

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 42-2022

**APPROVING AN AMENDMENT TO THE DEVELOPMENT CONTROLS AND
DESIGN GUIDELINES FOR THE TRANSBAY REDEVELOPMENT PROJECT IN
CONJUNCTION WITH THE APPROVAL OF TWO MIXED-USE AFFORDABLE
RESIDENTIAL PROECTS AT TRANSBAY BLOCK 2; TRANSBAY
REDEVELOPMENT PROJECT AREA**

- WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, section 33000 et seq. the “Community Redevelopment Law”), the Redevelopment Agency of the City and County of San Francisco (“Former Agency”) undertook programs for the redevelopment of blighted areas in the City and County of San Francisco (“City”), including the Transbay Redevelopment Project Area (“Project Area”); and,
- WHEREAS, The Board of Supervisors of the City and County of San Francisco ("Board of Supervisors") originally approved the Redevelopment Plan for the Transbay Redevelopment Project Area by Ordinance No. 124-05 (June 21, 2005) and by Ordinance No. 99-06 (May 9, 2006), as amended by Ordinance No. 84-15 (June 18, 2015) and Ordinance No. 62-16 (April 28, 2016) (“Redevelopment Plan”); and,
- WHEREAS, The Redevelopment Plan establishes the land use controls for the Project Area and divides the Project Area into two subareas: Zone One, in which the Redevelopment Plan and Development Controls and Design Guidelines for the Transbay Redevelopment Project (as currently amended, the “Development Controls”) regulate land uses, and Zone Two, in which the Planning Code applies. Zone One is intended to be developed with predominantly residential uses. The Successor Agency solely administers and enforces land use entitlements for property and projects in Zone One and has delegated its authority over projects that do not require Successor Agency action in Zone Two to the San Francisco Planning Department pursuant to that certain Delegation Agreement between the Former Agency and the Planning Department for the Transbay Redevelopment Project Area (May 3, 2005); and,
- WHEREAS, On February 1, 2012, state law dissolved all redevelopment agencies including the Former Agency and required the transfer of certain of the Former Agency's assets and obligations to the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (“Successor Agency”), commonly known as the Office of Community Investment and Infrastructure (“OCII”) (Cal. Health & Safety Code §§ 34170 et seq., “Redevelopment Dissolution Law”). On June 27, 2012, the Redevelopment Dissolution Law was amended to clarify that successor agencies are separate public entities from the city or county that had originally established a redevelopment agency and they succeed to the organizational status of the former redevelopment agency to complete any work related to an approved enforceable obligation, Cal. Health & Safety Code § 34173 (g); and,

- WHEREAS, The Board of Supervisors, acting as the legislative body of the Successor Agency, adopted Ordinance No. 215-12 (Oct. 4, 2012), which, among other matters: (a) acknowledged and confirmed that the Successor Agency is a separate legal entity from the City, and (b) established this Successor Agency Commission (“Commission”) and delegated to it the authority to (i) implement, modify, enforce and complete the Former Redevelopment Agency’s enforceable obligations; (ii) approve all contracts and actions related to the assets transferred to or retained by OCII, including, without limitation, the authority to exercise land use, development, and design approval, consistent with the applicable enforceable obligations; and (iii) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,
- WHEREAS, The authority of the Commission includes authority to grant approvals under land use controls for the Project Area specified in the Redevelopment Plan and to recommend amendments to the Redevelopment Plan, subject to approval by the Board of Supervisors as allowed under the CRL; and,
- WHEREAS, The Development Controls set forth development requirements and design guidelines that apply to development within the Project Area and implement the Redevelopment Plan’s authorization for the development of land uses within Zone One and provide additional guidance for the development of Zone One, including Transbay Block 2 (“Block 2”), Assessor’s Block 3739, Lot 014. Block 2 comprises an approximately 42,627 square-foot parcel generally located at 200 Folsom Street, bounded by Folsom, Main and Beale Streets and extending approximately 155 feet northwest from Folsom Street (the “Site”); and,
- WHEREAS, By Resolution No. 09-2021 (April 6, 2021), the Commission authorized the Executive Director to enter into an Exclusive Negotiations Agreement (“ENA”) with affiliates of Mercy Housing California and Chinatown Community Development Center (together, the “Co-Developers”) to undertake predevelopment activities on Block 2 with the expectation that the ENA would lead to long-term ground leases and the construction of improvements; and,
- WHEREAS, The Commission, through its approval of the ENA, adopted a Design Review and Document Approval Procedure for (“DRDAP”) that sets forth the procedure for design submittals of the plans and specifications for the development of Block 2. Under the DRDAP, project approval shall consist of three components or stages, Schematic Design Documents, Design Development Documents and Final Construction Documents. Schematic Design Documents shall relate to schematic design level of detail for the proposed project and the review of OCII shall include consideration of such items as the architectural design, site planning and landscape design; and,
- WHEREAS, In accordance with the Development Controls, Block 2 is divided by a 25 foot wide publicly accessible pedestrian mews running north to south through the center of the Site. The proposed building located to the west of the pedestrian mews includes 151 rental housing units (150 affordable units and one unrestricted manager’s unit) that will serve low-income senior households and formerly homeless seniors, resident-serving amenities, and 2,945 square feet of retail space (the “2 West

Project”). The proposed building located to the east of the pedestrian mews includes 184 rental housing units (183 affordable units and one unrestricted manager’s unit) that will serve low-income households and formerly homeless households, resident-serving amenities, approximately 1,959 square feet of retail space, and an approximately 6,447 square foot childcare facility (the “2 East Project”). Together, the Blocks 2 West and East Projects comprise the “Block 2 Project.” The combined program will provide a total of 335 residential units and 11,351 square feet of commercial space, and related streetscape improvements; and,

WHEREAS, The Co-Developers have submitted two Schematic Design Documents for Block 2, one for the 2 West Project serving low-income senior households, and one for the 2 East Project serving low-income families and including a childcare facility. The Schematic Design Documents propose certain amendments to the Development Controls applicable to the 2 West Project and certain amendments applicable to the 2 East Project (“Development Controls Amendment”); and,

WHEREAS In connection with the Block 2 Project, Successor Agency has, by Resolution No. 41-2022, approved and recommended to the Board of Supervisors for its review and approval an amendment to the Redevelopment Plan to increase maximum building floor plate sizes, applicable solely to the Mid-Rise building sited on the 2 East Project, from 7,500 square feet to 11,100 square feet for portions of the building between 85 feet to 144 feet in height, and to 9,200 square feet for portions of the building between 144 feet and 165 feet in height (the “Plan Amendment”).

WHEREAS, The Plan Amendment must be provided to the San Francisco Planning Commission for its review and recommendation, and to the San Francisco Board of Supervisors for its final approval. The Plan Amendment becomes effective 90 days after adoption of the ordinance approving it; and,

WHEREAS, The Development Controls Amendment would add an alternative development program for Block 2 that modifies a parcel designation, bulk and height standards, and setback requirements. Certain aspects of this Development Controls Amendment as depicted in the attached Exhibit A (“Interim Alternative Development”) will be effective immediately with Commission approval of this Resolution, as further described below. Other aspects of the Development Controls Amendment related to the increased maximum floor plate sizes to be authorized in the Plan Amendment will become effective upon the effectiveness of the Board of Supervisors’ ordinance approving the Plan Amendment. The attached Exhibit B (“Final Alternative Development”) depicts the alternative development program that includes both the Interim Alternative Development shown in Exhibit A as well as those provisions dependent on the Plan Amendment.; and,

WHEREAS, The Interim Alternative Development as shown in Exhibit A would: allow non-retail uses to be located along the mid-block mews; eliminate townhouse frontage requirements and setback requirements on Beale Street and Main Street; increase the maximum number of floors from 4 to 5 for Townhouse parcels, and from 8 to 9 for Podium parcels; and allow the application of the maximum 30-foot width of each townhouse to the expression of 30-foot-wide architectural modulations on the façade of the townhouse frontage thereby permitting townhouse units of a larger width; and,

- WHEREAS, Removing or reducing townhouse frontages and setbacks around the perimeter of Block 2 is consistent with existing and proposed development surrounding the Site, and allows for active ground floor uses, as well as additional dwelling unit floor area. Allowing an additional residential floor on the Townhouse parcels would accommodate an appropriate and livable ten-foot floor-to-floor height, or an approximately 8.5-foot floor-to-ceiling height, while substantially increasing the number of affordable housing units permitted within the same building massing; and,
- WHEREAS, In addition to the changes described above and shown in Exhibit A, the Development Controls Amendment as shown in Exhibit B would incorporate provisions to accommodate the overall increased bulk of the Mid-Rise building in the 2 East Project. The Final Alternative Development would modify the size of the Mid-Rise parcel to encompass a portion of the Podium parcel, increasing the size of the Mid-Rise parcel from 10,000 square feet to 10,810 square feet. The Podium parcel would be redesignated from Podium to Mid-Rise, with maximum allowable heights of 144 feet and 165 feet. In related changes, the Final Alternative Development would increase the maximum floor plate area from 7,500 square feet to 11,100 square feet for the portion of the building from 85 feet to 144 feet in height and from 7,500 square feet to 9,200 square feet for the portion of the Mid-Rise building from 144 feet to 165 feet in height. Accordingly, the Final Alternative Development would increase the maximum plan dimension from 100 feet to 125 feet and increase the maximum floor plate aspect ratio from 1:1.6 to 1:1.76; and,
- WHEREAS, The Final Alternative Development would allow a ground-level encroachment over a portion of the Open Space Parcel to accommodate the operational needs of a ground-floor childcare facility in the 2 East Project, with open space on the roof of this construction for use by the childcare operator. It would allow for an appropriate 11.5-foot floor-to-floor height for the childcare use, which will have access from the Townhouse parcels; and,
- WHEREAS, The proposed Mid-Rise height and bulk is consistent with and will be complementary to the proposed Mid-Rise on Transbay Block 4, as conditionally approved by Resolution No. 23-2022, (June 21, 2022). The variation in the Mid-Rise height from 144 feet to 165 feet is consistent with the “stepping up” effect of building heights from the Block 3 Transbay Park south to the higher heights of existing buildings located to the south of Folsom Street as envisioned in the Development Controls. The increase in the Mid-Rise height and bulk produces a minimal increase in new shadow over Transbay Block 3 Park; and,
- WHEREAS, The Development Controls Amendment facilitate an increased massing for the Mid-Rise building on Block 2 and provide increased development area and efficient floor plates that facilitate increased affordable housing units and the improved financial feasibility of the 2 East Project, including its childcare facility; and,
- WHEREAS, The Development Controls Amendment is part of a series of actions related to the approval of Block 2 Project including conditional approval of the Schematic Design Documents for the 2 East and 2 West Projects, and recommendation of the Plan Amendment to the Board of Supervisors of the City and County of San Francisco (collectively, these actions are the “Proposed Actions”); and,

- WHEREAS, On November 1, 2022, the Commission adopted Resolution No. 39-2022 by which the Commission determined that the Final Environmental Impact Statement/ Environmental Impact Report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project (the "FEIS/EIR" as defined in said resolution), together with further analysis provided in Addendum No. 10 to the FEIS/EIR (the "Addendum" as defined in said resolution), remains adequate, accurate, and objective and in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., "CEQA") and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.) for purposes of evaluating the potential environmental effects of the Proposed Actions ; and,
- WHEREAS, The environmental effects of the Proposed Actions have been analyzed in the environmental documents as described in Commission Resolution No. 39-2022. Copies of the FEIS/EIR and Addendum No. 10 are on file with the Commission Secretary; and,
- WHEREAS OCII staff has reviewed the Development Control Amendment and in accordance with its Commission Memorandum and supporting information provided to the Commission and incorporated herein by reference finds it acceptable and recommends approval thereof; now therefore, be it
- RESOLVED, That in Resolution No. 39-2022, the Commission adopted findings that various actions, including the Development Controls Amendment, were in compliance with CEQA and the CEQA Guidelines, said findings, which are on file with the Commission Secretary, being in furtherance of the actions contemplated in this Resolution and made part of this Resolution by reference herein; and, be it further
- RESOLVED, That for the purposes of compliance with CEQA and the CEQA Guidelines, the Commission hereby adopts the findings and determinations set out in Resolution No. 39-2022, adopted concurrently herewith, that the Development Controls Amendment is within the scope of the project analyzed by the FEIS/EIR and Addendum No. 10; and, be it further
- RESOLVED, That the Commission finds and determines that the Development Controls Amendment as shown in Exhibit A ("Interim Development Alternative") is consistent with and advances the objectives of the Redevelopment Plan; and be it further
- RESOLVED, That the Commission approves the Development Controls Amendment as shown in Exhibit A and that these changes to the Development Controls are effective immediately; and be it further
- RESOLVED, That the Commission finds and determines that the Development Controls Amendment as shown in Exhibit B ("Final Development Alternative") (which includes those changes shown in Exhibit A as well as certain changes that relate to the 2 East Project) is consistent with and advances the objectives of the Redevelopment Plan as amended by the Plan Amendment; and be it further

RESOLVED, That the Commission approves the Development Controls Amendment as described in Exhibit A and Exhibit B; provided that the effectiveness of the Development Controls Amendment as shown in Exhibit B is subject to the effectiveness of the Board of Supervisors' ordinance approving the Plan Amendment.

I hereby certify that the foregoing resolution was adopted by the Successor Agency Commission at its meeting of November 1, 2022.

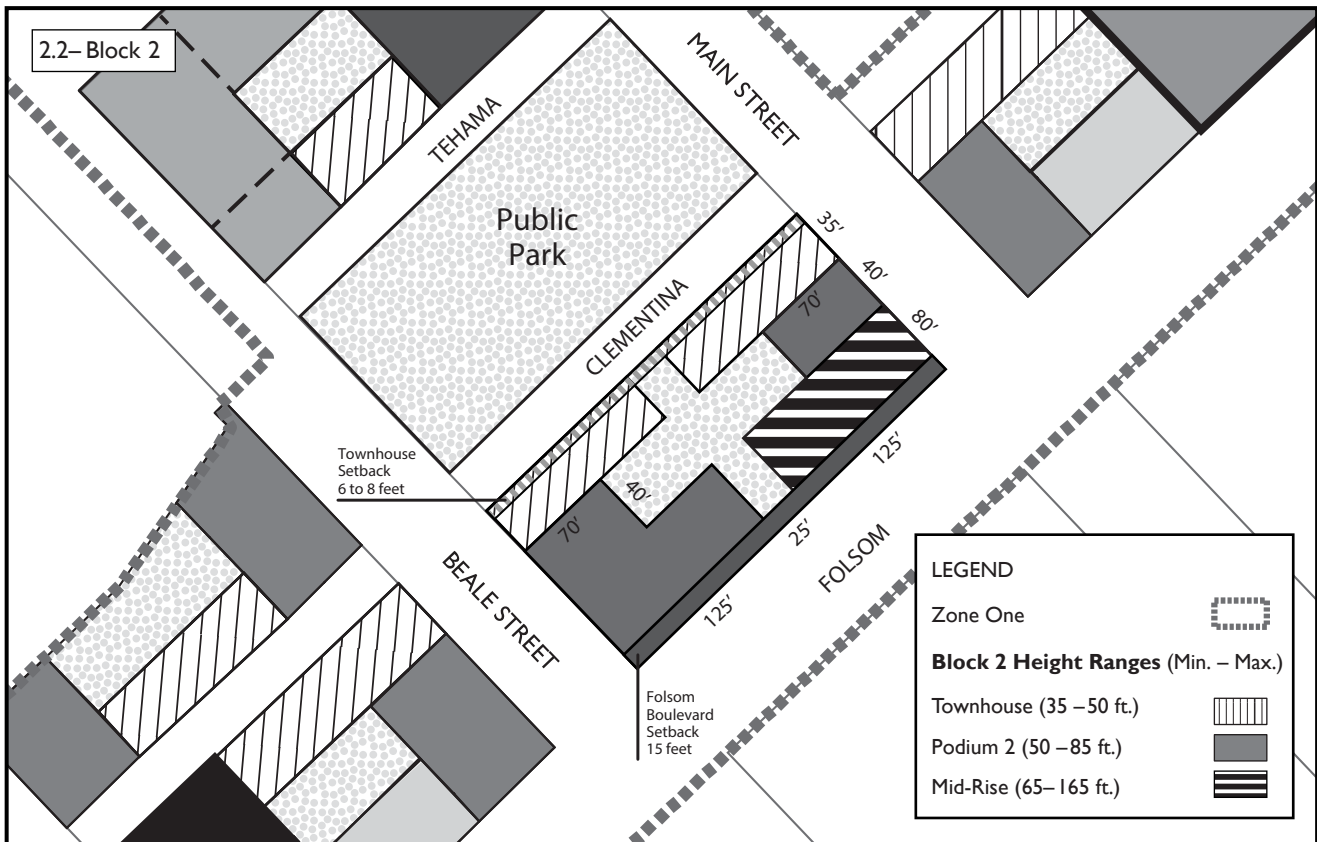
Commission Secretary

EXHIBIT A: Development Controls Amendment ("Block 2 Interim Development Alternative"), effective immediately upon Commission approval

EXHIBIT B: Development Controls Amendment ("Block 2 Final Development Alternative"), effective upon the effective date of the Redevelopment Plan Amendment

Exhibit A: Block 2 Interim Development Alternative

FIGURE 2.2 – BLOCK DEVELOPMENT ALTERNATIVE
Block 2 Alternative



Block Development Alternatives

Due to unresolved factors in the Project area, five of the development blocks have alternative parcel configurations and thus different height district locations than described in the preceding building envelope discussion. The development pattern shown on Maps 3 and 5 is the preferred plan; however the alternatives, which are shown in Figures 2.2, 2.5 and 3, can be applied if specific conditions exist at the time of development. The alternative block patterns and the conditions triggering their applications are described here.

Block 2 may be developed in a manner that optimizes development intensity, achieved primarily through height and bulk increases, to meet affordable housing targets in the Project Area.

The alternative development scenario for Block 2, as illustrated in Figure 2.2, eliminates ground-floor setback requirements on Main and Beale Streets to maximize retail and building-supporting facilities in lieu of ground floor units.

To facilitate the Block 2 Alternative, Figure 2.2 above and the following development controls shall supersede their corresponding development controls found elsewhere in this document:

Block 2 Alternative Development Controls: Overall Block

1. Retail bays must be created every 20 to 35 feet to allow multiple storefronts, even if initial retail tenants occupy more than one bay.
2. The Block 2 mews shall include a mix of retail, childcare and affordable housing supportive service uses.
3. At least 19 percent of the shared open space parcel must be softscape.

Block 2 Alternative Development Controls: Townhouse Parcels

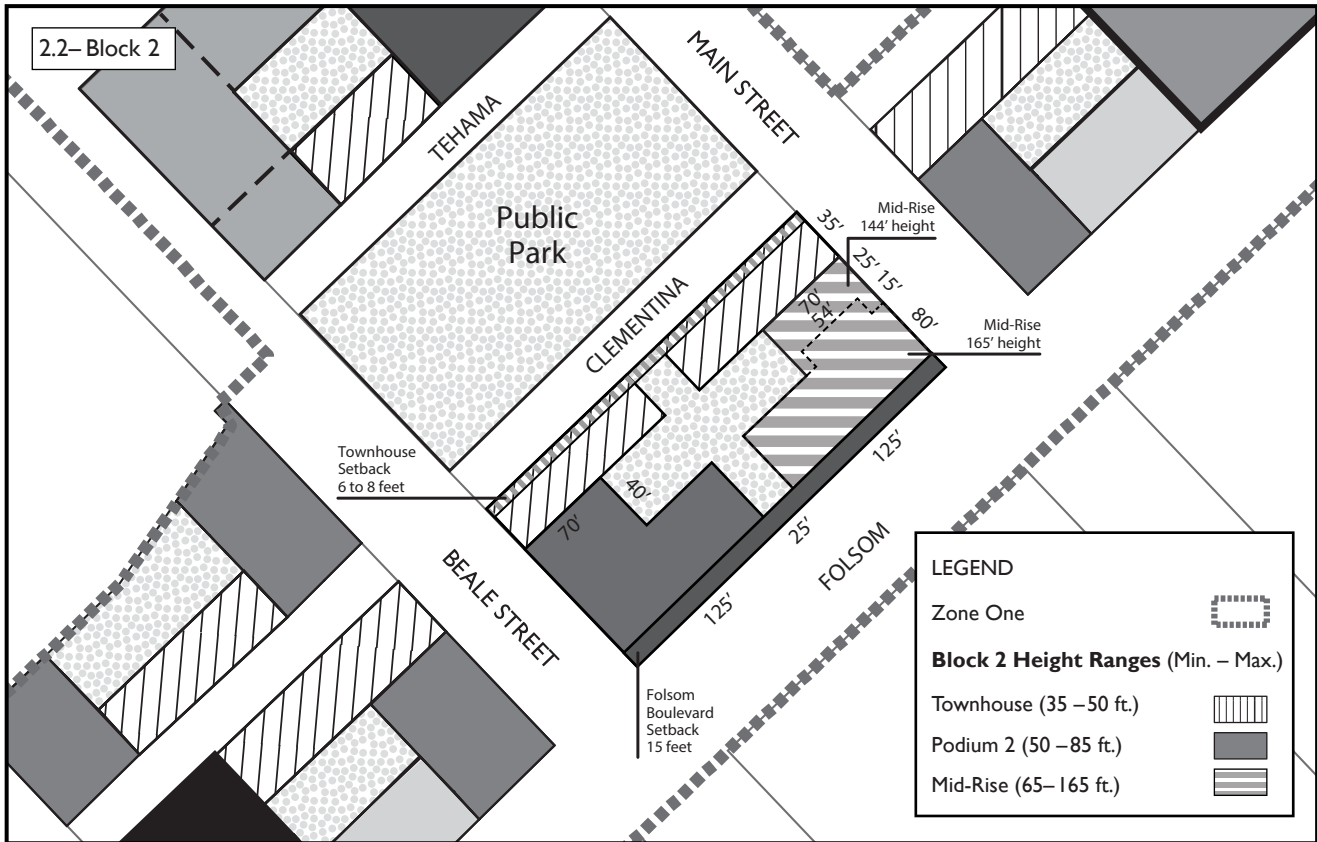
4. The “Maximum Number of Floors” in the Townhouse Parcels shall be five.
5. Retail spaces fronting Clementina Street shall have a minimum depth of 27 feet.
6. At least 24 percent of the front yard setback area for townhouses must be softscaped, and a maximum of 76 percent of the space may be hardscaped, impermeable surfaces.
7. The 30-foot maximum width of the Townhouse modules shall be applied to the architectural façade expression of the Townhouse Parcel, and not to the interior demising walls of the units.

Block 2 Alternative Development Controls: Podium 2 Parcel

8. The “Maximum Number of Floors” in the Podium 2 Parcel shall be nine.

Exhibit A: Block 2 Final Development Alternative

FIGURE 2.2 – BLOCK DEVELOPMENT ALTERNATIVE
Block 2 Alternative



Block Development Alternatives

Due to unresolved factors in the Project area, five of the development blocks have alternative parcel configurations and thus different height district locations than described in the preceding building envelope discussion. The development pattern shown on Maps 3 and 5 is the preferred plan; however the alternatives, which are shown in Figures 2.2, 2.5 and 3, can be applied if specific conditions exist at the time of development. The alternative block patterns and the conditions triggering their applications are described here.

Block 2 may be developed in a manner that optimizes development intensity, achieved primarily through height and bulk increases, to meet affordable housing targets in the Project Area.

The alternative development scenario for Block 2 envisions height and bulk increases on the Mid-Rise Parcel within the block. The Podium 2 Parcel is redesignated as a Mid-Rise Parcel with maximum heights of 144 feet at the mid-block of Main Street stepping up to 165 feet at Folsom Street, as dimensioned in Figure 2.2. Ground-floor setback requirements on Main and Beale Streets are eliminated to maximize retail and building-supporting facilities in lieu of ground floor units.

To facilitate the Block 2 Alternative, Figure 2.2 above and the following development controls shall supersede their corresponding development controls found elsewhere in this document:

Block 2 Alternative Development Controls: Overall Block

1. Retail bays must be created every 20 to 35 feet to allow multiple storefronts, even if initial retail tenants occupy more than one bay.
2. The Block 2 mews shall include a mix of retail, childcare and affordable housing supportive service uses.
3. At least 19 percent of the shared open space parcel must be softscape.
4. The first floor of the eastern building may encroach onto the open space parcel to accommodate childcare services or neighborhood-serving retail. The roof of the encroachment shall be open space.

Block 2 Alternative Development Controls: Townhouse Parcels

5. The “Maximum Number of Floors” in the Townhouse Parcels shall be five.
6. Bay window projection dimensions over the setback on Clementina Street shall not exceed 4 feet in depth and 12 feet in width. The maximum area of any individual projection shall be 48 square feet.
7. Ground floor commercial spaces with an entrance from a Townhouse Parcel must have at least 11-foot floor-to-floor heights.
8. Retail spaces fronting Clementina Street shall have a minimum depth of 27 feet.
9. At least 24 percent of the front yard setback area for townhouses must be softscaped, and a maximum of 76 percent of the space may be hardscaped, impermeable surfaces.
10. Retaining and/or decorative walls between the right-of-way and front yard setback may not exceed 5 feet 9 inches in height.
11. The 30-foot maximum width of the Townhouse modules shall be applied to the architectural façade expression of the Townhouse Parcel, and not to the interior demising walls of the units.

Block 2 Alternative Development Controls: Podium 2 Parcel

12. The “Maximum Number of Floors” in the Podium 2 Parcel shall be nine.

Block 2 Alternative Development Controls: Mid-Rise Parcel

13. A “Maximum Floor Plate” area of 11,100 square feet is permitted for the portion of the building between 85 feet and 144 feet in height and a “Maximum Floor Plate” area of 9,200 square feet is permitted for the portion of the building between 144 feet and 165 feet in height.
14. The “Maximum Plan Dimension” for the Mid-Rise Building shall be 125 feet.
15. The “Maximum Floor Plate Aspect Ratio” for the Mid-Rise Building shall be 1:1.76.
16. Building projection dimensions over the setback on Folsom Street shall not exceed 8 feet-5 inches in depth and 60 feet-4 inches in width. The maximum area of any individual projection shall be 254 square feet.