



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

February 21, 2017

Ms. Amy LeBlanc
Commercial Due Diligence Services Co.
3550 W. Robinson Street, Third Floor
Norman, OK 73072

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Planning
Information:
415.558.6377

Site Address:	One Market Street
Assessor's Block/Lot:	3713/006-007
Zoning District:	C-3-O(SD) (Downtown Office, Special Development)
Staff Contact:	Nicholas Foster, (415) 575-6167 or nicholas.foster@sfgov.org
Record No.:	2017-000914ZAD

Dear Ms. LeBlanc:

This letter is in response to your request for a Letter of Determination regarding the property ("Property"¹) located at One Market Street. The Property is located in the C-3-O(SD) (Downtown Office, Special Development) Zoning District; Transit Center District Plan Area; Downtown Plan Area; Market Street Special Sign District; and 150-X/200-S Height and Bulk Districts. Your letter requested confirmation that the Property contains permitted uses and if the Property is considered to be legal non-conforming to current height and Floor Area Ratio (FAR) requirements per the subject Zoning District controls established within the San Francisco Planning Code ("Code").

The Property, collectively known as "One Market Plaza," contains several structures. Lot 006 contains an 11-story structure, known as "The Landmark," or the "Southern Pacific Building", constructed in 1916. Lot 007 contains a 43-story structure ("Spear Tower") and a 27-story structure ("Steuart Tower") surrounded by 6-story podium structure, all of which was constructed in 1976.

Based upon information obtained from the Assessor's Report, Lot 006 contains 434,396 square feet of uses, primarily ground-floor Retail Sales and Service Uses with Office Uses located above the ground floor. Collectively, Lot 007 contains 1,534,312 square feet of uses, primarily ground floor Retail Sales and Service Uses with Office Uses located above the ground floor. Within the C-3-O(SD) District, Retail Sales and Service Uses are principally permitted at the ground-floor, while Office Use is principally permitted above the ground floor (a Conditional Use Authorization is required for Office Use at or below the ground floor), pursuant to Code Section 210.2. Office space, as measured in square feet, is subject to the controls established within Code Section 321 (Office Allocation, otherwise known as "Proposition M").

¹ Unless otherwise specified in this Letter, "Property" refers to both parcels: 3713/006 and 007.

Per Code Section 210.2, buildings located within the C-3-O(SD) District are otherwise limited to a FAR of 6.0:1. Per Code Section 123(e), to exceed the basic floor area ratio limit of 6.0:1 up to a ratio of 9.0:1, Transferable Development Rights (TDR) must be transferred to the development lot. In order to exceed a floor area ratio of 9.0:1, all projects must participate in the Transit Center District Mello-Roos Community Facilities District. The gross floor area of a structure on a lot in the C-3-O(SD) District shall not otherwise be limited. Planning Department ("Department") records indicate that the FAR for Lot 006 is 11.4:1, while the FAR for Lot 007 is 13.6:1.

Based upon the available building permit history for the Property, the structures located on Lots 006 and 007 may not fully conform to current zoning controls. For instance, the structure on Lot 006 was constructed prior to the creation of the C-3-O(SD) District, while the two structures on Lot 007 were developed under previous Height and Bulk Districts. In 1972, the Property was subject to the controls of the 600-I/400-I Height and Bulk Districts, whereas the current Height and Bulk Districts governing the Property are 200-S/150-X. Therefore, the structures on the Property appear to be legal nonconforming to current Code.

Department records also show the following entitlements for the Property (listed in chronological order):

Lot 006:

- **2016, General Plan Referral (GPR) (Record# 2016-009981GPR);** Removal and/or replacement of exterior mechanical equipment.
- **2016, Permit to Alter (PTA) (Record# 2016-000487PTA);** Installation of non-electric (exterior) doors.
- **2012, Permit to Alter (PTA) (Record# 2012.0007H);** Installation of signs for new retail tenant in two storefront bays along Steuart Street frontage.
- **2009, General Plan Referral (GPR) (Record# 2009.0475R);** Installation of an AMI System including: 1) Replacement or retrofit of approximately 180,000 existing water meters within existing meter boxes or basements throughout the city; 2) Installation of approximately 77 data collection units (DCUs) on existing SFPUC utility poles/department of Technology (DT) siren poles, or on rooftops of SFPUC facilities/DT radio sites/facilities throughout the city.
- **2008, Downtown Project Authorization (DNX) and Variance (VAR) (Records# 2008.0907X and 2008.0907V);** Interior modifications to the atrium, concourse, and office building lobby, and exterior modifications to the plaza and a horizontal addition to the structure on Lot 007.
- **2000, Transfer of Development Rights (Notice of Use) (TDU) (Record# 2000.1239Y);** 6,869 square feet of TDR was transferred from a separate property (364 Bush Street, Block/Lot 0269/004) to the Property.
- **1998, Downtown Project Authorization (DNX), Office Allocation (OFA) and (Permit to Alter (PTA) (Records# 1998.135X; 1998.135B; and 1998.135H);** Adding approximately 60,000 square feet of office space.
- **1990, General Plan Amendment (GPA) and Permit to Alter (PTA) (Records# 1990.220M and 1990.220H);** Modifications to the exterior of the structure located on the 006 Lot.
- **1983, Conditional Use Authorization (CUA) (Record 1983.257C);** Adding additional (exterior) microwave antennas.

Lot 007:

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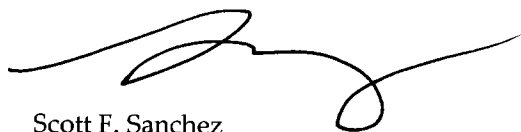
- **2014, Permit to Alter (PTA) (Record# 2014-000382PTA);** Installation of exterior canopies and entries.
- **1993, General Plan Referral (GPR) (Record# 1993.340R);** Change of official sidewalk width on easterly side of Spear Street, between Market and Mission Streets.
- **1992, Downtown Project Authorization (DNX) (Records# 1992.152X);** Interior and exterior renovations to existing office and retail spaces.

In conclusion, Department records indicate that the uses and structures contained within the Property are legal conforming or legal nonconforming uses or structures which would be allowed to continue under the Code. Specifically, Code Section 180(e) states that any structure or use for which a permit was lawfully granted prior to May 2, 1960, shall be deemed to have been a lawfully existing structure or use on that date. Moreover, Code Section 180(c) allows for the continuation of nonconforming uses, structures, and lots, with exceptions. Related to FAR, while the structures located on the Property exceed the base FAR threshold, the Property is otherwise in compliance with the Code given that there is no maximum FAR for parcels located in the C-3-O(SD) District. Given the available information, it is my determination that the uses and structures contained within the Property generally conform with the Code.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Nicholas Foster, Planner
Property Owner
Neighborhood Groups
BBN Requestor (if any)

CDS

COMMERCIAL DUE DILIGENCE SERVICES

A division of First American Title Insurance Company
3550 W Robinson Street, Third Floor, Norman, OK 73072
Phone 405-253-2435 fax 800-986-0586
amleblanc@firstam.com

REQUEST FOR INFORMATION
January 12, 2017

Subject Property: One Market Street, San Francisco, CA
Assessor's Block/Lot: 3713 / 006 and 007

RA# 2017-000914ZAD
CK # 61341069R7
\$ 664.-
M. LUELLEN (NE)

Dear Zoning Administrator

At our client's request, please provide the following information:

- **Zoning Determination Letter:**
Please supply a letter stating whether the subject property is considered to contain permitted uses, and if the subject property is considered to be **Legal Nonconforming/Grandfathered** to current Height and Floor Area Ratio requirements in the current C-3-O (SD) zoning district requirements. Please find enclosed a copy of the current survey of the subject property.
- Please note the existence of any special use permits, variances or ordinances that apply to the subject property with regard to their differences from the current zoning code.

We are on a strict timeline, and your prompt attention to this request is greatly appreciated. Upon completion, please forward the information via email and US Mail. We truly appreciate your help with this request and look forward to your reply. Please feel free to contact me toll-free at (405)253-2435 or via email at amleblanc@firstam.com with any questions or concerns you may have regarding this request.

Thank you very much for your assistance!



Amy LeBlanc,
Senior Zoning Analyst
FA Commercial Due Diligence Co.