

1 [Adopting findings related to the tentative parcel map appeal on property located at 4005  
2 Mission Street.]

3 **Motion adopting findings related to the appeal of the decision of the Department of**  
4 **Public Works approving a tentative parcel map to authorize a 3-unit condominium**  
5 **subdivision at 4005 Mission Street (Assessor's Block 5835, Lot 75).**

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7 WHEREAS, On November 24, 2004, the Planning Department determined that a 3-unit  
8 new residential condominium subdivision at 4005 Mission Street (the "Project") was  
9 categorically exempt from the California Environmental Quality Act, Public Resources Code  
10 Sections 21000 et seq. (the "determination"). A copy of a letter relating to a finding of General  
11 Plan consistency by the Planning Department contains this determination, is on file with the  
12 Clerk of the Board of Supervisors in File No. 050374, and is incorporated by reference herein;  
13 and,

14 WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 25, 2005,  
15 Otto Wiegard filed an appeal of the Project's subdivision to the Board of Supervisors; and,

16 WHEREAS, On April 5, 2005, this Board held a duly noticed public hearing to consider  
17 the determination. At said hearing the Board heard testimony and received written  
18 correspondence in support of and opposed to the appeal. Following the conclusion of the  
19 public hearing, the Board rendered a decision to affirm use of the Planning Department's  
20 determination for this Project based on the public testimony and record before the Board in  
21 File No. 050486, which is hereby declared to be a part of this motion as if set forth fully herein;  
22 and,

23 WHEREAS, At said hearing, the Board also disapproved the decision of the  
24 Department of Public Works but conditionally approved the tentative parcel map to authorize a  
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1 3-unit condominium at 4005 Mission Street (Assessor's Block 5835, Lot 75). A copy of said  
2 decision is on file with the Clerk of the Board in File No. 050376; now, therefore, be it  
3           MOVED, That the Board of Supervisors of the City and County of San Francisco  
4 hereby adopts as its own and incorporates by reference herein, as though fully set forth, the  
5 findings made by the Department of Public Works, the Department of City Planning, and the  
6 Department of Building Inspection in their review and approval of the proposed tentative  
7 parcel map. However, the Board does find that the addition of two conditions on the tentative  
8 parcel map are necessary to bring said map into conformity with the General Plan and  
9 Planning Code Section 101.1. In particular, the Board finds that Urban Design Element  
10 Objective 2 (Conservation Richness of Past Development), Policy 6; Objective 4  
11 (Neighborhood Environment), Policy 15; and Housing Element Objective 2 (Housing Density),  
12 Policy 1; and Section 101.1(b)(2), a priority policy regarding conservation and protection of  
13 existing neighborhood character would be better promoted with the imposition of the map  
14 conditions forth below. With the inclusion of said conditions the tentative parcel map, on  
15 balance, is consistent with the General Plan and the priority policies of Planning Code Section  
16 101.1(b), based on the findings contained in the record and set forth herein; and, be it

17           FURTHER MOVED, The Board finds that even with the addition of said conditions  
18 there have been no substantial project changes, no substantial changes in project  
19 circumstances, and no new information of substantial importance that would change the  
20 conclusions reached in the environmental determination set forth above; and, be it,

21           FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
22 competing public and private interests, approves the tentative parcel map for a 3-unit  
23 condominium at 4005 Mission (Assessor's Block 5835, Lot 75), subject to all of the conditions  
24 imposed by the reviewing City Departments and the following additional conditions:  
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1           1) Prior to City approval of the final parcel map, Subdivider shall replace or supplement  
2 each existing on-site tree in the rear yard with a fast growing tree that will reach at least 30  
3 feet in height. Such replacement trees shall be of a species approved by a City arborist; and  
4           2) The final parcel map shall include a note on the face of the map that the declaration  
5 of covenants, conditions, and restrictions (CC&Rs) for the subdivision or similar recorded  
6 instrument shall contain adequate provisions to ensure proper maintenance of said four trees  
7 at a height of at least 30 feet, and further to ensure the replacement of said trees should they  
8 die or be severely damage prior to January 1, 2016.

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