Executive Summary Downtown Project Authorization

HEARING DATE: JULY 26, 2012

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Planning Information: 415.558.6377

Hearing Date: July 18, 2012
Filing Date: February 29, 2012
Case No.: 2012.0194HX
Project Address: 459 Geary Street

Category: Category IV (Contributing)
Zoning: C-3-G (Downtown General)

80-130-F Height and Bulk District

Block/Lot: 0316/018
Applicant: Jim Brenza

FME Architecture + Design 500 Montgomery Street San Francisco, CA 94111

Staff Contact Pilar LaValley - (415) 575-9084

pilar.lavalley@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The proposed project is to construct a one-story vertical addition, infill a light well at the east (side) elevation, and to rehabilitate the existing six-story-over-basement office building. The resulting building will be approximately 85 feet in height and will contain one dwelling unit (approximately 3,500 square feet), approximately 11,345 square feet of office, and approximately 6,795 square feet of retail space. The existing building contains approximately 12,470 square feet of office and approximately 9,445 square feet of retail.

SITE DESCRIPTION AND PRESENT USE

The project site is located at 459 Geary Street at mid-block on south side of street between Mason and Taylor Streets in Assessor's Block 0316, Lot 018. The property is located within a C-3-G (Downtown General) Zoning District with an 80-130-F Height and Bulk limit, and the Kearny-Market-Mason-Sutter ("KMMS") Conservation District. The project site contains a six-story-over-basement reinforced concrete building constructed in 1922 that is rated as a Category IV (Contributory) Building in the KMMS Conservation District. The existing approximately 21,900-square-foot building is occupied by retail and office uses.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is located in the Downtown San Francisco area approximately two blocks west of Union Square. Adjacent to the project site to the east is the Clift Hotel (13-stories), and to the west are the

Curran Theater (three-stories) and the American Contemporary Theater (three-stories). On the opposite side of the street, are six- to eight-story residential-, or hotel-, over-commercial buildings. The Project site is well served by transit of all varieties.

The Project site is located in the Downtown Area Plan of the General Plan, which contains objectives concerning provision of adequate space for commerce, retail, and offices. The land uses in the surrounding area include mainly retail stores, restaurants, and bars on the ground floor, with offices, residences, and hotels on the upper floors. The Project is consistent with the surrounding uses in the area and is compatible with the architectural character and height of surrounding buildings within the Kearny-Market-Mason-Sutter Conservation District as set forth in Article 11 of the Code.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1(e)(1) categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUA L PERIOD
Mailed Notice	10 days	July 16, 2012	July 16, 2012	10 days

PUBLIC COMMENT

To date, the Department has received no public comment regarding this project.

ISSUES AND OTHER CONSIDERATIONS

- As the project proposes exterior alterations to a Category IV (Contributing) building within the Kearny-Market-Mason-Sutter Conservation District, it is subject to the provisions of Article 11, which require authorization through a Permit to Alter. Based on the proposed scope of work, which includes an addition, the project requires a Major Permit to Alter. The Historic Preservation Commission, through a vote of 6-0, granted the Major Permit to Alter at its regularly scheduled public hearing on July 18, 2012.
- In the 80-130-F and 80-130-X Height and Bulk District exceptions to the 80 foot height limit up to 130 feet may be approved in appropriate cases in accordance with the provisions of Section 309. The purpose of allowing additional height above 80 feet only as an exception is to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. The height of the new finished roof would be 85-feet, and the absolute height, including mechanical and elevator penthouse, would be 91-feet. As proposed, the project requires an exception as it will exceed 80-feet in height.

Executive Summary Hearing Date: July 26, 2012

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must determine that the project complies with Planning Code Section 309 and grant an exception to height limits in the 80-130-F Height and Bulk District as permitted in Planning Code Section 263.8.

BASIS FOR RECOMMENDATION

- The hybrid nature of the mixed uses, including retail, office, and residential, will activate the Geary Street streetscape throughout the day and evening.
- The proposed vertical addition above the 80-foot base height shall be set back from the façade and will not alter the overall massing of the building when viewed from the street.
- The additional height will not add significant shadows to public sidewalks and parks.
- The building, including the addition, serves as an appropriate transition between adjacent lower and higher buildings.
- The proposed project is consistent with the requirements of Article 11.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION:

Approval with Conditions

Attachments:

Block Book Map Sanborn Map Project Sponsor Submittal, including:

- Site Photographs
- Reduced Plans

Attachment Checklist

X	Executive Summary		Project sponsor submittal
X	Draft Motion		Drawings: Existing Conditions
	Environmental Determination		Check for legibility
X	Zoning District Map		Drawings: <u>Proposed Project</u>
X	Height & Bulk Map		Check for legibility
X	Parcel Map		Wireless Telecommunications Materials
\times	Sanborn Map		Health Dept. review of RF levels
	Aerial Photo		RF Report
X	Context Photos		Community Meeting Notice
X	Site Photos		Housing Documents
			Inclusionary Affordable Housing Program: Affidavit for Compliance
			Residential Pipeline
	Exhibits above marked with an "X" are in	clude	d in this packet MPL
			Planner's Initials

PL: G:\DOCUMENTS\459 Geary St\2012.0194X ExecutiveSummary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
☐ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)

□ Downtown Park Fee (Sec. 412) □ Other

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Planning Commission Draft Motion

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80-130-F Height and Bulk District

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 TO ALLOW CONSTRUCTION OF A ONE-STORY VERTICAL ADDITION AND INFILL OF A LIGHT WELL TO AN EXISTING SIX-STORY-OVER-BASEMENT BUILDING TO CREATE A SEVEN-STORY BUILDING CONTAINING RETAIL (ART GALLERY), OFFICE, AND ONE DWELLING UNIT, AND TO: (1) ALLOW EXCEPTIONS TO HEIGHT LIMITS IN THE 80-130-F HEIGHT AND BULK DISTRICT PURSUANT TO PLANNING CODE SECTION 263.8 AS THE BUILDING WITH ADDITION WILL BE APPROXIMATELY 85 FEET IN HEIGHT; AND, (2) ALLOW CONSTRUCTION OVER 75 FEET IN HEIGHT IN A C-3 DISTRICT, FOR THE SITE LOCATED AT 459 GEARY STREET, LOT 018 IN ASSESSOR'S BLOCK 0316, WITHIN THE C-3-G ZONING DISTRICT, AN 80-130-F HEIGHT AND BULK DESIGNATION, AND THE KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT.

PREAMBLE

On June 25, 2012, Jim Brenza, acting on behalf of property owners ("Project Sponsor"), filed Major Permit to Alter Application No. 2012.0194H with the Planning Department (hereinafter "Department"), and on June 25, 2012, filed Downtown Project Authorization Application No. 2012.0194X per Planning Code

Sections 309 and 263.8 to authorize construction of a one-story vertical addition, infill of a light well, and rehabilitation of an existing six-story-over-basement office and retail building, and to: (1) allow exceptions to height limits in the 80-130-F Height and Bulk District; and, (2) to allow construction over 75 feet in height in a C-3 District, at 459 Geary Street, Lot 018 in Assessor's Block 0316, within the C-3-G Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District (collectively, "Project").

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1(e)(1) categorical exemption as the Project is an addition to an existing structure that will not result in an increase of more than 50 percent of the structure prior to the addition, or 2,500 square feet, whichever is less.

On July 18, 2012, the San Francisco Historic Preservation Commission (hereinafter "Preservation Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Major Permit to Alter Application No. 2012.0194H. With a vote of 6-0, the Preservation Commission adopted Motion No. XXXX to approve the Major Permit to Alter authorizing exterior alterations to a Category IV (Contributing) building in the Kearny-Market-Mason-Sutter Conservation District for the proposed project.

On July 26, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2012.0194HX.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby grants the Downtown Project Authorization requested in Application No. 2012.0194HX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The project site is located at 459 Geary Street at mid-block on south side of street between Mason and Taylor Streets in Assessor's Block 0316, Lot 018. The property is located within a C-3-G (Downtown General) Zoning District with an 80-130-F Height and Bulk limit, and the Kearny-Market-Mason-Sutter ("KMMS") Conservation District. The project site contains a six-story-over-basement reinforced concrete building constructed in 1922 that is rated as a Category IV (Contributory) Building in the KMMS Conservation District. The existing approximately 21,900-square-foot building is occupied by retail and office uses.

3. **Surrounding Properties and Neighborhood.** The Project site is located in the Downtown San Francisco area approximately two blocks west of Union Square. Adjacent to the project site to the east is the Clift Hotel (13-stories), and to the west are the Curran Theater (three-stories) and the American Contemporary Theater (three-stories). On the opposite side of the street, are six- to eight-story residential-, or hotel-, over-commercial buildings. The Project site is well served by transit of all varieties.

The Project site is located in the Downtown Area Plan of the General Plan, which contains objectives concerning provision of adequate space for commerce, retail, and offices. The land uses in the surrounding area include mainly retail stores, restaurants, and bars on the ground floor, with offices, residences, and hotels on the upper floors. The Project is consistent with the surrounding uses in the area and is compatible with the architectural character and height of surrounding buildings within the Kearny-Market-Mason-Sutter Conservation District as set forth in Article 11 of the Code.

- 4. **Project Description.** The proposed project is to construct a one-story vertical addition, infill a light well at the east (side) elevation, and to rehabilitate the existing six-story-over-basement building. The resulting building will be approximately 85 feet in height and will contain one dwelling unit (approximately 4,110 square feet), approximately 11,345 square feet of office, and approximately 6,795 square feet of retail space. The dwelling unit is to be occupied by the building owner, who will also operate the art gallery on the lower floors. The existing building contains approximately 12,470 square feet of office and approximately 9,445 square feet of retail.
- 5. **Public Comment**. To date, staff has received no comments on the proposed project.
- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Floor Area Ratio (Section 124**). Section 124 establishes basic floor area ratios (FAR) for all zoning districts. As set forth in Section 124(a), the FAR for the C-3-G District is 6.0 to 1.
 - The Project Site has an area of approximately 4,394 square feet. Per Section 102.9(b)(11), ground-floor space devoted to building circulation within C-3 Districts is not included within the calculation of gross floor area. Per Section 102.9(b)(12), ground-floor retail spaces in C-3 Districts measuring less than 5,000 square feet are not included in the calculation of gross floor area. Subtracting the area of these uses, the Project measures approximately 18,808 square feet of gross floor area, at an FAR of approximately 4.3 to 1. Therefore, the Project complies with the FAR limitations of Section 124.
 - B. **Residential Open Space (Section 135).** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. For residential use, 36 square feet of private usable open space per dwelling unit is required. The Project has a residential open space requirement of approximately 36 square feet of private usable open space.

The Project includes a private roof deck of approximately 1,414 square feet, which exceeds the required private open space of 36 square feet.

C. **Non-Residential Open Space (Section 138).** Planning Code Section 138 requires usable open space for uses other than dwelling units in C-3 Districts where there is a proposal to construct a new building or an addition of gross floor area equal to 20 percent or more of an existing building.

The project does not trigger this requirement as it consists of an addition that will result in less than 20 percent of the existing building.

B. Streetscape Improvements (Section 138.1). Planning Code Section 138.1 requires that in any District, street trees shall be required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback. Each street tree must be a minimum of 24-inch box size for each 20 feet of frontage of the property along each street or public alley. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The project triggers the street tree requirement as it proposes to add a dwelling unit. Based on a street frontage of 31.5 feet, the project requires two (2) street trees. In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. The project sponsor will comply with this requirement as outlined in the conditions of approval in "Exhibit A" either through provision of the required trees or other appropriate streetscape improvements.

C. Shadow (Section 147). Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

D. **Parking (Section 151.1).** Pursuant to Section 151.1, no off-street parking is required for uses in C-3 Districts.

The existing building contains no parking and the Project proposes no new parking spaces.

E. **Bicycle parking (Section 155.4).** The project does not trigger this requirement as it adds fewer than four dwelling units and does not expand an existing commercial building for retail or commercial use.

The City encourages building owners whose buildings are not subject to Section 155.4 to provide bicycle parking spaces in such buildings.

F. Height (Section 263.8). The project site is located in an 80-130-F Height and Bulk district.

The height of the new finished roof would be 85-feet, and the absolute height, including mechanical and elevator penthouse, would be 91-feet. As proposed, the project requires an exception as it will exceed 80-feet in height.

G. **Bulk** (Section 270). Planning Code Section 270 limits the maximum plan dimensions of new buildings based on the Bulk District in which they are located. The project site is located in an F Bulk District, which limits the maximum length and diagonal dimensions above 80-feet in height to 110-feet and 140-feet, respectively.

At a height of 80-feet and above, the project has a maximum length of 77-feet and maximum diagonal dimension of 80-feet, and thus is in compliance with the bulk designation.

7. **Design Review.** Planning Code Section 309 lists ten aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects and does not require modifications as follows:

The proposal consists of a one-story vertical addition and roof deck. The vertical addition will be low-slung and setback 14 feet from the front façade and 12 feet from the east (side) elevation. Further, the new construction will be clearly contemporary with large windows, wood shiplap cladding, and flat roof. Due to the height of existing, and adjacent, buildings, as well as the front and side setbacks, the new construction will be minimally visible from the public right-of-way.

The existing light well extends between the 4th and 6th floors of the building. This light well area is proposed to be infilled with the exception of one half of the opening at 6th floor. The existing light well is setback approximately 24 feet from the front building façade and faces onto a narrow passage (8 feet wide) that runs along the west (side) elevation of the Curran Theater (445 Geary Street). Due to the narrow passage between the two buildings, the light well area is slightly visible from the street. The infill will be cast concrete painted to match the existing painted boardform concrete finish of this elevation. The light well occurs on a secondary elevation with no distinctive, or character-defining, features or finishes. Therefore, infill of the light well and installation of several new windows will not detract from the historic significance or character of the building or surrounding conservation district.

Proposed work at the front façade, which includes removal of non-historic canopies, painting, replacement of non-historic storefront, and rehabilitation of existing projecting sign, will not alter character-defining features and is compatible with the building and surrounding conservation district. The proposed storefront will be a wood and glass system with low bulkhead wall clad in wood, transom, and recessed entrance doors. Signs at the storefront will consist of non-illuminated stainless steel letters affixed to the glazing. Existing scored stucco, terra cotta/cast concrete details, and window frames and sash will be painted. The non-historic projecting sign will be rehabilitated by repainting the structure and removing the existing acrylic lenses. In place of the acrylic lenses there will be internally illuminated stansion-mounted figures (taken from art works by the property owner). The rehabilitated sign will be much more

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open than currently as only the mounted figures will be solid and illuminated. Based on this assessment, it appears that the proposed façade work is compatible with the size, scale, material, and character of the building and surrounding district.

At its regularly scheduled public hearing on July 18, 2012, the Historic Preservation Commission granted a Major Permit to Alter for the project, finding that proposed exterior alterations were consistent with the provisions of Article 11 and with the Secretary of the Interior's Standards for Rehabilitation.

- 8. Exceptions. Planning Code Section 309 allows exceptions to certain Code sections as provided.
 - a. **Height.** In the 80-130-F and 80-130-X Height and Bulk District exceptions to the 80 foot height limit up to 130 feet may be approved in appropriate cases in accordance with the provisions of Section 309. The purpose of allowing additional height above 80 feet only as an exception is to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. Such height exceptions may be permitted provided that:
 - (1) The height of the building or structure does not exceed 130 feet;

The height of the new finished roof would be 85-feet, and the absolute height, including mechanical and elevator penthouse, would be 91-feet. The proposal will be well within the maximum height of 130 feet.

(2) The additional height will not add significant shadows on public sidewalks and parks;

The additional height will be setback approximately 14 feet from the front façade of the existing building, thereby minimizing visibility as well as any potential to cast shadows on immediately adjacent public sidewalks. As noted in the Shadow Analysis conducted for this project, there is no potential for the project to shade or cast shadows on any public, or private, parks.

(3) The structure provides an appropriate transition to adjacent higher or lower buildings;

The project site is located between the three-story Curran Theater to the west and the 13-story Clift Hotel to the east. Considering this context, both the existing building and the proposed addition appear to provide an appropriate transition between adjacent buildings.

(4) The additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block.

The one-story addition will be setback approximately 14 feet from the front façade of the existing building. Given the setback of the addition, the overall mass of the existing building will not be altered as viewed from the street. The building will maintain continuity with the streetwall on the block.

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

URBAN DESIGN ELEMENT

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

Policy 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Permit to Alter is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Permit to Alter and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the subject building for the future enjoyment and education of San Francisco residents and visitors.

TRANSPORTATION ELEMENT Objectives and Policies

The **Transportation Element** of the General Plan contains the following relevant objectives and policies:

OBJECTIVE 2:

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

Policy 2.1:

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

The Project is located within an existing high-density urban context. The Downtown Core has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine. The Project would make good use of the existing and planned transit services available in this area. The Project proposes no off-street parking, encouraging tenants and patrons to seek transportation options other than private automobile use.

- 10. **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) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed project will not have any impact on neighborhood serving retail uses.

B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed project will strengthen neighborhood character by respecting the character-defining features of the historic building in conformance with the Secretary of the Interior's Standards.

C) The City's supply of affordable housing will be preserved and enhanced:

The project will not reduce the affordable housing supply.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. It will provide sufficient off-street parking for the proposed uses.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:
 - The proposal will retain a mix of uses including office, retail, and residential to contribute to the diverse economic base of downtown.
- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
 - Preparedness against injury and loss of life in an earthquake is improved by the proposed work. The work will eliminate unsafe conditions at the site and all construction will be executed in compliance with all applicable construction and safety measures.
- G) That landmark and historic buildings will be preserved:
 - The proposed project is in conformance with Article 11 of the Planning Code and the Secretary of the Interior's Standards.
- H) Parks and open space and their access to sunlight and vistas will be protected from development:
 - The proposed project will not impact the access to sunlight or vistas for the parks and open space.
- 11. 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.
- 12. The Commission hereby finds that approval of the Section 309 Downtown Project Authorization and Request for Exceptions would promote the health, safety, and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Application No. 2012.0194HX** and grants exceptions to Section 263.8 pursuant to Section 309, subject to the following conditions attached hereto as Exhibit A which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. **2012.0194HX**.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 26, 2012.

Linda D. Avei	î y
Commission S	Secretary
AYES:	
NAYS:	
A DCENIT	
ABSENT:	
ADOPTED:	July 26, 2012
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EXHIBIT A

AUTHORIZATION

This authorization is for a Section 309 Determination of Compliance, including granting of specific exceptions regarding "Height" (Section 263.8) to allow the construction of a one-story vertical addition, infill of a lightwell, and rehabilitation of the existing six-story building located at 459 Geary Street within the C-3-G District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District; in general conformance with plans, dated June 27, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0194HX. 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 July 26, 2012 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Determination of Compliance 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 Determination of Compliance authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Determination of Compliance is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **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

DESIGN - COMPLIANCE AT PLAN STAGE

- 3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
 - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 4. Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

SAN FRANCISCO
PLANNING DEPARTMENT

12

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

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

- 6. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 7. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

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

8. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

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

SAN FRANCISCO
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Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

10. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

MONITORING - AFTER ENTITLEMENT

- 11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 12. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

- 13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works. For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, http://sfdpw.org
- 14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

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

15. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, <u>www.sf-police.org</u>

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

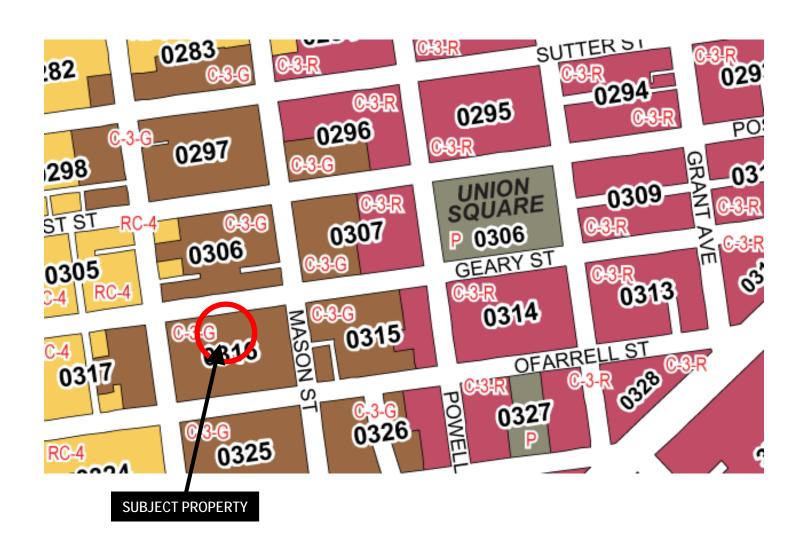
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

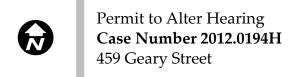
17. Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so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

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

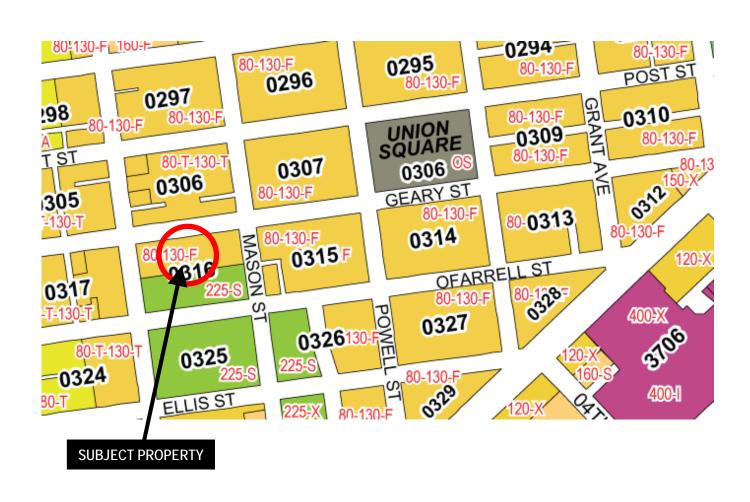
SAN FRANCISCO
PLANNING DEPARTMENT

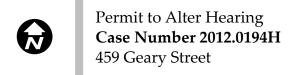
Zoning Map





Height and Bulk Map





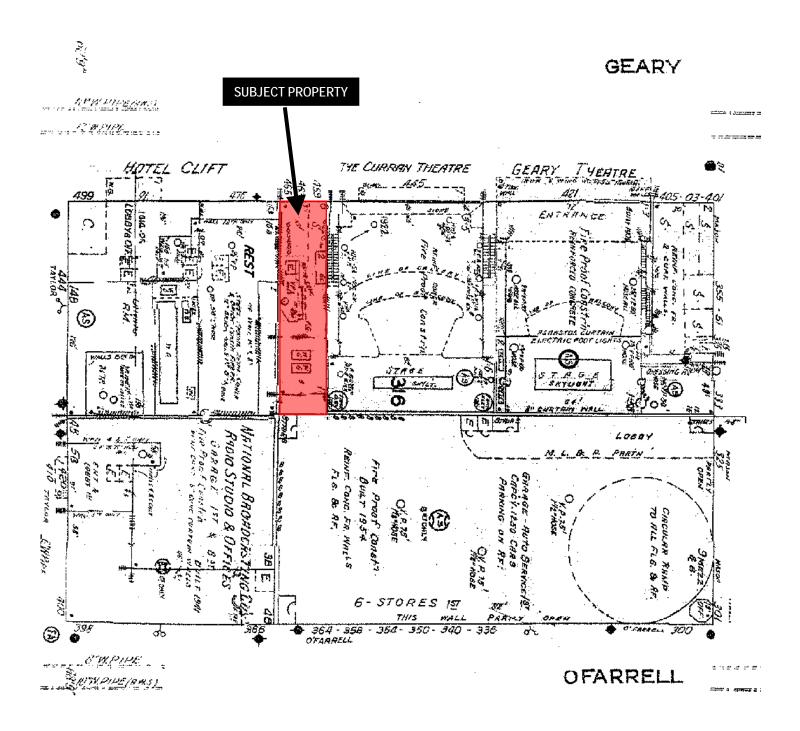
Parcel Map



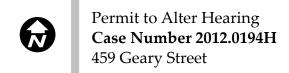


Permit to Alter Hearing Case Number 2012.0194H 459 Geary Street

Sanborn Map*



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



459 GEARY STREET - RENOVATION & SEISMIC UPGRADES



COVER SHEET
459 GEARY STREET PLANNING SUBMITTAL



PROJECT DESCRIPTION

EXTERIOR ALTERATIONS:

- GEARY STREET STOREFRONT A NEW PAINTED WOOD STOREFRONT IS PROPOSED, TO REPLACE THE EXISTING NON-HISTORIC MONOLITHIC GLASS STOREFRONT.
- BLADE SIGN MODIFICATIONS CONVERT THE EXISTING "COURTOUE" BLADE SIGN SO THAT THE METAL FRAME CAN EXHIBIT THE OWNER'S STREET ART ILLUSTRATIONS
- EAST LIGHTWELL INFILL A LIGHT WELL THAT CURRENTLY SERVES FLOORS 4-6 WILL BE INFILLED TO INCREASE THE SEISMIC RESISTANCE OF THE BUILDING. A SMALLER LIGHT WELL WILL BE PROVIDED ON 6TH FLOOR TO PROVIDE NATURAL LIGHT FOR THE DWELLING UNIT.
- 7TH FLOOR (PENTHOUSE) EXPANSION THE EXISTING PENTHOUSE WILL BE DEMOLISHED, AND REPLACED WITH AN EXPANDED PENTHOUSE AND FINISHED ROOF DECK. IN ORDER TO PROVIDE A LEVEL TRANSITION BETWEEN THE INTERIOR AND EXTERIOR (UNLIKE THE EXISTING CONDITION), THE FINISH FLOOR LEVEL WILL BE RAISED 3'-6". THE HEIGHT OF BUILDING WILL INCREASE 4'-3" TO ACCOMODATE THE NEW FINISH FLOOR. THE PROPOSED PENTHOUSE WILL NOT VISIBLE FROM GEARY STREET, DUE TO THE EXISTING HIGH PARAPET.
- 2ND FLOOR MECHANICAL DECK A NEW MECHANICAL DECK WILL BUILT TO REPLACE THE EXISTING MECHANICAL DECK AT THE 2ND FLOOR. (NOT VISIBLE FROM
- **2ND FLOOR, SOUTH WINDOWS** NEW WOOD WINDOWS WILL REPLACE THE DAMAGED WINDOWS, FACING ONTO THE NEW MEXHANICAL DECK. (NOT VISIBLE FROM PUBLIC WAY)
- EXISTING WINDOWS AND FIRE ESCAPES TO REMAIN IN TACT, WITH NEW PAINT AND MINOR REPAIRS ONLY AS REQUIRED FOR BUILDING MAINTENANCE.

INTERIOR ALTERATIONS:

THE SCOPE OF WORK INCLUDES A NEW FULLY AUTOMATED SPRINKLER SYSTEM THROUGHOUT THE BUILDING, A NEW RATED SHAFT ENCLOSURE TO PROTECT THE CENTRAL EXIT STAIR, AND A NEW ELEVATOR TO IMPROVE ACCESSIBILITY. ALTHOUGH 663 SQ FT HAS BEEN ADDED TO THE BUILDING BY INFILLING THE EXISTING LIGHTWELL, A PORTION OF THE FIRST FLOOR (1120 SQ FT) IS TO BE REMOVED BETWEEN GRID LINES 8 & 6 TO PROVIDE A DOUBLE HEIGHT SPACE FOR THE GALLERY.

THE BUILDING PREVIOUSLY HOUSED RETAIL ON THE 1ST, 2ND, & 3RD FLOORS WITH OFFICES ON THE BASEMENT, 4TH, 5TH, 6TH, & 7TH FLOORS. THE OWNER INTENDS TO CONVERT THE BASEMENT & 1ST FLOOR LEVELS TO AN ART GALLERY. THE 2ND THROUGH 5TH FLOOR LEVELS ARE TO REMAIN AS OFFICES. THE 6TH FLOOR IS TO BE CONVERTED TO A SINGLE DWELLING UNIT, AND THE 7TH FLOOR (PENTHOUSE) WILL SERVE AS ADDITIONAL RESIDENTIAL USE FOR THE 6TH FLOOR OCCUPANT AND PROVIDE ACCESS TO THE 7TH FLOOR ROOF DECK.

AREA TABULATIONS						
	F	EXISTING		PROPOSED		
LEVEL	USE	GROSS AREA *	USE	GROSS AREA *	NET INCREASE/ DECREASE	COMMENTS
BASEMENT	OFFICE	3957 SF	RETAIL	3957 SF	0 SF	
1ST FLOOR	RETAIL	3957 SF	RETAIL	2837 SF	-1120 SF	(N) FLOOR OPENING BETWEEN G.L. 6-8
2ND FLOOR	RETAIL	2836 SF	OFFICE	2836 SF	0 SF	
3RD FLOOR	RETAIL	2652 SF	OFFICE	2836 SF	184 SF	(E) MECH CONVERTED TO OFFICE
4TH FLOOR	OFFICE	2652 SF	OFFICE	2836 SF	184 SF	(N) LIGHT WELL INFILL
5TH FLOOR	OFFICE	2652 SF	OFFICE	2836 SF	184 SF	(N) LIGHT WELL INFILL
6TH FLOOR	OFFICE	2652 SF	DWELLING	2762 SF	110 SF	(N) LIGHT WELL INFILL
(N) 7TH FLOOR	OFFICE	556 SF	DWELLING	1348 SF	792 SF	(N) ELEVATOR LOBBY & EXPANDED FOOTPRINT
		21914 SF		22247 SF	334 SF	

* GROSS AREA MEASURED BY SAN FRANCISCO PLANNING CODE, SECTION 102.9.

PROJECT DIRECTORY

CLIENT:

459 GEARY LLC

1900 SOUTH NORFOLK STREET SUITE 350 SAN MATEO, CA 94403

PROJECT MANAGER/OWNER'S REP:

CM+ GROUP, LLC

ORINDA, CA TEL: (925) 254-1688 FAX: (925) 254-1689 STEVEN I. DOCTORS, PRINCIPAL

ARCHITECT:

FME ARCHITECTURE + DESIGN

500 MONTGOMERY ST. SAN FRANCISCO, CA 94111 TEL: (415) 434-0320 FAX: (415) 434-2409 JIM BRENZA, PROJECT ARCHITECT

DRAWING INDEX:

SD-A0.0 COVER SHEET SD-A0.1 PROJECT DESCRIPTION

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SD-A2.3 3RD FLOOR PLAN SD-A2.4 4TH FLOOR PLAN

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SD-A2.6 6TH FLOOR PLAN

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SD-A2.8 ROOF PLAN

SD-A3.1 NORTH AND SOUTH ELEVATIONS

SD-A3.2 EAST ELEVATION

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SD-A3.4 BUILDING SECTION SD-A3.5 BUILDING SECTIONS

SD-A4.1 ENLARGED ENTRY ELEVATION

SD-A4.2 EXISTING BLADE SIGN MODIFICATIONS

SD-A4.3 BLADE SIGN DETAIL

SD-A4.4 ENLARGED SOUTH ELEVATION - 2ND FLOOR REAR WINDOW REPLACEMENT

SD-A5.1 7TH FLOOR PERSPECTIVES

SD-A5.2 7TH FLOOR PERSPECTIVES

SD-A5.3 ENALRGED ELEVATIONS

SD-A5.4 ENALRGED ELEVATIONS

SD-A5.5 ENALRGED ELEVATION AND SECTION

SD-A5.6 ENALRGED ELEVATION AND SECTION

PROJECT DESCRIPTION

459 GEARY STREET PLANNING SUBMITTAL

12" = 1'-0"

















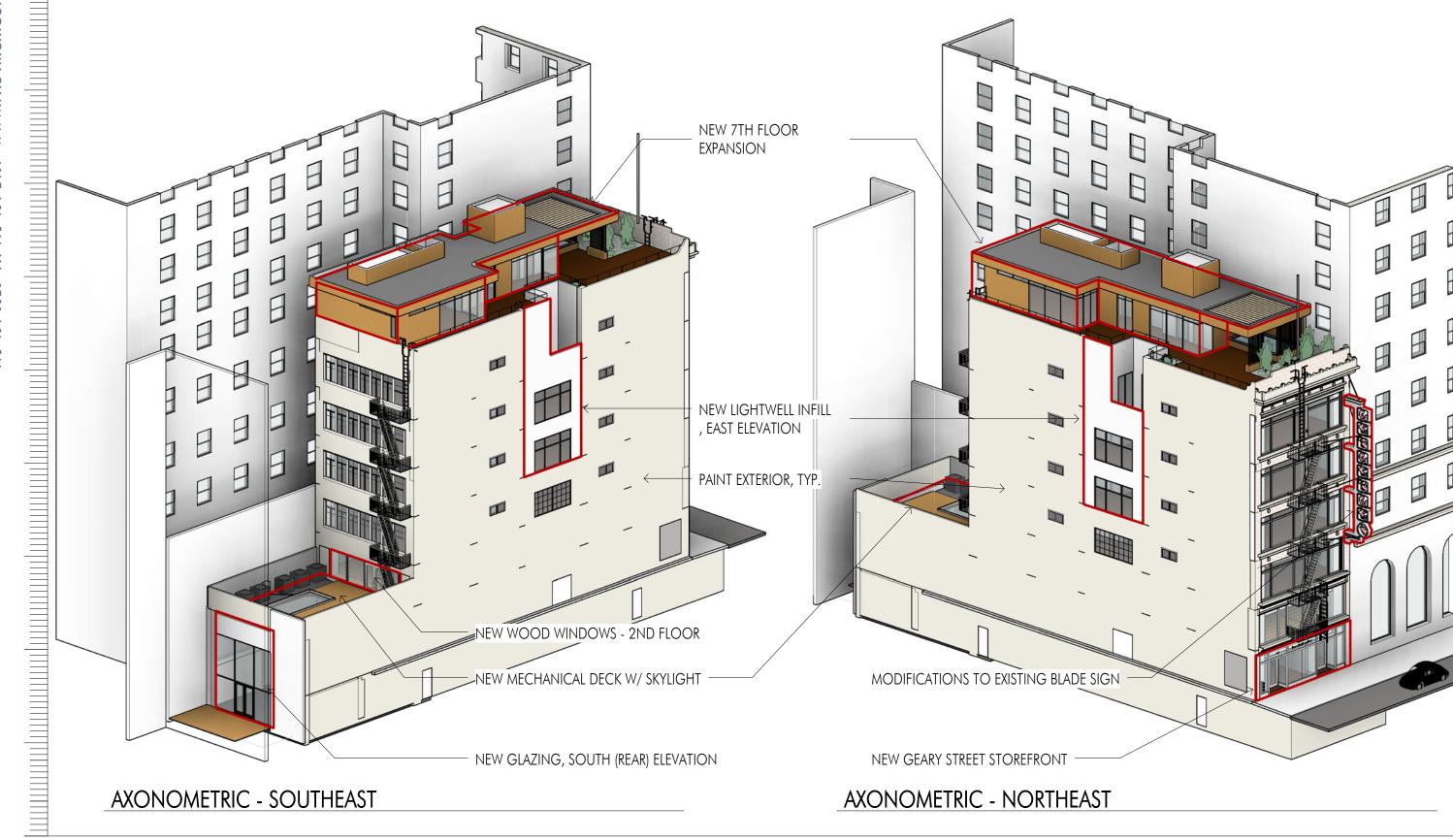






EXISTING PHOTOS 459 GEARY STREET PLANNING SUBMITTAL





EXTERIOR ALTERATIONS - AXONOMETRIC

459 GEARY STREET PLANNING SUBMITTAL 12" = 1'-0"



SITE AND PROJECT DATA

ASSESSOR'S BLOCK: #0316

ASSESSOR'S LOT: #018

LOT AREA: 4,329 SQ FT

BLDG AREA: 21,714 SQ FT **PROPOSED ADDITION:** 1,396 SQ FT

CONSTRUCTION TYPE: TYPE IIIA

ZONING DISTRICT: C-3-G

HEIGHT AND BULK DISTRICT: 80-130-F

CONSERVATION DISTRICT: KEARNY-MARKET-MASON-SUTTER

ARTICLE 11 CATEGORY:

HISTORIC RESOURCE STATUS: A

NATIONAL REGISTER STATUS CODE: 3S

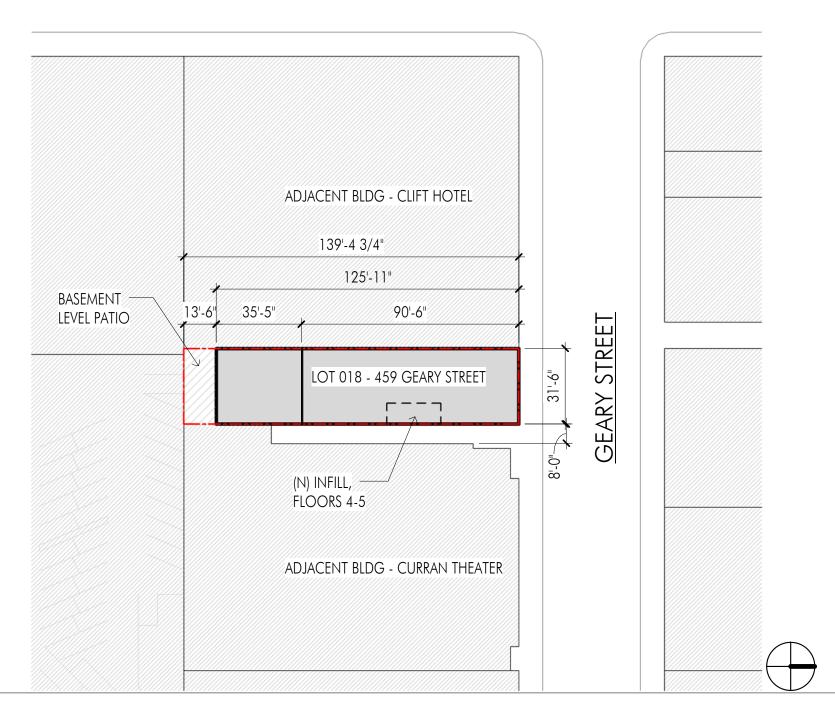
AREA PLAN: DOWNTOWN PLAN

HERITAGE RATING: B

CATEGORICAL EXEMPTIONS CEQA:

PER SAN FRANCISCO PLANNING COMMISSION, RESOLUTION NO. 14952, 459 GEARY IS A CLASS 1 EXISTING FACILITY. THE PROPOSED 800 SQ FT ADDITION TO THE EXISTING STRUCTURE (LIGHT WELL INFILL AT FLOORS 3-6) WILL NOT RESULT IN AN INCREASE OF MORE THAN 50% OF THE FLOOR AREA BEFORE THE ADDITION OR 2,500 SQ FT. ADDITIONALLY, THE INFILL MINIMALLY VISIBLE FROM THE PUBLIC WAY AND IS SUBORDINATE TO THE HISTORIC CHARACTER OF THE GEARY STREET FACADE. THEREFORE, WE ASSUME THAT THE PROJECT SHOULD BE CATEGORICALLY EXEMPT FROM CEQA REVIEW.

TAYLOR STREET



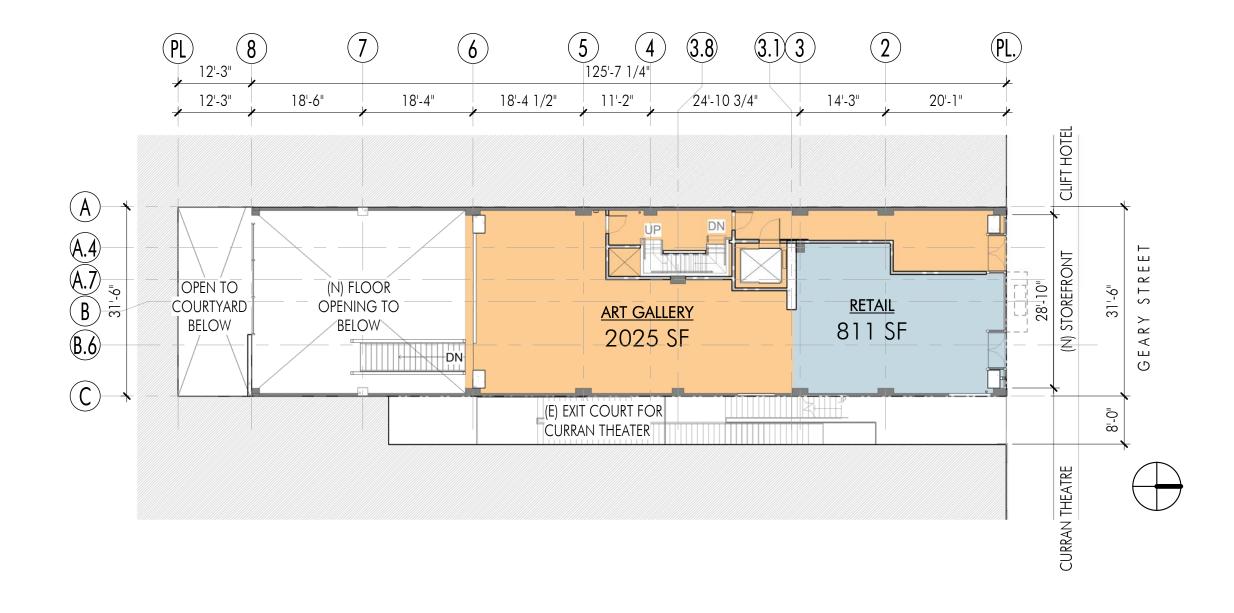


459 GEARY STREET PLANNING SUBMITTAL 1" = 40'-0"



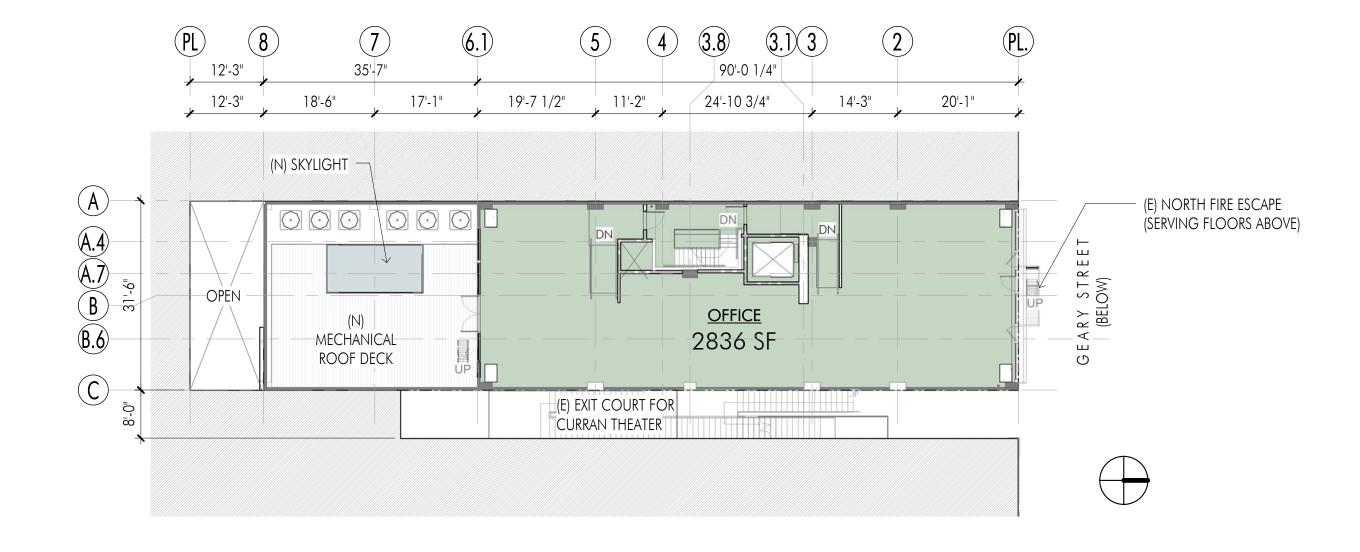






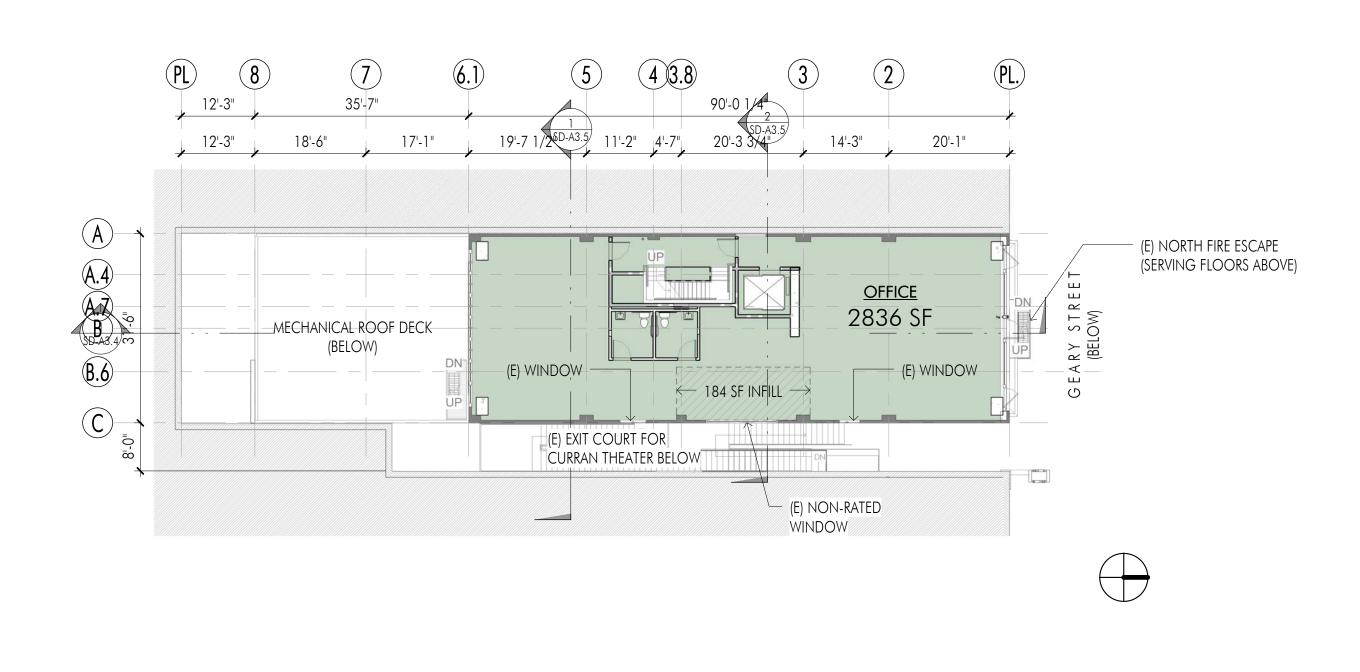
1ST FLOOR PLAN
459 GEARY STREET PLANNING SUBMITTAL
1/16" = 1'-0"







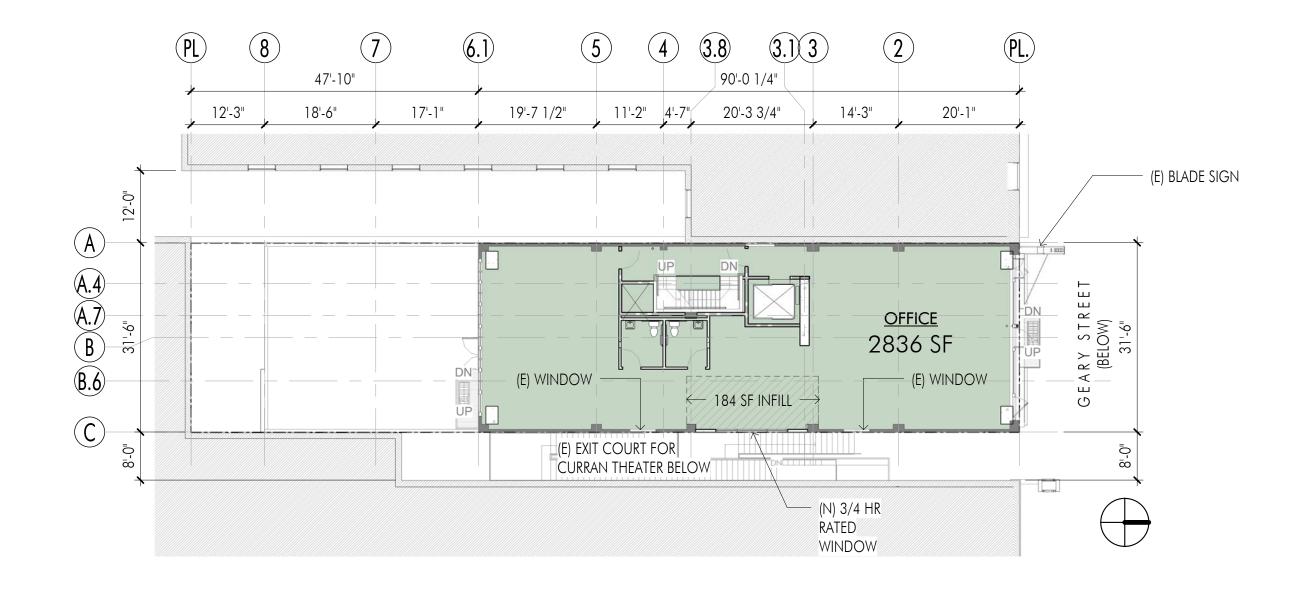






459 GEARY STREET PLANNING SUBMITTAL 1/16" = 1'-0"





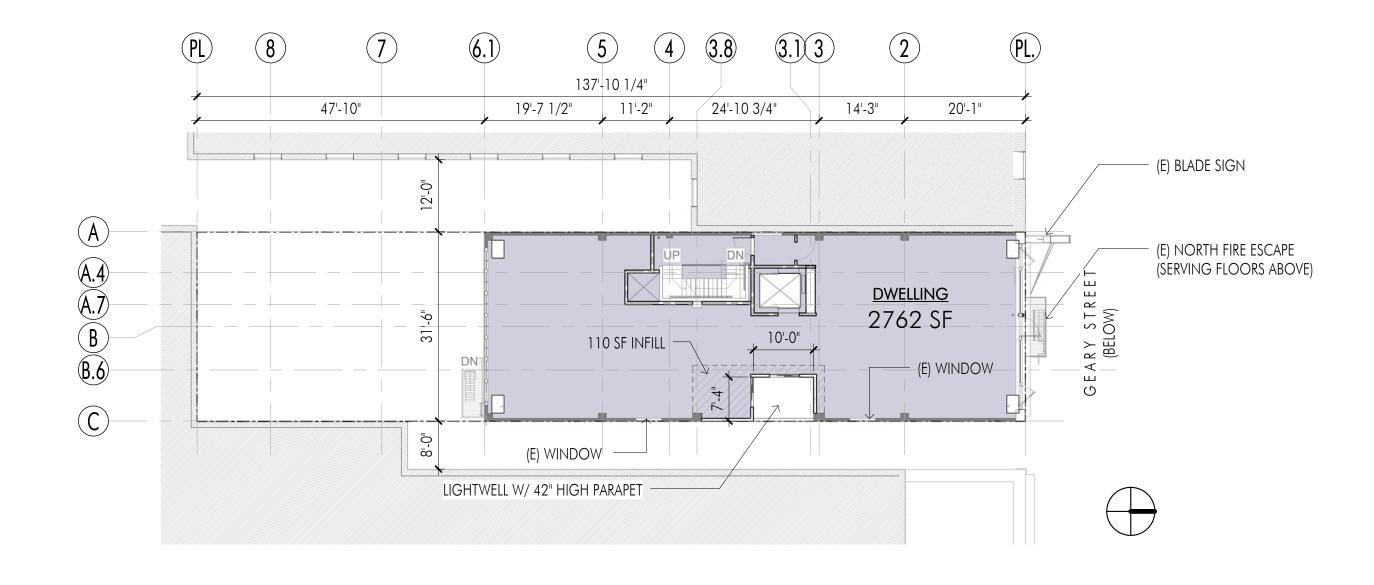


ARCHITECTURE + DESIGN 04/04/12 SD-A2.4

5TH FLOOR PLAN

459 GEARY STREET PLANNING SUBMITTAL 1/16" = 1'-0"

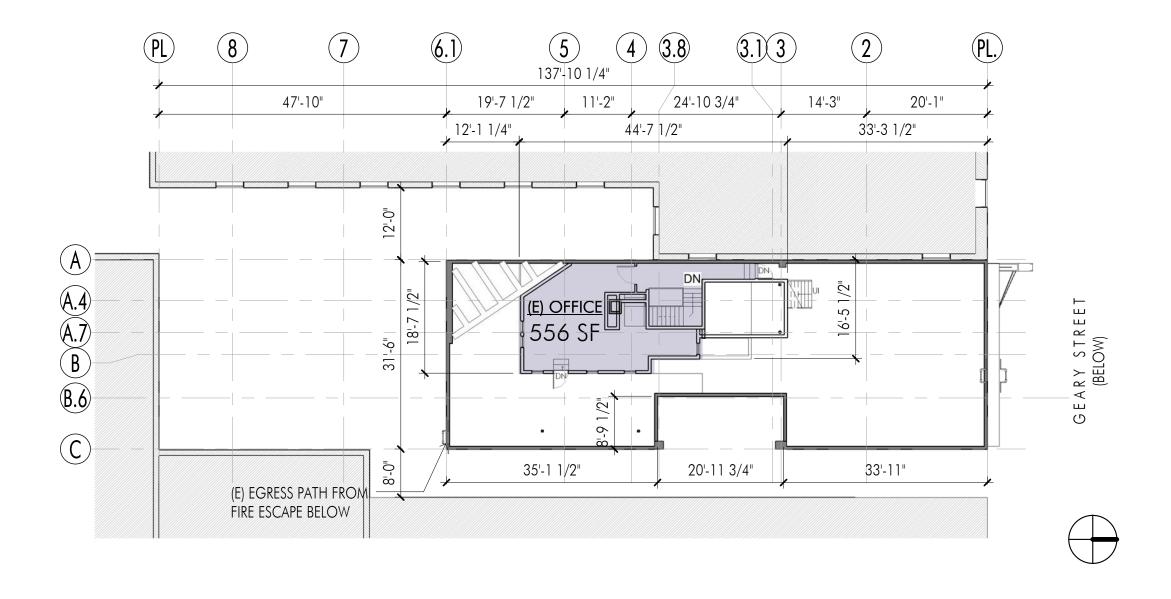






459 GEARY STREET PLANNING SUBMITTAL 1/16" = 1'-0"





7TH FLOOR PLAN - EXISTING



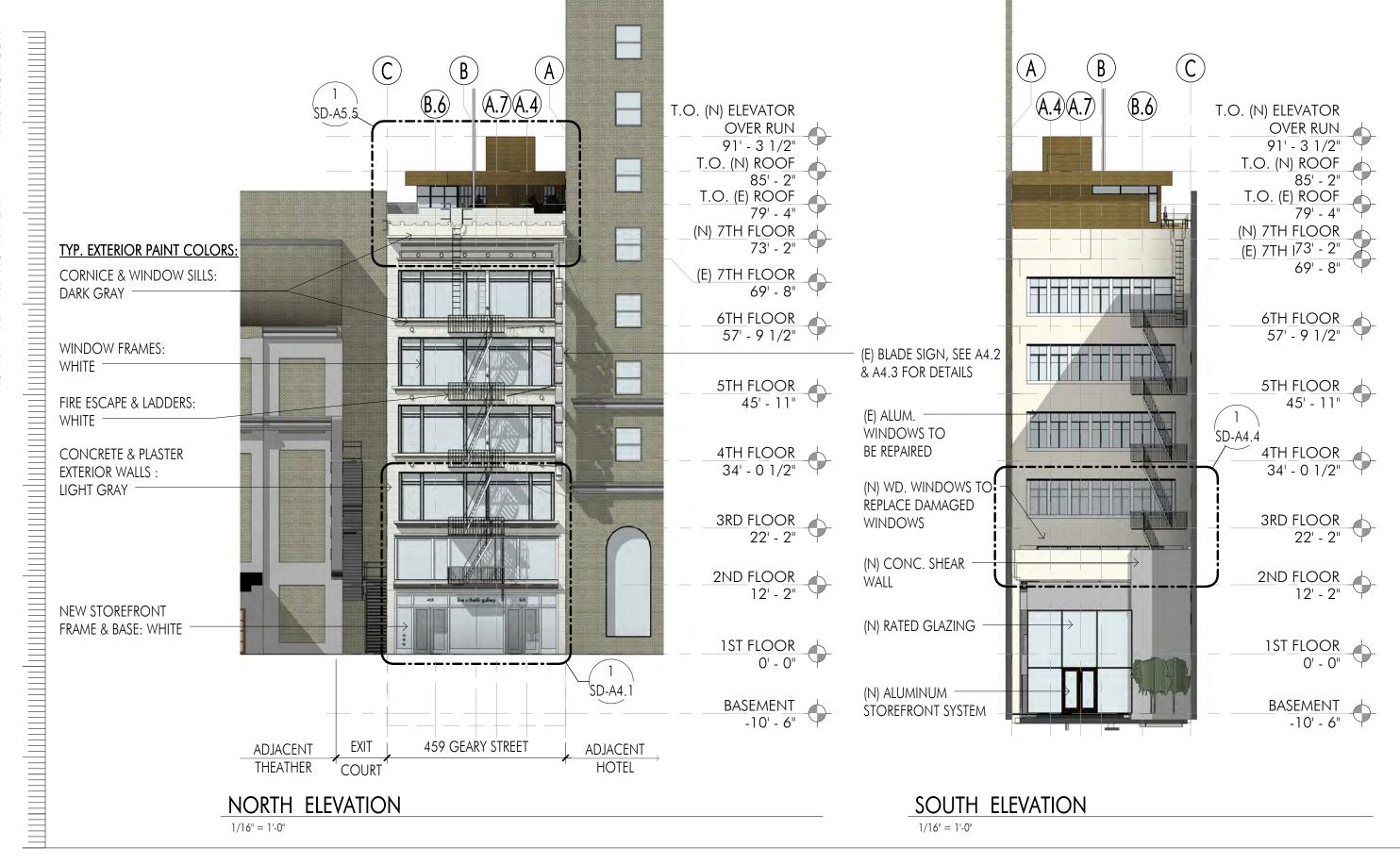






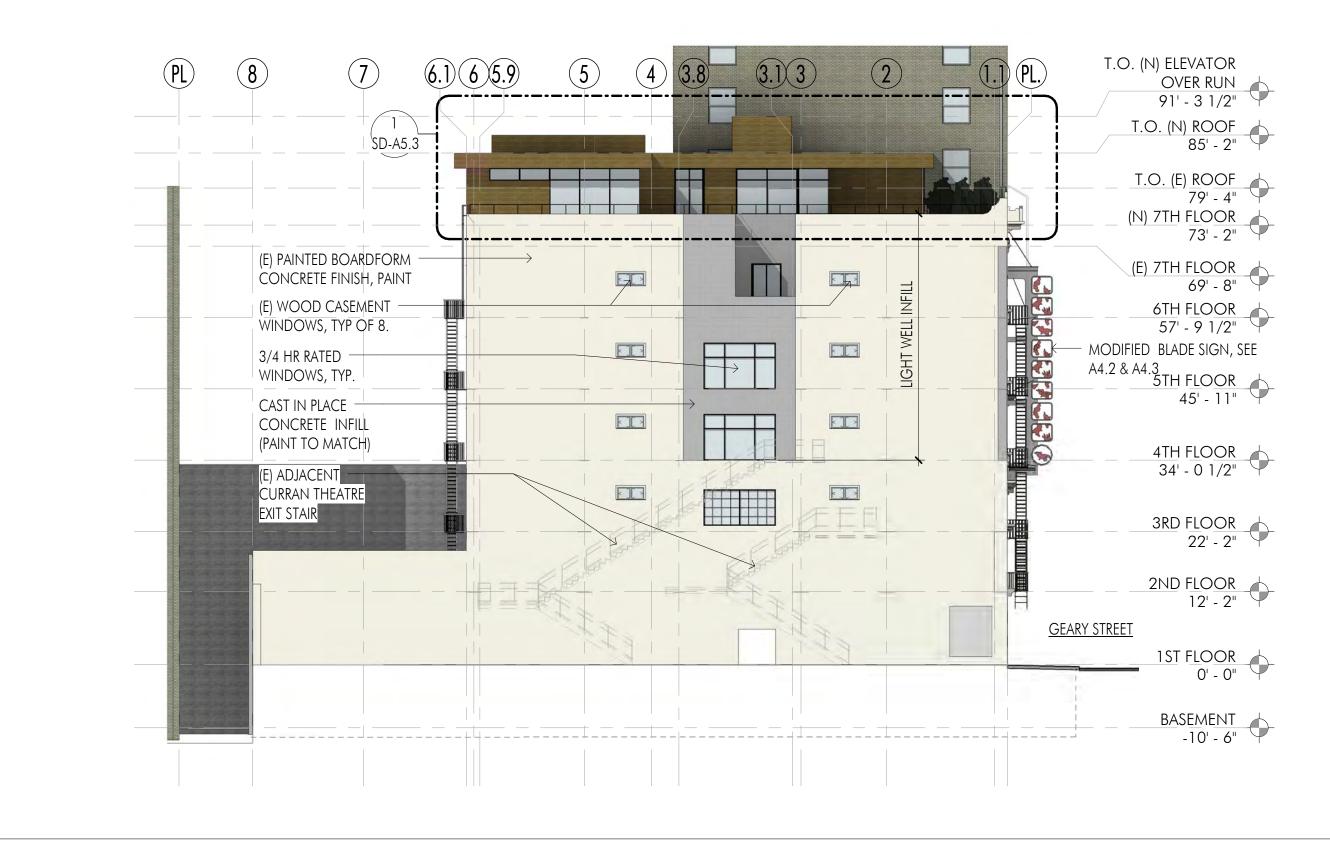






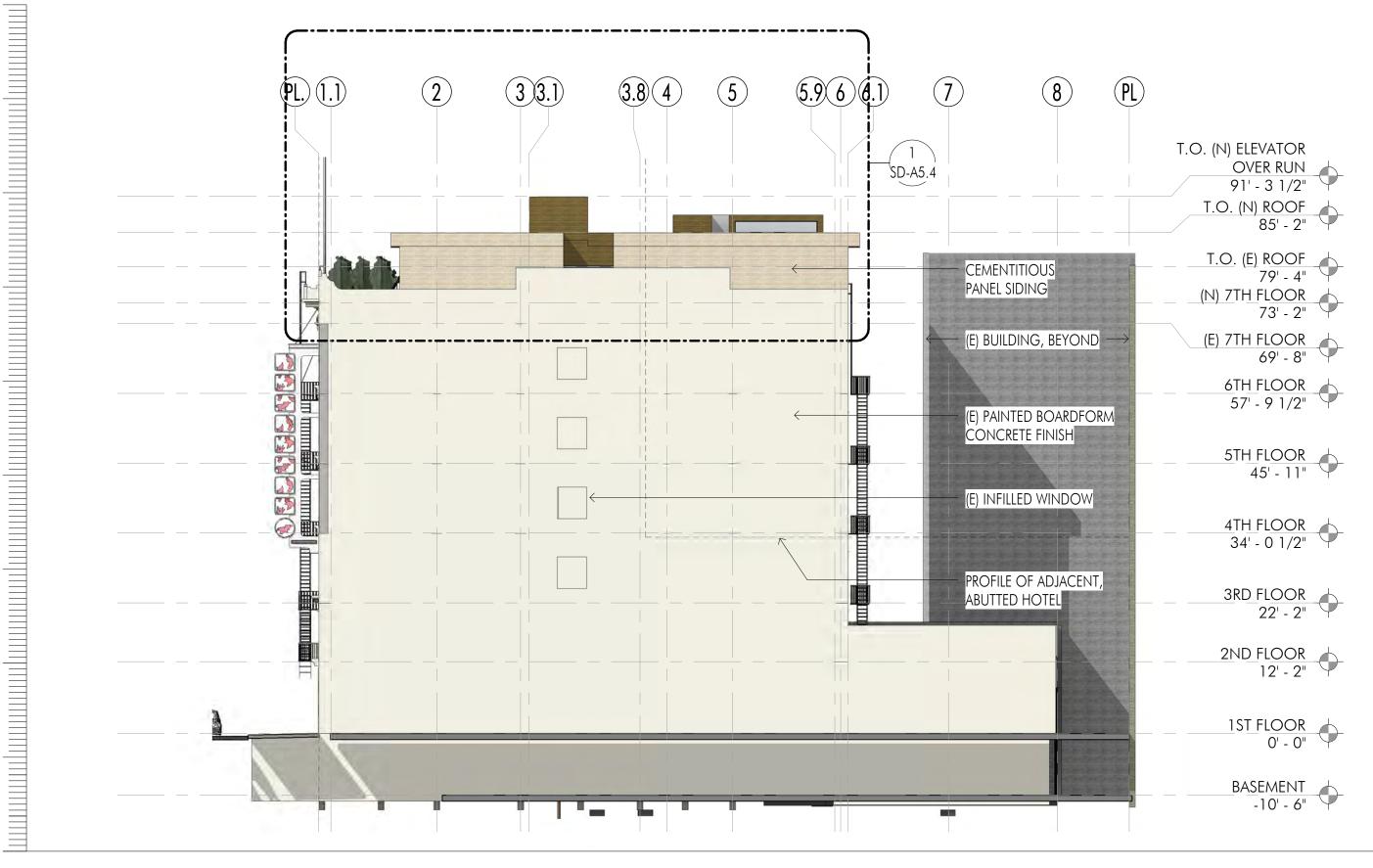












WEST ELEVATION

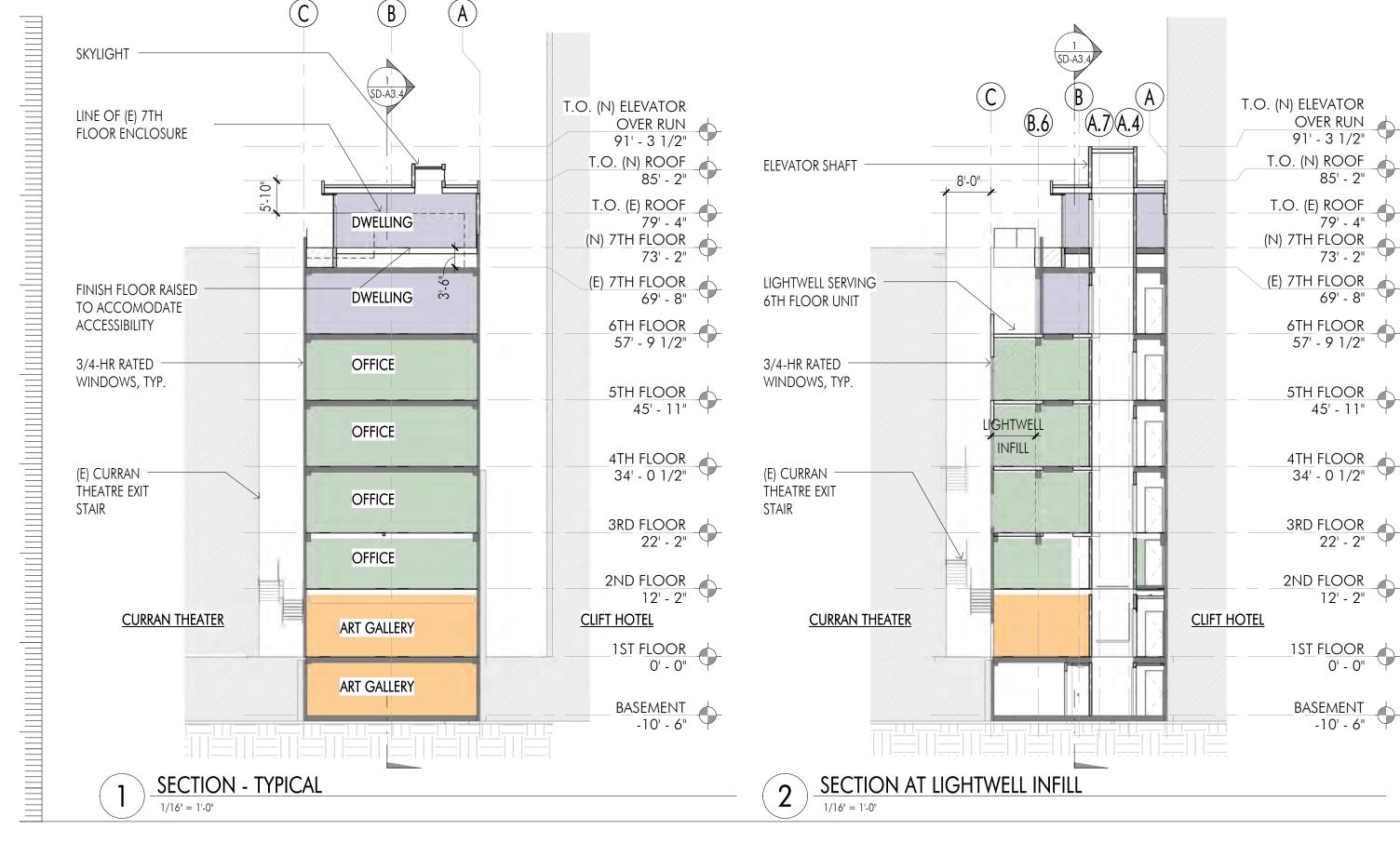
459 GEARY STREET PLANNING SUBMITTAL

1/16" = 1'-0"









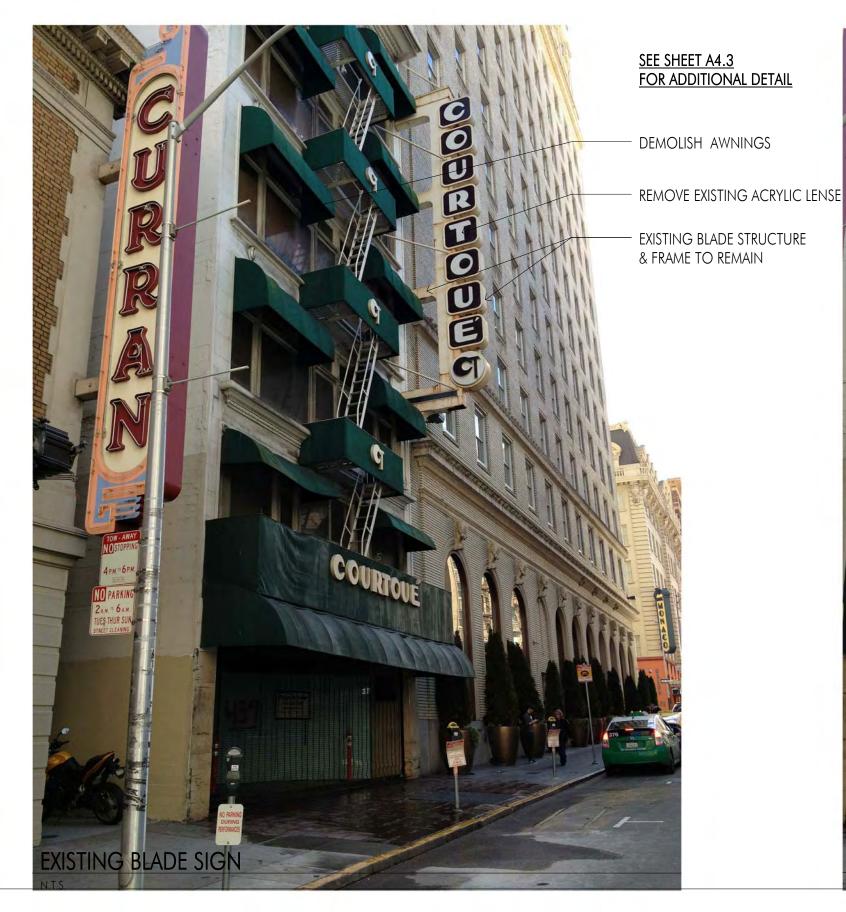










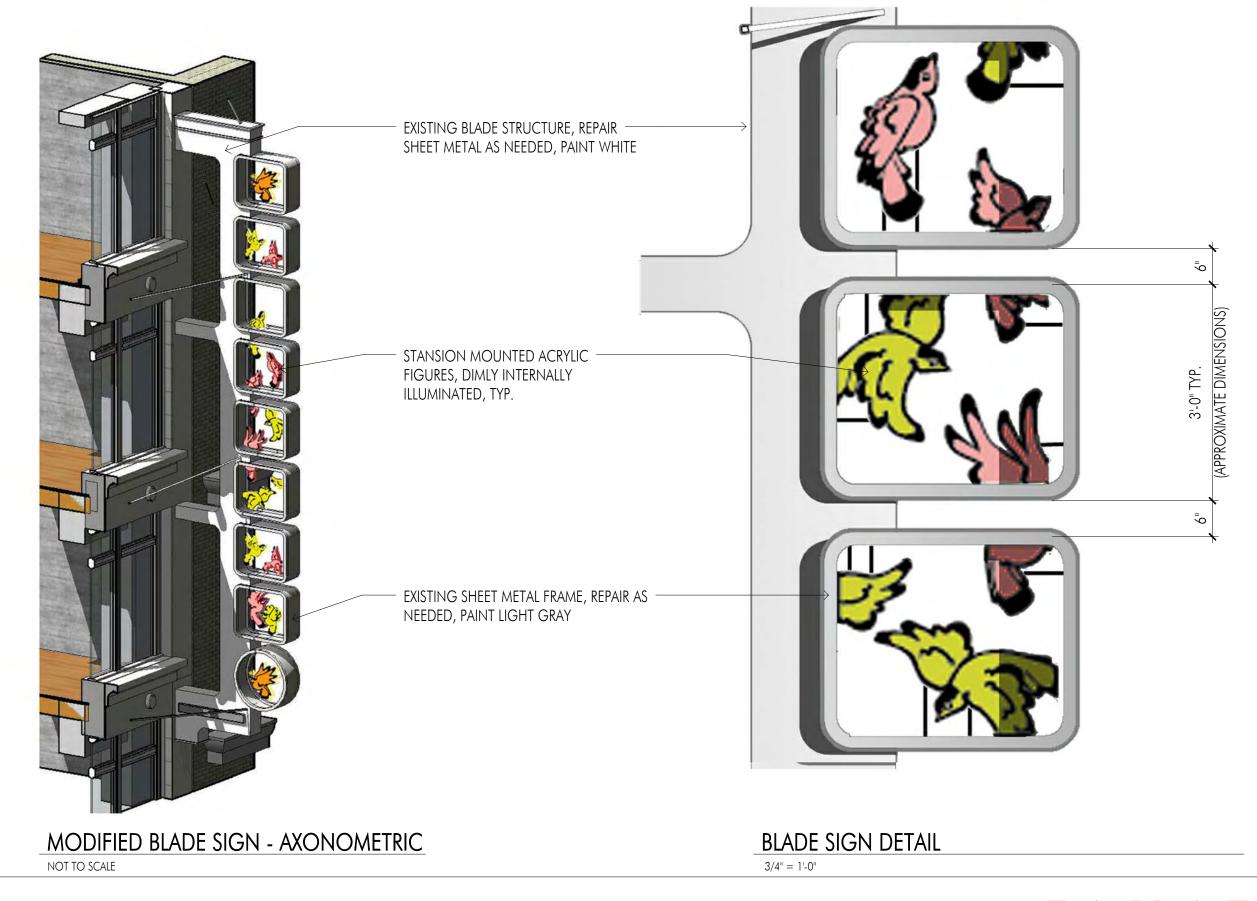




EXISTING BLADE SIGN MODIFICATIONS

459 GEARY STREET PLANNING SUBMITTAL N.T.S.





BLADE SIGN DETAIL

459 GEARY STREET PLANNING SUBMITTAL As indicated







ARCHITECTURE + DESIGN 04/27/12 SD-A4.4



7TH FLOOR PERSPECTIVES

459 GEARY STREET PLANNING SUBMITTAL





7TH FLOOR PERSPECTIVES

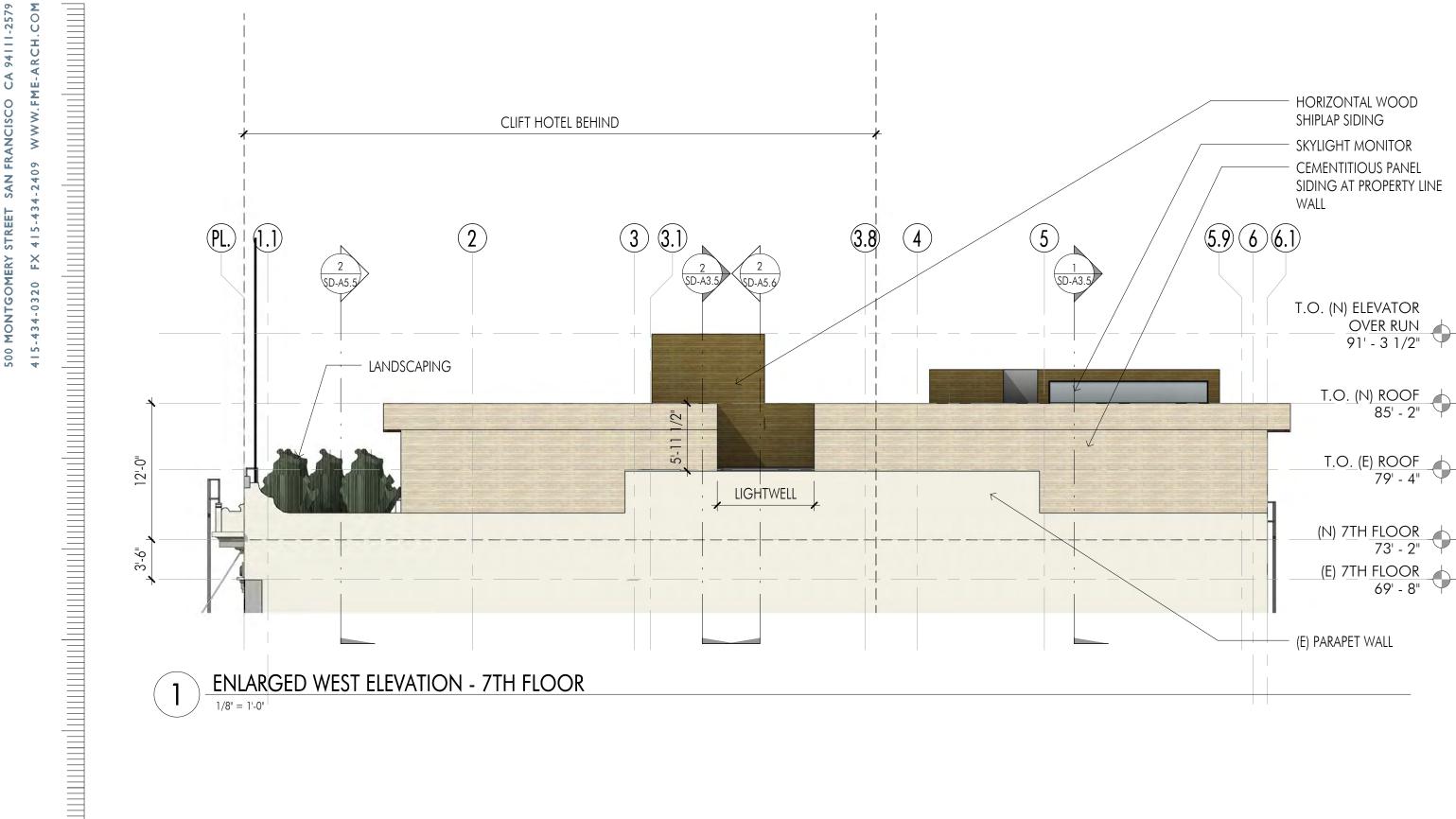
459 GEARY STREET PLANNING SUBMITTAL





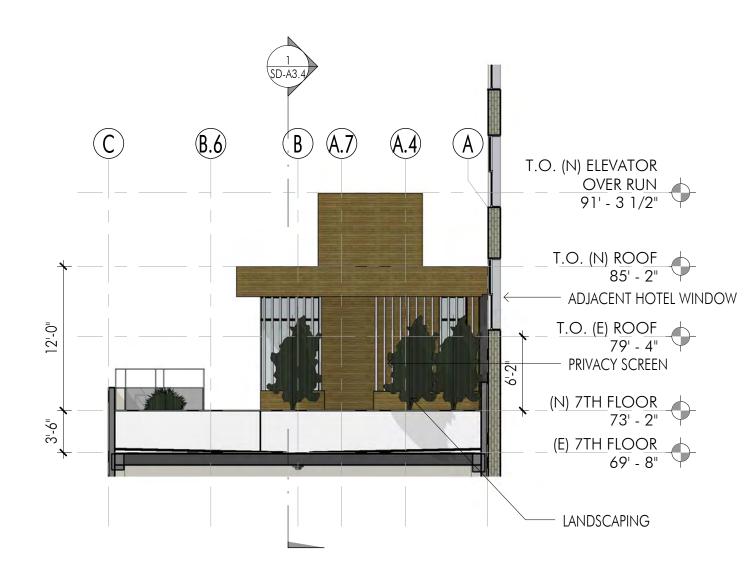






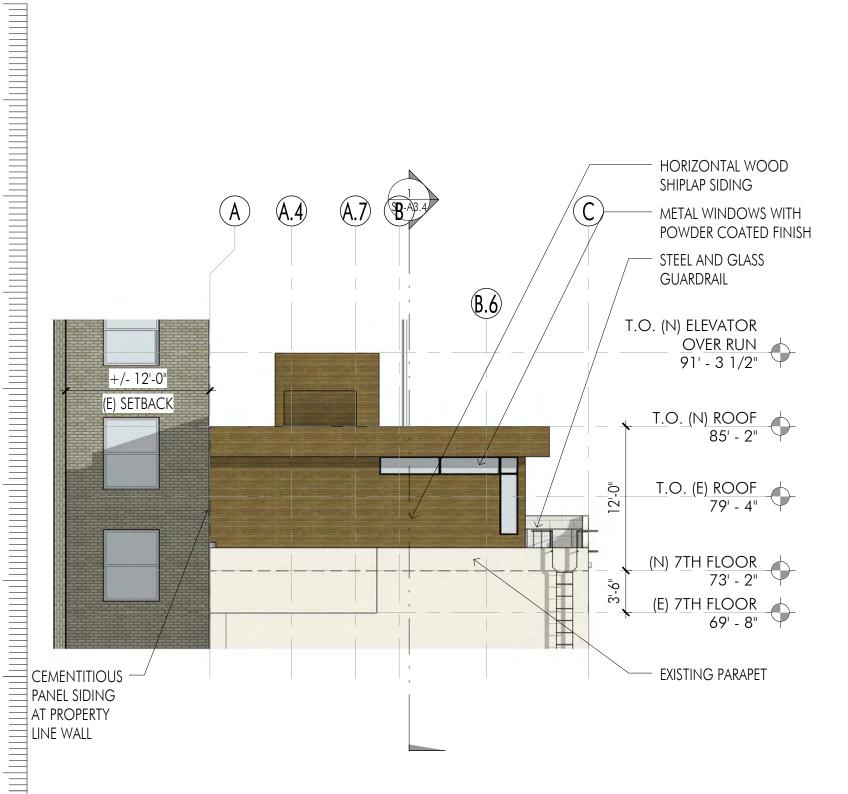
ENLARGED ELEVATIONS

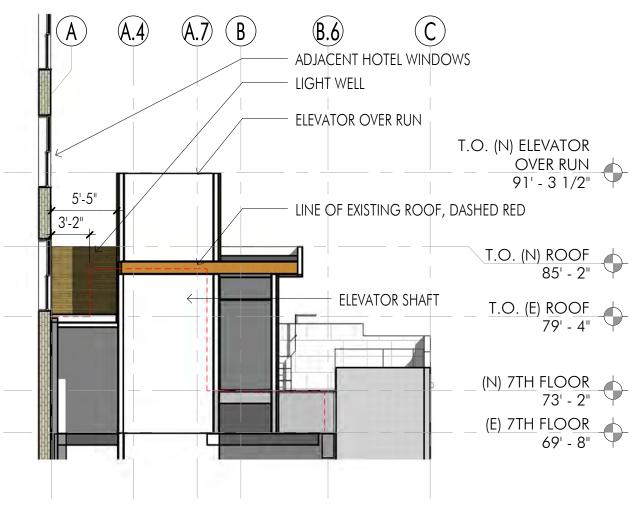




2 SECTION AT (E) CLIFT HOTEL WINDOW AND LANDSCAPING

1/8" = 1'-0"





ENLARGED SOUTH ELEVATION - 7TH FLOOR

1/8" = 1'-0"

2 SECTION AT (E) CLIFT HOTEL WINDOW

ENLARGED ELEVATION AND SECTION

