



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: 208912

Order Conditionally Approving Certain Requests for Exceptions Associated with Phase 1C and 1D of the Parkmerced Development Project.

WHEREAS, 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 Nos. 18271 and 18273 and recommended approval of General Plan, Zoning Map and Text Amendments under Resolution No. 18271. The Commission also adopted a recommendation for approval of the Parkmerced Development Agreement under Resolution No. 18273.

WHEREAS, On June 7, 2011, 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 Motion No. 18272); the Development Agreement (Board of Supervisors Ord. No. 89-11), and the Parkmerced Plan Documents. The Parkmerced Plan Documents include the Parkmerced Design Standards and Guidelines (“DS&G”).

WHEREAS, On June 14, 2011 SFPUC adopted a resolution consenting to this Agreement (Resolution No. 11-0091), and the MTA Board adopted a resolution consenting to this Agreement on June 21, 2011 (Resolution No. 11-080).

WHEREAS, On July 7, 2011, the Development Agreement was recorded in the Official Records. The Development Agreement was re-recorded in the Official Records on August 19, 2011.

WHEREAS, 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.

WHEREAS, On June 23, 2022, Director Order 206742 approved Tentative Map Application No. 10699 (Tentative Map dated April 13, 2022) and Application No. 10700 (Tentative Map dated October 29, 2021) with associated Map findings and conditions.

WHEREAS, The San Francisco Subdivision Code and the San Francisco Subdivision Regulations require the Subdivider to rely on the requirements set forth in the Department of Public Work's Standard Plans and Specifications ("Plans and Specifications");

WHEREAS, Section 1712 of the Subdivision Code authorizes the Director, subject to the Subdivision Map Act (Cal. Govt. Code 66410 et seq., "Map Act") to approve exceptions, waivers or deferrals to any of the requirements set forth in the Subdivision Code or the Subdivision Requirements subject to the required findings under Subsection 1712(a)(1) - (3), and further provides that the standards and requirements of the Subdivision Regulations shall be modified by the Director where the Director provides that such modifications are necessary to assure conformity to and achievement of the standards and goals of the applicable Project Documents (as defined by Subdivision Code § 1707(z)); and

WHEREAS, Pursuant to Subdivision Code § 1712(b)(1)-(3), and with respect to the exceptions hereinafter described, the Director has determined that application of the Subdivision Code or the Subdivision Regulations, as applicable, would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project Documents and the City Regulations (as defined in Subdivision Code § 1707(e)), the granting of the exceptions will not be materially detrimental to the public welfare of injuries to other property in the area, and the grant of the exception will not be contrary to the Project Documents or City Regulations, subject to the findings and conditions herein; and

WHEREAS, No additional environmental review is required because there are no substantial changes to the project analyzed in the FEIR, no change in circumstances under which the project is being undertaken, and no new information of substantial importance indicating that new significant impacts would be substantially more severe, or that mitigation or alternatives previously found infeasible are now feasible;

WHEREAS, Directors Order 208783 issued notice of a Public Hearing held on November 8, 2023 and such notice was also published in a newspaper of general circulation within the City and County of San Francisco. No members of the public attended the Director's hearing or provided public comments. Public hearing officer recommends approval of the exceptions.

NOW THEREFORE BE IT ORDERED THAT

The Director approves the exceptions described below, based on the findings and subject to the conditions stated herein:

Exception # 1 Exception to Subdivision Code Section IV.I.1 Public Right of Way Grant Deed

Subdivider requested an exception to SEC. 1335. PUBLIC FACILITIES. (a) General. Public facilities listed in this Section shall meet the design and construction standards in the Subdivision Regulations. (b) Streets. (1) Dedicated Public Streets. A subdivision shall have direct access to a dedicated public street. Title to a new or widened dedicated public street shall be conveyed to the City by proper deed prior to approval of the Final Map. Newly created publicly accessible rights-of-way created as part of subdivisions shall conform with the policies and guidelines of the Better Streets Plan.

Based on this information, the Director conditionally approves Exception No. 1 with the following conditions.

- Subdivider shall grant a Public Right of Way Easement to the City which will commence at Board of Supervisors approval of Phase 1C Final Map (PID 10699).

Exception # 2 - Exception to Director Order 206742 related to Alternative Combined Sewer Design

Subdivider is requesting an exception to Public Works Order No. 206742 that approved a separate sanitary and storm drain sewer system, consistent with the approved Parkmerced Infrastructure Report dated June 23, 2011.

In October 25, 2023, Subdivider submitted a Supplemental Alternative Sewer Submittal (SASS) which proposed the use of a combined sewer system rather than a separate sanitary and storm drain sewer system. The Subdivider is requesting a design exception to allow the combined sewer system as shown in the Subphase 1C Street Improvement Plans attached to the final map.

Based on this information, the Director conditionally approves Exception No. 2 with the following conditions:

- Subdivider shall meet all the conditions of approval of the SASS as outlined in the SASS Approval Letter dated December 4, 2023.
- Subdivider shall obtain City approval of a Parkmerced Infrastructure Report amendment to reflect the revised sewer design as shown in the approved SASS.

Exception # 3 - Exception to Director Order 206742 related to Pedestrian Paseo – Notice of Special Restriction– Deferral

Subdivider is requesting an exception to Public Works Order No. 206742, BSM Condition of Approval #2 stated Subdivider shall provide, in a form acceptable to the City, recorded notice needed for pedestrian access and/or easement agreements for any public infrastructure or emergency vehicle access located on private property.

The new building for Development Blocks 3W are in design and therefore the final location and dimension of the B3W Pedestrian Paseos cannot be determined at this time. Subdivider is requesting to defer complying with this condition with issuance of the B3W Site Permit.

Based on this information, the Director conditionally approves Exception No. 3, subject to the following conditions:

- Subdivider shall provide, in a form acceptable to the City, recorded notice needed for pedestrian access and/or easement agreements for any public infrastructure or emergency vehicle access located on private property upon issuance of the B3W Site permit.

Exception # 4 - Exception to Director Order 206742 related to Electrical Vault waiver, Deferral.

Subdivider is requesting an exception to Public Works Order No. 206742, BSM TM COA #12- It is the City's policy that single use electrical transformers (UCDs) not be placed in the public right-of-way. Subdivider shall acknowledge that all single use electrical transformers will be placed on private property, unless an exception is granted by the Public Works Director.

Building electrical designs for Development Blocks 3W, 4 and 21S are in design and therefore it is not currently feasible to determine if an exception to this condition is warranted.

Based on this information, the Director conditionally approves Exception No. 4, subject to the following conditions:

- Upon completion of building site plans for the Development Blocks 3W, 4 and 21S, Subdivider shall submit waiver request, if required.
- Subphase 1C and D Street Improvement Permit will not be issued until determination of electrical vault complete.

Exception # 5 - Exception to the SF Public Works Standard Plans and Specifications related to concrete curbs

Subdivider is requesting an exception to 2015 San Francisco Public Works Standard Plans and Codes (Standard Plans 87,169) and proposing the use of reinforced concrete curb in lieu of standard curb design.

To facilitate stormwater infiltration for the Development as shown in the Development's Design Standards and Guidelines (DS&G), the project proposes the use a series of bioretentions adjacent to public ROW. To ensure the integrity of the ROW and substructure a reinforced curb between the bioretention and ROW is proposed. The reinforced curb will be maintained by City staff. SFPUC have no objections to the proposal.

Based on this information, the Director conditionally approves Exception No. 5, subject to the following conditions:

- Subdivider will provide a "How to repair" memo for SF Public Works Operations personnel.

Exception # 6 – Exception to the SFPUC Plans and Specifications to Permit for Utility Material

Subdivider is requesting an exception to 2015 San Francisco Subdivision Regulations; III. Definitions: B. Design Modifications. Parkmerced is requesting approval from San Francisco Public Utilities

Commission on the following design modifications for the Parkmerced Phase 1C Street Improvement Plans.

Combined Sewer Pipe Material 2015 San Francisco Subdivision Regulations; Appendix B; XV. Recommended Standards of Design for Sewer Systems; B. Sewers; 3. Types and Sizes. All combined sewer pipes and culverts in Phase 1C will be High Density Polyethylene (HDPE) DR 17 in lieu of VCP or RCP.

Based on this information, the Director approves Exception No. 6.

Exception # 7 Exception to the SF Public Works Plans and Standard related to Vertical Curves

Subdivider requesting an exception of SF Public Works Standards Plans and Codes (Standard Plans 87,169) and use different design standards to determine the length of the vertical curves based on specific conditions.

The design standards follow:

- Caltrans Highway Design Manual, Sixth Edition (HDM)
- American Association of State Highway Transportation Officials (AASHTO)

A design speed of 30 MPH is typically used for the design of local residential streets as it correlates to the statutory speed limit of 25 MPH for residential areas per the California Vehicle Code.

However, there are four vertical curves constrained by elevations of existing streets and buildings and the proposed street alignments. The design of the Vidal Dr and Garces Dr street profiles balances the elevations of the existing streets and buildings, proposed street slopes, street alignments and vertical curve lengths. Project team and City staff meet on several occasions to optimize the design resulting in a final design speed for the vertical curves should be a minimum of 20 mph.

Based on this information, the Director conditionally approves Exception No. 7 with the following conditions

- Subdivider to install warning signs, as necessary.

Exception # 8 Exception related to installation of Public Infrastructure on Vidal Street between Lake Merced Blvd and Garces – Deferral

Subdivider is requesting an exception and deferring the installation of Class 1 bike path, bioretention and landscaping. Planning Department approved Parkmerced Development Phase 1 Approval which includes a Class I bike path, bioretention and landscaping on the South side of Vidal Drive from Lake

Merced Blvd to Arballo Drive. However, due to existing residential buildings on Vidal Drive between Garces and Arballo Drives, prevents construction of the infrastructure.

Based on this information, the Director conditionally approves Exception No. 8, deferral installation of public infrastructure to a later development phase with the following conditions.

- Subdivider to install a sidewalk on the south side between Lake Merced Blvd and Garces street as shown in Phase 1C SIP.
- Subdivider to grade, hydroseed and maintain landscaping area until the future public infrastructure is constructed and Accepted by BOS

X

DocuSigned by:

Denny Phan

Phan, Denny C907BA0BD82C4E6...

Acting ITF Manager

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DocuSigned by:

Albert Ko

Ko, Albert J 281DC30E04CF41A...

City Engineer & Deputy Director

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DocuSigned by:

Carla Short

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Short, Carla
Director