RESOLUTION NO. 229-2000

Adopted November 14, 2000

GRANTING A VARIANCE TO THE EXTERIOR BUILDING SURFACE AND SETBACK REQUIREMENTS, AND ROOF COVERAGE STANDARDS OF THE DESIGN GUIDELINES FOR THE PROPOSED COMMERCIAL-INDUSTRIAL MIXED USE BUILDING REGARDING THE DEVELOPMENT OF 3433 THIRD STREET, ASSESSOR’S BLOCK 5203, LOT 23; INDIA BASIN INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA

BASIS OF RESOLUTION

1. Marlin Cove, Inc. (the “Developer”), proposes a development project (the “Project”) consisting of a five-story building containing approximately 161,020 gross square feet of space, including 111,450 gross square feet for a telecommunication switching facility, 42,000 gross square feet of office space, and 7,570 gross square feet of ground floor retail space at 3433 Third Street, on Lot 23 of Assessor’s Block 5203 (the “Site”). Included in the Project’s gross square footage are service areas of 6,955 square feet and 3,085 square feet for the telecommunications and office uses, 500 square feet of showers serving the office uses, and 18,290 square feet of space for emergency back-up power supply, and general mechanical and electrical equipment. Off-street parking of approximately 73 parking spaces will be available on two levels, with access from a driveway off of Burke Avenue. Two full-size loading docks and service areas with a total of about 2,615 square feet will be located on the ground floor with access from Cargo Way. A 7,305 square-foot lobby would have an entrance off of Third Street.

2. The Project is located within the India Basin Industrial Park Redevelopment Project Area (the “Project Area”).


4. Concurrently with this resolution, the Agency has approved an amendment to the Design Guidelines for the India Basin Industrial Park Redevelopment Project Area, adopted by Resolution No. 230-2000.

5. In addition to the amendment to the Design Guidelines, a variance to the Design Guidelines for the Project Area (the “Design Guidelines”) is required for the Project to reduce the setback requirements along Third Street and Cargo Way, in order to accommodate the use of metal siding as an exterior building material, and permit roof coverage of up to 60 percent by screened mechanical equipment.

6. The proposed Project is on an approximately 52,000 square foot vacant site in the northwestern-most corner of the Project Area. The Site is bounded by Third Street on the
west, Cargo Way on the north, Burke Street on the south, and a warehouse building immediately adjacent to the lot on the east.

6. India Basin Industrial Park was envisioned over thirty years ago as an industrial park with “light and major industrial uses” which would be buffered from surrounding residential and commercial areas. At the time the Redevelopment Plan was written, the industrial uses considered had different physical characteristics and ancillary activities than do industrial and high technology activities today.

7. The Design Guidelines, but not the Redevelopment Plan, call for a 25-foot building setback from Third Street between Cargo Way and Galvez Avenue and 15-foot building setbacks from all other streets.

8. Given the small size and urban character of the site, the use and type of building proposed, and the need to provide off-street parking spaces in a structured parking garage, a variance to the reduce the setback requirement along Third Street and Cargo Way is justified to accommodate the Project, and is consistent with the general purposes of the Redevelopment Plan.

9. The Redevelopment Plan does not prohibit the use of metal siding as an exterior building material; however, the Design Guidelines prohibits the use of metal siding as an exterior building material. The Developer has made modifications to the building plans to reduce the amount of metal siding as an exterior building material. Nevertheless, some metal siding remains proposed as an exterior building material. Therefore, a variance is needed from the Design Guidelines for the limited amount of exterior metal siding used in the building, and such a variance would be consistent with the Redevelopment Plan.

10. The San Francisco General Plan discourages the use of materials that emit substantial amounts of light or glare. The metal siding proposed for the Project and permitted by the Design Guidelines Amendment would include a matte finish that would minimize the amount of light or glare emitted.

11. The Design Guidelines do not explicitly address roof coverage; however, for those standards or requirements not contained in the Design Guidelines, the standards and the requirements applicable to project land uses as delineated in the Planning Code are used by the Agency to guide the interpretation of the Design Guidelines. The Developer has reduced the amount of roof coverage of screened mechanical equipment needed for the building uses to the extent possible. Nevertheless, the amount of roof coverage would be roughly 60 percent and would need a variance in order to exceed the 30 percent standard, which would be required by the Planning Code.

12. On September 23, 2000, the Agency published a Preliminary Negative Declaration, representing the independent, objective judgment of the Agency and finding that, with the incorporation of mitigation measures, the project, including the variance to the Design Guidelines, could not have a significant impact on the environment. The Preliminary Negative Declaration was prepared, noticed and circulated in a manner
adequate and complete pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, Chapter 31 of the San Francisco Administrative Code and Agency Resolution 59-77. On October 13, 2000, one (1) written appeal was filed with the Agency, within the appeal period. The Agency held a public hearing on the appeal on October 31, 2000, and heard public comments. Concurrently with this resolution, by Resolution No. 226-2000, the appeal of the Preliminary Negative Declaration was considered and rejected and the Final Negative Declaration was approved by the Agency.

13. The Project and CEQA files have been made available for review by the Agency Commission and the public, and these files are part of the record before the Commission.

14. The Bayview Hunters Point Project Area Committee, which advises the Agency on projects for the adjacent Bayview Hunters Point Redevelopment Survey Area, endorsed the Project and the Schematic Design, including the proposed building materials, setbacks and roof coverage, on September 21, 2000.

15. Agency staff recommends that the Agency Commission approve the variance to the setback requirements, the limited use of metal siding as an exterior building material, and the allowance of up to 60 percent roof coverage by screened mechanical equipment.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that a variance to the Design Guidelines for the India Basin Industrial Park Redevelopment Project Area is granted to allow a reduction in the 25-foot building setback requirement along Third Street and Cargo Way, to allow the limited use of metal siding as an exterior building material for the Project, and to allow up to 60 percent roof coverage by screened mechanical equipment.

APPROVED AS TO FORM:

Bertha A. Ontiveros
Agency General Counsel