



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☒ TDIF (Admin. Code)

☒ Jobs Housing Linkage Program (Sec. 313)

☒ Downtown Park Fee (Sec. 139)

☒ First Source Hiring (Admin. Code)

☒ Child Care Requirement (Sec. 314)

☐ Other

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Planning Commission Motion No. 17544

Hearing Date: January 31, 2008
Case No.: **2006.0660BEKX**
Project Address: **100 CALIFORNIA STREET**
Zoning: C-3-O (*Downtown Office*) District
350-S Height and Bulk District
Block/Lot: 0236/017
Project Sponsor: Tuija I. Catalano, attorney
Reuben and Junius. LLP
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ADOPTING FINDINGS APPROVING ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2007-2008 ANNUAL OFFICE-DEVELOPMENT LIMITATION PROGRAM FOR A PROPOSED PROJECT LOCATED AT 100 CALIFORNIA STREET THAT WOULD ADD APPROXIMATELY 76,500 SQUARE FEET OF OFFICE AREA TO AN EXISTING OFFICE BUILDING PURSUANT TO PLANNING CODE SECTIONS 321 AND 322 ON ASSESSOR'S BLOCK 0236, LOT 017, WITHIN THE C-3-O (DOWNTOWN OFFICE) DISTRICT AND WITHIN A 350-S HEIGHT AND BULK DISTRICT.

RECITALS

1. On May 11, 2006, Tuija I. Catalano of Reuben & Junius, LLP, authorized agent of 100 California Street Property. LLC (hereinafter "Applicant"), filed Application No. 2006.0660BEKX (hereinafter "Application") with the San Francisco Planning Department (hereinafter "Department") for addition of approximately 76,500 gross square feet of office area to an existing office building at 100 California Street, northwest corner at Davis Street (hereinafter "Project"), pursuant to Planning Code (hereinafter "Code") **Section 321** (Office Development Annual Limit) and **Section 322** (Procedure for Administration of Office Development Limit). The site is in the C-3-O (Downtown, Office) District and within a 350-S Height and Bulk District.

2. provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the Implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed project could have no significant impact on the environment and was exempt from CEQA. A Categorical Exemption (Class 32, State Guidelines) from environmental review was issued for the project on January 9, 2008.
3. On January 31, 2008, the Planning Commission (hereinafter "Commission") adopted Motion No. 17542 finding that the net-new shadow to be cast on Justin Hermann Plaza by the proposed addition to the existing office building at 100 California Street would not be adverse (Case No. 2006.0660BEKX).
4. Also on January 31, 2008, the Commission adopted Motion No. 17543 determining the proposed project to be in compliance with Code Section 309 and authorizing exceptions to the otherwise applicable Code standards for off-street loading (**Section 152.1**) and building bulk (**Sections 270 and 272**) (Case No. 2006.0660BEKX).
5. On January 31, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2006.0660BEKX, at which time the Commission reviewed and discussed the findings prepared for its review by the Department staff.
6. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed Project.
7. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department staff, and other interested parties.
8. **MOVED**, that the Commission hereby grants the approval requested in Application No. 2006.0660BEKX subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description.** The Project is at 100 California Street, northeast corner at Davis Street, a through-lot to Sacramento Street, Lot 17 in Assessor's Block 236, in a C-3-O (Downtown Office) District, and a 350-S Height and Bulk District (hereinafter "Subject Property"). The Subject Property is developed with a 13-story, 190-foot-tall office building containing approximately 247,500 gross square feet (hereinafter "gsf") of floor area with a partial 14th-floor penthouse. The building is set back on its three street frontages and is surrounded by plazas and walkways

(totaling approximately 11,000 *gsf* in area) which feature mature landscaping including a number of large trees. The ground floor of the subject building is devoted to lobby space as well as retail and service uses including a copy service, a coffee shop, a barber shop and a health club (which also occupies a large space on the second floor as well as basement space).

3. **Surrounding Neighborhood.** The C-3-O District which contains the subject property is within the densely-developed office core of the city. South, southeast and east of the subject property are the 101, One and 50 California Street buildings, 49, 32, and 42 stories tall, respectively. To the north across Sacramento Street is the Embarcadero Center with four very tall office towers and three continuous floors of retail use. Immediately to the west is the 150 California Street building; a 23-story office building.
4. **Project Description.** The Project is a six-story, 77-foot-high vertical addition of approximately 76,500 square feet of office space to the existing 247,550-square-foot office building, after demolition of the partial penthouse floor, resulting in a building with approximately 325,500 square feet of floor area. There would also be an addition of 1,530 square feet of ground-floor retail space on the California Street side up against the next-door building at 150 California Street. The upper-floor addition has been carefully sculpted so that minimal net-new shadow would fall on the upper level of the Embarcadero Center pedestrian way. No net-new shadow would fall on the Maritime Plaza building's outdoor open space. However, there would be a small amount of shadow cast onto the pedestrian way of the Embarcadero Center and through the slots between the intervening buildings to the northeast of the Project site. The new shadowing on the Justin Hermann Plaza was the subject of a public hearing at the Recreation and Park Commission on November 1, 2007. At that juncture, that Commission found that this new shadow would not be adverse. The project sponsor entered into an agreement to provide physical improvements to this park space as an off-set to the increased shadowing. In addition, the project sponsor seeks the allocation of approximately 76,500 square feet of office space pursuant to the standards established in Code **Sections 321** and **322**.
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Code in the following manner (as indicated in *italics*):

Code Section 321: establishes standards for San Francisco's Office Development Annual Limit. **Section (b)(3)** thereunder establishes approval criteria for this program. In determining if the Project would promote the public welfare, convenience and necessity, the Commission has considered the seven criteria established by Code **Section 321(b)(3)**, and finds as follows:

I. APPORTIONMENT OF OFFICE SPACE OVER THE COURSE OF THE APPROVAL PERIOD IN ORDER TO MAINTAIN A BALANCE BETWEEN ECONOMIC GROWTH ON THE ONE HAND, AND HOUSING, TRANSPORTATION AND PUBLIC SERVICES, ON THE OTHER.

The Project would add approximately 76,500 square feet of office space to an existing office/retail building in the C-3-O Zoning District. The Project would improve the balance between San Francisco's economic

growth and its housing supply, by contributing to the development of affordable housing pursuant to the Jobs-Housing Linkage Program (Section 313 of the Code). A considerable amount of new housing is being constructed downtown and a number of older office buildings have been converted to dwellings. This Project balances this other housing production. At \$19.89 per square foot, the multiplier that is applicable to the Project as of September 7, 2007, as set forth in the Code, approximately \$1,521,585 (based upon an addition of approximately 76,500 square feet) would be contributed by the Project. The actual amount of the contribution will be determined by the Zoning Administrator according to the multiplier in effect at the time that the actual transfer is made. The Project Site is located in close proximity to many public transportation options, including a number of MUNI and other transit lines are near the Project site.

The Commission finds and determines that the allocation of the square footage to the Project will improve the balance between economic growth and housing production, and promote the public welfare, convenience and necessity.

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

The Project specifically advances the following objectives and policies of the General Plan, with respect to the effects of the development specific to its location:

Commerce and Industry Element:

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

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

The Project would add approximately 76,500 square feet of office space in the Downtown Core area in close proximity to existing services, including existing public transit services. In addition to providing additional first-rate corporate office space, and thereby enhancing the City's working environment, the Project is anticipated to result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood.

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

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

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

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

The Project would create approximately 76,500 square feet of new office space in the Downtown Core area in support of this objective.

Urban Design Element

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

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

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

The Project proposes an addition to an existing 13-story building. The Project height would be below the permitted height limitations. The proposed addition is compatible with the existing building, and is very similar in scale to other development in the Downtown Core area.

Downtown Plan Element

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

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

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

The Project proposes an expansion of an existing commercial building, and would not displace any uses. The Project proposes to add approximately 76,500 square feet of new office uses and approximately 1,530 square feet of ground-floor retail space, thus locating additional office uses in the Downtown Core area. As expansion of corporate office space in downtown San Francisco has been very minimal in recent years, this expansion of a mid-sized office building will provide needed new office without any significant negative impacts.

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

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

The Project would add approximately 76,500 square feet of new office space plus approximately 1,530 square feet of new ground-floor retail space; space that could easily accommodate support commercial activity for corporate firms nearby.

Transportation Element

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

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

The Project site is located within an existing high-density downtown neighborhood in close proximity to a variety of transportation options. No additional parking is proposed as part of the Project, thus encouraging new building occupants to take public transit rather than drive.

The Commission finds and determines that the Project advances the objectives and policies of the General Plan.

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

The proposed vertical addition has been designed to be compatible with but differentiated from the existing building. The Project would remove an existing partial 14th floor and add six new floors for a total of 19 floors. The floor plates for the added floors would be somewhat smaller in size to the existing building floor plates in that the building form has been sculpted to avoid net-new shadow casting on nearby public open spaces to the north. The addition has been designed in such a way as to complement the existing building but to be different in style from the original, thereby creating a new and interesting termination to the building form.

IV. THE SUITABILITY OF THE PROPOSED OFFICE DEVELOPMENT FOR ITS LOCATION, AND ANY EFFECTS OF THE PROPOSED OFFICE DEVELOPMENT SPECIFIC TO THAT LOCATION.

(a) Use. The Project is within the Downtown Core area, which is designated by the Planning Code and General Plan as the primary location for high density office use. With the exception of the ground-floor, second floor and basement retail uses, the remainder of the building (i.e. third floor through 13th-floor penthouse) is already occupied by lawful pre-existing office uses. The proposed addition would provide approximately 76,500 square feet of new office use.

(b) Transit Accessibility. The Project site is in close proximity to many public transit services that can be used by the building tenants and occupants. The Subject Property is on the California Street Cable Car line, the #1—California MUNI trolley-bus line and is located one block from the Embarcadero BART station. It is well served by many transit services.

(c) Open Space Accessibility. The Code requires one square foot of open space for every 50 square feet of commercial uses in the C-3-O Zoning District. The existing building contains approximately 11,000 square feet of open space in pedestrian courtyards and outdoor walkway space at the ground level of the subject property, exceeding the open space requirement of the existing building plus the new open space that would be required in conjunction with the Project.

(d) Urban Design. The proposed addition would complement the existing façade and other buildings in the immediate vicinity. The proposed six new floors have been sculpted to avoid net-new shadow casting and are designed with a contemporary façade providing a differentiation between the existing and new building elements.

(e) Seismic Safety. The existing building was built in 1959. The Project will cause this building to be seismically strengthened and the new portion thereof would be built to the current standards for seismic safety of the San Francisco Building Code.

V. THE ANTICIPATED USES OF THE PROPOSED OFFICE DEVELOPMENT IN LIGHT OF EMPLOYMENT OPPORTUNITIES TO BE PROVIDED, NEEDS OF EXISTING BUSINESSES, AND THE AVAILABLE SUPPLY OF SPACE SUITABLE FOR SUCH ANTICIPATED USES.

(a) Anticipated Employment Opportunities. The Project would add approximately 76,500 square feet of new office space, and would create new employment opportunities.

(b) Needs of Existing Businesses. The existing building is an office building with lower-floor retail use. With the vertical addition, the Project would supply new office space downtown and help attract and maintain a diverse employment base in the City. By attracting a more diverse tenant base, the Project would contribute to the expansion of the City's employment base.

(c) Availability of Space Suitable for Anticipated Uses. Despite a downturn in the office market from its high point in the late 1990's, there remains a demand for office space in San Francisco for all types of users. The Project would contribute towards meeting the demand for office space, and the anticipated office users would strengthen the City's role as a business center.

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

Currently, the building is leased to various office and retail tenants. Office tenants currently occupy the upper floors. According to the Project Sponsor, the existing occupants' tenancies are not anticipated to be impacted by the proposed Project, in that a significant portion of the Project's construction activities are anticipated to occur during non-business hours thereby minimizing disruption to existing tenants. The Project Sponsor anticipates that the proposed Project's upper levels, floors 13 through 19, will be occupied by tenancies similar to those of the lower office floors.

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

The Project anticipates no need to purchase TDR's. The Subject Property is in a C-3-O District which has a Floor Area Ratio (hereinafter "FAR") of 9:1. Therefore, it could contain up to approximately 340,983 square feet of base floor area. In that the proposed use would bring the total square footage of floor area on the Subject Property up to approximately 325,500 square feet, no TDR's would be necessary to accommodate it.

6. Jobs-Housing Linkage Program (Code Section 313): The Project would make a contribution to the Citywide Affordable Housing Fund. Based on the net addition of approximately 76,500 gross square feet of office space, the Project would pay a fee of \$1,521,585 using the Code-specified multiplier of \$19.89 per gross square foot. The exact fee will be determined based on drawings submitted with the Building Permit Application and the multiplier in effect at the time of the transfer.
7. Section 101.1 Priority Policy Findings: Code **Section 101.1(b)(1-8)** establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Planning Commission finds and determines that the Project is consistent with the eight policies in the following ways.
 - A. That Existing Neighborhood-Serving Retail Uses be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Enhanced.

The Project would not displace any existing retail uses. The Project proposes an addition of approximately 76,500 square feet of new office space, and thus could potentially bring new employees to the site thereby strengthening the customer base of the existing neighborhood retail operations. The Project would also add approximately 1,530 square feet of ground-floor retail space on the California Street frontage.

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

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

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

*The Project would contribute to the City's supply of affordable housing by complying with the Jobs-Housing Linkage Program (Code **Section 313**).*

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

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

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

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

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

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

G. That Landmarks and Historic Buildings be Preserved.

The Project would not involve the demolition or alteration of any historically significant buildings, and thus would have no impact on this priority policy.

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

The Project would not have a negative impact on parks and open spaces or their access to sunlight or vistas, per the Commission's finding, contained in Motion No. 17542, of no adverse impact of shadowing on Justin Hermann Plaza.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2006.0660BECKX** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this office-space allocation Use Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 17544. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, or, in person, at 1660 Mission Street, Third Floor, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 31, 2008.

Linda Avery

Commission Secretary

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

NAYS: None

ABSENT: Commissioners Alexander and W. Lee

ADOPTED: January 31, 2008

Exhibit A

Conditions of Approval

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

The authorization contained herein is an allocation of office square footage under the 2007-2008 annual Office-Development Limitation Program for a proposed project at 100 California Street that would add approximately 76,500 square feet of office space to an existing building pursuant to Planning Code Sections 321 and 322 on Assessor's Block 0236, Lot 017, within a C-3-O (Downtown Office) District and within a 350-S Height and Bulk District, generally as described in the text of Motion No. 17544, in Application No. 2006.0660BEKX, and as shown on plans dated January 24, 2008 labeled "Exhibit B" and on file with said Application, for a vertical expansion of an existing building by approximately 76,500 square feet in six new office floors and the addition of approximately 1,530 square feet of ground-floor retail space, Assessor's Block 0236, Lot 017 in a C-3-O (Downtown, Office) District and within a 350-S Height and Bulk District.

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct, or to receive or apply for a building permit. The Project Sponsor must obtain a project authorization under Code **Section 309**, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

2. GENERAL CONDITIONS

- A. Community Liaison. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. **Prior to the commencement of construction activities**, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the project site written notice of the name, business address, and telephone number of the community liaison.
- B. Recordation. **Prior to the issuance of any building permit application** for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the

Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

- C. Reporting. The Project Sponsor shall submit two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion **every six months from the date of this approval through the issuance of the first temporary certificate of occupancy**. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

D. Performance.

- i. A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void.
- ii. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). The Project Sponsor shall obtain required site or building permits within three (3) years of the date of this approval or this authorization may be null and void. Construction, once commenced, shall be pursued diligently to completion.

E. Construction.

- (1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
- (2) Truck movements shall be limited to the hours between 9:30 A.M. and 3:30 P.M. to minimize disruption of the general traffic flow on adjacent streets.
- (3) The contractor shall arrange for off-street parking for construction workers.
- (4) The Applicant and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.

- F. First Source Hiring Program. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this program, including having an Occupancy Program approved by the First Source Hiring Administrator **prior to the issuance of the first Certificate of Occupancy.**
- G. Severability. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
3. **CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT**
- A. Housing Fee. The Project Sponsor shall pay the Jobs-Housing Linkage Program (JHLP) fee as required by Planning Code **Section 313**. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.
- B. Design. The Applicant and the Project architects shall continue to work on aspects of design development with the Department.
- C. Signage. The Applicant shall develop a signage program for the Project, which shall be subject to review and approval by Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.
- D. Lighting. The Applicant shall develop a lighting program for the Project, which shall be subject to review and approval by Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the Project.
4. **CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SUPERSTRUCTURE ADDENDUM TO A BUILDING (OR SITE) PERMIT**
- A. Design.

- (1) Except as otherwise provided in the attached Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans by dated December 13, 2007, labeled "Exhibit B".
 - (2) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department.
 - (3) Final detailed building plans shall be reviewed and approved by the Department. Detailed building plans shall include a final site plan, unit plans, elevations, sections, landscape plan including the retention of the mature street trees on the Project site, specification of finish materials and colors, and details of construction.
 - (4) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
 - (5) Per Code **Section 141**, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
- B. Publicly-Accessible Open Space. Although the square footage of open space accessible to the public on the Subject Property already exceeds the amount that would be required for the existing building square-footage as well as the proposed addition represented by the Project, the Applicant is hereby required, at the discretion of the Director of Planning, to make improvements to said existing open space. Trees, other landscaping and/or windscreens may be provided in the publicly-accessible open space areas to reduce wind speeds, as deemed appropriate, and provide sheltered areas. Said public open space shall bear plaques at each entrance including the standard City logo identifying it, the hours of public availability (8:00 A.M. to 6:00 P.M.), and contact information for building management. A map showing other nearby open spaces that are publicly accessible shall also be provided in the open space area. Design of the plaque and the map shall be approved by the Department staff prior to installation..
- C. Pedestrian Streetscape Improvements. A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with staff from the Department of Public Works and the Department of Parking and Traffic. Other agencies shall be contacted as appropriate. The Project shall include pedestrian streetscape improvements, the retention of existing mature street trees as described in this Motion and in conformance with Planning Code **Section 138.1**, **Section 143**, and the Downtown Streetscape Plan.

D. Public Artwork.

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

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

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

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

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

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

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

D. Public Art.

(1) The Applicant shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate

assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.

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

E. Garbage and Recycling. The Project Sponsor shall provide the garbage and recycling areas as outlined above and contract for recycling pickup.

F. Childcare Brokerage Services and Fees.

(1) The Project Sponsor shall execute an agreement with the Department and the Mayor's Office of Community Development for the provision of childcare brokerage services and preparation of a childcare plan to be approved by the Director of Planning. The childcare plan and childcare brokerage services shall be designed to meet the goals and objectives set forth in Code **Section 165**.

(2) The Project Sponsor shall pay the in lieu childcare fee to the City Controller required under Code **Section 314**. Alternately, the Project Sponsor may elect to provide childcare services on-site as provided for in Code **Section 314**. The net addition of gross floor area of office use subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

G. Emergency Preparedness Plan. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.