



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 203189

Approving Exceptions to and/or Deferrals of Certain Conditions of Approval under Public Works Order No. 202,368 Associated with Final Map No. 9443; Approving Mission Rock Infrastructure Plan Amendments on File with Public Works.

WHEREAS, On October 5, 2017, the Planning Commission certified the Final Environmental Impact Report for Seawall Lot 337 and Pier 48 Mixed-Use Project (“EIR”), prepared pursuant to the California Environmental Quality Act (Cal. Pub. Resources Code §§ 21000 et seq.; hereafter “CEQA”) by Motion No. 20017 for the Seawall Lot 337 and Pier 48 Mixed-Use Project (“Project”), and approved CEQA findings and a Mitigation Monitoring Reporting Program pursuant to Motion No. 20018. On May 21, 2020, the Planning Department issued a note to file on the proposed project change addressed in this Order. The EIR and Planning Department analysis are incorporated herein by reference.

WHEREAS, On January 30, 2018, the Port Commission, through Resolution No. 18-03, approved the Disposition and Development Agreement by and between the Port and SWL 337 Associates, LLC, (“DDA”) concerning the development of the “Project Site” as defined in the DDA.

WHEREAS, On February 13, 2018, the Board of Supervisors adopted Resolution No. 44-18, approving the Memorandum of Understanding Regarding Interagency Cooperation (Mission Rock Project at Seawall Lot 337 and Pier 48) by and between the City, acting by and through the Mayor, the Board, the City Administrator, the Director of Public Works, the San Francisco Municipal Transportation Agency (“SFMTA”), and the San Francisco Public Utilities Commission (“SFPUC”), and the Port.

WHEREAS, On February 27, 2018, the Board of Supervisors adopted Ordinance No. 33-18 approving a Development Agreement for the Project between the City and County of San Francisco and SWL 337 Associates, LLC (“DA”) and adopted the environmental findings set forth in Motion No. 20019, on file with the Clerk of the Board of Supervisors No. 171313 and incorporated herein by reference.

WHEREAS, On February 27, 2018 the Board adopted Resolution No. 42-18 authorizing the approval of the DDA.

WHEREAS, On February 27, 2018, the Board adopted Ordinance No. 31-18, approving the Mission Rock Special Use District, Planning Code Section 249.80, which establishes zoning designations for the Property.

WHEREAS, On January 9, 2019, Seawall Lot 337 Associates, LLC (“Subdivider”) submitted an application requesting approval to subdivide the Project Site in two or more phases.

WHEREAS, On April 5, 2019, Subdivider submitted a written request for approval of various Design Modifications and Exceptions, as defined in the Subdivision Regulations, for alternative designs and relief from certain standard requirements from the Subdivision Regulations. The request was circulated

by the Director to all affected City agencies for review and comment. The Director held a public hearing on the proposed Design Modifications and Exceptions request on August 7, 2019 and received no public comment, and the Director signed Public Works Order No. 202,297 approving the Exceptions request on November 27, 2019.

WHEREAS, On December 13, 2019, the Director signed Public Works Order No. 202,368 (“Order No. 202,368” or “Conditions of Approval”) approving the Tentative Map subject to conditions of approval.

WHEREAS, Subdivider seeks approval of a final map for the first phase of the Project (“Final Map”) without having satisfied all conditions of approval imposed by Public Works Order No. 202,368.

WHEREAS, Subdivider submitted a subsequent request for exceptions from, and deferral of, certain conditions of approval imposed by Order No. 202,368, which request is appended hereto as Attachment 1.

WHEREAS, Subdivider has requested amendments to the Mission Rock Infrastructure Plan, which amendments are appended hereto as Attachment 2.

NOW THEREFORE BE IT ORDERED THAT:

The Director approves the exceptions and grants the deferrals described below, based on the findings and subject to the conditions stated herein. Unless otherwise provided herein or by a subsequent action of the Director, the conditions below must be satisfied prior to the issuance of any permit, including a street improvement permit, to construct improvements within the boundaries of Tentative Map No. 9443.

Exception No. 1

Deferral of Public Works – Bureau of Street Use and Mapping – Permits Division Condition of Approval No. 2 requirement for a Major Encroachment Permit for private utilities located in the public right-of-way.

Order No. 202,368 Department of Public Works - Bureau of Street Use and Mapping - Permits Division (“Permits Division”) Condition of Approval No. 2 requires a Major Encroachment Permit (“MEP”) for private utilities located in the public right-of-way. Subdivider proposes the use of a district energy system (“DES”) that will provide heated and chilled water to buildings within the Project and thereby reduce reliance on electricity for building heating and cooling. Subdivider also proposes the use of a Black Water Treatment Plant (“BWTP”) to provide recycled non-potable water to buildings within the Project to comply with the City’s Non-Potable Water Ordinance. The DES and non-potable water system include infrastructure that will be in future public right-of-ways.

The DES and non-potable water infrastructure will be not be dedicated for acceptance by the City, and instead will be owned by a private non-profit corporation, Mission Rock Utilities (“MRU”). MRU will apply for, and obtain, a master major encroachment permit (“MEP”) before any future right-of-ways are accepted for public dedication by the Board of Supervisors. There are no other private utilities proposed to be located within public right-of-ways. This exception will allow the City to ensure the MEP covering

the DES and BWTP has been fully negotiated and approved without unnecessarily delaying the Final Map.

- The application of the Permits Division Condition of Approval No. 2 would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Document and City Regulations
The City will not be asked to accept, and will not consider acceptance of, right-of-ways including any DES facilities unless and until the Board of Supervisors has approved the MEP or the City has otherwise modified the condition pursuant to applicable procedures. Implementation of the Condition of Approval now would require a potentially significant delay in the Final Map as the parties conclude negotiation and preparation of the encroachment agreement and MEP, which would need to be approved through a separate Board of Supervisors legislative process. Subdivider indicates this requirement would delay approval and execution of Parcel Leases and Vertical Disposition and Development Agreements as contemplated by the DDA. Satisfaction of the condition of approval at this time would result in practical difficulties and unnecessary hardships inconsistent with the purposes of the Project's governing documents and the governing City regulations.
- Granting the deferral of Permits Division Condition of Approval No. 2 will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated
Granting of the deferral will not be materially detrimental to the public welfare or injurious to other property in the area. As described above, the City will not consider acceptance of right-of-ways that include DES and non-potable water infrastructure unless and until the Board of Supervisors has approved the MEP or the City has otherwise approved the facilities. Accordingly, all authorizations will be obtained before the applicable right-of-ways become open to the public.
- Granting the deferral of Permits Division Condition of Approval No. 2 will not be contrary to the Project Documents or City Regulations
The granting of the deferral will not be contrary to Project documents or approvals or any governing City regulations. Granting the deferral will permit the approval and recordation of a Final Map, which is necessary to proceed with the disposition of property and commencement of infrastructure as contemplated by the DDA. Even with the deferral of the condition, there will be no private infrastructure within public right-of-ways prior to the approval of the MEP. Accordingly, the deferral is consistent with Public Works Code Section 786 and the intent of the Condition of Approval.
- Granting the deferral of Permits Division Condition of Approval No. 2 is not in violation of the Subdivision Map Act
Deferral of this Condition of Approval does not violate the Subdivision Map.

Exception No. 2

Deferral of Public Works – Bureau of Street Use and Mapping – Permits Division Condition of Approval No. 8.

1. In accordance with Public Works Order No. 202,368 Department of Public Works - Bureau of Street Use and Mapping - Permits Division Condition No. 8 ("Condition 8") subsection (b), the City selected a three-member panel of professional engineers ("Technical Advisory Panel") to evaluate the technical merit, design assumptions, engineering studies, and conclusions regarding Subdivider's proposed light weight cellular concrete ("LCC") Infrastructure Designs.

2. Starting in September 2019, the Technical Advisory Panel began the analysis of the technical performance and safety of the LCC Infrastructure Designs based on criteria and variables identified by the Technical Advisory Panel and City agencies, including the Public Works Bureau of Engineering, the Public Works Infrastructure Task Force, the SFPUC, and the San Francisco Port (the "Port"). The Technical Advisory Panel's evaluation included the use of public improvements above and below the property, maintenance and excavation requirements, geologic, soils, and hydrological conditions, and the interface of infrastructure at the Project's boundaries.
3. The Technical Advisory Panel issued a "Preliminary Technical Review Report" dated December 20, 2019 and "Preliminary Technical Review Report (Draft Addendum)" on March 12, 2020 ("Draft Reports") summarizing the Technical Advisory Panel's findings and recommendations. Representatives of City agencies independently evaluated the Draft Reports and submitted questions and comments to the Technical Advisory Panel, including, but not limited to, comments in the letter from the Acting Deputy Director of Public Works and City Engineer to the Chief Harbor Engineer, dated April 3, 2020.
4. Subdivider installed the LCC Pilot as required by Condition 8.c. under the supervision of the City and with the consultation of the Technical Advisory Panel. The LCC Pilot was constructed on the Project Site in a 25 foot by 29-foot area to a depth of 14 feet. The location of, and materials used for, the LCC Pilot were approved by the City (including pursuant to a Port permit with input from Public Works and SFPUC) and in consultation with the Technical Advisory Panel, and the LCC Pilot was intended to replicate Subdivider's proposed use of LCC. Representatives of Public Works, the Port and the PUC are evaluating the LCC Pilot along with the Technical Advisory Panel's Draft Reports. These representatives have performed numerous on-site field observations and evaluations including a recent field observation and test conducted on May 15, 2020. The City and developer representatives continue to assess and evaluate the results of that field study.
5. The Technical Advisory Panel issued that certain "Final Addendum to the Technical Review Report" on May 7, 2020 ("Technical Review Report"). The Technical Review Report includes proposed technical performance and safety criteria for LCC that address, among other things, the effects of settlement, uplift and pipe ruptures ("Proposed Performance Criteria"). As contemplated by Condition 8.b., the Technical Review Report evaluates the proposed LCC Infrastructure Designs for consistency with the Proposed Performance Criteria and the interaction between LCC with building foundations and substructures, as well as the modeling assumptions used to evaluate seismic activity. The Technical Review Report is informed by the Technical Advisory Panel's review of the LCC Pilot to date.
6. The City, including the City Engineer, is evaluating the Technical Review Report to determine if the report satisfies the requirements of Condition 8.b. or needs additional analysis and resolution of outstanding issues. When the City Engineer, in her own discretion and in consultation with affected City agencies, determines that the Technical Review Report and any additional studies, analysis, evaluation, and engineering review deemed necessary are complete and final, and the reasonableness and technical merit of the LCC Infrastructure Designs have been adequately demonstrated, the City Engineer will adopt the "Approved Criteria" pertaining to LCC Infrastructure, as described in Condition 8.d. This action will require a subsequent Public Works Order.
7. In furtherance of Condition 8.h., Subdivider and City staff have negotiated an initial Public Improvement Agreement ("PIA"), which will be presented to the Board of Supervisors for

approval concurrent with the Final Map. The PIA includes a requirement that it be amended subsequent to the adoption of Approved Criteria, as described herein, and prior to issuance of any construction permit for LCC Infrastructure. The PIA also includes terms regarding Subdivider's obligation to address the "Initial Warranty" and the "Extended Warranty" as defined by Condition 8.f., as applicable.

Provisions of Condition 8 requested for deferral including, but are not limited to, the following:

A. Condition 8.d.

Condition 8.d. requires the City Engineer, in consultation with the Affected City Departments, to adopt a set of final performance criteria for LCC infrastructure design through a subsequent Public Works Order.

Subdivider has submitted proposed LCC Infrastructure Designs (as defined in Order No. 202,368) for review by the City and an independent Technical Advisory Panel. The City Engineer and affected City agencies are currently vetting the Technical Review Report described in Condition 8.b. and the results of the LCC Pilot described in Condition 8.c. The City's review must be completed, and Approved Criteria must be adopted through a subsequent Public Works Order, as a condition to Subdivider constructing LCC. By deferring this condition, the City Engineer retains the discretion to adopt Approved Criteria or authorize the use of LCC, in accordance with Condition 8.d., until after the Final Map is recorded but prior to any further authorization to construct LCC pursuant to a street improvement permit or similar authorization. This exception will allow the City to continue its independent technical review of proposed LCC infrastructure without unnecessarily delaying the Final Map.

B. Condition 8.l.

Condition 8.l. requires Subdivider, working with the City, to draft proposed amendments, if required, to the Public Works Code and corresponding Public Works regulations and the Port Code that will govern LCC, and to work with the City to finalize such amendments and regulations for the consideration of the Board of Supervisors, the Public Works Director, the City Engineer, and the Chief Harbor Engineer.

The Port and the City will consider amendments to the Public Works Code and regulations, as well as any amendments to the Port Code, following the City Engineer's adoption of "Approved Criteria" for the use of LCC as contemplated by Condition 8.d. through a subsequent Public Works Order, if and when the City Engineer determines that adoption of Approved Criteria is warranted. The Approved Criteria will inform the content of any amendments to the Codes and/or regulations. This exception will allow the Port and the City to wait until these items are complete before evaluating legislative amendments.

C. Condition 8.m.

Condition 8.m. requires notice to be recorded with respect to all lots adjacent to streets with LCC separately from the CC&Rs informing building and/or condominium owners of their responsibility for repair and liability for unsafe conditions in the sidewalk in accordance with Municipal Code provisions. The notice must also include notice of financial responsibility for maintenance and repair of all flexible lateral connections.

The Port prefers to draft the Notice of Special Restrictions (“NSR”). That NSR is being drafted and will be recorded after the Final Map is approved but before Parcel Leases are executed for the various development lots. Under the DDA, the Parcel Leases are the manner in which vertical developers obtain a real property interest in the development lots. Notice will be recorded before dispositions of development lots to entities other than Subdivider, as contemplated by Condition 8.m. This exception will allow time for the NSR to be drafted and considered deliberately without unnecessarily delaying the Final Map.

- The application of Condition 8 would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Document and City Regulations.
 Application of any of the unfulfilled requirements of Condition 8 at this time would either delay recordation of the Final Map (and cause associated delays in project dispositions and the commencement of infrastructure construction) or potentially result in incomplete or inappropriate legislative amendments under Condition 8.l. The City has conducted extensive due diligence to date, but the City believes that additional evaluation would be prudent and necessary prior to adopting a final determination with respect to the use of LCC. It is appropriate to delay application of the Condition of Approval until after the City Engineer and City agencies have had a sufficient opportunity to complete review of Subdivider’s LCC proposal, the Technical Review Report, and the results of the LCC Pilot. Also, in regard to Condition 8.m., the Port prefers to finalize the content of the NSR after the Final Map records but before Parcel Leases are executed because attempting to do so now before such documentation is final would result in practical difficulties and unnecessary hardship. Consequently, imposition of the Condition 8.m. at this time would delay the approval of the Final Map and associated dispositions of property and the commencement of horizontal improvements.
- Granting the deferral of Condition 8 will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 The granting of the deferral will not be materially detrimental to the public welfare or injurious to other property. All outstanding and unresolved technical advisory and design review required under Condition 8 may continue to proceed after the Final Map is approved, but must be completed before the City approves permits for any right-of-ways or other improvements proposed for use of LCC. Installation of LCC, if authorized, will be subject to a future Public Works Order approving its use, as contemplated by Condition 8.
- Granting the deferral of Condition 8 will not be contrary to the Project Documents or City Regulations.
 The granting of the deferral will not be contrary to the Project documents or approvals or City regulations. Condition 8 sets forth conditions necessary to authorize the use of LCC. And, in furtherance of Condition 8.a. and as set forth below, the Director approves an amendment to the Project’s Infrastructure Plan is specifically to reflect the potential use of LCC as part of a site grading strategy for the Project. Moreover, the City and the Port, with Subdivider’s assistance, will pursue any required legislative amendments regarding use of LCC prior to the dedication of any right-of-ways or other improvements for public use as contemplated under Condition 8.l.
- Granting the deferral of Condition 8 is not in violation of the Subdivision Map Act
 The Subdivision Map Act does not preclude the granting of the deferral of Conditions of Approval addressing the proposed use of LCC.
- The deferral of Condition 8 is subject to the following condition
 Upon the Director’s adoption of this Order, Subdivider, upon request from the City, shall initiate payments for purposes of reimbursement to the City for its reasonable and actual costs of engaging a third-party engineering consultant to perform peer review of the Technical Review Report, dated May 8, 2020, including any subsequent analysis and modifications that the City

requires. Subdivider's reimbursement obligation under this condition shall include the City's reasonable and actual costs expended to engage consultants to evaluate LCC and associated infrastructure, including stone pillars, as proposed in the street improvement plans associated with the Final Map.

Exception No. 3

Deferral of Port Condition of Approval No. 5 requiring a license including consideration of rent for proposed DES facilities or other private utilities and service providers.

Port Condition of Approval No. 5 requires Subdivider and the Port to agree on a form of license, including consideration for rent within the Port's rent parameter then in effect, for the proposed DES facilities or other private utilities or 3rd party service providers, prior to the approval of the Final Map.

Subdivider, MRU and the Port will negotiate form of license for DES and non-potable water facilities as contemplated by the Condition of Approval. Negotiations will need to conclude and culminate in a license or other agreement satisfactory to the Port prior to the acceptance of Port Open Space improvements by the Port in which DES and non-potable water facilities are located. This exception will allow for the completion of negotiations without causing unnecessary delays to the Final Map, dispositions, and the commencement of horizontal improvements.

- The application of Port Condition of Approval No. 5 would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Document and City Regulations
Application of the Condition of Approval would result in practical difficulties and unnecessary hardship, as it would prevent the approval and recordation of the map and cause commensurate delays in dispositions and the commencement of horizontal improvements. The Port, MRU and the Subdivider are engaged in negotiations, and it is necessary for the license to be finalized before the acceptance of Port Open Space improvements by the Port. Therefore, this Condition of Approval need not be implemented prior to approval of the Final Map.
- Granting the deferral of Port Condition of Approval No. 5 will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated
Granting the deferral will not be materially detrimental to the public welfare and it will not be injurious to other property. As described above, Port Open Space improvements will only be accepted by the Port if the Port agrees to a license or other agreement allowing for the DES and non-potable water facilities. Thus, there will be no material detriment to the public by deferring the Condition of Approval because the Port will need to approve an agreement for DES before acceptance of Port Open Space improvements by the Port. Deferral of the Condition of Approval will have no impact on other property.
- Granting the deferral of Port Condition of Approval No. 5 will not be contrary to the Project Documents or City Regulations
Granting the deferral will not be contrary to the Project document or approvals or applicable City or Port regulations. Neither the Project documents nor the City nor Port regulations require approval of a license before a Final Map is approved. The license or other agreement must be approved before acceptance of Port Open Space improvements by the Port, which is consistent with Port requirements.
- Granting the deferral of Port Condition of Approval No. 5 is not in violation of the Subdivision Map Act
The timing of the Port's approval of a license for DES facilities is not implicated by the Subdivision Map Act.

Exception No. 4

Deferral of Port Condition of Approval No. 6 requirement to obtain egress rights from the Port prior to submitting a related Phased Final Map for Lot 1.

Port Condition of Approval No. 6 requires that, on a related Phased Final Map for Lot 1, if Subdivider intends to use Lot A or Lot G for egress, Subdivider must obtain egress rights from the Port prior to submitting the related Phase Final Map. The form of egress rights may be a letter from the Port subject to approval of a Site Permit for development on Lot A or Lot G.

Port and Subdivider have engaged to address the preferred means of establishing egress rights as contemplated by the Condition of Approval. The Parcel Lease is the mechanism under the DDA pursuant to which development lots are conveyed from the Port to vertical developers. The Port prefers to address egress for the lots identified in the Condition of Approval through the Parcel Leases for the subject lots. This exception would allow the Port and Subdivider to determine egress rights through the Parcel Leases without unnecessarily delaying the Final Map and horizontal development.

- The application of Port Condition of Approval No. 6 would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Document and City Regulations
Application of the Condition of Approval would result in practical difficulties and unnecessary hardship by delaying the approval and recordation of the Final Map and causing delayed dispositions and also delaying the commencement of horizontal improvements. Implementation of the Condition of Approval at this time is not necessary as there is no need for egress to the development lots until such time as there is a conveyance of those lots to vertical developers pursuant to a Parcel Lease.
- Granting the deferral of Port Condition of Approval No. 6 will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated
The granting of the deferral will not be materially detrimental to the public welfare or injurious to other property in the area. As described above, the Port will address egress as required by the Condition of Approval pursuant to the Parcel Leases, and the issue of egress rights is not implicated until such time as there is a conveyance of development lots to a vertical developer. Accordingly, the Condition of Approval will be fully addressed by the time that egress rights are necessary. This deferral will have no impact on other properties.
- Granting the deferral of Port Condition of Approval No. 6 will not be contrary to the Project Documents or City Regulations
Granting the deferral of the Condition of Approval is not contrary to any Project documents or approvals or relevant City or Port regulations. The DDA establishes a specific process for the disposition of properties to vertical developers. Ensuring that egress for development lots will be addressed as part of the Parcel Leases is consistent with the DDA. Deferral of the condition is not contrary to any City or Port regulations.
- Granting the deferral of Port Condition of Approval No. 6 is not in violation of the Subdivision Map Act
Deferral of the Condition of Approval until such time as there is a Parcel Lease in place that provides for the disposition of a lot to a vertical developer is not in violation of the Subdivision Map Act.

Exception No. 5

Exception to the 10-day notice requirements for Director's hearing pursuant to the Subdivision Code of the City and County of San Francisco.

The Subdivision Code of the City and County of San Francisco requires ten days' notice prior to holding a public hearing concerning exceptions, waivers or deferrals of conditions of approval.

Due to extenuating circumstances surrounding the COVID-19 pandemic, the Director held a public hearing to consider Subdivider's request for the above-described exceptions and deferrals after providing seven days' notice of the hearing. Notice was published in the San Francisco Examiner starting on May 14, 2020 and was published through the date of the hearing on May 21, 2020. The Director previously held a public hearing to consider the Tentative Map and the adoption of Order No. 202,368, and the Director held an additional public hearing prior to the adoption of Order No. 202,297, both of which were preceded by ten days' notice and neither of which resulted in any public comment. The Final Map will be subject to an open public meeting process subject to all applicable notice and comment requirements. Accordingly, granting this exception has been determined to be reasonable to avoid unnecessary delays in processing the Final Map in light of extenuating circumstances.

- The application of the Subdivision Code's 10-day notice requirement would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Document and City Regulations
 Application of the 10-day notice requirement would result in practical difficulties and unnecessary hardship. In the intervening time period between our approval of the Tentative Map on December 13, 2019 and the hearing to consider approval of the Final Map held on June 2, 2020, the City, San Francisco Bay Area, and the State of California have been struck by an unprecedented COVID-19 pandemic that has resulted in the hospitalization and death of numerous Californians, including dozens of confirmed fatalities in the City and County of San Francisco. On March 4, 2020, the Governor declared a state of emergency, and the County of San Francisco and other Bay Area Counties remain subject to local shelter-in-place orders. As a result of these unforeseen developments, the City is unable to conduct public hearings in strict accordance with its usual procedures, and has taken informal steps and adopted policies to mitigate the effects on development projects subject to ongoing review by the City. In recognition of the flexibility demanded in response to the COVID-19 pandemic, the Director determined that the most appropriate time that would allow for the greatest participation by both the public and interested City officials would be May 21, 2020. Strict adherence to the ten-day notice requirements, in lieu of the seven-day notice provided for this hearing, would potentially cause significant delays to the approval and recordation of the Final Map (and associated delayed dispositions and also delaying the commencement of horizontal improvements), and the approval process for the Project will allow further opportunities for public review and comment at a later time.
- Granting the exception to the Subdivision Code's 10-day notice requirement will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated
 The granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the area. As described above, the City selected a date and time for the hearing it determined would maximize the potential for participation without causing unnecessary delays to the Final Map approval. Further opportunities for public input will be afforded in connection with the further approvals required prior to construction of improvements.
- Granting the exception to Subdivision Code's 10-day notice requirements will not be contrary to the Project Documents or City Regulations

Granting the exception is not contrary to any Project documents or approvals or City regulations. As discussed above, while ordinarily the Subdivision Code requires 10 days' notice prior to a Directors' hearing, extenuating circumstances associated with the COVID-19 pandemic have been found to justify minor deviation from 10-day notice requirements.

- Granting the exception to Subdivision Code's 10-day notice requirements is not in violation of the Subdivision Map Act

Granting the exception is not in violation of the Subdivision Map Act. Public notice requirements for Directors' hearings relating to exceptions, waivers and deferrals of tentative map conditions of approval arise under the City's Subdivision Code, and extenuating circumstances associated with the COVID-19 pandemic justify the deviation from 10-day notice requirement.

Approval of Mission Rock Infrastructure Plan Amendments on File With City

The project area encompassed by Tentative Map 9443 is subject to the Mission Rock Infrastructure Plan. Pursuant to that certain Memorandum of Understanding Regarding Interagency Cooperation for the Development of the Mission Rock Project at Seawall Lot 337 and Pier 48, dated as of August 15, 2018 ("ICA"), the proposed Mission Rock Infrastructure Plan Amendments on file with Public Works (see Attachment 2) require approval by the Port Commission, the Mayor, and the affected City Agencies that have consented to the ICA as to matters within their exclusive jurisdiction. By this Order, the Director approves the Mission Rock Infrastructure Plan Amendments on file with Public Works, subject to the approval of Mayor Breed, the Port Commission, and all other required City agencies and parties.

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