



# SAN FRANCISCO PLANNING DEPARTMENT

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August 27, 2020

Subdivision and Mapping  
Bureau of Street Use and Mapping  
San Francisco Public Works  
1155 Market Street  
San Francisco, CA 94103

*Record Number:* 2020-006364SUB (DPW Project ID#10569)  
*Project Address:* 434 Minna St (3725 /132)

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## BACKGROUND

On September 17, 2015, at a duly noticed public hearing, the Planning Commission adopted Motion No. 19459, approving CEQA findings and certified the FEIR under Motion No. 19458. At the same hearing, the Commission adopted General Plan findings under Resolution No. 19460 and recommend approval of General Plan, Zoning Map and Text Amendments under Resolution No. 19463. The Commission also approved the Fifth and Mission Special Use District Design for Development under Motion No. 19465 and adopted a recommendation for approval of the 5M Project Development Agreement under Resolution No. 19466.

On December 1, 2015, at a duly noticed public hearing, the San Francisco Board of Supervisors adopted Ordinance No. 206-15 approving a Development Agreement for the 5M project 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. 207-15), the Planning Code Text amendment, and the Zoning Map amendments (Board of Supervisors Ord. No. 205-15).

## ACTION

The Planning Department approves the proposed Tentative Subdivision Map # 10569 for 434 Minna St, Block 3725, Lot 132 as submitted.

## FINDINGS

The Planning Department hereby finds that the proposed Tentative Subdivision Map complies with the applicable provisions of the Planning Code, to be consistent with the General Plan and the Priority Policies of Planning Code Section 101.1(b), and to be consistent with the Plan as defined in the Development Agreement.

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Pursuant to CEQA Guidelines § 15162, the Department finds that the Tentative Map is consistent with and within the scope of the Project analyzed in the FEIR under Planning Commission Motion No. 19459 and Motion No. 19463, and that (1) no substantial changes are proposed in the Project and no substantial changes have occurred with respect to the circumstances under which this Project will be undertaken that would require major revisions to the FEIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified effects and (2) no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete shows that the project will have any new significant effects not analyzed in the FEIR, or a substantial increase in the severity of any effect previously examined, or that new mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, or that mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment.

The Department has considered the entire record to determine, pursuant to Subdivision Map Act, Gov't Code § 66474(a)-(g), whether any of the criteria exist that would require denial of the Tentative Subdivision Map and finds that none of the criteria exist. The Department also determined pursuant to Gov't Code § 66412.3 and § 66473.1, that the proposed subdivision will facilitate the development of housing and provide for future natural heating or cooling opportunities to the extent feasible.

The San Francisco Planning Department makes the findings below pursuant to Subdivision Map Act, Gov't Code § 66474(a)-(g):

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

*The Tentative Subdivision Map is consistent with the General Plan and the Downtown Plan Area for the reasons set forth in Planning Commission Resolution No. 19460.*

- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

*The Tentative Subdivision Map, together with the provisions for its design and improvement, is consistent with the San Francisco General Plan and the Downtown Plan Area for the reasons set forth in Planning Commission Resolution No. 19460.*

- (c) That the site is not physically suitable for the type of development.

*The site is physically suitable for the type of development. The FEIR evaluated potential environmental impacts associated with the development, which development is consistent with the Fifth and Mission Special Use District (SUD). All required mitigation measures identified in the Mitigation Monitoring and Reporting Program will be applied to the Project.*

- (d) That the site is not physically suitable for the proposed density of development.

*The site is physically suitable for the density of development. The density of development including the 302 proposed residential condominium units and 8 commercial condominium units, 1 parcel includes 91 BMR units, 1 parcel includes remainder of building: 211 market rate units, retail space, parking garage and common areas is consistent with the SUD as evaluated in the FEIR.*

- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*Neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The FEIR incorporates a comprehensive evaluation of biological resources, including fish and wildlife and their habitat. All feasible and applicable mitigation measures identified in the MMRP will be applied to the Tentative Subdivision Map.*

- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

*Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems. Issues of public health, including, for example, geotechnical and soils stability, hazards and hazardous materials, and air quality impacts, were evaluated in the FEIR. All feasible and applicable mitigation measures identified in the MMRP will be applied to the Tentative Subdivision Map.*

- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

*Neither the design of the subdivision nor the type of improvements will conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. No such public easements for use or public access would be adversely affected by the proposed subdivision, and the Subdivider will be required to provide new easements as a condition of approval of the map as necessary for public access and use.*

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Pursuant to Subdivision Map Act, Gov't Code § 66412.3 and § 66473.1, the Department finds that the proposed subdivision with associated development complies with said criteria in that:

- (a) In carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

*The Tentative Subdivision Map is associated with a project that proposes up to 302 residential units on an under-utilized land for needed housing, commercial space, and open space. The development will establish a new residential building on a previously vacant lot. Further, the development will balance housing with new and improved infrastructure, related public benefits and employment opportunities generated. The design of the proposed subdivision will complement the existing neighborhood character and the development of housing will not adversely impact the City's fiscal and environmental resources for its residents.*

- (b) The design of a subdivision for which a tentative map is required pursuant to Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

*The design of the proposed subdivision will provide, to the extent feasible, future passive or natural heating or cooling opportunities that are energy and resource efficient.*