



May 5, 2022

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

RE: 11 Frida Kahlo Way, Block 3180, Lots 190, 196, and 197 (associated with the Balboa Reservoir Project)
Planning Department File No. 2022-003010SUB (DPW Project ID # 11177)

BACKGROUND

On May 28, 2020, at a duly noticed public hearing, the Planning Commission adopted Motion No. 20731, 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. 20730. At the same hearing, the Commission adopted General Plan findings under Resolution No. 20732 and recommended approval of General Plan, Zoning Map and Text Amendments under Resolution No. 20733. The Commission also approved the Balboa Reservoir Design Standards and Guidelines under Motion No. 20734 and adopted a recommendation for approval of the Balboa Reservoir Development Agreement under Resolution No. 20735.

On August 18, 2020, at a duly noticed public hearing, the San Francisco Board of Supervisors adopted Ordinance No. 142-20 approving a Development Agreement for the Balboa Reservoir 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. 143-20), the Planning Code Text amendment, and the Zoning Map amendments (Board of Supervisors Ord. No. 141-20).

ACTION

The Planning Department recommends approval of the proposed Tentative Subdivision Map # 11177 for 11 Frida Kahlo Way, Block 3180, Lots 190, 196, and 197 (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. 20731 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 May 28, 2020 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. 11177 is consistent with the General Plan, and the Balboa Park Area Plan for the reasons set forth in Planning Commission Resolution No. 20732.

- **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, and the Balboa Park Area Plan for the reasons set forth in Planning Commission Resolution No. 20732.

- **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, which development is consistent with that described in the Balboa Reservoir Design Standards and Guidelines. 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 628 residential condominium units and two commercial condominium units are consistent with the DSG and the Balboa Reservoir Special Use District (Planning Code, § 249.90) 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. 11177 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. 11177 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 628 residential units on an under-utilized land for needed housing, childcare facility, community room, and open space. The Project would develop the site with mixed-income family-friendly housing units (approximately 1.3 million gross square feet (gsf)), on- and off-street parking, and new streets, utilities, and other infrastructure. 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. To the extent feasible, the site layout and alignment of streets provides for southern facing windows and orients the buildings to maximize solar gains.

PLANNING DEPARTMENT CONDITIONS

- The development team shall study the addition of publicly-accessible bathrooms at the development site for utilization by the users of the Reservoir Park in accordance with the Phase 1 Approval Letter dated October 26, 2021 and issued by the Planning Department.