RESOLUTION NO. 210-2005

Adopted December 20, 2005

APPROVING A MODIFICATION TO THE REAR-YARD REQUIREMENT AND CONDITIONALLY APPROVING A SCHEMATIC DESIGN FOR THE DEVELOPMENT OF A 98-UNIT, SINGLE-ROOM-OCCUPANCY RESIDENTIAL PROJECT AT 766 HARRISON STREET, LOCATED BETWEEN FOURTH AND LAPU-LAPU STREETS (ASSESSOR'S BLOCK 3751, LOT 153); YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. Baker Hamilton Properties, LLC, a California limited liability company (the "Owner"), owns approximately 6,880 square feet of land, located at 766 Harrison Street (the "Site") in the Yerba Buena Center Redevelopment Project Area (the "Project Area"). The Site, located between Fourth and Lapu-Lapu Streets, is several parcels east of the Aurora apartments and the Whole Foods Market. The Site is currently improved with a one-story, commercial building of approximately 3,225 square feet.

2. The Owner plans to demolish the existing building and construct a new eight-story, 98-unit, single-room-occupancy ("SRO") residential project. The project will include 4,500 square feet of retail uses, five parking spaces for the residential units, a 581-square-foot side yard, along with 4,370 square feet of common resident open space on a roof deck (collectively, the "Development").

3. Pursuant to Resolution No. 209-2005, the Commission is concurrently considering entering into an Owner Participation Agreement ("OPA") for the Development with the Owner.

4. The Site is located in the Yerba Buena Center Service/Secondary Office Use District (SSO/YBC District) and 80-K Height and Bulk District, and within a "non-exempted" land use district (the "District") in the Project Area and thus the uses for the Site are as provided by the Planning Code of the Planning Department of the City and County of San Francisco (the "Code"), as such Code requirements are administered by the Agency. Pursuant to the Plan and the Code, SRO units are a permitted use in the District.

5. During design discussions with the Owner, it was determined that a better building design with enhanced natural light and air for the tenants would result from a modification to the Code's rear-yard requirements which, pursuant to Section 134, requires the rear-yard to be 40 feet by 43 feet, which equals 1,720
square feet. Section 134(e) allows for modifications to the rear-yard requirement in South of Market Districts, of which the Site is a part.

6. The Owner is requesting a modification to the rear-yard requirement (the “Modification”) as detailed below. The proposed Development complies with the requirements of the Plan and the Code with the Agency approval of this modification to the rear-yard requirement.

7. With approval of the Modification, the proposed Schematic Design not only addresses the rear-yard requirement, but also enhances the overall design aesthetic of the Development. The Schematic Design intent is for this building to maximize light and air to the units, maximize views and useable open space.

8. The proposed Schematic Design meets the above requirements based on the following factors:

- The building appears as a series of interlocking “boxes” that visually break up the mass of the building, and fit within the architectural texture of the South of Market neighborhood;

- Each residential level has a total of 14 units per floor, with six units that have street and city views, and eight units that surround the side, south-facing courtyard. The design of the building at the side courtyard provides privacy while maximizing the natural light to those units;

- The seventh and eighth floors are set back, which visually and physically open up the side courtyard to all the units that front the side courtyard in the event that new buildings are developed on the adjacent lots;

- Most of the units have a small private balcony as an added amenity for the residents in addition to the landscaped open space on the roof;

- The roof deck includes landscape elements such as transparent glass wind screens, modular planters, seating elements, removable canvas roof canopies, and outdoor cooking areas. The second-level side courtyard also contains similar modular planters; and,

- Building materials and colors have been selected to articulate the building mass into smaller elements. The proposed building materials include terra cotta rainscreen wall tiles, flat metal wall panels, corrugated metal wall panels, and metal-grated balconies.

9. Staff recommends approval of the Schematic Design, subject to satisfactory resolution of the following design concerns which staff believes can be satisfactory resolved in the next design phase, the preparation of Preliminary Construction Documents:
- Additional design detail work is necessary to increase the sense of privacy between the individual units without sacrificing the light and air available to the units;

- Further development of the landscape plan is required to tie together the landscape elements from the roof deck and second-level courtyard into a cohesive landscape design; and,

- The proposed building materials with associated detailing will require additional study and design development in the next phase.

10. The Schematic Design was presented at a community meeting at the Site in February 2005, and community members in attendance were supportive of the Development. In addition, the Yerba Buena Alliance was informed of the Development and did not raise any issues.

11. Pursuant to the requirements of the California Environmental Quality Act ("CEQA"), a Negative Declaration for the proposed Development was approved by Agency Resolution No.209-2005 on December 20, 2005. The Negative Declaration found that the Development will not have a significant effect on the environment based on CEQA Guidelines Sections 15064, 15065, and 15070, and the reasons documented in the Initial Study for the Development, which is attached to the Negative Declaration. The Negative Declaration includes specific mitigation measures related to construction traffic and construction air quality that will be implemented to ensure that no significant environmental impacts occur.

**FINDINGS**

1. In regard to the Modification request, the Code, pursuant to Section 134(e), allows a modification if the following three criteria are met:

   A. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

   The Development provides a 581-square-foot courtyard at the first residential level in a side yard and a 4,370-square-foot landscaped, common area roof. The common area roof is not only larger in square footage than what would have been provided under the rear-yard requirement, but the landscaped roof also provides a more accessible open space amenity for the residents of the Development.

   B. The proposed new or expanding structure will not significantly impede the access of light and air to, and views from, adjacent properties.

   The adjacent property to the east is 760 Harrison Street. The property has a two-story, commercial building on the Harrison Street side of the lot, and a private
parking lot on the Rizal Street side. Staff believes that the proposed building, as designed, would have a minimal impact on the light and air at 760 Harrison. There is an abundant supply of air from the two frontages along Harrison and Rizal Streets; however, afternoon sunlight may be somewhat reduced.

The adjacent property to the west is 768 Harrison Street. The property has a two-story, commercial building on the Harrison Street side of the lot, and a private parking lot on the Rizal Street side. Staff again believes that the proposed building, as designed, would have a minimal impact on light and air at 768 Harrison. There is an abundant supply of air from the two frontages along Harrison and Rizal Streets as well the court on the southwest corner of the proposed project; however, morning sunlight may be somewhat reduced.

Neither adjacent property benefits from any special views. Therefore, the proposed project does not significantly impede views from adjacent properties.

C. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear-yards of adjacent properties.

The new structure will not adversely affect the interior block open space formed by the rear-yards of adjacent properties since there is no interior block open space on adjacent properties.

2. The proposed design complies with the three criteria required to recommend the Modification.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that a modification to the rear yard requirement is granted and that the schematic design for the development proposed by Baker Hamilton Properties, LLC, a California limited liability company, is approved conditionally in the form submitted, 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 98-unit, single-room-occupancy residential project at 766 Harrison Street, located between Fourth and Lapu-Lapu Streets (Assessor's Block 3751, Lot 153) in the Yerba Buena Center Redevelopment Project Area.

APPROVED AS TO FORM:

[Signature]
James B. Morales
Agency General Counsel