



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

November 16, 2016

Mark Rone
Cypress Equities
8343 Douglas Avenue, Suite 200
Dallas, TX 75225

Site Address:	945 Market Street
Assessor's Block/Lot:	3704/240
Zoning District:	C-3-G (Downtown-Commercial, General and C-3-R (Downtown – Commercial, Retail) Districts
Staff Contact:	Carly Grob, (415) 575-9138 or carly.grob@sfgov.org
Record No.:	2016-013990ZAD

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Dear Mr. Rone:

This letter is in response to your request for a Letter of Determination regarding the property at 945 Market Street. This parcel is located in the C-3-G and C-3-R (Downtown Commercial – General and Downtown Commercial – Retail) Zoning Districts and 120-X Height and Bulk District. The letter requests that the deadline for installation of Public Art as required by Planning Code Section 429 (formerly Section 149) and Motion No. 18156 be deferred for no less than one year. For buildings constructed in C-3 Zoning Districts, works of art costing an amount equal to one percent of the cost of construction must be installed and maintained in areas clearly visible from the public sidewalk. The art shall be installed prior to issuance of the first Certificate of Occupancy, unless the Zoning Administrator concludes that it is not feasible to install the works within that time, and that adequate assurance is provided that the works will be installed in a timely manner.

On July 8, 2010, the Planning Commission approved a five-story, 375,700 square foot retail shopping center approximately 90 feet in height, otherwise known as Market Street Place. The building includes an atrium at the full height of the building along the center of the Market Street façade, which opens into a skylight. Since the project includes new construction in the C-3 Zoning District, public art valued at 1% of the construction cost is required.

The project sponsor submitted their public art proposal on November 11, 2016. The proposed piece was a sculpture which would be placed in the skylight in the atrium. Planning Staff reviewed the proposal and expressed concern about the visibility of the piece from the public right of way. The project sponsor worked closely with staff to lower the piece within the skylight, remove any obstructions, and to improve lighting of the piece; however, it was questionable if the proposed piece in this location would be visible from the sidewalk. Department staff also requested that the project team explore supplemental pieces at the ground floor, but the concepts submitted were not fully developed, and were ultimately unsuccessful.

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The Public Art presentation, which was originally scheduled for Planning Commission Hearing on January 28, 2016 and eventually continued to September 29, 2016, was cancelled as the public art proposal was not finalized.

According to the letter submitted, the sponsor is actively working with the artist to create a piece that will be more visible and will fit within the atrium space. In order to ensure that the art is publicly accessible, the project sponsor may defer the public art submittal for a period of at least 12 months. Department staff and the Planning Commission must review the proposal, and the art must be installed within 18 months from the date of the issuance of the first Certificate of Occupancy.

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: Carly Grob, Planner
Property Owner
Neighborhood Groups
BBN Requestor (if any)