

## COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

### RESOLUTION NO. 29-2018

*Adopted June 19, 2018*

#### **APPROVING A VARIANCE UNDER THE MISSION BAY SOUTH DESIGN FOR DEVELOPMENT FOR ARTWORK ON BLOCK 40 AT 1800 OWENS STREET THAT EXCEEDS STANDARDS FOR VERTICAL DIMENSIONS AND FOR CLEARANCE FROM, AND PROJECTION OVER, THE SIDEWALK; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

WHEREAS, The Board of Supervisors of the City and County of San Francisco (“Board of Supervisors”) adopted the Mission Bay South Redevelopment Plan on November 2, 1998 by Ordinance No. 335-98 (“Redevelopment Plan”) and amended the Redevelopment Plan on July 9, 2013 by Ordinance No. 143-13. The Redevelopment Plan establishes land use controls for the Mission Bay South Project Area; and,

WHEREAS, The Mission Bay South Design for Development (“Design for Development”) was originally adopted by the former Redevelopment Agency Commission on September 17, 1998 (Resolution No. 191-98), and amended on February 17, 2004 (Resolution No. 24-2004), March 16, 2004 (Resolution No. 34-2004), March 17, 2015 (Resolution No. 15-2015), November 3, 2015 (Resolution No. 71-2015), October 17, 2017 (Resolution No. 42-2017), and June 5, 2018 (Resolution No. 25-2018; and,

WHEREAS, On February 1, 2012, state law dissolved all redevelopment agencies, including the former San Francisco Redevelopment Agency (“Former Agency”), and established successor agencies to assume certain rights and obligations of the former redevelopment agencies. California Health and Safety Code §§ 34170 et seq. (“Redevelopment Dissolution Law”); and,

WHEREAS, On October 2, 2012, the Board of Supervisors, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12, which was signed by the Mayor on October 4, 2012, and which, among other matters, delegated to the Successor Agency Commission, commonly known as the Commission on Community Investment and Infrastructure (“Commission”), the authority to (i) act in the place of the Redevelopment Commission to, among other matters, implement, modify, enforce and complete the Former Agency’s enforceable obligations; (ii) approve all contracts and actions related to the assets transferred to or retained by the Successor Agency, including, without limitation, the authority to exercise land use, development, and design approval, consistent with applicable enforceable obligations, and; and (iii) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and other action that the Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,

- WHEREAS, The Board of Supervisors' delegation to the Commission includes authority to grant approvals under specified land use controls for the Mission Bay South Redevelopment Project Area consistent with the Redevelopment Plan, enforceable obligations, and related documents; and,
- WHEREAS, The Redevelopment Plan requires the installation and maintenance of works of art costing an amount equal to 1 percent of the hard costs of initial construction of a project for commercial uses exceeding 25,000 gross square feet of floor area; Works of art "shall be located in and permanently affixed to a Project, its grounds or an Open Space Parcel or the surrounding area." Redevelopment Plan at page 21; and,
- WHEREAS, On February 3, 2015, the Commission approved Resolution No. 07-2015, adopting environmental review findings pursuant to the California Environmental Quality Act and conditionally approving the Basic Concept and Schematic Design application for a commercial project consisting of approximately 667,500 square feet of office space on Block 40 at 1800 Owens Street in Mission Bay South ("Project"); and,
- WHEREAS, The Project proposed a horizontal artwork located along the parking garage along Owens Street and wrapping the building to the North; and,
- WHEREAS, The resolution approving the Project's Basic Concept and Schematic Design includes the following condition: "The landscape design and public art projects shall be subject to further review and approval by OCII staff during the Design Development Phase." Resolution No. 07-2015 at page 6; and,
- WHEREAS, The Design for Development sets forth certain design standards and guidelines for development of buildings within the Plan Area, limiting an architectural projection vertical clearance to a minimum of 8'-0" from the sidewalk, vertical dimension of not more than 2'-6", and a maximum projection no more than 3'-0" over streets; and,
- WHEREAS, The Design for Development provides for the following discretionary standard for the approval of a variance from the provisions governing development: "The Agency may, in its discretion, grant variances to the design standards in this Design for Development where the enforcement would otherwise constitute an unreasonable limitation beyond the intent and purpose of the Design for Development and the [South] Plan and is consistent with the public health, safety and welfare." Design for Development, Section III at page 19; and,
- WHEREAS, OCII staff recommends a variance to the Design for Development architectural projection design standards for artwork located along Owens Street to project no more than approximately 5'-0" over the public right-of-way, maintain a minimum vertical clearance of 8'-0" above the sidewalk, and maximum vertical dimension of not more than 31'-4" ("Variance"); and,

WHEREAS, OCII staff finds the proposed Variance and artwork generally follows the intent of the Design for Development's architectural projection standards promoting façade treatments that enhance decorative character and variation; and,

WHEREAS, OCII staff finds the proposed Variance is necessary in order to maintain adequate ventilation of the parking garage for health and safety and recommends approval; and,

WHEREAS, OCII staff informed the Mayor's Mission Bay Citizens Advisory Committee ("CAC") of the details of the proposed Variance during its May 2018 meeting and at that meeting, the CAC recommended Commission approval of the proposed Variance; and,

WHEREAS, OCII staff has reviewed the proposed Variance found that, the proposed Variance is accessory to the project, does not create a hazard in any way, does not affect any other private property, and does not increase the area of the building; and,

WHEREAS, The proposed Variance is categorically exempt from environmental review pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15303, as new construction of an appurtenant structure; now, therefore, be it

RESOLVED, The Commission approves the proposed Variance to the Design for Development for a work of art, which constitutes an architectural projection of 5'-0" over Owens Street sidewalk, a minimum of 7'-6" of vertical clearance above Owens Street sidewalk, and consisting of a maximum 31'-4" inch high wall mounted public artwork.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of June 19, 2018.

  
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Commission Secretary