

1 [1629 Market Street - Street and Public Infrastructure Acceptance - Establishing Official
2 Sidewalk Widths and Street Grades, Sidewalk Maintenance]

3 **Ordinance accepting irrevocable offers of public infrastructure associated with**
4 **the 1629 Market Street Mixed-Use Project, including improvements located within**
5 **portions of Market, Brady, Stevenson, and Colton Streets, Colusa Place, and Chase**
6 **Court; accepting an irrevocable offer of dedication for right-of-way purposes of real**
7 **property located at the intersection of Colton and Brady Streets; dedicating this**
8 **infrastructure and real property to public use; designating this public infrastructure**
9 **and real property for street and roadway purposes, as applicable; accepting Stevenson**
10 **Street, a formerly unaccepted street, and other public infrastructure for City**
11 **maintenance and liability purposes, subject to specified limitations; establishing**
12 **official public right-of-way widths and street grades; amending Ordinance No. 1061,**
13 **entitled “Regulating the Width of Sidewalks,” to establish official sidewalk width on**
14 **portions of the above-mentioned streets; accepting a Public Works Order**
15 **recommending various actions in regard to the public infrastructure improvements;**
16 **authorizing official acts, as defined, in connection with this Ordinance; adopting**
17 **findings under the California Environmental Quality Act; and making findings of**
18 **consistency with the General Plan, and the eight priority policies of Planning Code,**
19 **Section 101.1.**

20 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
21 **Additions to Codes** are in *single-underline italics Times New Roman font*.
22 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
23 **Board amendment additions** are in double-underlined Arial font.
24 **Board amendment deletions** are in ~~strikethrough Arial font~~.
25 **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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 1. Background and Findings.

(a) This ordinance addresses the Board of Supervisors acceptance of, and other official acts regarding, certain public infrastructure associated with the 1629 Market St. Mixed-Use Project (“Project”). The Project area is generally bounded by Market, Brady, Otis, and 12th Streets. The infrastructure accepted by this ordinance includes improvements located within portions of Market, Brady, Stevenson, and Colton Streets, Colusa Place, and Chase Court.

(b) The Project is a mixed-use development that will include on-site affordable units. The Project includes 499 residential units consisting of a mix of market rate and on-site Below Market Rate (“BMR”) units; an additional, stand-alone building located at 53 Colton Street with 96 affordable supportive housing units; a 28,736 square foot replacement union facility; a sub-grade garage; and approximately 33,500 square feet of open space consisting of approximately 23,000 square feet of privately-owned, publicly accessible, open space, and approximately 10,100 square feet of common open space for residential uses.

(c) The Project is subject to that certain Development Agreement between the City and County of San Francisco and Strada Brady, LLC, a California limited liability company (“Strada Brady”), recorded in the Official Records of the City and County of San Francisco on April 25, 2018 as Document No. 2018-K607299 and approved by the Board of Supervisors through the passage of Ordinance No. 242-17, as amended by the Board of Supervisors on December 7, 2018 through the passage of Ordinance No. 288-18 (“Development Agreement”).

(d) On January 16, 2020, the Public Works Director adopted Public Works Order No. 202513 recommending approval of Parcel Map No. 9640 for purposes of subdivision and development of the Project site.

1 (e) On January 28, 2020, by Motion M20-11, the Board of Supervisors approved
2 Parcel Map No. 9640, relating to portions of the Project. In the same motion, the Board of
3 Supervisors approved two Public Improvement Agreements associated with the Parcel Map
4 and authorized the Director of Public Works and the City Attorney to execute and file the
5 Public Improvement Agreements. Motion M20-11 is on file with the Clerk of the Board of
6 Supervisors in File No. 200064 and is incorporated herein by reference.

7 (f) In conjunction with Parcel Map No. 9640, Market Street 1629 Ventures, LP, a
8 Delaware limited partnership, and Strada Brady, LLC, a California limited liability company,
9 separately irrevocably offered portions of the public infrastructure associated with the Project
10 to the City. The U.A. Local 38 Pension Trust Fund, as the fee title owner of the Project site,
11 offered to dedicate real property located at the intersection of Brady and Colton Streets for
12 street, sidewalk, and right-of-way purposes (the "Offer of Dedication"). By Motion M20-11, the
13 Board of Supervisors conditionally accepted these two Offers of Improvements and the Offer
14 of Dedication, subject to completion and further Board of Supervisors action. Market
15 Street 1629 Ventures, LP later irrevocably offered additional portions of the public
16 infrastructure associated with the Project to the City. These three offers are referred to as the
17 "Offers of Improvements." The two initial Offers of Improvements, the Offer of Dedication,
18 including a Grant Deed, and the Public Improvement Agreements are on file with the Clerk of
19 the Board of Supervisors in File No. 200064 and are incorporated herein by reference. The
20 third Offer of Improvements is on file with the Clerk of the Board of Supervisors in File
21 No. 240496 and is incorporated herein by reference.

22 (g) Public Works Bureau of Street Use and Mapping approved construction of the
23 improvements identified in the Offers of Improvements for acceptance by the City and the real
24 property in the Offer of Dedication located at the intersection of Brady and Colton Streets
25

1 (collectively, the “Public Infrastructure,” unless specified otherwise) in the following Street
2 Improvement Permits:

- 3 (1) No. 18IE-0907 (Plumbers Union Hall), approved on 1/24/2022;
- 4 (2) No. 19IE-00773 (Building A), approved on 2/18/2022;
- 5 (3) No. 19IE-00776 (Building D), approved on 2/18/2022;
- 6 (4) No. 19IE-00774 (Building B), approved on 3/21/2022;
- 7 (5) No. 19IE-00777 (Mazzola Gardens), approved on 3/21/2022; and
- 8 (6) No. 19IE-01107 (53 Colton Street project), approved on 3/21/2022.

9 (h) The Public Infrastructure includes improvements located within portions of Market,
10 Brady, Stevenson, and Colton Streets, Colusa Place, and Chase Court (collectively, the
11 “Streets”), including curbs and sidewalks (concrete and brick pavers), curb ramps, and road
12 base and asphalt wearing surface. The Public Infrastructure also includes San Francisco
13 Public Utilities Commission (“SFPUC”) infrastructure (including stormwater, sewer, domestic
14 water, recycled water, and auxiliary water systems, and streetlights) and San Francisco
15 Municipal Transportation Agency (“SFMTA”) improvements (including signage, bicycle racks,
16 and striping), as more specifically described in the Offers of Improvements.

17 (i) Public Works inspected the Public Infrastructure, and the City Engineer issued a
18 series of conditional Notices of Completion finding that the Public Infrastructure was complete
19 in accordance with the Street Improvement Permits, as modified by Instructional Bulletins #1
20 through #13, and all City codes, regulations, and standards governing the Public
21 Infrastructure. As part of the Notices of Completion, the City Engineer also determined that
22 the Public Infrastructure is ready for its intended use.

23 (j) In Public Works Order No. 210503, dated May 10, 2024 (the “Public Works Order”),
24 the Public Works Director and City Engineer recommend that the Board of Supervisors accept
25 the Offer of Dedication and the Offers of Improvements for the Public Infrastructure, and

1 accept such Public Infrastructure for public use; designate such Infrastructure as public right-
2 of-way for street and roadway purposes, as applicable; and accept it for City maintenance and
3 liability purposes, subject to certain exceptions. The Public Works Director and City Engineer
4 recommend that acceptance of the Public Infrastructure for maintenance and liability purposes
5 be subject to the following conditions: (1) the real property at the intersection of Brady and
6 Colton Streets being accepted for street and roadway purposes is from back of sidewalk to
7 back of sidewalk, unless specified otherwise or as shown on the Plans and Specifications for
8 the Public Infrastructure; (2) acceptance of Stevenson Street, a formerly unaccepted street
9 under Public Works Code Article 9, and the other Public Infrastructure for City maintenance
10 and liability purposes is from back of curb to back of curb, unless specified otherwise, and
11 sidewalk maintenance is the responsibility of the adjacent property owner(s) or encroachment
12 permittee(s) in accordance with the Public Works Code; (3) encroachments that are or will be
13 permitted (including private encroachments on the Streets), not permitted, or both, are
14 excluded from acceptance; (4) the acceptance of the Public Infrastructure and the subject
15 segment of Stevenson Street does not obviate, amend, alter, or in any way affect existing
16 maintenance agreements between the City and parties to such agreements; and
17 (5) acceptance of the Market Street 1629 Ventures LP's conditional assignment of all
18 warranties and guaranties to the City related to the construction of the Public Infrastructure
19 and their warranty obligations under the Street Improvement Permits. The Public Works
20 Order is on file with the Clerk of the Board of Supervisors in File No. 240496 and is
21 incorporated herein by reference.

22 (k) In the Public Works Order, the Public Works Director and City Engineer also
23 recommend establishment of official public right-of-way widths, sidewalk widths, and street
24 grades on portions of the Streets in accordance with draft Map A-17-228 and
25 Drawing Q-20-1202. Further, the PW Director and City Engineer recommend that the Board

1 of Supervisors amend Ordinance No. 1061 on official sidewalk widths in accordance with
2 Drawing Q-20-1202. The draft Map and Drawing referenced above are on file with the Clerk
3 of the Board of Supervisors in File No. 240496 and are incorporated herein by reference.

4 (l) The Public Works Order also includes a diagram showing the location of the Public
5 Infrastructure and the segment of Stevenson Street that are designated for City acceptance of
6 maintenance and liability in this legislation. The diagram showing these Streets encompasses
7 the segment of Stevenson Street from 12th Street westbound approximately 150 feet that the
8 Board of Supervisors dedicated as public right-of-way but that was subject to Public Works
9 Code Article 9, Sections 400 et seq. (unaccepted streets) because it did not meet City
10 standards. As part of the Public Infrastructure, this previously dedicated but unaccepted
11 public right-of-way has been improved to City standard, and now is ready for acceptance for
12 City maintenance and liability purposes.

13
14 Section 2. Environmental and Land Use Findings.

15 (a) On October 19, 2017, by Motion No. 20033, the Planning Commission certified as
16 adequate, accurate, and complete the Final Environmental Impact Report (“FEIR”) for the
17 Project pursuant to the California Environmental Quality Act (California Public Resources
18 Code Sections 21000 et seq.) (“CEQA”). A copy of Motion No. 20033 is on file with the Clerk
19 of the Board of Supervisors in File No. 170939 and incorporated herein by reference. Also on
20 October 19, 2017, by Motion No. 20034, the Planning Commission adopted findings, including
21 a statement of overriding considerations (the “CEQA Findings”) and a Mitigation Monitoring
22 and Reporting Program (“MMRP”). A copy of Motion No. 20034 is on file with the Clerk of the
23 Board of Supervisors in File No. 170939 and incorporated herein by reference.

24 (b) In a letter dated May 9, 2024, the Planning Department determined that the actions
25 contemplated in this ordinance comply with CEQA and that the contemplated actions are

1 within the scope of the prior environmental review and do not trigger the need for subsequent
2 environmental review. Said determination is on file with the Clerk of the Board of Supervisors
3 in File No. 240496 and is incorporated herein by reference. The Board affirms this
4 determination.

5 (c) In the May 9, 2024 letter, the Planning Department also determined that the actions
6 contemplated in this ordinance are within the scope of the Project's prior General Plan
7 consistency determination and are consistent, on balance, with the City's General Plan and
8 eight priority policies of Planning Code Section 101.1. The Board adopts this determination
9 as its own.

10
11 Section 3. Public Works Actions.

12 (a) The Board of Supervisors has reviewed and approves the Public Works Order,
13 including the City Engineer's certification and Public Works Director's recommendations, as
14 referenced in Section 1 of this ordinance, concerning the acceptance of the Public
15 Infrastructure, and other actions set forth in the Public Works Order.

16
17 Section 4. Acceptance of Public Infrastructure and Assumption of Maintenance and
18 Liability Responsibilities.

19 (a) Pursuant to California Streets and Highways Code Section 1806, San Francisco
20 Administrative Code Sections 1.51 et seq., and the Public Works Order, the Board of
21 Supervisors hereby accepts the Offers of Improvements and the Offer of Dedication and
22 dedicates the Public Infrastructure for public use.

23 (b) The Offer of Dedication, from U.A. Local 38 Pension Trust Fund, of real property
24 located at the intersection of Brady and Colton Streets for right-of-way purposes includes a
25

1 grant deed for this property. The Board of Supervisors hereby accepts the Offer of Dedication
2 and the grant deed and authorizes the Director of Property to execute and record said deed.

3 (c) The Board of Supervisors hereby designates the Public Infrastructure for street and
4 roadway purposes.

5 (d) The Board of Supervisors hereby accepts the Public Infrastructure and the subject
6 segment of Stevenson Street described in Section 1(l) of this Ordinance for City maintenance
7 and liability purposes, subject to the conditions listed in Section 4(e) below.

8 (e) The Public Infrastructure accepted and designated pursuant to Section 4(a)
9 through (d) above is subject to the following conditions:

10 (1) The portion of real property at the intersection of Brady and Colton Streets
11 being accepted for street and roadway purposes is constructed from back of sidewalk to back
12 of sidewalk, unless specified otherwise or as shown on the permit materials for the Public
13 Infrastructure.

14 (2) Acceptance of the Public Infrastructure and Stevenson Street for City
15 maintenance and liability purposes is from back of curb to back of curb, unless specified
16 otherwise, and sidewalk maintenance is the responsibility of adjacent property owners or
17 encroachment permittees in accordance with the Public Works Code.

18 (3) Encroachments that are or will be permitted, not permitted, or both, are
19 excluded from acceptance.

20 (4) The acceptance of the Public Infrastructure does not obviate, amend, alter,
21 or in any way affect existing maintenance agreements between the City and parties to such
22 agreements.

23 (5) Market Street 1629 Ventures LP's conditional assignment of all warranties
24 and guaranties to the City related to the construction of the Public Infrastructure and their
25 warranty obligations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 5. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street Grades.

(a) In accordance with the Public Works Order, the Board of Supervisors hereby establishes the official public right-of-way widths for segments of Brady and Colton Streets, as shown on Public Works Official Street Dedication Map A-17-228.

(b) In accordance with the Public Works Order, Board of Supervisors Ordinance No. 1061, entitled “Regulating the Width of Sidewalks,” a copy of which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby amended by adding thereto a new section to read as follows:

Section 1644. The width of sidewalks on portions of Market, Brady, Colton, and Stevenson Streets, Colusa Place, and Chase Court shall be modified as shown on the Public Works Drawing Q-20-1202.

(c) The sidewalk widths established pursuant to Section 5(b) above for Market, Brady, Colton, and Stevenson Streets, Colusa Place, and Chase Court do not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners or encroachment permittees as set forth in the Public Works Code.

(d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et seq., chooses to follow its own procedures for the establishment of street grades. The Board of Supervisors hereby establishes the street grades for portions of Market, Brady, Colton, and Stevenson Streets, Colusa Place, and Chase Court as set forth in Public Works Drawing Q-20-1202.

(e) The Board of Supervisors hereby directs Public Works to revise the Official Public Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 6. Authorization for Implementation.

The Mayor, Clerk of the Board of Supervisors, Real Estate Director, and Public Works Director are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this ordinance, including execution and recording of the grant deed for real property at the intersection of Brady and Colton Streets, adding Stevenson Street to the official list of City-accepted streets, and filing of the ordinance, A-17 Map, and Q-20 Drawing in the Official Records of the City and County of San Francisco.

Section 7. Effective Date.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Peter Miljanich
PETER MILJANICH
Deputy City Attorney

n:\legana\as2024\2400401\01758377.docx