



SAN FRANCISCO PLANNING DEPARTMENT

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

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 Project¹ 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

¹ 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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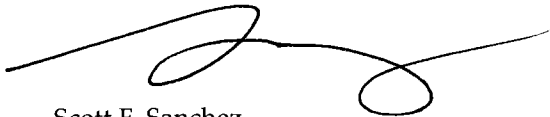
of this art would exceed one percent of the Project's construction costs (\$14,560,479), and the Memorial is expected to be installed by September 2017. This schedule is consistent with the timing requirements in Section 429.

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