

1 [War Memorial Veterans Building - Transferable Development Rights]

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3 **Resolution authorizing the Director of Property to execute and cause to be recorded a**
4 **Certificate of Transfer and Transfer of Development Rights (TDR) Agreement, and to**
5 **take such other actions as may be necessary to effectuate a TDR transfer from the War**
6 **Memorial Veterans Building pursuant to Planning Code, Section 128.**

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8 WHEREAS, On April 27, 2003, the Board of Supervisors approved Ordinance No. 77-
9 04 which, among other things, amended San Francisco Planning Code Section 128 to provide
10 that a lot zoned P (public) may be a Transfer Lot for purposes of conveying Transferable
11 Development Rights ("TDR"), provided that certain criteria outlined in Section 128(a)(4) are
12 satisfied; and,

13 WHEREAS, The Transbay Joint Powers Authority has entered into an agreement with
14 Hines Transbay Tower, LCC to purchase property at 101 First Street (Assessor's Block 3720,
15 Lot 001) for a 61-story building, reaching a height of 1,070 feet, containing approximately
16 1,350,000 square feet of office space, 20,000 square feet of retail space, approximately
17 48,000 square feet of subterranean parking, mechanical, and storage areas, and 25,000
18 square feet of open space (the "Project"). Development of the Project requires the acquisition
19 of approximately 152,000 gross square feet of TDR in accordance with the terms of Planning
20 Code Section 123(e); and,

21 WHEREAS, In connection with the Project, the City and County of San Francisco
22 proposes to transfer up to 152,000 gross square feet of TDR from the War Memorial Veterans
23 Building (Assessor's Block 0786A, Lot 001) at 401 Van Ness Avenue (the "Property") in order
24 to finance the rehabilitation and restoration of the Property in accordance with the Secretary of
25 the Interior Standards; and,

1 WHEREAS, Under the terms of Section 128, the transfer of TDR from the Property to
2 an eligible transferee or an eligible Development Lot requires certain administrative actions by
3 Director of Property, including, but not limited to, recording of a Certificate of Transfer against
4 the Property, setting forth among other things respectively, the amount of TDR available for
5 transfer, and stating that the transfer of TDR permanently reduces the development potential
6 of the Property by the amount of TDR transferred; and,

7 WHEREAS, The proposed transfer of TDR, payment, and other terms are set forth in
8 an TDR Transfer Agreement (the "Agreement") between the City and Hines Transbay Tower,
9 LCC. Said Agreement is on file with the Clerk of the Board of Supervisors in File No.
10 _____ and is incorporated herein by reference; and,

11 WHEREAS, On March _____, 2013, the Historic Preservation Commission, in
12 accordance with Planning Code Section 1012, held a duly noticed public hearing and adopted
13 a written report in regard to this legislation. Said report is on file with the Clerk of the Board of
14 Supervisors in File No. _____ and is incorporated herein by reference; and,

15 WHEREAS, It is in the interest of the City to implement the provisions of Section 128
16 as they relate to the Property to effectuate rehabilitation and restoration of the War Memorial
17 Veterans Building; now, therefore, be it

18 RESOLVED, That, provided that the criteria and requirements of Section 128 with
19 respect to transfer of TDR have otherwise been met, the Board of Supervisors approves the
20 Agreement in substantially the form on file with the Clerk of the Board and authorizes the
21 Director of Property to execute and record the Certificate of Transfer and Agreement and to
22 take such other actions as reasonably required under Section 128 to effectuate the transfer of
23 up to 152,000 gross square feet of TDR from the Property to Hines Transbay Tower, LCC for
24 use exclusively at 101 First Street, an eligible Development Lot, after the following conditions
25 have been met to the satisfaction of the Director of Property: (i) Hines Transbay Tower, LLC

1 has paid to the City a purchase price for the TDRs as determined by a certified appraiser
2 found acceptable by the Directors of the Planning Department and Property; and (ii) said
3 payment is made on or before issuance of the first construction addendum for the Project;
4 and, be it

5 FURTHER RESOLVED, All funds from the purchase price of the TDRs shall be used
6 by the Director of Property solely for the rehabilitation and restoration of the War Memorial
7 Veterans Building in accordance with the Secretary of the Interior Standards.