



July 20, 2015

President London Breed
San Francisco Board of Supervisors
City Hall San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Appeal of Tentative Map – 645 Texas Street
Board of Supervisors File No. 15073

Dear President Breed and Honorable Members:

Our firm represents Trumark Urban, the developer of the above referenced project at 645 Texas Street (“Project”). The Project consists of ninety-one (91) residential units and one (1) commercial space and was reviewed and approved by the Planning Commission on August 14, 2014, almost exactly a year ago. Since the approval, Trumark Urban has been working diligently on the Project with **demolition on the site already completed and construction well underway.**

The Tentative Map for the Project was approved by the Department of Public Works (“DPW”) on **June 25, 2014**, after review and approval by all relevant City departments (“Tentative Map Approval”). Eleven (11) days later, on **July 6, 2015**, the owner of 635 Texas Street submitted an appeal of the Tentative Map Approval (“Appeal”). The claims raised in the Appeal are not relevant to the requirements of the Subdivision Map Act or the Tentative Map Approval and instead raise issues concerning the overall Project. For these reasons, we respectfully request that you deny the appeal and uphold DPW’s Tentative Map Approval.

A. Project Background and Authorization

Entitlement of the Project began on September 24, 2012, with the filing of a Preliminary Project Assessment (“PPA”). Following receipt of the PPA Comment Letter on November 16, 2012, and after a pre-application notification meeting with the community in October 2013, on May 9, 2013, a Large Project Authorization (“LPA”) application was filed with the Planning Department.

On August 14, 2014, the Planning Commission, in a noticed public hearing, unanimously approved the LPA for the Project, relying on a July 23, 2014 Community Plan Exemption (“CPE”) for the Project’s California Environmental Quality Act (“CEQA”) compliance. **The LPA and CPE were not appealed.** The appeal period to challenge the LPA expired on August 25, 2014, and the appeal period for the CPA expired on September 15, 2014.

On January 27, 2015, the Department of Building Inspection (“DBI”) issued the site permit for construction of the Project. In reliance on the permit, on May 5, 2015,

Trumark Urban began construction or “broke ground.” Currently, the Project is being excavated and soil being off-hauled prior to vertical construction with project completion and occupancy estimated for December 2016.

Following the Planning Commission approval of the LPA and site permit issuance, Trumark Urban began the tentative map subdivision process to allow for the sale of the ninety-one (91) new residential units, including eleven (11) below-market rate units, and one commercial unit. As is commonplace, the tentative map process often trails the entitlement and building permit process. On March 24, 2015, a tentative map for the Project was filed. It has been reviewed by the Planning Department, the County Surveyor and DPW to confirm it meets all of the City requirements and standards under the Subdivision Map Act and on June 25, 2015, DPW issued a Tentative Map Approval for the Project. It is this Tentative Map Approval that has been appealed. All other approvals granted are final and not subject to appeal.

B. Appellant Has Not Raised Issues Related to the Tentative Map Approval

In appealing the Tentative Map Approval, the Appellant is limited to raising issues related to the tentative map issuance. Specifically, at issue is whether DPW’s review and approval of the tentative map, which subdivides the Project into ninety-one (91) residential units and one (1) commercial unit, is flawed. The issues raised by the Appellant, however, concern sunlight and trees, which are not material to the Tentative Map Approval.¹ They are “design” issues that were discussed and evaluated during the entitlement period by the Planning Department and the community, and ultimately decided upon by the Planning Commission. They are not relevant to the question of whether the tentative map conforms to the San Francisco Subdivision Code and the California Subdivision Map Act.

DPW’s Tentative Map Approval allows Trumark Urban to divide the ninety-one (91) residential units, including eleven (11) affordable housing units, and one commercial unit currently under construction, into individual units for future ownership and sale. It does not impact the underlying Project approvals, which are final and remain valid. Instead, if DPW’s Tentative Map Approval is not upheld, it would impact Trumark Urban’s ability to provide ownership opportunities for families seeking to live in the Dog Patch Neighborhood. It impacts families because the units being constructed are large, by City standards and include fifty-eight percent (58%) 2-bedroom units ranging in size from 800 square feet to 1,200 square feet and three percent (3%) 3-bedroom units ranging in size from 1,200 square feet to 1,500 square feet.

Conclusion

Trumark Urban spent over two years entitling the Project. During that time it worked extensively with the Planning Department and the community on the Project, **meeting with over 100 neighbors (including the Appellant), local businesses, community groups and interested parties and obtaining over 80 signatures of support and 14 letters of support.** Numerous changes were incorporated into the Project in direct response to community comments, including adding a retail space at the corner of Mississippi and 22nd Street, adding a sidewalk bulb

¹ The Planning Commission was provided with information regarding the Project’s shadows and impacts to existing street trees as part of the LPA and CPE process. Any concerns regarding these issues should have been raised by the Appellant during the Planning Commission hearing and/or in an appeal of the LPA or CPE.

out with butterfly habitat, seating and local art at Mississippi and 22nd and adding six (6) ground-floor walk-up units as well as other design changes. The result is a high quality residential development that fits into the existing neighborhood and was unanimously approved by the Planning Commission without a subsequent appeal of either the LPA or CPE.

The Tentative Map Approval granted by DPW allows Trumark Urban to subdivide the Project into individual units for sale and complies with the requirements of the Subdivision Map Act and the City's Subdivision Ordinance. The Appellant has not raised any issues that question the validity of the tentative map or identify a fundamental defect with it or DPW's Tentative Map Approval. As such, **we respectfully request that Board uphold DPW's Tentative Map Approval and deny the Appeal.**

Very Truly Yours,



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