

File No. 240635

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Date: July 8, 2024

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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Prepared by: John Carroll

Date: July 5, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Mission Bay South - Parks P22 and P19 Acceptance]

2

3 **Ordinance conditionally accepting a grant deed for property associated with Mission**  
 4 **Bay South Park P22; delegating for a three-year period to the San Francisco Port**  
 5 **Commission the authority to dedicate Mission Bay South Parks P22 and P19 (bordering**  
 6 **Terry François Boulevard) to public use, accept an irrevocable offer for the acquisition**  
 7 **facilities that comprise the park improvements, designate said facilities for public park**  
 8 **and open space purposes only, and accept these Parks for Port of San Francisco**  
 9 **maintenance and liability purposes, subject to specified limitations; delegating for a**  
 10 **three-year period to the Public Works Director similar authority for certain Public**  
 11 **Utilities Commission assets in Parks P22 and P19; adopting findings under the**  
 12 **California Environmental Quality Act; making findings of consistency with the General**  
 13 **Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay**  
 14 **South Redevelopment Plan; adopting a Public Works Order that recommends**  
 15 **delegation of Parks P22 and P19 acceptance and related actions; and authorizing**  
 16 **official acts, as defined, in connection with this Ordinance.**

17 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 18 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 20 **Board amendment additions** are in double-underlined Arial font.  
 21 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 22 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 23 subsections or parts of tables.

21

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

23

24 Section 1. Definitions. All capitalized terms in this ordinance relating to Mission Bay  
 25 have the definitions ascribed to them under the Mission Bay South Redevelopment Plan and

1 Plan Documents described therein, which the City approved in 1998 in Ordinance No. 335-98,  
2 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981441.

3  
4 Section 2. Findings for Mission Bay Parks P22 and P19.

5 (a) Mission Bay South Park P22 (also referred to as Bayfront Park at Mission Bay) is  
6 located east of the Chase Event Center, between Terry Francois Boulevard and edge of San  
7 Francisco Bay and between Warriors Way and 16th Street (Assessor Parcel Block Numbers  
8 8721-007, 8722-005, and 8722-006). Park P22 also contains two linear parcels on the  
9 eastern edge of the park adjacent to Terry Francois Boulevard. The two parcels, Assessor  
10 Parcel Block Numbers 8721-014 (“Lot 14”) and 8722-020 (“Parcel C”), are the subject of  
11 separate Offers of Dedication, including grant deeds (collectively, the “Acquisition Parcels”).  
12 The Board of Supervisors, in Ordinance No. 231-15 and as part of a series of actions related  
13 to Chase Event Center, delegated to the Real Estate Director the authority to accept Parcel C  
14 upon completion of the improvements on this parcel. The Acquisition Parcels are included in  
15 the Park design and upon acceptance will be absorbed into the Park. The scope of the Park  
16 P22 Infrastructure Improvements (the “Park P22 Improvements”), and its boundaries,  
17 including the Acquisition Parcels that are described in the Offers of Dedication (collectively  
18 “Offers of Dedication”), are shown on a draft plat (the “Park P22 Plat”) on file with the Clerk of  
19 the Board of Supervisors in File No. 240635 and incorporated herein by reference. Parcel C,  
20 as referenced in the Offer of Dedication for Bayfront Park, also is addressed in Ordinance  
21 No. 231-15, which is on file with the Clerk of the Board of Supervisors in File No. 150996 and  
22 incorporated herein by reference.

23 (b) The Mission Bay South Park P19 Infrastructure Improvements (the “Park P19  
24 Improvements”) are located on the west side of Terry Francois Boulevard between Mission  
25 Rock and China Basin Streets (Assessor Parcel Block Number 8720-009). The Park P19

1 boundaries and the scope of the Park P19 Improvements are shown on a draft plat (the “Park  
2 P19 Plat”) on file with the Clerk of the Board of Supervisors in File No. 240635 and  
3 incorporated herein by reference. The Park P22 Improvements and the Park P19  
4 Improvements and any structures thereon are collectively referred to herein as the “Park  
5 Improvements.”

6 (c) The Successor Agency to the San Francisco Redevelopment Agency, the Office of  
7 Community Infrastructure and Investment (“OCII”), in a letter dated May 6, 2024 (the “Parks  
8 P22 and P19 OCII Letter”), determined that the acceptance of the Park P22 Improvements  
9 and the Park P19 Improvements is consistent with the Mission Bay South Redevelopment  
10 Plan (the “Plan”) and Plan Documents. The Parks P22 and P19 OCII Letter also  
11 recommended that the Board of Supervisors accept the Parks P22 and P19 OCII Letter as set  
12 forth in this Ordinance. A copy of the Parks P22 and P19 OCII Letter is on file with the Clerk  
13 of the Board of Supervisors in File No. 240635 and is incorporated herein by reference.

14 (d) The Planning Department, in a letter dated June 3, 2024 (the “Parks P22 and P19  
15 Planning Department Letter”), determined that the acceptance of the Acquisition Parcels, Park  
16 P22 Improvements, and Park P19 Improvements are, on balance, consistent with the General  
17 Plan and the eight priority policies of Planning Code Section 101.1. The Planning Department  
18 also found that the contemplated actions do not trigger the need for subsequent  
19 environmental review pursuant to the California Environmental Quality Act (“CEQA”)  
20 (California Public Resources Code Sections 21000 et seq.). A copy of the Parks P22 and P19  
21 Planning Department Letter and environmental determination are on file with the Clerk of the  
22 Board of Supervisors in File No. 240635 and are incorporated herein by reference.

23 (e) On June 11, 2024, at a duly noticed public hearing, the San Francisco Port  
24 Commission (“Port Commission”) in Resolution No. 24-30 (the “Port Commission Resolution”),  
25 recommended that the Board of Supervisors acknowledge that the Port Commission will (1)

1 accept ownership of the Park Improvements as acquisition facilities on behalf of the City when  
2 Public Works (“PW”) determines that such improvements have been constructed in  
3 accordance with the approved plans and specifications under the applicable permits and all  
4 applicable City codes, regulations, and standards, and such improvements are ready for their  
5 intended use; (2) dedicate the Park Improvements to public use; (3) designate the property on  
6 which the Park Improvements are located for park and/or open space purposes; and (4) upon  
7 their completion, accept Park Improvements for Port Commission maintenance and liability.  
8 The Port Commission also agrees to accept the Acquisition Parcels as part of Park P22 after  
9 the Board of Supervisors approves the Offer of Dedication for Lot 14 and associated grant  
10 deed, and designates the Port as the owner on behalf of the City. In addition, the Port  
11 Commission recommended that the Board of Supervisors delegate to the Commission for a  
12 period of three years the Board’s power to: (1) accept ownership of the Park Improvements  
13 as acquisition facilities on behalf of the City; (2) dedicate such Park Improvements to public  
14 use; (3) designate the property on which the Park Improvements are located for park and/or  
15 open space purposes; and (4) take all other official acts necessary for, or related to,  
16 acceptance of the Park Improvements, including without limitation, accepting the Park  
17 Improvements for Port Commission maintenance and liability and accepting conditional  
18 assignment of all warranties and guaranties related to the construction of Park Improvements.  
19 A copy of the Port Commission Resolution is on file with the Clerk of the Board of Supervisors  
20 in File No. 240635 and is incorporated herein by reference.

21 (f) In PW Order No. 210669 (the “PW Order”), dated July 3, 2024, the City Engineer  
22 certified and the PW Director determined that: (1) Mission Bay South Park P22 is currently on  
23 a portion of property under Port jurisdiction and located on a portion of State Trust Parcel 5  
24 and on the Acquisition Parcels; (2) FOCIL-MB, LLC (“FOCIL”) has irrevocably offered the Park  
25 P22 Improvements to the City as set forth in the FOCIL Irrevocable Offer of the Mission Bay

1 Park P22 Improvements, dated \_\_\_\_\_ (the "P22 FOCIL Offer"); (3) the  
2 Acquisition Parcels are comprised of an Offer of Dedication, including a grant deed, for Parcel  
3 14 by FOCIL, and an Offer of Dedication, including a grant deed, for Parcel C by GSW Arena,  
4 LLC; (4) Mission Bay South Park P19 is currently on a portion of property under that will be  
5 Port jurisdiction and is located on a portion of State Trust Parcel 5; and (5) FOCIL has  
6 irrevocably offered the Park P19 Improvements to the City as set forth in the FOCIL  
7 Irrevocable Offer of the Mission Bay Park P19 Improvements, dated \_\_\_\_\_ (the  
8 "P19 FOCIL Offer"). In addition, the PW Order states that PW issued Street Improvement  
9 Permit No. 19IE-00483, dated July 2, 2020 for the Park P22 Improvements and Street  
10 Improvement Permit No. 13E-0473, dated November 1, 2013 for the Park P19 Improvements.

11 (g) In the PW Order, the PW Director recommended that the Board of Supervisors  
12 accept the Acquisition Parcels identified in the Offers of Dedication subject to acceptance of  
13 the respective park and designate the Port as the property owner on behalf of the City.

14 (h) In addition, the PW Director recommended to the Board of Supervisors that for a  
15 three-year period it delegate to the Port Commission, in consultation with the PW Director, the  
16 authority to take various actions related to acceptance of Park P22 and P19 upon FOCIL's  
17 completion of all respective requirements related to the Park Improvements and Public Works  
18 issuance of a Determination of Completion for each park certifying that each park upon  
19 completion has been constructed in accordance with the Plans and Specifications and all City  
20 codes, regulations, and standards, and the Mission Bay South Redevelopment Plan and Plan  
21 Documents governing the Park Improvements and determining that they are ready for their  
22 intended use. The following separate acceptance actions shall include for each park: (1)  
23 accepting the P22 FOCIL Offer of Improvements and the P19 FOCIL Offer of Improvements;  
24 (2) dedicating the Park Improvements to public use; (3) designating the properties on which  
25 the Park Improvements are located for public park and open space purposes; and (4)

1 accepting these Improvements for Port maintenance and liability. A copy of the PW Order  
2 and P22 and P19 FOCIL Offers are on file with the Clerk of the Board of Supervisors in File  
3 No. 240635 and are incorporated herein by reference.

4 (i) The Public Works Order also identifies that Park P22 Improvements contain certain  
5 San Francisco Public Utilities Commission (“SFPUC”) electrical assets and green  
6 infrastructure and Park P19 includes green infrastructure (collectively “PUC Assets”). The PW  
7 Director recommended to the Board of Supervisors that for a three-year period it delegate to  
8 the Public Works Director, in consultation with the SFPUC General Manager and upon the  
9 City Engineer’s issuance of Determinations of Completion for the PUC Assets in the  
10 respective parks, the authority to (1) accept the SFPUC Assets that are part of the P22 and  
11 P19 FOCIL Offers of Improvements when each are completed; (2) dedicate the PUC Assets  
12 to public use; and (3) accept the PUC Assets for SFPUC maintenance and liability purposes.

13 (j) In addition, the PW Order recommends that the Board of Supervisors acknowledge  
14 that although Public Works reviewed and issued permits for the Parks under its public right-of-  
15 way permitting jurisdiction, the City should not accept the Parks as public right-of-way under  
16 California Streets and Highways Code Section 1806 and San Francisco Administrative  
17 Code 1.52, and should instead address dedication and acceptance solely as parkland under  
18 Port Commission jurisdiction in accordance with California Government Code Section 66477.1  
19 and San Francisco Subdivision Code Section 1438. This will expedite the opening of Parks  
20 P22 and P19 to the public and allow for the efficient and orderly transfer of jurisdictional  
21 responsibility over the Park Improvements from PW permitting authority to Port Commission  
22 property and management jurisdiction in contrast to what would have been required if the  
23 improvements were designated as public right-of-way.

1           Section 3. Adoption of Findings and Recommendations for Mission Bay South Parks  
2 P22 and P19.

3           (a) The Board of Supervisors adopts as its own the CEQA findings, the General Plan  
4 consistency findings, and the eight priority findings of Planning Code Section 101.1 in the  
5 Parks P22 and P19 Planning Department Letter, all of which findings are referenced in  
6 Section 2 of this ordinance, in connection with the acceptance of the Mission Bay Parks P22  
7 and P19.

8           (b) The Board of Supervisors adopts as its own the Mission Bay South Redevelopment  
9 Plan consistency findings in the Parks P22 and P19 OCII Letter, which findings are referenced  
10 in Section 2 of this ordinance, in connection with the acceptance of the Mission Bay Parks  
11 P22 and P19.

12           (c) The Board of Supervisors adopts PW Order No. 210669, including the City  
13 Engineer's certification and PW Director's recommendations concerning the acceptance of the  
14 P22 and P19 FOCIL Offers, the Offer of Dedication for Lot 14, delegation of various actions  
15 related to the dedication and acceptance of the Park Improvements to the Port Commission  
16 for Port maintenance and liability subject to the requirements identified below in Section 5 of  
17 this ordinance. The Board of Supervisors also adopts this PW Order in regard to the  
18 delegation of various actions related to the dedication and acceptance of the PUC Assets to  
19 Public Works Director for SFPUC maintenance and liability subject to the requirements  
20 identified below in Section 6 of this ordinance. The Board of Supervisors adopts said  
21 recommendation as its own.

22  
23           Section 4. Accepting a Grant Deed for Lot 14 That Is Included in Park P22.

24           The Board of Supervisors hereby conditionally accepts the Offer of Dedication and  
25 grant deed for Lot 14 that is included in Park P22. The Real Estate Director, in consultation



1 with the City Attorney, is authorized to sign the final grant deed in substantially the same form  
2 as that on file with the Clerk of the Board of Supervisors and record the grant deed, but only  
3 after the Port Commission accepts Park P22 under the terms set forth in this ordinance.  
4

5 Section 5. Delegation to the Port Commission of the Authority to Accept New  
6 Acquisition Facilities and Assume Maintenance and Liability Responsibilities; Other Official  
7 Acts Regarding the Park Improvements.

8 (a) Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the  
9 San Francisco Redevelopment Agency and Catellus Development Corporation, and PW  
10 Order No. 210669, the Board of Supervisors delegates to the Port Commission the authority  
11 to accept the Parks P22 and P19 FOCIL Offers, with the exception of the PUC Assets, on  
12 behalf of the City and dedicate the Park Improvements to public use after the City Engineer  
13 issues a Determination of Completion for each Park.

14 (b) As to Mission Bay Parks P22 and P19, the Board of Supervisors delegates to the  
15 Port Commission the authority to approve the final Park P22 and Park P19 Plats and  
16 designate the property shown thereon for park and open space purposes only. The Board  
17 acknowledges that the Port Commission also will separately designate the properties shown  
18 on the above referenced Plats for park and open space purposes only.

19 (c) In accordance with California Government Code Section 66477.1 and San  
20 Francisco Subdivision Code Section 1438, the Board of Supervisors delegates the authority to  
21 the Port Commission to take all other actions related to acceptance of the Park  
22 Improvements, including acceptance of such Improvements for Port Commission  
23 maintenance and liability, subject to the conditions listed in Sections 2, 3, and 5 of this  
24 ordinance.  
25

1 (d) The Board's delegation to the Port Commission regarding the acceptance of the  
2 Park Improvements is for Mission Bay Parks P22 and P19 only. The Port Commission's  
3 acceptance action shall exclude the PUC Assets and any encroachments that are permitted,  
4 not permitted, or both.

5 (e) The Board of Supervisors also conditions its delegation of the acceptance on the  
6 Port Commission obtaining FOCIL's conditional assignment of all warranties and guaranties  
7 related to the construction of the above listed Park Improvements.

8 (f) The Board of Supervisors assigns all future jurisdiction over Parks P22 and P19 to  
9 the Port Commission on the effective date of the Port Commission's acceptance of the Park  
10 Improvements and directs the Director of the Real Estate Division to place Parks P22 and P19  
11 under the jurisdiction of the Port of San Francisco on such effective date or at a later date as  
12 deemed appropriate by the Port General Manager and Director of Real Estate.

13 (g) The delegations in this Section 5 will expire three years from the effective date of  
14 this ordinance.

15  
16 Section 6. Delegation to the Public Works Director of the Authority to Accept PUC  
17 Assets; Other Official Acts Regarding the PUC Assets.

18 (a) Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the  
19 San Francisco Redevelopment Agency and Catellus Development Corporation, and PW  
20 Order No. 210669, the Board of Supervisors delegates to the Public Works Director, in  
21 consultation with the SFPUC General Manager, the authority to accept the PUC Assets to  
22 public use after the City Engineer issues Determinations of Completion for such Assets in  
23 each park.

24 (b) In accordance with California Government Code Section 66477.1 and San  
25 Francisco Subdivision Code Section 1438, the Board of Supervisors delegates the authority to

1 the Public Works Director, in consultation with the SFPUC General Manager, to take all other  
2 actions related to acceptance of the PUC Assets, including acceptance of such Improvements  
3 for SFPUC maintenance and liability, subject to the conditions listed in Sections 2, 3, and 6 of  
4 this ordinance.

5 (c) The Board's delegations to the Public Works Director regarding the acceptance of  
6 the PUC Assets is for Mission Bay Parks P22 and P19 only.

7 (d) The Board of Supervisors also conditions its delegation of the acceptance of the  
8 PUC Assets on the Public Works Director obtaining FOCIL's conditional assignment of all  
9 warranties and guaranties related to the construction of the PUC Assets.

10 (e) The delegation in this Section 6 will expire three years from the effective date of  
11 this ordinance.

12

13 Section 7. Authorization for Implementation. The Mayor, Clerk of the Board of  
14 Supervisors, Port Executive Director, SFPUC General Manager, Real Estate Director, and  
15 PW Director are hereby authorized and directed to take any and all actions which they or the  
16 City Attorney may deem necessary or advisable to effectuate the purpose and intent of this  
17 ordinance, including, but not limited to, the filing of the Parks P22 and P19 Plats in the Official  
18 Records of the City and County of San Francisco.

19 ///

20 ///

21 ///

22 ///

23 ///

24 Section 8. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3 APPROVED AS TO FORM:  
4 DAVID CHIU, City Attorney

5

6 By: /s/ JOHN D. MALAMUT  
7 JOHN D. MALAMUT  
8 Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Mission Bay South - Parks P22 and P19 Acceptance]

**Ordinance conditionally accepting a grant deed for property associated with Mission Bay South Park P22; delegating for a three-year period to the San Francisco Port Commission the authority to dedicate Mission Bay South Parks P22 and P19 (bordering Terry François Boulevard) to public use, accept an irrevocable offer for the acquisition facilities that comprise the park improvements, designate said facilities for public park and open space purposes only, and accept these Parks for Port of San Francisco maintenance and liability purposes, subject to specified limitations; delegating for a three-year period to the Public Works Director similar authority for certain Public Utilities Commission assets in Parks P22 and P19; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; adopting a Public Works Order that recommends delegation of Parks P22 and P19 acceptance and related actions; and authorizing official acts, as defined, in connection with this Ordinance.**

### Existing Law

The Board of Supervisors adopted the Redevelopment Plan for the Mission Bay South Project Area in Ordinance No. 335-98 on November 2, 1998. This Ordinance and related Mission Bay legislation established a process by which the project developer (FOCIL - MB, LLC) would construct specified public improvements, including parks and open space, and the City would dedicate the completed improvements for public use, accept such improvements for City or Port of San Francisco maintenance and liability purposes, and take other related actions. The City accepts most public improvements associated with large development projects as part of the public right-of-way under CA Streets and Highways Code Section 1806 and San Francisco Administrative Code Section 1.52; however, the City can accept parkland in accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438. Mission Bay South Park P22, also known as Bayfront Park, is on the east side of Terry François Boulevard across from Chase Center. Park P19 is on the west side of Terry François Boulevard near Mission Rock Street.

### Amendments to Current Law

Under this Ordinance, the Board of Supervisors would delegate to the San Francisco Port Commission the authority to (1) accept ownership of the park improvements at Mission Bay South Parks P22 and P19 and (2) accept these improvements for Port maintenance and liability, subject to certain conditions. The Board of Supervisors also would delegate to the Port Commission the power to dedicate the improvements to public use; designate them for

park and/or open space purposes as appropriate; and take all other official acts necessary for or related to acceptance of these parks. The Ordinance also would delegate to the Public Works Director, in consultation with the Public Utilities Commission General Manager, similar authority related to green infrastructure and electrical facilities in these parks that will be Public Utility Commission assets. The legislation would accept an Offer of Dedication and grant deed for a piece of property that is included as part of Park P22. This Ordinance would make certain findings, including environmental findings and findings that the legislation is consistent with the Mission Bay South Redevelopment Plan, the General Plan, and the eight priority policies of Planning Code Section 101.1. The delegations granted in this legislation would sunset three years from its effective date.

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San Francisco Public Works  
General – Director’s Office  
49 South Van Ness Ave., Suite 1600  
San Francisco, CA 94103  
(628) 271-3160 [www.SFPublicWorks.org](http://www.SFPublicWorks.org)

### **Public Works Order No: 210669**

**Recommending the conditional acceptance of the grant deed for property associated with Mission Bay South Park P22, delegating to the San Francisco Port Commission for a 3-year period the authority to dedicate Mission Bay South Parks P22 and P19 (bordering Terry François Boulevard) to public use; accept an irrevocable offer for the acquisition facilities that comprise the park improvements; designate said facilities for public park and open space purposes only; and accept these Parks for Port of San Francisco maintenance and liability purposes, subject to specified limitations; delegating to the Public Works Director for a 3-year period similar authority for certain Public Utilities Commission assets in Park P22 and Park P19**

### **Background and Findings**

The Public Works Director (“Director”) acknowledges the following facts and makes the findings set forth below in support of the decisions and recommendations in this Order:

1. Mission Bay South Park P22 (also referred to as Bayfront Park at Mission Bay) is located east of the Chase Event Center, between Terry Francois Boulevard and edge of San Francisco Bay and between Warriors Way and 16th Street (Assessor Parcel Block Number 8721-007, 8722-005, 8722-006). Park P22 also contains two linear parcels on the eastern edge of the park adjacent to Terry Francois Boulevard. The two parcels, Lot 14 (APN 8721-014) and Lot C (Portion of APN 8722-020), are the subject of separate Offers of Dedication, including grant deeds (collectively, the “Acquisition Parcels”). The Acquisition Parcels are included in the Park P22 design and upon acceptance will be absorbed into the Park. The Board of Supervisors, in Ordinance No. 231-15 and as part of a series of actions related to Chase Event Center, delegated to the Real Estate Director the authority to accept Lot C upon completion of the improvements on this parcel. The Offers of Dedication, the scope of the Park P22 Infrastructure Improvements (the “Park P22 Improvements”), and its boundaries, including the Acquisition Parcels, are shown on a plat (the “Park P22 Plat”) attached hereto.
2. The Mission Bay South Park P19 Infrastructure Improvements (the “Park P19 Improvements”) are located on the west side of Terry Francois Boulevard between China Basin Street and Mission Rock Street (Assessor Parcel Block Number 8720-009). The Park P19 boundaries and the scope of the Park P19 Improvements are shown on a plat (the “Park P19 Plat”) attached hereto. The Park P22 Improvements and the Park P19 Improvements and any structures thereon are collectively referred to herein as the “Park Improvements”.
3. The Successor Agency to the San Francisco Redevelopment Agency, the Office of Community Infrastructure and Investment (“OCII”), in a letter dated May 6, 2024 (the “Parks P22 and P19 OCII Letter”), determined that the acceptance of the Park P22 Improvements and the Park P19 Improvements

is consistent with the Mission Bay South Redevelopment Plan (the “Plan”) and Plan Documents. The Parks P22 and P19 OCII Letter also recommended that the Board of Supervisors accept the Parks P22 and P19 OCII Letter as set forth in this Ordinance. A copy of the Parks P22 and P19 OCII Letter is attached to this Order.

4. The Planning Department, in a letter dated June 3, 2024 (the “Parks P22 and P19 Planning Department Letter”), determined that the acceptance of the Acquisition Parcels, Park P22 Improvements, and the Park P19 Improvements are, on balance, consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. The Planning Department also found that the contemplated actions do not trigger the need for subsequent environmental review pursuant to the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.). A copy of the Parks P22 and P19 Planning Department Letter and environmental determination are attached to this Order.
5. On June 11, 2024, the San Francisco Port Commission (“Port Commission”) held a public hearing, and approved Resolution No. 24-30 that recommended the Board of Supervisors acknowledge the Port Commission will (1) accept ownership of the Park Improvements as acquisition facilities on behalf of the City when Public Works (“PW”) or the San Francisco Building Official has determined that such improvements or structures, respectively, have been constructed in accordance with the approved plans and specifications under the applicable permits and all applicable City codes, regulations, and standards, and such improvements are ready for their intended use; (2) dedicate the Park Improvements to public use; (3) designate the property on which the Park Improvements are located for park and/or open space purposes; and (4) upon, their completion, accept Park Improvements for Port Commission maintenance and liability. The Port Commission also agreed to accept the Acquisition Parcels as part of Park P22 after the Board of Supervisors approves the Offer of Dedication for Lot 14 and associated grant deed or at a later date as determined by the Port Executive Director and Real Estate Director, and designates the Port as the owner on behalf of the City. In addition, the Port Commission recommended that the Board of Supervisors delegate to the Commission the Board’s power to: (1) accept ownership of the Park Improvements as acquisition facilities on behalf of the City; (2) dedicate such Park Improvements to public use; (3) designate the property on which the Park Improvements are located for park and/or open space purposes; and (4) take all other official acts necessary for, or related to, acceptance of the Park Improvements, including without limitation, accepting the Park Improvements for Port Commission maintenance and liability and accepting conditional assignment of all warranties and guaranties related to the construction of Park Improvements. A copy of the Port Commission Resolution is attached.
6. In this Order, the City Engineer certifies and the PW Director determines that: (1) Mission Bay South Park P22 is currently on a portion of property under Port jurisdiction and located on a portion of State Trust Parcel 5 and on the Acquisition Parcels; (2) FOCIL-MB, LLC (“FOCIL”) will irrevocably offer the Park P22 Improvements to the City as set forth in the draft FOCIL Irrevocable Offer of the Mission Bay Park P22 Improvements, (the “P22 FOCIL Offer”); (3) the Acquisition Parcels are comprised of an Offer of Dedication, including a grant deed, for Lot 14 (APN 8721-009) by FOCIL and an Offer of Dedication, including a grant deed, for Lot C (Portion of APN 8722-020) by GSW Arena, LLC (collectively, the “Offers of Dedication”); (4) Mission Bay South Park P19 is currently on a portion of property under Port jurisdiction and located on a portion of State Trust Parcel 5; and (5) FOCIL will irrevocably offered the Park P19 Improvements to the City as set forth in the draft FOCIL Irrevocable Offer of the Mission Bay Park P19 Improvements (the “P19 FOCIL Offer”). In addition, Public Works issued Street Improvement Permit No.



19IE-00483, dated 7/02/2020 for the Park P22 Improvements and Street Improvement Permit No. 13E-0473, dated November 1, 2013, for the Park P19 Improvements.

**A. Street and City Utility Acceptance and Delegation Findings**

1. The PW Director recommends the Board of Supervisors conditionally accept the Acquisition Parcel referred to as Parcel 14 identified in the Offer of Dedication subject acceptance of Park P22 and designate the Port as the property owner on behalf of the City at a time as determined by the Port Executive Director and the Real Estate Director. The condition of acceptance for this grant deed is the Port Commission's acceptance Park P22.
2. In addition, the Director recommends to the Board that for a 3-year period it delegate to the Port Commission, in consultation with the Director, the authority to take various actions related to acceptance of Park P22 and P19 upon FOCIL's completion of all respective requirements related to the Park Improvements and Public Works issuance of a Determination of Completion for each park certifying that each park upon completion has been constructed in accordance with the Plans and Specifications and all City codes, regulations, and standards, and the Mission Bay South Redevelopment Plan and Plan Documents governing the Park Improvements and determining that they are ready for their intended use. The following separate acceptance actions for each park would include: (1) accepting the P22 FOCIL Offer of Improvements and the P19 FOCIL Offer of Improvements; (2) dedicating the Park Improvements to public use; (3) designating the properties on which the Park Improvements are located for public park and open space purpose; and (4) accepting these Improvements for Port maintenance and liability.
3. This Public Works Order also identifies that Park P22 Improvements contain certain San Francisco Public Utilities Commission ("SFPUC") electrical assets and green infrastructure and the Park P19 Improvements include green infrastructure (collectively "PUC Assets"). The Park P22 green infrastructure includes bioretention slotted underdrain pipes, storm drains and related appurtenances. The Park P19 green infrastructure includes bioretention slotted underdrain pipes, storm drains, wet well pump and related appurtenances. The Director recommends to the Board that for a 3-year period it delegate to the Director, in consultation with the SFPUC General Manager and upon the City Engineers issuance of a Determination of Completion for the PUC Assets, the authority to (1) accept the SFPUC Assets that are part of the P22 FOCIL Offer of Improvements; (2) dedicate the PUC Assets to public use; and (3) accept the PUC Assets for SFPUC maintenance and liability purposes.
4. In addition, this PW Order recommends that the Board of Supervisors acknowledge that although Public Works reviewed and issued permits for the Parks under its public right-of-way permitting jurisdiction, the City should not accept the Parks as public right-of-way under California Streets and Highways Code Section 1806 and San Francisco Administrative Code 1.52, and should instead address dedication and acceptance solely as parkland under Port Commission jurisdiction in accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438. This will expedite the opening of Parks P22 and P19 to the public and allow for the efficient and orderly transfer of jurisdictional responsibility over the Park Improvements from PW permitting authority to Port Commission property and management

jurisdiction in contrast to what would have been required if the improvements were designated as public right-of-way.

**NOW THEREFORE BE IT ORDERED THAT,**

**Acceptance of the Infrastructure**

1. The Director recommends that the Board of Supervisors conditionally approve the legislation to accept the Offer of Dedication and Grant Deed for Lot 14 at Park P22 subject to the Port Commission accepting Park P22.

**Delegation of Acceptance of Infrastructure to Port Commission and Public Works Director**

1. The Director recommends delegation to the Port Commission of the authority to accept new acquisition facilities and assume maintenance and liability responsibilities and other Official Acts regarding the Park P22 and P19 Improvements as follows:
  - a. Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the San Francisco Redevelopment Agency and Catellus Development Corporation and with the exception of the PUC Assets, the Public Works recommends that the Board of Supervisors delegate to the Port Commission the authority to accept the Parks P22 and P19 FOCIL Offers on behalf of the City and dedicate the Park Improvements to public use after the City Engineer issues a Notice of Completion for each Park.
  - b. As to Mission Bay Park P22 and P19, Public Works recommends that the Board of Supervisors delegate to the Port Commission the authority to approve the final Park P22 and Park P19 Plats and designate the property shown thereon for park and open space purposes only. The Director also recommends that the Board acknowledge that the Port Commission also will separately designate the properties shown on the above referenced Plats for park and open space purposes only.
  - c. In accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438, Public Works recommends that the Board of Supervisors delegate the authority to the Port Commission to take all other actions related to acceptance of the Park Improvements, including acceptance such Improvements for Port Commission maintenance and liability subject to the conditions listed below in Subsections(d)-(g).
  - d. The Board's delegation to the Port Commission regarding the acceptance of the Park Improvements should be for Mission Bay Park P22 and P19 only. The Port Commission's acceptance action shall exclude any encroachments that are permitted, not permitted, or both.
  - e. The Board of Supervisors also should condition its delegation of the acceptance on the Port Commission obtaining FOCIL's conditional assignment of all warranties and guaranties related to the construction of the above listed Park Improvements.
  - f. The Board of Supervisors should assign all future jurisdiction over Parks P22 and P19 to the Port Commission on the effective date of the Port Commission's acceptance of the Park

Improvements and directs the Real Estate Division to show Parks P22 and P19 under the jurisdiction of the Port of San Francisco on such effective date.

- g. The delegation should expire three years from the effective date of the Board of Supervisors ordinance.
2. Delegation to the Public Works Director the authority to accept PUC assets; and other Official Acts regarding the PUC Assets as follows:
- a. Pursuant to the Acquisition Agreement dated June 1, 2001, by and between the San Francisco Redevelopment Agency and Catellus Development Corporation, Public Works recommends that the Board of Supervisors delegate to the Public Works Director, in consultation with the SFPUC General Manager, the authority to accept the PUC Assets to public use after the City Engineer issues a Determination of Completion for such Assets.
  - b. In accordance with California Government Code Section 66477.1 and San Francisco Subdivision Code Section 1438, Public Works recommends that the Board of Supervisors delegate the authority to the Public Works Director, in consultation with the SFPUC General Manager, to take all other actions related to acceptance of the PUC Assets, including acceptance such Improvements for SFPUC maintenance and liability, subject to the conditions listed in Subsections (c)-(e)
  - c. The Board's delegation to the Public Works Director regarding the acceptance of the PUC Assets should be for Mission Bay Park P22 and P19 only.
  - d. The Board of Supervisors also should condition its delegation of the acceptance of the PUC Assets on the Public Works Director obtaining FOCIL's conditional assignment of all warranties and guaranties related to the construction of the PUC Assets.
  - e. The delegation should expire three years from the effective date of the Board's ordinance.

X

DocuSigned by:

Albert Ko

Ko, Albert | 281DC30E04CF41A...

City Engineer and Deputy Director

X

DocuSigned by:

Carla Short

Short, Carla | 073CF73A4EA6486...

Director



# City and County of San Francisco

San Francisco Public Works - Bureau of Street Use and Mapping  
49 South Van Ness Ave, Suite 300 - San Francisco, CA 94103  
sfpublicworks.org - tel (628) 271-2000



**13E-0473**

## General Excavation Permit

**Address :** Multiple Locations

**Cost:** \$673.22

**Block: Lot: Zip:**

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 187,005, permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way

Major events in San Francisco the week of November 12, 2023, may necessitate street closures and traffic rerouting. As a result, Public Works-issued permits allowing work in the public right of way may be suspended temporarily per Public Works Code section 2.4.54 and section 724(f), starting as early as November 1, 2023. Once we have more details on the potential impacts, Public Works will contact you if your permit will be affected. Thank you for your understanding.

### Permittee

**Name:** FOCIL - MB, LLC

#### Conditions

|                                    |  |
|------------------------------------|--|
| <b>Scope of work:</b>              | Install utility infrastructure per plans Blocks 8, 9 & 9A and P-19 - Phase 2 Public Improvements - GHD Inc.  |
| <b>Start Date:</b>                 | 11/01/2013   |
| <b>End Date:</b>                   | 06/30/2025   |
| <b>Street Space Linear Footage</b> | 800  |
| <b>Dimensions of trench:</b>       | various  |
| <b>USA Number</b>                  | TBD  |
| <b>Contact247</b>                  | Refer to Agent   |
| <b>Inspection</b>                  | This permit is invalid until the permittee contacts DPW at 554-7149 to activate the permit and schedule an inspection at least 72 hours prior to work. Failure to comply with the stated conditions will render this permit null and void. |

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

**Approved Date : 05/22/2024**

**\*\*When drilling/excavating in the sidewalk area, entire sidewalk flag(s) must be replaced to adjacent score lines.\*\***  
The permittee shall obtain all necessary permits from the Department of Public Health's Environmental Health Section, 1390 Market Street, Suite 210, telephone (415) 252-3800.

\_\_\_\_\_  
Applicant/Permittee

\_\_\_\_\_  
Date

Inside BSM:  
Street Improvement Inspection

Printed : 5/22/2024 9:45:12 AM

Plan Checker

John Kwong

## STREET EXCAVATION REQUIREMENTS

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 811, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed contractor and in accordance with the requirements of the Standard Specifications.
  - a. Concrete Bus pads shall be constructed in accordance with the most current revision of San Francisco Public Works Standard Plan, File No.96,607.
  - b. Reinforced concrete sidewalk shall be constructed in accordance with the most current revision of San Francisco Public Works Standard Plan File No. 96,608.
3. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation.
  - a. Temporary markings – current striping records can be found at <https://www.sfmta.com/reports/striping-drawings>. If the project has changed roadway configuration such that the original striping cannot be restored as shown on the drawings the contractor shall work with SFMTA Traffic Engineering to develop interim condition/design.
  - b. For permanent pavement marking restoration due to utility projects, new building construction, or major sidewalk construction, the permit holder shall visit San Francisco Municipal Transportation Agency (SFMTA) website at <https://www.sfmta.com/services/business-services/construction-regulations>. Go to the upper right of the page under Related Content and click on the restoration request (for utility excavation or building construction) to submit a restoration request along with photos of the work area. SFMTA will prepare a cost estimate for the work after contractor submits striping restoration form and related documents. SFMTA will schedule work after payment is received. Contractor shall maintain temporary markings, in accordance with SFPW requirements, until MTA completes restoration.
4. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 72 hours in advance, the permittee shall contact the Street Improvement Section Inspectors at (628) 271-2000 or by email [dpw-bsminspect@sfdpw.org](mailto:dpw-bsminspect@sfdpw.org), for an inspection schedule.
5. The permittee shall activate the tow-away signs with San Francisco Municipal Transportation (SFMTA) online at [www.sfmta.com/permits/construction-tow-away-zones](http://www.sfmta.com/permits/construction-tow-away-zones).
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 900 Section 903(a) and (b) of the Traffic Code. The permittee shall contact the SFMTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall obtain a tree permit from Urban Forestry before planting/removing any tree or shrub. Contact at (628)652-8733.
11. Permittee shall contact Public Work (BSES) 415-695-2134 to schedule and coordinate removal or relocation of city receptable prior starting:
12. Permittee shall contact Public Work BSM [newsrack.inspector@sfdpw.org](mailto:newsrack.inspector@sfdpw.org) to schedule and coordinate removal or relocation of news rack from PROW prior starting:
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Per DPW Order 201,954, the recycling of Cobble Stones and Granite Curb shall follow as:
  - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery, The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to 701 14th Street on Treasure Island or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
  - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to 701 14th Street on Treasure Island or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
15. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real

or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.

16. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.

17. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.

18. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

19. Pursuant to state law, all survey monuments must be preserved. No work (including saw cutting) may commence within 20' of a survey monument until an application for Monument Referencing has been approved and notification of monument referencing has occurred. Prior to construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or Record of Survey if any construction will take place within 20 ft. of a monument. For any questions please email Monument.Preservation@sfdpw.org. Note, all survey monuments shall be preserved per state law and disturbance of a survey monument is a crime. Not all survey monuments are visible.

20. If sidewalk finish grade is to be altered, permittee shall replace, relocate and reset pull boxes as necessary to ensure pull boxes are flush with sidewalk, not damaged and not covered, filled or sprayed with concrete and debris, etc. Permittee shall also raise or lower street light, signal poles and other city poles/infrastructure as necessary to ensure anchor bolts and hand holes are not buried or that base of pole is elevated above sidewalk surface. For additional guidance street light and signal poles matters, consult Transportation Engineer Norman Wong at norman.wong@sfmta.com.

# Permit Addresses

13E-0473

\*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring,  
 BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps  
 Green background: Staging Only

Number of blocks: 5    Total repair size:54400 sqft    Total Streetspace:0    Total Sidewalk: sqft

| ID           | Street Name           | From St               | To St          | Sides | *Other   | Asphalt      | Concrete    | Street Space Feet | Sidewalk Feet |
|--------------|-----------------------|-----------------------|----------------|-------|--|--------------|-------------|-------------------|---------------|
| 1            | MISSION ROCK ST       | 03RD ST               | Intersection   | Both  | RW : False<br>SMC : False<br>S/W Only : False<br>DB: False<br>BP: False<br>UB: False | 8000         | 4200        | 0                 |               |
| 3            |                       | TERRY A FRANCOIS BLVD | 03RD ST        | Both  | RW : False<br>SMC : False<br>S/W Only : False<br>DB: False<br>BP: False<br>UB: False | 8000         | 4200        | 0                 |               |
| <b>Total</b> |                       |                       |                |       |  | <b>16000</b> | <b>8400</b> | <b>0</b>          |               |
| 4            | TERRY A FRANCOIS BLVD | MISSION ROCK ST       | CHINA BASIN ST | Both  | RW : False<br>SMC : False<br>S/W Only : False<br>DB: False<br>BP: False<br>UB: False | 8000         | 2000        | 0                 |               |
| 2            |                       | MISSION ROCK ST       | Intersection   | Both  | RW : False<br>SMC : False<br>S/W Only : False<br>DB: False<br>BP: False<br>UB: False | 8000         | 2000        | 0                 |               |
| 5            |                       | CHINA BASIN ST        | Intersection   | Both  | RW : False<br>SMC : False<br>S/W Only : False<br>DB: False<br>BP: False<br>UB: False | 8000         | 2000        | 0                 |               |
| <b>Total</b> |                       |                       |                |       |  | <b>24000</b> | <b>6000</b> | <b>0</b>          |               |

# Exceptions - Coordination

*It is mandatory that you coordinate your permit with the following jobs listed. You will be required to call each contact listed and create a note including the date contact was made, agreed coordination, name of contact, or date message(s) left if unable to reach a contact.*

## Street Use Conflicts:

| Job #              | Activity  | Contact |                          |
|--------------------|---|---------|--------------------------|
| N/A                | - Under G095 requirement, Permittee/Contractor shall contact Muni Construction Support and Services at <a href="https://www.sfmta.com/permits/muni-construction-support-and-clearance-permit">https://www.sfmta.com/permits/muni-construction-support-and-clearance-permit</a> of any work 10 feet in horizontal or vertical direction of overhead lines. |         | <input type="checkbox"/> |
| <b>Your Notes:</b> |   |         |                          |
| <b>Streets:</b>    | 03RD ST / MISSION ROCK ST - Intersection  |         |                          |

## Permit Conflicts:

| permit             | Dates   | Agency                       | Contact  |  |
|--------------------|---|------------------------------|--|--|
| 15TOC-2003         | 4/15/2015 08:00AM - 4/17/2015 05:00PM   | Phase 3 Communications, Inc. | JuanCarlos Dezubiria<br>408-690-5816<br>wazizi@p3com.net |  |
| StreetSpace        |   |                              |  |  |
| <b>Your Notes:</b> |   |                              |  |  |
| <b>Streets:</b>    | TERRY A FRANCOIS BLVD: WARRIORS WAY to 16TH ST (600 - 699), TERRY A FRANCOIS BLVD: MISSION BAY BLVD to WARRIORS WAY (500 - 599), TERRY A FRANCOIS BLVD: MISSION ROCK ST to CHINA BASIN ST (400 - 449) |                              |  |  |



*"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.*

*Customer Service*

*Teamwork*

*Continuous Improvement*

# Exceptions

13E-0473

| Street Name            | From St               | To St        | Message   | Job                                     | Contact                         | Dates                  |
|------------------------|-----------------------|--------------|---|---|---------------------------------|------------------------|
| <b>03RD ST</b>         |                       |              |   |   |                                 |                        |
|                        | MISSION ROCK ST       | Intersection | Muni Tracks Present.  | N/A                                     |                                 |                        |
|                        | MISSION ROCK ST       | Intersection | No construction allowed in streets on game days at PacBell Park 2 hours before and until 2 hours after events. Day event hours:10am-6pm. Night event hours: 4pm-Midnight. Call 415-972-2000ext0 for more information.   | N/A                                     |                                 |                        |
|                        | MISSION ROCK ST       | Intersection | Please refer to Figure 12 of Section 9.4(A) of the DPW Order No. 171,442 for special conditions for excavation in the vicinity of AWSS.   | N/A                                     |                                 |                        |
|                        | MISSION ROCK ST       | Intersection | Port Jurisdiction call (415) 274-0565.  | N/A                                     |                                 |                        |
|                        | MISSION ROCK ST       | Intersection | Proposed Excavation.  | SF MTA Capital Programs and Costruction | Darton Ito -                    | Jan 1 2020-Dec 31 2020 |
| <b>CHINA BASIN ST</b>  |                       |              |   |   |                                 |                        |
|                        | TERRY A FRANCOIS BLVD | Intersection | Blocks with Bicycle Route designations require special attention. For details see section 9 of SFMTA Blue Book found at <a href="https://www.sfmta.com/reports/construction-regulations-blue-book">https://www.sfmta.com/reports/construction-regulations-blue-book</a> | N/A                                     |                                 |                        |
|                        | TERRY A FRANCOIS BLVD | Intersection | Port Jurisdiction call (415) 274-0565.  | N/A                                     |                                 |                        |
| <b>MISSION ROCK ST</b> |                       |              |   |   |                                 |                        |
|                        | TERRY A FRANCOIS BLVD | 03RD ST -    | Conflict with existing Street Use Permit.   | 13MSE-0434                              | Refer to Agent - Refer to Agent |                        |
|                        | 03RD ST               | Intersection | Muni Tracks Present.  | N/A                                     |                                 |                        |
|                        | 03RD ST               | Intersection | No construction allowed in streets on game days at PacBell Park 2 hours before and until 2 hours after events. Day event hours:10am-6pm. Night event hours: 4pm-Midnight. Call 415-972-2000ext0 for more information.   | N/A                                     |                                 |                        |
|                        | 03RD ST               | Intersection | Please refer to Figure 12 of Section 9.4(A) of the DPW Order No. 171,442 for special conditions for excavation in the vicinity of AWSS.   | N/A                                     |                                 |                        |
|                        | 03RD ST               | Intersection | Port Jurisdiction call (415) 274-0565.  | N/A                                     |                                 |                        |
|                        | TERRY A FRANCOIS BLVD | 03RD ST -    | Mission Bay.  | N/A                                     |                                 |                        |

| Street Name                  | From St               | To St            | Message   | Job                                     | Contact      | Dates                  |
|------------------------------|-----------------------|------------------|---|---|--------------|------------------------|
|                              | TERRY A FRANCOIS BLVD | 03RD ST -        | No construction allowed in streets on game days at PacBell Park 2 hours before and until 2 hours after events. Day event hours:10am-6pm. Night event hours: 4pm-Midnight. Call 415-972-2000ext0 for more information.   | N/A                                     |              |                        |
|                              | TERRY A FRANCOIS BLVD | 03RD ST -        | Port Jurisdiction call (415) 274-0565.  | N/A                                     |              |                        |
|                              | TERRY A FRANCOIS BLVD | Intersection     | Blocks with Bicycle Route designations require special attention. For details see section 9 of SFMTA Blue Book found at <a href="https://www.sfmta.com/reports/construction-regulations-blue-book">https://www.sfmta.com/reports/construction-regulations-blue-book</a> | N/A                                     |              |                        |
|                              | TERRY A FRANCOIS BLVD | Intersection     | No construction allowed in streets on game days at PacBell Park 2 hours before and until 2 hours after events. Day event hours:10am-6pm. Night event hours: 4pm-Midnight. Call 415-972-2000ext0 for more information.   | N/A                                     |              |                        |
|                              | TERRY A FRANCOIS BLVD | Intersection     | Port Jurisdiction call (415) 274-0565.  | N/A                                     |              |                        |
|                              | 03RD ST               | Intersection     | Proposed Excavation.  | SF MTA Capital Programs and Costruction | Darton Ito - | Jan 1 2020-Dec 31 2020 |
| <b>TERRY A FRANCOIS BLVD</b> |                       |                  |   |   |              |                        |
|                              | CHINA BASIN ST        | Intersection     | Blocks with Bicycle Route designations require special attention. For details see section 9 of SFMTA Blue Book found at <a href="https://www.sfmta.com/reports/construction-regulations-blue-book">https://www.sfmta.com/reports/construction-regulations-blue-book</a> | N/A                                     |              |                        |
|                              | CHINA BASIN ST        | Intersection     | Port Jurisdiction call (415) 274-0565.  | N/A                                     |              |                        |
|                              | MISSION ROCK ST       | CHINA BASIN ST - | Blocks with Bicycle Route designations require special attention. For details see section 9 of SFMTA Blue Book found at <a href="https://www.sfmta.com/reports/construction-regulations-blue-book">https://www.sfmta.com/reports/construction-regulations-blue-book</a> | N/A                                     |              |                        |
|                              | MISSION ROCK ST       | CHINA BASIN ST - | Port Jurisdiction call (415) 274-0565.  | N/A                                     |              |                        |
|                              | MISSION ROCK ST       | Intersection     | Blocks with Bicycle Route designations require special attention. For details see section 9 of SFMTA Blue Book found at <a href="https://www.sfmta.com/reports/construction-regulations-blue-book">https://www.sfmta.com/reports/construction-regulations-blue-book</a> | N/A                                     |              |                        |

| Street Name | From St         | To St        | Message   | Job | Contact | Dates |
|-------------|-----------------|--------------|---|-----|---------|-------|
|             | MISSION ROCK ST | Intersection | No construction allowed in streets on game days at PacBell Park 2 hours before and until 2 hours after events. Day event hours:10am-6pm. Night event hours: 4pm-Midnight. Call 415-972-2000ext0 for more information. | N/A |         |       |
|             | MISSION ROCK ST | Intersection | Port Jurisdiction call (415) 274-0565.  | N/A |         |       |

**No Diagram submitted**



# City and County of San Francisco

San Francisco Public Works - Bureau of Street Use and Mapping  
49 South Van Ness Ave, Suite 300 - San Francisco, CA 94103  
sfpublicworks.org - tel (628) 271-2000



**19IE-00483**

## Street Improvement Permit

**Address :** TERRY A FRANCOIS  
BLVD: WARRIORS WAY to 16TH  
ST (600 - 699)

**Cost:** \$1,392.00

**Block: Lot: Zip:**

Pursuant to article 2.4 of the Public Works Code in conjunction to DPW Order 187,005, permission, revocable at the will of the Director of Public Works, to construct improvements within the public right-of-way is granted to Permittee. Major events in San Francisco the week of November 12, 2023, may necessitate street closures and traffic rerouting. As a result, Public Works-issued permits allowing work in the public right of way may be suspended temporarily per Public Works Code section 2.4.54 and section 724(f), starting as early as November 1, 2023. Once we have more details on the potential impacts, Public Works will contact you if your permit will be affected. Thank you for your understanding.

### FOCIL - MB, LLC

**Name:** FOCIL - MB, LLC

|  |  |
|--|--|
| <b>Conditions</b>                      |  |
| <b>NTR</b>                             | 0  |
| <b>Curb Cut Sq Footage</b>             |  |
| <b>Completion</b>                      | This permit is valid until work is completed/signed-off by inspector   |
| <b>Remove, replace or reconstruct:</b> | to construction Park P-22  |
| <b>Expiration Date</b>                 | 12/31/2024   |
| <b>Bond Amount:</b>                    | 0  |
| <b>Linear Footage</b>                  | 200  |
| <b>Bond Holder:</b>                    |  |
| <b>Contact247</b>                      | Refer to Agent   |
| <b>DPW Resolution #</b>                |  |
| <b>Inspection</b>                      | Work shall not commence until this permit has been activated by Public Works. The permittee shall contact Public Works at (415) 554-7149 to activate the permit and schedule inspection at least 72 hours prior to work. Failure to follow the activation process prior to commencing work may result in a correction notice and possible notice of violation. |

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

**Approved Date : 05/20/2024**

Excavation and grading of subject area for street reconstruction shall be in accordance with approved plans and City specifications. Damaged areas adjacent to this construction shall be properly patched per City Inspector. Also, the permittee shall be responsible for any ponding due to the permitted work.

\_\_\_\_\_  
Applicant/Permittee

\_\_\_\_\_  
Date



## STREET EXCAVATION REQUIREMENTS

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 811, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Current Standard Specifications of Public Works.
3. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed contractor and in accordance with the requirements of the latest edition of Standard Specifications and Plans of San Francisco Public Works, and Department of Public Works Order Nos. 187,005.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
  - a. Have the City forces do the striping and painting work at the permittees expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
  - b. Perform the work themselves following instructions available at the Department of Parking & Traffic and MTA.
5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, (628) 271-2000, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 900 Section 903(a) and (b) of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall pay the required fee for sewer installation permit at the Plumbing Inspection Division, Department of Building Inspection, 1660 Mission Street and arrange for inspection of this work, telephone 558-6054.
11. Planting of trees and performance of any work in the right-of-way which may affect a tree and/or landscaping shall not be performed prior to obtaining a permit and/or another form of approval from Bureau of Urban Forestry (BUF), telephone: (628) 652-8733.
12. Per DPW Order 201,954, the recycling of Cobble Stones and Granit Curb shall follow as:
  - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to 701 14th Street on Treasure Island or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
  - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to 701 14th Street on Treasure Island or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
16. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
17. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.
18. Separate permit is required for excavation of side sewers. Installation authorized only by Class "A" or "C-42" Licensed Contractor or "C-12" with "C-36" Licensed Contractor. Authorization requires the filing of a \$25,000 excavation bond to cover the cost of City inspection and having obtained authorization to excavate in the roadway. The contractor shall obtain the proper permits and arrange for an inspection, for the section of pipe from the trap to the property, with the Plumbing Inspection Division at 1660 Mission Street, telephone 558-6054.
19. Pursuant to state law, all survey monuments must be preserved. No work (including saw cutting) may commence within 20' of a survey monument until an application for Monument Referencing has been approved and notification of monument referencing has occurred. Prior to construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or Record of Survey if any construction will take place within 20 ft. of a monument. For any questions please email Monument.Preservation@sfdpw.org or call 415-554-5827. Note, all survey monuments shall be preserved per state law and disturbance of a survey monument is a crime.

Not all survey monuments are visible.

20. If sidewalk finish grade is to be altered, permittee shall replace, relocate and reset pull boxes as necessary to ensure pull boxes are flush with sidewalk, not damaged and not covered, filled or sprayed with concrete and debris, etc. Permittee shall also raise or lower street light, signal poles and other city poles/infrastructure as necessary to ensure anchor bolts and hand holes are not buried or that base of pole is elevated above sidewalk surface. For additional guidance street light and signal poles matters, consult Transportation Engineer Norman Wong at [norman.wong@sfmta.com](mailto:norman.wong@sfmta.com).



# Permit Addresses

19IE-00483

\*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring,  
 BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps  
 Green background: Staging Only

Number of blocks: 1    Total repair size:0 sqft    Total Streetspace:0    Total Sidewalk: sqft

| ID           | Street Name           | From St      | To St   | Sides | *Other   | Asphalt  | Concrete | Street Space Feet | Sidewalk Feet |
|--------------|-----------------------|--------------|---------|-------|--|----------|----------|-------------------|---------------|
| 1            | TERRY A FRANCOIS BLVD | WARRIORS WAY | 16TH ST | East  | RW : False<br>SMC : False<br>S/W Only : False<br>DB: False<br>BP: False<br>UB: False | 0        | 0        | 0                 |               |
| <b>Total</b> |                       |              |         |       |  | <b>0</b> | <b>0</b> | <b>0</b>          |               |

# Exceptions - Coordination

*It is mandatory that you coordinate your permit with the following jobs listed. You will be required to call each contact listed and create a note including the date contact was made, agreed coordination, name of contact, or date message(s) left if unable to reach a contact.*

## Street Use Conflicts:

| Job #              | Activity  | Contact                 |                          |
|--------------------|---|-------------------------|--------------------------|
| 17EXC-5669         | A & B Construction, Inc. - Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving. | 5109996000 - 5109996000 | <input type="checkbox"/> |
| <b>Your Notes:</b> |   |                         |                          |
| <b>Streets:</b>    | TERRY A FRANCOIS BLVD / WARRIORS WAY - 16TH ST -  |                         |                          |

## Permit Conflicts:

| permit             | Dates  | Agency                   | Contact  |  |
|--------------------|--|--------------------------|--|--|
| 19TOC-05618        | 7/27/2019 07:00AM - 8/3/2019 05:30PM                       | Sheedy Crane and Rigging | Richard Battaini 415-648-7171<br>rbattaini@sheedycrane.com |  |
| StreetSpace        |  |                          |  |  |
| <b>Your Notes:</b> |  |                          |  |  |
| <b>Streets:</b>    | TERRY A FRANCOIS BLVD: WARRIORS WAY to 16TH ST (600 - 699) |                          |  |  |



# Exceptions

19IE-00483

| Street Name           | From St      | To St     | Message                                   | Job        | Contact                            | Dates                  |
|-----------------------|--------------|-----------|---|------------|------------------------------------|------------------------|
| TERRY A FRANCOIS BLVD |              |           |   |            |                                    |                        |
|                       | WARRIORS WAY | 16TH ST - | Conflict with existing Street Use Permit. | 17IE-0782  | Refer to Agent -<br>Refer to Agent | Sep 15 2017-           |
|                       | WARRIORS WAY | 16TH ST - | Conflict with existing Street Use Permit. | 17MSE-0065 | Refer to Agent -<br>Refer to Agent | Mar 3 2017-Dec 31 2019 |

# No Diagram submitted

RECORDING REQUESTED BY:  
City and County of San Francisco

WHEN RECORDED RETURN TO:

Director of Property  
Real Estate Division  
City and County of San Francisco  
25 Van Ness Avenue, Suite 400  
San Francisco, CA 94102

(Space above this line reserved for Recorder's use only)

Documentary Transfer Tax is Zero.  
Official Business Entitled to Free Recordation Pursuant to Government Code § 6103  
APNs: Block 8721, Lot 014  
Address: None

**GRANT DEED**  
**Block 8721, Lot 014**  
**(Portion of Bayfront Park)**

FOR VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged, FOCIL-MB, LLC, a Delaware limited liability company ("Grantor"), GRANTS to the CITY AND COUNTY OF SAN FRANCISCO, a charter city and county ("Grantee"), and its successors and assigns, for public park purposes, any and all right, fee title and interest in the real property situated in the City and County of San Francisco, State of California, described in Exhibit A (Legal Description) attached hereto and made a part hereof.

This grant is made subject to all covenants, conditions, restrictions, reservations, rights, rights of way, easements, encumbrances, liens and title matters of record.

This Grant Deed is provided in connection with, and for the purpose of evidencing the acceptance by Grantee of, that certain Offer of Dedication for public park purposes, Offer of Dedication Block 8721, Lot 014 (Portion of Bayfront Park) dated as of \_\_\_\_\_, 2024, which was recorded on \_\_\_\_\_, 2024 as Document No. 2024-\_\_\_\_\_, Reel \_\_\_\_\_ and Image \_\_\_\_\_, in the office of the Recorder of the City and County of San Francisco (the "Offer"). Upon Grantee's acceptance of this Grant Deed and the recording hereof, all rights set forth in the Offer as to Block 8721, Lot 014, are hereby accepted in full by Grantee, and Grantor's obligation as to the Offer is satisfied in all respects.

IN WITNESS WHEREOF, the undersigned has executed this instrument this  
\_\_\_\_\_ day of \_\_\_\_\_, 2024.

FOCIL-MB, LLC,  
a Delaware limited liability company

By: FOCIL Management, LLC,  
a California limited liability company  
its Manager

By: \_\_\_\_\_  
Name: Seth Hamalian  
Title: Managing Member

DRAFT

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the fee interest in real property conveyed by this deed dated \_\_\_\_\_, 2024 to the City and County of San Francisco, a charter city and county, is hereby accepted in accordance with Board of Supervisors' Resolution \_\_\_\_\_, adopted \_\_\_\_\_, 2024, and the City and County of San Francisco consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_, 2024

CITY AND COUNTY OF SAN FRANCISCO

By: \_\_\_\_\_  
Director of Property

DRAFT



APPROVED AS TO FORM:

David Chiu, City Attorney

By: \_\_\_\_\_  
John Malamut  
Deputy City Attorney

APPROVED LEGAL DESCRIPTION:

By: \_\_\_\_\_  
William Blackwell  
Acting City and County Surveyor

DRAFT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

**EXHIBIT A**

**Legal Description**

All that real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

Assessor's Block 8721, Lot 014, as shown on that certain map entitled "Parcel Map, Planned Development, Mission Bay, being Phase 1 of a Subdivision of Lot 1 of Assessor's Block 8721 as shown on that certain map entitled "Map of Mission Bay" recorded on July 19, 1999 in Book Z of Maps at Pages 97-119 in the Office of the Recorder of the City and County of San Francisco, California" recorded on December 07, 2000, as Document 2000-G873070-00 in the Office of the Recorder of the City and County of San Francisco, State of California

DRAFT

[Not for Recording]  
City and County of San Francisco  
Director of Property  
25 Van Ness Avenue  
Suite 400  
San Francisco, CA 94102

---

**OFFER OF IMPROVEMENTS**

**(Mission Bay Park P22 Phase 1 and Phase 2 Infrastructure Improvements)**

FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL") does hereby irrevocably offer to the City and County of San Francisco, a municipal corporation ("City"), and its successors and assigns, all of the right-of-way improvements and underground public utility facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit #19IE-00483 (Mission Bay), dated May 17, 2019, issued thereunder, for Mission Bay Park P22 Phase 1 and Phase 2 Infrastructure Improvements, and the improvement plans and specifications described therein, but excepting therefrom those portions of the facilities which are identified on the "as-built" drawings delivered to and on file with the City as PG&E service conduits and vaults, and Comcast service conduits, and AT&T service conduits.

The property where the improvements are located is shown on Exhibit A hereto, constituting City property located in the City.

It is understood and agreed that: (i) upon acceptance of this offer of public improvements the City shall own and be responsible for maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2024.

FOCIL-MB, LLC,  
a Delaware limited liability company

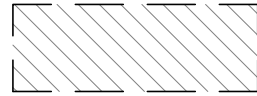
By: FOCIL Management, LLC,  
a California limited liability company  
Its: Manager

By: \_\_\_\_\_

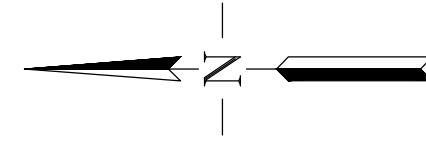
Name: Seth Hamalian  
Title: Managing Member

**EXHIBIT A**

**LEGEND**



OFFER OF IMPROVEMENT AREA



SAN FRANCISCO BAY

MISSION BAY  
BLOCK P22  
3.83 ACRES ±

P-21

TERRY FRANCOIS BLVD.

SOUTH STREET

16TH STREET

PARK P22

**OFFER OF IMPROVEMENTS**

MISSION BAY  
CALIFORNIA

COUNTY OF SAN FRANCISCO

DESIGN BY: N/A  
DRAWN BY: STAFF  
DATE: MAY 2024  
SCALE: 1"=80'  
PAGE 1  
OF 1  
JOB NUMBER:  
24XXX

**FB** & Associates, Inc.  
Land Surveying  
701 E. H Street, Benicia, CA 94510  
Phone 7) 707(48-4300- Fax 3) 707(61-0295  
www.F-3inc.com



RECORDING REQUESTED BY:  
City and County of San Francisco

WHEN RECORDED RETURN TO:

Director of Property  
Real Estate Division  
City and County of San Francisco  
25 Van Ness Avenue, Suite 400  
San Francisco, CA 94102

(Space above this line reserved for Recorder's use only)

Documentary Transfer Tax is Zero.  
Official Business Entitled to Free Recordation Pursuant to Government Code § 6103  
APNs: Block 8721, Lot 014  
Address: None

**OFFER OF DEDICATION**  
**Block 8721, Lot 014**  
**(Portion of Bayfront Park)**

FOCIL-MB, LLC, a Delaware limited liability, being the fee title owner of record of the herein described property, hereby irrevocably offers to dedicate, in fee title, to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and its successors and assigns, for public park purposes, any and all right, title and interest in the real property situated in the City and County of San Francisco, State of California, described in Exhibit A and shown on Exhibit A-1 (Plat Map) attached hereto.

It is understood and agreed that the City and County of San Francisco, and its successors or assigns, shall incur no liability or obligation whatsoever with respect to such offer of dedication, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2024.

FOCIL-MB, LLC,  
a Delaware limited liability company

By: FOCIL Management, LLC,  
a California limited liability company  
its Manager

By: \_\_\_\_\_  
Name: Seth Hamalian  
Title: Managing Member

DRAFT

## **EXHIBIT A**

### **(Legal Description)**

All that real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

Assessor's Block 8721, Lot 014, as shown on that certain map entitled "Parcel Map, Planned Development, Mission Bay, being Phase 1 of a Subdivision of Lot 1 of Assessor's Block 8721 as shown on that certain map entitled "Map of Mission Bay" recorded on July 19, 1999 in Book Z of Maps at Pages 97-119 in the Office of the Recorder of the City and County of San Francisco, California" recorded on December 07, 2000, as Document 2000-G873070-00 in the Office of the Recorder of the City and County of San Francisco, State of California

**EXHIBIT A-1**

**(Plat Map)**

**[to be attached]**

DRAFT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_



EXHIBIT "A"  
LOT 14

REAL PROPERTY in the City and County of San Francisco, State of California, being all of Lot 14 as shown on that certain Parcel Map filed for record on December 7, 2000, in Book 44 of Parcel Maps, page 151, in the Official Records of the City and County of San Francisco, described as follows:

BEGINNING at the southeasterly corner of said Lot 14;  
Thence along the easterly, northerly, westerly, and southerly lines of said Lot 14, the following four courses:

1. North 03°10'56" West, 142.91 feet;
2. Thence South 86°49'04" West, 9.01 feet;
3. Thence South 03°10'56" East, 142.91 feet;
4. Thence North 86°49'04" East, 9.01 feet, to the POINT OF BEGINNING.

Containing 1,288 square feet, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

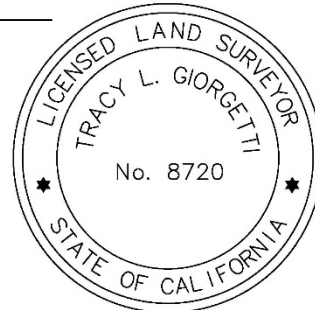
END OF DESCRIPTION

*This legal description of land does not constitute a separately created parcel per requirements of the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

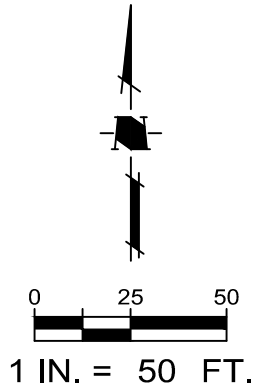
This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 5-28-24

  
Tracy L. Giorgetti, LS 8720



TERRY A. FRANCOIS  
BOULEVARD



LOT 11  
44-PM-151

LOT 13  
44-PM-151

LOT 14  
44-PM-151

S86°49'04"W  
9.01'

S03°10'56"E 142.91'

N03°10'56"W 142.91'

9.01'

POB

N86°49'04"E  
9.01'

WARRIORS WAY



**LEGEND**

POB

POINT OF BEGINNING

SHEET 1 OF 1

|              |            |
|--------------|------------|
| Date:        | 2024-05-28 |
| Designed:    | -          |
| Drawn:       | RF         |
| Checked:     | TG         |
| Proj. Engr.: | -          |
| 561725PL01   |            |



1570 Oakland Road (408) 487-2200  
San Jose, CA 95131 HMHca.com

EXHIBIT "B"  
PLAT TO ACCOMPANY DESCRIPTION:  
LOT 14

SAN FRANCISCO

CALIFORNIA

RECORDING REQUESTED BY:  
City and County of San Francisco

WHEN RECORDED RETURN TO:

Director of Property  
Real Estate Department  
City and County of San Francisco  
25 Van Ness Avenue, Suite 400  
San Francisco, CA 94102

Documentary Transfer Tax is Zero.  
Official Business Entitled to Free Recordation  
Pursuant to Government Code §6103

(Space above this line reserved for Recorder's use only)

APN: Portion of Block 8722, Lot 001  
Address: None

**GRANT DEED**  
**(Mission Bay – Portions of Future Bayfront Park P22)**

FOR VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged, GSW ARENA LLC, a Delaware limited liability company (“Grantor”), GRANTS to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (“Grantee”), and its successors and assigns, for park and open space purposes, any and all right, fee title and interest in the real property situated in the City and County of San Francisco, State of California, described in Exhibit A (the “Property”) as shown on Exhibit A-1 attached hereto.

This Grant Deed is provided in connection with, and for the purpose of evidencing the acceptance by Grantee of, that certain Offer of Dedication dated \_\_\_\_\_ and recorded \_\_\_\_\_, Reel \_\_\_\_\_, Image \_\_\_\_\_, Document Number 2015-\_\_\_\_\_ (the “Offer”). Upon Grantee’s acceptance of this Grant Deed and the recording hereof, all rights set forth in the Offer as to the Property are hereby accepted in full by Grantee, and Grantor’s obligation as to the Offer concerning the Property is satisfied in all respects.



IN WITNESS WHEREOF, the undersigned has executed this instrument this \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

**GSW ARENA LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the fee interest in real property conveyed by this deed dated \_\_\_\_\_, 201\_ to the City and County of San Francisco, a municipal corporation, is hereby accepted in accordance with Board of Supervisors' Resolution \_\_\_\_\_ adopted \_\_\_\_\_, 201\_, and the City and County of San Francisco consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_, 201\_

CITY AND COUNTY OF SAN FRANCISCO

By: \_\_\_\_\_  
Director of Property

APPROVED AS TO FORM:

Dennis J. Herrera, City Attorney

By: \_\_\_\_\_  
Deputy City Attorney

APPROVED LEGAL DESCRIPTION:

By: \_\_\_\_\_  
Bruce R. Storrs  
City and County Surveyor

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**Exhibit A**

(Legal Description)

Parcel G shown on Final Map No. 8593, filed \_\_\_\_\_ in Book \_\_\_\_\_, Pages \_\_\_\_\_, inclusive, in the Official Records of the City and County of San Francisco.

RECORDING REQUESTED BY:  
City and County of San Francisco

WHEN RECORDED RETURN

TO:

Director of Property  
Real Estate  
Department  
City and County of San Francisco  
25 Van Ness Avenue, Suite 400  
San Francisco, CA 94102

(Space above this line reserved for Recorder's use only)

APN: Portion of Block 8722, Lot 001  
Address: None

**OFFER OF DEDICATION**  
**(Portion of Future Bayfront Park P22)**

GSW ARENA LLC, a Delaware limited liability company, being the fee title owner of record of the herein described property, hereby irrevocably offers to dedicate, in fee title, to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and its successors and assigns, for park and open space purposes, any and all right, title and interest in the real property situated in the City and County of San Francisco, State of California, described in Exhibit A and shown on the map attached hereto as Exhibit A-1.

It is understood and agreed that the City and County of San Francisco, and its successors or assigns, shall incur no liability or obligation whatsoever with respect to such offer of dedication, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2016.

**GSW ARENA LLC,**  
a Delaware limited liability company

By: [Signature]  
Name: David Kelly  
Title: General Counsel

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

On November 10, 2016 before me, Daniel J. Nerney, a Notary Public, personally appeared David John Kelly, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)

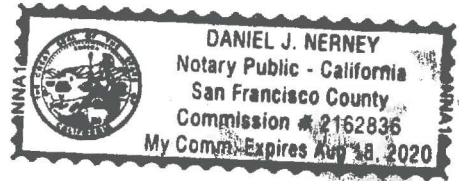




EXHIBIT A

(LEGAL DESCRIPTION)

LOT C AS SHOWN ON FINAL MAP NO. 8593, FILED \_\_\_\_\_ IN BOOK \_\_\_\_\_, PAGES  
\_\_\_\_\_, INCLUSIVE, IN THE OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN  
FRANCISCO.



**EXHIBIT A-1**

**(Plat Map)**

**[see attached]**

FUTURE SOUTH STREET  
(68.75' WIDE)

N86°49'04"E  
4.01'

N86°49'04"E 860.45'

3RD STREET  
(100' WIDE)

N03°10'56"W



LOT C  
FINAL MAP 8593  
1,952± SQ.FT.

LOT B  
FINAL MAP  
8593

FUTURE  
CITY PARK

ASSESSOR'S  
BLOCK 8722

N03°10'56"W 486.66'

S03°10'56"E 486.66'

S86°49'04"W  
86.00'

S86°49'04"W  
4.01

N03°10'56"W  
132.09'

FUTURE  
TERRY A.  
FRANCOIS  
BLVD.  
(86' WIDE)

FUTURE 16TH STREET  
(90' WIDE)

**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

BY DR CHKD. BR DATE 11-14-16 NOT TO SCALE SHEET 1 OF 1 JOB NO. S-8647

**MARTIN M. RON ASSOCIATES, INC.**  
LAND SURVEYORS

859 HARRISON STREET  
SAN FRANCISCO, CA. 94107  
(415) 543-4500



BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE THIRD STREET MONUMENT LINE AS SHOWN ON THAT PARCEL MAP ENTITLED "PARCEL MAP, PLANNED DEVELOPMENT MISSION BAY," RECORDED DECEMBER 7, 2000 IN BOOK 44 OF PARCEL MAPS AT PAGES 151 TO 155, INCLUSIVE, OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, TAKEN AS N03°10'56"W.

MAP REFERENCE

FINAL MAP 8593 RECORDED \_\_\_\_\_, IN BOOK \_\_\_ OF CONDOMINIUM MAPS, PAGES \_\_\_, OFFICIAL RECORDS.

[Not for Recording]  
City and County of San Francisco  
Director of Property  
25 Van Ness Avenue  
Suite 400  
San Francisco, CA 94102

---

**OFFER OF IMPROVEMENTS**

**(Mission Bay Park P19 Phase 1 and Phase 2 Infrastructure Improvements)**

FOCIL-MB, LLC, a Delaware limited liability company ("FOCIL") does hereby irrevocably offer to the City and County of San Francisco, a municipal corporation ("City"), and its successors and assigns, all of the right-of-way improvements and underground public utility facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit #14IE-0747 (Mission Bay), dated July 31, 2014, issued thereunder, for Mission Bay Park P19 Phase 1 and Phase 2 Infrastructure Improvements, and the improvement plans and specifications described therein, but excepting therefrom those portions of the facilities which are identified on the "as-built" drawings delivered to and on file with the City as PG&E service conduits and vaults, and Comcast service conduits, and AT&T service conduits.

The property where the improvements are located is shown on Exhibit A hereto, constituting City property located in the City.

It is understood and agreed that: (i) upon acceptance of this offer of public improvements the City shall own and be responsible for maintenance of the offered public facilities and improvements, and (ii) the City and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of the Board of Supervisors.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2024.

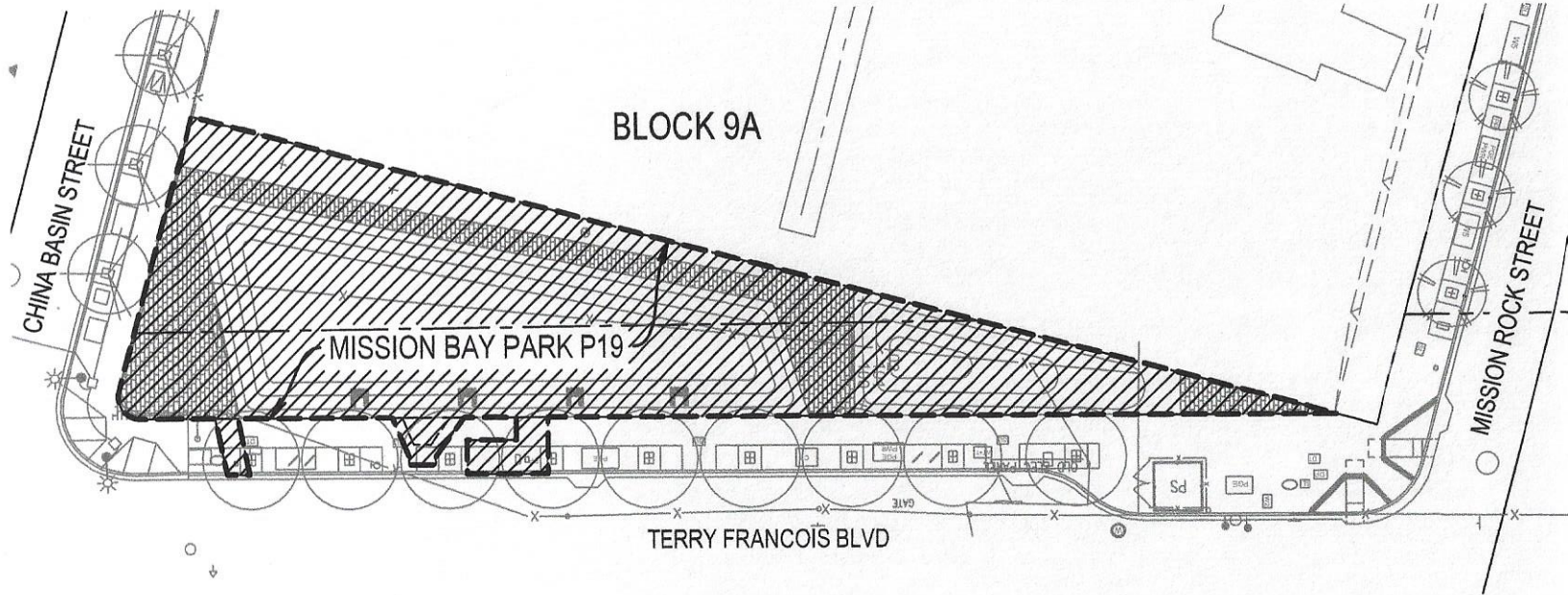
FOCIL-MB, LLC,  
a Delaware limited liability company

By: FOCIL Management, LLC,  
a California limited liability company  
Its: Manager

By: \_\_\_\_\_

Name: Seth Hamalian  
Title: Managing Member

**EXHIBIT A**



LEGEND



LIMIT OF IMPROVEMENTS



GHD Inc.  
 655 Montgomery Street Suite 1010  
 San Francisco California 94111 USA  
 T 1 415 283 4970



www.ghd.com



PLAN NORTH



**EXHIBIT A PLAT**  
 Park P19 Site Plan  
 Offer of Improvements  
 Mission Bay, San Francisco, CA  
 May 2024

Sheet 1 of 5



**EXHIBIT 'A'**

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF STATE TRUST PARCEL 5, AS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED JULY 19, 1999, IN REEL H429 IMAGE 0516, UNDER DOCUMENT NUMBER 99-G622164-00 OFFICIAL RECORDS, CITY AND COUNTY OF SAN FRANCISCO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT WITH BRASS CAP AT THE INTERSECTION OF THIRD STREET AND SIXTEENTH STREET AS SHOWN ON THAT CERTAIN MAP TITLED "MAP OF MISSION BAY" FILED IN BOOK Z OF MAPS, AT PAGES 97 THROUGH 119, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER, CITY AND COUNTY OF SAN FRANCISCO; THENCE EASTERLY ALONG THE MONUMENT LINE OF SAID SIXTEENTH STREET NORTH 86°49'04" EAST 888.87 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING NORTH 03°10'56" WEST 787.85 FEET; THENCE NORTH 14°29'32" WEST 25.49 FEET; THENCE NORTH 03°10'56" WEST 163.43 FEET; THENCE NORTH 86°49'03" EAST 200.45 FEET; THENCE SOUTH 02°19'47" EAST 232.29 FEET; THENCE SOUTH 03°10'56" EAST 198.86 FEET; THENCE SOUTH 02°09'57" 121.44 FEET TO THE BEGINNING OF A TANGENT CURVE WITH A RADIUS OF 340.00 FEET, CONCAVE WESTERLY; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 71.03 FEET, THROUGH A CENTRAL ANGLE OF 11°58'09"; THENCE SOUTH 09°48'12" WEST 86.42 FEET TO THE BEGINNING OF A TANGENT CURVE WITH A RADIUS OF 340.00 FEET; CONCAVE WESTERLY; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 73.98 FEET, THROUGH A CENTRAL ANGLE OF 12°28'00"; THENCE SOUTH 22°16'12" WEST 304.69 FEET; THENCE NORTH 67°43'48" WEST 18.36 FEET TO THE BEGINNING OF A RADIAL CURVE WITH A RADIUS OF 103.50 FEET, CONCAVE WESTERLY; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 45.98 FEET, THROUGH A CENTRAL ANGLE OF 25°27'08"; THENCE NORTH 03°10'56" WEST 23.31 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

COMPRISING 3.80 ACRES, MORE OR LESS.

THIS DESCRIPTION HAS BEEN PREPARED ENTIRELY FROM RECORD DATA.

BEARINGS BASED ON AND IDENTICAL WITH THOSE SHOWN ON THAT CERTAIN MAP TITLED "MAP OF MISSION BAY" FILED IN BOOK Z OF MAPS, AT PAGES 97 THROUGH 119, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER, CITY AND COUNTY OF SAN FRANCISCO

PREPARED BY:

**PRELIMINARY**

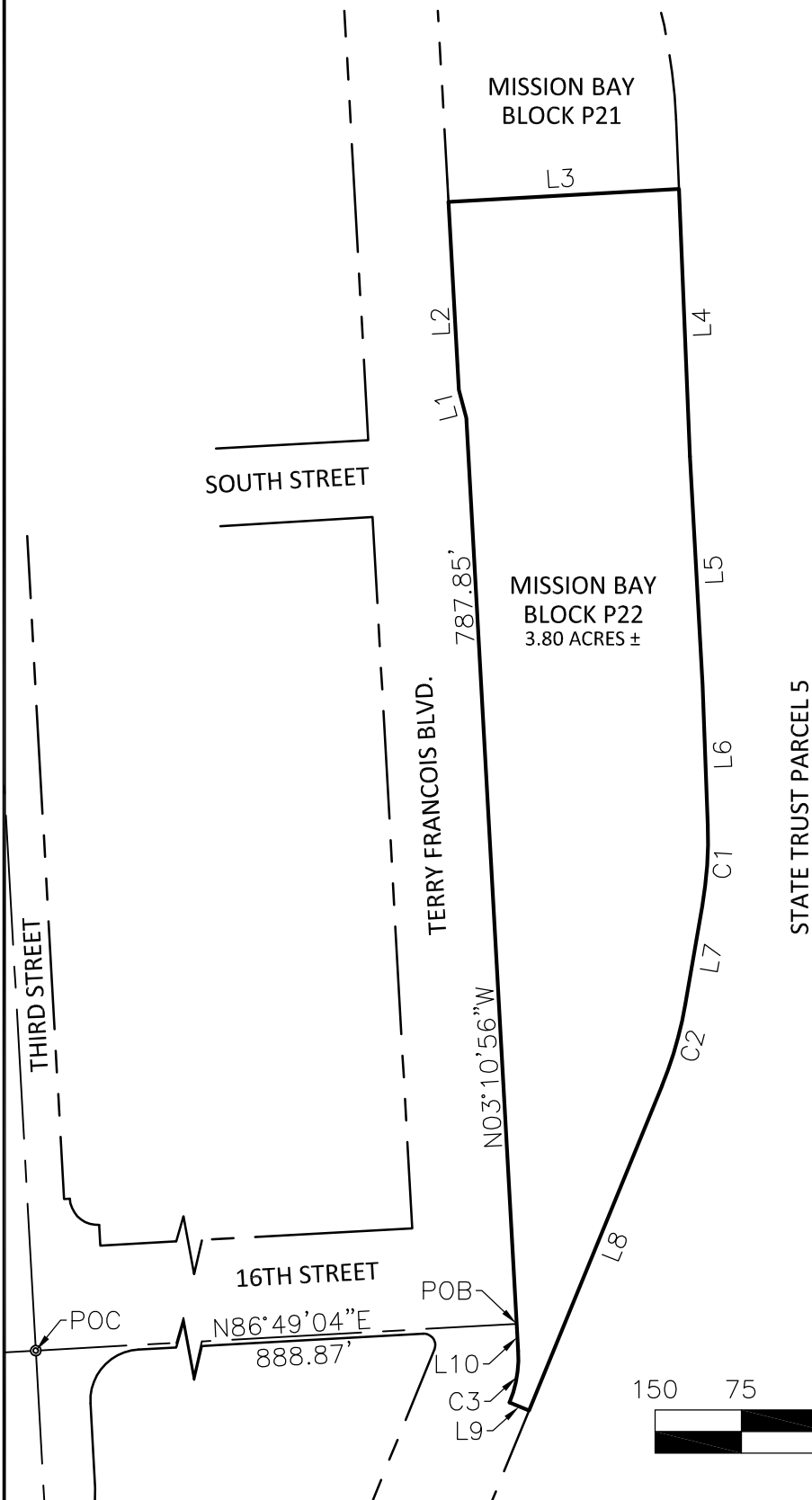
TODD A. TILLOTSON, PLS 8593

DATE



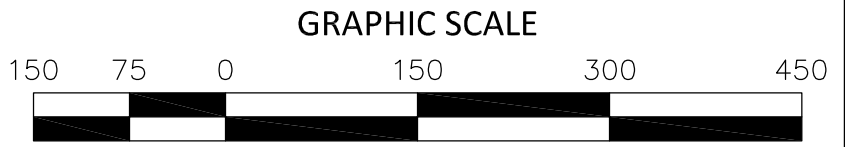
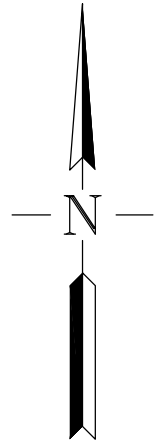
# PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT 'B'



| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1         | N14°29'32"W | 25.49'   |
| L2         | N03°10'56"W | 163.43'  |
| L3         | N86°49'03"E | 200.45'  |
| L4         | S02°19'47"E | 232.29'  |
| L5         | S03°10'56"E | 198.86'  |
| L6         | S02°09'57"E | 121.44'  |
| L7         | S09°48'12"W | 86.42'   |
| L8         | S22°16'12"W | 304.69'  |
| L9         | N67°43'48"W | 18.36'   |
| L10        | N03°10'56"W | 23.31'   |

| CURVE TABLE |         |           |        |
|-------------|---------|-----------|--------|
| CURVE       | RADIUS  | DELTA     | LENGTH |
| C1          | 340.00' | 11°58'09" | 71.03' |
| C2          | 340.00' | 12°28'00" | 73.98' |
| C3          | 103.50' | 25°27'08" | 45.98' |



SCALE: 1"=150'

**F3** & Associates, Inc.

Land Surveying

701 E. H STREET, Benicia, CA 94510  
Phone (707) 748-4300 - Fax (707) 361-0295  
www.F3-inc.com

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS  
MISSION BAY BLOCK P22

**PRELIMINARY**

TODD TILLOTSON PLS # 8593 EXP. 12/31/25

DATE: MAY 2024

DRAWN BY: STAFF

JOB NO: 24340

SCALE: 1"=150'

FILE NO:

SHEET 1 OF 1

## CONDITIONAL ASSIGNMENT OF WARRANTIES AND GUARANTIES

FOR VALUE RECEIVED, FOCIL-MB, LLC, a Delaware limited liability company ("**FOCIL**"), does hereby conditionally assign to 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 "**Agency**"), to the extent permissible, all of its right, title and interest in and to any and all warranties and guaranties (individually a "**Warranty**", and collectively, "**Warranties**") applicable to the Acquisition Facilities set forth on "Exhibit A" attached hereto and incorporated herein by this reference (the "**Acquisition Facilities**").

This Conditional Assignment of Warranties and Guaranties (the "**Assignment**") is being made in connection with Section 4.3(c) of that certain Acquisition Agreement dated as of June 1, 2001, by and between Catellus Development Corporation and the Redevelopment Agency of the City and County of San Francisco, as supplemented by that certain Supplement No. 1 to Acquisition Agreement dated as of October 1, 2002, as assigned to FOCIL pursuant to that certain Assignment, Assumption and Release Agreement (Mission Bay South) dated November 22, 2004, applicable to the Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 6 (Mission Bay South Public Improvements) (as may be further supplemented or amended from time to time, the "**Acquisition Agreement**").

The parties hereto agree that if the Agency or any of its successors and/or assigns exercise any right of repair, warranty, guaranty, or other right against FOCIL, if any, with respect to an Acquisition Facility which is also the subject of a Warranty, FOCIL, at its option, without any requirement that it do so, may enforce the Warranty. If FOCIL elects to enforce the Warranty, FOCIL shall provide notice to the Agency within ten (10) business days of receipt of notice that the Agency or any of its respective successors and/or assigns is exercising a right of repair, warranty, guaranty, and/or similar right with respect to the Acquisition Facility. If FOCIL fails to provide such notice to the Agency within ten (10) business days, or otherwise fails to diligently pursue the Warranty thereafter, the Agency shall have the sole right and privilege to enforce the Warranty.

This Assignment shall be binding upon and inure to the benefit of the successors and assigns of FOCIL and the Agency.

A notice or communication under this Assignment by any party to any other party shall be sufficiently given or delivered if dispatched by hand or by registered or certified mail, postage prepaid, addressed as follows:

In the case of a notice or communication to the Agency:

Office of Community Investment and Infrastructure  
Successor Agency to the Redevelopment Agency of the City and County of  
San Francisco  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA 94103  
Attn: Executive Director  
Facsimile No.: (415) 749-2525

with copies to:

Office of the City Administrator  
City Hall, Room 362  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: City Administrator  
Facsimile No.: (415) 554-4849

Office of the City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Jr. Place  
San Francisco, CA 94102  
Attn: Real Estate/Finance Team  
Facsimile No.: (415) 554-4755

And to:

Director of Public Works  
City & County of San Francisco  
c/o Cathal Hennessy, Project Manager  
Mission Bay Project  
49 South Van Ness Avenue, Seventh Floor  
San Francisco, CA 94103  
Facsimile No.: (415) 581-2569

in the case of a notice or communication to FOCIL,

FOCIL-MB, LLC  
c/o FOCIL Management, LLC  
401 Terry A. Francois Blvd. Suite 122  
San Francisco, California 94158  
Attn: Mr. Seth Hamalian  
Email: shamalian@mbaydevelopment.com  
Telephone No.: (415) 355-6600

with a copy to:

Mission Bay Development Group, LLC  
401 Terry A. Francois Blvd. Suite 122  
San Francisco, California 94158  
Attn: Legal Department  
Email: legal@mbaydevelopment.com  
Telephone No.: (415) 355-6600

Any mailing address or telefacsimile number may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Assignment shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. For the convenience of the parties, copies of notices may also be given by telefacsimile. The effective time of a notice shall not be affected by the receipt, prior to receipt of the original, of a telefacsimile copy of the notice.

This Assignment may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one instrument.

The terms of this Assignment may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

The waiver or failure to enforce any provision of this Assignment shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

This Assignment shall be governed by and construed and enforced in accordance with the laws of the State of California.

Nothing in this Assignment shall be construed in any way to alter, amend or otherwise relieve FOCIL of its warranty or guaranty responsibilities, with respect to any improvements, under the Mission Bay Plan and Plan Documents or subsequent Permits.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed as of the \_\_\_ day of \_\_\_\_\_, 2024.

FOCIL:

FOCIL-MB, LLC,  
a Delaware limited liability company

By: FOCIL Management, LLC,  
a California limited liability company  
Its: Manager

By: \_\_\_\_\_

Name: Seth Hamalian  
Title: Managing Member

AGENCY:

THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY AND  
COUNTY OF SAN FRANCISCO

By: \_\_\_\_\_

Name: Thurston Kaslofsky  
Title: Executive Director

Exhibit A

**List of Acquisition Facilities**

The facilities include the Mission Bay Park P19 Phase 1 and Phase 2 improvements and ancillary facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit #14IE-0747 dated July 31, 2014 for said improvements, and the improvement plans and specifications described therein (the “**Improvements**”), but excepting therefrom those portions of the Improvements which are identified on the as-built drawings as PG&E service conduits and vaults, AT&T service conduits and Comcast service conduits, which are facilities to be transferred to “private” joint trench participants. The list of facilities delivered to and on file with the City is as follows:

- 8100.01 Mobilization/Demobilization
- 8100.02 SWPPP Improvements, acceptance of installed improvements to date and any improvements to make the existing measures acceptable
- 8100.03 Monthly Maintenance of SWPPP Improvements
- 8100.04 Maintain existing security fencing
- 8100.05 Site Preparation and Demolition
- 8100.06 Survey and Layout (All Survey shall be Performed by F3)
- 8100.07 Dust Control
- 8100.08 Record Drawings
- 8100.09 Mobilization/Demobilization
- 8100.10 SWPPP Improvements, acceptance of installed improvements to date and any improvements to make the existing measures acceptable (Ph 2)
- 8100.11 Monthly Maintenance of SWPPP Improvements (Ph 2)
- 8100.12 Maintain existing security fencing (Ph 2)
- 8100.13 Site Preparation and Demolition (Ph 2)
- 8100.14 Survey and Layout (All Survey shall be Performed by F3) (Ph 2)
- 8100.15 Dust Control (Ph 2)
- 8100.16 Record Drawings (Ph 2)
- 8100.17 Add'l Costs for delayed start date 4/1/24 (Ph 2)
- 8101.01 Rough Grade planter areas, and bio retention areas
- 8101.02 Rough Grade/Fine Grade hardscape and paver areas
- 8101.03 Transport excavation and grading spoils to P9, SWPPP protect stockpile
- 8101.04 Offhaul Class 1 Haz Mat Soil from site
- 8101.05 Rough Grade planter areas, and bio retention areas (Ph 2)
- 8101.06 Rough Grade/Fine Grade hardscape and paver areas (Ph 2)
- 8101.07 Transport excavation and grading spoils to P9, SWPPP protect stockpile (Ph 2)
- 8101.08 Offhaul Class 1 Haz Mat Soil from site (Ph 2)
- 8102.01 10" HDPE SDR17 (Complete)
- 8102.02 6" HDPE SDR 17 including cleanout (Complete)
- 8102.03 4" HDPE SDR 17 (Complete)
- 8102.04 Sandtrap (Complete)
- 8102.05 Drop Inlet (Complete)
- 8102.06 4" Area Drains (Complete)

- 8102.07 6" Perforated Pipe, including fittings and cleanouts (Complete)
- 8102.08 HDPE Liner, S.C.D. for Bioswale incl. accommodations for all foundations, drainage penetrations, and splices (Complete)
- 8102.09 Connection to Storm Drain System (Complete)
- 8102.10 Testing and Video Inspection of Storm Drain System (Complete)
- 8103.01 New 3 inch pump furnished and installed in existing wet well. Includes Control Panel, lifting cable, pump power and control cables, SS cable hanger, cable strain relief, ultrasonic level sensor, backup float control, float switches,VFD, CAS/MiniCAS and any other items required for the pump operation. (Complete)
- 8103.02 Discharge pipe from pump to headwalls. Includes guide bar brackets, couplers, fittings, valve vault, valves, cleanout, header pipe, plug valves with valve boxes, discharge piping through headwalls, cathodic protection, testing. (Complete)
- 8103.03 Reinforced Concrete Discharge Headwalls (Complete)
- 8103.04 4 inch Discharge Cobbles at each headwall (Complete)
- 8103.05 BMP Pump Station Pedestal including conduit to PG&E pull box and green tag (Complete)
- 8103.06 Type 1 11"x21"x12" Electrical Pull Box for SFPUC
- 8103.07 30" x 48" AT&T Vault
- 8103.08 Control and Power Conduits Between Wet Well, SFPUC Elec Box and Pedestal
- 8103.09 4 inch AT&T Conduit, includes trenching and backfill
- 8103.10 Furnish spare pump with appropriate lengths of power, control and lifting cables
- 8103.11 Functional Testing for Pump Station
- 8103.12 Training for SFPUC for Pump Station
- 8104.01 Fine Grade
- 8104.02 Furnish & Install Class 2 AB (4")
- 8104.03 PCC Sidewalk
- 8104.04 Furnish and install L-2457 Cast Iron AVC
- 8104.05 Furnish and Install L-2458 Cast Iron AVC "SFPUC ELECTRICAL"
- 8105.01 Fine Grading for Pavers
- 8105.02 Furnish & Install Class 2 AB (4")
- 8105.03 Precast Pavers, Type I and Type II (Ph 1)
- 8105.04 Precast Pavers, Type I and Type II
- 8106.01 Benches - 12' Long Benches, Incl. Concrete Footings
- 8106.02 Driven-post Chain Link Fence along west side of P19
- 8107.01 Fine Grading - All Landscaping
- 8107.02 24" Thick Landscaping Soil
- 8107.03 Bark Mulch 2" Depth
- 8107.04 Bioretention Soil Section with Class 2 permeable and Bio Retention Soil Media
- 8107.05 Gravel Mulch
- 8107.06 Irrigation Main Line
- 8107.07 Lateral Lines
- 8107.08 Gate Valve with valve box
- 8107.09 Drip Zone Control Assemblies - Griswold 2000 RCV, Senninger Pressure Regulator, Amiad Filter with boxes
- 8107.10 Quick Coupler Valves with box
- 8107.11 Subsurface Drip Irrigation System

- 8107.12 Connect main line to existing
- 8107.13 Connect RCVs to existing irrigation controller
- 8107.14 Connect to existing street tree irrigation
- 8107.15 5 Gallon Shrubs
- 8107.16 1 Gallon Shrubs
- 8107.17 90 Day Plant Establishment Period
- 8107.18 Landscape Maintenance Period
- 8108.01 Owner Supplied Materials: City/Agency-Performed Work



## CONDITIONAL ASSIGNMENT OF WARRANTIES AND GUARANTIES

FOR VALUE RECEIVED, FOCIL-MB, LLC, a Delaware limited liability company ("**FOCIL**"), does hereby conditionally assign to 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 "**Agency**"), to the extent permissible, all of its right, title and interest in and to any and all warranties and guaranties (individually a "**Warranty**", and collectively, "**Warranties**") applicable to the Acquisition Facilities set forth on "Exhibit A" attached hereto and incorporated herein by this reference (the "**Acquisition Facilities**").

This Conditional Assignment of Warranties and Guaranties (the "**Assignment**") is being made in connection with Section 4.3(c) of that certain Acquisition Agreement dated as of June 1, 2001, by and between Catellus Development Corporation and the Redevelopment Agency of the City and County of San Francisco, as supplemented by that certain Supplement No. 1 to Acquisition Agreement dated as of October 1, 2002, as assigned to FOCIL pursuant to that certain Assignment, Assumption and Release Agreement (Mission Bay South) dated November 22, 2004, applicable to the Redevelopment Agency of the City and County of San Francisco Community Facilities District No. 6 (Mission Bay South Public Improvements) (as may be further supplemented or amended from time to time, the "**Acquisition Agreement**").

The parties hereto agree that if the Agency or any of its successors and/or assigns exercise any right of repair, warranty, guaranty, or other right against FOCIL, if any, with respect to an Acquisition Facility which is also the subject of a Warranty, FOCIL, at its option, without any requirement that it do so, may enforce the Warranty. If FOCIL elects to enforce the Warranty, FOCIL shall provide notice to the Agency within ten (10) business days of receipt of notice that the Agency or any of its respective successors and/or assigns is exercising a right of repair, warranty, guaranty, and/or similar right with respect to the Acquisition Facility. If FOCIL fails to provide such notice to the Agency within ten (10) business days, or otherwise fails to diligently pursue the Warranty thereafter, the Agency shall have the sole right and privilege to enforce the Warranty.

This Assignment shall be binding upon and inure to the benefit of the successors and assigns of FOCIL and the Agency.

A notice or communication under this Assignment by any party to any other party shall be sufficiently given or delivered if dispatched by hand or by registered or certified mail, postage prepaid, addressed as follows:

In the case of a notice or communication to the Agency:

Office of Community Investment and Infrastructure  
Successor Agency to the Redevelopment Agency of the City and County of  
San Francisco  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA 94103  
Attn: Executive Director  
Facsimile No.: (415) 749-2525

with copies to:

Office of the City Administrator  
City Hall, Room 362  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: City Administrator  
Facsimile No.: (415) 554-4849

Office of the City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Jr. Place  
San Francisco, CA 94102  
Attn: Real Estate/Finance Team  
Facsimile No.: (415) 554-4755

And to:

Director of Public Works  
City & County of San Francisco  
c/o Cathal Hennessy, Project Manager  
Mission Bay Project  
49 South Van Ness Avenue, Seventh Floor  
San Francisco, CA 94103  
Facsimile No.: (415) 581-2569

in the case of a notice or communication to FOCIL,

FOCIL-MB, LLC  
c/o FOCIL Management, LLC  
401 Terry A. Francois Blvd. Suite 122  
San Francisco, California 94158  
Attn: Mr. Seth Hamalian  
Email: shamalian@mbaydevelopment.com  
Telephone No.: (415) 355-6600

with a copy to:

Mission Bay Development Group, LLC  
401 Terry A. Francois Blvd. Suite 122  
San Francisco, California 94158  
Attn: Legal Department  
Email: legal@mbaydevelopment.com  
Telephone No.: (415) 355-6600

Any mailing address or telefacsimile number may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Assignment shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. For the convenience of the parties, copies of notices may also be given by telefacsimile. The effective time of a notice shall not be affected by the receipt, prior to receipt of the original, of a telefacsimile copy of the notice.

This Assignment may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one instrument.

The terms of this Assignment may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

The waiver or failure to enforce any provision of this Assignment shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

This Assignment shall be governed by and construed and enforced in accordance with the laws of the State of California.

Nothing in this Assignment shall be construed in any way to alter, amend or otherwise relieve FOCIL of its warranty or guaranty responsibilities, with respect to any improvements, under the Mission Bay Plan and Plan Documents or subsequent Permits.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed as of the \_\_\_ day of \_\_\_\_\_, 2024.

FOCIL:

FOCIL-MB, LLC,  
a Delaware limited liability company

By: FOCIL Management, LLC,  
a California limited liability company  
Its: Manager

By: \_\_\_\_\_

Name: Seth Hamalian  
Title: Managing Member

AGENCY:

THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY AND  
COUNTY OF SAN FRANCISCO

By: \_\_\_\_\_

Name: Thurston Kaslofsky  
Title: Executive Director

Exhibit A

**List of Acquisition Facilities**

The facilities include the Mission Bay Park P22 Phase 1 and Phase 2 improvements and ancillary facilities constructed or installed by or on behalf of FOCIL pursuant to Street Improvement Permit #19IE-00483 dated May 17, 2019 for said improvements, and the improvement plans and specifications described therein (the “**Improvements**”), but excepting therefrom those portions of the Improvements which are identified on the as-built drawings as PG&E service conduits and vaults, AT&T service conduits and Comcast service conduits, which are facilities to be transferred to “private” joint trench participants. The list of facilities delivered to and on file with the City is as follows:

**Phase 1**

- 7570.00 Site Prep and Demo
- 7571.00 Grading/Subgrade Improvements
- 7572.00 Storm Drainage
- 7573.00 Sewer
- 7574.00 Low Pressure Water
- 7575.00 Electrical Systems
- 7576.00 Hardscape and Surface Treatments
- 7577.00 Site Furnishings
- 7578.00 Landscape
- 7579.00 Owner Supplied Materials

**Phase 2**

- 7580.01 Mobilization/Demobilization
- 7580.02 SWPPP Improvements
- 7580.03 Monthly Maintenance of SWPPP Improvements
- 7580.04 Maintain existing security fencing
- 7580.05 Install/Maintain Pedestrian detour signs around the Project perimeter
- 7580.06 Minor demolition to include, but not limited to, existing temporary AC sidewalk and AC/Concrete to the East of PS-1.
- 7580.07 Survey and Layout, (All Survey shall be Performed by F3)
- 7580.08 Dust Control including but not limited to water truck, Hydrant meter rental, water costs, etc.
- 7580.09 Record Drawings
- 7580.10 Remove buried concrete obstruction
- 7581.01 Rough Grade lawn areas, planter areas, and bio retention areas
- 7581.02 Rough Grade/Fine Grade hardscape, deck, and paver areas
- 7581.03 Transport unusable onsite stockpiles and excavation spoils to P9, SWPPP protect stockpile
- 7581.04 Offhaul Class 1 Haz Mat Soil from the site
- 7581.05 Furnish and install Class 2 Permeable Material under geofoam
- 7581.06 Accept Existing Geo-Foam Purchase Order, Place Onsite Geo-Foam, Install all Remaining Geofoam

7581.07 Geofom, additional handling  
 7582.01 Storm Drain System  
 7582.02 Slot Drains  
 7582.03 Geofom Underdrain Pipe  
 7582.04 Realign Subdrain  
 7582.05 Flush Subdrains  
 7582.06 Removal of corrupt class 2 perm  
 7582.07 Atrium Drans  
 7583.01 Sanitary Sewer System  
 7585.01 Electrical Distribution System  
 7585.02 Light Pole 1, LT1  
 7585.03 Light Pole 2, LT2  
 7585.04 Tree Uplights  
 7585.05 Bay Bridge Steel Lighting  
 7585.06 Wood Decking LED Strip Lights  
 7585.07 Revise light pole foundations  
 7585.08 Port conduits  
 7585.09 Relocate vertical steel lights  
 7585.10 PUC Power Materials  
 7586.01 CIP Concrete Paving type 1, CP-1  
 7586.02 CIP Concrete Paving Type 2, CP-2  
 7586.03 CIP Concrete Paving Type 3, CP-3  
 7586.04 AC Paving In Future Restaurant Area  
 7586.05 AC Painting In Future Restaurant Area  
 7586.06 Temp AC Paving, AP-1 per L303  
 7586.07 Bay Trail Paving, AP-1 with Integral Color  
 7586.08 Asphalt Block Paver Type 1, AB-1  
 7586.09 Asphalt Block Paver Type 2, AB-2  
 7586.10 Cobble paving, C  
 7586.11 Gravel Mulch, GM-1  
 7586.12 Gravel Mulch, GM-2  
 7586.13 Rip Rap Stone Paving Type 1, RP-1  
 7586.14 Rip Rap Stone Paving Type 2, RP-2  
 7586.15 Boulders, RR per L/300 series  
 7586.16 Steel Headers, Paving angles, Weathered Steel Angle Curb with concrete footings  
 7586.17 Expansion Joints and Sawcut Joints  
 7586.18 Rolled Curb  
 7586.19 Paver Slab Joints  
 7586.20 Furnish & Install Polymeric Sand @ AB1 & AB2  
 7586.21 Weathered Steel curb change  
 7586.22 CP-2 and CP3 oyster shells  
 7586.23 AC Trucks  
 7587.01 Trash and Recycling Receptacles  
 7587.02 Bicycle Racks  
 7587.03 Recycled Concrete Pipe  
 7587.04 Recycled Stone Curb

- 7587.05 Small Picnic Table
- 7587.06 Large Picnic Table
- 7587.07 BBQs
- 7587.08 Wood benches including foundations, per L-921
- 7587.09 Water Fountains
- 7587.10 Park Name Sign
- 7587.11 Park Rules and Interpretive Sign Pedestal
- 7587.12 Bay Trail Sign
- 7587.13 Wayfinding Sign
- 7587.14 Pet Waste Station
- 7587.15 Reclaimed Anchors
- 7587.16 Memorial Plaque
- 7587.17 Graffiti Resistant Coatings on Misc.
- 7587.18 Wood Deck, Wood Deck Wall, Wood Curbs
- 7587.19 Cantilevered Overlook
- 7587.20 Weathered Steel Walls including Steel Headers
- 7587.21 Bridge Steel, S-V
- 7587.22 Bridge Steel, S-K
- 7587.23 Sun Shades cables, connections including flush ring pulls
- 7587.24 Cleaning, Preparing reclaimed bay bridge steel and anchors for encapsulating coatings and anti graffiti coatings
- 7587.25 Misc. Bay Bridge Steel improvements including wooden seat surfaces, weathered steel sleeves, footings, end plates, attachments, stiffeners, brackets, cables
- 7587.26 Replace existing Pump Station Control Room fencing
- 7587.27 Cantilevered Overlook mods
- 7587.28 Cumaru wood purchase
- 7587.29 Replace permitted trash can with Big Belly
- 7587.30 Wall chamfer
- 7587.31 Terrace edging
- 7587.32 Vertical Steel paint
- 7587.33 Recycled Stone Curbs
- 7587.34 Stain Horizontal Steel Timber Tops
- 7587.35 Sun Shades
- 7587.36 Memorial Plaque testing
- 7588.01 Tree Soil per L/931
- 7588.02 Shrub Soil per L/931
- 7588.03 Lawn Soil per L/931
- 7588.04 Structural Soil per L/931
- 7588.05 Bio Retention Basin Areas
- 7588.06 Irrigation Water System
- 7588.07 Lawn
- 7588.08 Tree, Brisbane Box - 60" Box
- 7588.09 Tree, Monterey Cypress - 84" Box
- 7588.10 Tree, Monterey Cypress - 60" Box
- 7588.11 Tree, Monterey Cypress - 48" Box
- 7588.12 Tree, Santa Cruz Island Ironwood - 36" Box

7588.13 Tree, Jolon Oak - 48" Box  
7588.14 Tree, Pink Melaleuca - 36" Box  
7588.15 Tree, Strawberry Tree - 48" Box  
7588.16 Shrub, Pink Flowering Currant  
7588.17 Shrub, Dark Star California Lilac  
7588.18 Shrub, Howard McMinn Manzanita  
7588.19 Shrub, Cleaveland Sage  
7588.20 Vine, Lilac Vine  
7588.21 Groundcover, Prairie Mix  
7588.22 Groundcover, Scrub Mix 1  
7588.23 Groundcover, Scrub Mix 2  
7588.24 Groundcover, Garden Mix  
7588.25 Bioretention Slope Mix  
7588.26 Bioretention Basin Mix  
7588.27 90 Day Plant Establishment Period  
7588.28 Landscape Maintenance Period  
7588.29 Upsize Tree  
7588.30 Fabric over structural soil  
7588.31 Landscape Edging  
7588.32 Sod revision  
7588.33 Plant succulents in rip rap  
7588.34 Wind Damaged Tree Replacement  
7589.01 Owner Supplied Materials: City/Agency-Performed Work



# EXHIBIT A

## LEGAL DESCRIPTION

### Park P19

All that certain real property situate in the City and County of San Francisco, State of California and being remnant from State Trust Parcel 5 and Terry A. Francois Boulevard rights-of-way after China Basin Street and Terry A. Francois Boulevard were dedicated to the City and County of San Francisco as said rights of way are designated and shown on that certain map entitled Map of Mission Bay filed in Book Z of Survey Maps, Pages 97-119 inclusive, in the office of the Recorder of said City and County of San Francisco, described as follows:

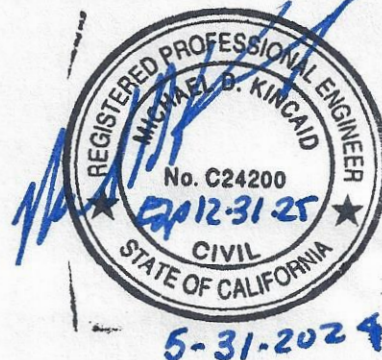
Commencing at the south west corner of Mission Rock Street and Terry A Francois Boulevard, the Point of Commencement; Thence South  $03^{\circ}10'56.00''$  East 9.53 feet to the Point of Beginning; Thence South  $17^{\circ}50'32.00''$  East 267.93 feet; Thence, through a curve concave Northwesterly and having a radius of 5.00 feet with a subtended arc of  $104^{\circ}39'59.41''$ , tangent of 6.48 feet, long chord of 7.92 feet, and length of 9.13 feet and tangent to the proceeding course; Thence South  $86^{\circ}49'04.00''$  West 62.97 feet to the southeast corner of Block 9A; Thence North  $03^{\circ}10'56.00''$  West 265.47 feet to the Point of Beginning containing an area of 9207 square feet more or less.

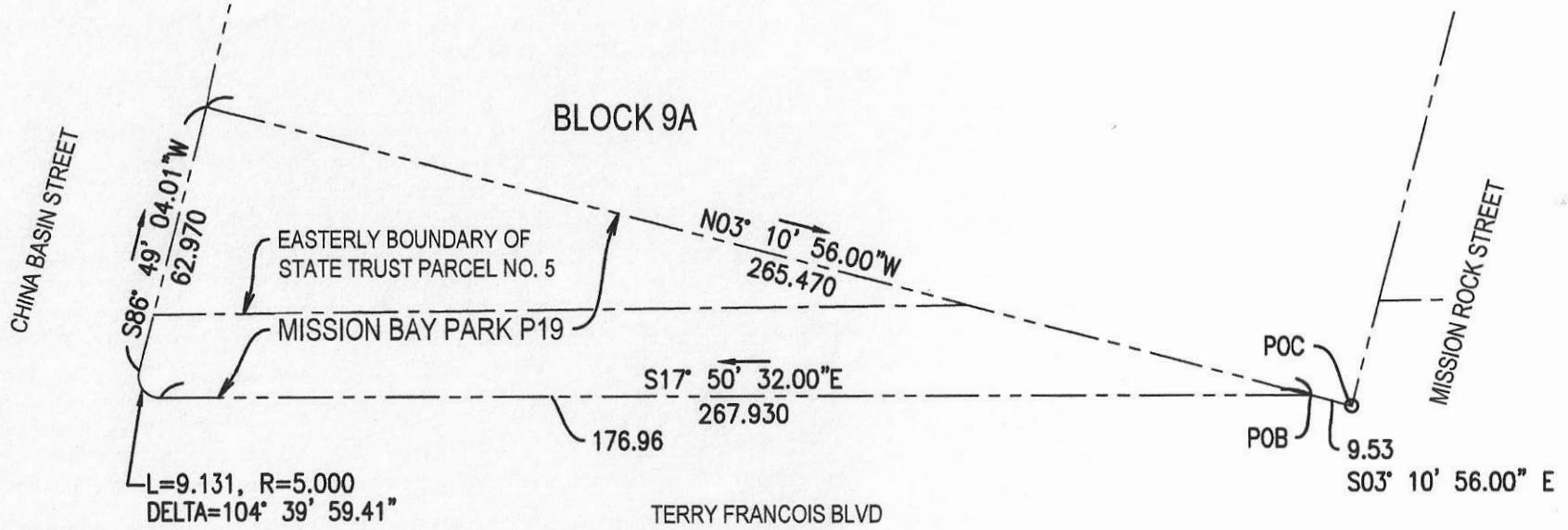
BASIS OF BEARING of these descriptions is North  $43^{\circ}41'53''$  West which is based upon the bearing of the Monument Line of Seventh Street as shown on the Amended Mission Bay Record of Survey Map filed in book Z of Maps Pages 74-94 inclusive in the Office of the Recorder of said City and County of San Francisco.

DISTANCES in this description are U.S. Survey feet and decimals thereof and are "Ground" measurements.

END OF DESCRIPTION

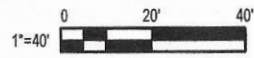
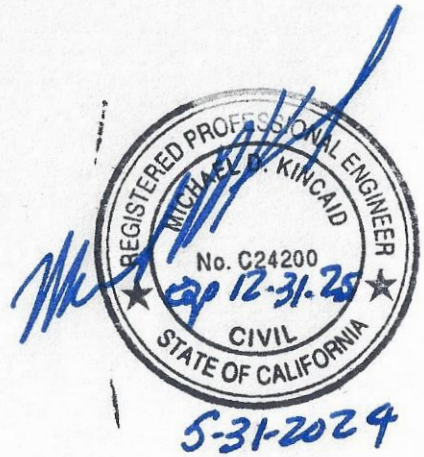
This description and its accompanying Exhibit B plat were prepared by GHD.





**LEGEND**

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- BLOCK BOUNDARY
- - - STATE TRUST PARCEL NO. 5



GHD Inc.  
 655 Montgomery Street Suite 1010  
 San Francisco California 94111 USA  
 T 1 415 283 4970



www.ghd.com

**EXHIBIT B PLAT**

Park P19  
 Mission Bay, San Francisco, CA  
 May 2024





# GENERAL PLAN CONSISTENCY DETERMINATION AND CEQA FINDINGS

June 3, 2024

Ms. Carla Short  
Director  
San Francisco Public Works  
49 South Van Ness Avenue, Suite 1600  
San Francisco, CA 94103

**Project Title:** Mission Bay South Parks P22 and P19 – Acceptance and Permitting of Public Improvements and Related Actions  
**Assessor’s Blocks(s)/Lot(s):** 8721-007, 8722-005, and 8722-006  
**Design Review Approval No.(s):** 96.771 EMTZR  
**Zoning District(s):** Public (P) and Mission Bay Redevelopment (MB-RA) Zoning Districts; 40-Mission Rock, 90/120-Mission Rock, MB-RA Height/Bulk District  
**Staff Contact:** Elizabeth Purl, 628.652.7529, elizabeth.purl@sfgov.org

Dear Ms. Short:

This letter addresses the proposed acceptance of public improvements and related actions by the Board of Supervisors and various City departments associated with the Mission Bay South Parks P22 (“Bayfront Park”) and P19, located on the following Assessor’s Parcel Blocks/Lots: 8721-007, 8722-005, and 8722-006. The public improvements are shown in the plans (“Plans”) for Public improvements that the Port of San Francisco (“Port”) will own and maintain constructed under Street Improvement Permits (SIP) #19IE-00483, approved by Public Works Street Use and Mapping on May 17, 2019 for Bayfront Park and SIP # 13E-0473, approved on November 1, 2013 for Park P19. Work performed under these SIPs consisted of park improvements, including paving, and curbs; SFPUC green infrastructure improvements, including stormwater, domestic water, and electrical service;; and SFPort park improvements including landscaping, park lighting, and furnishings. In addition, this letter addresses the Board of Supervisors acceptance of an Offer of Dedication, including a grant deed, for APN 8721-014 from FOCIL-MB, LLC (“Lot 14”) that will be absorbed into Bayfront Park.

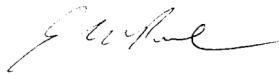
On September 17, 1998, the San Francisco Planning Commission and the Redevelopment Agency Commission issued a series of approvals for the Mission Bay Project, consisting of the Mission Bay North Redevelopment Plan and the Mission Bay South Redevelopment Plan, which includes Bayfront Park (Planning Department Record 96.771E; San Francisco Redevelopment Agency Case ER 919-97). These approval actions included certification of the Final Subsequent Environmental Impact Report (“FSEIR”) through Redevelopment Agency Commission Resolution No. 182-98 and Planning Commission Motion No. 14696; adoption of California Environmental Quality Act (“CEQA”) findings through Planning Commission Motion No. 14697; adoption of General Plan and Planning Code Section 101.1 consistency findings through Planning Commission Resolution No. 14702; and approval of the Mission Bay North Redevelopment Plan through Redevelopment Agency Commission Resolution No. 191-98 and the Mission Bay South Redevelopment Plan through

Redevelopment Agency Commission Resolution No. 188-98. The Plan approvals included the Mission Bay North Owner Participation Agreement (as subsequently amended, the “North OPA”) and Mission Bay South Owner Participation Agreement (as subsequently amended, the “South OPA”). The North and South OPAs incorporated into the Plan the mitigation measures identified in the Mission Bay FSEIR and adopted by the former Redevelopment Agency Commission at the time of Plan approval.

The San Francisco Board of Supervisors adopted the Mission Bay South Plan on November 2, 1998 through Ordinance No. 335-98, and adopted the CEQA Findings (incorporating by reference the General Plan consistency findings) through Ordinance No. 330-98 on October 30, 1998.

Planning Department Staff has reviewed the Plans and considered the Board of Supervisors legislation and related actions including acceptance of a grant deed for Lot 14, and finds them consistent with the Planning Commission’s approvals for the Project. Therefore, the Planning Department finds that these actions are within the scope of the FSEIR and the CEQA findings under Planning Commission Motion Nos. 14696 and 14697, and there is no need for subsequent environmental review. In addition, the Planning Department finds that these actions are, on balance, consistent with and covered within the scope of the General Plan and Planning Code Section 101.1 Consistency Findings contained in Planning Commission Resolution No. 14702. For purposes of the actions identified in this letter, the Planning Department relies on and incorporates by reference these Planning Commission Motions and their associated findings, copies of which are attached to this letter.

Sincerely,



Elizabeth Purl  
Senior Planner

*cc: (via email)*

Cathal Hennessy, Infrastructure Task Force, Public Works

Attachments:

Planning Commission Motion No. 14696 (September 17, 1998)

Planning Commission Motion No. 14697 (September 17, 1998)

File No.: 96.771E  
Mission Bay North Redevelopment Plan  
Mission Bay South Redevelopment Plan

SAN FRANCISCO

CITY PLANNING COMMISSION

MOTION NO. 14696

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR MISSION BAY NORTH AND MISSION BAY SOUTH REDEVELOPMENT PLANS AND VARIOUS OTHER ACTIONS NECESSARY TO IMPLEMENT SUCH PLANS.**

MOVED, That the San Francisco City Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Subsequent Environmental Impact Report identified as case file No. 96.771E, for the Mission Bay North and Mission Bay South Redevelopment Plans and various other related implementing actions (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Department of City Planning (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Department determined that an EIR was required and provided public notice of that determination by publication in a newspaper of general circulation on September 20, 1997.

b. On April 11, 1998, the Department published the Draft Subsequent Environmental Impact Report (hereinafter "DSEIR") and provided public notice in a newspaper of general circulation of the availability of the DSEIR for public review and comment and of the date and time of the City Planning Commission public hearing on the DSEIR; this notice was mailed to the Department's list of persons requesting such notice.

c. On April 11, 1998 copies of the DSEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DSEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

d. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on April 9, 1998.

- 2) The Commission held a duly advertised public hearing on said Draft Subsequent Environmental Impact Report on May 12, 1998 at which opportunity for public comment was given, and public comment was received on the DSEIR. The period for acceptance of written comments ended on June 9, 1998.
- 3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 59-day public review period for the DSEIR, prepared revisions to the text of the DSEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DSEIR. This material was presented in a "Draft Summary of Comments and Responses," published on September 3, 1998, was distributed to the Commission and to all parties who commented on the DSEIR, and was available to others upon request at Department offices.
- 4) A Final Subsequent Environmental Impact Report ("FSEIR") has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
- 5) Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.
- 6) On September 17, 1998, the Commission reviewed and considered the FSEIR and finds that the contents of said report and the procedures through which the FSEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31.
- 7) The City Planning Commission hereby does find that the FSEIR concerning File No. 96.771E: Mission Bay Redevelopment Plans reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Summary of Comments and Responses contains no significant revisions to the DSEIR, and hereby does CERTIFY THE COMPLETION of said Final Subsequent Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.
- 8) The Commission, in certifying the completion of said Final Subsequent Environmental Impact Report, hereby does find that the project described in the FSEIR, and the project proposed for adoption, consisting of the project described in the Project Description plus Variants 1, 2, 3A and 5, as described in the Project Description and Combination of Variants Chapters of the FSEIR, would have the following unavoidable significant environmental impacts, which could not be mitigated to a level of nonsignificance:
  - a. project and cumulative traffic intersection impacts, primarily affecting intersections at or near I-280 and I-80 in the South of Market area;

- b. contribution to cumulative bridge and bridge on-ramp impacts (lengthening of peak congestion);
- c. project and cumulative regional air quality impacts from increased vehicular emissions (exceedance of BAAQMD significance thresholds for reactive organic gases and oxides of nitrogen, which are ozone precursors, and for particulate matter);
- d. unknown, but potentially significant risks from toxic air contaminants from mobile sources, from individual stationary sources, from the combined risk due to emissions from multiple facilities, and from cumulative risks;
- e. contribution to cumulative hazardous waste generation and disposal impacts.
- f. cumulative water quality impacts (although the project's contribution to cumulative water quality impacts could be reduced to less than significant levels if mitigation measures are imposed).

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission at its regular meeting of September 17, 1998.

Linda Avery  
Commission Secretary

AYES: Commissioners Antenore, Chinchilla, Hills, Joe, Martin, Mills

NOES: None

ABSENT: Theoharis

ADOPTED: September 17, 1998

SAN FRANCISCO  
CITY PLANNING COMMISSION  
RESOLUTION NO. 14697

WHEREAS, the proposed Mission Bay North and South Redevelopment Areas are generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street (“Plan Areas”); and

WHEREAS, the Plan Areas comprise approximately 303 acres of an underutilized and underdeveloped industrial area characterized by deteriorated, obsolete or dysfunctional buildings and a lack of infrastructure in the Mission Bay South Project Area; and

WHEREAS, the Planning Department (“Department”) and the Redevelopment Agency (“Agency”) have undertaken a planning and environmental review process for the proposed Plan Areas and other uses in the Plan Areas and provided for appropriate public hearings before the Planning Commission and the Redevelopment Agency Commission; and

WHEREAS, the actions listed in Attachment A hereto (the “Actions”) are part of a series of considerations in connection with adoption of the Redevelopment Plans and various implementation actions (the “Project”), as more particularly defined in Attachment A hereto; and

WHEREAS, on April 11, 1998, the Department and the Agency released for public review and comment the Draft Subsequent Environmental Impact Report for the Project; and

WHEREAS, the Planning Commission and the Redevelopment Agency Commission held a joint public hearing on the Draft Environmental Impact Report on May 12, 1998 and further written public comments were received until 5:00 p.m. on June 9, 1998; and

WHEREAS, a Final Subsequent Environmental Impact Report (“FSEIR”) for the Project has been prepared by the Department and Agency consisting of the Draft Environmental Impact Report, the comments received during the review period, any additional information that became available and the Draft Summary of Comments and Responses, all as required by law; and

WHEREAS, the FSEIR files and other Project-related Department and Agency files have been available for review by this Planning Commission and the public, and those files are part of the record before this Planning Commission; and



WHEREAS, on September 17, 1998, the Planning Commission and the Redevelopment Agency Commission reviewed and considered the FSEIR and, by Motion No. 14696 and Resolution No. 182-98, respectively, found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, by Motion No. 14696 and Resolution No. 182-98, the Planning Commission and the Redevelopment Agency Commission, respectively, found that the Final Environmental Impact Report was adequate, accurate and objective, reflected the independent judgment of each Commission and that the summary of Comments and Responses contained no significant revisions to the draft Subsequent Environmental Impact Report, adopted findings of significant impacts associated with the Project and certified the completion of the Final Subsequent Environmental Impact Report for the Project in compliance with CEQA and the CEQA Guidelines; and

WHEREAS, the Department and Agency prepared proposed Findings, as required by CEQA, regarding the alternatives and variants, mitigation measures and significant environmental impacts analyzed in the FSEIR, overriding considerations for approving the Project including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions; now, therefore, be it

RESOLVED, that the Planning Commission certified the FSEIR and found the FSEIR adequate, accurate and objective, and reflecting the independent judgment of the Planning Commission in Motion No.14696; and be it

FURTHER RESOLVED, that the Planning Commission has reviewed and considered the FSEIR and hereby adopts the Project Findings attached hereto as Attachment A, including its Exhibits 1 and 2, and incorporates the same herein by this reference.

Case No. 96.771EMTZR  
Adoption of CEQA Findings for  
Mission Bay North and Mission  
Bay South Redevelopment Plans  
and various other actions  
Resolution No. 14697

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at a special joint hearing with the Redevelopment Agency Commission on September 17, 1998.

Linda Avery  
Commission Secretary

AYES: Commissioners Antenore, Chinchilla, Hills, Joe, Martin and Mills

NOES: None

ABSENT: Commissioner Theoharis

ADOPTED: September 17, 1998


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## MEMORANDUM

June 7, 2024

**TO:** MEMBERS, PORT COMMISSION  
Hon. Kimberly Brandon, President  
Hon. Gail Gilman, Vice President  
Hon. Willie Adams  
Hon. Ed Harrington  
Hon. Steven Lee

**FROM:** Elaine Forbes  
Executive Director 

**SUBJECT:** Request authorization for the Port Commission to receive a delegation of authority from the Board of Supervisors for the Port Commission to accept Mission Bay Parks improvements for Parks P19 and P22 (Bayfront Park) along Terry Francois Boulevard into the Port's Park system. Port Commission acceptance for maintenance and liability would be contingent upon the issuance of a Notice of Completion by the San Francisco Department of Public Works for the improvements, among other findings and prerequisites and approval of delegation for certain authority related to acceptance by the Board of Supervisors.

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution No. 24-30

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### EXECUTIVE SUMMARY

On October 10, 2023, the Port Commission authorized an agreement between the Office of Community Investment and Infrastructure (OCII) and the Recreation and Parks Department (RPD) to transfer the operations and maintenance of certain parks on Port lands within the Mission Bay South Redevelopment Plan Area<sup>1</sup>. Within the Mission Bay South Redevelopment Plan Area ("Mission Bay") there are two remaining parks currently being constructed entirely on Port lands (P19 and P22). Parks within Mission Bay are

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<sup>1</sup> [Port OCII RPD Mission Bay Parks \(sfport.com\)](https://sfport.com)

constructed by the master developer of Mission Bay, FOCIL-MB, and eventually accepted by the City into the City's (and Port's) parks open space system.

The acceptance process for park improvements is an action by the City or Port that: 1) accepts ownership of assets that are constructed consistent with approved plans; 2) dedicates the land for use as a park and 3) accepts maintenance and liabilities for the City or Port. The Board of Supervisors acceptance of previously completed parks was subject to OCII maintenance and operations of the facilities under a ground lease and acceptance was required for the facilities to be opened for public use. Now that the Port will be the party operating and maintaining Mission Bay Parks on Port lands, acceptance of Port parks can be authorized by the Port Commission subject to compliance with required steps under the Mission Bay South Owner Participation Agreement, in a manner similar to other recent parks completed on Port property such as China Basin Park.

The Port Commission's acceptance of Mission Bay Parks (P19 and P22) is dependent on the Board of Supervisors' delegation of authority to the Port Commission to accept the improvements to satisfy the Mission Bay Owner Participation Agreement procedures.

## **STRATEGIC OBJECTIVE**

Acceptance of Mission Bay Parks on Port lands supports the Port's Strategic Plan goals:

### Sustainability:

Advance environmental stewardship to limit climate change and protect the Bay.

### Equity:

Create a diverse, equitable, and inclusive organization and waterfront, and empower Black, Indigenous, and other People of Color (BIPOC) in Port operations and opportunities through equitable policies and practices.

### Evolution:

Evolve the waterfront to respond to changing public and Port needs.

### Engagement:

Engage constituents and the public on Port functions and activities.

## **BACKGROUND**

In 1998, the Port Commission and Board of Supervisors approved the Redevelopment Plans for Mission Bay North and South<sup>2</sup> which provide for, among other things, the development of parks on City lands, including both Port and non-Port lands. The parks were constructed on City and Port lands under the direction of the former San Francisco Redevelopment Agency ("Former Agency"), which has been dissolved, and the lands are now managed by OCII. Parklands are leased to the master developer during construction until they are completed and accepted by the City or the Port, or as the case may be, the

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<sup>2</sup> See Board of Supervisors Ordinance No. 327-98 (Oct. 26, 1998) and Ordinance No. 335-98 (Nov. 2, 1998); as well as Port Commission Resolutions 98-86 through 98-98.

ground lease with the master developer is terminated.

State Assembly Bills x1 26, 1484, 471, and Senate Bill 107 (collectively, “California Redevelopment Dissolution Law”) require OCII to dispose of the Former Agency’s real property interests. The California Department of Finance has approved a long-range property management plan for OCII that requires, among other things, OCII to terminate its leasehold interests in the Mission Bay Parks but acknowledges OCII’s continuing administration of CFD #5 maintenance funds, which are authorized under state authority (Mello-Roos Community Facilities Act of 1982, Gov’t Code § 53311 et seq.) separate from the Redevelopment Dissolution Law to be used for Mission Bay park maintenance and operations, which OCII will work order to the Port for use through the life of CFD #5.

## **PARK ACCEPTANCE PROCESS**

The Plans for each of the Mission Bay Parks on Port lands were developed in close coordination with the Port, the Department of Public Works (SFPW), OCII, and the San Francisco Public Utilities Commission (SFPUC). SFPW reviewed and approved the actual park construction permits making certain that the park improvement plans met the necessary specifications required by each City agency. During construction, SFPW managed the oversight of improvements with each agency providing oversight for respective details unique to each agency. Ultimately SFPW will issue a Notice of Completion that is the authority to recognize the park improvements were completed in accordance with the approved permits and have met City agencies’ specifications. The Port Commission will not take action to accept a park until the SFPW has issued the Notice of Completion. Park P22 also contains two linear parcels along the eastern side of Terry Francois Boulevard that the City will approve for ownership at the time the Park P22 acceptance occurs. The Port Commission’s action to recommend that the Board of Supervisors delegate certain authority to the Port Commission related to park acceptance for a three year period and to accept Mission Bay Parks P19 or P22 relies on findings under the California Environmental Quality Act, and findings of consistency with the General Plan, the eight priority policies of the Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan.

## **NEXT STEPS**

The Port is working with OCII, and SFPW to seek the Board of Supervisors authority to delegate Mission Bay Parks P19 and P22 Acceptance to the Port Commission later in June 2024. Upon approval of the Port Commission of the Resolution and the Board of Supervisors delegation of authority, it is anticipated that acceptance of Mission Bay Park P22 could occur in late summer or early fall later this year and that acceptance of P19 will occur in either 2025 or 2026. Port staff intend to return to the Commission to provide a further informational update as the park openings approach.

Prepared by: David Beaupre,  
Deputy Director for Planning and Environment

Attachment: Mission Bay Parks - Port Maintenance

# ATTACHMENT MISSION BAY PARKS - PORT MAINTENANCE



**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 24-30**

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate, and control the Port area of the City and County of San Francisco; and

WHEREAS, The San Francisco Office of Community Investment and Infrastructure (OCII) is required to divest its assets and management of public assets including parks within the Mission Bay South Redevelopment Area ("Mission Bay") consistent with the State of California's requirement of redevelopment dissolution; and

WHEREAS, In 1998 the San Francisco Board of Supervisors, and many other agencies including the Port, approved the Mission Bay Redevelopment Plans North and South, which included agreements between the San Francisco Redevelopment Agency and certain City agencies; and

WHEREAS, The Mission Bay South Redevelopment Plan Area and associated agreements, required that certain lands within Mission Bay South under the jurisdiction of the Port be improved and maintained by OCII using Tax Increment and Mello Roos funds and maintenance funds through a Community Facilities District (CFD #5); and

WHEREAS, The Mission Bay Redevelopment Plans anticipated that the parks on Port lands would return to the Port for maintenance and operations; and

WHEREAS, Now that OCII no longer manages parks within Mission Bay, acceptance of park improvements on Port lands may be undertaken by the Port Commission; and

WHEREAS, The Port and San Francisco Department of Public Works ("SFPW") is seeking authority from the San Francisco Board of Supervisors to delegate to the Port Commission certain acceptance authority related to Mission Bay Parks P19 and P22; and

WHEREAS, The acceptance process for park improvements is an action by the Port that: 1) accepts ownership of assets that are constructed consistent with approved plans; 2) dedicates the land for use as a park and 3) accepts Port maintenance and liability for the parks; and

WHEREAS, Park P22 also contains two linear parcels on the eastern edge of the park adjacent to Terry Francois Boulevard, which are identified as Assessor Parcel Block Numbers 8721-014 ("Lot 14") and 8722-020 ("Parcel C"); and

WHEREAS, The City will acquire these parcels at the time Park P22 is accepted and eventually these parcels will be merged into the park and be subject to Port jurisdiction; and

WHEREAS, OCII, in a letter dated May 6, 2024, found that the City actions related to acceptance of Parks P22 and P19 are consistent with the Mission Bay South Redevelopment Plan; and

WHEREAS, The Planning Department, in a letter dated June 3, 2024, found that the City actions related to acceptance of Parks P22 and P19 are within the scope of the CEQA analysis for the Mission Bay South Redevelopment Plan and, on balance, consistent with the City General Plan and the eight priority policies of Planning Code Section 101.1; and

WHEREAS, The Port Commission will not take action to accept a park until which time the SFPW has issued the Notice of Completion; now therefore be it

RESOLVED, The Port Commission relies on the Planning Department letter for CEQA purposes and adopts the environmental findings as its own; and be it further

RESOLVED, The Port Commission recommends that the Board of Supervisors acknowledge that the Port Commission will (1) accept ownership of the Park Improvements as acquisition facilities on behalf of the City when Public Works determines that such improvements have been constructed in accordance with the approved plans and specifications under the applicable permits and all applicable City codes, regulations, and standards, and such improvements are ready for their intended use; (2) dedicate the Park Improvements to public use; (3) designate the property on which the Park Improvements are located for park and/or open space purposes; and (4) upon their completion, accept Park Improvements for Port Commission maintenance and liability; and be it further

RESOLVED, The Port Commission recommends that the Board of Supervisors delegate to the Port Commission for a period of three years the Board's power to: (1) accept ownership of the Park Improvements as acquisition facilities on behalf of the City; (2) dedicate such Park Improvements to public use; (3) designate the property on which the Park Improvements are located for park and/or open space purposes; and (4) take all other official acts necessary for, or related to, acceptance of the Park Improvements, including without limitation, accepting the Park Improvements for Port Commission maintenance and liability and accepting conditional assignment of all warranties and guaranties related to the construction of Park Improvements; and be it further

RESOLVED, The Port Commission acceptance actions for Parks P22 and P19 shall specifically exclude assets in those parks that the San Francisco Public Utilities Commission will own and maintain; and be it further



RESOLVED, That upon completion of the steps as described in this Resolution and Board of Supervisors delegation to the Port Commission of certain authority related to park acceptance, the Port Commission will take necessary actions to accept Mission Bay Parks P19 and P22, including the assumption of maintenance and liability; and be it further

RESOLVED, The Port Commission agrees to accept Lot 14 and Parcel C as part of Park P22 and under Port jurisdiction after the Board of Supervisors approves grant deed for Lot 14 and the City's Real Estate Director approves the grant deed for Parcel C after the Port Commission accepts Park P22; and be it further

RESOLVED, The Port Commission directs the Executive Director to work with the San Francisco Public Works Director to ensure that all findings, decisions, and procedures associated with acceptance of parks in Mission Bay that would be followed as part of the Board of Supervisors acceptance action are taken in regard to the Port Commission's acceptance of Parks P22 and P19; and be it further

RESOLVED, The Port will continue to receive CFD #5 funds from OCII to pay for the park maintenance and operations until its expiration in fiscal year 2043-44.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of June 11, 2024.***

DocuSigned by:  
  
Secretary  
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126-0032024-197

May 6, 2024

Cathal Hennessy, Project Manager  
Infrastructure Task Force  
Department of Public Works  
49 South Van Ness, 9<sup>th</sup> Floor  
San Francisco, CA 94103

RE: Mission Bay South-Park P22 and P19 Public Infrastructure Improvements  
Consistency Determination

Dear Mr. Hennessy:

OCII has received your request regarding the Park P22 and P19 public infrastructure improvements and their consistency with the Mission Bay South Redevelopment Plan and Plan Documents.

OCII has reviewed the documents and related materials concerning the acceptance of the Park P22 and Park P19 public infrastructure improvements and other related actions thereto and finds them consistent with the Mission Bay South Redevelopment Plan and Plan Documents, and recommends that the Board of Supervisors or its designee accept the facilities on behalf of the City.

London N. Breed  
MAYOR

Thor Kaslofsky  
EXECUTIVE DIRECTOR

Bivett Brackett  
CHAIR

Dr. Carolyn Ransom-Scott  
Vanessa Aquino  
Tamsen Drew  
Kent Lim  
COMMISSIONERS

Sincerely,

Gretchen Heckman  
Project Manager

One S. Van Ness Ave.  
5th Floor  
San Francisco, CA  
94103

415 749 2400

www.sfocii.org

Cc: Thor Kaslofsky, OCII

**From:** [Yoyo Murphy](#)  
**To:** [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Cc:** [Carroll, John \(BOS\)](#); [Heckman, Gretchen \(CII\)](#); [Vanessa Gonzalez](#); [Miguel Guerrero](#)  
**Subject:** Support of File 240635, Mission Bay South – Parks P22 and P19 Acceptance  
**Date:** Monday, July 1, 2024 8:24:14 AM  
**Attachments:** [image001\[4\].png](#)  
[GSW Letter of Support - MB South Parks P22-P19 Acceptance FINAL.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Chair Melgar, Supervisor Peskin and Supervisor Preston – please find attached the Golden State Warriors’ letter of support related to File 240635 – Mission Bay South – Parks P22 and P19 Acceptance, which is slated to go before the Land Use Committee next week.

Thank you,  
Yoyo

**Yoyo Chan Murphy**

Senior Vice President, Government and Community Relations  
415.390.5305 (office) | 415.297.4649 (cell)



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June 28, 2024

Supervisor Myrna Melgar, Chair  
Land Use and Transportation Committee  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 250  
San Francisco, CA 94102

Subject: Support of File No. 240635, Mission Bay South – Parks P22 and P19 Acceptance

Chair Melgar:

On behalf of the Golden State Warriors and Chase Center, I am writing to support File No. 240635, which would delegate the acceptance of Mission Bay South Parks P22 and P19 from the Board of Supervisors to the San Francisco Port Commission. This ordinance is a crucial part of the opening of Bayfront Park (P22), a 5.4-acre open space located between Chase Center and San Francisco Bay.

Mission Bay has emerged as a thriving employment center, as well as a growing neighborhood with blossoming residential areas. Bayfront Park will be the waterfront centerpiece of Mission Bay and will include open lawns, a section of the Bay Trail, and multiple plazas, integrating with and improving access to adjacent open spaces.

As we mapped out the vision of Chase Center and Thrive City, the park was a critical piece of the overall project. Bayfront Park will be a beacon to neighbors and visitors alike, offering unparalleled views of the bay in a safe, clean and accessible location. The Warriors are thrilled that our investment in the Mission Bay neighborhood will complement this phenomenal community asset.

We are proud to lend our support towards this exciting project and urge the Committee and Board of Supervisors to move this ordinance forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Schneider".

Brandon Schneider  
President and Chief Operating Officer  
Golden State Warriors