



SAN FRANCISCO PLANNING DEPARTMENT

Major Permit to Alter Case Report

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(CONT. FROM JANUARY 15, 2014)

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Filing Date: August 29, 2013
Case No.: **2013.0628H**
Project Address: **300 POST STREET (aka 345 STOCKTON STREET)**
Category: Category V (Unrated)
Zoning: C-3-R (Downtown-Retail)
80-130-F Height and Bulk District
Block/Lot: 0295/016
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PROPERTY DESCRIPTION

300 POST STREET (aka 345 STOCKTON STREET) is located on the on the west side of Stockton Street between Post and Sutter Streets in Assessor's Block 0295, Lot 016. The subject property contains a 550,599-square-foot (sf) building complex with two above-grade components (a 35-story hotel structure fronting Stockton and Sutter Streets, and four-story 37,234 sf retail structure fronting Post Street), an elevated plaza between the two structures, and basement levels below the entire project site. The proposed project involves the current Levi's Store (300 Post Street) and the plaza. The property is identified as Category V (Unrated) in the Kearny-Market-Mason-Sutter Conservation District and is within a C-3-R (Downtown Retail) Zoning District and an 80-130-F Height and Bulk District.

The current Levi's Store (300 Post Street) is located at the northwest corner of Post and Stockton Streets, at the south end of the subject parcel. The retail store structure was constructed in conjunction with the Grand Hyatt Hotel in 1972 and was also designed by Skidmore, Owings, and Merrill, LLP (SOM). The building was substantially altered from its original appearance in 1998 for its current tenant (Levi's). It is a three-story steel frame and reinforced concrete building that is triangular in plan, is clad with poured concrete scored in a rectangular grid, and has a flat roof surrounded by a parapet.¹ Basement levels below the retail store connect to the hotel tower.

¹ The Levi's Store and plaza descriptions are excerpted from Page & Turnbull *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013).

The primary (south) façade, facing Union Square, features five bays of plate glass that are three stories in height and separated vertically by four copper I-beams. The bays at the ground floor are delineated by a heavy horizontal metal I-beam and the primary entrance is located in the center bay and consists of two sets of double glass doors under a metal awning. The glass bays are framed to the sides and above by scored poured concrete. The Levi's logo, designed like a clothing tag and placed vertically, is located at the easternmost end of the face between the second and third levels.

The northeast (rear) façade is angled diagonally at the Grand Hyatt Hotel plaza. The finishes at the rear are similar to the front of the building but the glass curtain wall is smaller and shorter and recessed with a horizontal metal I-beam separating the first and second levels (raised above the street by the plaza).

The Grand Hyatt Hotel plaza is located on the west side of Stockton Street between the subject building and the Grand Hyatt Hotel. The plaza was built in 1972 as part of the two-building complex as designed by SOM. The raised triangular plaza is accessed by a set of wide brick steps leading up from the sidewalk on Stockton Street, and contains potted plants. The focal point of the plaza is the circular fountain by San Francisco sculptor Ruth Asawa, located on the steps leading up to the plaza. The fountain, completed in 1973, is nearly flush with the top level of the plaza on the west side, and includes 41 individual plaques made of baker's dough cast in bronze. The plaques depict a history of the city, with iconic San Francisco destinations including Mission Dolores, the Golden Gate bridge, Nob Hill, the Palace of Fine Arts, Playland at Ocean Beach, and cable cars.

PROJECT DESCRIPTION

The proposed project would replace the existing retail structure with a three-story 23,470 sf retail structure and reconfigure and renovate the Grand Hyatt Hotel plaza. As the existing Levi's Store is structurally part of a larger building (with below-grade levels connecting to, and shared by, the Hyatt tower), the proposed project is considered an alteration rather than demolition.

The proposed scope of work, based on the informational packet prepared by Foster + Partners and Page & Turnbull, dated [February 5, 2014](#), would include:

- Reconfiguring the triangular building to an L-shaped plan with the retail store holding the street corner and the back of house space ("Bar Building") as a narrow hyphen-type wing between the retail store and the adjacent building to the west along Post Street.
- Reducing the height of the retail store portion of the building from four- to two-stories (from approximately 63 feet to approximately 47.5 feet) and recladding the exterior. The retail portion of the building will have a clear span and cantilevered structural system to allow for a column-free area above grade and will be clad with bead blasted stainless steel panels and structural glass. At the Post Street (front) façade, stairs clad with gray terrazzo will lead to the slightly raised entrance; entrances will be at each end of the façade, and in the center of the façade when the operable glazing is in the open position. Full-height, powder-coated steel framing members will separate the large butt-glazed glass panels into six bays at the Post Street (front) façade. The center bays of the façade will be operable so they will slide open to create a full-height opening at the center of the façade. The steel-framed glazing is setback from a chamfered projecting frame clad with bead blasted stainless steel panels that extends to the property line at Post Street.

The Stockton Street façade will be clad with vertically-oriented, bead blasted metal panels with minimal construction joints. One full-height, slightly inset glazed bay articulates the wall. The rear elevation (facing into the reconfigured plaza) consists of full-height butt-glazed structural glass with interior glass support fins and full-height powder-coated steel framing members that divide the glazing into five bays.

- Recladding the back of house (Bar Building) building. The back of house portion of the building will be clad with cast stone panels articulated with regular horizontal joints suggesting belt or string coursing over the body of the building and more closely-spaced joints at the roofline to suggest a cornice detail. The Bar Building will have a solid gate at Post Street to provide vehicular access to existing loading docks, will be unfenestrated, and will support a water feature/wall at the east elevation facing onto the reconfigured plaza. A narrow inset wall, clad with metal louvers, transitions the retail store to the taller back-of-house portion of the building.
- Reconfiguring the triangular plaza into a rectangle, increasing the plaza in size from 4,586 square feet to 6,059 square feet, and renovating it with new landscaping, lighting, seating, and paving.
- Retaining and relocating the fountain, designed by local artist Ruth Asawa. The fountain would be moved to a new location in the center of the stairs leading from Stockton Street to the renovated and expanded plaza.

Please see photographs and plans for details.

OTHER ACTIONS REQUIRED

The project will also be heard by the Planning Commission for a Downtown Project Authorization pursuant to Planning Code Section 309, including findings outlined in Board File No. 131059, and by the Zoning Administrator for a Variance from the Street Frontage Transparency requirements of Planning Code Section 145.1(c). The Planning Commission and Zoning Administrator will hear these cases at a regularly scheduled joint hearing on Thursday, February 6, 2013.

- **Floor Area Ratio.** The existing development on the Subject Property exceeds the maximum floor area ratio permitted in the C-3-R District. Pending legislation (Board File No. 13-1059) would allow secondary structures on lots that are noncomplying with regard to floor area the ability to remove a portion of the secondary structure and reconstruct it so long as the project meets certain criteria, including criteria requiring the property to result in an overall net reduction of square footage. This pending legislation would require a recommendation of approval by the Planning Commission through a Downtown Project Authorization. The Commission would need to first recommend approval of the legislation in order to enable an action on the proposed entitlements for the Project. If the Commission does recommend approval of the proposed project, it would subsequently need to make the nine findings outlined in that Ordinance as it applies to the proposed new Apple Store Project, the findings for which are outlined in the attached draft Motion.
- **Variance: Street Frontage Transparency.** The Planning Code requires that all street frontages that contain "active uses" must be at least 60% transparent. Although the Post Street frontage is almost entirely transparent, as is the façade facing the public open space, the Stockton Street frontage contains only 10% transparency, and as such, requires the granting of a variance. The Zoning Administrator will opine on this variance immediately following the Commission's action on the Downtown Project Authorization.

The proposed project will also require a Building Permit.

COMPLIANCE WITH THE PLANNING CODE PROVISIONS

The proposed project is in compliance with all other provisions of the Planning Code.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 11

Pursuant to Section 1110 of the Planning Code, unless delegated to the Planning Department Preservation Staff through the Minor Permit to Alter process pursuant to Section 1111.1 of the Planning Code, the Historic Preservation Commission is required to review any applications for the construction, alteration, removal, or demolition for Significant buildings, Contributory buildings, or any building within a Conservation District. In evaluating a request for a Permit to Alter, the Historic Preservation Commission must find that the proposed work is in compliance Section 1111.6 of the Planning Code, as well as the designating Ordinance and any applicable guidelines, local interpretations, bulletins, related appendices, or other policies. For Category V (Unrated) Buildings within a Conservation District, Section 1111.6(d) specifically outlines the requirements for major exterior alterations.

SECTION 1111.6 OF THE PLANNING CODE

Section 1111.6 and Section 1111.2, as it relates to signage, of the Planning Code outline the specific standards and requirements the Historic Preservation Commission shall use when evaluating Permits to Alter. These standards, in relevant part(s), are listed below:

- (a) The proposed alteration shall be consistent with and appropriate for the effectuation of the purposes of this Article 11.

The proposed project is generally consistent with Article 11.

- (d) Within Conservation Districts, all major exterior alterations, of Category V Buildings, shall be compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District.

In this case, the applicable provisions are outlined in Sections 6 and 7 of Appendix E of Article 11 for the Kearny-Market-Mason-Sutter Conservation District. Specifically, these sections outline the Composition and Massing, Scale, Materials and Colors, and Detailing and Ornamentation that characterize the District and should be reflected in projects proposing new construction within the District.

Composition and Massing:

Section 6 of Appendix E notes that “for the most part, building façades in the District are two- or three-part vertical compositions” and that they are “often divided into bays expressing the structure beneath.” Section 7 of Appendix E states that “the design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions” and that “a base element is necessary to define the pedestrian environment.”

At the front (Post Street) façade of the retail portion of the building, the raised entrance and stairs emphasize the base of the building while the full-height steel framing members divides the façade into bays.

The raised entrance and stairs help organize the elevation into a two-part composition with a base and shaft. The shaft is capped by the projecting metal frame in a manner that is consistent with projecting cornices typical of buildings within the District. The full-height, powder coated steel framing members articulate the façade into six bays with the end bays being differentiated by their reduced width and the location of the two main retail entrances. This emphasis on the end or center bays is a common compositional device in the District noted in Section 6 of the Appendix. Although the steel framing members do not express the underlying structure of the building in this case, they do have a substantial heft as they support the weight of the large glass panels and the full-height operable bays, which are proposed to slide open.

Section 6 describes the massing of buildings in the District as “usually a simple vertically oriented rectangle,” that almost without exception is “built to the front property line and occupies the entire site.” Section 7 notes that the District is quite large and contains a wide variety of building forms” but that new buildings should “maintain its essential character by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory Buildings.”

Although of a lesser height than the existing building on this site, the proposed massing appears to be compatible with the District. The proposal reintroduces a rectilinear plan that extends to the property lines at both Post and Stockton Streets, which characterizes buildings throughout the District, and provides a strong street wall massing at both the Post and Stockton Street elevations. The reintroduction of a rectilinear building at the south end of the subject parcel reinforces the “continuity of building rhythms” as recommended in Section 7. Although a taller building at the corner would be acceptable, there is no consistent height for such buildings facing onto Union Square as corner buildings currently facing the square range in height from three- to nine-stories. The proposed building height matches that of its immediate neighbor to the west, which is the only historic building along that block of Post Street. The back-of-house (Bar Building) portion of the structure maintains the overall height adjacent to the neighboring building to the west and appropriately serves as a transition to the lower height of the retail store portion of the retail store. Within the broader District, the heights of contributing buildings range widely and there are examples of one- or two-story buildings adjacent to much taller buildings, so the somewhat low-slung nature of the proposed structure is generally appropriate. Overall, the proposed height and massing is consistent with the varied building heights found throughout the District, and as such appears to be in conformance with the requirements of Article 11.

Scale

Section 6 describes buildings within the District as being of “small to medium scale” with wider frontages broken up by articulation of the façade and a base that is generally delineated from the rest of the building. Section 7 of Appendix E describes the factors influencing the scale of buildings in the District as follows:

A major influence on scale is the degree to which the total facade plane is broken into smaller parts (by detailing, fenestration, bay widths) which relate to human scale...The existing scale of the buildings in the vicinity should be maintained. This can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing in regards to surrounding buildings, continuance of existing bay widths, maintenance of an existing

streetwall height, and incorporation of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation...Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings.

The new structure maintains the existing streetwall height of the adjacent historic building along Post Street as recommended in the Appendix. At the back-of-house portion of the structure, incised joints in the cast stone paneling break up its mass in a manner similar to belt or string coursing and additional articulation at the roofline references cornice details found within the District in a contemporary manner. Full-height steel framing members break up the Post Street façade into four strongly framed bays with two narrow side bays (six bays total). The two central framed bays are set forward of the main glass plane and can slide open during business hours. The varied rhythm of bays, punctuated by strong verticals, and the different planes of the fixed and operable panels, breaks up the wall surface and emphasizes the verticality of the design as recommend by the Appendix in a contemporary idiom. The narrower end bays emphasize the human scale entrances (when the center panels are closed) and foster a more intimate scale at the building base as it meets the street.

At the Stockton Street façade, the frontage is broken into two parts with the inset full-height glazed bay. Emphasis on the vertical composition is made with the orientation and size of the metal panel cladding and with the glazed bay. The glazed bay divides this façade into two parts in a manner similar to historic buildings with wider frontages, which are broken up by articulation of the facade, making the buildings appear narrower. As divided, the Stockton Street frontage relates in width and proportion with buildings found within the District and as recommended in the Appendix.

Materials and Colors

The District's materiality is described in Section 6 as "masonry materials over a supporting structure" with cladding including terra cotta, brick stone, and stucco. Section 6 goes on to say that "wood, metal and metal panels are not façade materials" although they are sometimes use for window sash and ornament. Section 7 of Appendix E notes that "...preferred surface materials for this district are brick, stone, and concrete (simulated to look like terra cotta or stone)..." with the texture of surfaces treated in a "...manner so as to emphasize the bearing function of the material, as is done in rustication on historic buildings." The district is characterized by light or medium earth tones, including white, cream, buff, yellow, and brown. Section 7 states that "dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures."

The back of house portion of the new building is proposed to be clad in Indiana Limestone cast stone panels. This cladding material and color appears to be consistent with the requirements of Article 11. Although the metal panel cladding proposed on the retail store portion of the building is not a material that is typical of the District, the color and matte finish proposed appears to be compatible with the texture and tone of masonry found on surrounding buildings and throughout the District.

Detailing and Ornamentation

Section 6 states that "buildings use the expression of texture and depth on masonry material to simulate the appearance of load-bearing walls...popular details include, arches, columns,

pilasters, projecting bracketed cornices, multiple belt-courses, elaborate lintels and pediments, and decorated spandrels." Section 7 of Appendix E describes that a "new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes...the new structure should incorporate prevailing cornice lines or belt courses and may also use a modern vernacular instead of that of the original model."

The new construction proposes to respond to the detailing and ornamentation of the surrounding District in a contemporary manner. At the back-of-house portion of the building, incised joints in the cast stone paneling break up its mass in a manner similar to belt or string coursing and additional articulation at the roofline references cornice details found within the District in a contemporary manner. At the front (Post Street) façade of the retail portion of the building, the raised entrances and stairs emphasize the base of the building while the full-height steel framing members set within the projecting chamfered frame suggest a Classical colonnade in a contemporary idiom. The raised entrances and stairs, and the entrances at each end of the façade, help organize the elevation into a two-part composition with a base and shaft. The building shaft is capped by the projecting metal frame in a manner that references projecting cornices typical of buildings within the District. Overall, the simple design details of the proposed project appear to be responsive to the recommendations of the Appendix.

THE SECRETARY OF THE INTERIOR'S STANDARDS

Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Rehabilitation Standards provide, in relevant part(s):

Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The proposed project will retain the existing commercial (retail) use at the south end of the parcel and the public open space facing Stockton Street. Spatial relationships within the District will change, but will be more consistent than existing as the reconfigured building and plaza will have rectilinear plans.

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Significant and contributing resources within the District will not be altered as a result of the proposed project, and thus, there will not be a loss of existing distinctive materials or features.

Standard 3: Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or elements from other historical properties, will not be undertaken.

The proposed project will not create a false sense of history. The new construction will be built using contemporary materials and design and will be recognized as a physical record of its time, place, and use. The project will not create a false sense of historical development within the Kearny-Market-Mason-Sutter Conservation District.

Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

As the subject building is not an individual historic resource and is a non-contributing resource within the Kearny-Market-Mason-Sutter Conservation District, the project does not affect any properties that may have acquired significance in their own right.

Standard 5: Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.

By relocating the Grand Hyatt Hotel fountain, designed by Ruth Asawa, at the reconfigured plaza stairs, the proposed project will preserve the distinctive materials, features, finishes, construction techniques, and craftsmanship that characterize the resource. Further, the proposed project will not affect any distinctive features or construction techniques that characterize the Kearny-Market-Mason-Sutter Conservation District.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials and features that characterize the building. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The project will not destroy existing historic materials, features, and spatial relationships that characterize the Kearny-Market-Mason-Sutter Conservation District. The new work will be differentiated from the historic buildings in the Kearny-Market-Mason-Sutter Conservation District through the use of modern materials and new construction methods. It will be compatible with the varied heights and massing of buildings in the Conservation District. Although contemporary, the project design incorporates features and articulation of the Post Street façade such that it is generally compatible with the composition, scale, materials and detailing of the Conservation District.

Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Removal of the proposed project at some point in the future would not impair the essential form and integrity of the Kearny-Market-Mason-Sutter Conservation District.

PUBLIC/NEIGHBORHOOD INPUT

The Department has received comments from the Service Employees International Union – United Service Workers West (“SEIU-USWW”) expressing opposition to this Project. The Department has received a letter in support of the project from the Union Square Business Improvement District.

ISSUES & OTHER CONSIDERATIONS

None.

STAFF ANALYSIS

Staff has determined that the proposed work will be in conformance with the requirements of Article 11 and the *Secretary of Interior's Standards for Rehabilitation (Secretary's Standards)*. Proposed work will not damage or destroy distinguishing qualities or character of the Conservation District. Staff finds that the historic character of the Conservation District will be retained and preserved.

To assist the Department's review, staff brought an earlier version of the proposed design to the Architectural Review Committee for review and comment at their meeting on December 4, 2013. At the ARC meeting, the Planning Department specifically sought comments on the composition and massing, scale, materials and colors, design and ornamentation of the proposed new construction, and on the proposed reconfiguration and rehabilitation of the plaza and Ruth Asawa fountain. The ARC comments were summarized in a memorandum to the Project Sponsor dated December 17, 2013 (attached). The proposed design was subsequently revised in response to the ARC comments.

Retail Building

At the ARC meeting, all three Commissioners were complimentary of the previously proposed design but were concerned about its compatibility with the District. The composition and massing, and scale, and influence of these elements on the overall compatibility of the proposed structure with the District were the principal concerns of the ARC.

The proposed building will have an L-shaped plan, consisting of a two-story retail store holding the street corner and a three-story back-of-house space between the retail store and the adjacent building to the west along Post Street. The building will have a flat roof. The retail portion of the building will have a clear span and cantilevered structural system to allow for a column-free area above grade and will be clad with bead blasted stainless steel panels and structural glass. Stairs clad with gray terrazzo will lead to the slightly raised entrance; entrances will be at each end of the façade, and in the center of the façade when the operable glazing is in the open position. full-height, powder coated steel framing members have been introduced to divide the large butt-glazed glass panels into six bays at the Post Street (front) façade. The steel-framed glazing is setback from a chamfered metal panel projecting frame that extends to the property line. The center panels of the façade will be operable so that they will slide open to create a full-height opening at the center of the façade. The Stockton Street façade will be clad with vertically oriented, bead blasted metal panels with minimal construction joints. One full-height, slightly inset glazed bay articulates the wall. The rear elevation (facing into the reconfigured plaza) consists of full-height butt-glazed structural glass. A narrow, inset wall transitions the retail store to the taller back-of-house portion of the building. The back of house portion of the building will be clad with cast stone panels articulated with regular horizontal joints over the body of the building and closely-spaced joints at the roofline to suggest a cornice detail. The back of house portion of the building will have a solid gate at Post Street to provide vehicular access, will be unfenestrated, and will support a water feature/wall at the east elevation facing onto the reconfigured plaza.

In response to comments of the Architectural Review Committee about a lack of scale in the proposed design, particularly at the Post Street façade, the full-height glazing on the Post Street façade, as well as the north (rear, plaza-facing) elevation, has been divided by full-height, powder coated steel members that articulate the façade into six bays. The two end bays are differentiated by their reduced width and the location of the two main retail entrances. This emphasis on the end or center bays is a common compositional device in the District. In the revised design, the steel framing members articulate the

façade and break it up into bays in a manner that is consistent with buildings in the District, introduce a rhythm to the façade, emphasize the vertical composition, and express underlying structural requirements in a contemporary manner that is responsive to the ARC comments, is in generally in conformance with the *Secretary's Standards*, and that is compatible with the District.

In order to address the ARC comments regarding the horizontal composition of the structure, the revised design incorporates a slightly raised entrance with stairs and landing clad in gray terrazzo. The raised entrance and stairs, and the entrances at each end of the façade, emphasize the human scale base of the structure while the full-height glazing framed by steel columns emphasize the vertical shaft that is capped by the projecting chamfered frame. Although it is subtle, the addition of the raised entrance and the vertical columns organizes the elevation into a two-part composition with a base and shaft. Within the District it is not atypical for shorter buildings to have less obvious horizontal compositions, and the proposed building reflects this tendency.

At the ARC meeting, the Commissioners were somewhat divided regarding the proposed massing of the new structure. In general, the Commissioners indicated that the reconfiguration of the massing to a rectilinear plan that extends to the property lines was more consistent with the District than the existing structure. Two of the Commissioners expressed concern regarding the proposed height. Due to the limitations placed on the proposed project by the underlying zoning requirements, an increase in height is not feasible, and this aspect of the design has not been revised. Although a taller building at the corner would be acceptable, there is no consistent height for such buildings facing onto Union Square as corner buildings facing the square range in height from three- to nine-stories. The proposed building height matches that of its immediate neighbor to the west, which is the only historic building along that block of Post Street, and provides a strong street wall massing at the Post and Stockton Street elevations. Overall, the proposed height and massing is consistent with the varied building heights found throughout the District, and as such appears to be in conformance with Appendix E of Article 11 and the *Secretary's Standards*.

For a street-facing elevation, the proposed treatment of the Stockton Street façade is less fenestrated or multifaceted than is typical for corner buildings within the Conservation District. As a response to Department comments regarding fenestration, a vertical glass bay was introduced on the Stockton façade. While they acknowledged the design's addition of the glazed bay, the Architectural Review Committee expressed concern about the lack of fenestration on the Stockton façade, and its overall lack of scale. The design of this façade has not changed as the Project Sponsor has indicated that additional fenestration, or similar features, at this façade are not feasible due to location of a required shear wall. While no changes were made to the design on Stockton Street, the stairs introduced at the Post Street façade are intended to help activate the corner of the structure at Post and Stockton Street in response to concerns expressed by Commissioner Pearlman during the ARC meeting.

The back of house portion of the new building is proposed to be clad in Indiana Limestone cast stone panels. This cladding material and color appears to be compatible with the surrounding District in conformance with the Appendix and *Secretary's Standards* as it is a stone material with a texture and color that is consistent with other masonry cladding found throughout the District. Although the metal panel cladding proposed on the retail store portion of the building is not a material that is typical of the District, the color and matte finish proposed appears to be compatible with the texture and tone of masonry found on surrounding buildings and throughout the District. In specific cases, the Department has approved

metal cladding as a substitute material within the district provided the materials adequately references the characteristics of the District. The *Secretary's Standards* allow, or don't discourage, use of contemporary materials provided they are "harmonious" with the surrounding character. Although it is not a typical cladding material found within the District, the proposed metal paneling will not be reflective and will have a matte finish such that it will not be disruptive to the character of the District. At the ARC meeting, Commissioner Wolfram stated that the proposed materials and color palette appeared appropriate.

The proposed design is contemporary with most detailing and ornamentation incorporated into the construction details. Such an approach, while not specifically mentioned in Article 11, appears appropriate in the context of the proposed project. Where masonry is proposed to be utilized at the Bar Building, incised joints will suggest belt or string courses and a cornice element. The Department believes that the construction details and architectural expression of the proposed retail store, while not seeking to copy or recreate features typical of the district, reflects the high-quality of contributing buildings within the District. At the ARC meeting, Commissioner Wolfram stated that the simple modern detailing and ornamentation of the proposed new construction appeared appropriate, while Commissioners Hyland and Pearlman did not make specific comments regarding this issue.

Plaza and fountain

In addition to construction of the new building, the project also proposes to reconfigure and renovate the existing Grand Hyatt Hotel Plaza (shown in plan on Page 57). Along with the newly reconfigured building, the shape of the plaza will change from triangular to rectangular. New stairs will encircle the slightly relocated Ruth Asawa fountain to lead to the raised plaza; the manner in which the fountain and existing stairs are constructed will be documented during demolition so that the relocated fountain can be reinstalled to match the existing relationship with the stairs as closely as possible. The tree-lined east-west paved (Kuppam Green stone pavers) plaza will consist of a paved open space lined with concrete benches and large planter boxes (Kuppam Green stone for both benches and planters). The open space will terminate at the proposed water feature/wall affixed to the east elevation of the back-of-house portion of the new building. Lighting fixtures will consist of recessed wall step lights, recessed bench lights, floor recessed lights, and uplights at the proposed trees. The Ruth Asawa fountain will be photo-documented in situ and carefully removed from its existing location, protected, and stored during construction in conformance with the *Secretary's Standards*. When the site is ready, the fountain will be reinstalled approximately 10 feet from its existing location in a manner that matches existing as closely as possible in conformance with the *Secretary's Standards*. At the ARC meeting, all three Commissioners found that the proposed treatment of the fountain during construction, and relocation within the reconfigured plaza, was appropriate.

While there are no specific requirements for open spaces within the Conservation District, the proposed reconfiguration of the plaza appears to be designed in a manner that will improve the compatibility of plaza with the District. The rectilinear space will be more consistent with the pattern and shape of buildings in the District. The proposed stone paving and simple landscaping appears to be compatible with the character of the District and in conformance with the *Secretary's Standards*. At the ARC meeting, all three of the Commissioners expressed their support for the proposed reconfiguration and rehabilitation of the plaza. The Commissioners all indicated that the proposed design, materials, and features would be an improvement over the current plaza plan and would be compatible with the character of the surrounding District.

In order to ensure consistency between the multiple approvals for the Project and with the findings of the Preservation Commission, and with the requirements of Article 11, the Department recommends the several conditions of approval as outlined below.

ENVIRONMENTAL REVIEW STATUS

On January 28, 2014, pursuant to CEQA Guidelines Section 15302, a Certificate of Determination of Categorical Exemption from Environmental Review was published by the Environmental Planning division of the Planning Department (Case No. 2013.0628E).

PLANNING DEPARTMENT RECOMMENDATION

Planning Department staff recommends APPROVAL WITH CONDITIONS of the proposed project as it appears to meet the provisions of Article 11 of the Planning Code regarding Major Alteration to a Category V (Unrated) Property and the *Secretary of the Interior Standards for Rehabilitation* with the following conditions of approval:

1. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. The final design – including the final glazing details – shall be reviewed and approved by the Planning Department prior to issuance of the architectural addenda.
2. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the site permit application.
3. **Signs.** The Project Sponsor shall submit an exterior signage plan to the Planning Department prior to Planning Department approval of the site permit application. The proposed signage plan shall be reviewed by the Planning Department as a Minor Permit to Alter pursuant to the delegation for such review outlined by the Historic Preservation Commission in Motion No. 0181 unless the scope exceeds parameters of said delegation.

ATTACHMENTS

Draft Motion

Environmental Determination

Architectural Review Committee Comment Memorandum, dated December 17, 2013

Sections 6 and 7 of Appendix E of Article 11

Parcel Map

Sanborn Map

Aerial Photos

Zoning Map

Site Photos

Public Correspondence

Project Sponsor Brief, including alternative design proposal for Post Street façade

Project Sponsor submittal, including:

- Project Overview
- Site Context Map
- Historical Photos and Drawings

- Existing Conditions
- Proposed Design
- Comparisons
- Renderings
- References (other Apple projects around the world)

PL: G:\DOCUMENTS\300 Post St (Apple)\Major Permit to Alter Case Report.docx



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Draft Motion Permit to Alter MAJOR ALTERATION

HEARING DATE: FEBRUARY 5, 2014

Filing Date: August 29, 2013
Case No.: **2013.0628H**
Project Address: **300 POST STREET (aka 345 STOCKTON STREET)**
Category: Category V (Unrated)
Zoning: C-3-R (Downtown-Retail)
80-130-F Height and Bulk District
Block/Lot: 0295/016
Applicant: Daniel Frattin
Reuben Junius & Rose LLP
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact Pilar LaValley - (415) 575-9084
pilar.lavalley@sfgov.org
Reviewed By Tim Frye - (415) 558-6625
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ADOPTING FINDINGS FOR A PERMIT TO ALTER FOR MAJOR ALTERATIONS TO A CATEGORY V (UNRATED) BUILDING, INCLUDING RECONSTRUCTION OF AN EXISTING RETAIL BUILDING ("LEVI'S") TO ACCOMMODATE A NEW RETAIL TENANT ("APPLE, INC.") AND THE ASSOCIATED RENOVATION AND RECONFIGURATION OF AN OUTDOOR PUBLIC PLAZA AT 300 POST STREET (AKA 345 STOCKTON STREET), FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 11, TO MEET THE STANDARDS OF ARTICLE 11 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 016 IN ASSESSOR'S BLOCK 0295. THE SUBJECT PROPERTY IS WITHIN A C-3-R (DOWNTOWN RETAIL) ZONING DISTRICT, AN 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT.

PREAMBLE

WHEREAS, on August 29, 2013, Daniel Frattin of Reuben Junius & Rose (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for a Permit to Alter to replace the existing retail structure ("Levi's") with a three-story 23,470 sf retail structure ("Apple, Inc.") and reconfigure and renovate the Grand Hyatt Hotel plaza located on the subject property on Lot 016 in Assessor's Block 0295. The work includes reconstructing and recladding the existing retail store at 300 Post Street and reconfiguring and renovating the existing raised plaza facing Stockton Streets between the existing Levi's store and the Grand Hyatt Hotel. As the existing Levi's Store is structurally part of a larger

building (with below-grade levels connecting to, and shared by, the Hyatt tower), the proposed project is considered an alteration rather than demolition.

The proposed scope of work, based on the informational packet prepared by Foster + Partners and Page & Turnbull, dated February 5, 2014, would include:

- Reconfiguring the triangular building to an L-shaped plan with the retail store holding the street corner and the back of house space (“Bar Building”) as a narrow hyphen-type wing between the retail store and the adjacent building to the west along Post Street.
- Reducing the height of the retail store portion of the building from four- to two-stories (from approximately 63 feet to approximately 47.5 feet) and recladding the exterior. The retail portion of the building will have a clear span and cantilevered structural system to allow for a column-free area above grade and will be clad with bead blasted stainless steel panels and structural glass. At the Post Street (front) façade, stairs clad with gray terrazzo will lead to the slightly raised entrance; entrances will be at each end of the façade, and in the center of the façade when the operable glazing is in the open position. Full-height, powder-coated steel framing members will separate the large butt-glazed glass panels into six bays at the Post Street (front) façade. The center bays of the façade will be operable so they will slide open to create a full-height opening at the center of the façade. The steel-framed glazing is setback from a chamfered projecting frame clad with bead blasted stainless steel panels that extends to the property line at Post Street.

The Stockton Street façade will be clad with vertically-oriented, bead blasted metal panels with minimal construction joints. One full-height, slightly inset glazed bay articulates the wall. The rear elevation (facing into the reconfigured plaza) consists of full-height butt-glazed structural glass with interior glass support fins and full-height powder-coated steel framing members that divide the glazing into five bays.

- Recladding the back of house (Bar Building) building. The back of house portion of the building will be clad with cast stone panels articulated with regular horizontal joints suggesting belt or string coursing over the body of the building and more closely-spaced joints at the roofline to suggest a cornice detail. The Bar Building will have a solid gate at Post Street to provide vehicular access to existing loading docks, will be unfenestrated, and will support a water feature/wall at the east elevation facing onto the reconfigured plaza. A narrow inset wall, clad with metal louvers, transitions the retail store to the taller back-of-house portion of the building.
- Reconfiguring the triangular plaza into a rectangle, increasing the plaza in size from 4,586 square feet to 6,059 square feet, and renovating it with new landscaping, lighting, seating, and paving.
- Retaining and relocating the fountain, designed by local artist Ruth Asawa. The fountain would be moved to a new location in the center of the stairs leading from Stockton Street to the renovated and expanded plaza.

WHEREAS, on January 28, 2014 the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 2 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

WHEREAS, on February 5, 2014, the Commission conducted a duly noticed public hearing on the current project, Case No. 2013.0628H ("Project") for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby grants with conditions the Major Permit to Alter, in conformance with the architectural plans dated February 5, 2014 and labeled Exhibit A on file in the docket for Case No. 2013.0628H based on the following findings:

CONDITIONS OF APPROVAL

1. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. The final design – including the final glazing details – shall be reviewed and approved by the Planning Department prior to issuance of the architectural addenda.
2. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the site permit application.
3. **Signs.** The Project Sponsor shall submit an exterior signage plan to the Planning Department prior to Planning Department approval of the site permit application. The proposed signage plan shall be reviewed by the Planning Department as a Minor Permit to Alter pursuant to the delegation for such review outlined by the Historic Preservation Commission in Motion No. 0181 unless the scope exceeds parameters of said delegation.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 11:

The Historical Preservation Commission has determined that the proposed work is compatible with the exterior character-defining features of the Conservation District and meets the requirements of Article 11 of the Planning Code:

- That the proposed project is compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District. Specifically, the proposed project appears to be consistent with, and responsive to, the guidance regarding the Composition and Massing, Scale, Materials and Colors, and Detailing and Ornamentation that characterize the District as outlined in Appendix E of Article 11.

- The proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

Standard 1.

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2.

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3.

Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Standard 4.

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. **General Plan Compliance.** The proposed Major Permit to Alter is, on balance, consistent with the following Objectives and Policies of the General Plan:

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 Kearny-Market-Mason-Sutter Conservation District for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- 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 Conservation District 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 proposed will not have any impact on industrial and service sector jobs.

- 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.

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 11, meets the standards of Article 1111.6 of the Planning Code, complies with the *Secretary of the Interior's Standards for Rehabilitation*, and addresses the General Plan and Prop M findings of the Planning Code.

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 **GRANTS WITH CONDITIONS a Major Permit to Alter** for the property located at Lot 016 in Assessor's Block 0295 for proposed work in conformance with the renderings and architectural plans dated February 5, 2014 and labeled Exhibit A on file in the docket for Case No. 2013.0628H.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Permit to Alter shall be final unless appealed within thirty (30) days after the date of this Motion. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals in person at 1650 Mission Street, (Room 304) or call (415) 575-6880.

Duration of this Major Permit to Alter: This Major Permit to Alter is issued pursuant to Article 11 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on February 5, 2014.

Jonas P. Ionin
Commission Secretary

AYES: X

NAYS: X

ABSENT: X

ADOPTED: February 5, 2014



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2013.0628E
 Project Title: 300 Post Street/345 Stockton Street
 Zoning: C-3-R (Downtown Retail)
 Kearny-Market-Mason-Sutter Conservation District
 80-130-F Height and Bulk District
 Block/Lot: 0295/016
 Lot Size: 35,391 square feet
 Project Sponsor: Apple, Inc., c/o Daniel Frattin, Reuben, Junius & Rose
 (415) 567-9000
 Staff Contact: Jeanie Poling – (415) 575-9072
 jeanie.poling@sfgov.org

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PROJECT DESCRIPTION:

The project site is located in the Downtown/Civic Center neighborhood on the northwest corner of Post and Stockton Streets within the block bounded by Post, Stockton, Sutter, and Powell Streets. The project site contains a 550,599-square-foot (sf) building complex with two above-grade components (a 35-story hotel structure fronting Stockton and Sutter Streets, and four-story 37,234 sf retail structure fronting Post Street), an elevated plaza between the two structures, and basement levels below the entire project site. The proposed project would replace the existing retail structure with a three-story 23,470 sf retail structure.

EXEMPT STATUS:

Categorical Exemption, Class 2 (California Environmental Quality Act (CEQA) Guidelines Section 15302(b))

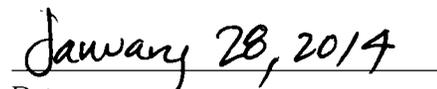
REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.


 Sarah B. Jones
 Environmental Review Officer


 Date

cc: Daniel Frattin, Project Sponsor
 Elizabeth Watty, Current Planner
 Kelly Wong, Preservation Planner

Supervisor David Chiu, District 3
 Historic Preservation Distribution List
 Distribution List; Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

The northern portion of the project site contains a 35-story hotel structure that fronts Stockton and Sutter Streets. The southern portion of the project site contains a four-story triangular retail structure and above-grade support space and loading access for the hotel. The two structures share a three-level basement, and the retail structure has a partial fourth basement level (mechanical room). Between the two structures is an elevated triangle-shaped retail plaza that is accessed by a set of wide brick steps leading up from the sidewalk on Stockton Street. On the steps leading up to the plaza is a fountain designed by noted sculptor Ruth Asawa.

The proposed project would include the following elements:

- Reconfigure the triangular structure to an L-shaped plan with the two-story retail store at the street corner and a narrow three-story back of house space between the retail store and the adjacent building to the west along Post Street.
- Reduce the height of the retail store structure from four to two stories at the Post Street (front) façade (from approximately 63 feet to approximately 47.5 feet) and reclad the exterior.
- Reconfigure the triangular plaza into a rectangle, increasing the plaza in size from 4,586 sf to 6,059 sf, and renovating it with new landscaping, lighting, seating, and paving.
- Move the Ruth Asawa fountain 10 feet from its current location to the center of the stairs that lead from Stockton Street to the renovated and expanded plaza.

The proposed retail structure would be supported by two main column foundations that would be approximately 19 feet by 10 feet by 6 feet deep; three additional wall footings approximately 31 feet by 5 feet by 2.5 feet deep, 24 feet by 5 feet by 2.5 feet deep, and 18 feet by 6 feet by 3 feet deep; and about 12 other footings that would be approximately 5 feet by 5 feet by 3 feet deep.

Project Approvals. The proposed project requires a legislative amendment that would allow secondary structures that are non-conforming with regards to floor area ratio in a C-3-R Zoning District to be demolished and rebuilt, if the Planning Commission can make certain findings.¹ The legislative amendment requires approval by the Board of Supervisors and signature by the Mayor. The proposed project also requires approval of a Major Permit to Alter by the Historic Preservation Commission, is subject to a Downtown Project Authorization from the Planning Commission, and requires a variance for glazing requirements from the Zoning Administrator. In addition, the project requires the issuance of a building permit by the Department of Building Inspection. For purposes of CEQA, the approval action is the Downtown Project Authorization from the Planning Commission.

¹ Board of Supervisors File No. 131059, introduced October 29, 2013. For purposes of this legislation, a secondary structure means a structure located on a lot with two or more structures that has no more than one-quarter of the gross floor area of the primary structure on the lot. The project site (300 Post Street/345 Stockton Street) is the only parcel in a C-3-R Zoning District that contains a secondary structure that is nonconforming with regards to floor area ratio; thus, this ordinance would apply to only the project site and would affect no other properties. The Planning Department is recommending an amendment to the legislation that would expressly limit it to the 300 Post Street/345 Stockton Street property.

REMARKS:

Historical Architectural Resources. In evaluating whether the proposed project would be exempt from environmental review under CEQA, the Planning Department must first determine whether the existing property is a historical resource. Under CEQA, a property qualifies as a historic resource if it is listed in, or determined to be eligible for listing in, the California Register of Historical Resources, or if it is considered a contributor to a potential historic district.

An earlier version of the proposed project was reviewed by the Architectural Review Committee (ARC) of the Historic Preservation Commission on December 4, 2013. At the ARC meeting, the Commissioners questioned whether certain aspects of the proposed design were compatible with the surrounding Conservation District. These comments were summarized in a memorandum to the project sponsor dated December 17, 2013. In response to the ARC comments, the project sponsor submitted a revised project design on January 6, 2014. The historic resource evaluation response (HRER) prepared by the Planning Department's preservation staff evaluates the currently proposed project and is summarized as follows.²

The project site is located in the locally designated Kearny-Market-Mason-Sutter Conservation District, which is considered a historic resource for purposes of CEQA. The project site is a non-contributing property within the district designated pursuant to Article 11 of the Planning Code. The 300 Post Street/345 Stockton Street complex was constructed in 1972, and the Ruth Asawa fountain was completed in 1973. The retail structure was substantially altered in 1998.

The hotel and retail complex was built during the early stages of a broader redevelopment trend in the second half of the twentieth century and does not appear to have made a significant contribution to patterns of local and regional history in a manner that would make it eligible for listing in the California Register under Criterion 1 (events). There appears to be no information to indicate that the Ruth Asawa fountain is associated with historic events or trends that would make it eligible for inclusion on the California Register individually under Criterion 1.

No persons who have made significant contributions to local, state, or national history have been identified with the establishment or operation of any hotel-associated uses and retail business that have occupied the subject property. Therefore, the complex does not appear eligible for listing in the California Register under Criterion 2 (events). Although Ruth Asawa was a well-known San Francisco sculptor and artist, her association with the fountain is not eligible for listing under Criterion 2 but is most significant under Criterion 3.

The hotel and retail complex was completed in 1972 in a Corporate Modern style designed by noted architectural firm, Skidmore, Owings, and Merrill. Though sensitive to the scale of the surrounding historic commercial area, the site layout and massing are not remarkable enough to render the complex individually significant. The complex does not appear to be exemplary as a type, period, or method of construction; nor does it exhibit high artistic value. The design of the complex and of the individual structures and features does not rise to a level such that a 41-year old complex would be considered eligible for listing in the California Register. Therefore, the complex does not appear eligible for listing in the California Register under Criterion 3 (architecture).

² San Francisco Planning Department, *Historic Resource Evaluation Response, 345 Stockton Street, Case No. 2013.0628E*, January 21, 2014. This report is attached.

The fountain, designed by San Francisco sculptor Ruth Asawa, is significant for its high artistic values and association with Ruth Asawa. Asawa was commissioned for many public art projects throughout the Bay Area, and she has been recognized and honored for her contributions to San Francisco's public spaces. Highly visible on a busy block of Stockton Street, the fountain displays iconic scenes specific to San Francisco, cast in bronze, and has been recognized for its accessibility for blind and visually impaired people to actually touch and feel. Thus, the fountain appears to be individually significant as an object and eligible for listing on the California Register due to its design and association with a master artist (Criterion 3).

The project site is not significant under Criterion 4 (important in prehistory or history), which is typically associated with archaeological resources. This significance criterion typically applies to rare construction types when involving the built environment. Neither the retail structure nor the fountain is a rare construction type.

The Ruth Asawa fountain retains integrity of location, design, materials, feeling, association, and workmanship. Integrity of setting has been somewhat compromised by alterations to the retail store. Overall, the Ruth Asawa fountain conveys its significance individually.

The character-defining features of the fountain include its installation within the stairs accessing the plaza, its cast bronze panels, and its function as a fountain. The character-defining features of the Kearny-Market-Mason-Sutter Conservation District include rectilinear massing, two- or three-part vertical compositions, articulated bays, vertical orientation, masonry cladding in earth tones, and fine details such as arches, columns, pilasters, projecting bracketed cornices, multiple belt-courses, elaborate lintels and pediments, and decorated spandrels.

The HRER prepared by the Planning Department's preservation staff evaluated the proposed project's consistency with the *Secretary of the Interior's Standards for Rehabilitation* (Secretary's Standards) and is summarized as follows:

- The removal of the existing structure at 300 Post would not have an adverse impact on the district, because the structure is a non-contributory resource.
- The proposed replacement structure would reintroduce a rectilinear plan that would extend to the property line at both Post and Stockton Streets; the rectilinear plan characterizes buildings throughout the district.
- The proposed height of the structure would match that of its immediate neighbor to the west, which is the only historic building along that block of Post Street, and would provide a strong street wall massing at the Post and Stockton Street elevations. Overall, the proposed height and massing would be consistent with the varied building heights found throughout the district.
- At the back of house portion of the retail structure, incised joints in the cast stone paneling would break up its mass in a manner similar to belt or string coursing, and additional articulation at the roofline would reference cornice details found within the district in a contemporary manner.
- At the front (Post Street) façade of the retail structure, the raised entrance and stairs would emphasize the base of the structure while the full-height steel framing members set within the

projecting chamfered frame would suggest a Classical colonnade in a contemporary idiom. The raised entrance and stairs would help organize the elevation into a two-part composition with a base and shaft. The shaft would be capped by the projecting metal frame in a manner consistent with projecting cornices typical of buildings within the district.

- The large windows would be framed with full-height steel members that would articulate the façade into five bays, with the end bays differentiated by their reduced width and the location of the two main retail entrances. This emphasis on the end or center bays is a common compositional device in the district, as noted in the district designation.
- The steel framing members would articulate the façade, emphasize the vertical composition, and express underlying structural requirements in a contemporary manner that would be in conformance with the Secretary's Standards and that would be compatible with the district.
- At the Stockton Street façade, the frontage would be broken into two parts with the inset full-height glazed bay. Emphasis on the vertical composition would be made with the orientation and size of the metal panel cladding and with the glazed bay. The glazed bay would divide this façade into two parts in a manner similar to historic buildings with wider frontages; the glazed bay would be broken up by articulation of the facade, making the structure appear narrower. As divided, the Stockton Street frontage would relate in width and proportion with buildings found within the district.
- The cladding material and color of back of house portion of the retail structure would be compatible with the surrounding district and would be in conformance with the Secretary's Standards, as it is a stone material with a texture and color that would be consistent with other masonry cladding found throughout the district.
- While the metal panel cladding proposed on the retail structure is not a material that is typical of the district, the color and matte finish proposed would be compatible with the texture and tone of masonry found on surrounding buildings and throughout the district. The Secretary's Standards allow, or do not discourage, use of contemporary materials provided they are "harmonious" with the surrounding character. The proposed metal paneling would not be reflective and would have a matte finish such that it would not be disruptive to the character of the district.
- The plaza to the north of the proposed new retail structure would change in shape from triangular to rectangular. While there are no specific requirements for open spaces within the Kearny-Market-Mason-Sutter Conservation District, the proposed reconfiguration of the plaza would be designed in a manner that would improve the compatibility of the plaza with the district. The rectilinear space would be more consistent with the pattern and shape of buildings in the district. The proposed stone paving and simple landscaping would be compatible with the character of the district and in conformance with the Secretary's Standards.
- The Ruth Asawa fountain would be photo-documented in situ and carefully removed from its existing location, protected, and stored during construction in conformance with the Secretary's Standards. When the site is ready, the fountain would be reinstalled approximately 10 feet from its existing location in a manner that matches the existing as closely as possible in conformance with the Secretary's Standards.

In conclusion, the proposed project would be consistent with the Secretary's Standards and would not result in a substantial adverse change in the significance of the Kearny-Market-Mason-Sutter Conservation District or on individual resources within the District.

Air Quality. Project construction activities would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and would comply with, California regulations limiting idling to no more than five minutes,³ which would further reduce the exposure of nearby sensitive receptors to temporary and variable toxic air contaminant emissions. The project would also be subject to the City's construction dust control ordinance (Ordinance 176-08, effective July 30, 2008), which requires specific fugitive dust control measures that reduce the quantity of dust generated during site preparation, demolition, and construction in order to protect the health of the general public and of onsite workers. Therefore, project construction would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Greenhouse Gas Emissions. The significance standard applied to greenhouse gas (GHG) emissions generated during project construction and operation is based on whether the project complies with a plan for the reduction of GHG emissions. San Francisco's *Greenhouse Gas Reduction Strategy* documents the City's policies, programs, and regulations that reduce municipal and communitywide GHG emissions. The proposed project would be consistent with San Francisco's *Greenhouse Gas Reduction Strategy*, as demonstrated by completion of the Compliance Checklist for Greenhouse Gas Analysis.⁴ Therefore, the proposed project would result in a less-than-significant impact with respect to GHG emissions.

Subsoil Contamination. The proposed project would involve approximately 116 cubic yards of excavation starting at approximately 34 feet below street grade on a site that has no history of industrial use or prior contamination. Thus, impacts related to exposure to subsoil contamination would be less than significant.

Biological Resources. The project is subject to bird-safe standards to reduce bird mortality from circumstances that are known to pose a high risk to birds.⁵ A wildlife ecologist conducted an analysis to assess the proposed project's compliance with these bird-safe standards, and evaluated any potential adverse effects on candidate, sensitive, or special-status bird species, and the potential for bird collisions with the proposed project's glass façades.⁶ The report is summarized as follows.

³ California Code of Regulations, Title 13, Division 3, § 2485.

⁴ San Francisco Planning Department, *Compliance Checklist, Greenhouse Gas Analysis, 300 Post Street/345 Stockton Street*, January 16, 2014. This document is available for review at 1650 Mission Street, 4th Floor, as part of Case No. 2013.0628E.

⁵ Per Planning Code Section 139 the project site is subject to feature-related hazards but not location-related hazards, as Union Square is not an urban bird refuge. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size.

⁶ HT Harvey & Associates Ecological Consultants, *300 Post St. Proposed Project – Avian Collision Risk/Bird Safe Design Assessment*, September 24, 2013. This report is available for review at 1650 Mission Street, 4th Floor, as part of Case No. 2013.0628E.

During a site visit on August 6, 2013, individual birds were observed and counted. Accounting for seasonal breeding and migratory patterns, an assessment was made of the suitability of vegetation within the survey area to support birds that might not have been present during the site visit, and how birds might use resources around the project site. The assessment also included an Internet search for bird observations at Union Square and contact with San Francisco Recreation & Park Department representatives to determine whether bird strikes had been reported at Union Square.

Of the 123 individual birds observed in and around Union Square and the project site at elevations at or below the height of the proposed project, the vast majority (114) were non-native urban-adapted species that are not protected by the Federal Migratory Bird Treaty Act or California Fish and Game Code. Only eight individuals of three native bird species (protected by State and federal law) were seen perched at elevations at or below the height of the proposed project – five Brewer’s blackbirds, including three in Union Square Park and two along Stockton St. on the east side of the project site; a juvenile white-crowned sparrow in Union Square; and two California gulls perched on light posts around the park. Of these species, the Brewer’s blackbirds and white-crowned sparrow could potentially nest in the park. More than 10 California gulls, 50 or more western gulls, and four American crows were observed flying high overhead. In addition, a pair of adult peregrine falcons was observed flying very high over Union Square and perched on the east side of the hotel structure on the north side of the project site.

The potential for avian collisions with the façades of the proposed structure was assessed, taking into account the location of the structure relative to food and vegetation, the distance from the glass façades to those resources, the potential for vegetation to be reflected in the glass façades, and the existing conditions of the façades of other buildings around Union Square.

No vegetation, water, food sources, or other native bird attractants are currently present or are proposed as part of the project immediately in front of the store. Thus, there is no reason why birds would fly toward the store unless vegetation from Union Square or the sky were reflected in the façade, unless birds were flying around in conditions of poor visibility (e.g., fog), or unless birds were able to see vegetation on the back side of the store through the front windows. The glass to be used on these façades would not be highly reflective and the glass on the front façade would be set back 8 feet below an overhang, reducing the degree to which the sky and vegetation would be reflected.

In summary, while occasional collisions between native birds and the glass façades of the proposed project may occur – as could occur with any building – the number of such collisions is expected to be low due to the low abundance of native birds and suitable habitat for these birds present in the vicinity; the low reflectivity of the proposed glass; and the lack of any vegetation proposed in front of the store or just inside the façades. Lighting from the project would have little, if any, adverse effect on the few native birds that would occur in the project vicinity. Furthermore, there are no significant or landmark trees on or adjacent to the property. Thus the proposed project’s potential adverse effects on candidate, sensitive, or special-status animal or plant species would be less than significant.

Geology and Soils. The proposed project was evaluated in a geotechnical report that addresses foundation support.⁷ The report is summarized as follows.

⁷ URS Corporation, *Geotechnical Report, Apple Store (Union Square), San Francisco, California*, December 11, 2013. This report is available for review at 1650 Mission Street, 4th Floor, as part of Case No. 2013.0628E.

The triangular retail structure is founded on a combination of isolated spread footings and a mat foundation; the hotel tower is founded on 38 drilled piers socketed in Franciscan bedrock. The proposed project would replace the existing above-ground triangular (retail) structure with a three-story rectangular structure in the same location. Based on the available information, the proposed structure can be constructed as planned, provided the recommendations presented in the geotechnical report are incorporated into the project plans and implemented during design and construction.

The proposed structural support would consist of a mega truss system supported by two columns. To accommodate the anticipated loading conditions, the mega truss should be supported by spread footings at least 13 by 13 feet square below the existing third basement level. If construction of the footings is not feasible due to site constraints, deep foundation (rock-socketed cast-in drill hole pile foundations, or micropiles) may be required.

Cast-in drill hole (CIDH) pile foundations (also known as drilled piers, drilled caissons and bored piles) are considered to be a feasible foundation alternative for this project. CIDH piles may range from 2 to 6 feet in diameter. Installing CIDH piles of greater than 4 feet in diameter would require heavy equipment (e.g. Bauer BG-40, 171 tons), which may not be feasible for this site location.

If the use of heavy equipment is not feasible, micropiles can be designed to provide foundation support. Micropiles consist of small-diameter (typically 6- to 14-inch-diameter), drilled concrete- or grout-filled shafts with steel bars or pipes embedded in the concrete or grout. Micropiles should be spaced at least four shaft diameters or 4 feet apart, whichever is greater. The actual bond strength should be designed by the contractor and verified by a load test program. It is recommended that a minimum of at least one performance load test be performed on a sacrificial micropile to confirm if the design capacities have been achieved.

The San Francisco Building Code ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the Department of Building Inspection (DBI) permit review process. Prior to issuing a building permit for the proposed project, the DBI would review the geotechnical report to ensure that the security and stability of adjoining properties and the subject property is maintained during and following project construction. Potential damage to structures from geologic hazards on the project site would be addressed through compliance with the San Francisco Building Code.

In light of the above, the proposed project would not result in a significant effect related to geology and soils.

Neighborhood Notification. A "Notification of Project Receiving Environmental Review" was mailed on December 26, 2013, to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. One letter was received from a law firm representing the Service Employees International Union – United Service Workers West (SEIU-USWW). The letter raised concerns related to historical architectural resources, air quality, greenhouse gas emissions, and subsoil contamination. These topics are addressed above. Other comments in the letter were not related to the physical impacts of the proposed project. One additional phone call was received in response to this notification from a commenter who objected to any development on the site.

Exemption Status. CEQA State Guidelines Section 15302, or Class 2, consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Class 2(b) includes replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. The proposed project would replace a four-story 37,234 sf retail structure with a three-story 23,470 sf retail structure on the same project site. Therefore, the proposed project is appropriately exempt under Class 2.

Conclusion. CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The project is located within the Kearny-Market-Mason-Sutter Conservation District but would not cause a substantial change in the significance of this historic district. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

Historic Resource Evaluation Response

Date January 21, 2014
Case No.: 2013.0628E
Project Address: 345 STOCKTON STREET (aka 300 POST STREET)
Zoning: C-3-R (Downtown Retail) District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0295/016
Date of Review: January 21, 2014 (Part II)
Staff Contact: Jeanie Poling (Environmental Planner)
(415) 575-9072
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PART I: HISTORIC RESOURCE EVALUATION

Buildings and Property Description

The subject property, in Assessor's Block 0295, Lot 016, on the west side of Stockton Street between Post and Sutter Streets, contains a 550,599-square-foot (sf) building complex with two above-grade components (a 35-story hotel structure fronting Stockton and Sutter Streets, and four-story 37,234 sf retail structure fronting Post Street), an elevated plaza between the two structures, and basement levels below the entire project site. The proposed project involves the current Levi's Store structure (300 Post Street) and the plaza. The property is identified as Category V (Unrated) in the Kearny-Market-Mason-Sutter Conservation District and is within a C-3-R (Downtown Retail) Zoning District and an 80-130-F Height and Bulk District.

The current Levi's Store structure (300 Post Street) is located at the northwest corner of Post and Stockton Streets, at the south end of the subject parcel. The building was constructed in conjunction with the Grand Hyatt Hotel in 1972 and was also designed by Skidmore, Owings, and Merrill, LLP (SOM). It was substantially altered from its original appearance in 1998 for its current tenant (Levi's). It is a three-story steel frame and reinforced concrete building that is triangular in plan, is clad with poured concrete scored in a rectangular grid, and has a flat roof surrounded by a parapet.¹

The primary (south) façade, facing Union Square, features five bays of plate glass that are three stories in height and separated vertically by four copper I-beams. The bays at the ground floor are delineated by a heavy horizontal metal I-beam and the primary entrance is located in the center bay and consists of two sets of double glass doors under a metal awning. The glass bays are framed to the sides and above by

¹ The building and plaza descriptions are excerpted from Page & Turnbull *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013).

scored poured concrete. The Levi's logo, designed like a clothing tag and placed vertically, is located at the easternmost end of the face between the second and third levels.

The northeast (rear) façade is angled diagonally at the Grand Hyatt Hotel plaza. The finishes at the rear are similar to the front of the building but the glass curtain wall is smaller and shorter and recessed with a horizontal metal I-beam separating the first and second levels (raised above the street by the plaza).

The Grand Hyatt Hotel plaza is located on the west side of Stockton Street between the subject building and the Grand Hyatt Hotel. The plaza was built in 1972 as part of the two-building complex as designed by SOM. The raised triangular plaza is accessed by a set of wide brick steps leading up from the sidewalk on Stockton Street, and contains potted plants. The focal point of the plaza is the circular fountain by San Francisco sculptor Ruth Asawa, located on the steps leading up to the plaza. The fountain, completed in 1973, is nearly flush with the top level of the plaza on the west side, and includes 41 individual plaques made of baker's dough cast in bronze. The plaques depict a history of the city, with iconic San Francisco destinations including Mission Dolores, the Golden Gate bridge, Nob Hill, the Palace of Fine Arts, Playland at Ocean Beach, and cable cars.

Pre-Existing Historic Rating / Survey

The subject property was previously evaluated in the San Francisco Architectural Heritage 1977-1978 Downtown Survey, as well as the 1976 Department of City Planning Architectural Quality Survey, and is a Category V (Unrated/non-contributing) property within the Kearny-Market-Mason-Sutter Conservation District designated pursuant to Article 11 of the Planning Code.

Neighborhood Context and Description

345 Stockton Street is located at the northeast corner of Union Square. The Union Square neighborhood is composed primarily of large masonry commercial and hospitality buildings.² Four solid block faces and corner buildings front onto Union Square. This area of the city was almost wholly destroyed after the 1906 Earthquake and Fire and around half of the buildings surrounding the park date from the period of reconstruction after the disaster with the most of the buildings constructed between 1907 and 1910. Several buildings around the square date from quarter- to mid-century, and a number are redevelopment projects from the later 1970s and 1980s. Predominant architectural styles are classical or Beaux-Arts and more recent modernist examples. With the exception of 340 Post Street (1923), which is adjacent to the subject property, all other buildings on this block of Post Street, including the subject property, date from the 1970s and 1980s.

The Kearny-Market-Mason-Sutter Conservation District is one of the few homogeneous collections of early Twentieth Century commercial architecture of its type in the United States.³ The District is characterized by "small-scaled, light-colored buildings predominantly four to eight stories in height..." and forms the "dense area at the heart of San Francisco's retail and tourist sectors, containing a concentration of fine shops, department stores, theaters, hotels, and restaurants." The District is further defined by the location of Union Square in its heart. Buildings within the district are described in Section 6 of Appendix E of Article 11 the Planning Code as follows:

² The Union Square neighborhood description is excerpted from Page & Turnbull *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013).

³ San Francisco Planning Code, Article 11, Section 5(d).

For the most part, building facades in the district are two- or three-part vertical compositions consisting either of a base and a shaft, or a base, a shaft and a capital. In addition, the facade of a building is often divided into bays expressing the structure (commonly steel and reinforced concrete) beneath the facade. This was accomplished through fenestration, structural articulation or other detailing which serves to break the facade into discrete segments. The massing of the structures is usually a simple vertically oriented rectangle, which is an important characteristic of the District. Almost without exception, the buildings in the Kearny-Market-Mason-Sutter Conservation District are built to the front property line and occupy the entire site.

The buildings are of small to medium scale with bay widths that range from 20 feet to 30 feet and heights that range from four to eight stories, although a number of taller buildings exist. The wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. The base is generally delineated from the rest of the building giving the District an intimate scale at the street.

Buildings are usually clad in masonry materials over a supporting structure. The cladding materials include terra cotta, brick, stone and stucco. The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown.

CEQA Historical Resource(s) Evaluation

Step A: Significance

Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.

Individual	Historic District/Context
<p>Ruth Asawa Fountain only Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:</p> <p>Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Criterion 3 - Architecture: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Period of Significance:</p>	<p>Kearny-Market-Mason-Sutter District Property is within a California Register Historic District/Context that is eligible for inclusion under one or more of the following Criteria:</p> <p>Criterion 1 - Event: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Criterion 3 - Architecture: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Period of Significance: approx. 1906-1930</p> <p>Property's status within the eligible district: <input type="checkbox"/> Contributor <input checked="" type="checkbox"/> Non-Contributor</p>

Based on the information provided by the Historic Preservation consultant, Page & Turnbull, Inc., and found in the Planning Department, Preservation staff concurs that the subject building (300 Post Street) does not appear individually eligible for inclusion on the California Register under any criteria. However, as the property is a non-contributor to a locally designated district, the district is an historical

resource for the purposes of CEQA evaluation.

Further, staff concurs that the Ruth Asawa fountain appears to qualify as individually eligible for the California Register as an object under Criteria 3 (Architecture).

To assist in the evaluation of the subject property and proposed project, the Project Sponsor has submitted the following consultant report:

- Page & Turnbull, Inc. *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013)
- Page & Turnbull, Inc. letter to Pilar LaValley, Preservation Technical Specialist, dated January 17, 2014, revised project analysis for the *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013)

The following is an assessment of the potential individual eligibility of the subject building (300 Post Street) and the Ruth Asawa fountain.

Criterion 1: Property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

To be eligible under the event Criterion, the building cannot merely be associated with historic events or trends but must have a specific association to be considered significant. Staff concurs with the Page & Turnbull report and finds that the subject building is not eligible for inclusion on the California Register individually under Criterion 1.

The 300 Post Street/345 Stockton Street complex was built during the early stages of a broader redevelopment trend of in the second half of the twentieth century that included the demolition of the City of Paris and Fitzhugh buildings surrounding Union Square. This project does not appear to have been the catalyst for development. Indeed, the square itself had been redesigned many times over the years. None of these trends appear to have made a significant contribution to patterns of local and regional historic in a manner that would make the subject building or complex eligible for listing in the California Register under this criteria.

Further, there appears to be no information to indicate that the Ruth Asawa fountain is associated with historic events or trends that would make it eligible for inclusion on the California Register individually under Criterion 1.

Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.

The 300 Post Street/345 Stockton Street complex and the Ruth Asawa fountain do not appear eligible for listing in the California Register under Criterion 2. No persons who have made significant contributions to local, state, or national history have been identified with the establishment or operation of the Grand Hyatt, Levi's Store, or any of the other hotel-associated uses and retail business that have occupied the subject property. Although Ruth Asawa was a well-known San Francisco sculptor and artist, her association with the fountain is most significant under Criterion 3.

Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

The 300 Post Street/345 Stockton Street complex does not appear eligible for listing in the California Register under Criterion 3. The buildings were completed in 1972 in a Corporate Modern style designed by noted architectural firm, Skidmore, Owings, and Merrill (SOM). Though sensitive to the scale of the surrounding historic commercial area, the site layout and massing are not remarkable enough to render the complex individually significant. Therefore, the complex does not appear to be exemplary as a type, period, or method of construction, nor does it exhibit high artistic value. The design of the complex and of the individual buildings and features does not rise to a level such that a 41-year old complex would be considered eligible for listing in the California Register.

The fountain, designed by San Francisco sculptor Ruth Asawa, does appear to be individually significant as an object and eligible for listing on the California Register. The fountain is significant for its high artistic values and association with Ruth Asawa. Asawa was commissioned for many public art projects throughout the Bay Area, including nine in San Francisco. She designed four fountains in San Francisco, as well as art in other mediums, and has been recognized and honored for her contributions to San Francisco's public spaces. The fountain at the Grand Hyatt complex has been an important part of the public space between the buildings and is highly visible on the busy block of Stockton Street. The fountain displays iconic scenes of specific to San Francisco, cast in bronze, and has been recognized for its accessibility for blind and visually impaired people to actually touch and feel. The fountain appears significant for its design and association with a master artist.

Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.

Based upon a review of information in the Departments records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. Neither the subject building nor the fountain are examples of rare construction types.

Step B: Integrity

To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

The fountain has retained from the period of significance noted in Step A:

Location:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Setting:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Association:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Feeling:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Design:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Materials:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Workmanship:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

The Ruth Asawa fountain retains integrity of location, design, materials, feeling, association, and workmanship. Integrity of setting has been somewhat compromised by alterations to the Levi's store. Overall, the Ruth Asawa fountain conveys its significance individually.

Step C: Character Defining Features

If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.

Fountain

The character-defining features of the fountain include the following:

- Installation within the stairs accessing the plaza
- Cast bronze panels
- Function as a fountain

Conservation District

The character-defining features of the district include the following:

- Rectilinear massing
- Two- or three-part vertical compositions
- Articulated bays
- Vertical orientation
- Built to property lines
- Masonry cladding in earth tones
- Fine details such as arches, columns, pilasters, projecting bracketed cornices, multiple belt-courses, elaborate lintels and pediments, and decorated spandrels.

CEQA Historic Resource Determination

Fountain

- Historical Resource Present
- Individually-eligible Resource
 - Contributor to an eligible Historic District
 - Non-contributor to an eligible Historic District

No Historical Resource Present

300 Post Street building

- Historical Resource Present
- Individually-eligible Resource
 - Contributor to an eligible Historic District
 - Non-contributor to an eligible Historic District

No Historical Resource Present

PART I: SENIOR PRESERVATION PLANNER REVIEW

Signature: _____

Tim Frye, Preservation Coordinator

Date: _____

1/21/14

PART II: PROJECT EVALUATION

PROPOSED PROJECT Demolition Alteration New Construction

PER DRAWINGS SUBMITTED: JANUARY 6, 2014 (FOSTER & PARTNERS)

PROJECT DESCRIPTION

The proposed project involves removal of the Levi's Store structure, construction of a new retail structure, and reconfiguration and renovation of the Grand Hyatt Hotel plaza. The proposed scope of work, based on the informational packet prepared by Foster + Partners and Page & Turnbull, submitted January 6, 2014, would include:

- Reconfiguring the triangular building to an L-shaped plan with the retail store holding the street corner and the back of house space ("Bar Building") as a narrow hyphen-type structure between the retail store and the adjacent building to the west along Post Street.
- Reducing the height of the retail store portion of the building from four- to two-stories (from approximately 63 feet to approximately 47.5 feet) and recladding the exterior. The retail portion of the building will have a clear span and cantilevered structural system to allow for a column-free area above grade and will be clad with bead blasted stainless steel panels and structural glass. At the Post Street (front) façade, stairs clad with gray terrazzo will lead to the slightly raised entrance; entrances will be at each end of the façade, and in the center of the façade when the operable glazing is in the open position. Full-height, powder-coated steel framing members will separate the large butt-glazed glass panels into six bays at the Post Street (front) façade. The center bays of the façade will be operable so they will slide open to create a full-height opening at the center of the façade. The steel-framed glazing is setback from a chamfered projecting frame clad with bead blasted stainless steel panels that extends to the property line at Post Street.

The Stockton Street façade will be clad with vertically-oriented, bead blasted metal panels with minimal construction joints. One full-height, slightly inset glazed bay articulates the wall. The rear elevation (facing into the reconfigured plaza) consists of full-height butt-glazed structural glass with glass support fins at interior.

- Recladding the back of house (Bar Building) building. The back of house portion of the building will be clad with cast stone panels articulated with regular horizontal joints suggesting belt or string coursing over the body of the building and more closely-spaced joints at the roofline to suggest a cornice detail. The Bar Building will have a solid gate at Post Street to provide vehicular access to existing loading docks, will be unfenestrated, and will support a water feature/wall at the east elevation facing onto the reconfigured plaza. A narrow inset clad with metal louvers transitions the retail store to the taller back-of-house portion of the building.
- Reconfiguring the triangular plaza into a rectangle increasing the plaza in size from 4,586 square feet to 6,059 square feet, and renovating it with new landscaping, lighting, seating, and paving.

- Retaining and relocating the fountain, designed by local artist Ruth Asawa. The fountain would be moved to a new location in the center of the stairs leading from Stockton Street to the renovated and expanded plaza.

PROJECT EVALUATION

If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.

Subject Property/Historic Resource: (Ruth Asawa fountain)

- The project will not cause a significant adverse impact to the historic resource as proposed.
- The project will cause a significant adverse impact to the historic resource as proposed.

California Register-eligible Historic District or Context:

- The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.
- The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

To assist in the evaluation of the subject property and proposed project, the Project Sponsor has submitted a consultant report:

- Page & Turnbull, Inc. *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013)
- Page & Turnbull, Inc. letter to Pilar LaValley, Preservation Technical Specialist, dated January 17, 2014, revised project analysis for the *300 Post Street/345 Stockton Street Historic Resource Evaluation* (August 15, 2013)

Staff has determined that the proposed project will not have a significant impact on the District or California Register-eligible fountain, and will generally be in conformance with the *Secretary of Interior's Standards for Rehabilitation (Secretary's Standards)* as explained below. As the proposed project would not result in a significant impact to historic resources, it is not anticipated to contribute to any potential cumulative impact to historic resources.

Replacement of 300 Post Street

Replacement of the existing above-grade retail structure at 300 Post Street will not have an adverse impact on the District, because the structure is, as explained above, non-contributory to the Kearny-Market-Mason-Sutter District.

New Building

The proposed building will have an L-shaped plan, consisting of a two-story retail store holding the street corner and a three-story back-of-house space between the retail store and the adjacent building to the west along Post Street. The building will have a flat roof. The retail portion of the building will have a

clear span and cantilevered structural system to allow for a column-free area above grade and will be clad with bead blasted stainless steel panels and structural glass. Stairs clad with gray terrazzo will lead to the slightly raised entrance; entrances will be at each end of the façade, and in the center of the façade when the operable glazing is in the open position. Full-height, powder coated steel framing members will separate the large butt-glazed glass panels into six bays at the Post Street (front) façade. The steel-framed glazing is setback from a chamfered projecting frame clad with metal panels that extends to the property line. The center bays of the façade will be operable so that they will slide open to create a full-height opening. The Stockton Street façade will be clad with vertically oriented, bead blasted metal panels with minimal construction joints. One full-height, slightly inset glazed bay articulates the wall. The rear elevation (facing into the reconfigured plaza) consists of full-height butt-glazed structural glass with full-height steel framing members that mirror those on the Post Street façade. A narrow, inset wall clad with metal louvers transitions the retail store to the taller back-of-house portion of the building. The back of house portion of the building will be clad with cast stone panels articulated with regular horizontal joints over the body of the building and closely-spaced joints at the roofline to suggest a cornice detail. The back of house portion of the building will have a solid gate at Post Street to provide vehicular access, will be unfenestrated, and will support a water feature/wall at the east elevation facing onto the reconfigured plaza.

Although of a lesser height than the existing building on this site, the proposed massing appears to be compatible with the District. The proposal reintroduces a rectilinear plan that extends to the property line at both Post and Stockton Streets, which characterizes buildings throughout the District. Although a taller building at the corner would be acceptable, there is no consistent height for such buildings facing onto Union Square as corner buildings facing the square range in height from three- to nine-stories. The proposed building height matches that of its immediate neighbor to the west, which is the only historic building along that block of Post Street, and provides a strong street wall massing at the Post and Stockton Street elevations. Overall, the proposed height and massing is consistent with the varied building heights found throughout the District, and as such appears to be in conformance with the *Secretary's Standards*.

The new construction proposes to respond to the character of the surrounding district in a contemporary manner. At the back-of-house portion of the building, incised joints in the cast stone paneling break up its mass in a manner similar to belt or string coursing and additional articulation at the roofline references cornice details found within the District in a contemporary manner. At the front (Post Street) façade of the retail portion of the building, the raised entrance and stairs emphasize the base of the building while the full-height steel framing members set within the projecting chamfered frame suggest a Classical colonnade in a contemporary idiom. The raised entrance and stairs help organize the elevation into a two-part composition with a base and shaft. The shaft is capped by the projecting metal frame in a manner that is consistent with projecting cornices typical of buildings within the District. The large windows are framed with full-height, powder coated steel members that articulate the façade into six bays with the end bays being differentiated by their reduced width and the location of the two main retail entrances. This emphasis on the end or center bays is a common compositional device in the District noted in the District designation. Although the steel framing members do not express the underlying structure of the building in this case, they do serve a structural purpose in supporting the weight of the large glass panels and for the full-height operable bays, which are proposed to slide open. In this sense, the steel framing members articulate the façade, emphasize the vertical composition, and express underlying structural requirements in a contemporary manner that is in conformance with the *Secretary's Standards for Rehabilitation (Secretary's Standards)* and that is compatible with the District.

At the Stockton Street façade, the frontage is broken into two parts with the inset full-height glazed bay. Emphasis on the vertical composition is made with the orientation and size of the metal panel cladding and with the glazed bay. The glazed bay divides this façade into two parts in a manner similar to historic buildings with wider frontages, which are broken up by articulation of the facade, making the buildings appear narrower. As divided, the Stockton Street frontage relates in width and proportion with buildings found within the District.

The back of house portion of the new building is proposed to be clad in Indiana Limestone cast stone panels. This cladding material and color appears to be compatible with the surrounding District in conformance with the *Secretary's Standards* as it is a stone material with a texture and color that is consistent with other masonry cladding found throughout the District. Although the metal panel cladding proposed on the retail store portion of the building is not a material that is typical of the District, the color and matte finish proposed appears to be compatible with the texture and tone of masonry found on surrounding buildings and throughout the District. The *Secretary's Standards* allow, or don't discourage, use of contemporary materials provided they are "harmonious" with the surrounding character. Although it is not a typical cladding material found within the District, the proposed metal paneling will not be reflective and will have a matte finish such that it will not be disruptive to the character of the District.

Plaza and fountain

In addition to construction of the new building, the project also proposes to reconfigure and renovate the existing Grand Hyatt Hotel Plaza (shown in plan on Page 57). Along with the newly reconfigured building, the shape of the plaza will change from triangular to rectangular. New stairs will encircle the slightly relocated Ruth Asawa fountain to lead to the raised plaza; the manner in which the fountain and existing stairs are constructed will be documented during demolition so that the relocated fountain can be reinstalled to match the existing relationship with the stairs as closely as possible. The tree-lined east-west paved (Kuppam Green stone pavers) plaza will consist of a paved open space lined with concrete benches and large planter boxes (Kuppam Green stone for both benches and planters). Examples of the proposed finishes are depicted in photographs on Pages 72-73 of the Project Sponsor Packet. The open space will terminate at the proposed water feature/wall affixed to the east elevation of the back-of-house portion of the new building. Lighting fixtures will consist of recessed wall step lights, recessed bench lights, floor recessed lights, and uplights at the proposed trees. Proposed fixtures are shown on Pages 73 and 78-79 of the Project Sponsor Packet. The Ruth Asawa fountain will be photo-documented in situ and carefully removed from its existing location, protected, and stored during construction in conformance with the *Secretary's Standards*. When the site is ready, the fountain will be reinstalled approximately 10 feet from its existing location in a manner that matches existing as closely as possible in conformance with the *Secretary's Standards*.

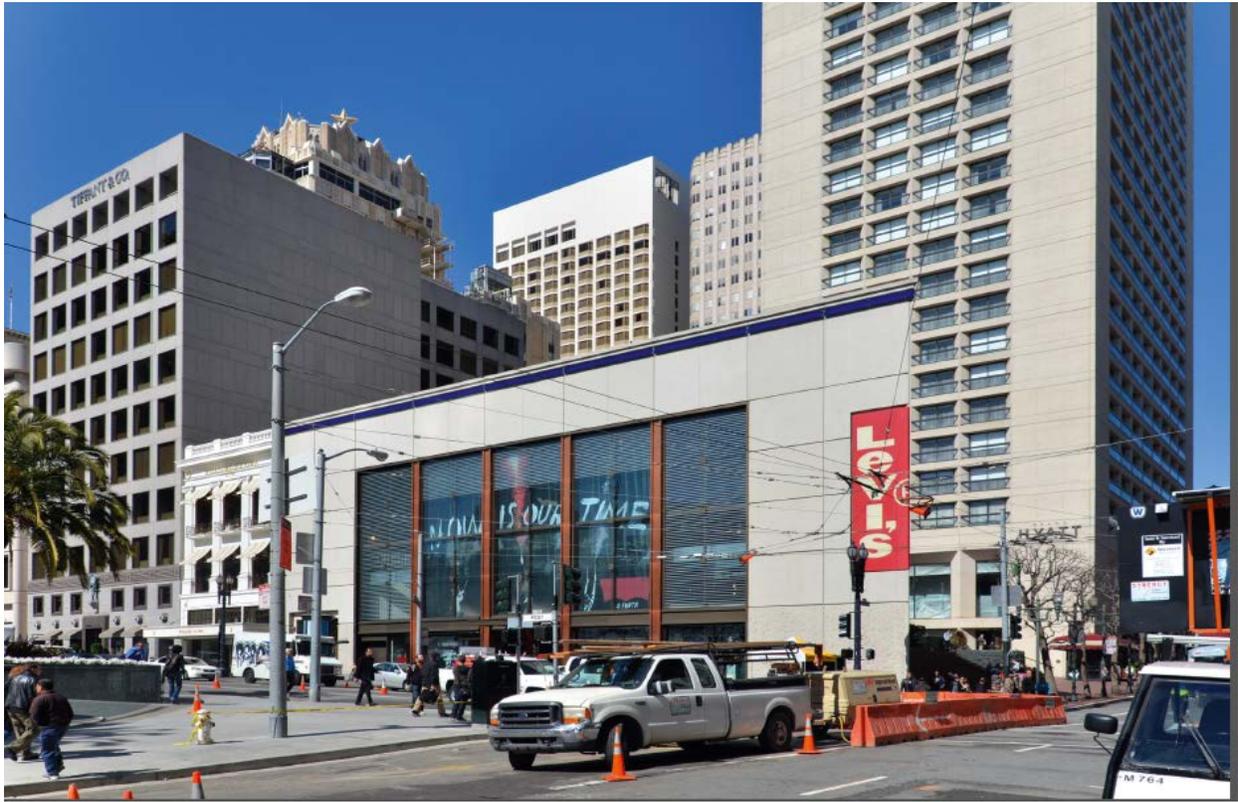
While there are no specific requirements for open spaces within the Conservation District, the proposed reconfiguration of the plaza appears to be designed in a manner that will improve the compatibility of plaza with the District. The rectilinear space will be more consistent with the pattern and shape of buildings in the district. The proposed stone paving and simple landscaping appears to be compatible with the character of the District and in conformance with the *Secretary's Standards*.

PART II: SENIOR PRESERVATION PLANNER REVIEW

Signature:  _____
Tim Frye, Preservation Coordinator

Date: 1/21/14

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File
Elizabeth Watty, Current Planner



300 Post Street/345 Stockton Street



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 17, 2013

TO: Rick Millitello, Project Sponsor

CC: Historic Preservation Commission
Jeanie Poling, Environmental Planner
Elizabeth Watty, Current Planner

FROM: Pilar LaValley, Preservation Technical Specialist
(415) 575-9084

REVIEWED BY: Architectural Review Committee of the
Historic Preservation Commission

RE: **Meeting Notes from Review and Comment at the
December 4, 2013 ARC-HPC Hearing for 345 Stockton Street**

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CA 94103-2479

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At the request of the Planning Department, the proposed removal of the existing Levi's Store building, construction of a new retail building, and reconfiguration and renovation of the Grand Hyatt Hotel plaza at 345 Stockton Street were brought before the Architectural Review Committee (ARC) for review and comment.

At the ARC meeting, the Planning Department requested review and comment regarding conformance of the proposed design with the *Secretary of the Interior's Standards* and with Article 11, Appendix E, Section 7 (Additional Standards and Guidelines for Review of New Construction and Certain Alterations). Specifically, the Planning Department sought comments on the composition and massing, scale, materials and colors, design and ornamentation of the proposed new construction, and on reconfiguration and rehabilitation of the plaza and Ruth Asawa fountain.

Planning Department Preservation Staff has prepared a summary of the ARC comments from that meeting.

ARC COMMENTS

- 1. Plaza and fountain.** All three of the Commissioners expressed their support for the proposed reconfiguration and rehabilitation of the plaza. They all indicated that the proposed design, materials, and features would be a big improvement over the current plaza plan and would be compatible with the character of the surrounding District. Further, they found that the proposed treatment of the fountain during construction, and relocation within the reconfigured plaza, was appropriate.
- 2. New Building.** All three Commissioners were complimentary of the proposed design but were concerned about its compatibility with the District. The Commissioners also stated that the compatibility analysis provided by the Project Sponsor did not appropriately address features of the District. Commissioners Hyland and Pearlman stated that they did not believe that the proposed design was compatible with the District. Commissioner Hyland questioned that since the design is not compatible with the district why not make the argument that it doesn't need to

be compatible. Commissioner Wolfram stated that the current proposal did not appear compatible with the District, but with issues of scale addressed it could be.

3. **Composition and Massing.**

- **Composition.** All three Commissioners indicated that the proposal did not adequately address the two- or three-part composition that was characteristic of buildings within the District. The emphasis on base, interior mezzanine, and roofline was not an effective means of breaking up the composition into a two- or three-part composition consistent with the District. Commissioner Hyland noted that due to the expanse of glass and the focus on transparency, the building “dissolves” so that there can be no real multi-part composition.
- **Massing.** Commissioners Wolfram and Hyland stated that the proposed rectilinear plan of the new building addresses the corner in a more resolved manner than the existing triangular building, but still not as well as it could. Commissioner Wolfram noted that if pedestrian experience is the focus of the new building, then the massing is appropriate. Commissioner Hyland expressed concern that height at corner was too low given other more massive corner buildings in the vicinity and that the proposed massing had no relationship to other corner buildings on Union Square. Commissioner Pearlman noted that he did not believe that the proposed design holds the corner at all.

4. **Scale.** All three Commissioners expressed concerns about the scale of the building and its features. Commissioner Wolfram noted that he would like the building to have more of sense of scale/texture and was concerned that the glass fins would not be visible (and would not break up the scale of the façade as proposed) due to glare/reflection from the glazing. Commissioner Wolfram also stated that the building lacks any sense of scale. Commissioner Pearlman stated that the breakdown of the glass façade with the glass fins would only work when viewed head on.

Commissioner Hyland noted that the addition of the glazed bay on Stockton was an improvement to the design but that he still finds this wall too blank and lacking in scale. Commissioner Pearlman agreed that there was a lack of pedestrian interest along the long blank stretch of the Stockton façade. Commissioner Pearlman also expressed concern about the solidity of the Stockton façade at the corner. Commissioner Pearlman said something additional is needed at the Stockton façade, possibly slot windows and a break at the corner. Overall, the Commissioners indicated that they did not believe that the scale of the proposed building was compatible with the District and that they would like to see a greater sense of scale and texture to the building. Commissioner Wolfram noted that perhaps there could be buildings considered “jewel boxes” within district but that these are often midblock and to be considered in this vein the proposed building still needs more scale.

5. **Materials and Colors.** Commissioner Wolfram stated that the proposed materials and color palette were appropriate. Commissioner Pearlman noted that he had seen examples of masonry utilized in a very crisp and precise manner and suggested that such an approach would be more appropriate for this project.

6. **Detailing and Ornamentation.** Commissioner Wolfram stated that the simple modern detailing and ornamentation of the proposed new construction appeared appropriate. Commissioners Hyland and Pearlman did not make specific comments regarding this issue.

San Francisco Planning Code

SEC. 6. FEATURES.

The exterior architectural features of the Kearny-Market-Mason-Sutter Conservation District are as follows:

(a) **Massing and Composition.** The compositions of the building facades reflect the different architectural functions of the building. For the most part, building facades in the district are two- or three-part vertical compositions consisting either of a base and a shaft, or a base, a shaft and a capital. In more elaborate designs, transitional stories create a stacked composition, but the design effect is similar.

In addition, the facade of a building is often divided into bays expressing the structure (commonly steel and reinforced concrete) beneath the facade. This was accomplished through fenestration, structural articulation or other detailing which serves to break the facade into discrete segments. A common compositional device in the District is an emphasis placed upon either the end bays or the central bay.

The massing of the structures is usually a simple vertically oriented rectangle with a ratio of width to height generally from 1:2 to 1:4. This vertically oriented massing is an important characteristic of the District. In addition, continuous streetwall heights are a characteristic of most blockfronts.

Almost without exception, the buildings in the Kearny-Market-Mason-Sutter Conservation District are built to the front property line and occupy the entire site. Where buildings have not followed this rule, they do not adequately enclose the street. The massing of structures often reflects unique or prominent site characteristics. Corner buildings often have rounded corner bays to express the special requirements of the site and to tie its two blockfronts together.

(b) **Scale.** The buildings are of small to medium scale. The bay width is generally from 20 feet to 30 feet. Heights generally range from four to eight stories on lots 40 feet to 80 feet wide, although a number of taller buildings exist. The wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. The base is generally delineated from the rest of the building giving the District an intimate scale at the street.

(c) **Materials and Colors.** Buildings are usually clad in masonry materials over a supporting structure. The cladding materials include terra cotta, brick, stone and stucco. Wood, metal and metal panels are not facade materials, although painted wood and metal are sometimes used for window sash and ornament.

The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color.

To express the mass and weight of the structure, masonry materials are used on multidimensional wall surfaces with texture and depth, which simulates the qualities necessary to support the weight of a load-bearing wall.

(d) **Detailing and Ornamentation.** This area has been the heart of the retail district since it was reconstructed after the fire. Buildings use the expression of texture and depth on masonry material (e.g., rustication, deep window reveals) to simulate the appearance of load-bearing

walls. The buildings are not constructed in a single style, but with ornament drawn from a variety of historical sources, primarily Classical and Renaissance. Gothic detailing is also well represented. Popular details include, arches, columns, pilasters, projecting bracketed cornices, multiple belt-courses, elaborate lintels and pediments, and decorated spandrels. Details were used to relate buildings to their neighbors by repeating and varying the ornament used in the surrounding structures.

(Added Ord. 414-85, App. 9/17/85)

SEC. 7. STANDARDS AND GUIDELINES FOR REVIEW OF NEW CONSTRUCTION AND CERTAIN ALTERATIONS.

(a) All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111 through 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this Appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) The guidelines in this Subsection are to be used in assessing compatibility.

(1) **Composition and Massing.** Although the District is quite large and contains a wide variety of building forms, new construction should maintain its essential character by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory Buildings. The height and massing of new buildings should not alter the traditional scale of existing buildings, streets and open spaces. In addition to the consideration of sunlight access for the street, an appropriate streetwall height is established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings. If the adjacent buildings are of a significantly different height than the rest of the buildings on the block, then the prevailing height of buildings on the block should be used as a guide. A setback at the streetwall height can permit additional height above the setback without breaking the continuity of the street wall.

Most existing buildings are built to the property or street line. This pattern, except in the case of carefully selected open spaces, should not be broken since it could damage the continuity of building rhythms and the definitions of streets.

The standard proportions of new buildings should be established by the prevailing streetwall height and width of lots. To ensure that an established set of proportions is maintained, it is necessary to break up the facades of new buildings into smaller sections that relate to those existing proportions. The use of smaller bays and multiple entrances are two ways of relating the rhythm of a new building with those of historic buildings.

The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions. A base element is necessary to define the pedestrian environment. This division of a building allows flexibility in the design of the ground story while encouraging a uniform treatment of the upper stories.

(2) **Scale.** A major influence on scale is the degree to which the total facade plane is broken into smaller parts (by detailing, fenestration, bay widths) which relate to human scale. While department stores and hotels are of a medium scale, the traditional pattern for the District has consisted of small scale buildings. The existing scale of the buildings in the vicinity should be maintained. This can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing in regards to surrounding buildings, continuance of existing bay widths, maintenance of an existing streetwall height, and incorporation of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of detailing and textural variation.

Existing fenestration (windows, entrances) rhythms and proportions which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by Significant and Contributory structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible.

(3) **Materials and Colors.** The use of like materials can relate two buildings of obviously different eras and styles. Similarly, the use of materials that appear similar (such as substituting concrete for stone) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, stone, and concrete (simulated to look like terra cotta or stone).

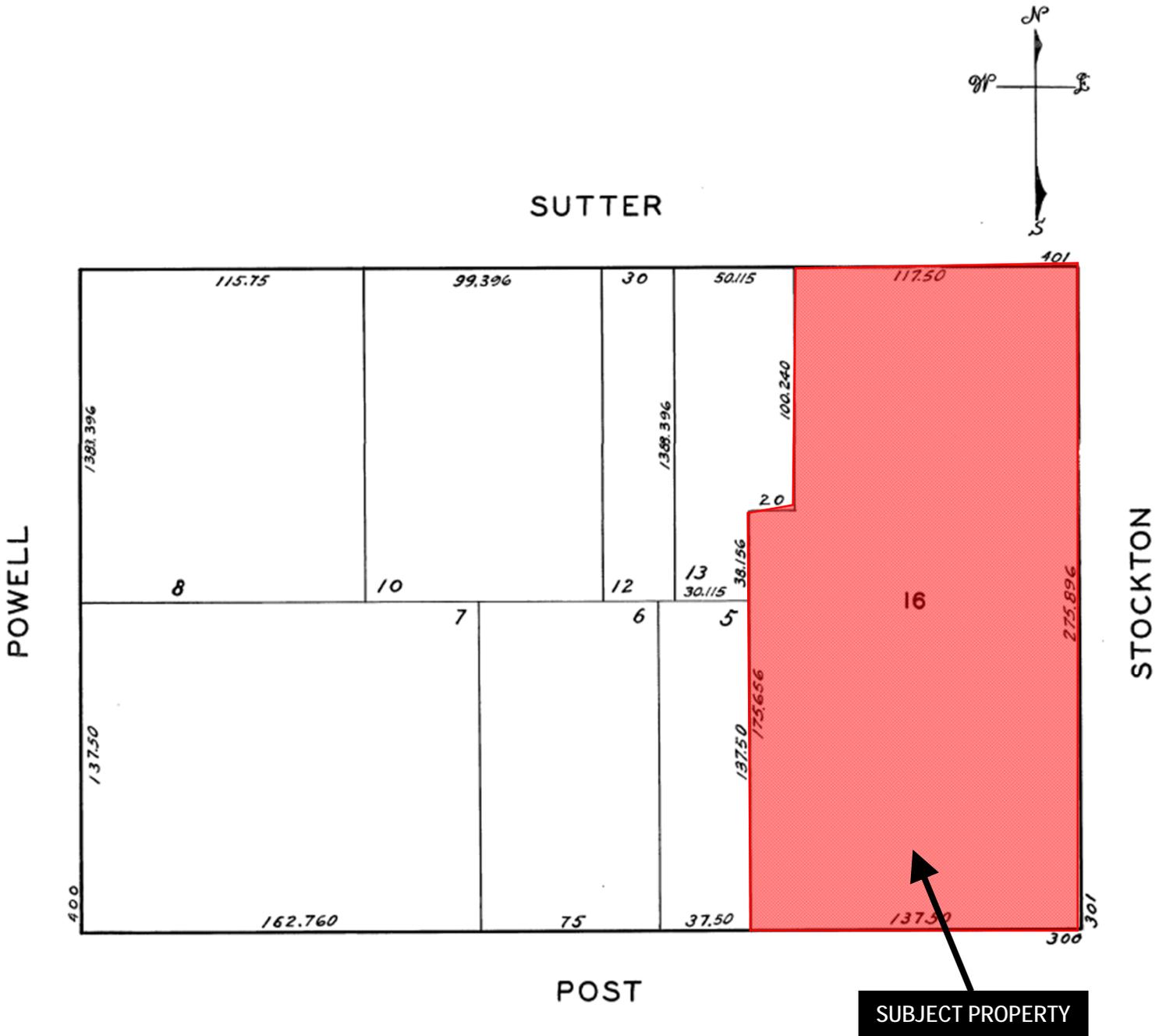
The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done in rustication on historic buildings.

Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

(4) **Detailing and Ornamentation.** A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. Since the District has one of the largest collections of finely ornamented buildings in the City, these buildings should serve as references for new buildings. Detailing of a similar shape and placement can be used without directly copying historical ornament. The new structure should incorporate prevailing cornice lines or belt courses and may also use a modern vernacular instead of that of the original model.

(Added Ord. 414-85, App. 9/17/85)

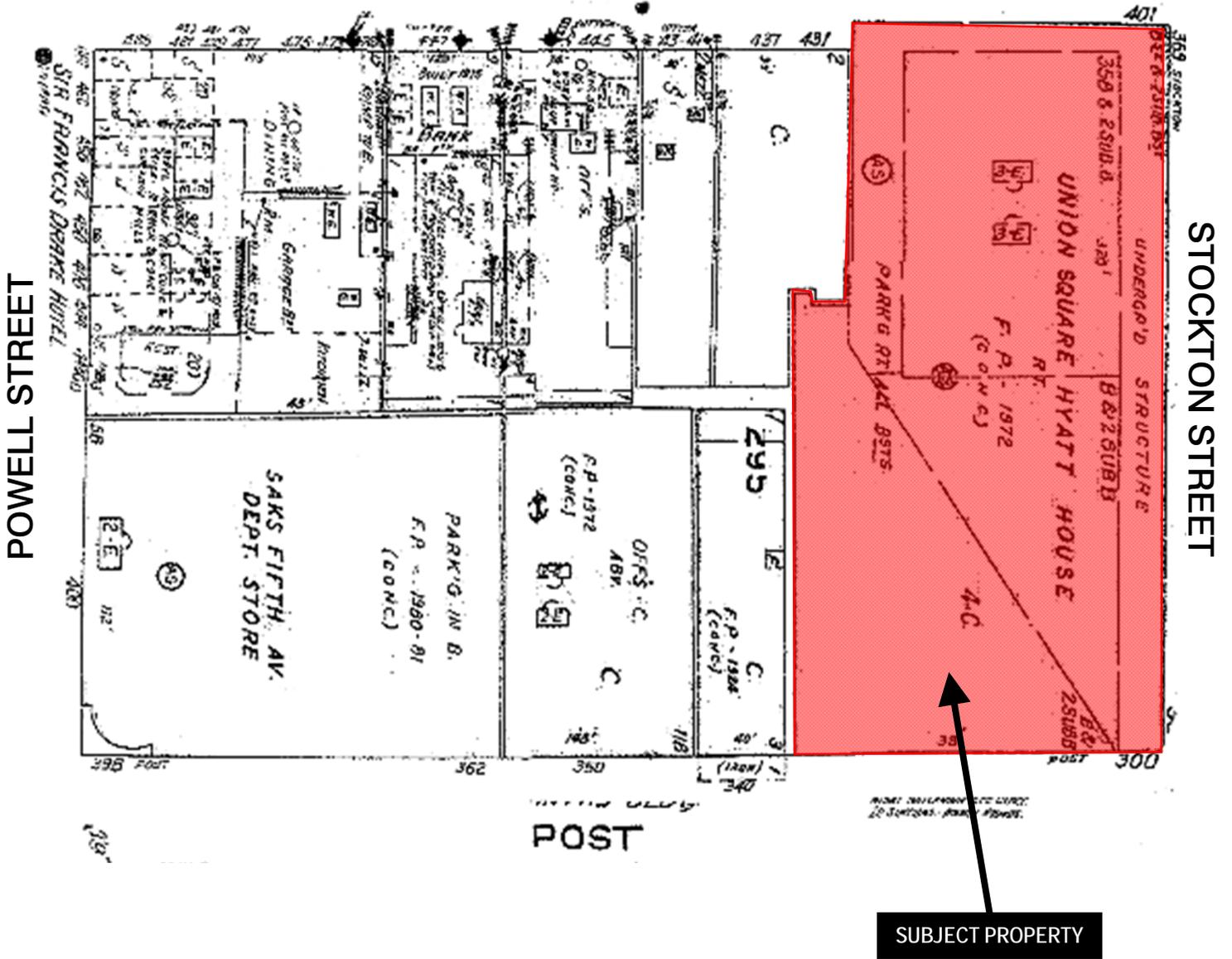
Parcel Map



Major Permit to Alter
Case Number 2013.0628EHUVX
Proposed Apple, Inc. Retail Store
300 Post Street (aka 345 Stockton Street)

Sanborn Map*

SUTTER STREET

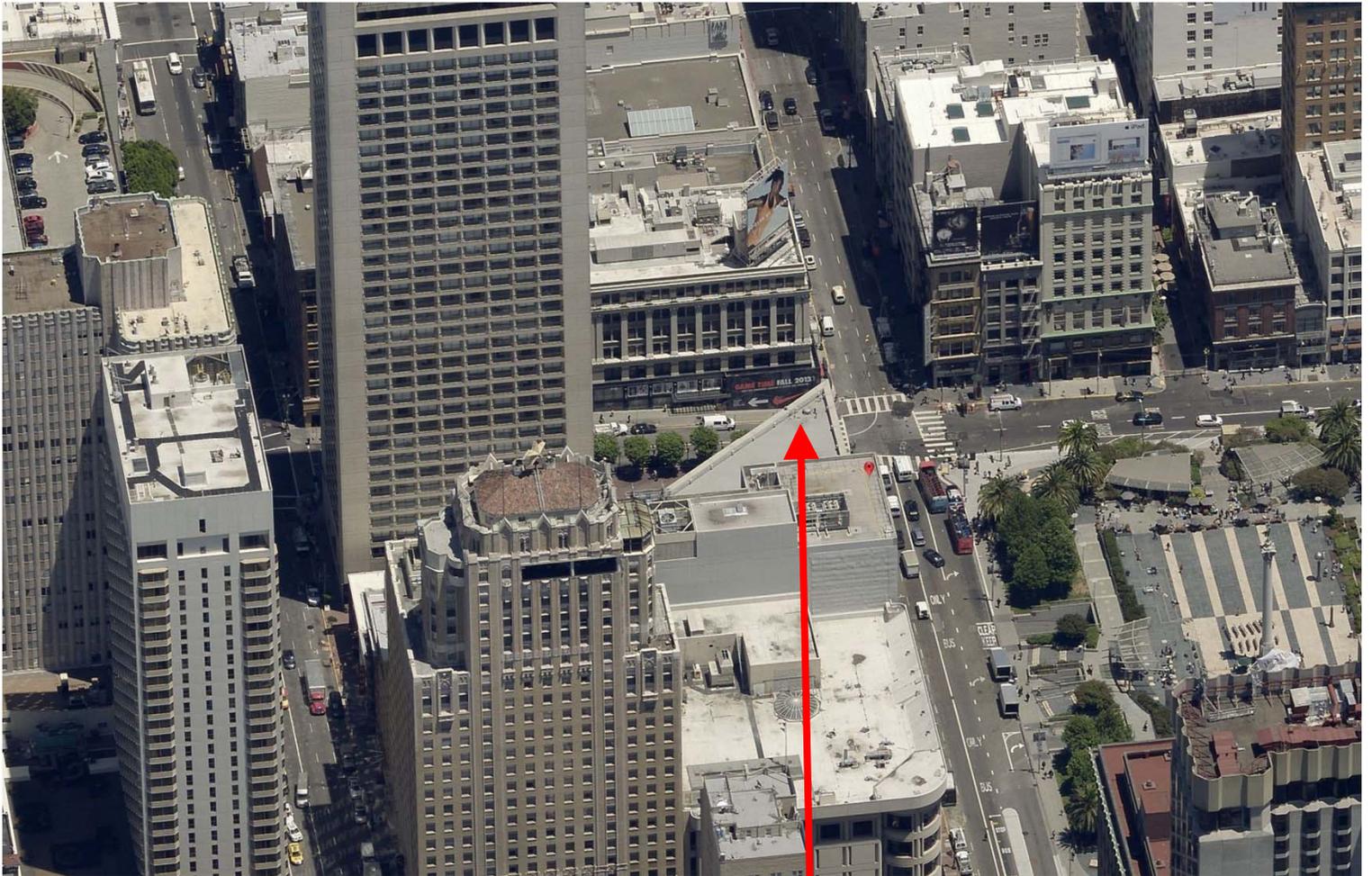


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Major Permit to Alter
Case Number 2013.0628EHUVX
Proposed Apple, Inc. Retail Store
300 Post Street (aka 345 Stockton Street)

Aerial Photo



SUBJECT PROPERTY



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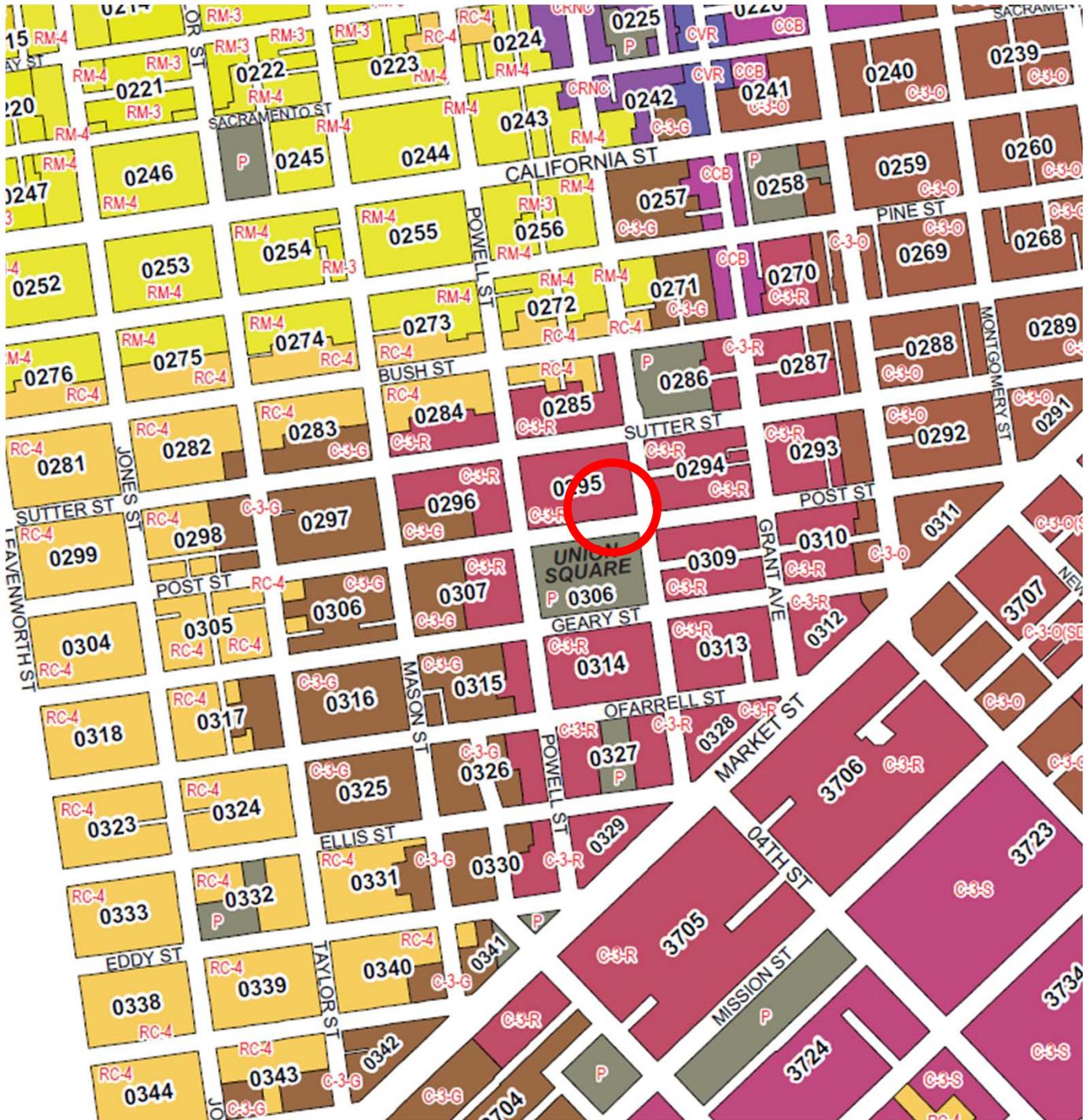


SUBJECT PROPERTY



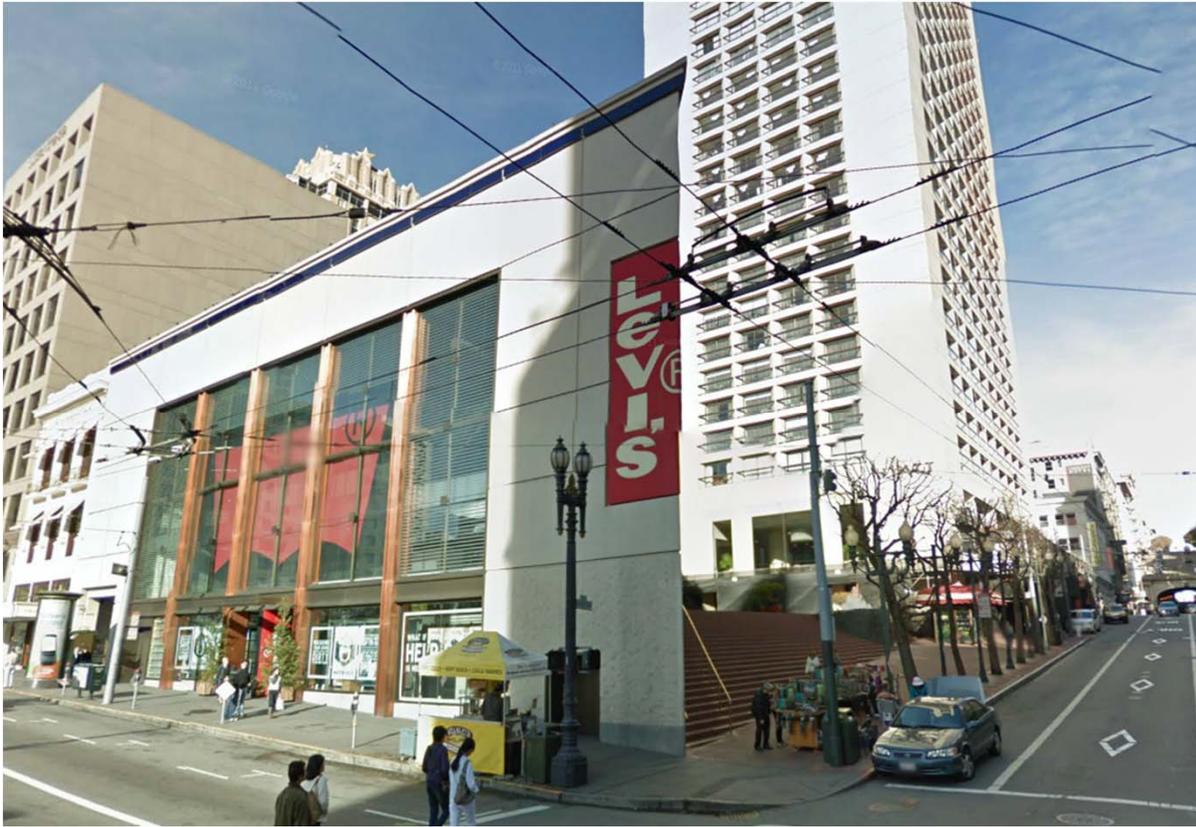
Major Permit to Alter
Case Number 2013.0628EHUVX
Proposed Apple, Inc. Retail Store
300 Post Street (aka 345 Stockton Street)

Zoning Map



Major Permit to Alter
Case Number 2013.0628EHUVX
Proposed Apple, Inc. Retail Store
300 Post Street (aka 345 Stockton Street)

Site Photos



Major Permit to Alter
Case Number 2013.0628EHUVX
Proposed Apple, Inc. Retail Store
300 Post Street (aka 345 Stockton Street)



January 27, 2014

Dear Members of the Historic Preservation Commission:

The Union Square Business Improvement District is dedicated to making the Union Square area clean, safe and vibrant. We are a membership organization of property owners, and as such, support efforts of our property owners to make investments in their respective properties which in turn contribute to the vitality of the district.

The Apple design team presented their plans for the new store at Post and Stockton to our Streetscapes Committee on September 27, 2013. I also further studied the revised plans for the building and the adjacent plaza and had followed John King's commentary in the San Francisco Chronicle regarding the Ruth Asawa fountain and the "wall" along Stockton which were critiques in the first design.

The Union Square BID appreciates how the Apple design team addressed these issues. It is our understanding that the steel panels along Stockton Street have now been redesigned with an 8-foot-wide glass window that will break up the "wall", create some visual interest and add interior light.

Secondly, the Ruth Asawa fountain which created some controversy by suggesting that it might be relocated has now been reconfigured into the design of the plaza and will only be moved ever so slightly. In addition, by adding an entrance off of this plaza to the second level of the store and by adding some seating to the plaza this development will activate and revitalize this underutilized space.

The relocation of the current Apple Store from 1 Stockton to this new site will perhaps most importantly pull some of the retail energy and vibe north toward Union Square Park which is more in the center of the Union Square district. This will have the positive impact of benefitting other businesses in the Union Square area because shoppers will be drawn in this direction.

For all of these reasons we are in support of the new Apple Store project.

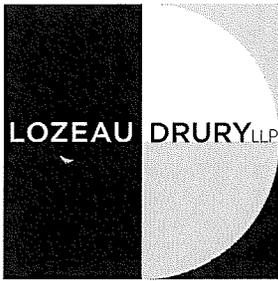
Sincerely,

A handwritten signature in blue ink that reads "Karin Flood". The signature is written in a cursive, flowing style.

Karin Flood, Executive Director
Union Square Business Improvement District

UNION SQUARE BUSINESS IMPROVEMENT DISTRICT

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Via E-Mail and U.S. Mail

Jeanie.poling@sfgov.org;
Elizabeth.watty@sfgov.org

January 9, 2014

Jeanie Poling
Elisabeth Watty
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Comments on Environmental Review
300 Post St./345 Stockton St.
Case No. 2013.0628E

Dear Ms. Poling and Ms. Watty:

This Office respectfully writes on behalf of the Service Employees International Union – United Service Workers West (“**SEIU-USWW**” or “**Commentor**”). SEIU-USWW appreciates the opportunity to provide environmental comments on the referenced Apple Retail Store at 300 Post St./345 Stockton St. (“**Apple Store**” or “**Apple Project**”), in the heart of the Union Square area. Commentor specifically is providing these comments in response to the Planning Department’s “Notification of Project Receiving Environmental Review” that requested public comment on environmental “concerns” by January 9, 2014.

We are informed that the Apple Project, which will require Planning Commission and Zoning Administrator discretionary approvals and a fenestration variance, will be set for hearing on February 6, 2014.¹ Given this timeline, it appears that the Planning Department plans to proceed under a California Environmental Quality Act (“**CEQA**”) exemption, as the minimum timelines for a CEQA negative declaration or environmental impact report (“**EIR**”) certainly cannot be satisfied in time for a February 6, 2014 hearing.

¹ This hearing was originally set for January 16, 2014.

SEIU-USWW is extremely concerned about any CEQA exemption for the Apple Project, and believes that an exemption would violate CEQA for several reasons.

First, it seems the Planning Department is prejudging the CEQA review before it considers environmental comments from the public, including this comment, as requested in the Planning Department's "Notification of Project Receiving Environmental Review" that solicited such public comment by January 9, 2014. How can a hearing be set for February 6, 2014 -- in less than 30 days -- before the Planning Department has a *bona fide* chance to read the public's environmental comments? This is improper and "puts the cart before the horse." The hearing must be continued; otherwise, the record will evidence a clear intent to disregard public comment and prejudge the Apple Project as CEQA-exempt in violation of CEQA. San Francisco should not give special favors to a large technology firm at the expense of a legitimate public process for its residents.

Second, the Apple Project does not qualify for any CEQA exemption. As set forth herein and in the expert comments submitted herewith, there is a "fair argument" of environmental impacts caused by the Apple Project, including but not limited to environmental hazards, air quality and historic resource/land use impacts. Such a "fair argument" of environmental impacts generally requires an EIR. See *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1016-1017. In fact, on December 4, 2013, the Apple Project was presented to the Architectural Review Committee of the Historic Preservation Commission, which expressed serious concerns about the compatibility and scale of the Apple Project within the Union Square area. This Project, facing the heart of the City's beloved commercial district at Union Square, presents "unusual circumstances."

Proceeding with a CEQA exemption would short-circuit careful and methodical evaluation and mitigation of many environmental impacts concerning the Apple Project including, but not limited to, the following:

- Aesthetics and architectural scale and compatibility, including pedestrian circulation and historic impacts
- Air emissions, energy efficiency, greenhouse gas emissions, water conservation and waste diversion standards
- Potential subsoil contamination
- Significant impacts on MUNI and other transportation infrastructure
- Maintaining critical bird habitat and limiting bird strikes
- Assuring legal and adequate compensation and benefits for the increased numbers of both direct and contracted employees working at the site

Third, a CEQA exemption would impermissibly continue the ongoing failure to install the overdue observation deck mitigation at the Apple Project location. Years ago, extra Floor Area Ratio (“**FAR**”) density was allowed at the site. In exchange for the additional FAR, various public benefits were provided. One of the public benefits was the requirement to build an observation deck. *This observation deck was never built, although the related development bonuses were used.* This is improper under CEQA. An agency breaches a mandatory duty when it fails to comply with prior mitigation measures. [*Katzeff v. Dept. of Forestry* (2010) 181 Cal.App.4th 601, 611, 614.] That is the case here, where the Planning Department admits that the site failed to install the observation deck required as part of the increased density. Before exempting the Apple Store from environmental review, the Planning Department must review the requirement for the observation deck. This is a key public amenity, and it must not continue to be ignored and discarded. [See *Lincoln Place Tenants v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1507-1508 (“[h]aving placed these conditions . . . the city cannot simply ignore them. Mitigating conditions are not mere expressions of hope”).]

Fourth, the Planning Department’s environmental review of the Apple Store must also include the pending “Amendments to Planning Code to Allow Non-Complying Floor Area Ratio,” Case No.: 2013.1695T [Board File No. 13-1059] which seeks to allow non-complying FAR in the C-3-R Zoning District (“**FAR Legislation**”). As documented herein, it is readily apparent that this FAR Legislation has been proposed to expedite and “spot-legislate” the Apple Project. Without the FAR Legislation, the Apple Project is considered non-complying as it has a FAR of 15.3:1, whereas the current Code allows for a maximum FAR of 9:1. While the FAR Legislation may apply to several sites in the C-3-R Zoning District, the Staff Report for the December 19, 2013 hearing on the FAR Legislation admits that “[t]he Apple store project would require the approval of this Ordinance in order to be approved.”

This FAR Legislation is a CEQA Project, under 14 Cal.Code Regs. § 15378(a)(1) (“**CCR**” or “**CEQA Guidelines**”) that expressly confirms that CEQA projects include “enactment and amendment of zoning ordinances,” including the pending FAR Legislation. The CEQA study of such zoning ordinances must include analysis of “the secondary effects that can be expected to follow from the adoption, or amendment.” [*FUTURE v. Board of Sups. of El Dorado County* (1998) 62 Cal.App.4th 1334, 1335.] Expert comment submitted herewith shows there is a “fair argument” that the FAR Legislation, including 38 sites, will have the potential for extremely significant and serious impacts to historic resources in Union Square and the Kearny-Market-Mason-Sutter Street Conservation District.

The FAR Legislation must be analyzed now under CEQA, along with the Apple Project, because it is an “essential step” in a process that will foreseeably

lead to the Apple Project. CEQA requires environmental factors to be considered at the “earliest possible stage . . . before [the project] gains irreversible momentum,” [*Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263, 277], “at a point in the planning process where genuine flexibility remains” [*Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.] Also, a CEQA project is defined as the whole of an action, and a public agency generally may not segment or “piecemeal” a project into several pieces to avoid full disclosure of environmental impacts. [See *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1231.]

We prepared these comments with the assistance of experts Matt Hagemann, P.G., C.Hg., a licensed professional geologist, and Katherine T. Petrin, an architectural historian and preservation planner. Their comments are attached to this comment letter as Exhibits A and B. As a matter of law under CEQA, “substantial evidence includes . . . expert opinion.” [Pub. Res. Code § 21080(e)(1); 14 CCR § 15064(f)(5).] Where experts present conflicting evidence on the extent of the environmental effects of a project, the agency must consider the environmental effects to be significant and prepare an EIR. [14 CCR § 15064(f)(5); *Pocket Protectors v. Sacramento* (2003) 124 Cal.App.4th 903, 935.]

In sum, a rushed, CEQA-exempt environmental process for the Apple Project is not how proper planning occurs. There is a “fair argument” that the Apple Project, and its accompanying FAR Legislation, will have significant impacts on the residents of San Francisco, including SEIU-USWW members. They, and indeed all San Franciscans, deserve the best, most sustainable Apple Project and FAR Legislation under CEQA and local law.

Commentor SEIU-USWW therefore respectfully requests that the Planning Department defer any hearing pending complete CEQA review of the Apple Project and FAR Legislation in an EIR. More thoughtful analysis and comment is needed, as CEQA is designed, and required, to provide. Commentor also respectfully reserves the right to submit additional legal and expert comment at future hearings on the Apple Project and FAR Legislation, including the fenestration variance under Planning Code Section 145.1, once the Planning Department makes any CEQA recommendations or determinations on these projects. [See *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916 (strict interpretation of findings needed to allow variance); *Ross v. City of Yorba Linda* (1991) 1 Cal.App.4th 954 (unlawful spot-zoning).]

I. Commentor SEIU-USWW's Standing And Exhaustion Of Remedies

SEIU-USWW represents thousands of property service workers across California, including approximately 8,500 security officers. SEIU-USWW and its sister local unions have many members, including public sector and healthcare workers, who reside and work in San Francisco. SEIU-USWW union standards include provisions on living wages, worker and environmental safety, access to healthcare, paid sick days, training, and dispute resolution procedures that have resulted in better retention and labor conditions among signatories, and a better quality of life for security officers and their families.

An important part of SEIU-USWW's ongoing advocacy involves participating in and, where appropriate, challenging projects that would result in harmful environmental effects, or the violation of environmental laws, to the detriment of the interests of SEIU-USWW's members. Workers often suffer environmental impacts that are more severe than the general population.

As a result, SEIU-USWW is a stakeholder in the Apple Project and FAR Legislation, and worker and labor organizations like SEIU-USWW have a long history of engaging in the CEQA process to secure safe working conditions, reduce environmental impacts, and maximize economic benefits. The courts have held that "unions have standing to litigate environmental claims." [*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.]

This comment letter therefore is made to exhaust remedies under Pub. Res. Code § 21177 concerning the Apple Project and FAR Legislation, and incorporates by this reference all written and oral comments submitted on the FAR Legislation and Apple Project by any commenting party or agency, including but not limited to the written and oral comments submitted at the December 19, 2013 Planning Commission hearing on the FAR Legislation. It is well-established that any party, as SEIU-USWW here, who participates in the administrative process can assert all factual and legal issues raised by any commenting party or agency. [*Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875; *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1263.]

II. The Apple Store Project Description And Connection To The FAR Legislation

Proposed in May 2013, the Apple Project is to demolish the existing 35,930 sq. ft. Grand Hyatt/Levi's Store Building at 300 Post Street and to construct from the ground up a new 23,470 sq. ft. Apple retail store. Proposed exterior work includes reconfiguring the building to an L-shaped plan, reducing

the building height, recladding the building, and reconfiguring the existing plaza between the existing building and Grand Hyatt Hotel building, including relocating and reinstalling the Ruth Asawa fountain. The retail portion of the new building is proposed to have structural glass facades behind framed overhangs and be clad in bead blasted stainless steel panels. These will require a fenestration variance under Planning Code §145.1. The back of house portion of the new building is proposed to be clad with cast stone panels.

The Project is considered non-complying as it has a FAR of 15.3:1, whereas the current Code allows for a maximum FAR of 9:1 in that location. On December 4, 2013, the Apple Project was presented to the Architectural Review Committee of the Historic Preservation Commission, which expressed serious concerns about the compatibility and scale of the Project within the Union Square area. These concerns, discussed below, are memorialized in Meeting Notes dated December 17, 2013 and attached hereto as Exhibit C.

The Planning Department's June 23, 2013 Preliminary Project Assessment for the Apple Project, attached as Exhibit D, confirms that "[s]ince the noncomplying issue relating to this project is the FAR, a portion of the building cannot be demolished and rebuilt, since the rebuilt portion of the building will still exceed the permitted FAR allowed under today's Code, albeit to a lesser extent. In order for the project to move forward, a legislative change is needed."

Of note with regard to FAR and density issues at the site, the June 23, 2013 Preliminary Project Assessment for the Apple Project attached as Exhibit D indicates that the property was approved with FAR bonuses that allowed the development on the site to exceed the 10:1 FAR limit. It states, with emphasis added, that "[i]n exchange for the additional floor area, various public benefits were provided. One of those public benefits was the requirement to build an observation deck. The observation deck provided the property with an additional 10,000 sq. ft. of developable area. *It appears that the observation deck within the Grant Hyatt hotel was never built, although the related development bonuses were used.*"

It is plainly apparent that this FAR Legislation has been proposed to expedite and "spot-legislate" the development of the Apple Project. The FAR Legislation proposal, made pursuant to Planning Code Section 302, apparently will allow 38 noncomplying secondary structures located within the C-3-R (Downtown Retail) Zoning District that exceed a property's maximum floor area ratio limit to be demolished, in whole or in part, and reconstructed. This changes the current Code, that now requires that a noncomplying structure that is voluntarily razed – in whole or in part – may only be reconstructed in full conformity with the requirements of the Planning Code. In fact, to resolve any doubts about the clear link between the FAR Legislation and the Apple Project,

the Staff Report for the December 19, 2013 Planning Commission hearing on the FAR Legislation, attached as Exhibit E, admits with emphasis added that the FAR Legislation may apply to 38 other sites in the C-3-R Zoning District, but "[t]he Apple store project would require the approval of this Ordinance in order to be approved."

The FAR Legislation was introduced by Supervisor David Chiu and is identified as Board of Supervisors File No. 13-1059. The Planning Commission on December 19, 2013 held a hearing to consider a resolution recommending this Text Amendment to the Board of Supervisors, adopt findings, including CEQA environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. SEIU-USWW provided comments, and the item was continued, apparently to February 6, 2014.

III. Background On CEQA Requirements

CEQA, Pub. Res. Code § 21000 *et seq.*, applies to agency projects that may have an adverse environmental impact. [*CBE v. SCAQMD* (2010) 48 Cal.4th 310, 319; *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259; *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003.] CEQA's procedural and substantive requirements are "interpreted . . . to afford the fullest possible protection to the environment within its reasonable scope of the statutory language." [*Friends of Mammoth*, 8 Cal.3d at 259.] CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures [CEQA Guidelines § 15002(a)]; and 2) providing information to decisionmakers and the public concerning the environmental effects of the proposed project. [CEQA Guidelines § 15002(a)(1).] If a project will have a significant effect on the environment, an EIR is required. [CEQA Guidelines §§ 15002(k), 15063(b)(2), 15070.]

CEQA's "purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR protects not only the environment but also informed self-government." [*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." [*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.]

CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. [14 CCR § 15002(a)(2–3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of*

Goleta Valley, 52 Cal.3d at 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.] The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” [14 CCR § 15002(a)(2).] If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” [Pub. Res. Code § 21081; 14 CCR § 15092(b)(2)(A–B).]

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.” [*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.]

In particular, determination of whether an EIR is required when a project is first reviewed depends upon the “fair argument” test. [See *Friends of Davis*, 83 Cal.App.4th at 1016-1017; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316.] The “fair argument” test is derived from CEQA section 21151, which requires an EIR on any project which “may have a significant effect on the environment.” That section mandates preparation of an EIR in the first instance “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant impact.” Section 21151 creates a low threshold requirement for initial preparation of an EIR, and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted. For example, if there is a disagreement among experts over the significance of an effect, the agency is to treat the effect as significant and prepare an EIR. [*Sierra Club*, 6 Cal.App.4th at 1316-1317.]

IV. Required Early Timing For CEQA Review, And Prohibition On Piecemealing

An agency may not commit itself to a definite course of action on a project before evaluating its environmental effects. [*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 139.] The duty to perform CEQA review applies at the first instance that a public agency proposes to “approve” a project. [Pub. Res. Code § 21080(a); CEQA Guidelines § 15352(a); *Save Tara*, 45 Cal.4th 116; *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186.] For private projects (i.e., projects carried out by entities other than public agencies but requiring discretionary approval from one or more agencies), the

lead agency must encourage project proponents to incorporate environmental considerations into project planning as early as feasible. [14 CCR § 15004(b)(3).] Public agencies may not “approve” a project before completing the CEQA process.

As the California Supreme Court explained in *Save Tara*, 45 Cal.4th at 137-139, CEQA analysis must be “done early enough to serve, realistically, as a meaningful contribution to public decisions.” The Court explained that early CEQA review is designed to inform decision-makers because:

[d]ecisions reflecting environmental considerations could most easily be made when other basic decisions were being made, that is, during the early stage of project conceptualization, design and planning . . . [a]t this early stage, environmental review would be an integral part of the decisionmaking process. Any later environmental review might call for a burdensome reconsideration of decisions already made and would risk becoming the sort of post hoc rationalization to support action already taken.

Similarly, because a project is defined as the whole of an action, a public agency generally may not segment or “piecemeal” a project into several pieces if the effect is to avoid full disclosure of environmental impact. [See *Tuolumne County*, 155 Cal.App.4th at 1231 (because opening of home improvement center was conditioned on completion of road realignment, two acts were part of single project for purposes of CEQA).] Even where individual projects are undertaken in phases or multiple parts, where the total undertaking comprises a project with significant environmental effect, the lead agency must fully analyze each project in a single environmental document. [14 CCR § 15165.]

CEQA requires that “environmental considerations do not become submerged by chopping a large project into many little ones--each with a minimum potential impact on the environment--which cumulatively may have disastrous consequences.” [*Bozung*, 13 Cal.3d at 283-84; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716; *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143-44; see also *Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629, 637-40 (decisions to close, clean up, salvage, and relocate shooting range constituted single project for purposes of evaluation under CEQA); *Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1345-47 (separate applications from same developer to build various numbers of houses on same street comprised single project requiring EIR).]

V. The Apple Store Is A CEQA Project, And It Is Not Exempt

As set forth above, given the planned February 6, 2014 hearing² on the Apple Store discretionary approvals, it appears that the Planning Department plans to proceed under a CEQA exemption, as the minimum timelines for a CEQA negative declaration or EIR certainly cannot be satisfied in time for a February 6, 2014 hearing.

We wish to re-emphasize that it seems the Planning Department is prejudging the CEQA review before it even considers environmental comments from the public, including this comment, as requested in the "Notification of Project Receiving Environmental Review" that solicited such public comment by January 9, 2014. This is improper and "puts the cart before the horse." *The hearing must be continued*; otherwise, the record will evidence a clear intent to disregard public comment and prejudge the Apple Project's CEQA clearance in violation of CEQA. The City should not be doing such favors for technology giant Apple at the expense of City residents' rights.

A. The Apple Store Is A CEQA Project

The Apple Project to construct a new 35,930 sq. ft. store certainly is a CEQA project. Private activities are subject to CEQA if they involve government participation, financing, or authorization. [Pub. Res. Code § 21065(b)-(c); 14 CCR §§ 15002(c), 15377.] Activities that involve government participation or financing include those that are supported in whole or in part through contracts, Pub. Res. Code § 21065(b), and include issuance by a public agency of a lease, permit, license, certificate or other entitlement for development or use. [Pub. Res. Code § 21065(c); *NRDC v. Arcata National Corp.* (1976) 59 Cal. App.3d 959.]

That is the case here. The required Planning Commission findings under the FAR Ordinance, as well as the fenestration variance under Section 145.1 of the Code are discretionary approvals that trigger CEQA.

B. The Apple Store Is Not CEQA Exempt

CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. [CEQA Guidelines § 15002(a)(1).] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus,

² Commentor reserves all rights to comment on the CEQA clearance, Code compliance and land use issues after the Staff Report for the February 6, 2014 Planning Commission hearing is published. [See *Stolman*, 114 Cal.App.4th at 916 (strict interpretation of findings needed to allow variance); *Ross*, 1 Cal.App.4th at 954 (unlawful spot-zoning.)]

the EIR ‘protects not only the environment but also informed self-government.’”
[*Citizens of Goleta Valley*, 52 Cal.3d at 564.]

Here, exempting the 23,470 sq. ft. Apple Store facing Union Square from any CEQA review will violate this key principle, and will be grossly improper because there is a “fair argument” of significant environmental impacts from the Apple Project in categories including hazards and hazardous substances, air quality and greenhouse gas and aesthetics and historic resources. These impacts should be studied and mitigated.

1. CEQA Exemptions Are Narrowly Construed

CEQA and its regulations provide that certain project may be exempt. However, “[a]n activity that may have a significant effect on the environment cannot be categorically exempt.” [*Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107; *Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th 1165, 1191, 1202 (“[w]here there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper . . . [the] determination [is whether] on the basis of the whole record . . . there was no substantial evidence that there would be a significant effect.”)] If a project may have a significant impact, second tier CEQA review determines whether a negative declaration (including mitigation measures and public notice and comment period) is appropriate, and in some circumstances third tier review requires preparation of an EIR. *Salmon Protection*, 125 Cal.App.4th at 1105-1107.

CEQA requires the agency conduct a preliminary review to determine whether a project is exempt. [14 CCR §§ 15060(c), 15061(a).] “An agency should decide whether a project is eligible for a categorical exemption as part of its preliminary review of the project.” [*Salmon Protection*, 125 Cal.App.4th at 1106.] “Only with a considered awareness of the purposes and policy behind this law, and a careful analysis of the proposed project, can an agency apply an exemption to a specific project which appears to meet the exemption criteria.” [*Dehne v. County of Santa Clara* (1981) 115 Cal.App.3d 827, 843; *East Peninsula v. Palos Verdes Peninsula School Dist.* (1989) 210 Cal.App.3d 155,171.]

However, exemptions are not to be expanded or broadened beyond the scope of their language. [*Dehne*, 115 Cal.App.3d at 842.] Such exemptions may only be created by the Secretary of the Resources Agency for classes of projects for which it is found that there is no reasonable possibility that the class of projects may have a significant effect on the environment. [*Azusa Land Reclamation*, 52 Cal.App.4th at 1191.]

Under these principles, there is no CEQA exemption that can reasonably apply to the Apple Project, which is to raze the existing 37,234 sq. ft. building to ground level and then build an entirely new 23,470 sq. ft. building with a new scale above ground.

For example, this is not repair or minor alteration of an existing structure or facility under the Class 1 exemption of 14 CCR § 15301 that typically applies to “negligible” activities. While there may be a square footage and FAR reduction from the current Levi Store, this Project to construct a complicated 23,470 sq. ft. building right along historic Union Square, simply does not qualify for this exemption that is intended for “repairs and alterations,” “rehabilitation,” or “small additions.” [14 CCR § 15301 *Azusa Land Reclamation*, 52 Cal.App.4th at 1191; *County of Amador*, 76 Cal.App.4th at 967.]

So too, this simply is not the replacement or reconstruction of an existing structure under the Class 2 exemption of 14 CCR § 15302. This Apple Store is an entirely different structure, with different architecture, scale and aesthetic design from the Levi’s Store, including the need for a fenestration variance under Planning Code § 145.1 because it will have less than the required 60% transparency along the Stockton Street frontage along Union Square. The Planning Department’s Preliminary Project Assessment attached as Exhibit D concedes that “[t]he proposal would reduce public visibility from the street toward the plaza . . . [and] would create an approximately 80’-0” blank wall along an important commercial street with high pedestrian volumes in the heart of the City’s premier retail district.” Moreover, “the single-surface glazing wall of approximately 115’ absent a defined pedestrian entry is a departure from the characteristic pattern of the District.” In fact, the Apple Project was presented on December 4, 2013, to the experts who sit on the City’s Architectural Review Committee of the Historic Preservation Commission, which expressed serious concerns about the compatibility and scale of the Project within the unusual location facing Union Square. This makes this situation much different from *Dehne*, 115 Cal.App.3d at 838, where the new Class 2 exempt structure in a typical industrial district had fewer aesthetic impacts.

Also, the Class 3 exemption of 14 CCR § 15303 for “small structures” cannot apply because at 23,470 sq. ft, the Apple Project exceeds the 10,000 sq. ft. size limitation for the exemption under 14 CCR § 15303(c) in an “urbanized” area.

2. **The “Common Sense” Exemption Does Not Apply To The Apple Project, No Mitigated Categorical CEQA Exemptions Are Allowed, and This Project, In An Unusual Location Along Union Square In The “Heart” of the City’s Commercial District, Will Have Significant Impacts**

It is true that the CEQA Guidelines, 14 CCR § 15061(b)(3), also contains the so-called “common sense” exemption for projects which have no potential for causing a significant effect on the environment. However, this exemption is construed very narrowly, and can be defeated by as little as a reasonable argument that the project might have a significant impact. [*Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 113 (agency must refute reasonable argument against exemption to a certainty); *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 641, 644 (when evidence is presented to a lead agency showing possibility of adverse impact, agency must show with certainty that there is no possibility of significant effect); *Myers v. Board of Supervisors* (1976) 58 Cal.App.3d 413, 427 (explicit claims that adverse impacts will occur are sufficient to defeat use of exemption).]

Also, a categorical exemption shall not be used where there is a reasonable possibility that an activity otherwise exempt will have significant effect on the environment due to unusual circumstances. [14 CCR §§ 15060(c)(2), 15300.2(c), 15360.] An activity has a significant effect if it “has the potential to degrade the quality of the environment.” [Pub. Res. Code § 21060.5; *Azusa Land*, 52 Cal.App.4th at 1189, 1201.]

Furthermore, an agency may not rely on mitigation measures as a basis for concluding that a project is categorically exempt or subject to the “common sense” exemption. [*Salmon Protection*, 125 Cal.App.4th at 1102.] If there is a reasonable possibility of a significant effect, then the project must be reviewed under CEQA, and mitigation measures may be considered only as part of that CEQA review. [*Id.*]

Here, the “common sense” exemption cannot apply because there is a “fair argument” of significant environmental impacts from the Apple Project in categories including hazards and hazardous substances, air quality and greenhouse gas, as well as upon aesthetics and historic resources given the “unusual circumstance” that the site faces Union Square. Moreover, the impact of the FAR Legislation, which may involve up to 38 other properties, qualifies as an “unusual circumstance,” as discussed at length below. In this circumstance, an EIR should be prepared.

a. **There Is A “Fair Argument” Of Significant Impacts From Hazards and Hazardous Substances From The Apple Project**

Environmental hazards and hazardous waste impacts can be significant impacts that must be studied under CEQA. [See CEQA Guidelines App. G.] Numerous cases deem impacts on these resources as significant. [*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 332 (2011) [in a case involving soil contamination beneath a former gas station, the court held that “it [could] be fairly argued that [the project at issue] may have a significant environmental impact by disturbing contaminated soils”]; *Association for a Cleaner Environment*, 116 Cal.App.4th at 635, 638–640 [project to remove a shooting range that would not increase the lead contamination already present due to bullets might nevertheless “spread[] [that] contamination, which is a direct physical change in the environment,” through increased vehicle and foot traffic and donations of portion of range to another site].)

With regard to the Apple Project, expert Matt Hagemann P.G., C.Hg, has concluded in his comments submitted hereto as Exhibit A that there is a “fair argument” of significant environmental hazards from the Apple Project that should be studied and mitigated, particularly in light of the fact that no Phase 1 Study or Assessment has been done for this Project:

“The Project would involve excavation of soils up to 10 feet below ground surface for foundation work (PPA, p.2). Subsurface environmental conditions at the Project site, including the potential presence of soil contamination, have not been disclosed because a Phase I Environmental Site Assessment (ESA) was not completed. Because a Phase I ESA was not completed, potential hazardous environmental conditions which may be encountered by workers during excavation at the Project site were not identified.

Phase I ESAs are commonly commissioned by developers to identify hazardous soil conditions that may pose a risk to workers or the environment, and which may require further investigation, including environmental sampling and cleanup. Failure to conduct a Phase I ESA to evaluate potentially hazardous environmental conditions demonstrates a fundamental lack of due diligence on the part of the applicant in disclosing needed baseline environmental conditions.

Phase I ESAs are conducted to identify conditions indicative of releases of hazardous substances and involve a review of all known sites in the vicinity of the subject property that are on regulatory agency databases undergoing assessment or cleanup activities, an inspection, and interviews with people knowledgeable about the property. Standards for performing a Phase I ESA have been promulgated by the US EPA and are based in part on American Society for Testing and Materials (ASTM) Standard E1527-05. Phase I ESAs conclude with the identification of any “recognized environmental conditions” (RECs) and recommendations to address such conditions. A REC is the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

During excavation, workers may be exposed to contamination through dermal contact and through inhalation of dust and vapors. There is a fair argument that without adequate evaluation in a Phase I ESA, workers face uncertain risks during construction activities that would disturb soil. An IS/MND should be prepared to include reference to a Phase I ESA along with any mitigation measures that would be necessary to protect construction worker health.” [Hagemann Comment, Exhibit A hereto.]

In light of this, the “common sense” exemption cannot apply, and an EIR should be prepared. [*Friends of Davis*, 83 Cal.App.4th at 1016-1017; *Davidon Homes*, 54 Cal.App.4th at 113.] Any contrary conclusion is arbitrary and capricious, as well as an abuse of discretion.

b. There Is A “Fair Argument” Of Air Quality And Greenhouse Gas Impacts From The Apple Project

It is well-established that air quality impacts must be studied under CEQA. [See CEQA Guidelines App. G.] The same is true for greenhouse gas impacts. [CEQA Guidelines § 15064.4.] Despite this, it appears that applicant Apple is claiming in its October 8, 2013 Greenhouse Gas Compliance Checklist, attached hereto as Exhibit F, to be exempt from the City’s green building and energy efficiency requirements on the basis that the Apple Project is not “new construction.” This claim is utterly baseless, as the Project involves destroying the existing Levi’s store down to the ground level and building an entirely new

23,470 sq. ft. store in its place.

Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy in itself indicates a potentially significant impact on the environment. [*Pocket Protectors*, 124 Cal.App.4th at 903.] Indeed, any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. [14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal.App.4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).] A project's inconsistencies with local plans and policies constitute significant impacts under CEQA. [*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4; *see also, County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376 (fact that a project may be consistent with a plan, such as an air plan, does not necessarily mean that it does not have significant impacts).]

With regard to the Apple Project, the Planning Department's June 23, 2013 Preliminary Project Assessment for the Apple Project, attached hereto as Exhibit D, raised concerns about compliance with these air quality and greenhouse gas issues:

"Proposed design features for the Post Street façade, particularly the contiguous expansive glazing wall, may result in a significant increase in energy consumption. The Planning Department recommends modifying the design by incorporating passive shading structures or by employing advanced glazing systems to reduce thermal loading and demonstrate a net reduction in energy consumption within the new structure. The San Francisco Department of the Environment also expressed initial concerns to the Planning Department about the proposed building's energy performance, particularly given San Francisco's commitments to climate change mitigation and adaptation." [Exhibit D hereto.]

Furthermore, expert Matt Hagemann P.G., C.Hg, has concluded in his comments submitted hereto as Exhibit A that there is a fair argument of significant air quality and greenhouse gas impacts from the Apple Project that should be studied and mitigated:

"No dust control measures or plans are provided for the Project in the PPA, only the assurance that the City Ordinance would be followed. Because the Project is to be constructed in a densely populated area of San Francisco, all feasible dust control plans

and mitigation measures should be identified in an IS/MND to be prepared for the Project. There is a fair argument that without adequate mitigation, as identified in an IS/MND, public health impacts from inhalation of construction-related dust may be significant.

Additionally, a fair argument can also be made for health risks from Project construction from emissions of diesel particulate matter (DPM) from use of heavy-duty diesel equipment. No analysis of such health risks are provided in the Preliminary Project Assessment, only vague reference that “additional measures may be required to reduce DPM emissions from construction vehicles and equipment” ... “which may affect sensitive receptors located up to and perhaps beyond 300 feet from the project site” (p. 3). An IS/MND should be prepared to identify potential health risks from diesel particulate emissions on public health with an emphasis on impacts to sensitive receptors in the Project vicinity to include identification of the location and types of sensitive receptors in the Project area.

Project construction emissions of diesel particulate matter and fugitive dust (PM10) may impact the health of children, the elderly and other nearby sensitive receptors

...

It is mandatory that green building requirements adopted by the City of San Francisco in 2008 be applied to Major Alterations such as this project, as classified by the Department of Building Inspection.

The Greenhouse Gas Checklist attached to the PPA provides inadequate measures to address the Planning Department's concerns pertaining to energy efficiency of the proposed structure. Consistent with City of San Francisco requirements, energy efficiency provisions should apply. An IS/MND should be prepared to present Project plans in conformance with green building requirements in San Francisco Building Code, Chapter 13C.5.201.1.1 which include:

- a demonstration of a minimum of 15% greater energy efficiency than Title 24 Part 6 2008 California Energy Standards;
- reduction in the amount of potable water use by 20%;
- reduction in the amount of potable water for landscaping by 50%;
- and

- diversion of at least 75% demolition and construction debris to recycling facilities.

The Greenhouse Gas Checklist is incorrect in its assertion that the proposed Project is exempt from these requirements based on the designation of a Major Alteration by the San Francisco Department of Building Inspection (PPA, p.5). As part of the CEQA process, a comprehensive approach to achieving these energy-saving objectives should be prepared." [Hagemann Comment, Exhibit A hereto.]

In light of this, the "common sense" exemption cannot apply, and an EIR should be prepared. [*Friends of Davis*, 83 Cal.App.4th at 1016-1017; *Davidon Homes*, 54 Cal.App.4th at 113.] Any contrary conclusion is arbitrary and capricious, as well as an abuse of discretion.

c. **There Is A "Fair Argument" Of Aesthetic and Historic Resource Impacts From the Apple Project, Especially Given The "Unusual" Circumstance Of The Project's Location Facing Union Square**

It is well-established that aesthetic, architectural and historic resource impacts can be significant impacts that must be studied under CEQA. [See CEQA Guidelines App. G.] Numerous cases deem impacts on these resources as significant. [*Ocean View Estates v. Montecito Water Dist* (2004) 116 Cal.App.4th 396, 401; *Quail Botanic Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1603-1605.]

In this instance, the Apple Project was presented on December 4, 2013, to the experts who sit on the City's Architectural Review Committee of the Historic Preservation Commission, which expressed serious concerns about the compatibility of the Project within the unusual location facing Union Square. *These concerns, memorialized in Meeting Notes dated December 17, 2013 and attached hereto as Exhibit C, on their own raise a "fair argument" of significant environmental impacts from the Apple Project, and include:*

"New Building. All three Commissioners were complimentary of the proposed design but were concerned about its compatibility with the District. The Commissioners also stated that the compatibility analysis provided by the Project Sponsor did not appropriately address features of the District. Commissioners Hyland and Pearlman stated that they did not believe that the proposed design was compatible with the district.

Commissioner Hyland questioned that since the design is not compatible with the district why not make the argument that it doesn't need to be compatible. Commissioner Wolfram stated that the current proposal did not appear compatible with the District, but with issues of scale addressed it could be.

Composition. All three Commissioners indicated that the proposal did not adequately address the two- or three-part composition that was characteristic of buildings within the District. The emphasis on base, interior mezzanine, and roofline was not an effective means of breaking up the composition into a two- or three-part composition consistent with the District. Commissioner Hyland noted that due to the expense of glass and the focus on transparency, the building "dissolves" so that there can be no real multi-part composition.

Massing. Commissioner Wolfram and Hyland stated that the proposed rectilinear plan of the new building addresses the corner in a more resolved manner than the existing triangular building, but still not as well as it could. Commissioner Wolfram noted that if pedestrian experience is the focus of the new building, then the massing is appropriate. Commissioner Hyland expressed concern that the height at corner was too low given other more massive corner buildings in the vicinity and that the proposed massing had no relationship to other corner buildings on Union Square. Commissioner Pearlman noted that he did not believe that the proposed design holds the corner at all.

Scale. All three Commissioners expressed concerns about the scale of the building and its features. Commissioner Wolfram noted that he would like the building to have more of sense of scale/texture and was concerned that the glass fins would not be visible (and would not break up the scale of the façade as proposed) due to glares/reflection from the glazing. Commissioner Wolfram also stated that the building lacks any sense of scale. Commissioner Pearlman stated that the breakdown of the glass façade with the glass fins would only work when viewed head on.

Commissioner Hyland noted that the addition of the glazed bay on Stockton was an improvement to the design but that he still finds this wall too blank and lacking in scale. Commissioner Pearlman agreed that there was a lack of pedestrian interest

along the long blank stretch of the Stockton façade. Commissioner Pearlman also expressed concern about the solidity of the Stockton façade at the corner. Commissioner Pearlman said something additional is needed at the Stockton façade, possibly slot windows and a break at the corner. Overall, the Commissioners indicated that they did not believe that the scale of the proposed building was compatible with the District and that they would like to see a greater sense of scale and texture for the building. Commissioner Wolfram noted that perhaps there could be buildings considered “jewel boxes” within district but that these are often midblock and to be considered in this vein the proposed building still needs more scale.” [Exhibit C attached hereto.]

In light of this, the “common sense” exemption cannot apply, and an EIR should be prepared. [*Friends of Davis*, 83 Cal.App.4th at 1016-1017; *Davidon Homes*, 54 Cal.App.4th at 113.] Any contrary conclusion is arbitrary and capricious, as well as an abuse of discretion.

VI. The Planning Department Must Not Let The FAR Legislation Override The Overdue Observation Deck Mitigation For the Apple Project Site

As discussed above, Commentor is concerned that Apple is seeking a CEQA exemption, thus possibly eliminating the need for the Apple Project to undergo CEQA review, including imposition of mitigation conditions. This also would allow the continued failure to install the overdue observation deck mitigation at the Apple Project site.

The Planning Department’s June 23, 2013 Preliminary Project Assessment for the Apple Project, attached hereto as Exhibit D, confirms with emphasis added that “[i]n exchange for the additional floor area, various public benefits were provided. One of those public benefits was the requirement to build an observation deck. The observation deck provided the property with an additional 10,000 sq. ft. of developable area. *It appears that the observation deck within the Grant Hyatt hotel was never built, although the related development bonuses were used.*”

This is improper under CEQA. An agency breaches a mandatory duty when it fails to comply with prior mitigation measures. [*Katzeff*, 181 Cal.App.4th at 611, 614.] That is the case here, where the Planning Department admits that the site failed to install the observation deck required as part of the increased density. This is directly tied to the FAR issue before the Planning Commission presented in the FAR Legislation. The Planning Department cannot on the one hand fail to implement mitigation measures, while on the other hand “spot-

legislate” to expedite construction and development at the site. Otherwise, a giant loophole would be inserted into CEQA’s mitigation requirements. The purpose of this requirement “is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” [*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-61.]

Thus, before specially accommodating Apple’s FAR problem for its Union Square site by approving the FAR Legislation, the Planning Commission must review the requirement for the observation deck at the site. This is a key public amenity, and it must not continue to be ignored and discarded. As the Court explained in *Katzeff*, 181 Cal.App.4th at 614, “where a public agency has adopted a mitigation measure for a project, it may not authorize destruction or cancellation of the mitigation . . . without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence.” Otherwise, any mitigation “could be nullified simply by the passage of time” [*Id.* at 611.] The Court ordered that the agency revisit the issue, and justify its decision on not requiring the mitigation. [*Id.* at 614; see also *Lincoln Place Tenants*, 130 Cal.App.4th at 1507-1508 (“[h]aving placed these conditions . . . the city cannot simply ignore them. Mitigating conditions are not mere expressions of hope”).]

VII. The Planning Department Must Study The Apple Project And FAR Legislation Together Under CEQA

The FAR Legislation is an “essential step” in a process that will foreseeably lead to the Apple Project, and they therefore must be studied together under CEQA’s prohibition on piecemealing.

A. Separating CEQA Study Of The Apple Store and FAR Legislation Would Constitute Unlawful Piecemealing

As noted above, a CEQA “project” includes “an essential step leading to ultimate environmental impact.” [*Kaufman & Broad-South Bay, Inc. v. Morgan Hill* (1992) 9 Cal.App.4th 464, 473.] “Agency action is not exempt from CEQA simply because it will not have an immediate or direct effect on the environment. CEQA applies if it is reasonably foreseeable that environmental impacts will ultimately result.” [Kostka & Zischke, Practice Under the California Environmental Quality Act § 4.20 (CEB 2013), citing *Bozung*, 13 Cal.3d at 277.] “If an agency’s action is a necessary step that starts in motion a chain of events that will foreseeably result in impacts to the physical environment, the activity must be treated as a project subject to CEQA.” [*Id.*; see also *Friends of Mammoth*, 8 Cal.3d at 265 (holding that the term “project” includes not only activities directly involving actual physical impacts on the environment, but also

activities, such as the approval of permits, whose environmental effects are indirect).]

Here, there can be no doubt that this FAR Legislation has been proposed to expedite and “spot-legislate” the development of the Apple Store. While the proposed FAR Legislation apparently may apply to 38 other sites in the C-3-R Zoning District, the Staff Report admits that “[t]he Apple store project would require the approval of this Ordinance in order to be approved.” Six months ago, Staff confirmed in the Planning Department’s June 23, 2013 Preliminary Project Assessment for the Apple Project attached as Exhibit D hereto that the legislation would be needed. In this circumstance, the approval of the FAR Legislation is an “essential step” in a process that will foreseeably lead to the Apple Project.

Thus, San Francisco has improperly segmented its environmental review of the Legislation and Apple Project. The record makes clear that the FAR Legislation is linked to the Apple Project. In this situation, the environmental impacts of the Apple Project must be considered as part of the FAR Legislation CEQA review. This is mandated by the prohibition on piecemealing, and the requirement that the CEQA initial study must consider the “whole of an action.” [14 CCR § 15378(a).] That means:

“that the action reviewed under CEQA is not the approval itself but the development or other activities that will result from the approval . . . project descriptions must give an accurate view of the project as a whole, revealing any indirect or ultimate environmental effects of the activity being approved . . . the environmental review accompanying the first discretionary approval must evaluate the impacts of the ultimate development authorized by that approval . . . [e]ven though further discretionary approvals may be required before development can occur, the agency’s environmental review must extend to the development envisioned by the initial approvals. it is irrelevant that the development may not receive all necessary entitlements or may not be built.” [See Kostka, et al., *Practice Under the California Environmental Quality Act*, §§ 4.19, 4.20, 6.31(CEB 2013).]

As a result, this FAR Legislation must be studied under CEQA before any approval occurs. This situation is quite similar to that in the case *Dunn-Edwards* where the court held that the Air District’s approval of a new paint formulation would have the reasonably foreseeable impact of causing people to use the new paint, thereby potentially resulting in environmental impacts. [*Dunn-Edwards*, 9 Cal.App.4th at 658-659; see also *International Longshoremen’s Union v. Bd. of Supervisors* (1981) 116 Cal.App.3d 265 (holding that it was a reasonably foreseeable possibility that facilities would increase their NOx emissions as a

result of a proposed rule change allowing facilities to increase their NOx emissions).] Similarly, in this case, there is a reasonably foreseeable possibility that a regulation allowing this development notwithstanding nonconforming FAR will, in fact, result in the Apple Project being constructed on the site.

B. The FAR Legislation Indisputably Is A CEQA Project

The Staff Report for the December 19, 2013 FAR Legislation hearing before the Planning Commission, attached as Exhibit E, improperly indicates that the FAR Legislation is exempt from CEQA because it is not a "project." This is flatly incorrect because the CEQA Guidelines clearly provide that planning ordinances are CEQA projects.

Under CEQA, the term "project" includes the "issuance of rules, regulations, plans, or other general criteria." [CEQA Guidelines §15168(a)(3); *Bozung*, 13 Cal.3d 263, 277-279; *Dunn-Edwards*, 9 Cal.App.4th at 658-659.] *In fact, CEQA Guidelines § 15378(a)(1) cited by the Staff Report expressly confirms that CEQA projects include "enactment and amendment of zoning ordinances."* Thus, CEQA requires analysis of the effects of such an amendment to the City's Zoning Ordinance. "An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment." [*FUTURE*, 62 Cal.App.4th at 1335.] As a result, the Planning Commission's decision of whether to adopt a new zoning ordinance, including the FAR Legislation at issue that is specifically designed to facilitate the Apple Project, is a project subject to CEQA.³ Any conclusion that the FAR Legislation is CEQA exempt is contrary to CEQA Guidelines § 15378(a)(1), and therefore arbitrary and capricious, as well as an abuse of discretion.

³ There is a categorical exemption (Class 5), for minor alterations to land use regulations that do not change allowable land use density. [14 CCR § 15305.] The FAR Legislation certainly does not qualify for this, as its whole purpose is to make non-conforming FAR in the C-3-R Zoning District conforming, thereby increasing density. An exemption "should not be so broadly interpreted so to include a class . . . that will not normally satisfy the statutory requirements for a categorical exemption . . . [t]his principle of interpretation is embodied in the Guidelines, which state that CEQA should be interpreted to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." [*Azusa Land Reclamation*, 52 Cal.App.4th at 1193.] This is especially true where the CEQA exemption that mentions alterations to land use ordinances - Class 5 - specifically rejects an exemption for increased density. [14 CCR § 15305.]

C. There Is A “Fair Argument” Of Significant Historic Resource Impacts From The FAR Legislation

As noted above, it is well-established that aesthetic, architectural and historic resource impacts can be significant impacts that must be studied under CEQA. [See CEQA Guidelines App. G.] Numerous cases deem impacts on these resources as significant. [*Ocean View Estates*, 116 Cal.App.4th at 401; *Quail Botanic Gardens*, 29 Cal.App.4th at 1603-1605.]

Moreover, the impact of the FAR Legislation, which may involve up to 38 other properties including the Kearny-Market-Mason-Sutter Street Conservation District, qualifies as an “unusual circumstance” for this Apple Project. A CEQA exemption shall not be used where there is a reasonable possibility that an activity otherwise exempt will have significant effect on the environment due to unusual circumstances. [14 CCR §§ 15060(c)(2), 15300.2(c), 15360.] An activity has a significant effect if it “has the potential to degrade the quality of the environment.” [Pub. Res. Code § 21060.5; *Azusa Land*, 52 Cal.App.4th at 1189, 1201.]

Expert architectural historian and preservation planner Katherine Petrin has provided comments attached as Exhibit B hereto that show a “fair argument” of significant aesthetic and historic resource impacts from the FAR Legislation, and that the Legislation requires more study of these historic resource issues and impacts to the Kearny-Market-Mason-Sutter Street Conservation District:

“The proposed Planning Code text changes would allow demolition should a proposed project meet certain criteria. One of these criteria is that the project would not result in an adverse impact to a historic resource. However, the Planning Department has also identified a list of 38 specific parcels in the C-3-R District that would be affected under the proposed text changes. Of these 38 parcels, many are within the Kearny-Market-Mason-Sutter Street Conservation District, and include designated historic resources, including some of the City's most significant structures, deemed to be of major importance based on past evaluation. More disclosure and analysis of these 38 parcels is needed in order to understand the true impacts of the proposed Planning Code text changes . . .

The Kearny-Market-Mason-Sutter Street Conservation District is a subarea within the C-3 District. The Kearny-Market-Mason-Sutter Street Conservation District was adopted as part of Article 11 of the San Francisco Planning Code in 1985 . . . As stated in Appendix E to Article 11 of the Planning Code, the purpose of the designation [of the Kearny-Market-Mason-Sutter Street Conservation District] is

to promote the maintenance of the scale and character of the Kearny-Market-Mason-Sutter area by the protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District.

The proposed Ordinance would amend Planning Code Section 188 to allow demolition should a proposed project meet certain criteria. It is not adequate to state that a proposed project would not result in an adverse impact to a historic resource, especially give the significance and quantity of designated historic resources which are likely to be jeopardized by the proposed Ordinance. At this point, analysis regarding the possible consequences of the proposed Ordinance has been insufficient. Further analysis is necessary to ensure that designated historic resources will not be adversely impacted by the proposed Ordinance to amend Planning Code Section 188 . . .

It is our opinion that the proposed Ordinance to amend Planning Code Section 188, if approved, could result in adverse impacts to known, designated historic resources including some of the City's most significant structures. To date, no analysis has been done by the Planning Department on any of the individual buildings potentially affected by the proposed amendments, though the likelihood exists of a reasonably foreseeable impact to historic resources, including demolition. As such, the proposed amendments to Planning Code Section 188 should not be categorically exempt from the provisions of CEQA because they have the potential to affect historic resources." [Petrin Comment, Exhibit B.]

In sum, by piecemealing the FAR Legislation from the Apple Project, the Planning Department would fail to analyze whether there is a "fair argument" of these potentially significant aesthetic, architectural and historic resource impacts of the Apple Project *as a whole*. Also, the CEQA study for the FAR Legislation must review the secondary effects on the other included properties, and the Kearny-Market-Mason-Sutter Street Conservation District, that can be expected to follow from the ordinance changes. [FUTURE, 62 Cal.App.4th at 1335.] The failure to do so is arbitrary and capricious, as well as an abuse of discretion.

VIII. Conclusion

A rushed, CEQA-exempt environmental process for the Apple Project is not how proper planning occurs. Commentor SEIU-USWW respectfully is concerned that the Planning Department is prejudging the Project's CEQA review before it even considers environmental comments from the public, including this comment, as requested in the Planning Department's "Notification of Project Receiving Environmental Review. This is improper and "puts the cart before the horse." San Francisco should not give special favors to a large technology firm at the expense of a legitimate public process for its residents.

Moreover, any CEQA exemption is improper here because there is expert comment submitted herewith that shows a "fair argument" that the Apple Project, and its accompanying FAR Legislation, will have significant impacts on the environment. The Apple Project, facing the heart of the City's commercial district at Union Square, presents "unusual circumstances." SEIU-USWW members, and indeed all San Franciscans, deserve the best, most sustainable Apple Project and FAR Legislation under CEQA and local law.

Commentor SEIU-USWW therefore respectfully requests that the Planning Department defer any hearing on this item pending complete CEQA review of the Apple Project and FAR Legislation in an EIR. By piecemealing the FAR Legislation from the Apple Project, the Planning Department would fail to analyze whether there is a "fair argument" of these potentially significant aesthetic, architectural and historic resource impacts of the Apple Project as a whole. More thoughtful analysis and comment is needed, as CEQA is designed, and required, to provide.

Also, the Planning Department and Planning Commission must review the requirement for the observation deck at the Apple Project site. This is a key public amenity, and it must not continue to be ignored and discarded.

Commentor also respectfully reserves the right to submit additional legal and expert comment at future hearings on the Apple Project and FAR Legislation, including the fenestration variance under Planning Code Section 145.1, once the Planning Department makes any CEQA recommendations or determinations on these projects. [See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 86 (EIR invalidated based on comments and expert reports submitted after Final EIR completed); *Bakersfield Citizens*, 124 Cal.App.4th at 1200-1201, 1208 (court found agency did not meaningfully consider expert reports submitted at final hearing on project); *Galante Vineyards*, 60 Cal.App.4th at 1120 (CEQA litigation not limited only to claims made during EIR comment period).]

San Francisco Planning Department
January 9, 2014
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Finally, this Office is requesting, on behalf of SEIU-USWW, all notices of CEQA actions and any approvals, Project CEQA exemptions under Pub. Res. Code § 21152 or determinations, or public hearings to be held on the Apple Project and FAR Legislation under any provision of Title 7 of the California Government Code (California Planning and Zoning Law), as well as the San Francisco Code, including but not limited to Planning Code §§ 145.1 and 309. This request is filed pursuant to Pub. Res. Code §§ 21092.2 and 21167(f), and Government Code § 65092, which require local agencies to mail such notices to any person who has filed a written request for them. Please send notice by electronic and regular mail to: Richard Drury, Esq., Lozeau | Drury LLP, 410 12th Street, Suite 250, Oakland, CA 94607, richard@lozeaudrury.com.

Thank you for consideration of these comments. We ask that they be placed in the Administrative Record for the Apple Project and FAR Legislation.

Sincerely,



Lozeau | Drury LLP

Richard T. Drury

Attorneys for Service Employees International Union –
United Service Workers West

Exhibits A-F

REUBEN, JUNIUS & ROSE, LLP

January 27, 2014

By Messenger

Commission President Karl Hasz
San Francisco Historic Preservation Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: 300 Post/345 Stockton Street Permit to Alter (No. 2013.0628H)
Hearing Date: February 5, 2014
Our File No.: 3100.04

Dear President Hasz,

Our office represents Apple, Inc. (“Apple”) in connection with its proposed new store (“Project”) at the Grand Hyatt property at 300 Post Street/345 Stockton Street (Assessor’s Block: 0295, Lot: 016; the “Property”). Although the Property itself is not historically rated under Article 11, the Project requires a Major Permit to Alter due to its location in the Kearny-Market Mason Sutter Conservation District (“KMMS District”). We respectfully request that you approve the Permit to Alter, because:

- **Innovative Architecture.** The Project replaces a dated, unsightly, and incompatible four-story Levi’s building with a two-story building of a more innovative and sustainable design. The Project will be the first in San Francisco by the renowned architectural firm of Foster + Partners, the same firm designing Apple’s iconic new campus in Cupertino.
- **Ruth Asawa Fountain and Open Space Renovation.** The triangular plaza to the north would be expanded and reconfigured with the preserved *Hyatt on Union Square Fountain* by Ruth Asawa remaining as its focal point.
- **A Pedestrian-Friendly Stockton Street Frontage.** Considered as a whole, the Project’s Stockton Street frontage uses a number of architectural features to break up the façade plane and appeal to retail shoppers. The Apple store’s insulated glass panel and three-part metal fenestration combine with the Plaza’s vertical water element, stairs, and Ruth Asawa fountain to provide a richly textured pedestrian experience.
- **Collaborative Design Process.** The Project’s design reflects comments and suggestions from the Architectural Review Committee (“ARC”), San Francisco Architectural Heritage (“Heritage”), Page & Turnbull Architects, and Planning Department staff. Since

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Lindsay M. Petrone | Melinda A. Sarjapur | Kende H. McIntosh | Jared Eigerman^{2,3} | John McInerney III²

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it was presented to the ARC, the Project has been revised to incorporate defined vertical. The result of this collaborative process is a contemporary design that is well adapted to the historic context and consistent with Article 11 standards for construction on non-historic sites. The plans included with your submittal package show six-bay façade. Attached to this letter, we have attached for your consideration Apple's preferred alternative: a four-bay façade that omits two non-structural columns. This alternative was not fully developed in time for staff evaluation. The plans are attached as Exhibit A and the reasons for the proposed change are explained in Part A below.

- **Replacement of Dated Building and Plaza.** Union Square deserves architecture and retailers befitting its reputation as an international retail destination. The dated architecture of the current store and poorldings exceeding existing FAR limits recognizes that the Project would address existing urban design problems and enhance the retail character of the Union Square shopping district while reducing the Property's non-compliance with the current FAR limit.
- **Retail Positions for San Francisco Residents.** Apple anticipates staffing approximately 425 employees at the store. About 70 percent of employees at its existing store are San Francisco residents.
- **Union Construction.** The Project will utilize a skilled union workforce throughout the construction process, including members of the carpentry, ironworkers, plumbing, electrical, sheet metal, equipment operators and masonry trades, as well as the teamsters.

Apple has developed stores throughout the world, including in some of the most challenging permitting regimes. By working with local governments and communities, Apple has been able to develop iconic stores in Paris, London, Berlin, Barcelona, Hong Kong, Shanghai, Sydney, New York and other world-class cities. For years Apple has been determined to bring to San Francisco an expanded store with a cutting-edge design. The Project site presents the perfect opportunity to achieve this goal, and also give back to the community by energizing a neglected public space and burnishing Union Square's reputation as a premier retail location. Apple proudly brands its products as "designed in California." It seeks to develop a store in its own backyard that will rival any of its other significant stores around the globe.

A. Project Description & the Four-Bay Alternative

The Project is the development and construction of a new and significant Apple store on San Francisco's Union Square. The new store would be located at the site of an existing large-scale retail establishment (formerly the Levi's store) at 300 Post Street. The existing retail space was constructed as part of an integrated project with the Grand Hyatt Hotel (the "Hyatt Complex") during the 1970s. Indeed, the store is located on top of the hotel's loading area and ballrooms and a portion of it originally served as the hotel's restaurant. The retail space was substantially modified in 1998 for the Levi's store. The Project replaces the existing four-story

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building comprising 37,234 square feet of retail space with a new two-story building comprising 23,470 square feet of retail space, using a more innovative and sustainable design. The Project will be the first in San Francisco by the renowned architectural firm of Foster + Partners, the same firm designing Apple's iconic new campus in Cupertino.

After consideration, the project sponsor and the design team believe that the scale and composition of the four bay façade arrangement submitted as a supplement to the original application is both compatible with that of neighboring buildings and it is the preferred resolution. The preferred proposal omits two columns from the previously submitted alternate which, the design team feels, will not affect the character of the proposed building while strengthening the idea of the large central opening.

Having studied multiple iterations of the south façade that included various combinations of expressed columns and beams, structural analysis showed that the two columns shown just east and west of the central sliding doors cannot be used as building columns, since footings cannot be established at these locations, due to the below grade Hyatt spaces.

Both Apple and Foster + Partners strive to create designs that are simple and elegant and are without superfluous ornamentation. Having two additional columns in the façade takes away from the dramatic appearance of the full height sliding doors. In the closed position, the doors appear to be the only strongly framed elements in the façade. They are clearly articulated as rectangular frames and while they do break up the façade into four distinct bays they also remain simple and do not add unnecessary and unneeded compositional elements. The width of the central doors and the resultant glass bay widths to the left and right are within the 20-30 foot bay articulation of the conservation district and convey the prevailing architectural patterns of composition.

The impact of adding two more columns to the façade is multifold. Architectural, structural and cost implications make the four bay façade configuration the preferred approach of the project sponsor.

B. Collaborative Architectural Design Process

Apple initially submitted a request for a preliminary project assessment in May 2013. Apple recognized that input from the Planning Department staff would be critical to the orderly implementation of a project that will be a showpiece of the City's premier retail area. This collaboration included: a meeting with the Issues Committee of San Francisco Architectural Heritage; the Streetscape Committee of the Union Square Business Improvement District; a voluntary meeting with the Architectural Review Committee ("ARC") on December 4, 2013; and several meetings with Planning Department staff. Through these communications, Apple was able to identify and respond to key concerns raised by the City and the community.

As a result, Apple made several modifications to the Project, including changing the current uninviting plaza to provide a much better public experience, altering plans for the Stockton Street frontage to include more window area, adding bay features to the Post Street façade, and finding a way to preserve and highlight the beloved Asawa fountain. This has been a transparent and inclusive process, and the result is a project of which both Apple and the City can be proud. It represents the best of modern, sustainable design, befitting its place in the center of a world-class city.

C. CEQA Compliance

As discussed above, the Project replaces the existing Levi’s retail store with a smaller Apple store at the same location. The Planning Department correctly determined the Project qualifies for a Class 2 Categorical Exemption under the California Environmental Quality Act (“CEQA”) for the:

Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Cal. Code Regs. tit. 14, § 15302.

The Project fits squarely within this exemption because it will be located on the same site and serves the exact same purpose as the Levi’s building: a stand-alone retail store. Additionally, the Project reduces the Levi’s building capacity by approximately 14,000 sq. ft.

The Service Employees International-Union – United Services Workers West (“SEIU”) has submitted three letters questioning various CEQA-related aspects of the Project. The SEIU’s opposition mischaracterizes the Project and misrepresents the law. Its objections are ultimately not about land use policy or CEQA, but about leveraging both for unrelated purposes. This misdirects the process. Though the SEIU’s claims are groundless, Apple has responded to each in detail in the letter attached as Exhibit B.

D. Related Approvals

In addition to an Article 11 Major Permit to Alter, Apple has applied for a Planning Code Section 309 Review for a Downtown Project Authorization and a Variance from fenestration requirements on the retail building’s Stockton Street façade. The Project also requires a code change to allow the reconstruction of noncomplying floor area. The Mayor and Supervisor Chiu have co-sponsored the legislation to make this change. The related approvals will be considered by the Planning Commission and the Zoning Administrator on February 6, 2014.

E. Consistency with Conservation District

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Article 11 the San Francisco Planning Code sets out standards and guidelines for alterations to buildings located in the KMMS Conservation District. Contemporary building features do not need to imitate the styles of the past; instead, they should be compatible with the KMMS District standards. Article 11's standards "do not require, or even encourage, new buildings to imitate the styles of the past."ⁱ The Project is a contemporary design that is well adapted to its context and consistent with Article 11 standards for construction on non-historic sites.

1. Scale

A major influence on the scale of buildings is "the degree to which the total façade plane is broken into smaller parts (by detailing, fenestration, bay widths) which relate to human scale."ⁱⁱ Compatibility with the District's scale "can be accomplished in a variety of ways" including using bay widths and breaking up large wall surfaces with detailing and textual variation.ⁱⁱⁱ

The Project's scale is consistent with the KMMS District standards, and addresses concerns expressed by the Historic Preservation Commission's Architectural Review Committee by dividing the Post Street façade into discrete segments. The ARC's primary focus was on the scale and composition of the Post Street façade.^{iv} At the time, the frontage on Post Street was primarily glass, with glass fins as the only elements dividing the façade. The ARC was concerned that the fins would not be sufficiently visible to echo the typical pattern of 20-30 foot wide bays that typifies historic buildings in the Conservation District.

In response to this comment, Apple revised the Project to incorporate vertical columns that echo traditional bay widths. The columns divide the Post Street façade into four discrete elements of roughly 23 to 31 feet each. The columns frame and support two full-height steel-framed sliding glass doors, each 23 feet wide and 44.5 feet tall, which will allow half the store to be opened to the street.

Having two additional columns in the façade takes away from the dramatic appearance of the full height sliding doors. In the closed position, the doors appear to be the only strongly framed elements in the façade. They are clearly articulated as rectangular frames and while they do break up the façade into four distinct bays they also remain simple and don't add unnecessary and unneeded compositional elements. The width of the central doors and the resultant glass bay widths to the left and right are within the 20-30 foot bay articulation of the KMMS District, and convey the prevailing architectural patterns of composition and scale.

2. Composition and Massing

Buildings in the KMMS District "for the most part" use two or three-part vertical compositions,^v and altered buildings should repeat this effect.^{vi} Using bays to break up the facades of new buildings into smaller sections is consistent with District standards.^{vii} Finally,

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buildings should be built to the front property line and occupy the entire site, except in the case of “carefully selected” open spaces.^{viii}

As explained above, the Project’s Post Street façade was divided into bays, breaking it up into smaller sections. The rectilinear shape of the Apple store holds the corner far better than the existing triangular building and its massing is appropriate for a building where pedestrian experience is the focus, points made by Commissioners Hyland and Wolfram respectively at the ARC hearing.^{ix}

The Project references the KMMS District’s prevailing two or three-part vertical compositions, with each part relating in height to the adjacent Bullock and Jones Building at 340 Post Street (“Bullock and Jones Building”). The mezzanine level of the retail building, visible from Post Street, is located at the same height as both the back of house building (“Bar Building”) on the western portion of the Property and the Bullock and Jones Building. This double-height second floor, called a *piano nobile* and originating in Italian Renaissance architecture, separates the wall and conveys the two or three-part vertical composition. The Bar Building will be re-clad with stone panels to reflect a three-part vertical composition. Stone panels extending from the second floor to the fourth floor of the Bullock and Jones Building provide a shaft element above the loading dock. A capital element with more ornamentation and an articulated cornice also matches the Bullock and Jones Building’s capital.

3. *Materials and Colors*

Contemporary building features do not need to imitate the styles of the past; instead, they should be compatible with the KMMS District. The use of materials that appear similar in tone and color can link buildings and harmonize new structures with the District’s architectural character.^x Although the use of stone is the more “traditional” approach, in specific cases the Planning Department does approve metal cladding as a substitute material.^{xi} This should be especially true for relatively-isolated retail storefronts (such as the Macy’s building).

The Project’s materials and colors are compatible with the KMMS District’s preservation standards. The light grey limestone panels of the redesigned Bar Building, the only Project feature directly adjacent to an historic building different parcel, provides a transition from the Apple store to the Bullock and Jones Building. The Planning Department’s comments on the Project’s original design note that the Bar Building’s materials and colors are compatible with the surrounding District because it is a stone material with a texture and application that matches other masonry cladding in the District,^{xii} a sentiment echoed at the ARC.^{xiii}

Isolated from other parcels by the plaza and the Bar Building, the retail building may more directly represent a contemporary design. As noted above, Planning Department permits metal cladding instead of stone in the KMMS District in past projects, particularly when those projects’ storefronts are relatively isolated from adjacent traditional facades.^{xiv} A soft tone of metal would be used in order to blend in with the color of the Bar Building, the Bullock and

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Jones Building, and with the District's overall traditional light color scheme.^{xv} Masonry cladding would make the retail building look bulkier and thicker, and would undermine the sleek and contemporary look of stainless steel and full-height glazing.

4. *The Stockton Street Frontage*

As noted above, new facades should be broken up to relate to existing structures in terms of height, mass, rhythm, and composition.^{xvi} A major factor in considering if a street frontage is compatible to the District's scale is "the degree to which the total façade plane is broken into smaller parts" that each "relate to human scale."^{xvii}

Considered as a whole, the Project's Stockton Street frontage uses a number of architectural features to break up the façade plane. The Apple store's insulated glass panel and three-part metal fenestration combine with the Plaza's vertical water element, stairs, and Ruth Asawa fountain to provide a richly textured pedestrian experience. The insulated glass panel and the Plaza's water feature provide vertical divisions meant to be a contemporary representation of the District's more traditional bays. Additionally, the Bar Building's articulated cornice and stone panel elements will continue across the length of the building's eastern façade. These elements, compatible with other elements on the block, will be clearly visible from Stockton Street. The Stockton Street's façade's glazed bay is similar to other buildings on corner lots with less fenestration than house prominent retailers, such as the De Beers building (185 Post Street).

The Project would create a street frontage far more compatible with the KMMS District than the existing Levi's building and plaza. The Levi's building, which angles away from Stockton Street, is incompatible with the District's composition and massing requirements for buildings to be built to the street line.^{xviii} It does not repeat the three-part vertical massing or provide any vertical elements meant to be a contemporary representation of the District's more traditional bays. Other than the Ruth Asawa fountain, the existing plaza does not relate to the streetscape level, and its triangular orientation is inconsistent with the District's predominant rectilinear building pattern.

5. *The Ruth Asawa Fountain and Plaza*

Although the KMMS District does not provide any standards for alterations and modifications to open spaces, the Project's redesigned Plaza will better complement the District. At the ARC, all three of the Commissioners expressed support for the proposed reconfiguration and rehabilitation of the Plaza.

Specifically, the rectangular shape of the plaza matches the rectilinear massing of the District's buildings. The Ruth Asawa fountain will remain in substantially the same location, and other changes to the plaza will better highlight the fountain's prominence, including bringing the fountain closer to the Stockton Street sidewalk. Additionally, the stairs around the fountain will remain in precisely the same relation to the fountain base in the current plaza. Finally,

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adding benches, landscaping, and a water element located at the back of the Plaza will make it better suited as a privately-owned public open space. This will indirectly enhance the KMMS District's purpose of promoting pedestrian-oriented retail.

F. Conclusion

The Project would replace a dated, four-story building with an innovative and sustainable two-story structure designed by Foster + Partners, a world-renowned architectural firm. As a result of a collaborative design process including ARC, Heritage, Page & Turnbull, and Planning Department staff, the structure provides a contemporary interpretation of the Kearny-Market-Mason-Sutter Conservation district. We respectfully request that the Historic Preservation Commission approve a Permit to Alter for the Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Daniel Frattin

ⁱ San Francisco Planning Code (“Planning Code”) Art. 11, Appx. E, § 7(a).

ⁱⁱ San Francisco Planning Code (“Planning Code”) Art. 11, Appx. E, § 7(b)(2).

ⁱⁱⁱ Id.

^{iv} See letter from Pilar LaValley, Preservation Planner, to Architectural Review Committee of the Historic Preservation Commission, dated November 26, 2013.

^v Planning Code, Art. 11, Appx. E, § 6(a).

^{vi} Planning Code, Art. 11, Appx. E, § 7(b)(1).

^{vii} Id.

^{viii} Id.

^{ix} See letter from Pilar LaValley, Preservation Planner, to Rick Millitello, Project Sponsor regarding Meeting Notes from December 4, 2013 ARC-HPC Hearing for 345 Stockton Street, dated December 17, 2013.

^x Planning Code, Art. 11, Appx. E, § 7(b)(3).

^{xi} See letter from Pilar LaValley, Preservation Planner, to Architectural Review Committee of the Historic Preservation Commission, dated November 26, 2013, pg. 5.

^{xii} Id.

^{xiii} Letter from Pilar LaValley, Preservation Planner, to Rick Millitello, Project Sponsor regarding Meeting Notes from December 4, 2013 ARC-HPC Hearing for 345 Stockton Street, dated December 17, 2013, at pg. 2.

^{xiv} Letter from Pilar LaValley, Preservation Planner, to Architectural Review Committee of the Historic Preservation Commission, dated November 26, 2013, pg. 5.

^{xv} Planning Code, Art. 11, Appx. E, § 7(b)(3).

^{xvi} Planning Code, Art. 11, Appx. E, § 7(b)(1).

^{xvii} Planning Code Art. 11, Appx. E, § 7(b)(1).

^{xviii} Planning Code Art. 11, Appx. E, § 7(b)(1).

Exhibit A

300 Post Street - San Francisco

Historic Preservation Commission - 4 Bay Facade

February 5th, 2014

Renderings
Front Views 4-Bay





Renderings
Front Views 4-Bay





RESTAURANT

Renderings
Oblique Views 4-Bay





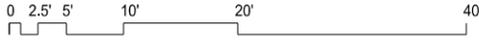
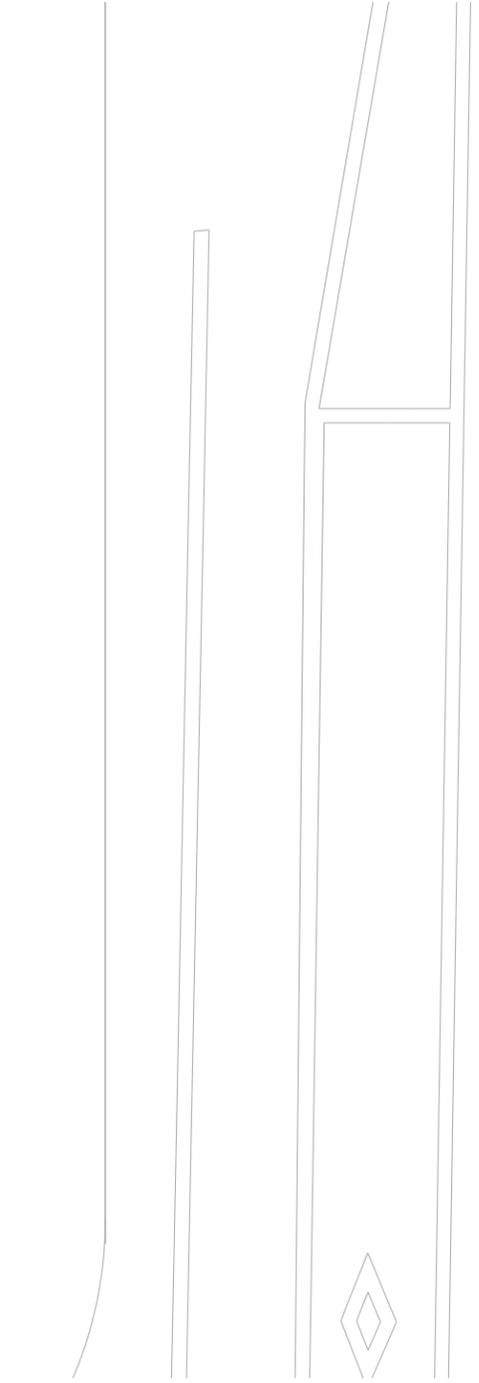
Renderings
Oblique Views 4-Bay



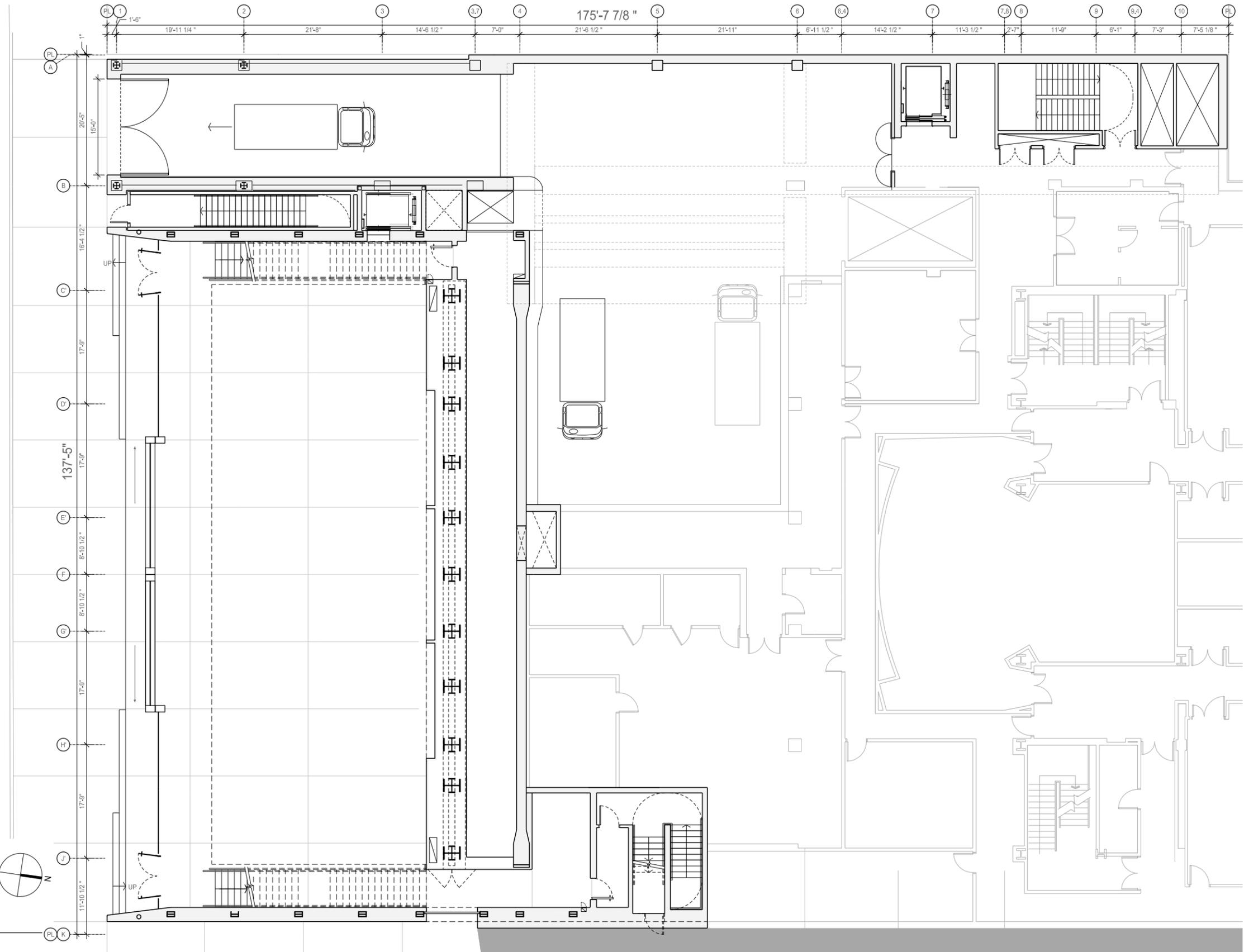


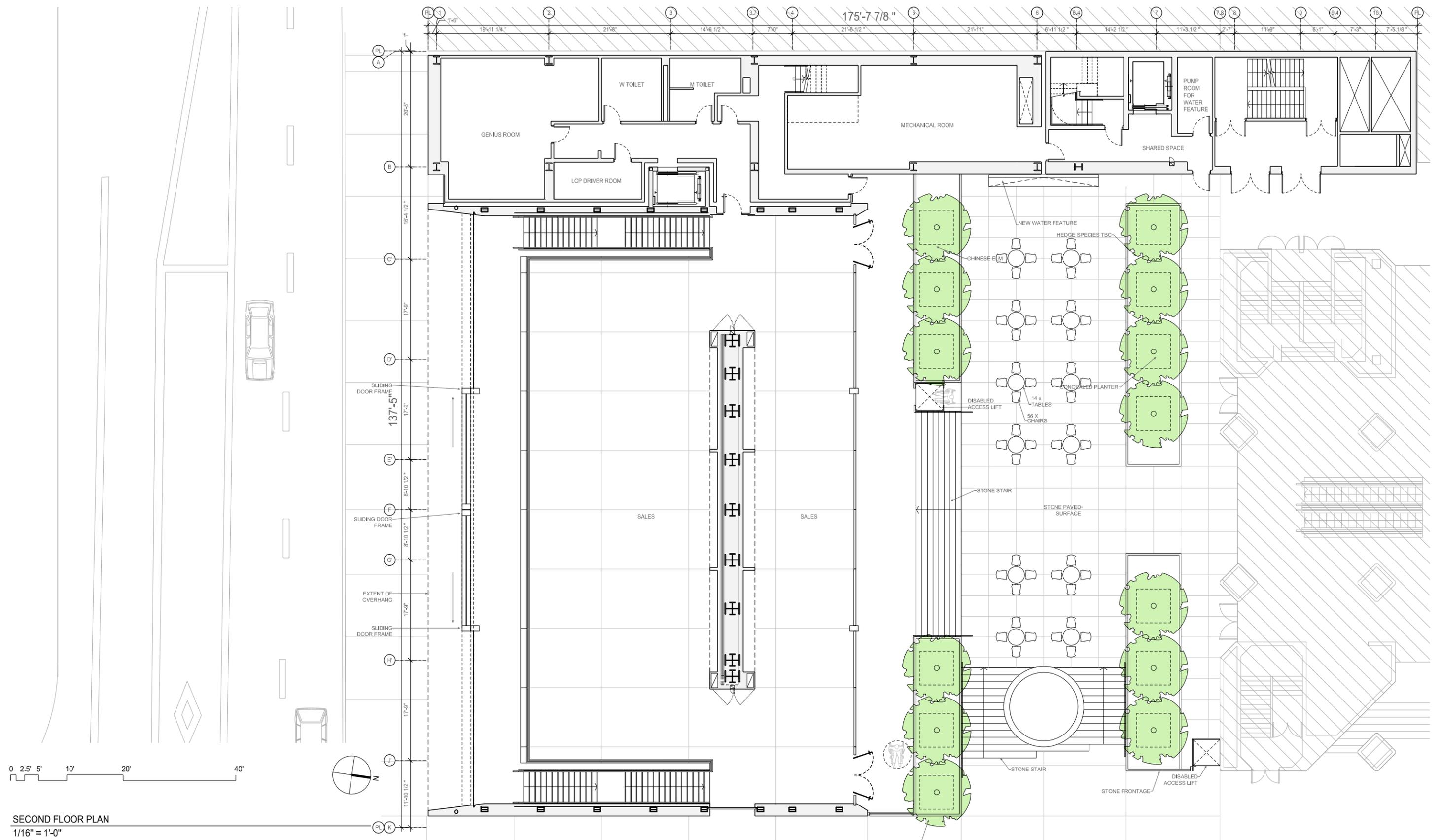
Proposed Design - 4 Bays

Drawings

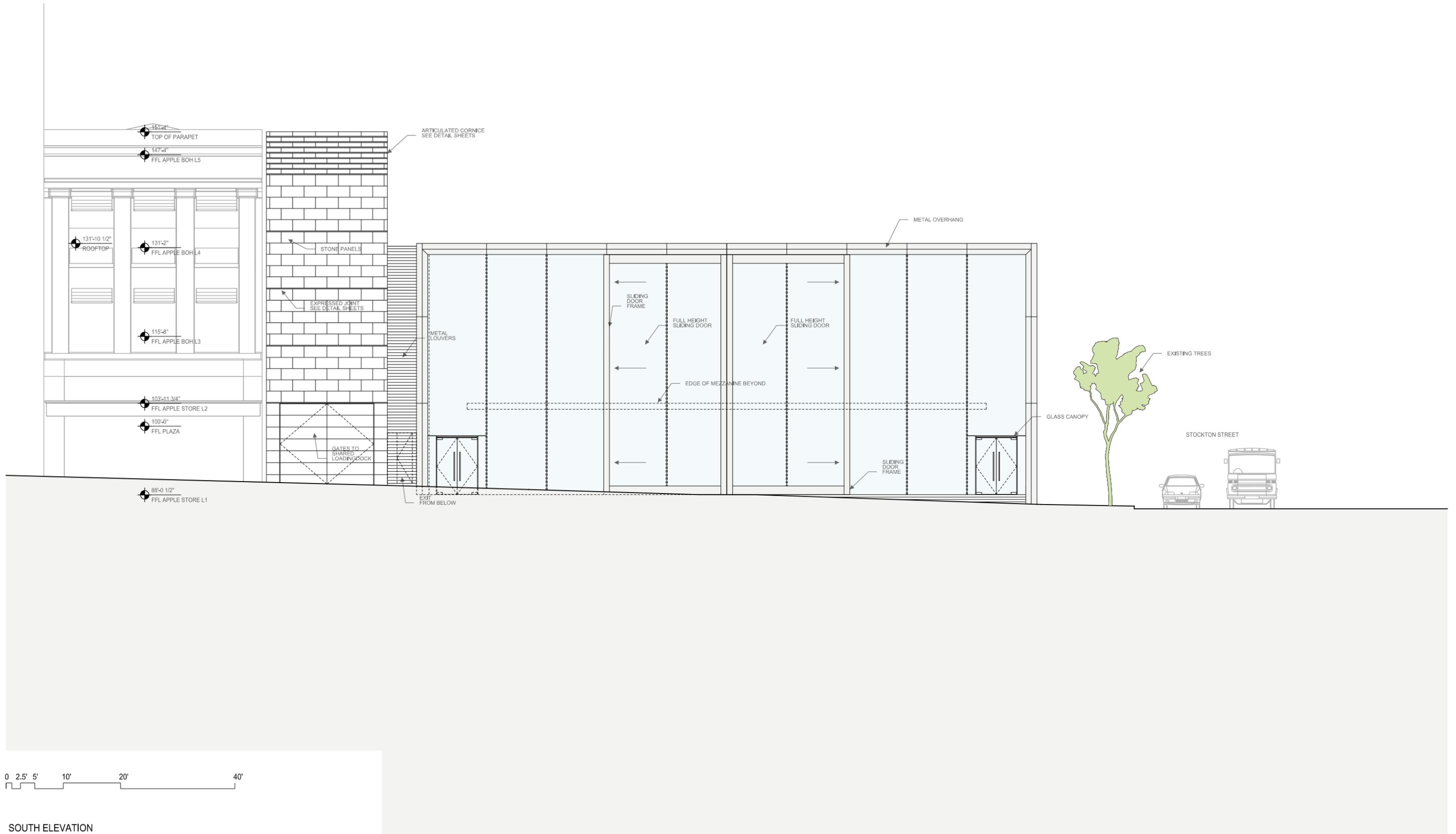


FIRST FLOOR PLAN
1/16" = 1'-0"





SECOND FLOOR PLAN
 1/16" = 1'-0"



151'-4"
TOP OF PARAPET
147'-4"
FFL APPLE BOH L5

131'-10 1/2"
ROOFTOP
131'-2"
FFL APPLE BOH L4

115'-8"
FFL APPLE BOH L3

103'-11 3/4"
FFL APPLE STORE L2
100'-0"
FFL PLAZA

EXISTING TREES

GLASS CANOPY

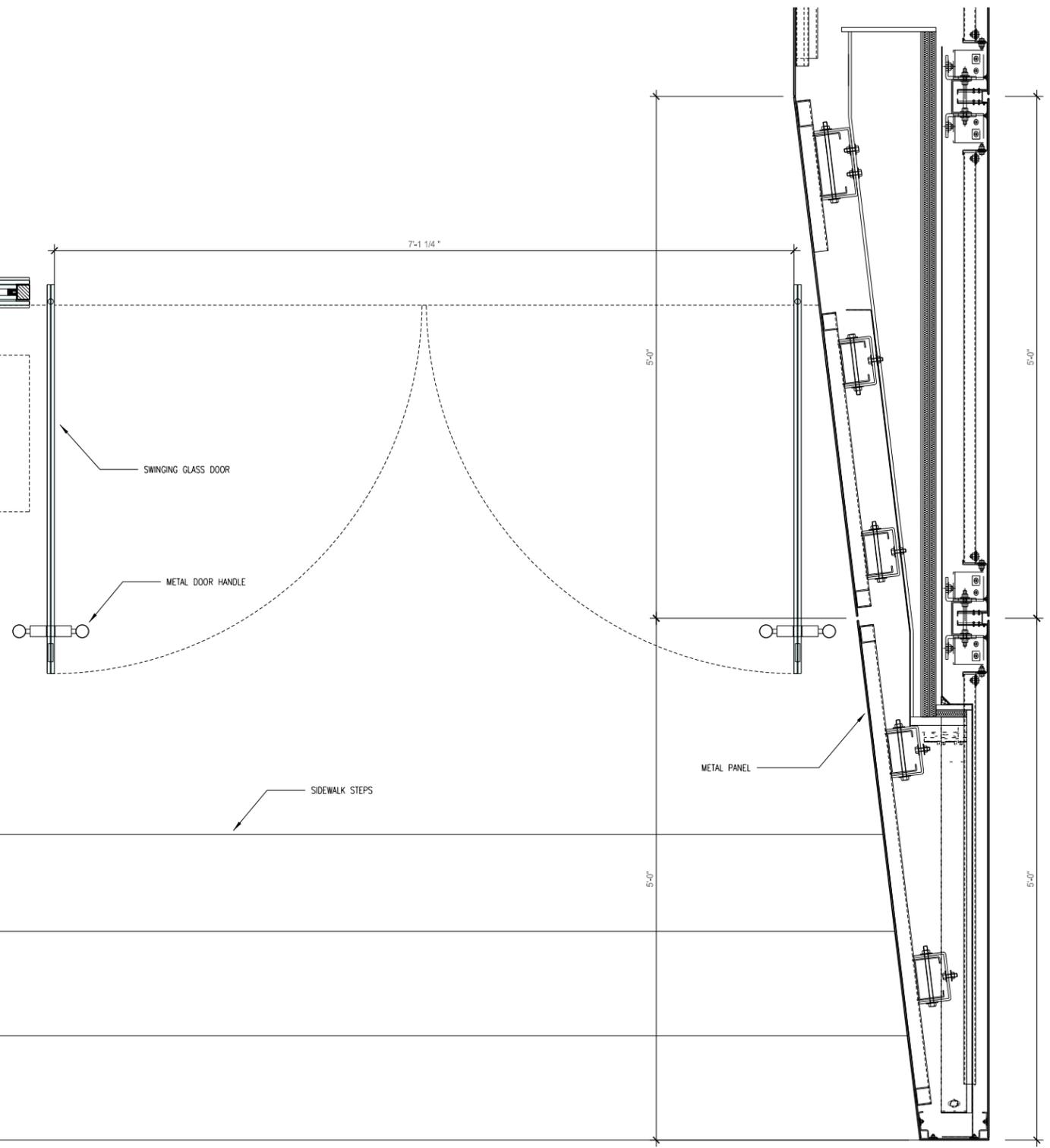
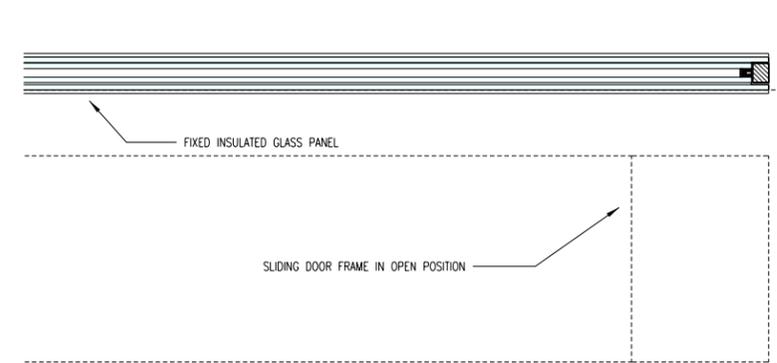
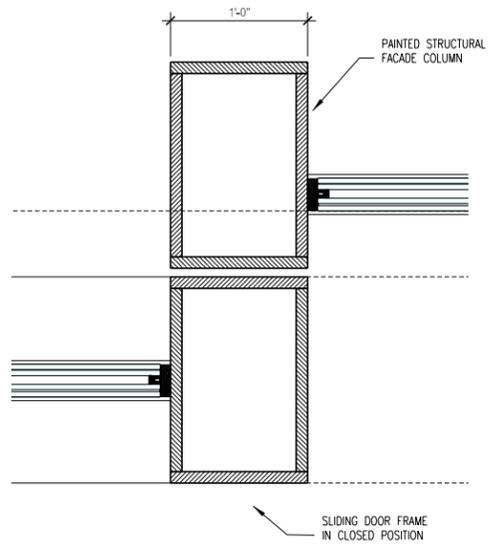
INSULATED GLASS PANEL

FIRE EXIT

STOCKTON STREET



NORTH ELEVATION
1/16" = 1'-0"



STOREFRONT DETAIL PLANS
 3/4" = 1' - 0"

01 EXTERIOR STOREFRONT PLAN DETAIL
 3/4" = 1' - 0"

Exhibit B

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January 23, 2014

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Via E-Mail and U.S. Mail

Jeannie Poling
Elizabeth Watty
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 300 Post Street (Case No. 2103.0628)

Dear Ms. Poling and Ms. Watty:

I am writing on behalf of Apple Inc. ("Apple"), applicant for the 300 Post Street Project, a proposed Apple store at Post Street and Stockton (Assessor's Block 2095, Lot 016) ("Project"). In connection with the Project, Apple has applied to the City and County of San Francisco ("City") for approval of a (1) Major Permit to Alter, (2) a Planning Code Section 309 Review for a Downtown Project Authorization, and (3) a Variance to modify the storefront transparency on the Stockton Street side of the Project. The Project also requires a code change to allow reconstruction of noncomplying floor area, as provided in the proposed amendment to Planning Code § 188.

This letter responds to matters raised under the California Environmental Quality Act ("CEQA") by the Service Employees International Union – United Service Workers West ("SEIU") in its letters dated December 4, 2013, December 18, 2013, and January 9, 2014. The SEIU raises certain issues with replacing an existing retail store with a smaller, more modern store, contending that its members are uniquely concerned about the environmental impacts of such a project. However, these letters mischaracterize the Project, misstate the law, and misdirect the public process.

The evidence in the record clearly supports the City's finding that the Project qualifies for a Categorical Exemption under CEQA.

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1. Summary

We apologize for the length of this letter. Unfortunately, the SEIU's attorneys threw up every conceivable argument (many of which previously would have been considered inconceivable), in the hopes that something might stick. Nothing does, but it takes some analysis to show that.

This letter first describes the Project background. It then shows that the Project, as the replacement of an existing structure by a smaller structure used for the same purpose, exactly meets the criteria for a Categorical Exemption under CEQA. The next section of the letter demonstrates that there are no "unusual circumstances" that prevent the Project qualifying for this Exemption. Specifically:

- There is absolutely no evidence of environmental impacts relating to soil contamination, greenhouse gas or air quality, and mere speculation that there may be is insufficient under CEQA (as the SEIU's attorneys and its consultant should know, since an appellate court specifically rejected the same arguments by them in a case last year).
- The Project complies with the Green Building Code. It is neither new construction nor a major alteration as defined in the City's Green Building Code, because it integrates much of the infrastructure of the existing Hyatt Complex, and is below the threshold criteria for a major alteration.
- Legislation effective January 1, 2014 exempts projects meeting certain criteria from analysis of aesthetic impacts under CEQA, and the Project meets those criteria.
- Concerns about the impact of the Project on historic resources do not reflect the Project's current design, or the Planning Department's recommendation that the Planning Code amendment be expressly limited to the Hyatt Complex. The Department's recommendation also disposes of any "piecemealing" claim.
- The SEIU's selective quotation of a portion of the Planning Department staff's discussion of an observation deck at the Hyatt deliberately omits the key conclusion – that the smaller project proposed by Apple eliminates the development bonuses that were the basis for requiring the observation deck.

Apple has developed stores throughout the world, including in some of the most challenging permitting regimes. By working with local governments and communities, Apple has been able to develop iconic stores in Paris, London, Berlin, Barcelona, Hong Kong, Shanghai, Sydney, New York, and other world-class cities. For years Apple has been

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determined to bring to San Francisco an expanded store with a cutting-edge design. The Project site presents the perfect opportunity to achieve this goal, and also give back to the community by energizing a neglected public space and burnishing Union Square's reputation as a premier retail location. Apple proudly brands its products as "designed in California." It seeks to develop a store in its own backyard that will rival any of its other significant stores around the globe.

2. Project Background

The Project is the development and construction of a new Apple store on San Francisco's Union Square. The new store would be located at the site of an existing large-scale retail establishment (formerly the Levi's store) at 300 Post Street. The existing retail space was constructed as part of an integrated project with the Grand Hyatt Hotel (the "Hyatt Complex") during the 1970s. Indeed, the store is located on top of the hotel's loading area and ballrooms, and a portion of it originally served as the hotel's restaurant. The retail space was substantially modified in 1998 for Levi's retail purposes. The Project replaces the existing four-story building comprising 37,234 square feet of retail space with a new two-story building comprising 23,470 square feet of retail space, using a more innovative and sustainable design. The Project will be the first in San Francisco by the renowned architectural firm of Foster + Partners, the same firm designing Apple's new campus in Cupertino.

Apple initially submitted a request for a preliminary project assessment in May 2013. Apple recognized that input from the Planning Department staff would be critical to the orderly implementation of a project that will be a showpiece of the City's premier retail area. By working closely and cooperatively with City staff and stakeholders, Apple was able to identify and respond to key concerns raised by the City and the community. As a result, Apple made several modifications to the Project, including changing the current, uninviting plaza to provide a much better public experience, altering plans for the Stockton Street frontage to include more window area, and finding a way to preserve and highlight the beloved Asawa folk art fountain. This has been a transparent and inclusive process, and the result is a project of which both Apple and the City can be proud. It represents the best of modern, sustainable design, befitting its place in the center of a world-class city.

While the end product will be a superb addition to the City's architectural fabric and reputation for innovation, the benefits to the community will start much sooner. Apple's commitment to sustainability begins with the design process and continues through implementing best management practices during construction and operation. In addition, the Project will utilize a skilled union workforce throughout the construction process, including members of the carpentry, ironworkers, plumbing, electrical, sheet metal, equipment operators and masonry trades, as well as the teamsters.

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3. The California Environmental Quality Act

Apple values its role in the community and appreciates the consideration that the Planning Department staff has given to its proposal. Apple has worked hard to foster a collaborative and cooperative relationship with the City and the community. The late-breaking attack by SEIU's attorneys neither furthers a rational deliberative process nor promotes any legitimate environmental interests. As set forth below, the attack ignores relevant facts, distorts the record, warps the law, and relies on speculation and unsupported assumptions. It mischaracterizes the Planning Department's comments on the Project and fails to acknowledge changes in the Project that are responsive to certain concerns. It's just plain wrong—and it should not be allowed to derail a project that will add to the City's luster and economic vitality, and create high-quality union jobs.

A. The Project Is the Replacement or Reconstruction of an Existing Structure and Thereby Qualifies for a Categorical Exemption

As discussed above, the Project replaces the existing Levi's retail store at 300 Post Street with a smaller Apple retail store at the same location. Accordingly, the Project qualifies for a Categorical Exemption (Class II) for the "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced." Cal. Code Regs. tit. 14 (known as CEQA Guidelines), § 15302. Here, it's indisputable that the Project will be located on the same site and will serve exactly the same purpose as the Levi's Store, a retail establishment. The Project's capacity is actually less than the Levi's store, by about 14,000 square feet, or 37%.

Given that the Project dovetails exactly with the requirements for a Categorical Exemption, the SEIU's attorneys are left to devise distinctions that are both irrelevant and misleading. The January 9 letter from SEIU's attorneys ("SEIU Letter") claims, without citing any authority, that the Project does not qualify because it is an "entirely different structure, with different architecture, scale and aesthetic design from the Levi's Store." SEIU Letter at 12. But the Categorical Exemption specifically applies to entirely different structures. CEQA Guideline § 15302(b) states that it applies to any "[r]eplacement of a commercial structure with a *new structure* of substantially the same size, purpose, and capacity." [emphasis added]. Moreover, as indicated, the scale of the Project in terms of size and capacity is substantially less than the Levi's store. Contrary to the SEIU's letter, the Exemption is not limited to exact replicas. This strained reading was considered and rejected in *Dehne v. County of Santa Clara*, 115 Cal. App. 3d 827, 837 (1981), where the Exemption was applied to the modernization of a six-acre cement plant. Rather, as the *Dehne* case made clear, the Exemption does not "demand minute scrutiny of each of the individual components of a project"—it does not require replacement structures to be "precisely or literally the same

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size as old structures” or in “exactly the same location.” 115 Cal. App. 3d at 839. The Planning Commission’s policies reflect this flexible standard, providing that the “same site” means the “same lot or lots as were occupied by the original structure(s).” Planning Commission Motion No. 14952, “Categorical Exemptions from the California Environmental Quality Act,” August 17, 2000.

It’s crystal clear that the Project meets the requirements for the Categorical Exemption.

B. The “Unusual Circumstances” Exception Does Not Apply to the Project

Categorical Exemptions are based on a finding by the State of California Resources Agency “that a class or category of projects does not have a significant effect on the environment.” *Davidon Homes v. City of San Jose*, 54 Cal. App. 4th 106, 115 (1997). Based on that finding, it is well established that where projects fall within an exempt class, no additional environmental review is required. *Apartment Ass’n of Greater Los Angeles v. City of Los Angeles*, 90 Cal. App. 4th 1162, 1172 (2001) (agency not required to conduct initial study before declaring project exempt from environmental review.); *Ass’n for Prot. of Envtl. Values in Ukiah v. City of Ukiah*, 2 Cal. App. 4th 720, 726 (1991) (once determination is made project is categorically exempt, project may be implemented without any CEQA compliance whatsoever). Therefore, once a project meets the requirements for a Categorical Exemption, the burden shifts to the party challenging the Exemption to show that an exception to the general rule applies.

Here, the SEIU’s Letter claims CEQA Guidelines § 15300.2(c) applies, which provides that “[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” The “unusual circumstances” exception entails two separate inquiries: (1) whether the project presents “unusual circumstances” and (2) whether there is a “reasonable possibility of a significant effect on the environment *due to the unusual circumstances*.” *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego*, 139 Cal. App. 4th 249, 278 (2006) (emphasis added). This test is satisfied only when both the circumstances of the Project differ from the “general circumstances” of projects that fall under the Categorical Exemption, and those circumstances create an environmental risk that “does not exist for the general class of exempt projects.” *Banker’s Hill*, 139 Cal. App. 4th at 278. Neither of those elements applies here.

The SEIU’s Letter fails to recognize these dual elements, and the need for a causal relationship between them in order for the exception to apply. This is a critical and misleading omission. The exception would apply to the Project only if the proposal was so unusual that it would cause impacts outside the reasonable realm for a project otherwise

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qualifying for the Categorical Exemption. See *Wollmer v. City of Berkeley*, 193 Cal. App. 4th 1329, 1351 (2011) (holding location of an infill project at a major intersection is expected and not unusual as a matter of law).

There are no facts that would support the application of the unusual circumstances exception to the Project. Indeed, the SEIU's Letter fails to identify any facts that would explain why the Project—a retail store replacing an existing, larger retail store at the same location—presents any unusual circumstances. It's instructive to note that the Categorical Exemption covers much larger projects than a retail store, such as hospitals and industrial operations. CEQA Guidelines § 15302(a) (Class II Exemption even applies to major projects such as replacement schools and hospitals, including expansion up to 50%); *Dehne*, 115 Cal. App. 3d 827 (substantial modernization to a cement plant). The SEIU's attorneys have not set forth evidence—nor can they—that the attributes of the Project are outside “the range of characteristics one would expect” for the class of projects covered by the Exemption, here a retail store. *Wollmer*, 193 Cal. App. 4th at 1351.

It is true that, like most replacement projects, the Project would require certain City approvals in order to be built, specifically a variance to allow for less storefront transparency on the Stockton Street façade than is currently permitted under Planning Code § 145.1(c)(6). The Planning Code requires street frontages to have no less than 60% transparency at ground level to allow for visibility into buildings. However, such an adjustment from the established standards does not create an “unusual circumstance” under CEQA. The requirement is not environmental, but rather reflects the City's policy determinations that an open storefront encourages customers and discourages crime (with more “eyes on the street”), reduces energy consumption through the use of natural light, and enhances curb appeal. See San Francisco Planning Department, *Guidelines for Storefront Transparency* (Nov. 2013). Those goals are realized here, where the entire front façade on Post Street is glass, as is the rear façade on the plaza. Apple has worked with the Planning staff to provide significant transparency on Stockton Street via a floor to ceiling glass panel. However, in the end, as discussed in more detail in Section E, below, these types of aesthetic issues are not considered CEQA impacts for infill developments such as the Project, and therefore cannot support application of the unusual circumstances exception. See *Ass'n for Prot. of Env'tl. Values in Ukiah*, 2 Cal. App. 4th 720 at 736 (alleged environmental impacts must be related to City's approval of a nonconforming use to be considered an “unusual circumstance”).

The analysis of whether the Exemption applies can stop at the conclusion that there are no unusual circumstances. However, to correct the record, we will address claims in the SEIU's Letter of significant environmental impacts, even though the Letter fails to proffer any facts showing a connection between the alleged unusual circumstances of the Project and

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a reasonable possibility of significant environmental impacts that do “not exist for the general class of exempt projects.” *Banker’s Hill*, 139 Cal. App. 4th at 278.

The SEIU’s Letter also fails to provide the Commissioners and the public the correct legal context by claiming (based on generalizations and speculation) that the facts support a “fair argument” that the Project would cause a significant environmental impact. SEIU Letter at 14-20. In doing so, the SEIU’s Letter fails to disclose the split of authority on the appropriate standard for whether an activity that would otherwise be categorically exempt is subject to an exception. This issue is currently up for review before the California Supreme Court in *Berkeley Hillside Preservation v. City of Berkeley*, 203 Cal. App. 4th 656 (1st Dist. 2012), *rev. granted* 137 Cal. Rptr. 3d 500 (2012). While we believe the correct standard of review is whether the City’s determination is supported by substantial evidence, even under the more lenient “fair argument” standard, the SEIU’s Letter falls short.

C. There Is No Evidence of Any Significant Environmental Impacts Related to Hazards or Hazardous Substances

The SEIU’s Letter states that because the Project would involve the excavation of ten feet of soil, there is a fair argument that such excavation would result in significant environmental hazards. SEIU Letter at 14-15. However, the SEIU’s Letter does not present any evidence that the soil is contaminated with hazardous substances or that, even if it were, it would present a risk of exposure. Indeed, the outside consultant used by the SEIU, Matt Hagemann, a hydro-geologist, identifies no site-specific information that excavation on the property would cause any environmental impact, only that excavation could possibly uncover some hazardous materials. Such generalized statements go way too far—they are true of virtually any construction anywhere. They are not evidence of an environmental impact. Cal. Pub. Res. Code § 21082.2(c) (“Argument, speculation, unsubstantiated opinion or narrative . . . is not substantial evidence.”).

This is particularly true here where none of the typical indicators of contamination are present and excavation is limited. According to Page & Turnbull’s Historic Resource Evaluation, the Project site “was one of the first developed in San Francisco and has consistently housed either a social club or a hotel and associated commercial businesses.” Page & Turnbull Preservation Architects, 300 Post Street/345 Stockton Street Historic Resource Evaluation at 31 (August 15, 2013). The Property is not within an area of historic fill soils, and has never been the site of a gasoline station or industrial use. *See* Expanded Maher Map, Planning Department (October 2013). Further, the Project is not an all-new building that requires large volumes of soil to be removed or disturbed; it is an alteration of the single, integrated development (mostly surface structures) that comprises the Hyatt Complex. An existing ballroom for the Hyatt will remain under the new store. To reduce the impact on the hotel and ballroom, excavation will be limited to the minimum number of

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micropiles and footings required to support the new structure. The use of micropiles eliminates the need for deep excavations. The design currently envisions two main column foundations that are approximately 19' x 10' x 6' deep, three additional wall footings and about twelve other minor footings that are approximately 5' x 5' x 3' deep.

Mr. Hagemann does not offer one shred of site-specific evidence of contamination. Instead, he asserts that a detailed study is required to analyze potential impacts. He alleges that, unless such studies are completed, there is a risk of exposure to contaminants. However, "[o]pinions that state nothing more than it is reasonable to assume that something potentially adverse to the environment may occur...do not constitute substantial evidence necessary to invoke an exception to a categorical exemption." *Magan v. County of Kings*, 105 Cal. App. 4th 468 (2002).

The SEIU and Mr. Hagemann know very well that speculation and calls for additional study are not evidence of significant impacts. Just three months ago, the First District Court of Appeal flatly rejected the same claim by SEIU's attorneys and Mr. Hagemann against a project in Berkeley, stating:

Hagemann contended that future residents are at risk because vapors from the two VOCs [volatile organic compounds] may travel through the soil into buildings...and thereby expose these buildings' residents to polluted air. Based on the levels of the VOCs, Hagemann suggested a vapor-intrusion study be performed. This opinion is insufficient to create a fair argument of a significant effect on the environment because a suggestion to investigate further is not evidence, much less substantial evidence, of an adverse impact.

Parker Shattuck Neighbors v. Berkeley City Council, - Cal. App. 4th -, 2013 Cal. LEXIS 1052, *23 (2013) (holding building on a contaminated site is not in itself a significant environmental impact). It would have served the public process better had the SEIU's Letter at least acknowledged the *Parker Shattuck* case in recycling this rejected argument.

Even if there were evidence of soil contamination—which there is not—it would be insufficient to raise a fair argument of an environmental impact. In *Parker Shattuck*, unlike here, Mr. Hagemann was able to demonstrate the presence of contamination. Nevertheless, the court specifically held that the mere presence of past contamination on a property is not evidence of a significant environmental impact, without evidence that it was at a level presenting a health risk to construction workers. The concern that the site may have contaminants that may affect construction workers is far too speculative, and falls outside of the scope of CEQA.

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None of this is to say that construction workers would be left unprotected if contamination exists. The SEIU's Letter fails to recognize that there are statutory and regulatory measures in place to ensure the protection of workers if any contamination is identified before or during construction. (29 C.F.R. Part 1926.650; Cal. Code Regs. tit. 8 §§ 3203, 5194; San Francisco Health Code Chapter 22A.) If a project is subject to "specific performance criteria imposed by various ordinances, codes and standards . . . it is reasonable to expect that these environmental regulations will be followed." *Oakland Heritage Alliance v. City of Oakland*, 195 Cal. App. 4th 884, 910 (2011).

Apple is committed to ensuring that its Project complies with (or exceeds) all applicable laws and regulations, including required construction measures. These are the types of measures that would apply to any construction project. Accordingly, even if unusual circumstances existed, there are no facts in the SEIU's Letter or attached reports of a significant environmental impact that would preclude application of the Categorical Exemption here.

D. There Is No Evidence of Any Significant Environmental Impacts Related to Greenhouse Gases or Air Quality

As with the claims regarding impacts from contamination, the SEIU's Letter ignores the question of whether the Project's air quality and greenhouse gas impacts are atypical. The SEIU's Letter then claims those impacts are significant on the basis of general assertions without any evidence related to the Project.

i. No New Greenhouse Gas Emissions

To claim that an infill, replacement project, which reduces the building size by more than one-third, has a potentially significant impact on global climate change is nonsensical. Apple has a long-track record of minimizing energy consumption by its facilities around the world, and supplying its energy needs with renewable power. See the Apple Facilities Environmental Footprint Report, Fiscal 2012, at the following link:

http://images.apple.com/environment/reports/docs/Apple_Facilities_Report_2013.pdf

This Project is no different. For example, as with Apple's new campus, the Project will use LED lighting and rely heavily on natural ventilation. LED lighting is 50% more efficient than fluorescent lighting typically found in retail stores. By operating on natural ventilation up to 70% of the year the retail store will cut its energy consumption by 35% compared to a traditional building that relies on standard HVAC units to provide heating and cooling. Accordingly, based on the reduced size and improved energy efficiency, the Project will result in a net reduction in energy use and greenhouse gases.

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ii. Construction Dust Will Not Be Significant

Dust generated by the Project will not be significant. Excavation is limited to approximately 250 cubic yards and no grading activities will occur. Because partial demolition will be carried out while the hotel continues to operate underneath and adjacent to the new construction, only small equipment that can be transported into the basement will be used. The building will be demolished piece by piece; there will be no grand demolition event. Any potential dust will be mitigated with water misting. The water waste will be disposed of per industry standards and disposal will comply with all regulations. Consequently, construction dust will be minimal, temporary, and intermittent.

Contrary to the SEIU's characterization, the Dust Control Ordinance requires a Dust Control Plan only where the land area of construction is more than one-half acre. San Francisco Health Code § 1242(a). However, even where a Dust Control Plan is not mandated, any project that disturbs more than 10 cubic yards or 500 square feet of soil must comply with San Francisco Building Code requirements to prevent airborne dust. San Francisco Building Code § 106A.3.2.1. The Project will comply with applicable standards under this Code section.

iii. There Are No Sensitive Receptors

A Project may have a significant health impact if it would expose sensitive receptors to toxic air contaminants. The Bay Area Air Quality Management District defines "sensitive receptors" as "[f]acilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas." BAAQMD CEQA Guidelines at 10 (1999). Commercial areas are not considered "sensitive" because people spend shorter periods of time in them compared to residential areas. Here, the area is heavily commercial with no sensitive uses located in the immediate vicinity of the Project and the scale of construction is such that use of heavy equipment will be limited. As part of the environmental review for the Project, the Planning Department reviewed the type of construction equipment that will be used and concluded that the Project would not result in significant health risks.

The SEIU has not identified any sensitive receptors in the immediate vicinity of the Project and has not provided any Project-specific evidence that health impacts would occur. San Francisco imposes some of the most stringent standards and requirements for controlling emissions from construction equipment, and Apple will follow these standards. Indeed, as Mr. Hagemann himself points out, Planning Staff noted in the Preliminary Project Assessment that the Project must comply with dust control and other emissions standards.

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As described above, case law confirms it is reasonable to assume environmental regulations will be followed.

iv. The Façade Glass Is Highly Efficient

Early concerns expressed by the Planning Department staff about the glass façades have been addressed in the course of project review. Specifically, the Project's glass facades, while extensive in nature to optimize to the use of natural daylight and to evoke a sense of openness, have been designed to minimize energy consumption. External shading devices have been integrated into the design in the form of overhangs and side fins on the southern facade to block both low angle morning sun and high angle summer sun. The proposed storefront glass within the retail space will be high performance with both low-emissivity and solar coatings. The proposed insulated glass panels will have a thermal performance approximately four times better than a regular store front while solar gain will be reduced by a factor of two relative to a typical glass storefront. The large sliding glass doors on the Post Street façade will also allow for rapid dissipation of solar heat gain via natural ventilation when climatic conditions permit.

v. The Project Complies with the Green Building Code

Because it cannot identify any evidence that the Project will generate significant quantities of GHGs, the SEIU alleges that the Project will nonetheless result in significant impacts because it does not comply with San Francisco's Green Building Code ("SF Green"). This too is incorrect.

SF Green establishes three tiers of commercial projects that are subject to requirements that exceed those of the California Green Building Standards Code ("CalGreen"): New Large Commercial Buildings (over 25,000 square feet), New Mid-Size Commercial Buildings (5,000 to 25,000 square feet), and Major Alterations. San Francisco Green Building Code § 202. Projects outside of these three categories are subject to the CalGreen standards only.

The SEIU claims that the Project should be classified as "New Construction" under SF Green and that the City has determined the Project to be a "Major Alteration" under SF Green. Both claims are false.

(1) Not "New Construction"

"New construction" under SF Green refers to a "building that has never before been used or occupied for any purpose and does not include additions, alterations or repairs." San Francisco Green Building Code § 202. Under this standard, the Project is not new

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construction. Rather, it is an alteration of the larger Hyatt Complex. The Hyatt Complex is an integrated structure comprising a high-rise portion and a low-rise portion, which are built above common basement levels and share many building systems. The Hyatt Complex was built under a single permit for the entire site. *See* Building Permit No. 376021.

In pre-application meetings with the Department of Building Inspection (“DBI”) and Fire Department staff, the Project has been treated as an alteration to the existing Hyatt Complex, which is a single, integrated structure across the entire property. *See* Preapplication Meeting Minutes at 1 (December 24, 2013). Written summaries of these meetings were prepared and signed by DBI staff. Applicants are entitled to rely on these signed written summaries, which expressly state that such summaries “will be honored by the responsible plan reviewer during the plan review process and subsequently by field inspection staff.” The new Apple store will be built atop an existing Hyatt ballroom. It will share the Hyatt’s loading dock, chilled water supply, heating hot water supply, potable water supply, low voltage power supply, sanitary and rainwater, and drainage. Integrating the existing, large-scale Hyatt systems is more efficient than developing stand-alone systems for the Project.

Integrating new construction with older portions of the existing structure is part and parcel of building an infill project in an existing City block, particularly on top of an existing building. As a result, the Project is fundamentally different from new construction, where typically a builder would start anew. For these reasons, DBI, after carefully reviewing the Project, has accepted a building permit for alteration. *See* Building Permit Application No. 2013.1216.4258. It has not indicated that permits for demolition and new construction are required, or that the requirements for new construction apply.

(2) Not a “Major Alteration”

SF Green classifies as “Major Alterations” those “[a]lterations where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed where areas of such construction are 25,000 gross square feet or more.” San Francisco Green Building Code § 202. Because the Project is under this bright-line threshold, it is not a Major Alteration under SF Green.

The SEIU claims that the Planning Department’s Preliminary Project Assessment included the designation of the Project as a “Major Alteration by the San Francisco Department of Building Inspection.” Hagemann Report at 4. This is flatly false. The Preliminary Project Assessment addressed the principal Planning Code requirements for the Project. DBI was not involved in drafting the letter, which was on Planning Department letterhead. Nothing in the letter indicated that DBI had determined the Project to be a “Major Alteration” under SF Green.

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Rather, the Planning Department indicated that the Project was a “Major Alteration” for purposes of design review under Planning Code section 309 (Downtown Permit Review) and a Major Permit to Alter from the Historic Preservation Commission under Article 11. Preliminary Project Assessment at 5. It’s clear from the context of the Preliminary Project Assessment that the reference to a “Major Alteration” with respect to Planning Code section 309 has nothing to do with green building requirements (a completely different code section and departmental responsibility). This distinction between zoning and building regulations is typical, and it warps the public discourse to conflate them.

E. CEQA Does Not Require Analysis of the “Aesthetic Impacts” of the Project

The SEIU’s Letter also claims that the Project would result in aesthetic impacts, disqualifying the project from application of the Categorical Exemption. SEIU Letter at 18-20. However, the SEIU’s Letter fails to note that the law with respect to CEQA’s treatment of aesthetic impacts in urban areas changed, effective January 1, 2014. Specifically, Senate Bill 743 provides that, “aesthetics and parking impacts of a residential, mixed use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Based on the November 26, 2013 Memorandum to the Planning Department on CEQA Update: Senate Bill 743 Summary – Aesthetics, Parking and Traffic, Attachment A, the Project is located on an infill site within a transit priority area. Furthermore, the Project is considered an “employment center project,” which is defined as any project within a transit priority area zoned for commercial uses with a floor area ratio of no less than 0.75. The Project site is zoned for commercial use. Accordingly, as CEQA has been amended, the aesthetics of the Project cannot constitute a significant impact.

Even if the aesthetics of the Project could properly be considered an impact under CEQA, the location of the Project on Union Square could not present “unusual circumstances” with respect to such alleged impacts. The existing retail establishment at the site—the Levi’s store—is a modern-era store, renovated in 1998, facing Union Square. Updating this retail location with a smaller store designed to modern, innovative, and sustainable standards, specifically for Apple’s retail operations, is a natural progression for a City at the forefront of urban design. Indeed, it arguably *would* be unusual if the Levi’s store were replaced by an antiquated and outdated design.

F. There is No Impact on Historic Resources

The claim in the SEIU’s Letter that there is a fair argument of historic resource impacts associated with the Apple Project is also wrong. To support this contention, SEIU cites two sources: the comments of the Architectural Review Committee (“ARC”) of the

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Historic Preservation Commission (“HPC”) and a letter from Katherine Petrin, an architectural historian and preservation planner. However, both sets of comments have been superseded by subsequent changes to the Project and related legislative approvals. Moreover, as addressed below, even if these changes were not made, the comments fail to show evidence of a significant impact.

i. The Project Would Not Cause a “Substantial Adverse Change” to the Conservation District

A substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. CEQA Guidelines § 15064.5(b)(1). CEQA Guidelines § 15064.5(b)(1) limits material impairment to a project that “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify” its inclusion in the California Register of Historical Resources or other registry.

Here, the historical resource that would be affected by the Project is the Kearny-Market-Mason-Sutter Conservation District (“Conservation District”). This is a district that includes some portion of 30 City blocks and 324 buildings. It is notable for its concentration of Beaux Arts buildings. In order for the Project or related legislative approvals to have a significant impact on historic resources, they would have to “demolish or materially alter the physical characteristics of the Conservation District that justify its inclusion in the California Register” or Article 11 of the Planning Code. CEQA Guidelines § 15064.5(b)(1).

At the ARC meeting in December, commissioners questioned if certain aspects of the Project’s design were compatible with prevalent features of the Conservation District. However, this does not equate to a significant impact on the District as a whole, nor did any commissioner suggest that the Project would have such an impact. It does not. The Project does not demolish or alter any historic buildings, i.e., the features that justify the Conservation District’s historic status. It replaces one building of modern vintage—that is classified by the Planning Code as “Category V – Unrated”, meaning a building of no preservation merit whatsoever—with another, slightly smaller modern building designed by one of the premier architects practicing today. In this respect, the Project simply maintains the District’s environmental status quo, though it significantly upgrades the architectural merit of this single location.

Moreover, the Project has changed to respond to the comments from the ARC. The ARC’s primary focus was on the scale and composition of the Post Street façade. At the time, the frontage on Post Street was primarily glass, with glass fins as the only elements

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dividing the façade. The ARC was concerned that the fins would not be sufficiently visible to echo the pattern of 20-30 foot wide bays that typifies historic buildings in the Conservation District.

In response to this comment, Apple has revised the Project to incorporate vertical columns that echo traditional bay widths. The columns divide the Post Street façade into four discrete elements of roughly 23 to 31 feet each. The columns frame and support two large sliding glass doors, each 23 feet wide and 44.5 feet tall, that will allow half the store to be opened to the street.

The only expert opinion in the record that squarely addresses the Project's impact on historic resources was prepared by Page & Turnbull (January 17, 2014). That report concludes:

[T]he project complies with the Standards in regard to compatibility with the Conservation District. . . It should be noted, however, that neither the Grand Hyatt Hotel nor that portion of the hotel known as 300 Post Street are considered historic resources, and that the presence or absence of either building would not change the essential form and integrity of the surrounding Kearny-Market-Mason-Sutter Conservation District, which has some hundreds of buildings and is the city's largest such entity.

The ARC comments have been superseded by the revised Project design, and the SEIU's preservation consultant did not comment on the design of the Project itself. There is simply no evidence in the record to support a fair argument of historic resource impacts.

ii. The Planning Code Amendment Would Not Cause a "Substantial Adverse Change" to the Conservation District

We understand the Planning Department will recommend that the Planning Code amendment allow the Planning Commission to approve, on a case-by-case basis, replacement construction of an existing secondary structure that exceeds the floor area ratio limit. This proposed amendment would be expressly limited to apply only to the Hyatt Complex, i.e., it could not possibly affect historic buildings elsewhere in the Conservation District. This change specifically addresses the contention of the SEIU's preservation consultant—that the amendment could facilitate demolition of historic buildings throughout the Conservation District.

Though it is now a moot point, the SEIU has never made a valid argument regarding historic resource impacts. Even if applied more broadly throughout the C-3-R District and Conservation District, the proposed legislation would allow the Planning Commission only

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to approve replacement construction where it would “not result in an adverse impact to a historic resource.” This standard would prohibit the Planning Commission from approving any replacement building that involved demolition of a protected building in the Conservation District. Finally, the proposed legislation does not provide any change to the controlling standards for demolition in the Conservation District. Except in cases where there is an “imminent safety hazard,” demolition of historic significant (Cat. I and Cat. II) buildings in the Conservation District is allowed only where the HPC finds “that the property retains no substantial remaining market value or reasonable use.” San Francisco Planning Code § 1111.7(a)(1). These protections were sufficient to protect against historic resource impacts.

iii. **There Is No Improper Piecemealing**

The SEIU’s Letter argues that the City failed to properly analyze the impacts of the proposed amendment to Planning Code section 188. SEIU Letter at 20-25. Again, this is a red herring. As discussed above, Apple understands the proposed ordinance would apply only to the Project site, and therefore its impacts are analyzed as part of the project. This is not a situation where separate projects are broken up to mask their impacts, but rather the proposed ordinance and the project specific approvals have the same effect of allowing Project construction. There is no improper piecemealing and the impacts of the Project as a whole have been addressed under CEQA.

Similarly, the SEIU’s claim that the rezoning is illegal “spot zoning” entirely misses the mark. At the outset, the City is not singling out the Project site for preferential treatment—the Planning Code amendment would merely conform the proposed floor area ratio to the existing level (and, actually, much less, as the Project would be significantly smaller than the current building). However, even if this change would be considered “spot zoning”, it is not improper. As held just two weeks ago in *Foothill Communities Coalition v. County of Orange*, - Cal. App. 4th -, 2014 Cal. App. LEXIS 22 (January 13, 2014), so-called spot zoning (providing for greater or lesser zoning than surrounding properties) is improper only if it is not in the public interest. The Project, modifying the floor area ratio to reflect the existing on-the-ground reality is sound public policy, particularly when, as in this case, the result will be a smaller building with a lesser floor area ratio.

G. **The SEIU’s Comment Regarding the Observation Deck Is Deliberately Misleading**

The SEIU’s Letter claims the City improperly failed to enforce a mitigation measure for an observation deck when the Hyatt was constructed in 1972. SEIU Letter at 20-21. Not only is this irrelevant to the Project and CEQA in general, but the SEIU’s Letter purposely misleads by quoting only a part of the staff’s discussion, and failing to disclose that the

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Project's reduction in size eliminates the bonus gained by the observation deck. This "issue" is another red herring and has no relationship to the Project. Further, imposition of the observation deck cannot be a CEQA issue, because it predated CEQA.

We appreciate your consideration of this matter. Please let us know if you have any questions or require additional information.

Sincerely,



Christopher J. Carr

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300 Post Street - San Francisco

Historic Preservation Commission

February 5th, 2014

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7.1 Day/Night-Time Renderings

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1.1 Building History and Description

1

Building History

The project site has had a long history of occupation by several buildings, including the Union Club in the late nineteenth century and the Union Square Hotel/Hotel Plaza during the earlier twentieth century. In 1967, building permits were issued for demolition of the Hotel Plaza to allow for new construction for the Hyatt Hotel, restaurant, and conference center. A building permit from November 1967 listed information for a hotel with 35,931 square feet of ground floor space and 39 stories in height and a retail complex five stories tall. The design is attributed to Marc Goldstein of Skidmore, Owings, and Merrill (SOM). In 1972, according to building permits and historic photographs, the Hyatt Hotel complex was completed. The hotel restaurant and various retail stores were located in the lower-height building at the corner of Post and Stockton streets.

The Grand Hyatt Hotel is a 355-foot tall, 36-story, reinforced concrete, modernist skyscraper, designed by Skidmore, Owings, and Merrill, LLP [SOM]. Marc Goldstein was design partner. The structure was completed in 1972 and contains 660 guest rooms. It is located on the eastern portion of Block 0295 on the west side of Stockton Street between Post and Sutter Streets. The primary façades face east onto Stockton Street. The flat roof tapers in above the top floor to give the impression of a sloped roof on four sides with the corner posts rising up at the four edges. The modernist hotel occupies a parcel area of 35,931 square feet.

The Levi's store is located on the northwest corner of Post and Sutter Streets. The structure that currently houses the Levi's store is a part of the hotel complex, connected to the guest room tower at several levels below grade. The store has contained various retail stores and restaurants since the hotel opened in 1972. Substantial changes to the SOM design were made to this portion of the hotel in 1998 at inception of the Levi's lease. The primary façade fronts onto Post Street. The roof is flat and is

surrounded by an extended cornice. The facility is constructed of reinforced concrete faced with precast panels (installed in 1998) and has large glass windows with copper detailing on the primary and northeast facades.

The Grand Hyatt Hotel plaza is located on the eastern portion of Block 0295 on the western side of Sutter Street between the Levi's store and the Grand Hyatt hotel. This plaza was built as part of a multi-building complex in 1972 as designed by Skidmore, Owings, and Merrill, LLP. The plaza is accessed by a set of wide steps up from the sidewalk on Stockton Street. The plaza contains benches and landscaping, including potted plants. The focal point of the plaza is a circular bronze folk art fountain inserted into the Stockton Street stairway that was created by San Francisco sculptor Ruth Asawa in 1972. The fountain was a part of the design for the Grand Hyatt Plaza and was installed in conjunction with the completion of the hotel complex.

Current Historic Status

The following section examines the national, state, and local historical ratings currently assigned to the hotel complex at Post & Stockton Streets [345 Stockton Street].

The National Register of Historic Places (National Register) is the nation's most comprehensive inventory of historic resources. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

345 Stockton Street is not currently listed in the National Register of Historic Places.

The California Register of Historical

Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

345 Stockton Street is not currently listed in the California Register of Historical Resources.

San Francisco City Landmarks are buildings, properties, structures, sites, districts and objects of "special character or special historical, architectural or aesthetic interest or value and are an important part of the City's historical and architectural heritage." Adopted in 1967 as Article 10 of the City Planning Code, the San Francisco City Landmark program protects listed buildings from inappropriate alterations and demolitions through review by the San Francisco Historic Preservation Commission. These properties are important to the city's history and help to provide significant and unique examples of the past that are irreplaceable. In addition, these landmarks help to protect the surrounding neighborhood development and enhance the educational and cultural dimension of the city. As of 2012, there are 262 landmark sites, eleven historic districts, and nine Structures of Merit in San Francisco that are subject to Article 10.

345 Stockton Street is not listed as a San Francisco City Landmark or Structure of Merit. However, 345 Stockton Street does fall within the boundaries of the Kearny-Market-Mason-Sutter conservation district.

Properties listed or under review by

the State of California Office of Historic Preservation are assigned a California Historical Resource Status Code (Status Code) of "1" to "7" to establish their historical significance in relation to the National Register of Historic Places (National Register or NR) or California Register of Historical Resources (California Register or CR). Properties with a Status Code of "1" or "2" are either eligible for listing in the California Register or the National Register, or are already listed in one or both of the registers. Properties assigned Status Codes of "3" or "4" appear to be eligible for listing in either register, but normally require more research to support this rating. Properties assigned a Status Code of "5" have typically been determined to be locally significant or to have contextual importance. Properties with a Status Code of "6" are not eligible for listing in either register. Finally, a Status Code of "7" means that the resource has not been evaluated for the National Register or the California Register, or needs reevaluation.

345 Stockton Street is listed in the California Historical Resources Information System (CHRIS) database with a "B" Status Code, which means that the building is a "Potential Historic Resource" under the California Historical Resource Status Codes.

San Francisco Architectural Heritage (Heritage) is the city's oldest not-for-profit organization dedicated to increasing awareness and preservation of San Francisco's unique architectural heritage. Heritage has completed several major architectural surveys in San Francisco, the most important of which was the 1977-78 Downtown Survey. This survey, published in the book *Splendid Survivors* in 1978, was an influential precursor of San Francisco's Downtown Plan. Heritage ratings, which range from "D" (minor or no importance) to "A" (highest importance), are analogous to Categories V through I of Article 11 of the San Francisco Planning Code, although the Planning Department did use their own methodology to reach their own

findings. In 1984, the original Heritage survey area was expanded from the Downtown to include the South of Market area in a survey called "Splendid Extended."

345 Stockton Street is located within the area surveyed in *Splendid Survivors* and has been given a "D" rating.

The 1976 Department of City Planning Architectural Quality Survey (1976 DCP Survey) is what is referred to in preservation parlance as a "reconnaissance" or "windshield" survey. The survey looked at the entire City and County of San Francisco to identify and rate architecturally significant buildings and structures on a scale of "-2" (detrimental) to "+5" (extraordinary). No research was performed and the potential historical significance of a resource was not considered when a rating was assigned. Buildings rated "3" or higher in the survey represent approximately the top two percent of San Francisco's building stock in terms of architectural significance. However, it should be noted here that the 1976 DCP Survey has come under increasing scrutiny over the past decade due to the fact that it has not been updated in over thirty-five years. As a result, the 1976 DCP Survey has not been officially recognized by the San Francisco Planning Department as a valid local register of historic resources for the purposes of the California Environmental Quality Act (CEQA).

345 Stockton Street was surveyed as part of the 1976 DCP Survey and given a "5" rating.

The Kearny-Market-Mason-Sutter Conservation District was established in 1985 as part of what was then known as the "New Downtown Plan." Enacted as Appendix E of Article 11 of the San Francisco Planning Code, the district comprises the retail core of the downtown and represents some of those buildings in the C-3 Districts that were described in the *Preservation of the Past* section of the Downtown Plan, a component of the city's Master Plan. At the time, these changes to the Planning Code were seen as

important means of protecting the historic buildings of the city center.

Within the Conservation District, buildings were divided into categories:

Categories I and II, Significant: 324 buildings;

Categories III and IV, Contributing: 114 buildings;

Category V, Unrated: 98 buildings.

345 Stockton Street is within the boundaries of the Kearny-Market-Mason-Sutter Conservation District. It is Unrated; therefore it is in Category V within the District

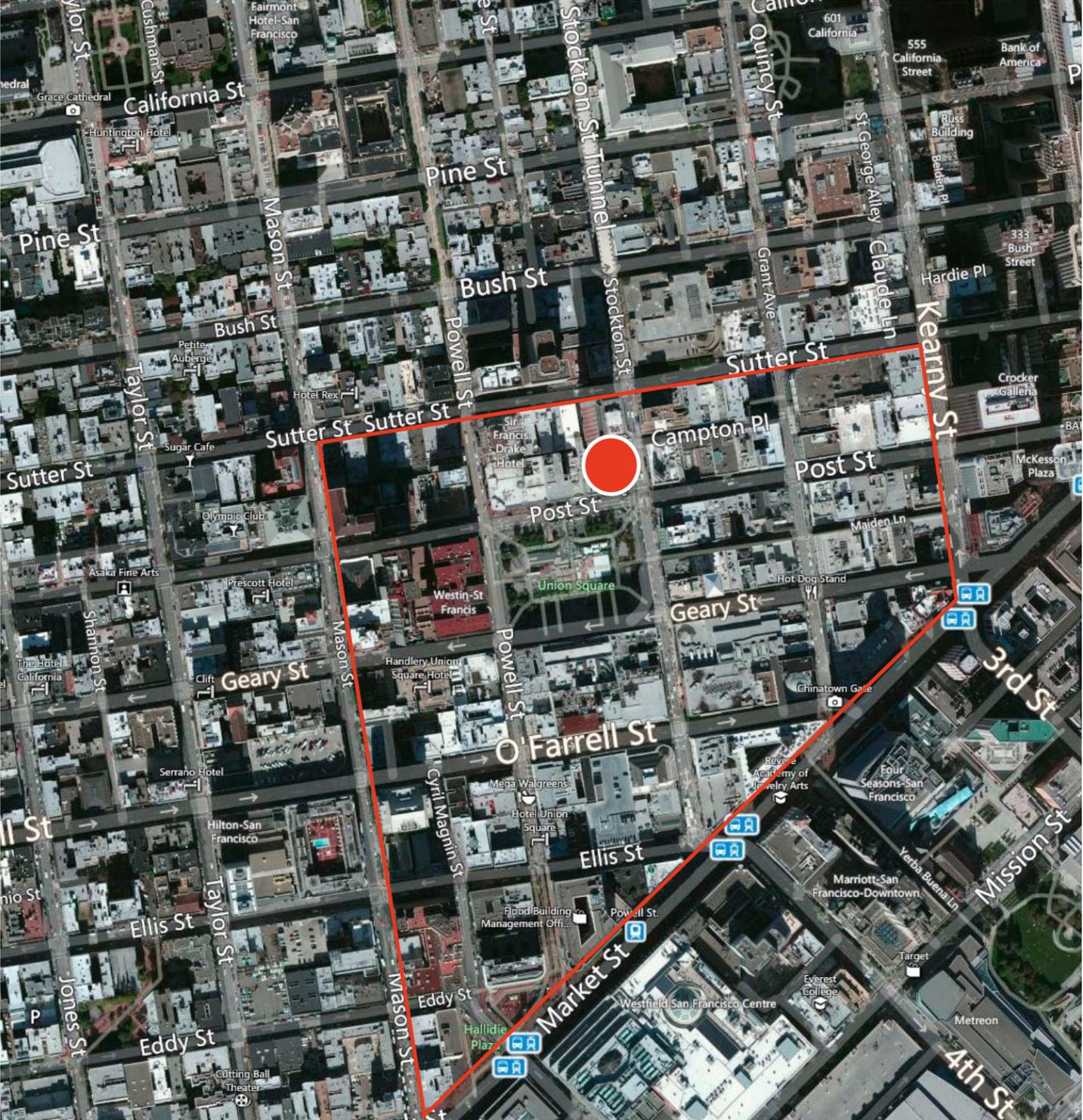
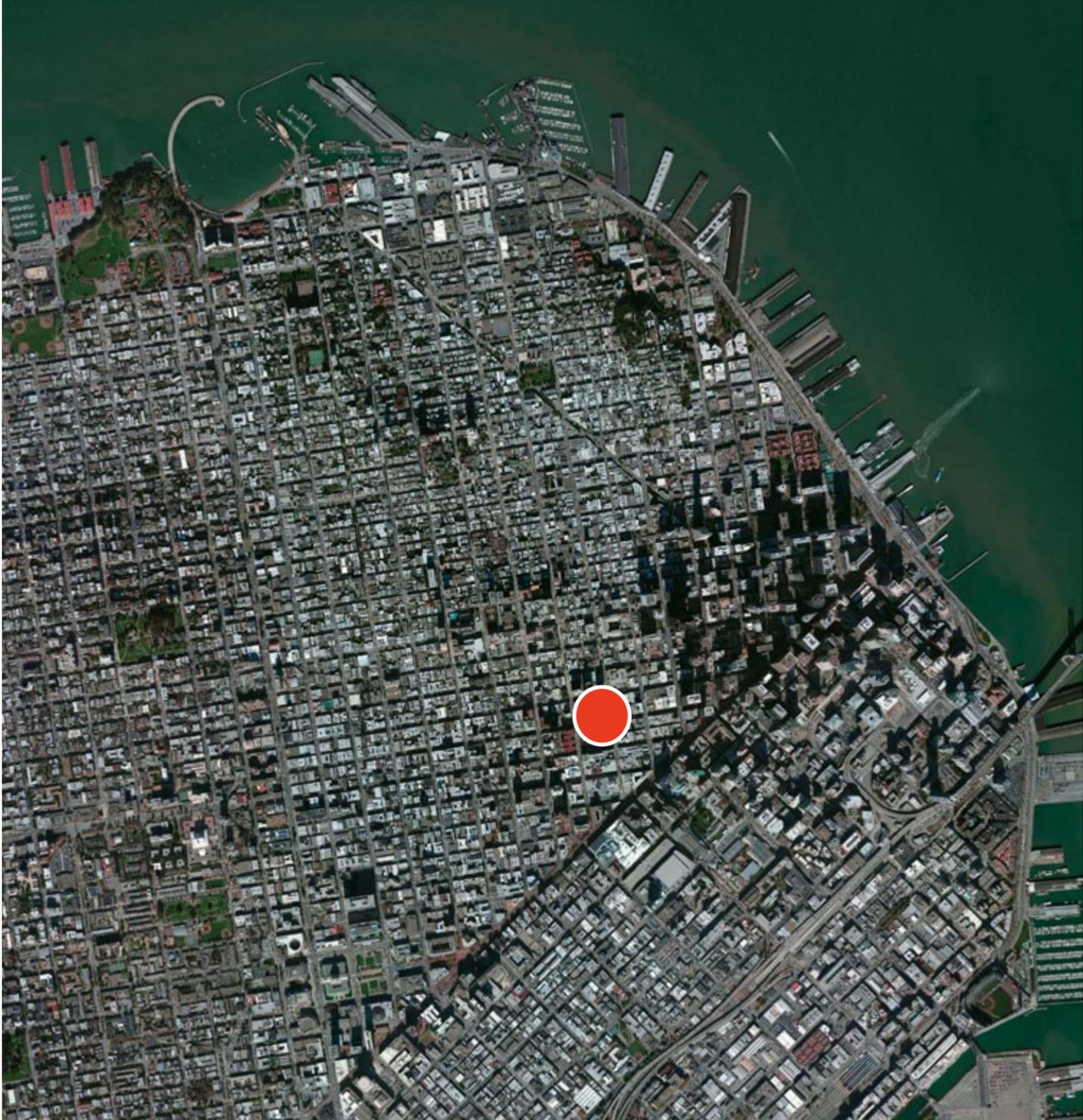
Project Description

The proposed project is a Significant Flagship retail store of type Vintage C.2. The store will have two levels of retail sales above grade, and back of house space below grade and in the adjacent low-rise structure. The approximate area of the store is 14,000 square feet of sales area and 10,000 square feet of back of house area. Structural glass facades, and speciality glass stairs are intended to help bring light throughout the sales area while an eight foot overhang creates shade on the southern facade. The main interior and exterior walls are clad with sleek, minimalist, bead blasted stainless steel panels.

Clear span and cantilevered structural systems are used to create column-free areas above grade to facilitate a better shopping environment. The former under utilized triangular plaza area behind the current retail store is reconfigured into a rectangular tree lined plaza more in keeping with the planning geometry of the surrounding area. The new plaza is book-ended by Ruth Asawa's water fountain and a new water feature at the west end. This new place is intended to be used by both the Hyatt Hotel for special events and also by the general public and patrons of the new proposed retail store.

Site Context Map

300 Post St, San Francisco, CA



Site Context
Site Location





STOCKTON

POST

SAKS FIFTH AVENUE

TUDOR CITY

HAWK

Historical Photos

Photos



Union Square from the St. Francis Hotel, 1937, looking northeast onto the corner of Post and Stockton Streets. The Hotel Plaza is visible.

Source: FoundSF.



The subject block shown in 1885.

Source: San Francisco Public Library Historical Photograph Collection.

Redevelopment of Union Square Area

In 1997, the city held a design contest to redesign Union Square once again (Figure 49). The contest, entitled "Toward a More Perfect Union: An International Design Competition for the Future of Union Square," had a \$25 million budget and included the renovation of the 1,500-square foot underground parking garage. Two local landscape architecture firms, Philips & Fotheringham and Royston Hanamoto Alley & Abey, were selected for the project. Union Square was closed beginning in 2000 for the renovations, which included opening up the corner at Powell and Post streets to pedestrians, changing the entrances to the parking garage to the north on Post Street and the south on Geary Street, adding a staircase connecting the park to Maiden Lane on the east, and a 245-foot long granite center space with terraced steps to hold crowds and loungers.²⁹ In 2002, Union Square was reopened to the public in a ceremony presided over by Mayor Willie Brown.



The Union Club Building in 1888 on the Northwest Corner of Post and Stockton
Source: San Francisco Public Library Historical Photograph Collection.



Union Square looking north onto Post Street, 1905.
Source: Calisphere.



The Hotel Plaza, August 1924.
Source: San Francisco Public Library Historical Photograph Collection.



Aerial view of Union Square looking east from the St. Francis Hotel, October 1971.
Source: San Francisco Public Library Historical Photograph Collection.



Aerial view of Union Square looking east from the St. Francis Hotel, August 1972.
Source: San Francisco Public Library Historical Photograph Collection



View looking east down Post Street towards Stockton Street, showing the building at 300 Post Street, 1974.

Ruth Asawa Fountain in Grand Hyatt Plaza

As part of the design for the Hyatt hotel, artist Ruth Asawa was hired to design a fountain which would be located in the plaza on Stockton Street, south of the hotel and northeast of the restaurant building. Asawa received assistance on this project from about 250 friends and students from the Rose Resnik Lighthouse for the Blind and Visually Impaired School. The fountain was designed and cast in bronze in Asawa's Noe Valley backyard before being installed at the Hyatt Hotel's plaza. At the 25th anniversary celebration of the fountain at the Grand Hyatt, on May 2, 1998, the installation was touted as "one of the few art objects in the city that blind and visually impaired people can actually touch and feel..." Asawa was commissioned by Hyatt Hotel for this project in 1970; it was completed in 1972.



Ruth Asawa working on the Hyatt on Union Square Fountain Between 1970 -1973
Source: San Francisco Public Library Historical Photograph Collection



Fountain Relief Detail
Source: Wikimedia Commons



Hyatt on Union Square Fountain 1973 in Construction with Son Paul Lanier
Source: Wikimedia Commons



Fountain Relief Detail
Source: Wikimedia Commons



Asawa at Her Fountain
Source: Laurence Cuneo



Asawa and photographer Imogen Cunningham view details from Asawa's Fountain
Source: SFGate



Asawa Fountain at Union Square Hyatt March 1973
Source: SFPL

Union Square

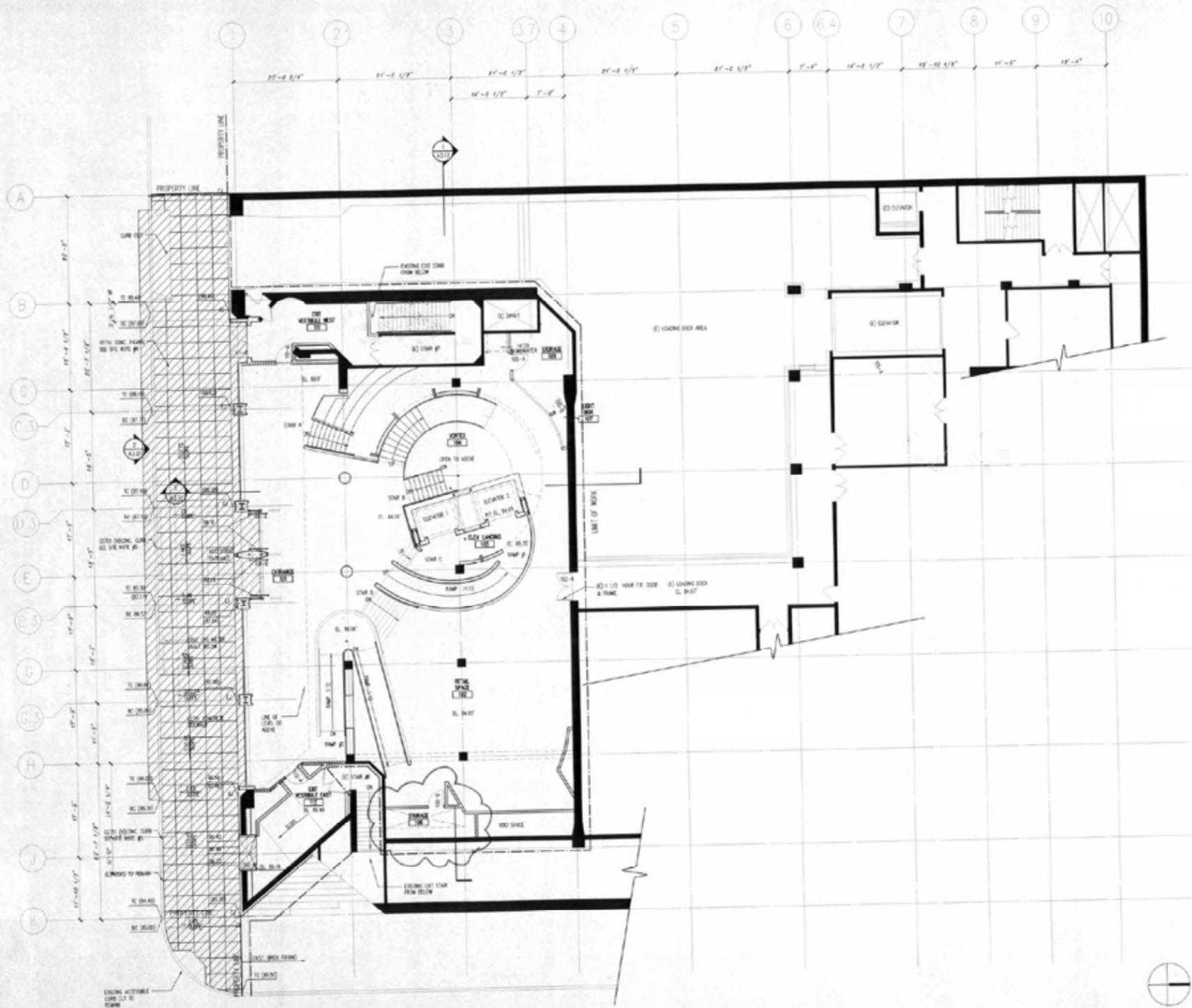
Before 1978



Union Square

After 1998





LEVEL 01
SCALE: 1/8"=1'-0"

GENERAL NOTES

- REFER TO A4.01 FOR ENLARGED PLAN
- FIRE RATED PARTITIONS ARE INDICATED AS FOLLOWS:
SEE ENLARGED PLAN FOR DESIGNATION AND A9.01 FOR SCHEDULE.

—————	NON RATED
=====	1-HOUR FIRE RATED
=====	1-HOUR FIRE RATED OCCUPANCY SEPARATOR
=====	2-HOUR FIRE RATED
- FIRE RESISTIVE REQUIREMENTS - TABLE 6A U.N.C.

AREA	STRUCTURAL FRAME	FLOOR/ROOF ASSEMBLY
LEVEL 1	EXISTING 3 HOUR	EXISTING 2 HOUR
LEVEL 2	CONCRETE 3 HOUR	CONCRETE 2 HOUR
LEVEL 3	STEEL 3 HOUR	MTL DECK W/ REGULAR WT. CONCRETE, 2 HOUR
MEZZANINE	CONC./STEEL 1 HOUR, SEC. 507	CONCRETE, 1 HOUR
ROOF	STEEL 3 HOUR	EXISTING MTL. DECK W/ VERMICULITE FILL, 2 HR

SEE A3.11 AND A3.12 FOR FIREPROOFING TYPE
- DOOR SCHEDULE AND ROOM FINISH SCHEDULE ARE INCLUDED IN THE PROJECT MANUAL APPENDICES
- SEE A10 SERIES FOR FINISH PLANS

SITE/ SIDEWALK NOTES

- BUILDING DATUM 78.50' EQUALS CITY DATUM 100.00'
- EXISTING CURB CUT FOR ACCESSIBILITY AND TRUCK ENTRANCE TO REMAIN
- CITY REFERENCE ELEVATION FOR SIDEWALK EQUALS 3.5% SLOPE
- SIDEWALK: SEE SPECIFICATION 02751 DARK CARBON BLACK BASED INTED CONCRETE FINISHED WITH A SILICON CARBIDE SPARKLE GRAN.
- REPLACE EXISTING CONCRETE CURB WITH NEW CONCRETE CURB PER CITY OF SAN FRANCISCO STANDARD PLAN LL-24,456.

- (87.43) - EXISTING GRADE
- 87.88 - NEW FINISH GRADE
- EJ - EXPANSION JOINT
- 10 - TOP OF CURB
- 80 - BOTTOM OF CURB
- ===== - SCOPE OF SIDEWALK WORK

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415 981 1100

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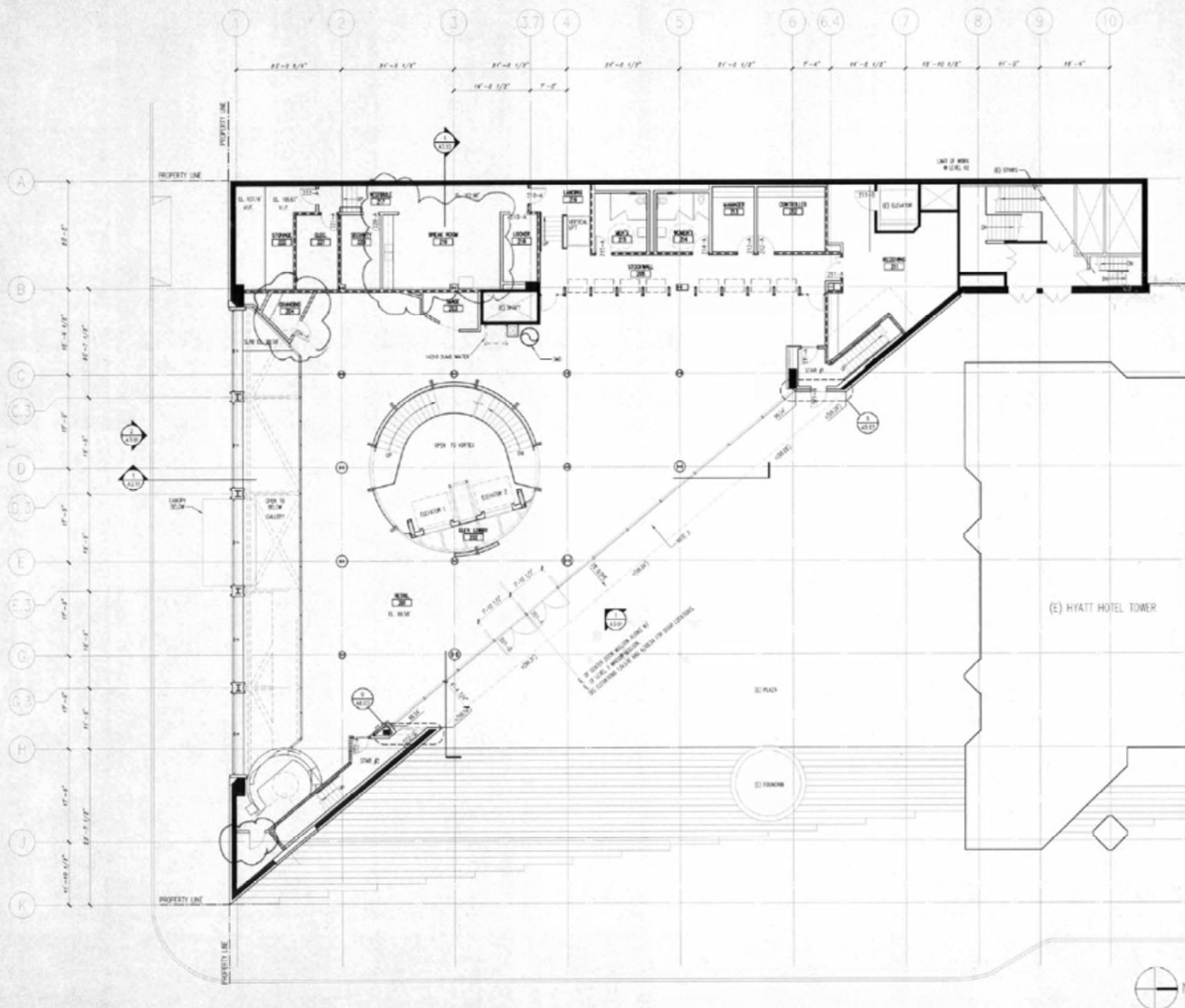
SAN FRANCISCO FLAGSHIP STORE
345 STOCKTON STREET
SAN FRANCISCO, CA 94111

REVISIONS:

No.	Date	Description
01	05/04/98	revised site permit
02	05/25/98	addendum 1 structural
03	06/12/98	steel/reinforce loc package
04	06/18/98	addendum 2
05	06/24/98	exterior shading
06	06/24/98	addendum 3 interior shell
07	07/17/98	Street Improvement Permit
08	11/30/98	bulletin # 4
09	1/28/99	sidewalk permit
10	1/27/99	bulletin # 5
11	02/16/99	revision to sidewalk permit
12	03/18/99	addendum 4/11 bulletin # 4
13	04/14/99	addendum 5 revision #2

LEVEL 01
A2.01

SITE PERMIT SET
Scale: 1/8" = 1'-0" Drawn by: [blank]
Checked by: [blank]
Project No. 50177.00 Approved by: [blank]



GENERAL NOTES

- REFER TO A4.02 & A4.03 FOR ENLARGED PLAN
- SEE A2.01 FOR GENERAL NOTES
- REPLACE AND REINSTALL MATCHING EXISTING BRICK PAVING OVER FLUID APPLIED WATERPROOFING (S714C) TO GRADES SHOWN
(S714C) EXISTING GRADE 41.1'
W.S.F. NEW GRADE FINISH

REVISIONS:

No.	Date	Description
01	05/24/98	revised site permit
02	05/29/98	addendum 1 structural
03	06/19/98	steel/welded steel package
04	06/19/98	addendum 2
05	06/24/98	exterior cladding
06	11/30/98	addendum 3 interior shell
07	1/15/99	addendum 4
08	04/14/99	addendum 5
09	04/14/99	addendum 5 revision #1

LEVEL 02
A2.02
SCALE: 1/8"=1'-0"

SITE PERMIT SET

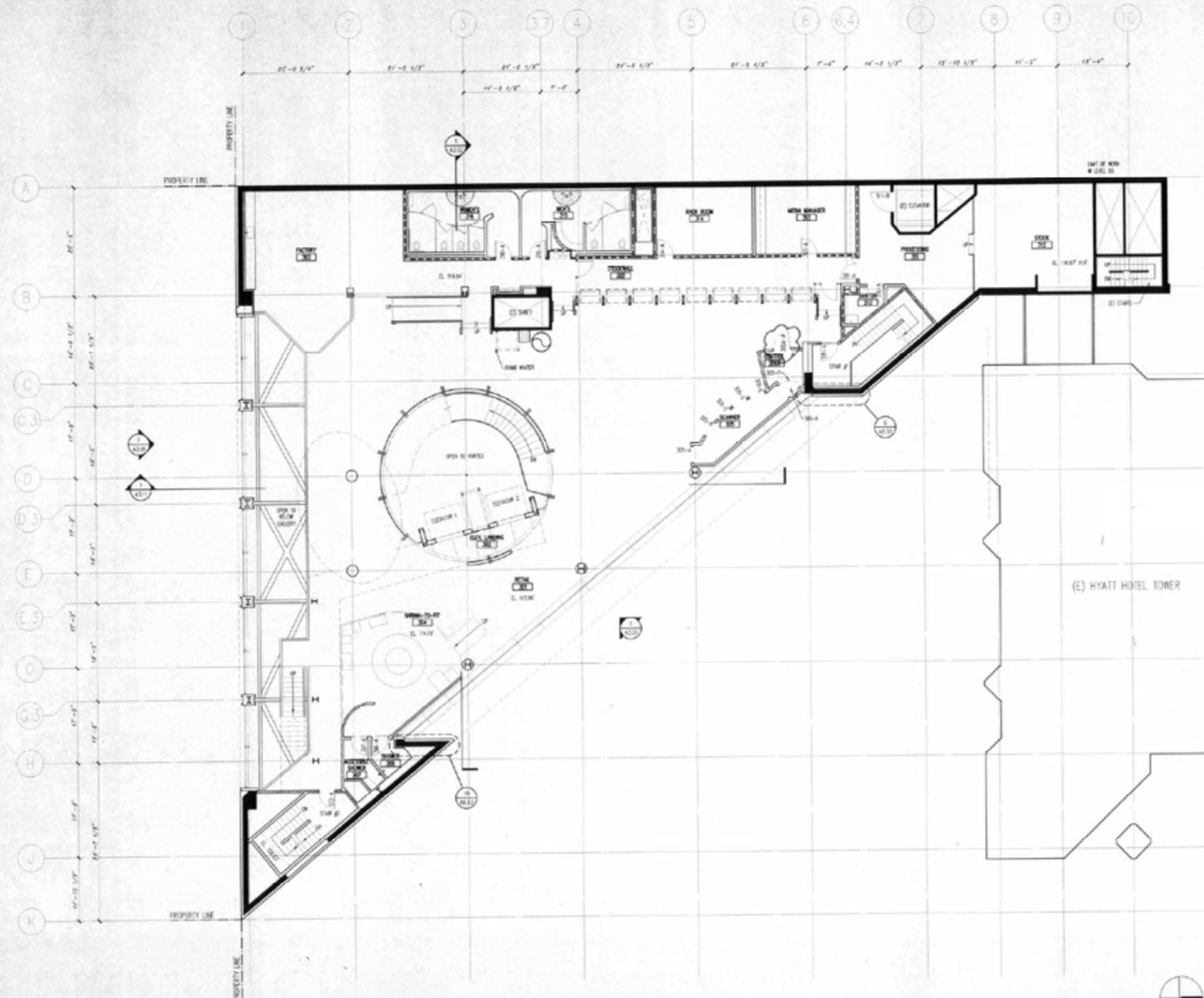
Scale: 1/8" = 1'-0" Drawn by: [blank]
 Date: [blank] Checked by: [blank]
 Project No.: S0177.00 Approved by: [blank]

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SAN FRANCISCO FLAGSHIP STORE
345 STOCKTON STREET
SAN FRANCISCO, CA 94111



LEVEL 03
SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. REFER TO A4.03 & A4.04 FOR ENLARGED PLAN
2. SEE A2.04 FOR GENERAL NOTES
3. STOCK WALL & GATES TO BE DEVELOPED UNDER RESIDENT IMPROVEMENT SITE PERMIT ADD #1
4. ACCESSIBLE RAMP & STEPS TO BE DEVELOPED UNDER TENANT IMPROVEMENT SITE PERMIT ADD #2

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SAN FRANCISCO FLAGSHIP STORE
345 STOCKTON STREET
SAN FRANCISCO, CA 94111

REVISIONS:

No.	Date	Description
1	05/04/98	revised site permit submittal
2	05/28/98	addendum 1 structural
3	06/10/98	stair/entrance 02 package
4	06/18/98	addendum 2 exterior cladding
5	08/24/98	addendum 3 interior shell
6	11/30/98	bulletin #4
7	01/21/99	bulletin #5
8	03/15/99	addendum 4 li. bulletin
9	04/14/99	addendum 5 revision #2

LEVEL 03
A2.03

SITE PERMIT SET

Scale: 1/8" = 1'-0" Drawn by: _____
 Date: _____ Checked by: _____
 Project No.: 90177.00 Approved by: _____

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**SAN FRANCISCO
 FLAGSHIP STORE**
 345 STOCKTON STREET
 SAN FRANCISCO, CA 94111

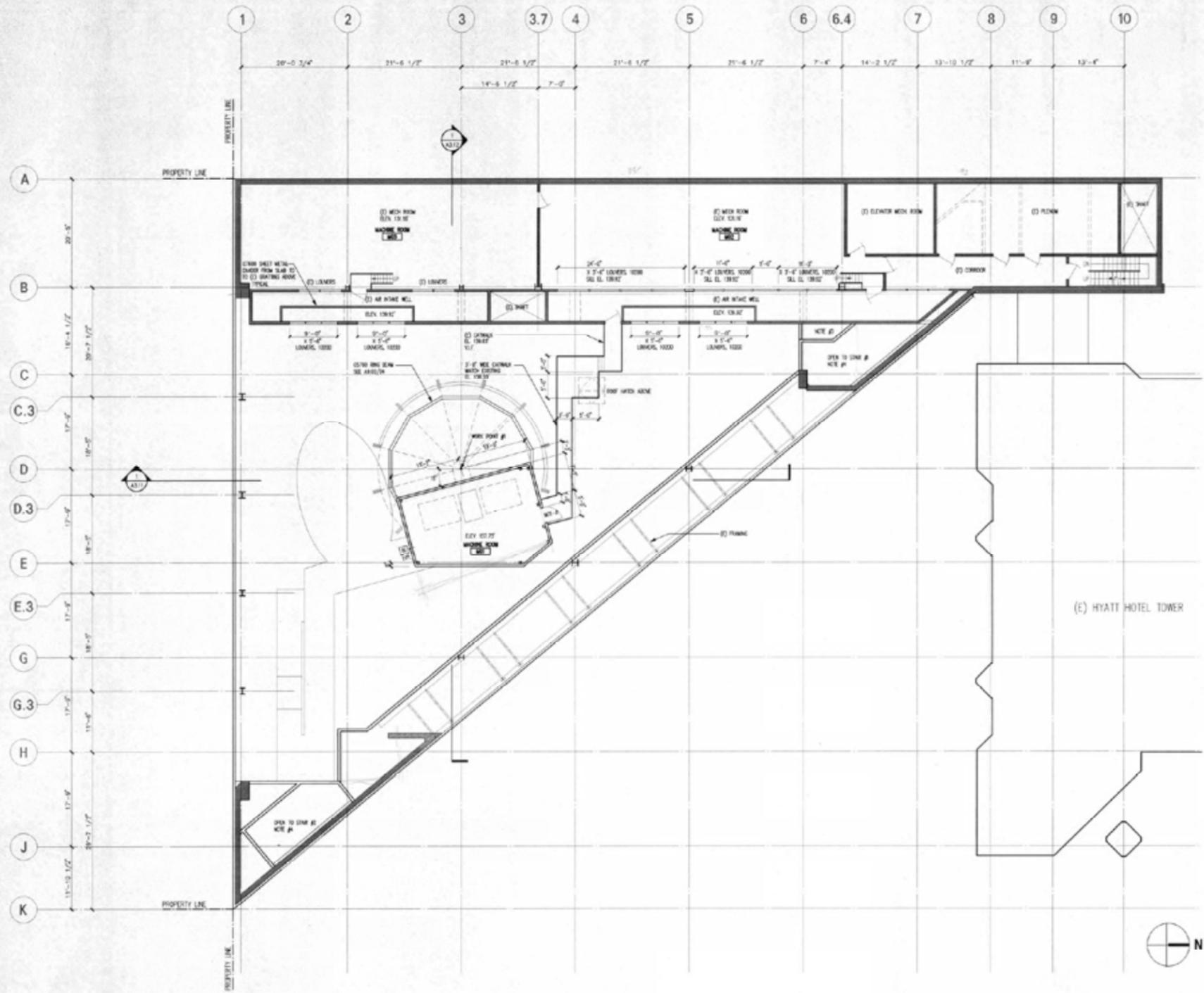
REVISIONS:

No.	Date	Description
01	04/98	revised site permit
02	04/98	submittal
03	02/98	addendum 1 structure
04	03/98	exterior/interior lot package
05	03/98	addendum 2
06	04/98	exterior cladding
07	04/98	addendum 3 interior shell
08	05/99	interior #2
09	03/99	addendum 5 S.I. bulbout

**MECHANICAL
 MEZZANINE
 A2.04**

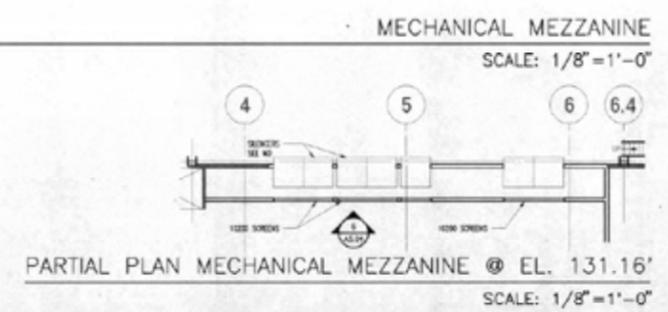
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 Drawn by: [blank]
 Checked by: [blank]
 Project No: 30177.00
 Approved by: [blank]

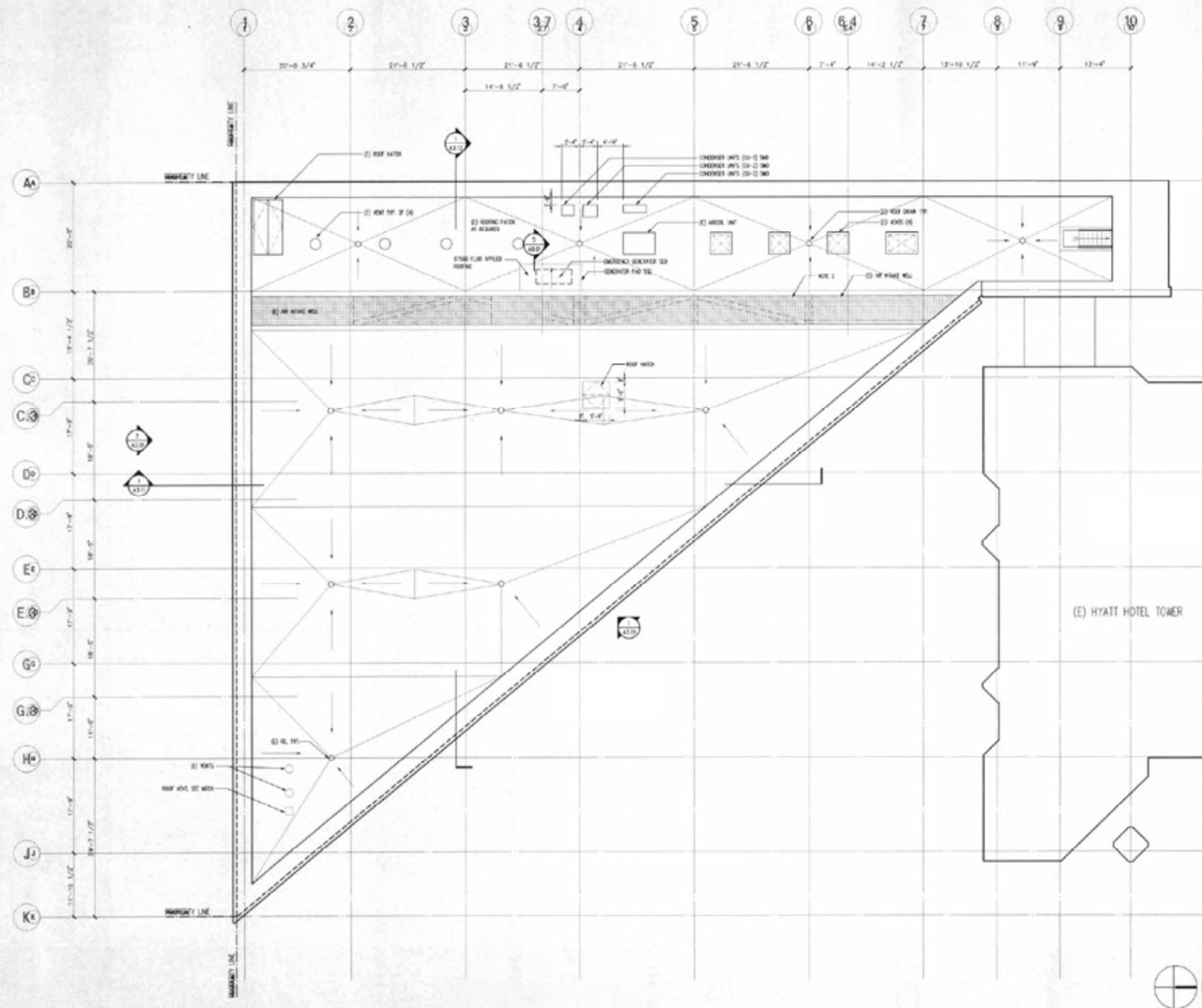
ISSUED FOR BID - 10/23/98



GENERAL NOTES

- SEE A2.01 FOR GENERAL NOTES
- SEE AS.01 FOR PARTITION TYPES AND DETAILS
- GIP BOARD SOFFIT AT ELEVATION +132'-5" BETWEEN STAIR #1 PARTITION AND (E) AIR RETURN WALL
- FOR PARTITION TYPES AT STAIR #1 & #2 SEE 1/4A.04 AND A4.03M RESPECTIVELY
- V.I.F. ALL EXISTING ELEVATIONS





- GENERAL NOTES**
1. REFER TO MECHANICAL DRAWINGS FOR LOCATION OF NEW MECHANICAL EQUIPMENT
 2. EXISTING AIR INTAKE WITH METAL GRATING SEE STRUCTURAL DRAWING FOR DIAGONAL BRACING BELOW

ROOF PLAN
SCALE: 1/8" = 1'-0"

REVISIONS:

No.	Date	Description
05/04/98	05/04/98	revised site permit
		submit
05/22/98	05/22/98	addendum 1 structural
06/13/98	06/13/98	steel/external bid package
06/13/98	06/13/98	addendum 2
		external bidding
08/24/98	08/24/98	addendum 3 interior shell
03/15/99	03/15/99	addendum 5 t.l. submittal

ROOF PLAN
A2.05

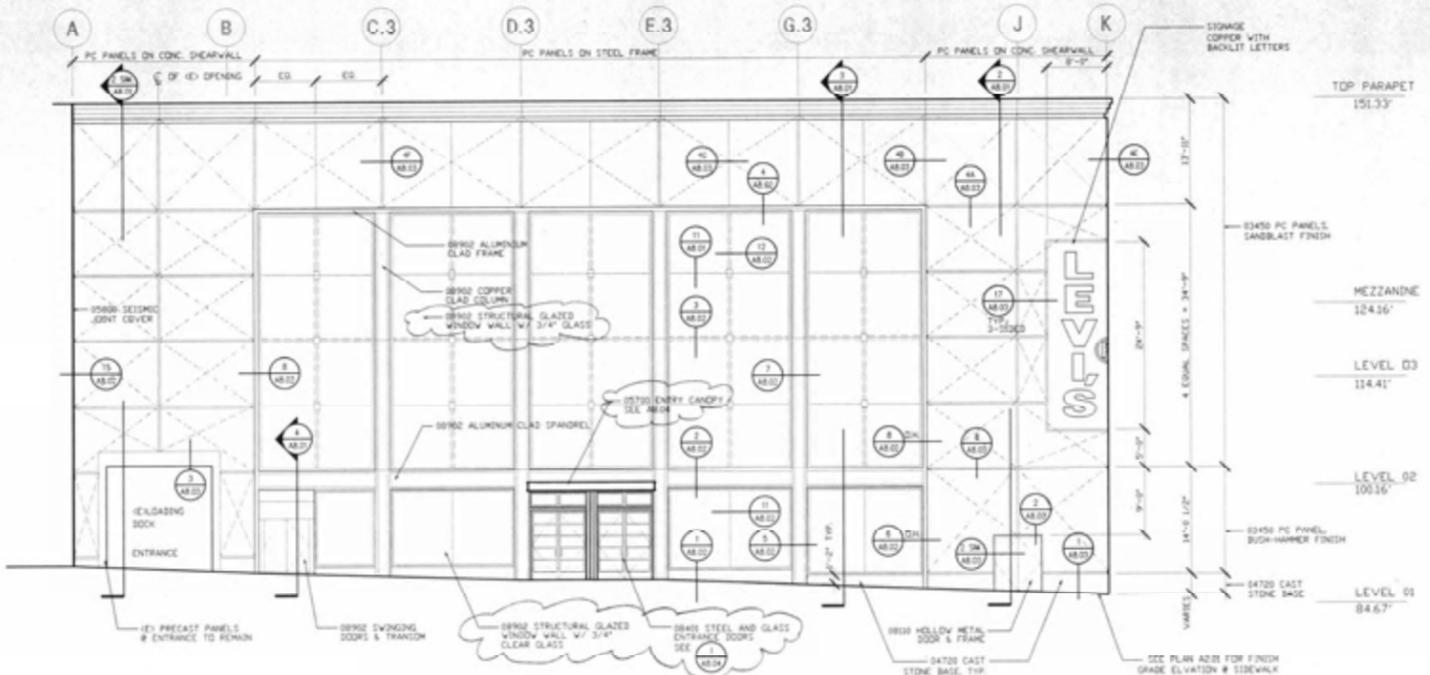
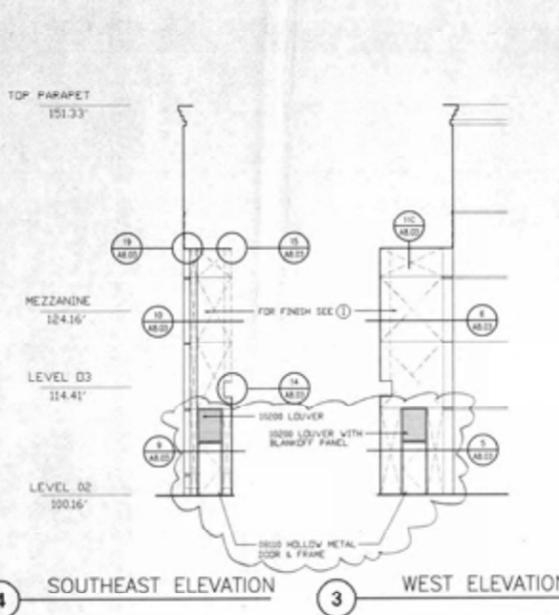
Scale: 1/8" = 1'-0" Drawn by:
 Refer see revision list Checked by:
 Project No: 50177.00 Approved by:

NBBJ
130 SUTTER STREET
SAN FRANCISCO, CA 94104
415 981 1100

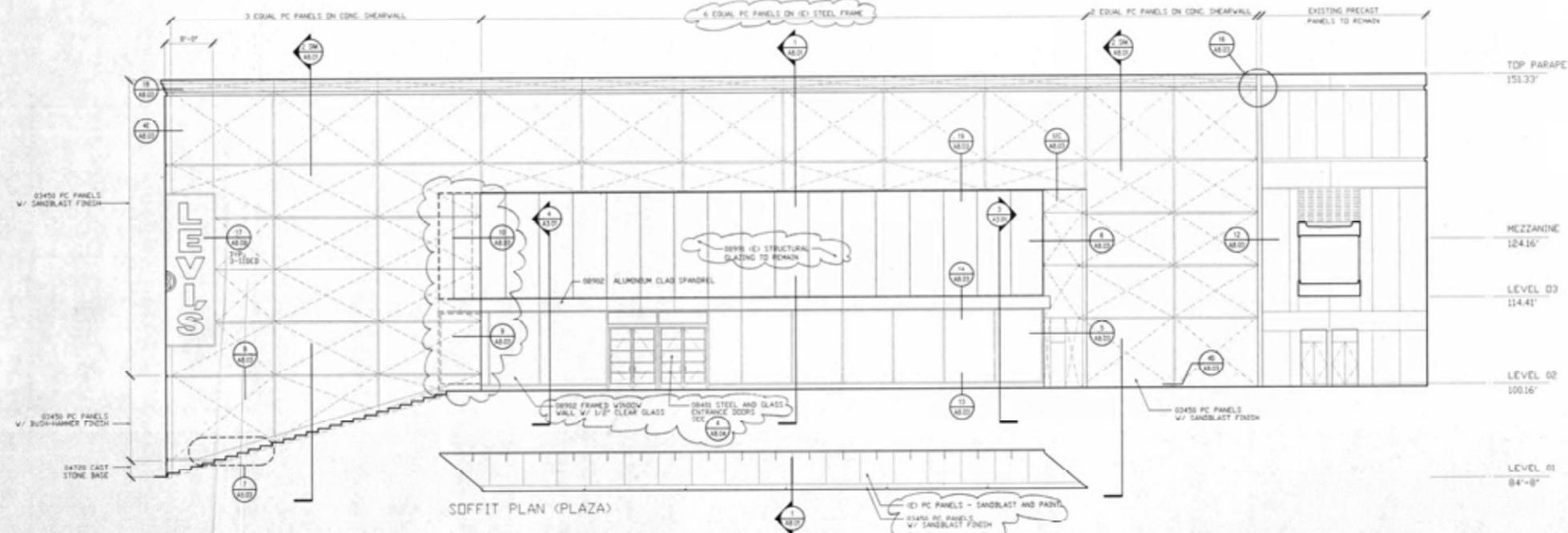
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LEVI'S

SAN FRANCISCO FLAGSHIP STORE
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2 POST STREET ELEVATION (SOUTH ELEVATION)



1 STOCKTON STREET (PLAZA) ELEVATION (NORTH ELEVATION)

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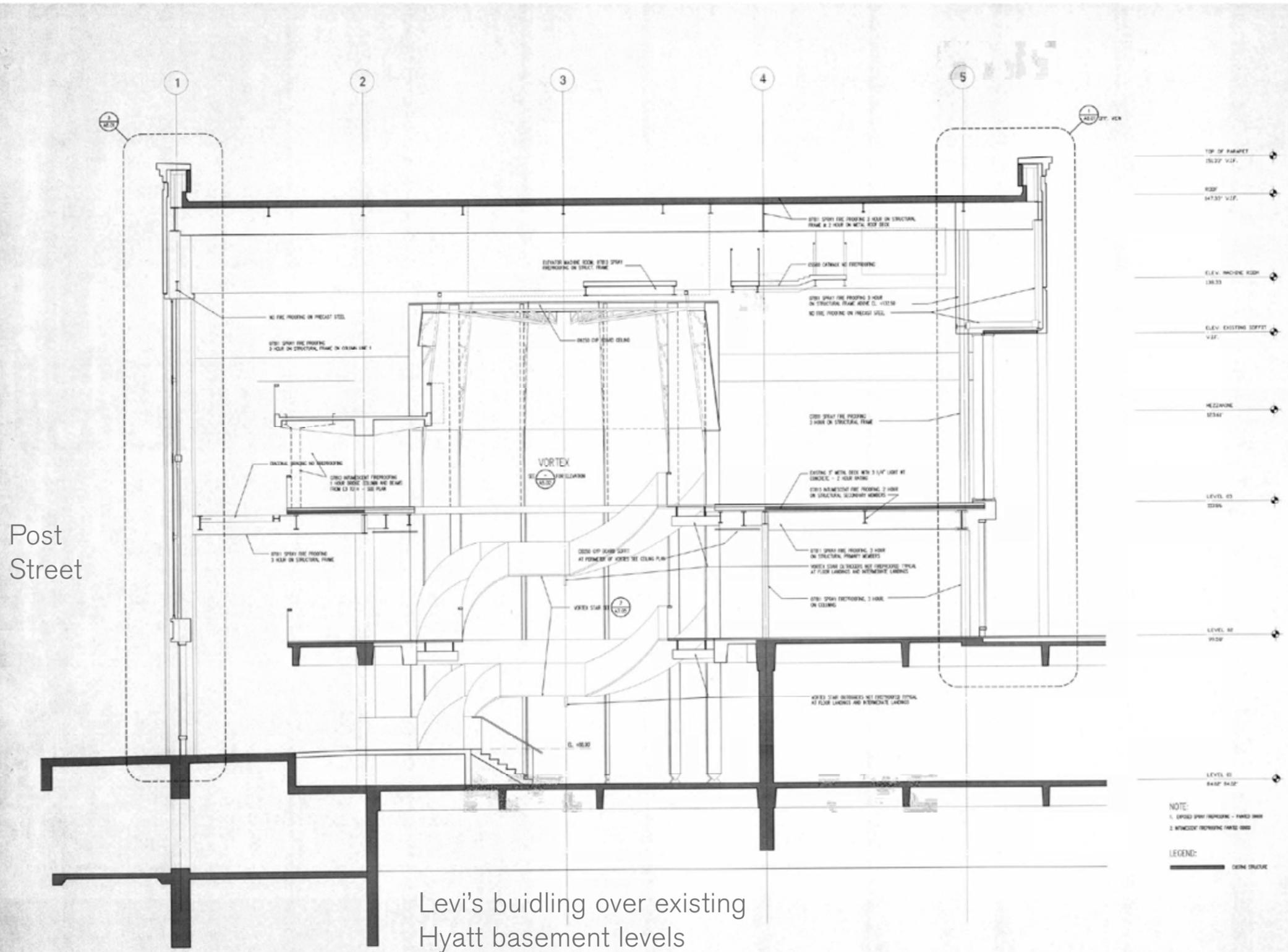
SAN FRANCISCO FLAGSHIP STORE
345 STOCKTON STREET
SAN FRANCISCO, CA 94111

REVISIONS:

No.	Date	Description
05/24/98		revised site permit
06/19/98		steel/exterior bid package
06/19/98		addendum 2
		exterior cladding
06/29/98		demolition permit
06/24/98		addendum 3 interior sheet

EXTERIOR ELEVATIONS
A3.01

SITE PERMIT SET
Scale: 1/8" = 1'-0"
Date: see revision col. Drawn by:
Project No. 50177.00 Checked by:
Approved by:



Post Street

Levi's building over existing Hyatt basement levels

SECTION A-A
SCALE: 1/4" = 1'-0"

NBBJ
120 SUTTER STREET
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415 981 1100

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1155 BATTERY STREET
SAN FRANCISCO, CA 94111



SAN FRANCISCO FLAGSHIP STORE
345 STOCKTON STREET
SAN FRANCISCO, CA 94111

- TOP OF PARAPET
156.22' V.I.F.
- ROOF
147.33' V.I.F.
- ELEV. MACHINE ROOM
138.33
- ELEV. EXISTING TOPFOT
V.I.F.
- MEZZANINE
123.42'
- LEVEL 03
122.06'
- LEVEL 02
99.22'
- LEVEL 01
84.12' 84.12'

NOTE:
1. SPRAY FIRE PROOFING - FIBER GLASS
2. MINERAL FIBER INSULATION BOARD

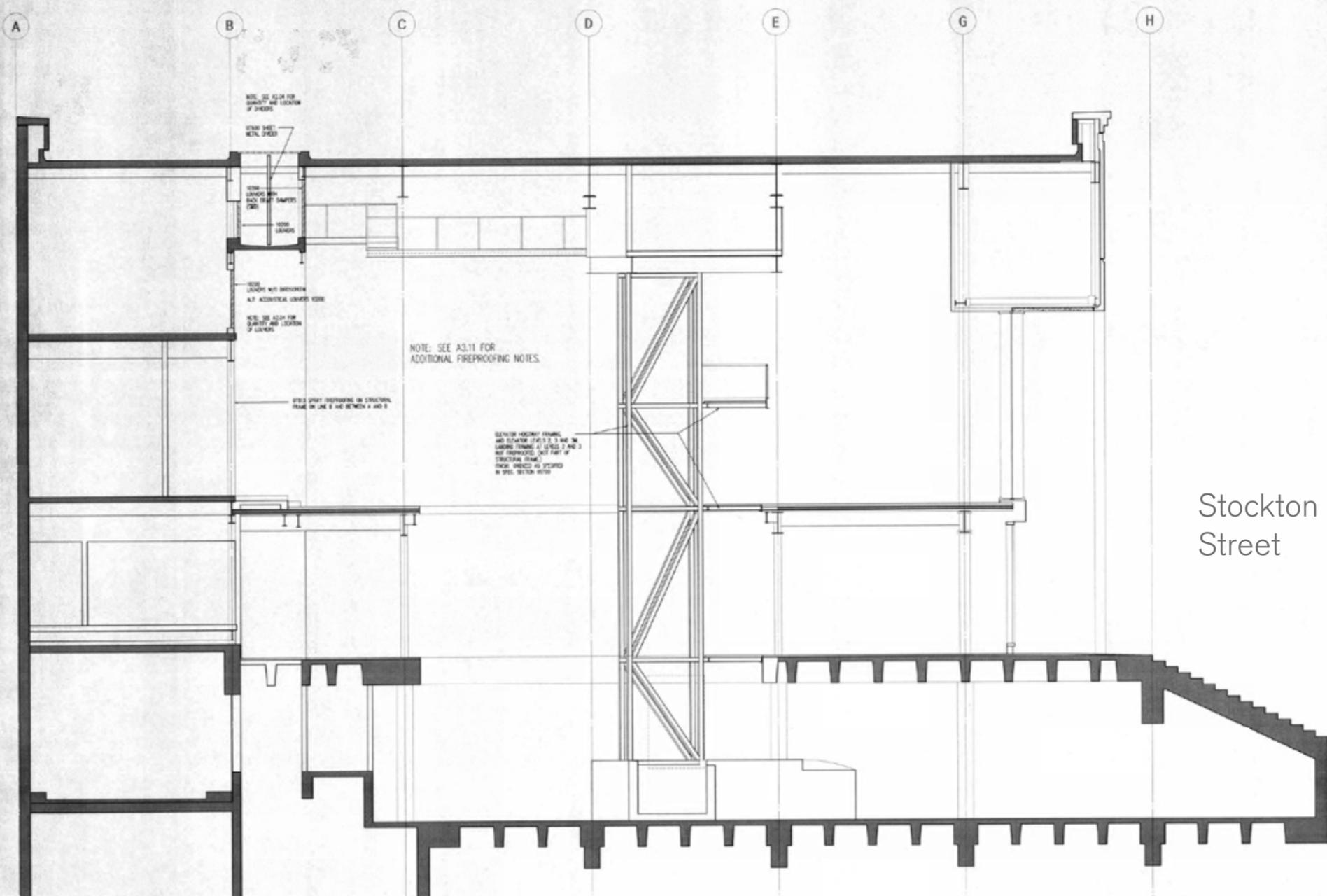
LEGEND:
EXISTING STRUCTURE

REVISIONS:

No.	Date	Description
01	08/18/98	steel/exterior bid package
02	09/19/98	addendum 2
03		exterior cladding
04	02/24/99	addendum 3 interior steel
05	11/20/98	bulletin #4
06	03/13/99	addendum 5 11 submittal

SECTION A-A
A3.11
SITE PERMIT SET
Scale: 1/4" = 1'-0" Drawn by:
Date: see revision list. Checked by:
Project No: 90177.00 Approved by:

ISSUED FOR BD - 10/23/99



NOTE:
 1. OPENED UP FIREPROOFING - PARTS SHOWN
 2. RETROFITTED FIREPROOFING PARTS SHOWN

LEGEND:
 ———— EXISTING STRUCTURE

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 345 STOCKTON STREET
 SAN FRANCISCO, CA 94111

REVISIONS:

No.	Date	Description
08/24/98	08/24/98	addendum 3 interior shell
11/20/98	11/20/98	bulletin #4
01/31/99	01/31/99	bulletin #5
03/15/99	03/15/99	addendum 3 & 4 building

SECTION B-B
A3.12
 SITE PERMIT SET

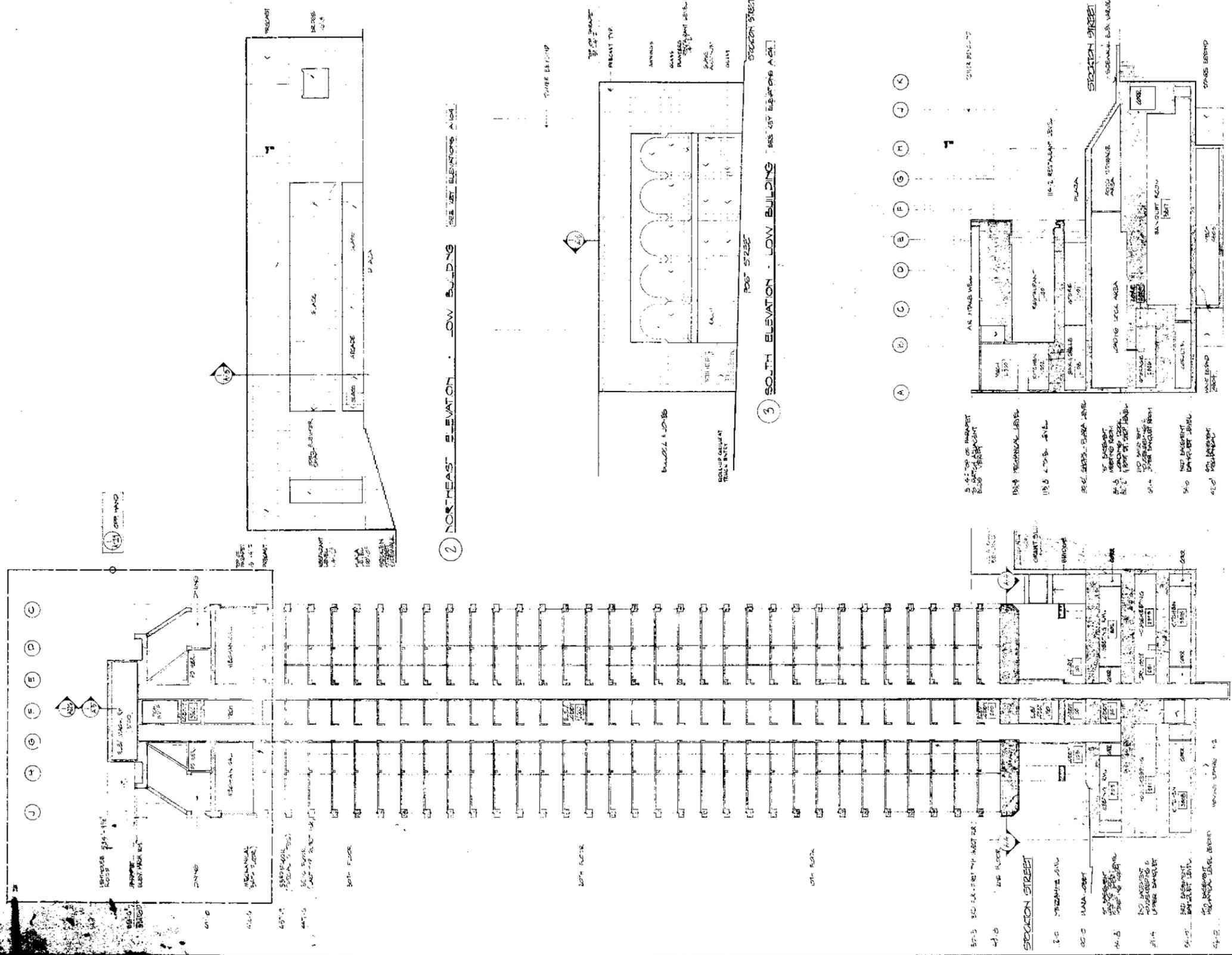
Scale: 1/4" = 1'-0" Drawn by: _____
 Date: see revision list. Checked by: _____
 Project No: SC177.00 Approved by: _____

ISSUED FOR BID - 10/23/98

Stockton Street

Levi's buidling over existing Hyatt basement levels

SECTION B-B
 SCALE: 1/4" = 1'-0"



① EAST-WEST SECTION THRU TOWER - LOOKING SOUTH - SEE DEPT. SECTION A-16

② NORTHEAST ELEVATION - LOW BUILDING SEE DEPT. ELEVATIONS A-10A

③ SOUTH ELEVATION - LOW BUILDING SEE DEPT. ELEVATIONS A-10A

④ SECTION THRU LOW BUILDING - LOOKING NORTH - SEE DEPT. SECTION A-16

UNION SQUARE
HYATT HOUSE
SAN FRANCISCO, CALIFORNIA

SKIDMORE, OWINGS & MERRILL
ARCHITECTS
SAN FRANCISCO

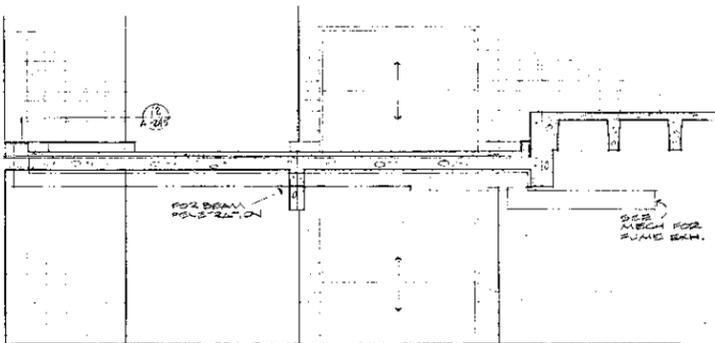
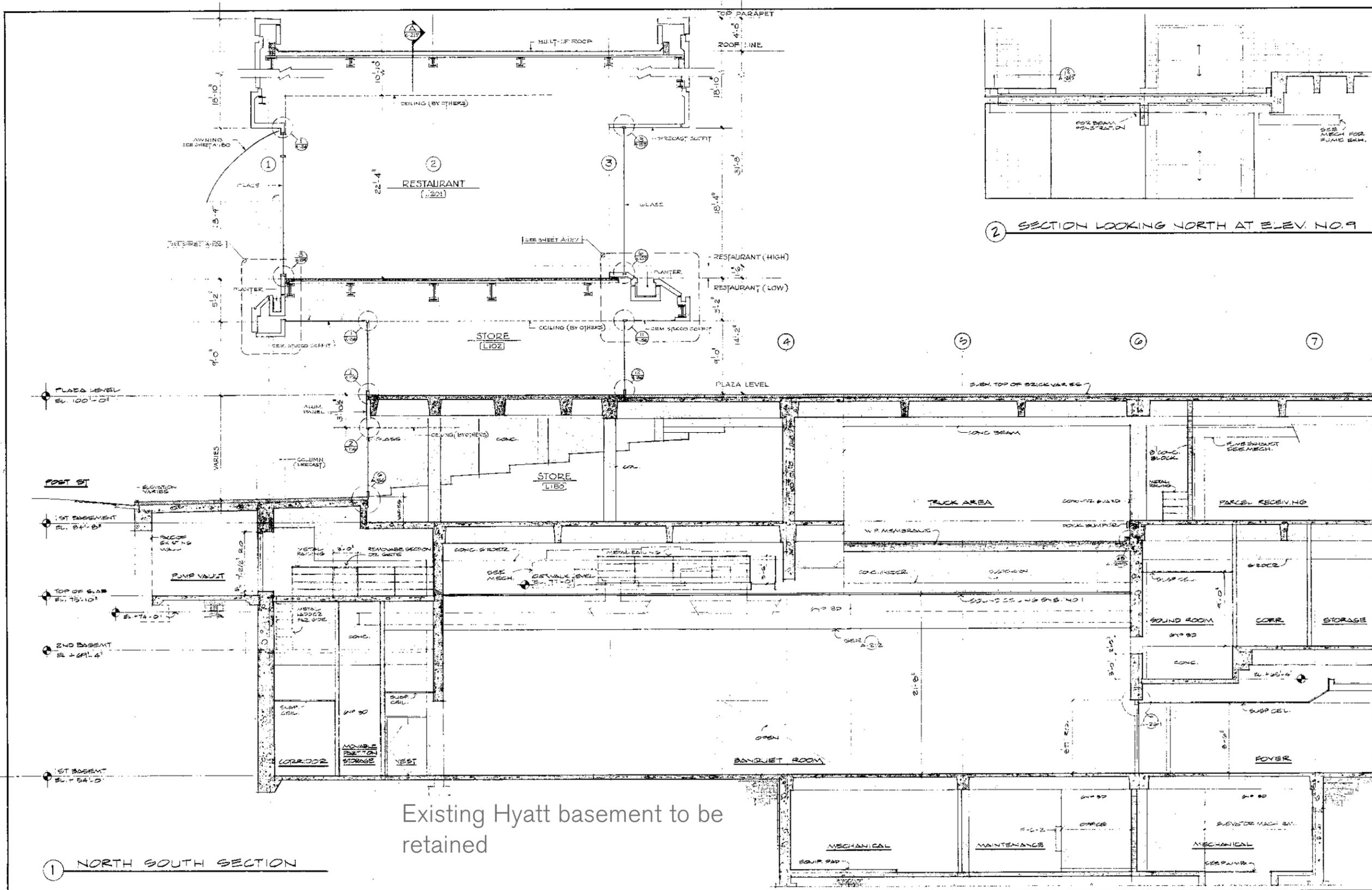
APPROVED FOR THE OWNER BY: _____
APPROVED FOR THE ARCHITECTS BY: _____
DRAWN BY: DEBEN FOR NO. 1445
CHECKED BY: BALKNER DATE: NOV. 14, 1970

REVISIONS

BUILDING SECTION AND ELEVATIONS

SCALE - 1/16" = 1'-0"

A-16



2 SECTION LOOKING NORTH AT ELEV. NO. 9

**UNION SQUARE
HYATT HOUSE**
SAN FRANCISCO, CALIFORNIA

SKIDMORE, OWINGS & MERRILL
ARCHITECTS/ENGINEERS
ONE MARITIME PLAZA
SAN FRANCISCO

APPROVED FOR THE OWNER
BY: _____
APPROVED FOR THE ARCHITECTS
BY: _____

DRAWN BY PIKE JOB NO. 1445
CHECKED BY BUCKNER DATE NOV. 10, 1970

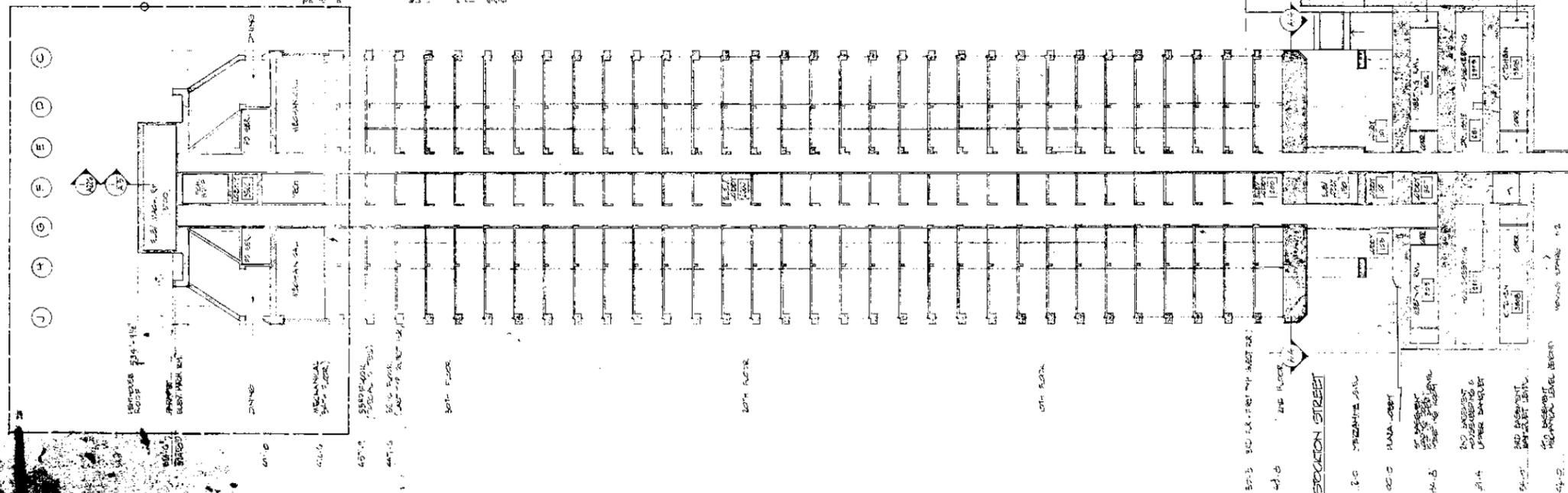
REVISIONS

NO.	DESCRIPTION

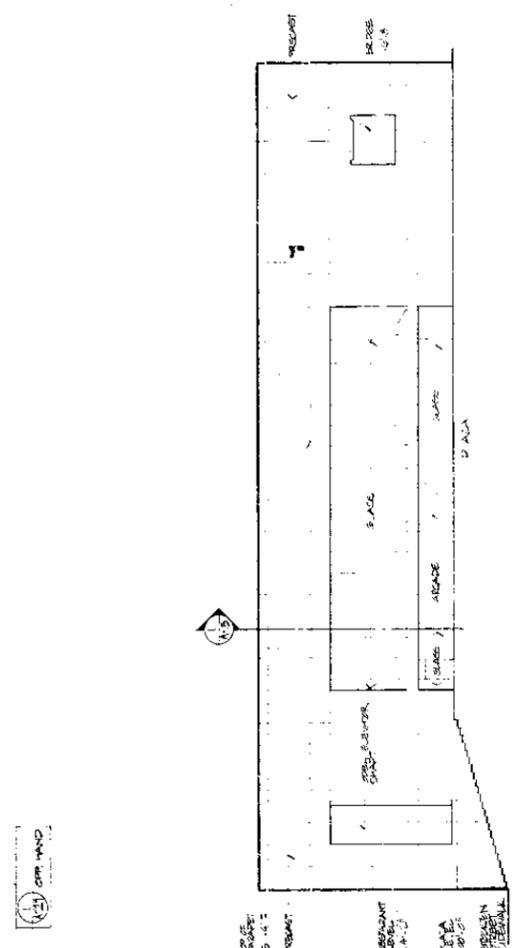
**BASEMENT AND
LOW BUILDING
SECTION**

SCALE: 1/4" = 1'-0"

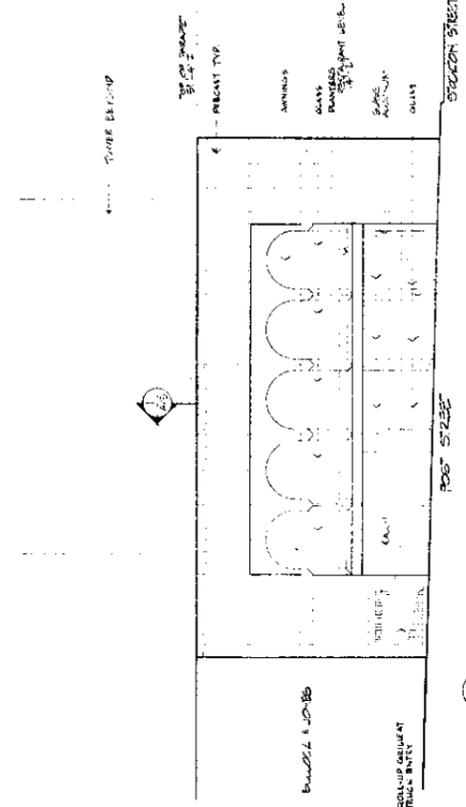
A-211



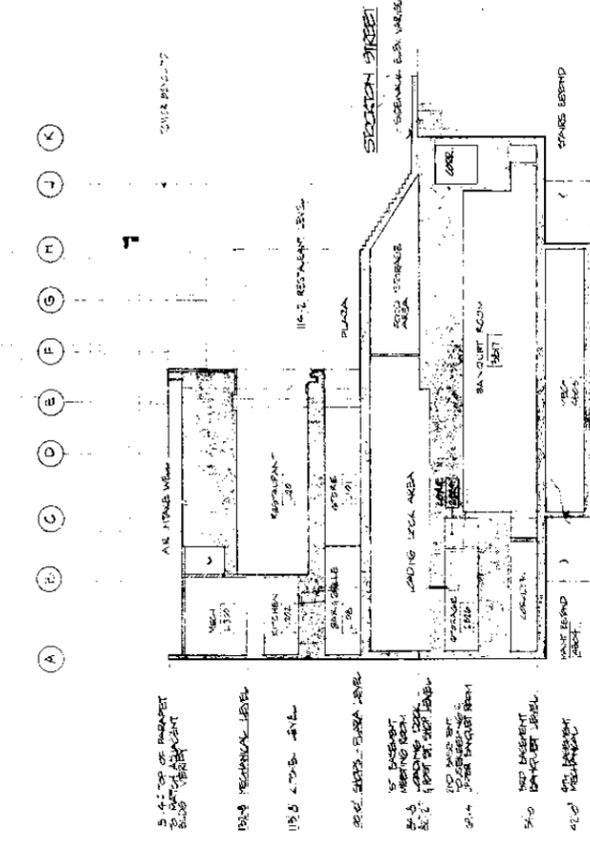
① EAST-WEST SECTION THRU TOWER - LOOKING SOUTH -
SEE DEPAL SECTION A-16



② NORTHEAST ELEVATION - LOW BUILDING - SEE SET ELEVATIONS A-10A



③ SOUTH ELEVATION - LOW BUILDING - SEE SET ELEVATIONS A-10A



④ SECTION THRU LOW BUILDING - LOOKING NORTH -
SEE DEPAL SECTION A-16

UNION SQUARE
HYATT HOUSE
SAN FRANCISCO, CALIFORNIA

SKIDMORE, OWINGS & MERRILL
ARCHITECTS
SAN FRANCISCO

APPROVED FOR THE OWNER BY: _____
APPROVED FOR THE ARCHITECTS BY: _____
DRAWN BY: _____ FOR NO: 1445
CHECKED BY: _____ DATE: NOV 14 1970

NO.	REVISIONS

BUILDING SECTION AND ELEVATIONS

SCALE - 1/16" = 1'-0"

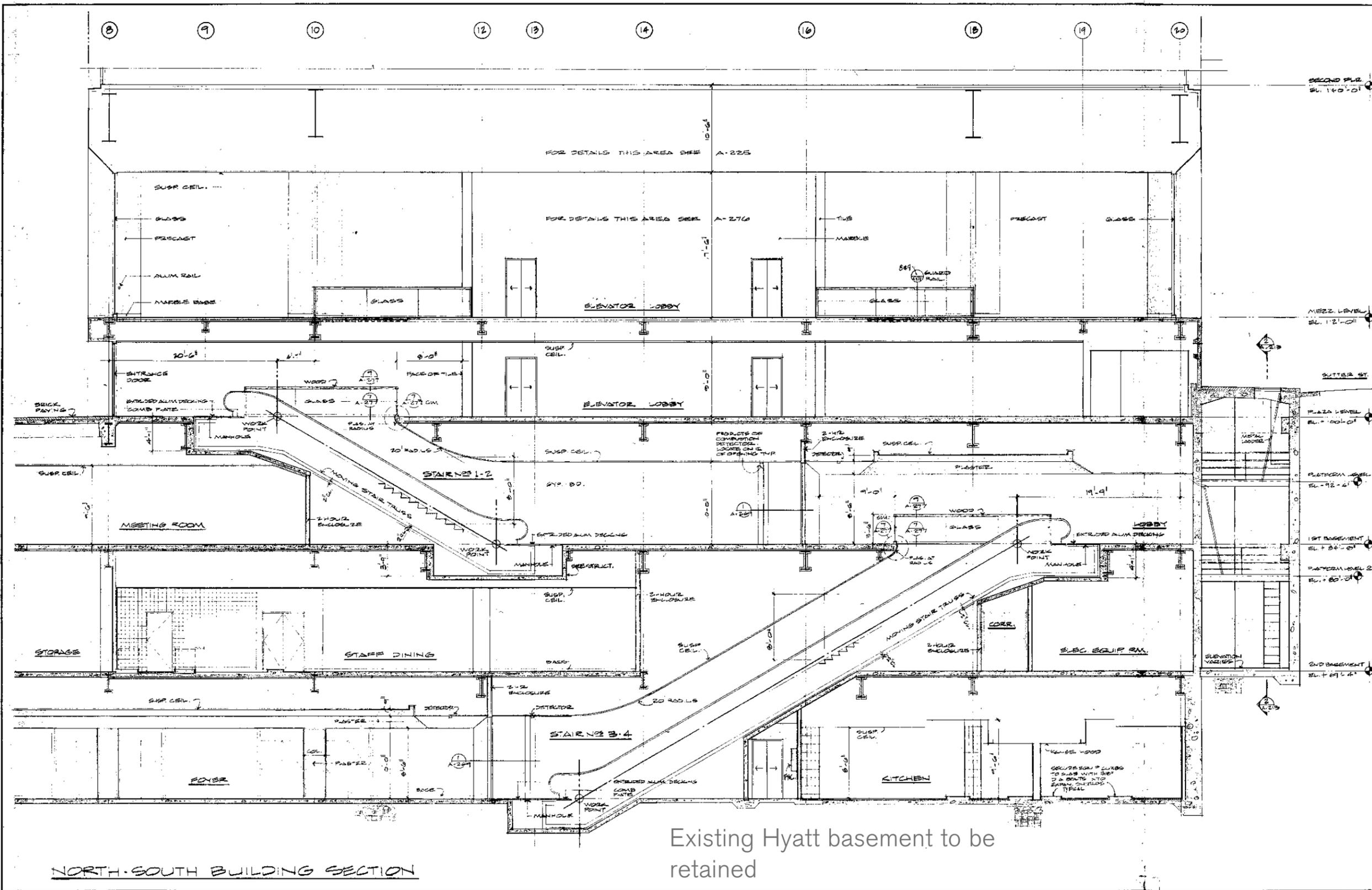
A-16

UNION SQUARE
HYATT HOUSE
SAN FRANCISCO, CALIFORNIA

SKIDMORE, OWINGS & MERRILL
ARCHITECTS/ENGINEERS
ONE MARITIME PLAZA
SAN FRANCISCO

APPROVED FOR THE OWNER
BY: _____
APPROVED FOR THE ARCHITECTS
BY: *L. B. Smith* C-2748
DRAWN BY PIKE JOB NO. 11445
CHECKED BY BUCKNER DATE NOV. 10, 1970

REVISIONS



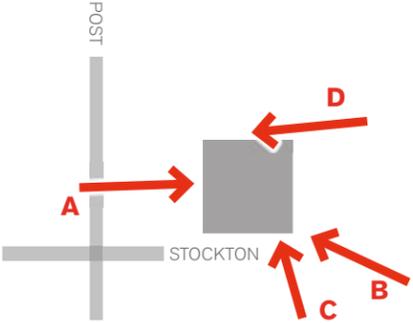
BASEMENT (NORTH
END) & TOWER
SECTION THRU
MOVING STAIRS

SCALE 1/4" = 1'-0"

A-210



Site Photos
Grand Hyatt



A. The south façade of the Grand Hyatt hotel.
Source: Page & Turnbull



B. The north façade of the Grand Hyatt hotel faces north onto Sutter Street.
Source: Page & Turnbull



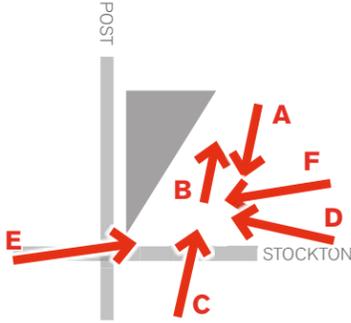
C. View of the west façade of the Grand Hyatt hotel.
Source: Page & Turnbull



D. The west façade of the Grand Hyatt hotel fronts onto a pedestrian passageway between the building at 419-437 Sutter Street.
Source: Page & Turnbull

4.1 Site Photos

Rear Plaza



A. View of the Grand Hyatt Hotel plaza looking east towards Stockton Street.
Source: Page & Turnbull



B. View of the Grand Hyatt Hotel plaza looking from Stockton Street.
Source: Page & Turnbull



C. View of the plaza looking towards north-west.
Source: Foster + Partners



D. View of the northeast façade of the Levis Building.
Source: Page & Turnbull



E. View of the steps leading up plaza level
Source: Foster + Partners



NIKETOWN

Levi's

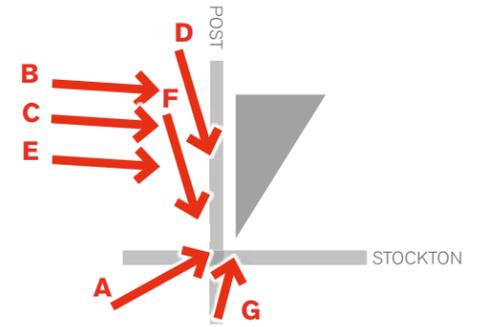
Levi's

SUPER NATURAL

4.1 Site Photos

A. Levi's





B. View of service garage door entry, facing south on Post Street.
Source: Page & Turnbull



C. View of metal double service door, facing south on Post Street.
Source: Page & Turnbull



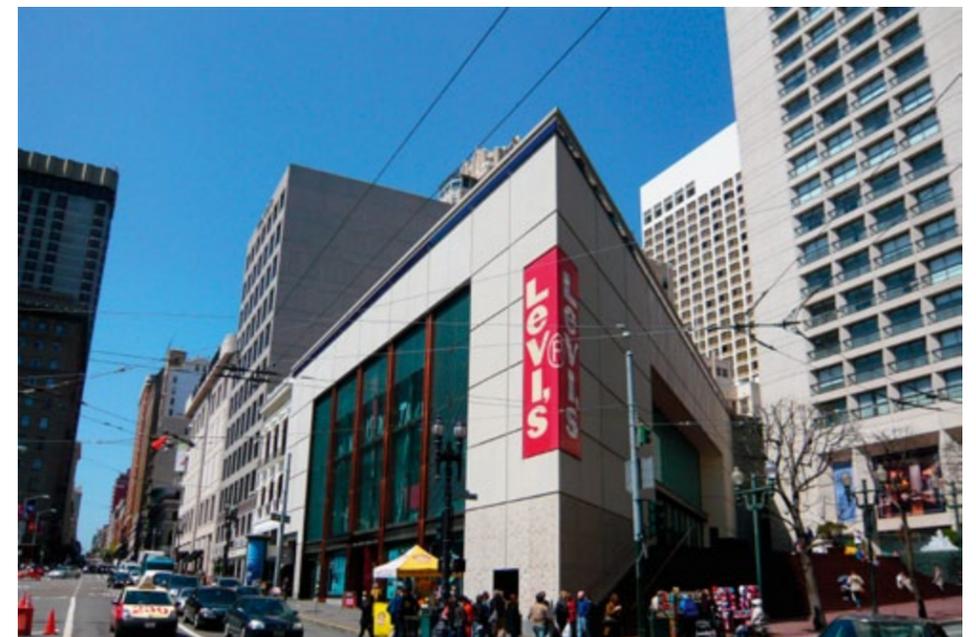
D. Detail of the copper I-beams on the primary facade of the Levi's store.
Source: Page & Turnbull



E. Detail of the entrance doors on the primary facade of the Levi's store.
Source: Page & Turnbull



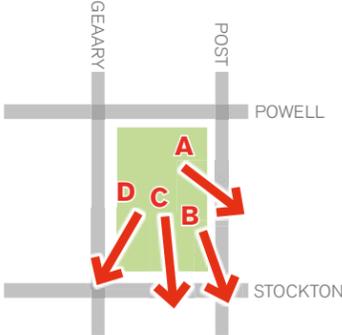
F. Looking west down on Post street
Source: Foster + Partners



G. View of the south-east corner of the Levi's store
Source: Foster + Partners

4.2 Existing Conditions

District Context Photos



A. Williams Sonoma, 340 Post Street, 0295/005, built 1923

Source: Page & Turnbull



B. Nike, Corner of Stockton and Post Streets (324 Stockton Street, 0294/011, built 1910).

Source: Page & Turnbull



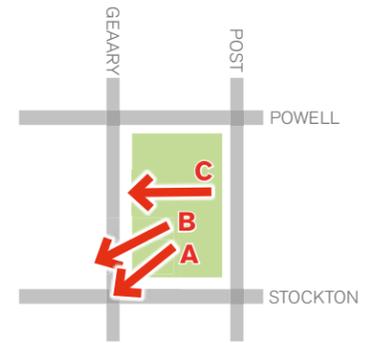
C. This section of Block 0309 faces Stockton Street between Post Street and Maiden Lane. Moving north to south: 275 and 299 Post Street (0309/022, built 1909), 250-260 Stockton Street (0309/021, built 1908), and 234-240 Stockton Street (0309/020, built 1908).

Source: Page & Turnbull

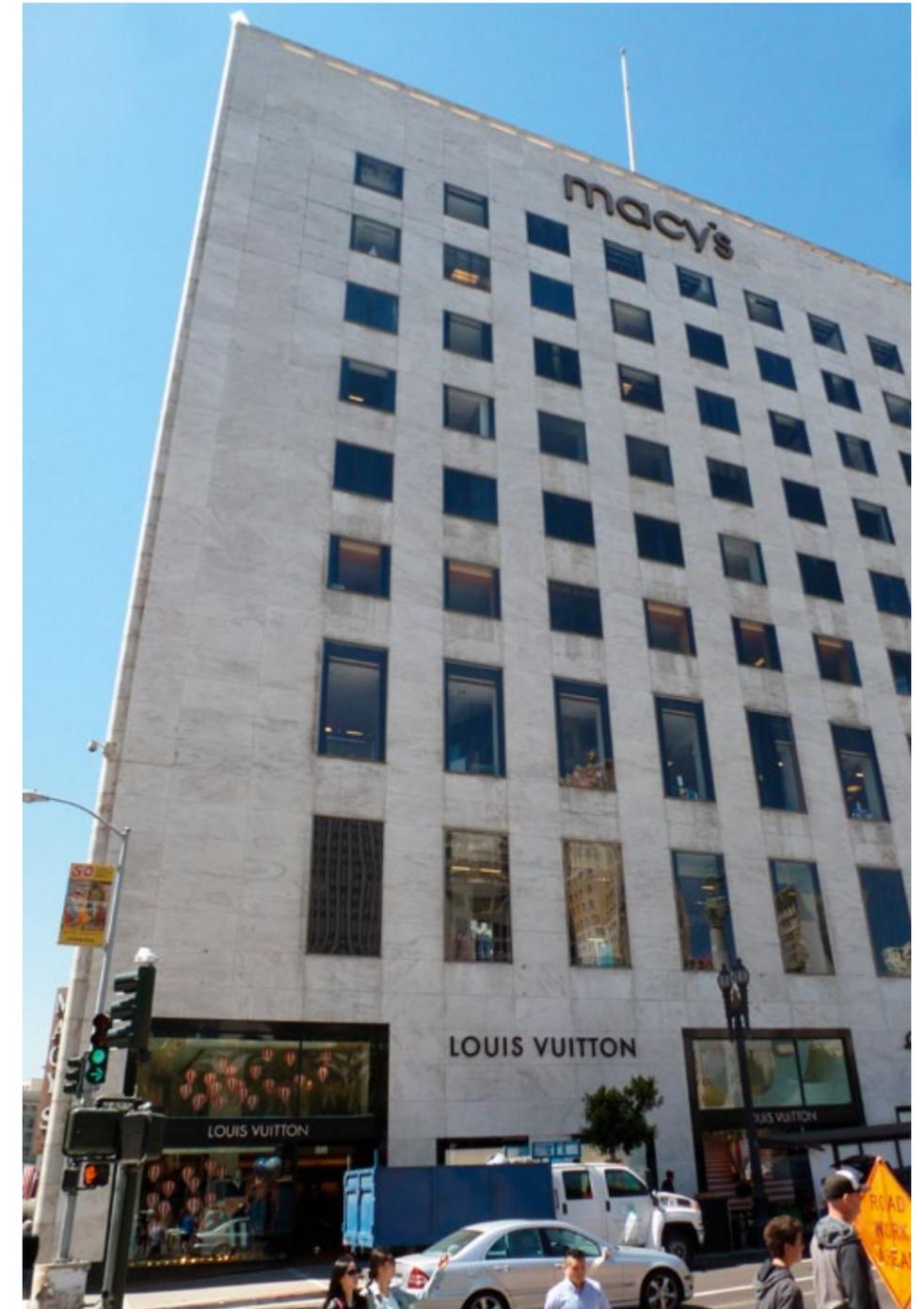


D. This section of Block 0309 faces Stockton Street between Geary Street and Maiden Lane. Moving north to south: 218 and 222 Stockton Street (0309/014, built 1908) and 172-212 Stockton Street (0309/011, built 1987).

Source: Page & Turnbull



A. Corner of Stockton and Geary Streets (150 Stockton Street, 0313/018, built 1983).
Source: Page & Turnbull



B. 233-259 Geary Street at the corner of Geary and Stockton streets (0314/001, 014, 015, built 1946).
Source: Page & Turnbull

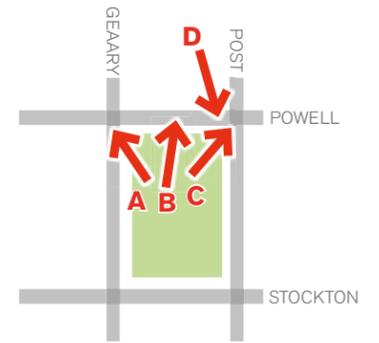
District Context Photos

C. Macy's



B. Stockton Street between Post Street and Maiden Lane.
Source: Page & Turnbull

B. Stockton Street between Post Street and Maiden Lane.
Source: Page & Turnbull



A. 301-323 Geary Street, corner of Geary / Powell streets (0315/001, built 1908).
Source: Page & Turnbull

B. Block 0307, on Powell Street between Geary and Post Streets. Showing the 14-story St. Francis Hotel and connected shops (300-330 Geary Street, 07/001, built 1904).
Source: Page & Turnbull



C. 400 & 421 Powell Street at the corner of Powell and Post streets (0296/006, built 1909).
Source: Page & Turnbull



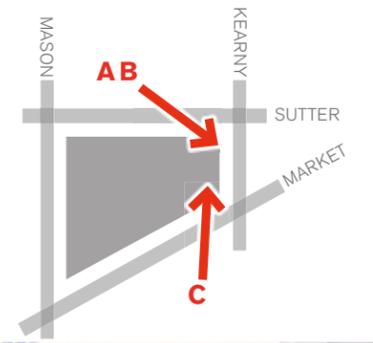
D. 384-398 Post Street at Powell Street (0295/007, built 1980).
Source: Page & Turnbull

4.2 District Context Photos

Modern Facades

De Beers - 185 Post Street, (2006)





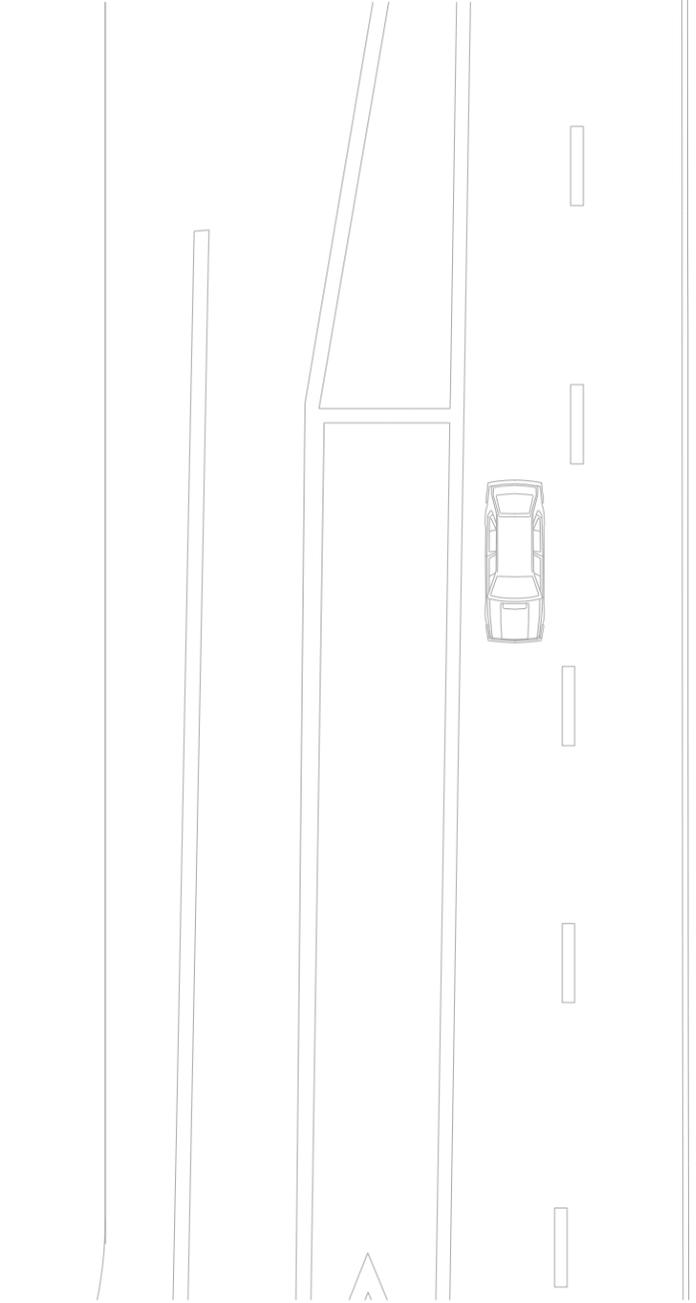
Proposed Prada Project , (2000)
185 Post Street



Paul Smith, (2007)
46-54 Geary Street

4.3 Existing Conditions

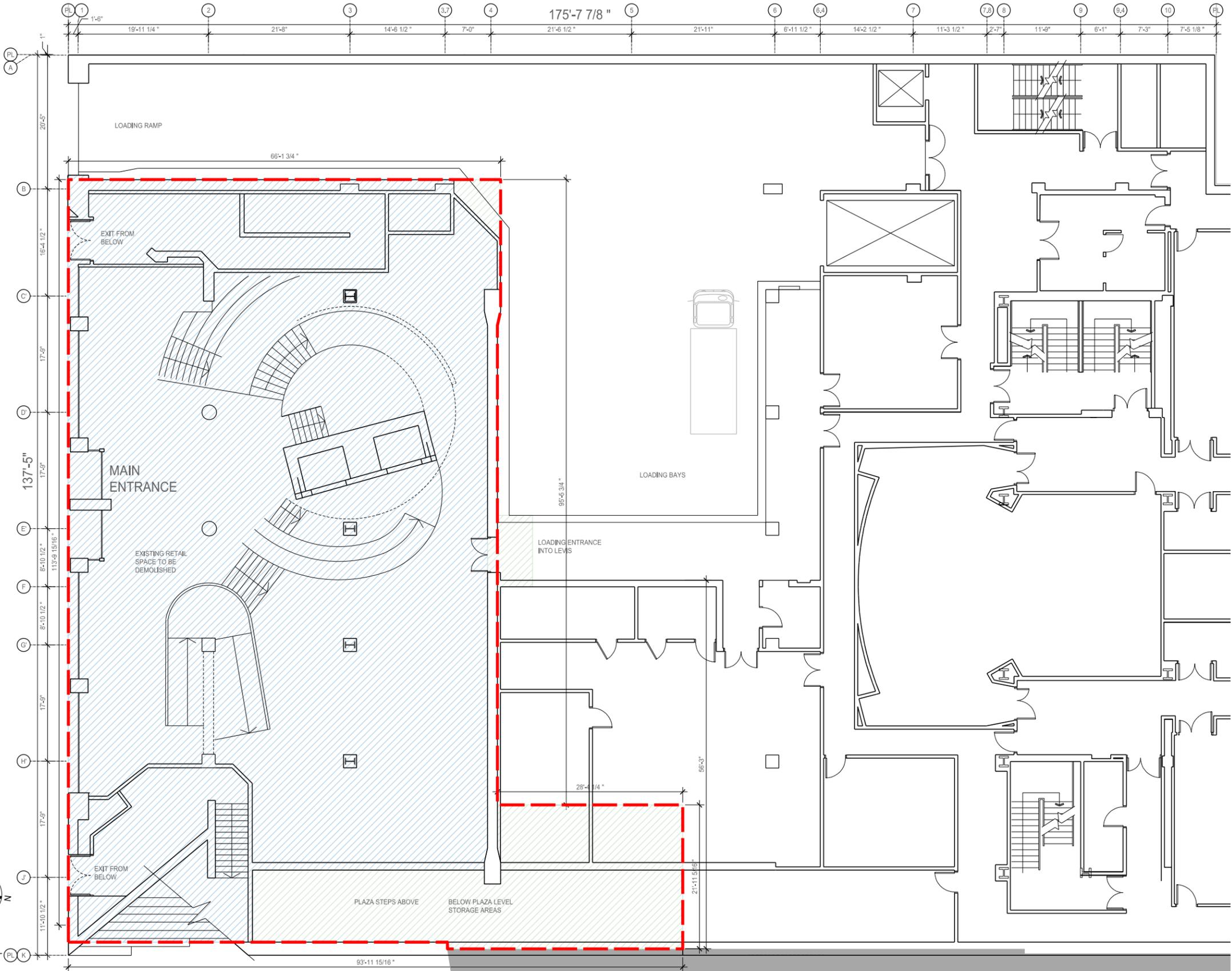
Drawings

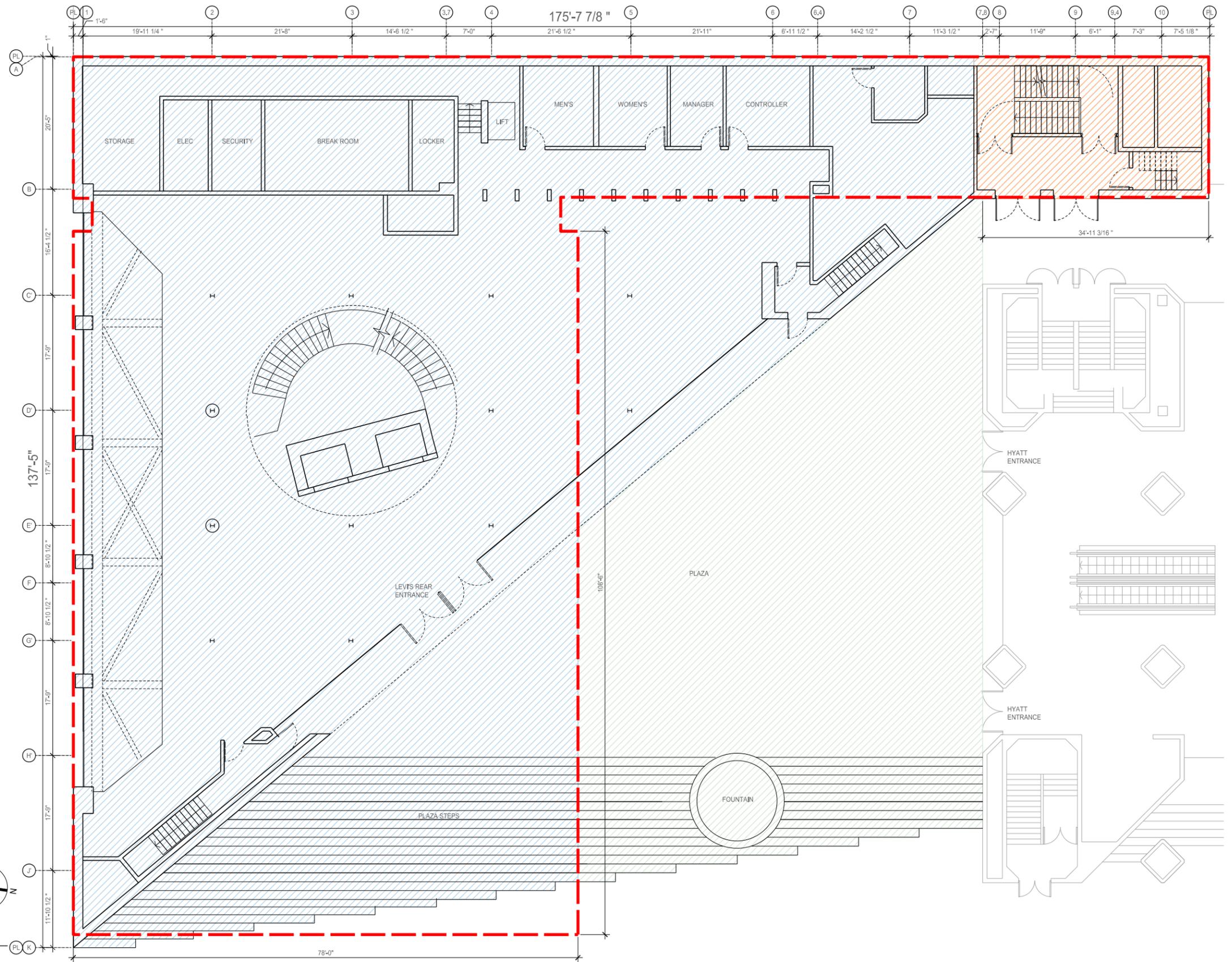


REMOVED
 ALTERED
 RETAINED
 PROPOSED

0 2.5' 5' 10' 20' 40'

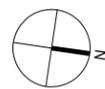
EXISTING FIRST FLOOR PLAN - SITE STRATEGY
1/16" = 1'-0"



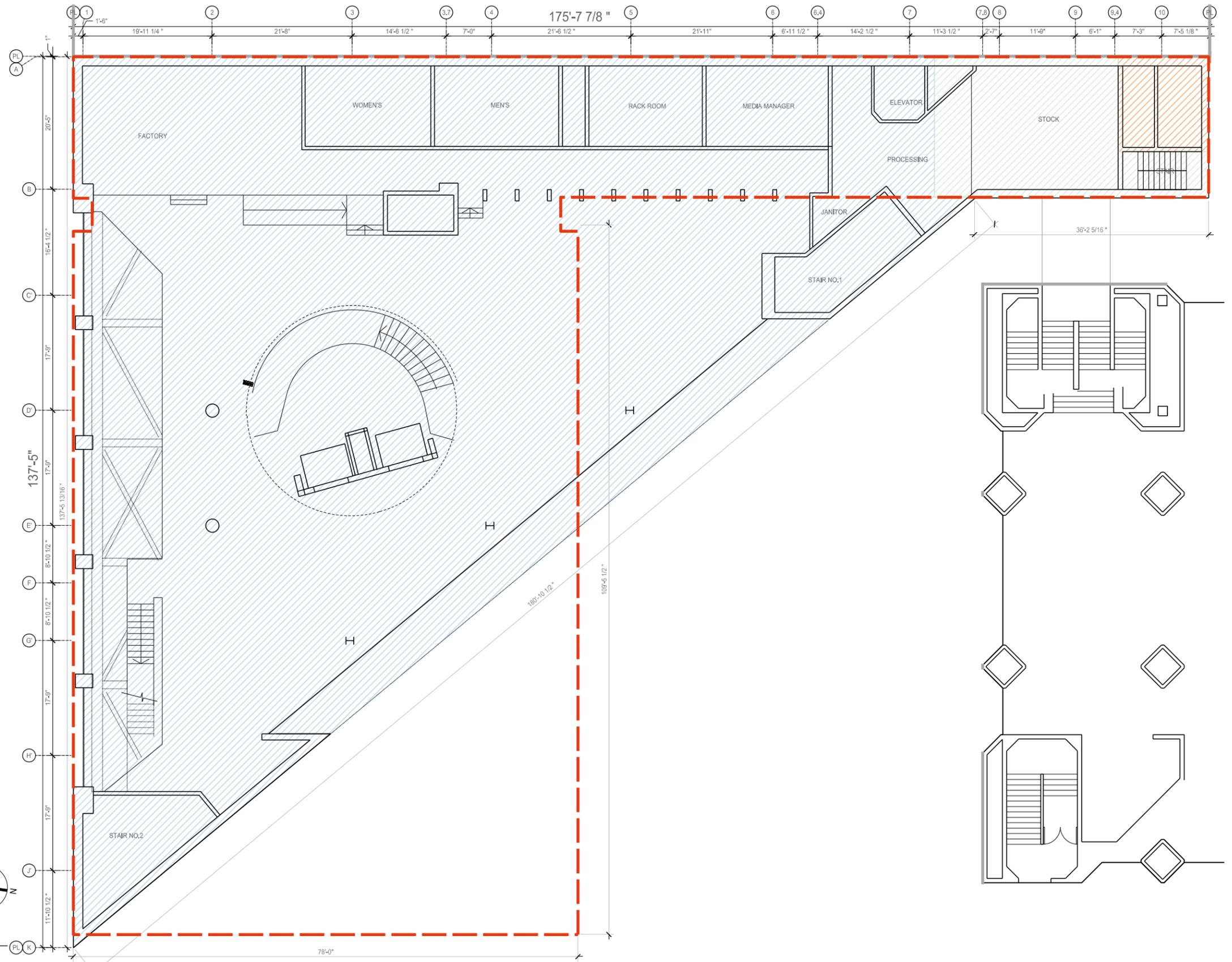


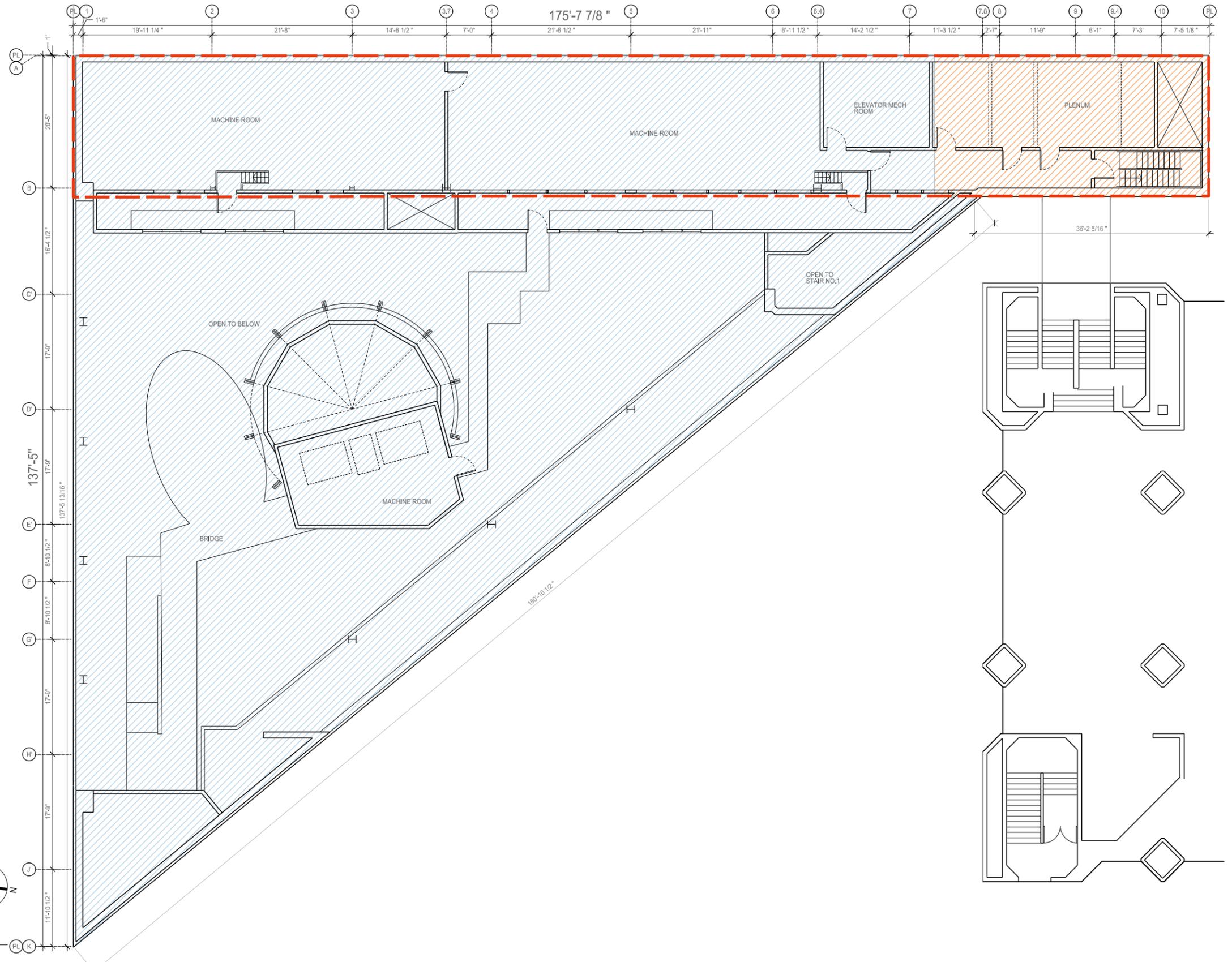
REMOVED
 ALTERED
 RETAINED
 PROPOSED

0 2.5' 5' 10' 20' 40'



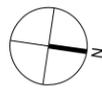
EXISTING SECOND FLOOR PLAN - SITE STRATEGY
1/16" = 1'-0"



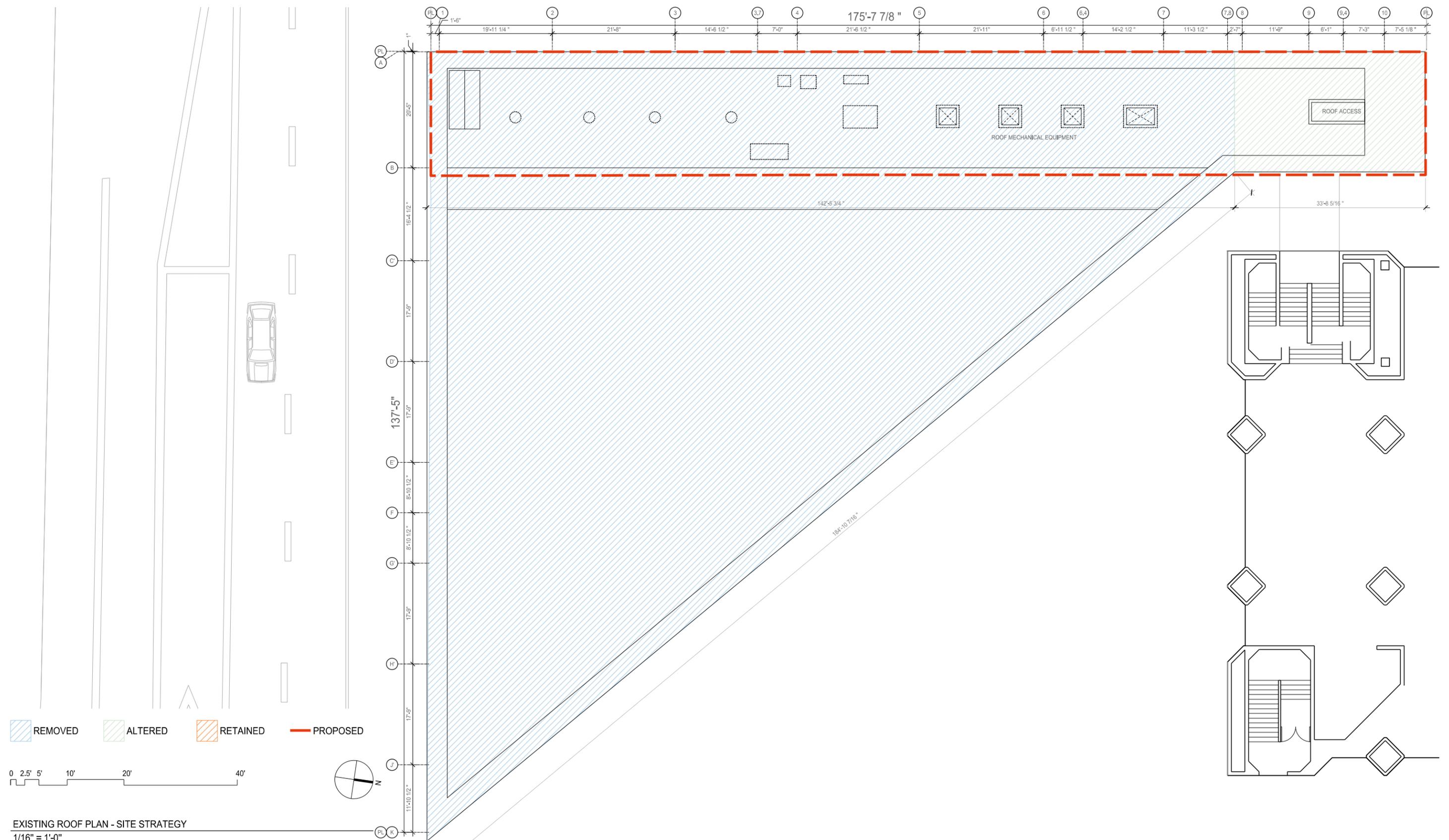


REMOVED
 ALTERED
 RETAINED
 PROPOSED

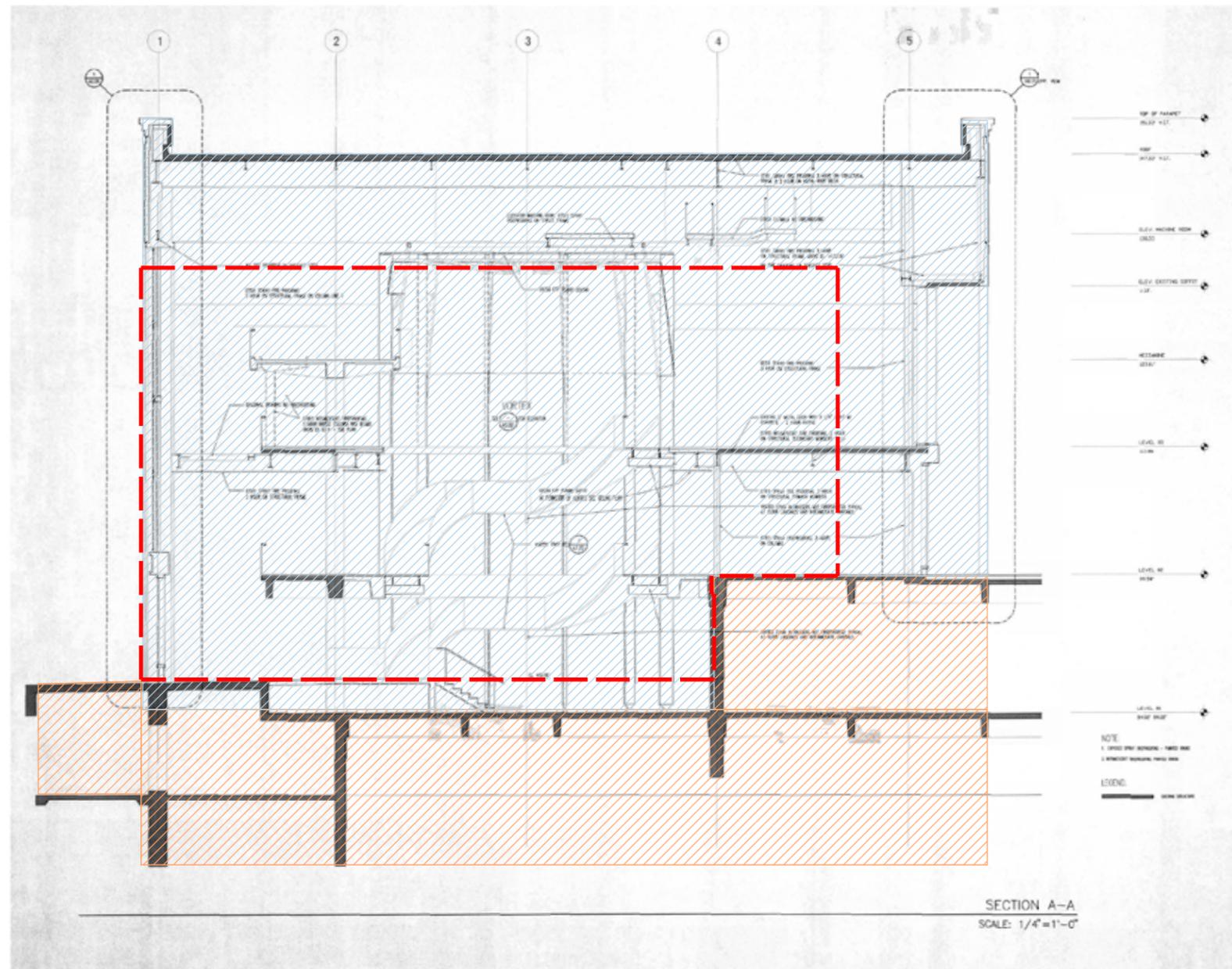
0 2.5' 5' 10' 20' 40'



EXISTING FOURTH FLOOR PLAN - SITE STRATEGY
1/16" = 1'-0"



EXISTING ROOF PLAN - SITE STRATEGY
 1/16" = 1'-0"



Proposed new store above
existing below grade Hyatt
functions

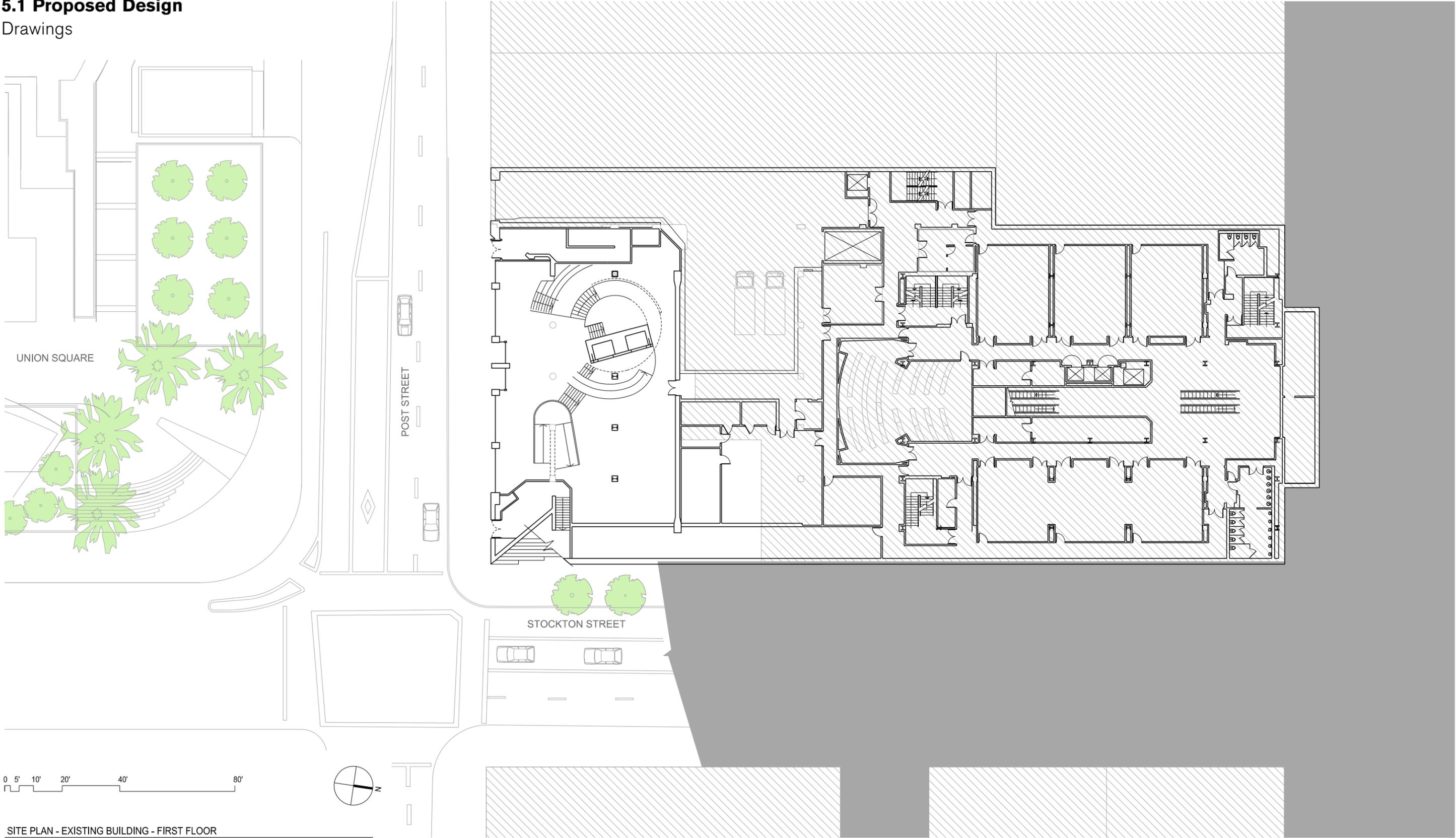
REMOVED
 ALTERED
 RETAINED
 PROPOSED

0 2.5' 5' 10' 20' 40'

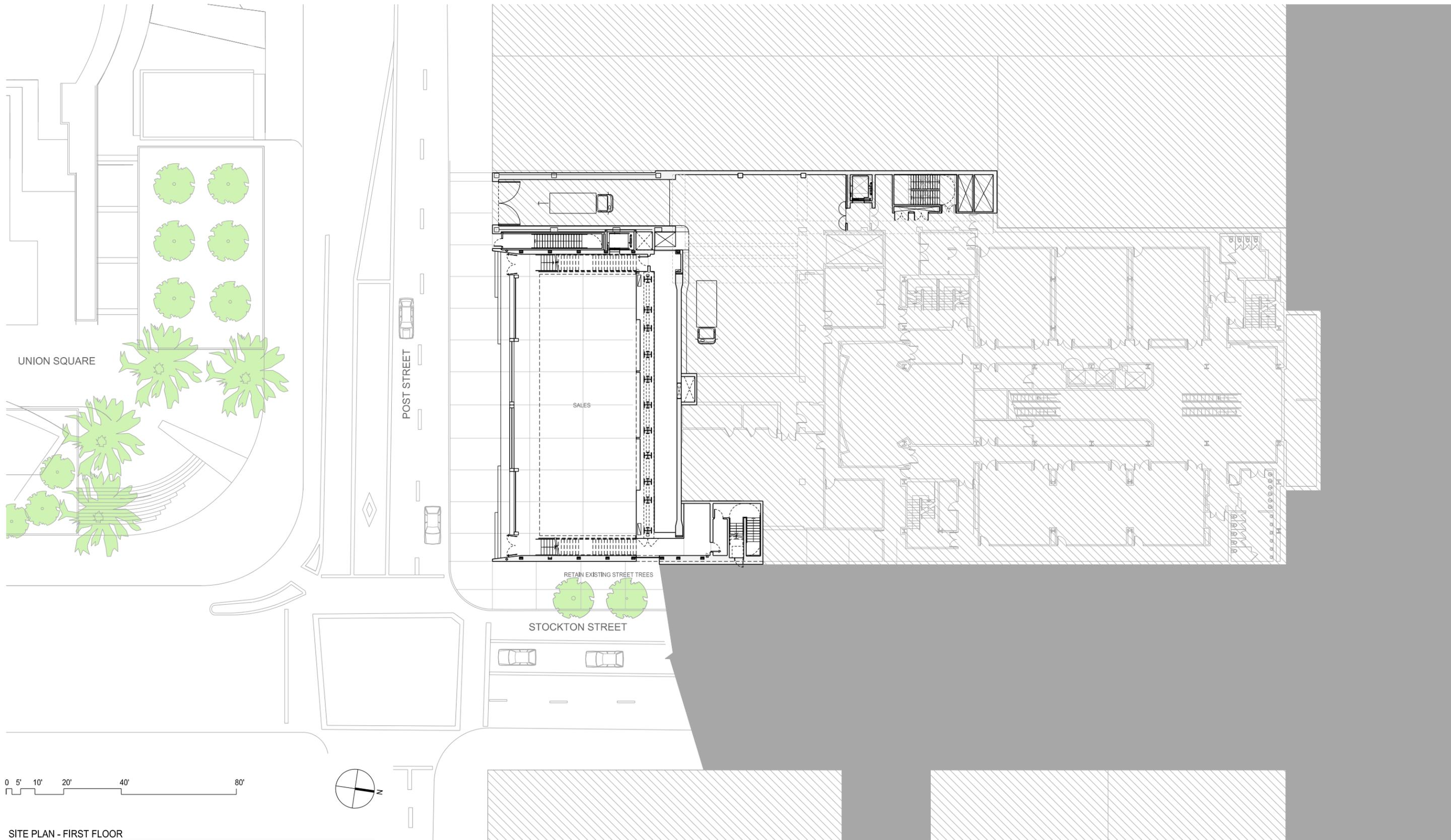
EXISTING CROSS SECTION (ALONG HYATT GRIDLINE F) - SITE STRATEGY
1/16" = 1'-0"

5.1 Proposed Design

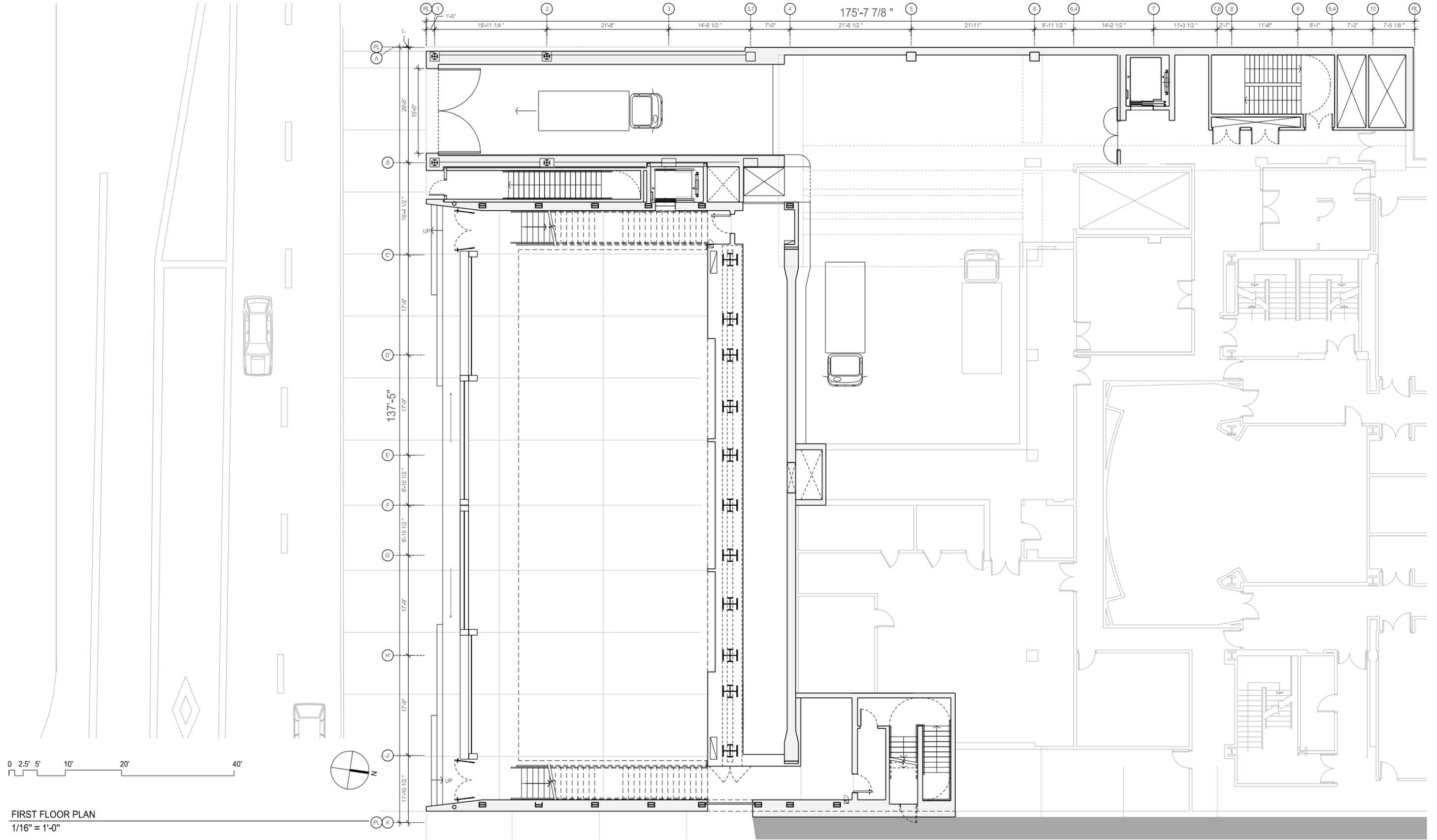
Drawings



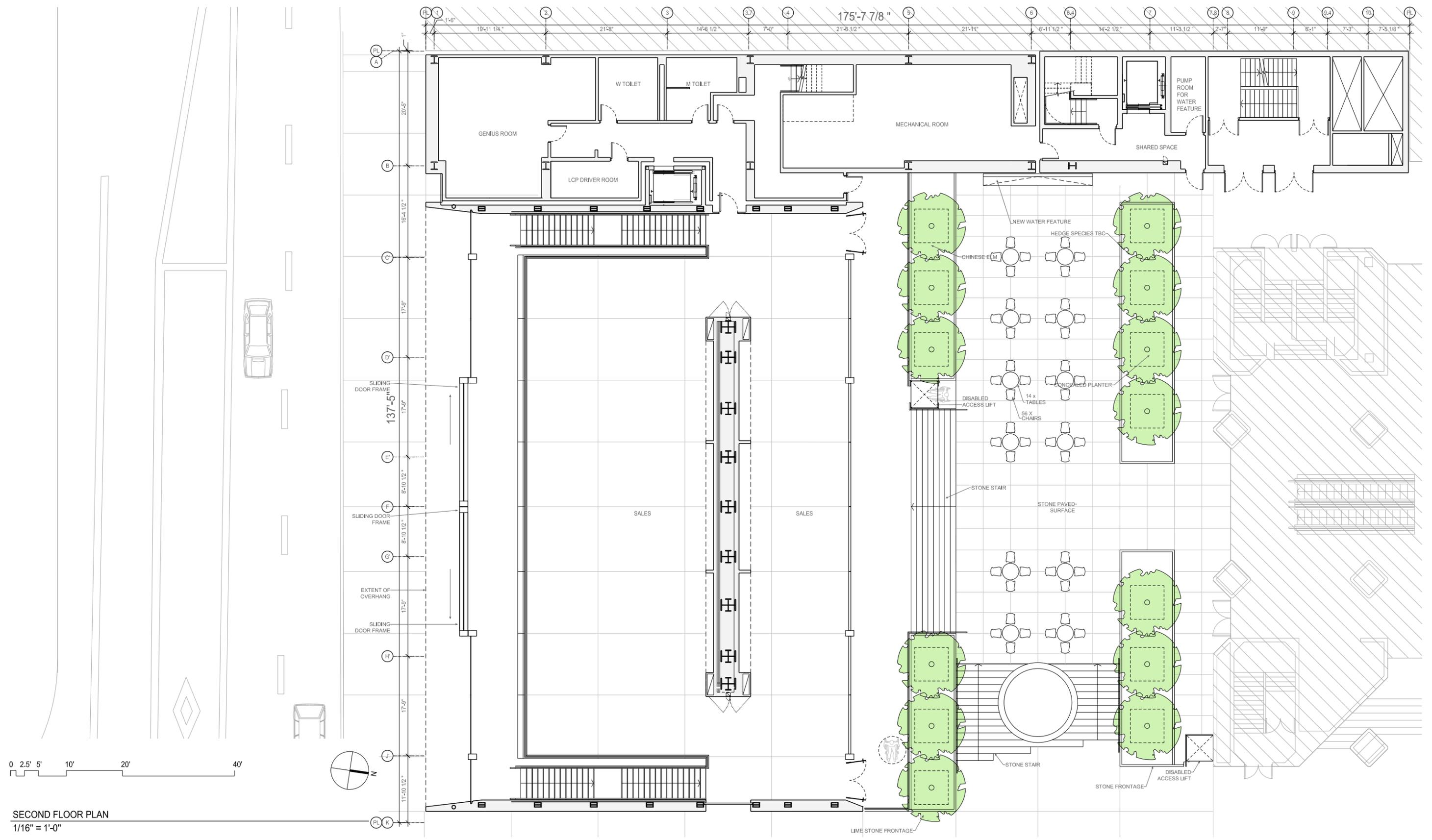
SITE PLAN - EXISTING BUILDING - FIRST FLOOR
1/32" = 1'-0"



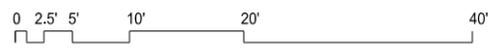
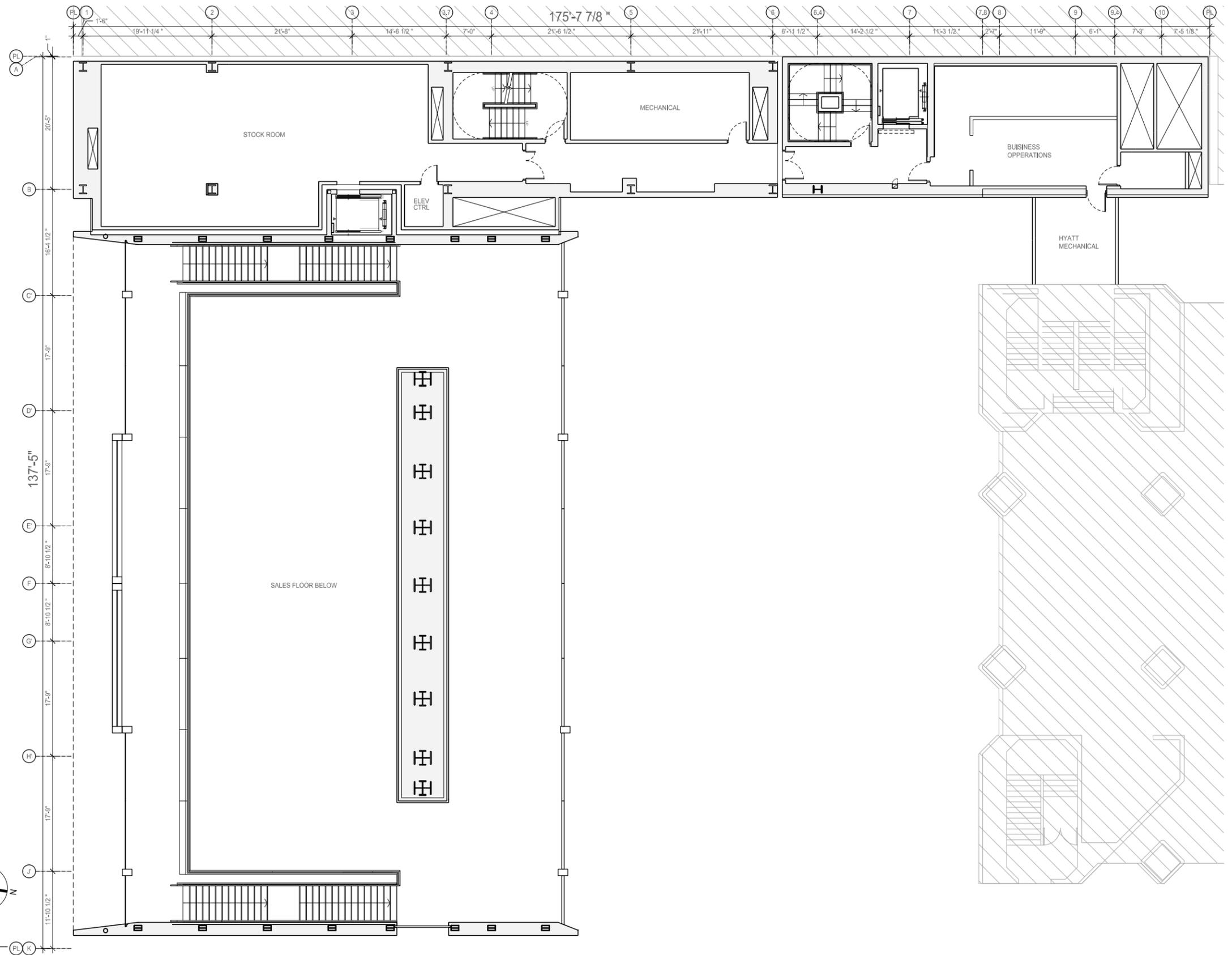
SITE PLAN - FIRST FLOOR
 1/32" = 1'-0"



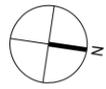
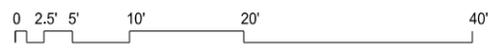
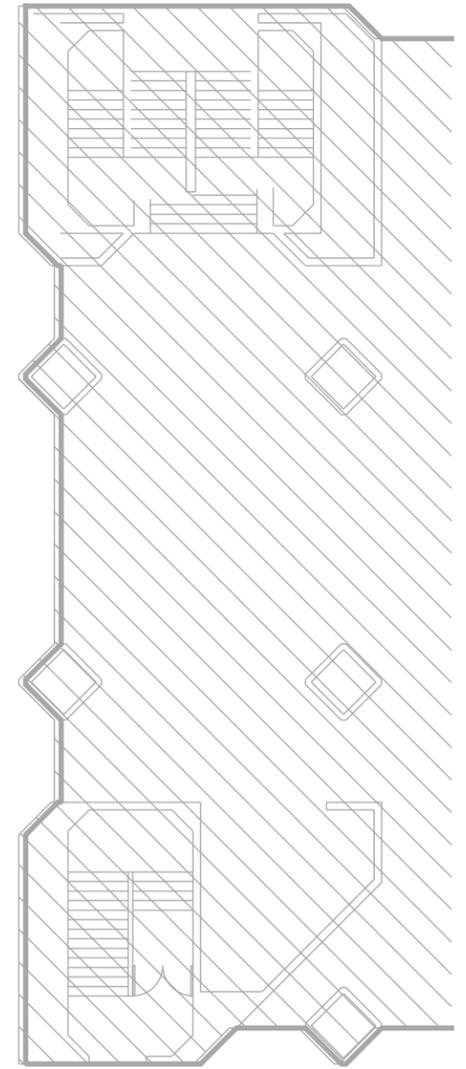
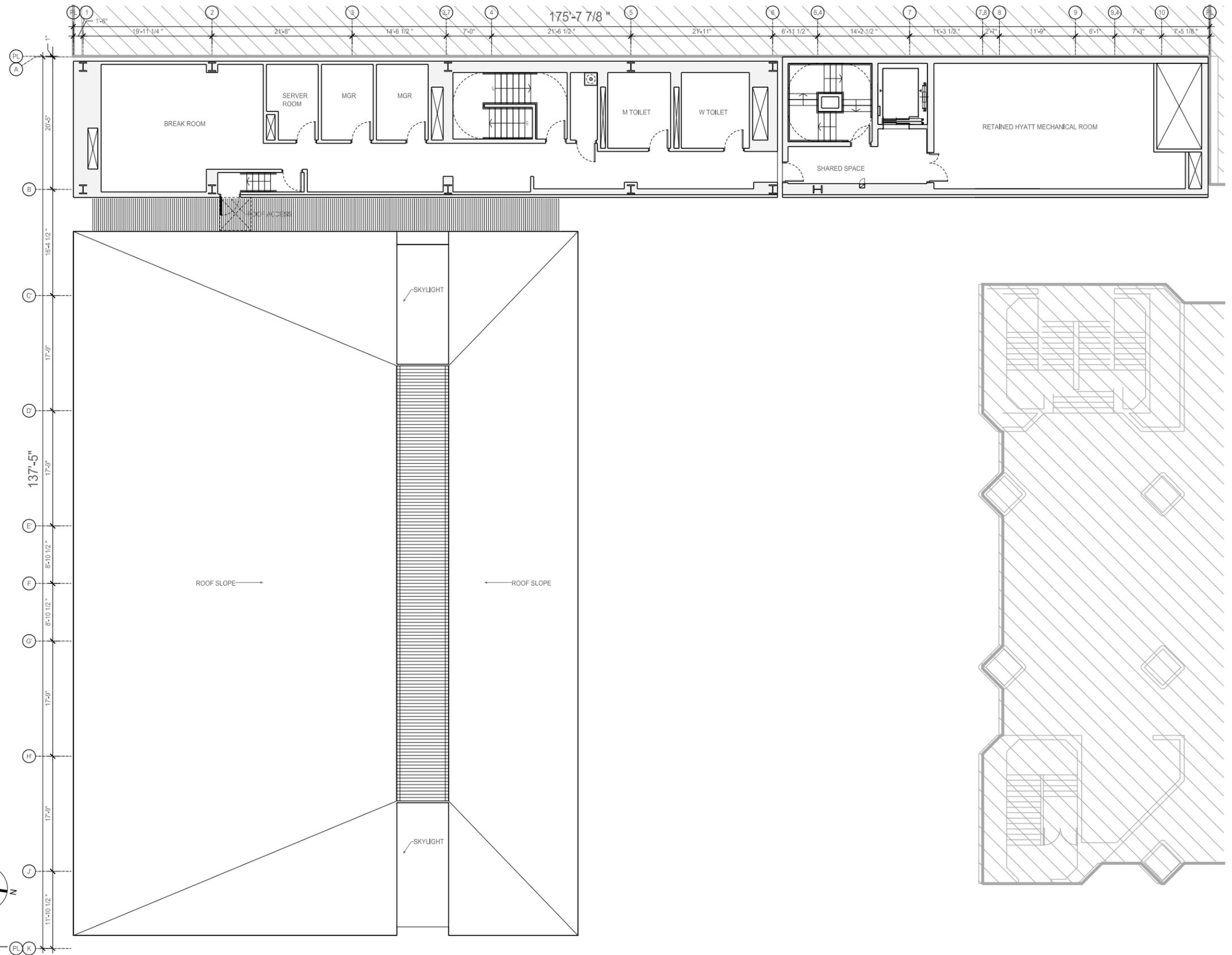
FIRST FLOOR PLAN
 1/16" = 1'-0"



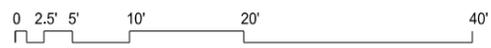
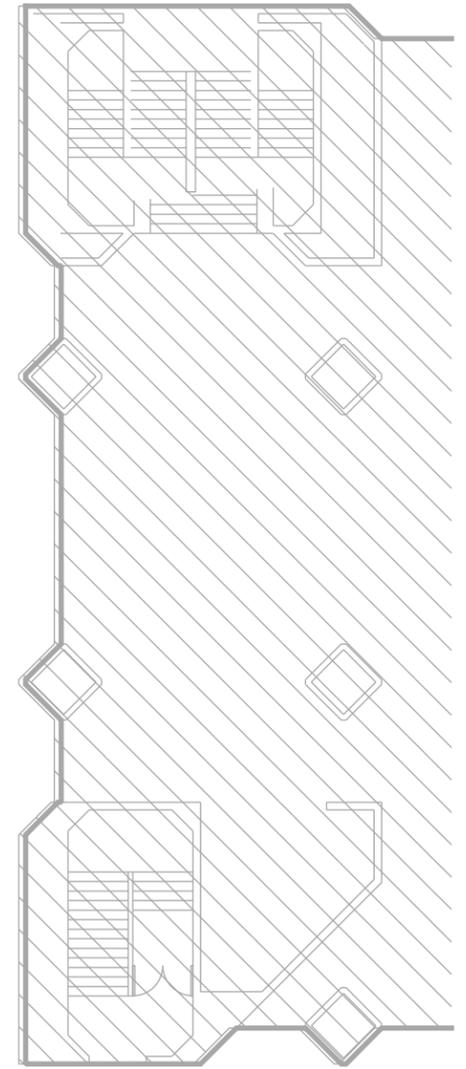
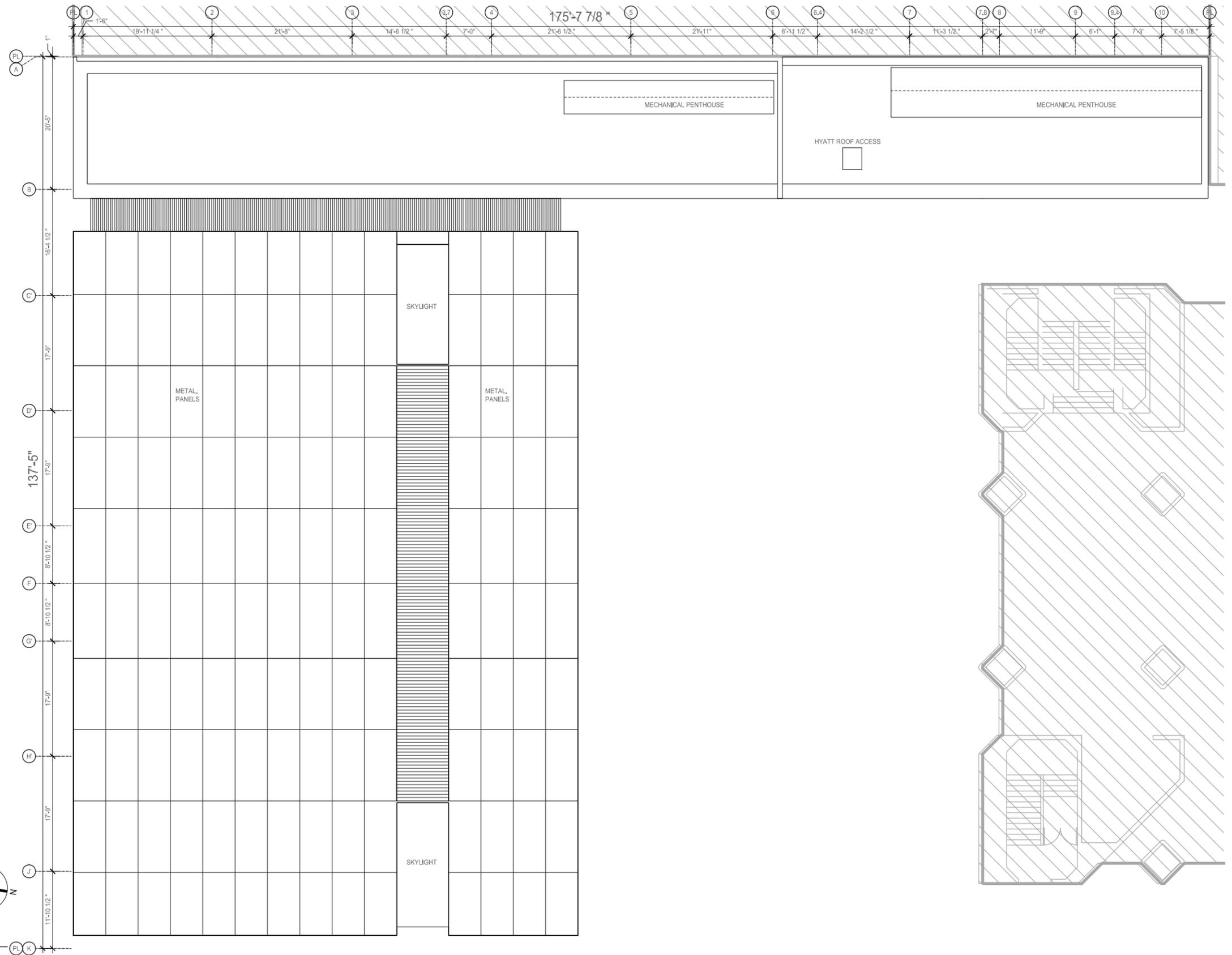
SECOND FLOOR PLAN
1/16" = 1'-0"



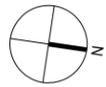
THIRD FLOOR PLAN
1/16" = 1'-0"

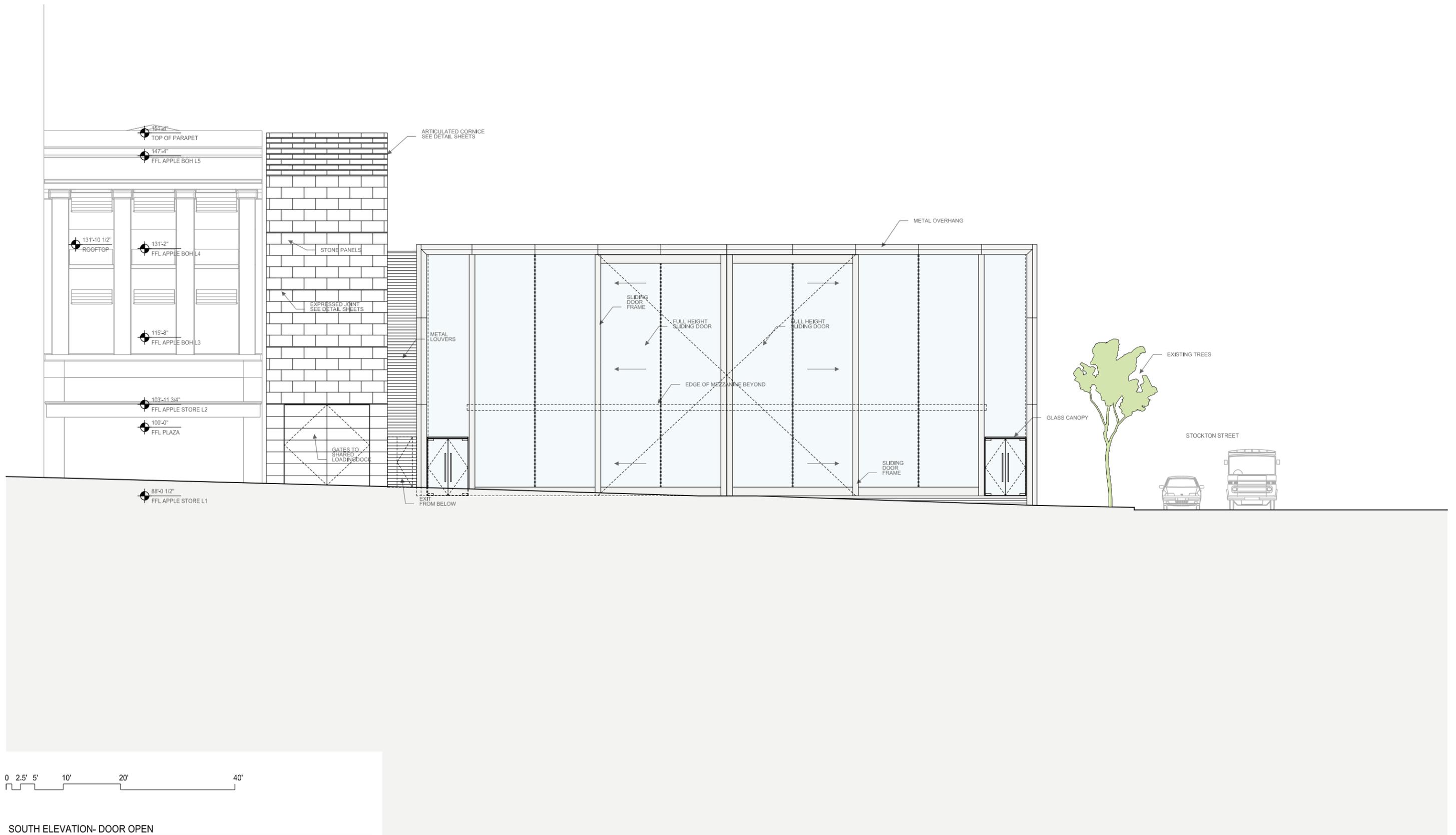


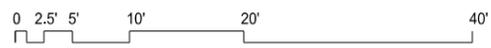
FOURTH FLOOR PLAN
1/16" = 1'-0"



ROOF LEVEL PLAN
1/16" = 1'-0"







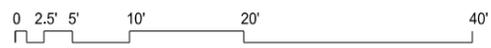
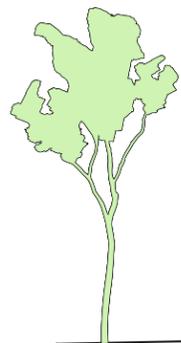
EAST ELEVATION
1/16" = 1'-0"

151'-4"
TOP OF PARAPET
147'-4"
FFL APPLE BOH L5

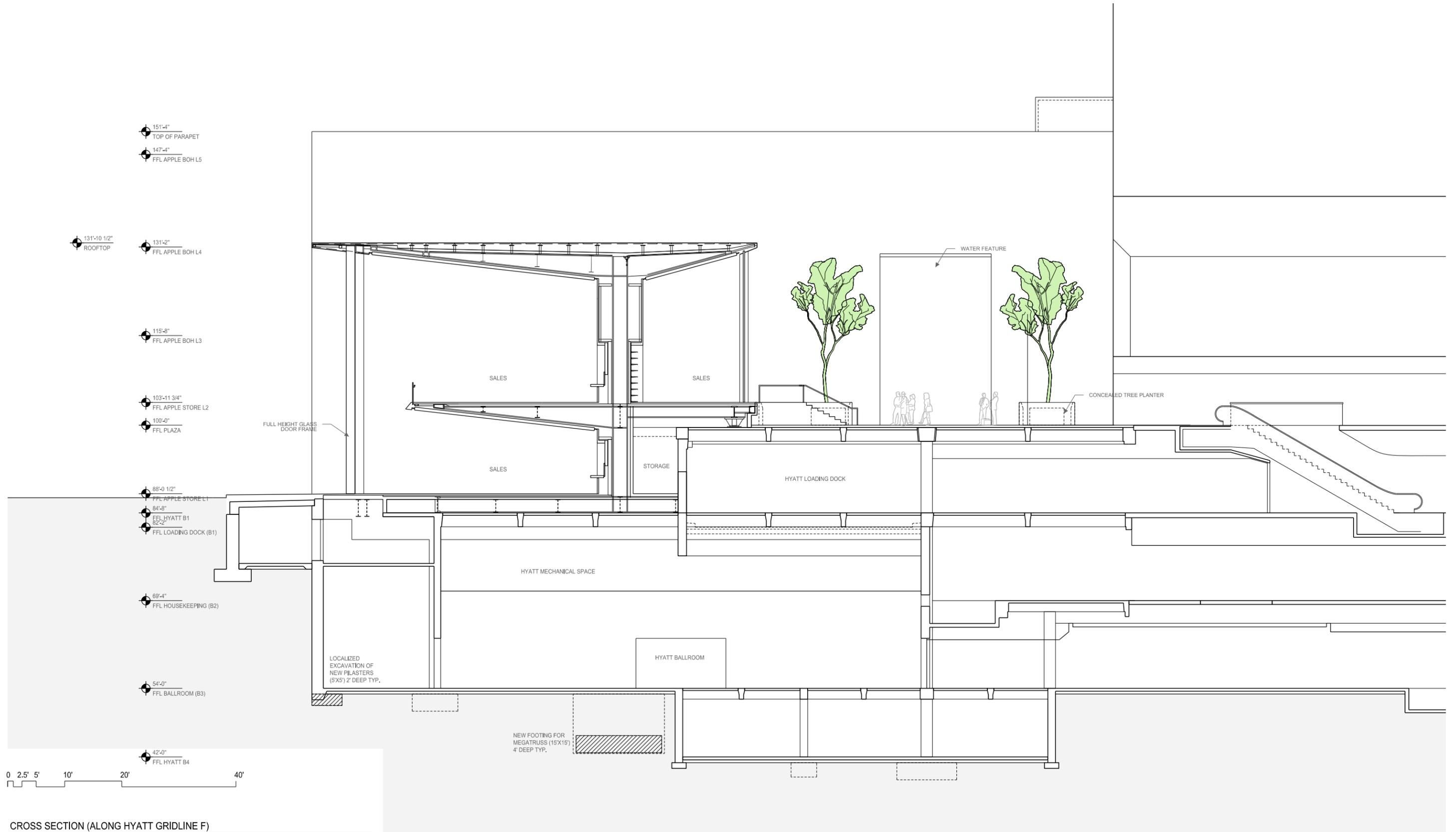
131'-10 1/2"
ROOFTOP
131'-2"
FFL APPLE BOH L4

115'-8"
FFL APPLE BOH L3

103'-11 3/4"
FFL APPLE STORE L2
100'-0"
FFL PLAZA

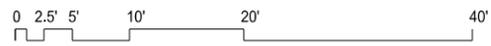
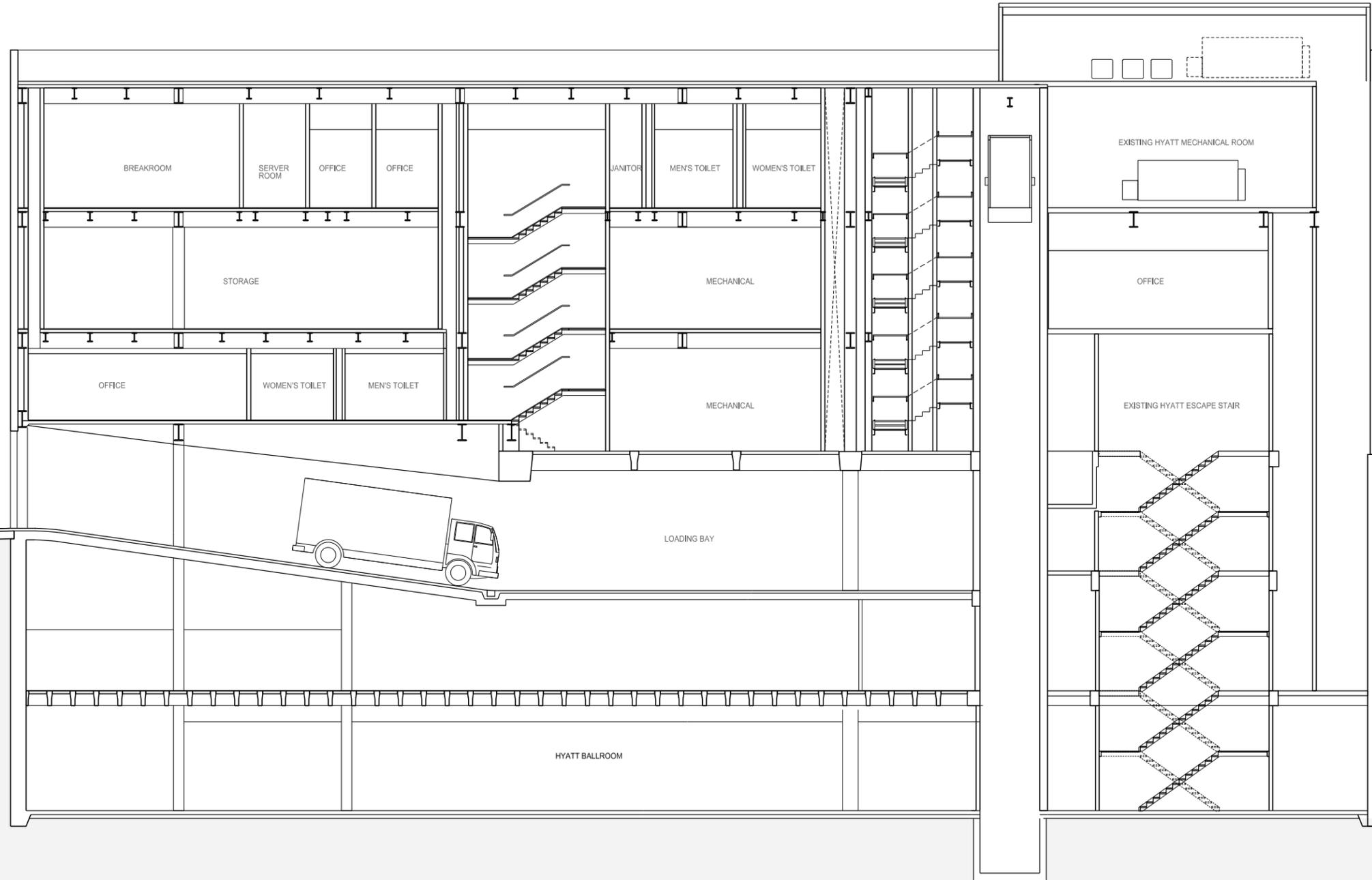


NORTH ELEVATION
1/16" = 1'-0"

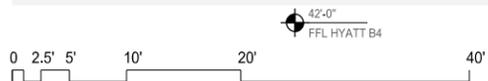
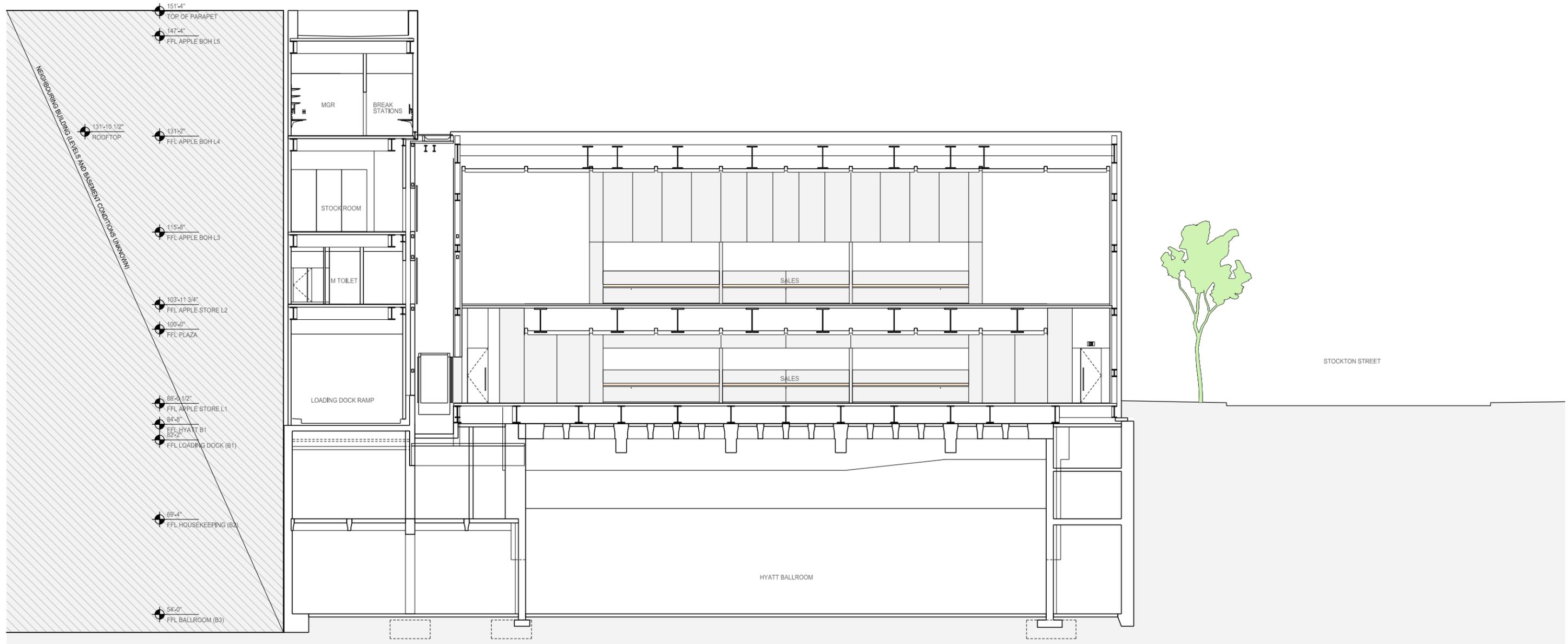
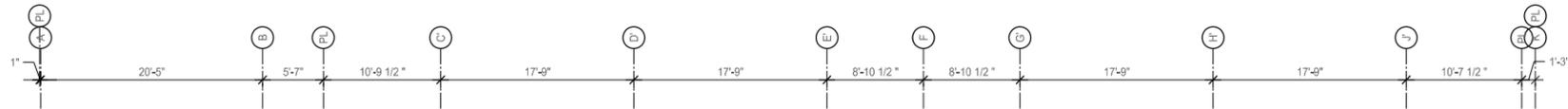


CROSS SECTION (ALONG HYATT GRIDLINE F)
1/16" = 1'-0"

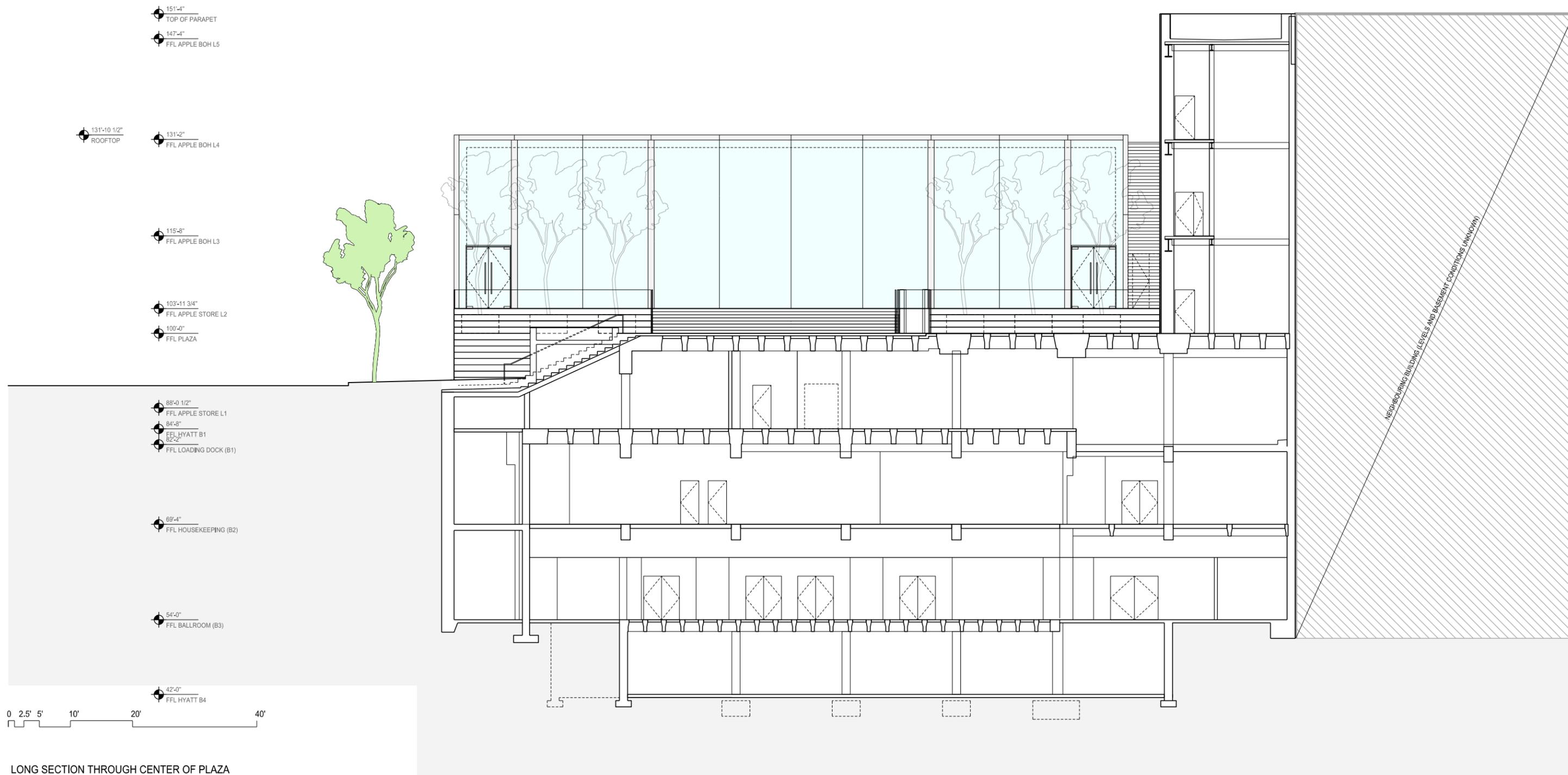
- 151'-4" TOP OF PARAPET
- 147'-4" FFL APPLE BOH L5
- 131'-2" FFL APPLE BOH L4
- 115'-8" FFL APPLE BOH L3
- 103'-11 3/4" FFL APPLE STORE L2
- 100'-0" FFL PLAZA
- 88'-0 1/2" FFL APPLE STORE L1
- 84'-8" FFL HYATT B1
- 82'-2" FFL LOADING DOCK (B1)
- 69'-4" FFL HOUSEKEEPING (B2)
- 54'-0" FFL BALLROOM (B3)
- 42'-0" FFL HYATT B4



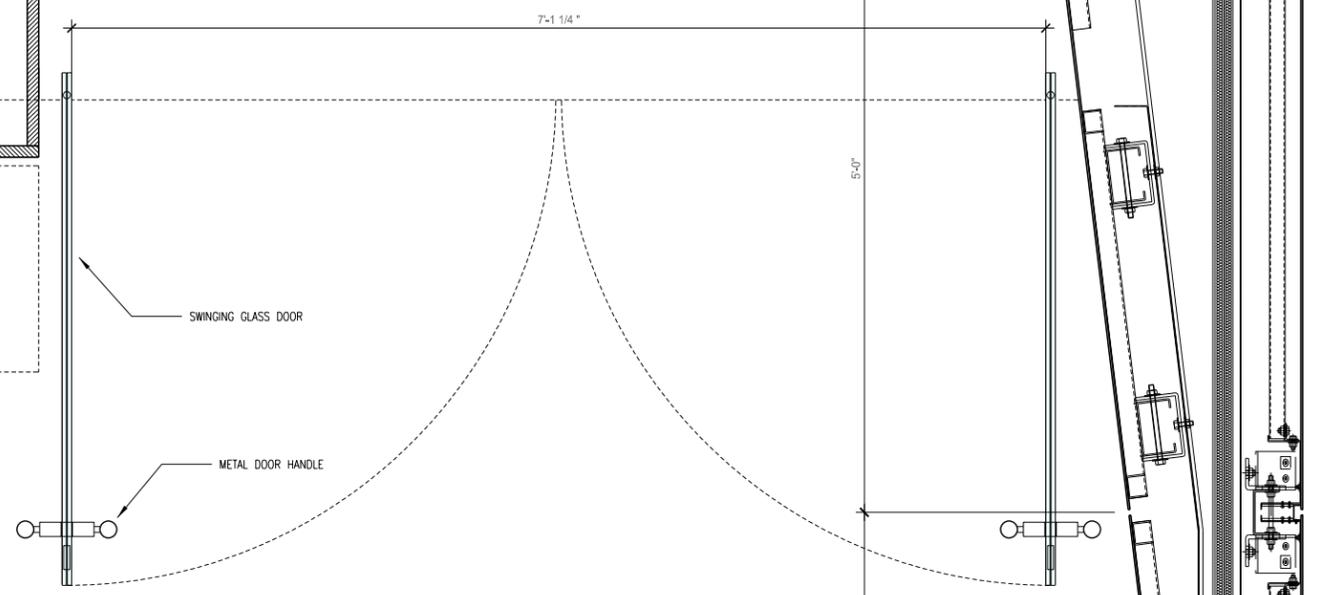
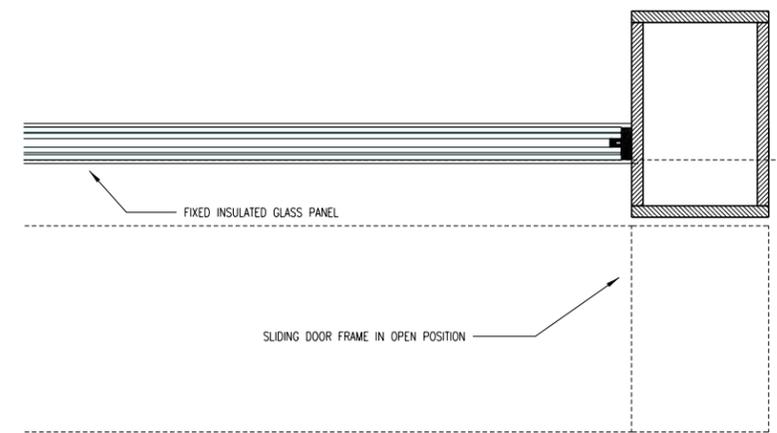
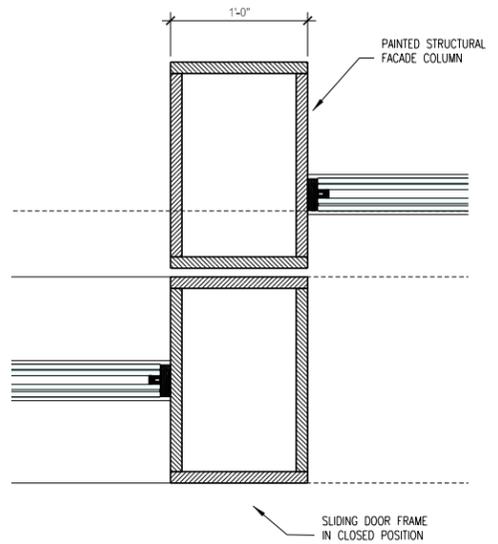
LONG SECTION THROUGH BAR BUILDING
 1/16" = 1'-0"



LONG SECTION (ALONG HYATT GRIDLINE 3)
1/16" = 1'-0"

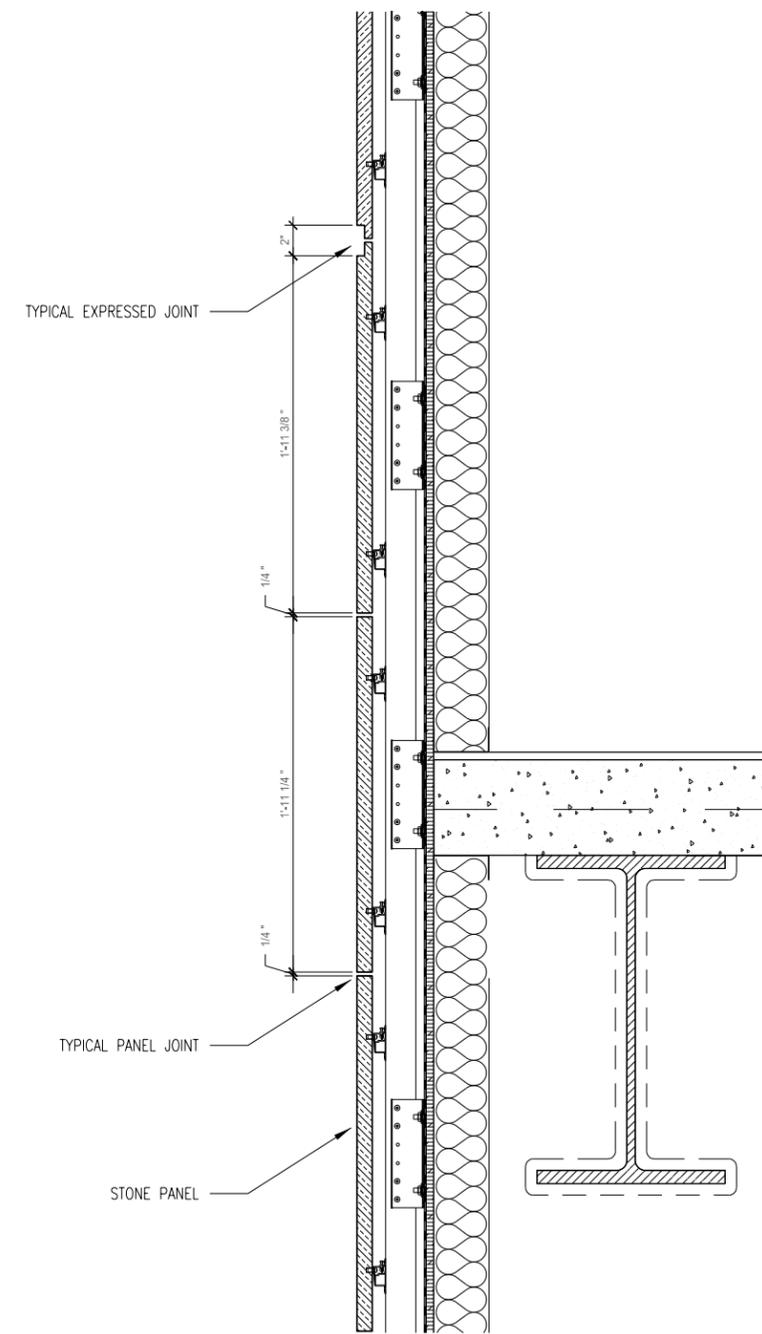
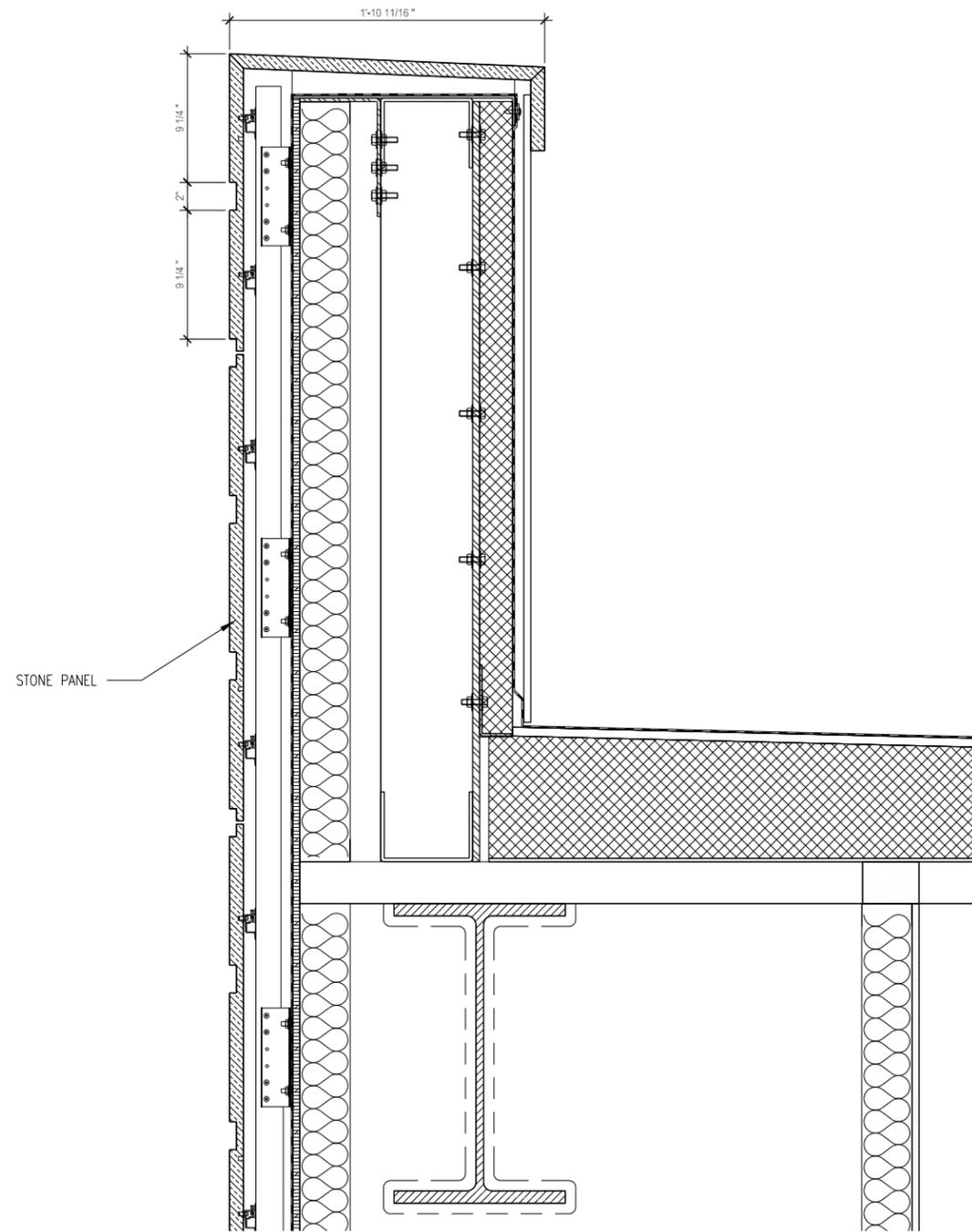


LONG SECTION THROUGH CENTER OF PLAZA
1/16" = 1'-0"



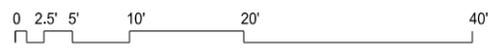
STOREFRONT DETAIL PLANS
 3/4" = 1' - 0"

01 EXTERIOR STOREFRONT PLAN DETAIL
 3/4" = 1' - 0"



01 BAR BUILDING CORNICE DETAILS
1" = 1' - 0"

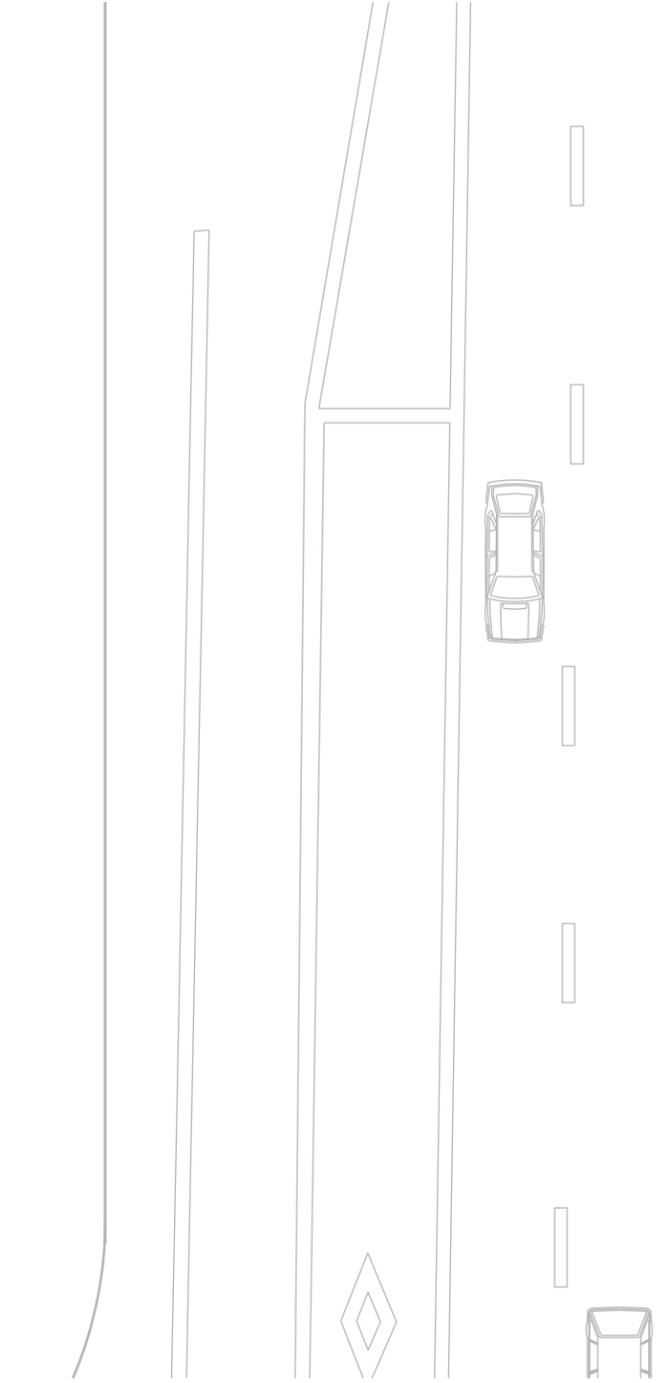
02 BAR BUILDING JOINT DETAILS
1" = 1' - 0"



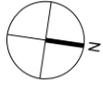
BAR BUILDING EXTERIOR WALL SECTION DETAILS
1" = 1' - 0"

5.1 Proposed Design

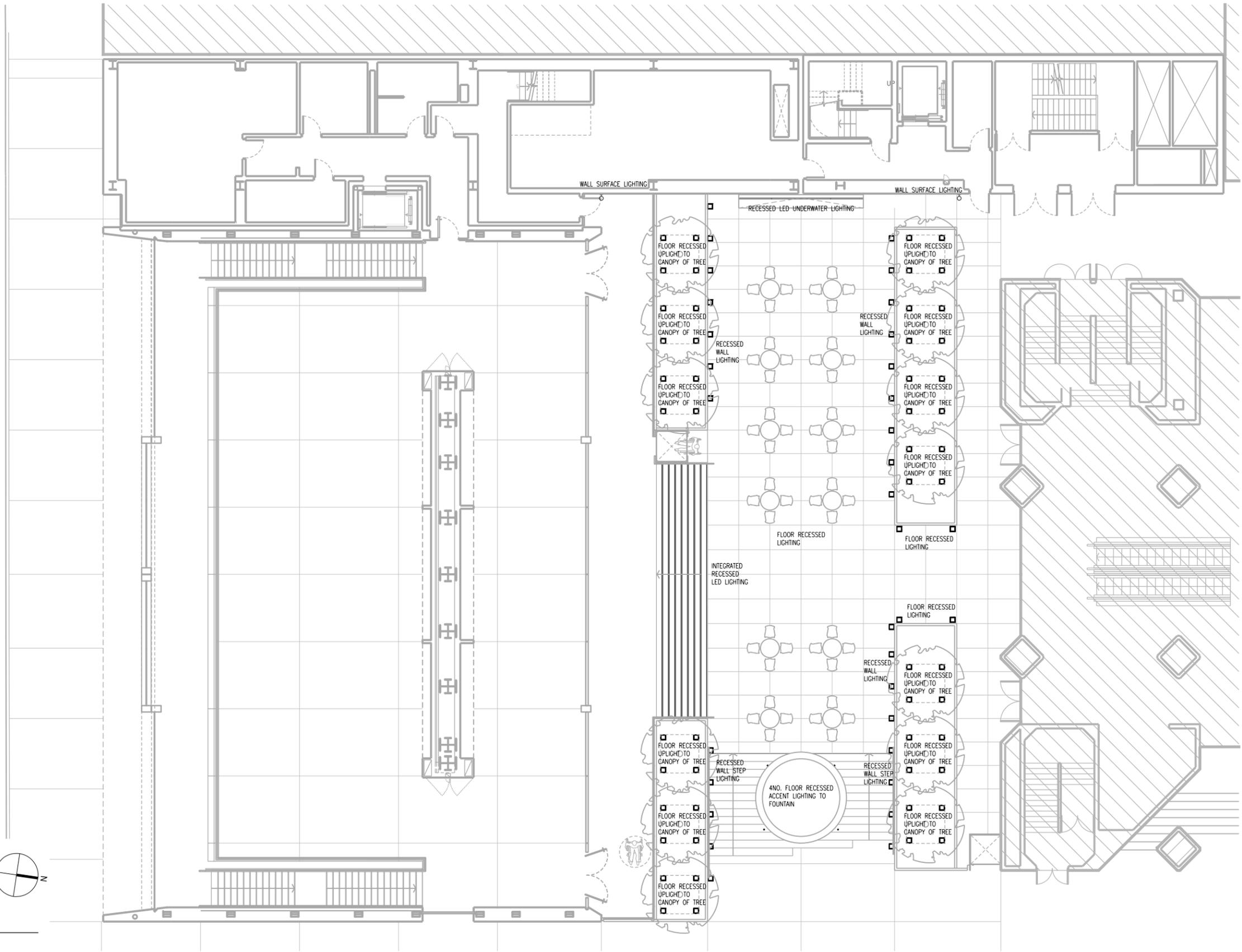
Plaza Lighting Plan



0 2.5' 5' 10' 20' 40'



SECOND FLOOR LIGHTING PLAN
1/16" = 1'-0"



5.2 Proposed Design

Materials - Plaza



Stone pavers

Kuppam Green stone pavers for the rear plaza and steps at the Asawa fountain



Stone Cladding

Kuppam Green stone panels for the walls around the Asawa fountain



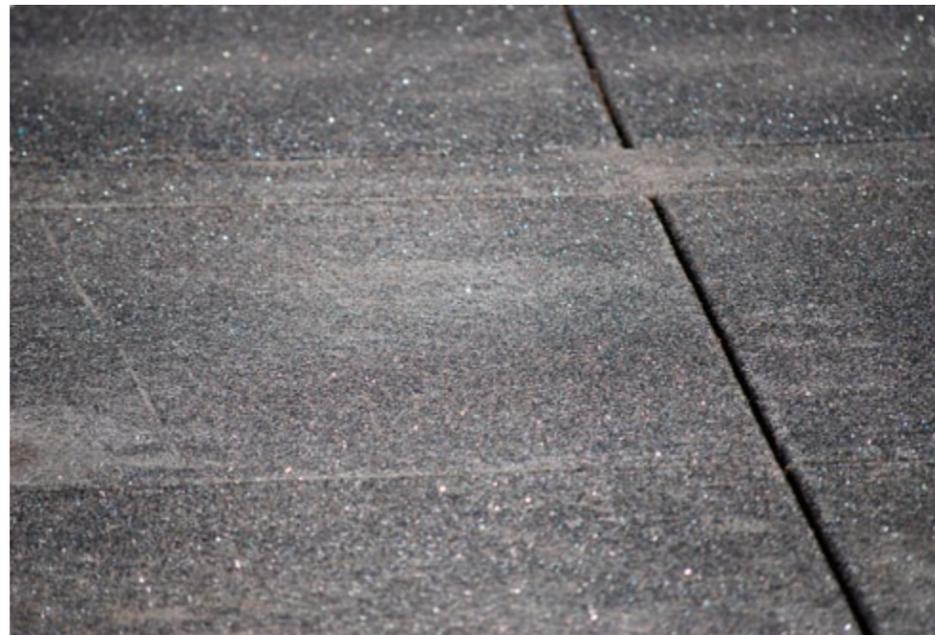
Plaza Tables

Custom round stainless steel



Stone bench

Kuppam Green stone benches in the rear plaza



Sidewalk

Silica Carbide sparkling concrete on both Stockton and Post streets

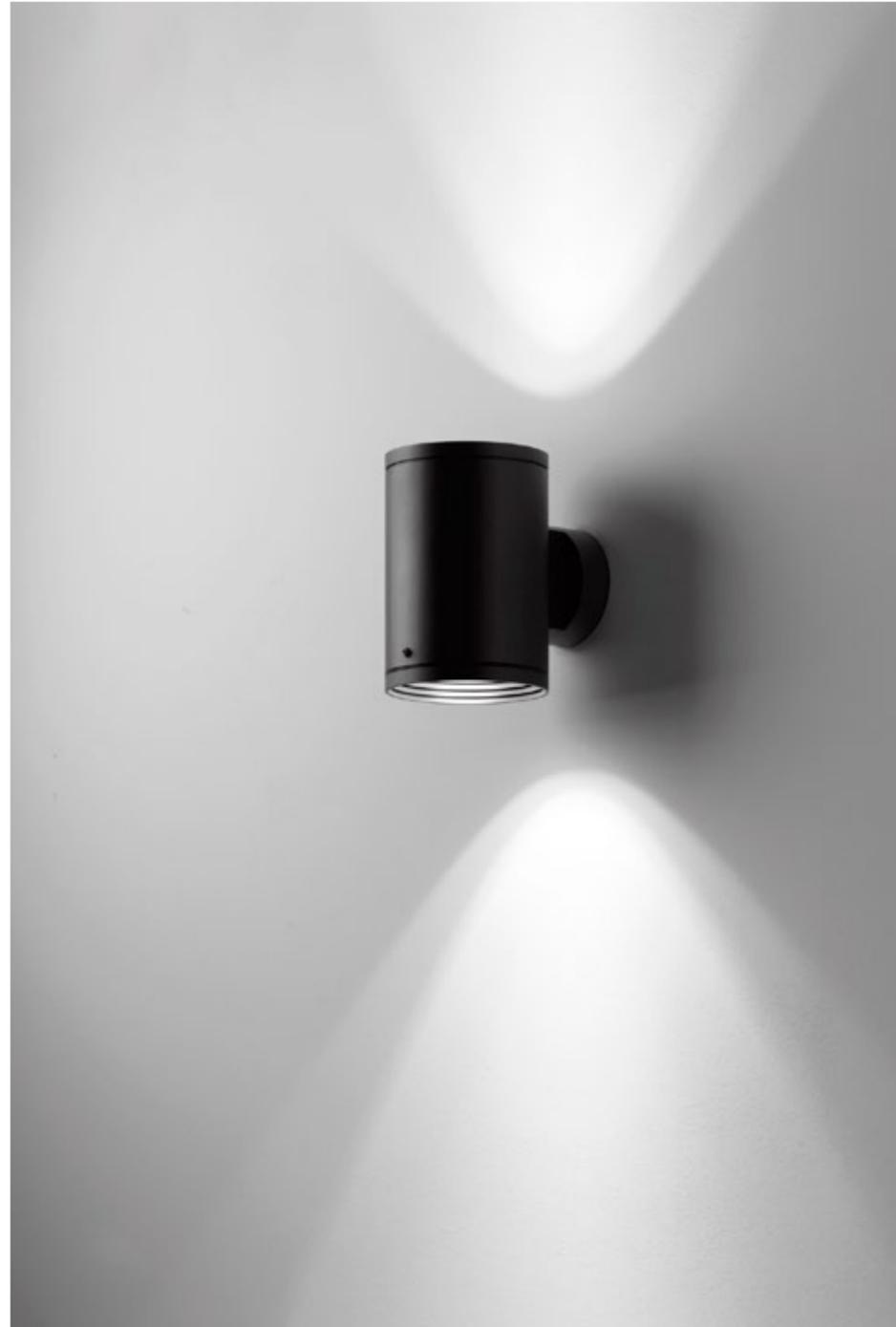


Plaza Chairs

Knoll Bertoia - Wire chair in white



In-ground light fixtures
Erco Tesis uplight fixtures to light the trees



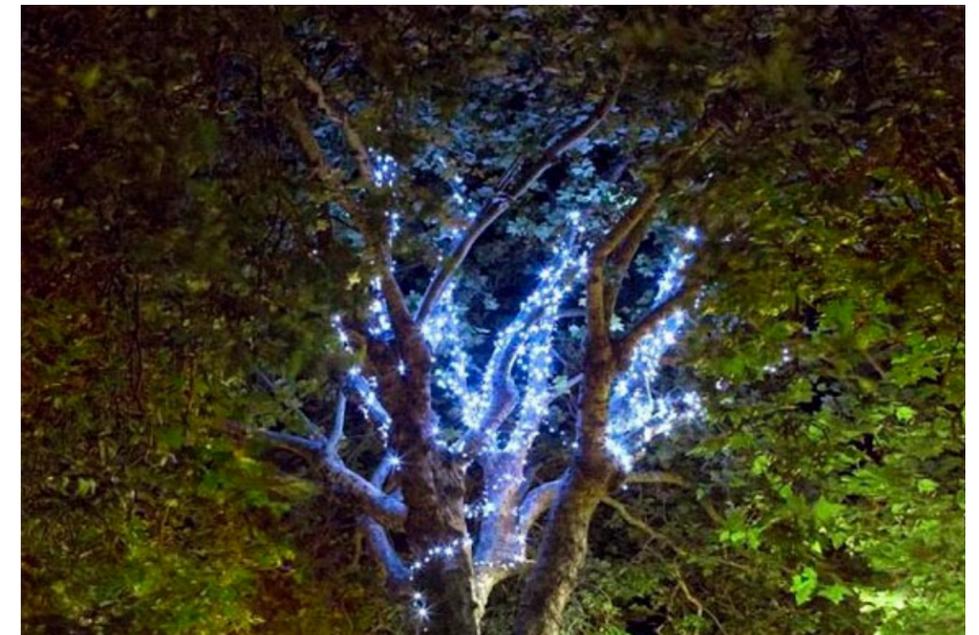
Exit door lighting
Bega exterior lights over doors



Plaza lighting
In-ground light fixtures to uplight the trees in the rear plaza



In-ground light fixtures
Erco Tesis uplight fixture to light the plaza fountain



Plaza lighting
Hanging "fairy" lights in trees

5.2 Proposed Design

Materials - Store



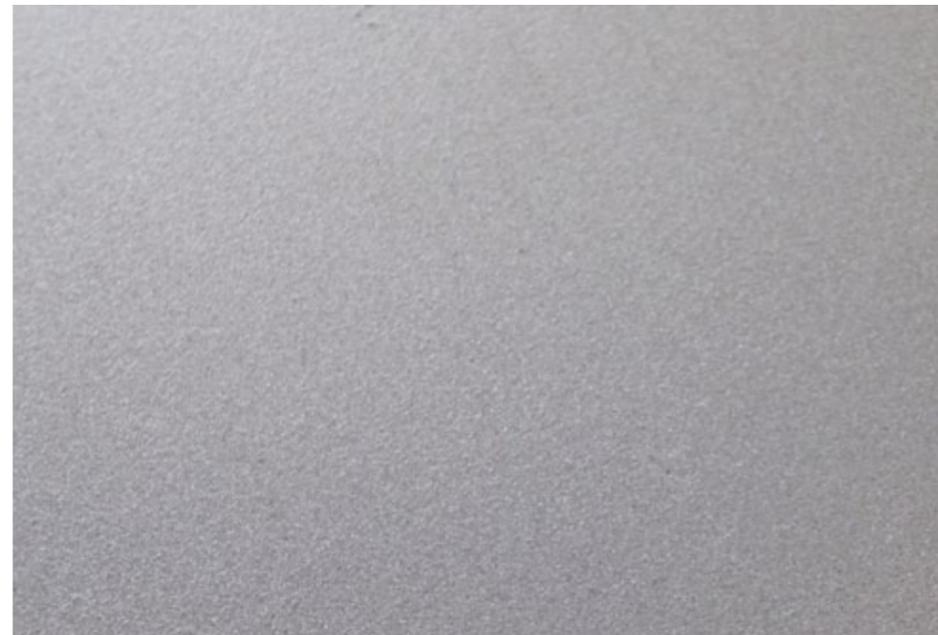
Terrazzo Floor
Fine aggregate grey terrazzo inside and outside at the south facade



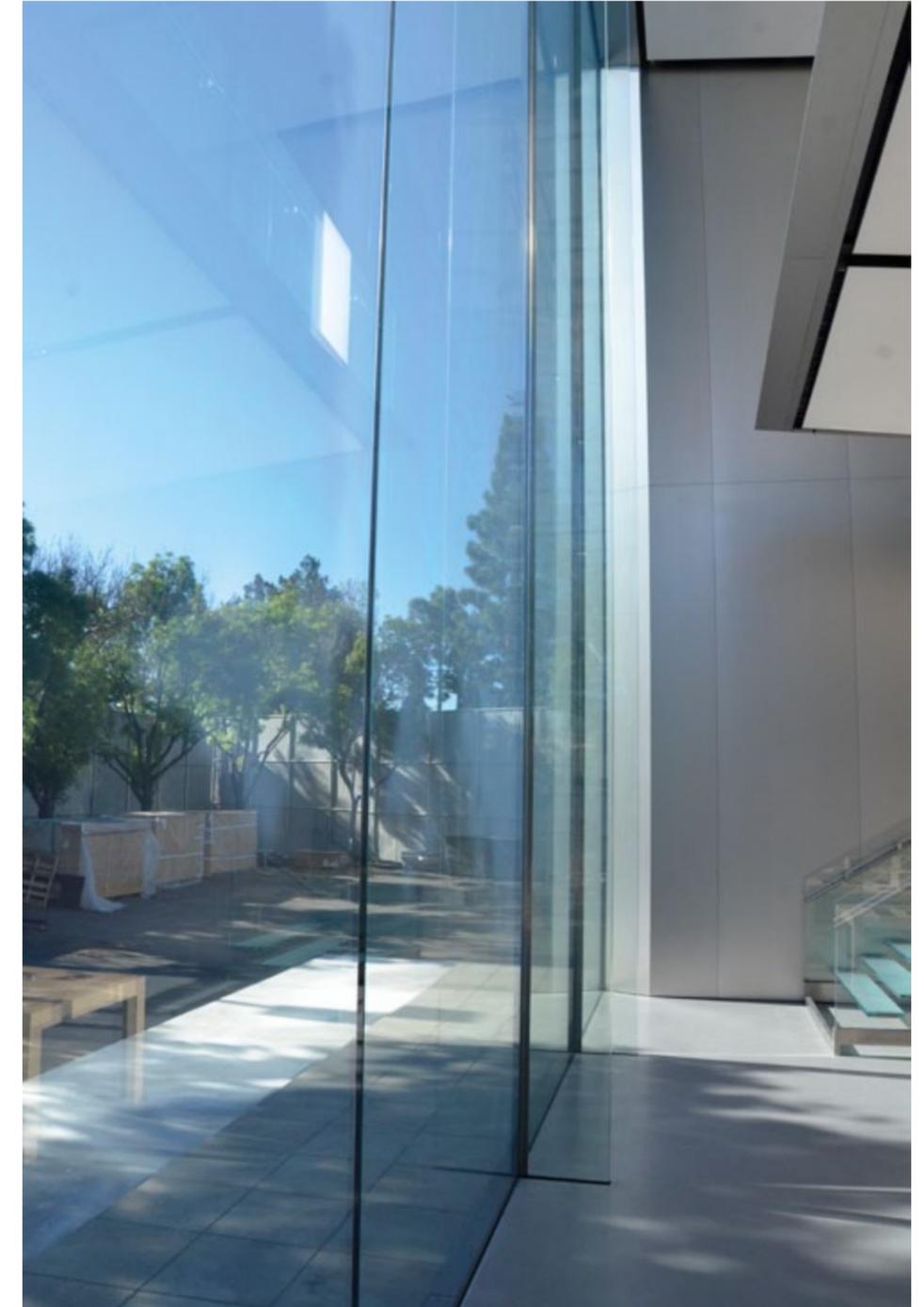
Bead Blasted Stainless Steel Roof Overhang
Similar to South Facade Condition



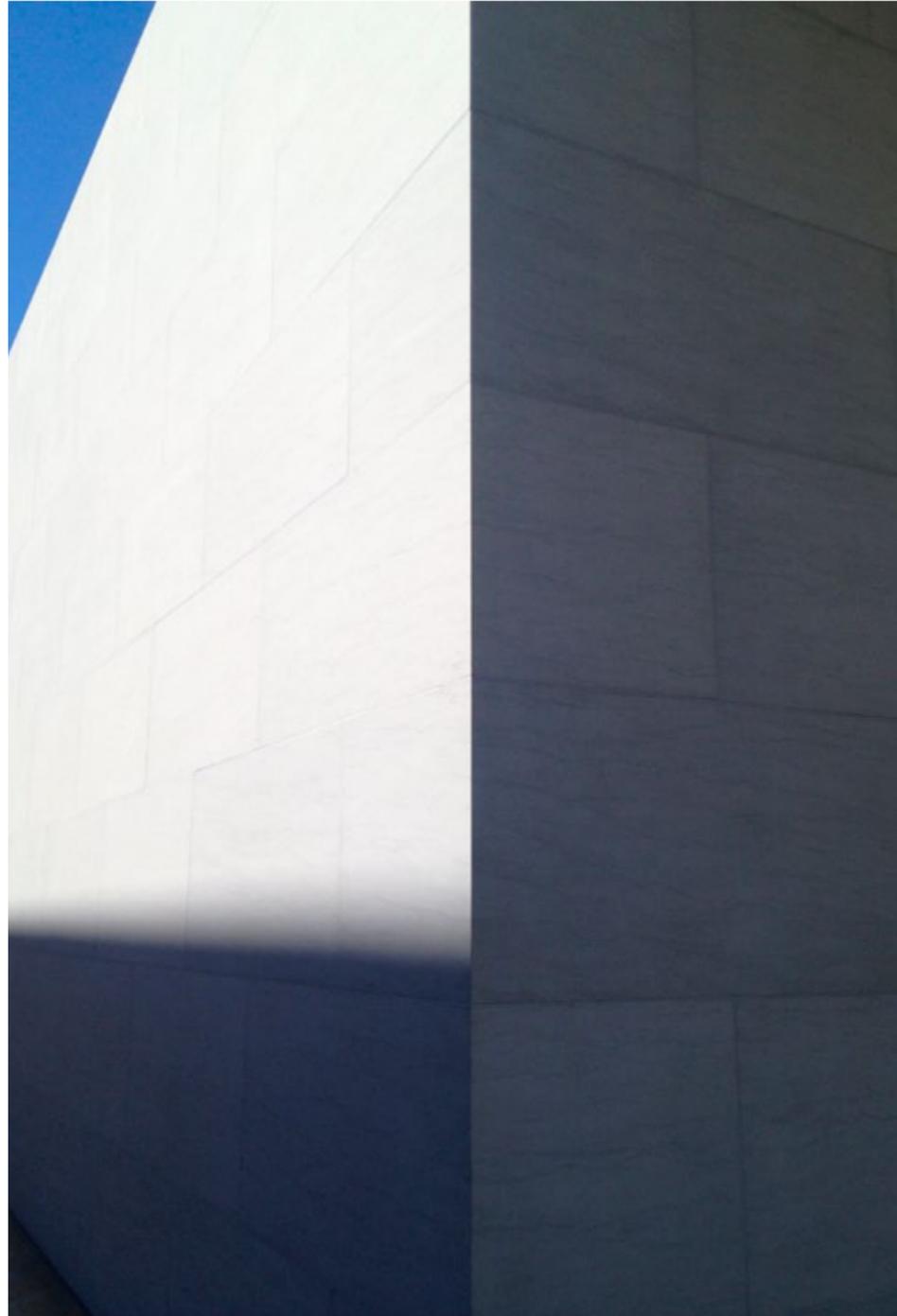
Indiana Limestone
Cladding for Adjacent Back of House "Bar Building"



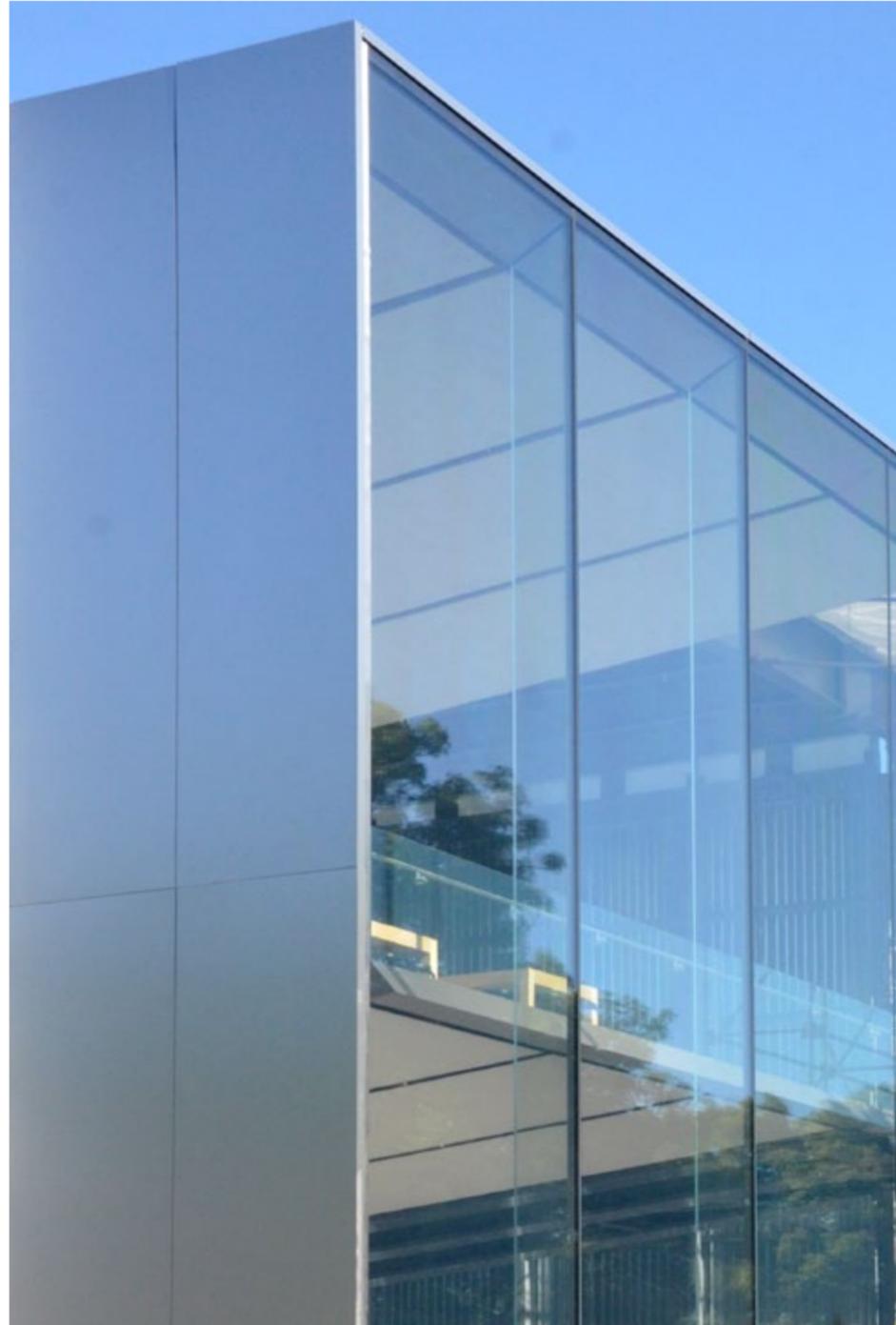
Painted Facade Elements
Duraflon paint system with metallic pigments in medium grey



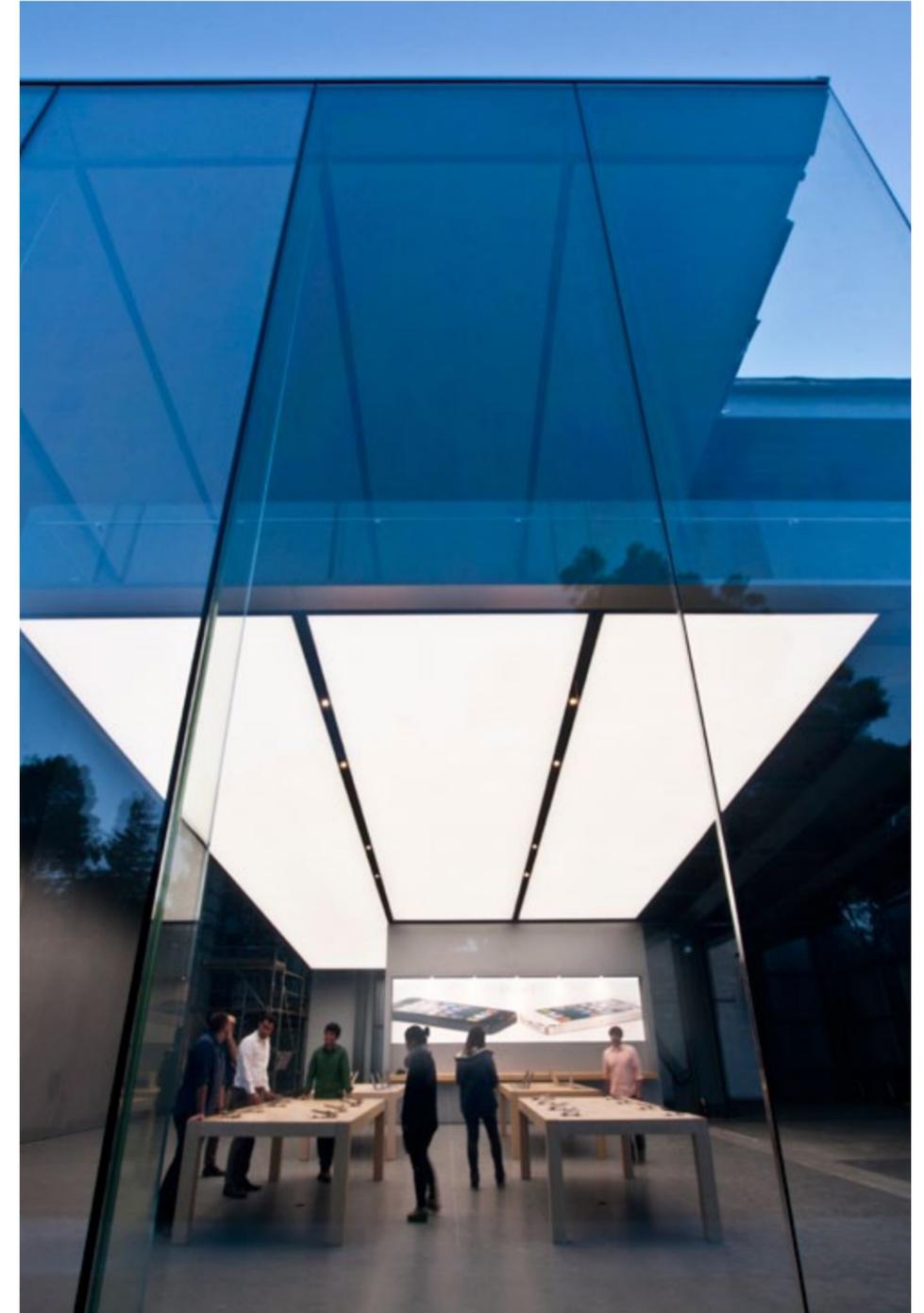
Glass Facade
Similar to Proposed Conditions



Indiana Limestone
Cladding for Adjacent Back of House "Bar Building"



Similar to North Facade
Bead blasted stainless steel side panels and structural glass bays



Illuminated ceiling panels
Eight foot roof overhang not depicted.

5.2 Proposed Design

Materials - Landscape



Trees in Planters

Individual concealed planters along rear face of store and plaza face of the Hyatt



Creating an urban oasis

Similar scale urban park between midrise buildings in New York



Ground Cover

Elevated ground cover to conceal tree planters



Ground Cover

Elevated ground cover to conceal tree planters

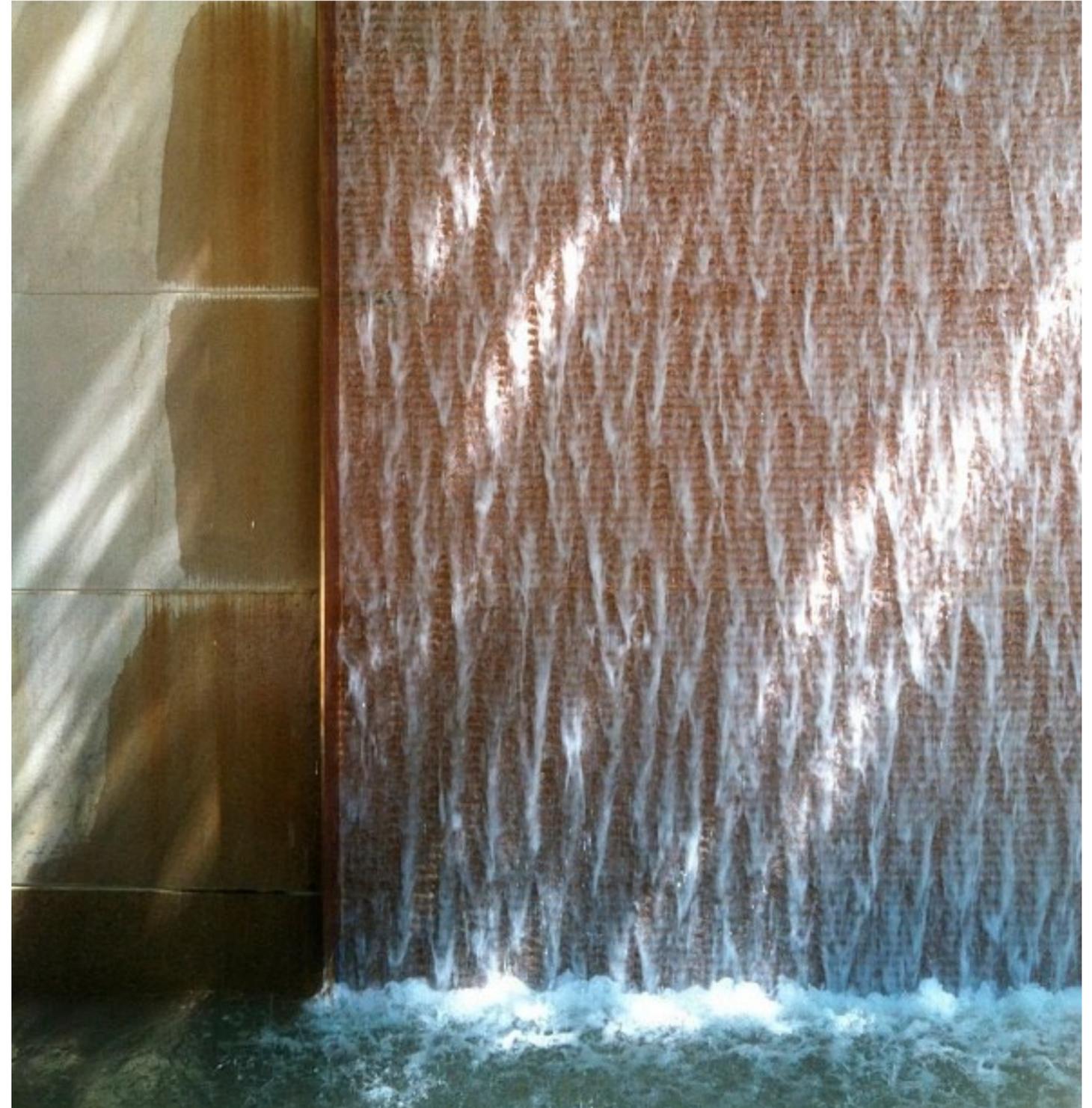


Chinese Elm

Selected tree species for the trees in the rear plaza

Plaza waterwall

A gently rippling sheet of water over textured stone



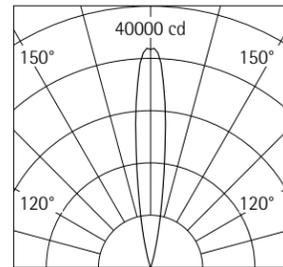
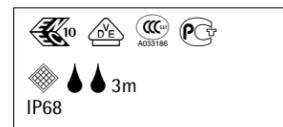
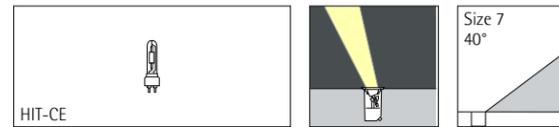
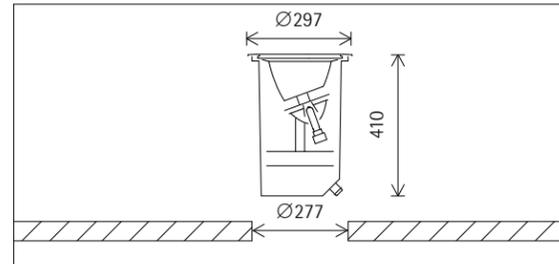
5.3 Proposed Design

Data Sheets - Lighting + Glass

ERCO

Tesis In-ground luminaire

Directional luminaire for metal halide lamps



HIT-CE 70W G12 7750lm

h(m)	E(lx)	D(m)
5	1335	1.32
4	2087	1.05
3	3710	0.79
2	8346	0.53
1	33386	0.26

33725.000
HIT-CE 70W G12 7750lm
ECG
Spot reflector

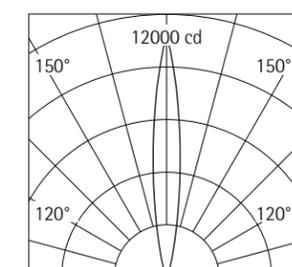
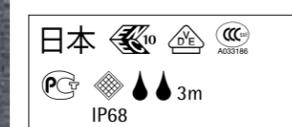
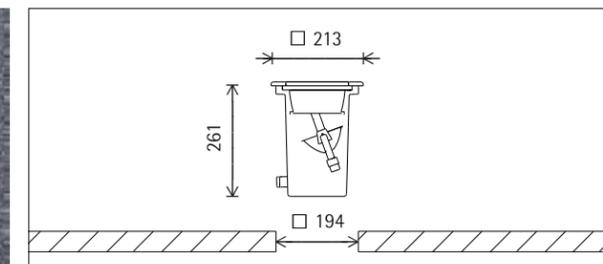
Product description

Housing: corrosion-resistant cast aluminium, No-Rinse surface treatment. Black double powder-coated. Lampholder carrier, 0°-20° tilt, 360° rotation. Mounting by means of a swing bolt. Clamp extension 5-40mm. Electronic control gear. Cable 3x1.5mm², L 1m.
Spot reflector: Aluminium, silver anodised. Glass with anti-glare cap.
Darklight reflector: Aluminium, silver anodised. Cut-off angle 40°.
Screw-fastened cover ring with flush safety glass: corrosion resistant stainless steel. Safety glass: 12mm, clear.
Can be driven over by vehicles with pneumatic tyres. Load 40kN.
When installed in the ground, only to be used with recessed housing.
Installation with separate connection sleeve.
Protection mode IP68 3m: protection against dust ingress, and continuous immersion up to 3m deep.
On site protection must be provided using a residual current circuit breaker, I_n ≤ 30mA.
Energy efficiency class: EEI A2
Weight 9.00kg
Temperature on the light aperture 70°C
LMF E

ERCO

Tesis In-ground luminaire

Directional luminaire for metal halide lamps



HIT-TC-CE 35W G8.5 4000lm

h(m)	E(lx)	D(m)
5	438	1.14
4	685	0.91
3	1218	0.68
2	2740	0.46
1	10960	0.23

33673.000
HIT-TC-CE 35W G8.5 4000lm
ECG

Product description

Housing: corrosion-resistant cast aluminium, No-Rinse surface treatment. Black double powder-coated. Lampholder carrier, 0°-20° tilt, 180° rotation. Mounting by means of a swing bolt. Clamp extension 11-46mm. Electronic control gear. Cable 3x1.5mm², L 1m.
Spot reflector: aluminium, silver anodised. Bracket with anti-glare cap.
Darklight reflector: aluminium, silver anodised. Cut-off angle 30°.
Screw-fastened cover frame with flush safety glass: corrosion resistant stainless steel. Safety glass: 15mm, clear.
Can be driven over by vehicles with pneumatic tyres. Load: 65kN.
When installed in the ground, only to be used with recessed housing.
Installation with separate junction box.
Protection mode IP68 3m: protection against dust ingress, and continuous immersion up to 3m deep.
On site protection must be provided using a residual current circuit breaker, I_n ≤ 30mA.
Energy efficiency class: EEI A2
Weight 4.80kg
Temperature on the light aperture 60°C
LMF E

Wall luminaires for light in two directions

Housing: One piece die-cast aluminum supplied with universal mounting bracket for installation over 3½" or 4" octagonal wiring box. A round "rotation" plate allows the housing to be precisely leveled (or rotated) after installation.

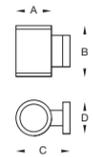
Enclosure: Tempered clear glass, 3/16" thick, retained by one piece die-cast aluminum step baffle frame, 'slot' focusing prism, secured by stainless steel screws threaded into stainless steel inserts. Internal full, semi-specular reflector. Fully gasketed for weather tight operation using molded silicone rubber "U-channel" gaskets.

Electrical: Lampholders: H.I.D. are G12, bi-pin, pulse rated 4 KV. Ballasts are electronic, universal voltage - 120V through 277V.

Finish: Available in five standard BEGA colors: Black (BLK); White (WHT); Bronze (BRZ); Silver (SLV); Eurocoat™ (URO). To specify, add appropriate suffix to catalog number. Custom colors supplied on special order.

U.L. listed, suitable for wet locations. Protection class: IP 65.

Type:
 BEGA Product:
 Project:
 Voltage:
 Color:
 Options:
 Modified:



Dual light distribution with narrow beam · up						
	Lamp	Lumen	A	B	C	D
	6601 MH	1 39W T6 G12 MH	3300	7½	10 11/16	11 1/8 6 5/8

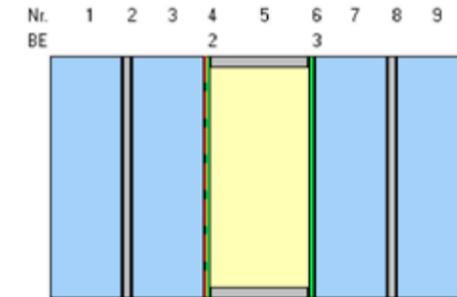
Calculation WinSLT



Position: Apple Store - AG 08

Layer assembly (external to internal)

No.	CL	Name	mm
1		OPTIWHITE 12 mm	12,00
2		DuPont SentryGlass	1,52
3		OPTIWHITE 12 mm	12,00
4	2	ipasol neutral 70/39 (en=1%)	
5		Luft	16,00
6	3	iplus E (en=3%)	
7		OPTIWHITE 12 mm	12,00
8		DuPont SentryGlass	1,52
9		OPTIWHITE 12 mm	12,00
			67,04



Transmittance, reflectance, absorption

$\rho_v = 0,10$ (external light reflectance) $\tau_{UV} = 0,00$ (ultraviolet transmittance)
 $\rho'_v = 0,09$ (internal light reflectance) $\tau_v = 0,66$ (light transmittance)
 $\rho_e = 0,26$ (solar direct reflectance) $\tau_e = 0,32$ (solar direct transmittance)
 α_e 1 = 0.38; 2 = 0.05 (solar direct absorptance)

EN 410

SC = 0,48 (Shading Coefficient = g/0.80) $q_i = 0,06$ (secondary internal heat transfer factor)
 $R_a = 93$ (general colour rendering index) $g = 0,38$ (total solar energy transmittance (solar factor))

EN 673 Installation angle = 90° vertical

$U_g = 1,2 \text{ W/m}^2\text{K}$ (heat flow coefficient)

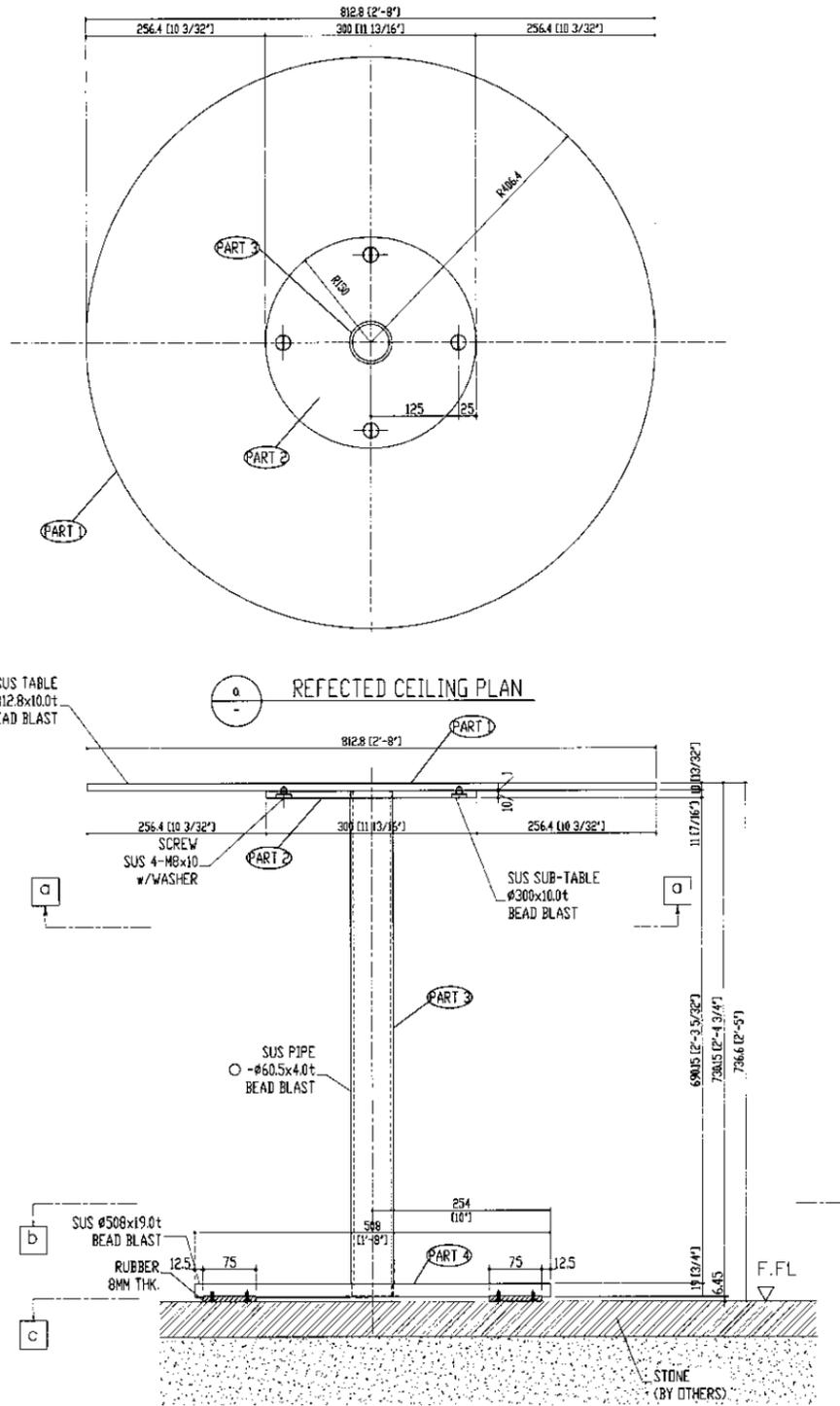
EN 13363-2 $T_e = 5,00 \text{ }^\circ\text{C}$ $T_i = 20,00 \text{ }^\circ\text{C}$ $E_s = 300,0 \text{ W/m}^2$ Height of installation = 1,50 m

$g_{th} = 0,035$ (thermal radiation factor)
 $g_c = 0,027$ (convection factor) $q_i = 0,062$ (secondary internal heat transfer factor)
 $g_v = 0,000$ (ventilation factor) $g = 0,38$ (total solar energy transmittance (solar factor))

Variations of the light and radiation characteristics are possible caused by the chemical composition of glass and the production process. The specified values consider accredited tolerances of the finished product, the basic glass and the coating in accordance to the respective product standards.
 Calculation basis: EN 410, EN 673, EN 13363-2 and ISO 15099. The result is no information about the technical feasibility.

5.3 Proposed Design

Data Sheets - Furniture



BERTOIA SIDE CHAIR Harry Bertoia's 1950 experiment with bending metal rods into practical art produced a revered collection of seating, including this side chair. Innovative, comfortable and strikingly handsome, the chair's delicate filigree appearance belies its strength and durability. In Bertoia's own words, "If you look at these chairs, they are mainly made of air, like sculpture. Space passes through them." The collection is offered with a seat cushion, back pad or full-cover upholstery option.

HARRY BERTOIA Italian sculptor, university lecturer and furniture designer Harry Bertoia displayed a unique stroke of genius with his patented Diamond Chair for Knoll International in 1952. Bertoia was an inventor of form while also enriching furniture design with his introduction of a new material: he turned industrial wire rods into a design icon. His awards include the craftsmanship medal from the American Institute of Architects, as well as AIA's Gold Medal.



5.3 Proposed Design

Data Sheets - Stone

Indiana Limestone Technical Specifications & Tolerances

Running Width/Length: +/- 1.5 mm

Thickness: +/- 1.5 mm

Plane Deviation: +/- 1.5 mm

Finish: 120 Grit Honed or 24 Grit Smooth

Edges: Corners slightly removed; not beveled

Mass (kg/m³): 2,308

Compression Strength (Mpa): 57

Flexural Strength (Mpa): 8.49

Absorption (%): 4.8%

Kuppam Green Technical Specifications & Tolerances

Running Width/Length: +/- 1 mm

Thickness: +/- 1.5 mm

Plane Deviation: +/- 1 mm (over 7.5 mm)

Finish: Honed

Edges: Corners slightly removed; not beveled

Mass (kg/m³): 2,622

Compression Strength (Mpa): 207.9

Flexural Strength (Mpa): 16.47

Absorption (%): 0.2 - 0.3

5.3 Proposed Design

Data Sheets - Trees



Plant Guide

CHINESE ELM

Ulmus parvifolia Jacq.

Plant Symbol = ULPA

Contributed by: USDA NRCS National Plant Data Center, Baton Rouge, Louisiana



© R.A. Seelig
Courtesy of Smithsonian Institution, Department of Botany

Alternative Names

Drake elm, lacebark elm

Uses

Horticulture: Most of the elms make great shade and avenue trees, and Chinese elm is one of the best. It has been found to be invasive in some situations in Wisconsin. This is a good replacement for American elm which is apparently going extinct due to Dutch elm disease. Foliage in autumn often turns shades of red and purple. With its multi-colored exfoliating bark, Chinese elm is especially attractive in winter. There are some small cultivars that are used for bonsai. 'Hokkaido' has tiny leaves and gets only about 1 ft (0.3 m) tall. It is hardy enough to use in harsh planting situations such like parking lots, and in small planters along streets and in plazas or patios.

Fairly resistant to maritime exposure, it can be grown in a shelter belt. Chinese elm is a tough tree, tolerant of urban air and soils, and resistant to Dutch elm disease. Fast growing and adaptable, this is a good choice when you want a shade tree for a small landscape. Additionally, hybridization between the Chinese and American elms has led to cultivars that are resistant to the disease, but they do not have the characteristic shape of the American elms.

Although Chinese elm is an excellent tree, the variability of seedling stock can be seen in many streetscapes. Seed-grown trees can be misshapen, and will not necessarily fulfill the role chosen for them. Trees budded onto understocks will give a more uniform tree, and can be managed more efficiently. Cutting-grown trees maintain clonal stability, but can be slow to establish because of a less-vigorous root system.

Chinese elm can develop more than one dominant leader when young, making it difficult to manage in the streetscape. Purchase only trees with a single leader to prevent high maintenance costs later in the landscape

Ethnobotanic:

Raw or cooked immature fruits are used just after they are formed (Tanaka 1976). It has an aromatic, unusual flavor, leaving the mouth feeling fresh and the breath smelling pleasant. It contains about 34.4% protein, 28.2% fat, 17% carbohydrate, 5% ash.

Cooking the inner bark produces a mucilaginous texture (Tanaka 1976; Kunkel 1984). No more details are given but inner bark is often dried, ground into a powder and then used as a thickening in soups etc or mixed with cereals when making bread.

The leaves are purported to be an antidote and lithontripic. The stem bark is a demulcent, diuretic, expectorant, febrifuge, hypnotic and lithontripic. The flowers are used in the treatment of fevers and neuritis (Duke & Ayensu 1985).

Status

Please consult the PLANTS Web site and your State Department of Natural Resources for this plant's current status, such as, noxious status, and wetland indicator values.

Description

The Chinese elm is native to China, Korea, and Japan. It is a small to medium-sized deciduous (rarely semi-evergreen) tree growing to 10-18 m tall with a slender trunk and crown. The leaves are small, 2-5 cm long and 1-3 cm broad. The flowers are produced in early autumn, small and inconspicuous, with the seed maturing rapidly and dispersing by late autumn. The fruit are round samaras appearing in the fall. The growth rate of Chinese elm can be over 3 feet per year reaching 60 to 80 feet tall. It has

beautiful exfoliating bark which is cinnamon in color. It grows in a vase shape and is a good city tree resistant to Dutch Elm disease. It is drought tolerant, but will tolerate moist sites. It can be messy with lots of fruit falling and causing seedling growth. When receiving a shipment, make sure it is not *Ulmus pumila* (which has a black, rounded bud).

Trees retain their leaves until early in the new year and in areas with mild winters will often retain them until new leaves are formed in the spring.

This tree likes full sun to partial shade and grows in USDA Hardiness Zones 5-9.

Establishment

This species is easily grown in any soil of at least moderate quality so long as it is well drained. The various species of elm hybridize freely. The pollen stores well and can be kept for use with species that flower at different times (Huxley 1992).

Propagation by seed. Sow seed outside in containers as soon as they ripen in fall. Cultivars are sometimes grafted onto seedlings. Greenwood tip cuttings may be rooted under glass with bottom heat.

If sown in a cold frame as soon as it is ripe, it usually germinates within a few days (Huxley 1992). Stored seed does not germinate so well and should be sown in early spring. One to two months of stratification can improve germination rates. The seed can also be harvested 'green' (when it has fully developed but before it dries on the tree) and sown immediately in a cold frame. It should germinate very quickly and will produce a larger plant by the end of the growing season (McMillan-Browse 1985). When they are large enough to handle, prick the seedlings out into individual pots and grow them on in the greenhouse for their first winter. Plant them out into permanent positions in late spring or early summer, after the last expected frosts. Plants should not be allowed to grow for more than two years in a nursery bed, since they form a tap root and will then be difficult to move. Layering can be done on suckers or coppiced shoots (Huxley 1992).

Management

It is easily grown in any soil of at least moderate quality so long as it is well drained (Bean 1981). Fairly tolerant of maritime exposure, it succeeds outdoors in a very exposed position. It is resistant to Dutch elm disease, which is spread by a beetle. There is no effective cure for the problem, but most east Asian, though not Himalayan, species are resistant (though not immune) to the disease so the potential

exists to use these resistant species to develop new resistant hybrids with the native species. The various species hybridize freely, the pollen stores well and can be kept for use with species that flower at different times (Huxley 1992). Trees retain their leaves until early in the new year (Bean 1981) and in areas with mild winters will often retain them until new leaves are formed in the spring (Brickell 1990). A good companion for grapes (Philbrick & Gregg 1979).

Cultivars, Improved and Selected Materials (and area of origin)

Many cultivars of this species have been released such as 'Drake', 'Frosty', and 'True Green'. 'Pumila' is a minute bush for rock gardens.

Contact your local Natural Resources Conservation Service (formerly Soil Conservation Service) office for more information. Look in the phone book under "United States Government." The Natural Resources Conservation Service will be listed under the subheading "Department of Agriculture."

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Species Coordinator

Lincoln Moore, formerly USDA, NRCS, National Plant Data Center, Baton Rouge, Louisiana

Edited: 06sep00 lmm; 070209jsp

For more information about this and other plants, please contact your local NRCS field office or Conservation District, and visit the PLANTS Web site <<http://plants.usda.gov>> or the Plant Materials Program Web site <<http://Plant-Materials.nrcs.usda.gov>>

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Plant Materials <<http://plant-materials.nrcs.usda.gov/>>

Plant Fact Sheet/Guide Coordination Page <<http://plant-materials.nrcs.usda.gov/intranet/pfs.html>>

National Plant Data Center <<http://npdc.usda.gov>>

5.4 Proposed Design

Ruth Asawa Fountain Relocation Plan

The Ruth Asawa Fountain is a cultural and historic iconic artwork piece located within the existing plaza between the Hyatt Hotel and Levi store located at 345 Post Street, San Francisco.

It is essential that Fountain relocation process occur without causing any harm or distress to the Fountain. Given the recent passing of Ms. Asawa it is more critical that this operation occur flawlessly.

Apple and Hyatt Hotels are planning to relocate the fountain as part of the new Apple store project that will replace the Levi store.

The location of the Fountain is planned to be approximately 10' from its existing location. The new location will center the Fountain within the new stairs for the Plaza.

The Fountain will also be positioned approximately 1 foot closer to the sidewalk allowing for easier viewing by the public.

The process for relocating the Ruth Asawa Fountain is as follows:

Preparation

1. Photo document the Fountain in its current position.
2. Survey the stairs in which the Fountain is located so that the stair placement can be duplicated in the new location.
3. Install a photo document camera to document the entire move process.

Site Preparation

1. Drain the fountain and uncouple the Pump supply and return lines to the fountain as well as the drain line all below the fountain at B1 level. These connections shall remain with the fountain bowl and be utilized for reconnection.

2. Disconnect power to the lighting within the fountain and remove the existing fixtures for reinstallation. Package and store with the fountain bowl for reinstallation.
3. Selectively demo within the fountain pedestal from level B1 below. Remove concrete and verify the construction of the fountain support on the concrete pedestal.
4. At multiple locations around the fountains, carefully remove the brick pavers on which the foundation bronze fountain shell sits upon to provide access for jacks and lifting straps. Cut any additional adhesive between the shell and the brick pavers as well as between the fountain bowl and the shell.

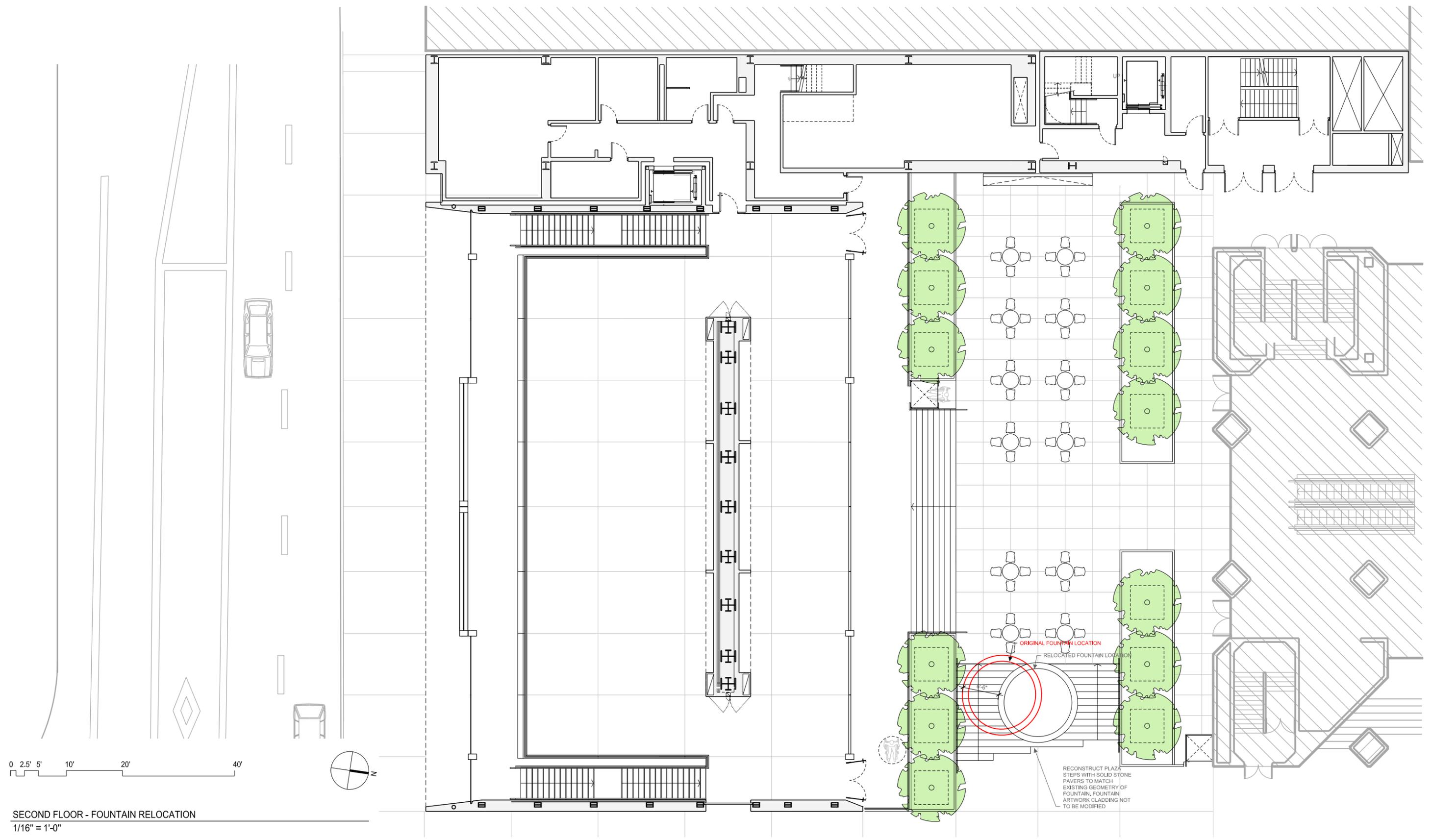
Moving the Fountain from Current Location to Storage

1. Jack the fountain shell vertically to allow lifting straps to be installed between the fountain bowl and the surrounding bronze structure. Install the straps through the voids left from removal of the pavers.
2. Lift the fountain shell up via crane and on to a flatbed truck with a proper structure constructed to adequately support the fountain structure.
3. Rig and lift the bowl structure via crane on to a flatbed truck with a proper structure constructed to adequately support the fountain structure.
4. Transport the fountain shell and bowl to a secure warehouse for storage.

Moving the Fountain from Storage to New Location

1. Transport the fountain shell and bowl from secure storage to the jobsite.
2. Lower the bowl to the new pedestal location and secure in place.
3. Lower the shell over the bowl in the same manner in which it was removed on

- to jacks recessed around the new stair surrounding finishes.
4. Lower the jacks to allow the shell to rest on the new surrounding finish.
5. Remove jacks and patch at locations of jacks.
6. Caulk fountain shell to the new stair finish.
7. Re-pipe plumbing to the fountain
8. Reinstall electrical to the fountain.
9. Test operation of the fountain.
10. Re-dedicate the fountain upon opening the plaza.



5.5 Application Packet for Major Permit to Alter Findings of Compliance with General Preservation Standards

Typically, one set of standards is chosen for a project based on the project scope. In this case, the proposed project scope includes the new construction within a designated conservation district, the Kearny-Market-Mason-Sutter Conservation District. With historic resources being considered the Grant Hyatt fountain as an individual object and the Conservation District as a single entity, the *Standards for Rehabilitation* will be applied.

Standards for Rehabilitation

The following analysis applies each of the *Standards for Rehabilitation* to the proposed project at 300 Post Street/345 Stockton Street. This analysis is based upon design documents dated 12 August 2013 by Foster + Partners, which are included as an attachment to this report, as well as communication with the design team (See Appendix).

Rehabilitation Standard 1: *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*

The existing use on the site is commercial (retail) and public open space. The proposed project would construct a new commercial (retail) building, and commercial offices are a predominant use throughout the Kearny-Market-Mason-Sutter Conservation District. Additionally, the current plaza would be redesigned with a new plaza in approximately the same location, which would retain that existing use.

Distinctive materials and features of the contributing resources within the historic district will not be altered by the new construction because the development will not directly affect the adjacent buildings.

Spaces and spatial relationships will change, but will regularize the south end of the parcel with rectangular forms, which

are more commonly found throughout the Conservation District, in place of the angled massing that currently exists. 300 Post Street's subsequent infill by a building that occupies the street frontages on both Post and Stockton streets will therefore not affect character-defining spaces and spatial relationships with surrounding significant and contributing buildings. Furthermore, the massing and scale of the new building will respond to surrounding building heights—particularly concerning the service core at the west end, which will match the height of the adjacent building at 340 Post Street. The new building will reach a height that corresponds to the two-and-a-half or three story height of historic buildings in the area. Because the scale is comparable to buildings within the Conservation District, the proposed project will reinforce spaces and spatial relationships that characterize the historic uses of the district.

As designed, the proposed project will be in compliance with Rehabilitation Standard 1.

Rehabilitation Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided.*

As proposed, the project will move the Grand Hyatt Plaza fountain approximately 10 feet to be centered within the steps of the newly designed plaza. No materials or features will be removed, though spatial relationships between the fountain and the plaza and adjacent buildings will be somewhat altered during the reconfiguration of the plaza. On the whole, however, the general historic character of the fountain will be retained and preserved. It will remain the focal point of stairs that ascend from the Stockton Street sidewalk to the redesigned plaza.

The significant and contributing resources within the historic district will not be altered as a result of the proposed project, and thus, there will not be a loss of existing distinctive materials or features.

The Foster + Partners proposed project is a contemporary answer to the Conservation District character, using contemporary materials and design, as encouraged in Article 11, Appendix E. The new design will substantially maintain compatibility with the character of the Kearny-Market-Mason-Sutter Conservation District, based on the guidelines outlined in Article 11 (see section above).

Composition and Massing: The proposed design will be substantially compatible with the composition and massing that characterizes the Conservation District. It relates to the prevailing heights and rectangular massing of surrounding significant and contributing resources, unlike the existing building at 300 Post Street with its triangular form; as well, it is built-out to the property line. The new building design has glazed north and south facades that feature full-height vertical glass panels. On the south, the glazing is broken up into smaller sections that relate to the proportions of the other buildings of the conservation district. In response to Architectural Review Committee comment, the south façade has two central sliding panels that are strongly framed. To east and west of these central panels are two additional framed panels of similar size, which will be stationary. Through placement of these frames, full-height glazing on this wall will be subdivided symmetrically with strong vertical elements, whether the sliding panels are in open or closed position. There had been an interest when the district was being formed in the 1910s and 1920s in using large single pieces of plate glass, which were exhibited through storefronts and hinged windows on contributing buildings. Technology has advanced, but the desire for transparency has remained.

The east façade is divided subtly both horizontally and vertically into panels with a bead blasted stainless steel finish; the panels will reflect, in muted tones, the street life on Stockton Street. The use of smaller bays or multiple entrances are suggested in Article 11 as ways to relate the rhythm of the new building with those of nearby historic buildings. Along the Stockton Street side of the building, a glass plane is introduced separating the wall into three elements. The proposed building does convey the prevailing pattern of two- or three-part vertical composition by way of a visible mezzanine level within the building, when viewed from Post or Stockton. The first floor visually forms the base and the double-height second floor compositionally becomes the shaft. The double-height second floor, or piano nobile, has its origins in Italian Renaissance architecture. Additionally, the Post Street façade has a two-part composition between the solid block service core to the west and the retail space to the east. The service core, clad in stone, has horizontal lines incised along its upper edge, suggesting a cornice.

There are a number of other modern buildings around Union Square which do not strictly reflect the characteristic features of the Conservation District. Those that feature large areas of plate glass (such as Macy's and Neiman Marcus on Geary Street and De Beers at 185 Post Street) convey small units of composition both horizontally and vertically via mullions and floor plates.

Scale: Scale: Article 11 specifies that large glass areas should be broken up by mullions so that the scale of glass areas is compatible with that of neighboring buildings. Here, full-height glass on the south façade is divided into strongly framed panels. The two central framed panels are set forward of the main glass plane and can slide open during business hours. This produces a varied rhythm punctuated by strong verticals that correlates with the scale of glazing on nearby significant

and contributing buildings

Materials and Colors: The service building on the west will be clad in stone, which is compatible with the masonry materials suggested for the Conservation District. The glass and metal cladding are not characteristic of the district's materiality and texture as it stands, but are a contemporary response. The stone, glazing, and metal do appear to constitute "light colors" which would blend with the character of the district.

Detailing and Ornamentation: The proposed design suggests the detailing and ornamentation of the Conservation District through subtle and contemporary means. Incised lines on the service core suggest an upper cornice. Divisions within a glass wall are indicated by dark joints and glass 'fins' held within the overall volume.

Minor open spaces and landscape design are not discussed in Article 11. Consequently, alterations to the Grant Hyatt plaza, including reshaping the space, new circulation features, and plantings, would not likely affect the character of the district.

In conclusion, the proposed design reflects the character of the district by meeting the prevailing height of contributing buildings and by respecting the general size and shape of the character-defining features associated with the district. It uses compatible colors and is substantially compatible with composition and massing. The design does incorporate elements that, in a contemporary way, could be compatible with the scale, materials, and detailing that characterize the Kearny-Market-Mason-Sutter Conservation District.

As designed, the proposed project will substantially comply with Standard 2 in association with the Kearny-Market-Mason-Sutter Conservation District.

Rehabilitation Standard 3: *Each property*

will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historical properties, will not be undertaken.

The proposed project will not create a false sense of history. The new construction will be built using modern materials and will be recognized as a physical record of its time, place, and use. The changes will not create a false sense of historical development within the Kearny-Market-Mason-Sutter Conservation District.

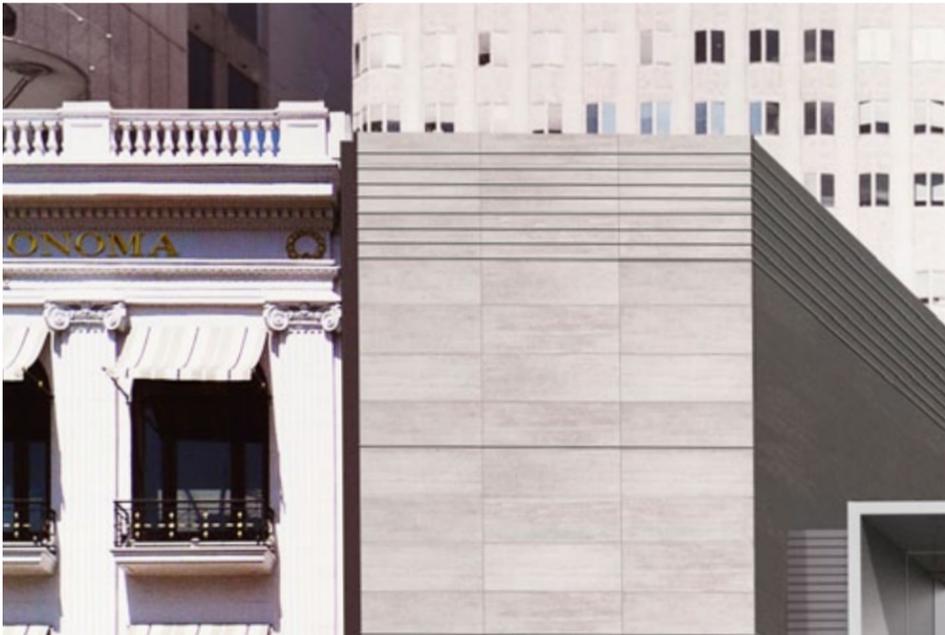
As designed, the proposed project will be in compliance with Rehabilitation Standard 3.

Rehabilitation Standard 4: *Changes to a property that have acquired significance in their own right will be retained and preserved.*

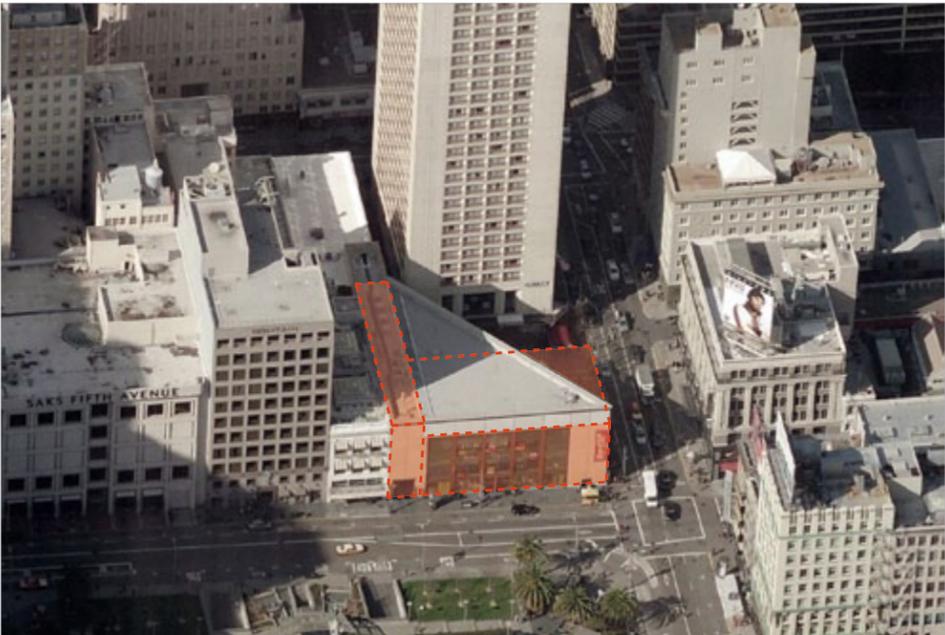
Because the proposed project at 300 Post Street/345 Stockton Street is not an individual historic resource and is a non-contributing resource within the Kearny-Market-Mason-Sutter Conservation District, the project does not affect any properties within the district that may have acquired significance in their own right.

As designed, the proposed project will be in compliance with Rehabilitation Standard 4.

5.5 Application Packet for Major Permit to Alter
 Findings of Compliance with General Preservation Standards



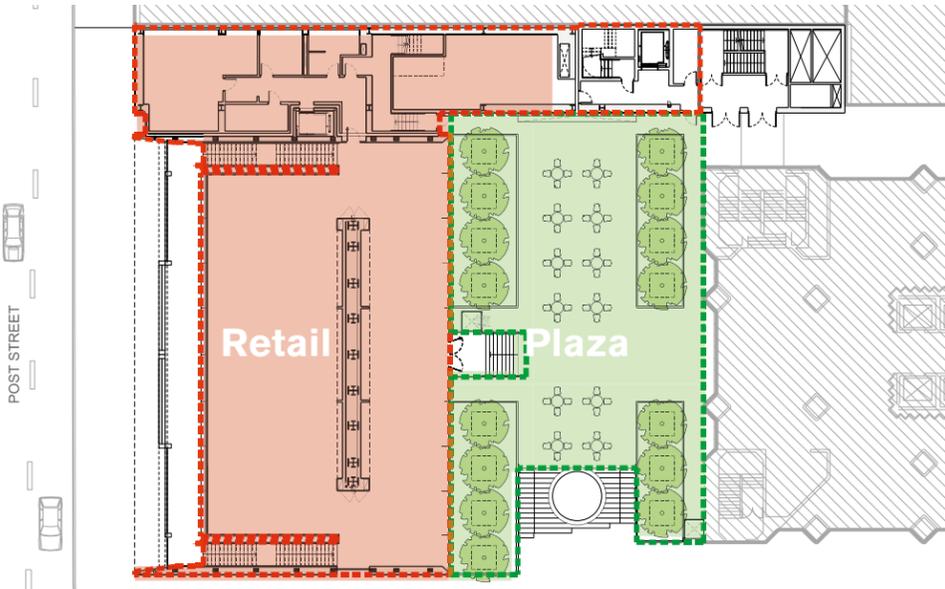
Compliance with Rehabilitation Standard 2: Detailing and Ornamentation
 Certain details like this cornice, though a contemporary interpretation, mimics the character-defining features of its neighboring buildings.



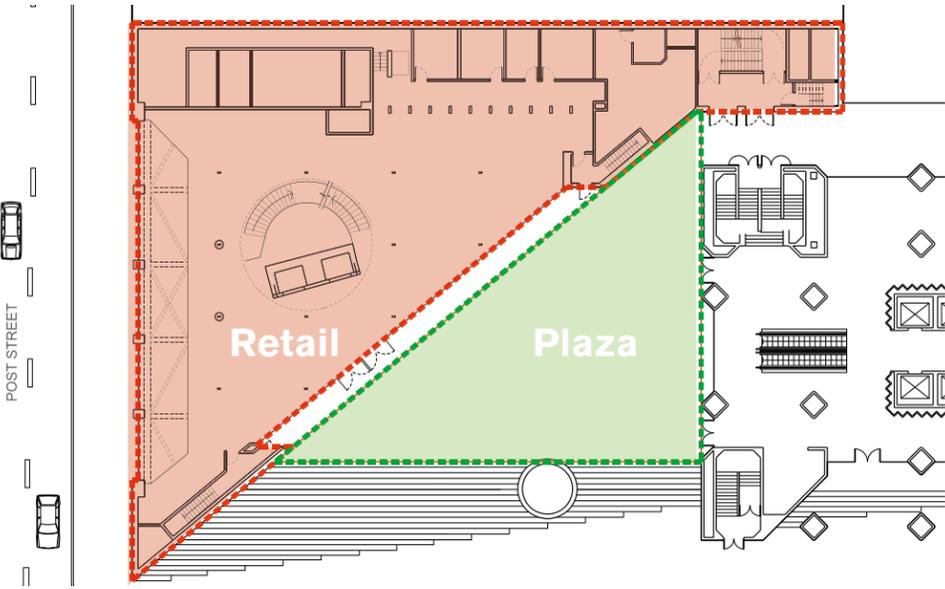
Massing
 The rectilinear massing fits well in the District.



Scale
 The framed panels on the south façade break up full-height glazing and produce scale divisions that correlate with other contributing structures of the district.



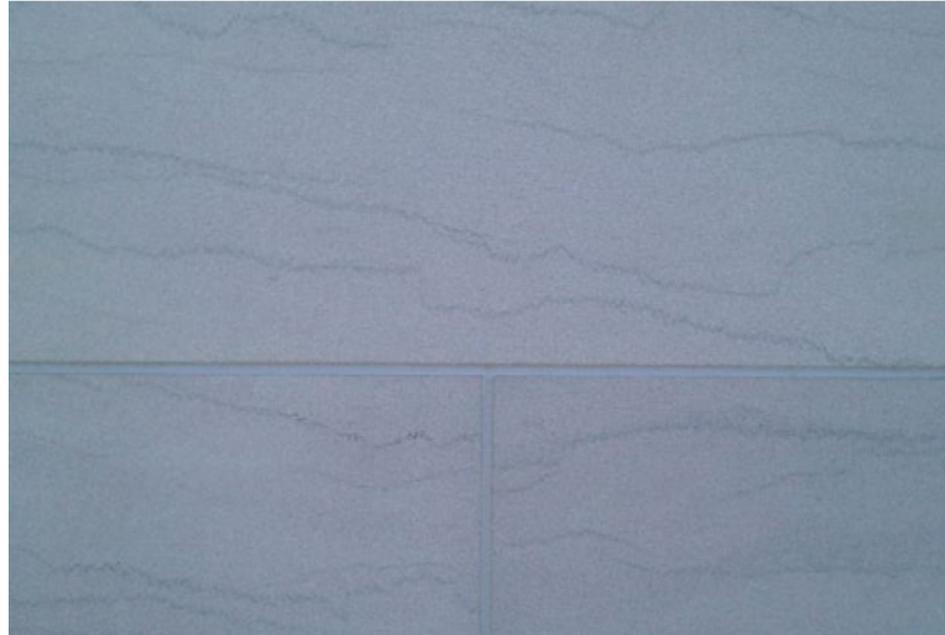
Compliance with Rehabilitation Standard 1
 The proposed design includes the same use of the property, but with better spatial relationships that are more indicative of the District. As it is now (ABOVE RIGHT), the building and plaza introduce sharp angles not exhibited elsewhere in the Conservation District. The new design (ABOVE LEFT), maintains those uses, but in a rectilinear manner that is found in the rest of the District.



Composition
 The proposed building conveys the prevailing pattern of two- or three- part vertical composition by way of a solid plinth and glass framing at the bottom, a visible mezzanine level within the building, and glass framing at top, which combines with roof edge to create a strong horizontal upper termination to the composition.

5.5 Application Packet for Major Permit to Alter

Building materials comparison

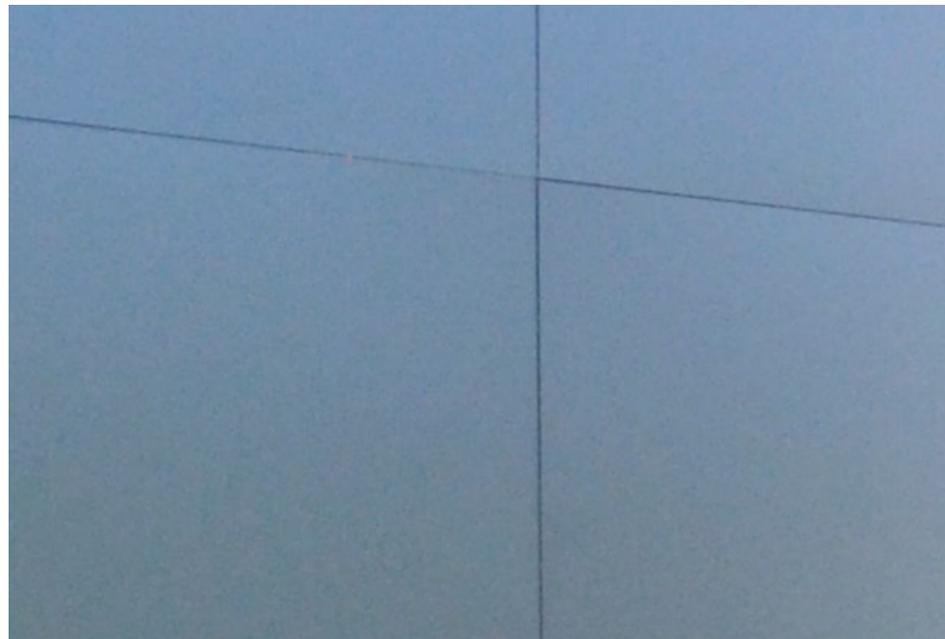


Honed stone



Honed stone

- Stone wall system evokes a different, more massive architectural language.
- Wall thickness needs to increase with the stone material due to weight and increased structural support requirements and visual massing.
- The stone material does not provide animation to the wall.
- Stone wall design represents older store direction.
- Cleaning and protection from environmental pollution issues with stone material.
- This option is not preferred by the project sponsor.



Bead blasted stainless steel



Bead blasted stainless steel

- Stainless steel panels emphasize the precision of the building design.
- Wall thickness is kept to a minimum with metal panel system.
- The stainless steel panels allow muted reflections, increasing the animation of the Stockton Street elevation.
- Stainless steel wall design represents the future direction of owners stores.
- Optimized maintenance and replacement strategy for stainless steel panels.

Rehabilitation Standard 5: *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

By moving the Grand Hyatt Plaza fountain at the plaza stairs, the proposed project will preserve the distinctive materials, features, finishes, construction techniques, and craftsmanship that characterize the fountain as a historic resource.

The proposed project will not affect distinctive materials, features, finishes, and construction techniques that characterize the Kearny-Market-Mason-Sutter Conservation District. This is primarily because construction of the proposed project on a non-contributing site will not affect any nearby contributing resources to the historic district such that their materials, features, finishes, and construction techniques would be impacted.

As designed, the proposed project will be in compliance with Rehabilitation Standard 5.

Rehabilitation Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The proposed project does not involve the replacement of deteriorated or missing features on any resources within the Kearny-Market-Mason-Sutter Conservation District.

As designed, the proposed project will be in compliance with Rehabilitation Standard 6.

Rehabilitation Standard 7: *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible.*

Treatments that cause damage to historic materials will not be used.

The proposed project does not entail the cleaning or repair of historic materials.

As designed, the proposed project will be in compliance with Rehabilitation Standard 7.

Rehabilitation Standard 8: *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measure will be undertaken.*

The proposed project includes excavation work. If any archaeological material should be encountered during this project, construction should be halted and proper mitigation undertaken.

As designed, the proposed project will comply with Rehabilitation Standard 8.

Rehabilitation Standard 9: *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property and environment.*

The proposed project includes moving an existing historic resource (the fountain) approximately 10 feet at the stairs to the plaza; demolishing a non-historic structure; construction of a new volume on the site, and redesign of the plaza. As described in Standards 2 and 5, the project will preserve historic materials and features that characterize the Grant Hyatt Plaza fountain. Spatial relationships between the fountain and adjacent buildings will change, though placement within the plaza is not a character-defining feature of the fountain. The role



Proposed Design Compliance with Rehabilitation Standard 5

As a non-contributing site to the District, no distinctive features will be affected. The fountain will be unmodified in its move, retaining its distinctive characteristics as a historic resource and function on the plaza steps.

of the fountain, as focal point of movement between sidewalk and plaza, will remain the same.

The project will not destroy existing historic materials, features, and spatial relationships that characterize the Kearny-Market-Mason-Sutter Conservation District. The new work will be differentiated from the historic buildings in the Kearny-Market-Mason-Sutter Conservation District through the use of modern materials and new construction methods. It will be compatible with the size and massing of buildings in the Conservation District and will be substantially compatible with the characteristic composition, scale, materials, and detailing of the Conservation District.

As designed, the proposed project to move the fountain will be in compliance with Rehabilitation Standard 9, while the construction of a new building on the site

will substantially comply with Standard 9 in association with the Kearny-Market-Mason-Sutter Conservation District.

Rehabilitation Standard 10: *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed project moves the location of the Grand Hyatt Plaza fountain, an individually eligible historic resource, within the plaza. This action could be reversed, and therefore, would not permanently impair the historic property.

The proposed project also involves the demolition of a non-historic and non-contributing building (300 Post Street) within the Kearny-Market-Mason-Sutter Conservation District and construction of a new building in



that location. Because the existing building is not a contributing resource, whether the new building is retained or removed in the future, neither condition would impair the essential form and integrity of the surrounding Kearny-Market-Mason-Sutter Conservation District.

As designed, the proposed project will be in compliance with Rehabilitation Standard 10.



Compliance with Rehabilitation Standard 9

The new construction will not alter historic features of the district. The design will be distinct from, but compatible with, the character of the District. As the fountain's use will remain the same in its move within the plaza, its role on the property will not change.

5.5 Application Packet for Major Permit to Alter

Major Permit to Alter Findings

1. The distinguishing original qualities or character of the building may not be damaged or destroyed. Any distinctive architectural feature which affects the overall appearance of the building shall not be removed or altered unless it is the only feasible means to project the public safety.

Neither of the buildings at 300 Post Street/345 Stockton Street have been found eligible for listing in the California Register or as a San Francisco Landmark. The property as a whole is a non-contributing resource (Category V) within the Kearny-Market-Mason-Sutter Historic District. Therefore, the buildings are not considered historic resources and do not exhibit distinguishing qualities or character that should be preserved.

The Grand Hyatt Plaza fountain, designed in 1972 by Ruth Asawa, has been found to be eligible for listing as an individual resource in the California Register. The project proposes to move the fountain approximately 10 feet, whereby its original qualities and character will be retained. Most important, it will remain the focal point of stairs between the Stockton Street sidewalk and a redesigned plaza.

2. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.

Similar to the above statement, the buildings at 300 Post Street/345 Stockton Street are not considered historic resources. They do not feature stylistic features or examples of skilled craftsmanship that should be preserved.

The integrity of stylistic features and examples of skilled craftsmanship will be preserved when the Grand Hyatt Plaza fountain is moved.

3. Distinctive architectural features which

are to be retained pursuant to Paragraph (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, if available, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. Replacement of non-visible structural elements need not match or duplicate the material being replaced.

The project involves demolition of a non-historic building (300 Post Street), wherein there are no distinctive architectural features to be retained. Distinctive features of the Grand Hyatt Plaza fountain will be retained. The project does not involve repairing or replacing deteriorated features. No features will be replaced based on duplication or conjectural designs.

4. Contemporary design of alterations is permitted, provided that such alterations do not destroy significant exterior architectural material and that such design is compatible with the size, scale, color, material and character of the building and its surroundings.

The project does not involve alterations, but rather, complete demolition of both 300 Post Street (non-historic resource) and moving the Grand Hyatt Plaza fountain (historic resource) at the plaza stairs.

5. The degree to which distinctive features need be retained may be less when the alteration is to exterior elements not constituting a part of a principal façade or

when it is an alteration of the ground-floor frontage in order to adapt the space for ground-floor uses.

The project does not involve alterations, but rather, complete demolition of both 300 Post Street (non-historic resource) and moving the Grand Hyatt Plaza fountain (historic resource) at the plaza stairs.

6. In the case of Significant Building – Category I, any additions to height of the building (including addition of mechanical equipment) shall be limited to one story above the height of the existing roof, shall be compatible with the scale and character of the building, and shall in no event cover more than 75 percent of the roof area.

The proposed project does not involve a Category I building. The property at 300 Post Street/345 Stockton Street is a Category V property (non-contributing to the Kearny-Market-Mason-Sutter Conservation District).

7. In the case of Significant Buildings – Category II, a new structure or addition, including one of greater height than the existing building, may be permitted on that portion of the lot not restricted in Appendix B even if such structure or addition will be visible when viewing the principal facades at ground level, provided that the structure or addition does not affect the appearance of the retained portion as a separate structure when so viewing the principal facades and is compatible in form and design with the retained portion. Alteration of the retained portion of the building is permitted as provided in paragraphs (1) through (6) of this subsection (b).

The proposed project does not involve a Category II building. The property at 300 Post Street/345 Stockton Street is a Category V property (non-contributing to the Kearny-Market-Mason-Sutter Conservation District).

6.1 Comparisons
Elevations





SONOMA
1177

I ❤️
24/7

6.2 Comparisons

Existing and Proposed Massing





TIFFANY & CO.

Levi's

REVENUE IS OUR TIME

Gold & Service by Western
SYNERGY

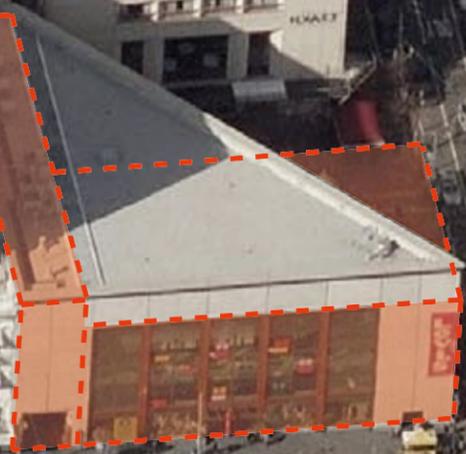
6.2 Comparisons

Existing and Proposed Massing



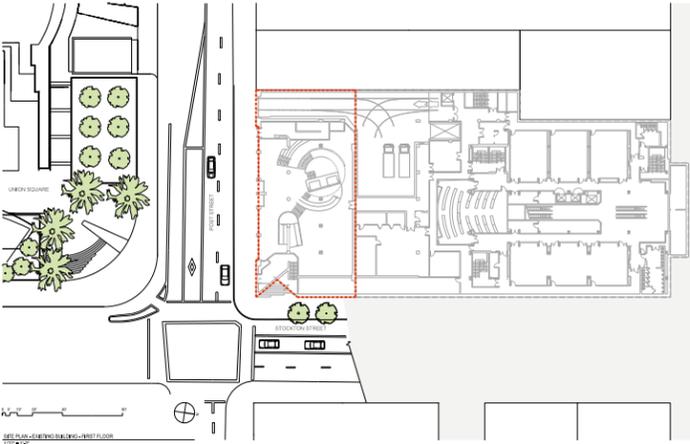


SAKS FIFTH AVENUE

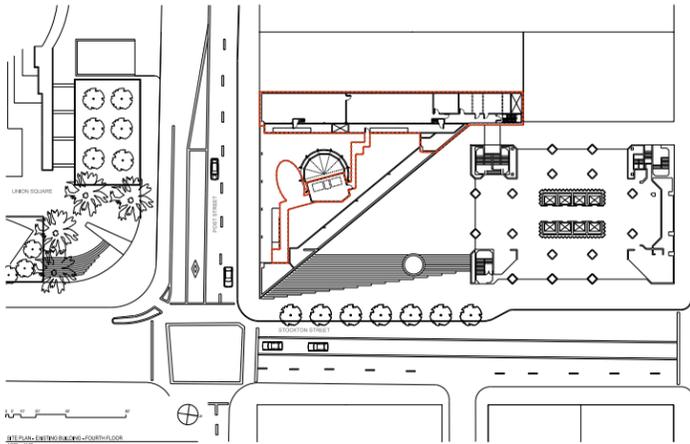


6.3 Comparisons

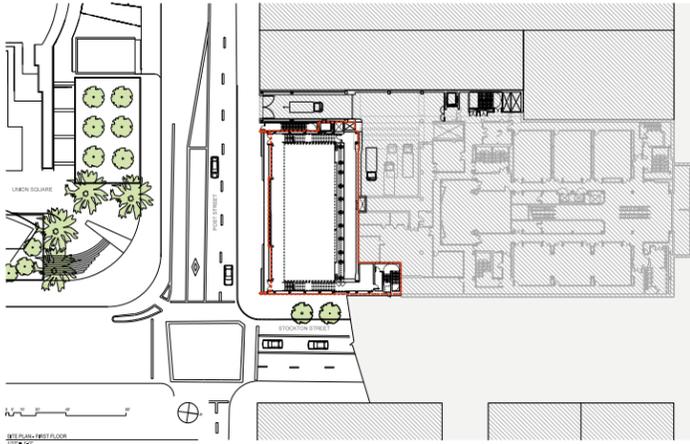
FAR Studies



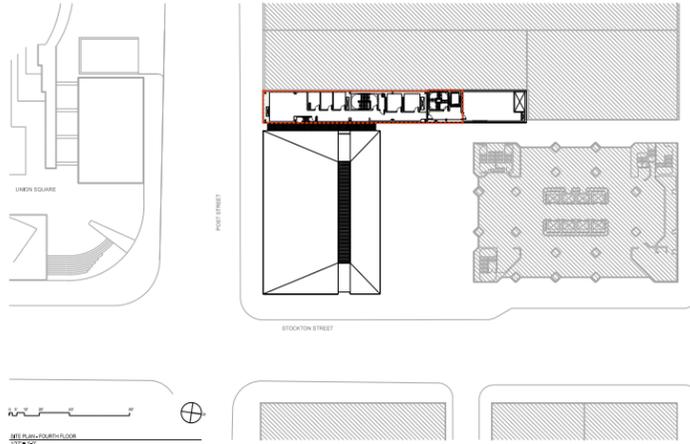
1st Floor Gross Area = 8,796 SF



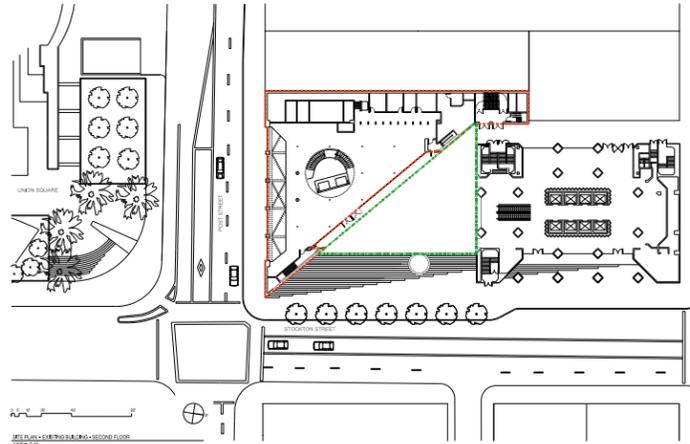
4th Floor Gross Area = 6,140 SF



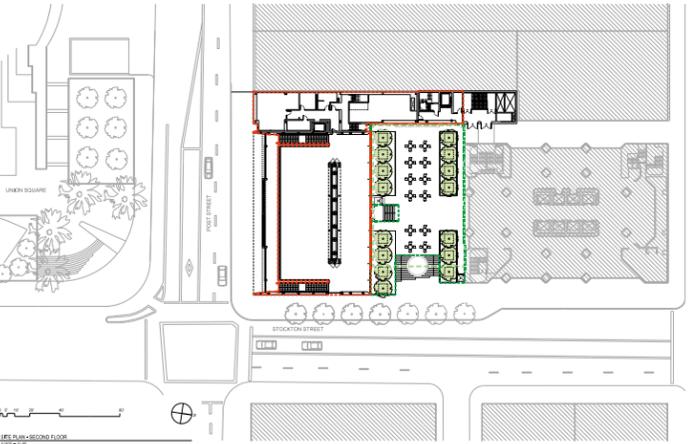
1st Floor Gross Area = 7,124 SF



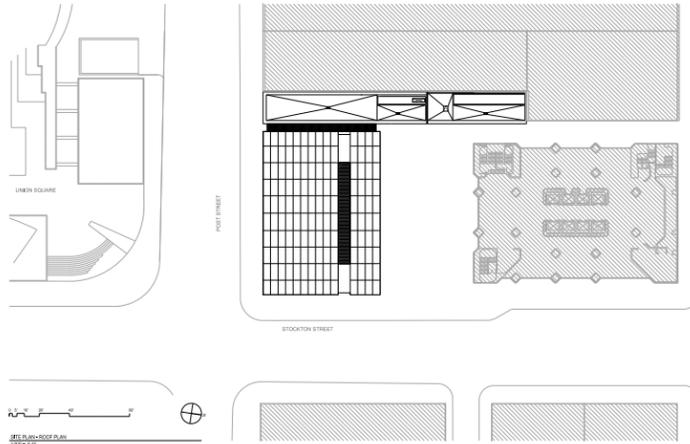
4th Floor Gross Area = 2,809 SF



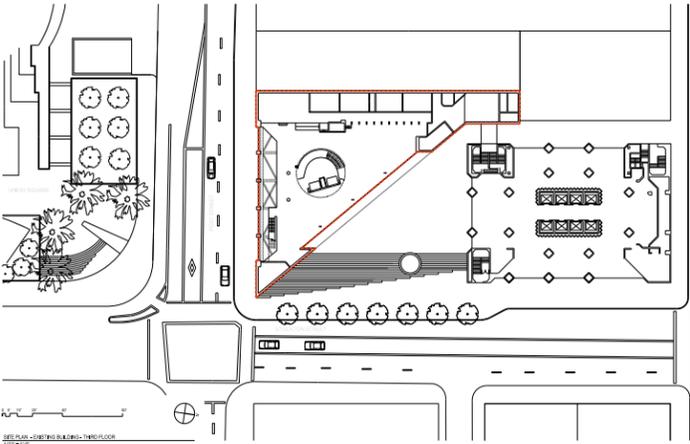
2nd Floor Gross Area = 11,151 SF



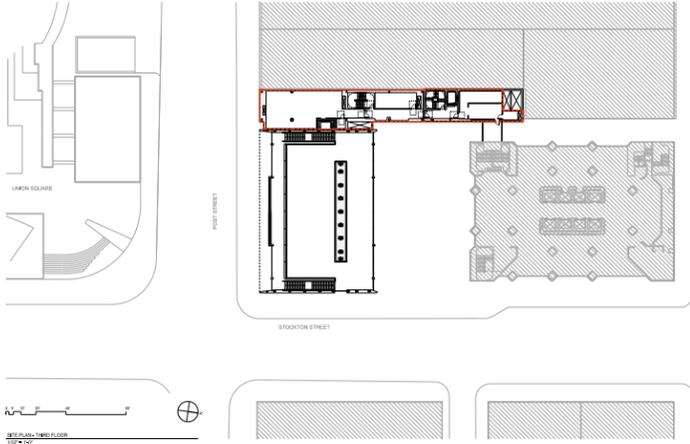
2nd Floor Gross Area = 9,981 SF



Roof Level Plan



3rd Floor Gross Area = 11,147 SF



3rd Floor Gross Area = 3,898 SF



Apple Store and Support Areas = 23,812 SF

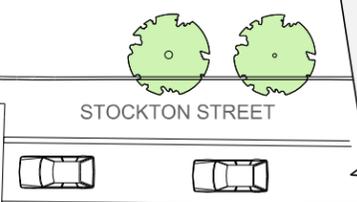
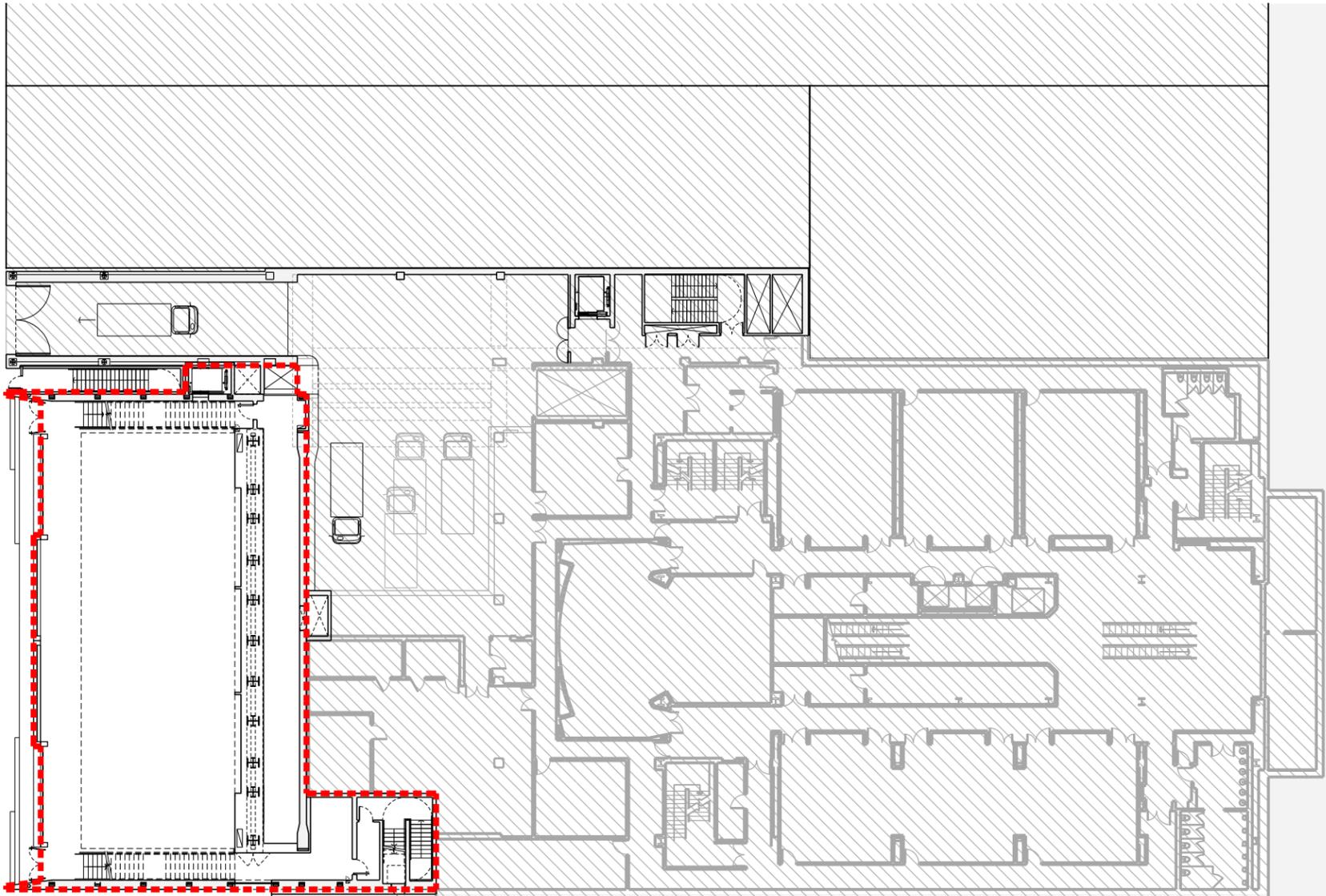
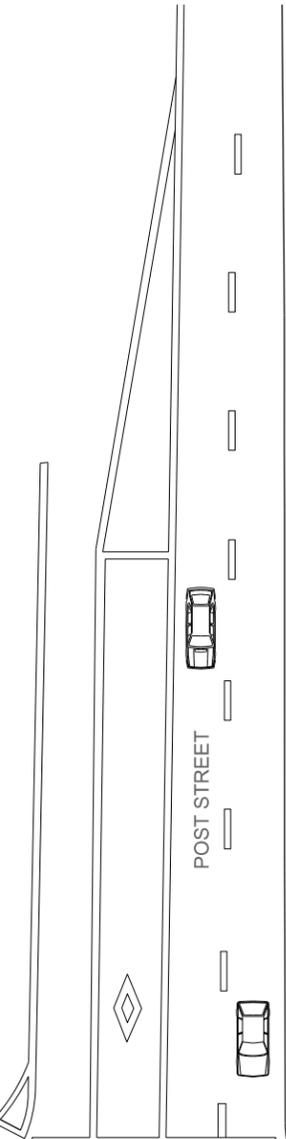
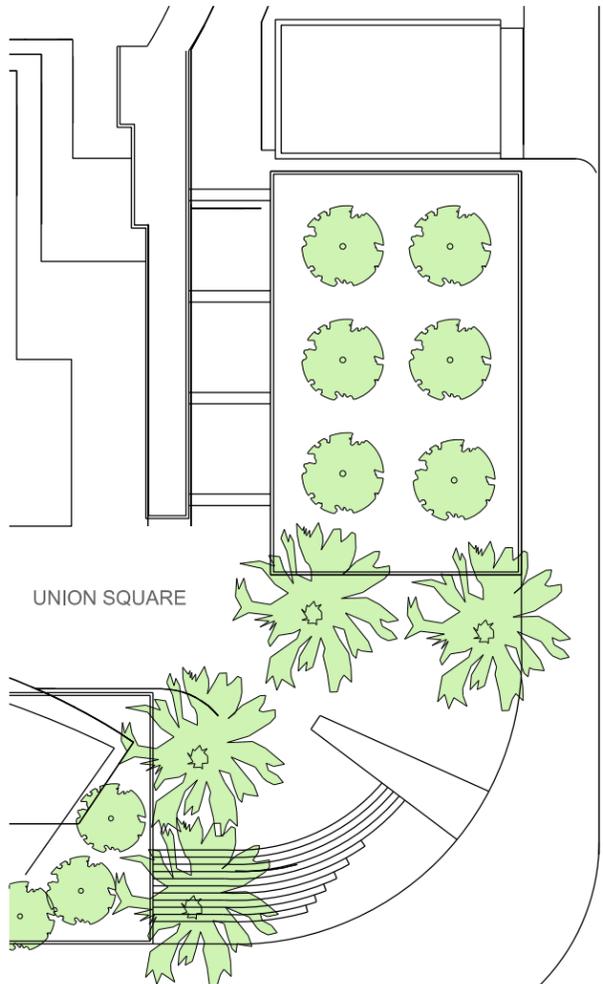
Existing Plaza Area = 4,586 SF

Levi's Store and Support Areas = 37,234 SF

Proposed Plaza Area = 5,212 SF

First Floor Plan

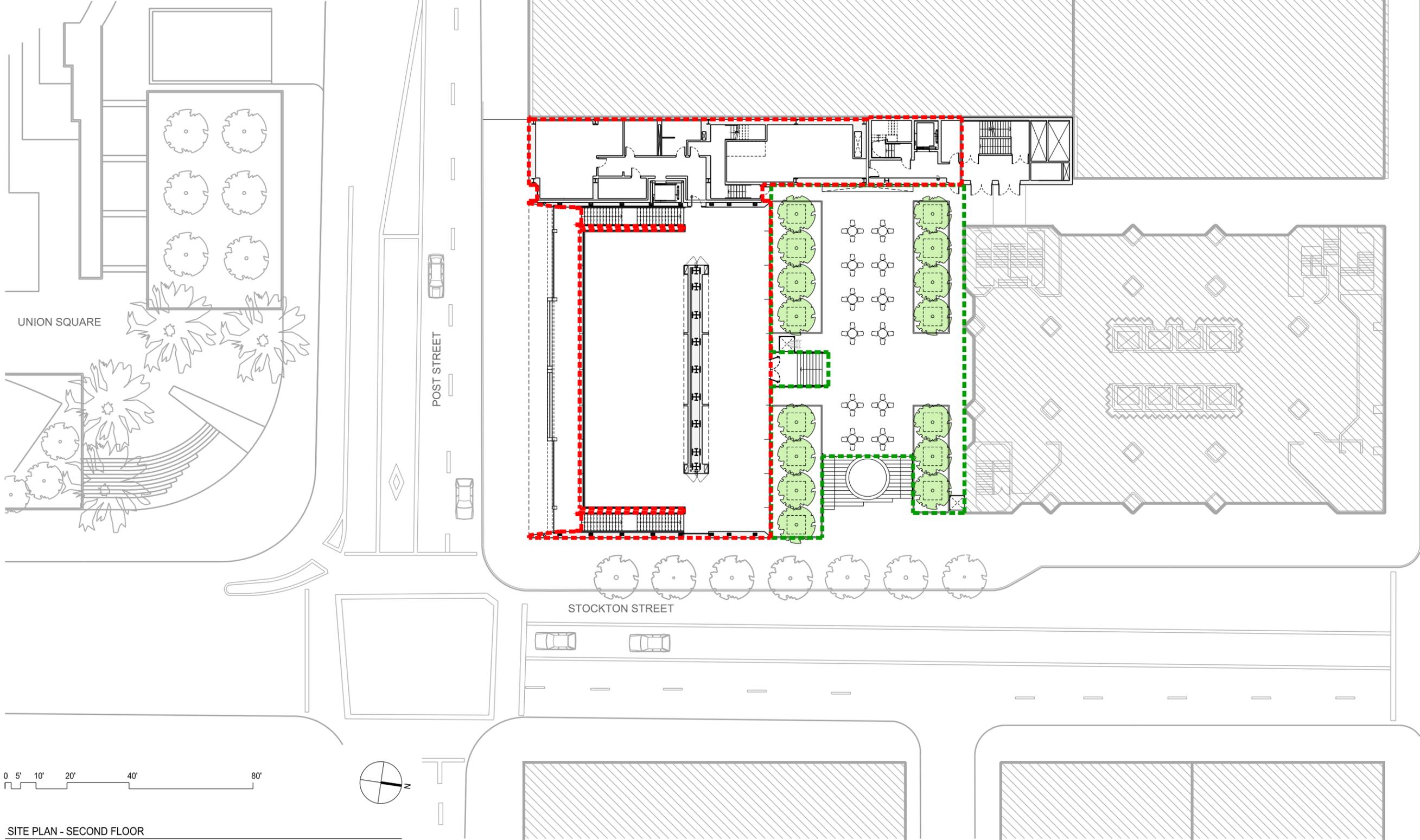
Gross Area = 7,124 SF



SITE PLAN - FIRST FLOOR
1/32" = 1'-0"

Second Floor Plan

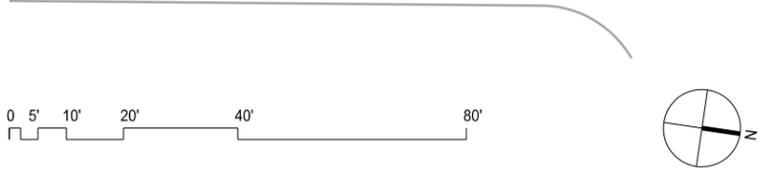
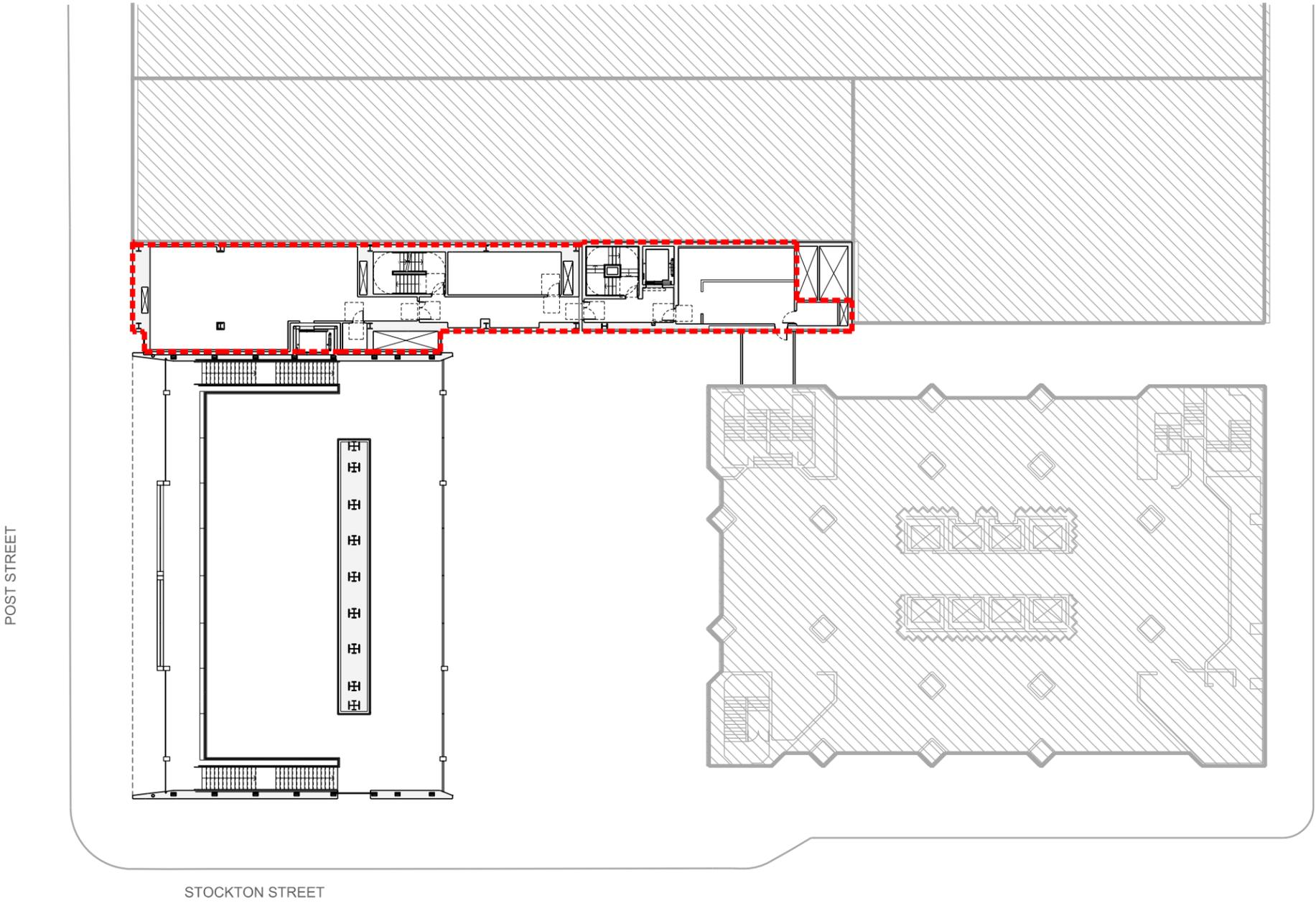
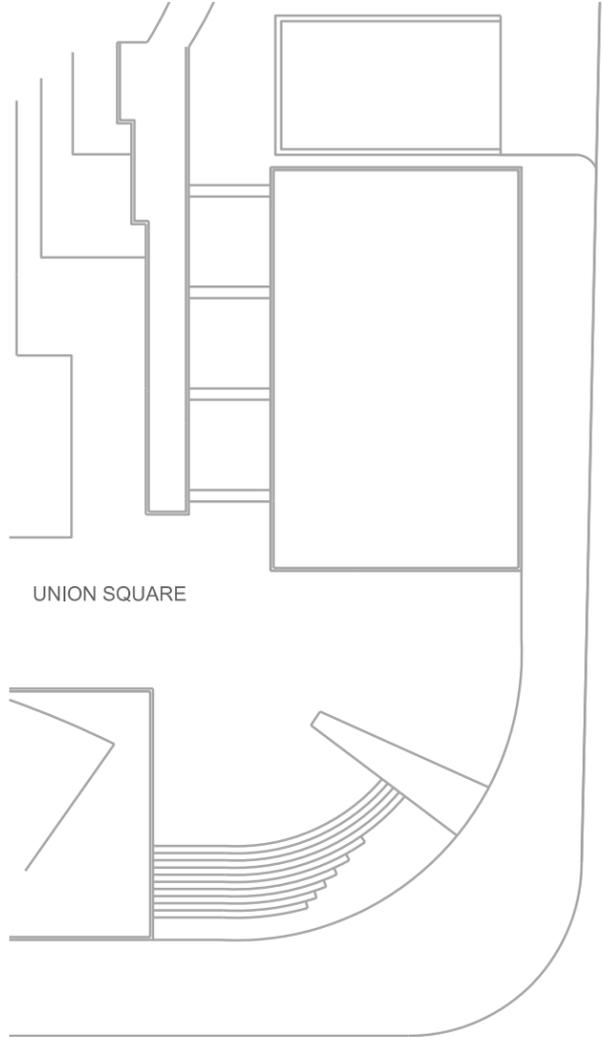
Gross Area = 9,981 SF



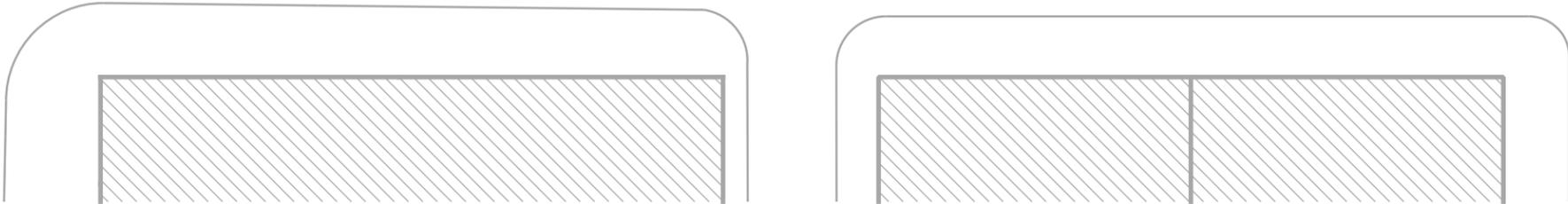
SITE PLAN - SECOND FLOOR
1/32" = 1'-0"

Third Floor Plan

Gross Area = 3,898 SF

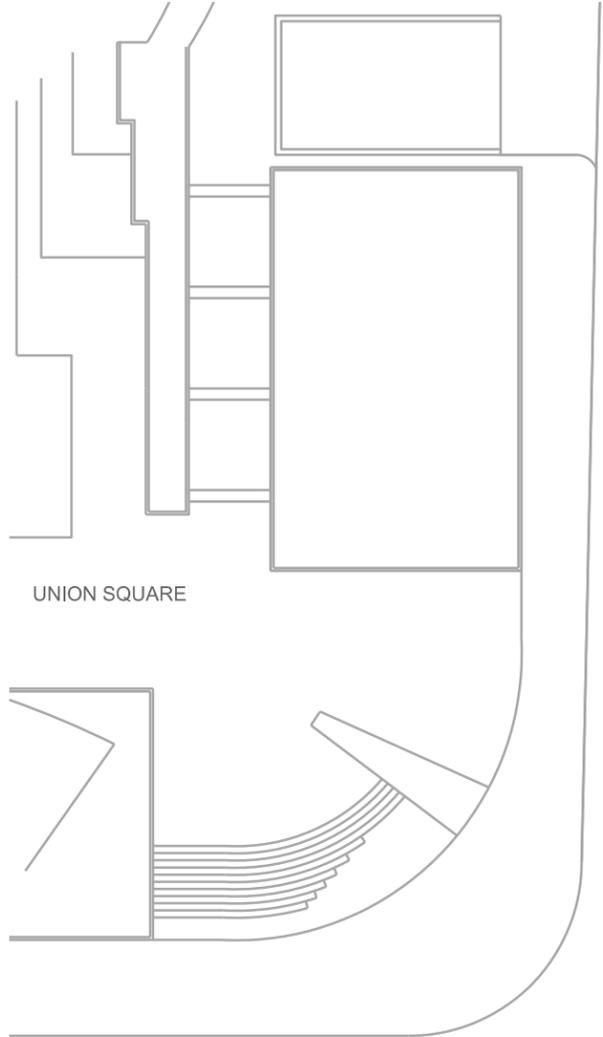


SITE PLAN - THIRD FLOOR
1/32" = 1'-0"

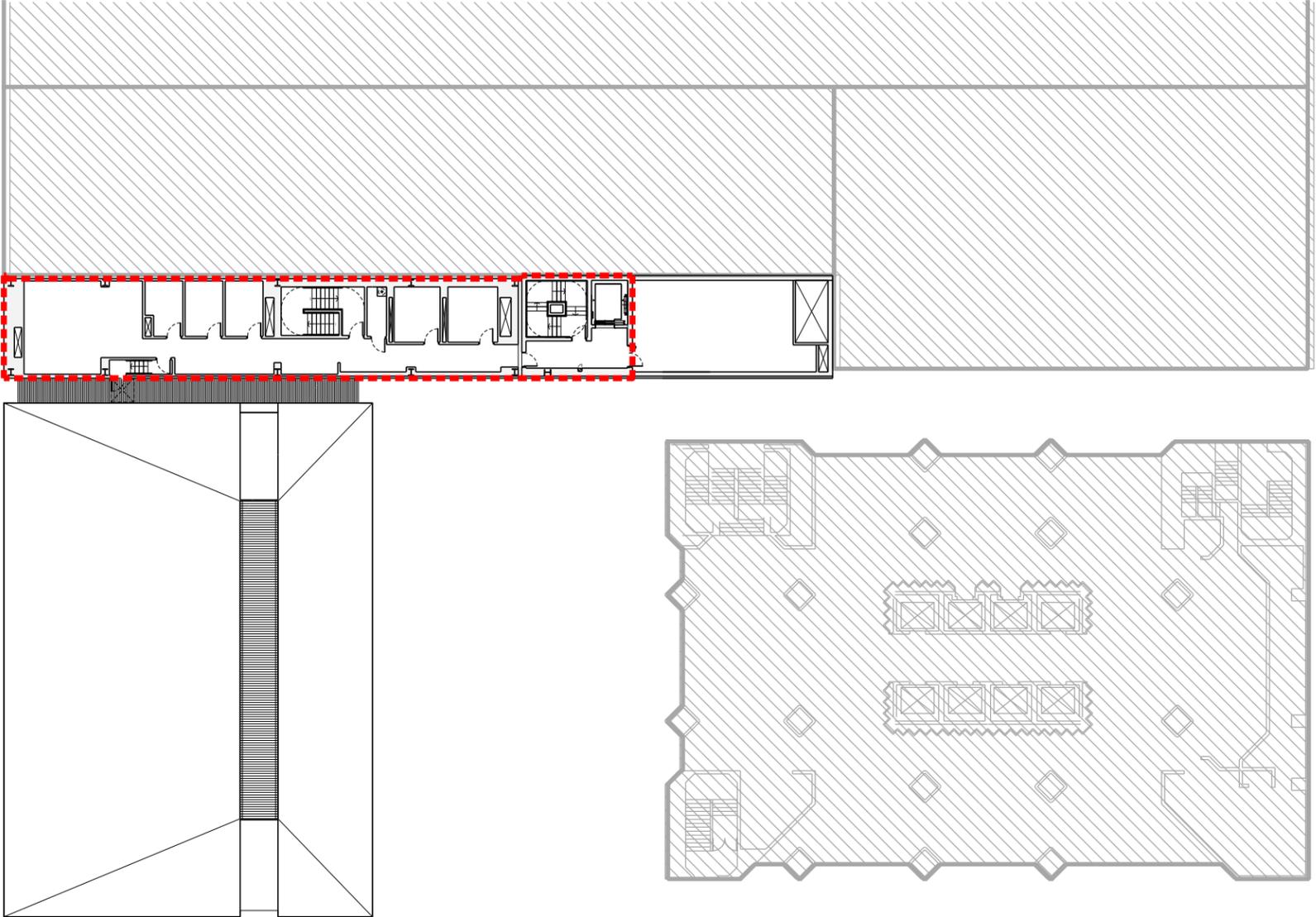


Fourth Floor Plan

Gross Area = 2,809 SF



POST STREET

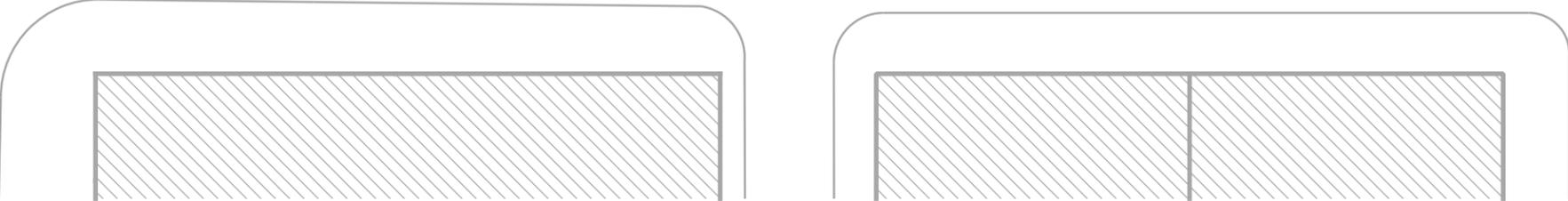


STOCKTON STREET

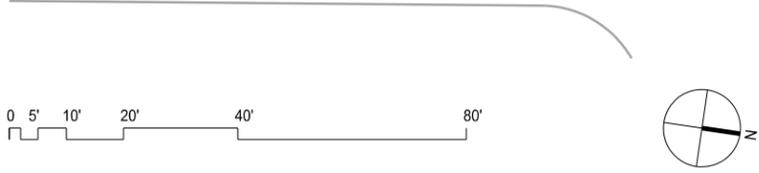
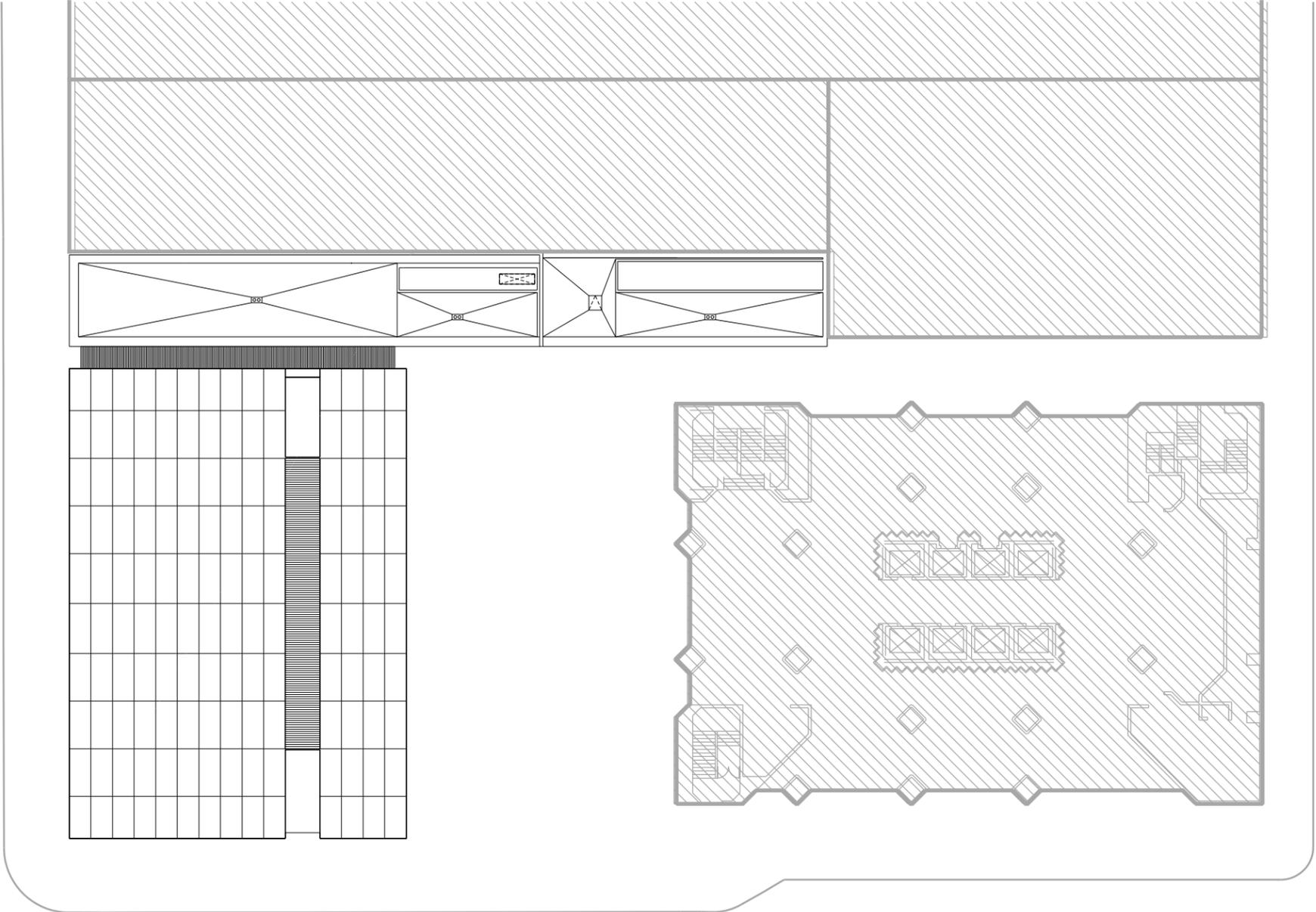
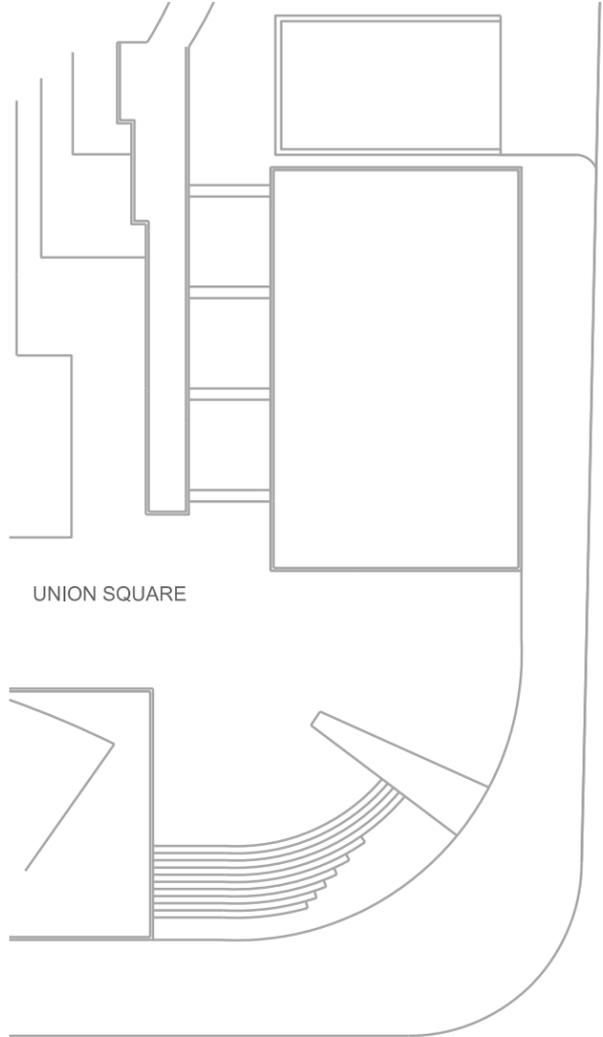
0 5' 10' 20' 40' 80'



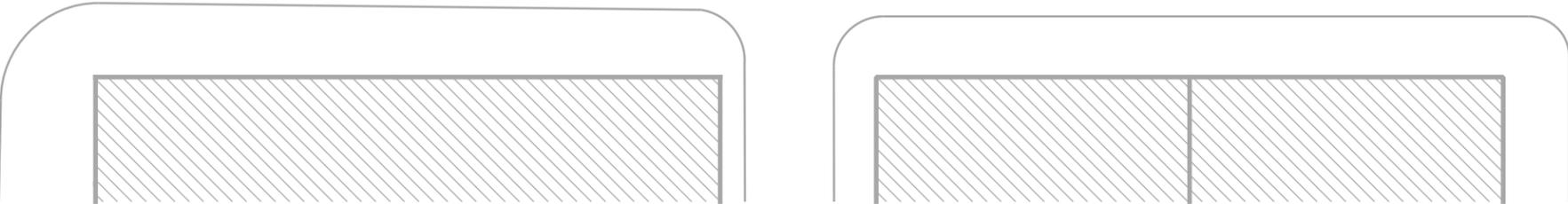
SITE PLAN - FOURTH FLOOR
1/32" = 1'-0"



Roof Level Plan



SITE PLAN - ROOF PLAN
1/32" = 1'-0"



7.1 Renderings

Aerial View



Renderings
Front Views 6-Bay





Renderings
Front Views 6-Bay





Renderings
Oblique Views 6-Bay





TIFANY & CO.

HYATT

Renderings
Oblique Views 6-Bay





TIFFANY & CO.

HYATT

Renderings

Rear Views





Renderings
Plaza Views





Apple Stores
5th Avenue



Apple Stores

Amsterdam





Apple Stores
Berlin





Apple Stores

Covent Garden



Apple Store
North Michigan Avenue

COLE HAAN



Apple Stores

Palo Alto





Apple Stores
Upper East Side

