



Infrastructure Task Force

DPW-ITF@sfdpw.org | 49 South Van Ness Ave. 9th Floor, San Francisco, CA 94103

November 21, 2024

Mission Rock Horizontal Sub (Phase 1), LLC
Julian Pancoast
Vice President, Real Estate Development, San Francisco Giants
Oracle Park | 24 Willie Mays Plaza
San Francisco, CA 94107

Subject: Mission Rock Phase 1A Public Improvements (Street Improvement Permit #20IE-00486)
Conditional Notice of Completion

Dear Mr. Pancoast,

This letter is in response to the request from Mission Rock Horizontal Sub (Phase 1), LLC, on May 3, 2024 for a Notice of Completion (NOC) for Mission Rock Phase 1A Public Improvements (Street Improvement Permit #20IE-00486, as amended by Instructional Bulletin).

The City has reviewed the status in the field, the plan documents, testing documentation and the recommendation of Public Works Bureau of Construction Management (SFPW-BCM). Based on our review, San Francisco Public Works hereby grants a Conditional Notice of Completion for the limits of work illustrated in Attachment 1. The following items must be completed prior to Board of Supervisors consideration of acceptance of the improvements:

- Provide remaining items required for SFPW-Geotechnical confirmation of compliance with Public Works Order 205087, Exhibit 1 Section III LCC Design Criteria including:
 - GEOR responses on LCC calculations package and information required for SFPW approval
- Provide AutoCAD as-built file with incorporated redlines.
- Install NEMA 3RX or NEMA 4X enclosure for the combined pedestal housing the electrical panel and irrigation controller at 1070 Bridgeview Way.
- Label streetlight poles on Toni Stone Crossing, Bridgeview St., and Dr. Maya Angelou Lane in conformance with SFPUC standard plan PE2656.07.
- Replace pull boxes for streetlights excluded from SFPUC streetlighting system. Lids should be labeled with the correct owner's identification. Replace pull box lid on the east side of Bridgeview St. with a blank lid.
- Complete connecting wiring for streetlight Service Box at Toni Stone and Bridgeview SE corner
- Complete reroute of streetlight service for pole G13P0193. Pending inspection by SFPUC once remaining PUC-Streetlights punchlist items are complete.
- Install temporary crosswalk striping at Pier 48 crossing bike path at the north crossing of the Bay Trail at Toni Stone/TFB.
- Submit Landscape Maintenance Manual and obtain Agency approval

- Developer to complete any required punchlist work required for curb ramp on the west side of 3rd St at Toni Stone that is pending SFPW-DAC inspection for compliance with plans, specs, and ADA standards.
- Transfer all required Spare Parts except for those formally approved for deferral through Public Works Order 210720
- Demonstrate Compliance with Public Works Order 202368 - Tentative Map Conditions of Approval, Bureau of Streets and Mapping - Permits Division: 8f, 8g, 8i, 8k

The following items must also be completed, but will not prevent Public Works recommendation for acceptance by the Board of Supervisors:

- Complete installation of replacement sanitary sewer force main that was damaged by the Project to restore service to the 3rd St Pilot House by 6/30/25.
- Complete all work deferred through Public Works Order 210720 including compliance with conditions for approval. Subdivider shall submit a letter confirming completion of all deferred work and satisfaction of stipulated conditions prior to final signoff by San Francisco Public Works and other City Agencies and prior to effectuating the acceptance of deferred facilities. This includes but is not limited to:
 - Complete all 3rd Street Traffic Signal Infrastructure and connected streetlights
 - Submit completed Record Drawing sets in PDF and CAD to include all deferred work
 - Transfer all required Spare Parts
 - Provide Street Room and Wayfinding Sign Record Drawings
 - Support SFMTA/SSD for remaining crosswalk striping at the north crossing of the Bay Trail at Toni Stone/TFB in front of Pier 48.
 - Support SFMTA/SSD for completion of remaining striping on 3rd St and implementation of signalized intersection

Additionally, the following is noted:

- PUC will require inspection of the streetlight conduit currently located within the Phase 1 interim planter area on Dr Maya Angelou Lane & Channel St, in Phase 2 if it is to be offered as part of SFPUC streetlighting system.
- SFPUC will not be responsible for restoration of special surfaces over streetlight infrastructure.
- Following acceptance, a final walkthrough with SFPW-BUF shall be coordinated to initiate transfer of street trees into BUF maintenance district.
- Continued compliance pursuant to Public Works Order 207782 is required through the Initial and Extended Warranty periods as defined in the Public Improvement Agreement and Public Works Order 202368 (Tentative Map Conditions of Approval)

Please contact me with any questions or concerns.

Sincerely,

Shawna Gates, PE
Project Manager

Attachments: 1. Exhibit showing Conditional NOC Limits
2. Subdivider's Request for Notice of Completion, dated 5/3/24
3. Public Works Order 210720 – Approving certain deferrals beyond Notice of Completion

CC: Carla Short, SFPW
Albert Ko, SFPW
Denny Phan, SFPW
Elliot Ryan, SFPW
Nicole Spadone, SFPW
Molly Petrick, SFPUC
Brandy Batelaan, SFPUC
Norman Wong, SFMTA
Victoria Chong, SFMTA
Robin Havens, OEWD
Chris Murphy, Tishman Speyer

Attachment 1

Mission Rock Phase 1A Conditional NOC Limits of Work





May 3, 2024

Ms. Carla Short, Director of Public Works
San Francisco Public Works – City and County of San Francisco
c/o Shawna Gates, Project Manager – Infrastructure Task Force, Mission Rock Phase 1 Project
49 South Van Ness Avenue, 9th Floor
San Francisco, California 94103

Re: Mission Rock Project – Request Final NOC for San Francisco Public Works Street Improvement Permit #20IE – 00486

Dear Director Short:

On October 10, 2020, Seawall Lot 337 Associates, LLC, the master developer for the Seawall Lot 337 & Pier 48 Mixed-Use Project, received conditional approval from Public Works for Mission Rock Phase 1 Street Improvement Permit (“SIP”). I am happy to report that the Permit conditions have all been met and Mission Rock Phase 1 improvements are now substantially complete and ready for their intended use, except for a limited amount of improvements requested for deferral under separate cover.

Consistent with Sections 6.a-b of the Mission Rock Phase 1 Public Improvement Agreement (“PIA”, as amended), we submitted a Letter of Intent to Request Notice of Completion (“NOC”) on January 12, 2024, fulfilling our requirement to provide 90-day notice prior to requesting NOC. On March 8, 2024 we submitted a subsequent letter clarifying that the requested NOC would be the Final (and only) Notice of Completion, and we intend to commence the Initial Warranty Period upon issuance of the Final NOC.

This letter serves as the Subdivider’s request for Final Notice of Completion and commencement of the Initial Warranty Period for the Mission Rock Phase 1 improvements permitted by San Francisco Public Works in Street Improvement Permit #20IE – 00486 for work within dedicated Rights-of-Way and Port Open Space in accordance with the PIA. We have requested the deferred completion for certain improvements, as described in our letter, *RE: Mission Rock Public Improvement – Phase 1 – SIP#20IE-00486, Subdivider’s Request for Deferral of Certain Scopes of Work beyond NOC; Request for Extension of Time to Complete Improvements Under Section 2(b) of the Mission Rock Phase 1 Public Improvement Agreement*. Other than the aforementioned deferred items, we have provided all materials required to obtain Final NOC to Public Works and the other Acquiring Agencies, as described in PIA Section 2.(c)(ii) and Exhibit F-1.

Sincerely,

A handwritten signature in black ink, appearing to read "Julian", with a long, sweeping horizontal line extending to the right.

Julian Pancoast
Mission Rock Horizontal Sub (Phase 1), LLC

cc. Shawna Gates, Molly Petrick, Paul Chasan, Norman Wong, Robin Havens, Chris Murphy, Elliot Ryan, Nicole Spadone



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

Public Works Order No: 210720

Approving Certain Exceptions to the San Francisco Subdivision Code, Subdivision Regulations, and Tentative Map Conditions of Approval to Authorize Issuance of a Final Notice of Completion of Completed Public Improvements Constructed Under Street Improvement Permit No. 201E-00486 for the Mission Rock Phase 1 project. Notwithstanding the Deferral of Completion of Certain Improvements as Defined Herein; and Recommending that the Board of Supervisors Authorize the Director to Accept and Publicly Dedicate Such Public Improvements Following Developer’s Compliance With or Satisfaction of All Conditions of the Exceptions.

WHEREAS, Pursuant to the Subdivision Map Act of California, Title 7, Division 2 of the Government Code, commencing with Section 66410, the Board of Supervisors adopted the San Francisco Subdivision Code (referred to hereafter as the “Subdivision Code”) and the Department of Public Works adopted the 2015 Subdivision Regulations through Department of Public Works Order 183447 (the “Regulations”); and

WHEREAS, The Department of Public Works, acting through its Director (“Director”), is the Advisory Agency for all purposes of the Subdivision Code and the Regulations; and

WHEREAS, The Subdivision Code and the Regulations apply to the subdivisions depicted in Final Map No. 9443, recorded June 12, 2020, in Book 01 of Final Maps, pp. 28 - 38, as Document No. 2020-K940602 of Official Records (“Official Records”) of the City and County of San Francisco (“City”); and

WHEREAS, On March 6, 2018, by Ordinance No. 33-18, the City approved a Development Agreement between the City and Seawall Lot 337 Associates, LLC (“Developer” or “Subdivider”) which is recorded in the Official Records as Document No. 2018-K656939-00 (the “DA”); and

WHEREAS, Pursuant to the DA, Subdivider is obligated to construct horizontal infrastructure and public improvements (“Required Infrastructure”); and

WHEREAS, Construction of the Required Infrastructure was authorized pursuant to the Public Improvement Agreement – Mission Rock Phase 1, approved by the Board of Supervisors on June 2, 2020 and recorded in the Official Records of the City on June 12, 2020 as Document No. 2020-K940619-00 (as amended, the “PIA”), and Street Improvement Permit No. 201E-00486, as amended (the “SIP”); and

WHEREAS, Pursuant to the Code and Section III(A) of the Regulations, the Director may approve exceptions to any of the substantive requirements set forth in the Code and the Regulations; and

WHEREAS, The Subdivision Code and the Subdivision Regulations (see e.g., Appendix A, § VII.D) provide that the City will only consider full, complete and functional public streets for purposes of City maintenance and responsibility; and

WHEREAS, On May 28, 2024, Subdivider submitted to the Director a request for fourteen (14) exceptions to the Code and Regulations (the “Deferral Request Letter,” attached as Exhibit A), including for deferral of certain obligations to complete Required Infrastructure; and

WHEREAS, Subdivider requests exceptions from the approved and permitted Required Infrastructure described in the SIP and the PIA to defer the completion of certain improvements beyond NOC and acceptance by the Board of Supervisors, all of which are described in the Deferral Request Letter:

- Exception No. 1 – Deferral of 3rd Street Traffic Signal Infrastructure and connected streetlights, related Spares and As-Built associated localized sidewalk concrete panels at foundations, minor restriping and signage
- Exception No. 2 – Deferral of Recorded NOC, Lien Notification, and Mechanics Lien Guarantee and Title Report until after Traffic Signal scope is complete
- Exception No. 3 – Deferral of Final PG&E acceptance and pressurization of Gas Lateral to Parcel F
- Exception No. 4 – Deferral of Various minor finishes at sidewalk areas surrounding Parcel F
- Exception No. 5 – Deferral of PIA Exhibit F-1 Item #22. Final Draft Form of Master Major Encroachment Permits (MMEPs) associated with both Mission Rock Utilities (MRU) & SF Port
- Exception No. 6 – Deferral of PIA Exhibit F-1 Item #17. Spare Parts
- Exception No. 7 – Deferral of PIA Exhibit F-1 Item #21. Corporate Guaranty for Extended Warranty
- Exception No. 8 – Deferral of Commissioned Street Lights south of Toni Stone and installation of Solar Lights on TFB
- Exception No. 9 – Deferral of the SFPUC-requested Toni Stone and Dr. Maya Angelou Street Light Box Consolidation
- Exception No. 10 – Deferral of the Final Punch List completion for Street Rooms #A, 4 & 6, and elimination of the “Lounge” Street Room #5
- Exception No. 11 – Deferral of Terry A. Francois Blvd/Toni Stone Intersection SFMTA-performed striping and signage
- Exception No. 12 – Deferral of PIA Exhibit F-1 Item #10. As-built Plan Approval Letter
- Exception No. 13 – Deferral of Wayfinding Signage
- Exception No. 14 – Deferral of Final Testing of the Stormwater Treatment Area in South Dr. Maya Angelou and the Centralized Stormwater Treatment Area China Basin Park; and

WHEREAS, Subdivider also requests an extension of the completion milestone specified in Section 2(b) of the PIA, which required completion of infrastructure within three (3) years of recordation of the Final Map, which occurred on June 12, 2020; and Subdivider requests approval to complete the Required Infrastructure, inclusive of the improvements being requested for deferral by this letter, by December 31, 2024; and the additional time to complete the improvements is necessary because of extended timeframes for engineering and related approvals and supply chain constraints that have impacted procurement; and

WHEREAS, Collectively, approval of the exceptions to allow for deferral of the installation, completion or operation of the Required Infrastructure as described herein and in the Deferral Request Letter will allow the Director to issue a Final Notice of Completion (“NOC”), as described in the Subdivision Code and in the PIA for Required Infrastructure completed in compliance with the PIA and the SIP and which is otherwise ready for its

intended use, subject to Subdivider's compliance with and/or satisfaction of all the conditions of the exceptions granted herein; and

WHEREAS, Based on the issuance of the Final NOC for qualifying Required Infrastructure, subject to approval of the above exceptions, the Director and the City Engineer are prepared to make a recommendation that the City's Board of Supervisors authorize the Director to accept and publicly dedicate the public improvements following the satisfaction of all of the conditions of the exceptions granted herein; and

WHEREAS, The Director published notice of a public hearing to consider these requests in accordance with the requirements of the Code and the Regulations; and

WHEREAS, On June 26, 2024, the Director held a public hearing to solicit public comment on the requested exceptions and no public comment was received; and

WHEREAS, According to the Subdivision Code and the Regulations, upon application by a subdivider, the Director may authorize exceptions, waivers, or deferrals to any of the requirements set forth in the Subdivision Code or Subdivision Regulations that are not in violation of the Subdivision Map Act, if the Director finds: (1) that the application of certain provisions of the Code or the Subdivision Regulations would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Documents and City Regulations (both as defined in the Subdivision Code); (2) that the granting of such exception, waiver, or deferral will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated; and (3) that the granting of such exception, waiver, or deferral will not be contrary to the Project Documents or City Regulations;

NOW, THEREFORE, BE IT ORDERED THAT:

The Director finds that granting these fourteen (14) exceptions is consistent with Subdivision Code Section 1712 and the Regulations, as follows:

- ***Subdivision Code § 1712(b)(1): Absent the exceptions requested by Subdivider, the application of the provisions of the Subdivision Code, the Subdivision Regulations, the Tentative Map Conditions of Approval, and the scope of the Street Improvement Permit that correspond to the deferrals requested by Subdivider would result in practical difficulties and unnecessary hardships inconsistent with the Project approvals and the City Regulations.***

The public use and benefits of the Mission Rock Phase 1 infrastructure is necessary for the delivery of market rate and affordable housing, open space, office space, retail, and other public benefits. The denial of requested deferrals to enable the NOC and acceptance of the completed portion of the Required Infrastructure and delay to the City's acceptance of infrastructure required to support housing, retail and other public benefits would result in unnecessary hardships to the project and surrounding community.

- ***Subdivision Code § 1712(b)(2): Granting of the exceptions 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 exceptions, waivers, or deferrals the Subdivider has requested will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is

situated provided that the conditions applicable to the granting of the exceptions are satisfied. The completed portions of Required Infrastructure, proposed for Final NOC and acceptance prior to completion of the deferred improvements, are operational prior to the completion of the deferred work without posing any injury or detriment to public welfare. All portions of work within the public streets are subject to Public Works permitting requirements and otherwise subject to City regulatory requirements. Significantly, the deferred improvements include 3rd Street Traffic Signal Infrastructure and connected streetlights and related Spares, which the San Francisco Municipal Transportation Agency has specifically requested to comply with the agency's requirements and which infrastructure has not been completed at the time of this Order due in part to the lengthy material procurement process.

- ***Subdivision Code § 1712(b)(3): Granting of the exceptions is not contrary to the Project approvals or City regulations.***

As described above, approval of an exception to authorize the Final NOC and City acceptance of the completed portion of the Phase 1 Required Infrastructure prior to completion of deferred work is not contrary to the Project approvals or City regulations. Final NOC and acceptance of these improvements are essential to maintaining the Project schedule and the delivery of associated housing and other public benefits.

- ***The exception is not in violation of the Map Act. (Subdivision Code § 1712(d).)***

The Map Act does not prohibit the Subdivider from offering for acceptance and public dedication streets with certain deferred improvements. The obligation for the City to accept full and complete streets is found in the Subdivision Regulations and the Administrative Code.

Based on the findings described above, the Director conditionally approves Subdivider's requests for exceptions to authorize the deferral of completion, installation, or operation of infrastructure to the extent otherwise required under the Subdivision Code, Subdivision Regulations, the PIA, the SIP, and Mission Rock Tentative Map Condition of Approval #21 as more particularly stated below and approves the request for time extension to complete Required Improvements by December 31, 2024. The approval is subject to Subdivider's compliance with and/or satisfaction of all the conditions of the exceptions granted herein.

Conditions Applicable to the Exceptions from Subdivision Code, Subdivision Regulations, and Mission Rock Tentative Map Condition of Approval #21

Request for Exception No. 1 (Deferral of 3rd Street Traffic Signal Infrastructure and connected streetlights, related Spares and As-Builts)

Subdivider requests to defer completion of the traffic signalization infrastructure and connected streetlights beyond Final NOC. Additional elements in this deferral include installation of fiber by DTPS, installation of metered service pedestal at 3rd/TFB if required, installation of concrete panels at pole foundations and completion of minor restriping and signage. The warranty period for all deferred infrastructure will begin upon the final signoff by Public Works of the deferred infrastructure and sufficient security will be retained to secure completion of deferred improvements, consistent with the terms of the PIA. An interim traffic configuration has been approved by SFMTA and is in place to support the NOC, acceptance and opening of Phase 1 streets, prior

to the operation of the signal systems. In addition, a pre-acceptance operating agreement for SFMTA operation of the signal systems prior to formal acceptance is under development and will be in place prior to SFMTA operation of signal systems, if required by SFMTA.

Delays to the completion of this infrastructure were caused by late design coordination between City Departments and the Subdivider and a subsequent lengthy material procurement process. It is anticipated the completion of the Traffic Signal scope included with this deferral request will be completed within 6 months of the rest of the Required Infrastructure, by approximately November 15, 2024.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC and the Director shall recommend that the Board of Supervisors delegate authority to the Director to make the determination that the improvements have been completed and to accept such improvements on behalf of the City and to dedicate the improvements to public use. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain an accessible path of travel through and/or around the deferred area with an acceptable walking surface until the final sidewalk improvements are completed.
- Subdivider will maintain temporary lights at 3rd street intersections as currently installed until permanent lights are operational.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work.
- Subdivider will provide the full warranty for deferred work, equivalent to the warranty terms and requirements set forth in the PIA, commencing upon final signoff of deferred work.
- Subdivider will enter into a pre-acceptance operating agreement authorizing SFMTA to operate the signal systems if SFMTA is required to operate the signal systems prior to the City's acceptance of the signal and roadway improvements.

Request for Exception No. 2 (Deferral of Recorded NOC, Lien Notification, and Mechanics Lien Guarantee until after Traffic Signal scope is complete):

Subdivider requests to defer the recording of the Subdivider's Notice of Completion form and the subsequent Lien Notification by the Subdivider to the general contractor and subcontractors, as well as the Mechanics Lien Guarantee beyond the Public Works NOC and Board acceptance action. This document cannot be recorded until all contract work is completed, therefore, these documents will be submitted after completion of the final deferred improvements are complete, following completion of the deferred traffic signal scope as described in Exception 1.

Based on the foregoing, the Director approves the requested exception to defer completion of these items until after issuance of the Final NOC and after the Board takes action on the acceptance legislation. The Director shall recommend that the Board of Supervisors delegate authority to the Director to accept the deferred work after determining it has been completed and is ready for its intended use and to dedicate such deferred work for

public use. Documents will be reviewed and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- Subdivider will submit these documents prior to final signoff of the completion of the deferred traffic signal scope.

Request for Exception No. 3 (Deferral of PG&E acceptance and pressurization of Gas Lateral to Parcel F):

Subdivider requests to defer the pressurization and final utility conformance letter from PG&E for the Gas Lateral to Parcel F to after Final NOC, but prior to acceptance by the Board of Supervisors.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will coordinate final inspection with PG&E, and City Departments and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

Request for Exception No. 4 (Deferral of Various minor finishes at sidewalk areas surrounding Parcel F):

Subdivider requests an exception to allow for Final NOC of the Phase 1 infrastructure SIP, without completion of various minor streetscape improvements surrounding Parcel F, including but not limited to: portions of sidewalk, street furnishings, street trees, landscaping and irrigation systems. Some of these improvements are unable to be completed due to conflicts with ongoing vertical construction. As a result, Subdivider requests to defer the installation and final punchlist work of these improvements fronting Parcel F past Final NOC but prior to acceptance by the Board of Supervisors.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain an accessible path of travel through and/or around the deferred area with an acceptable walking surface until the final sidewalk improvements are completed.

- Subdivider will coordinate final inspection with the City and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

Request for Exception No. 5 (Deferral of PIA Exhibit F-1 Item #22. Final Form of Master Encroachment Permits (MEPs) associated with both Mission Rock Utilities (MRU) & SF Port-accepted improvements in the Public ROW):

Subdivider requests to defer the approval of the final form of two MMEPs anticipated for this project (required as item #22 from Exhibit F-1, PIA Amendment #1), until after Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Subdivider, Port and Public Works are actively working on these documents, but it is anticipated they will require additional time to complete the final form of the two MMEPs for this project past the date for Final NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of this item until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Documents will be reviewed and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- Subdivider and City will complete these documents prior to consideration of acceptance legislation by the Board of Supervisors

Request for Exception No. 6 (Deferral of PIA Exhibit F-1 Item #17. Spare Parts):

Subdivider requests to defer the transfer of material spare parts not related to scopes of work deferred through Exception No. 1 as outlined in Exhibit C, beyond NOC, but prior to acceptance by the Board of Supervisors. Spare parts related to deferred scopes of work described in Exception No. 1 will be transmitted upon completion of the Traffic Signal Scope, anticipated November 2024.

Based on the foregoing, the Director approves the requested exception to defer completion of this item until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Material delivery will be deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- Subdivider will submit, and City Agencies will confirm receipt of required spare parts prior to final signoff of deferred work.
- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.

Request for Exception No. 7 (Deferral of PIA Exhibit F-1 Item #21. Corporate Guaranty for Extended Warranty):

Subdivider requests deferral of the requirement of the PIA for an Executed Corporate Guaranty for the Extended Warranty until after Final NOC is issued, but prior to acceptance by the Board of Supervisors. Section 8.(c) of the Mission Rock Phase 1A PIA requires the Subdivider covenant “that all Mission Rock Infrastructure constructed or installed by Subdivider shall be free from Failure for the duration of the “Extended Warranty Period,” as defined in the Conditions of Approval.” Condition No. 8.f.ii of the Conditions of Approval states that the “Extended Warranty shall extend for a period of three (3) years from the date of expiration of the Initial Warranty provided by Subdivider consistent with Section 8.f.i. (“Extended Warranty Period”).” Per Section 8.(b) of the PIA, the Initial Warranty Period commences upon the issuance of the Final Notice of Completion for the Phase. Therefore, the Corporate Guaranty for the Extended Warranty will not take effect until two years following the issuance of Final NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of this item until after issuance of the Final NOC and consideration of acceptance legislation by the Board of Supervisors. Documents will be reviewed and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- Subdivider to provide final form of Corporate Guaranty for Extended Warranty for City review prior to NOC. Guaranty will be executed prior to acceptance by the City.

Request for Exception No. 8 (Deferral of Commissioned Street Lights south of Toni Stone and installation of Solar Lights on TFB):

Subdivider requests an exception to defer the energization of the permanent streetlights on Dr. Maya Angelou, Bridgeview, Channel Street and the Mission Rock Square interface south of Parcel F south of Toni Stone as well as installation of TFB Solar Lights, until after NOC, but prior to acceptance by the Board of Supervisors. Street Lights are anticipated to be inspected and energized in the month of June, but may not be complete prior to Final NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain adequate lighting levels for safe public access to spaces affected by delayed commissioning and installation of streetlights.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

Request for Exception No. 9 (Deferral of SFPUC requested Toni Stone and Dr. Maya Angelou Street Light Box Consolidation):

Subdivider requests an exception to defer the resolution of a SFPUC Street Light punch list item (which is outside of the scope of the SIP) which requested combination of two streetlight boxes at the intersection of Toni Stone and Dr. Maya Angelou Way into a larger single N36 box with the correct clearance from the wet utility (3.5 ft edge to edge) until after NOC but prior to acceptance by the Board of Supervisors. The developer has committed to exploring feasibility of the request, but the item may not be resolved prior to NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of this item until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- Subdivider will complete the requested punchlist item or obtain SFPUC variance prior to final signoff

Request for Exception No. 10 (Deferral of the Final Punch List completion for Street Rooms #A, 4 & #6, and elimination of the “Lounge” Street Room #5):

Subdivider requests an exception to defer the final punch list completion for Street Rooms #A, 4 & 6, which are above grade public engagement art installments, designed and approved in SIP IB#10, that have been slightly delayed beyond surrounding streetscape completion. Also, Street Room #5 has been removed from the Project scope, due to budget constraints, and will be removed from the SIP Final As-built Record set of plans. We anticipate the work to be complete in June 2024, but request extension of both the final punch list and permit plan updates past Final NOC and prior to acceptance by the Board of Supervisors.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain an accessible path of travel through and/or around the deferred area with an acceptable walking surface until the final sidewalk improvements are completed.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work prior to acceptance by the Board of Supervisors.
- Subdivider will remove Street Room #5 from Final As-Built

Request for Exception No. 11 (Deferral of Terry A. Francois ("TFB") & Toni Stone Intersection SFMTA performed striping and signage):

Subdivider requests an exception to defer the SFMTA-performed striping and signage at the intersection of TFB and Toni Stone to after Final NOC and formal acceptance by the Board of Supervisors, if SFMTA is unable to complete the work in time.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC and after the Board takes action on the acceptance legislation. The Director shall recommend that the Board of Supervisors delegate authority to the Director to accept the deferred work after determining it has been completed and it is ready for its intended use and to dedicate such deferred work for public use. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Developer will maintain temporary signage and striping in a manner that protects public safety until final striping by SFMTA in this location is complete.
- SFMTA will complete remaining striping and signage work prior to final signoff of the deferred work.

Request for Exception No. 12 (Deferral of PIA Exhibit F-1 Item #10. As-Built Plan Approval Letter):

Subdivider requests an exception to defer completion of As-built Plans for deferred scopes of work described in Exception 1 beyond NOC and acceptance by the Board of Supervisors, but prior to final signoff of deferred work by the City anticipated in November 2024. An As-Built Record Set (in PDF and CAD formats) for all completed work not deferred will be submitted prior to NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced item until after issuance of the Final NOC and after the Board takes action on the acceptance legislation. The Director shall recommend that the Board of Supervisors delegate authority to the Director to accept the deferred work after determining it has been completed and it is ready for its intended use and to dedicate such deferred work for public use. Documents will be reviewed and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Developer will submit and City Agencies will approve final Record drawings (in PDF and CAD) incorporating all completed deferred work prior to final signoff of deferred work.
- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.

Request for Exception No. 13 (Deferral of Wayfinding Signage):

Subdivider requests an exception to defer installation of Wayfinding Signage which were permitted via the SIP. The signs are still in fabrication, and anticipated installation will occur in the month of June, however work may not be complete prior to NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

Request for Exception No. 14 (Deferral of Final Testing of the Stormwater Treatment Area in South Dr. Maya Angelou and the Centralized Stormwater Treatment Area China Basin Park):

Subdivider requests an exception to defer the final commissioning and acceptance of both the South Dr. Maya Angelou and the China Basin Park Stormwater centralized treatment until after NOC but before acceptance by the Board of Supervisors. The infrastructure is complete, but a 90-day period for plant establishment, prior to the final flood test, will not occur until June 2024, and may not be complete prior to NOC.

Based on the foregoing, the Director approves the requested exception to defer completion of the referenced improvements until after issuance of the Final NOC, but prior to consideration of acceptance legislation by the Board of Supervisors. Work will be inspected and deemed complete by San Francisco Public Works, in coordination with affected agencies.

The exception is approved subject to the following conditions:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

Exhibit A

Deferral Request Letter and Accompanying Attachments

X

DocuSigned by:

Denny Phan

Phan, Denny C907BA0BD82C4E6...

Acting Manager, Infrastructure Task Force

X

DocuSigned by:

Patrick Rivera

Rivera, Patrick 553C76966F59480...

Acting Deputy Director and City Engineer

X

DocuSigned by:

Carla Short

073CF73A4EA6486...

Short, Carla

Director



May 28, 2024

Ms. Carla Short, Director of Public Works
San Francisco Public Works – City and County of San Francisco
c/o Shawna Gates, Project Manager – Infrastructure Task Force, Mission Rock Phase 1 Project
49 South Van Ness Avenue, 9th Floor
San Francisco, California 94103

**RE: Mission Rock Public Improvement – Phase 1 – SIP#20IE-00486
Subdivider's Request for Deferral of Certain Scopes of Work beyond NOC; Request for Extension of Time to
Complete Improvements Under Section 2(b) of the Mission Rock Phase 1 Public Improvement Agreement**

Dear Director Short:

Seawall Lot 337 Associates, LLC is the Master Developer and party to the Mission Rock Disposition and Development Agreement, dated August 15, 2018, and recorded in the Official Records of the City and County of San Francisco on August 17, 2018 as Document No. 2018-K656938 (as the same may be amended from time to time, the "DDA"). Pursuant to the DDA, Mission Rock Horizontal Sub (Phase 1) LLC, ("Subdivider"), as partial assignee of the DDA, is obligated to construct horizontal infrastructure.

Those Horizontal Improvements include Phase 1 infrastructure permitted by San Francisco Public Works ("SFPW") on October 1, 2020 as Street Improvement Permit No. 20IE-00486 (as amended, "SIP") ("Phase 1 Required Infrastructure").

Subdivider is party to the Mission Rock Phase 1 Public Improvement Agreement (as amended, the "PIA"), approved by the Board of Supervisors on June 2, 2020 and recorded in the Official Records of the City and County of San Francisco on June 12, 2020 as Document No. 2020-K940619-00, which requires Subdivider to complete the Phase 1 Required Infrastructure, and describes the terms for issuance of a Notice of Completion ("NOC") and for Subdivider to offer the Phase 1 Required Infrastructure for acceptance.

Pursuant to Section 2(c)(ii) of the PIA, the Subdivider is permitted to request exceptions from the Subdivision Code and Regulations for certain deferred improvements to the Phase 1 Required Infrastructure.

¹ Section 1712 of the Subdivision Code allows for the Director of Public Works to authorize "exceptions, waivers, or deferrals to any of the requirements set forth in this Code and in the Subdivision Regulations" upon written request of the Subdivider, subject to certain requirements.

² COA #21: Consistent with the Subdivision Regulations, Subdivider shall not request a Notice of Completion (NOC) on any portion of a street other than full, complete and functional street, except that NOC for LCC-related improvements shall be subject to Public Works – BSM Permits Division conditions for the LCC



The purpose of this letter is to respectfully request approval of exceptions¹ from the provisions of the Subdivision Code, the Subdivision Regulations (including particularly Appendix A, § VII.D), and the Mission Rock Tentative Map Condition of Approval #21² to allow for a Notice of Completion, and ultimately City acceptance of, the completed portion of Mission Rock Phase 1 Required Infrastructure, notwithstanding the deferral of completion of certain components as further described below and shown on attached Exhibits.

Exception No. 1 – Deferral of 3rd Street Traffic Signal Infrastructure and connected streetlights, related Spares and As-Built

Exception No. 2 – Deferral of Recorded NOC, Lien Notification, and Mechanics Lien Guarantee until after Traffic Signal scope is complete

Exception No. 3 – Deferral of PG&E acceptance and pressurization of Gas Lateral to Parcel F

Exception No. 4 – Deferral of Various minor finishes at sidewalk areas surrounding Parcel F

Exception No. 5 – Deferral of PIA Exhibit F-1 Item #22. Final Draft Form of Master Major Encroachment Permits (MMEPs) associated with both Mission Rock Utilities (MRU) & SF Port

Exception No. 6 – Deferral of PIA Exhibit F-1 Item #17. Spare Parts

Exception No. 7 – Deferral of PIA Exhibit F-1 Item #21. Corporate Guaranty for Extended Warranty

Exception No. 8 – Deferral of Commissioned Street Lights south of Toni Stone and installation of Solar Lights on TFB

Exception No. 9 – Deferral of the SFPUC-requested Toni Stone and Dr. Maya Angelou Street Light Box Consolidation

Exception No. 10 – Deferral of the Final Punch List completion for Street Rooms #A, 4 & 6, and elimination of the “Lounge” Street Room #5

Exception No. 11 – Deferral of TFB/Toni Stone Intersection SFMTA-performed striping and signage

Exception No. 12 – Deferral of PIA Exhibit F-1 Item #10. As-built Plan Approval Letter

Exception No. 13 – Deferral of Wayfinding Signage

Exception No. 14 – Deferral of Final Testing of the Stormwater Treatment Area in South Dr. Maya Angelou and the Centralized Stormwater Treatment Area China Basin Park



- **Exception No. 1 – Deferral of 3rd Street Traffic Signal Infrastructure and connected streetlights, related Spares and As-Builts**

We request an exception to defer completion of the traffic signalization infrastructure and connected streetlights as shown on Exhibit B beyond the first NOC and acceptance action. Additional elements in this deferral include installation of fiber by DTPS, installation of metered service pedestal at 3rd/TFB, installation of concrete panels at pole foundations and completion of minor restriping and signage. The warranty period for all deferred infrastructure will begin upon the final signoff by Public Works of the deferred infrastructure and sufficient security will be retained to secure completion of deferred improvements, consistent with the terms of the PIA. An interim traffic configuration has been approved by SFMTA and is in place to support the NOC, acceptance and opening of Phase 1 streets, prior to the operation of the signal systems. In addition, a pre-acceptance operating agreement for SFMTA operation of the signal systems prior to formal acceptance is under development and will be in place prior to SFMTA operation of signal systems, if required by SFMTA.

Delays to the completion of this infrastructure were caused by late design coordination between City Departments and the Subdivider and a subsequent lengthy material procurement process. It is anticipated the completion of the Traffic Signal scope included with this deferral request will be completed within 6 months of the rest of the Required Infrastructure, by approximately 11/15/24.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
 - Subdivider will maintain an accessible path of travel through and/or around the deferred area with an acceptable walking surface until the final sidewalk improvements are completed.
 - Subdivider will maintain temporary lights at 3rd street intersections as currently installed until permanent lights are operational.
 - Subdivider will coordinate final inspection with the City and resolve any required punchlist work.
 - Subdivider will provide the full warranty, per terms of the PIA for deferred work, commencing upon final signoff of deferred work.
 - A pre-acceptance operating agreement for SFMTA operation of the signal systems shall be in place prior to SFMTA operation of signal systems, if required by SFMTA
- **Exception No. 2 - Deferral of Recorded NOC, Lien Notification, and Mechanics Lien Guarantee until after Traffic Signal scope is complete**



We request an exception to defer the recording of the Subdivider's Notice of Completion form and the subsequent Lien Notification by the Subdivider to the general contractor and subcontractors, as well as the Mechanics Lien Guarantee beyond the Public Works NOC and Board acceptance action. We will submit these documents after completion of the final deferred improvements are complete, which are anticipated to be the traffic signal scope in 3rd Street.

- **Exception No. 3 – Deferral of PG&E acceptance and pressurization of Gas Lateral to Parcel F**

We request an exception to defer the pressurization and final utility conformance letter from PG&E for the Gas Lateral to Parcel F to after the NOC. We have pressurized laterals to Building A, B, and G, but anticipate the gas lateral pressurization and formal PG&E signoff for Parcel F may not be complete prior to NOC. We will work to have PG&E accept this last main & lateral before City acceptance of the street.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work.

- **Exception No. 4 – Deferral of Various minor finishes at sidewalk areas surrounding Parcel F**

We request an exception to allow for NOC of the Phase 1 infrastructure SIP, without completion of various minor streetscape improvements surrounding Parcel F, including but not limited to: portions of sidewalk, street furnishings, street trees, landscaping and irrigation systems. Some of these improvements are unable to be completed due to conflicts with ongoing vertical construction. As a result, MRP requests to defer the installation and final punchlist work of these improvements fronting Parcel F past NOC but prior to acceptance by the Board of Supervisors.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain an accessible path of travel through and/or around the deferred area with an acceptable walking surface until the final sidewalk improvements are completed.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work.

- **Exception No. 5 – Deferral of PIA Exhibit F-1 Item #22. Final Form of Master Encroachment Permits (MEPs) associated with both Mission Rock Utilities (MRU) & SF Port-accepted improvements in the Public ROW**

We request an exception to defer the approval of the final form of two MMEPs anticipated for this project (item #22 from Exhibit F-1, PIA Amendment #1), until after NOC, but prior to acceptance by the Board of Supervisors.



It is anticipated the Subdivider, Port and Public Works will require additional time to complete the final form of the two MMEPs for this project, and this should not delay Notice of Completion. These agreements will be completed prior to the first formal acceptance action of the Required Infrastructure in which the various encroachments are adjacent to or within.

- **Exception No. 6 – Deferral of PIA Exhibit F-1 Item #17. Spare Parts**

We request an exception to defer the transfer of material spare parts not related to scopes of work deferred through Exception No. 1 as outlined in Exhibit C, beyond NOC, but prior to acceptance by the Board of Supervisors. Spare parts related to deferred scopes of work described in Exception No. 1 will be transmitted upon completion of the Traffic Signal Scope, anticipated November 2024.

Subdivider agrees to the following with regard to this Exception request:

- Subdivider will submit and City Agencies will confirm receipt of required spare parts prior to final signoff of deferred work.
- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.

- **Exception No. 7 – Deferral of PIA Exhibit F-1 Item #21. Corporate Guaranty for Extended Warranty**

Section 8.(c) of the Mission Rock Phase 1A PIA requires the Subdivider covenant “that all Mission Rock Infrastructure constructed or installed by Subdivider shall be free from Failure for the duration of the “**Extended Warranty Period**,” as defined in the Conditions of Approval.” Condition No. 8.f.ii of the Conditions of Approval states that the “Extended Warranty shall extend for a period of three (3) years from the date of expiration of the Initial Warranty provided by Subdivider consistent with Section 8.f.i. (“Extended Warranty Period”).” Per Section 8.(b) of the PIA, the Initial Warranty Period commences upon the issuance of the Final Notice of Completion for the Phase. Therefore, the Corporate Guaranty for the Extended Warranty will not take effect until two years following the issuance of NOC.

Section 7.(a) of the Mission Rock Phase 1A PIA states: “Prior to Acceptance, Subdivider shall be responsible for the maintenance and repair of the Mission Rock Infrastructure, and liability regarding the same, consistent with the Subdivision Regulations.” Because the Corporate Guaranty is not required for more than two years, and the Subdivider is responsible for the maintenance and repair of all improvements prior to Acceptance, the Subdivider requests deferral of the requirement for an Executed Corporate Guaranty for the Extended Warranty until after NOC is issued, but prior to acceptance by the Board of Supervisors.

Subdivider agrees to the following with regard to this Exception request:

- Subdivider to provide final form of Corporate Guaranty for Extended Warranty for City review prior to NOC. Guaranty will be executed prior to acceptance by the Board of Supervisors



- **Exception No. 8 – Deferral of Commissioned Street Lights south of Toni Stone and installation of Solar Lights on TFB**

We request an exception to defer the energization of the permanent streetlights on Dr. Maya Angelou, Bridgeview, Channel Street and the Mission Rock Square interface south of Parcel F south of Toni Stone as well as installation of TFB Solar Lights, until after NOC, but prior to acceptance by the Board of Supervisors. Street Lights are anticipated to be inspected and energized in the month of June, but may not be complete prior to NOC.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain adequate lighting levels for safe public access to spaces affected by delayed commissioning and installation of streetlights.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work.

- **Exception No. 9 – Deferral of SFPUC requested Toni Stone and Dr. Maya Angelou Street Light Box Consolidation**

We request an exception to defer the resolution of a SFPUC Street Light punch list item which requested combination of two streetlight boxes at the intersection of Toni Stone and Dr. Maya Angelou Way into a larger single N36 box with the correct clearance from the wet utility (3.5 ft edge to edge) until after NOC but prior to acceptance by the Board of Supervisors. The developer has committed to exploring feasibility of the request, but the item may not be resolved prior to NOC.

- **Exception No. 10 – Deferral of the Final Punch List completion for Street Rooms #A, 4 & #6, and elimination of the “Lounge” Street Room #5.**

We request an exception to defer the final punch list completion for Street Rooms #A, 4 & 6, which are above grade public engagement art installments, designed and approved in SIP IB#10, that have been slightly delayed beyond surrounding streetscape completion. Also, Street Room #5 has been removed from the Project scope, due to budget constraints, and will be removed from the SIP Final As-built Record set of plans. We anticipate this work to be complete by 6/14/24, but request extension of both the final punch list and permit plan updates past NOC and prior to acceptance by the Board of Supervisors.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will maintain an accessible path of travel through and/or around the deferred area with an acceptable walking surface until the final sidewalk improvements are completed.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work.
- Subdivider will remove Street Room #5 from Final As-Built



- **Exception No. 11– Deferral of Terry A. Francois (“TFB”) & Toni Stone Intersection SFMTA performed striping and signage.**

In the event MTA is unable to complete the work prior to NOC due to scheduling constraints, we request to defer the SFMTA-performed striping and signage at the intersection of TFB and Toni Stone to after the NOC but prior to acceptance by the Board of Supervisors.

- **Exception No. 12 – Deferral of PIA Exhibit F-1 Item #10. As-Built Plan Approval Letter**

We request an exception to defer completion of As-built Plans for deferred scopes of work described in Exception 1 beyond NOC, but prior to final signoff of deferred work by the City anticipated in November 2024. An As-Built Record Set (in PDF and CAD formats) for all completed work not deferred will be submitted prior to NOC.

Subdivider agrees to the following with regard to this Exception request:

- The Developer will submit and City Agencies will approve final Record drawings (in PDF and CAD) incorporating all completed deferred work prior to final signoff of deferred work.
- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.

- **Exception No. 13 – Deferral of Wayfinding Signage**

We request an exception to defer installation of Wayfinding Signage which were permitted via the SIP. The signs are still in fabrication, and anticipated installation will occur in the month of June, however work may not be complete prior to NOC.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.
- Subdivider will coordinate final inspection with the City and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

- **Exception No. 14 – Deferral of Final Testing of the Stormwater Treatment Area in South Dr. Maya Angelou and the Centralized Stormwater Treatment Area China Basin Park**

We request an exception to defer the final commissioning and acceptance of both the South Dr. Maya Angelou and the China Basin Park Stormwater centralized treatment until after NOC but before acceptance by the Board of Supervisors. The infrastructure is complete, but a 90-day period for plant establishment, prior to the final flood test, will not occur until June 2024, and may not be complete prior to NOC.

Subdivider agrees to the following with regard to this Exception request:

- The Director will retain adequate security equivalent to 100% of the cost of all deferred improvements until final signoff of the deferred work.



- Subdivider will coordinate final inspection with the City, complete all remaining testing, and resolve any required punchlist work prior to acceptance by the Board of Supervisors.

Pursuant to the requirements of Subdivision Code Section 1712 for the Director to grant exceptions, waivers or deferrals to requirements set forth in the Code and Regulations, the Subdivider provides the below supporting justification:

- ***Subdivision Code § 1712(b)(1): Application of the referenced provisions of the Subdivision Code, the Subdivision Regulations, and certain Tentative Map Conditions of Approval to the Street Improvement Permit scope inclusive of these requested deferrals would result in practical difficulties and unnecessary hardships inconsistent with the Project approvals and the City Regulations.***

The Public operational use and benefit of the Mission Rock Phase 1 infrastructure is necessary for the delivery of market rate and affordable housing, open space, office space, retail and other public benefits. The denial of requested deferrals to enable the NOC and acceptance of the completed portion of the Required Infrastructure and delay to the City's acceptance of infrastructure required to support housing, retail and other public benefits would be an unnecessary hardship to the project and surrounding community.

- ***Subdivision Code § 1712(b)(2): Granting of the exceptions will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated.***

The exceptions being requested are not materially detrimental to public welfare. The completed portion of Required Infrastructure, proposed for NOC and acceptance prior to completion of the deferred improvements, are operational prior to the completion of the deferred work without posing any injury or detriment to public welfare. All portions of work within the public streets are subject to Public Works permitting requirements and otherwise subject to City Regulatory requirements.

- ***Subdivision Code § 1712(b)(3): Granting of the exceptions is not contrary to the Project approvals or City regulations.***

As described above, approval of an exception to authorize the NOC and City acceptance of the completed portion of the Phase 1 Required Infrastructure prior to completion of deferred work is not contrary to the Project approvals or City regulations. NOC and acceptance of these improvements are essential to maintaining the Project schedule and the delivery of associated housing and other public benefits.

Time Extension:

In addition to the deferrals described above, the Subdivider requests an extension of the completion milestone specified in Section 2(b) of the PIA, which required completion of infrastructure within three (3) years of recordation of the Final Map, which occurred on June 12, 2020. The Subdivider requests approval to complete the Required Infrastructure, inclusive of the improvements being requested for deferral by this letter, by December 31, 2024. The additional time to complete the improvements is



necessary because of extended timeframes for engineering and related approvals and supply chain constraints that have impacted procurement.

By this letter, the Subdivider requests the Final Notice of Completion be issued for completed infrastructure in advance of completion of the deferrals described above, and to allow for formal acceptance by the Board of Supervisors following NOC. All deferred required improvements will be inspected and confirmed complete by the Director of Public Works.

Thank you in advance for your consideration of these requests. Please do not hesitate to contact me should you wish to discuss these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read "Julian Pancoast".

Julian Pancoast
Mission Rock Horizontal Sub (Phase 1), L.L.C.

cc:

Shawna Gates, SFPW
John Kwong, SFPW
Elliot Ryan, SFPW
Maggie Kadin, MRP
Chris Murphy, MRP
Jeremy Bachrach, MRP
Molly Petrick, SFPUC
Brandy Batelaan, SFPUC
Norman Wong, SFMTA
Paul Chasan, SF Port
Phil Williamson, SF Port
Carrie Morris, SF Port

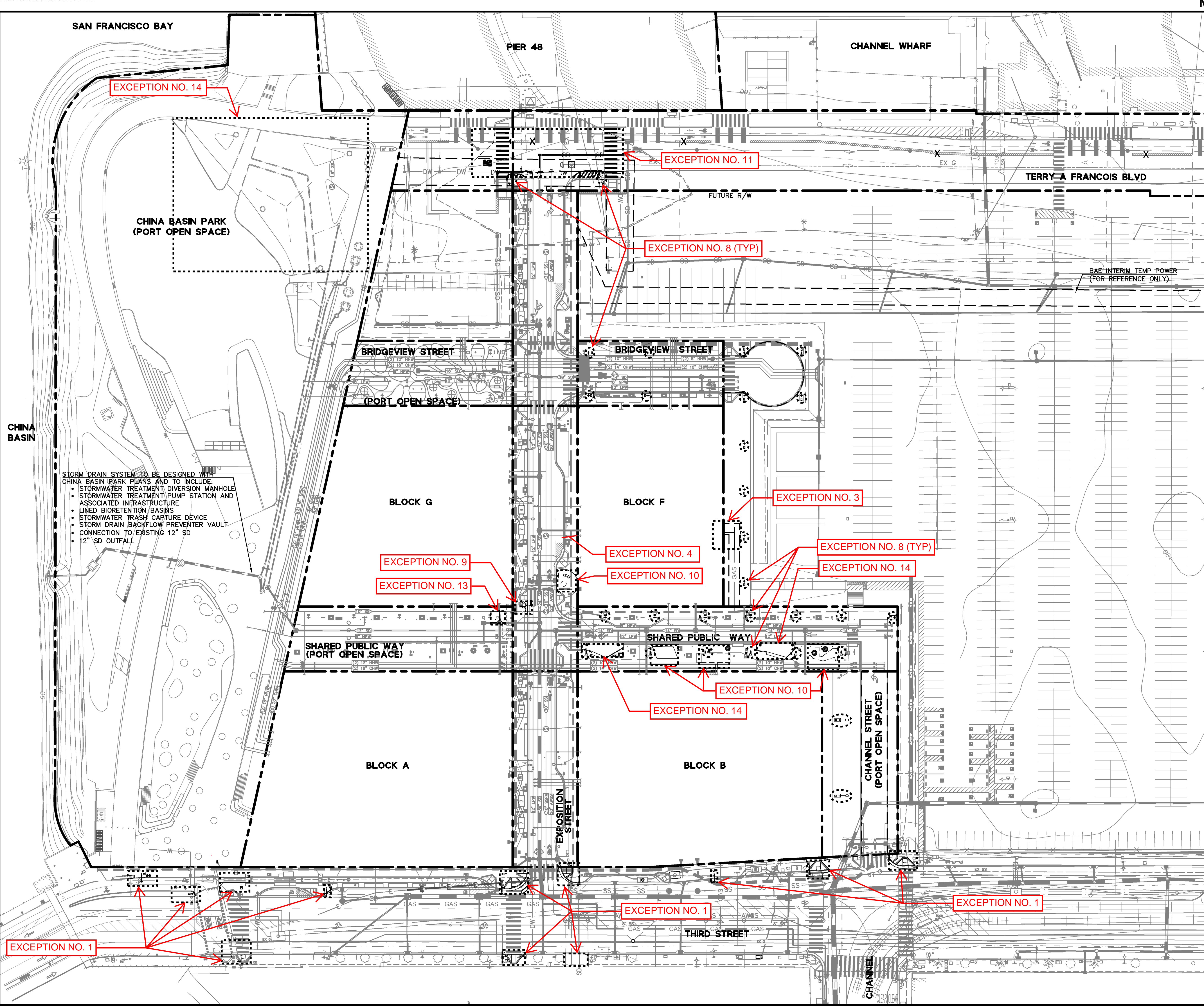
Attachments:

1. Exhibit A – NOC Deferral Map
2. Exhibit B – MR SIP IB#13 Plans and Traffic Signal Deferral
3. Exhibit C – List of Deferred Spare Parts



Exhibit A
NOC Deferral Map

Drawing Name: C:\Users\mevj\Desktop\mevj - COMPOSITE UTILITY PLAN.dwg
Plot Date: 05-31-24
Plotted By: mevj



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MISSION ROCK PHASE 1
NOC DEFERRAL MAP

SAN FRANCISCO COUNTY

No.

05/31/2024

Scale AS SHOWN

Design JW

Drawn KCC/JM

Approved JD

Job No 20080006

Revisions

Exhibit
1 OF 1

Draw Number:

NOTES:

Exception No. 1 – Deferral of 3rd Street Traffic Signal Infrastructure and connected streetlights, related Spares and As-Built

Exception No. 3 – Deferral of Final PG&E acceptance and pressurization of Gas Lateral to Parcel F

Exception No. 4 – Deferral of Various minor finishes at sidewalk areas surrounding Parcel F

Exception No. 8 – Deferral of Commissioned Street Lights south of Toni Stone and installation of Solar Lights on TFB

Exception No. 9 – Deferral of the SFPUC punch list requested Toni Stone and Dr. Maya Angelou Street Light Box Consolidation

Exception No. 10 – Deferral of the Final Punch List completion for Street Rooms #A, 4 & 6, and elimination of the “Lounge” Street Room #5

Exception No. 11 – Deferral of TFB/Toni Stone Intersection SFMTA performed striping and signage

Exception No. 13 – Deferral of Wayfinding Signage

Exception No. 14 – Deferral of Final Testing of the Stormwater Treatment Area in South Dr. Maya Angelou and the Centralized Stormwater Treatment Area China Basin Park

GRAPHIC SCALE

40 0 40 80

North Arrow

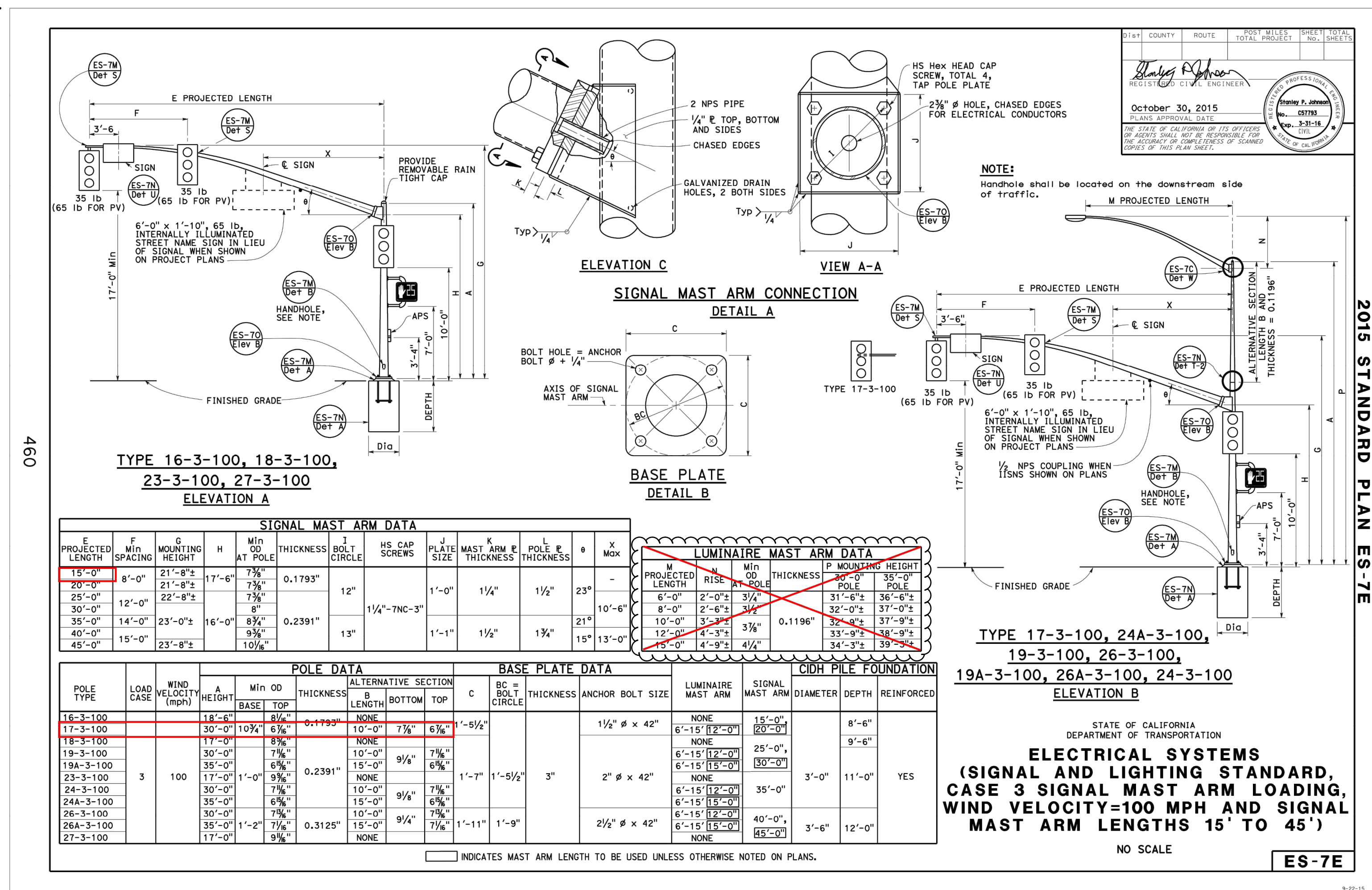
MAYOR ED 17-02 PRIORITY PERMIT

© BKF Engineers

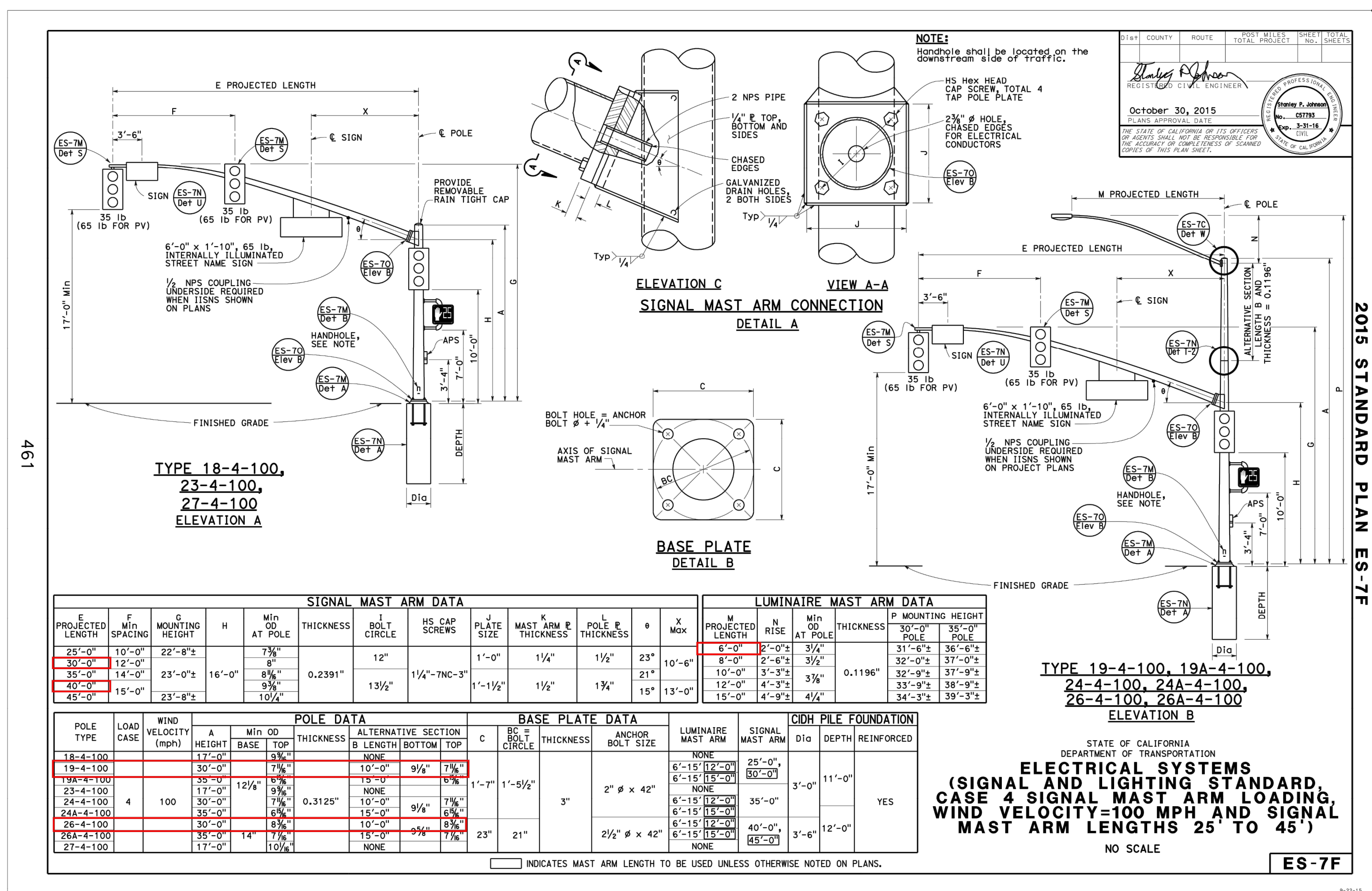


Exhibit B

MR SIP IB#13 Plans and Traffic Signal Deferral



CALTRANS POLE DETAILS SHEET 1 OF 2



CALTRANS POLE DETAILS SHEET 2 OF 2

DETAIL NOTES:

- 1

CONTROLLER SERVICE POINT IS A PG&E SERVICE BOX NEAR 1000a 3RD ST. COORDINATE WITH PG&E THROUGH SFPUC FOR SERVICE ACTIVATION. SIXTY (60) DAYS NOTICE IS REQUIRED.
- 2

FURNISH AND INSTALL SERVICE EQUIPMENT ENCLOSURE PER CITY SERVICE EQUIPMENT ENCLOSURE DETAIL. PROVIDE 40A BREAKER FOR TRAFFIC SIGNAL SERVICE DISCONNECT AND 40A BREAKER FOR STREETLIGHT DISCONNECT.
- 3

CONTRACTOR TO INSTALL APS WIRING AS INDICATED IN CONDUIT AND WIRING SCHEDULE. CITY FORCES TO FURNISH, INSTALL AND ACTIVATE APS BUTTONS, ON POLES, AS SHOWN ON INTERSECTION DRAWING AND AS INDICATED IN POLE & EQUIPMENT SCHEDULE.
- 4

POLE LAYOUT MEETING WITH SFMTA TRAFFIC SIGNAL SHOP & TRAFFIC ENGINEERING REQUIRED PRIOR TO POLE FOUNDATION CONSTRUCTION. POLE LAYOUT MEETING TO BE CONDUCTED PRIOR TO INSTALLATION OF PULL BOXES.
- 5

CITY FORCES TO FURNISH AND INSTALL SFMTA GRIDSMART CAMERAS ON POLE AT CONTRACTOR'S EXPENSE.
- 6

CITY FORCES TO FURNISH AND INSTALL SFMTA CCTV CAMERAS ON POLE AT CONTRACTOR'S EXPENSE.
- 7

FIBER INSTALLATION SHALL BE CONDUCTED BY CITY FORCES AT CONTRACTOR'S EXPENSE.
- 8

INSTALL POLE 3' 2' FROM FACE OF CURB, MEASURED FROM FACE OF CURB TO CENTER OF POLE.
- 9

EXISTING SIGNAL POLES TO BE REMOVED. REFER TO DEMOLITION PLANS FOR DIRECTIONS REGARDING REMOVAL OF POLES.
- 10

ABANDON EXISTING CONDUIT AND WIRING, CUT EXISTING CONDUIT AND WIRING TO PULL BOX WALL AND CAP ENDS. PRIOR TO ABANDONING OF EXISTING CABLES IN EXISTING CONDUIT, CONTRACTOR TO FIELD VERIFY AND MAINTAIN SERVICES TO STREETLIGHTS AND TRAFFIC CONTROLLER.
- 11

F/1 10A INLINE FUSE AND FUSE HOLDER FOR STREETLIGHT.
- 12

CITY FORCES TO INSTALL NEW FIBER OPTIC CABLES CONNECTING TO THE SIGNAL CONTROLLER AND SPLICING WITH EXISTING FIBER OPTIC CABLES AT CONTRACTOR'S EXPENSE.
- 13

CONTRACTOR TO INSTALL NEW PULL ROPE IN EACH EXISTING CONDUIT. CITY FORCES TO INSTALL NEW FIBER OPTIC CABLES AT CONTRACTOR'S EXPENSE.
- 14

REFER TO PHOTOMETRIC PLAN SHEET PH-101 AND PH-102 FOR LUMINAIRE MODEL NUMBER.

POLE AND EQUIPMENT SCHEDULE											
POLE No.	TYPE OF POLE	LUMINAIRE VOLTAGE/ WATTAGE	VEHICLE SIGNAL					PEDESTRIAN SIGNAL			REMARKS
			No.	TYPE	MOUNTING	VISORS	LOUVERS	No.	TYPE	MOUNTING	
23	EXISTING CITY STANDARD WITH 6' LUMINAIRE ARM (E-3-P10)	14	22	3S12"	SV-1-T	T					REMOVE EXISTING SIGNAL 81
2	CALTRANS STANDARD 17-3-100 (h=30') WITH 15' MAST ARM (N-3-P15)	13	21 24 141 145	3S12" 3S12" 3S12" 3S8"	MAC SV-3-TA	T T T T					BACKPLATE FOR SIGNAL 24 1-PPB FOR BIKE 5 6 19
3	CITY STREETLIGHT STANDARD (VALMONT-DB00125, h=28.5', WITH 6' LUMINAIRE ARM) (N-3-P2)		62	3S12"	SV-1-T	T		48	1S-COUNT	SP-1	1 - APS-2W
4	EXISTING MISSION BAY POLE WITH 25' MASTARM AND SWOOSH STYLE LUMINAIRE ARM (E-3-P8)		146 142 61 64	3S8" 3S12" 3S12" 3S12"	SV-3-TA MAC	T T T T		49	1S-COUNT	SP-1	BACKPLATE FOR SIGNAL 64 REMOVE EXISTING 1 - PPB REPLACE WITH 1- PPB FOR BIKE 5 19
5	CALTRANS PPB POLE (N-3-P17)	24	24								24 1 - APS-2W
6	EXISTING CITY STANDARD WITH 6' LUMINAIRE ARM (E-3-P12)										23

- 15

CONTRACTOR TO INSTALL TYPE ATC 2070LXN2 CONTROLLER AND 352i -ATC CABINET. CITY TO FURNISH CABINET AND CONTROLLER AT CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL FURNISH THE ANCHOR BOLTS AND CONSTRUCT THE CONTROLLER CABINET FOUNDATION - SEE SPECIFICATIONS FOR TYPE 332 CABINET FOUNDATION REQUIREMENTS. FINAL CABINET LOCATION TO BE DETERMINED IN FIELD MEETING WITH SFMTA.
- 16

CITY FORCES TO INSTALL AT CONTRACTOR'S EXPENSE, THREE (3) #8 STRANDED COPPER WIRES IN CONJUNCTION WITH SFMTA FIBER FOR BACKFEEDING PURPOSES. ONE #8 UF WIRE SHALL HAVE RED INSULATION, ONE #8 UF WIRE SHALL HAVE WHITE INSULATION, AND ONE #8 UF WIRE SHALL HAVE GREEN INSULATION (FOR GROUND). THE BACKFEEDING WIRES SHALL BE CONTINUOUS BETWEEN PULL BOXES AND LEFT UNBOUNDED IN CONTROLLER CABINET. ONE #10 AWG UF STRANDED COPPER LOCATING WIRE TO ALSO BE INSTALLED WITH SFMTA FIBER.
- 17

EXISTING CCTV BRIDGE CAMERA (51219) TO REMAIN. CONTRACTOR IS RESPONSIBLE TO INVESTIGATE THE CONDUIT/CABLE ROUTING FROM THE CCTV TO BRIDGE CONTROL ROOM. RECONNECT THE CCTV TO BRIDGE CONTROL ROOM WITH NEW CABLES (MATCHING THE EXISTING CABLES) TO ENSURE THE FUNCTIONAL AND OPERATIONAL OF THE BRIDGE CCTV SYSTEM. OUTAGE FOR THE BRIDGE PREEMPTION SHALL BE KEPT TO MINIMAL.

- 18

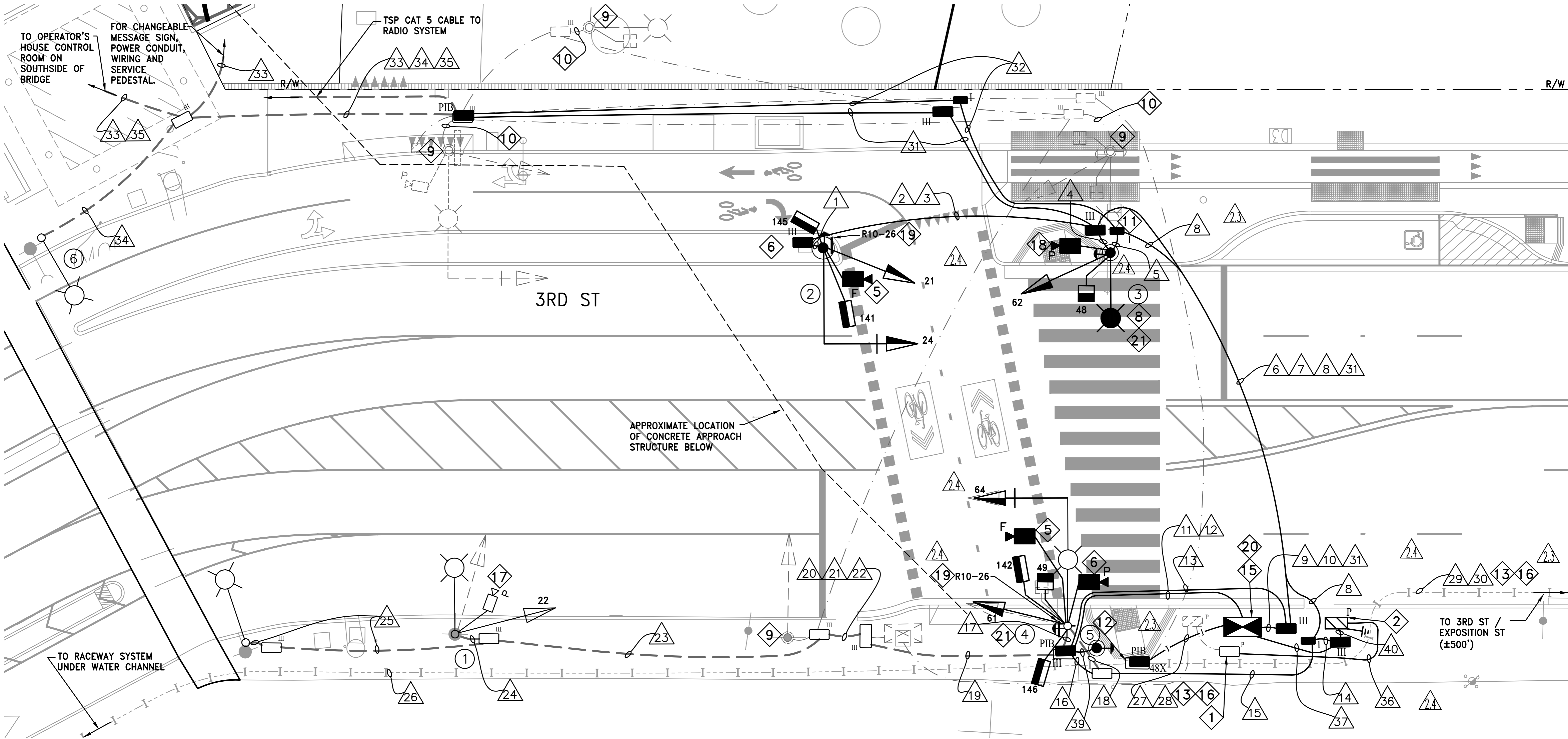
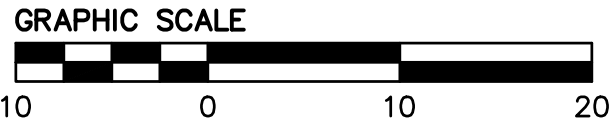
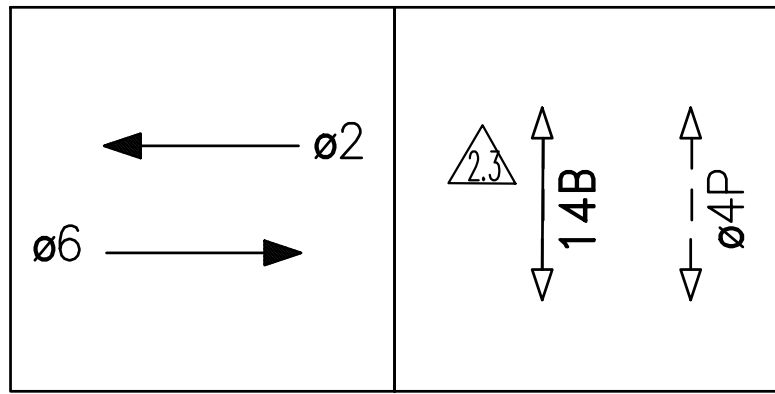
FURNISH AND INSTALL CCTV BRIDGE CAMERA (AXIS Q3515) ON TOP OF POLE. CONTRACTOR IS RESPONSIBLE TO INVESTIGATE THE CONDUIT/CABLE ROUTING FROM THE CCTV TO BRIDGE CONTROL ROOM. CONNECT THE CCTV TO BRIDGE CONTROL ROOM WITH NEW CABLES TO ENSURE THE FUNCTIONAL AND OPERATIONAL OF THE BRIDGE CCTV SYSTEM. OUTAGE FOR THE BRIDGE PREEMPTION SHALL BE KEPT TO MINIMAL.
- 19

INSTALL R10-26 "BICYCLE PUSH BUTTON FOR GREEN LIGHT" ABOVE BIKE PUSH BUTTON.
- 20

FURNISH AND INSTALL SERVICE CABINET PENDING ON CITY'S LATEST SPECIFICATIONS. CONDUITS AND WIRING MAY BE ADJUSTED AND DIFFERED FROM WHAT IS SHOWN ON THIS PLAN.
- 21

CONTRACTOR TO PULL CCTV CABLE (CAT 6) FROM CABINET TO PULL BOXES AT BASE OF POLE 3 AND 4. CONTRACTOR TO COIL CABLE AND LEAVE ADEQUATE SLACK FOR CITY FORCES TO CONNECT TO CAMERA AT TOP OF POLE.

PHASE DIAGRAM



DRAWING NAME: \\BKF-SJ\vol14\ENG08\080006 Mission Rock\ENG\SHEETS\TS 09 PrSig - 3rd St & Bay Trail.dwg
PLOT DATE: 07-24-23 PLOTTED BY: wmc

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MISSION ROCK PHASE 1
STREET IMPROVEMENT PLANS
TRAFFIC SIGNAL MODIFICATION PLAN - 3RD ST & BAY TRAIL

SAN FRANCISCO COUNTY
CALIFORNIA

No. 13.07/21/2023 - IB13

Scale AS SHOWN

Design CW

Drawn KCC CW

Approved JW

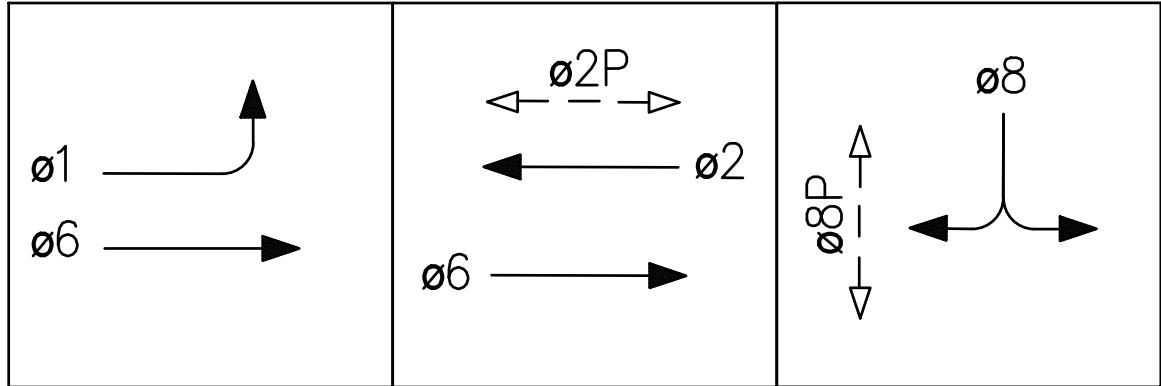
Job No 20080006

Date 07/21/2023

Drawing Number: TS-10

INFORMATIONAL BULLETIN 13

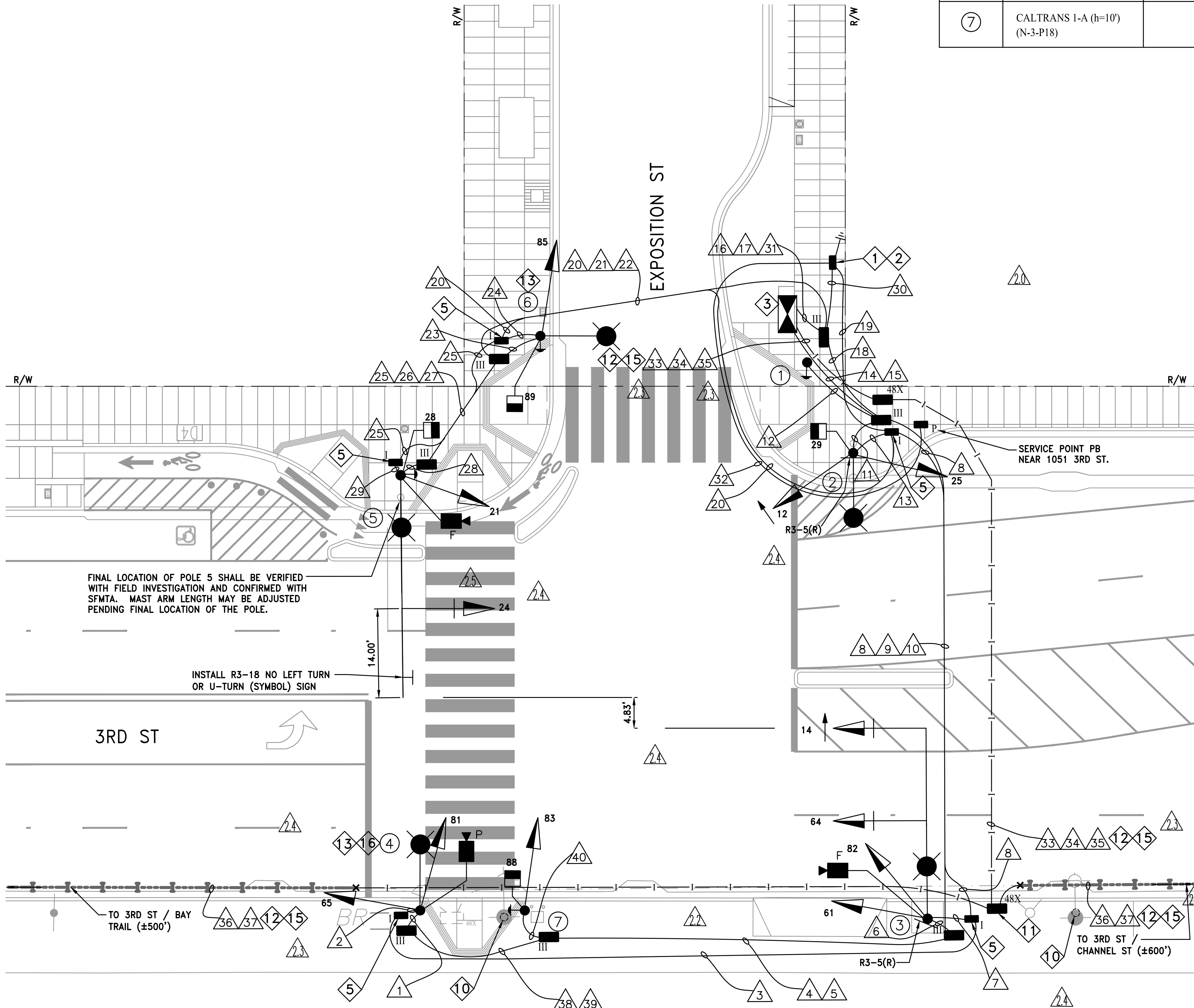
PHASE DIAGRAM



POLE No.	TYPE OF POLE	LUMINAIRE VOLTAGE/ WATTAGE	VEHICLE SIGNAL					PEDESTRIAN SIGNAL			REMARKS
			No.	TYPE	MOUNTING	VISORS	LOUVERS	No.	TYPE	MOUNTING	
1	CALTRANS PPB POST (N-3-P1)										APS-2W
2	CITY STREETLIGHT STANDARD (VALMONT-DB00125, h=28.5', WITH 6' LUMINAIRE ARM) (N-3-P9)		12 25	3S12" LA 3S12"	SV-2-T	T T		29	IS-COUNT	SP-1	
3	CALTRANS STANDARD 19-4-100 (h=30') WITH 30' MAST ARM AND 6' LUMINAIRE ARM (N-3-P14)		14 64 61 82	3S12" LA 3S12" 3S12" 3S12"	MAC SV-2-TA	T T T					BACKPLATE FOR SIGNAL 14 BACKPLATE FOR SIGNAL 64
4	CITY STREETLIGHT STANDARD (VALMONT-DB00125, h=28.5', WITH 6' LUMINAIRE ARM) (N-3-P13)		65 81	3S12" 3S12"	SV-2-T	T T					
5	CALTRANS STANDARD 26-4-100 (h=30') WITH 40' MAST ARM AND 6' LUMINAIRE ARM (N-3-P6)		21 24	3S12" 3S12"	SV-1-T MAC	T T		28	IS-COUNT	SP-1	APS-2W BACKPLATE FOR SIGNAL 24
6	RTSU30-8.0-11-G-14S2 (h=30'; 11 GAUGE) WITH 4' LUMINAIRE ARM (N-3-P7)		85	3S12"	SV-1-T	T		89	IS-COUNT	SP-1	APS-2W
7	CALTRANS 1-A (h=10') (N-3-P18)		83	3S12"	TV-1-T	T		88	IS-COUNT	SP-1	APS-2W

DETAIL NOTES:

- CONTROLLER SERVICE POINT IS A SFPUC SERVICE BOX (NEAR 1051 3RD ST (±40')). CONTRACTOR SHALL COORDINATE WITH SFPUC FOR FINAL POWER SERVICE CONNECTION. SIXTY (60) DAYS NOTICE IS REQUIRED.
- CONTRACTOR SHALL PROVIDE 40A INLINE FUSE AND FUSE HOLDER FOR TRAFFIC SIGNAL SERVICE DISCONNECT AND 30A INLINE FUSE & FUSE HOLDER FOR STREETLIGHT DISCONNECT IN FIRST PULL BOX NEXT TO THE NEW SFPUC SERVICE.
- CONTRACTOR TO INSTALL TYPE ATC 2070 CONTROLLER AND 352i-ATC CABINET. CITY TO FURNISH CABINET AND CONTROLLER AT CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL FURNISH THE ANCHOR BOLTS AND CONSTRUCT THE CONTROLLER CABINET FOUNDATION - SEE SPECIFICATIONS FOR TYPE 332 CABINET FOUNDATION REQUIREMENTS. FINAL CABINET LOCATION TO BE DETERMINED IN FIELD MEETING WITH SFMTA.
- CONTRACTOR TO INSTALL APS WIRING AS INDICATED IN CONDUIT AND WIRING SCHEDULE. CITY FORCES TO FURNISH, INSTALL AND ACTIVATE APS BUTTONS, ON POLES, AS SHOWN ON INTERSECTION DRAWING AND AS INDICATED IN POLE & EQUIPMENT SCHEDULE.
- F/I 10A INLINE FUSE AND FUSE HOLDER FOR STREETLIGHT.
- POLE LAYOUT MEETING WITH SFMTA TRAFFIC SIGNAL SHOP & TRAFFIC ENGINEERING REQUIRED PRIOR TO POLE FOUNDATION CONSTRUCTION. POLE AND SIGNAL CABINET LAYOUT MEETING TO BE CONDUCTED PRIOR TO INSTALLATION OF PULL BOXES.
- CITY FORCES TO FURNISH AND INSTALL CCTV CAMERAS ON POLE AT CONTRACTOR'S EXPENSE.
- FIBER INSTALLATION SHALL BE CONDUCTED BY CITY FORCES AT CONTRACTOR'S EXPENSE.
- CITY FORCES TO FURNISH AND INSTALL GRIDSMART CAMERAS ON POLE AT CONTRACTOR'S EXPENSE.
- EXISTING STREET LIGHT POLE TO BE REMOVED. REFER TO DEMOLITION PLANS FOR DIRECTIONS REGARDING REMOVAL OF POLES.
- EXTEND ALL CONDUITS TO NEW 48X PULL BOX LOCATION.
- INSTALL NEW PULL ROPE IN EACH EXISTING CONDUIT. CONTRACTOR TO INSTALL NEW PULL ROPE IN EACH EXISTING CONDUIT. CITY FORCES TO INSTALL NEW FIBER OPTIC CABLES AT CONTRACTOR'S EXPENSE.
- INSTALL POLES 4 AND 6 2' FROM FACE OF CURB, MEASURED FROM FACE OF CURB TO CENTER OF POLE.
- REFER TO PHOTOMETRIC PLAN SHEET PH-101 AND PH-102 FOR LUMINAIRE MODEL NUMBER.
- CITY FORCES TO INSTALL AT CONTRACTOR'S EXPENSE, THREE (3) #8 STRANDED COPPER WIRES IN CONJUNCTION WITH SFMTA FIBER FOR BACKFEEDING PURPOSES. ONE #8 UF WIRE SHALL HAVE RED INSULATION, ONE #8 UF WIRE SHALL HAVE WHITE INSULATION, AND ONE #8 UF WIRE SHALL HAVE GREEN INSULATION (FOR GROUND). THE BACKFEEDING WIRES SHALL BE CONTINUOUS BETWEEN PULL BOXES AND LEFT UNBOUNDED IN CONTROLLER CABINET. ONE #10 AWG UF STRANDED COPPER LOCATING WIRE TO ALSO BE INSTALLED WITH SFMTA FIBER.
- CONTRACTOR TO PULL CCTV CABLE (CAT 6) FROM CABINET TO PULL BOX AT BASE OF POLE 4. CONTRACTOR TO COIL CABLE AND LEAVE ADEQUATE SLACK FOR CITY FORCES TO CONNECT TO CAMERA AT TOP OF POLE.



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MISSION ROCK PHASE 1
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SAN FRANCISCO COUNTY
CALIFORNIA

No. 13.07/21/2023 - IB13

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Design CW

Drawn KCC CW

Approved JW

Job No 20080006

Date 07/21/2023

Drawing Number: **TS-12**

INFORMATIONAL BULLETIN 13



Exhibit C

List of Deferred Spare Parts



Mission Rock Phase 1A Deferred Spare Parts/Attic Stock

(35) 12" Straight Trench Drain Grates

(4) Round Replacement Grates for 6' Tree Wall

(2) Pavers South Bridgeview - West Sidewalk