



June 10, 2021

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

RE: 14-18, 30-32, 38-40 Otis Street, Block 3505, Lots 013, 016, 018, and 74, 90-98 12th Street, Block 3505, Lots 010, 012,
Planning Department File No. 2020-006008CND (DPW Project ID # 10606)

BACKGROUND

On September 27, 2018, at a duly noticed public hearing, the Planning Commission adopted Motion No. 20292, 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. 20291. At the same hearing, the Commission adopted Motion No. 20293 approving Downtown Project Authorization No. 2015-010013DNX.

ACTION

The Planning Department recommends approval of the proposed Tentative Subdivision Map # 10606 for 14-18, 30-32, 38-40 Otis Street, Block 3505, Lots 013, 016, 018, and 74, 90-98 12th Street, Block 3505, Lots 010, 012 (Project) as submitted.

FINDINGS

The Planning Department hereby finds the proposed Tentative Subdivision Map to be consistent with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

As contemplated by CA Public Resources Code Section 21166 and Cal. Code Regs., tit. 14, § 15162, the Planning Department finds that this Project was previously evaluated under the FEIR, and no subsequent or supplemental EIR is required for the Application, because: 1) there are no substantial changes to the Project proposed by the Application which will require major revisions of the FEIR due to new significant impacts or a substantial increase in the severity of previously identified impacts; 2) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the FEIR due to

new significant impacts or a substantial increase in the severity of previously identified impacts; 3) and there is no new information that has become available and shows new significant impacts, an increase in the severity of a previously identified significant impact, or changes related to the feasibility of, or new, mitigation measures and alternatives which would substantially reduce significant impacts and which were rejected. The Department also incorporates herein by reference the Planning Commission CEQA findings in its Motion No. 20292 and makes the mitigation measures identified in the MMRP attached hereto conditions of approval for this tentative map. These findings also apply to Public Works proposed grant of exceptions to the SF Subdivision Code or Subdivision Regulations, if any, that the Subdivider requested as part of the tentative subdivision map.

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.

None of the conditions described in Government Code Sections 66474(a) through (g), inclusive, requiring denial of a tentative map, exist with respect to this subdivision, as documented by the Planning Department's findings dated September 27, 2018 and as further documented and determined herein:

- **Govt. Code § 66474(a): That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.**

Tentative Map No. 10606 is consistent with the General Plan, the Market and Octavia Area Plan, and the Downtown Area.

- **Govt. Code § 66474(b): That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The design and improvement of the proposed subdivision is consistent with the General Plan, the Market and Octavia Area Plan, and the Downtown Plan Area.

- **Govt. Code § 66474(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. The FEIR and corresponding mitigation measures address, among other issues, geotechnical and soils conditions and hazards and hazardous materials.

- **Govt. Code § 66474(d): That the site is not physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of development. The density of development, including up to 416 residential units, 2,199 square feet of Retail, 15,993 square feet of Arts Activities, 95 residential off-street parking spaces, and 3 car-share spaces, as evaluated in the FEIR.

- **Govt. Code § 66474(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, attached, will be applied to the Tentative Map No. 10606 as a condition of this approval.

- **Govt. Code § 66474(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 Tentative Map No. 10606 as a condition of this approval.

- **Govt. Code § 66474(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.

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 416 residential units on five under-utilized parcels for needed housing, commercial space, and open space. The development will establish a new mixed-use residential building on sites previously developed with one- to three-story commercial and automotive structures. 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 in the subdivision.

PLANNING DEPARTMENT CONDITIONS