



**SAN FRANCISCO
PLANNING DEPARTMENT**

Received at CPC Hearing 10/5/17
V. Flores

NOTICE OF VIOLATION

August 16, 2017

Property Owner

SF Realty Partners LLC
2010 Ocean Ave Ste E
San Francisco, CA 94127

Architect

Shatara Architecture
890 7th Street
San Francisco, CA, 94107

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

Reception:

415.558.6378

Fax:

415.558.6409

Planning

Information:

415.558.6377

Site Address: 310 Montcalm St
Assessor's Block/Lot: 5527/ 007
Zoning District: RH-1, Residential- House, One Family
Complaint Number: 2017-002370ENF
Code Violation: 174: Exceeding scope of permit
Administrative Penalty: Up to \$250 Each Day of Violation
Response Due: Within 15 days from the date of this Notice
Staff Contact: Alexandra Kirby, (415) 575-9133, alexandra.kirby@sfgov.org

The Planning Department has determined that the above referenced property is in violation of the Planning Code. As the owner and/or leaseholder of the subject property, you are a 'responsible' party to bring the above property into compliance with the Planning Code. Details of the violation are discussed below:

DESCRIPTION OF VIOLATION

The violation pertains to exceeding the scope of work under Building Permit Application No. 201604114470.

On February 27, 2017, the Planning Department sent you a Notice of Complaint to inform you about the complaint. You did not contact the Planning Department to respond to this notice.

On April 7, 2017, Department Staff conducted a site visit to verify that the scope of work appears to have been exceeded. It was observed that the proposed dormers are larger than originally proposed and there is new massing that is not clearly depicted in the approved set of plans at the roof level.

A Notice of Enforcement was issued on April 12, 2017; however, no permits or plans to correct the violation have been formally submitted to date. Plans were emailed to staff and a response to these plans can be found below.

On June 20, 2017, the Planning Department requested that the Department of Building Inspection (DBI) suspend Building Permit Application Nos. 201603182505, 201604114470 and 201607142394 because it was found that the scope of work had been exceeded multiple times by the project sponsor.

www.sfplanning.org

Received at
J. Flores.

3932-3934 26th Street

TAKE DR AND:

- 1. REMOVE THE 4TH FLOOR VERTICAL ADDITION**
- 2. REMOVE ROOF DECK AND DECKS**
- 3. REDUCE UNITS TO 1800 SQUARE FEET EACH**
- 4. REDUCE WINDOW GLAZING IN BACK**

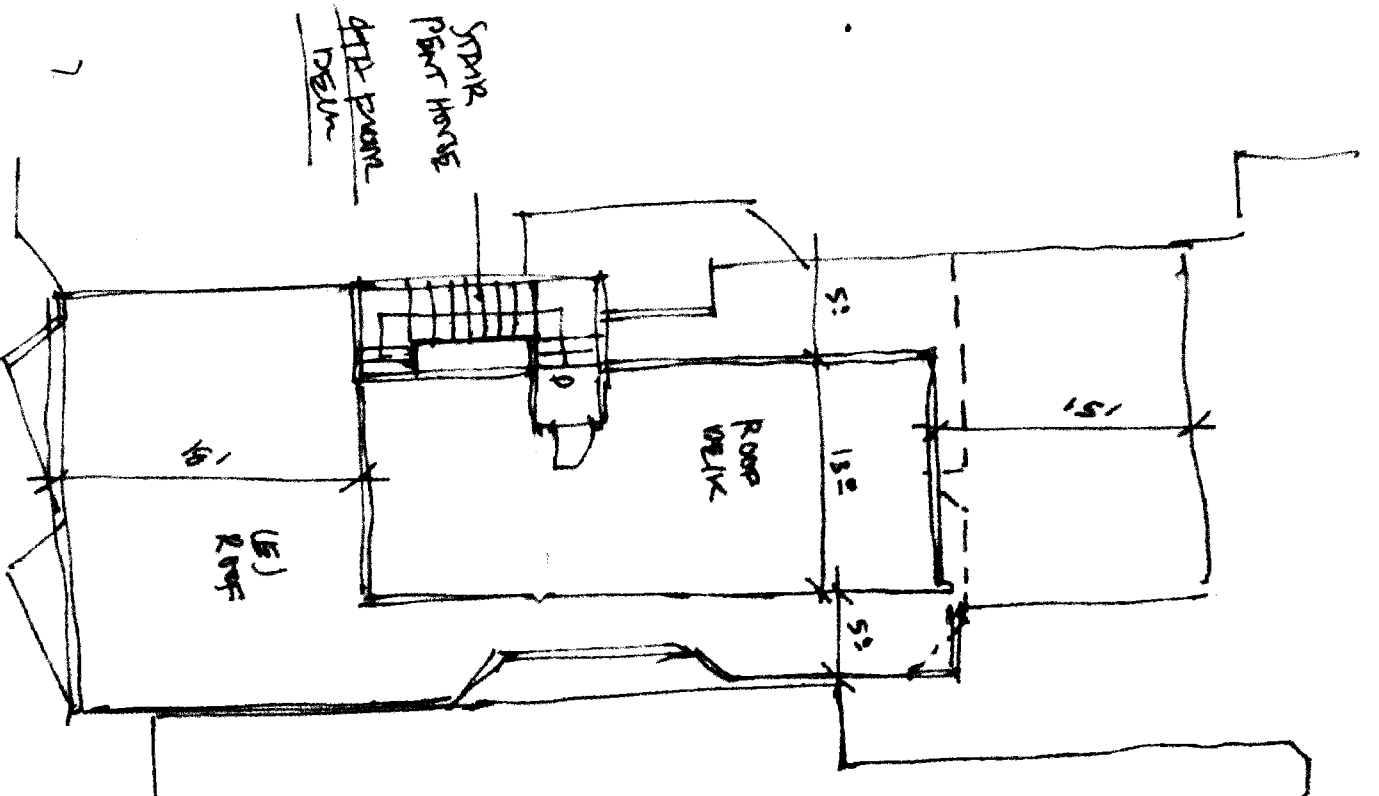
Email excerpt from John Lum to Brian Pritchard on July 11:

Per your request, these conceptual sketches show the removal of the fourth floor.

There is no elevator to this unit, although we may need to do one depending on accessibility issues and what the new homeowner may want.

Note that I have included a roof deck, as the upper unit is required to have open space, and the backyard is not accessible from this unit.

If this conceptual sketch is acceptable to you, and you are willing to withdraw your DR, then we will draw it up formally and resubmit it. From day one you have represented that your goal was to have the fourth floor removed. I am hopeful that you will follow through and agree to this plan. you are not able to agree to this, then we will be considering other alternative plans.



7/10/17

AVERAGE SQUARE FOOTAGE OF BOTH SIDES OF 26TH OF 3900 BLOCK = 1276

Listing from sf property information north side of 3900 block 26th Street

Address #	square feet
3932-3934	2150
3928	1310
3936-3938-3940	4650
3946-3948	3992
3952-3954-3956-3958	4250
3960-3962	3128
3964-3966	3445
3968-3968A	1478
3972	1200
3976-3978-3980	5520
3982-3984	3010
3922-3944	1377
3918-3920	2900
3914-3916	2800

Average square footage for all 60 units on 26th = 1276

Address #	square feet
3929-3931	2438
3933	1056
3937	660
3941-3943	1781
3947-3949	3571
3951	2549
3957	964
3961	900
3965-3967	1360
3971-3973	2044
3975-3977	2860
3983	3780
3927	1192
3917	1450
3913-3915	1698
3901-3903-3905-3907	3580
3902-3904-3906-3908	3496

The subject property was evaluated to determine if it is eligible for listing in the California Register of Historical Resources, either individually or as a contributor to a historic district. The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private

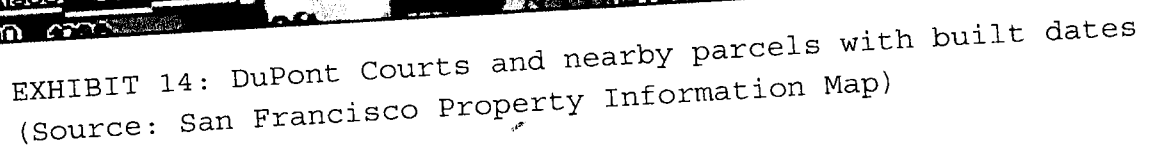
VI. EVALUATION OF HISTORIC STATUS

Date	Name	Occupation
1909	Edward Ritter	Unknown
1911	John S. Troxell	Pastor
1912 - 1914	Alfred Case	Pastor
1916	Frederick Lyon	Cashier
1917	Jacob Johnson	Seamen
1918 - 1920	William Keane	Policeman
1922	Alice, Beatrice, Arthur & Mary Heaney	Bank employee, Teacher, Shoemaker
1923	L. O'Mahoney	Clerk
1924 - 1939	John and Louisa Figone	Owner of Building
1945 - 1951	George and Cathy Hooper	Owner of Building, Draftsman
1951 - 1982	George Hooper, Jr.	Owner of Building, Park and Recreation

Table 2: Occupants for 3934 26th Street

1948-49	Elie O'Neil and Emily Piggrem	Packer
1951 - 1956	John Fransson	Painter
1957 - 1972	Carl Jensen	Engineer
1980 - 1982	William Roco	Employee of Consolidated Packing Co.

C. Marx

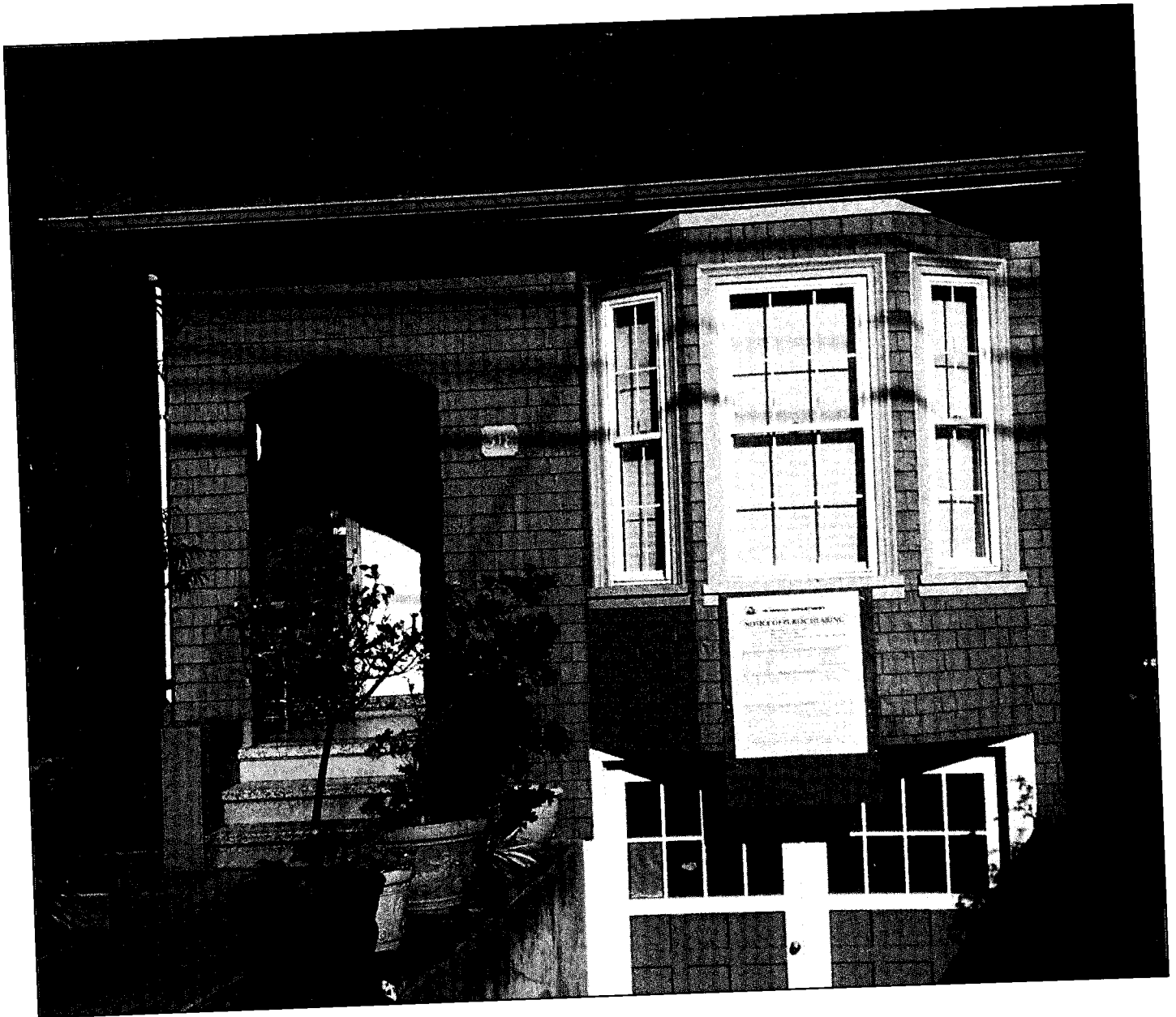


SUPER-SIZE ME!

10/5/17

Received at CPC Hearing

C. May



**STOP WRECKING THE RICHMOND!
STOP HOMES ONLY THE 1% CAN AFFORD!**

Received at CPC Hearing 10/5/17
M. Wenger

Wenger, Maggie (CPC)

From: Ben Grant <bgrant@spur.org>
Sent: Thursday, October 05, 2017 3:41 PM
To: Wenger, Maggie (CPC)
Cc: Secretary, Commissions (CPC)
Subject: SPUR comments on LCP amendment 10/5

re: SPUR Support for LCP Amendment 10/5/17

Staff and Commissioners:

I write to express SPUR's support for the Planning Commission's adoption of the proposed amendments to the Western Shoreline Area Plan (San Francisco's Local Coastal Program (LCP)). The amendments are a major step toward bringing the 30-year old LCP up to date, address the critical emerging issues of sea level rise and coastal erosion, and support the implementation of the Ocean Beach Master Plan (OBMP). That plan, which built on more than a decade of community work in the Ocean Beach Task Force and Ocean Beach Vision Council, brought together a wide range of community members, issue advocates, and public agencies to develop an adaption strategy for Ocean Beach, where critical wastewater infrastructure is threatened by chronic coastal erosion. This erosion is expected to worsen as sea level rise sets in. The OBMP is already guiding near-term management actions, including the use of softer, more sustainable coastal protections, and the installation of a multi-use coastal trail, which will provide safe bike and pedestrian access to Fort Funston and Lake Merced.

The proposed amendment language appropriately provides a local policy framework for implementation of the OBMP vision while remaining flexible enough that it does not lock city agencies into specific engineering solutions. City staff have worked hard with numerous agencies and stakeholders, including a community advisory group, to develop and vet the proposed policy language. They have limited the amendment scope to the appropriate range of issues -- essentially sea level rise and coastal management -- and have worked closely with Coastal Commission staff to meet their expectations while stewarding the City's interests. This amendment will reaffirm San Francisco's position at the forefront of adaptation planning that balances many imperatives and values in a highly constrained physical and regulatory environment. I urge you to adopt the amendments as proposed.

Sincerely,

Benjamin Grant
Urban Design Policy Director
SPUR • Ideas + Action for a Better City
415.644.4880
415.298.1579 m
bgrant@spur.org

Join us this summer for the SPUR Member Parties!
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CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



October 4, 2017

Rich Hillis, President
San Francisco Planning Commission
1560 Mission Street, 4th Floor, Suite 400
San Francisco, CA 94103

**SUBJECT: San Francisco Planning Commission Consideration of the Western Shoreline
Local Coastal Program Hazards Amendment**

Dear Planning Commission President Hillis and Honorable Commissioners:

In November 2014, the Coastal Commission approved the City and County of San Francisco's (CCSF) application for a Local Coastal Program (LCP) Local Assistance Grant Award. CCSF sought the award to amend its LCP in accordance with the California Coastal Act to both better address and account for erosion and sea level rise, as well as to bring the vision presented in the Ocean Beach Master Plan (OBMP) into actionable LCP policies. Since then, Coastal Commission staff have worked closely with CCSF staff on the development of potential LCP amendment policy language (building on Coastal Act requirements as well as using the Coastal Commission's adopted Sea Level Rise policy guidance) designed to effectively identify the CCSF vision for the western shoreline area, with a particular emphasis south of Sloat Boulevard, and to resolve longstanding issues there of both local and statewide concern.

We greatly appreciate CCSF staff's willingness to work with us to date, and because of that close collaboration we have reached agreement on the majority of issues raised, resulting in CCSF staff incorporation of a number of Coastal Commission staff's suggestions in the proposed policy language. As stated throughout the LCP update process, ideally we would have preferred a more comprehensive update to the LCP in its entirety. However, we recognize that this update amendment is a first step by CCSF to update LCP policy language to address the most pressing, critical issue facing the SF shoreline. We look forward to working further with the CCSF in the future to achieve their long term vision of a more comprehensive LCP update which will include modification of other outdated policies to reflect the current situation and/or the vision presented in the Ocean Beach Master Plan.

Thank you again for the opportunity to provide input as you consider your staff's recommendation on the proposed LCP Western Shoreline Plan's updated hazard policies. We hope that these comments are useful to you, and we strongly recommend you approve the recommendation presented by your Staff. We continue to look forward to working with you and other CCSF staff members on this project. Please feel free to contact me at (415) 904-5290 or by

email at nancy.cave@coastal.ca.gov if you have any questions or would like to discuss these matters further.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Cave".

Nancy Cave
District Manager, North Central Coast District
California Coastal Commission

Received at CPC Hearing 10/5/17
M. Wenger

Wenger, Maggie (CPC)

From: Mike Grizzle <grizzle.mike@gmail.com>
Sent: Thursday, October 05, 2017 11:54 AM
To: Wenger, Maggie (CPC)
Subject: comment re: OBMP and managed retreat

Hi Maggie,

In light of the LCP meeting today, I'd like to issue a comment as a Sunset District resident and avid beach goer and surfer.

First I'd like to commend the city for adopting a managed retreat strategy for the long term restoration of the south end of Ocean Beach. I urge the LCP to approve the amendment to allow the project to move forward, starting at the end of this year/beginning of 2018.

With sea level rise expected at a min of 3 ft (max 6 ft) within the century, SF and the western shore need to be able to naturally erode - therefore making it necessary to move infrastructure inland. This includes the pump station at Sloat and LMT along the entire Great Highway.

If we are going to be able to enjoy Ocean Beach in the foreseeable future we need to act now to get rock and rubble off the beach and restore dunes between Sloat and Skyline.

Thanks for your considering in this matter.

Regards,

Mike Grizzle
(408) 497-0035



San Francisco
Water Sewer
Services of the San Francisco Public Utilities Commission

Received at CPC Hearing 10/5/17
M. Weyer
OFFICE OF THE GENERAL MANAGER
525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3172
F 415.554.3161
TTY 415.554.3488

February 23, 2017

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Local Coastal Program Amendment -- SUPPORT

Dear San Francisco Planning Commissioners:

The San Francisco Public Utilities Commission (SFPUC) is pleased to support the Local Coastal Program (LCP) Amendment which specifically addresses climate change, sea level rise, and coastal erosion which jeopardizes critical SFPUC wastewater infrastructure at Ocean Beach.

In the 1980's and 1990's, in response to the Clean Water Act, the SFPUC built the Oceanside Treatment Plant and associated infrastructure at Ocean Beach to protect coastal water quality from pollution. However, chronic erosion problems at south Ocean Beach threaten critical wastewater conveyance and storage facilities located under the Great Highway south of Sloat Boulevard.

In support of a comprehensive solution to the erosion problems, the SFPUC actively participated in the development of the 2012 Ocean Beach Master Plan (OBMP). The OBMP was an interagency effort to develop a sustainable long-term vision for Ocean Beach which addresses public access and connectivity, coastal dynamics, environmental stewardship and utility infrastructure protection in the context of erosion and climate-related sea level rise.

The SFPUC actively participated in and supports the adoption of the LCP Amendment which will establish the City's coordinated approach for implementing the recommendations in the OBMP, including protection of SFPUC critical wastewater infrastructure.

If we can provide you with additional information regarding our support, please do not hesitate to contact Anna M. Roche, Climate Change and Special Projects Manager, at 415-551-4560 or aroche@sfwater.org. Thank you for your consideration.

Sincerely,

Harlan Kelly, Jr.
General Manager

Edwin M. Lee

Anson Moran

Ike Kwon

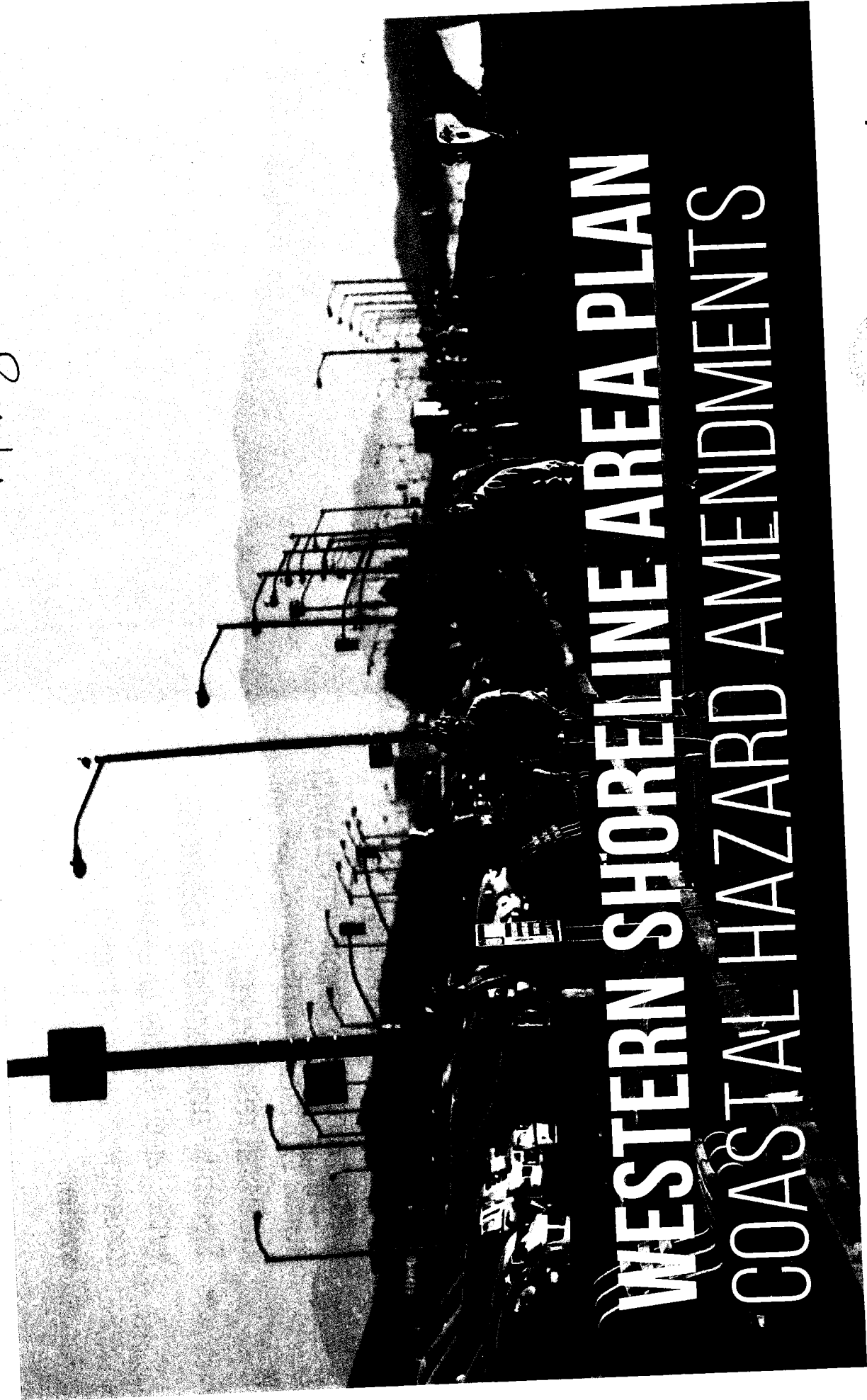
Ann Moller Caen

Francisco Victor

Vince Courtney

Harlan L. Kelly, Jr.

Received at CPC Hearing 10/5/17
M. Wenger



WESTERN SHORELINE AREA PLAN COASTAL HAZARD AMENDMENTS

Maggie Wenger and Chris Kern
Western Shoreline Area Plan/Coastal Hazard / Planning Commission

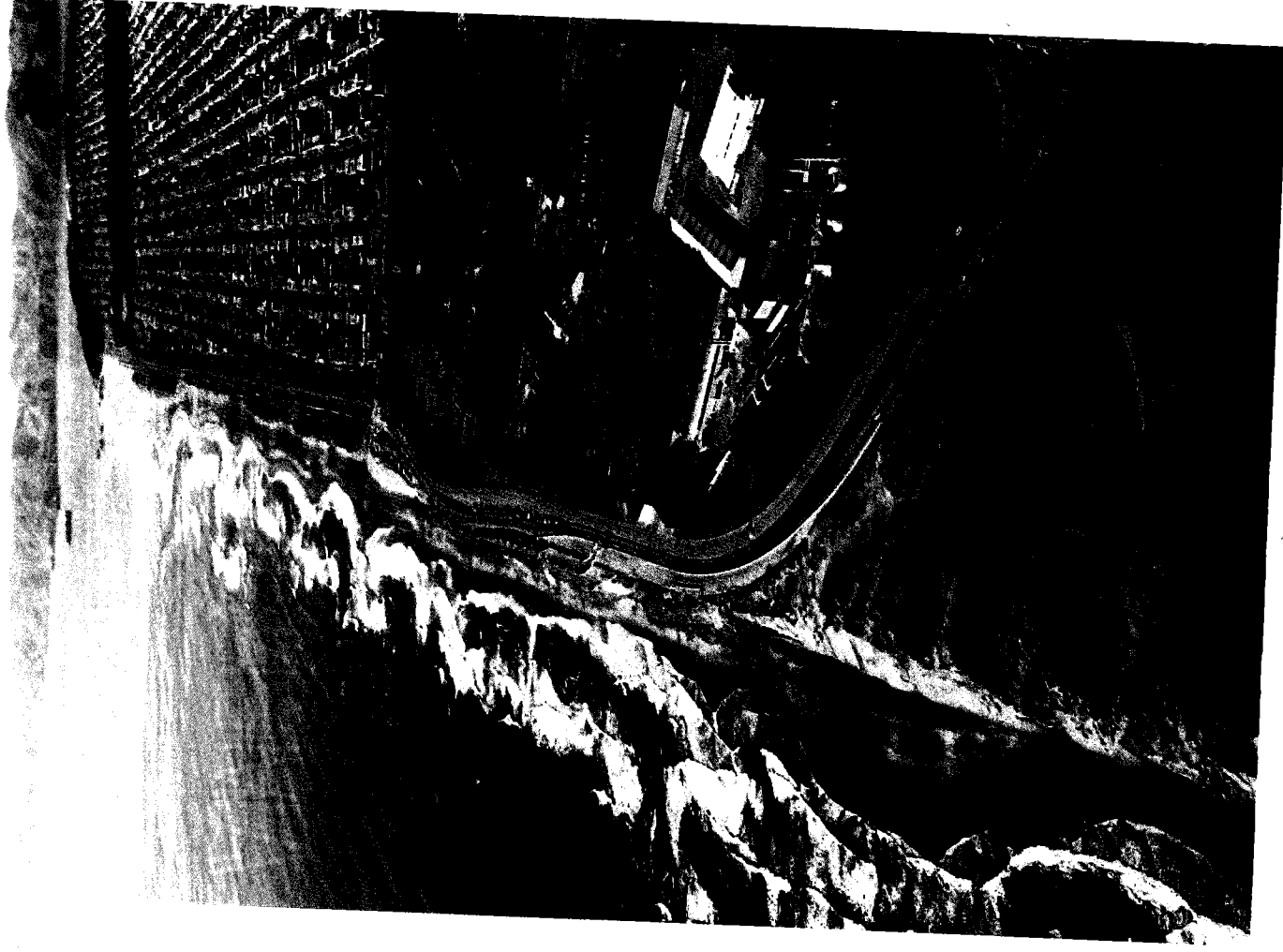


**San Francisco
Planning**

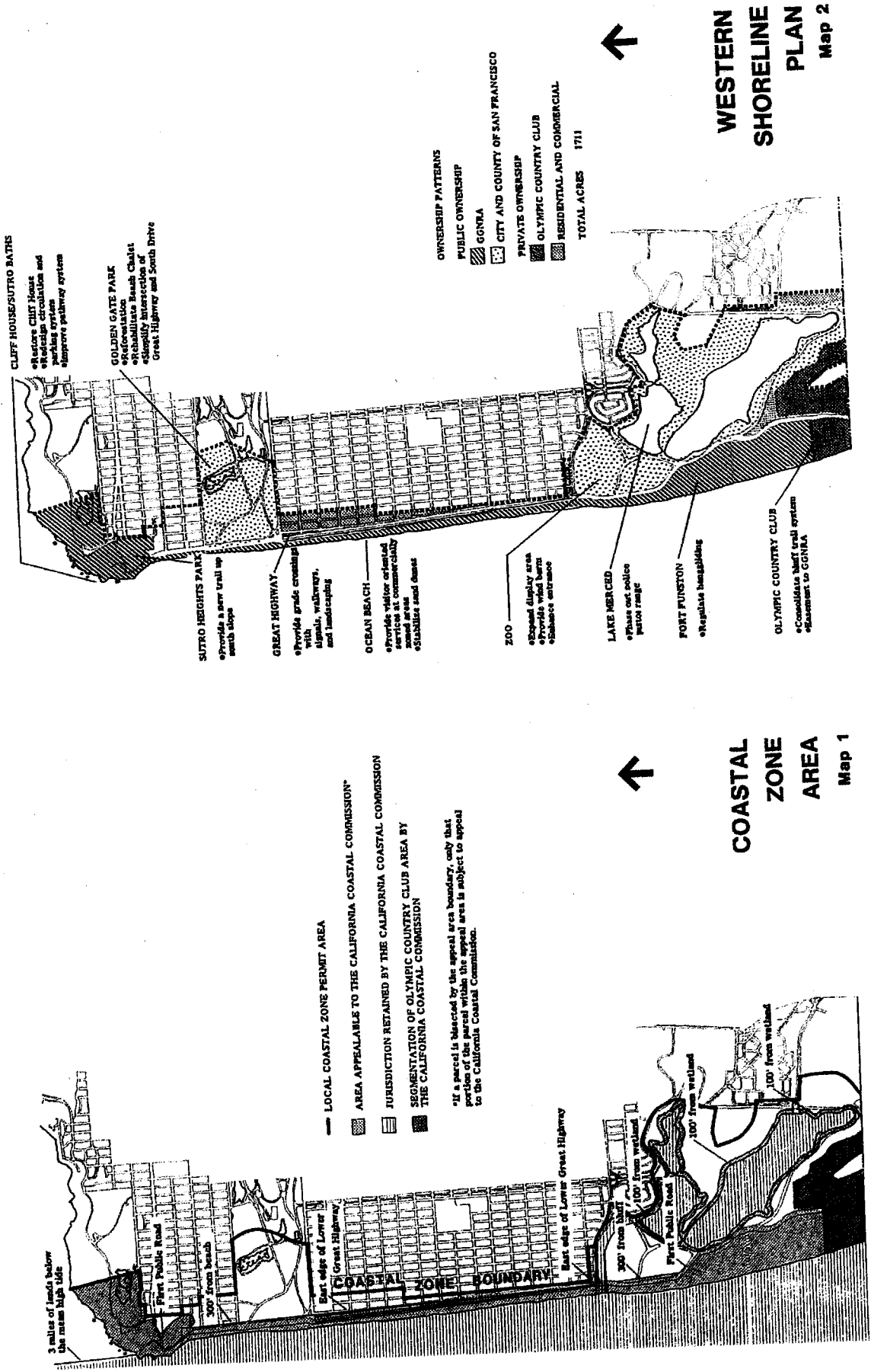
The Local Coastal Program

Local Coastal Programs (LCPs) are used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission.

- Comprised of a land use plan and measures to implement the plan, such as zoning ordinances
- Govern decisions that determine the short- and long-term conservation and use of coastal resources.
- Specify appropriate location, type, and scale of new or changed uses of land and water.



Current Western Shoreline Area Plan-Adopted in 1986

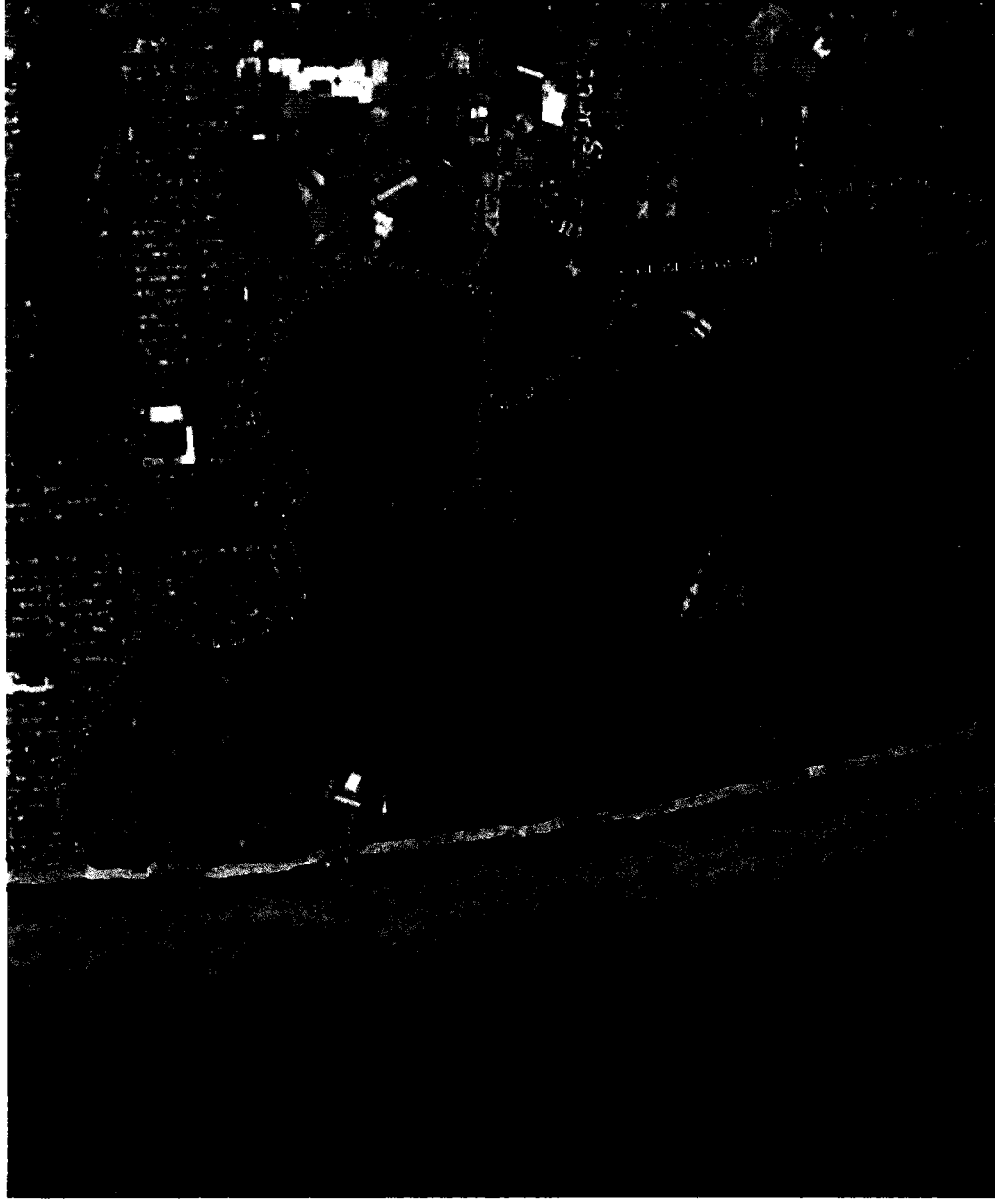


South Ocean Beach Erosion

- Winter 2010 storm caused 40 feet of bluff erosion and closed the Great Highway for 10 months
- Sand Bypass permitted until 2021
- Parking lot removal as erosion continues
- Ten years of collaborative planning through the City and SPUR to identify solutions that balance infrastructure protection, recreation, and coastal resources



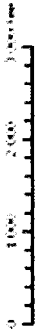
Sea Level Rise Projections and Mapping



San Francisco Local Coastal Program Amendment

Sea Level Rise Hazard Zones

Coastal Zone Boundary



Page 2 of 2

New Coastal Hazards Section

Objective: Preserve, enhance, and restore the Ocean Beach shoreline while protecting public access, scenic quality, natural resources, critical public infrastructure, and existing development from coastal hazards.

Policy 12.1. Adopt Managed Retreat Adaptation Measures Between Sloat Boulevard and Skyline Drive.

Policy 12.2. Develop and Implement Sea Level Rise Adaptation Plans for the Western Shoreline.

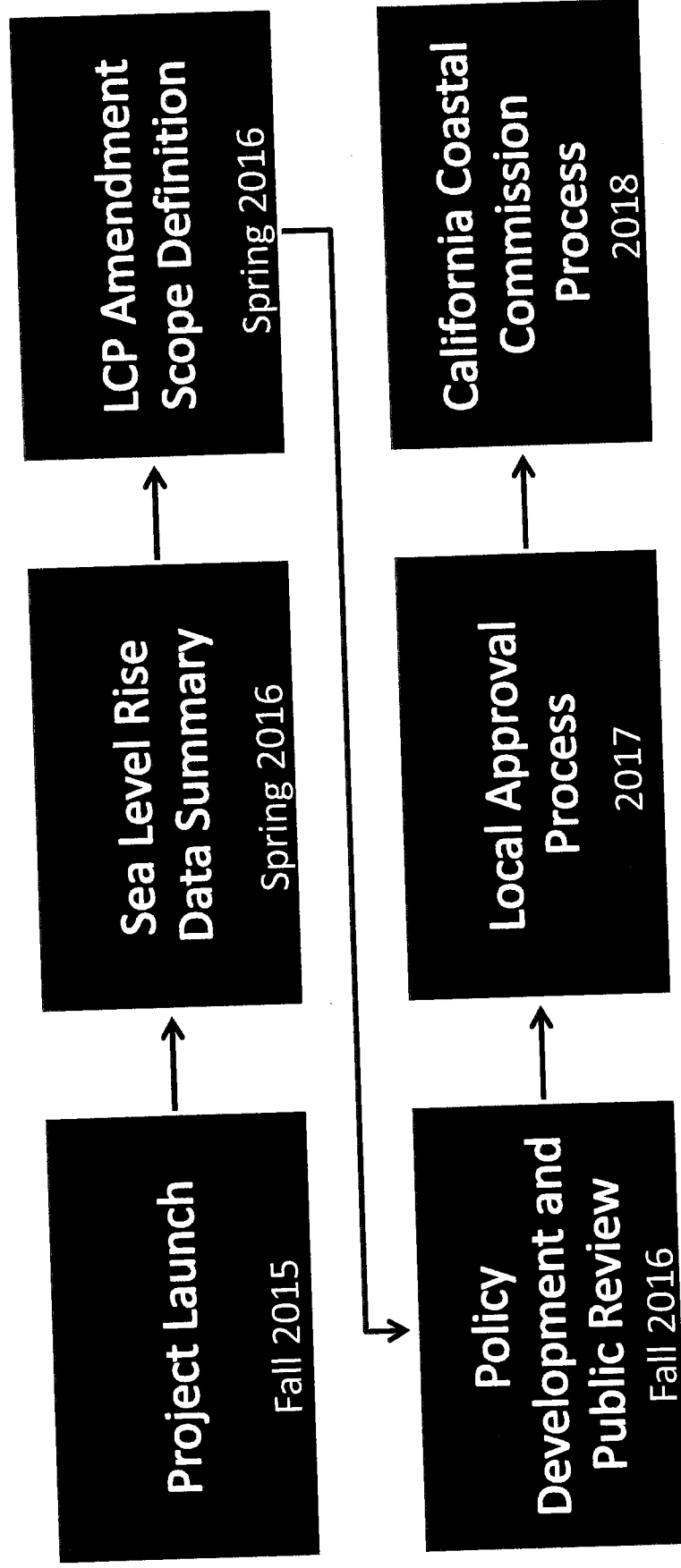
Policy 12.3. Develop and Implement a Beach Nourishment Program to Sustain Ocean Beach.

Policy 12.4. Develop the Shoreline in a Responsible Manner.

Policy 12.5. Limit Shoreline Protection Devices.

Policy 12.6. Minimize Impacts of Shoreline Protection Devices.

Amendment Timeline



Amendment Process

- Three public meetings plus visits to community groups
- Four Community Advisory Group meetings
- Five Interagency Committee meetings
- Ten meetings with Coastal Commission/Ocean Protection Council staff
- Planning Commission Initiation and Adoption
- Board of Supervisors
- Mayor
- Coastal Commission
- Possible return to Planning Commission with suggested modifications

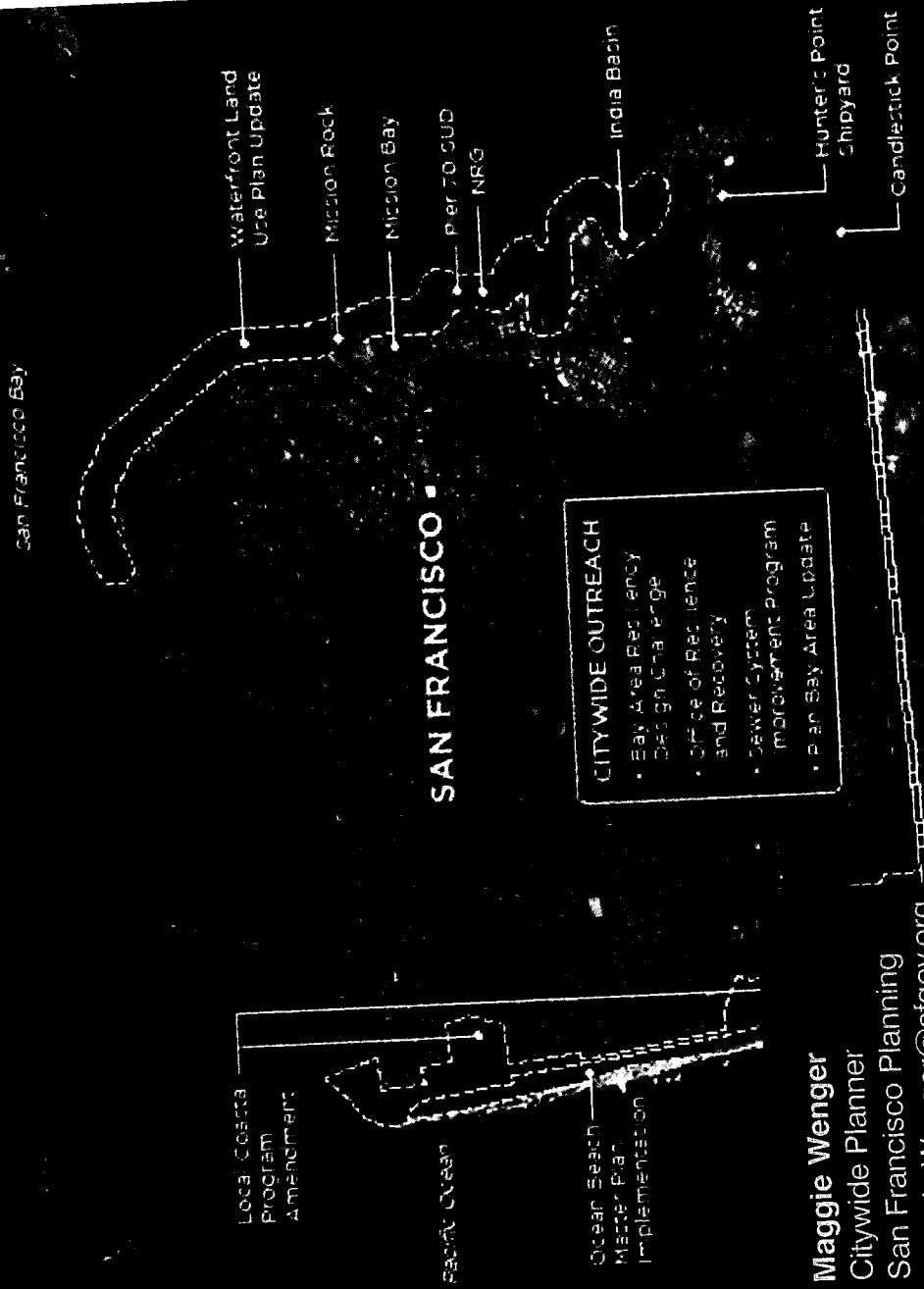
THANK YOU



San Francisco
Planning

Maggie Wenger
Citywide Planner
San Francisco Planning
Maggie.Wenger@sfgov.org

Chris Kern
Environmental Planner
San Francisco Planning
Chris.Kern@sfgov.org



Received at CPC Hearing 10/5/17
M. Snyder

SAN FRANCISCO *Beautiful*

San Francisco Planning Commission
Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

October 5, 2017

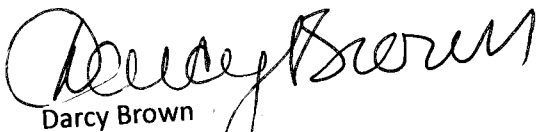
Dear Vice-President Richards,

I write to you in support of Item ¹⁵~~14~~ on today's agenda, the Mission Rock mixed use project. This project, a collaboration between the San Francisco Giants organization and the Port of San Francisco, is exactly the type of project that San Francisco Beautiful would like developers to look to for inspiration. This is a project that reflects the traditional values of our city while gently nudging forward to meet the current and future needs of our residents.

The Giants have been an example of a good neighbor and a good partner to the City, it's residents and small business owners for close to 18 years. The development proposal that they have made for the Mission Rock mixed use project ticks every box to meet the broadest list of needs for San Francisco. By providing affordable housing, green open space, programs for job training, homes for families and space for small businesses, this project is the definition of diversity and meets every possible requirement for a positive partnership with the city.

Please, I encourage you to support this project so that we can welcome this new jewel to our waterfront!

Very truly yours,


Darcy Brown
Executive Director

1 [Development Agreement – SWL 337 Associates, LLC – Mission Rock Development Project]

2
3 **Ordinance approving a Development Agreement between the City and County of San**
4 **Francisco and SWL 337 Associates, LLC, for 28 acres of real property located east of**
5 **Third Street between China Basin Channel and Mission Rock Street, waiving certain**
6 **provisions of the Administrative Code, Planning Code, and Subdivision Code; and**
7 **adopting findings under the California Environmental Quality Act, public trust findings,**
8 **and findings of consistency with the General Plan, and the eight priority policies of**
9 **Planning Code Section 101.1(b).**

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

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

18 Section 1. Background and Findings.

19 (a) California Government Code Sections 65864 et seq. ("Development Agreement
20 Law") authorize any city, county, or city and county to enter into an agreement for the
21 development of real property within its jurisdiction.

22 (b) Chapter 56 of the Administrative Code sets forth certain procedures for
23 processing and approving development agreements in the City and County of San Francisco
24 (the "City").

25 (c) In May 2010, the Port Commission (the "Port") selected SWL 337 Associates,
LLC, a Delaware limited liability company ("Developer"), through a competitive process to
negotiate exclusively for the mixed-use development (the "Project") of Seawall Lot 337 and

1 Pier 48, bounded by Third Street on the west, Mission Rock Street on the south, and China
2 Basin Park on the north. The Port Commission later added China Basin Park, the wharf
3 between Pier 48 and Pier 50, and Parcel P20 to the development site (collectively, the "Site"),
4 subject to approvals necessary to remove Parcel P20 from the Mission Bay South
5 Redevelopment Project Area. Developer, an affiliate of the San Francisco Giants, will act as
6 the master developer for the Project.

7 (d) In conjunction with this ordinance, this Board has taken or intends to take a
8 number of other actions in furtherance of the Project, including: (1) a disposition and
9 development agreement ("DDA") between Developer and the Port; (2) amendments to the
10 Planning Code and Zoning Maps that create the Mission Rock Special Use District (the "SUD
11 amendments") and incorporate the more detailed Mission Rock Design Controls; (3) a
12 memorandum of understanding for interagency cooperation among the Port, the City, and
13 other City agencies (the "ICA") with respect to the subdivision of the Site and construction of
14 infrastructure and other public facilities; (4) formation proceedings for financing districts in the
15 SUD and a memorandum of understanding between the Port and the Assessor-Recorder, the
16 Treasurer and Tax Collector, and the Controller regarding the assessment, collection, and
17 allocation of ad valorem and special taxes to the financing districts; and (5) a number of
18 related documents and entitlements to govern the Project.

19 (e) At full build-out, the Project will include: (1) approximately 1.1 million to
20 1.6 million gross square feet ("gsf") of new residential uses (estimated at 1,000 to 1,950 new
21 residential units), at least 40% of which will be on-site housing affordable to a range of low- to
22 moderate-income households; (2) 972,000 to 1.4 million gsf of new commercial and office
23 space; and (3) 241,000 to 244,800 gsf of active retail and production uses on 11 proposed
24 development blocks on SWL 337 in buildings that would range in height from 90 to 240 feet,
25 consistent in the Proposition D (City of San Francisco Mission Rock Affordable Housing, Jobs

1 and Historic Preservation Initiative), which the voters approved in November 2015; and
2 (4) rehabilitation and reuse of Pier 48, a significant contributing resource to the Port of San
3 Francisco Embarcadero Historic District; (5) approximately 1.1 million gsf of above- and
4 below-grade parking in one or two garages; (6) transportation demand management on-site
5 and payment of impact fees that the Municipal Transportation Agency will use to improve
6 transportation service in the area; (7) approximately 5.4 acres of net new open space for a
7 total of approximately 8 acres of new and expanded open space, including an expansion of
8 China Basin Park, a new central Mission Rock Square, and waterfront access along the
9 shoreline; (8) public access areas, assembly areas, and an internal grid of public streets,
10 shared streets, and utilities infrastructure; and (9) on-site strategies to protect against sea
11 level rise.

12 (f) While the DDA binds the Port and Developer, other City agencies retain a role in
13 reviewing and issuing certain later approvals for the Project. Later approvals include approval
14 of subdivision maps and plans for public infrastructure and public facilities, design review and
15 approval of new buildings under the SUD amendments, and acceptance of Developer's
16 dedications of horizontal improvements and public facilities for maintenance and liability under
17 the Subdivision Code. Accordingly, the City and Developer negotiated a development
18 agreement for the Project (the "Development Agreement"), a copy of which is in Board File
19 No. _____ and incorporated in this ordinance by reference. The DDA, the
20 Development Agreement, the ICA, the Tax MOU, and all vertical disposition and development
21 agreements and leases that the Port enters into in accordance with the DDA are referred to
22 collectively as the "Transaction Documents."

23 (g) Development of the Site in accordance with the DDA and the Development
24 Agreement will help realize and further the City's goals to restore and revitalize SWL 337 and
25 Pier 48, increase public access to the waterfront, increase public open space and community

1 facilities within the neighborhood, add to the City's affordable and market-rate housing stock,
2 and create a significant number of construction and permanent jobs in and near the Site. In
3 addition, the Project will provide additional benefits to the public that could not be obtained
4 through application of existing City ordinances, regulations, and policies.

5 Section 2. Environmental Findings.

6 (a) The Planning Department found that the actions contemplated in this ordinance
7 comply with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.)
8 ("CEQA") and recommended approval of the Development Agreement at its hearing on
9 October 5, 2017, by Resolution No. _____. A copy of this Resolution is in Board File
10 No. _____ and incorporated in this ordinance by reference.

11 (b) This Board previously adopted Resolution No. _____, a copy of which
12 is in Board File No. _____, making CEQA findings for the Project. This Board
13 adopts and incorporates in this ordinance by reference the Planning Commission's findings
14 under CEQA.

15 Section 3. Consistency Findings.

16 The Planning Commission recommended that this Board approve the Development
17 Agreement and amendments to the Planning Code, and the Zoning Maps at a public hearing
18 on _____, by Resolution No. _____, a copy of which is in Board File
19 No. _____. This Board adopts and incorporates by reference in this ordinance the
20 Planning Commission's findings of consistency with the General Plan and the eight priority
21 policies of Planning Code Section 101.1(b).

2 Section 4. Public Trust Findings.

3 At a public hearing on _____, the Port Commission consented to the
4 Development Agreement and approved the DDA, subject to this Board's approval, finding that
5 the Project would be consistent with and further the purposes of the common law public trust

1 and statutory trust under the Burton Act (Stats. 1968, ch. 1333), as amended by Senate
2 Bill 815 and Assembly Bill 2797, by Resolution No. _____, a copy of which is in
3 Board File No. _____. This Board adopts and incorporates in this ordinance by
4 reference the Port Commission's public trust findings.

5 Section 5. Approval of Development Agreement.

6 The Board of Supervisors:

7 (a) approves all of the terms and conditions of the Development Agreement in
8 substantially the form in Board File No. _____;

9 (b) finds that the Development Agreement substantially complies with the
10 requirements of Administrative Code Chapter 56;

11 (c) finds that the Project is a large multi-phase and mixed-use development that
12 satisfies Administrative Code Section 56.3(g); and

13 (d) approves the Workforce Development Plan attached to the DDA in lieu of
14 requirements under Administrative Code Chapter 14B, Article VII of Chapter 23, and Section
15 56.7(c), and Chapter 83 to the extent that it applies to construction work that is subject to the
16 Local Hiring Requirements of the Workforce Development Plan.

17 Section 6. Administrative Code Chapter 56 Waivers.

18 The Board of Supervisors waives the application to the Project of the following
19 provisions of Administrative Code Chapter 56 to the extent inconsistent with the Development
20 Agreement, the DDA, or the ICA, specifically:

21 (a) Section 56.4 (Application, Forms, Initial Notice, Hearing); Section 56.7(c)
22 (Nondiscrimination/Affirmative Action Requirements); Section 56.8 (Notice); Section 56.10
23 (Negotiation Report and Documents); Section 56.15 (Amendment and Termination);
24 Section 56.17(a) (Annual Review); Section 56.18 (Modification or Termination); and
25 Section 56.20 (Fee); and

(b) any other procedural or other requirements if and to the extent that they are not strictly followed.

Section 7. Other Administrative Code Waivers.

The Board of Supervisors waives the application to the Project of the following provisions of the Administrative Code:

(a) Chapter 6 (Public Works Contracting Policies and Procedures) other than the payment of prevailing wages when required;

(b) remedies and penalties under Section 12Q.5(f) (Health Care Accountability), Section 12T.6 (Criminal History in Hiring and Employment), and Section 4.9-1(c) (Nutritional Standards and Guidelines) that could result in the termination of any Transaction Document or property contract, loss or impairment of Developer's rights under the Transaction Documents or a vertical developer's right under a property contract, or debarment of Developer or a vertical developer from future contract opportunities with the City due to its noncompliance;

(c) Chapter 14B (Local Business Enterprise Utilization and Non-Discrimination in Contracting);

(d) Competitive Bidding Procedures, appraisal effective date, and Additional Review as defined in and required by Section 23.3 (Conveyance and Acquisition of Real Property);

(e) the limitation under Section 23.31 limiting the Director of Property's authority to enter into easements and licenses for periods greater than one year

(f) Section 23A.7 (Transfer of Jurisdiction Over Surplus Properties to the Mayor's Office of Housing and Community Development);

(g) Section 61.5(c)(2) (Listing of Unacceptable Non-Maritime Land Uses);

(h) solely to the extent inconsistent with Developer's approved Workforce Development Program, Chapter 82 (Local Hiring Policy for Construction) and Chapter 83 (First Source Hiring Program); and

1 (i) Section 116 (Compatibility and Protection for Residential Uses and Places of
2 Entertainment).

3 Section 8. Subdivision Code Waivers.

4 (a) The Board of Supervisors waives the application to the Project of procedural,
5 hearing, and time limits under Subdivision Code Section ~~1333.3(b) (Rights Conveyed),~~
6 ~~Section 1346(e) (Improvement Plans),~~ and Section 1355 (Time Limit for Submittal) to the
7 extent that they conflict with the ICA or the Development Agreement.

8 (b) The Board of Supervisors also waives the application to the Project of
9 Subdivision Code Section 1348 (Failure To Complete Improvements Within Agreed Time),
10 and the following terms shall apply in lieu thereof: The Public Improvement Agreement, as
11 defined in the ICA, shall include provisions consistent with the Transaction Documents and
12 the applicable requirements of the Municipal Code and the Subdivision Regulations regarding
13 extensions of time and remedies that apply when improvements are not completed within the
14 agreed time.

15 (c) The Board of Supervisors also waives the application to the Project of
16 Subdivision Code Section 1312 (Exceptions), and the conditions and requirements for the
17 grant of exceptions, waivers, or deferrals set forth in the succeeding paragraphs shall apply in
18 lieu thereof.

19 (d) Upon application by the subdivider, the Director may authorize exceptions,
20 waivers, or deferrals to any of the substantive requirements set forth in the Subdivision Code
21 and in the Subdivision Regulations, consistent with the applicable requirements of the
22 Subdivision Map Act.

23 (e) Before granting any such exception, waiver, or deferral, in whole or in part, the
24 Director must find:

1 (1) That the application of certain provisions of the Subdivision Code or the
2 Subdivision Regulations would result in unnecessary hardships affecting the property
3 inconsistent with the general purpose and intent of the Subdivision Code and the Subdivision
4 Regulations;

5 (2) That the granting of the exception, waiver, or deferral will not be materially
6 detrimental to the public welfare or injurious to other property in the area in which said
7 property is situated;

8 (3) That the granting of such exception has been determined by the Planning
9 Department to be consistent with the General Plan;

10 (4) That the granting of the exception, waiver, or deferral will provide substantial
11 benefit to the City and its residents; and

12 (5) That the Subdivider requesting the exception, waiver, or deferral has
13 provided the City with security or indemnification to offset any additional risk or liability arising
14 from the requested exception, waiver, or deferral, that would be greater than the risk or liability
15 that would arise from compliance with standard City requirements.

16 (f) In granting any such exception, waiver, or deferral, the Director shall designate the
17 conditions under which the exception is granted.

18 (g) The Director shall not grant any exceptions in violation of the Subdivision Map Act.

19 (h) If the Director elects to hold a public hearing with respect to an application for
20 exception, waiver, or deferral, the Director shall give notice not less than 10 days and no more
21 than 15 days prior to the hearing date.

1 Section 9. Authorization.

2 (a) The Board of Supervisors affirms that the waivers in this ordinance do not waive
3 requirements under the Development Agreement Law and authorizes the City to execute,
4 deliver, and perform the Development Agreement as follows:

5 (1) the Director of Planning, the City Administrator, and the Director of Public
6 Works are authorized to execute and deliver the Development Agreement with signed
7 consents of the Port Commission, the Municipal Transportation Agency, and the San
8 Francisco Public Utilities Commission; and

9 (2) the Director of Planning and other appropriate City officials are authorized
10 to take all actions reasonably necessary or prudent to perform the City's obligations under the
11 Development Agreement in accordance with its terms.

12 (b) The Director of Planning is authorized to exercise discretion, in consultation with
13 the City Attorney, to enter into any additions, amendments, or other modifications to the
14 Development Agreement that the Director of Planning determines are in the best interests of
15 the City and that do not materially increase the obligations or liabilities of the City or materially
16 decrease the benefits to the City as provided in the Development Agreement. Final versions
17 of any additions, amendments, or other modifications to the Development Agreement shall be
18 provided to the Clerk of the Board of Supervisors for inclusion in Board File

19 No. _____ within 30 days after execution by all parties.

20 Section 10. Ratification of Past Actions; Authorization of Future Actions.

21 All actions taken by City officials in preparing and submitting the Development
22 Agreement to the Board of Supervisors for review and consideration are hereby ratified and
23 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken
24 by City officials consistent with this ordinance.

1 Section 11. Effective and Operative Dates.

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

6 (b) This ordinance shall become operative only on the effective date of the DDA. No
7 rights or duties are created under the Development Agreement until the operative date of this
8 ordinance.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12
13 By:

14 _____
15 JOANNE SAKAI
16 Deputy City Attorney

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Received at CPC Hearing 10/5/17
M. Snyder

Mission Rock Development Agreement Ordinance Errata (10/5/17)

1. Beginning at Page 7, Line 4.

Revise Section 8 as follows:

Section 8. Subdivision Code Waivers.

(a) The Board of Supervisors waives the application to the Project of ~~procedural, hearing, and time~~ limits under Subdivision Code Section 1333.3(b) (Rights Conveyed); Section 1346(e) (Improvement Plans); and Section 1355 (Time Limit for Submittal) to the extent that they conflict with the ICA or the Development Agreement.

(b) The Board of Supervisors also waives the application to the Project of Subdivision Code Section 1348 (Failure To Complete Improvements Within Agreed Time), and the following terms shall apply in lieu thereof: The Public Improvement Agreement, as defined in the ICA, shall include provisions consistent with the Transaction Documents and the applicable requirements of the Municipal Code and the Subdivision Regulations regarding extensions of time and remedies that apply when improvements are not completed within the agreed time.

(c) The Board of Supervisors also waives the application to the Project of Subdivision Code Section 1312 (Exceptions), and the conditions and requirements for the grant of exceptions, waivers, or deferrals set forth in the succeeding paragraphs shall apply in lieu thereof.

(d) Upon application by the subdivider, the Director may authorize exceptions, waivers, or deferrals to any of the substantive requirements set forth in the Subdivision Code and in the Subdivision Regulations, consistent with the applicable requirements of the Subdivision Map Act.

(e) Before granting any such exception, waiver, or deferral, in whole or in part, the Director must find:

_____ (1) That the application of certain provisions of the Subdivision Code or the Subdivision Regulations would result in unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Subdivision Code and the Subdivision Regulations;

_____ (2) That the granting of the exception, waiver, or deferral will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated;

_____ (3) That the granting of such exception has been determined by the Planning Department to be consistent with the General Plan;

_____ (4) That the granting of the exception, waiver, or deferral will provide substantial benefit to the City and its residents; and

_____ (5) That the Subdivider requesting the exception, waiver, or deferral has provided the City with security or indemnification to offset any additional risk or liability arising from the requested exception, waiver, or deferral, that would be greater than the risk or liability that would arise from compliance with standard City requirements.

(f) In granting any such exception, waiver, or deferral, the Director shall designate the conditions under which the exception is granted.

(g) The Director shall not grant any exceptions in violation of the Subdivision Map Act.

(h) If the Director elects to hold a public hearing with respect to an application for exception, waiver, or deferral, the Director shall give notice not less than 10 days and no more than 15 days prior to the hearing date.