

SWL 351 PRE-SUBMITTAL MEETING
Questions and Answers
September 11, 2008

1. *Have you received any proposals yet?*

No. Proposals are due on October 30, 2008 at 3:00 p.m.

2. *Do you know how many you will receive?*

No.

3. *Does the RFP discuss the public trust restrictions and how they can be modified?*

Yes, the RFP, at page 25 discusses the public trust restrictions.

Three local examples of projects that included modifications of the public trust status are:

Steamboat Point and Delancey Street Developments in South Beach. Special legislation was passed to allow affordable housing development on these sites as part of the overall San Francisco Redevelopment Agency's project.

Watermark Condominiums at Beale and Bryant. This site was sold for development and the public trust obligations "swapped" on to another Port-owned site in the Southern Waterfront that was not subject to the trust. Again, special legislation was required for this exchange and the proceeds of the project were dedicated to creating a cruise ship terminal.

Seawall Lots 337, 330, 328 and 347S Legislation sponsored by State Senator Migden was signed into law in late 2007 to allow non-trust development of these sites subject to restrictions on the term of use and the use of the funds received from the development. SB815 is Appendix D of the SWL337 RFP and can be navigated to from www.sfport.com/swl337. Or directly at this link:

www.sfgov.org/site/uploadedfiles/port/port_commission/RFP%20Appendix%20D.pdf

4. *Is there a copy of the public trust restrictions and what it permits?*

The RFP indicates uses that are consistent with the public trust. The public trust has been implemented through statutes, common law principles and case law. Therefore, no one document provides a complete overview of the restrictions. For projects where the public trust consistency of the use is not clear, the California State Lands Commission is asked to make a determination.

A copy of the Burton Act, which transferred the control of the Port facilities from the State of California to the Port, is among the background documents available on the RFP website.

5. *Please discuss what types of buildings can be building in sewer right-of-way? Could there be a bridge across?*

Permanent structures will not be allowed in the sewer right of way, in order to provide access to the sewer facilities, allow for the visual corridor down Jackson Street, and retain the option of reopening Jackson Street for pedestrian use in the future.

A bridge between buildings above the right of way may be an appropriate design option, depending on its impact on the view corridor.

6. *Please describe more about the seawall on the site. Have there been other times when the seawall was removed?*

The seawall on the site is the "Old Seawall" and no longer functions as a seawall. The geotechnical condition report discusses the seawall, which is essentially a mound of fill that formed the boundary of the site when it was initially filled. There have been other areas where portions of the Old Seawall was affected by new construction. For example, a portion of the old seawall was removed during the construction of the MUNI street car entrance to the Embarcadero Station.

7. *Is there a significance to there being a parcel number for a portion of SWL351 in the City's block and lot numbering system?*

No, there is no significance to the parcel boundaries.

8. *What are the environmental soil conditions?*

Please review the Phase I and partial Phase II environmental condition studies available on the RFP website.

9. *What position does the adjacent sports center have about development of SWL351? Are they concerned about shadowing of the courts? Could their parking lot be incorporated into the project?*

The owner of the Golden Gateway Tennis and Swim Club is in contract with a developer to rebuild the site with new club and additional development. The final form of the proposed development on the adjacent site has not yet been established. The Port does not own and has no control over the privately-owned sports center (including its parking lot). Therefore, the Port cannot offer any development rights to any part of the sports center.

10. *Who evaluates the proposals and makes the decision on the project?*

As discussed in the RFP, a technical panel will score the responses and Staff will forward a recommendation to the Port Commission, which will select a developer. The RFP also discusses the discretionary project approvals required from other entities in the approval process, after the Port Commission has entered into negotiations with a developer.

11. *Given the need to accommodate parking and other uses, how tall do you think the project will be?*

SWL 351 is located in a City Height and Bulk district 84-E. Please review the City's planning code, but in general, the 84-E district requires height less than 65' at the street and allows heights to 84'. Proposals should not exceed City height restrictions.

The RFP guidelines for height are in Design Objective B.7:

“Propose a building height and massing that fits within the neighborhood context formed by the William Heath Davis Building of the Golden Gateway Center, the Golden Gateway Commons condominiums and the heights of the historic Piers 1 through Pier 5 bulkhead buildings. The perceived height of the building (including roof top fixtures) will be evaluated in considering neighborhood context.”

ANSWERS TO OTHER QUESTIONS PROVIDED IN WRITING

1. *What is the public parking allocation; 90 or 150 per the Aug. Q&A statement?*

The RFP requires at least 90 parking spaces for public parking to serve visitors to the Ferry Building area, to satisfy in part the Port's contractual obligation to provide 150 parking spaces to the Ferry Building Investors. Appendix C of the RFP provides a copy of the parking agreement.

2. *What is the parking allocation/unit residence (hotel room/apartment) 1 parking slot/unit or is valet parking allowable?*

Hotel projects in downtown San Francisco are often built with very little parking. Market factors, rather than code, typically determine the minimum quantity of parking in projects.

If the site is rezoned to allow hotel or residential use, City zoning regulates parking requirements. The link on the RFP website to “All City Ordinances” takes you to a page that includes the Planning Code and applicable zoning districts. Further information about the San Francisco Planning Department regulations and procedures is available at the link below:

http://www.sfgov.org/site/planning_index.asp

3. *The Q&A mentions the sewer easement (32 ft.) but only concerning Jackson St. not the property in question by itself?*

The sewer easement is in the former Jackson Street right-of-way that crosses SWL 351. Appendix F shows the sewer alignment.

4. *What is the max. height allowable which was 84 ft. but with a variance or zoning change could the building be taller?*

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5. *What is the minimum setback required? We're assuming that along the Embarcadero it can border the 16 ft. sidewalk much like the Hyatt Regency but what about the two property lines bordering the tennis and swim club immediately behind the property?*

The Planning Code governs setbacks. The Planning Commission would consider any request for variances to accommodate a project.

6. *May the required 90 replacement spaces for the ferry building occupants be tandem/valet access as presently shown on the site, or will they have to be single-depth, driver-served spaces?*

The Port is required to provide 150 spaces under the Parking Agreement (Appendix C) with the Ferry Building Investors for patrons of the Ferry Building Marketplace shops and restaurants, not the occupants of the Ferry Building.

SWL 351 is one of several places where the Port can make parking available under the Parking Agreement. The RFP does not dictate whether the parking must be provided as single-depth, driver-served spaces or on a tandem/valet basis. Proposals must clearly designate how the required parking is to be provided.

7. *Why is a performance deposit required in addition to other requirements?*

The performance deposit is not a replacement for construction-related completion and performance bonding requirements. The Port has required some form of performance deposit in its significant recent development offerings to compensate the Port for its lost development opportunities while its property is held off the market. For example, the LDDA fees/liquidated damages required for the Ferry Building project.