

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 01-2019

*Adopted January 15, 2019*

**CONDITIONALLY APPROVING THE BASIC CONCEPT AND SCHEMATIC DESIGN OF AN AFFORDABLE HOUSING PROJECT AT MISSION BAY SOUTH BLOCK 9, WHICH CONSISTS OF APPROXIMATELY 141 AFFORDABLE RENTAL UNITS WITH SUPPORTIVE SERVICES FOR FORMERLY HOMELESS HOUSEHOLDS, INCLUDING ONE MANAGER'S UNIT, AND IS WITHIN THE SCOPE OF AND ADEQUATELY DESCRIBED IN THE MISSION BAY REDEVELOPMENT PROJECT, APPROVED UNDER THE MISSION BAY FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT ("FSEIR"), A PROGRAM EIR; AND, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, section 33000 *et seq.* the "CRL"), the Redevelopment Agency of the City and County of San Francisco (the "Former Agency") undertook programs for the reconstruction and construction of blighted areas in the City and County of San Francisco (the "City"); and,

WHEREAS, In accordance with the CRL, the City, acting through its Board of Supervisors, approved, by Ordinance No. 335-98 (November 2, 1998), a Redevelopment Plan for the Mission Bay South Redevelopment Project Area (the "Project Area"). The Redevelopment Plan is referred to as the "South Plan." The South Plan and its implementing documents, as defined in the Plan, constitute the "Plan Documents." Under the CRL, the Former Agency, with the assistance of the City, was "vested with the responsibility for carrying out the [South] Plan;" Health & Safety Code § 33372; and,

WHEREAS, The South Plan provides for the redevelopment, construction and revitalization of the area generally bounded by the China Basin Channel, Seventh and Mariposa Streets, and the San Francisco Bay and containing approximately 238 acres of land. The South Plan anticipates and describes a mixed-use development comprised of public open space, retail, commercial, entertainment uses, and parking and loading uses; and,

WHEREAS, The Mission Bay South Owner Participation Agreement (the "OPA") between the Former Agency and FOCIL-MB, LLC (the "Master Developer") provides that the Master Developer will contribute land to the Former Agency, at no cost, for the development of affordable housing and the Former Agency will oversee the development of up to one thousand two hundred eighteen (1,218) affordable housing units in the Project Area; and,

- WHEREAS, Pursuant to the State law, California Health and Safety Code §§ 34170 et seq., (“Redevelopment Dissolution Law”), the Former Agency was dissolved as of February 1, 2012 and a successor agency was formed with the authority, rights, powers, duties, and obligations previously vested with the Former Agency for the purpose of completing certain projects and winding down redevelopment activities; and,
- WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco (commonly known as the Office of Community Investment and Infrastructure) (the “Successor Agency” or “OCII”) is completing the enforceable obligations of the Former Agency in the Project Area, under the authority of the CRL as amended by the Redevelopment Dissolution Law, and under San Francisco Ordinance No. 215-12 (October 4, 2012) (establishing the Successor Agency Commission (“Commission”) and delegating to it state authority under the Redevelopment Dissolution Law); and,
- WHEREAS, On January 24, 2014, the California Department of Finance (“DOF”) finally and conclusively determined that the OPA, the Mission Bay South Tax Increment Allocation Pledge Agreement, and the Mission Bay South affordable housing program are enforceable obligations that survived the dissolution of the Former Agency and require OCII to complete the development authorized under the South Plan, OPA, and related Plan Documents; and,
- WHEREAS, The Redevelopment Dissolution Law was amended in 2015 to authorize OCII to finance the affordable housing required under the OPA, California Health and Safety Code §§ 34177.7; and,
- WHEREAS, The South Plan and the Plan Documents, including the Design Review and Document Approval Procedure, designated as Attachment G to the OPA (“DRDAP”), provide that development proposals in Mission Bay South 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 must be consistent with the requirements established for each major phase, though the DRDAP allows for a major phase to be amended by a schematic design submittal if the overall submittal is still consistent with the Plan and Plan Documents. The DRDAP sets forth the review and approval process for major phases and projects therein; and,
- WHEREAS, On February 10, 2004, the Former Agency approved, by Resolution No 25-2004, the Major Phase for Blocks 8, 9, 10, 10a and Parks P18, P19, and P20 that included Mission Bay South Block 9 as an affordable housing site; and,
- WHEREAS, On April 6, 2017, OCII initially issued a Housing Development Request for Proposals (the “RFP”), and on June 7, 2017, OCII issued a revised RFP, to develop and operate affordable rental housing units with supportive services for formerly homeless persons on Mission Bay South Block 9 (“MBS 9”) and the develop the extension of Bridgeview Way, on parcels identified as Block 8719, Lots 003 and 004 of that certain map entitled “Final Map Planned Development Mission Bay (9-

9A and 10-10A)”, recorded on May 31, 2005 and filed on pages 6-10 in Book BB of the County’s Survey Maps (the “Site”). OCII received two submittals in response to the RFP, and determined that the applicant team consisting of Community Housing Partnership and BRIDGE Housing California (together, “Developer”), and the architecture firm Leddy Maytum Stacy Architects was well-suited to develop the Site. On October 17, 2017 the Commission approved the selection of the Developer as the MBS 9 project development team through Resolution No. 38-2017. The Commission authorized the Executive Director, by Resolution No. 3-2018 (February 20, 2018), to enter into a \$5,000,000 predevelopment loan agreement and promissory note (the “Predevelopment Loan Documents”) and an exclusive negotiations agreement (the “ENA”), which will lead to a long-term ground lease; and,

WHEREAS, Pursuant to the South Plan and Plan Documents, including the DRDAP, the Developer submitted a combined Basic Concept and Schematic Design application for Mission Bay South Block 9 as “Schematic Design”. The residential building in the Schematic Design submittal consists of 141 affordable rental units, associated community and services spaces, and improvements to Bridgeview Way; and,

WHEREAS, In accordance with the DRDAP, OCII staff has determined that the MBS 9 Schematic Design submission, subject to the satisfaction of the conditions of approval attached to this Resolution as Exhibit A (and incorporated herein by reference) (the “Conditions of Approval”), is consistent with the Mission Bay South OPA, Mission Bay South Redevelopment Plan and the Mission Bay South Design for Development Documents (“D for D”); and,

WHEREAS, In addition to its review, OCII staff informed the Mayor’s Mission Bay Citizens Advisory Committee (“CAC”) of the details of the MBS 9 Schematic Design during its December 2018 meeting and at that meeting, the CAC recommended Commission approval of the MBS 9 Schematic Design; and,

WHEREAS, OCII’s remaining discretionary approvals for MBS 9 consist of approval of a schematic design, a commitment of permanent financing and a long-term ground lease; and,

WHEREAS, On September 17, 1998, the Agency Commission adopted Resolution No. 182-98 which certified the Final Subsequent Environmental Impact Report (“FSEIR”) for Mission Bay North and South pursuant to the California Environmental Quality Act (“CEQA”) and State CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). On the same date, the Agency Commission also adopted Resolution No. 183-98, which adopted environmental findings (and a statement of overriding considerations), in connection with the approval of the Plan and other Mission Bay project approvals (the “Mission Bay Project”). The San Francisco Planning Commission (“Planning Commission”) certified the FSEIR by Resolution No. 14696 on the same date. On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the FSEIR by the Planning Commission and the Agency, and Resolution No. 854-98 adopting environmental findings and a statement of overriding considerations for the Mission Bay Project; and,

WHEREAS Subsequent to certification of the FSEIR, the Agency issued several addenda to the FSEIR (the “Addenda”). The Addenda do not identify any substantial new information or new significant impacts or a substantial increase in the severity of previously identified significant effects that alter the conclusions reached in the FSEIR; and,

WHEREAS, The FSEIR is a program EIR under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. Approval of the Schematic Design is an undertaking pursuant to and in furtherance of the Plan in conformance with CEQA Section 15180 (“Implementing Action”); and,

WHEREAS, OCII has reviewed the Schematic Design for purposes of compliance with CEQA and the State CEQA Guidelines; and,

WHEREAS, OCII is making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the FSEIR, and has made documents related to the Implementing Actions and the FSEIR files available for review by the Commission and the public, and these files are part of the record before the Commission; and,

WHEREAS, The FSEIR findings and statement of overriding considerations adopted in accordance with CEQA by the Redevelopment Agency Commission by Resolution No. 183-98 dated September 17, 1998, reflected the independent judgment and analysis of the Redevelopment Agency, were and remain adequate, accurate and objective and were prepared and adopted following the procedures required by CEQA, and the findings in said resolutions are incorporated herein by reference as applicable to the Implementing Action; and,

WHEREAS, OCII has reviewed the Basic Concept and Schematic Design submitted by Community Housing Partnership and BRIDGE Housing and finds it acceptable and recommends approval thereof, subject to the resolution of certain conditions; and, now therefore, be it

RESOLVED, That the Commission finds and determines that the Basic Concept and Schematic Design approval is an Implementing Action within the scope of the Mission Bay Project analyzed in the FSEIR and requires no further environmental review beyond the FSEIR pursuant to the State CEQA Guidelines Section 15180, 15162 and 15163 for the following reasons:

- (1) the Implementing Action is consistent with the project analyzed in the FSEIR and does not require major revisions to the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; and,
- (2) no substantial changes have occurred with respect to the circumstances under which the “Mission Bay Project” analyzed in the FSEIR will be undertaken that 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; and,

(3) no new information of substantial importance relating to the development of affordable housing on Mission Bay South Block 9 has become available, which would indicate that (i) MBS 9 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 that would change the conclusions set forth in the FSEIR; and, be it further

RESOLVED, The Commission has reviewed and considered the FSEIR and Addenda, and hereby adopts the CEQA findings set forth in Resolutions No. 182-98 and No. 183-98 and hereby incorporates such findings by reference as though fully set forth in this Resolution; and be it further

RESOLVED, That the Commission approves the Combined Basic Concept and Schematic Design for MBS 9 subject to the Conditions of Approval being resolved to the satisfaction of the Executive Director and any changes included in subsequent design stages, beginning with the Design Development phase; and be it further

RESOLVED, That the Commission authorizes the Executive Director to approve subsequent design documents related to this MBS 9 Schematic Design submission, beginning with the Design Development phase, that the Executive Director reasonably determines are in OCII's best interest or are necessary or convenient to implement the development of the Site and the Major Phase, as applicable, and to further the goals of the Plan and the OPA; and, be it further

RESOLVED, That the Commission authorizes the Executive Director to take such other actions as may be necessary or appropriate, in consultation with OCII counsel, to effectuate the purpose of the intent of this resolution.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of January 15, 2019.

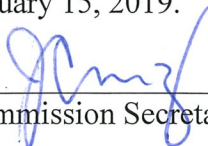
  
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Commission Secretary

Exhibit A: Conditions of Approval for Mission Bay South Block 9

## EXHIBIT A

### CONDITIONS OF APPROVAL FOR MISSION BAY SOUTH BLOCK 9

The 01-2019 Resolution to which these Conditions of Approval are attached conditionally approves Schematic Design submission for the Block 9 housing project within the Mission Bay South Redevelopment Plan Area. The Schematic Design is approved subject to satisfaction of the following Conditions:

*Beginning in Design Development the Developer shall:*

1. **Materials and Colors.** Continue to develop and refine the building materials palette, including the main building entrance at China Basin Street, wall systems, glazing, screening and other materials, in coordination with OCII staff. Materials palette must demonstrate durability, quality, color, variety, and visual interest, especially at the ground floor. Explore opportunities to incorporate locally sourced materials to establish a palette that works with climate, light, neighborhood context, history, and culture. Sustainable and recycled materials are highly encouraged.
2. **Architectural Mock-Up Scope.** Prior to Construction Document submittal and in advance of building materials purchasing, provide scope and plans for design mock-up, including primary building materials, color palette, wall systems, glazing and detail installation. OCII staff shall approve a) mock-up plans prior to mock-up construction, and of b) mock-up materials, as per Construction Documents, and their application, after OCII's staff mock-up observations and prior to materials purchases and shipping.
3. **Landscape Plans.** Provide detailed landscape plans, including plans for all setback zones, common open spaces and Bridgeview Way. The setback zone shall be used to create a transition zone between private use and the public realm. The setback zone shall be landscaped with high quality materials from the building edge to the public sidewalk.
4. **Bicycle Parking:** Refine screening and façade treatment of the ground-floor bicycle parking room along China Basin Street to maintain the approved façade transparency and the appearance of an active use located at the building perimeter while screening bicycles and racks from view of the public realm.
5. **Street Trees.** Maintain the equivalent number of existing street trees within all public right-of-ways in the Project Area. If any existing tree wells must be relocated to accommodate new utility infrastructure, submit revised infrastructure plans.
6. **Utility Room and Parking Screening.** Refine screening, materiality and architectural treatment of all ground-floor utility rooms and parking garage doors. Doors should screen mechanical uses while providing visual interest to the public realm through incorporation of design features such as high-quality materials, texture, artistic expression and transparency.
7. **Mechanical Equipment.** All mechanical equipment shall be located within the building footprint or on the roof, per the approved Schematic Designs. No meters or mechanical equipment shall be located within the setback zones or along Bridgeview Way, unless

required by a utility provider, in which case proposed locations must be clearly documented for OCII review and any meter or mechanical equipment must be screened.

8. **Ground-Floor Glazing:** Aside from potential opaque glazing necessary to screen mechanical and parking uses, clear, untinted low-reflectivity glass shall be used at and near the street level to allow maximum visual interaction between sidewalk areas and the interior of the building.
9. **Defensive Planting.** Design those setback areas adjacent to ground-floor residential units along China Basin and Mission Rock Streets to discourage public access to ground-floor unit windows. Consider defensive planting and landscape treatments, such as box hedges and thorny planting/ground cover.
10. **Ground-Floor Uses.** In the event that any ground-floor uses are reconfigured, OCII staff must approve the revised ground-floor plans, elevations, sections, utility plans, program tables, and façade materials. Revised designs must confirm with all Design for Development standards and guidelines, especially *Pedestrian-Scale Streetwall*. The ground-floor design must maximize transparency, high-quality materials and the appearance of active uses adjacent to the public realm.
11. **Façade Transparency:** Maintain the approved percentage of glazed surface façade area on all building elevations, as shown in the Schematic Design submittal.
12. **Courtyard Fencing and Gates.** Further develop the courtyard and community garden fencing and gate design and materiality, in coordination with OCII staff. Fencing and gates must provide security while allowing visual access into the community garden and courtyard. Materials palette must demonstrate durability, quality, color, variety, and visual interest. Sustainable and locally-sourced materials are highly encouraged.
13. **Cor-ten Steel Material:** Ensure that any cor-ten steel material used on the building façade or for landscape elements does not leach or stain over time.
14. **Lighting Plan.** Provide a detailed building lighting plan. Lighting should be subtle and reinforce the overall façade design.
15. **View Corridors.** Maintain a direct line-of-sight and consider other visual connections from China Basin to Mission Rock Streets through Bridgeview Way. Design tree location and spacing as well as radii of the pedestrian path/emergency vehicle access lane curves to allow for direct lines-of-sight through the mid-block break.
16. **Publicly Accessible Mid-Block Break.** Bridgeview Way shall be shall be publicly accessible during daylight hours.
17. **Graffiti Treatment.** Submit materials specifications identifying how each material type will be protected from or replaced in the case of graffiti—especially those materials located on ground-floor facades.
18. **Roofscape**
  - a. Roof design should utilize non-reflective, low intensity colors.
  - b. Further develop any rooftop mechanical equipment screening. Rooftop mechanical equipment, with the exception of solar PV infrastructure, shall be screened from view from the public realm. Mechanical screens shall form part of

the building top composition and consist of materials consistent with the overall building color and material palette.

19. **Trash and Recycling.** The design of the trash and recycling areas shall be subject to further review and approval by OCII staff to ensure that such areas allow for internal pick-up by the solid waste collector to avoid on-street location of trash and recycling receptacles.
20. **Signage.** All building signage shall be subject to further OCII staff review and approval. The Sponsors shall submit a signage plan prior to or concurrent with the Design Development submittal, pursuant to the Mission Bay South Signage Master Plan.
21. **Environmental.** Sponsors shall comply with all applicable mitigation measures in the adopted Mitigation Monitoring and Reporting Program (“MMRP”) as provided by the schedule in the MMRP.
22. **Noise.** Prior to the start of construction, the Developer and its general contractor shall meet with OCII staff to discuss noise regulations and hours of construction operation to ensure that they understand the existing regulations and do not work outside the allowed hours of operations. During construction, the Developer shall designate a single point of contact to address all construction-related concerns from OCII, the City, residents of Mission Bay and other stakeholders.
23. **Architectural Mock-Up.** Prior to procuring façade materials, construct a physical material mock-up to allow for OCII, design team, and contractor review of material durability, texture, color and detail installation.