

RESOLUTION NO. 33-2008

Adopted May 20, 2008

GRANTING A VARIANCE FROM THE DENSITY STANDARDS OF THE WESTERN ADDITION A-2 REDEVELOPMENT PLAN AND CONDITIONALLY APPROVING A SCHEMATIC DESIGN FOR A 33-UNIT CONDOMINIUM PROJECT AT 1301 DIVISADERO STREET (ASSESSOR'S BLOCK 1101, LOT 7); WESTERN ADDITION REDEVELOPMENT PROJECT AREA A-2

BASIS FOR RESOLUTION

1. 1301 Divisadero Street is located on approximately one third of an acre on the northwest corner of Divisadero and Ellis Streets (the "Site") in the Western Addition Redevelopment Project Area A-2 (the "Project Area"). The property is currently improved with a gasoline service station that was constructed in 1954. The Owner of the property is A & M Properties, L.P. (the "Owner").
2. The Owner seeks the Agency's approval of the proposed schematic design for the development of the Site. This action requires Agency approval of the density variance described in Sections 5, 6 and 7, of this Resolution and the Agency's approval of an Owner Participation Agreement for the redevelopment of the Site.
3. The Owner's proposed schematic design includes demolition of the existing gasoline service station and construction of 33 for-sale studio units, on three levels, above 33 basement- and ground-level parking spaces. The design also includes a 24-foot, rear-yard setback, and shared common open space at the garage roof level.
4. The proposed project is subject to the Agency's Housing Participation Policy, which imposes inclusionary housing requirements on owner participant projects over 10 residential dwelling units. Accordingly, three affordable units are required. In negotiations regarding the selection of the affordable units, a compromise was reached wherein the Agency allowed the Owner to select the units if the Owner agreed to provide an additional affordable unit. This increased the number of affordable units to be provided by the Owner to four, and increased the total number of studios from 32 to 33.
5. The permitted uses and development standards pertaining to the Site are described in the Redevelopment Plan for the Western Addition A-2 Redevelopment Project Area (the "Redevelopment Plan"), which designates the Site's zoning as RM (Residential Medium Density) and its height and bulk district as 65-A.

6. The development depicted in the schematic design does not meet the Redevelopment Plan's requirements for the permitted density of development. The density permitted by the Redevelopment Plan is not less than 200 square feet of lot area for each Agency Room. Given that the Site contains approximately 12,891 square feet of land, the maximum number of Agency Rooms permitted by the Redevelopment Plan is 64, which translates into 32 studio units. The development, as proposed, contains 33 studio units, or 66 Agency Rooms, as a result of negotiations with Agency staff regarding the selection of the affordable housing units. Accordingly, the development exceeds the permitted density by two Agency Rooms, or approximately 3%. Therefore, the Owner has requested a variance from the Redevelopment Plan's density standards.
7. The Redevelopment Plan authorizes the granting of variances from the development standards of the Redevelopment Plan (including its density requirements) where "owing to unusual and special conditions, enforcement of the development standards would result in undue hardships, or would constitute an unreasonable limitation beyond the intent and purposes of such standards." Section II.D.2. of the Redevelopment Plan at page 20. The inclusion of an additional affordable unit (for a total of four affordable units) requires a variance from the density standard described in Section 6 above. The strict application of the density requirements of the Redevelopment Plan to this development would decrease the amount of affordable housing and thus would constitute an unreasonable limitation beyond the intent of the standards of the Plan, which emphasizes the "development of sound and attractive residences available to persons of varied incomes and ages." Section II. A. 2 of the Redevelopment Plan at page 5. Furthermore, the State Community Redevelopment Law itself emphasizes "that a fundamental purpose of redevelopment is to expand the supply of low- and moderate-income housing." Health & Safety Code § 33071. Accordingly, Agency staff recommends granting a variance from the density standards of the Redevelopment Plan that would otherwise require a maximum of 64 Agency Rooms, or 32 studio units.
8. Under Agency Resolution No. 1-78 (March 21, 1978), a public hearing on a redevelopment plan variance requires the Agency to provide a notice, by mail, of the time, place, and purpose of the hearing "not less than ten (10) days prior to the date of the hearing, to the owners of all real property located within a 300 - ft. radius of the boundaries of the site of the proposed variance." On April 4, 2008, Agency staff mailed appropriate notices to nearby property owners regarding the proposed variance for this Site.
9. Agency staff also recommends approval of the schematic design proposed by the Owner, subject to successful resolution of the following design comments and concerns:

- Further design studies are required to develop additional architectural treatment of the exterior elevation elements facing Ellis and Divisadero Streets to emphasize the residential character of the proposed building and visually relate to the small lots adjacent to the proposed project.
 - Detailed design for all the facades elements shall be submitted to the Agency for review and approval.
 - The proposed project shall comply with all codes and regulations applicable in the City and County of San Francisco, California.
 - The selection of the elevator shall comply with applicable building codes and the elevator specification with the highest STC available.
 - The proposed exterior wall adjacent to the existing light wells of the Victorian house at 2032 Ellis Street shall be painted with bright reflective white color to increase the reflected light in the light wells.
 - Detailed landscape design drawings for all open spaces in the development, as well as the street trees and sidewalk details, shall be submitted to the Agency for review and approval. The street trees shall be consistent with those purchased by the Owner for interested property owners on the 2000 block of Ellis Street.
 - Final selection of the exterior materials and colors shall be submitted for review and approval.
10. The proposed development is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15332 (in-fill development projects). The project proposed by the Owner will not result in a significant physical effect on the environment.

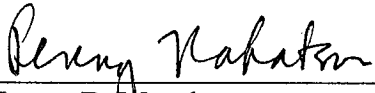
RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco as follows:

1. A variance is granted from the density standards of the Western Addition A-2 Redevelopment Plan for the purpose of allowing an additional affordable unit in a 33-unit condominium project at 1301 Divisadero Street (Assessor's Block 1101, Lot 7), as proposed by A & M Properties, L.P., a California limited partnership; and
2. The schematic design for the proposed redevelopment of 1301 Divisadero Street is conditionally approved in the form submitted by the Owner and

presented to the Agency Commission, subject to Agency staff's approval of the proposal to be submitted by the Owner for resolution of the design conditions stated in foregoing portions of this Resolution, together with such refinements as the Executive Director may approve which do not substantially alter the schematic design concept.

APPROVED AS TO FORM:



for James B. Morales
Agency General Counsel