



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|--|---|
| <input type="checkbox"/> Inclusionary Housing | <input checked="" type="checkbox"/> Public Open Space |
| <input checked="" type="checkbox"/> Childcare Requirement | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program | <input checked="" type="checkbox"/> Transit Impact Development Fee |
| <input checked="" type="checkbox"/> Downtown Park Fee | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Public Art | |

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Planning Commission Motion 18956 Office Allocation

HEARING DATE: AUGUST 15, 2013

Date: August 1, 2013
Case No.: **2013.0276BX**
Project Address: **350 MISSION STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
Transit Center C-3-O (SD) Commercial Special Use District
700-S-2 Height and Bulk District
Block/Lot: 3710/017
Project Sponsor: KR 350 Mission, LLC
c/o Daniel Frattin of Reuben, Junius & Rose 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 2012-2013 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO SECTIONS 320 THROUGH 325 OF THE PLANNING CODE FOR A PROPOSED PROJECT TO CONSTRUCT UP TO SIX ADDITIONAL STORIES ATOP A PREVIOUSLY APPROVED, 24-STORY TOWER, RESULTING IN A NEW BUILDING OF UP TO 30 STORIES, AT A ROOF HEIGHT OF UP TO APPROXIMATELY 424 FEET, WITH A MECHANICAL PARAPET REACHING A HEIGHT OF UP TO APPROXIMATELY 455 FEET, CONTAINING UP TO APPROXIMATELY 420,000 SQUARE FEET OF OFFICE USES, APPROXIMATELY 5,400 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 23,500 SQUARE FEET OF SUBTERRANEAN PARKING AREA, AND APPROXIMATELY 9,650 SQUARE FEET OF PUBLICLY-ACCESSIBLE INTERIOR OPEN SPACE, LOCATED AT 350 MISSION STREET (ASSESSOR'S BLOCK 3710, LOT 017), WITHIN THE C-3-O (SD) (DOWNTOWN OFFICE-SPECIAL DEVELOPMENT) DISTRICT, THE TRANSIT CENTER C-3-O (SD) COMMERCIAL SPECIAL USE DISTRICT, AND THE 700-S-2 HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 10, 2011, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting and approved a Downtown Project Authorization and Requests for Exceptions pursuant to Planning Code Section ("Section") 309 (Motion No. 18268), and an allocation of off space pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Motion No. 18267), in connection with a proposal to demolish an existing four-story building containing office and retail uses and construct a 24-story, 350-foot tall building containing approximately 340,000 gross square feet of office space, approximately 1,000 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 12,700 square feet of publicly-accessible interior open space, on a property located at 350 Mission Street, Lot 017 of Assessor's Block 3710 ("Project Site"). At the same hearing on February 10, 2011, the Zoning Administrator indicated an intent to grant a requested Variance from Section 155(s)(5)(A), to allow a garage entry width measuring approximately 33 feet, where the Planning Code limits the maximum permitted width of a shared parking and loading garage opening to 27 feet. On April 14, 2011, the Zoning Administrator issued a Variance Decision Letter formally granting the requested Variance (collectively, "Previous Project", Case No. 2006.1524EBKXV). The Planning Commission approvals and related building permits for the Previous Project are vested, and the building is currently under construction.

On March 14, 2013, Daniel Frattin, acting on behalf of KR 350 Mission, LLC ("Project Sponsor") applied for an allocation of up to 80,000 square feet of office space in order to amend the Previous Project to add up to six additional floors of office space, pursuant to Sections 321 and 322 (Annual Office Development Limitation Program) (Case No 2013.0276B). On April 25, 2013, the Project Sponsor applied for a Downtown Project Authorization and Requests for Exceptions, pursuant to Section 309, in order to amend the Previous Project to add up to six additional floors of office space, make minor changes to the configuration of ground-floor retail space, and create a 4,300 gross square foot restaurant at the second floor. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 9,650 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017), within the C-3-0 (SD) (Downtown Office-Special Development) District, the Transit Center C-3-0 (SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District (collectively, "Project", Case No. 2013.0276BX).

On May 24, 2012, the Planning Commission held a duly advertised public hearing and recommended approval of the Transit Center District Plan ("TCDP" or "Plan") and related implementing Ordinances to the Board of Supervisors. The result of a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown to respond to and support the construction of the new Transbay Transit Center project, including the Downtown Rail Extension. Implementation of the Plan would result in generation of up to \$590 million for public infrastructure, including over \$400 million for the Downtown Rail Extension. Adoption of the Plan included height reclassification of numerous parcels in the area to increase height

limits, including a landmark tower site in front of the Transit Center with a height limit of 1,000 feet and several other nearby sites with height limits ranging from 600 to 850 feet.

On July 24, 2012, the Board of Supervisors held a duly noticed public hearing, affirmed the Final EIR and approved the Plan, as well as the associated ordinances to implement the Plan on first reading.

On July 31, 2012, the Board of Supervisors held a duly noticed public hearing, and approved the Plan, as well as the associated ordinances to implement the Plan on final reading.

On August 8, 2012, Mayor Edwin Lee signed into law the ordinances approving and implementing the Plan, which subsequently became effective on September 7, 2012.

The environmental effects of the Project were determined by the Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 24, 2012, by Motion No. 18628, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The Transit Center District Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Transit Center District Plan, the Commission adopted CEQA Findings in its Motion No. 18629 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On July 30, 2013, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Plan and was encompassed within the analysis contained in the Transit Center District Plan Final EIR. Since the Transit Center District Plan Final EIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to

the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Transit Center District Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.0276BX. 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 approves the Office Allocation requested in Application No. 2013.0276B 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 Project Site is an 18,909 sq. ft., roughly square, parcel located at the northeast corner of Mission and Fremont Streets. The Project Site is within the C-3-O (SD) District, the Transit Center C-3-O (SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Previous Project, as approved by the Commission and the Zoning Administrator in 2011, is currently under construction.
3. **Surrounding Properties and Neighborhood.** The Project Site is located in an area characterized by dense urban development. Existing height limits on the subject block range from 450 to 550 feet. There are many high-rise structures containing dwellings, offices and other commercial uses. The Project Site is surrounded by a number of high-rise buildings. 45 Fremont Street is a 34-story office building located directly to the north. 50 Beale Street is a 23-story office building located to the east. 50 Fremont Street is a 43-story office building across Fremont Street to the west. The Millennium (301 Mission Street) is a residential development consisting of a 60-story residential building and an 11-story tower, located across Mission Street to the south. There are numerous smaller commercial buildings in the area as well. The site of the former Transbay Terminal and proposed Transit Center is located opposite the Project Site at the southwest corner of Mission and Fremont Streets. The future Transit Center is planned to accommodate local, regional, and national bus service, as well as Caltrain and California High Speed Rail service.

The Project Site is located within the Transit Center District Plan (TCDP) area. The City adopted the TCDP and related implementing ordinances in August 2012. Initiated by a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown. Broadly stated, the goals of the TCDP are to focus regional growth (particularly employment growth) toward downtown San Francisco in a sustainable, transit-oriented manner, sculpt the downtown skyline, invest in substantial transportation infrastructure and improvements to streets and open spaces, and expand protection of historic resources.

4. **Proposed Project.** The Project proposes to amend the Previous Project to add up to six additional floors of office space. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area. The precise amount of additional floor area that would be developed beyond the Previous Project would be based upon the anticipated needs of the building's sole tenant ("Salesforce.com, Inc.").

Aside from the proposed height increase and additional square footage, the basic form and design of the building would not change. However, the revisions to the Previous Project trigger the requirement that the Commission reconsider the previously-granted exceptions for "Separation of Towers", "Ground-level Wind Currents", and "Bulk Limitations". In addition, the Project Sponsor is requesting that the Commission grant a new exception for the number of freight loading spaces which was not required under the Previous Project.

5. **Public Comment.** To date, the Planning Department has received no communications regarding the proposed Project.
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 2,233,922 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, 2013. On October 17, 2013 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 413. 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. The increment of additional office space beyond the Previous Project is also subject to the Transit Center District Plan Open Space Fee, and the Transit Center Transportation and Street Improvement Fee. 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. 18957, Case 2013.0276X (Downtown Project Authorization 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, Transit Center District 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 Project Site is surrounded by existing high-rise development, and the Project is compatible with this context. The exterior of the building would be finished with tilting glazing that conveys a woven pattern. This configuration would capture and reflect light in a dynamic manner that would shift depending on the perspective of the viewer. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a pedestrian-scaled environment that visually and functionally draws the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space. The Project's retail spaces and art program would help activate its interior open space and create visual interest for passersby.

The Project has been design to target LEED Platinum certification, incorporating numerous sustainable features to enhance efficiency and environmental performance.

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 one block south of Market Street and one block north of the future Transit Center, providing direct access to abundant existing and planned transit, as well as retail goods and services. Numerous

office buildings exist within the immediate vicinity of the Project site and the greater Downtown area. The Project furthers the goals and objectives of the Downtown Plan and the Transit Center District Plan to concentrate 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 Ferry Building, and one block away from the future Transit Center.

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 Project would replace a relatively low-intensity four-story building with a new office tower that includes publicly accessible open space and retail/restaurant uses on the ground floor. The tower's overall height and volumetric composition relate well to neighboring buildings. The Project's 50-foot-tall base would be visually distinguished from the tower above, creating a comfortably-scaled environment for pedestrians while inviting the public into the Project's interior open space. Large panel doors at the ground-floor would be open to the street, allowing for unobstructed flow between the sidewalk and interior open space, where seating, restrooms and other amenities would be provided for public use. The Project's retail spaces and public art program would help activate the interior open space and create visual interest for passersby.

e) Seismic Safety. The Project would improve seismic safety, because it would be constructed to meet or exceed the latest seismic standards of the California Building Code. The soil beneath the Project Site is subject to liquefaction and ground settlement during a major earthquake. However, most of the liquifiable soil would be excavated during construction, and liquefaction induced settlement will be negligible below foundation level. The Project's concrete mat foundation would be founded upon Colma Sand formation, which have sufficient relative densities and/or clay contents to resist liquefaction. 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 over 1,000 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 up to approximately 420,000 gross square feet of new office space (up to approximately 80,000 square feet of additional office space beyond the Previous Project), 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 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 has secured the required TDR to construct the Project and shall secure a Notice of Use of TDR as a condition of approval.

7. **General Plan Conformity.** The General Plan Consistency Findings set forth in Section #8 of Motion No. 18957, Case No. 2013.0276X (Downtown Project Authorization 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/personal services uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would include approximately 5,400 sq. ft. of retail/personal services uses at the ground-floor and mezzanine level. These uses would provide goods and services to downtown workers, residents, and visitors, while creating ownership and employment opportunities for San Francisco residents. The addition of office uses would bring new employees and visitors to area, strengthening the customer base of other businesses.

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

The Project Site was previously occupied by a four-story office building with ground-floor formula-retail/personal uses, therefore, no housing is being removed by the Project. The Project Site is located in an area where high-rise office development predominates and is explicitly encouraged by the Downtown Plan and the Transit Center District Plan. The Project would be compatible with the character of the area.

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

The Project would enhance the City's supply of affordable housing by participating in the Jobs-Housing Linkage Program pursuant to Planning Code Section 413.

- 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 one block 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 future Transit Center, providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.

The EIR prepared for the Previous Project concludes that commuter traffic associated with the Project would not result in significant congestion on surrounding streets. The Project would incorporate measures related to the operation of the garage to ensure that entering and exiting vehicles do not impede transit service. Neighborhood parking would not be overburdened.

- 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 would be displaced by the Project. The Project Site was previously occupied by a four-story office and retail/personal services building. The Project would continue the same types of uses, albeit at an increased intensity suitable for its location within the Transit Center District Plan area.

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

The Project would help the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake by replacing an older building with one that will meet or exceed all current structural and seismic requirements under the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The project would not affect any landmark or historic building. The EIR prepared for the Previous Project concludes that the building which formerly occupied the site had been heavily altered and was ineligible for listing in the California Register. That building has since been demolished to allow for new construction to proceed.

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

The EIR prepared for the Previous Project evaluated potential impacts of the building on parks and other open spaces, and determined that it would not significantly increase shadows on them or impede views from them. Because the Project Site is level and is largely surrounded by high-rise development, the Project would not impede views from parks and open spaces. A shadow study confirmed that no public parks protected by Section 295 would be shaded by the Project, and additional shadow cast on nearby private open spaces would be minor and limited in duration. The additional height proposed for the Project would not substantially affect shadow conditions in the vicinity, compared with the Previous Project.

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. 2013.0276B** 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 August 15, 2013, on file in Case Docket No. 2013.0276B.

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 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

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

NOES:

ABSENT: Moore (recused)

ADOPTED: August 15, 2013

EXHIBIT A

AUTHORIZATION

This authorization is to grant an allocation of office square footage under the Annual Office Development Limitation Program, pursuant to Planning Code Sections 320 through 325, in connection with a proposal to amend a previously-approved project (Case No. 2006.1524B, Motion No. 18267) to add up to six additional floors containing up to approximately 80,000 square feet of office uses. The project, as amended, would construct a new building of up to 30 stories, at a roof height of up to approximately 424 feet, with a mechanical parapet height of up to approximately 455 feet, containing up to approximately 420,000 square feet of office uses, approximately 5,400 square feet of retail space, approximately 23,500 square feet of subterranean parking area, and approximately 9,650 square feet of publicly-accessible interior open space, located at 350 Mission Street (Assessor's Block 3710, Lot 017), within the C-3-0(SD) (Downtown Office-Special Development) District, the Transit Center C-3-0(SD) Commercial Special Use District, and the 700-S-2 Height and Bulk District. The Project shall be constructed in general conformance with plans dated August 15, 2013 and stamped "EXHIBIT B" included in the docket for Case No. 2013.0276B, and subject to conditions of approval reviewed and approved by the Commission on August 15, 2013 under Motion No. 18956. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 15, 2013 under Motion No 18956.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18956 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. Development Timeline - Office. Pursuant to Planning Code Section 321(d) (2), construction of an office development shall commence within 18 months of the date of this Motion approving this Project becomes effective. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this conditional use authorization.

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

2. Allocation Amount. The precise area of office square footage authorized for allocation shall be identified on plans submitted with the Site Permit application, and shall be finalized prior to site permit issuance. The area authorized for allocation shall not exceed 80,000 square feet.

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

3. Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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