



# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

February 22, 2017

Thomas Tunny  
Reuben Junius & Rose LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104

<b>Site Address:</b>	1-25 Montgomery Street
<b>Assessor's Block/Lot:</b>	0292/001A, 002
<b>Zoning District:</b>	C-3-0 (Downtown Office)
<b>Staff Contact:</b>	Marcelle Boudreaux, (415) 575 – 9140 or <a href="mailto:Marcelle.boudreaux@sfgov.org">Marcelle.boudreaux@sfgov.org</a>
<b>Record Number:</b>	2016-014938ZAD

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Dear Mr. Tunny:

This letter is in response to your request for a Letter of Determination regarding the property at 1-25 Montgomery Street (Property). This parcel is located in the C-3-O (Downtown Commercial) Zoning District. The request relates to the amount of Gross Floor Area (GFA) available for a proposed development project at the subject site. As outlined in the request, you seek determinations on multiple items, as follows:

- i. The Property contributed 23,258 square feet of unbuilt GFA to the *Crocker National Bank* project (approvals from 1979), based on a then-applicable FAR (Floor Area Ratio) of 14:1;
- ii. The Property has 151,082 square feet of GFA remaining available under the current FAR limit of 9:1;
- iii. In general, a total of 252,000 square feet of Transferable Development Rights ("TDR") could be transferred to the Property, in which case the Property would have 403,082 GFA remaining available under an increased FAR of 18:1;
- iv. Approximately 69,388 square feet of TDR could be transferred to the Property to provide enough GFA for a proposed hotel and residential development (approximately 220,470).

The Property occupies Lots 001A & 002 on Block 0292 and was part of the *Crocker National Bank* project, which was approved by the Planning Commission in 1979<sup>1</sup>. The *Crocker National Bank* project site included all lots on Assessor's Block 0292 with the exception of Lot 009 (171 Sutter Street – Sutter Hotel) and a portion of Van Mehr Place. It should be noted that materials associated with the EIR and DR did not include an estimate of the size of the proposed site area.

<sup>1</sup> Case Nos. EE78.298 (Environmental Impact Report – EIR) and DR79.13 (Discretionary Review – DR) and subsequent modifications related to the publicly accessible rooftop terrace. At the same hearing, the Planning Commission recommended vacation of portion of Van Mehr Place (97.5 feet easterly of Kearny Street) to the Board of Supervisors.

In order to determine the accurate GFA available for development at the Property, floor plans of the existing buildings/ structures which occupy the area of the *Crocker National Bank* site area are required, as was previously noted in the most recent Preliminary Project Assessment (PPA) Letter issued for the Property (2016-004810PPA – issued November 15, 2016). As previously noted to your office, the Planning Department (Department) does not have these records on file.

While the Department cannot provide a final determination of available GFA at this time, an **estimate** of available GFA can be provided utilizing information in Department records, the EIR for the *Crocker National Bank* and information provided with your request. Please note the following:

- This estimate is not an exact calculation of the GFA available for the Property under the allowable FAR for the Zoning District. The actual amount may be higher or lower dependent on the Department’s evaluation of required materials to determine developable GFA. Therefore, this letter will not provide a response to the amount of TDR that may be required; and
- The gross square footage numbers referenced in the EIR for the *Crocker National Bank* and provided as additional materials with your request may not conform to the current definition of Gross Floor Area in Planning Code Section 102.

	<b>Square Feet</b>	<b>Source</b>
<b>Site Area</b> ( <i>Crocker National Bank</i> site per EIR - Site area equals Block 0292 less parcel 009 and Ver Mehr Place)	97,368.75 square feet	Pre-Downtown Plan <i>Bonus Sheets: Crocker Center</i> . Note that the Site Area includes this footnote: “Neither project records nor EIR contain site area figure. Site area equals BLK 292 less parcel 9 (Sutter Hotel) and Ver Mehr Pl.”
<b>Allowable FAR</b> in the C-3-O Zoning District	Base FAR 9:1 → <b>876,318.75 square feet</b>	Planning Code, Sections 210.2, 123, 124 (as of February 2017)
	Maximum FAR 18:1 → <b>1,752,637.5 square feet</b> (with purchase of TDR)	Planning Code, Sections 210.2, 123, 124 (as of February 2017)
<b>Existing Building Square Footage Estimates</b>		
38 Story Tower @ Post & Kearny Streets (inc. mechanical levels)	716,000 square feet (gross)	<i>Crocker National Bank</i> EIR (1979)
Galleria	265,000 square feet (gross)	<i>Crocker National Bank</i> EIR (1979)
111 Sutter Street	305,000 square feet (gross)	<i>Crocker National Bank</i> EIR (1979)
1-25 Montgomery	77,660 square feet	Additional materials provided with your request, Exhibit C: <i>Area Analysis Proposed Project</i> , prepared by Charles F. Bloszies, November 4, 2016
<b>Estimated Total Existing</b>	<b>1,363,660 square feet (gross)</b>	

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Based upon these estimates, the maximum amount of developable GFA remaining at the site area of the *Crocker National Bank* is approximately 388,977.5 gross square feet (1,752,637.5 maximum FAR w/TDR less 1,363,660 existing development).

To conclusively determine the available GFA for the Property, the following information may be required:

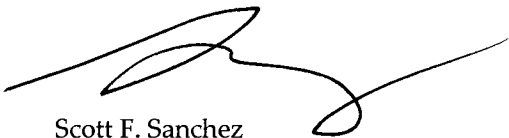
- Floor plans of the existing buildings/structures which occupy the parcels/area of the *Crocker National Bank* site;
- Accurate calculations confirming the *Crocker National Bank* site area.

In regards to your request for the amount of GFA contributed by the subject property to the overall *Crocker National Bank* project under the then-applicable base FAR of 14:1, the case materials do not reference specific property-to-property transfers of GFA. That said, based upon information in your request, the Crocker Tower and Galleria exceeded the allowed FAR by 54,150 sf, 111 Sutter Street exceeded the allowed FAR by 81,858 sf and the Property was under the allowed FAR by 191,010 sf<sup>2</sup>. Given this information, it appears that at least 136,008 sf would have been "contributed" by the Property to the overall *Crocker National Bank* project under then-applicable base FAR requirement. It should be noted that this calculation is based upon the base FAR and does not include any FAR bonuses which may have been applicable to the *Crocker National Bank* project.

**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: Property Owner  
Neighborhood Groups  
Interested Parties  
Marcelle Boudreaux, Planner

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<sup>2</sup> As noted in your request, the GFA of the Property was higher in 1979 because it included an 11-story tower that has since been removed (resulting in a smaller structure on the Property).