RESOLUTION NO. 219-2001

Adopted December 11, 2001

APPROVING (1) A CONDITIONAL USE TO ALLOW AN INCREASE IN THE BUILDING HEIGHT FROM 40 FEET TO 85 FEET AND TO INCREASE THE MAXIMUM PERMITTED BUILDING BULK; AND (2) A VARIANCE FROM THE REAR YARD REQUIREMENT; AND, CONDITIONALLY APPROVING THE SCHEMATIC DESIGN FOR THE AIR-RIGHT PARCELS A AND B AT 827 HOWARD STREET; YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. Tenants and Owners Development Corporation, a California nonprofit public benefit corporation ("TODCO"), has submitted schematic design drawings for a nine story, 85 unit very low income senior residential project, with underground parking, an approximately 7,246 square foot ground floor restaurant, an approximately 7,246 square foot social services facility on the second floor, and associated open space (the "Project").

2. The proposed Project is located at 827 Howard Street in the Yerba Buena Center Redevelopment Project Area (the "Project Area"). The Project has received a grant of Section 202 funds for senior housing from the U.S. Department of Housing and Urban Development, and concurrently with this Resolution, pursuant to Resolution No. 218-2001, the Commission is considering TODCO’s request for a Predevelopment Grant related to landscaping and improvements to the common area, adjacent to the Project, being developed to serve residents of several adjacent affordable senior housing developments, including Woolfe House, Clementina Towers and Ceatrice Polite.

3. Pursuant to Resolution No. 217-2001, the Commission is also concurrently considering entering into an Owner Participation Agreement ("OPA") with TODCO for Project.

4. The Project is located in a “non-exempted” land use district (the "District") within the Project Area and thus the uses for the Project are as provided by the Planning Code (the "Code") of the Planning Department of the City and County of San Francisco, as such Code requirements are administered by the Agency.

5. The architects for the project, Kwan Henmi Architecture, developed the schematic design for the Project, and have submitted the proposed Schematic Design for Agency review and approval.
6. To accomplish the development of the Project, TODCO has requested two conditional uses and a variance as follows:

- conditional use approval is required to allow an increase in the building height of the Project from 40 feet to 85 feet in height.
- conditional use approval is required to allow development of the Project with a maximum building length of 153 feet and a maximum building diagonal dimension of 162 feet above the 50 foot building height.
- A variance is required for the rear yard location and shape, with the proposed revised location and shape providing an equivalent area of usable open space within the Project at the first residential floor.

7. In regard to the schematic design, Agency staff recommends approval of the schematic design, subject to satisfactory resolution of the following design concerns which staff believes can be satisfactorily resolved in the next design phase, the preparation of the Preliminary Construction Documents. Staff proposes the following conditions to approval of the Schematic Design:

- Detailed landscaped drawings for the open space of the development, as well as the street trees shall be submitted to the Agency for review and approval.
- Exterior materials and colors selection shall be submitted to the Agency for review and approval.
- Large-scale drawings of the exterior detailing for the building, including joints and reveals, shall be submitted to the Agency for review and approval.
- A sign program requiring Agency review of all exterior signs to be placed on the building shall be developed and submitted to the Agency for review and approval.

8. Public notice for consideration of the conditional uses for the Project was provided pursuant to Code section 316.3.

**FINDINGS**

1. In regard to the conditional use request to allow an increase in the building height of the Project from 40 feet to 85 feet in height, the Agency finds that:

   a. an increase in height from 40 feet to 85 feet is allowable as a conditional use, pursuant to Code section 263.11, as the criteria provided by section 263.11 allows buildings up to 85 feet if: (1) there is consideration for the reduction of shadows on adjacent open space and consideration for the reduction of ground level wind current;
and (2) they contain affordable housing units. The proposed Project meets these criteria as shadow and wind studies are required as part of the mitigation measures applied to the Project pursuant to the Project Area Redevelopment Plan, and approval of that portion of the building above 40 feet would provide an additional 59 units of very low-income senior housing;

b. an 85 foot high building on this site would be more compatible in scale with the adjacent properties including the 120 foot high Moscone expansion on the north side of Howard street, the Wolfe House affordable senior housing development to the east and the 120 foot high Clementina Towers public housing development to the south; and;

c. the general requirements for conditional uses pursuant to Code section 303 have been met for this request.

2. In regard to the conditional use request to allow development of the Project with a maximum building length of 153 feet (from the maximum permitted building length of 110 feet) and a maximum building diagonal dimension of 162 feet (from the maximum permitted diagonal dimension of 125 feet) above the 50 feet building height, the Agency finds that:

a. a greater building length and diagonal dimension is allowable as a conditional use, pursuant to Code section 271, as the Project has widespread public service benefits and significance to the community at large and that compelling functional requirements of the specific Project make the deviation necessary;

b. certain criteria related to bulk, including the reduction of the appearance of bulk and the compatibility of the Project with the character and development of the surrounding area, have been addressed. As the intent of the bulk requirements is to control the apparent building mass when viewed from the street, the Project meets such intent as this is an infill Project with existing structures on either side and the exceptions to the bulk requirement are for those portions of the Project that are perpendicular to the street frontage and are not visible when viewed from the street. Furthermore, the Project’s design is comparable to adjacent properties in terms of development pattern and building bulk and building to the property lines along both Howard and Tehama Streets represents a positive response to the goal of reinforcing the existing street wall pattern, resulting in a Project that is compatible with the adjacent neighborhood; and

c. the general requirements for conditional uses pursuant to Code section 303 have been met for this request.

3. In regard to the variance request for the rear yard location and shape, with the proposed revised location and shape providing an comparable area of usable open space within the Project at the first residential floor, the Agency finds that a variance may be granted from the rear yard requirement of Code section 134 as the Project complies with the intent of
section 134 which is to assure the protection and continuation of established mid-block, landscaped open spaces, and maintenance of a scale of development appropriate to the District, consistent with the location of adjacent buildings. As the prevalent pattern in the adjacent properties is to build from front to rear property line, resulting in no established mid-block, landscaped open space, and as the Project will provide a usable courtyard open space within the U-shaped building design that is comparable to the prescribed rear yard requirement, the resulting Project will not be materially injurious to the other improvement in the vicinity and will provide more usable open space than the applicable rear yard requirements.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the conditional uses to allow an increase in the building height from 40 feet to 85 feet and to increase the maximum permitted building bulk, and the variance for the rear yard location and shape are granted and that the schematic design for the Project proposed by Tenants and Owners Development Corporation, a California nonprofit public benefit corporation, (TODCO) is approved conditionally in the form submitted by TODCO, subject to resolution of the conditions of approval set forth above to the satisfaction of the Agency during the next phase of work, and provided that the design refinements do not alter the schematic design for the development located at 827 Howard Street in the Yerba Buena Center Redevelopment Area.

APPROVED AS TO FORM:

[Signature]
Bertha A. Ontiveros
Agency General Counsel