

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
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August 9, 2023

Mr. Joaquin Torres
Assessor-Recorder, City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 190
San Francisco, CA 94102

Re: Board of Supervisors Motion No. M23-113

Dear Assessor-Recorder Torres:

On May 23, 2023, the Board of Supervisors held a public hearing of persons interested in or objecting to the certification of a Conditional Use Authorization for a proposed project located at 1160 Mission Street issued by the Planning Commission by Motion No. 21301, dated March 30, 2023, and adopted Motion No. M23-076 (Disapproving the Conditional Use Authorization - 1160 Mission Street) and Motion No. M23-077 (Preparation of Findings Related to Conditional Use Authorization - 1160 Mission Street).


On July 18, 2023, the Board of Supervisors adopted Motion No. M23-113 (Adoption of Findings Related to Conditional Use Authorization - 1160 Mission Street).

Pursuant to Administrative Code, Section 34.3, the Clerk of the Board is forwarding the following documents to your attention:

- One certified copy of Motion No. M23-076 (File No. 230441)
- One certified copy of Motion No. M23-113 (File No. 230823)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
Clerk of the Board

jw:ll:ak:ams

- c. Juan Carlos Cancino, Office of the Assessor-Recorder
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder



City and County of San Francisco

Certified Copy

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

230441 [Disapproving the Conditional Use Authorization - 1160 Mission Street]

Motion disapproving the decision of the Planning Commission by its Motion No. 21301 approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street, and approving a Conditional Use Authorization for the same Planning Case and property with an additional condition. (Clerk of the Board)

5/23/2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani and Walton

Excused: 1 - Melgar

5/23/2023 Board of Supervisors - APPROVED AS AMENDED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani and Walton

Excused: 1 - Melgar

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

July 17, 2023

Date

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

1 [Disapproving the Conditional Use Authorization - 1160 Mission Street]
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3 **Motion disapproving the decision of the Planning Commission by its Motion No. 21301**
4 **approving a Conditional Use Authorization, identified as Planning Case No. 2022-**
5 **003331CUA, for a proposed project at 1160 Mission Street, and approving a Conditional**
6 **Use Authorization for the same Planning Case and property with an additional**
7 **condition.**

8
9 MOVED, That the Planning Commission’s approval on March 30, 2023, of a
10 Conditional Use Authorization identified as Planning Case No. 2022-003331CUA, by its
11 Motion No. 21301, involving a change of use from Public Parking Garage (a Retail Automotive
12 use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second, and
13 third floors of an existing four-story Public and Private Parking Garage; including converting
14 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as
15 public parking spaces; the Project would not reduce the 175 private parking spaces reserved
16 for residents of the adjoining residential building that are also located within the same parking
17 garage, for a proposed project located at:

18 1160 Mission Street, Assessor’s Parcel Block No. 3702, Lot No. 061,
19 is hereby disapproved; and, be it,

20 FURTHER MOVED, That the Board approves the Conditional Use Authorization
21 identified as Planning Case No. 2022-003331CUA for the same property subject to the
22 conditions set forth by the Planning Commission by its Motion 21301, and the following
23 additional condition:
24
25

1 **“Authorized Use.** This authorization is for a conditional use to operate Fleet Charging
2 on portions of the ground, second, and third floors of the existing parking garage. This
3 authorization does not permit the operation of a Parcel Delivery Service use at 1160
4 Mission Street. Violation of this condition shall be subject to the enforcement
5 procedures and administrative penalties set forth under Planning Code Section 176.
6 For information about compliance, contact Code Enforcement, Planning Department at
7 628.652.7463, www.sfplanning.org”; and, be it

8 FURTHER MOVED, That the Board directs the Clerk to submit a copy of this Motion to
9 the Planning Department.

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City and County of San Francisco

Tails

Motion: M23-076

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230441

Date Passed: May 23, 2023

Motion disapproving the decision of the Planning Commission by its Motion No. 21301 approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street, and approving a Conditional Use Authorization for the same Planning Case and property with an additional condition.

May 23, 2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE
BEARING NEW TITLE

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai,
Stefani and Walton

Excused: 1 - Melgar

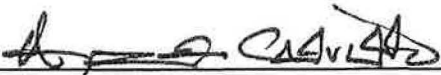
May 23, 2023 Board of Supervisors - APPROVED AS AMENDED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai,
Stefani and Walton

Excused: 1 - Melgar

File No. 230441

**I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on 5/23/2023
by the Board of Supervisors of the City and
County of San Francisco.**



Angela Calvillo
Clerk of the Board



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Motion

230823 [Adoption of Findings Related to Conditional Use Authorization - 1160 Mission Street]

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21301, approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street; and approving a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. (Clerk of the Board)

7/18/2023 Board of Supervisors - APPROVED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

July 24, 2023

Date

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

1 [Adoption of Findings Related to Conditional Use Authorization - 1160 Mission Street]

2
3 **Motion adopting findings in support of the Board of Supervisors' disapproval of the**
4 **decision of the Planning Commission by its Motion No. 21301, approving a Conditional**
5 **Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed**
6 **project at 1160 Mission Street; and approving a Conditional Use Authorization for the**
7 **same Planning Case and property with different conditions; adopting findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1; and affirming the Planning Department's determination under the**
10 **California Environmental Quality Act.**

11
12 WHEREAS, The project involves a change of use from Public Parking Garage (a Retail
13 Automotive use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground,
14 second, and third floors of an existing four-story Public and Private Parking Garage located at
15 1160 Mission Street, including converting 61 of the 189 public parking spaces to fleet charging
16 spaces, with 128 spaces remaining as public parking spaces (the "Project"); and

17 WHEREAS, On March 30, 2023, the Planning Commission found that the Project is
18 consistent with the General Plan, and the eight priority policy findings of the Planning Code,
19 Section 101.1, for the reasons set forth in Planning Commission Motion No. 21301, and
20 approved Conditional Use Authorization No. 2022-003331CUA, to allow the change of use to
21 Fleet Charging, with one additional condition; and

22 WHEREAS, The Planning Department has determined that the Project is
23 exempt/excluded from environmental review pursuant to CEQA Guideline, Section 15303; and

24 WHEREAS, On April 17, 2023, Marc Gleason ("Appellant") filed a timely appeal
25 protesting the approval of the Conditional Use Authorization by the Planning Commission; and

1 WHEREAS, On May 23, 2023, this Board held a duly noticed public hearing to consider
2 the appeal; and

3 WHEREAS, In deciding the appeal, the Board considered the entire written record
4 before the Board and all the presentations and public comments made in support of and in
5 opposition to the appeals; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
9 in the Clerk of the Board of Supervisors File No. 230439, and is incorporated in this Motion as
10 though set forth in its entirety; and

11 WHEREAS, Following the conclusion of the public hearing on May 23, 2023, the Board
12 voted to disapprove the decision of the Planning Commission and to approve the requested
13 Conditional Use Authorization with one additional condition, as reflected in Board of
14 Supervisors Motion No. M23-076; now, therefore, be it

15 MOVED, That the Board finds that:

- 16 • The Conditional Use Authorization, as approved by the Planning Commission,
17 did not specifically address whether use of the property for the operation of a
18 Parcel Delivery Service was permissible; and
- 19 • The lack of clarity as to the permissibility of the operation of a Parcel Delivery
20 Service created uncertainty for various stakeholders, including neighbors of the
21 property; and
- 22 • It is in the public interest to clarify through the addition of a new condition to the
23 Conditional Use Authorization that the authorization to operate Fleet Charging
24 on portions of the ground, second, and third floors of the existing parking garage
25 does not permit the operation of a Parcel Delivery Service use at 1160 Mission

1 Street, and that violation of such condition shall be enforceable under Planning
2 Code, Section 176; and, be it

3 FURTHER MOVED, That the Board finds that with the condition imposed by the Board
4 at the May 23, 2023, hearing, as memorialized in Board Motion No. M23-076, in the Clerk of
5 the Board of Supervisors File No. 230441, the Project is necessary or desirable for, and
6 compatible with, the neighborhood and the community; and, be it

7 FURTHER MOVED, That condition imposed by the Board of Supervisors in Motion No.
8 M23-076 will minimize the potential adverse impacts of the Project on the community; and, be
9 it

10 FURTHER MOVED, That this condition is consistent with and supported by the
11 Planning Commission's findings of consistency with the General Plan, and Planning Code,
12 Section 101.1, and the Board hereby incorporate these findings and adopts them as its own;
13 and, be it

14 FURTHER MOVED, That on May 23, 2023, this Board affirmed the Planning
15 Department's determination of exemption from review under CEQA, which determination is on
16 file with the Clerk of the Board of Supervisors in File No. 230439 and is incorporated herein by
17 reference.



City and County of San Francisco

Tails

Motion: M23-113

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230823

Date Passed: July 18, 2023

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21301, approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street; and approving a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

July 18, 2023 Board of Supervisors - APPROVED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230823

I hereby certify that the foregoing Motion was APPROVED on 7/18/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board