

RESOLUTION NO. 8-2003

Adopted January 21, 2003

CONDITIONALLY APPROVING THE AMENDED COMBINED BASIC CONCEPT AND SCHEMATIC DESIGN FOR PARCEL 1 OF BLOCK N3, WHICH IS LOCATED AT KING, FOURTH, AND BERRY STREETS, PURSUANT TO AN OWNER PARTICIPATION AGREEMENT WITH CATELLUS DEVELOPMENT CORPORATION, A DELAWARE CORPORATION; MISSION BAY NORTH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On September 17, 1998, by Resolution No. 185-98, the Redevelopment Agency of the City and County of San Francisco ("Agency") approved the Redevelopment Plan for the Mission Bay North Redevelopment Project Area ("Plan"). On the same date, the Agency adopted related documents, including Resolution No. 188-98 authorizing execution of an Owner Participation Agreement ("North OPA") and related documents between Catellus Development Corporation, a Delaware corporation ("Catellus"), and the Agency. The Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents."
2. The Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the North OPA ("DRDAP"), provide that development proposals in Mission Bay North will be reviewed and processed in "Major Phases," as defined in and consistent with the Plan and the Plan Documents. Submission of design plans and documents for any specific building ("Project") must be consistent with the requirements established for each Major Phase. The DRDAP sets forth the review and approval process for Major Phases and Projects.
3. On August 15, 2000 the Agency adopted Resolution No. 148-00, which found that the potential environmental impacts of the Blocks N3, N3a, N4, and N4a Major Phase were within the scope of impacts discussed in the Final Subsequent Environmental Impact Report (FSEIR) certified on September 17, 1998, by the Agency (Resolution No. 182-98) and the San Francisco Planning Commission (San Francisco Planning Commission Resolution No.14696) and approved the Blocks N3-N4a Major Phase submission.
5. Pursuant to the Plan and Plan Documents, including the DRDAP, AvalonBay Communities Inc. (the "Developer") submitted an Amended Combined Basic Concept and Schematic Design ("Schematic Design") for Parcel 1 of Block N3, plans dated December 12, 2002 and January 9, 2003, which includes a plan for the distribution of Inclusionary Units pursuant to the North OPA.
6. The Amended Schematic Design shall replace the original combined Basic Concept and Schematic Design for Parcel 1 of Block N3, which was approved by the Agency on March 20, 2001 by Resolution No. 45-2001. The Agency has reviewed the new Amended Schematic Design as provided in the DRDAP, finds it acceptable and recommends approval thereof, subject to the resolution of certain design concerns.

FINDINGS

The Agency finds and determines that the proposed development as submitted is an Implementing Action exempt from additional environmental review requirements pursuant to State CEQA Guidelines sections 15180, 15162 and 15163 for the following reasons:

A. The Implementing Action is within the scope of the Project analyzed in the FSEIR, and no FSEIR revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

B. No substantial changes have occurred with respect to the circumstances of the Project analyzed in the FSEIR which would require major revisions to the FSEIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FSEIR.

C. There is no new information of substantial importance to the Project analyzed in the FSEIR which would indicate any of the following (i) the Implementing Action will have significant effects not discussed in the FSEIR; (ii) significant environmental effects will be substantially more severe; (iii) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (iv) mitigation measures or alternatives which are considerably different from those in the FSEIR will substantially reduce one or more significant effects on the environment.

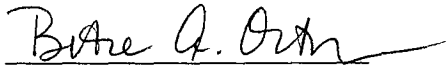
RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Amended Schematic Design for Parcel 1 of Block N3 is hereby approved pursuant to the Mission Bay North Owner Participation Agreement with Catellus Development Corporation, subject to resolution of the following design concerns to the Agency staff's satisfaction at the next phase of design:

1. The Project Developer shall submit the following information prior to or concurrent with the Design Development documents for review and approval by staff:
 - a. Design studies of the metal decorative fins on the upper portions of the tower and the midrise shall be submitted to ensure compatibility with the overall building design.
 - b. Design studies of the metal grillwork that screens the parking and loading areas shall be submitted to ensure that these uses are appropriately screened from views.
2. The design of the podium spa changing room/storage facility is subject to further review and approval by staff during Design Development.
3. The Project's colors, materials, and finishes are subject to further review and approval by staff during Design Development.

4. The material for the corner windows of the tower shall consist of a metal post that is part of the window system.
5. The Project landscape design and detailing for the usable open space, including the ground floor courtyards, the podium courtyard, the terraces, and balconies, are subject to further review and approval by staff during Design Development.

APPROVED AS TO FORM:



Bertha A. Ontiveros
Agency General Counsel