



SAN FRANCISCO PLANNING DEPARTMENT

March 25, 2019

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

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record Number: 2011.0409SUB, 2011.0409CND (DPW Project ID#8731 Re-Referral)

Project Address:

172 5th St	(3725/005)	440 Natoma St	(3725/047)
190 5th St	(3725/006)	441 Minna St	3725/077)
910 Howard St	(3725/008)	949 Mission St	(3725/089)
912 Howard St	(3725/009)	941-945 Mission St	(3725/090)
926-930 Howard St	(3725/012)	939 Mission St	(3725/091)
435 Minna St	(3725/043)	901-933 Mission St	(3725/093)
44 Mary St	(3725/044)	110-160 5th St	(3725/097)
50 Mary St	(3725/045)	918-920 Howard	(3725/098)
432-438 Natoma St	(3725/046)		

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 Final Map 8731 Re-Referral for the 5M Project as submitted.

March 25, 2019

5M

FINDINGS

The Planning Department hereby finds that the proposed Tentative Subdivision Map is consistent with the Project as defined in the Development Agreement. The Planning Commission adopted CEQA Findings and a General Plan Referral for the Project under Planning Commission Motion No. 19459 and Motion No. 19463.

The Department has also 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 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 East South of Market 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 East South of Market 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 proposed density of development. The density of development, including the 720 proposed residential condominium units and 20 commercial condominium units, is consistent with the SUD as evaluated in the FEIR.

March 25, 2019

5M

- (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.