

1 [Findings – Disapproval of the Tentative Map for 1345 Fillmore Street.]

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3 **Motion adopting findings concerning the disapproval of a Tentative Map for a 330-unit**
4 **condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots**
5 **018 and 20 through 67.**

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7 WHEREAS, The Planning Department found the subject Tentative Map inconsistent
8 with the City's General Plan and priority policy findings of Planning Code Section 101.1 and
9 issued no determination under the California Environmental Quality Act (California Public
10 Resources Code Sections 21000 et seq). Said decision is on file with the Clerk of the Board
11 of Supervisors in File No. 080892 and is incorporated herein by reference; and,

12 WHEREAS, The Department of Public Works, in a decision dated June 5, 2008,
13 disapproved a Tentative Map for a 330-unit condominium subdivision at 1345 Fillmore Street,
14 based on the Planning Department's determination and a finding that the subject Map was
15 inconsistent with the San Francisco Subdivision Code. The basis of this determination is that
16 the proposed subdivision, as an occupied residential building, is a condominium conversion
17 pursuant to Subdivision Code Section 1308. As a condominium conversion, the subdivision
18 failed to comply with Article 9 of the Subdivision Code, which establishes specific terms and
19 requirements for condominium conversion subdivisions, and other applicable law. Said
20 determination is on file with the Clerk of the Board of Supervisors in File No. 080892 and is
21 incorporated herein by reference; and,

22 WHEREAS, On July 15, the Board of Supervisors, at a duly noticed public hearing,
23 continued the appeal hearing to August 12, 2008; and,

24 WHEREAS, On August 12, 2008, the Board of Supervisors, at a duly noticed public
25 hearing, reconvened and conducted the appeal of the Tentative Map. This was a

1 consolidated hearing that included the Tentative Map disapproval for a 325-unit condominium
2 subdivision at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019 as this
3 action involved the same property owner, subdivision proposal, and legal framework, and
4 resulted in the same City decision. In recognition of the consolidated appeal, the Board
5 provided additional time to the appellant to present its position and rebut the City's position.
6 The materials related to this appeal are on file with the Clerk of the Board of Supervisors in
7 File No. 080888 and are incorporated herein by reference; and,

8 WHEREAS, The record before the Board included, but was not limited to, a letter dated
9 August 7, 2008 and other materials submitted by the appellant, a letter from the City
10 Attorney's Office dated August 11, 2008 on behalf of the Department of Public Works, a letter
11 from the Planning Department dated August 11, 2008, and public testimony at the hearing.
12 Such materials are on file with the Clerk of the Board of Supervisors in File No. 080892 and
13 are incorporated herein by reference; and,

14 WHEREAS, At the abovementioned hearing, the Board determined, based on the
15 decisions of the Departments of Public Works and City Planning and the materials and
16 testimony provided, that the subject Tentative Map was a proposed condominium conversion
17 subject to and prohibited under the terms and requirements of the San Francisco Subdivision
18 Code. The Board also found the subject Map inconsistent with the City's General Plan and
19 priority policies of Planning Code Section 101.1; now, therefore, be it;

20 MOVED, That the Board upholds the decisions of the Department of Public Works and
21 the Planning Department concerning the Tentative Map for a 330-unit condominium
22 subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through
23 67, and hereby disapproves said Map for the reasons set forth above.

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