

File No. 220736 Committee Item No. 5
Board Item No. 20

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 18, 2022

Board of Supervisors Meeting Date September 20, 2022

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SUR Maps 2022-003 through 2022-008 061422</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Easement Vacation SUR maps 2022-009 through 2022-015 061422</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DRAFT Quitclaim Deeds</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DRAFT Easement Quitclaims</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DRAFT Interim Easement Agreement</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Street Vacation Legal Descriptions</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Easement Vacation Legal Descriptions</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN GPR 030222</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC Motion No. 18269 021011</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC Motion No. 18270 021011</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC Reso No. 18273 021011</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PW Order No. 206691</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SFPUC Reso No. 22-0097 052422</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>RED 061322</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | |

Completed by: Erica Major Date July 14, 2022
Completed by: Erica Major Date July 22, 2022

[Street and Public Service Easement Vacation Order - Parkmerced Development Project]

Ordinance ordering the conditional vacation of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (the “Street Vacation Area”), and certain San Francisco Public Utilities Commission public service easements (the “Easement Vacation Area”), all within the Parkmerced Development Project area, an approximately 152-acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; reserving various easement rights in favor of the City and third-party utilities, subject to specified conditions; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions by City officials in furtherance of this Ordinance, as specified herein.

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

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

Section 1. Environmental and Land Use Findings.

(a) On February 10, 2011, at a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report ("FEIR") for the Parkmerced Mixed-Use Development Project (the “Project”), by Motion No. 18269, finding that the FEIR reflects the

1 independent judgment and analysis of the City and County of San Francisco (the "City"), is
2 adequate, accurate and objective, contains no significant revisions to the Draft EIR, and that
3 the content of the report and the procedures through which the FEIR was prepared, publicized
4 and reviewed comply with the provisions of the California Environmental Quality Act
5 (California Public Resources Code Sections 21000 et seq., "CEQA"), the CEQA Guidelines
6 (California Code of Regulations Title 14 Sections 15000 et seq.), and Chapter 31 of the San
7 Francisco Administrative Code ("Chapter 31").

8 (b) At the same hearing during which the Planning Commission certified the FEIR, the
9 Planning Commission by Motion No. 18270 adopted findings, as required by CEQA, regarding
10 the alternatives, mitigation measures, and significant environmental effects analyzed in the
11 FEIR, a statement of overriding considerations for approval of the Project, and a proposed
12 Mitigation Monitoring and Reporting Program ("MMRP") (collectively, "CEQA Findings").

13 (c) On May 24, 2011, at a duly noticed public hearing, the Board of Supervisors
14 reviewed and considered the FEIR on appeal. By Motion No. M11-83, the Board of
15 Supervisors upheld the Planning Commission's certification of the FEIR and found the FEIR to
16 be complete, adequate and objective and reflecting the independent judgment of the City and
17 in compliance with CEQA and the CEQA Guidelines. Said motion is on file with the Board of
18 Supervisors in File No. 110207 and is incorporated herein by reference.

19 (d) On June 7, 2011, at a duly noticed public hearing, the Board of Supervisors
20 considered the Project's approvals, which included amendments to the City's General Plan
21 (approved by Ordinance No. 92-11), Zoning Map (approved by Ordinance No. 91-11), and
22 Planning Code (approved by Ordinance No. 90-11), as well as a Development Agreement,
23 which was approved by Ordinance No. 89-11 (the "Development Agreement") (collectively,
24 the "Project Approvals"). Ordinance No. 89-11 is on file with the Clerk of the Board in File No.
25 110300 and is incorporated herein by reference. On June 14, 2011, the San Francisco Public

1 Utilities Commission (SFPUC) adopted SFPUC Commission Resolution No. 11-0091,
2 consenting to the Development Agreement.

3 (e) In approving the Project, including in its approval of the Development Agreement
4 by Ordinance No. 89-11, the Board of Supervisors adopted the Planning Commission's CEQA
5 Findings as its own and incorporated them by reference. In so doing, the Board of Supervisors
6 approved and endorsed the MMRP for implementation by other City departments and
7 recommended for adoption those mitigation measures that are enforceable by agencies other
8 than City departments. A copy of the CEQA Findings and the MMRP is on file with the Clerk
9 of the Board in File No. 110300 and is incorporated by reference.

10 (f) The Board of Supervisors finds that the actions proposed in this ordinance are
11 consistent with and within the scope of the Project analyzed in the FEIR and subject to the
12 CEQA Findings. The Board of Supervisors further finds that no substantial changes are
13 proposed in the Project and no substantial changes have occurred with respect to the
14 circumstances under which this Project will be undertaken that would cause new significant
15 environmental effects or a substantial increase in the severity of previously identified effects,
16 and there is no new information of substantial importance showing that the Project would have
17 any significant effects not discussed in the FEIR, that significant effects would be substantially
18 more severe, or that new or different mitigation measures or alternatives would substantially
19 reduce one or more significant effects of the Project. The Board affirms the Planning
20 Department's determination that an addendum to the FEIR is not required due to any changes
21 in the Project or the Project's circumstances.

22 (g) In a letter dated March 2, 2022 (the "Planning Letter"), the Planning Department
23 determined that the vacations proposed in this ordinance are consistent with the General Plan
24 and with the eight Priority Policies of Planning Code Section 101.1, comply with applicable
25 provisions of the Planning Code, and are consistent with the Project as defined in the

1 Development Agreement and the Project Approvals. A copy of said letter is on file with the
2 Clerk of the Board in File No. 220734 and is incorporated by reference herein. The Board of
3 Supervisors adopts as its own the consistency findings of the Planning Letter.
4

5 Section 2. General Findings.

6 (a) California Streets and Highways Code Sections 8300 et seq., and San Francisco
7 Public Works Code Section 787(a) set forth the procedures that the City follows to vacate
8 public streets and public service easements.

9 (b) Section 6.1.1 of the Development Agreement requires that the City vacate portions
10 of streets at the locations generally shown in Exhibit J of the Development Agreement, as and
11 when needed in connection with the development of an approved Development Phase for the
12 Project. The Planning Director approved Development Phase 1 of the Project on June 3,
13 2015. Development Phase 1 is comprised of four Subphases (1A, 1B, 1C, and 1D). On
14 August 27, 2019, the Planning Director issued a letter approving certain requested
15 amendments and revisions to the Phase 1 application.

16 (c) Parkmerced Owner, LLC (together, with its successors and assigns, the "Project
17 Sponsor") submitted two applications for tentative subdivision maps pursuant to the
18 requirements of the California Subdivision Map Act for Subphases 1C and 1D of the Project.
19 Those map applications are dated April 13, 2022 and October 29, 2021, respectively.
20 Tentative Map No. 10699 requested approval to subdivide Assessor's Blocks 7333, 7333-A,
21 7333-B, 7334, and 7337 (Parkmerced Planning Blocks 3W and 4), and Tentative Map No.
22 10700 requested approval to subdivide Assessor's Block 7331-253 (Parkmerced Planning
23 Block 21S) (collectively, the "Subphase 1C and 1D Tentative Maps"). Following the approval
24 by Public Works ("PW") of these Subphase 1C and 1D Tentative Maps, the Project Sponsor
25

1 will pursue the approval of a final subdivision map for each of the Subphase 1C and 1D
2 Tentative Maps (each, a "Final Map").

3 (d) On July 26, 2022, the Board of Supervisors adopted Resolution No. 352-22 (the
4 "Resolution of Intention"), being a resolution declaring the intention of the Board of
5 Supervisors to conditionally vacate (1) portions of Higuera Avenue, Vidal Drive, Arballo Drive,
6 and Garces Drive (collectively, "Streets") (the "Street Vacation Area"), and (2) certain SFPUC
7 public service easements within and outside of existing Streets (the "Easement Vacation
8 Area"). A copy of said Resolution is on file with the Clerk of the Board in File No. 220734, and
9 is incorporated herein by reference.

10 (e) The Street Vacation Area is shown in the Public Works SUR Map Nos. 2022-003,
11 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008, and the Easement Vacation Area is
12 shown in Public Works SUR Map Nos. 2022-009, 2022-010, 2022-011, 2022-012, 2022-013,
13 2022-014, and 2022-015. Copies of said maps are on file with the Clerk of the Board in File
14 No. 220734 and are incorporated herein by reference.

15 (f) The Clerk of the Board of Supervisors transmitted to the Director of Public Works
16 (the "Director") a certified copy of the Resolution of Intention, and the Director caused notice
17 of adoption of said Resolution to be posted in the manner required by law as demonstrated by
18 the affidavit of posting on file with the Clerk of the Board in File No. 220734.

19 (g) When the Resolution of Intention was considered as scheduled by the Board of
20 Supervisors at its regular meeting on September 20, 2022, the Board heard public testimony
21 regarding the vacation of the Street Vacation Area and Easement Vacation Area.

22 (h) The vacation of the Street Vacation Area and Easement Vacation Area is
23 necessary to implement Subphase 1C of the Project, to fulfill the objectives and requirements
24 of the Development Agreement, and to fulfill the objectives of the Parkmerced Special Use
25 District (Planning Code Section 249.64). The proposed vacations and other actions described

1 in this ordinance implement the Project contemplated by the Project Approvals, including the
2 construction of buildings and streets consistent with the Parkmerced Design Standards and
3 Guidelines, the Parkmerced Transportation Plan, and the Parkmerced Infrastructure Report,
4 all of which are incorporated by reference into the Development Agreement. Subphase 1D
5 requires no street or public service easement vacations.

6 (i) The City proposes to quitclaim its interest in the Street Vacation Area to the Project
7 Sponsor, consistent with Development Agreement Section 6.1.1; however, because the
8 Streets will remain in use until specified times, no portion of the Street Vacation Area shall be
9 vacated until all the following conditions are satisfied:

10 (1) The City reserves a public right of way easement to continue public street
11 and utility use until the Project Sponsor replaces the same in new public rights of way.

12 (2) The Project Sponsor shall provide an irrevocable offer of dedication to the
13 City in form substantially similar to that provided in Exhibit L of the Development Agreement
14 for all lands needed for construction of proposed improvements shown on the Street
15 Improvement Permit for Subphase 1C of the Project. The Project Sponsor shall make such
16 irrevocable offers of dedication prior to City approval of the Final Map or issuance of a Street
17 Improvement Permit for Subphase 1C of the Project, whichever is earlier. The offer of
18 dedication shall be subject to the reservation of an easement in favor of the Project Sponsor
19 for all domestic water utilities and recycled water systems, within the dedicated area, which
20 easement, as to the domestic water utilities, shall be extinguished upon completion of all
21 Development Phases of the Project and formal acceptance of the domestic water utilities by
22 the City, and, as to the recycled water systems, shall be extinguished upon completion of
23 Development Phase 1 and formal acceptance of the recycled water systems by the City, all
24 pursuant to the Development Agreement. The sum total of the square footage of the land
25

1 proposed for dedication to the City shall be equal to or exceed the square footage of the
2 Street Vacation Area.

3 (3) The Project Sponsor shall provide PW with an acceptable Public
4 Improvement Agreement ("PIA") pursuant to Section 1351 of the San Francisco Subdivision
5 Code and the California Subdivision Map Act for all improvements within the Final Map or
6 required for development of the area shown in the Final Map prior to approval of the Final
7 Map or issuance of a Street Improvement Permit for Subphase 1C of the Project, whichever is
8 earlier. Said PIA shall address security provisions and provide interim easements or licenses
9 via separate offer, such that the City can complete the improvements if the Project Sponsor
10 fails to do so.

11 (4) Where a future Development Phase of the Project (Development Phase 2
12 and onward) anticipates a future dedication of right of way adjacent to a street shown on a
13 tentative map as being partially improved, PW shall require the Project Sponsor, prior to
14 submittal of a Final Map mylar for such future phase (Development Phase 2 and onward), but
15 after acceptance and recordation of the quitclaim deeds for the Street Vacation Area
16 contemplated by this ordinance, to record a Notice of Restrictions on those strips of land
17 anticipated in such future phase to be dedicated for the ultimate street construction as agreed
18 upon in the Development Agreement, subject to the review and approval of the City Attorney.

19 (j) The City proposes to quitclaim its interest in the Easement Vacation Area to the
20 Project Sponsor where the Project Sponsor owns the underlying fee interest in the property;
21 however, because some of these easements will remain in use until specified times, certain
22 portions of the Easement Vacation Area shall not be vacated until all the following conditions
23 are satisfied:

24 (1) No portion of the Easement Vacation Area shall be vacated until the Project
25 Sponsor provides PW with an acceptable PIA pursuant to Section 1351 of the San Francisco

1 Subdivision Code and the California Subdivision Map Act for all improvements within the Final
2 Map or required for development of the area shown in the Final Map prior to approval of the
3 Final Map or issuance of a Street Improvement Permit for Subphase 1C of the Project. Said
4 PIA shall address security provisions and provide interim easements or licenses via separate
5 offer, such that the City can complete the improvements if the Subdivider fails to do so.

6 (2) The vacation of the Easement Vacation Area is subject to the reservation of
7 non-exclusive easements for the benefit of the SFPUC for any SFPUC utilities that are located
8 under, in, upon, or over any portion of the Easement Vacation Area in which the SFPUC's in-
9 place and functioning utilities are located, to the extent necessary to maintain, operate, repair,
10 and remove existing sewer or water pipes and other convenient structures, equipment and
11 fixtures for the operation of such utilities; provided, however, that such reserved non-exclusive
12 easements would be automatically extinguished when alternative replacement facilities are
13 completed to the satisfaction of the City Engineer and the Board of Supervisors accepts the
14 facilities or may be earlier terminated by quitclaim deed if the SFPUC General Manager
15 determines that there are no active facilities within the relevant easement area.

16 (3) In the event a non-exclusive easement held by the City to be vacated under
17 this ordinance has merged into the fee interest held by the City, such interest shall be deemed
18 to be automatically extinguished and conveyed at the time the fee interest is conveyed by the
19 Project Sponsor to the City or any other transferee pursuant to the Development Agreement.

20 (k) In a letter dated June 13, 2022, the Director of Property determined that: the
21 Development Agreement contemplates the vacation of the Street Vacation Area; Exhibit J of
22 the Development Agreement shows the general locations of the street vacations and
23 dedications required by the Project; Section 6.1.2 of the Development Agreement requires
24 that (1) all real property exchanged under the Development Agreement be valued on a square
25 foot basis, and shall be deemed equal in value per square foot, (2) if any real property

1 exchange under the Development Agreement results in a net loss of acreage for the City, then
2 the project sponsor must pay to the City the fair market value of the real property loss at the
3 time of transfer based on the then-current use of the property so transferred, and (3) the City
4 shall not be required to pay for any net gain in real property to the Project; provided, however,
5 such net gain can be applied against future real property transfers for purposes of determining
6 whether there has been a net loss as described above. In the letter, the Director of Property
7 also determined that: the proposed real property transfers associated with Subdivision Maps
8 10699 and 10700 result in a net gain in real property owned by the City; therefore, no
9 payment is owed by the Project for the vacation of the Street Vacation Area; and this net gain
10 should be credited against future transfers of real property for the Project. A copy of said letter
11 is on file with the Clerk of the Board in File No. 220734.

12 (l) On May 24, 2022, by SFPUC Resolution No. 22-0097, the SFPUC determined that
13 upon meeting the conditions specified in this ordinance, any easements located in the
14 Easement Vacation Area are surplus and unnecessary for the City's public utility purposes,
15 and that the value of any replacement infrastructure and of surrendering liability for any
16 existing facilities is a benefit to the SFPUC and serves as consideration for this vacation
17 action, and authorized the SFPUC General Manager or the Director of Property to quitclaim
18 these real property interests. A copy of this resolution is on file with the Clerk of the Board of
19 Supervisors in File No. 220734, and incorporated herein by reference.

20 (m) The Director of Public Works prepared PW Order No. 206691, dated June 15,
21 2022, in regard to the vacations and other actions contemplated in this ordinance and made
22 the following determinations: (1) upon satisfaction of the applicable condition or conditions
23 provided in Sections 2(i) and 2(j), the Street Vacation Area and Easement Vacation Area will
24 no longer be necessary for the City's present or prospective future public street, sidewalk, and
25 public service easement purposes as all existing physical public or private utilities located in

1 the Street Vacation Area and all existing physical public utilities within the Easement Vacation
2 Area will be relocated to the satisfaction of the City as part of the construction of the Project;
3 (2) with the exception of those rights noted in Sections 2(i) and 2(j), the public interest,
4 convenience, and necessity do not require that any easements or other rights be reserved for
5 any public or private utility facilities that are in place in the Street Vacation Area or the
6 Easement Vacation Area and that any rights based upon any such public or private utility
7 facilities shall be extinguished automatically upon the effectiveness of the vacation; (3) in
8 accordance with California Streets and Highways Code Section 892 and 8314, for those
9 portions of the Street Vacation Area and Easement Vacation Area to be conditionally vacated
10 as provided in Sections 2(i) and 2(j), upon satisfaction of the applicable condition or
11 conditions, the rights-of-way and parts thereof proposed for vacation will no longer be useful
12 as a nonmotorized transportation facility, as defined in California Streets and Highways Code
13 Section 887, because the Development Agreement requires the dedication and construction
14 of an extensive street, bicycle path, pedestrian path, park, and trail system that is more
15 extensive than the areas being vacated hereby and that is designed to integrate with existing
16 built streets in the adjacent neighborhoods; and (4) the Project Sponsor is the owner of all of
17 the private property adjacent to the Street Vacation Area and the proposed street vacations
18 do not deprive any private landowner of access to the built public street grid. A copy of the
19 PW Order is on file with the Clerk of the Board in File No. 220734 and is incorporated herein
20 by reference.

21 (n) In addition, in the PW Order, the Director recommended: (1) that the Board of
22 Supervisors adopt the legislation to vacate the Street Vacation Area and the Easement
23 Vacation Area; and (2) that the Board of Supervisors authorize the Mayor, Clerk of the Board,
24 Director of Property, County Surveyor, SFPUC General Manager, and Director of Public
25

1 Works to take any and all actions which they or the City Attorney may deem necessary or
2 advisable in order to effectuate the purpose and intent of this ordinance.

3 (o) In addition, in the PW Order, the Director determined that the public interest,
4 convenience, and necessity require that the City reserve from the vacation of the Street
5 Vacation Area and Easement Vacation Area the rights described in Sections 2(i) and 2(j) .
6

7 Section 3. Ordering Street and Public Service Easement Vacation.

8 (a) The Board of Supervisors approves the recommendations and findings in PW
9 Order No. 206691 and hereby vacates the Street Vacation Area, as shown in Public Works
10 SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008, and the
11 Easement Vacation Area as shown in Public Works SUR Map Nos. 2022-009, 2022-010,
12 2022-011, 2022-012, 2022-013, 2022-014, and 2022-015, pursuant to California Streets and
13 Highways Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a),
14 and upon satisfaction of the terms, conditions, and reservations as set forth in this ordinance,
15 including Section 2(i) and Section 2(j).

16 (b) The Board of Supervisors hereby finds that the Street Vacation Area and
17 Easement Vacation Area are unnecessary for present or prospective public use, subject to the
18 conditions described in this ordinance.

19 (c) The Board finds that the public interest, convenience, and necessity require that
20 the vacation be done as declared in this ordinance.

21 (d) Following recordation of this ordinance and upon satisfaction of the terms,
22 conditions, and reservations as set forth in this ordinance, the vacation shall be effective
23 without any further action by the Board, as to all of the Street Vacation Area upon recording of
24 the City's quitclaim deed in substantially the same form as the draft quitclaim deed, and as to
25 all of the Easement Vacation Area upon recording of the City's easement quitclaim deed and

1 interim easement agreement in substantially the same form as the draft easement quitclaim
2 and draft interim easement agreement. The draft quitclaim deed, draft easement quitclaim
3 deed, and draft interim easement agreement are on file with the Clerk of the Board in File No.
4 220734.

5
6 Section 4. Execution of Quitclaim Deeds, Interim Easement Agreement, and
7 Delegation to Director of Property.

8 (a) The Board of Supervisors hereby authorizes the Director of Property to execute
9 City quitclaim deeds to the Project Sponsor for the Street Vacation Area upon satisfaction of
10 the conditions set forth in Section (2)(i) and for the applicable portions of the Easement
11 Vacation Area upon satisfaction of the conditions set forth in Section (2)(j).

12 (b) The Street Vacation Area quitclaim deeds executed pursuant to this Section 4 shall
13 include the reservation of a public right of way easement, maintaining public access and rights
14 for public utilities. The public right of way easement shall automatically extinguish when the
15 Director has issued notice of completion on replacement access and any public utilities
16 serving the affected area, or earlier on recordation of a quitclaim deed (or other notice of
17 termination) at the Director's discretion based on consultation with the affected City
18 departments and utility providers. The Easement Vacation Area quitclaim deeds executed
19 pursuant to this Section 4 shall be concurrent with the execution of the interim easement
20 agreement. The Board hereby delegates to the Director of Property, in cooperation with the
21 County Surveyor, the authority to determine precise locations of the boundaries of quitclaims
22 to be prepared and recorded pursuant to this ordinance so as to fully implement the intent of
23 this ordinance and to fully implement the Project.

1 Section 5. Official Acts in Connection with this Ordinance.

2 (a) The Mayor, Clerk of the Board, Director of Property, County Surveyor, SFPUC
3 General Manager, and Director of Public Works are hereby authorized and directed to take
4 any and all actions which they or the City Attorney may deem necessary or advisable in order
5 to effectuate the purpose and intent of this ordinance (including, without limitation, the filing of
6 this ordinance in the Official Records of the City and County of San Francisco, determination
7 of the precise locations of the boundaries of quitclaims to be prepared and recorded pursuant
8 to this ordinance, confirmation of satisfaction of any of the conditions to the effectiveness of
9 the vacation of any portion of the Street Vacation Area or Easement Vacation Area hereunder,
10 and confirmation of the reservation and acquisition of easements described in this ordinance
11 and execution and delivery of any evidence of same, which shall be conclusive as to the
12 satisfaction of such conditions upon signature by any such City official or the official's
13 designee).

14 (b) The Clerk of the Board of Supervisors is directed to transmit to the Office of the
15 Assessor-Recorder a certified copy of this ordinance, the legal description of the Vacation
16 Area, the Assessor's Parcel Number(s) or reserved Assessor's Parcel Number(s), and the
17 Public Works SUR Maps. Promptly upon the effective date of this ordinance, the County
18 Recorder shall record this ordinance, the legal description of the Vacation Area, and the
19 Public Works SUR Maps.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

1 Section 6. Effective Date.

2 This ordinance shall become effective 30 days after enactment. Enactment occurs
3 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
4 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
5 Mayor's veto of the ordinance.

6
7 APPROVED AS TO FORM:
8 DAVID CHIU, City Attorney

9 By: /s/ KRISTEN A. JENSEN
10 KRISTEN A. JENSEN
 Deputy City Attorney

11 n:\legana\as2022\2200492\01607988.docx

LEGISLATIVE DIGEST

[Street and Public Service Easement Vacation Order Parkmerced Development Project]

Ordinance ordering the conditional vacation of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (the “Street Vacation Area”), and certain San Francisco Public Utilities Commission public service easements (the “Easement Vacation Area”), all within the Parkmerced Development Project area, an approximately 152-acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; reserving various easement rights in favor of the City and third-party utilities, subject to specified conditions; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions by City officials in furtherance of this Ordinance, as specified herein.

Existing Law

The Parkmerced Development Project (“Project”) is a large, multi-phased project to redevelop an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco, generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west. Among other things, the Project involves the realignment of various streets and public service easements.

Amendments to Current Law


The proposed ordinance would conditionally vacate portions of certain streets and public service easements for the third subphase (Phase 1C) of the Project. Specifically, Subphase 1C of the Project involves the conditional vacation of certain street segments in the locations shown in the Public Works SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008, and the public service easements in the Areas shown in Public Works SUR Map Nos. 2022-009, 2022-010, 2022-011, 2022-012, 2022-013, 2022-014, and 2022-015.

The proposed vacations implement the Project, which was approved by the Board of Supervisors in 2011, by, among other approvals, approval of a Development Agreement for the Project by Ordinance No. 89-11. The City will retain a public right of way easement to continue public street and utility use until Project Sponsor replaces the same in new public rights of way. For the vacations to become final, the Project Sponsor must

provide an irrevocable offer of dedication to the City for all lands needed for construction of proposed improvements shown on the Street Improvement Permit for Subphase 1C of the Project subject to the reservation of an easement in favor of Project Sponsor for all domestic water utilities and recycled water systems. The reserved easement, as to the domestic water utilities, shall be extinguished upon completion of all Development Phases of the Project and formal acceptance of the domestic water utilities by the City, and, as to the recycled water systems, shall be extinguished upon completion of Development Phase 1 and formal acceptance of the recycled water systems by the City. In addition, the Project Sponsor must meet certain additional conditions, including providing PW with an acceptable Public Improvement Agreement (PIA) with the City for all the improvements required by the Final Map for this phase of the Project, addressing, among other issues, security provisions and provide interim easements or licenses, so that the City can complete the improvements if the Project Sponsor fails to do so.

n:\legana\as2022\2200492\01607907.docx



DATE: June 13, 2022
TO: Whom It May Concern
FROM: Andrico Q. Penick, Director of Real Estate 
RE: Parkmerced Project Subphases 1C and 1D – Street Vacations and Street Dedications

The Parkmerced Development Agreement ("Development Agreement") was approved and adopted by the San Francisco Board of Supervisors and Mayor in 2011 by Ordinance No. 89-11.

Development Agreement

The Development Agreement contemplates certain Street Vacations and Street Dedications necessary to implement the Parkmerced Project. Section 6.1.1 of the Development Agreement provides that the City will vacate portions of streets at the locations generally shown in Exhibit J of the Development Agreement, and convey the associated real property to the project sponsor, as and when needed in conjunction with the development of an approved Development Phase for the Project.

The Development Agreement, Section 6.1.2, further provides that:

- All real property exchanged under the Development Agreement shall be valued on a square foot basis, and shall be deemed equal in value per square foot.
- If any real property exchange under the Development Agreement results in a net loss of acreage for the City, then the project sponsor must pay to the City the fair market value of the real property loss at the time of transfer based on the then-current use of the property so transferred.
- The City shall not be required to pay for any net gain in real property; provided, however, such gain can be applied against future real property transfers for purposes of determining whether there has been a net loss as described above.

Subphases 1C and 1D Proposed Street Vacations and Street Dedications

I am informed that Tentative Subdivision Map applications 10699 and 10700 implement Subphases 1C and 1D of the Parkmerced Project. I have reviewed the Street Vacations as shown in Public Works SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008 and consisting of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (along with public service easements within those portions of streets). I have also reviewed the Street Dedications as depicted in Tentative Subdivision Map applications 10699 and 10700 and on the enclosed exhibit prepared by BKF Engineers.

Based on the materials listed above, and excluding 1) the potential future transfer of parcel 7333-002 (CCSF 7333) and associated dedication of parcel 7 as public right-of-way, which I am informed will be the subject of a separate action, and 2) the proposed vacation of certain SFPUC easements contemplated by the vacation ordinance, which are not at issue for the purposes of this letter, the proposed Street Vacations and Street Dedications of Subphases 1C and 1D result in a net gain of 8,561 square feet of real property to the City, as follows:

- Vacation parcels 1, 2, 3, 4, 5, and 6 = 16,398 square feet
- Dedication parcels 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 = 24,959 square feet

Per the terms of the Development Agreement cited above, it is my opinion that no payment by the project sponsor is now due to the City for the Street Vacations in Subphases 1C and 1D. Further, it is my opinion that the net gain of 8,561 square feet should be credited against future transfers of real property according to the terms of the Development Agreement. This conclusion solely pertains to the Street Vacations and Street Dedications listed above and as depicted in Tentative Subdivision Map applications 10699 and 10700 and shown in Public Works SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008.

Based upon the documents presented and the reasons stated above, I recommend approval of the property transactions related to the Street Vacations pursuant to the vacation ordinance.

Attachment: Subphase 1C and 1D Street Vacations and Dedications

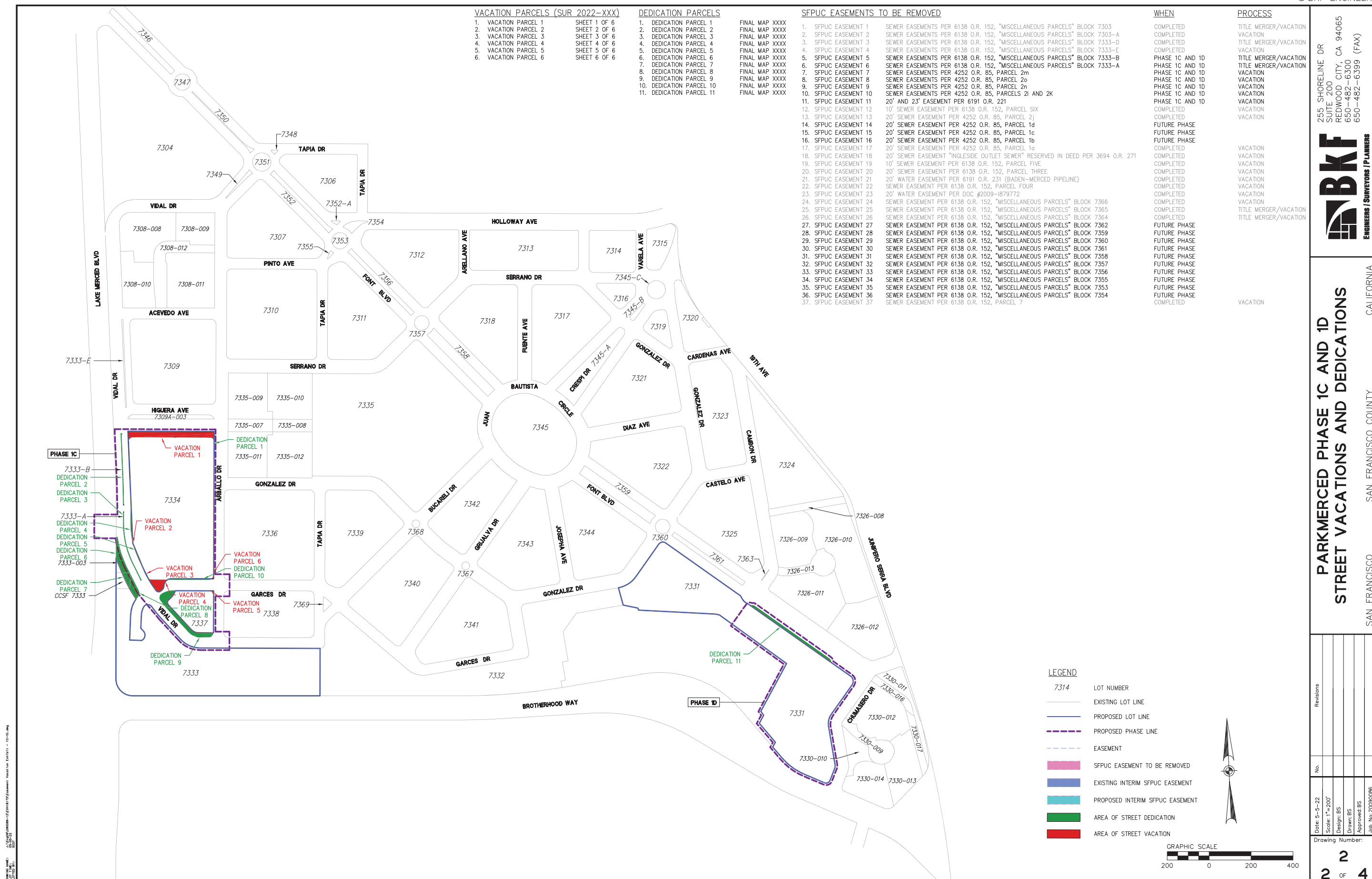


**PARKMERGED PHASE 1C AND 1D
STREET VACATIONS AND DEDICATIONS**

SAN FRANCISCO
SAN FRANCISCO COUNTY
CALIFORNIA

Date: 5-5-22	No.	Revisions
Scale: 1"=200'		
Design: BS		
Drawn: BS		
Approved: BS		
Job No: 202000096		

Drawing Number:
2
2 OF 4



SFPUC EASEMENT 5
(PHASE 1C - TENTATIVE MAP 10699)

BLOCK 7333-B
ROS 8641
(FF S.M. 110-129)



VIDAL DRIVE
(WIDTH VARIES)

N00°10'01"W 216.355'
S00°10'01"E 216.355'

R=3,083.000'
 $\Delta=2^{\circ}14'51''$
L=120.927'
R=3,087.000'
 $\Delta=2^{\circ}14'51''$
L=121.084'

R=2.000'
 $\Delta=180^{\circ}00'00''$
L=6.283'

R=2.000'
 $\Delta=180^{\circ}00'00''$
L=6.283'

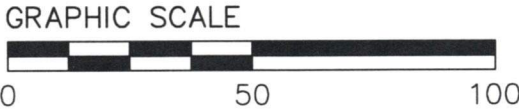
LEGEND

DN.
O.R.
ROS
S.M.
SQ.FT.



BLOCK 7334
ROS 8641
(FF S.M. 110-129)

[Handwritten signature]

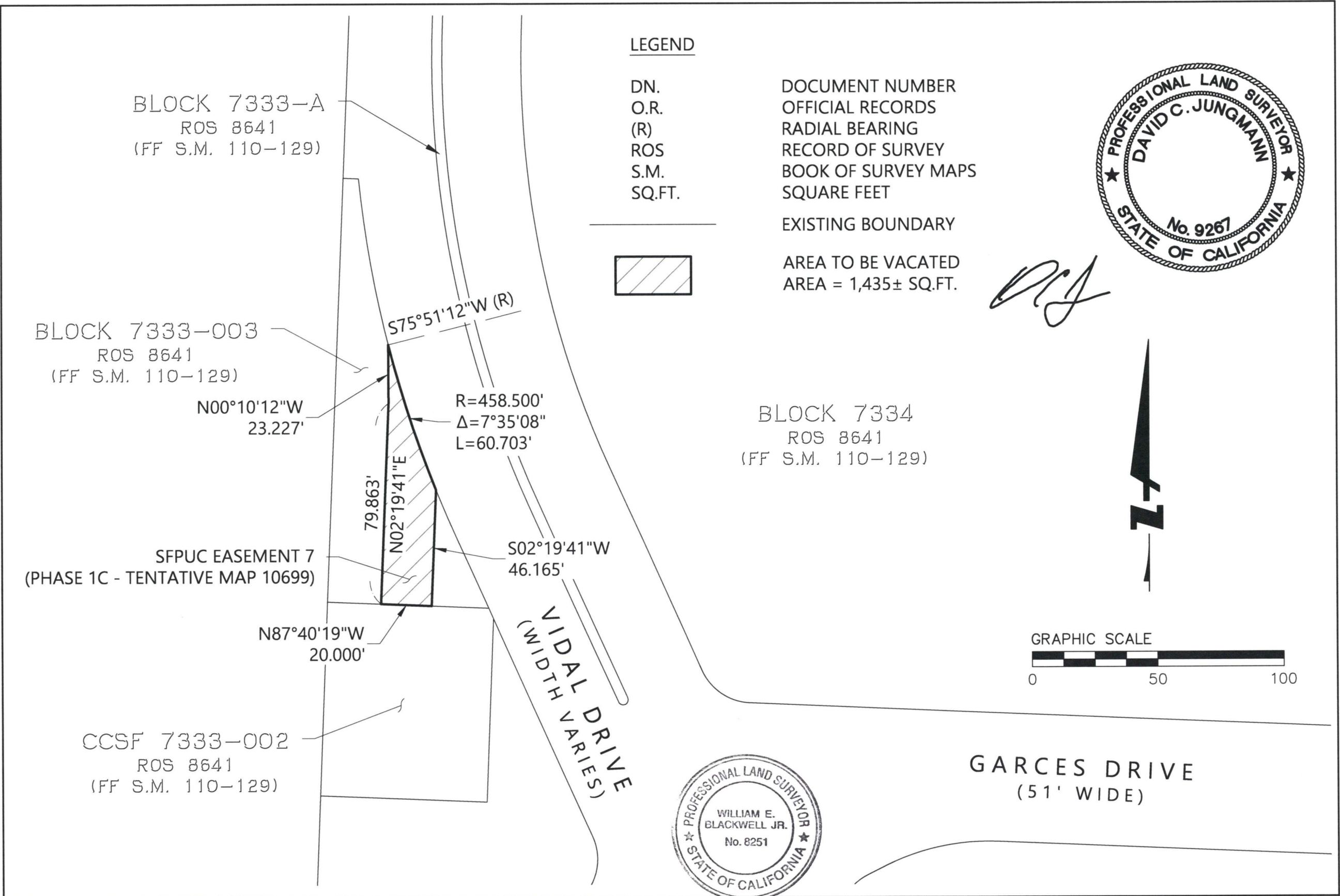


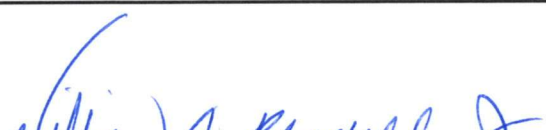
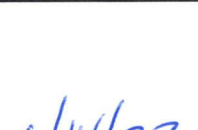
REFERENCES:
-ROS MAP 8641,
FF S.M. 110-129
-A PORTION OF 6138
O.R. 152,
MISCELLANEOUS
PARCELS

[Handwritten signature]
WILLIAM E. BLACKWELL JR., PLS 8251
ACTING CITY AND COUNTY SURVEYOR

6/14/22
DATE

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS			
PROPOSED EASEMENT VACATION OF BLOCK 7333-B OF RECORD OF SURVEY MAP 8641			
FILE: SUR: 2022-009	SHEET 1 OF 1	SCALE 1"=50'	



REFERENCES: —ROS MAP 8641, FF S.M. 110—129 —EASEMENT PARCEL 2m PER 4252 O.R. 85	 WILLIAM E. BLACKWELL JR., PLS 8251 ACTING CITY AND COUNTY SURVEYOR	 DATE	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS			
			PROPOSED EASEMENT VACATION OF A PORTION OF BLOCK 7333—003 OF RECORD OF SURVEY MAP 8641			
			FILE: SUR: 2022—011	SHEET 1 OF 1	SCALE 1"=50'	

LEGEND

DN.
ROS
S.M.
SQ. FT.

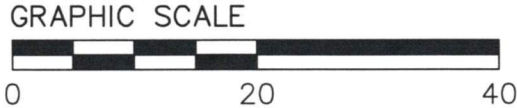
DOCUMENT NUMBER
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY

AREA TO BE VACATED
AREA = 61± SQ.FT.



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N87°40'19"W	14.696'
L2	S02°25'48"W	14.255'
L3	N28°40'22"W	16.630'
L4	S87°40'19"E	8.591'

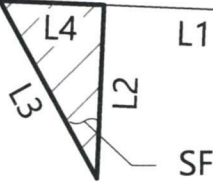


LAKE MERCED BOULEVARD
(WIDTH VARIES)

CCSF 7333-002
ROS 8641
(FF S.M. 110-129)

S02°19'41"W
72.927'

VIDAL DRIVE
(WIDTH VARIES)



SFPUC EASEMENT 8
(PHASE 1C - TENTATIVE MAP 10699)

BLOCK 7333-001
ROS 8641
(FF S.M. 110-129)



REFERENCES:
-ROS MAP 8641,
FF S.M. 110-129
-EASEMENT PARCEL
2o PER 4252 O.R. 85

WILLIAM E. BLACKWELL JR., PLS 8251
ACTING CITY AND COUNTY SURVEYOR

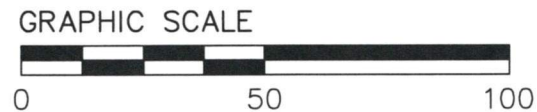
DATE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

PROPOSED EASEMENT VACATION OF A PORTION OF BLOCK 7333-001
OF RECORD OF SURVEY MAP 8641

FILE:
SUR: 2022-012

SHEET 1 OF 1 SCALE 1"=20'



LEGEND

DN. DOCUMENT NUMBER
O.R. OFFICIAL RECORDS
(R) RADIAL BEARING
ROS RECORD OF SURVEY
S.M. BOOK OF SURVEY MAPS
SQ.FT. SQUARE FEET
EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 1,533± SQ.FT.

BLOCK 7333-A
ROS 8641
(FF S.M. 110-129)

BLOCK 7333-003
ROS 8641
(FF S.M. 110-129)

CCSF 7333-002
ROS 8641
(FF S.M. 110-129)

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

GARCES DRIVE
(51' WIDE)

BLOCK 7337
ROS 8641
(FF S.M. 110-129)



LAKE MERCED BOULEVARD
(100' WIDE)

N02°19'41"E 53.733'
N24°10'48"E 47.694'
S24°10'48"W 105.587'
S87°40'19"E 21.548'

SFPUC EASEMENT 9
(PHASE 1C - TENTATIVE MAP 10699)

BLOCK 7333-001
ROS 8641
(FF S.M. 110-129)

GARCES DRIVE
(51' WIDE)

VIDAL DRIVE
(WIDTH VARIES)



REFERENCES:

-ROS MAP 8641,
FF S.M. 110-129
-EASEMENT PARCEL
2n PER 4252 O.R. 85

WILLIAM E. BLACKWELL JR., PLS 8251
ACTING CITY AND COUNTY SURVEYOR

DATE

6/14/22

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

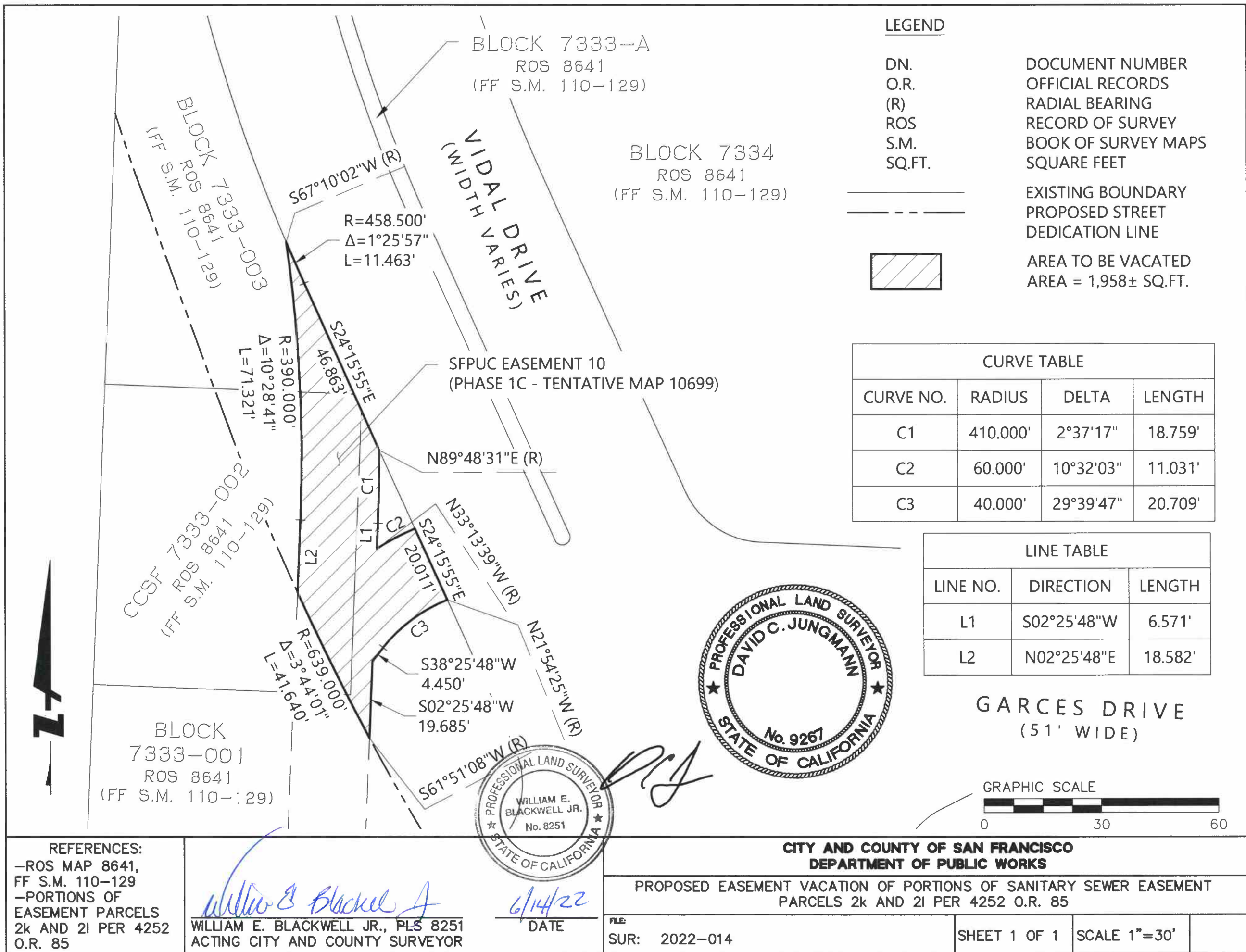
PROPOSED EASEMENT VACATION OF A PORTION OF BLOCK 7333-001
OF RECORD OF SURVEY MAP 8641

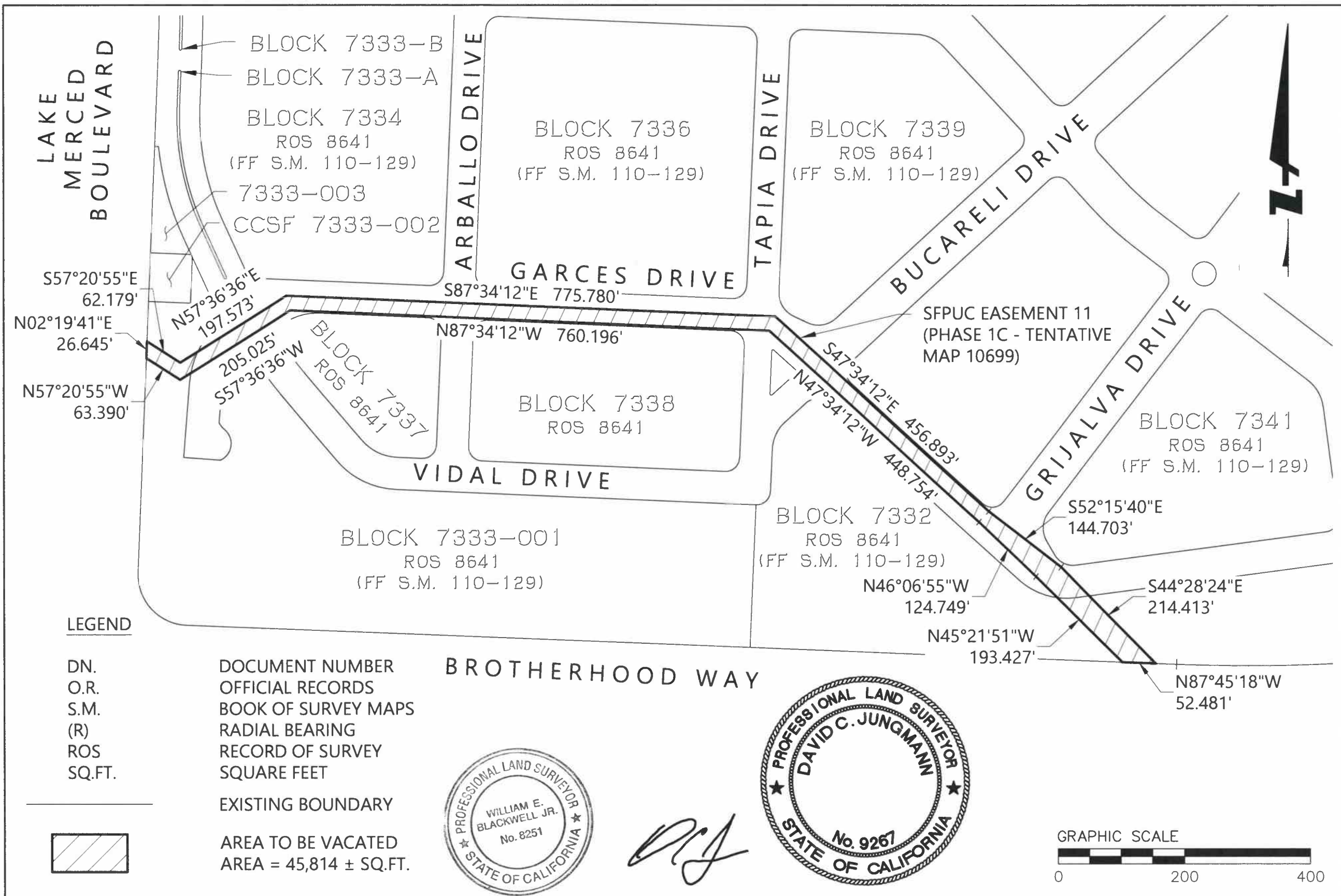
FILE:

SUR: 2022-013

SHEET 1 OF 1

SCALE 1"=50'



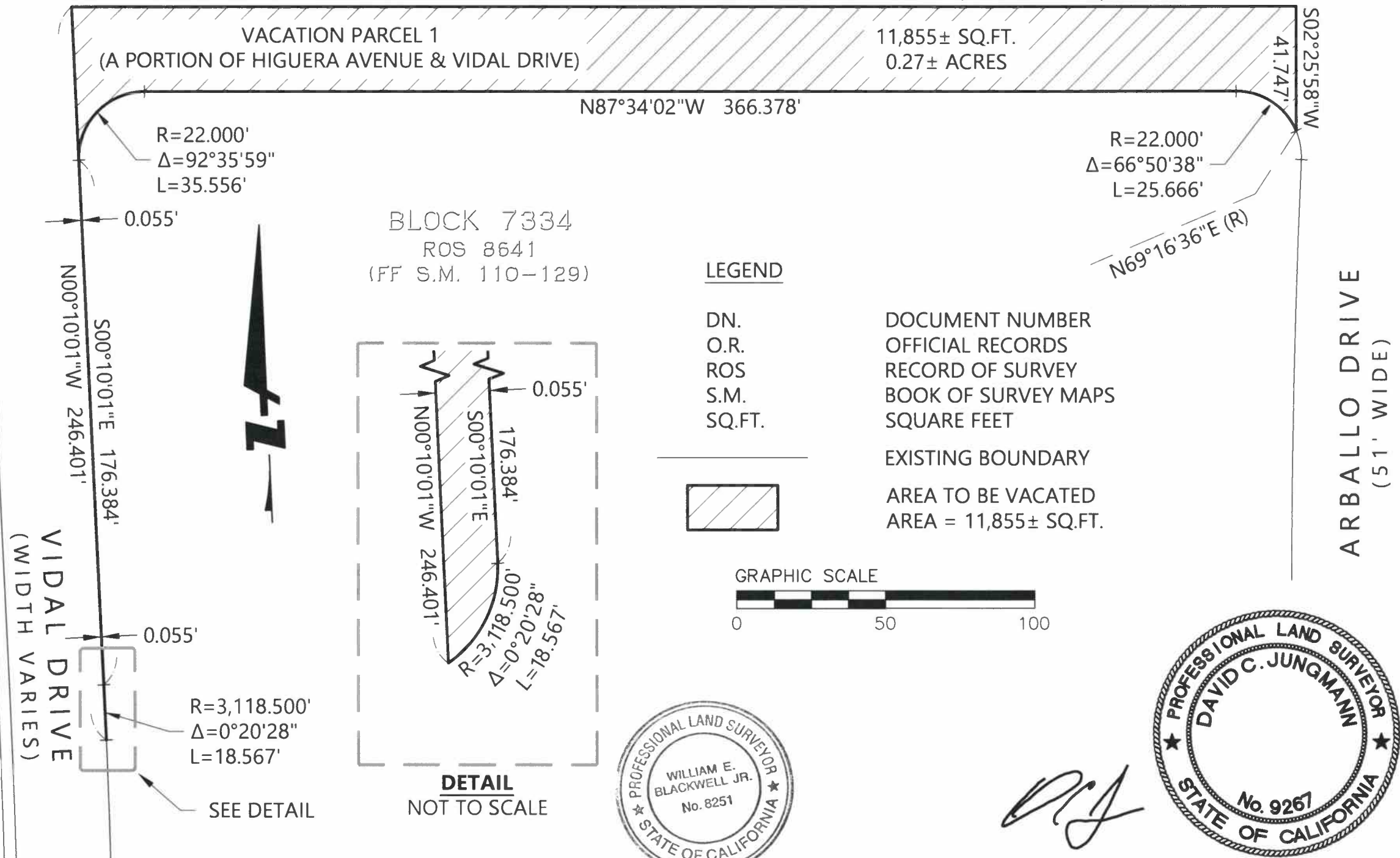


REFERENCES: -ROS MAP 8641, FF S.M. 110-129 -6191 O.R. 221	 WILLIAM E. BLACKWELL JR., PLS 8251 ACTING CITY AND COUNTY SURVEYOR	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS			
		PROPOSED EASEMENT VACATION OF A PORTION OF BLOCKS 7332, 7333-001 AND A PORTION OF GARCES DR OF RECORD OF SURVEY MAP 8641			
	DATE 6/14/22	FILE: SUR: 2022-015	SHEET 1 OF 1	SCALE 1"=200'	

BLOCK 7333-B
ROS 8641
(FF S.M. 110-129)

CCSF PARCEL 7
(DN. 2017K509962)

HIGUERA AVENUE
(51' WIDE)



REFERENCES:
-ROS MAP 8641,
FF S.M. 110-129,
DN. 2017K509962, DN.
2017-K509960

WILLIAM E. BLACKWELL JR., PLS 8251
ACTING CITY AND COUNTY SURVEYOR

6/14/22
DATE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

PROPOSED STREET VACATION OF PORTIONS OF HIGUERA AVENUE AND
VIDAL DRIVE AS SHOWN ON RECORD OF SURVEY MAP 8641

FILE
SUR: 2022-003

SHEET 1 OF 1

SCALE 1"=50'



VIDAL DRIVE
(WIDTH VARIES)

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

VACATION PARCEL 2
(A PORTION OF VIDAL DRIVE)

LEGEND

DN.
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 2± SQ.FT.



S79°15'12"W (R)

N00°10'01"W 3.143'

R=391.500'
Δ=1°00'39"
L=6.907'



N20°14'15"N 3.869'

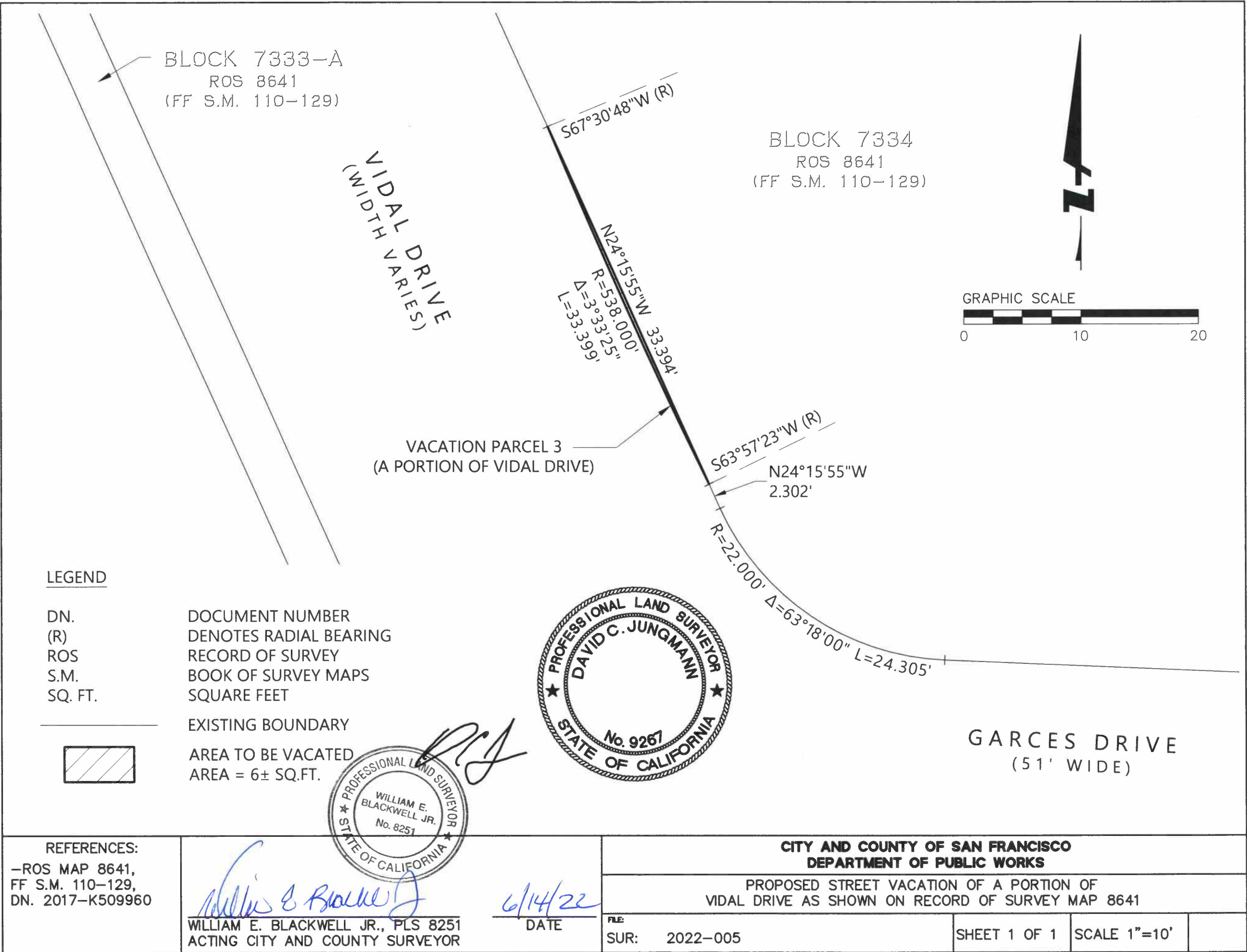
S78°14'33"W (R)

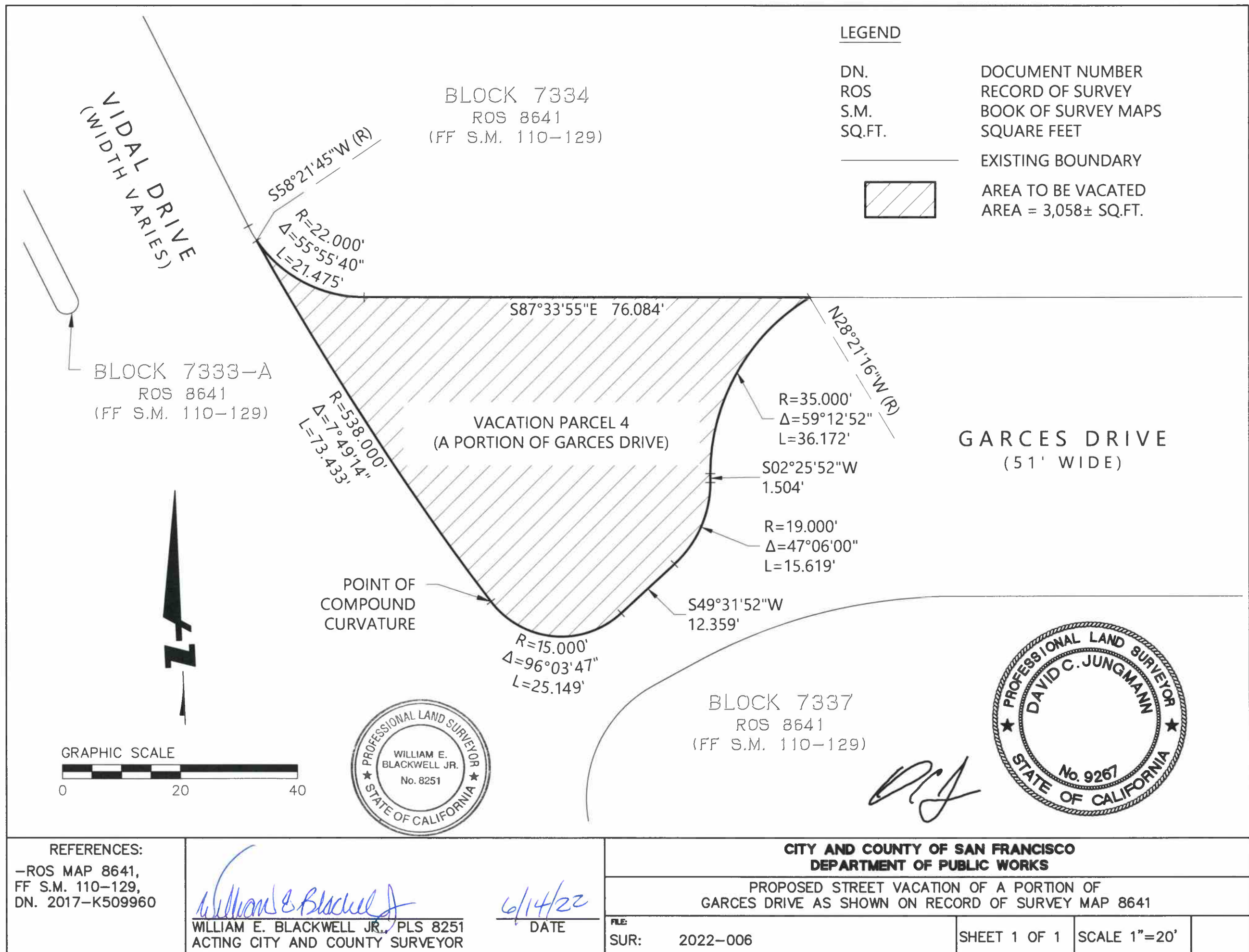
R=391.500'
Δ=12°30'28"
L=85.465'

TO GARCES DRIVE

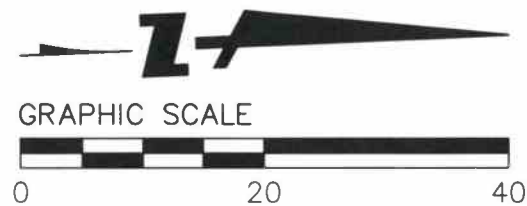


REFERENCES: -ROS MAP 8641, FF S.M. 110-129, DN. 2017-K509960	 WILLIAM E. BLACKWELL JR., PLS 8251 ACTING CITY AND COUNTY SURVEYOR		CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS	
			PROPOSED STREET VACATION OF A PORTION OF VIDAL DRIVE AS SHOWN ON RECORD OF SURVEY MAP 8641	
		 DATE	FILE: SUR: 2022-004	SHEET 1 OF 1





VIDAL DRIVE
(WIDTH VARIES)



LEGEND

DN.
ROS
S.M.
SQ.FT.

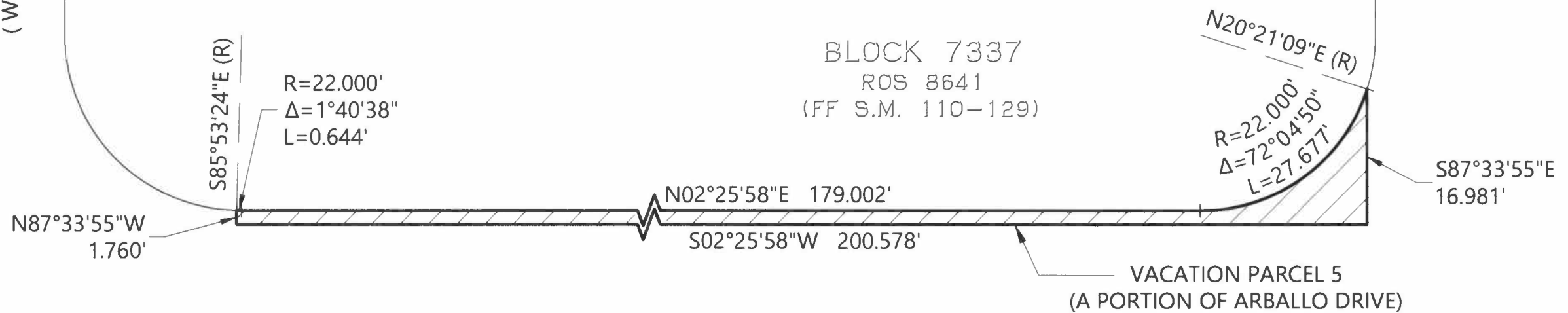
DOCUMENT NUMBER
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 436± SQ.FT.

GARCES DRIVE
(51' WIDE)



ARBALLO DRIVE
(51' WIDE)



[Signature]

BLOCK 7338
ROS 8641
(FF S.M. 110-129)

REFERENCES:
-ROS MAP 8641,
FF S.M. 110-129,
DN. 2017-K509960

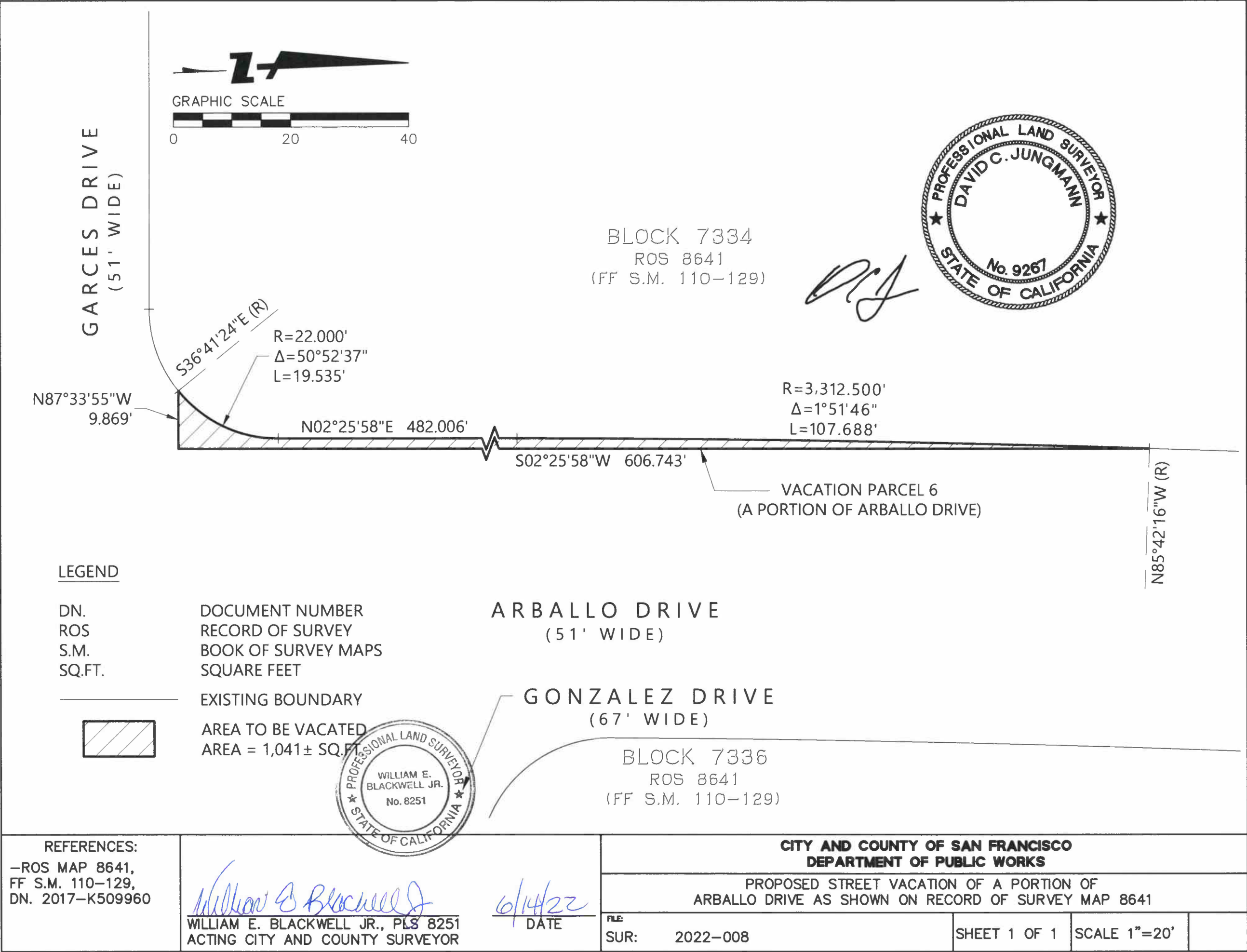
William E. Blackwell Jr.
WILLIAM E. BLACKWELL JR., PLS 8251
ACTING CITY AND COUNTY SURVEYOR
6/14/22
DATE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

PROPOSED STREET VACATION OF A PORTION OF
ARBALLO DRIVE AS SHOWN ON RECORD OF SURVEY MAP 8641

FILE:
SUR: 2022-007

SHEET 1 OF 1 SCALE 1"=20'





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: 206691

Determination to recommend the conditional vacation of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (the "Street Vacation Area"), and certain San Francisco Public Utilities Commission public service easements (the "Easement Vacation Area"), all existing within the Parkmerced Development Project area, an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west.

WHEREAS, The City and County of San Francisco has fee title ownership of property underlying most public right-of-ways, which includes streets and sidewalks; and

WHEREAS, The Department of Public Works has determined that said public service easements are exclusive to the San Francisco Public Utilities Commission ("SFPUC"); and

WHEREAS, The area to be vacated consists of the following:

1. Portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive that are identified as Street Vacation Parcels 1, 2, 3, 4, 5, and 6 on Public Works SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008, all dated June 14, 2022 (the "Street Vacation Area"), and
2. Certain SFPUC public service easements identified as SFPUC Easement Vacation Parcels 5, 6, 7, 8, 9, 10, and 11 on Public Works SUR Map Nos. 2022-009, 2022-010, 2022-011, 2022-012, 2022-013, 2022-014, and 2022-015, all dated June 14, 2022 (the "Easement Vacation Area"); and

WHEREAS, On February 10, 2011, at a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report ("Final EIR") for the Parkmerced Mixed-Use Development Project (the "Project"), by Motion No. 18269, finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft EIR, and the content of the report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., "CEQA"), the CEQA Guidelines (California Code of Regulations Title 14 Sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission by Motion No. 18270 adopted findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant environmental effects analyzed in the Final EIR, a statement of overriding considerations for approval of the Project, and a proposed mitigation monitoring and reporting program (collectively, "CEQA Findings"); and

WHEREAS, On May 24, 2011, at a duly noticed public hearing, the Board of Supervisors reviewed and considered the Final EIR on appeal. By Motion No. M11-83, the Board of Supervisors upheld the Planning Commission's certification of the Final EIR and found the Final EIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the CEQA Guidelines; and

WHEREAS, On June 7, 2011, at a duly noticed public hearing, the Board of Supervisors considered the Project's approvals, which included amendments to the City's General Plan (approved by Ordinance 92-11), Zoning Map (approved by Ordinance No. 91-11), and Planning Code (approved by Ordinance No. 90-11), as well as approval of a Development Agreement, also approved on June 7, 2011 by Ordinance No. 89-11 (the "Development Agreement") (collectively, the "Project Approvals"). The SFPUC Commission on June 14, 2011 adopted a consent to the Development Agreement (SFPUC Commission Resolution No. 11-0091); and

WHEREAS, In a letter dated March 2, 2022, the Planning Department determined that the proposed vacations contemplated herein are consistent with the General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, comply with applicable provisions of the Planning Code, and are consistent with the Project as defined in the Development Agreement and the Project Approvals; and

WHEREAS, Section 6.1.1 of the Development Agreement requires that the City vacate portions of streets at the locations generally shown in Exhibit J of the Development Agreement, and to convey such real property by quitclaim deed as and when needed in connection with the development of an approved Development Phase for the Project. The Planning Director approved Development Phase 1 of the Project on June 3, 2015. Development Phase 1 is comprised of four Subphases (1A, 1B, 1C, and 1D). On August 27, 2019, the Planning Director issued a letter approving certain requested amendments and revisions to the Phase 1 application ; and

WHEREAS, The vacation of the Street Vacation Area and Easement Vacation Area is necessary to implement Subphase 1C of the Project, to fulfill the objectives and requirements of the Development Agreement, and to fulfill the objectives of the Parkmerced Special Use District (Planning Code Section 249.64). The proposed vacations and other actions described herein implement the Project contemplated by the Project Approvals, including the construction of buildings and streets consistent with the Parkmerced Design Standards and Guidelines, the Parkmerced Transportation Plan, and the Parkmerced Infrastructure Report, all of which are incorporated by reference into the Development Agreement; and

WHEREAS, On May 24, 2022, by SFPUC Resolution No. 22-0097, the San Francisco Public Utilities Commission determined that upon meeting the conditions specified in this Order, any easements located in the Easement Vacation Area are surplus and unnecessary for the City's public utility purposes, and that the value of any replacement infrastructure and of surrendering liability for any existing facilities is a benefit to the SFPUC and serves as consideration for this vacation action, and authorized the General Manager of the SFPUC or the Director of Property to quitclaim these real property interests; and

WHEREAS, Pursuant to the California Streets and Highway Code Sections 8300 et seq. and Public Works Code Section 787(a), Public Works, Bureau of Street Use and Mapping (the "Department") has initiated the process to vacate the Street Vacation Area and Easement Vacation Area; and

WHEREAS, The Department sent notice of the proposed street vacation, draft SUR drawings, a copy of the petition letter, and a Public Works referral letter to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T CenturyLink, Comcast, ExteNet, Point to Point communications, Verizon/MCI, XO-Communications, Sprint, Bay Area Rapid Transit District, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, San Francisco Planning Department, and the San Francisco Public Utilities Commission ("SFPUC"), and notice of the proposed easement vacation, draft SUR drawings, a copy of the petition letter, and a Public Works referral letter to the SFPUC. No public or private utility company or agency objected to the proposed street vacation or easement vacation; consequently, Public Works finds the Street Vacation Area and Easement Vacation Area are unnecessary for the City's present or prospective public street purposes; and

WHEREAS, The applicant, collectively Parkmerced Owner, LLC and PM Phase 1C Owner LLC, is the owner of all of the private property adjacent to the Street Vacation Area and Easement Vacation Area; and

WHEREAS, The vacations are being carried out pursuant to the California Streets and Highways Code section 8300 *et seq*, and section 787 of the San Francisco Public Works Code; and

WHEREAS, The vacations of the Street Vacation Area and Easement Vacation Area do not deprive any private landowner of access to the built public street grid; and

WHEREAS, The public interest, convenience, and necessity require that the City reserve or acquire by separate agreement:

1. From the vacation of the Street Vacation Area, reserve a public right of way easement to continue public street and utility use, which easement shall automatically extinguish when the Director has issued notice of completion on replacement access and any public utilities serving the affected area, or earlier on recordation of a quitclaim deed (or other notice of termination) at the Director's discretion based on consultation with the affected City departments and utility providers., and
2. From the vacation of the Easement Vacation Area, obtain non-exclusive easements for the benefit of the SFPUC for any SFPUC utilities that are located under, in, upon, or over any portion of the Easement Vacation Area in which the SFPUC's in-place and functioning utilities are located, to the extent necessary to maintain, operate, repair, and remove existing sewer or water pipes and other convenient structures, equipment and fixtures for the operation of such utilities; provided, however, that such non-exclusive easements reserved would be automatically extinguished when alternative replacement facilities are completed to the satisfaction of the City Engineer and the Board of Supervisors accepts the facilities or earlier by quitclaim deed if the SFPUC General Manager determines that there are no functioning utilities within the relevant Easement Vacation Area; and

WHEREAS, The public interest, convenience, and necessity require that no other easements or other rights should be reserved by City for any public or private utilities or facilities that may be in place in

the Street Vacation Area or Easement Vacation Area and that any rights based upon any such public or private utilities or facilities are unnecessary and should be extinguished; and

WHEREAS, no portion of the Street Vacation Area should be vacated until these conditions are satisfied:

1. The City shall reserve a public right of way easement as described above, and
2. Project Sponsor shall provide an irrevocable offer of dedication to the City in form substantially similar to that provided in Exhibit L of the Development Agreement for all lands needed for construction of proposed improvements shown on the Street Improvement Permit for Subphase 1C of the Project. Subdivider shall make such irrevocable offers of dedication prior to City approval of the Final Subdivision Maps or issuance of a Street Improvement Permit for Subphase 1C of the Project, whichever is earlier. The offer of dedication shall be subject to the reservation of an easement in favor of Project Sponsor for all domestic water utilities and recycled water systems, within the dedicated area, which easement, as to the domestic water utilities, shall be extinguished upon completion of all Development Phases of the Project and formal acceptance of the domestic water utilities by the City, and, as to the recycled water systems, shall be extinguished upon completion of Development Phase 1 and formal acceptance of the recycled water systems by the City, all pursuant to the Development Agreement. The sum total of the square footage of the land proposed for dedication to the City shall be equal to or exceed the square footage of the Street Vacation Area, and
3. Project Sponsor shall provide Public Works with an acceptable Public Improvement Agreement ("PIA") pursuant to Section 1351 of the San Francisco Subdivision Code and the Subdivision Map Act for all improvements within the Final Map or required for development of the area shown in the Final Map prior to approval of a Final Map or issuance of a Street Improvement Permit for Subphase 1C of the Project, whichever is earlier. Such PIA shall address security provisions and provide interim easements or licenses via separate offer, such that the City can complete the improvements if Subdivider fails to do so, and
4. Where a future Development Phase of the Project (Development Phase 2 and onward) anticipates a future dedication of right of way adjacent to a street shown on a tentative map as being partially improved, PW shall require Project Sponsor, prior to submittal of a Final Map mylar for such future phase (Development Phase 2 and onward), but after acceptance and recordation of the quitclaim deeds for the Street Vacation Area contemplated by this ordinance, to record a Notice of Restrictions on those strips of land anticipated in such future phase to be dedicated for the ultimate street construction as agreed upon in the Development Agreement, subject to the review and approval of the City Attorney; and

WHEREAS, no portion of the Easement Vacation Area should be vacated until these conditions are satisfied:

1. The City shall obtain non-exclusive easements for the benefit of the SFPUC as described above, and
2. Project Sponsor shall provide Public Works with an acceptable PIA pursuant to Section 1351 of the San Francisco Subdivision Code and the Subdivision Map Act for all improvements within

the Final Map or required for development of the area shown in the Final Map prior to approval of a Final Map or issuance of a Street Improvement Permit for Subphase 1C of the Project. Such PIA shall address security provisions and provide interim easements or licenses via separate offer, such that the City can complete the improvements if the Subdivider fails to do so; and

WHEREAS, In accordance with Streets and Highways Code Section 892 and 8314, upon satisfaction of the conditions specified herein, the Street Vacation Area and Easement Vacation Area will no longer be necessary or useful as a nonmotorized transportation facility or any other present or prospective future public street, sidewalk, and public service easement purposes, because the Development Agreement requires the dedication and construction of an extensive street, bicycle path, pedestrian path, park, and trail system that is more extensive than the areas being vacated hereby and that is designed to integrate with existing built streets in the adjacent neighborhoods.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to vacate the Street Vacation Area as shown on Department of Public Works drawings SUR 2022-003, SUR 2022-004, SUR 2022-005, SUR 2022-006, SUR 2022-007, and SUR 2022-008, and the Easement Vacation Area as shown on Department of Public Works drawings SUR 2022-009, SUR 2022-010, SUR 2022-011, SUR 2022-012, SUR 2022-013, SUR 2022-014, and SUR 2022-015.
2. Street Vacation Area SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008, dated June 14, 2022.
3. Easement Vacation Area SUR Map Nos. 2022-009, 2022-010, 2022-011, 2022-012, 2022-013, 2022-014, and 2022-015, dated June 14, 2022.

The Director recommends that the Board of Supervisors move forward with the legislation to vacate said Street Vacation Area and Easement Vacation Area, subject to the reservations described above, and to authorize the quitclaims, as described above.

The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, SFPUC General Manager, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable to effectuate the purpose and intent of said vacations.

RECOMMENDED:

APPROVED:

<div>X</div> <div>DocuSigned by: <i>William E Blackwell Jr</i></div> <div>Blackwell, William E Acting City and County Surveyor</div>	<div>X</div> <div>DocuSigned by: <i>Carla Short</i></div> <div>Short, Carla Interim Director of Public Works</div>
--	--



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 5
(A PORTION OF ARBALLO DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Arballo Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the southerly terminus of that certain line labeled "N02°25'58"E 179.002'", as shown on said map, said point being on the westerly line of Arballo Drive and also being the **POINT OF BEGINNING** of this description;

Thence along said westerly line, North 02°25'58" East, 179.002 feet to the beginning of a tangent curve to the left;

Thence continuing along said westerly line, northwesterly along said tangent curve, having a radius of 22.000 feet, through a central angle of 72°04'50", an arc length of 27.677 feet;

Thence leaving said westerly line, South 87°33'55" East, 16.981 feet;

Thence South 02°25'58" West, 200.578 feet;

Thence North 87°33'55" West, 1.760 feet to said westerly line and the beginning of a non-tangent curve, concave westerly, whose radius point bears North 85°53'24" West;

Thence northerly along said westerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 01°40'38", an arc length of 0.644 feet to the **POINT OF BEGINNING**.

Containing 436 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

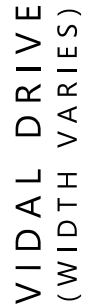
Date

END OF DESCRIPTION

DN.
POB
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
POINT OF BEGINNING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

AREA TO BE VACATED
AREA = 436± SQ.FT.



GARGES DRIVE
(51' WIDE)

ROS 8641

(FF S.M. 110-129)

N20°21'09"E (R)

$$\begin{aligned} R &= 22.000' \\ \Delta &= 72^\circ 04' 50'' \\ L &= 27.677' \end{aligned}$$

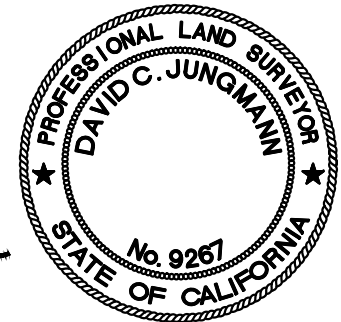
S87°33'55"E
16.981'

- VACATION PARCEL 5
(PORTION OF ARBALLO DRIVE)

ARBALLO DRIVE
(51' WIDE)

ROS 8641

(FF S.M. 110-129)



[Handwritten signature]



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A – PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY JMS APPR. DCJ DATE 05/27/2022

3 OF 3

© BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 1
(A PORTION OF HIGUERA AVENUE & VIDAL DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Higuera Avenue and Vidal Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the easterly terminus of that line labeled as "S87°34'02"E 366.378'", said line being the southerly line of Higuera Ave, said point being the **POINT OF BEGINNING** of this description;

Thence along said southerly line of Higuera Avenue the following two (2) courses:

1. North 87°34'02" West, 366.378 feet to the beginning of a tangent curve to the left;
2. Along said tangent curve, having a radius of 22.000 feet, through a central angle of 92°35'59", an arc length of 35.556 feet to the easterly line of said Vidal Drive;

Thence along said easterly line of Vidal Drive, the following two (2) courses:

1. South 00°10'01" East, 176.384 feet to the beginning of a tangent curve to the right;
2. Along said tangent curve, having a radius of 3,118.500 feet, through a central angle of 00°20'28", an arc length of 18.567 feet;

Thence leaving said easterly line, North 00°10'01" West, 246.401 feet;

Thence South 87°34'02" East, 410.972 feet;

Thence South 02°25'58" West, 41.747 feet to said southerly line of Higuera Avenue, and the beginning of a non-tangent curve, concave southwesterly, whose radius point bears South 69°16'36" West;

Thence northwesterly along last said southerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 66°50'38", an arc length of 25.666 feet to the **POINT OF BEGINNING**.

Containing 11,855 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

CCSF PARCEL 7
(DN. 2017K509962)

HIGUERA AVENUE
(51' WIDE)

VACATION PARCEL 1
(A PORTION OF HIGUERA AVENUE & VIDAL DRIVE)

11,855± SQ.FT.
0.27± ACRES

POB

R=22.000'
Δ=92°35'59"
L=35.556'

N87°34'02"W 366.378'
("S87°34'02"E 366.378'" PER ROS 8641)

R=22.000'
Δ=66°50'38"
L=25.666'

S02°25'58"W

- 0.055'

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

LEGEND

DN.
O.R.
POB
(R)
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
OFFICIAL RECORDS
POINT OF BEGINNING
DENOTES RADIAL BEARING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY
AREA TO BE VACATED
AREA = 11,855± SQ.FT

VIDAL DRIVE
(WIDTH VARIES)

S00°10'01"E 176.384'
N00°10'01"W 246.401'

0.055'

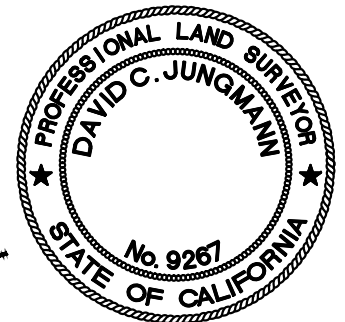
R=3,118.500'
Δ=0°20'28"
L=18.567'

SEE DETAIL

DETAIL
NOT TO SCALE

GRAPHIC SCALE

0 50 100



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A – PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 2
(A PORTION OF VIDAL DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Vidal Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southerly terminus of that curve labeled " $R=391.500'$ $\Delta=26^{\circ}35'36''$ $L=181.711''$ ", said point being on the easterly line of Vidal Drive, as shown on said map, said point of commencement also being the beginning of a tangent curve to the right, whose radius point bears North $65^{\circ}44'05''$ East from said point of commencement;

Thence northerly along said easterly line, along said tangent curve, having a radius of 391.500 feet, through a central angle of $12^{\circ}30'28''$, an arc length of 85.465 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said easterly line, North $20^{\circ}14'15''$ West, 3.869 feet;

Thence North $00^{\circ}10'01''$ West, 3.143 feet to said easterly line and the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North $79^{\circ}15'12''$ East,

Thence southerly along said non-tangent curve, having a radius of 391.500 feet, through a central angle of $01^{\circ}00'39''$, an arc length of 6.907 feet to the **POINT OF BEGINNING**.

Containing 2 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION



GRAPHIC SCALE



VIDAL DRIVE
(WIDTH VARIES)

VACATION PARCEL 2
(A PORTION OF VIDAL DRIVE)

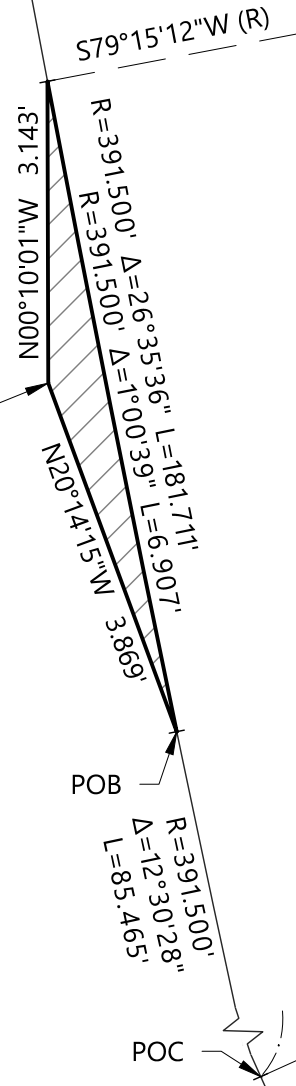
LEGEND

DN. DOCUMENT NUMBER
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
(R) DENOTES RADIAL BEARING
ROS RECORD OF SURVEY
S.M. BOOK OF SURVEY MAPS
SQ.FT. SQUARE FEET

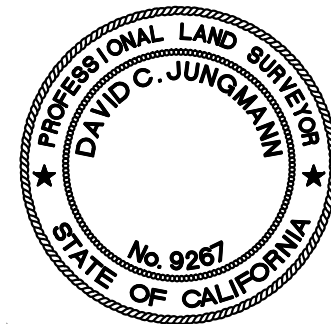
EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 2± SQ.FT.



BLOCK 7334
ROS 8641
(FF S.M. 110-129)



DCJ

TO GARCES DRIVE



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT **EXHIBIT A – PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

JOB NO. **20200835-10**

BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 3
(A PORTION OF VIDAL DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Vidal Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the northwesterly terminus of that curve labeled "R=22.000' $\Delta=63^{\circ}18'00''$ L=24.305'", as shown on said map, said point being on the easterly line of Vidal Drive as shown on said map;

Thence northerly along said easterly line the following two (2) courses:

1. North $24^{\circ}15'55''$ West, 2.302 feet to the **POINT OF BEGINNING** of this description;
2. North $24^{\circ}15'55''$ West, 33.394 feet to the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North $67^{\circ}30'48''$ East;

Thence leaving said easterly line, southeasterly along said non-tangent curve, having a radius of 538.000 feet, through a central angle of $03^{\circ}33'25''$, an arc length of 33.399 feet to the **POINT OF BEGINNING**.

Containing 6 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date

BLOCK 7333-A
ROS 8641
(FF S.M. 110-129)

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

VIDAL DRIVE
(WIDTH VARIES)

$S67^{\circ}30'48''W$ (R)
 $N24^{\circ}15'5''W$
 $R=538.000'$
 $\Delta=33.325'$
 $L=33.396'$
 $33.394'$

VACATION PARCEL 3 —
(A PORTION OF VIDAL DRIVE)

POB

S63°57'23"W (R)
N24°15'

N24°15'55"W
2.302'

- POC

POC
R=22.000' $\Delta=63^{\circ}18'00''$ L=24.305'

GRAPHIC SCALE

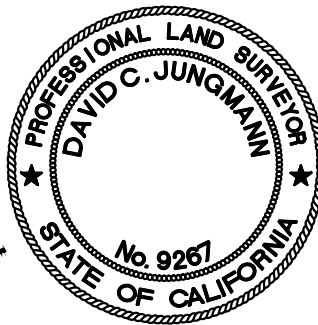
0 10 20

LEGEND

DN.	DOCUMENT NUMBER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
(R)	DENOTES RADIAL BEARING
ROS	RECORD OF SURVEY
S.M.	BOOK OF SURVEY MAPS
SQ. FT.	SQUARE FEET

EXISTING BOUNDARY

AREA TO BE VACATED
AREA = 6± SQ.FT.



GARCES DRIVE
(51' WIDE)



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A – PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY JMS APPR. DCJ DATE 05/27/2022

3 OF 3

① BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 4
(A PORTION OF GARCES DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Garces Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the westerly terminus of that certain line labeled as "S87°33'55"E 272.232'", said point being on the northerly line of Garces Drive and also being the **POINT OF BEGINNING** of this description;

Thence along said northerly line, South 87°33'55" East, 76.084 feet to the beginning of a non-tangent curve, concave southeasterly, whose radius point bears South 28°21'16" East;

Thence leaving said northerly line, southwesterly along said non-tangent curve, having a radius of 35.000 feet, through a central angle of 59°12'52", an arc length of 36.172 feet;

Thence South 02°25'52" West, 1.504 feet to the beginning of a tangent curve to the right;

Thence southwesterly along said tangent curve, having a radius of 19.000 feet, through a central angle of 47°06'00", an arc length of 15.619 feet;

Thence South 49°31'52" West, 12.359 feet to the beginning of a tangent curve to the right;

Thence westerly along said tangent curve, having a radius of 15.000 feet, through a central angle of 96°03'47", an arc length of 25.149 feet to a point of compound curvature;

Thence northwesterly along said compound curve, having a radius of 538.000 feet, through a central angle of 07°49'14", an arc length of 73.433 feet to said northerly line and the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 58°21'45" East;

Thence southeasterly along said northerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 55°55'40", an arc length of 21.475 feet to the **POINT OF BEGINNING**.

Containing 3,058 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

LEGEND

DN.
POB
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
POINT OF BEGINNING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 3,058± SQ.FT.

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

VIDAL DRIVE
(WIDTH VARIES)

BLOCK 7333-A
ROS 8641
(FF S.M. 110-129)

VACATION PARCEL 4
(A PORTION OF GARCES DRIVE)

GARCES DRIVE
(51' WIDE)

POINT OF
COMPOUND
CURVATURE

BLOCK 7337
ROS 8641
(FF S.M. 110-129)



SUBJECT EXHIBIT A - PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY JMS APPR. DCJ DATE 05/27/2022

3 OF 3



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 6
(A PORTION OF ARBALLO DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Arballo Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the southerly terminus of that certain line labeled as "N02°25'58"E 482.006'", said point being on the westerly line of Arballo Drive and also being the **POINT OF BEGINNING** of this description;

Thence along said westerly line, North 02°25'58" East, 482.006 feet to the beginning of a tangent curve to the right;

Thence continuing northerly along said westerly line, along said tangent curve, having a radius of 3,312.500 feet, through a central angle of 01°51'46", an arc length of 107.688 feet;

Thence leaving said westerly line, South 02°25'58" West, 606.743 feet;

Thence North 87°33'55" West, 9.869 feet to said westerly line and the beginning of a non-tangent curve, concave northwesterly, whose radius point bears North 36°41'24" West,

Thence northeasterly along said westerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 50°52'37", an arc length of 19.535 feet to the **POINT OF BEGINNING**.

Containing 1,041 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

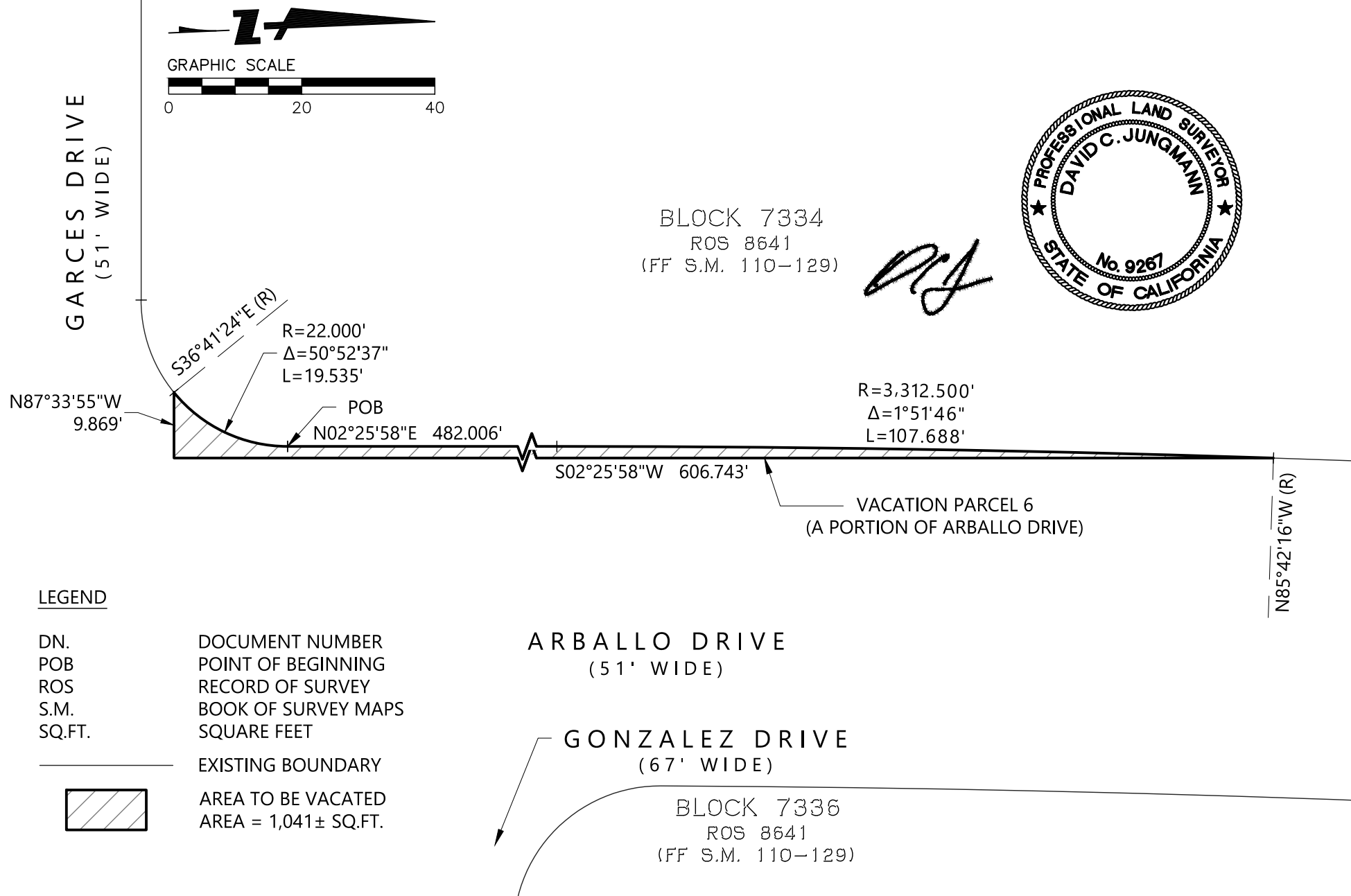


David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date





**EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 5
(A PORTION OF 6138 O.R. 152, MISCELLANEOUS PARCELS)**

All that certain real property situate in the City and County of San Francisco, State of California, being all of Block 7333-B, as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California.

Containing 1,362 square feet, more or less.

Horizontal Datum & Reference System

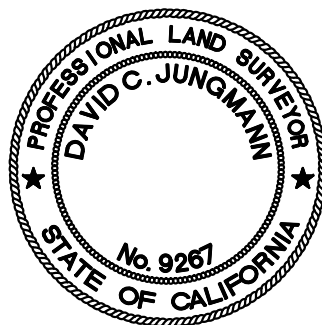
The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

A handwritten signature in black ink, appearing to read 'DCJ', positioned above a horizontal line.

David C. Jungmann, PLS 9267



05/27/2022
Date

END OF DESCRIPTION



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 6
(A PORTION OF 6138 O.R. 152, MISCELLANEOUS PARCELS)

All that certain real property situate in the City and County of San Francisco, State of California, being all of Block 7333-A, as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California.

Containing 1,368 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

A handwritten signature in black ink, appearing to read 'DCJ', positioned above a horizontal line.

David C. Jungmann, PLS 9267



05/27/2022
Date

END OF DESCRIPTION



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 7
(EASEMENT PARCEL 2m PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-003 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the easterly terminus of that line labeled as "N87°40'19"W 6.098'", as shown on said map, said point also being on the westerly line of Vidal Drive as shown on said map, said point of commencement also being the beginning of a non-tangent curve concave easterly, whose radius point bears North 84°12'25" East;

Thence along said westerly line the following two (2) courses:

1. Southerly along said non-tangent curve, having a radius of 458.500 feet, through a central angle of 08°21'12", an arc length of 66.847 feet to the **POINT OF BEGINNING** of this description;
2. Continuing southerly along said non-tangent curve, whose radius point bears North 75°51'12" East from said point of beginning, through a central angle of 07°35'08", an arc length of 60.703 feet;

Thence leaving said westerly line, South 02°19'41" West, 46.165 feet to the northerly line of CCSF Block 7333-002 as shown on said map and being labeled as "CCSF 7333" thereon;

Thence along said northerly line, North 87°40'19" West, 20.000 feet;

Thence leaving said northerly line, North 02°19'41" East, 79.863 feet;

Thence North 00°10'12" West, 23.227 feet to the **POINT OF BEGINNING**.

Containing 1,435 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date

© BKF Engineers

DRAWING NAME: \\BKF-rc\vol4_Sur09\090086 PARK MERCED\Plats and Legals\26 - SUR Maps & Plat & Legals for 1C & 1D\Exhibit 2\2_Sur_and_Plat.dwg
 05-25-22
 NOT DATE:
 PLOTTED BY:
 05-25-22



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 8
(EASEMENT PARCEL 2o PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-001 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southeasterly corner of CCSF Block 7333-002 as shown on said map and being labeled as "CCSF 7333" thereon;

Thence along the southerly line of said CCSF Block 7333-002, North 87°40'19" West, 14.696 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said southerly line, South 02°25'48" West, 14.255 feet;

Thence North 28°40'22" West, 16.630 feet to said southerly line;

Thence along said southerly line, South 87°40'19" East, 8.591 feet to the **POINT OF BEGINNING**.

Containing 61 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

DRAWING NAME: \\BKF-rc\vol4\Sur09\090086 PARK MERCED\Plats and Legals\26 - SUR Maps & Plat & Legals for 1C & 1D\Exhibit 26\26_Sur_and_Plat.dwg

DOCUMENT NUMBER
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

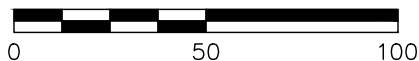
AREA TO BE VACATED
AREA = 61± SQ.FT.



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N87°40'19"W	14.696'
L2	S02°25'48"W	14.255'
L3	N28°40'22"W	16.630'
L4	S87°40'19"E	8.591'



GRAPHIC SCALE



LAKE MERCED BOULEVARD
(WIDTH VARIES)

CCSF 7333-002
ROS 8641
(FF S.M. 110-129)

POINT OF
BEGINNING

POINT OF COMMENCEMENT

S02°19'41"W
72.927'

SFPUC EASEMENT 8
(EASEMENT PARCEL
2o PER 4252 O.R. 85)

BLOCK 7333-001
ROS 8641
(FF S.M. 110-129)

VIDAL DRIVE
(WIDTH VARIES)



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 9
(EASEMENT PARCEL 2n PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-001 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southeasterly corner of CCSF Block 7333-002 as shown on said map and being labeled as "CCSF 7333" thereon;

Thence along the southerly line of said CCSF Block 7333-002, North 87°40'19" West, 26.700 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said southerly line, South 24°10'48" West, 105.587 feet to the easterly line of Lake Merced Boulevard as shown on said map;

Thence along said easterly line, North 02°19'41" East, 53.733 feet;

Thence leaving said easterly line, North 24°10'48" East, 47.694 feet to said southerly line of said CCSF Block 7333-002;

Thence along said southerly line, South 87°40'19" East, 21.548 feet to the **POINT OF BEGINNING**.

Containing 1,533 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date

CCSF 7333-002
ROS 8641
(FF S.M. 110-129)

LAKE MERCED BOULEVARD
(100' WIDE)

VIDAL DRIVE
(WIDTH VARIES)

S87°40'19"E
21.548'

N87°40'19"W 26.700'

POB
SFPUC EASEMENT 9
(EASEMENT PARCEL 2n PER 4252 O.R. 85)

Diagram showing a traverse with bearings and distances:

- Bearing: $N24^{\circ}10'48''E$, Distance: 47.694'
- Bearing: $S24^{\circ}10'48''W$, Distance: 105.587'
- Bearing: $N02^{\circ}19'41''E$, Distance: 53.733'

Additional text on the right:

- BLOCK 7333-001
- ROS 8641
- S.M. 110-129
- (FF S.M. 110-129)

GARCES DRIVE
(51' WIDE)

VIDAL DRIVE
(WIDTH VARIES)

DN.
O.R.
POB
POC
(R)
ROS
S.M.
SQ. FT.

DOCUMENT NUMBER
OFFICIAL RECORDS
POINT OF BEGINNING
POINT OF COMMENCEMENT
RADIAL BEARING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY

AREA TO BE VACATED
AREA = 1,533± SQ.FT.

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

GARCES DRIVE
(51' WIDE)

BLOCK 7337
ROS 8641
(FF S.M. 110-129)



SUBJECT EXHIBIT A - PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY JMS

APPR. DCJ

DATE 05/27/2022

3 OF 3

BKF

255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

DRAWING NAME: \\BK-rc\wk4\Sur09\090066 PARK MERGED\Plots and Legals\26 - SJR Maps & Plot & Legals for IC & 1D\Exhibit 4\4_Sur_and_Plot.dwg
PLOT DATE: 05-26-22 PLOTTED BY: sep

© BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 10
(PORTIONS OF EASEMENT PARCELS 2k AND 2l PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-001, a portion of CCSF Block 7333-002 and a portion of Block 7333-003 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the northwesterly terminus of that line labeled as "S24°15'55"E 130.720'", as shown on said map, said line also being the westerly line of Vidal Drive as shown on said map, said point being the **POINT OF BEGINNING** of this description;

Thence along said westerly line, South 24°15'55" East, 46.863 feet to the beginning of a non-tangent curve, concave westerly, whose radius point bears South 89°48'31" West;

Thence leaving said westerly line, southerly along said non-tangent curve, having a radius of 410.000 feet, through a central angle of 02°37'17", an arc length of 18.759 feet;

Thence South 02°25'48" West, 6.571 feet to the beginning of a non-tangent curve, concave southeasterly, whose radius point bears South 33°13'39" East;

Thence northeasterly along said non-tangent curve, having a radius of 60.000 feet, through a central angle of 10°32'03", an arc length of 11.031 feet to said westerly line of Vidal Drive;

Thence along said westerly line, South 24°15'55" East, 20.011 feet to the beginning of a non-tangent curve, concave southeasterly, whose radius point bears South 21°54'25" East;

Thence leaving said westerly line, southwesterly along said non-tangent curve, having a radius of 40.000 feet, through a central angle of 29°39'47", an arc length of 20.709 feet;

Thence South 38°25'48" West, 4.450 feet;

Thence South 02°25'48" West, 19.685 feet to the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 61°51'08" East;

Thence northwesterly along said non-tangent curve, having a radius of 639.000 feet, through a central angle of 03°44'01", an arc length of 41.640 feet;

Thence North 02°25'48" East, 18.582 feet to the beginning of a tangent curve to the left;

Thence northerly along said curve, having a radius of 390.000 feet, through a central angle of 10°28'41", an arc length of 71.321 feet to said westerly line of Vidal Drive and the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 67°10'02" East;

Thence southeasterly along said non-tangent curve, having a radius of 458.500 feet, through a central angle of 01°25'57", an arc length of 11.463 feet to the **POINT OF BEGINNING**.

Containing 1,958 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

7

255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

AREA TO BE VACATED
AREA = 1,958± SQ.FT.

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S02°25'48"W	6.571'
L2	N02°25'48"E	18.582'

GARCES DRIVE
(51' WIDE)

GRAPHIC SCALE



3 OF 3

© BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 11
(ALL OF 6191 O.R. 221)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7332, Block 7333-001, and Garces Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southerly common corner of Block 7333-001 and Block 7332 as shown on said map, said common corner also being on the northerly line of Brotherhood Way;

Thence easterly along said northerly line, South $87^{\circ}45'18''$ East, 590.110 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said northerly line, North $45^{\circ}21'51''$ West, 193.427 feet;

Thence North $46^{\circ}06'55''$ West, 124.749 feet;

Thence North $47^{\circ}34'12''$ West, 448.754 feet;

Thence North $87^{\circ}34'12''$ West, 760.196 feet;

Thence South $57^{\circ}36'36''$ West, 205.025 feet;

Thence North $57^{\circ}20'55''$ West, 63.390 feet to the easterly line of Lake Merced Boulevard;

Thence along last said line, North $02^{\circ}19'41''$ East, 26.645 feet;

Thence leaving last said line, South $57^{\circ}20'55''$ East, 62.179 feet;

Thence North $57^{\circ}36'36''$ East, 197.573 feet;

Thence South $87^{\circ}34'12''$ East, 775.780 feet;

Thence South $47^{\circ}34'12''$ East, 456.893 feet;

Thence South $52^{\circ}15'40''$ East, 144.703 feet;

Thence South 44°28'24" East, 214.413 feet to said northerly line of Brotherhood Way;

Thence along said northerly line, North 87°45'18" West, 52.481 feet to the **POINT OF BEGINNING**.

Containing 45,814 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022

Date

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

San Francisco Public Utilities Commission
City and County of San Francisco
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
Attn: Real Estate Director

WITH A CONFORMED COPY TO:

San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Attn.: Director of Property

The undersigned hereby declares this
instrument to be exempt from Recording Fees
(Govt. Code § 27383) and Documentary
Transfer Tax (Rev. & Tax. Code §11922).

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

**EASEMENT AGREEMENT BY AND BETWEEN PARKMERCED OWNER LLC AND
THE CITY AND COUNTY OF SAN FRANCISCO**

THIS EASEMENT AGREEMENT (this “**Agreement**”) dated _____, 20__, is by and between PARKMERCED OWNER LLC, a Delaware limited liability company, its successors and assigns (“**Grantor**”), and the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (“**Grantee**” or “**City**”), acting through its San Francisco Public Utilities Commission (“**SFPUC**”).

Recitals

A. Grantor is the project sponsor of the Parkmerced Mixed-Use Development Project (the “**Project**”). On June 7, 2011, at a duly noticed public hearing, the Board of Supervisors considered the Project's approvals, which included amendments to City's General Plan (approved by Ordinance No. 92-11), Zoning Map (approved by Ordinance No. 91-11), and Planning Code (approved by Ordinance No. 90-11), as well as approval of a Development Agreement, approved on June 7, 2011 by Ordinance No. 89-11 (the “**Development Agreement**”) (collectively, the “**Project Approvals**”). Ordinance No. 89-11 is on file with the Clerk of the Board in File No. 110300 and is incorporated herein by reference. The SFPUC Commission on June 14, 2011 adopted a consent to the Development Agreement (SFPUC Commission Resolution No. 11-0091).

B. Pursuant to section 6.1.1 of the Development Agreement, City and Grantor have agreed to transfer certain real property to each other, including certain utility easements at the locations generally shown in Exhibit J of the Development Agreement, as and when needed in connection with the development of an approved Development Phase (as such term is defined in the Development Agreement) for the Project. The Planning Director approved Development

Phase 1 of the Project on June 3, 2015. Development Phase 1 is comprised of four Subphases (1A, 1B, 1C, and 1D).

C. On November 2, 2021, Grantor submitted two applications for tentative subdivision maps pursuant to the requirements of the California Subdivision Map Act for Subphases 1C and 1D of the Project. On [____], 2022 Public Works (“**PW**”) pursuant to PW Order No. [____] conditionally approved such tentative maps: (1) Tentative Map No. 10699 requested approval to subdivide Assessor’s Blocks 7333, 7333-A, 7333-B, 7334, and 7337 (Parkmerced Planning Blocks 3W and 4); and (2) Tentative Map No. 10700 requested approval to subdivide Assessor’s Block 7331-253 (Parkmerced Planning Block 21S) (collectively, the “**Subphase 1C and 1D Tentative Maps**”). Grantor is currently processing with PW the approval of a final subdivision map for each of the Subphase 1C and 1D Tentative Maps (each, a “**Final Map**”).

D. Subphase 1C of the Project involves the conditional vacation of certain public service easements (including sewer easements) owned by the SFPUC located within and outside of existing streets (the “**Public Utility Easements Area**”). The Public Utility Easements Area is shown in PW SUR Map Nos. [____], [____], [____], [____], [____], [____], and [____].

E. The vacation of the Public Utility Easements Area is necessary to implement the Project, to fulfill the objectives and requirements of the Development Agreement, and to fulfill the objectives of the Parkmerced Special Use District (Planning Code Section 249.64). The proposed vacations implement the Project vested by the Project Approvals, including the construction of buildings and streets consistent with the Parkmerced Design Standards and Guidelines, the Parkmerced Transportation Plan, and the Parkmerced Infrastructure Report, all of which are incorporated by reference into the Development Agreement.

F. Certain portions of the Public Utility Easements Area contain functioning public utilities operated by the SFPUC (the “**Facilities**”) (as further defined herein), which utilities will be relocated and/or replaced during construction of Subphase 1C of the Project (the “**Replacement Utilities**”).

G. This Agreement is intended to provide a perpetual non-exclusive easement to City to access and maintain the Facilities as further described herein, which easement would be extinguished upon Grantor’s completion and City’s acceptance of the Replacement Utilities in the manner described herein. Grantor and City are entering into this Agreement in furtherance of the Development Agreement.

Now therefore, incorporating the foregoing recitals, the Parties agree as follows:

Agreement

1. **General.** For valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to the Grantee, acting through its SFPUC, a perpetual non-exclusive easement (the “**Easement**”) over, across and under the real property legally described in Exhibits A-1 through A-4, and generally shown in Exhibits B-1 through B-4, both attached hereto and

made a part hereof (“**Easement Area**”) for utility purposes, as further described below. The Easement Area is located within the project site of the Project, as described in the Development Agreement.

2. Nature of Easement. The Easement is a perpetual, nonexclusive easement and includes (i) the right to install, construct, reconstruct, operate, maintain, repair, inspect, remove and replace, from time to time, underground sewer facilities and all necessary or desirable accessories and appurtenances thereto, including without limitation, hatches, air valves, braces, connections, fastenings, and other surface and subsurface utility facilities and appurtenances (collectively, the “**Facilities**”) and (ii) the right of access over, across or under (including via surface entry) the Easement Area for all such purposes. The Easement includes the right of ingress to and egress from the Easement Area across adjacent lands of Grantor over any available roadways or such routes as may be agreed upon, to the extent necessary for the convenience of City in the enjoyment of its rights hereunder. The Easement also includes the right to trim and cut trees and vegetation that may be a hazard to the Facilities and the right to do such other things as are necessary for the full enjoyment and accomplishment of the purposes of the Easement. Grantee’s rights under this Easement Agreement may be exercised by Grantee’s agents, contractors, subcontractors, suppliers, consultants, employees, or representatives, or by other authorized persons acting for or on behalf of Grantee. The Easement shall terminate upon the satisfaction of certain conditions described in Section 6 herein.

3. Restrictions on Surface Use. Grantor and Grantee acknowledge and understand that the Easement Area is located on land that will be improved with buildings and infrastructure constructed by the Project and accordingly that construction of the Project will require disturbance of the Easement Area, including excavation of and construction of improvements within and around the Easement Area (“**Grantor’s Work**”). All of Grantor’s Work shall be subject to building and street improvements permits issued by City. Prior to the issuance of any building and street improvement permits, Grantor shall provide SFPUC with copies of all plans and specifications for review and approval by SFPUC, which approval shall not be unreasonably withheld. Except as required to complete the Grantor’s Work, as approved by the SFPUC pursuant to the terms of the preceding sentence, Grantor’s use of the Easement Area shall be subject to the following covenants and conditions:

- a. Grantor shall not cause or allow Grantor’s agents, employees, consultants or contractors to excavate, unless contemplated by the SFPUC’s approval described above.
- b. The “axle loading” of vehicles and equipment operating on the roadway within ten (10) feet of the new pipe centerline must not exceed that allowed for “AASHTO Standard H-20 Loading.” If Grantor proposes to use or allow any vehicle or equipment with axle loading exceeding the H-20 specifications, Grantor shall submit to City for review and approval an engineering calculation prepared by a civil engineer registered in the State of California showing that City’s Facilities will not be adversely affected. Grantor shall be responsible for providing SFPUC with adequate evidence that Grantor’s equipment and vehicles meet the foregoing requirements.

- c. Grantor shall not engage in any construction activities that could cause deep vibrations to the Facilities (a “**DV Activity**”) without the prior written consent of the SFPUC. A DV Activity includes sheet or pile driving, but does not include use of typical hand-operated backfill compaction tools, such as wackers.
- d. Grantor shall not cause or allow any trees to be planted or cultivated or any structures of any kind to be constructed, placed or maintained on, under, over, along, within or across the Easement Area.
- e. No excavation, grading or installation of improvements shall occur on the Easement Area, unless contemplated by the SFPUC approval described above.
- f. For so long as the Easement remains in effect, Grantor shall keep the Easement Area open and free from structures of any kind that may damage or interfere with the proper use, function, maintenance, repair, or replacement of the Facilities or Grantee’s rights under this Agreement.
- g. If the surface is disturbed by Grantee’s use of the Easement, Grantee shall restore the surface to Base Conditions or the cost equivalent. “**Base Conditions**” is defined as three inch (3”) thick asphalt concrete over eight inch (8”) thick Portland cement concrete, for paved easements, and native backfill for unpaved easements. Special finishes, structures and surface improvements (including irrigation lines) removed or damaged in connection with Grantee’s activities performed in accordance with the terms of this Easement will not be replaced by Grantee. Grantee shall not be held liable for any damage to plants or any other surface improvement aside from Base Conditions or the cost equivalent in the Easement Area that may occur as a result of the Grantee’s activities performed in accordance with the terms of this Easement.

4. Nonexclusive. The Easement granted herein is nonexclusive, and Grantor may convey additional easements and install additional subsurface utility lines within the Easement Area provided that such additional easements and lines do not interfere with the Facilities and this Easement, and provided further that any additional subsurface utility lines in the Easement Area shall meet City’s standards for separation of utilities.

5. Abandonment of Easement. City may, at its sole option, abandon all or part of the Easement by recording a quitclaim deed. Except as otherwise provided in this Agreement, upon recording such quitclaim deed, the affected Easement Area and all rights, duties and liabilities hereunder with respect to such Easement Area shall be terminated and of no further force or effect. No temporary non-use of the Easement Area or other conduct, except for recordation of the quitclaim deed as provided in this paragraph, shall be deemed abandonment of the Easement.

6. Relocation of Facilities; Termination of Easement. Grantor shall replace and/or relocate all or any portion of the Facilities at no cost to City, if required to accommodate Grantor’s development of the Project, subject to the terms of this Section and the Development Agreement (such facilities, the “**Replacement Facilities**”). The nature of the Replacement

Facilities, the phasing of the construction of the Replacement Facilities, and the phasing of Grantor's Work in the Easement Area shall be approved and conditioned by City pursuant to street improvement and building permits. As of the Effective Date, Grantor has notified City of the proposed relocation and provided City with detailed plans and specifications for the Replacement Facilities. City shall have the right to request additional detailed plans and specifications. City shall have the right to witness the construction and testing of the new pipe and other Replacement Facilities and provide comments and requests for corrective action onsite through Grantor's resident engineer. City shall consent to such relocation upon satisfaction of the following conditions:

- a. Grantor shall perform, at its sole cost and at no cost to City, all work necessary for the relocation in accordance with plans and specifications approved by City in writing and without material interruption of the service provided by the affected Facilities (other than brief, scheduled interruptions consistent with infrastructure repair and replacement projects). Unless otherwise approved by the SFPUC through a street improvement permit, Grantor does not have a right to cause material interruption other than as stated herein.
- b. Grantor shall remove, or cut, cap and fill the Facilities as shown in the applicable street improvement permit;
- c. Intentionally omitted;
- d. Grantor shall replace, remove, or cut, cap and fill any other City water, sewer or power infrastructure discovered within the Easement Area that is no longer intended to be functional by the City;
- e. Grantor shall provide an irrevocable offer of dedication to the City of the Replacement Facilities and any other replacement utility facilities constructed by Grantor;
- f. Intentionally omitted;
- g. Grantor shall warrant and guarantee all work performed by Grantor or its contractor to be free from faulty materials and workmanship for a period of two years from the date of acceptance by City;
- h. Grantor shall ensure that the Replacement Facilities are qualitatively equal or exceed in every material respect the Facilities and be constructed with new materials and with the same or improved service capacity as the Facilities consistent with approved plans;
- i. Grantor shall ensure that the Facilities are not removed until the Replacement Facilities are constructed consistent with the applicable street improvement permit, inspected and fully operational to the satisfaction of the City (after an appropriate testing period).

- j. Grantor shall fund City's out-of-pocket costs relating to the relocation, including without limitation costs of inspections and engineering and legal review.

Upon completion, offer of dedication and acceptance of each Replacement Facility, the parties will execute and record an amendment to this Agreement changing the description of the Easement Area to omit the applicable Facility. Further, in the event SFPUC determines that no active Facilities exist and therefore no Replacement Facilities are required in any portion of the Easement Area, the parties will execute and record an amendment to this Agreement changing the description of the Easement Area to omit such portions of the Easement Area containing no active Facilities. Upon completion, offer of dedication and acceptance of the last Replacement Facility, Grantee will execute and record a quitclaim deed terminating the Easement. SFPUC's General Manager shall have the authority to execute the amendment and the quitclaim deed without additional action by City's Board of Supervisors, Mayor or Public Utilities Commission. City shall have no obligation to perform or pay for removal of the Facilities. Upon completion, offer of dedication and acceptance of the Replacement Facilities as set forth above and in the Development Agreement, City shall maintain the Replacement Facilities at its own expense, subject to Grantor's above warranty.

7. Run with the Land. The provisions of this Easement shall run with the land, burden the Easement Area, and bind and inure to the benefit of the respective successors and assigns of Grantee and Grantor.

8. No Acceptance of Infrastructure Improvements. Neither the provisions of this Easement Agreement nor Grantee's acceptance of the Easement shall be construed as acceptance of any infrastructure improvements by City or SFPUC.

9. Counterparts. This Easement Agreement may be signed in counterparts, each of which shall be an original and all of which together shall constitute one instrument.

10. Authority. The person executing this Easement Agreement on behalf of Grantor does hereby covenant and warrant that Grantor is a duly formed and existing Delaware limited liability company, that Grantor has full right and authority to enter into this Easement Agreement, and that the person signing on behalf of Grantor is authorized to do so.

11. Exhibits. The exhibits attached to and referenced in this Easement Agreement are incorporated into and made a part of this Easement Agreement.

12. Interpretation. Unless otherwise provided in this Agreement, whenever approval or consent is required of Grantor or Grantee pursuant to this Agreement, it shall not be unreasonably withheld, conditioned or delayed.

[Signatures on following page]

In witness whereof this Easement Agreement is executed as of the ____ day of _____, 20__.

PROPERTY OWNER:

PARKMERCED OWNER LLC,
a Delaware limited liability company

By: _____

ACCEPTED:

CITY AND COUNTY OF SAN
FRANCISCO,
a municipal corporation

By: _____
[_____]
Director of Property

Dated: _____

Authority pursuant to Board of Supervisors
Ordinance No. [_____]

RECOMMENDED:

By: _____
[_____]
General Manager, Public Utilities
Commission
(authority pursuant to SFPUC Resolution
No. [_____])

APPROVED AS TO FORM:

DAVID CHIU, City Attorney

By: _____
[_____]
Deputy City Attorney

NOTARY ACKNOWLEDGMENT

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

STATE OF _____)SS
COUNTY OF _____)

On _____

before me, _____, a Notary Public, personally
appeared

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

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

WITNESS my hand and official seal.

Signature of Notary Public

(THIS AREA FOR OFFICIAL NOTARIAL SEAL)

RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Attention: Director of Property

MAIL TAX STATEMENTS TO:

Attn: _____

No fee for recording pursuant to Government
Code Section 27383

APN: [7337-002]

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

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR DECLARES:

DOCUMENTARY TRANSFER TAX is \$ 0

☐ computed on full value of property conveyed, or ^{[[]]}_{SEP}

☐ computed on full value less value of liens or encumbrances remaining at time of sale.

☐ unincorporated area

☐ city and county of SAN FRANCISCO

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("Grantor"), pursuant to
Ordinance No. _____, adopted by the Board of Supervisors on _____, 20__, and
approved by the Mayor on _____, 20__,

does hereby REMISE, RELEASE and forever QUITCLAIM to ^{[[]]}_{SEP}

MAXIMUS PM PHASE 1C OWNER LLC, a Delaware limited liability company,

any and all right, title and interest City may have in and to the real property located in the City and
County of San Francisco, State of California, described on Exhibit A attached hereto and made a
part hereof.

[SIGNATURE PAGE FOLLOWS]

Executed as of _____, 20__.

CITY
CITY AND COUNTY OF
SAN FRANCISCO,
a municipal corporation

By: _____

Director of Real Estate

Recommended:

Public Works

By: _____

Carla Short
Interim Director

Approved as to form
DAVID CHIU, City Attorney

By: _____
Deputy City Attorney

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

State of California)
County of San Francisco)

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

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

WITNESS my hand and official seal.

Signature _____

(Affix Seal)

Exhibit A
Property Description



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 5
(A PORTION OF ARBALLO DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Arballo Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the southerly terminus of that certain line labeled "N02°25'58"E 179.002'", as shown on said map, said point being on the westerly line of Arballo Drive and also being the **POINT OF BEGINNING** of this description;

Thence along said westerly line, North 02°25'58" East, 179.002 feet to the beginning of a tangent curve to the left;

Thence continuing along said westerly line, northwesterly along said tangent curve, having a radius of 22.000 feet, through a central angle of 72°04'50", an arc length of 27.677 feet;

Thence leaving said westerly line, South 87°33'55" East, 16.981 feet;

Thence South 02°25'58" West, 200.578 feet;

Thence North 87°33'55" West, 1.760 feet to said westerly line and the beginning of a non-tangent curve, concave westerly, whose radius point bears North 85°53'24" West;

Thence northerly along said westerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 01°40'38", an arc length of 0.644 feet to the **POINT OF BEGINNING**.

Containing 436 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION


DN.
POB
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
POINT OF BEGINNING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

AREA TO BE VACATED
AREA = 436± SQ.FT.



GRAPHIC SCALE



A horizontal scale bar with alternating black and white segments. It is marked with '0' at the left end, '20' at the middle, and '40' at the right end.

GARGES DRIVE
(51' WIDE)

BLOCK 7337
 ROS 8641
 (FF S.M. 110-129)

S85°53'24"E (R)
 R=22.000'
 Δ=1°40'38"
 L=0.644'
 POB

N87°33'55"W 1.760'

N02°25'58"E 179.002'
 S02°25'58"W 200.578'

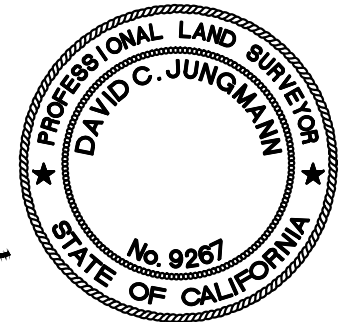
N20°21'09"E (R)
 R=22.000'
 Δ=72°04'50"
 L=27.677'

S87°33'55"E 16.981'

VACATION PARCEL 5
 (A PORTION OF ARBALLO DRIVE)

ARBALLO DRIVE
(51' WIDE)

BLOCK 7338
ROS 8641
(FF S.M. 110-129)



[Handwritten signature]

DRAWING NAME: \\Bkf-r\c\vol4\Sur090086 PARK MERCED\Plots and Legals\26 - SUR Maps & Plat & Legals for 1C & 1D\Exhibit 10\10_Sur_and_Plot.dwg
PLOT DATE: 05-27-22 PLOTTED BY: serp



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3

© BKF Engineers

RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Attention: Director of Property

MAIL TAX STATEMENTS TO:

Attn: _____

No fee for recording pursuant to Government
Code Section 27383

APN: [7334-002, 7334-003, 7334-004, 7334-005 &
7334-006]

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

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR DECLARES:

DOCUMENTARY TRANSFER TAX is \$ 0

☐ computed on full value of property conveyed, or ^{[[]]}_{SEP}

☐ computed on full value less value of liens or encumbrances remaining at time of sale.

☐ unincorporated area

☐ city and county of SAN FRANCISCO

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("Grantor"), pursuant to
Ordinance No. _____, adopted by the Board of Supervisors on _____, 20__, and
approved by the Mayor on _____, 20__,

does hereby REMISE, RELEASE and forever QUITCLAIM to ^{[[]]}_{SEP}

PARKMERCED OWNER LLC, a Delaware limited liability company,

any and all right, title and interest City may have in and to the real property located in the City and
County of San Francisco, State of California, described on Exhibit A attached hereto and made a
part hereof.

[SIGNATURE PAGE FOLLOWS]

Executed as of _____, 20__.

CITY
CITY AND COUNTY OF
SAN FRANCISCO,
a municipal corporation

By: _____

Director of Real Estate

Recommended:

Public Works

By: _____

Carla Short
Interim Director

Approved as to form
DAVID CHIU, City Attorney

By: _____
Deputy City Attorney

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

State of California)
County of San Francisco)

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

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

WITNESS my hand and official seal.

Signature

(Affix Seal)

Exhibit A
Property Description



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 1
(A PORTION OF HIGUERA AVENUE & VIDAL DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Higuera Avenue and Vidal Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the easterly terminus of that line labeled as "S87°34'02"E 366.378'", said line being the southerly line of Higuera Ave, said point being the **POINT OF BEGINNING** of this description;

Thence along said southerly line of Higuera Avenue the following two (2) courses:

1. North 87°34'02" West, 366.378 feet to the beginning of a tangent curve to the left;
2. Along said tangent curve, having a radius of 22.000 feet, through a central angle of 92°35'59", an arc length of 35.556 feet to the easterly line of said Vidal Drive;

Thence along said easterly line of Vidal Drive, the following two (2) courses:

1. South 00°10'01" East, 176.384 feet to the beginning of a tangent curve to the right;
2. Along said tangent curve, having a radius of 3,118.500 feet, through a central angle of 00°20'28", an arc length of 18.567 feet;

Thence leaving said easterly line, North 00°10'01" West, 246.401 feet;

Thence South 87°34'02" East, 410.972 feet;

Thence South 02°25'58" West, 41.747 feet to said southerly line of Higuera Avenue, and the beginning of a non-tangent curve, concave southwesterly, whose radius point bears South 69°16'36" West;

Thence northwesterly along last said southerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 66°50'38", an arc length of 25.666 feet to the **POINT OF BEGINNING**.

Containing 11,855 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

CCSF PARCEL 7
(DN. 2017K509962)

HIGUERA AVENUE
(51' WIDE)

VACATION PARCEL 1
(A PORTION OF HIGUERA AVENUE & VIDAL DRIVE)

11,855± SQ.FT.
0.27± ACRES

POB

R=22.000'
Δ=92°35'59"
L=35.556'

N87°34'02"W 366.378'
("S87°34'02"E 366.378'" PER ROS 8641)

R=22.000'
Δ=66°50'38"
L=25.666'

- 0.055'

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

LEGEND

DN.
O.R.
POB
(R)
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
OFFICIAL RECORDS
POINT OF BEGINNING
DENOTES RADIAL BEARING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY
AREA TO BE VACATED
AREA = 11,855± SQ.F

VIDAL DRIVE
(WIDTH VARIES)

S00°10'01"E 176.384'
N00°10'01"W 246.401'

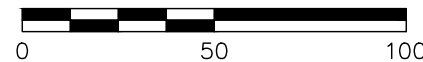
0.055'

R=3,118.500'
Δ=0°20'28"
L=18.567'

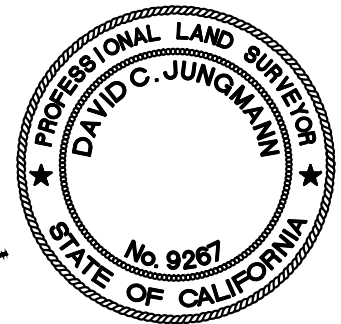
SEE DETAIL

DETAIL
NOT TO SCALE

GRAPHIC SCALE



ARBALLO DRIVE
(51' WIDE)



BKF

255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A - PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3

⑦ BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 2
(A PORTION OF VIDAL DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Vidal Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southerly terminus of that curve labeled " $R=391.500'$ $\Delta=26^{\circ}35'36''$ $L=181.711''$ ", said point being on the easterly line of Vidal Drive, as shown on said map, said point of commencement also being the beginning of a tangent curve to the right, whose radius point bears North $65^{\circ}44'05''$ East from said point of commencement;

Thence northerly along said easterly line, along said tangent curve, having a radius of 391.500 feet, through a central angle of $12^{\circ}30'28''$, an arc length of 85.465 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said easterly line, North $20^{\circ}14'15''$ West, 3.869 feet;

Thence North $00^{\circ}10'01''$ West, 3.143 feet to said easterly line and the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North $79^{\circ}15'12''$ East,

Thence southerly along said non-tangent curve, having a radius of 391.500 feet, through a central angle of $01^{\circ}00'39''$, an arc length of 6.907 feet to the **POINT OF BEGINNING**.

Containing 2 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION



GRAPHIC SCALE



VIDAL DRIVE
(WIDTH VARIES)

VACATION PARCEL 2
(A PORTION OF VIDAL DRIVE)

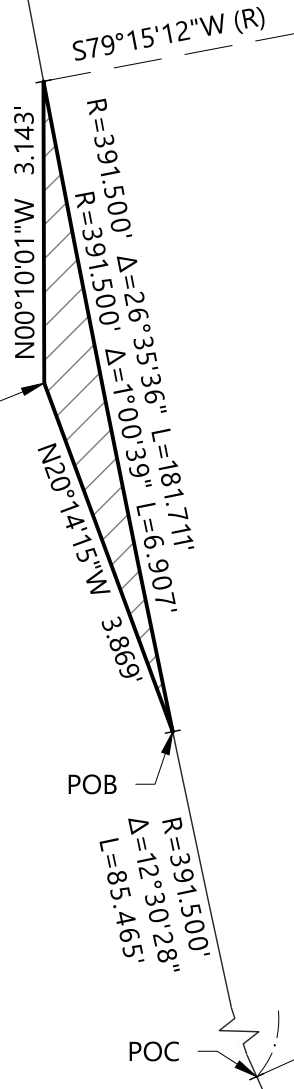
LEGEND

DN.	DOCUMENT NUMBER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
(R)	DENOTES RADIAL BEARING
ROS	RECORD OF SURVEY
S.M.	BOOK OF SURVEY MAPS
SQ.FT.	SQUARE FEET

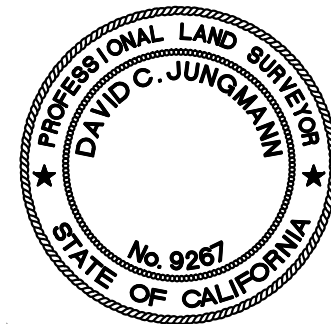
EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 2± SQ.FT.



BLOCK 7334
ROS 8641
(FF S.M. 110-129)



[Handwritten signature]

TO GARCES DRIVE



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT **EXHIBIT A – PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

JOB NO. **20200835-10**

BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 3
(A PORTION OF VIDAL DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Vidal Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the northwesterly terminus of that curve labeled "R=22.000' Δ =63°18'00" L=24.305'", as shown on said map, said point being on the easterly line of Vidal Drive as shown on said map;

Thence northerly along said easterly line the following two (2) courses:

1. North 24°15'55" West, 2.302 feet to the **POINT OF BEGINNING** of this description;
2. North 24°15'55" West, 33.394 feet to the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 67°30'48" East;

Thence leaving said easterly line, southeasterly along said non-tangent curve, having a radius of 538.000 feet, through a central angle of 03°33'25", an arc length of 33.399 feet to the **POINT OF BEGINNING**.

Containing 6 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date

BLOCK 7333-A
ROS 8641
(FF S.M. 110-129)

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

VIDAL DRIVE
(WIDTH VARIES)

$S67^{\circ}30'48''W$ (R)
 $N24^{\circ}15'55''W$
 $R=538.000'$
 $\Delta=33.325'$
 $L=33.396'$
 $33.394'$

VACATION PARCEL 3 —
(A PORTION OF VIDAL DRIVE)

POB

S63°57'23"W (R)
N24°15'

N24°15'55"W
2.302'

- POC

POC
R=22.000' $\Delta=63^{\circ}18'00''$ L=24.305'

GRAPHIC SCALE

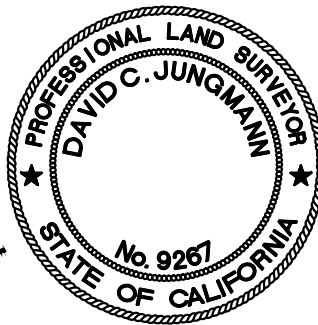
0 10 20

LEGEND

DN.	DOCUMENT NUMBER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
(R)	DENOTES RADIAL BEARING
ROS	RECORD OF SURVEY
S.M.	BOOK OF SURVEY MAPS
SQ. FT.	SQUARE FEET

EXISTING BOUNDARY

AREA TO BE VACATED
AREA = 6± SQ.FT.



GARCES DRIVE
(51' WIDE)



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A – PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY JMS APPR. DCJ DATE 05/27/2022

3 OF 3



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 4
(A PORTION OF GARCES DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Garces Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the westerly terminus of that certain line labeled as "S87°33'55"E 272.232'", said point being on the northerly line of Garces Drive and also being the **POINT OF BEGINNING** of this description;

Thence along said northerly line, South 87°33'55" East, 76.084 feet to the beginning of a non-tangent curve, concave southeasterly, whose radius point bears South 28°21'16" East;

Thence leaving said northerly line, southwesterly along said non-tangent curve, having a radius of 35.000 feet, through a central angle of 59°12'52", an arc length of 36.172 feet;

Thence South 02°25'52" West, 1.504 feet to the beginning of a tangent curve to the right;

Thence southwesterly along said tangent curve, having a radius of 19.000 feet, through a central angle of 47°06'00", an arc length of 15.619 feet;

Thence South 49°31'52" West, 12.359 feet to the beginning of a tangent curve to the right;

Thence westerly along said tangent curve, having a radius of 15.000 feet, through a central angle of 96°03'47", an arc length of 25.149 feet to a point of compound curvature;

Thence northwesterly along said compound curve, having a radius of 538.000 feet, through a central angle of 07°49'14", an arc length of 73.433 feet to said northerly line and the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 58°21'45" East;

Thence southeasterly along said northerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 55°55'40", an arc length of 21.475 feet to the **POINT OF BEGINNING**.

Containing 3,058 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

LEGEND

DN.
POB
ROS
S.M.
SQ.FT.

DOCUMENT NUMBER
POINT OF BEGINNING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY



AREA TO BE VACATED
AREA = 3,058± SQ.FT.

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

VIDAL DRIVE
(WIDTH VARIES)

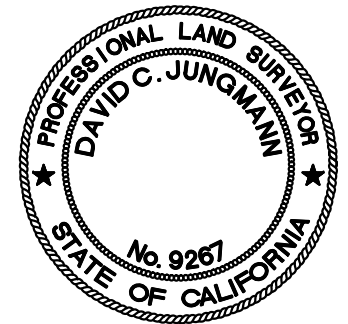
BLOCK 7333-A
ROS 8641
(FF S.M. 110-129)

VACATION PARCEL 4
(A PORTION OF GARCES DRIVE)

GARCES DRIVE
(51' WIDE)

POINT OF
COMPOUND
CURVATURE

BLOCK 7337
ROS 8641
(FF S.M. 110-129)



SUBJECT EXHIBIT A - PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY JMS APPR. DCJ DATE 05/27/2022

3 OF 3



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com



EXHIBIT A
LEGAL DESCRIPTION
VACATION PARCEL 6
(A PORTION OF ARBALLO DRIVE)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Arballo Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the southerly terminus of that certain line labeled as "N02°25'58"E 482.006'", said point being on the westerly line of Arballo Drive and also being the **POINT OF BEGINNING** of this description;

Thence along said westerly line, North 02°25'58" East, 482.006 feet to the beginning of a tangent curve to the right;

Thence continuing northerly along said westerly line, along said tangent curve, having a radius of 3,312.500 feet, through a central angle of 01°51'46", an arc length of 107.688 feet;

Thence leaving said westerly line, South 02°25'58" West, 606.743 feet;

Thence North 87°33'55" West, 9.869 feet to said westerly line and the beginning of a non-tangent curve, concave northwesterly, whose radius point bears North 36°41'24" West,

Thence northeasterly along said westerly line, along said non-tangent curve, having a radius of 22.000 feet, through a central angle of 50°52'37", an arc length of 19.535 feet to the **POINT OF BEGINNING**.

Containing 1,041 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

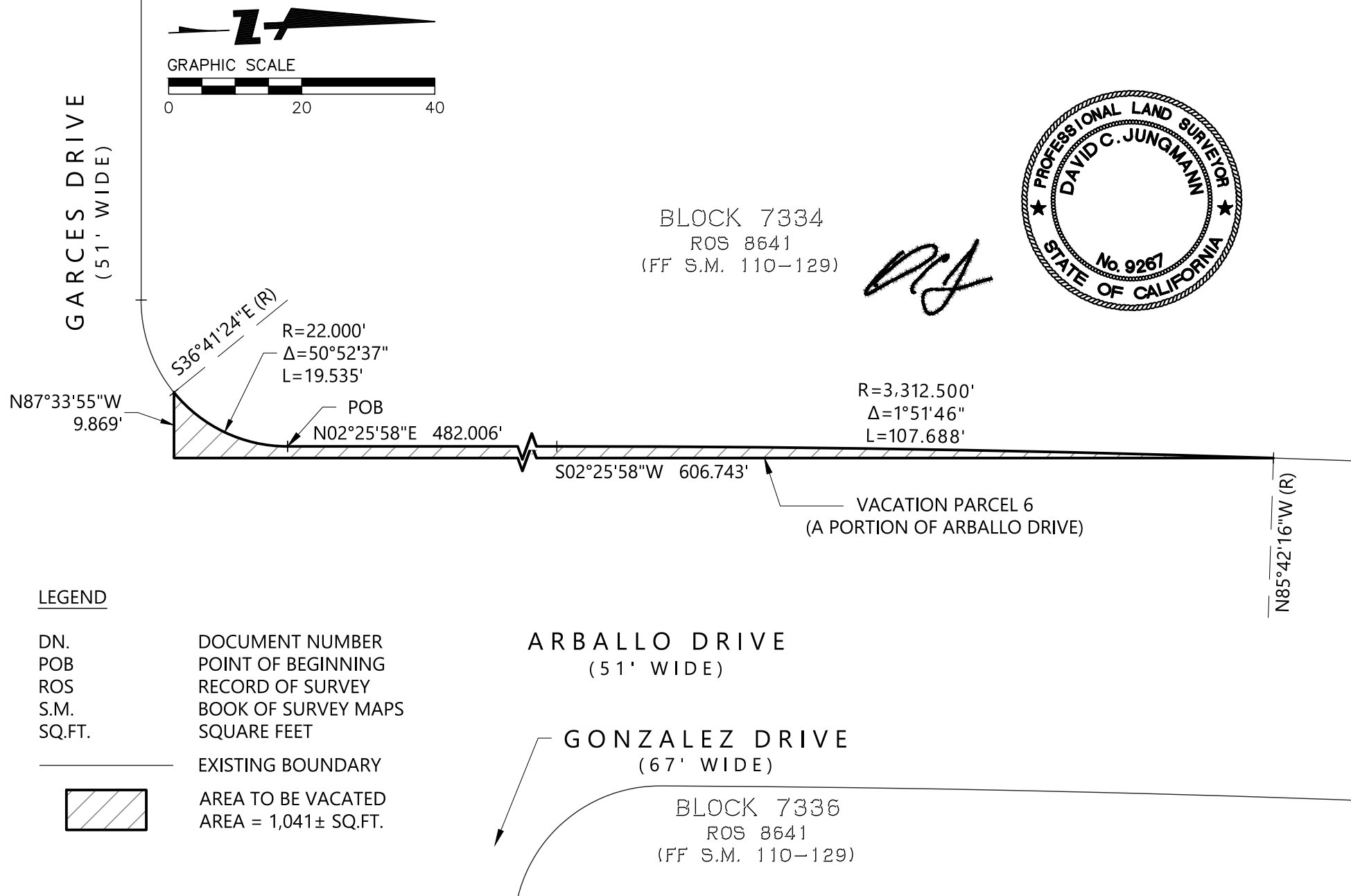


David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date



**RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:**

San Francisco Public Utilities Commission
Attn: Real Estate Director
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

WITH A CONFORMED COPY TO:

City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Attention: Director of Property

No fee for recording pursuant to Government
Code Section 27383

APN [7333A-001 & 7333B-001]

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

EASEMENT QUITCLAIM

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, and as expressly authorized in Ordinance No. _____ - _____ passed by the City and County of San Francisco's (City) Board of Supervisors on _____, _____, 20__, and approved by the Mayor on _____, _____, 20__, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, hereby RELEASES, REMISES, and QUITCLAIMS to MAXIMUS PM PHASE 1C OWNER LLC, a Delaware limited liability company; any and all right, title, and interest City may have in or to the easements described in Exhibit A.

[SIGNATURE PAGE FOLLOWS]

In witness whereof this Easement Quitclaim is executed as of _____, 20__.

CITY AND COUNTY OF SAN
FRANCISCO,
A municipal corporation

By: _____
Andrico Penick
Director of Property

Recommended:

Public Utilities Commission

By: _____
Dennis J. Herrera
General Manager

APPROVED AS TO FORM:

_____, City Attorney

By: _____
Deputy City Attorney

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

State of California)
County of San Francisco)

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

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

WITNESS my hand and official seal.

Signature

(Affix Seal)

Exhibit A
Property Description



**EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 5
(A PORTION OF 6138 O.R. 152, MISCELLANEOUS PARCELS)**

All that certain real property situate in the City and County of San Francisco, State of California, being all of Block 7333-B, as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California.

Containing 1,362 square feet, more or less.

Horizontal Datum & Reference System

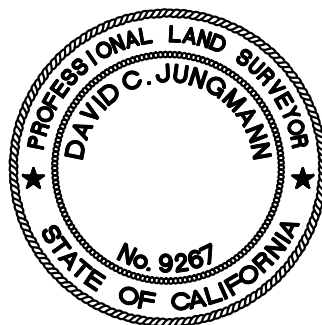
The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

A handwritten signature in black ink, appearing to read 'DCJ', positioned above a horizontal line.

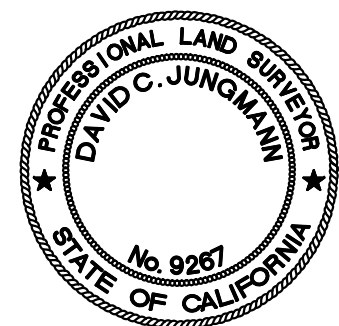
David C. Jungmann, PLS 9267



05/27/2022
Date

END OF DESCRIPTION

DA



7

GRAPHIC SCALE

0 50 100



DOCUMENT NUMBER
OFFICIAL RECORDS
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET
EXISTING BOUNDARY

AREA TO BE VACATED
AREA = 1,362± SQ.FT.

N00°10'01"W 216.355'

S00°10'01"E 216.355'

R=3,083.000'
$\Delta=2^{\circ}14'51''$
L=120.927'
<hr/>
R=3,087.000'
$\Delta=2^{\circ}14'51''$
L=121.084'

R=2.000'
Δ=180°00'00"
L=6.283'

R=2.000'
Δ=180°00'00"
L=6.283'



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A – PLAT TO ACCOMPANY
LEGAL DESCRIPTION
 JOB NO. 20200835–10
 BY JMS APPR. DCJ DATE 05/27/2022
 2 OF 2

DRAWING NAME: \\BK1-rc\\vol4\\Sur08\\090086 PARK MERCED\\Plots and Legals\\26 - SUR Maps & Plat & Legals for 1C & 1D\\Exhibit \\1_Sur.dwg
PLOT DATE: 08-25-22 PLOTTED BY: serp

© BKF Engineers



**EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 6
(A PORTION OF 6138 O.R. 152, MISCELLANEOUS PARCELS)**

All that certain real property situate in the City and County of San Francisco, State of California, being all of Block 7333-A, as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California.

Containing 1,368 square feet, more or less.

Horizontal Datum & Reference System

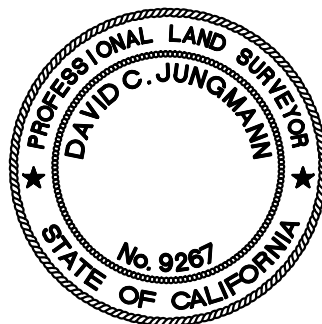
The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

A handwritten signature in black ink, appearing to read 'DCJ', positioned above a horizontal line.

David C. Jungmann, PLS 9267



05/27/2022
Date

END OF DESCRIPTION

**RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:**

San Francisco Public Utilities Commission
Attn: Real Estate Director
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

WITH A CONFORMED COPY TO:
City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Attention: Director of Property

No fee for recording pursuant to Government
Code Section 27383

APN [7332-004, 7333-001, CCSF 7333-002, & 7333-003]

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

EASEMENT QUITCLAIM

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, and as expressly authorized in Ordinance No. _____ - _____ passed by the City and County of San Francisco's (City) Board of Supervisors on _____, _____, 20__, and approved by the Mayor on _____, _____, 20__, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, hereby RELEASES, REMISES, and QUITCLAIMS to PARKMERCED OWNER LLC, a Delaware limited liability company; any and all right, title, and interest City may have in or to the easements described in Exhibit A.

[SIGNATURE PAGE FOLLOWS]

In witness whereof this Easement Quitclaim is executed as of _____, 20__.

CITY AND COUNTY OF SAN
FRANCISCO,
A municipal corporation

By: _____
Andrico Penick
Director of Property

Recommended:

Public Utilities Commission

By: _____
Dennis J. Herrera
General Manager

APPROVED AS TO FORM:

_____, City Attorney

By: _____
Deputy City Attorney

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

State of California)
County of San Francisco)

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

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

WITNESS my hand and official seal.

Signature

(Affix Seal)

Exhibit A
Property Description



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 7
(EASEMENT PARCEL 2m PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-003 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the easterly terminus of that line labeled as "N87°40'19"W 6.098'", as shown on said map, said point also being on the westerly line of Vidal Drive as shown on said map, said point of commencement also being the beginning of a non-tangent curve concave easterly, whose radius point bears North 84°12'25" East;

Thence along said westerly line the following two (2) courses:

1. Southerly along said non-tangent curve, having a radius of 458.500 feet, through a central angle of 08°21'12", an arc length of 66.847 feet to the **POINT OF BEGINNING** of this description;
2. Continuing southerly along said non-tangent curve, whose radius point bears North 75°51'12" East from said point of beginning, through a central angle of 07°35'08", an arc length of 60.703 feet;

Thence leaving said westerly line, South 02°19'41" West, 46.165 feet to the northerly line of CCSF Block 7333-002 as shown on said map and being labeled as "CCSF 7333" thereon;

Thence along said northerly line, North 87°40'19" West, 20.000 feet;

Thence leaving said northerly line, North 02°19'41" East, 79.863 feet;

Thence North 00°10'12" West, 23.227 feet to the **POINT OF BEGINNING**.

Containing 1,435 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 8
(EASEMENT PARCEL 2o PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-001 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southeasterly corner of CCSF Block 7333-002 as shown on said map and being labeled as "CCSF 7333" thereon;

Thence along the southerly line of said CCSF Block 7333-002, North $87^{\circ}40'19''$ West, 14.696 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said southerly line, South $02^{\circ}25'48''$ West, 14.255 feet;

Thence North $28^{\circ}40'22''$ West, 16.630 feet to said southerly line;

Thence along said southerly line, South $87^{\circ}40'19''$ East, 8.591 feet to the **POINT OF BEGINNING**.

Containing 61 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

DRAWING NAME: \\BKF-rc\vol4\Sur09\090086 PARK MERCED\Plats and Legals\26 - SUR Maps & Plat & Legals for 1C & 1D\Exhibit 26\26_Sur_and_Plat.dwg

DOCUMENT NUMBER
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

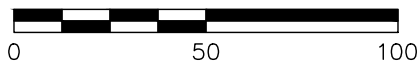
AREA TO BE VACATED
AREA = 61± SQ.FT.



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N87°40'19"W	14.696'
L2	S02°25'48"W	14.255'
L3	N28°40'22"W	16.630'
L4	S87°40'19"E	8.591'



GRAPHIC SCALE



LAKE MERCED BOULEVARD
(WIDTH VARIES)

CCSF 7333-002
ROS 8641
(FF S.M. 110-129)

S02°19'41"W
72.927'

VIDAL DRIVE
(WIDTH VARIES)

POINT OF
BEGINNING

POINT OF COMMENCEMENT

SFPUC EASEMENT 8
(EASEMENT PARCEL
2o PER 4252 O.R. 85)

BLOCK 7333-001
ROS 8641
(FF S.M. 110-129)



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT A - PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20200835-10

BY BDF

APPR. DCJ

DATE 05/27/2022

3 OF 3



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 9
(EASEMENT PARCEL 2n PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-001 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southeasterly corner of CCSF Block 7333-002 as shown on said map and being labeled as "CCSF 7333" thereon;

Thence along the southerly line of said CCSF Block 7333-002, North 87°40'19" West, 26.700 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said southerly line, South 24°10'48" West, 105.587 feet to the easterly line of Lake Merced Boulevard as shown on said map;

Thence along said easterly line, North 02°19'41" East, 53.733 feet;

Thence leaving said easterly line, North 24°10'48" East, 47.694 feet to said southerly line of said CCSF Block 7333-002;

Thence along said southerly line, South 87°40'19" East, 21.548 feet to the **POINT OF BEGINNING**.

Containing 1,533 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022
Date

CCSF 7333-002
ROS 8641
(FF S.M. 110-129)

LAKE MERCED BOULEVARD
(100' WIDE)

VIDAL DRIVE
(WIDTH VARIES)

S87°40'19"E
21.548'

N87°40'19"W 26.700'

POB
SFPUC EASEMENT 9
(EASEMENT PARCEL 2n PER 4252 O.R. 85)

A diagram of a traverse polygon with the following bearings and distances:

- Side 1: $N02^{\circ}19'41''E$, 53.733'
- Side 2: $N24^{\circ}10'48''E$, 47.694'
- Side 3: $S24^{\circ}10'48''W$, 105.587'

The polygon is shaded with diagonal lines. A north arrow is shown pointing towards the top right. The text '7333-001' and 'S 8641' are visible in the background.

BLOCK 7333-001
(FF ROS 8641
S.M. 110-129)

GARCES DRIVE
(51' WIDE)

VIDAL DRIVE
(WIDTH VARIES)

DN.
O.R.
POB
POC
(R)
ROS
S.M.
SQ. FT.

DOCUMENT NUMBER
OFFICIAL RECORDS
POINT OF BEGINNING
POINT OF COMMENCEMENT
RADIAL BEARING
RECORD OF SURVEY
BOOK OF SURVEY MAPS
SQUARE FEET

EXISTING BOUNDARY

AREA TO BE VACATED
AREA = 1,533± SQ.FT.

BLOCK 7334
ROS 8641
(FF S.M. 110-129)

GARCES DRIVE
(51' WIDE)

BLOCK 7337
ROS 8641
(FF S.M. 110-129)



SUBJECT EXHIBIT A – PLAT TO ACCOMPANY
LEGAL DESCRIPTION

JOB NO. 20200835-10

BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3

BKF

255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT **EXHIBIT A – PLAT TO ACCOMPANY**
LEGAL DESCRIPTION
 JOB NO. **20200835-10**
 BY **JMS** APPR. **DCJ** DATE **05/27/2022**
 3 OF 3

© BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 10
(PORTIONS OF EASEMENT PARCELS 2k AND 2l PER 4252 O.R. 85)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7333-001, a portion of CCSF Block 7333-002 and a portion of Block 7333-003 as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

BEGINNING at the northwesterly terminus of that line labeled as "S24°15'55"E 130.720'", as shown on said map, said line also being the westerly line of Vidal Drive as shown on said map, said point being the **POINT OF BEGINNING** of this description;

Thence along said westerly line, South 24°15'55" East, 46.863 feet to the beginning of a non-tangent curve, concave westerly, whose radius point bears South 89°48'31" West;

Thence leaving said westerly line, southerly along said non-tangent curve, having a radius of 410.000 feet, through a central angle of 02°37'17", an arc length of 18.759 feet;

Thence South 02°25'48" West, 6.571 feet to the beginning of a non-tangent curve, concave southeasterly, whose radius point bears South 33°13'39" East;

Thence northeasterly along said non-tangent curve, having a radius of 60.000 feet, through a central angle of 10°32'03", an arc length of 11.031 feet to said westerly line of Vidal Drive;

Thence along said westerly line, South 24°15'55" East, 20.011 feet to the beginning of a non-tangent curve, concave southeasterly, whose radius point bears South 21°54'25" East;

Thence leaving said westerly line, southwesterly along said non-tangent curve, having a radius of 40.000 feet, through a central angle of 29°39'47", an arc length of 20.709 feet;

Thence South 38°25'48" West, 4.450 feet;

Thence South 02°25'48" West, 19.685 feet to the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 61°51'08" East;

Thence northwesterly along said non-tangent curve, having a radius of 639.000 feet, through a central angle of 03°44'01", an arc length of 41.640 feet;

Thence North 02°25'48" East, 18.582 feet to the beginning of a tangent curve to the left;

Thence northerly along said curve, having a radius of 390.000 feet, through a central angle of 10°28'41", an arc length of 71.321 feet to said westerly line of Vidal Drive and the beginning of a non-tangent curve, concave northeasterly, whose radius point bears North 67°10'02" East;

Thence southeasterly along said non-tangent curve, having a radius of 458.500 feet, through a central angle of 01°25'57", an arc length of 11.463 feet to the **POINT OF BEGINNING**.

Containing 1,958 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



05/27/2022

Date

END OF DESCRIPTION

7

255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

AREA TO BE VACATED
AREA = 1,958± SQ.FT.

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S02°25'48"W	6.571'
L2	N02°25'48"E	18.582'

GARCES DRIVE
(51' WIDE)

GRAPHIC SCALE



BY **JMS** APPR. **DCJ** DATE **05/27/2022**

3 OF 3

© BKF Engineers



EXHIBIT A
LEGAL DESCRIPTION
SFPUC EASEMENT 11
(ALL OF 6191 O.R. 221)

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Block 7332, Block 7333-001, and Garces Drive as shown on that certain map entitled "RECORD OF SURVEY MAP NO. 8641" filed August 24, 2015, in Book FF of Survey Maps, at pages 110-129, in the Office of the Recorder of the City and County of San Francisco, State of California, and being more particularly described as follows:

COMMENCING at the southerly common corner of Block 7333-001 and Block 7332 as shown on said map, said common corner also being on the northerly line of Brotherhood Way;

Thence easterly along said northerly line, South $87^{\circ}45'18''$ East, 590.110 feet to the **POINT OF BEGINNING** of this description;

Thence leaving said northerly line, North $45^{\circ}21'51''$ West, 193.427 feet;

Thence North $46^{\circ}06'55''$ West, 124.749 feet;

Thence North $47^{\circ}34'12''$ West, 448.754 feet;

Thence North $87^{\circ}34'12''$ West, 760.196 feet;

Thence South $57^{\circ}36'36''$ West, 205.025 feet;

Thence North $57^{\circ}20'55''$ West, 63.390 feet to the easterly line of Lake Merced Boulevard;

Thence along last said line, North $02^{\circ}19'41''$ East, 26.645 feet;

Thence leaving last said line, South $57^{\circ}20'55''$ East, 62.179 feet;

Thence North $57^{\circ}36'36''$ East, 197.573 feet;

Thence South $87^{\circ}34'12''$ East, 775.780 feet;

Thence South $47^{\circ}34'12''$ East, 456.893 feet;

Thence South $52^{\circ}15'40''$ East, 144.703 feet;

Thence South 44°28'24" East, 214.413 feet to said northerly line of Brotherhood Way;

Thence along said northerly line, North 87°45'18" West, 52.481 feet to the **POINT OF BEGINNING**.

Containing 45,814 square feet, more or less.

Horizontal Datum & Reference System

The horizontal datum is the North American Datum of 1983: NAD 83 (2011) Epoch 2010.00 referenced by the "CCSF-2013 High Precision Network" (CCSF-HPN). Plane coordinates are based on the "City & County of San Francisco 2013 coordinate system (CCSF-CS13). CCSF-CS13 is a low distortion projection designed for CCSF to provide plane coordinates in a ground system. See ROS 8080, filed April 4, 2014, in Book EE of Survey Maps at pages 147-157 in the Office of the Recorder of the City and County of San Francisco.

A plat showing the above-described parcel is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



END OF DESCRIPTION

05/27/2022

Date



March 2, 2022

Subdivision and Mapping
Bureau of Street Use and Mapping
San Francisco Public Works
1155 Market Street
San Francisco, CA 94103

RE: 585 Arballo Drive, 500-582 Arballo Drive, and 600-606 Arballo Drive (Block 7333, Lots 001 and 003; Block 7333A, Lot 001; Block 7333B, Lot 001; Block 7334, Lot 001; Block 7337, Lot 001) Phase 1C of Parkmerced Development
Planning Department File No. 585 Arballo Drive, 500-582 Arballo Drive, and 600-606 Arballo Drive (DPW Project ID 10699)

BACKGROUND

On February 10, 2011, at a duly noticed public hearing, the Planning Commission adopted Motion No. 18270, approving California Environmental Quality Act (CEQA) findings, including a mitigation monitoring and reporting program (MMRP), and certified the final environmental impact report (FEIR) under Motion No. 18269. At the same hearing, the Commission adopted General Plan findings under Resolution No. 18273 and recommended approval of General Plan, Zoning Map and Text Amendments under Resolution No. 18271. The Commission also approved the Parkmerced Design Standards and Guidelines ("DS&G") under Motion No. 18271 and adopted a recommendation for approval of the Parkmerced Development Agreement under Resolution No. 18273.

On June 7, 2011, at a duly noticed public hearing, the San Francisco Board of Supervisors adopted Ordinance No. 89-11 approving a Development Agreement for Parkmerced and authorizing the Planning Director to execute this agreement on behalf of the City. The following land use approvals relating to the Project were approved by the Board of Supervisors concurrently with the Development Agreement: the General Plan amendment (Board of Supervisors Ord. No. 92-11), the Planning Code Text amendment (Board of Supervisors Ord. No. 90-11), the Zoning Map amendments (Board of Supervisors Ord. No. 91-11), the Coastal Zone Permit (Planning Commission Resolution Motion No. 19272); Board of Supervisors Ord. No. 89-11), and the Parkmerced Plan Documents. The PUC adopted a resolution consenting to this Agreement on June 14, 2011 (Resolution No. 11-0091), and the MTA Board adopted a resolution consenting to this Agreement on June 21, 2011 (Resolution No. 11-080).

On June 3, 2015, the Planning Director, after achieving consensus from other City agencies that the Phase Application meets all relevant requirements, approved the Phase 1 Application through issuance of a letter to the Project Sponsor. On August 27, 2019, the Planning Director issued a letter approving certain requested amendments and revisions to the Phase 1 application.

ACTION

The Planning Department recommends approval of the proposed Tentative Subdivision Map #10699 for 585 Arballo Drive, 500-582 Arballo Drive, and 600-606 Arballo Drive, Block 7333, Lots 001, 002, and 003; Block 7333A, Lot 001; Block 7333B, Lot 001; Block 7334, Lot 001; Block 7337, Lot 001 (Project) as submitted.

FINDINGS

The Planning Department hereby finds the proposed Tentative Subdivision Map, including proposed street vacations, dedications, and CCSF acceptance of the same, proposed vacation of certain SFPUC public utility easements, and proposed transfer of some or all of City parcel 7333-002, to be consistent with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

As contemplated by CA Public Resources Code Section 21166 and Cal. Code Regs., tit. 14, § 15162, the Planning Department finds that this Project was previously evaluated under the FEIR, and no subsequent or supplemental EIR is required for the Application, because: 1) there are no substantial changes to the Project proposed by the Application which will require major revisions of the FEIR due to new significant impacts or a substantial increase in the severity of previously identified impacts; 2) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the FEIR due to new significant impacts or a substantial increase in the severity of previously identified impacts; 3) and there is no new information that has become available and shows new significant impacts, an increase in the severity of a previously identified significant impact, or changes related to the feasibility of, or new, mitigation measures and alternatives which would substantially reduce significant impacts and which were rejected. The Department also incorporates herein by reference the Planning Commission CEQA findings in its Motion No. 18270 and makes the mitigation measures identified in the MMRP attached hereto conditions of approval for this tentative map. These findings also apply to Public Works proposed grant of exceptions to the SF Subdivision Code or Subdivision Regulations, if any, that the Subdivider requested as part of the tentative subdivision map.

The Department has considered the entire record to determine, pursuant to Subdivision Map Act, Gov't Code § 66474(a)-(g), whether any of the criteria exist that would require denial of the Tentative Subdivision Map and finds that none of the criteria exist. The Department also determined pursuant to Gov't Code § 66412.3 and § 66473.1, that the proposed subdivision will facilitate the development of housing and provide for future natural heating or cooling opportunities to the extent feasible.

None of the conditions described in Government Code Sections 66474(a) through (g), inclusive, requiring denial of a tentative map, exist with respect to this subdivision, as documented by the Planning Department's findings dated February 10, 2011, and as further documented and determined herein:

- Govt. Code § 66474(a): That the proposed map is not consistent with applicable general and specific

plans as specified in Section 65451.

Tentative Map No. 10699 is consistent with the General Plan, and for the reasons set forth in Planning Commission Resolution No. 18273.

- **Govt. Code § 66474(b): That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The design and improvement of the proposed subdivision is consistent with the General Plan, and for the reasons set forth in Planning Commission Resolution No. 18273.

- **Govt. Code § 66474(c): That the site is not physically suitable for the type of development.**

The site is physically suitable for the type of development. The FEIR evaluated potential environmental impacts associated with the development, which development is consistent with that described in the Parkmerced Design Standards and Guidelines (“DS&G”). The FEIR and corresponding mitigation measures address, among other issues, geotechnical and soils conditions and hazards and hazardous materials.

- **Govt. Code § 66474(d): That the site is not physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of development. The density of development, including up to 444 new residential units, 42 existing residential units, parking garage, and common areas is consistent with the DSG and the Parkmerced Special Use District (Planning Code, § 249.64) as evaluated in the FEIR.

- **Govt. Code § 66474(e): That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

Neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The FEIR incorporates a comprehensive evaluation of biological resources, including fish and wildlife and their habitat. All feasible and applicable mitigation measures identified in the MMRP, attached, will be applied to the Tentative Map No. 10699 as a condition of this approval.

- **Govt. Code § 66474(f): That the design of the subdivision or type of improvements is likely to cause serious public health problems.**

Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems. Issues of public health, including, for example, geotechnical and soils stability, hazards and hazardous materials, and air quality impacts, were evaluated in the FEIR. All feasible and applicable mitigation measures identified in the MMRP will be applied to Tentative Map No. 10699 as a condition of this approval.

- **Govt. Code § 66474(g): That the design of the subdivision or the type of improvements will conflict with**

easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Neither the design of the subdivision nor the type of improvements will conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. No such public easements for use or public access would be adversely affected by the proposed subdivision, and the Subdivider will be required to provide new easements as a condition of approval of the map as necessary for public access and use.

Pursuant to Subdivision Map Act, Gov't Code § 66412.3 and § 66473.1, the Department finds that the proposed subdivision with associated development complies with said criteria in that:

- (a) In carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

The Tentative Subdivision Map is associated with a project that proposes up to 444 new residential units and maintains 42 existing residential units on under-utilized land for needed housing and open space. The development will establish a new residential building on previously underdeveloped lots. Further, the development will balance housing with new and improved infrastructure, related public benefits and employment opportunities generated. The design of the proposed subdivision will complement the existing neighborhood character and the development of housing will not adversely impact the City's fiscal and environmental resources for its residents.

- (b) The design of a subdivision for which a tentative map is required pursuant to Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The design of the proposed subdivision will provide, to the extent feasible, future passive or natural heating or cooling opportunities in the subdivision. To the extent feasible, the site layout and alignment of streets provides for southern facing windows and orients the buildings to maximize solar gains.

PLANNING DEPARTMENT CONDITIONS

In accordance with the Development Agreement and Phase 1 Application No. 2014.1370W, publicly-owned community improvements and privately-owned community improvements shall be constructed as part of Phase 1C and 1D. All privately-owned community improvements must fulfill the neighborhood common guidelines and requirements in the Design Standards & Guidelines and will be approved under a Design Review Application.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18269 Environmental Impact Report Certification

HEARING DATE: FEBRUARY 10, 2011

Hearing Date: February 10, 2011
Case No.: 2008.0021E
Project Address: 3711 19th Avenue
Zoning: RM-4, RM-1 and RH-1(D)
40-X and 1Height and Bulk District
Block/Lot: 7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001
Project Sponsor: Seth Mallen, Parkmerced Investors, LLC
3711 19th Avenue
San Francisco, CA 94132
Staff Contact: Rick Cooper – (415) 575-9027
rick.cooper@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PARKMERCED PROJECT

MOVED, that the San Francisco Planning Commission ("Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2008.0021E, Parkmerced Project, 3711 19th Avenue ("Project"), based upon the following findings:

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

- A. The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 20, 2009
 - B. On May 12, 2010, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
 - C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on May 12, 2010.
 - D. On May 12, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 12, 2010.
2. The Commission held a duly noticed public hearing on the DEIR on June 17, 2010, and received public comment. The period for acceptance of written comments ended on July 12, 2010.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received and based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on October 28, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to the public at the Department at 1650 Mission Street.
 4. The Department has prepared a Final Environmental Impact Report (FEIR), consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document, all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.
 6. On February 10, 2011 the Commission reviewed and considered the FEIR and finds that the contents of the FEIR and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

7. The Planning Commission finds that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby CERTIFIES THE COMPLETION of the FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of the FEIR, finds that the project described in it:

A. Will result in the following significant and unavoidable project-specific environmental impacts:

1) Elimination of a visual/scenic resource of the built environment through the demolition of the existing garden apartment buildings and the removal of the existing landscaping;

2) Impairment of the significance of the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features on the Project Site;

3) Construction-related transportation impacts in the project vicinity due to construction vehicle traffic and road construction associated with the realignment of the existing light rail tracks;

4) Traffic impacts at 8 intersections, including:

- Junipero Serra Boulevard/Sloat Boulevard/St. Francisco Boulevard/Portola Drive – Significant contribution to LOS F conditions during the weekday PM peak hour and weekend midday peak hour;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp – Significant contribution to LOS F conditions during the weekday PM peak hour;
- 19th Avenue/Sloat Boulevard – LOS E to LOS F in the AM peak hour;
- 19th Avenue/Winston Drive – LOS D to LOS E in the weekend midday peak hour and significant contribution to LOS F conditions during the PM peak hour;
- Sunset Boulevard/Lake Merced Boulevard – LOS C to LOS E in the PM peak hour;
- Lake Merced Boulevard/Winston Drive – LOS C to LOS E in the AM peak hour and LOS D to LOS F in the PM peak hour;
- Lake Merced Boulevard/Font Boulevard – LOS D to LOS F in the AM peak hour and LOS C to LOS F in the PM peak hour; and
- Lake Merced Boulevard/Brotherhood Way – LOS D to LOS E in the AM peak hour, LOS C to LOS F in the PM peak hour, and LOS C to LOS E in the weekend midday peak hour;

- 5) Traffic impacts on the following freeway segments:
 - Southbound State Route 1 (Junipero Serra Boulevard) weaving segment between the on-ramp from Brotherhood Way and the off-ramp to John Daly Boulevard – Significant contribution to LOS E conditions during the AM peak hour, and LOS E to LOS F during the PM peak hour; and
 - Northbound State Route 1 (Junipero Serra Boulevard) weaving segment between the Brotherhood Way on-ramp and Brotherhood Way off-ramp, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction.
- 6) Potential transit impacts due to the exceedance of the available transit capacity of Muni transit routes serving the Project Study Area, due to uncertainty of proposed mitigation to provide additional transit vehicles, which is subject to SFMTA's jurisdiction;
- 7) Potential transit impacts to the M Ocean View light rail due to route realignment and subsequent increased travel time, due to uncertainty of proposed mitigation to provide additional light rail vehicles or install transit signal priority, which are both subject to the SFMTA's jurisdiction;
- 8) Potential transit impacts due to increased vehicular traffic resulting in increased travel times for operations of the Muni 17-Parkmerced, 18-48th Avenue, 28-19th Avenue, 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor, due to uncertainty of proposed mitigation to provide additional transit vehicles or install transit preferential treatments, which are both subject to SFMTA's jurisdiction;
- 9) Transit impacts due to increased travel times and effects to operations of the Muni 17-Parkmerced, 28-19th Avenue and 28L-19th Avenue Limited and 29-Sunset bus lines, as well as SamTrans bus service along the Lake Merced Boulevard corridor;
- 10) Noise impacts due to increased traffic;
- 11) Light rail noise and vibration impacts;
- 12) Noise impacts due to operation of stationary noise sources potentially exceeding noise level standards;
- 13) Construction-related toxic air contaminates impact;
- 14) Operational regional air quality impacts;
- 15) Temporary wind impacts during phased construction;

16) Potential wind impacts due to the proposed Special Use District, which could result in exceedances of the wind hazard criterion or increases in the area subject to winds greater than 26 mph;

17): Operational biological impacts to special-status species, including interference with bird or bat movement and migration corridors and raptor nest sites due to operation of the 51 wind turbines on the western periphery of the Project Site;

B. Will contribute considerably to the following cumulative environmental impacts:

1) A cumulative impact to the Parkmerced historic district, an historical resource, through the demolition of the existing garden apartment buildings and removal of existing landscape features.

2) Cumulative traffic impacts at 13 intersections, including:

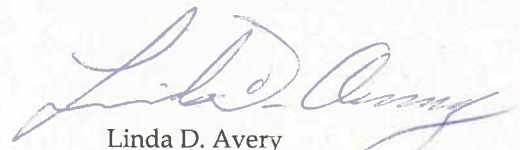
- Junipero Serra Boulevard/Sloat Boulevard/St. Francis Boulevard/Portola Drive;
- Junipero Serra Boulevard/John Daly Boulevard/I-280 Northbound On-Ramp/I-280 Southbound Off-Ramp/SR 1 Northbound On-Ramp;
- 19th Avenue/Sloat Boulevard;
- 19th Avenue/Winston Drive;
- 19th Avenue/Holloway Avenue;
- Brotherhood Way/Chumasero Drive;
- Sunset Boulevard/Lake Merced Boulevard;
- Lake Merced Boulevard/Winston Drive;
- Lake Merced Boulevard/Font Boulevard;
- Lake Merced Boulevard/Brotherhood Way;
- Lake Merced Boulevard/John Muir Drive;
- John Daly Boulevard/Lake Merced Boulevard; and
- Lake Merced Boulevard/Gonzalez Drive;

3) Cumulative impacts to traffic at four freeway segments on State Route 1 (Junipero Serra Boulevard):

- Southbound between the Brotherhood Way on-ramp and John Daly Boulevard off-ramp;
- Northbound between the off-ramp to Northbound I-280 and the John Daly Boulevard on-ramp;
- Northbound between the John Daly Boulevard on-ramp and the Alemany Boulevard off-ramp; and

- Northbound between the Brotherhood Way loop on- and off-ramps, due to uncertainty of proposed mitigation to remove the loop onramp and replace it with a left-turn onramp, which is subject to Caltrans' jurisdiction;
- 4) Cumulative impact to transit capacity under 2030 cumulative conditions by contributing transit ridership to screenlines expected to exceed available transit capacity;
 - 5) Cumulative noise impacts due to increases in traffic from the Project in combination with other development; and
 - 6) Cumulative air quality impacts;

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 10, 2011.



Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, and Miguel

NAYS: Commissioners Moore, Olague, and Sugaya

ABSENT:

ADOPTED: February 10, 2011



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18270

CEQA Findings

HEARING DATE: FEBRUARY 10, 2011

Date: January 27, 2011
Project Name: **Parkmerced Mixed-Use Development Program**
Case Number: 2008.0021EPMTZW
Initiated by: Seth Mallen, Parkmerced Investors, LLC
3711 – 19th Avenue
San Francisco, CA 94132
Staff Contact: Elizabeth Watty, Planner
Elizabeth.Watty@sfgov.org, 415-558-6620
Reviewed By: David Alumbaugh, Acting Director Citywide Planning
David.Alumbaugh@sfgov.org, 415-558-6601
Recommendation: **Adopt CEQA Findings**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING PROJECT APPROVAL FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW THE FULL IMPLEMENTATION OF THE PARKMERCED MIXED-USE DEVELOPMENT PROGRAM ("PROJECT"), BEING ALL OF ASSESSOR'S BLOCKS 7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001, IN THE RM-1 (RESIDENTIAL MIXED, LOW DENSITY), RM-4 (RESIDENTIAL MIXED, HIGH DENSITY), & RH-1(D) (RESIDENTIAL HOUSE, ONE-FAMILY, DETACHED) DISTRICTS.

PREAMBLE

In determining to approve the Parkmerced Project ("Project") described in Section A, Project Description below, the San Francisco Planning Commission (hereinafter "Commission") makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 et seq., particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA ("CEQA Guidelines"), 14 California Code of Regulations Sections 15000 et seq., particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

FINDINGS

The San Francisco Planning Commission hereby incorporates by reference as though fully set forth herein the findings for the Project approval of the Parkmerced Mixed-Use Development Program (hereinafter the "Project") attached hereto as **Exhibit A** pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et. seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

A. Project Description

The Parkmerced Mixed-Use Development Program is a long-term (20-30 year) mixed-use development program to comprehensively replan and redevelop the Parkmerced Project Site—the "Project" identified in the Final EIR. The Project would increase residential density, provide a neighborhood core with new commercial and retail services, modify transit facilities, and improve utilities within the development site. A new site for a Pre-K-5 school and/or day care facility, a fitness center, and new open space uses, including athletic playing fields, walking and biking paths, an approximately 2-acre farm, and community gardens, would also be provided. About 1,683 of the existing apartments located in 11 tower buildings would be retained. Over an approximately 20-year period of phased construction, the remaining 1,538 existing apartments would be demolished in phases and fully replaced, and an additional 5,679 net new units would be added to the Project Site, resulting at full build-out in a total of about 8,900 units on the Project Site.

The Project includes construction of (or provides financing for construction of) a series of transportation improvements, which include rerouting the existing Muni Metro M Ocean View line from its current alignment along 19th Avenue. The new alignment, as currently envisioned and analyzed in the Final EIR, would leave 19th Avenue at Holloway Avenue and proceed through the neighborhood core in Parkmerced. The Muni M line trains would then travel alternately along one of two alignments: trains either would re-enter 19th Avenue south of Felix Avenue and terminate at the existing Balboa Park station, or they would terminate at a new station, with full layover and terminal facilities, constructed on the Project Site at the intersection of Font Boulevard and Chumasero Drive.

The Proposed Project also includes a series of infrastructure improvements, including the installation of a combination of renewable energy sources, such as wind turbines and photovoltaic cells, to meet a portion of the Proposed Project's energy demand. In addition, stormwater runoff from buildings and streets would be captured and filtered through a series of bioswales, ponds, and other natural filtration systems. The filtered stormwater would then either percolate into the groundwater that feeds the Upper Westside groundwater basin and Lake Merced or be released directly into Lake Merced.

Amendments to the San Francisco Planning Code and the San Francisco General Plan are also proposed as part of the Proposed Project. The Planning Code amendments would change the Height and Bulk District Zoning Map and would add a Special Use District (SUD) applicable to

the entire Project Site, which would include an overlay of density and uses within the SUD. A Development Agreement is also proposed as part of the Project, as well as adoption of the *Parkmerced Design Standards and Guidelines*, which contain specific development guidelines.

The Final EIR also evaluated a Project sub-variant, which would construct a right-turn ingress along 19th Avenue between Crespi Drive and Junipero Serra Boulevard at Cambon Drive. This new access location would provide ingress for southbound vehicles only and would not provide access out onto 19th Avenue.

B. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on January 8, 2008. The Department determined that an Environmental Impact Report was required and provided public notice of the preparation of such on May 20, 2009, and held a public scoping meeting on June 8, 2009. The Department published a Draft Environmental Impact Report (DEIR) on May 12, 2010. The Commission held a public hearing to solicit testimony on the DEIR on June 17, 2010. The Department received written comments on the DEIR for 61-days, beginning on May 12, 2010. The Department published the Comments and Responses on October 28, 2010. The DEIR, together with the Comments and Responses document, constitute the Final Environmental Impact Report (FEIR) for the Parkmerced Mixed-Use Development Program. The Commission certified the FEIR on February 10, 2011, in Motion No. 18629.

Pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, (CEQA), Title 14 California Code of Regulations Section 15000 *et seq.* (CEQA Guidelines), and Chapter 31 of the San Francisco Administrative Code, the Planning Commission has reviewed and considered the FEIR, which is available for public review at the Planning Department's offices at 1650 Mission Street.


Pursuant to CEQA Guidelines Section 15162, the Commission finds that the proposed actions before this Commission are within the scope of the project analyzed in the FEIR and (1) that no substantial changes are proposed in the Project and no substantial changes have occurred with respect to the circumstances under which this Project will be undertaken that would require major revisions to the FEIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified effects and (2) no new information that was not known and could not have been known shows that the project will have any new significant effects not analyzed in the FEIR or a substantial increase in the severity of any effect analyzed or that new mitigation measures should be included that have not. The Commission further finds that an addendum to the FEIR is not required due to any changes in the Project or the Project's circumstances.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the CEQA Findings attached hereto as **Exhibit A** and the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as **Exhibit B**, which are incorporated herein by reference as though fully set forth.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on Thursday, February 10, 2011.


Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, and Miguel

NAYS: Commissioners Moore, Olague, and Sugaya

ABSENT:

ADOPTED: February 10, 2011



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18273

Development Agreement
HEARING DATE: FEBRUARY 10, 2011

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: January 27, 2011
Project Name: **Parkmerced Mixed-Use Development Program**
W Case: Development Agreement
Case Number: 2008.0021EPMTZW
Initiated by: Seth Mallen, Parkmerced Investors, LLC
3711 – 19th Avenue
San Francisco, CA 94132
Staff Contact: Elizabeth Watty, Planner
Elizabeth.Watty@sfgov.org, 415-558-6620
Reviewed By: David Alumbaugh, Acting Director Citywide Planning
David.Alumbaugh@sfgov.org, 415-558-6601
90-Day Deadline: N/A – Sponsor Initiated

Recommendation: **Recommend Approval**

RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND PARKMERCED INVESTORS, LLC., A DELAWARE LIMITED LIABILITY CORPORATION, FOR CERTAIN REAL PROPERTY LOCATED AT 3711 19TH AVENUE IN THE LAKE MERCED DISTRICT IN THE SOUTHWEST CORNER OF SAN FRANCISCO AND GENERALLY BOUNDED BY VIDAL DRIVE, FONT BOULEVARD, PINTO AVENUE, AND SERRANCE DRIVE TO THE NORTH, 19TH AVENUE AND JUNIPERO SERRA BOULEVARD TO THE EAST, BROTHERHOOD WAY TO THE SOUTH, AND LAKE MERCED BOULEVARD TO THE WEST, AND COMPRISED OF ASSESSOR'S BLOCKS AND LOTS 7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001, ALTOGETHER CONSISTING OF APPROXIMATELY 152-ACRES AND COMMONLY KNOWN AS PARKMERCED, FOR A TERM OF THIRTY (30) YEARS AND MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, GENERAL PLAN FINDINGS, AND FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1(b).

The Planning Commission (hereinafter "Commission") finds as follows:

1. California Government Code Section 65864 et seq. authorizes any city, county, or city and county to enter into an agreement for the development of real property within the jurisdiction of the city, county, or city and county.
2. Chapter 56 of the San Francisco Administrative Code sets forth the procedure by which any request for a development agreement will be processed and approved in the City and County of San Francisco.
3. Parkmerced Investors, LLC ("Developer") owns the real property located in the City and County of San Francisco, California located at 3711 19th Avenue on Assessor's Blocks and Lots 7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7325-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001, altogether consisting of approximately 152 acres and commonly known as Parkmerced (the "Project Site").
4. The Developer filed an Application with the City's Department of Planning for approval of a development agreement under Administrative Code Chapter 56. The Developer also filed applications with the Department of Planning to (a) amend the City's Planning Code to create the Parkmerced Special Use District, (b) amend the City's General Plan to change applicable height and bulk classifications, (c) amend applicable zoning maps.
5. The Developer proposes to increase residential density, provide a neighborhood core with new commercial and retail services, reconfigure the street network and public realm, improve and enhance the open space amenities, modify and extend existing neighborhood transit facilities, and improve utilities within the Project Site. The Developer proposes to retain approximately half (1,683) of the existing 3,221 rent-controlled apartments as part of the Project. The remaining half would be demolished over time and replaced with the Replacement Units. Approximately 5,679 net new residential units would be added to the Project Site over time. In total, upon completion of the Project, there will be up to 8,900 residential units on the Project Site (1,683 existing-to-be-retained units + 1,538 newly constructed Replacement Units + 5,679 newly constructed units = 8,900 units). The Project Site would also be developed with a mixed-use residential and commercial development with accessory parking and loading. The Parties wish to ensure appropriate development of the Project Site, to provide for the replacement of the 1,538 rent-controlled units and tenant amenities in the residential structures currently existing on the Project Site and proposed to be demolished, and to protect the tenants of the existing residential structures from displacement due to the proposed development of the Project Site. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement.

6. The Office of Economic and Workforce Development ("OEWD"), in consultation with the Planning Director, has substantially negotiated a development agreement for the Project Site, a copy of which is attached as Exhibit A (the "Development Agreement").
7. While the attached Development Agreement is substantially complete, there are items that OEWD staff and the Developer are still negotiating, which items are highlighted in a separate OEWD memorandum to the Commission. The Development Agreement must also be reviewed and approved separately by the Board of the San Francisco Municipal Transportation Agency, the San Francisco Public Utilities Commission and ultimately the San Francisco Board of Supervisors. These two City commissions and the Board of Supervisors may propose or recommend additional changes to the Development Agreement subsequent to this Commission reviewing and approving the attached Development Agreement.
8. The Planning Department analyzed the Project (Case No. 2008.0021EPMTZW), including the Development Agreement and other actions related to the Project, in a draft Environmental Impact Report published on May 12, 2010. On February 10, 2011, by Motion No. 18629, the Commission made findings and certified the Final Environmental Impact Report ("FEIR") in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., ("CEQA"), the State CEQA Guidelines (California Code of Regulations Title 14 Sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code (Chapter 31).
9. Also on February 10, 2011, the Commission reviewed and considered the information contained in the FEIR and by Motion No. 18270 adopted CEQA Findings for the proposed Parkmerced Mixed-Use Development Program Project under CEQA, the CEQA Guidelines and Chapter 31, including the adoption of a mitigation monitoring and reporting program (MMRP) and a statement of overriding considerations, ("CEQA Findings"). The CEQA Findings, including the MMRP, for the proposed Project are on file with the Clerk of the Commission and are hereby incorporated into this Motion by reference as though fully set forth and are hereby adopted by the Commission in support of this action.
10. The Commission hereby finds, for the reasons set for in Motion No.'s 18270 and 18272, and Resolution No.'s 18271 and 18273, that the Development Agreement and related approval actions are, on balance, consistent with the General Plan including any area plans, and are consistent with the Planning Code Priority Policies of Planning Code Section 101.1(b).
11. The Director accepted the application for filing after it was deemed complete; published notice of acceptance in an official newspaper; and has made the application publicly available under Administrative Code Section 56.4(c).
12. OEWD has prepared an estimated budget of the reasonable costs to be incurred by the City in preparing and adopting the proposed Development Agreement and preparing related documents and that document is available for review by the Commission under Administrative Code Section 56.20. A copy of the estimated budget of the City's costs

associated with this matter recommended is attached as Exhibit B. The Developer is required to pay to the City all of the City's costs in preparing and negotiating the Development Agreement, including all staff time for all City Department's involved in the preparation of the Development Agreement and associated Planning Code and General Plan amendments.

13. The Director has scheduled and the Commission has held a public hearing as required by Administrative Code Section 56.4(c). The Planning Department gave notice as required by Planning Code Section 306.3 and mailed such notice on January 21, 2011, which is at least 10 days before the hearing to local public agencies as required by Administrative Code Section 56.8(b).
14. The Planning Department file on this matter was available for public review at least 20 days before the first public hearing on the development agreement as required by Administrative Code Section 56.10(b). The file continues to be available for review at the Planning Department at 1650 Mission Street, 4th floor, San Francisco.

IT IS HEREBY RESOLVED, that the Commission approves the Development Agreement, in substantially the form attached hereto as Exhibit A; and, be it

FURTHER RESOLVED, that the Commission approves the estimated budget of the City's costs associated with this matter recommended by the Director in Exhibit B; and, be it

FURTHER RESOLVED, that the Commission finds that the application, public notice, Planning Commission hearing, and Planning Director reporting requirements regarding the Development Agreement negotiations contained in Administrative Code Chapter 56 required of the Planning Commission and the Planning Director have been substantially satisfied in light of the over 250 public meetings held for the project and the five public informational hearings provided by Planning Department staff at the Planning Commission and the information contained in the Director's Report Regarding Parkmerced Development Agreement Negotiations; and, be it

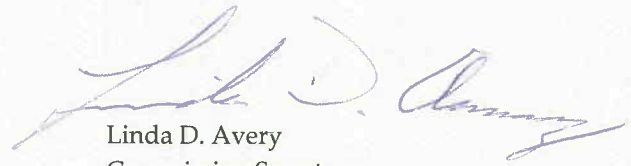
FURTHER RESOLVED, that the Commission authorizes the Planning Director to take such actions and make such changes as deemed necessary and appropriate to implement this Commission's recommendation of approval and to incorporate recommendations or changes from the SFMTA Board, the SFPUC and/or the Board of Supervisors, provided that such changes do not materially increase any obligations of the City or materially decrease any benefits to the City contained in the Development Agreement attached as Exhibit A; and be it

FURTHER RESOLVED, that on or before the date the Development Agreement becomes effective, and pursuant to Administrative Code Section 56.20(b), the Developer shall pay the City an amount equal to all of the City's costs in preparing and negotiating the Development Agreement, including all staff time for the Planning Department and the City Attorneys' Office, as invoiced by the Planning Director.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 10, 2011.

RESOLUTION NO. 18273
Hearing Date: February 10, 2011

CASE NO. 2008.0021EPMTZW
Parkmerced Mixed-Use Development Program



Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, and Miguel

NAYS: Commissioners Moore, Olague, and Sugaya

ABSENT:

ADOPTED: February 10, 2011

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 22-0097

WHEREAS, The City and County of San Francisco (City), through the San Francisco Public Utilities Commission (SFPUC), owns sewer and water easements (Existing Easements) that encumber real property located in the City and County of San Francisco, near Lake Merced Boulevard and Brotherhood Way, designated as Assessor's Block 7332, 7333, 7333A, and 7333B (collectively, the Burdened Property), which is owned by Parkmerced Owner LLC, a Delaware limited liability company; and

WHEREAS, The Existing Easements are designated in the following documents recorded in the City's Official Records: (1) 6138 Official Records 152, "Miscellaneous Parcels" Block 7333B; (2) 6138 Official Records 152, "Miscellaneous Parcels" Block 7333A; (3) 4252 Official Records 85, Parcel 2(m); (4) 4252 Official Records 85, Parcel 2(o); (5) 4252 Official Records 85, Parcel 2(n); (6) 4252 Official Records 85, Parcel 2(k), and 2(l); (7) 6185 Official Records 147, Block 7332 and Block 7333; and

WHEREAS, In 2011, the City and Parkmerced Investors LLC entered into the Parkmerced Development Agreement. On June 14, 2011, by Resolution No. 11-0091, this Commission consented to the Parkmerced Development Agreement. Having granted consent, the SFPUC anticipated dedication of new wastewater and water infrastructure within public streets serving the Burdened Property and the Project (Replacement Infrastructure). Parkmerced Owner LLC, as successor to Parkmerced Investors Properties LLC, is pursuing development of the Parkmerced project (Project) in accordance with the Parkmerced Development Agreement; and

WHEREAS, Parkmerced Owner LLC has requested that the City vacate the Existing Easements associated with the Burdened Property, and convey all of the City's right, title, and interest in the Existing Easements to Parkmerced Owner LLC so that Parkmerced Owner LLC may proceed with its construction of Project Phase 1C; and

WHEREAS, SFPUC staff has reviewed the SFPUC facilities within the Existing Easements and determined that some of the Existing Easements contain known and active infrastructure, while others require further field investigation; and

WHEREAS, Active infrastructure will be replaced with Replacement Infrastructure in the public right-of-way during the course of the Project. The Existing Easement vacation will be conditioned on the Developer granting the City an interim easement (Interim Easement) pursuant to the attached Interim Easement Agreement. The Interim Easement will remain in effect unless and until the City accepts the Replacement Infrastructure and the Interim Easement may be terminated where SFPUC determines there is no active infrastructure; and

WHEREAS, California Streets and Highways Code Section 8300, *et seq.* and San Francisco Public Works Code Section 787(a) set forth the procedures that the City follows to vacate public service easements. In accordance with the prescribed procedures, the San Francisco Board of Supervisors will consider authorization of an ordinance providing for the vacation of the Existing Easements, the execution and delivery of quitclaim deeds terminating

the Existing Easements and quitclaiming to Parkmerced Owner LLC, the City's interest in the Existing Easements, as set forth in the future proposed ordinance (the Authorizing Ordinance) subject to the satisfaction of certain conditions precedent described in such Authorizing Ordinance, which conditions include the conditions described above; and

WHEREAS, The value of the Replacement Infrastructure is a benefit to the SFPUC and serves as consideration for this vacation action; and

WHEREAS, On February 10, 2011, the Planning Commission certified the Final Environmental Impact Report for the Parkmerced Mixed-Use Development Project (Project) in compliance with the California Environmental Quality Act (CEQA) (Case No. 2008.0021E); and

WHEREAS, On June 14, 2011, by Resolution No. 11-0091, this Commission provided consent to the Parkmerced Development Agreement and adopted the CEQA Findings and the Mitigation Monitoring and Reporting Program as required by the CEQA, and the proposed action for termination of certain sewer and water easements and issuance of an interim easement are within the scope of the project considered in the Final Environmental Impact Report; and

WHEREAS, The Planning Department is the custodian of records, located in Case No. 2008.0021E, at 49 South Van Ness Avenue, Suite 1400, San Francisco, California; and

WHEREAS, The Project files, including the Final Environmental Impact Report, Resolution No. 11-0091, CEQA Findings, and Mitigation Monitoring and Reporting Program have been made available for review by this Commission and the public, and those files are part of the record before this Commission; and

WHEREAS, This Commission has reviewed and considered the information contained in the Final Environmental Impact Report, CEQA Findings, the Mitigation Monitoring and Reporting Program, and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final Environmental Impact Report and the record as a whole and finds that they are adequate for its use as the decision-making body for the action taken by this Resolution and incorporates the CEQA Findings contained in Resolution No. 11-0091 by this reference thereto as though set forth in this Resolution; and be it

FURTHER RESOLVED, This Commission further finds that since the Final Environmental Impact Report was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the Final Environmental Impact Report due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts or that new or different mitigation measures or alternatives would substantially reduce one or more significant effects of the project, and there is no new information of substantial importance that would change the conclusions set forth in the Final Environmental Impact Report; and be it

FURTHER RESOLVED, That this Commission hereby finds that, upon meeting the relevant conditions set forth in California Streets and Highways Code Section 8300, *et seq.* and San Francisco Public Works Code Section 787(a), the Existing Easements are surplus and unnecessary for any present and prospective SFPUC utility uses; and, be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, upon approval by the Board of Supervisors and the Mayor of the Authorizing Ordinance, to execute the Interim Easement Agreement and the quitclaim deeds or to delegate such execution to the City Director of Property, in substantially the same form presented to this Commission, provided that the quitclaim deeds shall not be delivered to Parkmerced Owner LLC until the SFPUC General Manager determines that conditions precedent described in the Authorizing Ordinance have been satisfied, and enter into any amendments or modifications to the quitclaim deeds and/or Interim Easement Agreement; including without limitation, modification, addition, or deletion of exhibits and to enter into any related documents, instruments, memoranda, or other agreements reasonably necessary to consummate the transaction contemplated in the quitclaim deed and/or Interim Easement Agreement, that the General Manager determines, in consultation with the City Attorney, are in the best interests of the City; do not materially increase the liabilities or obligations of the City or materially diminish the benefits to the City; are necessary or advisable to effectuate the purposes and intent of the quitclaim deed, Interim Easement Agreement, or this Resolution; and comply with all applicable laws, including the City Charter; and, be it


FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the General Manager and/or the City Director of Property to take any and all other steps he or she, in connection with the City Attorney, deems necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of May 24, 2022.

A handwritten signature in dark ink, reading "Alonna Wood". The signature is fluid and cursive, with the first name "Alonna" being more prominent than the last name "Wood".

Secretary, Public Utilities Commission



DATE: June 13, 2022
TO: Whom It May Concern
FROM: Andrico Q. Penick, Director of Real Estate 
RE: Parkmerced Project Subphases 1C and 1D – Street Vacations and Street Dedications

The Parkmerced Development Agreement ("Development Agreement") was approved and adopted by the San Francisco Board of Supervisors and Mayor in 2011 by Ordinance No. 89-11.

Development Agreement

The Development Agreement contemplates certain Street Vacations and Street Dedications necessary to implement the Parkmerced Project. Section 6.1.1 of the Development Agreement provides that the City will vacate portions of streets at the locations generally shown in Exhibit J of the Development Agreement, and convey the associated real property to the project sponsor, as and when needed in conjunction with the development of an approved Development Phase for the Project.

The Development Agreement, Section 6.1.2, further provides that:

- All real property exchanged under the Development Agreement shall be valued on a square foot basis, and shall be deemed equal in value per square foot.
- If any real property exchange under the Development Agreement results in a net loss of acreage for the City, then the project sponsor must pay to the City the fair market value of the real property loss at the time of transfer based on the then-current use of the property so transferred.
- The City shall not be required to pay for any net gain in real property; provided, however, such gain can be applied against future real property transfers for purposes of determining whether there has been a net loss as described above.

Subphases 1C and 1D Proposed Street Vacations and Street Dedications

I am informed that Tentative Subdivision Map applications 10699 and 10700 implement Subphases 1C and 1D of the Parkmerced Project. I have reviewed the Street Vacations as shown in Public Works SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008 and consisting of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (along with public service easements within those portions of streets). I have also reviewed the Street Dedications as depicted in Tentative Subdivision Map applications 10699 and 10700 and on the enclosed exhibit prepared by BKF Engineers.

Based on the materials listed above, and excluding 1) the potential future transfer of parcel 7333-002 (CCSF 7333) and associated dedication of parcel 7 as public right-of-way, which I am informed will be the subject of a separate action, and 2) the proposed vacation of certain SFPUC easements contemplated by the vacation ordinance, which are not at issue for the purposes of this letter, the proposed Street Vacations and Street Dedications of Subphases 1C and 1D result in a net gain of 8,561 square feet of real property to the City, as follows:

- Vacation parcels 1, 2, 3, 4, 5, and 6 = 16,398 square feet
- Dedication parcels 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 = 24,959 square feet

Per the terms of the Development Agreement cited above, it is my opinion that no payment by the project sponsor is now due to the City for the Street Vacations in Subphases 1C and 1D. Further, it is my opinion that the net gain of 8,561 square feet should be credited against future transfers of real property according to the terms of the Development Agreement. This conclusion solely pertains to the Street Vacations and Street Dedications listed above and as depicted in Tentative Subdivision Map applications 10699 and 10700 and shown in Public Works SUR Map Nos. 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008.

Based upon the documents presented and the reasons stated above, I recommend approval of the property transactions related to the Street Vacations pursuant to the vacation ordinance.

Attachment: Subphase 1C and 1D Street Vacations and Dedications

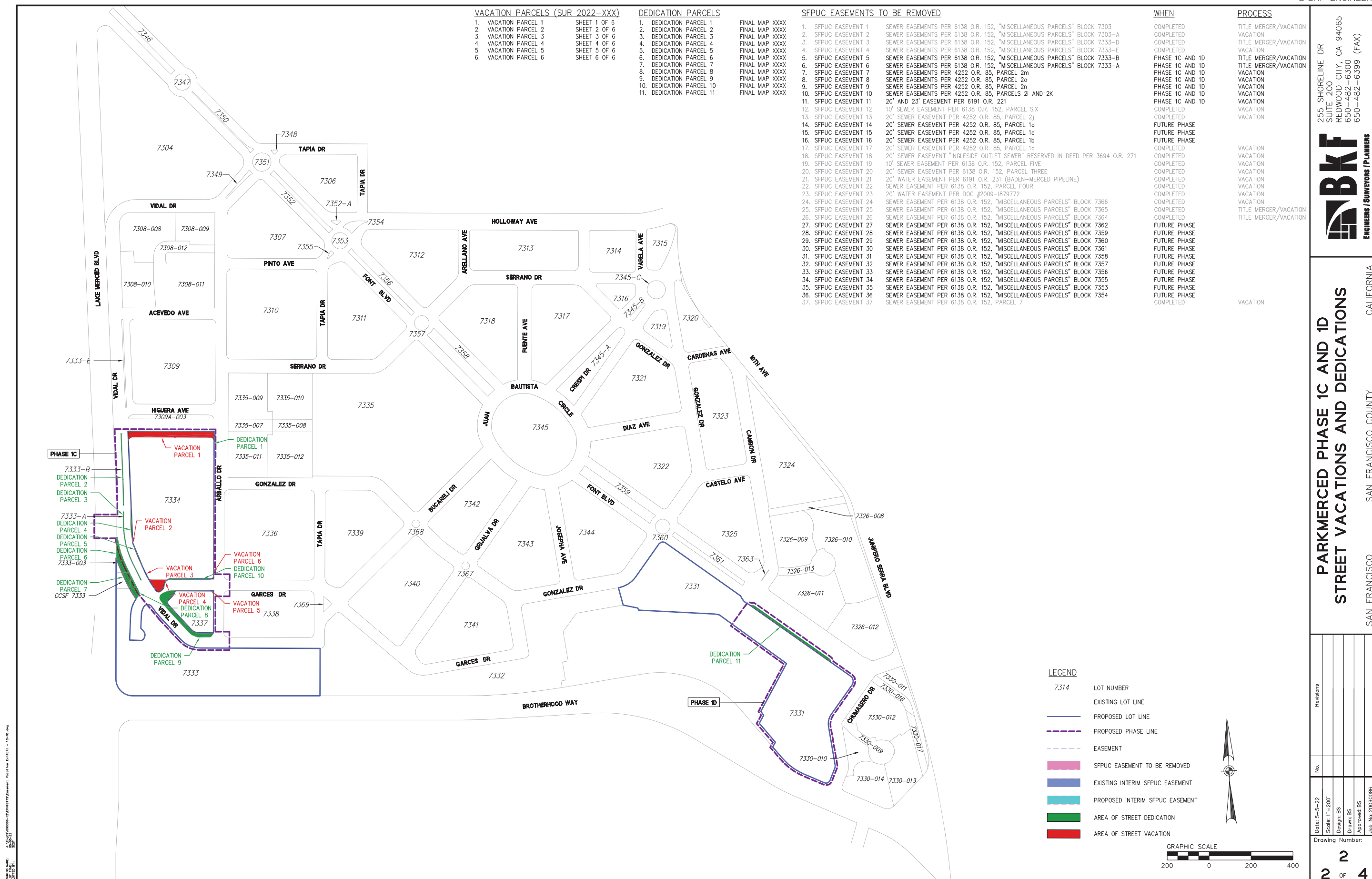


**PARKMERGED PHASE 1C AND 1D
STREET VACATIONS AND DEDICATIONS**

SAN FRANCISCO
SAN FRANCISCO COUNTY
CALIFORNIA

Date: 5-5-22	No.	Revisions
Drawing Number:		
Scale: 1"=200'		
Design: BS		
Drawn: BS		
Approved: BS		
Job No: 20200096		

Drawing Number:
2
2 OF 4





Parkmerced - Street and Easement Vacation – Phase 1C

Board of Supervisors – Land Use and Transportation Committee
Monday, July 18, 2022

Development Agreement - Highlights



5,679 net **new housing units** plus 1,538 **rent-controlled replacement units**

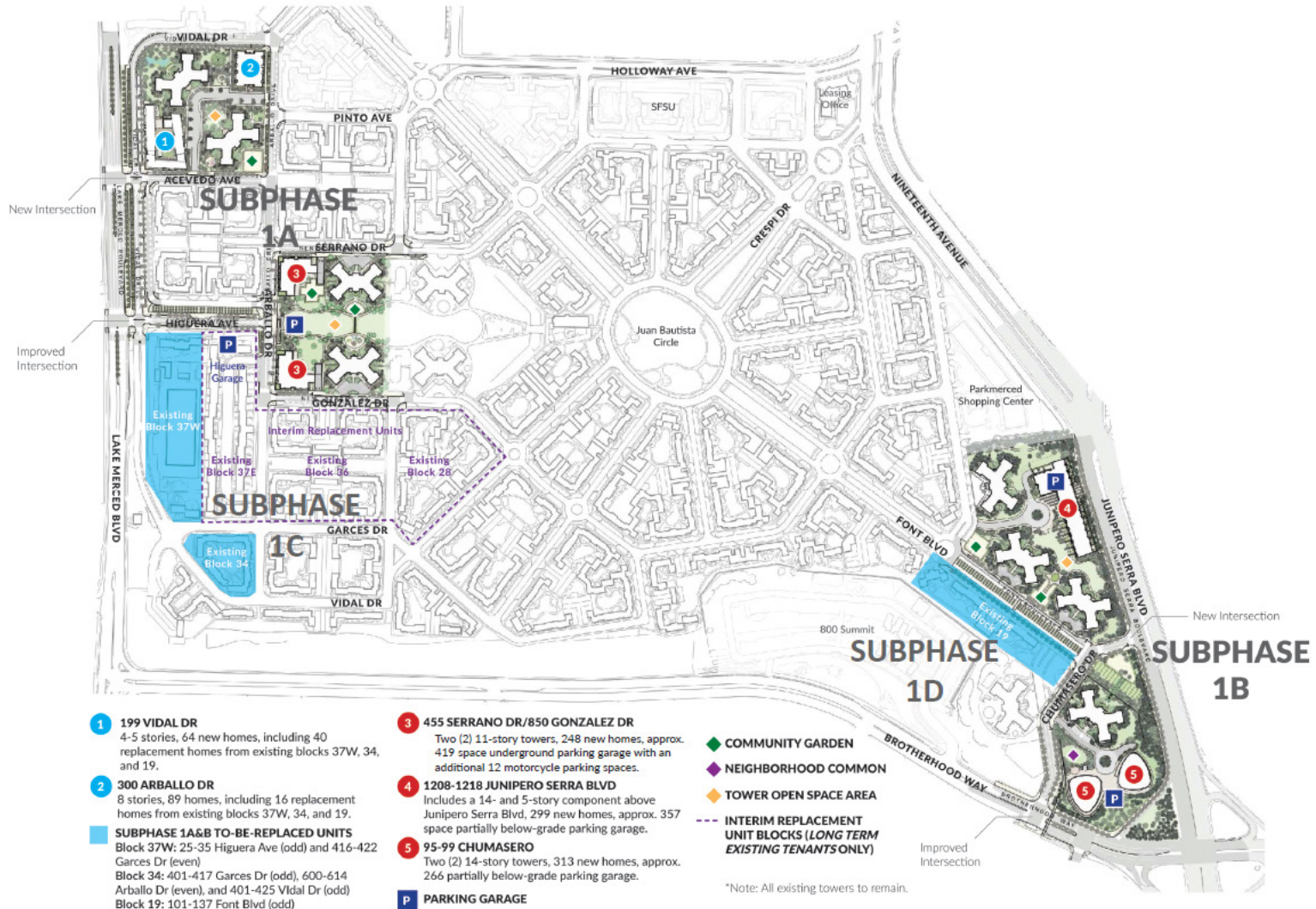
68-acre owner maintained **open space network** with over 25 acres of publicly accessible open space

- **Transit improvements** including new Muni alignment and platforms
- Extensive **street redesign and reconfiguration** with a focus on pedestrian and bike safety, including new bike and pedestrian paths, green infrastructure, and new public utilities



Parkmerced Phase 1

- Subphase 1A and 1B = 1,013 housing units, including 56 replacement units
- Subphase 1C and 1D = 850+ housing units, including 166 replacement units

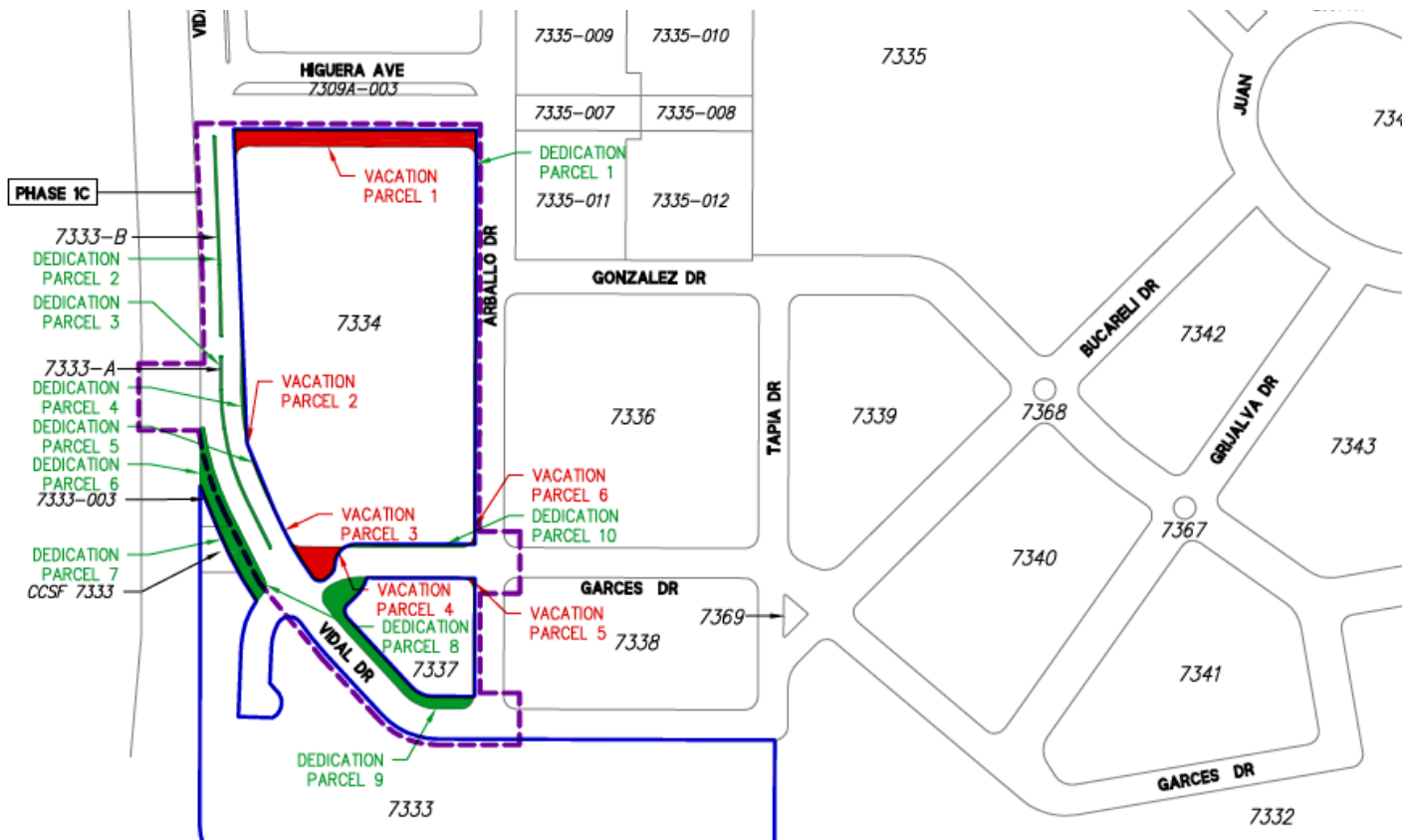


Summary of Legislation

- Board File Numbers
 - 220734 Resolution of Intent
 - 220736 Ordinance - Street and Easement Vacation Order
- Proposed vacations would implement the project approved in 2011, which anticipated the vacation of certain street segments
 - Facilitates reconfiguration of public street grid within subphases 1C and 1D to allow for construction of new public streets and utilities
 - Requires certain conditions to be met before vacations are effective
 - Through public street dedications, City would receive more land than it conveys
- Similar legislation was approved by the Board for subphases 1A and 1B in Ordinance No. 183-16 and Ordinance No. 012-17

Proposed Street Segments to be Vacated

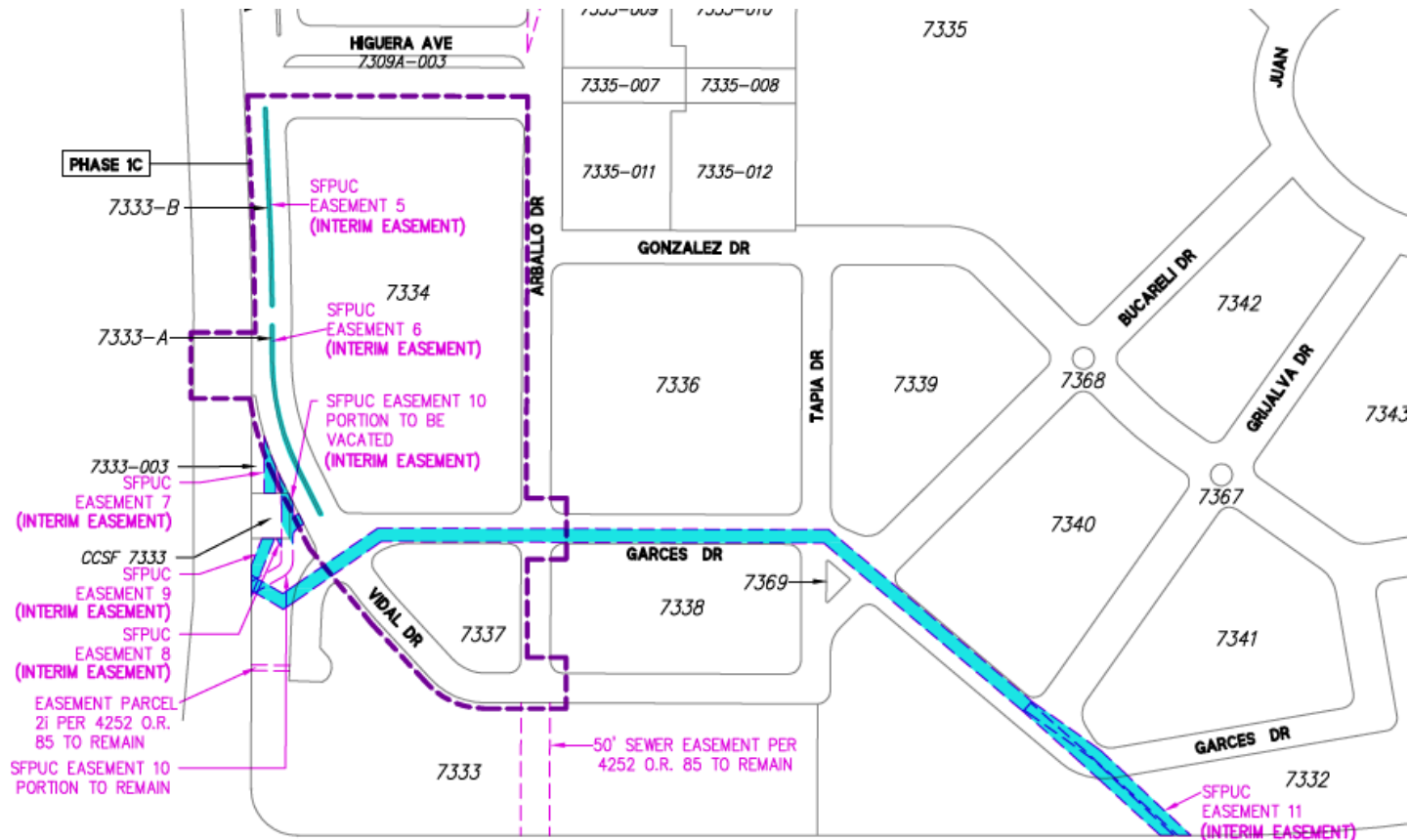
- Vacated street segments = 16,398 square feet
- Dedication of land to City for public streets in subphases 1C and 1D = 24,959 square feet
- City reserves public right-of-way easements to continue public street use until acceptance of new public right-of-way



Proposed SFPUC Easement Vacations

(SFPUC Commission Resolution 22-0097)

- Vacates easements that will no longer be needed for utility purposes following construction of phase 1C
- Reserves non-exclusive easements until acceptance of new SFPUC utilities



Legislation and Anticipated Schedule

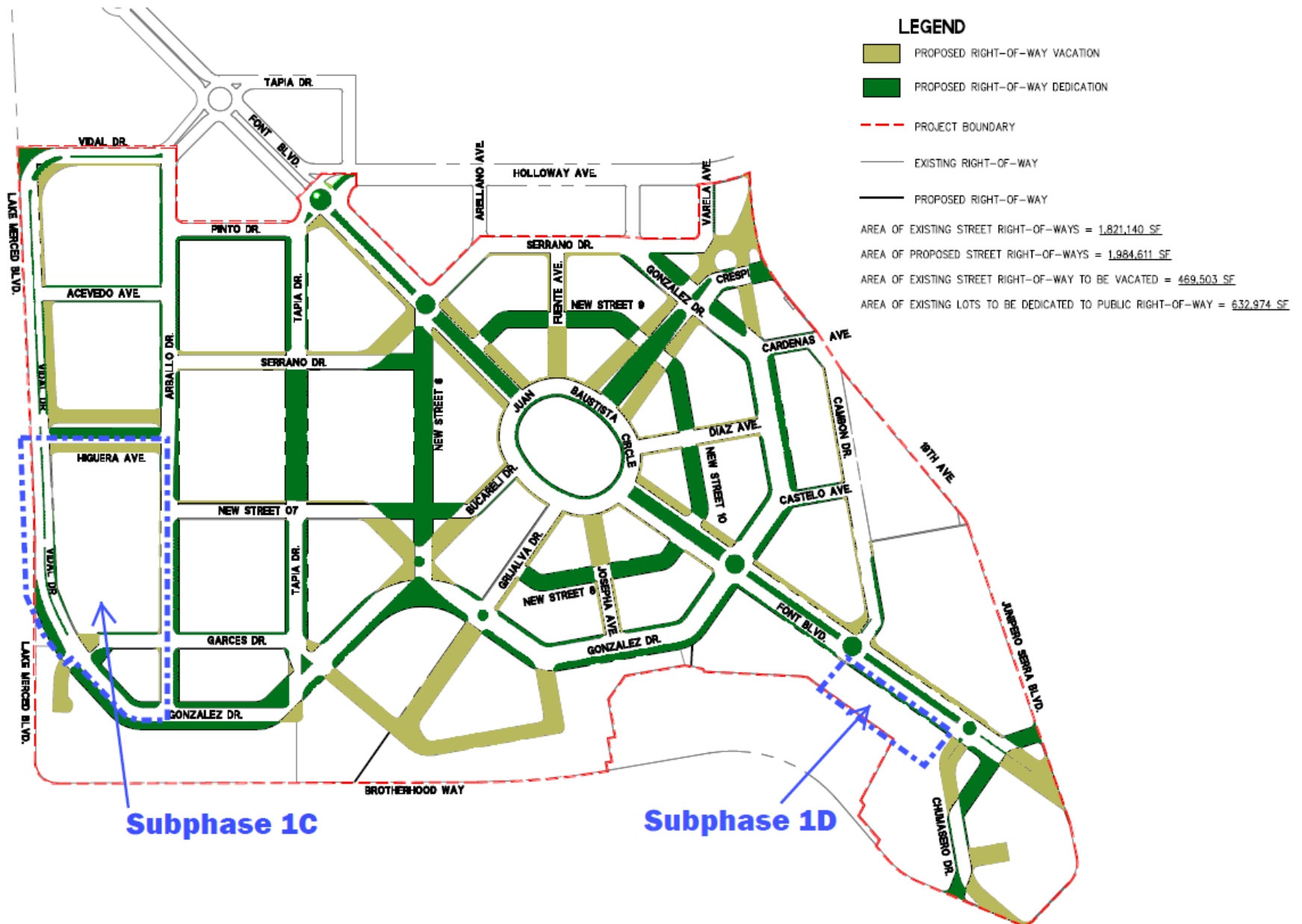
- File Number 220734 Resolution of Intent
 - Requested Action: Amend on Page 7, Line 23, to add “September 20” as the hearing date, and Recommend as Amended
- File Number 220736 Ordinance - Street and Easement Vacation Order
 - Requested Action: Refer to September 20, 2022 Board of Supervisors meeting
- July 18, 2022 – Land Use and Transportation Committee
- July 26, 2022 – Full Board, Resolution of Intent
- September 20, 2022 – Committee of the Whole Hearing and First Reading of Ordinance
- September 27, 2022 – Second Reading of Ordinance



Thank You

OEWD and Public Works staff
are present to answer questions

Development Agreement – Exhibit J



Parkmerced Action Coalition

RESOLUTION TO STOP THE CONSTRUCTION OF PARCELS A, B. C AND D AT PARKMERCED

Whereas, San Francisco has more people leaving the City than any other place in the nation, 1

Whereas, Parkmerced presently has a vacancy rate of 30%,

Whereas, recently it has been reported that 40,000 homes or condominiums are vacant, 2

Whereas, taking a loan today for construction will be more expensive because of the rise in interest making new construction more expensive than any time in recent history, 3

Whereas, expensive new construction is likely to have even fewer tenants than the existing housing stock in Parkmerced,

Whereas, working remotely in San Francisco has made the need to live in San Francisco unnecessary, 4

Whereas, building unnecessary construction that lies vacant for months or years can cause a recession,

Whereas, Parkmerced should be considered a historical monument, 5

We Resolve, that the construction of housing in the development of Parkmerced is no longer feasible after the COVID-19 pandemic,

We Further Resolve, any future construction in Parkmerced, Balboa Reservoir, Treasure Island or Hunters Point should occur only when the vacancy rates are no longer as high as they are today,

We Further Resolve, that the City should petition the State to relieve us from the unrealistic burden of providing 800 units of housing a year or 8,000 units of housing every 10 years.

PO BOX 320445, San Francisco, CA 94132

FOOT NOTES:

1. <https://www.latimes.com/california/story/2022-07-29/california-exodus-continues-l-a-san-francisco-lead-the-way>
2. <https://www.sfgate.com/bayarea/article/how-many-vacant-homes-are-there-in-San-Francisco-16822916.php>
3. <https://www.nbcdfw.com/news/local/construction-costs-hit-highest-spike-in-50-years/2891677/>
4. <https://nypost.com/2022/07/18/san-francisco-mayor-worried-residents-leaving-working-from-home/>
5. [https://en.wikipedia.org/wiki/Parkmerced, San Francisco](https://en.wikipedia.org/wiki/Parkmerced,_San_Francisco)