



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 211444

Recommending the acceptance of an irrevocable offer of public improvements associated with the Mission Rock Phase 1A Project, including improvements located within portions of Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street; dedication of the public improvements for public use; designation of the public improvements for public street and roadway purposes, as specified; acceptance of certain Phase 1A public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishment of official street grades and public right-of-way widths; the amendment of Ordinance No. 1061 entitled “Regulating the Width of Sidewalks” to establish official sidewalk widths on Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing and Third Street; approval of proposed amendments to Public Works Code to designate Port’s exercise of permitting authority for specified retail activations (e.g., tables, seating, other minor encroachments) and to require excavators in the public right-of-way in the Mission Rock Special Use District to obtain excavation permits including for work that will be completed within 24 hours or would qualify for other existing exemptions; delegation of authority to the Public Works Director to accept deferred infrastructure and documentation, upon completion of such deferred infrastructure; authorize the Director to execute an absolving services agreement with Pacific Gas and Electric related to the provision of power to the 3rd Street Bridge Pilot House; and approval of two master encroachment permits and one major encroachment permit.

Background and Findings

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

1. This Order shall be dated for reference purposes as February 20, 2025.
2. California Statutes of 1968, Chapter 1333 (as amended, the “Burton Act”) and San Francisco Charter Section 4.114 empower the San Francisco Port Commission (“Port”) to use, conduct, operate, maintain, manage, regulate, and control the lands within Port Commission jurisdiction subject to the public trust.
3. This Mission Rock Project is subject to that certain Disposition and Development Agreement between the City and County of San Francisco (“City”), acting by and through the Port and Seawall Lot 337 Associates, LLC, a Delaware limited liability company (“SWL 337”), recorded in the Official Records of the City on August 17, 2018 as Document No. 2018-K656938 as approved by the Board of Supervisors through the passage of Resolution 42-18 and partially assigned to Mission Rock Horizontal Sub (Phase 1), LLC, a Delaware limited liability company (“Subdivider”) (“DDA”), and that certain Development Agreement between the City and SWL 337, recorded on August 17, 2018 as Document No. 2018-K656939 as approved by the Board of Supervisors through the passage of Resolution 42-18 and partially assigned to Mission Rock Horizontal Sub (Phase 1), LLC, a Delaware limited liability company as approved by the Board of Supervisors through Ordinance No. 33-18 (“Development Agreement”).
4. The Port and SWL 337 entered into a Master Lease, dated as of August 15, 2018 (“Master Lease”), pursuant to which SWL 337 leased the Premises as described therein. A Memorandum

of Master Lease was recorded on August 17, 2018, as Document No. 2018-K656941-00 in the Official Records of the City and County of San Francisco. Mission Rock Phase 1A is the area generally bounded by Channel Street, Third Street, Terry A. Francis Boulevard, and China Basin Park. Subdivider irrevocably offered public infrastructure and public amenities associated with Phase 1A of the Mission Rock Project and identified in the Offer of Improvements (collectively, the “Phase 1A Public Infrastructure”) to the City and the Port, as clarified and supplemented in two Amended And Restated Irrevocable Offers of Dedication of Improvements for City and Port, respectively (the “Offer of City Improvements” and “Offer of Port Improvements”).

5. Following its review of SWL 337’s proposed engineering design of and construction plans for the Phase 1A Public Infrastructure, Public Works issued Street Improvement Permit No. 20 IE-00486, dated October 1, 2020, approving construction and installation of the Phase 1A Public Infrastructure.
6. The Phase 1A Public Infrastructure being offered for acceptance and public dedication by the Board of Supervisors is located within the newly dedicated public streets known as Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and a portion of Third Street outside of the Phase 1A area. The Phase 1A Public Infrastructure is generally described as, but not limited to:
 - i. streets, roadways, sidewalks, and shared public ways, bicycle lanes, trees, street furnishings, streetlights, traffic signal infrastructure (i.e., conduits, poles, electrical wires, cabinets, pullboxes, and traffic signal heads); roadway signage and striping; fire alarm boxes;
 - ii. lightweight cellular concrete (“LCC”), utility infrastructure including, but not limited to, electrical power infrastructure, stormwater systems including bioretention facilities, domestic water systems, and auxiliary water systems.

The Phase 1A Infrastructure offered for Port acceptance within both newly dedicated public rights-of-way and open spaces is described in the Offer of Port Improvements and is not part of the recommendations of this Order.

7. The improvements constructed by Subdivider for Phase 1A sited within proposed public right-of-way include nonstandard Port encroachments that will be owned and maintained by the Port, generally described as but not limited to: a) non-standard roadway and sidewalk treatments, b) stormwater drainage elements and infrastructure, c) street furnishings, d) public art installations, e) custom benches and trash receptacles, f) non-standard wayfinding signage, g) operational pedestals for retractable bollards, h) streetlight protection elements/stone blocks, i) landscaping and irrigation, j) shared public way improvements, and k) other additional improvements, all of which are more particularly described in the proposed Interdepartmental Master Encroachment Permit (“IMEP”) as defined herein (hereafter collectively the “Port Encroachments”).
8. In Public Works Order Nos. 202297, 203638, and 210720, the Director conditionally approved certain requests for exceptions and deferrals to the Subdivision Code and Subdivision Regulations.
9. In Public Works Order No. 203194, the Director recommended that the Board of Supervisors approve Final Map No. 9443.

10. On June 2, 2020, the Board of Supervisors approved Final Map No. 9443, which provides for a 16-lot subdivision, with lots intended for residential, commercial, open space and public right-of-way uses in Motion M20-060. In the same motion, the Board of Supervisors approved the Public Improvement Agreement associated with this Final Map and authorized the Director of Public Works and the City Attorney to execute and record the Public Improvement Agreement, and conditionally accept the offers of improvements, subject to completion and further Board of Supervisors action.
11. On May 26, 2020, the San Francisco Public Utilities Commission (“SFPUC”) and the Port Commission approved a Jurisdictional Memorandum of Understanding (“Jurisdictional MOU”) that sets a framework for the jurisdiction over and maintenance and permitting of the Phase 1A improvements, outlines the procedures for implementing such framework, and provides for access to improvements by the City departments and third parties. The Jurisdictional MOU includes the Mission Rock Acceptance and Maintenance Matrix that further defines the agencies responsible for the ownership and maintenance of the Improvements within Mission Rock Phase 1A.
12. A Director’s Hearing was duly noticed and held on November 14, 2024 to present staff recommendation for approval of two applications for major encroachment permits including the proposed IMEP and the Master Encroachment Permit for certain encroachments for a district system utility infrastructure (also referred to as a “Global Master Encroachment Permit” or “GMEP”) to be maintained by Mission Rock Utilities, Inc., a Delaware corporation (“MRU”), or its assignee.
13. On November 21, 2024, the Department issued a Conditional Notice of Completion (“NOC”) for the Phase 1A Infrastructure including the public improvements, as well as the Port improvements/encroachments and other encroachments discussed in this Order, in which the Department and the City Engineer certified that the Phase 1A Infrastructure had been completed in accordance with the Improvement Plans and Specifications shown in Street Improvement Permit No. 20 IE-00486 prepared by BKF Engineers, entitled “Mission Rock Phase 1 Street Improvement Plans,” as modified by Instructional Bulletins #1 through #13, and all City codes, regulations, and standards governing the Phase 1A Public Infrastructure and permitted encroachments. In doing so, the City Engineer also determined that the Phase 1A Public Infrastructure and permitted encroachments are ready for their intended use, subject to specified conditions and the completion of the Deferred Infrastructure.
14. The Port Commission scheduled a hearing on February 11, 2025, to take various actions in regard to the Board of Supervisors consideration of accepting Phase 1A Public Infrastructure for City maintenance and liability and the Port Commission may rely on this Order as the basis for some of its findings.
15. A Director’s Hearing was duly noticed and held on February 12, 2025, to present staff recommendation for approval of an application for a major encroachment permit for LCC monitoring instruments monitors associated with the required monitoring of lightweight cellular concrete (“LCC”) installed throughout Phase 1A.
16. In this Order, the Director recommends the Board of Supervisors accept the Phase 1A Public Infrastructure and take the additional actions described below.

A. Delegation of Authority to Director to Accept Phased Infrastructure

1. In Public Works Order No. 210720, the Director conditionally approved a request to defer certain scopes of work including traffic signalization infrastructure and connected streetlights and other various scopes of work and documentation typically required prior to issuance of a Notice of Completion and consideration for formal acceptance by the Board of Supervisors ("Deferred Infrastructure"). That order set forth the conditions of approval of the deferral, including criteria for when the Deferred Infrastructure must be completed.
2. The Director recommends that the Board delegate authority to the Director, in consultation with applicable City agencies, to approve and accept the Deferred Infrastructure once it has been completed to the satisfaction of the Director and the City Engineer.

B. Amendments to Public Works Code

1. In furtherance of the Mission Rock project and other projects on Port property, amendments are proposed to the Public Works Code that would memorialize the Port's exercise of permitting authority for certain retail activations on City sidewalks (for tables, seating, and other minor encroachments).
2. In addition, in order to ensure that any excavation of or in proximity to LCC is performed according to Public Works standards and requirements, the Department recommends that the Board of Supervisors amend the Public Works Code to require all excavation in the Mission Rock Special Use District to require permits from Public Works, including excavation work that can be completed within 24 hours or would qualify for other existing exemptions.
3. The Director recommends that the Board of Supervisors approve the proposed amendments to the Public Works Code.

C. 3rd Street Pilot House

The Department operates the 3rd Street Pilot House, from which the 3rd Street Bridge over Mission Creek is raised and lowered. As part of the construction of the Mission Rock project, PG&E has performed work to provide electrical service to the 3rd Street Pilot House which electrical service runs partially through China Basin Park, subject to the City's execution of an Absolving Service Agreement. PG&E has made this a prerequisite to providing power to the 3rd Street Pilot House. The Port has requested that Public Works join the Port in executing the agreement.

D. Global Master Encroachment Permit for Mission Rock Utilities

1. The Director recommends approval of a Global Major Encroachment Permit, permitting certain encroachments for district system utility infrastructure to be maintained by Mission Rock Utilities, Inc., a Delaware corporation ("MRU") or its assignee.
2. Pursuant to the Development Agreement and the DDA, Subdivider has constructed district system utility infrastructure in the public right-of-way which will, upon acceptance of the Phase 1A Infrastructure and dedication of the public right-of-way, remain privately owned by the proposed permittee, MRU. The encroachments are generally described as: non-potable water systems; gravity and force main sewer systems; heating and chilled water systems; and conduits for fiber optic cable for purposes of systems communication (collectively, "MRU Encroachments").

3. Pursuant to Public Works Code sections 786.7, a public right-of-way occupancy assessment fee shall not be charged because the encroachments were constructed as a condition of the Development Agreement and DDA.
4. The Director recommends that the MRU Encroachments be permitted to remain in the public right-of-way as encroachments pursuant to a Global Master Encroachment Permit (the "GMEP"), approved under Public Works Code Sections 786 *et seq.*, as further specified below. Due to the placement of the MRU district system utility infrastructure below the public right-of-way, the Director recommends that the Board of Supervisors authorize the Department to require MRU to provide the City with a removal, restoration, and abandonment fund.
5. The Director recommends that the Board of Supervisors delegate to the Director authority to approve contiguous and non-contiguous annexation of new areas of the project site into the GMEP, as applicable, and assignments of rights and obligations from the original permittee to the permittee's agent or assignee, all based on terms, conditions, and obligations consistent with the GMEP.
6. The Director also recommends that the Board of Supervisors delegate to the Director the ability to divide the GMEP into separate master permits or individual street encroachment permits.

E. Interdepartmental Master Encroachment Permit for Port

1. The Director recommends approval of an Interdepartmental Master Encroachment Permit ("IMEP") permitting certain encroachments to be maintained by Port or its agent or assignee and allowing assignment of sidewalk maintenance responsibility to another entity, as further described in E.8 through E.11 below.
2. Pursuant to the Development Agreement and the DDA, Subdivider has agreed to install certain custom improvements and other encroachments in the public right-of-way for each phase of the development, including improvements installed to date in Phase 1A, which are comprised of the Port Encroachments.
3. The Director recommends that these custom improvements, including both the Port Encroachments in Phase 1A and similar future encroachments to be constructed in later phases, be permitted to remain in the public right-of-way as encroachments pursuant to an IMEP approved under Public Works Code Sections 786 *et seq.* The Director recommends that the Board of Supervisors approve an IMEP for the Port Encroachments, as further specified below.
4. Pursuant to Public Works Code sections 786.7, a public right-of-way occupancy assessment fee shall not be charged because the encroachments were constructed as a condition of the Development Agreement and DDA and because the Port is a local governmental agency, commission, or department.
5. Pursuant to the Development Agreement and DDA, Subdivider has constructed sidewalks in the public right-of-way for the development.
6. Under Public Works Code Sections 786 *et seq.*, the Board of Supervisors may authorize a master street encroachment permittee or the permittee's agent or assignee, such as a commercial owners' association, to comply with the terms of the Public Works Code Section 706 sidewalk maintenance responsibility in lieu of the fronting property owner.

7. The Port is currently the fronting property owner for all sidewalks in the Mission Rock project site.
8. Port and Subdivider have requested that the sidewalk maintenance responsibility be undertaken by Port or an approved assignee, which may be either a maintenance contractor ("Maintenance Contractor") pursuant to a separate maintenance agreement ("Maintenance Agreement") or the owners of the long-term leaseholds on the fronting properties ("Vertical Owners").
9. The City and the Port are evaluating the most efficient and effective mechanism for allocating sidewalk maintenance responsibilities. The Director recommends that the Board delegate authority to the Director to allow, through the IMEP, assignment or the approval of assignment for some or all of the sidewalk maintenance responsibilities.
10. Any sidewalk maintenance responsibility allocated to an Owners' Association will be included in the Conditions, Covenants, and Restrictions ("CC&Rs") for the subject property and will be binding on the Owners' Association and its successors.
11. The Director recommends that the Board of Supervisors delegate to the Director authority to approve contiguous and non-contiguous annexation of new areas of the project site into the Port IMEP, as applicable, and assignments of rights and obligations from the original permittee to the permittee's agent or assignee, all based on terms, conditions, and obligations consistent with the IMEP.
12. The Director also recommends that the Board of Supervisors delegate to the Director the ability to divide the Port IMEP into separate master permits or individual street encroachment permits.

F. Major Encroachment Permit for LCC Monitoring Instruments

1. In Public Works Order 202368, Public Works approved Tentative Map 9443 and imposed certain terms and conditions on the Subdivider's use of lightweight cellular concrete ("LCC") in the public right-of-ways on the Project site given that LCC is a new material for use in streets accepted into the City street system. In regard to the LCC, Order No. 202368 required the Subdivider to provide an "Initial Warranty," that would cover the failure of the "LCC Infrastructure" wherever it exists for a period of two years from the date of issuance of the last Notice of Completion for all LCC Infrastructure for the applicable Project phase. In addition, Order No. 202368 requires Subdivider to provide an "Extended Warranty" that covers all "Failures" of the LCC Infrastructure for a period of three years from the date of the expiration of the Initial Warranty. Order No. 202368 required that Subdivider's use of LCC Infrastructure comply with performance criteria to be issued subsequent to Order No. 202368.
2. In Public Works Order 203637, Public Works approved a monitoring plan and established performance criteria for LCC installed in Phase 1A.
3. In Public Works Order 207782, Public Works approved an amended and restated monitoring plan and established revised performance criteria for LCC in Phase 1A.
4. The Subdivider installed the LCC monitoring instruments as required by the Street Improvement Permit and will continue performing the required monitoring for the period specified in Order 207782. Such monitoring equipment is recommended to be permitted to occupy public right-of-way through a Major Encroachment Permit.

5. The Director recommends that the Board of Supervisors approve a Major Encroachment Permit for LCC monitoring instruments installed within Phase 1A.

G. Street and City Utility Acceptance Findings

1. Public Works inspected the Phase 1A Public Infrastructure, and the City Engineer issued a Conditional NOC, determining said improvements to be complete in accordance with the Improvement Plans and Specifications shown in Street Improvement Permit No. 20 IE-00486, and all City codes, regulations, and standards governing the Phase 1A Public Infrastructure, subject to certain conditions. In doing so, the City Engineer also determined that the Phase 1A Public Infrastructure is ready for its intended use. This Order also contains additional information in the form of an Acceptance and Maintenance Matrix dated February 19, 2025, which is attached to the Offer of City Improvements. The Offer of City Improvements also includes diagrams and maps that show the extent of the streets recommended for City acceptance of maintenance and liability and areas where City utilities, located outside of these streets on Port property, are recommended for City acceptance of maintenance and liability.
2. The City Engineer certifies to the Board of Supervisors that the Phase 1A Public Infrastructure, as shown in Street Improvement Permit No. 20 IE-00486 (Phase 1A), as modified by Instructional Bulletins #1 and #13, is ready to be accepted for public use. The Director also recommends that the Board of Supervisors accept said Phase 1A Public Infrastructure, for City maintenance and liability purposes in accordance with Streets and Highways Code Sections 1806 and San Francisco Administrative Code 1.51 *et seq.* and subject to the exceptions specified herein.
3. The Director recommends that the Board of Supervisors approve legislation to set the official width of sidewalks and to establish official public right-of-way widths and grades in the Mission Rock project area as shown on Drawing Q-20-1215. The official public right-of-way widths for the applicable portions of and sidewalk widths established as shown on Drawing Q-20-1215, would not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners as set forth in the Public Works Code or as set forth in any agreement or permit regarding maintenance obligations.
4. Map A-17-229 shows the right-of-ways, and applicable portion thereof, being offered for dedication and acceptance.
5. In a letter dated February 6, 2025, the Planning Department found that the actions contemplated in this Order comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 *et seq.*) and that the contemplated actions are within the scope of the prior environmental review and do not trigger the need for subsequent environmental review and that the actions contemplated in this Order are consistent with the scope of the prior General Plan determination and are consistent, on balance, with the General Plan and Planning Code Section 101.1.

NOW, THEREFORE, BE IT DETERMINED THAT:

I – Acceptance of Infrastructure

A. Based on the findings contained in the Conditional NOC, and based on the Department's and the Director's and the City Engineer's determination herein that: subject to the approval of exceptions to allow for the deferral of the completion of certain improvements specified in Order No. 210720, the

Mission Rock Phase 1A Public Improvements have been completed in compliance with the Public Improvement Agreement, as amended, and in accordance with the Improvement Plans and Specifications shown in Street Improvement Permit No. 20 IE-00486 prepared by BKF Engineers, entitled "Mission Rock Phase I Street Improvement Plans," as modified by Instructional Bulletins #1 through #13, and all City codes, regulations, and standards governing the Phase 1A Public Infrastructure; that the Phase 1A Public Infrastructure is ready for its intended use; and that the design of the Phase 1A Public Improvements is reasonable.

B. The Director and the City Engineer recommend that the Board of Supervisors approve the legislation to accept the Offer of City Improvements for the Phase 1A Public Infrastructure and to dedicate the public infrastructure for public use, subject to the exceptions identified below. The Director's recommendations in this Order also include the City Engineer's certification of actions subject to the City Engineer's authority.

C. The Director and the City Engineer approve all of the following documents either attached hereto or referenced herein:

1. Amended and Restated Offer of City Improvement for the Phase 1A Public Infrastructure which was been revised to differentiate between improvements to be owned by the Port and improvements to be owned by the City, and which account for additional Phase 1A Public Infrastructure constructed outside the limits of Phase 1A;
2. Conditional Assignment of Warranties and Guaranties; and
3. Official Street Dedication Map No. A-17-229.

D. The Director further recommends that the Board of Supervisors approve the legislation to dedicate the Phase 1A Public Infrastructure to public use, accept it for City maintenance and liability purposes, and regarding the street areas, designate the areas as open public right-of-way for street and roadway purposes subject to the following:

1. The portions of streets being designated as open public right-of-way for street and roadway purposes are from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the Plans and Specifications for the Phase 1A Public Infrastructure.
2. Acceptance of the Phase 1A Public Infrastructure for City maintenance and liability purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance and underlying LCC is the responsibility of the adjacent property owners in accordance with the Public Works Code.
3. Subdivider's use of LCC shall be subject to the Initial Warranty and Extended Warranty described in Order No. 202368 and the monitoring plan and the performance criteria established in Public Works Order No. 207782.
4. Encroachments that are or will be permitted under an encroachment permit (including but not limited to the Port Encroachments, MRU Encroachments and LCC Monitoring Instrument Encroachments), not permitted, or both, are excluded from acceptance.
5. City Improvements in Port Open Space, which are City utilities outside of the PROW including but not limited to traffic signal infrastructure, storm drain, domestic water, power electrical facilities, portions of curb ramps, and one streetlight, are recommended for

acceptance, dedication for public use, and acceptance for maintenance and liability purposes.

6. The acceptance of the streets does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements.
7. The City has accepted or will accept Subdivider's conditional assignment of all warranties and guaranties to the City related to the construction of the Phase 1A and its warranty obligations under Street Improvement Permit No. 20 IE-00486, as modified by Instructional Bulletins #1 and #13.

E. Right-of-Way Widths, Sidewalk Widths, and Street Grades

1. The Director approves the attached Official Sidewalk Width and Street Grades Drawing No. Q-20-1215.
2. The Director recommends that the Board of Supervisors approve the legislation to set the public right-of-way widths for portions of Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street as set forth in Public Works Map A-17-229 and Drawing Q-20-1215.
3. The Director further recommends that the Board of Supervisors approve the legislation to amend Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, by adding thereto a new section to read as follows:

Section 1648. The width of sidewalks on portions of Streets shall be modified as shown on the Public Works Drawing Q-20-1215, dated September 27, 2024.

4. The Director further recommends that the Board of Supervisors approve the legislation to set the street grades for portions of Bridgeview Way, Dr. Maya Angelou Lane, Toni Stone Crossing, and Third Street as set forth in Public Works Drawings Q-20-1215.
5. The Director further recommends that the Board of Supervisors direct Public Works to revise the Official Public Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with the legislation.

F. Regarding the City Improvements on Port Open Spaces, the Director recommends that the Board of Supervisors dedicate these components of the Phase 1A Public Infrastructure to public use and accept them for City maintenance and liability.

II – Delegated Authority for the Director to Accept Phased Infrastructure

The Director recommends that the Board delegate authority to the Director, in consultation with applicable City agencies, to approve and accept the Deferred Infrastructure once it is complete to the satisfaction of the Director.

III – Amendments to Public Works Code

The Director recommends that the Board of Supervisors approve amendments to the Public Works Code to memorialize the Port's exercise of permitting authority for certain retail activations on City sidewalks (for tables, seating, and other minor encroachments).

In addition, the Director recommends that the Board of Supervisors approve amendments to the Public Works code to ensure that any excavation of or in proximity to LCC is performed according to Public Works standards and requirements, the Department recommends that the Board of Supervisors amend the Public Works Code to require all excavation in the Mission Rock Special Use District to require permits from Public Works, including excavation work that can be completed within 24 hours or would qualify for other existing exemptions.

IV – 3rd Street Pilot House

The Director recommends that the Board authorize the Director to execute the Absolving Service Agreement.

V – Master Encroachment Permits

A. MRU GMEP

The Director recommends that the Board of Supervisors approve the MRU GMEP to permit MRU to maintain the custom improvements and other encroachments in the public right-of-way, as more specifically described in said permit for the Mission Rock project sitewide (all phases), and specifically for the encroachments constructed for Phase 1A, (GMEP) Permit 21ME-00004. The permitted encroachments are generally described as: non-potable water systems; gravity and force main sewer systems; heating and chilled water systems; and conduits for fiber optic cable for purposes of systems communication. The MRU GMEP is subject to the terms and conditions specified in that permit. The Director further recommends that the Board authorize the Director, in the Director's discretion, to approve the assignment, conveyance, or transfer of the MRU GMEP to a successor or assignee.

B. Port IMEP

The Director recommends that the Board of Supervisors approve the IMEP to permit the Port to maintain the Port Encroachments as more specifically described in said permit for the Mission Rock project sitewide (all phases), and specifically for the encroachments constructed for Phase 1A (IMEP) Permit 25ME-00002. The Port Encroachments are more particularly described in the IMEP.

The Director recommends that as part of the IMEP the Board of Supervisors delegate to the Director the authority to allow assignment to the Maintenance Contractor or the Vertical Owners to assume responsibility and liability for compliance with the terms of Public Works Code Section 706 in lieu of the fronting property owner, provided the Port also approves such assignment and subject to the condition that if allocated to an Owners' Association, the maintenance responsibility must be addressed in the CC&Rs as a binding requirement on the Owners' Association and its successors.

C. Major Encroachment Permit for LCC Monitoring Instruments

The Director recommends that the Board of Supervisors approve a Major Encroachment Permit to permit the Permittee to maintain LCC Monitoring Instrument Encroachments as more specifically described in said permit for the Mission Rock project Phase 1A Permit 25ME-00003.

D. General Provisions for Master Encroachment Permits

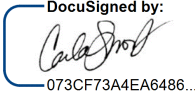
1. The Director recommends that the Board of Supervisors delegate to the Director the ability to divide each Master Encroachment Permit into separate major permits, master permits, or individual street encroachment permits.
2. The Director recommends that the Board of Supervisors delegate to the Director authority to approve contiguous and non-contiguous annexation of new areas of the project site into each Master Encroachment Permit.
3. The Director recommends that the Board of Supervisors delegate to the Director authority to approve assignments of rights and obligations from the original permittee to the permittee's agent, successor, or assignee or to such other assignees as may be described in the subject Master Encroachment Permit.
4. The Director recommends that the Board of Supervisors approve the permits described above subject to the Permit, Maintenance Agreement, or other such document ensuring maintenance of the encroachments as may be required by Public Works, being approved by the Director and, if required by the Director, recorded in the City and County Assessor-Recorder's Office.
5. The Director recommends that the Permit shall not be effective until the Permittee executes and acknowledges the Permit and delivers said permit and all required documents and fees to Public Works.

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Director of Public Works