

**City and County of San Francisco**

**San Francisco Public Works**



**London N. Breed, Mayor**  
**Mohammed Nuru, Director**

**GENERAL - DIRECTOR'S OFFICE**

City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102  
(415) 554-6920 ■ [www.SFPublicWorks.org](http://www.SFPublicWorks.org)



**Public Works Order No: 202513**

RECOMMENDING APPROVAL OF PARCEL MAP 9640, BEING A MERGER AND 4 LOT SUBDIVISION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT CORRECTION DEED RECORDED SEPTEMBER 29, 2011, DOCUMENT NO. 2011-J278924, OFFICIAL RECORDS AND THAT CERTAIN JUDGMENT RECORDED MARCH 26, 2019, DOCUMENT NO. 2019-K747728, OFFICIAL RECORDS, BEING A PORTION OF MISSION BLOCK NO. 13, CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

1. The 1629 Market Street site is an approximately 2.2 acre area generally between Market, 12th, Chase Court and Brady Streets. The 1629 Market Street Project is a mixed use development that will include on-site affordable units. Specifically, the Project includes approximately 484 residential units consisting of a mix of market rate and on-site BMR units, a stand-alone building with approximately 100 but not less than 95 affordable supportive housing units, a 32,100 square foot replacement union facility use, approximately 13,000 square feet of ground-floor retail/restaurant use, up to 316 parking spaces in a sub-grade garage, and approximately 33,500 square feet of open space consisting of approximately 23,400 square feet of privately-owned, publicly accessible, open space and approximately 10,000 square feet of common open space for residential uses.
2. On November 25, 2019, the Director of Public Works ("Director") adopted Public Works ("PW") Order No. 202283 approving Tentative Parcel Map No. 9640 ("Tentative Parcel Map") for the merger and re-subdivision of APNs: Block 3505 lots: 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A and 035, for purposes of development.
3. The Director determined that the Tentative Parcel Map was subject to the mitigation measures adopted by the Planning Commission pursuant to Motion No. 20034. The Planning Commission, by Motion No. 20033, certified the Final Environmental Impact Report ("FEIR") for the 1629 Market Street Project, prepared pursuant to the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.). Since the FEIR and the Project were approved in the fall of 2017, the Planning Department has determined, by letter dated October 4, 2019, there have been: i) no substantial changes to the Project; ii) no substantial changes with respect to the surrounding circumstances; and iii) no new information of substantial importance, that would result in new or more severe significant impacts than were addressed in the FEIR. Accordingly, no supplemental or subsequent EIR or other environmental review is required.



4. By letter dated December 17, 2019, a supplemental update to PW Order No. 202283 was issued attaching the correct and updated version of the tentative map conditions ("Corrected Conditions"). The Corrected Conditions supersede the Tentative Parcel Map conditions previously approved by PW Order No. 202283.
5. An application was filed for a parcel map as described above. Said map is referred to hereafter as the "Parcel Map". Lot 1, Lot 2 and Lot 3 are for residential and commercial uses and Lot A is intended for sidewalk dedication.
6. The Planning Department, by letter dated October 4, 2019, found that the subdivision, on balance, is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1, is consistent with the Project as defined in the Development Agreement By and Between the City and County of San Francisco and Strada Brady, LLC, adopted per Ordinance No. 242-17 9 (the "Development Agreement"), and related project approvals and that none of the conditions in Government Code Section 66474(a)-(g) exist.
7. The Improvement Plans have been thoroughly evaluated by all affected City agencies. Moreover, the Project itself, as to which the Improvement Plans are an implementing approval, was subject to thorough public review and comment as part of the approval of the Development Agreement, FEIR and other Project approvals, including the design for development. Further, the Improvement Plans are consistent with the Tentative Parcel Map.
8. Because the subdivider has not completed the required public improvements associated with this Parcel Map and certain conditions have not been fulfilled at the time of the filing of this Parcel Map, the San Francisco Subdivision Code requires that the Subdivider and the City enter into a public improvement agreement(s) to address this requirement. The Subdivider(s) executed two Public Improvement Agreements to address this requirement (one for the Lot 3 - Colton Street area improvements and the other for the Lots 1 and 2 area improvements) and has provided security pursuant to each Agreement as required under the Subdivision Code. The PW Director recommends that the Board of Supervisors approve the Public Improvement Agreements and authorize the PW Director and City Attorney to execute and file the Agreements in the Official Records of the City. As authorized by the Lots 1 and 2 Public Improvement Agreement, the Director recommends: deferral of the requirement to obtain an improvement agreement (to be administratively approved by the Director), for certain street improvements that will be associated with the development following a subsequent lot line adjustment merging into a single combined lot: Lot 1 (as shown on the Parcel Map) with APN 3505-048 and APN 3505-032A, including street improvements on Market Street, Colton Street, and also for the Mazzola Gardens improvements. Subdivider has provided bonds in conjunction with the Public Improvement Agreements pertaining to this Parcel Map to secure the construction of public improvements, including any deferred improvements.

9. As authorized by the Public Improvement Agreement (Lots 1 and 2), the Director recommends deferral of the certain street improvements on Market Street, Colton Street, and also for the Mazzola Gardens improvements, in accordance with the terms of a Notice of Special Restrictions (the "NSR"), being recorded concurrent with the Parcel Map. The deferral will align the timing of these street and open space improvements with the development of building B" which is part of the next phase of the project development, and is not part of the Parcel Map. The NSR requires that a subsequent improvement agreement be executed and security provided for the construction of such street and open space improvements, at the time a lot line adjustment is recorded merging into a single combined lot: Lot 1 (as shown on the Parcel Map) with APN 3505-048 and APN 3505-032, pursuant to which lot line adjustment said building "B" would be constructed. The NSR also addresses the Subdivider's payment of its fair share contribution for certain 12th Street improvements.

It is further determined as follows with respect to the deferral of such street and open space improvements:

- a. Application of the Subdivision Code and Subdivision Regulation to require such street and open space improvements at this time with this Parcel Map would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Project approvals and City Regulations.

The street improvements are associated with Building B, which will be constructed in a subsequent phase of the project and are not necessary for the current phase of the project. Further requiring such street and open space improvements at this stage would cause significant conflicts with Project construction. Imposition of a requirement to construct these improvements at this time would therefore not be appropriate .

- b. *Granting such deferral will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is located.*

The exception will not be materially detrimental to the public welfare or impact other property. The Subdivider and the City will enter into a NSR, and, pursuant thereto and the terms of the Public Improvement Agreement (Lots 1 and 2), will enter into a separate improvement agreement to address its respective responsibilities with respect to the deferred street improvements and open space. The NSR will also address payment of its fair share contribution for certain 12th street improvements in accordance with the project approvals. With the incorporation of these conditions, the deferral will not be materially detrimental to the public welfare or injurious to other property in the area.

- c. *Granting the deferral exception will not be contrary to the Project Documents or City Regulations.*

Granting the exception will not be contrary to the 1629 Market Street project documents or City Regulations. Rather, the exception will implement the project in a manner consistent with the project documents.

d. *The deferral is not in violation of the Map Act.*

The Map Act does not prevent the proposed timing of the street and open space improvements, and therefore is not in violation of the Map Act.

10. The Parcel Map includes offers of improvements required by the Public Improvement Agreements, and an offer of dedication in fee of Lot A (for sidewalk purposes), as shown on the Parcel Map. The PW Director recommends that the Board of Supervisors conditionally accept on behalf of the public the offers of improvements as required by the Public Improvement Agreements, subject to the City Engineer's issuance of a Notice of Completion for the improvements and subsequent Board of Supervisors action. The PW Director further recommends that the Board of Supervisors acknowledge that the Director of the Division of Real Estate shall accept the offer of dedication.
11. The PW Director and County Surveyor find that the Parcel Map is consistent with the requirements and conditions imposed by the Subdivision Map Act, California Government Code Sections 66410 et seq., the San Francisco Subdivision Code, and the Tentative Parcel Map, and substantially conforms to the Revised Tentative Map.
12. The PW Director, City Engineer, and County Surveyor recommend that the Board of Supervisors approve the Parcel Map subject to the conditions specified herein.

**Attachments & Transmittals**

- I. ATTACHMENT 1, Enlarged Copy of Map Notes Included on Parcel Map 9640.
- II. Transmitted herewith are the following:
  - i. Four (4) paper copies of the Motion approving said map - one (1) copy in electronic format.
  - ii. One (1) mylar signature sheet and one (1) paper set of the "Parcel Map No. 9640", each comprising 5 sheets.
  - iii. One (1) copy of the Tax Certificates from the Office of the Treasurer and Tax Collector certifying that there are no liens against the property for taxes or special assessments collected as taxes.
  - iv. One (1) copy of the offer of improvements described on each of Public Improvement Agreements provided with the Parcel Map.
  - v. One (1) copy of the offer of dedication of Lot A, as described on the Parcel Map.
  - vi. One (1) copy of the Grant Deed of Lot A, as described on the Parcel Map

- vii. One (1) copy of the letter from the Planning Department, dated October 4, 2019, verifying conformity of the subdivision with the General Plan and the Priority Policies set forth in Planning Code Section 101.1, and the project approvals.
- viii. One (1) copy of the Public Improvement Agreement (1629 Market – Lots 1 and 2).
- ix. One (1) copy of the Public Improvement Agreement (1629 Market – Colton Street, Colusa Place and Chase Court).

It is recommended that the Board of Supervisors adopt this legislation.

X DocuSigned by:  
*Bruce Storrs*  
Storrs, Bruce 97ABC41507B0494...  
City and County Surveyor

X DocuSigned by:  
*Suzanne Suskind*  
Suskind, Suzanne 9819FDB7F6564EA...  
Acting City Engineer and Deputy Director of...

X DocuSigned by:  
*Julia Dawson*  
AC312F8341B64A0...  
Dawson, Julia  
Acting Director