

## MEMORANDUM

**TO:** Commission on Community Investment and Infrastructure

**FROM:** Nadia Sesay, Executive Director

**SUBJECT:** Approving a variance under the Mission Bay South Design for Development for artwork on Block 40 at 1800 Owens Street that exceeds standards for vertical dimensions and for clearance from, and projection over, the sidewalk; Mission Bay South Redevelopment Project Area

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## EXECUTIVE SUMMARY

Kilroy Realty Corporation ("Project Sponsor") is constructing a commercial project, consisting of approximately 667,500 square feet of office space on Block 40 at 1800 Owens Street within the Mission Bay South Redevelopment Project Area of San Francisco ("Project"). Under the Mission Bay South Redevelopment Plan, the Project must comply with a requirement for artwork, which the Project Sponsor proposes to be a wall mounted painted mural by Brazilian artist, Eduardo Kobra, on perforated metal panels.

On February 3, 2015, the Commission on Community Investment and Infrastructure ("Commission") conditionally approved the Basic Concept and Schematic Design Application for the Project, including a wall mounted artwork located along the parking garage on Owens Street.

The Project Sponsor has requested a variance to the Mission Bay South Design for Development to allow the artwork located on Owens Street to project 1'-0" over the sidewalk with an additional 4'-0" for lighting fixtures, resulting in a maximum projection of approximately 5'-0" to maintain adequate ventilation of the parking garage and structural support of the artwork.

*Staff recommends approving the proposed variance to the Mission Bay South Design for Development.*

## BACKGROUND

### Redevelopment Plan for the Mission Bay South Redevelopment Project

The Board of Supervisors of the City and County of San Francisco ("Board of Supervisors") approved the Redevelopment Plan for the Mission Bay South Redevelopment Project by Ordinance No. 335-98 (November 2, 1998), amended by Ordinance No. 143-13 (July 9, 2013) and Ordinance No. 032-18 (March 6, 2018) (collectively, the "Redevelopment Plan"). The Redevelopment Plan requires, among other things, the installation and maintenance of works of art costing an amount equal to 1 percent of the hard costs of initial construction of a project for commercial uses exceeding

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25,000 gross square feet of floor area. Works of art “shall be located in and permanently affixed to a Project, its grounds or an Open Space Parcel or the surrounding area.”

### **Basic Concept and Schematic Design**

On February 3, 2015, the Commission conditionally approved the Basic Concept and Schematic Design applications for an approximately 667,500 square feet commercial project on Blocks 40 in Mission Bay South. One of the conditions of the approval was “The landscape design and public art projects shall be subject to further review and approval by OCII staff during the Design Development Phase.”

### **Mission Bay Design for Development**

Design controls in the Mission Bay South Redevelopment Project Area is controlled by the Mission Bay South Design for Development (“Design for Development”). The Design for Development was originally adopted by the former Redevelopment Agency Commission on September 17, 1998 (Resolution No. 191-98), and amended on February 17, 2004 (Resolution No. 24-2004), March 16, 2004 (Resolution No. 34-2004), March 17, 2015 (Resolution No. 13-2015), November 3, 2015 (Resolution No. 71-2015), October 17, 2017 (Resolution No. 42-2017), and June 5, 2018 (Resolution No. 25-2018). The Design for Development limits architectural projections vertical clearance to a minimum of 8’-0” above the sidewalk, vertical dimensions of no more than 2’-6”, and a maximum projection of no more than 3’-0” over the public right-of-way.

## **DISCUSSION**

### **Variance to Mission Bay South Design for Development**

The Basic Concept and Schematic Design Application for the Project included wall-mounted artwork located along the parking garage on Owens Streets and wrapping the building to the north. The location and size of the artwork remains unchanged, consistent with the Project’s approval. The artwork consists of a painted mural by Brazilian artist, Eduardo Kobra, on perforated metal panels and includes associated lighting, as depicted in Attachment C.

As the Project advanced into construction drawings, it became evident that in order to maintain adequate ventilation of the parking garage and to properly fasten the artwork to the structure, there is a need for the artwork along Owens Street to project into the sidewalk. The proposed variance to the Design for Development’s architectural projection standards includes the art projecting approximately 1’-0” over the sidewalk with an additional 4’-0” for lighting fixtures if necessary, a minimum vertical clearance of 7’-6” from the sidewalk, and a maximum vertical dimension of not more than 31’-4”.

The Design for Development requires that architectural projections over a street, alley, park, or plaza shall provide a minimum of 8’-0” of vertical clearance from the sidewalk above which it is situated and that the projections have a vertical dimensions of no more than 2’-6” and that they project no more than 3’-0” over streets, alleys, and public open space (Design for Development, p. 28).

The Design for Development provides the following discretionary standard for the approval of a variance from the provisions governing development:

“The Agency may, in its discretion, grant variances to the design standards contained in this Design for Development where the enforcement would otherwise constitute an unreasonable limitation beyond the intent and purpose of the Design

for Development and the Redevelopment Plan and is consistent with the public health, safety and welfare." (Design for Development, Section III, p. 19).

As described above, the proposed variance is necessary for operation of the parking garage in a healthy, sustainable, and safe manner. The proposed variance allows the artwork wall to protrude outwards from the parking garage for ventilation purposes. The parking garage is designed to be passively ventilated, using natural airflow and not requiring the use of forced air to ventilate the garage. If forced air were to be used, potentially harmful gases from the parking garage would be ventilated through shafts interior to the building, creating an unnecessary health and safety risk for building occupants and visitors.

The Design for Development's architectural projection standard aims to promote façade treatments to enhance decorative character and variation, while limiting the vertical dimension as not to create a singular design element for an entire facade. The proposed variance and Basic Concept and Schematic Design build upon the Design for Development's intent of promoting variation through the artwork's use of scale, color, and texture. The proposed variance does not create a hazard, affect any other private property, nor increase the gross building area.

#### **Department of Public Works Encroachment Permit**

The Projection Sponsor will be seeking a minor encroachment permit from the Department of Public Works for the proposed variance's projection of approximately 1'-0" over the sidewalk with an additional 4'-0" for lighting fixtures, if necessary, over the sidewalk and 7'-6" vertical clearance above the sidewalk. The Department of Public Works has preliminary reviewed the minor encroachment permit application and finds it acceptable.

#### **Citizens Advisory Committee**

The Mission Bay Citizens Advisory Committee ("CAC") reviewed the proposed variance to the Design for Development at the May 10, 2018 meeting. The CAC members responded positively to the proposed variance and recommended supporting the proposed variance to the Commission.

#### **California Environmental Quality Act Review**

Staff has determined that the proposed variance is categorically exempt from California Environmental Quality Act ("CEQA") environmental review pursuant to CEQA Guidelines Section 15303, as new construction of an appurtenant structure, and therefore, requires no further environmental review.

#### **STAFF RECOMMENDATION**

Staff recommends that the Commission authorize the proposed variance to Design for Development for an architectural projection on Mission Bay South Block 40 as presented in Attachment B.

*(Originated by Nikki Henry, Assistant Development Specialist)*



Nadia Sesay  
Executive Director

Attachment A: Mission Bay Location Map  
Attachment B: Artwork Plan, Elevation, and Section  
Attachment C: Art Wall Design 2018

# Attachment A:



## LEGEND:

- Public Facility
- Parks
- Residential / Market Rate
- Residential / Affordable
- Hotel

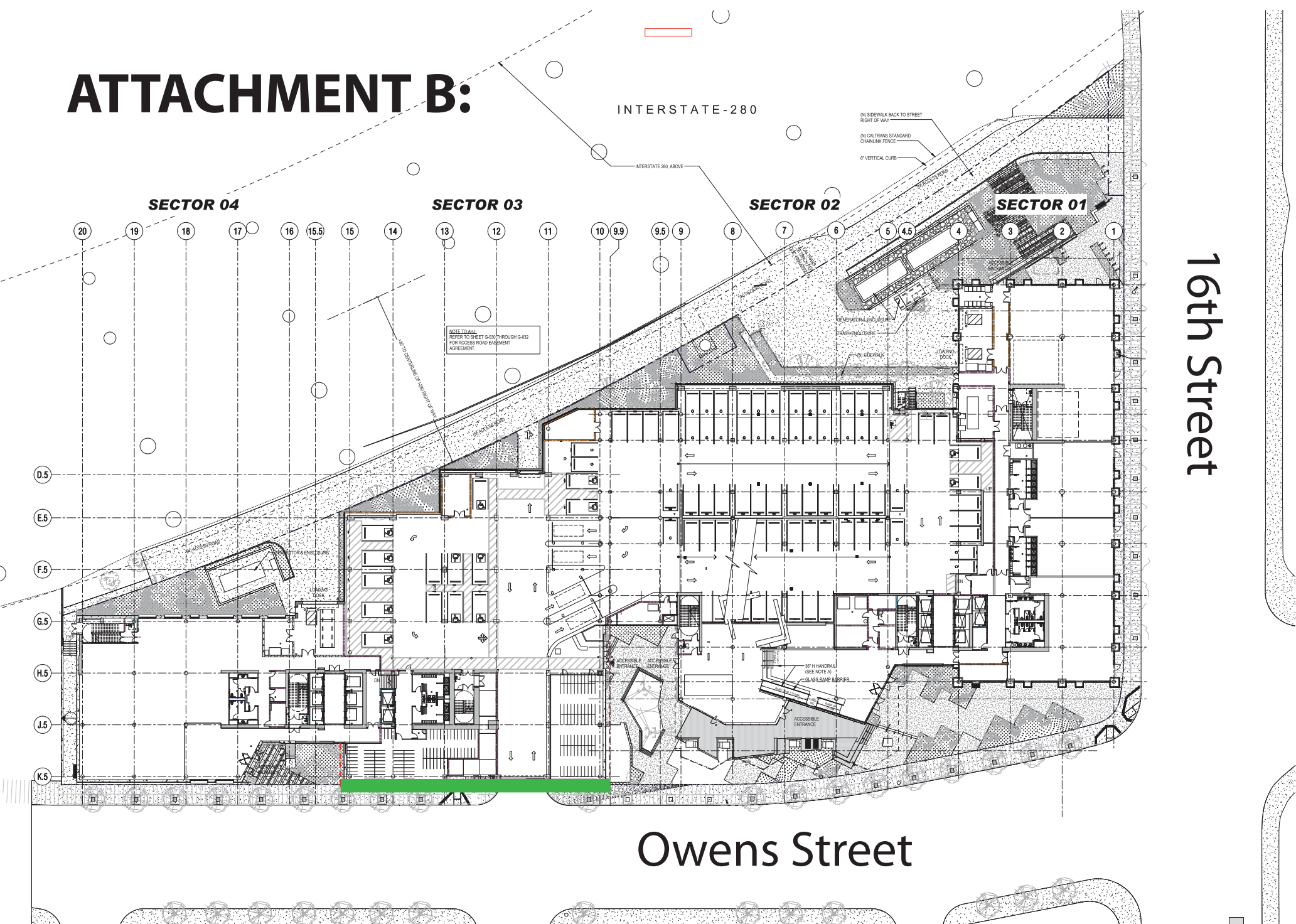
- UCSF Campus
- Commercial
- Site Location

## MISSION BAY BLOCK 40

June 2018



# ATTACHMENT B:



16th Street

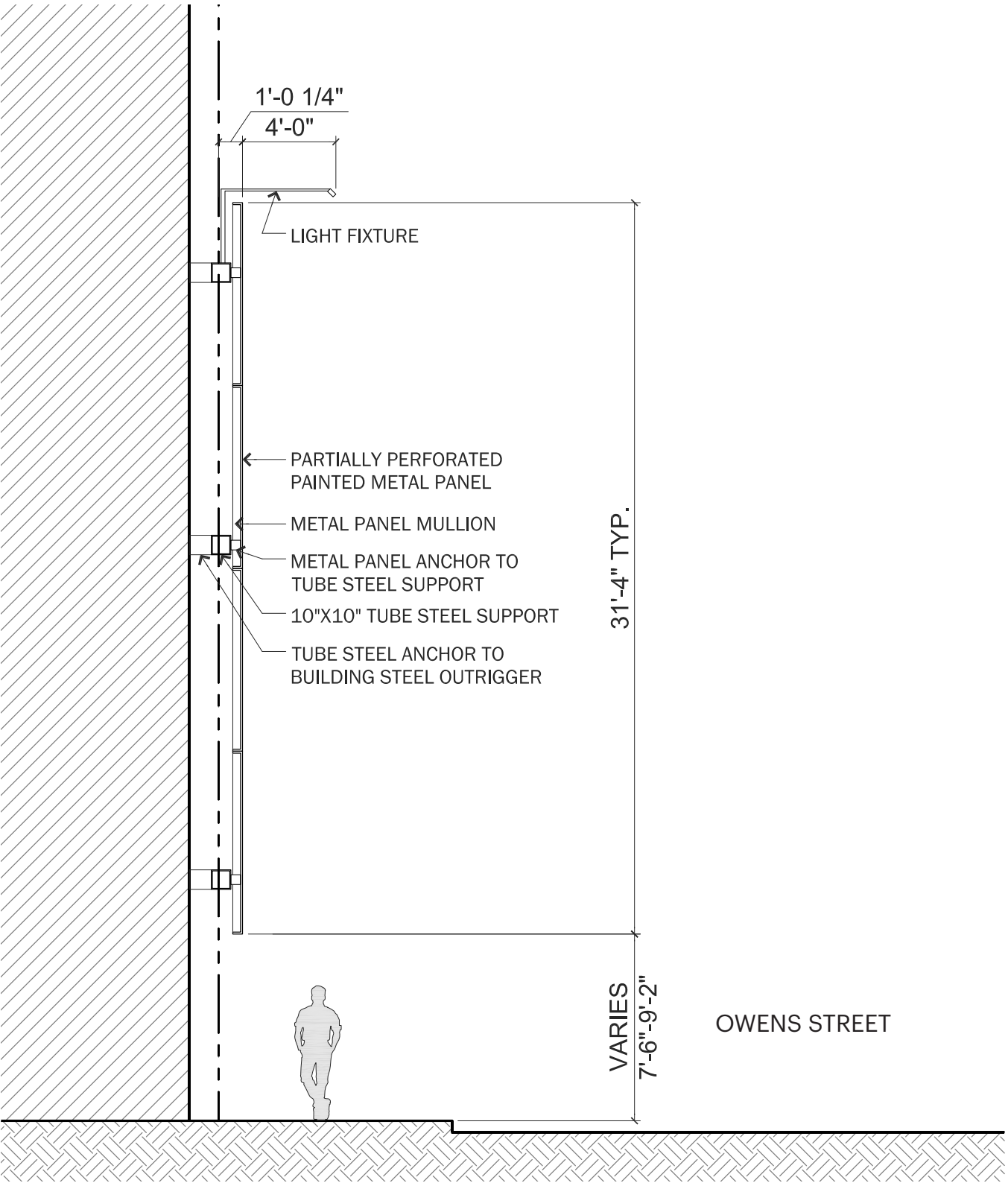
Owens Street

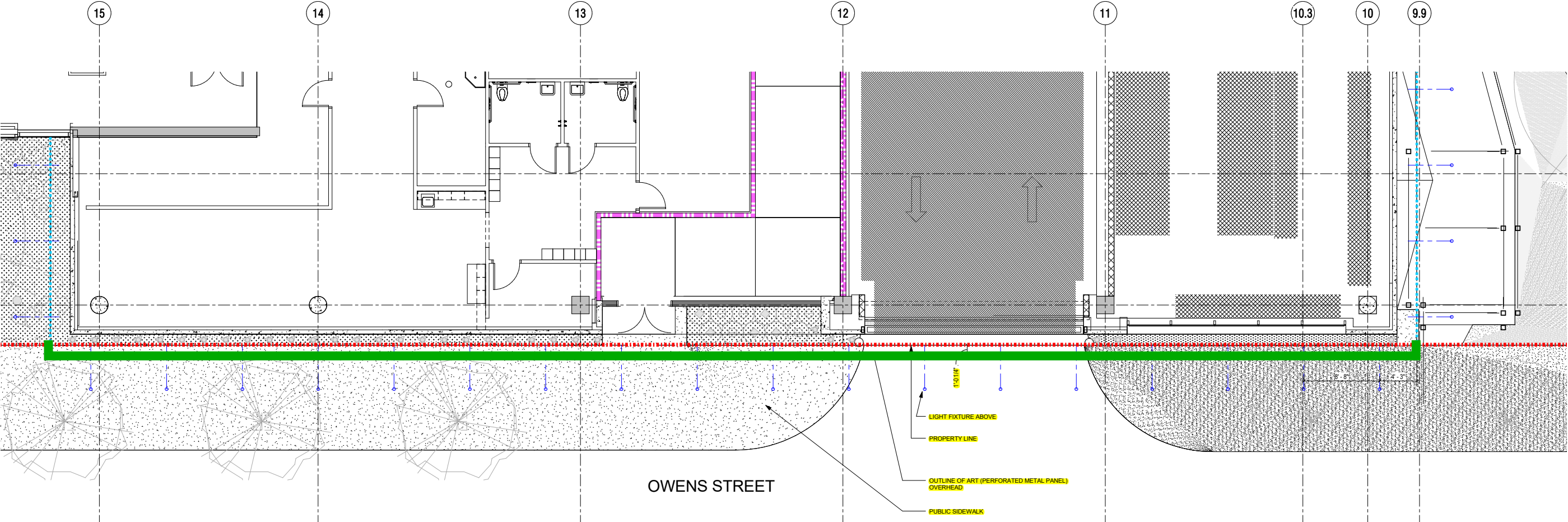
 Variance Location

4 3 2 1

# Art Wall Section

# Attachment B:





— Variance Location

Elevation

Attachment B:

