File No. 120272

Committee Item No. 6
Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** June 4, 2012

Board of Supervisors Meeting **Date** June 12, 2012

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☒	☒	Ordinance
☒	☒	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☒	☒	Public Correspondence

OTHER **(Use back side if additional space is needed)**

☒	☒	Planning Commission Resolution No. 18564
☐	☐	
☐	☐	
☐	☐	
☐	☐	
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Completed by: Alisa Miller **Date** June 1, 2012
Completed by: Derek Evans **Date** June 7, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

86

[General Plan Amendment - 8 Washington Street Project]

Ordinance: 1) amending the San Francisco General Plan Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan as part of the 8 Washington Street Project (Assessor's Block No. 0201, Lot No. 012); and 2) making environmental findings, Planning Code Section 340 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) On August 9, 2011, Neil Sekhri, acting on behalf of San Francisco Waterfront Partners II, LLC ("Project Sponsor"), filed an application to amend the General Plan of the City and County of San Francisco by amending Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan to change the height and bulk district classification of two areas of the western portion (along the Drumm Street frontage) of the property located at Assessor's Block 0201, Lot 12 (8 Washington Street), from 84-E to 92-E in one area measuring 88 feet by 86 feet, and to 136-E in another irregular, roughly rectangular area measuring 15,370 square feet.

(b) The proposed General Plan Amendment is part of a project proposed by the Project Sponsor to demolish an existing surface parking lot and health club, and construct a new health club, residential buildings ranging from four to twelve stories in height containing

145 dwelling units, ground-floor retail uses totaling approximately 20,000 square feet, and 400 off-street parking spaces ("Proposed Project").

(c) The Proposed Project requires the amendment the General Plan of the City and County of San Francisco, specifically amendment of "Map 2 – Height and Bulk Plan" of the Northeastern Waterfront Area Plan, to change the height and bulk district classification of two areas at the western portion (along the Drumm Street frontage) of the property located at Assessor's Block 0201, Lot 012 (8 Washington Street), from 84-E to 92-E in one area measuring 88 feet by 86 feet, and to 136-E in another irregular, roughly rectangular area measuring 15,370 square feet ("the Proposed General Plan Amendment").

(d) On March 22, 2012, at a duly noticed public hearing, by Motion No. 18560, the Planning Commission certified the Final Environmental Impact Report ("FEIR") for the Proposed Project. The Planning Commission certified that the FEIR for the Proposed Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft EIR, and that the content of the FEIR and the procedures through which it was prepared, publicized and reviewed comply with the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). A copy of the FEIR is on file with the Clerk of the Board of Supervisors in File No. 120271.

(e) At the same hearing during which the Planning Commission certified the FEIR for the Proposed Project, it also adopted CEQA Findings with respect to the approval of the Proposed Project, including the General Plan Amendment, in Motion No. 18561.

(f) Pursuant to San Francisco Charter Section 4.105 and Planning Code Section 340, any amendments to the General Plan shall first be considered by the Planning Commission and thereafter recommended for approval or rejection by the Board of Supervisors.

(g) On March 22, 2012 the Planning Commission conducted a duly noticed public hearing on the Proposed General Plan Amendment pursuant to Section 340. The Commission found that the Proposed General Plan Amendment served the public necessity, convenience and general welfare, and by Resolution No. 18564 adopted the Proposed General Plan amendments and recommended them for approval to the Board of Supervisors. A copy of Planning Commission Resolution No. 18564 is on file with the Clerk of the Board of Supervisors in File No. 120272.

(h) The Board of Supervisors has reviewed and considered the Final EIR, the environmental documents on file referred to herein, and the CEQA Findings adopted by the Planning Commission in support of the approval of the Proposed Project, including a statement of overriding considerations and the mitigation monitoring and reporting program. The Board of Supervisors has adopted the Planning Commission's CEQA Findings as its own and hereby incorporates them by reference as though fully set forth herein.

(i) Pursuant to Planning Code Section 340, this Board of Supervisors finds that the General Plan Amendment will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Motion No. 18567 (approving the Conditional Use Authorization and Planned Unit Development for the Project), and incorporates such reasons by reference herein.

(j) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that the General Plan Amendment is consistent with the General Plan, as amended, and with the Priority Policies of Section 101.1(b) of the Planning Code, and hereby adopts the findings of

the Planning Commission, as set forth in Planning Commission Motion Nos. 18565 and 18567, and incorporates said findings by reference herein.

Section 2. The Board of Supervisors hereby approves an amendment to the General Plan as follows: "Map 2 – Height and Bulk Plan" of the Northeastern Waterfront Area Plan of the General Plan of the City and County of San Francisco shall be amended to change the height and bulk district classification of two areas of the western portion (along the Drumm Street frontage) of the property located at Block 0201, Lot 012 that is currently set at 84-E from 84-E to 92-E in one area measuring 88 feet by 86 feet, and to 136-E in another irregular, roughly rectangular area measuring 15,370 square feet.

Section 3. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the General Plan that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elaine C. Warren
ELAINE C. WARREN
Deputy City Attorney

FILE NO. 120272

LEGISLATIVE DIGEST

[General Plan Amendment - 8 Washington Street Project]

Ordinance: 1) amending the San Francisco General Plan Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan as part of the 8 Washington Street Project (Assessor's Block No. 0201, Lot No. 012); and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan of the San Francisco General Plan currently identifies a height classification of 84-E for the property located at Assessor's Block 0201, Lot 012 (8 Washington Street).

Amendments to Current Law

The proposed General Plan amendment would amend Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan of the San Francisco General Plan to change the height and bulk district classification of two areas at the western portion (along the Drumm Street frontage) of the property located at Assessor's Block 0201, Lot 012 (8 Washington Street) from 84-E to 92-E in one area measuring 88 feet by 86 feet, and to 136-E in another irregular, roughly rectangular area measuring 15,370 square feet.

Background Information

The proposed General Plan amendment is part of the 8 Washington Street Project, which proposes to demolish an existing surface parking lot and health club, and construct a new health club, residential buildings ranging from four to twelve stories in height containing 145 dwelling units, ground-floor retail uses totaling approximately 20,000 square feet, and 400 off-street parking spaces.

SAN FRANCISCO
PLANNING DEPARTMENT

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March 26, 2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAR 26 AM 11:36
BY

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2007.0030MZ:
8 Washington Street
Z Case: Rezoning (Height Reclassification) 8 Washington Street
M Case: Amendments to the General Plan: Northeastern Waterfront Area Plan

Planning Commission Recommendation: *Approval*

Dear Ms. Calvillo,

On March 22, 2012, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to the General Plan and Zoning Map, in association with a proposed development located at 8 Washington Street to demolish the existing Golden Gateway Swim and Tennis Club and the existing surface parking lot on Seawall 351, and construct a new health club, residential buildings ranging from four to twelve stores in height containing 134 dwelling units, ground-floor retail uses totaling approximately 20,000 square feet, and 382 off-street parking spaces.

The proposed Ordinances would do the following:

1. San Francisco Zoning Map Amendment: Proposal would amend Zoning Map HT01 to reclassify two portions of the southwestern portion of the development site from the existing 84-E Height and Bulk District to the 92-E Height and Bulk District in one portion, and the 136-E Height and Bulk District in another portion, on Block 0201, Lot 012.

2. General Plan Amendment: Proposal would make conforming amendments to the "Map 2 - Height and Bulk Plan" within the Northeastern Waterfront Area Plan of the General Plan to reflect the proposed rezoning.

At the March 22, 2012 Planning Commission hearing, the Commission certified the Final Environmental Impact Report (FEIR) prepared for the project.

At the March 22, 2012 Planning Commission hearing, the Commission voted to recommend approval of the proposed Ordinances.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

John Rahaim
Director of Planning

Attachments:
Planning Commission Resolution No. 18566 (Zoning Map Amendment)
- Proposed Ordinance Attached as Exhibit A
Planning Commission Resolution No. 18564 (General Plan Amendment)
- Proposed Ordinance Attached as Exhibit A
Planning Commission Executive Summary Case No. 2007.0030ECKMRZ
- Including attachments

SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☑ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)
- ☑ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ☑ Other

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Planning Commission Resolution 18564
General Plan Amendment

HEARING DATE: MARCH 22, 2012

Date:	January 5, 2012
Case No.:	**2007.0030ECKMRZ**
Project Address:	**8 Washington Street**
Zoning:	RC-4 (Residential-Commercial, High Density) District 84-E Height and Bulk District
Block/Lot:	0168/058; 0171/069; 0201/012-013 (including Seawall Lot 351)
Project Sponsor:	Simon Snellgrove San Francisco Waterfront Partners II, LLC Pier 1, Bay 2, The Embarcadero San Francisco, CA 94111
Staff Contact:	Kevin Guy – (415) 558-6163 kevin.guy@sfgov.org

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND MAP 2 ("HEIGHT AND BULK PLAN") OF THE NORTHEASTERN WATERFRONT AREA PLAN OF THE SAN FRANCISCO GENERAL PLAN TO RECLASSIFY TWO PORTIONS AT THE SOUTHWESTERN AREA OF BLOCK 0201, LOT 012, FROM THE 84-E HEIGHT AND BULK DISTRICT TO THE 92-E HEIGHT AND BULK DISTRICT IN ONE PORTION, AND THE 136-E HEIGHT AND BULK DISTRICT IN ANOTHER PORTION, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO THE GENERAL PLAN IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE.

RECITALS

1. **WHEREAS,** Section 4.105 of the San Francisco Charter mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan.

2. **WHEREAS,** Pacific Waterfront Partners II, LLC ("Project Sponsor") proposes a development project on a site located at 8 Washington Street (Lot 058 of Assessor's Block 0168, Lot 069 of Assessor's Block 0171, Lots 012 and 013 of Assessor's Block 0201, including Seawall Lot 351, collectively, "Project Site") that would demolish the existing surface parking lot and Golden Gateway Tennis and Swim Club, and construct a new health club, residential buildings ranging from four to twelve stories in height containing 145 dwelling units, ground-floor retail uses totaling approximately 20,000 square feet, and 400 off-street parking spaces ("Project").

3. **WHEREAS,** In order for the Project to proceed, a reclassification of the height district of the southwestern area of the Project Site would be required, as shown on "Map 2 – Height and Bulk Plan" within the Northeastern Waterfront Area Plan of the General Plan, from the existing 84-E Height and Bulk District to a height limit of 92 feet in one portion, and 136 feet in another portion.

4. **WHEREAS,** The General Plan consists of goals, policies and programs for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors.

5. **WHEREAS,** The General Plan shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions.

6. **WHEREAS,** Section 340 of the Planning Code of the City and County of San Francisco provides that an amendment to the General Plan may be initiated by the Planning Commission upon an application by one or more property owners, residents or commercial lessees, or their authorized agents.

7. **WHEREAS,** The proposed Project will promote the public necessity, convenience, and general welfare in that it will construct residential, retail, and health club uses in an area well-served by transit, as well as new open spaces and streetscapes amenities accessible to residents and visitors of the area. In addition, the project will include off-street parking accessible to the general public that can be utilized by patrons of the Ferry Building and other attractions in the vicinity.

8. **WHEREAS,** On August 9, 2011, the Project Sponsor submitted a request to amend "Map 2 - Height and Bulk Plan" within the Northeastern Waterfront Area Plan of the General Plan, to reclassify two portions of the southwestern portion of the development site from the existing 84-foot height limit to a height of 92 feet in one portion, and 136 feet in another portion.

9. **WHEREAS,** On December 8, 2011, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting and adopted Resolution No. 18501, initiating the requested General Plan Amendment.

10. **WHEREAS,** The Department published a Draft Environmental Review Report (DEIR) on June 15, 2011 analyzing the Proposed General Plan Amendment and other actions related to the Project (Case No. 2007.0030E). On March 22, 2012, the Commission certified the Project's Final Environmental Impact Report (FEIR), as set forth in Motion No. 18560 and adopted findings pursuant to CEQA as set forth in Motion No. 18561, which findings are incorporated herein by this reference thereto as if fully set forth in this Resolution.

11. **WHEREAS,** The proposed height changes will affect a relatively small area at the southwesterly portion of the Project Site, within a roughly rectangular area measuring 262 feet in length along the Drumm Street frontage of the site, to a depth of up to 88 feet. The area affected by the height changes would measure approximately 22,398 square feet out of a total Project Site of 138,681, or 16.1% of the Project Site area.

12. **WHEREAS,** The proposed height changes will allow the massing of the Project to be sculpted in a manner that is sympathetic to the shorter residential, commercial, and bulkhead buildings situated along the Embarcadero, and preserves the legibility of the progression of taller buildings within the Financial District to the southwest.

13. **WHEREAS,** The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set forth in Item #12 of Motion No. 18567, Case #2007.0030C, which are incorporated herein as though fully set forth.

14. **WHEREAS,** The Project complies with the eight priority planning policies of Planning Code Section 101.1, for the reasons set forth set forth in Item #13 of Motion No. 18567, Case #2007.0030C, which are incorporated herein as though fully set forth.

15. **WHEREAS,** A proposed ordinance, attached hereto as Exhibit A, has been prepared in order to make the amendment to the General Plan of the City and County of San Francisco by changing the height and bulk district for a portion of the Project Site, as shown on "Map 2 – Height and Bulk Plan" within the Northeastern Waterfront Area Plan, from the existing 84-E Height and Bulk District to a height limit of 92 feet in one portion, and 136 feet in another portion.

16. **WHEREAS,** the Office of the City Attorney has approved the proposed ordinance as to form.

17. **WHEREAS,** Section 4.105 of the City Charter and Section 340 of the Planning Code require that the Commission consider any proposed amendments to the City's General Plan, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.

18. **WHEREAS,** On March 22, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed General Plan Map Amendment.

19. **WHEREAS**, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Map 2 ("Height and Bulk Plan") of the Northeastern Waterfront Area Plan of the San Francisco General Plan be amended to allow the reclassification of two portions at the southwestern area of Block 0201, Lot 012, from the 84-E Height and Bulk District to the 92-E Height and Bulk District in one portion, and the 136-E Height and Bulk District in another portion, as proposed in General Plan Map Amendment Application No. 2007.0030M; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed General Plan Map Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on March 22, 2012.

Linda Avery
Commission Secretary

AYES: Fong, Antonini, Borden, Miguel

NOES: Sugaya, Wu

ABSENT: Moore

ADOPTED: March 22, 2012

HEIGHT RECLASSIFICATION DIAGRAM
ASK - 0169.R2
DECEMBER 21, 2011

8 WASHINGTON
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SOM

MORRISON | FOERSTER

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TOKYO, LONDON, BRUSSELS, BEIJING, SHANGHAI, HONG KONG

May 25, 2012

Writer's Direct Contact
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ZGresham@mofo.com

By Hand Delivery and Electronic Mail

The Honorable Doreen Woo Ho and
Members of the San Francisco Port Commission
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

Re: 8 Washington / Seawall Lot 351 Project
(Planning Department Case No. 2007.0030ECKMRZ)

Dear President Woo Ho:

This letter is submitted on behalf of Equity Office Properties (EOP)[1] in anticipation of the San Francisco Port Commission's consideration of the 8 Washington Street / Seawall Lot 351 Project (Project), currently scheduled for the special meeting noticed for May 29, 2012. The Commission proposes to take the following actions with respect to the Project: (1) adopt findings, a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program under the California Environmental Quality Act (CEQA); (2) approve the execution of the following documents with San Francisco Waterfront Partners: (i) Disposition and Development Agreement, (ii) Lease No. L-15110, (iii) Purchase and Sale Agreement, (iv) Trust Exchange Agreement, and (v) Maintenance Agreement; and (3) approve schematic drawings for the development of Seawall Lot 351.

As you are aware, EOP holds a long-term lease from the City and County of San Francisco (City)[2] of the San Francisco Ferry Building. As an integral part of the privately funded redevelopment of the Ferry Building, the City granted exclusive control over Seawall Lot 351 (and Pier ½) to EOP for dedicated parking to serve the Ferry Building for the term of that Ferry Building lease. The Project, if approved by the City and built as currently

[1] EOP, with respect to the Ferry Building, includes Equity Office Management, L.L.C., as agent for Ferry Building Associates, LLC and Ferry Building Investors, LLC.
[2] The City acts administratively through subdivisions of the City, including the Port of San Francisco. All such actions are, of course, actions of the City. Accordingly, although these comments sometimes refer to the various departments of the City, those references all are to the City and County of San Francisco.

proposed, would eliminate the availability of Seawall Lot 351 for EOP's use for Ferry Building parking. Accordingly, approval of the Project, on the terms now proposed by the Port with its co-developer, Pacific Waterfront Partners, would constitute a breach of the City's contractual obligations to EOP under the Parking Agreement for the Ferry Building.

EOP urges the Commission to refrain from taking any action to approve the Project at this time. EOP has a strong interest in the economic vitality of the downtown waterfront and supports responsible development that would sustain and enhance San Francisco's iconic Ferry Building. However, new development should not be approved at the expense of the vibrant, publicly accessible activities at the Ferry Building nor in violation of the contractual rights granted by the City to EOP to induce it to spend over $125 million to rehabilitate and protect the Ferry Building as the economic anchor of the neighborhood. It would be premature to approve the Project as currently proposed until the Port's obligations to EOP to provide Ferry Building parking are fully satisfied and integrated into the Project.

The City is Contractually Obligated to Ensure that the Ferry Building Has Dedicated Parking under EOP's Control

The Port of San Francisco is rightly proud of the Ferry Building, but it has not always been the jewel that it is today. For decades, the Ferry Building was physically separated from the rest of the City by the raised Embarcadero Freeway. After the 1989 Loma Prieta Earthquake, the Ferry Building and its environs were left derelict and damaged. The eventual removal of the Embarcadero Freeway presented a unique opportunity for change and to reunite the Ferry Building with the City it serves. Rather than leave this area to decay, the City entered into an innovative public-private partnership with EOP to revitalize the waterfront. That partnership culminated in 2001 when EOP invested $125 million to rehabilitate the Ferry Building and restore its public trust uses. More than ten years later, EOP continues to invest substantially to maintain physical structures underlying the Ferry Building. Because of the public-private partnership, and EOP's large and continuing investment, the Ferry Building today thrives as one of the most famous examples of a successfully rehabilitated public trust resource.

As part of the redevelopment process for the Ferry Building, the City entered into a long-term lease for the Ferry Building and a Parking Agreement with EOP. Under the Parking Agreement, EOP has exclusive control over Seawall Lot 351 for use as dedicated parking to serve the Ferry Building. This agreement was made to induce the private redevelopment of the Ferry Building, for which an assured parking supply was critical. The Parking Agreement thus guarantees that EOP would have close, convenient and easily accessible parking to ensure the Ferry Building's vitality as the iconic, economic anchor of the downtown waterfront.

The Parking Agreement does not preclude any redevelopment of Seawall Lot 351. It does, however, impose quite specific conditions on such development: the Port may develop Seawall Lot 351 as a parking facility to serve the Ferry Building area ***only*** if the City satisfies its obligations to provide to EOP equal parking, both temporary in a comparable location during construction and permanently at the Seawall Lot 351 site after completion of the Project. This "equal parking" must be exactly that—not just a commitment for a number of unassigned spaces, but the provision to EOP for full management of the use of those spaces, including control over days, times, rates and validation.

As currently proposed, the Project would purport to obliterate all of EOP's rights in Seawall Lot 351 without any provision of substitute equal parking, either during construction or permanently, to EOP. The Port has yet to assure that the Ferry Building's parking rights will be fully respected if the Project is approved and built as proposed. The proposed condition in the draft Purchase and Sale Agreement that would require the Project Sponsor to record a covenant reserving 90 spaces in the Project's proposed parking garage for "waterfront" visitors would not provide dedicated Ferry Building parking under EOP's control and would not satisfy the terms of the Parking Agreement. Further, the Project as currently proposed does not include any provision for temporary replacement parking during construction of the Project.

No project on Seawall Lot 351 can be appropriately and legally approved unless and until the City satisfies its contractual obligations to EOP. Moreover, EOP has advised the Port's co-developer of the Project, Pacific Waterfront Partners, of these contractual obligations, and of EOP's intentions to defend these rights vigorously by all appropriate means. The failure of both the Port and the Project Sponsor to even recognize that EOP is entitled to participate directly with them in the development process and to guarantee that its rights would be fully protected is hard to comprehend. Until they have done so, the Port Commission should take no action on the Project.

Approving the Project, as Currently Proposed, Would Violate the City's Fiduciary Duty to Protect Public Trust Resources.

In addition to violating the terms of the Parking Agreement, the City's proposed actions to approve the Project would compromise its obligation to protect and promote the public trust resources entrusted to it by the State.

One of the proposed actions before the Port Commission is approval of a Land Exchange Agreement, in which the public trust designation for Seawall Lot 351 would be extinguished and the property would be exchanged for a different parcel on the Project site. The City can only approve such an exchange if it finds, among other things, that Seawall Lot 351 is no

longer needed or required for the promotion of the public trust and that no substantial interference will occur to other trust uses or purposes.

The City, either acting through the Port Commission or Board of Supervisors, cannot make these findings. Seawall Lot 351 is an essential component of Ferry Building operations and its valuable public trust uses. The current public use of Seawall Lot 351 promotes and protects public trust resources—dedicated parking for the Ferry Building—and the exchange would substantially interfere with and diminish the value of such public trust resources. EOP strongly urges the Port Commission to refrain from any action that would damage the public trust resources of the Ferry Building.

EOP Has Repeatedly Raised These Issues with Port Staff and the Project Sponsor

Over the past two years, EOP has repeatedly raised its concerns with Port staff in writing and orally. Indeed after finding that the Port was unresponsive, EOP requested help from the Mayor's Office to resolve the issue. As a result, through the good efforts of the Mayor's Office, only recently has EOP been able to meet with senior Port and other City officials to discuss any possible solutions. However, it was not until Wednesday, May 23, 2012—less than a week before the scheduled hearing on the Project—that Port staff met with EOP to discuss terms of how to satisfy the Port's obligations to EOP with respect to the Project. Even so, as noted above, the Project, as currently proposed, still does not meet the City's full obligations under the Parking Agreement with respect to Seawall Lot 351 and the parking—both during construction and permanently at Seawall Lot 351—that is so crucial to the vitality of the Ferry Building. It is discouraging, this late in the planning and approval process for the Project, that the City's parking obligations to the Ferry Building remain unresolved.

If the Port recommends this Project, and the City ultimately approves it, in its current form, the City will be in breach of its obligations to EOP, with the complicity of Pacific Waterfront Partners. EOP strongly urges the Port Commission to refrain from taking any further action on the Project at this time until the Port's obligations to EOP to provide Ferry Building parking are fully satisfied and integrated into the Project.

As EOP has advised the Mayor's Office and the Port staff, as well as Pacific Waterfront Partners, EOP remains open to real solutions that fully respect EOP's parking rights with respect to the Ferry Building and Seawall Lot 351. There is nothing about this Project, as currently proposed, that is so important that would warrant the City's breach of the Parking Agreement and risking the economic vitality of the Ferry Building.

Sincerely,

Zane O. Gresham

cc: Monique Moyer, Executive Director, Port of San Francisco
Angela Calvillo, Clerk of the San Francisco Board of Supervisors

sf-3141371

File Nos. 120271
120272
6/4/12 - Distributed in Committee

Toby Levine
255 Berry Street, # 609
San Francisco, Ca. 94158\647-3052
tobylevine@earthlink.net

June 4, 2012

Board of Supervisors
Land Use Committee
City Hal

Dear Supervisor Mar, Cohen and Weiner,

As a member of the Planning Commissioner during the 90's and simultaneously a member of the Waterfront Land Use Plan Advisory Board, we spent 6 years developing a Prop. H mandated plan for the waterfront. That plan was adopted by the Port Commission in 1997 and the Board of Supervisors in 1998. Subsequently, Advisory Groups were established by the Port throughout the Waterfront. For several years, I was the Chair of the Northeast Waterfront Advisory Group and am now Co-Chair of the Central Waterfront Advisory Group.

In the Waterfront Land Use Plan, seawall lot 351 was designated as a "mixed use Opportunity site" and 8 potential uses were identified for that site, including 5 that are a part of the 8 Washington plan. These include **Public** open space, residential housing, parking, retail job generators, and recreational enterprises.

The Waterfront Design and Access Plan, also approved in 1997, is deeply concerned with the issue of reuniting the City with its waterfront. The original Committee may not have dreamt that Jackson and Pacific Streets could join the Waterfront, since they were blocked by an impenetrable green wall. The current 8 Washington plan removes the wall and makes it possible for residents and workers from the nearby neighborhoods to access the waterfront. **This may be the most important Long-term feature of the 8 Washington Plan.**

Public Benefits

1. Pedestrian opening of Jackson and Pacific to the waterfront once again.
2. 33 units of affordable housing during a time of diminished resources
3. Funds for the Port to repair Historic bulkhead buildings and rotting piers
4. A new **public** park for children
5. Parking for the Ferry Building market and businesses.
6. Substantial and ongoing revenue for the City
7. And, of course, the construction employment.

Heights

As you listen to the testimony, you will note that heights appear to be the driving force in the efforts to terminate this project. In general, heights and views are not protected in the Planning Code. The Golden Gateway Tower East directly across from 8 Washington rises 270 feet above the waterfront with no stepping down to soften the image. This very large, double-loaded corridor apartment house, will be made more gentle by the step down provided by 8 Washington. (134', then 84', then 64', then 40', then 20') And actually, if you average the building heights over the entire 8 Washington site, you will find that the average reaches 31 feet.

Aesthetic Benefits

The 8 Washington consists of a team of aesthetically driven architects and planners who will provide the City with a remarkable development which will make us all very proud. They are also receptive to new ideas to improve the project. I have witnessed the Project evolve over several years, and know that Waterfront Partners has delivered a beautiful, historic rehabilitation of piers 1 1/2, 3 and 5. We expect the same high quality at 8 Washington.

I strongly urge you to support this project what will benefit all the citizens of San Francisco.

Thank your for the Opportunity to Speak,

Toby Levine

120270
120271
File 120272 BOS-11

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 APR -2 PM 3:29
BY AK

March 29, 2012

Members, San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Re: 8 Washington Street

Dear Members of the Board of Supervisors:

As partner and founder of Geolo Capital, a private equity investment company, I have personally benefitted from the Port's decade long commitment to revitalizing the Waterfront. I consider this waterfront my neighborhood and am acutely interested in the future of our City's largest asset.

The Ferry Building, Pier 1 and Piers 1 ½, 3 & 5 exemplify the successes incurred thus far as a result of the Waterfront Land Use Plan. The parking lot and private tennis fence that currently exist at the site are inconsistent with the vibrant and livable waterfront that the Port and City strive to create. A mixed use development at 8 Washington which is contextual with the surrounding highly urbanized environment is appropriate and would enhance the existing waterfront improvements. Not only would this project provide much needed revenue to the City and Port of San Francisco, but it would also provide the last opportunity to solve the parking crisis in this neighborhood, ensuring the continued success of the Farmers Market and merchants which serve this neighborhood and the entire Bay Area.

I understand that there are neighbors who are opposing the project in order to preserve their club, their surface parking lot or their views. Change is difficult. But in an urban and dynamic city such as ours it is inevitable. It is also necessary. If we are to live up to the urban planning principals that our city has adopted, we need to build dense housing which is proximate to transit and jobs. This project does just that. However, it does so responsibly, giving back over half of the land to public open space and recreation. The club becomes a much more family oriented state of the art fitness and aquatics club and the public open space provides new spaces for the public to enjoy the waterfront – for free. The restaurants and retail will further invigorate and strengthen the surrounding community, providing more places to gather and socialize. Finally, given the sites proximity to the Financial District and adjacent high rise buildings, the heights are extremely modest – and are in response to community feedback.

As elected officials, we ask that you vote in ways which are consistent to the betterment of the city and reflect the greater desires of its citizens. For these reasons and the benefits listed above, I ask that you support 8 Washington when it comes before you.

Sincerely,

John A. Pritzker
Partner

File
BOS-11
CA
COB

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hestor@earthlink.net

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 APR 17 PM 2:08

April 12, 2012

sent by email and delivered by hand

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall
San Francisco CA 94102

David Chiu, President of the Board
Board of Supervisors
City Hall
San Francisco CA 94102

RE: 120271 - Zoning Map Amendment - 8 Washington Street
120272 - General Plan Amendment - 8 Washington Street

Dear Ms. Calvillo and President Chiu:

The Land Use calendar posted this afternoon shows RECEIPT by the Board of the above two legislative proposals from the Planning Department on Monday, March 26, 2012, and their assignment under the 30-day rule to Land use on April 3, 2012.

My first question is HOW and WHEN they were transmitted? The second is whether it was appropriate for the General Plan Amendment to start the clock running before final resolution of at least the CEQA appeal?

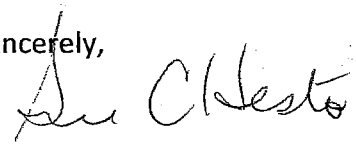
The morning of Friday, March 23 I made a formal request that Kevin Guy, the planner on this case, transmit the FINAL MOTIONS electronically as soon as they were available and also offered to pick hard copies. He replied that he would provide them to me when they were complete, but that it was unlikely they would be finalized that day. They were not available later that afternoon when I also emailed him. Since I heard nothing further from Mr. Guy, on Tuesday, March 27 I made a follow-up request for those motions. Mr. Guy forwarded the motions to me on Wednesday, March 28, two days AFTER the Board of Supervisors supposedly received them. It appears that the approval motions were final and available several days before they were provided to my clients. I note that the CEQA appeal of Equity Office Properties was filed on Monday, March 26.

Of particular concern is the transmittal of the Proposed General Plan Amendment. As you are probably aware a 90-day clock starts running on Board action on all General Plan Amendments from the day of receipt. Planning Code 340(d) The 90 days will run on June 24, which means Board action is necessary by their June 19 meeting.

There are currently TWO EIR appeals filed with the Board and we anticipate filing an appeal of the Planned Unit Development/Conditional Use early next week. Each of these appeals require hearings by the full Board. No Board action can occur on either of the matters transmitted March 26, 2012, until at least the CEQA appeals are resolved.

Has the Board been advised that hearings on these matters can occur as of 30 days from April 3?

Sincerely,



Sue C. Hestor
Attorney for appellant Friends of Golden Gateway

cc: Kevin Guy
Zane Gresham, attorney for Equity Office Properties
Louise Renne
Lee Radner
Brad Paul