -- Code **Section 138.1** requires project sponsors to make streetscape improvements where the proposed project includes the construction of a new building, substantial alterations to an existing building, or the addition of floor area equal to 20 percent or more of an existing building.

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

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

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

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

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

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

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

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

- H. Reduction of Ground-Level Wind Currents in C-3 Districts -- Code **Section 148** requires, in C-3 Districts, that new buildings and additions to existing buildings be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than ten percent of the time year round, between 7:00 A.M. and 6:00 P.M., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial public use and seven m.p.h. equivalent wind speed in public seating areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

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

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

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

(3) A jointly-used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and

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

(4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. That a Diverse Economic Base be Maintained by Protecting our Industrial and Service Sectors from Displacement due to Commercial Office Development, and that Future Opportunities for Resident Employment and Ownership in these Sectors be Enhanced.

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

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

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

G. That Landmarks and Historic Buildings be Preserved.

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

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

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

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

Commerce and Industry Element:

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

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

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

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

The Project would locate commercial activity according to the generalized land use plan by adding new office space in the Downtown Core area zoned for the C-3-O (Downtown, Office) District.

OBJECTIVE 2: MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY

Policy 2.1: Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project would create approximately 76,500 square feet of new office space in the Downtown Core area in support of this objective. The Project is centrally located close to many jobs and services. It would add to the existing business climate by offering modern space in a state-of-the-art structure.

Urban Design Element

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1: Promote harmony in the visual relationships and transitions between new and older buildings.

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

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

Downtown Plan Element

OBJECTIVE 2: MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

Policy 2.1: Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

Policy 2.2: Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

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

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

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

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

Transportation Element

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1: Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

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

6. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development. The Commission finds that granting the Project Authorization in this case would promote the public welfare, convenience and necessity of the City for the reasons set forth above.

DECISION

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

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

Linda Avery
Commission Secretary

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

NAYS: None

Motion 17543
January 31, 2008

CASE NO. 2006.0660BEKX
100 California Street

ABSENT: Commissioners Alexander and W. Lee

ADOPTED: January 31, 2008

Exhibit A

Conditions of Approval

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

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

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct, or to receive or apply for a building permit. The Project Sponsor must obtain a project authorization under Code **Section 322**, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

2. GENERAL CONDITIONS

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

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

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

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

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

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

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

- A. Design.

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

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

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

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

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

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

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

D. Public Artwork.

(1) The Project shall include the work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

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

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

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

- A. Transit Impact Development Fee. The Project Sponsor shall pay the Transit Impact Development Fee as required by Chapter 38 of the Administrative Code. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy the Project Sponsor shall provide the Director with certification that the fee has been paid.

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

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

- D. Public Art.

(1) The Applicant shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.

(2) The Project Sponsor shall comply with Code **Section 149(b)** by providing a plaque or cornerstone identifying the Project architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project site. The design and content of the plaque shall be approved by Department staff prior to its installation.

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

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