

RESOLUTION NO. 26-2009

Adopted March 3, 2009

GRANTING AN EXCEPTION FROM THE HEIGHT LIMIT RESTRICTION FOR BUILDING SIGNS IN THE YERBA BUENA CENTER REDEVELOPMENT PLAN AND CONDITIONALLY APPROVING THE SCHEMATIC DESIGN FOR PROPOSED IMPROVEMENTS TO THE METREON SITE LOCATED AT THE NORTHEAST CORNER OF FOURTH STREET BETWEEN MISSION AND HOWARD STREETS; YERBA BUENA CENTER APPROVED REDEVELOPMENT PROJECT AREA D-1

BASIS FOR RESOLUTION

1. The Redevelopment Agency of the City and County of San Francisco (the "Agency") is the fee owner of that portion of the Yerba Buena Center Approved Redevelopment Project Area D-1 located on the block bounded by Mission Street, Third Street, Howard Street and Fourth Street, known as Central Block 2 ("CB-2"). On May 9, 1997, the Agency entered into the Central Block 2 Entertainment and Retail Lease (the "Ground Lease") for the portion of CB-2 which includes the Metreon Site (defined below) with Yerba Buena Entertainment Center LLC. The Ground Lease was recorded in the Official Records of the San Francisco Recorder's Office ("Official Records") on May 13, 1997 as Document No. 97-G159383-00.
2. On April 18, 2006, the Agency Commission adopted Resolution No. 57-2006 approving the Assignment and Assumption of the Ground Lease by Westfield Metreon, LLC, a Delaware limited liability company, and FC Metreon LLC, a Delaware limited liability company (jointly the "Project Sponsor") as successor-in-interest to Yerba Buena Entertainment Center LLC. The Assignment and Assumption was recorded in the Official Records as Document No. 2006-I166666-00.
3. Pursuant to the Subsequent Construction provisions of Section 10 of the Ground Lease, Westfield/Forest City is undertaking certain improvements to the approximately 360,000 square foot Metreon building located at 101 Fourth Street, San Francisco, California (the "Metreon"). The land under the Metreon is legally known as Assessor's Block 3723, Lots 114 and 115 (the "Metreon Site").
4. The Project Sponsor is proposing substantial interior and exterior improvements to the Metreon including an interior reconfiguration that would enable new commercial uses, including new retail, entertainment, and restaurant uses.
5. The Ground Lease provides for Agency approval of any major physical alterations or improvements to the project. The Project Sponsor has submitted and staff has reviewed the schematic design for the proposed improvements to the Metreon.

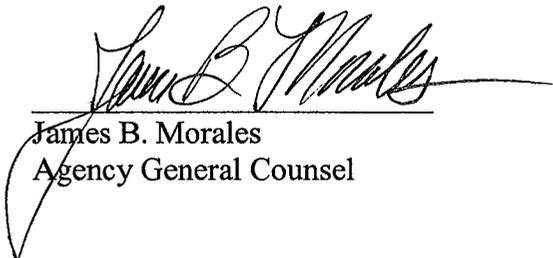
6. Staff has completed its design evaluation and determined the proposal to be acceptable and beneficial to the revitalization of the Metreon. Staff recommends that the Agency Commission approve the proposed improvements and the schematic design subject to the following conditions:
 - a. Submission of materials and color samples along with final construction drawings for staff review and approval;
 - b. Approval by the Department of Public Works of the design and location of the proposed passenger zones; and
 - c. Submission of the concept/schematic design of the proposed sculpture for staff review and approval and installation within six months of completion of the improvements.
7. In connection with such improvements, the Project Sponsor also seeks approval of an exception, as permitted under Section II.C.19 of the Yerba Buena Center Redevelopment Plan (the "Plan"), to the Plan standards that restrict exterior signage height fifty (50) feet above street grade.
8. The Project Sponsor proposes a pylon sign at the reconfigured mid-block entrance at Fourth Street. The new sign is designed on a vertical format mounted to a pylon. The topmost letter is seventy-two (72) feet above the street grade. The Plan limits building signs to a height of fifty (50) feet above the street grade. Therefore, this sign requires an exception to the Plan standards of twenty-two (22) feet.
9. The Plan stipulates that building signs shall be an integral design element of the building. The Plan further states that exceptions may be granted if the literal interpretation of the standards for the development conflict with the intent of the general purposes of the Plan.
10. Since the pylon sign is designed, scaled, and located in such a way as to be a visually integral part of the overall building architecture, staff recommends approval of the proposed exceptions from the height restrictions to permit construction of the proposed sign for the Metreon complex.
11. On February 20, 2009, staff mailed, pursuant to Agency Resolution No. 1-78 (March 21, 1978), a notice of the public hearing regarding the proposed exception to the Plan's Development Standards to the owners of all real property within a 300-ft radius of the boundaries of the Metreon Site.
12. Agency approval of the proposed exception from the height limit restriction for the pylon building sign at the Metreon building and schematic design for improvements to the Metreon Site, are activities that are alterations to an existing facility, would have no resultant significant environmental impacts and are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301(a).

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco as follows:

- (1) An exception is granted from the height limit restriction for building signs in the Yerba Buena Center Redevelopment Plan at the Fourth Street entrance.
- (2) The schematic design for proposed improvements to the Metreon Site, located at the northeast corner of Fourth Street between Mission and Howard Streets, is conditionally approved in the form submitted by Westfield/Forest City and presented to the Agency Commission, subject to staff's approval of the proposal to be submitted by Westfield/Forest City for resolutions of the design conditions stated in the Resolutions, together with such refinements as the Executive Director may approve which do not substantially alter the schematic design concept.
- (3) The Executive Director is authorized to execute any and all ancillary documents necessary and take any actions contemplated by the approval of the design and related documents to effectuate the approval of the design.

APPROVED AS TO FORM:



James B. Morales
Agency General Counsel