



To: Clerk, San Francisco Board of Supervisors
From: Bruce R. Storrs, P.L.S. City and County Surveyor, Department of Public Works,
Date: November 7, 2019
Re: Tentative Map Appeal for 3333 California Street
Project ID (PID) 9956

London N. Breed
Mayor

Mohammed Nuru
Director

Bernard Tse
Bureau of Street Use & Mapping
Acting Manager

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This memorandum responds to the October 7, 2019 Appeal letter from the Laurel Heights Improvement Association of San Francisco Inc. (LHIASF).

This tentative map approval is for a phased subdivision project with 675 residential and 64 commercial condominium units on a total of 15 lots. The tentative map assigns to each lot a maximum permissible number of residential and commercial condominium units and non-condominium dwelling units. As part of the submission of each phase final map, the Subdivider must include a summary of the number of each type of unit associated with the subject final map and a cumulative project total number of units previously approved.

The Public Works Director's hearing was held September 18, 2019.

The Hearing Officer Recommended approving tentative map, contingent upon Board of Supervisors' approval of all project-related legislation. (See Director's Order 201836). Public Works added this condition to the tentative map approval.

The project received Tentative Approval on September 27, 2019 (Director's Order No. 201952).

Response to appeal Items #4, 7, 8, 9, and 10, are contained in the Department of City Planning letter dated November 4, 2019 responding to the CEQA EIR appeal, and which is incorporated herein by reference.

Response to appeal Items #5 and 6 are contained in the Department of City Planning letter dated November 4, 2019 responding to the appeal of the project's Conditional Use Authorization/Planned Unit Development. This letter also is incorporated herein by reference.

Public Works provides the following response to Items # 1, 2, 3, 11, and 12 as follows:

1. If the Board Overturns the Planning Commission's Certification of the Final EIR, the Board Must Also Overturn the Approval of the Tentative Subdivision Map by San Francisco Public Works.

As stated in Administrative Code Chapter 31.16(b)(1), "[i]f the Board reverses the CEQA decision, the prior CEQA decision and any actions approving the project in reliance on the reversed CEQA decision, shall be deemed void."

2. Approval of the Tentative Map Must Be Overturned If the Board of Supervisors Does Not Approved the Zoning Changes Required to Allow the Proposed Project to be Built.

Condition #11 of the Tentative Map Approval states: "Approval of the Tentative Map is conditions upon final approval by the Board of Supervisor and the mayor of all project-related approvals. This addresses the appellant's contention.

3. Consideration of the Tentative Map Should be Deferred Until After the Board of Supervisors Renders a Decision on the Proposed New Zoning Controls.

Response #3: The zoning controls and the tentative subdivision map decisions both are subject to the same requirements identified above under Response #2. In response to this concern as raised by the appellant during the Public Works hearing on the tentative map, Public Works added the following language to the tentative map approval: Approval of the Tentative Map is conditioned upon final approval by the Board of Supervisors and the Mayor of all project-related legislation.

11. The Appellant contends that the City violated Appellants due process and the requirements of Block Book Notification by failing to provide Appellant 10-day notice of the Planning Department's review of the proposed Tentative Subdivision Map.

Response #11: Block Book Notices are not provided by Public Works, but by the San Francisco Planning Department. We have been informed by the Planning Department that Block Book Notice is not required by the San Francisco Planning Code or Public Works code, but are intended to provide the requestor notice of applications for permits on property within the City that is subject to the San Francisco Planning Code that the requestor would not otherwise receive. Referrals to the Planning Department from other state and local agencies, such as Alcoholic Beverage Control, the police department, fire department, or public works are not included in Block Book Notifications. Public Works has been informed by the Planning Department that among other notices related to the 3333 California project, including notices required by the Planning Code and the Administrative Code, the Planning Department provided the appellant notice of the Planning Commission's September 5, 2019 hearing at which the Planning Comission considered the approval of the Conditional Use Application/Planned Unit Development, which included findings of consistency with the General Plan and Priority Policies contained in Planning Code section 101.

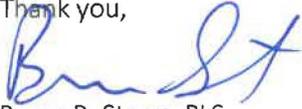
12. The Board Should Overturn the Approval of the Tentative Subdivision Map Because the Map Contains Inaccurate Statements.

Response #12: Appellant claims that the map sheet notes that Lot 1 would have 2 commercial units and 17 residential units, whereas the developer's proposed plans include 14 residential units, and the proposed zoning changes would only allow retail uses in the building fronting on California Street.

Public Works only identifies condominium parcels as either residential or commercial. The two referenced "commercial" units are to facilitate residential parking for the duplexes, which Public Works considers a non-residential use for purposes of identifying the type of condominium. The "commercial" label on a subdivision map would not allow a commercial use under the Planning Code where such use is not permitted under the applicable zoning.

Condition # 13 of the Order No. 201952 under Public Works – Bureau of Street Use and Mapping - Division of Surveying and Mapping notes that “Subdivider shall not submit a Final Map check print showing more than 14 residential condominium units on Lot 1.” The limit of 14 residential units is consistent with the submitted plans containing 7 duplexes.

Thank you,



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