



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

March 31, 2017

Daniel Frattin  
Reuben, Junius & Rose  
One Bush Street, Suite 600  
San Francisco, CA 94104

**Record Number:** 2017-001993ZAD  
**Site Address:** 500 Pine Street  
**Assessor's Block/Lot:** 0258/033  
**Zoning District:** C-3-O (Downtown Office)  
**Staff Contact:** Christy Alexander, (415) 575-8724 or [christy.alexander@sfgov.org](mailto:christy.alexander@sfgov.org)

Dear Mr. Frattin:

This letter is in response to your request for a Letter of Determination regarding the property at 500 Pine Street ("Project"). This parcel is located in the C-3-O (Downtown Office) Zoning District. The request is for confirmation that the Project Sponsor may satisfy the Public Art Requirement found in Planning Code Section 429.3 and conditions of approval for the Project<sup>1</sup> by contributing one percent of construction costs into the Public Artwork Trust Fund ("Art Fund") in-lieu of providing additional artwork on-site.

When the Project was first approved in 2001, the Planning Code did not allow payments into the Art Fund to satisfy the one percent obligation and the Planning Commission specified that artwork should be installed in the rooftop Park Extension. Since then, the Planning Code has been amended to allow payment of an Art Fee in-lieu of providing on-site artwork under specified circumstances (Section 429.3(d)(1)(B)).

Payment of the Art Fee, in this case, appears to be consistent with both the Planning Code and the intent of the Planning Commission's approval. Due to the fact that the public art for the Project would be located in the Park Extension, the City's Arts Commission must approve the art. The Arts Commission originally had three bids to install art at this location: one bid dropped-out, and neither of the other two proposals were supported by the Arts Commission, leaving the Project with no acceptable options for installation of on-site art. Nonetheless, the San Francisco Arts Commission has approved the Park Extension as the site for a memorial to the Comfort Women of the World War II ("Memorial"), which will be funded by the Comfort Women Justice Coalition and is valued at \$205,000. Although this art installation is not being installed or funded as part of the Project's one percent art requirement, the value

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<sup>1</sup> Planning Commission Motion Nos. 16113 and 16115 required one percent of the construction cost of the Project be spent on public art in an extension to St. Mary's Square ("Park Extension").

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March 31, 2017  
Letter of Determination  
500 Pine Street

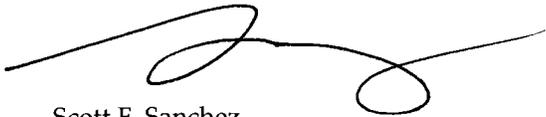
of this art would exceed one percent of the Project's construction costs (\$14,560,479), and the Memorial is expected to be installed by September 2017. This schedule is consistent with the timing requirements in Section 429.

The Project's fee-in-lieu payment shall be deposited into the Art Fund, established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to non-profit arts facilities within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary.

**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  
BBN Holder  
Christy Alexander, Planner

# REUBEN, JUNIUS & ROSE, LLP

February 14, 2017

**Delivered Via Messenger**

Mr. Scott Sanchez, Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

R# 2017-001993 ZAD  
CK# 28077 \$ 664. -  
C. ALEXANDER (SPROJ)

**Re: Request for Written Determination**  
**Subject: 500 Pine Street Public Art**  
**Our File No.: 8170.03 (0258/033)**

**RECEIVED**

**FEB 14 2017**

**CITY & COUNTY OF S.F.**  
**PLANNING DEPARTMENT**  
**ZA OFFICE**

Dear Mr. Sanchez:

This office represents 500 Pine Street Company, LLC (the "**Project Sponsor**"), which owns the property at 500 Pine Street, San Francisco, California (the "**Property**"). The Project Sponsor is currently developing a five-story office building (the "**Project**") at the Property.

As required by the Planning Code and project approvals, the Project Sponsor had planned to spend one percent of the construction cost of the Project on public art (the "**Public Art Requirement**") in an extension to St. Mary's Square (the "**Park Extension**") on the Project's rooftop. Three potential artists were identified through a community selection process, but one subsequently withdrew from consideration and the San Francisco Arts Commission (the "**SFAC**") did not accept concept proposals from the remaining two.

However, the SFAC did approve the Park Extension as the site for a memorial to the Comfort Women of World War II (the "**Memorial**"). This Memorial will be funded by the Comfort Women Justice Coalition (the "**CWJC**"), which anticipates installing the Memorial by September 2017.

Since a third party will be installing artwork in the Park Extension, we request your determination that the Project Sponsor may satisfy the Public Art Requirement by contributing one percent of construction costs into the Public Artwork Trust Fund (the "**Art Fund**") in lieu of providing additional artwork on site. These funds would be administered by the SFAC as a grant to the Chinese Culture Center (the "**CCC**") for art displays in St. Mary's Square (the "**Square**") or the larger Chinatown community.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin  
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup> | Thomas Tunny  
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Chloe V. Angelis  
Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

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1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

Mr. Scott Sanchez  
San Francisco Planning Department  
February 14, 2017  
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This arrangement will fulfill the Public Art Requirement. An artwork valued at a minimum of one percent of the Project's construction cost will be installed in the Park Extension in general conformity with the Planning Commission's approval, and the Project Sponsor will contribute one percent of the Project's construction cost, \$145,605, to the Art Fund.

#### **A. Background**

The Project was approved by the Planning Commission in 2001, along with a related office development at 350 Bush Street (the "**Bush Street Project**") that would shade the Square.<sup>1</sup> To provide additional sunny area in the Square, both projects were conditioned upon the construction of the 6,127-square-foot Park Extension, which will ultimately be deeded to the City.

The Planning Commission's approval for the Project requires the installation of public art equal to one percent of the Project's construction cost in the Park Extension. (Plan. Code Sec. 429; See also Plan. Com. Motion No. 16113 at p.17 attached as **Exhibit A**, and Plan. Com. Motion No. 16115 at p.5 attached as **Exhibit B**). Based on the Project's construction cost of \$14,560,479, the required one percent amounts to \$145,605. Because the Park Extension will ultimately be owned by the City, artwork may not be installed in it without the SFAC's approval.

In late 2015, the Project Sponsor entered into an agreement with the CCC to oversee a community-based artist selection process. In May 2016, a Community Advisory Committee (the "**CAC**"), including representatives from the CCC, the Chinese Historical Society of America, the Chinatown Community Development Center, and the Committee for Better Parks and Recreation in Chinatown, selected Sarah Sze and her proposed artwork, *Book of Rocks*, to fulfill the Public Art Requirement. The CAC also identified two alternates: Shin Gray Studio and Acrylicize.

At roughly the same time, the CWJC and Supervisors Aaron Peskin, Eric Mar, Jane Kim, Katy Tang and Malia Cohen requested that the Project Sponsor partner with the CWJC to install the Memorial in the Park Extension. (See July 12, 2016, letter attached as **Exhibit C**). The Project Sponsor promptly agreed to this request, and received a letter of thanks from Mayor Ed Lee. (See April 29, 2016, letter attached as **Exhibit D**).

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<sup>1</sup> Planning Commission approvals are as follow: Plan. Com. Motion No. 16113 at p.17; Plan. Com. Motion No. 16115 at p.5; and Plan. Com. Motion No. 16272 at p.10.

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Although the SFAC was willing to accept both the Memorial and *Book of Rocks* into the Civic Art Collection, Ms. Sze withdrew from consideration because *Book of Rocks* was designed to stand alone in the Park Extension. (See September 17, 2016, letter attached as **Exhibit E**). In November 2016, the second runner-up proposal, Shin Gray Studio's *Human Being* was before the SFAC Visual Arts Committee (the "VAC") for a concept approval. The VAC did not approve the piece, citing concerns about scale and aesthetics. The VAC also indicated that the third runner-up was not appropriate for the site. (See November 16, 2016, VAC minutes attached as **Exhibit F**).

The SFAC approved the design of the Memorial on January 9, 2017. (See January 9, 2017, SFAC minutes attached as **Exhibit G**). The Memorial will honor the Comfort Women, who were forced into sexual slavery by the Japanese military in World War II. The design by Steven Whyte consists of a sculpture and descriptive plaque with a total value of \$205,000. The complete project installation is to occur in 2017. (See December 21, 2016, VAC minutes attached as **Exhibit H**).

#### **B. Satisfying the Public Art Requirement via Payment of the Art Fee**

When the Project was first approved, the Planning Code did not allow payments into the Art Fund to satisfy the one percent obligation, and the Planning Commission specified that artwork should be installed in the rooftop Park Extension. (See Plan. Code Sec. 429, amended by Ord. 62-12, File No. 110853; See also Plan. Com. Motion No. 16115 at p.5 attached as **Exhibit B**). Since then, the Planning Code has been amended to allow payment of an Art Fee in lieu of providing on-site artwork under specified circumstances. Commercial projects without ground-floor open space may provide artwork on-site or pay the Art Fee. (Plan. Code Sec. 429(d)(1)). Here, the Project Sponsor would like to satisfy the Public Art Requirement by the latter – paying the entire one-percent obligation as an Art Fee.

Payment of the Art Fee is consistent with both the Planning Code and the intent of the Planning Commission's approval. As a commercial project with rooftop open space, the Planning Code clearly allows the Project to pay the Art Fee instead of providing artwork on-site. Doing so would not conflict with the Planning Commission's condition requiring an artwork to be installed in the Park Extension. The Memorial – which was unanimously endorsed by the Board of Supervisors, the Mayor, and approved by the SFAC – would fulfill this condition by providing artwork valued at \$205,000, well more than the \$145,605 valuation required for the Project. (See San Francisco Board of Supervisors Resolution 342-15, attached as **Exhibit I**; See also Plan. Com. Motion No. 16115 at p.5 attached as **Exhibit B**). The Memorial's completion is expected in September 2017, or roughly one year from the

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Mr. Scott Sanchez  
San Francisco Planning Department  
February 14, 2017  
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Project's Temporary Certificate of Occupancy (the "TCO"). This schedule is consistent with the timing requirements in Section 429.

Finally, payment of the Art Fee will benefit the broader Chinatown community. Since its founding in 1965, the CCC has taken a creative approach to placemaking, making Chinatown's public spaces into "museums without walls" through public art interventions. Subject to your confirmation that payment of the Art Fee is acceptable, the Project Sponsor and SFAC would execute a memorandum of understanding providing for the funds to be administered as grants to the CCC for public art in Chinatown.

Accordingly, we respectfully request a written determination that payment of the Art Fee would satisfy the Public Art Requirement pursuant to Planning Code Section 429.3 and the Planning Commission's approvals. We have enclosed a check for \$664 for the letter of determination fee.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Daniel Frattin

Enclosures

**cc:** Tom DeCaigny, SFAC  
Susan Pontious, SFAC  
Jill Manton, SFAC  
Allan Low, RPD  
Phil Ginsburg, RPD  
Alex Randolph, RPD  
Toks Ajike, RPD  
Christy Alexander, Planning Department  
Abby Chen, CCC

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**REUBEN, JUNIUS & ROSE, LLP**

www.reubenlaw.com

**Exhibit List**

- Exhibit A - March 15, 2001, Plan. Com. Motion No. 16113
- Exhibit B - March 15, 2001, Plan. Com. Motion No. 16115
- Exhibit C - July 12, 2016, letter from CWJC
- Exhibit D - April 29, 2016, letter from Major Ed Lee
- Exhibit E - September 17, 2016, letter from Ms. Sarah Sze
- Exhibit F - November 16, 2016, VAC minutes
- Exhibit G - January 9, 2017, SFAC minutes
- Exhibit H - December 21, 2016, VAC minutes
- Exhibit I - September 22, 2015, Board of Supervisors Resolution No. 342-15

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**EXHIBIT A**

SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO. 16113

**ADOPTING FINDINGS RELATING TO APPROVAL BY THE PLANNING COMMISSION PURSUANT TO PLANNING CODE SECTIONS 320-325 FOR A PROPOSED PROJECT CONTAINING UP TO 44,450 SQUARE FEET OF OFFICE AS WELL AS APPROXIMATELY 5,700 SQUARE FEET OF RETAIL, 8,600 SQUARE FEET OF PARKING AND 1,000 SQUARE FEET OF OPEN SPACE LOCATED AT 500 PINE STREET ON ASSESSOR'S BLOCK 258, LOTS 4, 5, 6, 7, 8 & 9 IN THE C-3-O (DOWNTOWN, OFFICE) DISTRICT AND A 300-S HEIGHT AND BULK DISTRICT**

**RECITALS**

1. On May 22, 2000, Pine & Kearny Joint Venture ("Project Sponsor"), filed Application No. 2000.539E with the Planning Department for the City and County of San Francisco ("Department") for environmental evaluation of a proposal to construct a five-story, 61-foot tall, building containing approximately 45,610 square feet of office space, 11,220 square feet of ground floor retail space and one sub-surface level of parking with 39 valet-operated parking spaces (Project).
2. On November 29, 2000, the Project Sponsor filed Application No. 2000.539BCX (Application) with the Department for (1) Planning Code Section 309 for Determination of Compliance; (2) Planning Code Sections 303, 204.5 and 157 Conditional Use authorization of the two off-street parking spaces in excess of the amount allowed as accessory; and (3) Planning Code Sections 320-325 (Office Development Limitation Program) for the construction of a five-story, 65-foot tall building with a total of 84,487 gross square feet including 46,000 square feet of office space, 8,000 square feet of ground floor retail space, 10,600 square feet of parking (17 independently accessible spaces or 29 operated on a tandem/valet basis), and 1,022 square feet of public open space.
3. Pursuant to the Guidelines of the State Secretary of resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), a Preliminary Negative Declaration of Environmental review was published by the Department on December 9, 2000 (Case No. 2000.539E).
4. It was determined by the Department in accordance with the provisions of CEQA, the State Guidelines for the implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed Project would not cause significant impacts such that an environmental impact report would be required, and in accordance with the above provisions, a Final Negative Declaration for the Project was adopted and issued on February 26, 2001, and is part of File No. 2000.539E.
5. On February 21, 2001, Application No. 2000.539BCX was revised to state that the building proposed for construction would contain a total of approximately 69,000 gross

square feet including up to 44,450 square feet of office space, approximately 5,722 square feet of ground floor retail space, 8,652 square feet of parking (17 independently accessible spaces or 29 operated on a tandem/valet basis) and 1,000 square feet of public open space (Project).

6. On March 15, 2001 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2000.539BCX.
7. In evaluating the Project's Application, the Commission has also reviewed and considered the Case Report, studies, letters, plans, and other materials pertaining to this Project in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

### **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 this Commission.
2. Project Site/Present Use: The Project site is located on the northwest corner of Pine and Kearny Streets, Lots 4, 5, 6, 7, 8 & 9 in Assessor's Block 258. The subject 13,859 square-foot lot is square shaped, with the exception of a small inset on the northern side, with approximately 108 feet of frontage on Pine Street, and approximately 137.5 feet of frontage on Kearny Street. The site is located in the C-3-O (Downtown, Office) District, and is within a 300-S Height and Bulk District. The Project site is currently vacant except for two billboards that would be removed as part of the Project.
3. Nature of Project: The proposal is to replace the existing vacant lot with a five-story, 65-foot tall building with a total of approximately 69,000 gross square feet including up to 44,450 square feet of office space, approximately 5,600 square feet of ground floor retail space, 8,600 square feet of subsurface parking and 1,000 square feet of public open space. While 15 parking spaces may be provided as accessory without a Conditional Use pursuant to Planning Code Section 204.5, the Project proposes to provide 17 independently accessible parking spaces (29 on a tandem/valet basis). No loading spaces are required and none would be provided. It is anticipated that the loading demand would be accommodated within the five metered truck loading/unloading spaces on Kearny Street and the four metered parking spaces on Pine Street adjacent to the Project site.

The 8,785 square-foot lower basement level would contain storage and mechanical equipment servicing the building. The upper basement level would contain 8,652 square feet of parking. The ground floor would contain approximately 5,700 square feet of retail space. The second through fourth floors would each contain approximately 12,700 gross square feet of office space and the fifth floor would contain approximately 5,000 gross square feet of office space. The Project would provide approximately 1,000 square feet of public open space in the form of a landscaped rooftop view terrace,

located on the southwest side of the roof. The view terrace would be connected to the adjacent, existing St. Mary's Square Park. The terrace would be landscaped. Access to the view terrace would be provided through the adjacent St. Mary's Square Park. The total gross square footage of the development, including the basement and mechanical areas would be approximately 69,000 square feet.

Immediately west and north of the Project site is the St. Mary's Square Parking Garage, a City-owned facility, and St. Mary's Square Park, which is on the roof of the garage. North of the Project site is the approximately 390-foot tall International Building at 601 California Street. South of the Project site are a five-story commercial building with ground-floor retail, the rear of the Academy of Arts building, and the 375-foot tall Pacific Bell building. East of the Project site across Kearny Street is the 52-story Bank of America Building. Eating establishments predominate at the street level south of the Project site along Kearny Street between Pine and Sutter Streets. East of the Project site is the downtown Financial District, to the west and north are the residential neighborhoods of Chinatown and North Beach, and to the south is the Union Square retail area.

The Project site is well-served by public transit, with regional service provided by BART along Market Street; AC Transit, Golden Gate Transit and San Mateo County Transit District (Sam Trans) buses at the Transbay Terminal, Caltrain at its terminal located at Fourth and King Streets, and the ferry service from the Ferry Building at the foot of Market Street. Local service is provided by the San Francisco Municipal Railway (MUNI) buses (both diesel and electric trolley), light rail (MUNI Metro) lines, cable car and electric streetcar lines. MUNI operates about five bus lines within the vicinity of the Project site, including cross-town lines that serve the Transbay Terminal.

4. Environmental Review: The Project is included within the scope of development analyzed in the Project's Final Negative Declaration, which was adopted and issued on 2/26/2001.
5. Section 321 (b)(3) - Approval Criteria: In determining if the Project would promote the public welfare, convenience and necessity, the Commission has considered the seven criteria established by Section 321(b)(3) of the Planning Code and the application of those criteria under Annual Limit Rules adopted by the Commission in November 1997 in Motion No. 14497, and finds as follows:
  - A. 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.

As of March 7, 2001 there exists 459,313 square feet of office space available for allocation to office development exceeding 25,000 square feet but less than 50,000 square feet during this Approval Period which ends October 16, 2001. If the Commission approves the Project with 44,450 square feet of office space, there would be a surplus of 414,863 square feet of office space available for allocation. On October 17, 2001 and on October 17 of each succeeding year, an additional 75,000 square feet

of office space would become available for allocation to buildings with less than 50,000 square feet of office space. Therefore, the Commission finds that the allocation of the square footage would promote the public welfare, convenience and necessity.

B. The Contribution of the Office Development to, and its Effects on, the Objectives and Policies of the General Plan.

The Project positively contributes to advancing the objectives and policies of the General Plan and has no significant conflicts with any objective or policy of the General Plan.

Commerce and Industry Element

The Project is consistent with Objective 1, Policy 1 of the Commerce and Industry Element by encouraging a development that provides substantial net benefits and minimizes undesirable consequences. The creation of 44,450 square feet of additional office space provides the City with highly desirable, prime Financial District office space without further exacerbating the level of existing public transit use in the downtown core. The Project would furnish much needed vacant office space in an area that is well-served by public infrastructure and transit and would not displace any industrial or residential uses.

The Project proposes to locate commercial activity according to the generalized land use plan to increase the efficiency of this area as a specialized center for commercial uses and to minimize distances to transit-ways and traffic systems. (Objective 1, Policy 3.)

The Project further advances the objectives of the Commerce and Industry Element. By creating 44,450 gross square feet of office space, the Project Sponsor seeks to retain and attract commercial activity in the City. (Objective 2, Policy 1.)

Downtown Area Plan

Space for Commerce. The Project is consistent with Objective 1, Policy 1 of the Downtown Area Plan. The Project would increase commercial activity in the Downtown Area by providing much needed office space. The Project would help maintain and improve San Francisco's position as a leader in providing financial, multimedia, and other professional services. (Objective 2.) The Project encourages prime downtown office activities to grow while controlling undesirable consequences of such growth. (Objective 2, Policy 1.)

Open Space. The Project Sponsor proposes to locate a 1,000 square-foot rooftop view terrace atop the completed building, thereby meeting the needs of persons employed, residing, and visiting in the Downtown Area. (Objective 9, Policy 1.) The public open space would be adjacent to and easily accessible from the existing St. Mary's Square Park. (Objective 9, Policy 4.)

Urban Form. The Project enhances Objective 13, Policy 1 of the Downtown Area Plan by relating the height of the existing building to important attributes of the City pattern and to the height and character of adjacent buildings.

Urban Design Element

Consistent with Objective 1, Policy 3 of the Urban Design Element, the Project recognizes that buildings, when seen together, produce a total effect that characterizes the City and its districts. The proposed construction provides an appropriate transition that relates to the height of the existing buildings surrounding the Project Site. (Objective 3, Policy 5.) The proposed design sensitively incorporates the major design elements of nearby existing buildings. The Project thereby avoids extreme contrasts in color, shape and other characteristics that would give it prominence in excess of its public importance. (Objective 3, Policy 1.) The Project would be consistent with the surrounding streetscape and would be visually compatible with the surrounding buildings.

C. The Quality of the Design of the Project

1. The Building: The Project architects have designed a building that is appropriate for the site's urban context. The Project is designed to address three unique aspects of the site- its context, visibility, and its relationship to Saint Mary's Square Park.

The site, located on the northwest corner of the intersection of Pine and Kearny Streets, is visually important because both of the streets are one way towards the prime corner of the property. This traffic pattern combined with the significant slope of Pine Street as it passes by the Project site increases the visual importance of the corner. The proposed design includes a 4-story, glass curtain wall drum, capped with a pergola at the corner of the site which acknowledges that importance and acts as a central compositional element. The main pedestrian entry to the building would be through the rotunda, with entries to the ground floor retail spaces off of Kearny Street.

The simplicity of the street facades framing the rotunda, with their deeply cut windows and 3<sup>rd</sup> floor balconies, would provide a rich sculptural emphasis and would relate strongly to the Kearny and Pine streetscape while emphasizing the importance of the corner.

The natural, light façade materials along with the complimentary metal work further enhance the composition. The upper floors of the building would be clad in a smooth limestone, while the base of the building is proposed to be limestone in a rougher and more rusticated treatment. The arched openings and belt course of the base distinguish it from the upper floors and add visual interest. A limestone cornice would "finish" the top of the building.

The Project site's unique relationship to Saint Mary's Square Park provides the opportunity to link the Park with the Project's open space on the roof of the building. The Project Sponsor has worked with the City's Parks and Recreation Department in the development of the open space design, so that the Project's open space, although maintained by the Project Sponsor, would serve as an extension of the Park.

2. Open Space: The Project would provide 1,000 square feet of public open space in the form of a rooftop view terrace, located on the southwest side of the roof. The terrace would be connected to the adjacent, existing St. Mary's Square Park. The terrace would offer views to the east and south over the lower-scale buildings along Belden Alley and towards the downtown core of the Financial District. The terrace would be landscaped with a variety of planting beds, planters and trees, and would contain seating along the two main sides of the space. One seat is required for every 25 square feet of area, thus a minimum of 40 seats would be provided. Public access to the roof terrace would be provided through the adjacent St. Mary's Square Park. New restrooms available to the public would be located immediately adjacent to the terrace in St. Mary's Square Park. The terrace would be designed so as to maximize access to sunlight, provide protection from wind, if any, and enhance user safety. The view terrace would be open to the public at a minimum from sunrise to sunset, Monday through Sunday.

The Project public open space would be a desirable addition to the City's open space. It would be accessible, well-designed and comfortable, providing a variety of experiences. The public open space provided would be consistent with the requirements of Section 138 of the Planning Code including type, size, location, seating and physical access, would meet the requirements of Section 148 for pedestrian and seating comfort criterion and would fulfill all of the requirements of the Downtown Area Plan.

3. Art Concept: The Project would provide public art at a cost of one percent (1%) of the cost of construction. The Project's construction cost is currently estimated to be \$10,200,000, which results in an art requirement of \$102,000. The current proposal is for a sculpture to be located within the view terrace on the roof of the building. The artist would be appropriately identified. The artist would be appropriately identified.

D. The Suitability of the Proposed Office Development for its Location, and any Effects of the Proposed Office Development Specific to the Location.

The Project is located in the C-3-O District and in a 300-S Height and Bulk District, which are specifically designed for buildings of this type. The Project's proposed 65-foot height is well within the maximum height allowed by the zoning (300 feet) and consistent with the height of the adjacent garage structures. The Project is within the maximum FAR even without purchasing TDRs.<sup>1</sup> A number of buildings in the area are two to five stories in height and buildings of much greater height are located throughout the area. The proposed Project blends appropriately into this mix, with a desirable combination of uses (ground floor retail with office above) and a height appropriate to the site.

The Project is also suitable for its location in that it is located on and near major transit lines and hubs. The ½ mile radius encompasses Market Street and Montgomery Station with access to all Market Street MUNI Bus Lines, MUNI Metro Lines and BART Lines, the Golden Gate Transit Financial District Bus Lines on Sansome Street and the Transbay Terminal with access to additional MUNI Bus Lines, as well as SamTrans, AC

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<sup>1</sup> C-3-0 zoning allows 6:1 FAR without purchasing TDRs. The Project as proposed has an FAR of 3.6:1.

Transit and Greyhound bus lines. The Project would provide 6 bicycle parking spaces, 2 showers and 4 clothes lockers, as required by the Code, to encourage pedestrian and bicycle usage. The Project would have not significant impacts on transit, traffic, pedestrian movements or freight loading.

The Project would provide for rooftop public open space connected to the adjacent, existing St. Mary's Square Park, which meets or exceeds all of the requirements of the Planning Code and Downtown Area Plan.

The Project would be used as offices and as retail use on the ground floor. The Planning Department estimates that the Project would provide approximately 200 office, maintenance, retail, valet and security jobs. No jobs exist on site currently.

E. The Anticipated Uses of the Project 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.

Recent studies indicate the need for new office space in San Francisco, especially in the central business district (CBD), which includes the Project site. Although the San Francisco commercial real estate market is showing slight indications of relief, due in part to an increase in sublease space, the direct vacancy rate in San Francisco's CBD remains extremely limited, ending the third quarter for 2000 at 2.3%.<sup>2</sup> Due to a continued high demand for office space in the Downtown area, office space is currently being absorbed quickly in the CBD. The Project sponsor therefore proposes to add 44,450 square feet of critically needed office space within a zoning district specifically created and developed for office use.

Due to the current shortage and rising cost of office space in San Francisco, many existing San Francisco businesses are relocating to other Bay Area markets to satisfy their space needs. These relocated companies typically employ new employees who reside near the new offices. Because the Project would expand the supply of office space, the Project would contribute to slowing the out-migration of jobs and would help maintain San Francisco resident employment.

The commercial and retail uses along the Pine and Kearny Streets would benefit from the increased pedestrian traffic and revenue generated by office and retail staff working in the new building.

Tightening labor markets, extremely expensive office rent, competition for limited space in the City and the lack of new office space in general indicate the necessity of the office development. Based upon the foregoing facts, new office space at this location is necessary and desirable to promote the continuing growth of the City's economy.

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<sup>2</sup> Cushman & Wakefield, Real Estate Trends – San Francisco – Third Quarter 2000, www.cushwake.com

F. The Extent to Which the Proposed Development will be Owned and Occupied by a Single Entity.

It is not anticipated that the Project would be occupied by a single entity. It is possible, however, that an existing employer presently scattered in multiple locations would consolidate its operations in the Project. The retail space shall be leased to various smaller entities to be determined.

G. The Use, if any, of TDRs by the Project Sponsor.

The Project does not require the use of TDRs. The Project has an FAR of 3.6:1, which is within the allowable FAR of 9:1 for the C-3-0 Zoning District.

7. Downtown Office Space Fund (Section 139): Pursuant to Section 139, the Project would pay an in-lieu fee of \$2.00 per square foot of net new office space to the Downtown Park Special Fund. Based on a net addition of up to 44,450 square feet of office space, the Project would contribute up to \$88,900. The exact fee would be determined based on drawings submitted with the Building Permit Application.

8. Jobs-Housing Linkage Fee (Section 313): The Project would pay the applicable fee to the Citywide Affordable Housing Fund pursuant to Section 313, which at the time of this Motion is \$11.34 for every gross square foot of net new office space. Based on the net addition of up to 44,450 gross square feet of office space, the Project would pay an in-lieu fee of up to \$504,063. The exact fee would be determined based on drawings submitted with the Building Permit Application.

9. Transit Impact Development Fee: The Project would contribute \$5.00 for every gross square foot of net new office space to provide capital funding for MUNI. Based on a net addition of up to 44,450 gross square feet, the Project would pay up to \$222,250. The exact fee would be determined based on drawings submitted with the Building Permit Application.

10. Section 101.1 Priority Policy Findings

Section 101.1 of the Planning Code requires consistency with the eight priority policies listed therein. 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 have no adverse effect on the existing neighborhood retail uses. The Project would add additional retail space to the area. Further, the Project would create approximately 200 new jobs and provide new public open space, which would bring additional daytime patrons to the existing and new area restaurants and shops.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would not affect existing housing. No current industrial or residential uses would be displaced by the Project. The Project area already has numerous office buildings along with a mixture of office and retail uses. The Project would serve to protect and preserve the neighborhood character by a high-quality office building with ground floor retail and public open space in place of the existing vacant lot.

- C. That the City's supply of affordable housing to be preserved and enhanced.

No housing exists on the site, so the Project would not adversely affect the City's supply of affordable housing. As an office Project, the Project would contribute to the City's affordable housing stock pursuant to Section 313 of the Planning Code.

- D. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

As a relatively small office development Project, the Project would not generate commuter traffic that would impede Muni transit service or overburden streets or neighborhood parking. The Project is located on and near several major transit lines and hubs. A ½ mile radius from the Project site encompasses Market Street MUNI Bus Lines, MUNI Metro Lines and BART Lines. The Project would provide 6 bicycle parking spaces, 2 showers and 4 clothes lockers, as required by Code, to encourage pedestrian and bicycle usage. The Project would have not significant impacts on transit, traffic, pedestrian movements or freight loading. The construction of a parking facility as part of the Project would offset additional parking demand.

- 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.

No current industrial use would be displaced by the Project. The Project site is surrounded by a mixture of retail, and office development. The Project retail and office space would offer local businesses opportunity for expansion and would provide office space for traditional financial district office space users and multimedia and high tech businesses. The Project would provide approximately 96,000 man hours of construction work (i.e. approximately 12,000 man days of construction work or approximately 308 work days with 39 workers per day). The Project would create approximately 184 office jobs, approximately 25 retail jobs and approximately 12 security/valet/maintenance jobs.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would be constructed to the seismic standards of the current building code.

G. That landmarks and historic buildings be preserved.

The Project Site is currently vacant and does not contain any landmarks or buildings with any historical significance. As a result, the Project would have no impact on a landmark or historically significant structure.

H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not cast shadow on our parks or open space. The Project design calls for a publicly accessible terrace at roof level connected to the existing St. Mary's Square Park that would increase open space in the block.

11. Consistency with the General Plan

The Project is, on balance, consistent with and would not adversely affect the General Plan. The Project would affirmatively promote numerous General Plan objectives and policies including, among others, the following:

DOWNTOWN AREA PLAN

SPACE FOR COMMERCE

Objective 1: Manage economic growth and change to ensure enhancement of the total city living and working environment.

Policy 1: Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

Objective 2: Maintain and improve San Francisco's position as a prime location for financial, administrative, corporate, and professional activity.

Policy 1: Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.

Policy 2: Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

Objective 5: Retain a diverse base of support commercial activities within the downtown and in adjacent areas.

Policy 1: Provide space for support commercial activities within the downtown and in adjacent areas.

Objective 6: Within acceptable levels of density, provide space for future office, retail, hotel, service and related uses in downtown San Francisco.

*As discussed above, the Project would add approximately 44,450 square feet of much needed office space to the Financial District area without overburdening transit or displacing housing.*

*By creating desirable and needed space near the Financial District the Project would permit the orderly expansion of the Downtown while maintaining a compact downtown office district.*

*The Project would provide approximately 1,000 square feet of desirable public open space available to daytime workers and pedestrians.*

#### OPEN SPACE

- Objective 9: Provide quality open space in sufficient quantity and variety to meet the needs of downtown workers, residents, and visitors.
- Policy 1: Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.
- Policy 2: Provide different kinds of open space downtown.
- Policy 4: Provide a variety of seating arrangements in open spaces throughout downtown.
- Objective 10: Assure that open spaces are accessible and usable.
- Policy 1: Develop an open space system that gives every person living and working downtown access to a sizable sunlit open space within convenient walking distance.
- Policy 3: Keep open space facilities available to the public.
- Policy 4: Provide open space that is clearly visible and easily reached from the street or pedestrian way.
- Policy 5: Address the need for human comfort in the design of open space by minimizing wind and maximizing sunshine.

*The Project would provide approximately 1,000 square feet of public open space in the form of a rooftop view terrace, located on the southwest side of the roof. The view terrace would be connected to the adjacent St. Mary's Square Park. The terrace would be landscaped, and would contain seating along the two main sides of the space. Access to the roof terrace would be provided through the adjacent St. Mary's Square Park. New restrooms available to the public would be located immediately adjacent to the terrace in St. Mary's Square Park. The terrace has been designed so as to maximize access to sunlight, provide protection from uncomfortable wind and enhance*

*user safety. The view terrace would be open to the public at a minimum from sunrise to sunset, Monday through Sunday.*

Commerce and Industry Element

The Commerce and Industry Element of the General Plan contains the following relevant objectives and policies:

General/Citywide

Objective 1: Manage economic growth and change to ensure enhancement of the total city living and working environment.

Policy 1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Objective 2: Maintain and enhance a sound and diverse economic base and fiscal structure for the city.

Policy 1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

*The Project's addition of approximately 44,450 gross square feet of office space in the Financial District area would help meet the increasing demand for additional space without overburdening transit or displacing housing.*

12. CEQA Findings

A. Pursuant to the Guidelines of the State Secretary of resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), a Preliminary Negative Declaration of Environmental review was published by the Department on December 9, 2000 (Case No. 2000.539E).

B. It was determined by the Department in accordance with the provisions of CEQA, the State Guidelines for the implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed Project would not cause significant impacts such that an environmental impact report would be required, and in accordance with the above provisions, a Final Negative Declaration for the Project was adopted and issued on February 26, 2001, and is part of File No. 2000.539E.

13. The following benefits, among others, are generated by the Project.

- The Project would provide approximately 44,450 gross square feet of Class A office space and approximately 5,700 square feet of ground floor retail space in an area zoned specifically for such use.

- The Project would construct a building of high architectural quality, replacing a vacant lot and providing spatial closure to a significant intersection. The proposed design uses distinctive elements and materials appropriate for the site's visually prominent location.
  - The Project would provide approximately 44,450 square feet of additional or net new office space which would help meet the needs of existing and new businesses and preserve and create jobs for San Francisco residents.
  - The Project would provide a public rooftop view terrace connected to the adjacent, existing St. Mary's Square Park.
  - The Project would provide visible and art work at street level in front of the building.
  - The Project would provide a net addition of about 200 jobs on site.
  - As required by Code the Project would provide approximately \$504,063 as a Jobs-Housing Linkage Fee; \$88,900 to the Downtown Park Special Fund; artwork equal to 1 percent of the approximate \$10,200,000 Project construction cost; and \$222,250 as the Transportation Impact Development Fee.
  - The Project would promote achievement of numerous objectives and policies of the General Plan relating to open space, commerce, and urban design.
14. Each and every finding contained in Motion No. 16115 granting approvals for the Project under Section 309 of the Code and Motion No. 16114 granting approvals for the Project under Section 303 of the Code are hereby incorporated by reference as though fully set forth herein.
15. The Commission finds that granting the Project Authorization in this case would particularly promote the public welfare, convenience and necessity for the reasons set forth above.

PLANNING COMMISSION  
Motion for Hearing on March 15, 2001

Case No. 2000.539BCX  
500 Pine Street  
Block 258, Lots 4-9  
Motion No. 16113  
Page 14

**DECISION**

Therefore, the Commission, after carefully balancing the competing public and private interests, and after considering the criteria of Planning Code Sections 321 and 322, as further developed in the Annual Limits Rules, hereby grants Project Authorization for up to 44,450 gross square feet of office space (of which all 44,450 square feet is net new office space) in an office and retail development at 500 Pine Street, subject to the conditions attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on March 15, 2001.

Linda Avery  
Commission Secretary

AYES: Commissioners Theoharis, Fay, Baltimore, Joe, Salinas  
NOES: None  
ABSENT: Commissioner Chinchilla  
ADOPTED: March 15, 2001

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

Wherever "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.

This approval is for the construction of a five-story, 65-foot tall building with a total of approximately 69,000 gross square feet including up to 44,450 gross square feet of office space (of which all 44,450 square feet is net new office space), approximately 5,700 square feet of ground floor retail space, 8,600 square feet of parking space and 1,000 square feet of public open space, with an FAR of approximately 3.6:1 in general conformance with the plans dated 03/06/01 and stamped Exhibit B.

1. **GENERAL CONDITIONS.**

A. Mitigation Measures

The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures set forth in the final Negative Declaration for Application No. 2000.539E, which was adopted and issued on February 26, 2001 and is incorporated herein by this reference.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation

Prior to the issuance of any new or amended building permit 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 the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator 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.

E. Performance

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 permits(s). Pursuant to Planning Code Section 321(d)(2), construction of an office development shall commence within 18 months of the date the Project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the office development.

- F. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in the Planning Code.

2. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A SITE OR BUILDING PERMIT.

A. Housing Requirement

Prior to issuance of the first site permit or building permit for the Project, the Project Sponsor must pay to the Controller the fee pursuant to Section 313.6 for every gross square foot of net new office space.

- B. 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.

- C. In order to avoid conflict with peak period traffic, construction deliveries shall not occur prior to 9:00 AM or after 3:30 PM Monday through Friday.

- D. If the Project Sponsor requires the use of a sidewalk for staging and storage of materials, the Project Sponsor shall request from the Department of Parking and Traffic that a sidewalk be closed during construction of this Project.

- E. If the Project Sponsor requires use of a street for staging or storage of materials for the Project, the Project Sponsor shall request approval from the Department of Parking and Traffic for the utilization of a street.

- F. Prior to issuance of the final addendum to the site permit, a final plan showing the open space design shall be submitted for review, and shall be satisfactory with the

Department of City Planning. The Project Sponsor shall place an informational plaque for Project open space conforming to the requirements of Planning Code Section 138(i).

- G. Prior to issuance of the final addendum to the site permit, a final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory with the Director of the Department of Public Works.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY.

A. Public Artwork

The Project Sponsor shall install works of art in the Project costing an amount equal to 1% of the hard construction costs of 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. If the Zoning Administrator concludes that it is not feasible to install the works 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.

The Project Sponsor shall place 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.

B. Downtown Park Special Fund Fee

Prior to issuance of the first certificate of occupancy, the Project Sponsor shall pay an in-lieu of \$2.00 per gross square foot of new office space for a total of up to \$88,900, per Section 139 of the Planning Code.

C. Transit Impact Development Fee

The Project Sponsor shall pay the Transit Impact Development Fee as required by Chapter 38 of the Administrative Code in the amount of \$5.00 per gross square foot of net addition of office space or up to \$222,250 based on a net addition of up to 44,450 gross square feet of office space. 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.

D. Emergency Preparedness Plan

- (1) 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 MEA.

- (2) 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.

E. Recycling

The Project shall provide containers to collect and store recyclable solid waste and the Project Sponsor shall contract for recycling pickup.

F. Shower Facilities

The Project shall provide shower facilities and lockers in accordance with the requirements of Planning Code Section 155.3. For a new commercial building where the gross square footage of floor area exceeds 20,000 square feet but is no greater than 50,000 square feet, two showers and four clothes lockers are required.

G. Open Space

The open space areas provided pursuant to Section 138 of the Planning Code shall be available to the public prior to the issuance of the first certificate of occupancy.

**EXHIBIT B**

SAN FRANCISCO  
CITY PLANNING COMMISSION  
MOTION NO. 16115

**ADOPTING FINDINGS RELATING TO APPROVAL OF A DETERMINATION OF COMPLIANCE UNDER PLANNING CODE SECTION 309 FOR THE CONSTRUCTION OF A FIVE-STORY, 65 FOOT-TALL BUILDING CONTAINING UP TO 44,450 SQUARE FEET OF OFFICE, APPROXIMATELY 5,700 SQUARE FEET OF RETAIL, 17 PARKING SPACES AND 1,000 SQUARE FEET OF OPEN SPACE LOCATED AT 500 PINE STREET ON ASSESSOR'S BLOCK 258, LOTS 4, 5, 6, 7, 8 & 9 IN THE C-3-O (DOWNTOWN, OFFICE) DISTRICT AND A 300-S HEIGHT AND BULK DISTRICT.**

**RECITALS**

1. On May 22, 2000, Pine & Kearny Joint Venture ("Project Sponsor"), filed Application No. 2000.539E with the Planning Department for the City and County of San Francisco ("Department") for environmental evaluation of a proposal to construct a five-story, 61-foot tall, building containing approximately 45,610 square feet of office space, 11,220 square feet of ground floor retail space and one sub-surface level of parking with 39 valet-operated parking spaces (Project).
2. On November 29, 2000, the Project Sponsor filed Application No. 2000.539BCX (Application) with the Department for (1) Planning Code Section 309 for Determination of Compliance; (2) Planning Code Sections 303, 204.5 and 157 Conditional Use authorization of two off-street parking spaces in excess of the amount allowed as accessory; and (3) Planning Code Sections 320-325 (Office Development Limitation Program) for the construction of a five-story, 65-foot tall building with a total of 84,487 gross square feet including 46,000 square feet of office space, 8,000 square feet of ground floor retail space, 10,600 square feet of parking (17 independently accessible spaces or 29 operated on a tandem/valet basis), and 1,022 square feet of public open space.
3. Pursuant to the Guidelines of the State Secretary of resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), a Preliminary Negative Declaration of Environmental review was published by the Department on December 9, 2000 (Case No. 2000.539E).
4. It was determined by the Department in accordance with the provisions of CEQA, the State Guidelines for the implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that the proposed Project would not cause significant impacts such that an environmental impact report would be required, and in accordance with the above provisions, a Final Negative Declaration for the Project was adopted and issued on February 26, 2001, and is part of File No. 2000.539E.
5. On February 21, 2001, Application No. 2000.539BCX was revised to state that the building proposed for construction would contain a total of approximately 69,000 gross

square feet including up to 44,450 square feet of office space, approximately 5,722 square feet of ground floor retail space, 8,652 square feet of parking (17 independently accessible spaces or 29 operated on a tandem/valet basis) and 1,000 square feet of public open space (Project).

6. On March 15, 2001 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2000.539BCX.
7. In evaluating the Project's Application, the Commission has also reviewed and considered the Case Report, studies, letters, plans, and other materials pertaining to this Project in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

### **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 this Commission.
2. **Project Site/Present Use:** The Project site is located on the northwest corner of Pine and Kearny Streets, Lots 4, 5, 6, 7, 8 & 9 in Assessor's Block 258. The subject 13,859 square-foot lot is square shaped, with the exception of a small inset on the northern side, with approximately 108 feet of frontage on Pine Street, and approximately 137.5 feet of frontage on Kearny Street. The site is located in the C-3-O (Downtown Office) District, and is within a 300-S Height and Bulk District. The Project site is currently vacant except for two billboards that would be removed as part of the Project.
3. **Nature of Project:** The proposal is to replace the existing vacant lot with a five-story, 65-foot tall building with a total of approximately 69,000 gross square feet including up to 44,450 square feet of office space, approximately 5,700 square feet of ground floor retail space, 8,600 square feet of subsurface parking and 1,000 square feet of public open space. While 15 parking spaces may be provided as accessory without a Conditional Use pursuant to Planning Code Section 204.5, the Project proposes to provide 17 independently accessible parking spaces (29 on a tandem/valet basis). No loading spaces are required and none would be provided. It is anticipated that the loading demand would be accommodated within the five metered truck loading/unloading spaces on Kearny Street and the four metered parking spaces on Pine Street adjacent to the Project site.

On February 23, 2001 the Department issued a determination as required by Section 313 of the Code stating that that the Project would result in the net addition of up to 44,450 square feet of gross floor area office use. The Department determined that the Project site currently contains no preexisting office space, as defined in Section 320(k) of the Code. Because the proposal is to construct a building with up to 44,450 gross floor area of office use, the Project would result in a net addition of 44,450 square feet of gross floor area office use.

The 8,785 square-foot lower basement level would contain storage and mechanical equipment servicing the building. The upper basement level would contain 8,652 square feet of parking. The ground floor would contain approximately 5,700 square feet of retail space. The second through fourth floors would each contain approximately 12,700 gross square feet of office space and the fifth floor would contain approximately 5,000 gross square feet of office space. The Project would provide approximately 1,000 square feet of public open space in the form of a landscaped rooftop view terrace, located on the southwest side of the roof. The view terrace would be connected to the adjacent, existing St. Mary's Square Park. The terrace would be landscaped. Access to the view terrace would be provided through the adjacent St. Mary's Square Park. The total gross square footage of the development, including the basement and mechanical areas would be approximately 69,000 square feet.

Immediately west and north of the Project site is the St. Mary's Square Parking Garage, a City-owned facility, and St. Mary's Square Park, which is on the roof of the garage. North of the Project site is the approximately 390-foot tall International Building at 601 California Street. South of the Project site are a five-story commercial building with ground-floor retail, the rear of the Academy of Arts building, and the 375-foot tall Pacific Bell building. East of the Project site across Kearny Street is the 52-story Bank of America Building. Eating establishments predominate at the street level south of the Project site along Kearny Street between Pine and Sutter Streets. East of the Project site is the downtown Financial District, to the west and north are the residential neighborhoods of Chinatown and North Beach, and to the south is the Union Square retail area.

The Project site is well-served by public transit, with regional service provided by BART along Market Street; AC Transit, Golden Gate Transit and San Mateo County Transit District (Sam Trans) buses at the Transbay Terminal, Caltrain at its terminal located at Fourth and King Streets, and the ferry service from the Ferry Building at the foot of Market Street. Local service is provided by the San Francisco Municipal Railway (MUNI) buses (both diesel and electric trolley), light rail (MUNI Metro) lines, cable car and electric streetcar lines. MUNI operates about five bus lines within the vicinity of the Project site, including cross-town lines that serve the Transbay Terminal.

4. **Environmental Review:** The Project is included within the scope of development analyzed in the Project's Final Negative Declaration, which was adopted and issued on 2/26/2001.
5. **Compliance with Requirements of Section 309:** Due to its location in a C-3-O District, the Project is subject to the requirements of Section 309 of the Planning Code, which requires determinations of compliance with and allows for exceptions to the Planning Code. The Commission determines that the Project meets all compliance requirements for approval under Section 309 of the Code. The Project is required by the Code to meet the following requirements:

**Open Space (Section 138):** Section 138 requires a project to provide open space in a specified amount and in accordance with specific standards.

With a gross floor area of 45,150 square feet (44,450 square feet of office plus 700 square feet of non-accessory parking), the Project would be required to provide at least 900 square feet of publicly accessible open space. The Project would include 1,000 square feet of public open space in the form of a rooftop view terrace, located on the southwest side of the roof. The terrace would be connected to the adjacent, existing St. Mary's Square Park. The terrace would offer views to the east and south over the lower-scale buildings along Belden Alley and towards the downtown core of the Financial District. The terrace would be landscaped with a variety of planting beds, planters and trees, and would contain seating along the two main sides of the space. One seat is required for every 25 square feet of area, thus a minimum of 40 seats would be provided. Public access to the roof terrace would be provided through the adjacent St. Mary's Square Park. New restrooms available to the public would be located immediately adjacent to the terrace in St. Mary's Square Park. The terrace would be designed so as to maximize access to sunlight, provide protection from wind, if any, and enhance user safety. The view terrace would be open to the public at a minimum from sunrise to sunset, Monday through Sunday.

The Downtown Plan Guidelines for Public Open Space suggest that food service be provided on or adjacent to a view and/or sun terrace. Due to the small size of the terrace and the small number of employees in the building (approximately 200), a rooftop food service would not be viable. In addition, there are numerous types of food service available in the immediate vicinity of the Project site.

The Commission hereby finds that the Project is public open space would be a desirable addition to the City's open space. It would be accessible, well-designed and comfortable, providing a variety of experiences, and fulfilling all requirements of the Downtown Plan and Planning Code Section 138.

**Pedestrian Streetscape Improvements (Section 138.1):** Section 138.1(b) requires a new building in a C-3 District to install street trees and sidewalk paving as set forth in the Downtown Streetscape Plan. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it find that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project would comply with Code Section 138.1 by providing sidewalk paving along Pine and Kearny Streets in the standard 3' x 3' grid. The project would install street trees along the Pine and Kearny Street frontages as required by the Code. The Draft Motion for Case No. 2000.539X includes a Condition of Approval which requires that prior to issuance of the final addendum to the site permit "[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 the Director of the Department of Public Works." As so conditioned, the Commission finds the Project complies with the requirements of Section 138.1.

6. The Commission finds the Project does not require exceptions pursuant to Section 309(a) of the Planning Code.

7. **Sunlight Access to Public Sidewalks in C-3 Districts (Section 146)**: Section 146(c) provides that new buildings in C-3 Districts shall be shaped so as to reduce substantial shadow impacts on public sidewalks, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question.

The Project would cast a shadow on a small portion of the Kearny Street sidewalk in March and December at noon and would cast a shadow on portions of the sidewalk and street in June at 3 p.m. The Project would also cast a shadow on a small portion of Kearny Street in March at 3 p.m. The Project is designed to meet the standards set forth in Section 146 in that any new shadows would not be substantial, and could not be further reduced without unduly restricting the development potential of the Project site. The Commission finds the Project meets the standards set forth in Section 146.

8. **Shadows on Certainly Public or Publicly Accessible Open Spaces in C-3 Districts (Section 147)**: Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

The Project would cast a shadow on a small portion of the Bank of America Plaza in March at 3 p.m. A shadow envelope analysis conducted by CADP Associates (available for review in the 2000.539E project file) shows that the proposed Project would not cast any new shadow on the adjacent St. Mary's Square Park, given the existing shadows cast by nearby structures. The Project is designed to meet the standards set forth in Section 147 in that any new shadows would not be substantial, and could not be further reduced without unduly restricting the development potential of the Project site. The Commission finds the Project meets the standards set forth in Section 147.

9. **Reduction of Ground-Level Wind Currents (Section 148)**: Section 148 requires new buildings and additions to existing buildings to be shaped so that the developments do not cause ground-level wind currents to exceed pedestrian comfort levels.

The Final Negative Declaration for the Project (File No. 2000.539E) states that the proposed building would not cause significant changes to the wind environment in pedestrian areas adjacent to or near the site. The Project would fill in a partially excavated site and would be constructed to approximately the same elevation as the existing St. Mary's Square Park and St. Mary's Square Garage to the west, and would be substantially shorter than the existing office tower north of the Project site. Since prevailing winds are generally from the north and northwest during most times of the year, the Project would not be expected to cause wind acceleration at the ground level.

10. **Type and Location of Artwork (Section 149)**: Section 149 requires the Project to include works of art costing an amount equal to one percent of the construction cost of the building. The type and location of the artwork, but not the artistic merits of the specific artwork proposed, must be approved by the Commission in accordance with the provisions of Section 309.

The Project would provide public art at a cost of one percent (1%) of the cost of construction. The Project's construction cost is currently estimated to be \$10,200,000,

which results in an art requirement of \$102,000. The current proposal is for a sculpture to be located within the view terrace on the roof of the building. The artist would be appropriately identified.

Draft Motion 2000.539X includes a Condition of Approval which requires the Project Sponsor to consult with the Department during design development regarding the height, size, type and location of the sculpture. 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. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept no later than 6 months after the date of this approval. As so conditioned, the Commission approves the type and location of the artwork proposed to be included in the Project as described above.

9. **Section 101.1 Priority Policy Findings**

Section 101.1 of the Planning Code requires consistency with the eight priority policies listed therein. 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 have no adverse effect on the existing neighborhood retail uses. The Project would add additional retail space to the area. Further, the Project would create approximately 200 new jobs and provide new public open space, which would bring additional daytime patrons to the existing and new area restaurants and shops.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would not affect existing housing. No current industrial or residential uses would be displaced by the Project. The Project area already has numerous office buildings along with a mixture of office and retail uses. The Project would serve to protect and preserve the neighborhood character by a high-quality office building with ground floor retail and public open space in place of the existing vacant lot.

- C. That the City's supply of affordable housing to be preserved and enhanced.

No housing exists on the site, so the Project would not adversely affect the City's supply of affordable housing. As an office Project, the Project would contribute to the City's affordable housing stock pursuant to Section 313 of the Planning Code.

- D. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

As a relatively small office development Project, the Project would not generate commuter traffic that would impede Muni transit service or overburden streets or neighborhood parking. The Project is located on and near several major transit lines and hubs. A ½ mile radius from the Project site encompasses Market Street MUNI Bus

Lines, MUNI Metro Lines and BART Lines. The Project would provide 6 bicycle parking spaces, 2 showers and 4 clothes lockers, as required by Code, to encourage pedestrian and bicycle usage. The Project would have not significant impacts on transit, traffic, pedestrian movements or freight loading. The construction of a parking facility as part of the Project would offset additional parking demand.

- 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.

No current industrial use would be displaced by the Project. The Project site is surrounded by a mixture of retail, and office development. The Project retail and office space would offer local businesses opportunity for expansion and would provide office space for traditional financial district office space users as well as multimedia and high tech businesses. The Project would provide approximately 96,000 man hours of construction work (i.e. approximately 12,000 man days of construction work or approximately 308 work days with 39 workers per day). The Project would create approximately 184 office jobs, approximately 25 retail jobs and approximately 12 security/valet/maintenance jobs.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would be constructed to the seismic standards of the current building code.

- G. That landmarks and historic buildings be preserved.

The Project Site is currently vacant and does not contain any landmarks or buildings with any historical significance. As a result, the Project would have no impact on a landmark or historically significant structure.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not cast shadow on our parks or open space. The Project design calls for a publicly accessible terrace at roof level connected to the existing St. Mary's Square Park that would increase open space in the block.

11. Consistency with the General Plan

The Project is, on balance, consistent with and would not adversely affect the General Plan. The Project would affirmatively promote numerous General Plan objectives and policies including, among others, the following:

DOWNTOWN PLAN:

The Downtown Area Plan of the General Plan contains the following relevant objectives and policies:

## URBAN FORM

Objective 14: Create and maintain a comfortable pedestrian environment.

Policy 1: Promote building forms that will maximize the sun access to open spaces and other public areas.

Policy 2: Promote building forms that will minimize the creation of surface winds near the base of buildings.

Objective 15: To create a building form that is visually interesting and harmonizes with surrounding buildings.

Policy 1: Ensure that new facades relate harmoniously with nearby facade patterns.

Policy 2: Assure that new buildings contribute to the visual unity of the city.

Objective 16: Create and maintain attractive, interesting urban streetscapes.

Policy 1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 3: Maintain and enhance the traditional downtown street pattern of projecting cornices on smaller buildings and projecting belt courses on taller buildings.

Policy 4: Use designs and materials and include activities at the ground floor to create pedestrian interest.

Policy 5: Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

*The Project's design relates to existing city pattern and character and maximizes the sun access to the public open space area. The design responds to the visual importance of the corner site with the glass drum and pergola, which acts as the central compositional element. The simplicity of the street facades frame the rotunda and relate strongly to the Kearny and Pine streetscape. The natural, light-colored facade materials along with the complimentary metal work further enhance the composition. The arched openings and rougher finish add visual interest to the base, and the ground floor retail uses add to the pedestrian experience for the passerby.*

## SPACE FOR COMMERCE

Objective 1: Manage economic growth and change to ensure enhancement of the total city living and working environment.

- Policy 1: Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.
- Objective 2: Maintain and improve San Francisco's position as a prime location for financial, administrative, corporate, and professional activity.
- Policy 1: Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.
- Policy 2: Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.
- Objective 5: Retain a diverse base of support commercial activities within the downtown and in adjacent areas.
- Policy 1: Provide space for support commercial activities within the downtown and in adjacent areas.
- Objective 6: Within acceptable levels of density, provide space for future office, retail, hotel, service and related uses in downtown San Francisco.

*As discussed above, the Project would add approximately 44,450 square feet of much needed office space to the Financial District area without overburdening transit or displacing housing.*

*By creating desirable office space within the Financial District the Project would permit the orderly expansion of the Downtown while maintaining a compact downtown office district.*

*The Project would provide approximately 1,000 square feet of desirable public open space available to daytime workers and pedestrians.*

#### OPEN SPACE

- Objective 9: Provide quality open space in sufficient quantity and variety to meet the needs of downtown workers, residents, and visitors.
- Policy 1: Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.
- Policy 2: Provide different kinds of open space downtown.
- Policy 4: Provide a variety of seating arrangements in open spaces throughout downtown.
- Objective 10: Assure that open spaces are accessible and usable.

- Policy 1: Develop an open space system that gives every person living and working downtown access to a sizable sunlit open space within convenient walking distance.
- Policy 3: Keep open space facilities available to the public.
- Policy 4: Provide open space that is clearly visible and easily reached from the street or pedestrian way.
- Policy 5: Address the need for human comfort in the design of open space by minimizing wind and maximizing sunshine.

*The Project would provide approximately 1,000 square feet of public open space in the form of a rooftop view terrace, located on the southwest side of the roof. The view terrace would be connected to the adjacent St. Mary's Square Park. The terrace would be landscaped, and would contain seating along the two main sides of the space. Access to the roof terrace would be provided through the adjacent St. Mary's Square Park. New restrooms available to the public would be located immediately adjacent to the terrace in St. Mary's Square Park. The terrace has been designed so as to maximize access to sunlight, provide protection from uncomfortable wind and enhance user safety. The view terrace would be open to the public at a minimum from sunrise to sunset, Monday through Sunday.*

The Commerce and Industry Element of the General Plan contains the following relevant objectives and policies:

- Objective 1: Manage economic growth and change to ensure enhancement of the total city living and working environment.
- Policy 1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.
- Objective 2: Maintain and enhance a sound and diverse economic base and fiscal structure for the city.
- Policy 1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

*The Project's addition of approximately 44,450 gross square feet of office space in the Financial District area would help meet the demand for additional space without overburdening transit or displacing housing.*

The Urban Design Element of the General Plan contains the following relevant objectives and policies:

City Pattern

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

Major New Development:

Objective 3: Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.

Policy 1: Promote harmony in visual relationships and transitions between new and older buildings.

Policy 2: Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 5: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project's height, scale and visual characteristics harmonize with and emphasize characteristic elements of the surrounding neighborhood, while promoting high quality design appropriate for the site.*

12. **Modification Required By the Commission:** Section 309(b) of the Planning Code provides that the Commission may impose additional requirements and limitations in order to achieve the objectives and policies of the General Plan. The Commission does not impose any modifications on the Project.
13. Each and every finding contained in Motion No.16113 granting approvals for the Project under Section 322 of the Code and Motion No. 16114 granting approvals for the Project under Section 303 of the Code are hereby incorporated by reference as though fully set forth herein.
14. The Commission finds that granting the Project Authorization in this case would particularly promote the public welfare, convenience and necessity for the reasons set forth above.

**DECISION**

Therefore, the Commission, after carefully balancing the competing public and private interests, and after considering the criteria of Planning Code Section 309, hereby grants Project Authorization for a 5-story, 65-foot tall building containing approximately 69,000 gross square feet of retail, office, parking, public open space and mechanical areas at 500 Pine Street, subject to the conditions attached hereto as Exhibit A, which is incorporated herein by this reference.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on March 15, 2001.

Linda Avery

Commission Secretary

AYES: Commissioners Theoharis, Fay, Baltimore, Joe, Salinas

NOES: None

ABSENT: Commissioner Chinchilla

ADOPTED: March 15, 2001

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

Wherever "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.

This approval is for the construction of a five-story, 65-foot tall building with a total of approximately 69,000 gross square feet including up to 44,450 gross square feet of office space (of which all 44,450 square feet is net new office space), approximately 5,700 square feet of ground floor retail space, 8,600 square feet of parking space and 1,000 square feet of public open space, with an FAR of approximately 3.6:1 in general conformance with the plans dated 03/06/01 and stamped Exhibit B.

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 Section 322, and satisfy all the conditions thereof, including mitigation measures addressing environmental impacts. 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. **Mitigation Measures**

The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures set forth in the final Negative Declaration for Application No. 2000.539E, which was adopted and issued on February 26, 2001 as follows:

(1) **Construction Air Quality**

The Project Sponsor will require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the Project Sponsor will require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsor will require the Project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a

prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

(2) Archaeological Resources

Should evidence of archaeological resources of potential significance be found during ground disturbance, the Project Sponsor would immediately notify the Environmental Review Officer (ERO) and would suspend any excavation which the ERO determined could damage such archaeological resources. The Excavation or construction activities which might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the Project Sponsor would select an archeologist to assist the Planning Department in determining the significance of the find. The archeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the Project Sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archeologist, and/or documentation, preservations, and recovery of cultural materials. Finally, the archeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report(s) would be sent by the archeologist directly to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. Three copies of the final archaeology report(s) shall be submitted to the Planning Department, accompanied by copies of the transmittals documenting its distribution to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation

Prior to the issuance of any new or amended building permit 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 the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator 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.

E. Performance

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 permits(s). Pursuant to Planning Code Section 321(d)(2), construction of an office development shall commence within 18 months of the date the Project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the office development.

F. Advertising

No general advertising sign shall be permitted at any time, anywhere on the Project site or on any structure on the Project site.

G. Open Space

- (1) If, at any time in the future, the Recreation and Park Department should decide to prohibit access to the Project open space through St. Mary's Square Park, the Project Sponsor shall provide public access to the open space in some other manner or shall provide alternate open space pursuant to Planning Code Section 138.
- (2) The Project open space shall be available to the public from sunrise to sunset, Monday through Sunday.

- (3) The conditions of approval contained in the Motion for Case No. 2000.539X regarding the Project open space may be reconsidered if the open space is proposed to be significantly expanded or modified. Any such reconsideration of the conditions of approval regarding the Project open space shall not affect the Project's approval under this Motion or any certificate of occupancy.

H. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in the Planning Code.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT OR FINAL ADDENDUM TO A BUILDING (OR SITE) PERMIT.

A. Design

- (1) The Project Sponsor and the Project architect shall continue to work on design development with the Department. Particular attention shall be paid to the round corner tower element, the 3<sup>rd</sup> floor balconies and the building's belt course and cornice treatment.
- (2) The Project Sponsor shall develop a signage and storefront program for the ground floor retail uses and submit it for staff approval before submitting any building permits for construction of the Project. All subsequent sign or storefront permits shall conform to the approved signage program.
- (3) Space shall be included for antennae in the building's design to avoid unattractive appendages.
- (4) 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. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.
- (5) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. In no case shall visible daylight transmittance be less than 75 percent. Only clear glass shall be used at pedestrian levels.
- (6) Except as otherwise provided in this Motion, the Project shall be completed in general accordance with the plans identified as Exhibit B and submitted to the Commission on March 15, 2001.

B. Open Space

- (1) The Project shall include the on-site rooftop view terrace open space described generally in this Motion.
- (2) Plans for the connection between the Project open space and St. Mary's Square Park shall be subject to the review and approval of the General Manager of the Recreation and Park Department. Any construction required by the Project open

space (such as a ramp or stairs) on Park property shall be subject to review and approval of a revocable permit from the Recreation and Park Commission.

- (3) The Project Sponsor shall provide for the maintenance, insurance and security for the Project open space. The Recreation and Park Department shall not at any time have any obligations related to the Project open space.
- (4) The final open space design, including materials and their treatment, furniture, and planting plan including species shall be submitted for review by, and shall be satisfactory to the Director of the (Planning) Department. The open space flooring shall be of a material which provides a non-slipping surface when wet.

C. Pedestrian Streetscape Improvements

- (1) The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Section 138.1.
- (2) 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 the Director of the Department of Public Works.

D. Artwork

The Project Sponsor and the Project artist shall consult with the Department during design development regarding the height, size, type and location of the sculpture. 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. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept no later than 6 months after the date of this approval.

The proposed artwork shall meet the requirements of Section 149 of the Code and the *Fine Art Guidelines*, and shall be appropriately lit.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY.

A. Open Space

- (1) The Project Sponsor shall complete the required on-site rooftop view terrace open space.
- (2) The Project Sponsor shall install in the Project open space and shall thereafter maintain a map or diagram which shows the connection between the space and the downtown pedestrian network in the general vicinity of the Project. The materials, content and location of the map or diagram shall be submitted to the Director for approval prior to installation.
- (3) Pursuant to Section 138(h) of the Code, plaques identifying the publicly accessible rooftop view terrace open space, the right of the public use, the hours

of availability to the public and the name and address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on the corner of Pine and Kearny Street and adjacent to the rooftop terrace.

- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

B. Pedestrian Streetscape Improvements

The Project Sponsor shall complete the required pedestrian streetscape improvements. The Project Sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

**EXHIBIT C**



7/12/2016

#RememberComfortWomen

Mr. Tom DeCaigny  
Director of Cultural Affairs  
SF Arts Commission

**Dear Mr. DeCaigny,**

We would like to give to the City of San Francisco a gift of a new piece of public art, a memorial dedicated to the "Comfort Women" at St. Mary's Square Extension, located at 500 Pine Street, San Francisco, CA. Your consideration to accept the gift will be much appreciated.

The Developer, 500 PINE STREET COMPANY, LLC, has granted the COMFORT WOMEN JUSTICE COALITION (CWJC) an Installation Area in the dimension of four feet (4') wide, nine feet (9') long, and ten feet (10') high in the SW corner of the Extension site and assistance with the installation of the new piece of art. Please see attached Agreement.

CWJC will host an international Call for Artists as per the best practices and recommendation of the Visual Art Committee of the Arts Commission. Please find included with this note, a plan and photograph detailing the location of the site. Careful thought has been given to its situation within both the public space of the Extension and in relation to the new sculpture to be located in the SE corner of the site. Additionally, you will find enclosed the Resolution for the CWM adopted unanimously by the SF Board of Supervisors, Mayor's letter of support, Support letters from Assemblymen David Chu and Phil Ting, Petition of Support signed by Supervisors Aaron Peskin, Eric Marr, Jane Kim, Katy Tang, and Malia Cohen, as well as Senator Mark Leno.

We seek your guidance and approval to accept this gift. Thank you in advance for your thoughtful consideration.

-----  
Lillian Sing

-----  
Julie Tang

Co-chairs, "Comfort Women" Justice Coalition (CWJC)



4/26/2016

#RememberComfortWomen

Dear Mr. Zhu,

We are writing regarding the opportunity to partner with Gemdale in the installation of a new Memorial to the "Comfort Women" within Saint Mary's Extension.

This is an auspicious opportunity to endear the gift of the Saint Mary's Square Extension Area to the public realm and citizens of San Francisco with great meaning. The commitment to build this memorial has already unanimously passed as a resolution with the Board of Supervisors in 2015. Further, our group, the Comfort Women Justice Coalition, has the support of Chinatown-based leaders and partners across the City, as well as the backing of International Human Rights organizations in Japan, Korea, China and around the world. We have fundraised a substantial amount to fund the artist and sculpture. We would greatly appreciate your support and endorsement of the installation and maintenance of Comfort Women Memorial San Francisco at Saint Mary's Square.

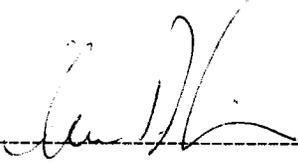
We look forward to partnering with you on this monumental and historical endeavor. Many thanks for your thoughtful consideration,

-----  
Judge Lillian Sing, ret

-----  
Judge Julie Tang, ret

110 Aloha Avenue, San Francisco, CA 94112

[www.RememberComfortWomen.org](http://www.RememberComfortWomen.org)



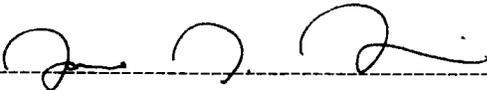
Supervisor Aaron Peskin



Senator Mark Leno



Supervisor Eric Mar



Supervisor Jane Kim



Supervisor Katy Tang



Supervisor Malia Cohen

*Mark Leno*

Senator Mark Leno

*David Chiu*

Assemblymember David Chiu

*Kansen Chu* KANSEN CHU AD25

Assemblymember Kansen Chu

*Phil Ting* AD19

Assemblymember Phil Ting

# "COMFORT WOMEN" MEMORIAL, SAN FRANCISCO: SITE CONTEXT

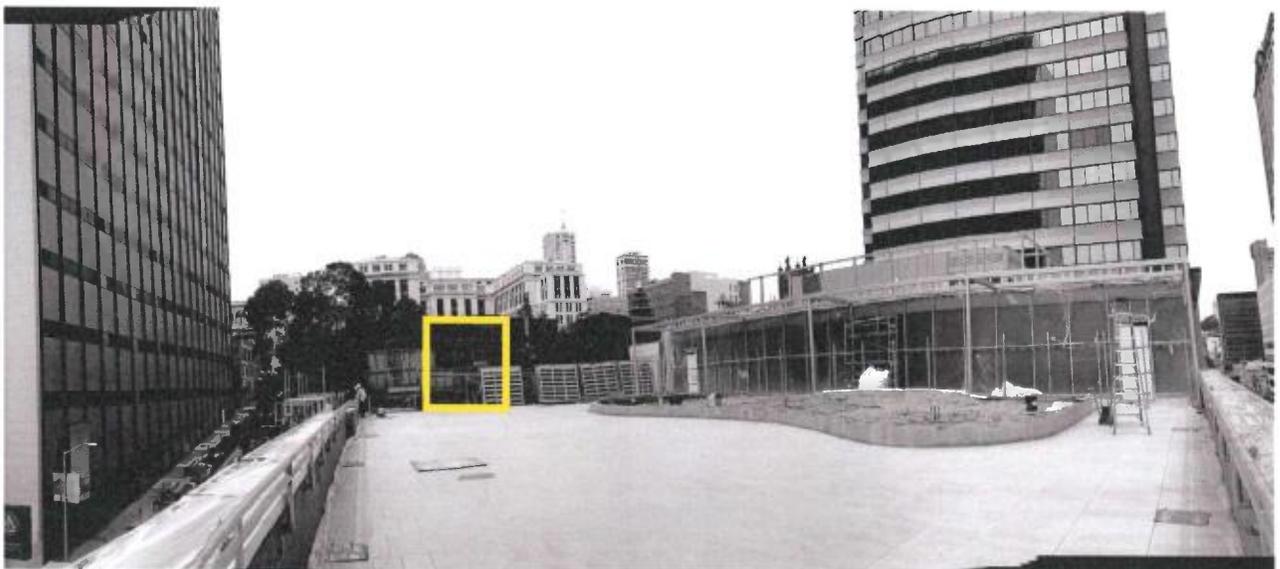


ST MARY'S SQUARE EXTENSION  
SAN FRANCISCO, CALIFORNIA

OVERALL SITE PLAN

500 PINE ST COMPANY LLC  
July 16, 2015

## "COMFORT WOMEN" MEMORIAL SF SITE: ST. MARY'S SQUARE



"COMFORT WOMEN" MEMORIAL SF SITE: WEST ELEVATION

**EXHIBIT D**

**Office of the Mayor**  
City & County of San Francisco



**Edwin M. Lee**

Jason Zhu, Chairman and CEO  
Gemdale  
301 N Lake Avenue, Suite 300  
Pasadena, CA 91101

John Herr, Executive Vice President  
Lincoln Property Company  
55 Francisco Street, 8<sup>th</sup> Floor  
San Francisco, CA 94133

April 29, 2016

Dear Mr. Zhu & Mr. Herr,

Thank you for incorporating the Comfort Women Memorial into the St. Mary's Extension on the rooftop of 500 Pine Street in San Francisco Chinatown.

As the first Asian American Mayor of San Francisco, I fully support the recognition that comfort women were wrongfully exploited in Asia during World War II. Many comfort women are no longer with us, but hundreds across Asia are still survivors. This memorial will be a reminder of the need to increase awareness of modern day human trafficking, and San Francisco is leading in this effort to address this global issue that denigrates women and girls. San Francisco is an international City that promotes human rights for everyone.

Again thank you for being a part of this important effort. I look forward to a ribbon cutting ceremony for St. Mary's Extension.

Sincerely,

  
Edwin M. Lee  
Mayor

**EXHIBIT E**

# ARS CITIZEN

By email only

September 17, 2016

To: Daniel Frattin, Partner  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
[dfrattin@reubenlaw.com](mailto:dfrattin@reubenlaw.com)

Dear Mr. Frattin:

We hereby withdraw from the St Mary's Square Public Art Project we won last May 2016 with Sarah Sze's proposal *Book of Rocks*.

*Book of Rocks* was specifically conceived for installation at St. Mary's Square Extension, a site owned by 500 Pine St. Company that will be conveyed to the City of San Francisco upon final completion. Our proposal went through a competition that was part of a public process organized by the Chinese Culture Center (CCC) of San Francisco, with the assistance of a qualified Committee.

On June 15 Sarah Sze received a formal letter confirming her selection as the winning artist, and *Book of Rocks* was planned to be completed in Spring 2017.

As we were on schedule working with the developer's representatives to enter into contract and execute the work, we were unfortunately surprised to be notified about significant new changes to the original conditions: another art project was planned to be installed in the same area, impacting the development of Sarah's project as it was proposed and selected.

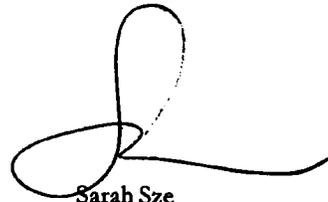
Having negotiated to protect the integrity of Sarah Sze's project and waited patiently, we were unable to restate the original conditions.

Since the original conditions were not met, therefore we regretfully withdraw from the commission.

Regards,



Evelyne Jouanno  
Founding Director & Curator  
Ars Citizen



Sarah Sze  
Artist

--

cc to Sarah Sze, Joell Baxter, Abby Chen, Jenny  
Leung, Susan Pontious

**EXHIBIT F**

# San Francisco Arts Commission

## Visual Arts Committee - November 16, 2016 - Minutes

**Meeting Date:**

November 16, 2016 - 3:00pm

**Location:**

401 Van Ness Avenue  
Room 125  
San Francisco, CA 94102  
United States

**SAN FRANCISCO ARTS COMMISSION**

**VISUAL ARTS COMMITTEE**

**Wednesday, November 16, 2016**

**3 p.m.**

**401 Van Ness Avenue, Room 125**

**San Francisco, CA 94102**

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**Minutes**

**Visual Arts Committee Members:**

JD Beltran  
Gregory Chew  
Dorka Keehn, Chair  
Jessica Silverman  
Barbara Sklar

**1. Call to Order, Roll Call, and Agenda Changes**

**Commissioners Present:**

Commissioner Chew  
Commissioner Keehn, Chair  
Commissioner Silverman  
Commissioner Sklar

**Commissioners Absent:**

President Beltran

The meeting commenced at 3:04 p.m.

Commissioner Keehn announced that Item #6 was tabled. Item #10 and Item #9 were moved to follow Item #4 before continuing with Item #5.

Commissioner Keehn called for public comment. There was no public comment.

## 2. Public Comment

### Discussion

Commissioner Keehn called for public comment. There was no public comment.

## 3. Consent Calendar

### Action

1. Motion to approve the untitled mural designs, by artist Aileen Barr, for Tunnel Top Park. The mosaic murals will be installed along both the North seating wall (15 in. by 44 ft.) and the South seating wall (15 in. by 66 ft.), located within Tunnel Top Park at 1100 Pennsylvania Avenue. The project is funded with a Community Challenge Grant and is sponsored by the Tunnel Top Steering Committee; the mosaic murals will not become part of the Civic Art Collection.
2. Motion to approve the mural design based on an artwork, *S. P. Tunnels*, 1935 by Charles Surendorf. The artwork will be reproduced by the artists Eli Lippert and Monica Magtoto, with approval from the Surendorf Foundation. The painted mural will measure approximately 8 ft. by 11 ft. along the South side wall, located within Tunnel Top Park at 1100 Pennsylvania Avenue. The project is funded with a Community Challenge Grant and is sponsored by the Tunnel Top Steering Committee; the painted mural will not become part of the Civic Art Collection.
3. Motion to approve the completed installation of the artwork entitled *Shadow Kingdom*, 2015, by Adriane Colburn at Daggett Park on 16th Street between Hubbell and 7th streets.

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve consent calendar items.

**Moved:** Chew/Silverman

**The motion was unanimously approved**

## 4. Newsom Bust

### Action

*Jim Abrams, ArtCare Board Member*

**Commissioner Keehn recused herself as a board member of ArtCare. Commissioner Sklar chaired Item #4.**

ArtCare Board Member Jim Abrams presented the design of a bust of Gavin Newsom by artist Bruce Wolfe. The bronze bust will be installed on the Mayor's Balcony at City Hall, next to three currently installed busts. Mr. Abrams reported the \$91,000 slated for the project will be for creating the artwork and fund its maintenance.

Commissioner Sklar called for public comment. There was no public comment.

**Motion:** Motion to approve the design of a bust of former mayor Gavin Newsom, a proposed gift to the City by ArtCare, a non-profit organization.

**Moved:** Silverman/Chew

**The motion was approved by:** Sklar/Silverman/Chew

**Originally Item #10, moved to Item #5.**

## 5. Civic Center Plaza

*Jill Manton*

### Action

**Commissioner Chew recused himself for Item #5 because the Asian Art Museum is one of his clients.**

Director of Public Art Trust and Special Initiatives Jill Manton introduced a project by artist Freeman Lau of Hong Kong. The project consists of bamboo lanterns covered with colored exterior of waterproof cloth featuring medallions with names of historic Chinese families. The project will be installed at Civic Center January 17 through March 10, 2017 and will occur simultaneously with Chinese New Year. The lanterns will be placed throughout the central decompressed granite area of the plaza from Polk to Larkin streets sides of Civic Center. The lanterns will vary in theme and scale. The lanterns will come partially fabricated and artisans from Hong Kong will weave the baskets in public as part of a public program.

Commissioner Keehn asked if it will require security, especially at night. Ms. Manton answered that yes, security is built into the budget and will provide what is necessary for the safety of the artwork. She also mentioned that the artwork is not climbable. This public program is sponsored entirely with private funds.

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve temporary sculpture exhibition in Civic Center Plaza in collaboration with the Asian Art Museum featuring work by artist Freeman Lau for a period from January 17th – March 10, 2017 at no cost to the City with all funds provided by the Hong Kong Economic and Trade Office, pending approval from the Recreation and Park Commission.

**Moved:** Sklar/Silverman

**The motion was approved by:** Sklar/Silverman/Keehn

**Originally Item #9, moved to Item #6.**

## 6. Transbay Transit Center

*Jill Manton*

*Action*

Ms. Manton presented the contract with KiboWorks for the final design, fabrication, transportation and mounting of the Jenny Holzer artwork at the Transbay Transit Center. In July, the Commission voted to modify the Intergovernmental Agreement with the Transbay Joint Powers Authority to authorize the Commission to manage the fabrication contract for the Jenny Holzer LED art project at the Transbay Transit Center. In September, the Transbay Joint Powers Authority approved the contact with Jenny Holzer for her services relative to the final design, provision of text and supervision of fabrication and installation. That contract specifically named KiboWorks as the fabricator approved by the Holzer Studio. The contract states the total amount not to exceed \$725,000.

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve the contract with KiboWorks for the final design, fabrication, transportation and mounting of the Jenny Holzer artwork at the Transbay Transit Center for a total amount not to exceed \$725,000.

**Moved:** Silverman/Sklar

**The motion was unanimously approved**

**Originally Item #5, moved to Item #7.**

## 7. Moscone Expansion, Howard Street

*Marcus Davies*

*Action*

Project Manager Marcus Davies supported a conference call with Artist Christine Corday as she presented her design revisions for a large-scale sculpture at Moscone Center to Commissioners. The design revisions focus on the cuts in the artwork, a request from the Commissioners at a previous Committee Meeting. The new design will render both of the cut ends with textures so it would deter skateboard use.

Commissioner Chew asked what the space between the arc is and Ms. Corday responded that it is accessible according to the Americans with Disabilities Act ("ADA") at 53 inches.

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve the Design Development Deliverables by Christine Corday for the Moscone Expansion Howard Street Project.

**Moved:** Silverman/Sklar

**The motion was unanimously approved**

**THE FOLLOWING ITEM WAS TABLED**

**8. Zuckerman San Francisco General Hospital**

*Zoe Taleporos*

*Action*

Presentation of the selected artist and proposal for the Zuckerman San Francisco General Hospital Pediatric Mural and Exam Room Project as recommended by the selection panel.

**Motion:** Motion to approve the selected artist [to be announced at meeting] and proposal for the Zuckerman San Francisco General Hospital Pediatric Mural and Exam Room Project as recommended by the selection panel.

**Motion:** Motion to authorize the Director of Cultural Affairs to enter into contract with artist [to be announced at meeting] for an amount not to exceed \$30,000 for design, fabrication, transportation and installation consultation of the Zuckerman San Francisco General Hospital Pediatric Mural and Exam Room Project.

**9. Southeast Wastewater Treatment Plant Headworks Building**

*Mary Chou*

*Action*

Project Manager Mary Chou presented Norie Sato as the selected finalist for the Southeast Wastewater Treatment Plant Headworks Building. Ms. Chou reported that the panel interviewed five artists: Norie Sato, Mildred Howard, Christian Moeller, Ron Moultrie Saunders, and Catherine Widgery. The project will have a budget up to \$1,000,000. Ms. Chou stated the panel liked how Ms. Sato integrates designs and imagery into walls, creating layers of meaning and different experiences for viewers, and her engagement with the community in the development of her work.

As a member of the selection panel, Commissioner Keehn mentioned Ms. Sato's ability to work with diverse elements and materials, as well as engage with the local community.

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve the selected artist Norie Sato for the Southeast Wastewater Treatment Plant Headworks Building as recommended by the selection panel.

**Moved:** Chew/Silverman

**The motion was unanimously approved**

**Motion:** Motion to authorize the Director of Cultural Affairs to enter into contract with Nori Sato for design and construction documents of an artwork for the Southeast Wastewater Treatment Plant Headworks Building in an amount not to exceed \$90,000.

**Moved:** Sklar/Silverman

**The motion was unanimously approved**

**10. San Francisco International Airport**

*Susan Pontious*

*Action*

Civic Art Collection and Public Art Program Director Susan Pontious presented the project outline and proposed method for two-dimensional art and sculpture for San Francisco International Airport. Ms. Pontious presented the background of the project and how the existing collection at the Airport and how it has developed over time. She described the various art opportunities to add to the Airport's collection of discrete works of two-dimensional and sculptural works. Ms. Pontious recommended that under this program, works selected should complement or strengthen specific areas of the collection, and/or represent new trends and artists contributing to the ongoing narrative of Bay Area art. While the backbone of the SFO collection should continue to be made up of Bay Area artists, it should continue to also represent artists from greater California and the nation so that local artists are seen in context of a broader artistic dialogue.

Ms. Pontious proposed to go forth with this project by taking a very conscious and curatorial approach, looking for very specific work. She recommends asking curators representing different museums and demographics in the Bay Area to review the collection and make recommendations moving forward to the display and growth of the collection. Each curator will be paid an honorarium of \$1,500. Suggested curators are:

Lawrence Rinder, Director of the Berkeley Art Museum;  
Lizzetta La Falle Collins, Independent Curator;  
Renee de Guzman, curator, Oakland Museum of Art;  
Renny Pritikin, Chief curator, Jewish Museum of Art;  
Janet Bishop, Chief Curator, San Francisco Museum of Art; and  
Amy LeDuc, Independent Curator

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve the project outline and proposed method of selection for discrete works of two-dimensional art and sculpture for San Francisco International Airport.

**Moved:** Silverman/Chew

**The motion was unanimously approved**

#### 11. St. Mary's Square Extension Art Projects

*Susan Pontious*

*Action*

Ms. Pontious presented the art projects for St. Mary's Square Extension. Commissioner Keehn pointed out that discussion was not about the artists or the aesthetics of the artworks but the discussion of the site location for two sculptures. Ms. Pontious stated that there are two sculptures that are on private property that will be transferred to the Civic Art Collection. The two artworks come from different sponsors. The first artwork is funded by 500 Pine Street Development Company as a result of the 1% for art coming from private development. The developer contracted with the Chinese Culture Center ("CCC") to select and implement the artwork using a panel system to select three finalists. The first artist selected was Sarah Sze, who withdrew from the project after the site conditions for the project changed. The CCC decided to offer the project to the second finalist Shin Gray Studio.

A second artwork, a memorial to the World War II Comfort Women is sponsored by the Comfort Women Justice Coalition ("CWJC"). The artist for this project has not been selected yet, but Mayor Ed Lee has given permission to site the work at St. Mary's Square.

Ms. Pontious asked the Committee to confirm that 1.) Two artworks may exist concurrently in the plaza, and 2.) To approve the conceptual proposal of an artwork titled, *Human Being-Being Human* by Shin Gray Studio. Ms. Pontious stated that Shin Gray Studio have confirmed that they will address the concerns regarding the size of the sculpture and compliance with Americans with Disabilities Act ("ADA").

Commissioner Keehn asked about the aesthetics of *Human Being-Being Human* by Shin Gray Studio since it will be accessioned into the Civic Art Collection. Ms. Pontious stated that it is within the purview of the San Francisco Arts Commission to approve or not approve the design.

Commissioner Sklar also added that the design of the artwork may need further development.

Commissioner Silverman agreed that the artwork design needs further review and suggested that the artists reconsider the choice of words included in the artwork.

Jenny Leung from the CCC stated that the artwork by Shin Gray Studio is intended to represent community and brotherhood, and welcome people to St. Mary's Square. She mentioned the artists have approved design changes for the dimensions to be resized. She also mentioned that the words on the figures come from wishes that people leave at temples, therefore connecting the history of the site to the artwork.

Daniel Frattin, the attorney for 500 Pine Street Development Company presented the proposal from the third finalist as a potential option for the project. The Commissioners preferred to move forward with the proposal from Shin Gray Studio.

Commissioner Keehn recommended that the CCC work with Shin Gray Studio to revise their current design or create a new proposal.

Commissioner Keehn called for public comment.

**Motion:** Motion to approve St. Mary's Square Extension Plaza as the site location for two sculptures proposed as gifts to the city, 1) a sculpture from 500 Pine St. Co., LLC, in satisfaction of Section 429 of the San Francisco Planning Code, and 2) Comfort Women Memorial to be donated by the Comfort Women Justice Committee and funded privately.

**Moved:** Silverman/Sklar

**The motion was unanimously approved**

#### THE FOLLOWING MOTION WAS TABLED

**Motion:** Motion to approve the conceptual design of a sculpture entitled Human Being-Being Human, by Shin Gray Studio (with modifications proposed by staff), with the intent of accepting the completed sculpture into the Civic Art Collection as a gift from 500 Pine St. Co., LLC in satisfaction of Section 429 of the San Francisco Planning Code. Final acceptance of the gift is dependent of approval of the final design and execution of the artwork, and provision of the required maintenance endowment.

#### 12. Civic Art Collection

##### A. Conservation Repair Design – *Abraham Lincoln Brigade National Monument*

Jennifer Correia

Action

Project Manager Jennifer Correia presented the conservation repair proposal for *Abraham Lincoln Brigade National Monument* (2008) by Ann Chamberlain (1951-2008) and Walter Hood at Justin Herman Plaza. In 2008, the monument was designed with 45 onyx panels. As of today, 22 of the 45 panels are either missing or broken. A study was done by ARG Conservation Services, Inc. to look at options to fully replace the panels on the monument with onyx or a comparable material. Laminated tempered glass with printing on the interior was selected as the best material suitable for the monument. Ms. Correia mentioned that SFAC has been in contact with the artist, Walter Hood, reporting that he is amenable to this change in materials. The Abraham Lincoln Brigade Archive is funding this project and Ms. Correia stated that SFAC will be involved throughout the project. Ms. Pontious added that the depth of the new panels is the same size and depth as the existing panels.

Commissioner Keehn called for public comment. There was no public comment.

**Motion:** Motion to approve the proposed design as an alteration of the original monument, *Abraham Lincoln Brigade National Monument*, 2008 by Ann Chamberlain and Walter Hood (SFAC Accession No. 2008.3) located on the northeast corner of Justin Herman Plaza at Embarcadero Street.

**Moved:** Sklar/Chew

**The motion was unanimously approved**

##### B. Outdoor Sculpture Assessment

Susan Pontious

Discussion

Ms. Pontious presented the SF Art Conservation assessment of *Street Life*, 2010 by REBAR, a former collective of artists Matthew Passmore, John Bela, Blaine Merker, and Teresa Aguilera (SFAC Accession Number 2010.6). This artwork was part of a streetscape amendment and cost \$30,000 with installation. Coatings that were put on top of the tubes were not high enough performance to withstand environmental conditions causing major corrosion. The sculpture has not withstood the elements and rusting is a serious issue. The interior condition of the tubes is unknown and corrosion is possibly occurring inside. Conservation treatment has been considered and cost estimates are in excess of \$60,000. There will be further investigation and reports made in the coming months.

Commissioner Keehn called for public comment. There was no public comment.

**13. New Business, Old Business, and Announcements**

*Discussion*

Commissioner Keehn called for public comment. There was no public comment.

**14. Adjournment**

*Action*

The meeting adjourned at 4:06p.m.

AT 12/02/2016 4:23pm

**Notices**

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如需協助, Alyssa Torres, [alyssa.m.torres@sfgov.org](mailto:alyssa.m.torres@sfgov.org), 415-252-2219.

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**EXHIBIT G**

# San Francisco Arts Commission

## Full Commission - January 9, 2017 - Minutes

**Meeting Date:**

January 9, 2017 - 2:00pm

**Location:**

City Hall Room 416  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
United States

### MEETING OF THE FULL ARTS COMMISSION

Monday, January 9, 2017

2:00 p.m.

City Hall Room 416

1 Dr. Carlton B. Goodlett Place

### Draft Minutes

Commission President JD Beltran called the meeting to order at 2:05 p.m.

**1. Roll Call**

**Commissioners Present**

JD Beltran, President  
Roberto Ordeñana, Vice President  
Gregory Chew  
Charles Collins  
Simon Frankel  
Dorka Keehn  
Abby Sadin Schnair  
Marcus Shelby  
Janine Shiota  
Barbara Sklar  
Lydia So  
Kimberlee Stryker  
Paul Woolford

**Commissioners Absent**

Sherene Melania  
Jessica Silverman

Rich Hillis, ex officio

## 2. Approval of Minutes

There was no public comment, and the minutes were unanimously approved as follows.

**RESOLUTION NO. 0109-17-001:** Motion to approve December 5, 2016 Minutes.

## 3. General Public Comment

President Beltran announced that the Commission would not consider the content of the plaque for the Comfort Women memorial at this meeting, only the design, and she called for general public comment. There was none.

## 4. Director's Report

Mr. DeCaigny reported on current activities of the agency, including the Galleries' show, Not Alone, Exploring Bonds Between and With Members of the Armed Forces; a temporary installation in the Civic Center, and a new art program for Muni. He reported sadly on the recent passing of Chicano stencil artist Michael Roman at 60.

Mr. DeCaigny asked Deputy Director Rebekah Krell to review the budget timeline and process. Finally, Mr. DeCaigny reported that he will be meeting with the newly elected (and appointed) Supervisors to acquaint them with the Arts Commission's work.

There was no public comment.

## 5. Committee Reports and Committee Matters

### 1. Civic Design Review Committee—Kimberlee Stryker, Chair

1. Commissioner Stryker reported that the Committee had a relatively short meeting, and reviewed four projects.

There was no public comment.

### 2. Visual Arts Committee—Dorka Keehn, Chair

1. Commissioner Keehn reported that the Committee also had a short meeting, and reviewed several projects, including the design of the Comfort Women memorial. She reported that the Committee also heard a year-end report on the activities of the Civic Art Collection.

There was no public comment.

### 3. Community Arts, Education and Grants Committee—Sherene Melania, Chair

1. In the absence of Commissioner Melania, Vice President Ordeñana reported that the Committee did not meet, and he presented the following motions; Mr. DeCaigny gave some background on each. There was no public comment, and the motions were approved as follows.

**RESOLUTION NO. 0109-17-002:** Motion to enter into a grant agreement with Richmond District Neighborhood Center for an amount not to exceed \$20,000 to support the production of the Clement Street Art Walk.

2. **RESOLUTION NO. 0109-17-003:** Motion to enter into a grant agreement with Intersection for the Arts as fiscal sponsor for Uphill Arts for an amount not to exceed \$56,000 for Where Art Lives.

3. **RESOLUTION NO. 0109-17-004:** Motion to approve the following panelists to serve, as selected by staff, on SFAC review panels for the 2016-17 and 2017-18 fiscal years:

Rotimi Agbabiaka, artist

Quinton Cabellon, consultant

Genise Choy, Assistant Project Manager, Chinatown Community Development Center

Jaime Cortez, artist

Brad Erickson, Executive Director, Theatre Bay Area

Adam Fong, Executive Director, Center for New Music

Jay-Marie Hill, Independent arts administrator

Rhiannon MacFadyen, Co-Director, Emerging Arts Professionals San Francisco/Bay Area

Rebeca Mauleón, Director of Education, SF Jazz

D. Scott Miller, artist

Ron P. Muriera, Commissioner, San Jose Arts Commission

Nancy Ng, Director of Community Engagement, Luna Dance Institute

Alleluia Panis, Executive and Artistic Director of Kularts; independent choreographer and director

Randee Paufve, Artistic Director, Paufve | dance

John Priola, artist, educator

Jack Tse, Real Estate Consultant, Northern California Community Loan Fund

#### 6. Consent Calendar

President Beltran called for a vote on the Consent Calendar. There was no public comment, and the Consent Calendar was approved unanimously as follows.

#### RESOLUTION NO. 0109-17-005:

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

#### Approval of Committee Minutes

1. **RESOLUTION NO. 0109-17-006:** Motion to approve the Civic Design Review Committee Meeting Minutes of December 12, 2016.
2. **RESOLUTION NO. 0109-17-007:** Motion to approve the Visual Arts Committee Meeting Minutes of December 21, 2016.

#### Civic Design Review Committee Recommendations (December 12, 2016)

3. **RESOLUTION NO. 0109-17-008:** Motion to approve Phase 3 of the Yerba Buena Island Water Tanks project.
4. **RESOLUTION NO. 0109-17-009:** Motion to approve Phases 2 and 3 of the San Francisco Airport ("SFO") Consolidated Administrative Campus project.
5. **RESOLUTION NO. 0109-17-010:** Motion to approve Phase 1 of the San Francisco Fire Department Ambulance Deployment Facility project contingent upon: 1) investigating the possibility of windows on the third floor of the Jerrold Avenue facing walls; 2) using glazed walls in the courtyard; 3) not using supergraphics but integrating signage on the McKinnon Avenue gate; 4) exploring different materials that are more economical; 5) considering the reassessment of internal programming to allow for more light; and 6) using similar design features and/or materials on the building and garage to represent one complex.
6. **RESOLUTION NO. 0109-17-011:** Motion to approve Phase 1 of the San Francisco Airport ("SFO") Long Term Parking Lot #2 project contingent upon: 1) developing detailed section and plan drawings of the landscape plaza façade; 2) investigating the façade treatments along the public realm; 3) integrating a program to the stairwells

and tying portals and vertical circulation points for greater cohesion; 4) working with the selected public art artist to develop ideas early in the design; and 5) consider Roberto Burle Marx as inspiration and precedent for the ground plane patterning and/or towers for plant display.

#### **Visual Arts Committee Recommendations (December 21, 2016)**

7. **RESOLUTION NO. 0109-17-012:** Motion to approve the sculpture design of the Comfort Women Memorial, designed by Steven Whyte, as an intended gift to the City by the Comfort Women Justice Coalition for installation in St. Mary's Square Extension. Design approval is exclusive of plaque or other signage text. The value of the gift inclusive of artist fees and fabrication cost is estimated to be up to \$205,000.
8. **RESOLUTION NO. 0109-17-013:** Motion to approve the selected artist Owen Smith for the Rossi Pool Improvement Project as recommended by the selection panel.
9. **RESOLUTION NO. 0109-17-014:** Motion to authorize the Director of Cultural Affairs to enter into contract with Owen Smith for design and construction documents of an artwork for the Rossi Pool Improvement Project in an amount not to exceed \$58,250.
10. **RESOLUTION NO. 0109-17-015:** Motion to approve Public Art Project Plan for the Westside Pump Station Reliability Improvements Project.
11. **RESOLUTION NO. 0109-17-016:** Motion to authorize the Director of Cultural Affairs to increase Jason Jagel's contract from \$40,000 to \$50,000 (an increase of \$10,000) for the design, fabrication and installation of a barricade wall mural artwork for the San Francisco International Airport: Temporary Terminal 1. The contract amount has been increased to account for a larger-scale project than initially anticipated due to design changes with Temporary Terminal 1.
12. **RESOLUTION NO. 0109-17-017:** Motion to authorize the Director of Cultural Affairs to take action, without resolution of the Commission, on the approval of StreetSmARTS mural designs.

#### **7. New Business and Announcements**

Mr. DeCaigny reported that he planned to represent San Francisco at the national meeting of the United States Urban Arts Federation in Phoenix. He reported on efforts to improve safety in do-it-yourself artist spaces without forcing artists out, in the wake of the awful fire at Oakland's Ghost Ship.

Commissioners announced two upcoming art fairs: the Fog Design+Art Fair, and the Untitled art fair, January 12-15, and Director of Communications Kate Patterson-Murphy announced a third, Photofairs San Francisco, January 27-29.

Commissioner Chew announced a new exhibit at the Asian Art Museum. Mr. DeCaigny welcomed the appointment of Gordon Knox as president of the San Francisco Art Institute.

There was no further news or announcements, and there was no public comment.

#### **8. Adjournment**

There being no further business, the meeting was adjourned at 2:46 p.m.

posted 1/23/17, 6:00 p.m. spr

**Language Accessibility**

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**EXHIBIT H**

## San Francisco Arts Commission

### Visual Arts Committee - December 21, 2016 - Minutes

**Meeting Date:**

December 21, 2016 - 3:00pm

**Location:**

401 Van Ness Avenue  
Room 125  
San Francisco, CA 94102  
United States

**SAN FRANCISCO ARTS COMMISSION**

**VISUAL ARTS COMMITTEE**

**Wednesday, December 21, 2016**

**3 p.m.**

**401 Van Ness Avenue, Room 125**

**San Francisco, CA 94102**

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**Draft Minutes**

**Visual Arts Committee Members:**

JD Beltran, President  
Gregory Chew  
Dorka Keehn, Chair  
Jessica Silverman  
Barbara Sklar

**1. Call to Order, Roll Call, and Agenda Changes**

**Commissioners Present:**

President Beltran  
Commissioner Chew  
Commissioner Keehn, Chair

**Commissioners Absent:**

Commissioner Sklar  
Commissioner Silverman

The meeting commenced at 3:01 p.m.

Commissioner Keehn announced that Item #4 was tabled.

Commissioner Keehn stated that for Item #3, the Comfort Women Memorial Design, the Commission would exclusively focus on the approval of the sculpture design, not the text that would appear on the plaque of the memorial.

Commissioner Keehn called for public comment. There was not public comment.

## 2. Public Comment

### *Discussion*

Commissioner Keehn stated that public comment for Item #2 would be limited to two minutes.

Ann Treboux submitted the following written statement:

"PUT STEVE POGNI ON THE JAN. 11, 2017 STREET ARTIST AGENDA.

I CAN'T ATTEND AND LIKE MANY –DO NOT BELIEVE A WORD LAZAR SAYS.

POGNI DOESN'T MAKE THE OVER 300 MASKS HE SELLS AND COMPLAINTS MADE ABOUT HIM [sic] OVER 11 YEARS HAVE GONE UNNOTICED. I ATTENDED THAT MEETING. SINCE THEN, POGNI HAS RETALIATED ON ME. I DID A PUBLIC RECORD SEARCH AND FOUND POGNI'S WORKER CLAIMS I DID SOMETHING TO HIM. WENT TO THE STREET ARTIST OFFICE LAST WEEK. LAZAR DID NOT WANT TO BE BOTHERED. ANN TRICKEY SCREAMED AT ME. POGNI'S OTHER WORKER, SOUGHT ME OUT 2 BLOCKS AWAY TO SHOUT AT ME. TWO DAYS AGO. I WAS HARASSED BY POGNI AT THE TELEGRAPH AVE FAIR. THERE NEED TO BE A MANAGER AT THE PLAZA. LAZAR ISN'T TALKING TO PEOPLE AND THOSE HE CLAIMS TO TALK TO, "ALL THE TIME" HAVEN'T SPOKEN TO HIM IN YEARS."

Richard Rothman stated that he hoped the Arts Commission could find funding to help conserve the murals at 45 Onondaga Avenue and at George Washington High School.

## 3. Comfort Women Memorial Design Approval

*Susan Pontious and Comfort Women Memorial Project Managers Daniel Neil and Jocelyn Zanzot*  
*Action*

Civic Art Collection and Public Art Program Director Susan Pontious introduced the Comfort Women Memorial Project Managers Daniel Neil and Jocelyn Zanzot, who presented the sculpture design proposed by Steven Whyte for the Comfort Women Memorial at St. Mary's Square. Mr. Neil stated how this is the only monument of victims and survivors of sexual violence in the Bay Area. The project managers next presented the maquette of Steven Whyte's sculpture for the Comfort Women Memorial, titled *Column of Strength*.

Ms. Pontious stated that the decision on the exact siting of the sculpture has not been decided yet.

Commissioner Keehn asked if the three female figures are life size. Mr. Neil stated the size of the figures would be 5 feet 2 inches tall. Ms. Zanzot further explained that the total height would be 10 feet total and 36 inches in diameter.

Commissioner Beltran asked if Mr. Whyte intended to make the sculpture base COR-TEN steel and the figures bronze. Mr. Neil confirmed this was correct.

Ms. Zanzot stated that they were seeking approval to move forward with the complete composition, which now includes a grandmother figure. The intent is to present a full cycle of the Comfort Women history by portraying a survivor along with the victims.

Ms. Pontious asked how tall the grandmother figure was intended to be, and Commissioner Beltran asked if the grandmother figure would be on a base. Ms. Zanzot said the figure will be life size (about 5 feet 4 inches), and it will not be on a base.

Commissioner Chew asked for the project's current budget. Mr. Neil stated \$140,000 has been approved for the three figures on the pedestal. The grandmother figure is an additional \$65,000. The Comfort Women Justice Coalition is seeking to raise these additional funds.

Commissioner Keehn asked if COR-TEN steel tends to change color as it ages. The project managers introduced artist Steven Whyte to explain the choice of COR-TEN steel. Mr. Whyte stated that COR-TEN steel is strong, practical, and this particular type of steel will develop its characteristic rust patina very rapidly, but then will stabilize. The first part of the patina process would be to

artificially induce the process with vinegar and other chemicals that will instantly cause the metal to develop a rust patina. Finally, a retardant will be applied so the metal does not continue to rust.

Commissioner Keehn asked if anti-graffiti coating will be applied to sculpture. Ms. Pontious deferred this question to Civic Art Collections Project Manager Jennifer Correia. Ms. Correia stated that the Arts Commission will be involved in the process for choosing an anti-graffiti coating.

Ms. Pontious stated that the Collections team is concerned about the possibility of electrolysis between the two metals; they will ask the artist to work with a conservator to ensure that the two materials have a buffer between them. Ms. Pontious also said that COR-TEN steel tends to bleed a little and may stain paving. Mr. Whyte replied that he will be installing a drip tray at the bottom of the sculpture to eliminate any staining on the plaza.

Mr. Whyte stated that the sculpture will have internal support, designed to hold the weight of the bronze and COR-TEN steel sculpture.

Commissioner Keehn called for public comment. There was not public comment.

**Motion:** Motion to approve the sculpture design of the Comfort Women Memorial, designed by Steven Whyte, an intended gift to the City by the Comfort Women Justice Coalition for installation in St. Mary's Square Extension. Design approval is exclusive of plaque or other signage text. The value of the gift inclusive of artist fees and fabrication cost is estimated to be up to \$205,000.

**Moved:** Beltran/Chew

**The motion was unanimously approved**

#### THE FOLLOWING ITEM WAS TABLED

##### 4. Fort Mason Center for Arts & Culture – MoreLab

*Aleta Lee and Matthew Passmore*

*Action*

Presentation of the final design for a sculpture entitled, Tied/Untied by MoreLab, for the Fort Mason Center for Arts & Culture.

**Motion:** Motion to approve a temporary sculpture installation, titled Tide/Untied, by artists MoreLab. The sculpture will be comprised of COR-TEN steel rail which will stand at 15-1/2 ft. by 13-1/2 ft. by 34 ft. and will be on exhibit at the entrance of Fort Mason Center for a duration of seven years, commencing July 2017 through July 2024. The artwork is commissioned by Fort Mason Art and Culture Center and will not become part of the Civic Art Collection.

##### 5. Rossi Pool

*Marcus Davies*

*Action*

Project Manager Marcus Davies reported that the proposal by Owen Smith was recommended for the Rossi Pool Improvement Project by the project selection panel. Mr. Davies reported that the panel reviewed proposal by three artists: Kelly Ording, Lordy Rodríguez, and Owen Smith. The project will have a budget up to \$58,250.

Mr. Davies stated Mr. Smith is considering either C&G cut metal or a wooden paneling system for the mural. The choice of materials will be resolved during design development.

As a member of the selection panel, Commissioner Beltran mentioned the panel unanimously enjoyed Mr. Smith's work and image of people swimming at Rossi Pool. Commissioner Beltran also stated that the panelists appreciated Mr. Smith's approach to having cut-outs of the material to give the image a three-dimensional sculpture effect. Mr. Davies reported that Mr. Smith was receptive of the panel's request that the figures be more diverse in their representation.

Commissioner Keehn called for public comment. There was not public comment.

**Motion:** Motion to approve the selected artist Owen Smith for the Rossi Pool Improvement Project as recommended by the selection panel.

**Moved:** Beltran/Chew

**The motion was unanimously approved**

**Motion:** Motion to authorize the Director of Cultural Affairs to enter into contract with Owen Smith for design and construction documents of an artwork for the Rossi Pool Improvement Project in an amount not to exceed \$58,250.

**Moved:** Beltran/Chew

**The motion was unanimously approved**

## 6. Westside Pump Station Reliability Improvements Project

*Mary Chou*

*Action*

Project Manager Mary Chou presented the public art project plan for the Westside Pump Station Reliability Improvements Project. Ms. Chou stated that the improvements will include a new building on the corner of Sloat Boulevard and Great Highway, right next to the San Francisco Zoo. Currently at that corner, there is an existing three-piece sculpture by Mary Fuller McChesney titled *Earth, Air, Sea* (Accession Number 1986.1). The Public Utilities Commission ("PUC") will remove the artwork and resite it near the current location.

Ms. Pontious introduced the Arts Commission's new liaison with the Public Utilities Commission, Blair Randall.

Commissioner Beltran commented that the corner of Sloat Boulevard and Great Highway is a very visible location and great opportunity for new artwork.

Ms. Chou explained that the existing sculpture by Mary Fuller McChesney will be relocated to a planter along Sloat Boulevard: The abstracted animal forms provide a connection to the San Francisco Zoo, which is adjacent to the site. The primary opportunity for the new artwork will be the three sides of the upper-portion of a new tower structure on the Great Highway. This site will allow for high visibility for people traveling north and south along the Great Highway.

Ms. Chou stated that the goal of the project will be to create an artwork that will enhance the architecture of the building and its relation to the site, connecting the PUC's mission to provide high quality, efficient, and reliable waste, water, and power services to the city in a manner that considers the best interests of its neighbors. Another goal of the project is to have the artwork appreciated from a distance. The art budget for the new artwork is \$136,000. The artists will be selected from the Prequalified Artist Pool. Ms. Chou requested an Arts Commissioner to sit on the panel. The first panel may start as soon as the end of January.

Commissioner Beltran stated she would sit on the panel.

Commissioner Keehn called for public comment. There was not public comment.

**Motion:** Motion to approve Public Art Project Plan for the Westside Pump Station Reliability Improvements Project.

**Moved:** Beltran/Chew

**The motion was unanimously approved**

## 7. San Francisco International Airport

*Susan Pontious*

*Action*

Ms. Pontious presented the temporary barricade wall mural opportunity for the San Francisco International Airport, Terminal 1, temporary Boarding Area B. She explained that the opportunity for murals on temporary walls was previously identified as possible project areas and there was a panel that selected four artists to create murals for these walls. Although subsequent changes to the architectural design eliminated the original walls identified, a new wall has been constructed in front of the security check-in area that is a good site for one of these murals. The wall is expected to be in place for two years, and will be available for the mural up to 18 months. Jason Jagel was the artist selected for a similar site nearby and the Commission had approved his contract for \$40,000. Ms. Pontious recommended that Mr. Jagel be asked to address this new site, and that his contract be increased to \$50,000 to cover the larger scale of this site.

Commissioner Keehn called for public comment. There was not public comment.

**Motion:** Motion to authorize the Director of Cultural Affairs to increase Jason Jagel's contract from \$40,000 to \$50,000 (an increase of \$10,000) for the design, fabrication and installation of a barricade wall mural artwork for the San Francisco International Airport: Temporary Terminal 1. The contract amount has been increased to account for a larger scale project than initially anticipated due to design changes with Temporary Terminal 1.

**Moved:** Beltran/Chew

**The motion was unanimously approved**

#### **8. StreetSmARTS**

*Susan Pontious*

*Action*

Ms. Pontious requested a blanket resolution that would authorize the Director of Cultural Affairs to approve StreetSmARTS murals designs without Resolution by the Full Commission. Ms. Pontious stated that the program is funded through the Department of Public Works for both public and private properties. If a private property owner receives a Notice of Violation for the removal of graffiti on their building, they can instead opt into the StreetSmARTS program and have a mural painted on their property. She said that mural commissions do not exceed \$8,000 and it is important to take care of these issues as quickly as possible due to associated fines to the property owner for graffiti on their property.

Director of Cultural Affairs Tom DeCaigney added that the Commissioners will still need to approve the artists from the StreetSmARTS Murals Pool, but the rationale for the expedited process is that graffiti problems and potential fines for private property owners come up rapidly from week to week and can be taken care of faster through this resolution.

Commissioner Keehn asked if anyone is reviewing the murals and the vandalism process. Ms. Pontious stated that the entire process is staff-monitored and Director DeCaigney will approve the decision to move forward as quickly as possible.

Commissioner Keehn called for public comment. There was not public comment.

**Motion:** Motion to authorize the Director of Cultural Affairs to take action, without resolution of the Commission, on the approval of StreetSmARTS mural designs.

**Moved:** Beltran/Chew

**The motion was unanimously approved**

#### **9. Civic Art Collection - Outdoor Sculpture Treatments**

*Jennifer Correia*

*Discussion*

Project Manager Jennifer Correia presented two conservation projects from Fall 2016. The treated artworks include *The Holocaust*, 1984 by George Segal (Accession Number 1984.74) located near Land's End and *Saint Francis of the Guns*, 1960 by Beniamino Bufano (Accession Number 1969.100) located at the City College of San Francisco.

She reported that staff consulted with George Segal's foundation regarding the finish for *The Holocaust*. With a long history of vandalism and weathering of the memorial, there has also been several conservation attempts to restore the sculptures over the years. The treatment was done in situ, where it was cleaned, recoated, and received a heavy wax coating to protect against vandalism.

*Saint Francis of the Guns* is composed of unknown metal alloy and had unique corrosion patterns. The artwork was cleaned and then finished with a pigmented wax coating.

Commissioner Keehn called for public comment. There was not public comment.

#### **10. Civic Art Collection Year End Program Report for FY16**

*Allison Cummings*

*Discussion*

Senior Registrar Allison Cummings presented a summary of accomplishments in the Civic Art Collection Program from July 1, 2015 to June 30, 2016. Ms. Cummings began her presentation with a graph that demonstrated the increase in the capital budget allocations for the program over the last few years. The increase in resources has allowed the program to complete more maintenance and conservation projects.

Ms. Cummings stated this past fiscal year, a majority (nearly 75%) of the money was spent on conservation, maintenance, and vandalism abatement.

Commissioner Keehn asked about the vandalism issue. Ms. Cummings stated that vandalism usually occurs in the same places, at the same times of the year. There are spikes in July, August, December, and January for vandalism. Tracking data helps the Arts Commission to be vigilant during these times and be prepared with conservators on standby.

Ms. Cummings presented several Civic Art Collection works (including *Fountain of the Tortoises*, *Lotta's Fountain*, *Movement: The First 100 Years*, *Beethoven*, *Ashurbanipal*, and *Native Sons Monument*) that have been treated by conservators and showed images of their current state. She mentioned that the Collections team completed 31 separate vandalism abatements. She also discussed the 269 individual artworks accessioned into the Civic Art Collection, the 295 digital archive records created, the relocation of 111 artworks, the collection move and tracking of 1,440 artworks, 212 digital records created for previously uncatalogued objects, the November 2016 organization of archival storage, and the update on moving objects into storage with an anticipated date of April 2017.

Ms. Cummings also mentioned the Governor's Historic Preservation Award the Commission received for the Coit Tower conservation project.

Commissioner Keehn called for public comment. There was not public comment.

## 11. New Business, Old Business, and Announcements

### *Discussion*

Director DeCaigny stated the Arts Commission is working with the Supervisor's Office to identify resources for the conservation of the murals by Bernard Zakheim at 45 Onondaga. He stated there was a mural assessment at 45 Onondaga by ARG Conservation Services, totaling an estimated \$90,000 in conservation treatments. The Arts Commission will support the conservation process of these murals by coordinating with the Department of Real Estate in regards to project funding, as well as inform future tenants of the necessary care of the murals.

Commissioner Keehn called for public comment. There was not public comment.

## 12. Adjournment

### *Action*

The meeting adjourned at 4:08 p.m.

AT 01/06/17 9:35 am

### Notices

Translated written materials and interpretation services are available to you at no cost. For assistance, please notify Alyssa Torres, [alyssa.m.torres@sfgov.org](mailto:alyssa.m.torres@sfgov.org), 415-252-2219.

我們將為閣下提供免費的書面翻譯資料和口譯服務。  
如需協助, Alyssa Torres, [alyssa.m.torres@sfgov.org](mailto:alyssa.m.torres@sfgov.org), 415-252-2219.

Materiales traducidos y servicios de interpretación están disponibles para usted de manera gratuita. Para asistencia, notifique a Alyssa Torres, [alyssa.m.torres@sfgov.org](mailto:alyssa.m.torres@sfgov.org), 415-252-2219.

Ang mga materyales na nakasalin sa ibang wika at ang mga serbisyong tagapagsalin sa wika ay walang bayad. Para sa tulong, maaring i-contact si a Alyssa Torres, [alyssa.m.torres@sfgov.org](mailto:alyssa.m.torres@sfgov.org), 415-252-2219.



**EXHIBIT I**

AMENDED AT BOARD

9/22/15

FILE NO. 150764

RESOLUTION NO. 342-15

1 [Urging the Establishment of a Memorial for "Comfort Women"]

2  
3 **Resolution urging the City and County of San Francisco to establish a memorial for**  
4 **"Comfort Women" and to educate the community about stopping global human**  
5 **trafficking of women and girls.**

6  
7 WHEREAS, According to most international historians, the term "comfort women"  
8 euphemistically refers to an estimated 200,000 women and young girls who were kidnapped  
9 and forced into sexual slavery by the Imperial Japanese Army during its colonial and wartime  
10 occupation of Asia and the Pacific Islands from the 1930s through the duration of World War  
11 II; and

12 WHEREAS, During the 15 years of invasion and occupation of Asian countries,  
13 unspeakable and well-documented war-crimes, including mass rape, wholesale massacres,  
14 heinous torture, and other atrocities, were committed by the Japanese Imperial Army  
15 throughout the occupied countries and colonies; and

16 WHEREAS, Of the few top Japanese military leaders who were investigated and  
17 convicted as war criminals in the postwar War Crime Tribunals in Tokyo, Nanjing, Manila,  
18 Yokohama, and Khabarovsk, many escaped prosecution; and

19 WHEREAS, In 2001 the San Francisco Board of Supervisors passed Resolution  
20 No. 842-01, urging the government of Japan, on the 50th anniversary of the US-Japan Peace  
21 Treaty, to fully acknowledge and apologize for Japan's wartime atrocities and provide just  
22 compensation for the surviving victims of its aggression; and

23 WHEREAS, In 2007 the U.S. House of Representatives passed Rep. Mike Honda's  
24 bipartisan House Resolution 121, which also called on the Government of Japan to formally  
25

1 acknowledge, apologize, and accept historical responsibility for its Imperial Armed Forces'  
2 coercion of young women into sexual slavery; and

3 WHEREAS, In 2013, the San Francisco Board passed Resolution No. 218-13  
4 condemning Japan's denial of its system of sexual enslavement during World War II and  
5 calling for justice for "comfort women"; and

6 WHEREAS, The year 2015 marks the 70th anniversary of the end of World War II  
7 (1941-1945) and the Pacific War (1931-1945) and the defeat of Japanese imperialism and  
8 militarism by the Allies; and

9 WHEREAS, Several cities in the U.S., including, Glendale and Rohnert Park, CA; Long  
10 Island, NY; Palisades Park and Union City, NJ; Fairfax, VA; and Michigan City, MI have  
11 already erected memorials to help remember the "comfort women" during Japanese  
12 occupation in the Pacific War; and

13 WHEREAS, Victimization of women has occurred in other countries, however, it does  
14 not in any way excuse the actions of the Japanese Imperial Army; and

15 WHEREAS, Today there are an estimated 20.9 million victims of human trafficking  
16 globally, of which 55% are women and girls; forced labor and human trafficking worldwide is a  
17 \$150 billion criminal industry; and

18 WHEREAS, San Francisco is not immune to the problem, and has been considered a  
19 destination for human trafficking due to its ports, airports, industry, and rising immigrant  
20 populations; and

21 WHEREAS, Learning about this victimization and teaching about it will help stop the  
22 modern epidemic of human trafficking, which occurs in San Francisco and many other  
23 countries around the world; and

24 WHEREAS, Leaders of the Japanese American community, which faced mass  
25 incarceration of 120,000 in US "concentration camps" in WWII and share a history of

1 discrimination with other communities, have worked closely with the broader Asian Pacific  
2 Islander community in the past decades to strengthen relationships and build trust,  
3 understanding, and community for civil rights and social justice; and

4 WHEREAS, San Francisco is a city of immigrants and their descendants, many of  
5 whom have ancestral ties to Asian and Pacific Islander nations and have direct or indirect  
6 experience with Japan's past system of sexual enslavement; and

7 WHEREAS, City departments and the San Francisco Unified School District are  
8 exploring other opportunities to educate the community about "comfort women," current day  
9 human trafficking, and efforts to end violence and abuse of women and girls; and

10 WHEREAS, A growing coalition of immigrant communities, women's organizations, and  
11 human rights groups have organized to establish a memorial for "comfort women" and the  
12 millions of victims of the Japanese military in San Francisco to ensure that the plight and  
13 suffering of these girls and women will never be forgotten or erased from history; now,  
14 therefore, be it

15 RESOLVED, That appropriate City and County agencies will work with the community  
16 organizations to design and establish the memorial; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
18 Francisco during the 70th anniversary of the end of World War II expresses its strong support  
19 of creating a public memorial in memory of those girls and women who suffered  
20 immeasurable pain and humiliation as sex slaves and as a sacred place for remembrance,  
21 reflection, remorsefulness, and atonement for generations to come.



**City and County of San Francisco**  
**Tails**  
**Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 150764

**Date Passed:** September 22, 2015

Resolution urging the City and County of San Francisco to establish a memorial for "Comfort Women" and to educate the community about stopping global human trafficking of women and girls.

July 21, 2015 Board of Supervisors - REFERRED

September 17, 2015 Public Safety and Neighborhood Services Committee -  
RECOMMENDED AS COMMITTEE REPORT

September 22, 2015 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang,  
Wiener and Yee

September 22, 2015 Board of Supervisors - AMENDED

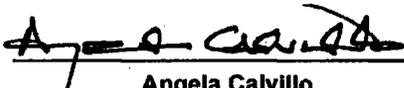
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang,  
Wiener and Yee

September 22, 2015 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang,  
Wiener and Yee

File No. 150764

I hereby certify that the foregoing  
Resolution was ADOPTED AS AMENDED  
on 9/22/2015 by the Board of Supervisors  
of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
Unsigned

Mayor

\_\_\_\_\_  
10/2/15

Date Approved