

File No. 230439

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: May 23, 2023

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Appeal Letter - 4/17/23
- Planning Department Response - 5/15/23
- Project Sponsor Response Brief - 5/12/23
- Planning Department Motion No. 21301 - 3/30/23
- Public Hearing Notice - 5/12/23
- Clerical Documents
- _____
- _____

Prepared by: Lisa Lew

Date: May 19, 2023

Prepared by: _____

Date: _____

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

The Conditional Use Authorization to change the use to Fleet Charging failed to consider Parcel Delivery Service use which is supported by the Fleet Charging use and Parcel Delivery Service use requires a separate Conditional Use Authorization. This separate Conditional Use Authorization was not granted by the Planning Commission.

b) Set forth the reasons in support of your appeal:

See attached.

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Mark Gleason

Mark Gleason

Name

Name

1414 30th Ave #5, San Francisco, CA 94122

Address

1414 30th Ave #5, San Francisco, CA 94122

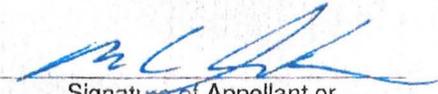
Address

(415) 828-6394

Telephone Number

(415) 828-6394

Telephone Number



Signature of Appellant or
Authorized Agent

1160 MISSION STREET CUA APPEAL STATEMENT

The Conditional Use Authorization for a Fleet Charging Use at 1160 Mission Street would replace existing resident and public parking with charging for electric vehicles including for electric freight and/or autonomous delivery vehicles. The applicant's own material submitted in support of the application heard at the March 30, 2023, Planning Commission meeting included a slideshow depiction of a Fleet Charging Use at 1160 Mission Street that reflected freight trucks and autonomous vehicle charging in support of a Parcel Delivery Service use.

On March 22, 2022 the Board of Supervisors adopted Resolution 109-22 implementing Interim Zoning Controls that require all Parcel Delivery Service uses to obtain Conditional Use Authorization and to make specified findings. The Planning Code defines Parcel Delivery Service as:

Service, Parcel Delivery. A Non-Retail Automotive Use limited to facilities for the unloading, sorting, and reloading of local retail merchandise for deliveries, including but not limited to cannabis and cannabis products, where the operation is conducted entirely within a completely enclosed building, including garage facilities for local delivery trucks, but excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to be operated within a completely enclosed building. (Emphasis added)

The creation of Fleet Charging station at 1160 Mission Street in support of delivery vehicles ultimately is the expansion of a Parcel Delivery Service use through the creation of garage facilities for an electric delivery fleet. As a result, the Fleet Charging Use authorized by the Planning Commission on March 30, 2023 failed to include a Conditional Use Authorization for Parcel Delivery Service use.

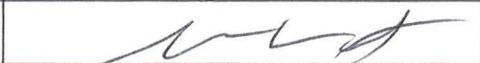
Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2022-003331CUA, a conditional use authorization regarding (address) 1160 Mission Street, District 6. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

| Supervisor Printed Name | Signature | Date |
|-------------------------|---|-----------------------|
| <i>Connie Chan</i> |  | <i>April 14, 2023</i> |
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(Attach copy of Planning Commission's Decision)

(All information provided is subject to public disclosure; personal information will not be redacted.)

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| Supervisor Printed Name | Signature | Date |
|-------------------------|--|-----------|
| Shumann Walton |  | 4/14/2023 |
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| Supervisor Printed Name | Signature | Date |
|-------------------------|--|---------|
| Catherine Stefani |  | 4/17/23 |
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(Attach copy of Planning Commission's Decision)

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| Supervisor Printed Name | Signature | Date |
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| AARON PESKIN |  | 4-17-23 |
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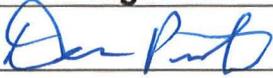
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| Supervisor Printed Name | Signature | Date |
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| Joel Engardio |  | 4-17-23 |
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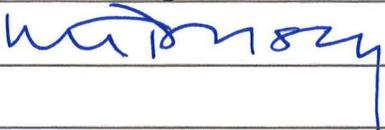
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| Supervisor Printed Name | Signature | Date |
|-------------------------|---|---------|
| Dean Preston |  | 4/17/23 |
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| Supervisor Printed Name | Signature | Date |
|-------------------------|---|---------|
| MATT DORSEY |  | 4/17/23 |
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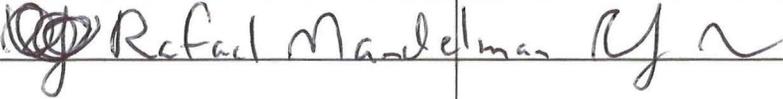
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| Supervisor Printed Name | Signature | Date |
|-------------------------|---|-----------|
| Myrna Melgar |  | 4/17/2023 |
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(Attach copy of Planning Commission's Decision)

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| Supervisor Printed Name | Signature | Date |
|-------------------------|---|---------|
| Rafael Mandelman |  | 4-17-23 |
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(Attach copy of Planning Commission's Decision)

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| Supervisor Printed Name | Signature | Date |
|-------------------------|--|---------|
| Hillary Ronen |  | 4-17-23 |
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(Attach copy of Planning Commission's Decision)

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| Supervisor Printed Name | Signature | Date |
|-------------------------|---|---------|
| AHSHA SAFAI |  | 4/17/23 |
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(Attach copy of Planning Commission's Decision)



PLANNING COMMISSION PROJECT SUMMARY AND DRAFT MOTION

HEARING DATE: March 30, 2023

CONSENT AGENDA

Record No.: 2022-003331CUA
Project Address: 1160 MISSION STREET
Zoning: C-3-G (Downtown – General) Zoning District
 150-S & 240-S Height and Bulk Districts
Cultural District: SoMa Pilipinas Cultural District
Block/Lot: 3702 / 061
Project Sponsor: Hope Gist
 Pearl Street Property Company, LLC
 4021 SW 10th Street, #305
 Topeka, KS 66604
Property Owner: Pearl Street Real Estate Holdings, LLC
 4021 SW 10th Street, #305
 Topeka, KS 66604
Staff Contact: Nicholas Foster, AICP, LEED GA -- (G28) 652-7330
nicholas.foster@sfgov.org
Environmental Review: Categorical Exemption

Project Description

The proposed project ("Project") involves a change of use, from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second and third floors of an existing, 4-story Public and Private Parking Garage. The Project would convert 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces. The Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. Further, aside from the installation of EV charging equipment and associated electrical equipment servicing the new fleet charging spaces, no other work is proposed as part of the Project.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.2 and 303, to permit a change of use from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use) at the Project Site.

Environmental Review

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15303 (Class 3 – New Construction, change of use under 10,000 sq. ft. if principally permitted or with a CU).

Decision

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the findings below, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2022-003331CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated March 20, 2023, and stamped "EXHIBIT B."

| Additional Information | |
|--|--|
| Notification Period | 03/10/23 – 03/30/23 (20 days mailing, newspaper, online, and posted). |
| Number and Nature of Public Comments Received | Department staff have not received any public comment regarding the Project since the Application's initial filing. |
| Any Additional Planning Code Findings Findings for Conditional Uses | The Project is subject to the standard findings required for Conditional Uses pursuant to Planning Code Section 303. |

| Generalized Basis for Approval |
|---|
| The Commission finds that this Project is necessary, desirable for, and compatible with the surrounding neighborhood as follows, and as set forth in Sections 210.2 and 303(c), and findings submitted as part of the application. The proposed use and character is compatible with the surrounding area and is on balance with the General Plan and Use District. Conditional Use approval to establish Fleet Charging use will allow the Property Owner to lease a specified number of spaces in the existing garage to private fleet vehicles for short-term electric vehicle charging, making for a more productive use of a large parking garage that has been underutilized over time, while also facilitating an electrified mode of transportation that will further reduce emissions thereby benefiting the greater community. Department staff believes the Project would be desirable for and compatible with the surrounding neighborhood and recommends Approval with Conditions. |

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 30, 2023

AYES:

NAYS:

ABSENT:

RECUSED:

ADOPTED: March 30, 2023

Jonas P. Ionin
Commission Secretary

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors.

PROTEST OF FEE OR EXACTION: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development. If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the



PELOSI ZIBLATT
LAW GROUP
PELOSI ZIBLATT LAW GROUP
244 Kearny Street, 9th Floor
San Francisco, CA 94108
(415) 273-9670



1-866-4UMPQUA
(1-866-486-7782)
www.umpquabank.com
96-505/1232



04/17/2023

PAY TO THE ORDER OF

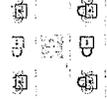
San Francisco Planning Department

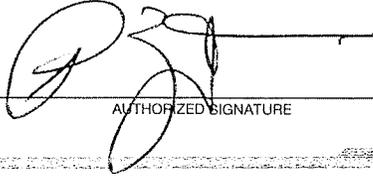
\$**698.00

DOLLARS

Six hundred ninety-eight and 00/100*****

San Francisco Planning Department
49 S Van Ness Ave, Suite 1400
San Francisco, CA 94103





AUTHORIZED SIGNATURE

MEMO

1160 Mission Street Appeal

PELOSI ZIBLATT LAW GROUP

04/17/2023

San Francisco Planning Department

698.00

PZLG - CHECKING #8958

1160 Mission Street Appeal

698.00

Security features. Details on back.



From: [BOS Legislation. \(BOS\)](#)
To: ["peter@pzlandlaw.com"](#); ["cangelis@reubenlaw.com"](#); ["david@npgsf.com"](#); ["hgist@pearlstland.com"](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Switzky, Joshua \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Watty, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Subject: PLANNING DEPARTMENT RESPONSE: Appeal of Conditional Use Authorization - Proposed 1160 Mission Street Project - Appeal Hearing May 23, 2023
Date: Monday, May 15, 2023 2:30:18 PM
Attachments: [image001.png](#)

Greetings,

The Office of the Clerk of the Board is in receipt of a response from the Planning Department for the appeal of Conditional Use Authorization of the proposed project for 1160 Mission Street.

[Planning Department Response - May 15, 2023](#)

[Planning Department Motion No. 210301 - March 30, 2023](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on May 23, 2023.

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 230439](#)

Regards,

Lisa Lew

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



Conditional Use Authorization Appeal

1160 MISSION STREET

DATE: May 15, 2023
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Rich Hillis, Planning Director – Planning Department (628) 652-7600
Nicholas Foster, Case Planner – Planning Department (628) 652-7330
RE: Board File No. 230439, Planning Case No. 2022-003331APLCUA
Appeal of Conditional Use Authorization for 1160 Mission Street
HEARING DATE: May 23, 2023
PROJECT SPONSOR: Hope Gist, Pearl Street Property Company, LLC, 4021 SW 10th Street, #305,
Topeka, KS 66604
APPELLANT: Mark Gleason, 1414 30th Avenue, #5, San Francisco, CA 94122

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Department Case Number 2022-003331CUA pursuant to Planning Code Sections:

- 202.2: Location and Operating Conditions;
- 210.2: C-3 Use Districts (Downtown Commercial); and
- 303: Conditional Use Authorization.

This memorandum addresses the appeal to the Board, filed on April 17, 2023, by Mark Gleason.

The decision before the Board is whether to uphold, overturn, or amend the Commission’s approval of an application for Conditional Use Authorization to allow the proposed project (“Project”) at the subject property.

PROJECT DESCRIPTION

The Project involves a change of use, from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second and third floors of an existing, 4-story Public and Private Parking Garage. The Project would convert 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces. The Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. Further, aside from the installation of EV charging equipment and associated electrical equipment servicing the new fleet charging spaces, no other work is proposed as part of the Project.

SITE DESCRIPTION & PRESENT USE

The Project Site (“Site”) is located within the C-3-G (Downtown General Commercial) Zoning District on a through lot with frontages along Mission Street to the south and Stevenson Street to the north. The Site is developed as a 23-story residential tower (“SOMA Grand”) containing 246 dwelling units, situated atop a 4-story podium parking garage that was approved by the Commission in December of 2003 through Motion No. 16691-16693 (Planning Case Nos. 2002.0628CEKVX) and constructed in 2008. The parking garage contains 189 spaces for public use and 175 spaces for private use (for the residents of SOMA Grand), totaling 364 parking spaces. The garage contains two vehicular entrances, one accessible from Mission Street, with a second entrance off Stevenson Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the Site is primarily an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices and institutional uses are commonly located on upper floors along Mission Street, with retail uses located on the ground floors. The Site is situated in between the San Francisco Federal Building to the east (90 7th Street) and the recently completed Trinity Plaza redevelopment project to the west (1188 Mission Street). Building heights vary between two-stories and approximately 25-stories, reflecting the diversity of land uses and building typologies.

BACKGROUND

- On April 25, 2022, the Project Sponsor filed the Application with the Department.
- On March 30, 2023, the Commission considered the Application and voted unanimously to approve the Project.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for conditional use approval. To approve the Project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs; and

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable use district.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

ISSUE 1:

The approval of a Fleet Charging Use at the Site, through the creation of garage facilities for an electric delivery fleet in support of delivery vehicles, is ultimately the expansion of a Parcel Delivery Service Use. As a result, the Fleet Charging Use authorized by the Commission failed to include a separate Conditional Use Authorization for Parcel Delivery Service Use.

RESPONSE 1:

Fleet Charging Use and Parcel Delivery Use are distinct land uses. As defined within Planning Code Section 102, Fleet Charging Use is an *“Automotive Use, Non-Retail that provides electricity to electric motor vehicles through one or more Electric Vehicle Charging Stations that are dedicated or reserved for private parties pursuant to contract or other agreement and are not available to the general public. Fleet Charging is not allowed as an accessory use to any other principal use.”* Whereas Planning Code Section 102 defines Parcel Delivery Service as a *“Non-Retail Automotive Use limited to facilities for the unloading, sorting, and reloading of local retail merchandise for deliveries, including but not limited to cannabis and cannabis products, where the operation is conducted entirely within a completely enclosed building, including garage facilities for local delivery trucks, but excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to be operated within a completely enclosed building.”*

While both Fleet Charging Use and Parcel Delivery Use are categorized as Automotive Uses within the Planning Code, they serve different functions. The essential distinction between the two use definitions is that Fleet Charging Use authorizes electric vehicle charging for private use (not for general public use), whereas Parcel Delivery Use involves the unloading, sorting, and reloading of local retail merchandise for deliveries. As distinct uses, any authorization to establish a Fleet Charging Use does not permit the unloading, sorting, and reloading of local retail merchandise for deliveries at a project site. Conversely, any authorization to establish a Parcel Delivery Use does not permit electric vehicle charging for private use.

Further, both Fleet Charging Use and Parcel Delivery Use are regulated by the underlying zoning district’s use controls. Within the C-3-G Zoning District, a Fleet Charging Use and Parcel Delivery Use are both conditionally permitted uses requiring separate Conditional Use Authorization for each use. The Project Sponsor filed a Conditional Use Authorization application to establish a Fleet Charging Use at the Site but did not include a separate Conditional Use Authorization application to establish a Parcel Delivery Use. The Commission, through Motion No. 21301, approved Conditional Use Authorization for Fleet Charging Use, but did not authorize Parcel Delivery Use at the Site. Any activities at the Site that function as activities listed under Parcel Delivery Use, including unloading, sorting, and reloading of local retail merchandise for deliveries, would violate the Conditions of Approval (Exhibit A). Specifically, Condition of Approval No. 9 (“Revocation due to Violation of Conditions”) would authorize the Zoning Administrator to refer

complaints to the Commission. After being referred, the Commission has the option to hold a public hearing regarding the matter in order to consider revoking the Conditional Use Authorization.

SUMMARY RESPONSE

The Appellant claims that the Project Sponsor, by obtaining Conditional Use Authorization to establish a Fleet Charging Use, has also obtained authorization to operate a Parcel Delivery Service Use. They assert that this is because Parcel Delivery Service Use activities are permitted within garage facilities, per the definition of Parcel Delivery Service Uses; however, what the Appellant fails to highlight is that the Commission did not authorize a Parcel Delivery Use at the Site. To this point, at the March 30, 2023 Planning Commission hearing, the Commission specially asked Department Staff to confirm that the use authorization consideration before them was only for a Fleet Charging Use, and not for any other use. Staff also confirmed that any authorization for Parcel Delivery Use at the Site would require a separate Conditional Use Authorization. After this discussion and considering all the facts in the case as well as public comment, the Commission found the Project necessary, desirable for, and compatible with the surrounding neighborhood. Further, the Commission determined that, on balance, the Project is consistent with the General Plan and Use District and ultimately voted unanimously to approve the Project.

CONCLUSION

For the reasons stated in this document, in the attached Motion, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Commission's decision in approving the Conditional Use Authorization for the Project.

From: [BOS Legislation, \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#); ["peter@pzlandlaw.com"](mailto:peter@pzlandlaw.com); ["cangelis@reubenlaw.com"](mailto:cangelis@reubenlaw.com); ["david@npgsf.com"](mailto:david@npgsf.com); ["hgist@pearlstland.com"](mailto:hgist@pearlstland.com)
Cc: [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Switzky, Joshua \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Watty, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#)
Subject: PROJECT SPONSOR RESPONSE: Appeal of Conditional Use Authorization - Proposed 1160 Mission Street Project - Appeal Hearing May 23, 2023
Date: Friday, May 12, 2023 11:32:00 AM

Apologies. Correcting the Email Subject line to reflect Project Sponsor Response. Thank you.

Jocelyn Wong

Legislative Clerk

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

---

**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Sent:** Friday, May 12, 2023 11:31 AM

**To:** 'peter@pzlandlaw.com' <peter@pzlandlaw.com>; 'cangelis@reubenlaw.com' <cangelis@reubenlaw.com>; 'david@npgsf.com' <david@npgsf.com>; 'hgist@pearlstland.com' <hgist@pearlstland.com>

**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC)

<joy.navarrete@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Switzky, Joshua (CPC) <joshua.switzky@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Watty, Elizabeth (CPC) <elizabeth.watty@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Foster, Nicholas (CPC) <nicholas.foster@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Subject:** PLANNING DEPARTMENT RESPONSE:

Greetings,

The Office of the Clerk of the Board is in receipt of a response from the Chloe Angelis of Reuben, Junius & Rose, LLP, on behalf of TeraWatt, the project sponsor for the appeal of Conditional Use Authorization of the proposed project for 1160 Mission Street.

[Project Sponsor Response Brief - May 12, 2023](#)

**The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on May 23, 2023.**

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 230439](#)

## **Jocelyn Wong**

Legislative Clerk

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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REUBEN, JUNIUS & ROSE, LLP

Chloe Angelis
cangelis@reubenlaw.com

May 12, 2023

Delivered Via Email

President Aaron Peskin and Supervisors
San Francisco Board of Supervisors
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: 1160 Mission Street
Opposition to Appeal of Conditional Use Authorization
BOS File No. 230439
Hearing Date: May 23, 2023
Our File No.: 12261.01**

Dear President Peskin and Supervisors:

This office represents TeraWatt, a San Francisco based company, which is proposing to convert 61 of 189 public parking spaces at the 1160 Mission Street garage (the “**Property**”) to fleet charging spaces (the “**Project**”). TeraWatt is an electric vehicle (“**EV**”) charging infrastructure company that operates fleet vehicle charging centers. The 61 proposed fleet charging spaces at the Property will allow TeraWatt to utilize a portion of an existing multi-use parking garage to provide downtown fleet charging capacity to a range of commercial fleet types with business in San Francisco.

The Planning Commission (“**Commission**”) unanimously approved a Conditional Use Authorization (“**CU**”) on March 30, 2023, to allow the new Fleet Charging spaces. Appellant has alleged that the approved Fleet Charging use would support a Parcel Delivery Service use that should have been included in the Commission’s March 30th CU approval.

The appeal request and allegations of unauthorized Parcel Delivery Service are without merit, and the appeal should be denied for the following reasons:

- **The Project does not propose a Parcel Delivery Service use.** Planning Staff and the Commission confirmed that the CU does not permit the operation of a Parcel Delivery Service use at the Property and that any future Parcel Delivery Service use would need to obtain a separate CU for such use.
- **TeraWatt has committed to using Union electrical contractors** for the work related to the installation of the proposed EV charging stations at the Property, and the Project has the affirmative support of IBEW Local 6.
- **The Project is consistent with the unanimously approved Electric Vehicle Charging Locations Ordinance** and proposes a partial conversion of existing parking spaces to Fleet Charging use within a large, underutilized parking garage downtown. Overturning the CU

approval will send the message that Fleet Charging is not a supported use anywhere, regardless of the underlying zoning.

- **The Project was unanimously approved by the Planning Commission** with no opposition from the 246-unit SoMa Grand residents or from any other neighborhood stakeholders.
- **The Project furthers the City’s climate action goals**, which aim to reduce emissions to 61% below 1990 levels by 2030 and reach net-zero emissions by 2040, and to increase vehicle electrification to at least 25% of all registered private vehicles, and, by 2040, to 100% of all such vehicles.

A. Project Description & Background

1. Background

The existing parking garage was entitled in 2003 in conjunction with the 23-story SoMa Grand condo building. Consistent with those 2003 entitlements, the garage currently provides 364 parking spaces, with 189 public spaces on levels one, two, and part of level three, and 175 residential spaces located on levels three and four behind an HOA access gate.

ACE manages the public portion of the parking garage, and most recently obtained a Police Department Commercial Parking permit on September 14, 2022, which expires on September 14, 2023. ACE will continue to manage the public parking at the Property after the conversion of 61 spaces to Fleet Charging use.

2. Project Proposal

TeraWatt builds strategically located charging centers and leases stalls or entire centers to commercial fleet operators. The model allows TeraWatt to provide two primary types of charging services: (1) daytime quick-charging that fleet vehicles can use along their daytime routes before going back to an overnight parking/charging center; and (2) longer term charging for fleets that are unable to develop their own charging facilities due to economic, lease-related, or utility-related constraints (i.e., not enough power available where those fleet vehicles otherwise park). Additional use cases are overflow charging when a fleet doesn’t have sufficient charging capacity at its own facility and driver transfer points—i.e., a location where fleet operators can quickly swap drivers or vehicles throughout the day without having to wait for a particular vehicle to re-charge.

The Project will convert 61 of the existing 189 public parking spaces on the lower levels of the 1160 Mission garage to Fleet Charging use. Contrary to Appellant’s Appeal Statement, no changes are proposed to the residential portion of the garage. No changes to the layout or exterior of the garage are proposed, except for restriping the garage to clearly identify stalls and pedestrian pathways. The existing entrances will remain unchanged.

Though Appellant’s Appeal Statement alleges that TeraWatt proposes “charging for electric vehicles including for electric freight and/or autonomous delivery vehicles,” no agreement with a potential tenant (or tenants) has been executed. The fleet charging spaces at the Property will be available to serve a range of fleet types, including taxis, rideshare vehicles, or rental car companies. The proposed chargers will not serve freight vehicles. The first-floor garage height at the Property will limit the fleet types to smaller vehicles, such as Ford e-Transit vans, SUVs, and sedans. Photos in the CU materials showing freight trucks

were branding images of the types of larger scale highway-side charging centers that TeraWatt also constructs, but are not illustrative of the urban charging center proposed for 1160 Mission.

B. TeraWatt Does Not Propose Parcel Delivery Service at 1160 Mission

Appellant alleges that “[t]he creation of [a] Fleet Charging station at 1160 Mission Street in support of delivery vehicles ultimately is the expansion of a Parcel Delivery Service use through the creation of garage facilities for an electric delivery fleet.” (1160 Mission Street CUA Appeal Statement (April 17, 2023).)

TeraWatt has not proposed a Parcel Delivery Service Use at the Property. Parcel Delivery Service and Fleet Charging are separate Planning Code use categories.

- Parcel Delivery Service is defined as “the unloading, sorting, and reloading of local retail merchandise for deliveries, including but not limited to cannabis and cannabis products, where the operation is conducted entirely within a completely enclosed building, including garage facilities for local delivery trucks, but excluding repair shop facilities.” (Plan. Code § 102.)
- Fleet Charging is defined as a facility that “provides electricity to electric motor vehicles through one or more Electric Vehicle Charging Stations that are dedicated or reserved for private parties pursuant to contract or other agreement and are not available to the general public.” (Plan. Code § 102.)

A Fleet Charging facility could serve any number of vehicle types—rideshare, taxis, rental cars, ambulances, city vehicles, and company vehicles for employee use, such as for construction, electricians, or plumbing companies. Delivery vehicles are one type of EV that a Fleet Charging use could service. In any case, a tenant has not yet been identified for the fleet spaces at the Property.

The Project plans included in the Planning Commission packet (and attached here at **Exhibit A**) show renderings of freight trucks on a highway and at a highway-adjacent charging center. Those photos are TeraWatt marketing images showing one of the types of charging stations that TeraWatt provides. 1160 Mission is a smaller urban charging center that is not meant to serve heavy duty trucks. Nor can it. Clearance at the garage’s Mission Street entrance is 12 feet (with the roll up gate extending 18 inches further) and clearance at the Stevenson Alley entrance is 8 feet, 6 inches, limiting service to smaller vehicles, such as Ford e-Transit vans, SUVs, and sedans.

C. A Parcel Delivery Service Tenant Would Need to Obtain a Parcel Delivery Service CU

TeraWatt has not obtained, and has not sought, a CU to authorize Parcel Delivery Service at the Property. Should a future user of the fleet charging spaces propose to operate a Parcel Delivery Service use, that operator would be required to obtain a separate CU, pursuant to both the Parcel Delivery Service Interim Zoning Controls (Resolution 109-22) and the underlying C-3-G zoning controls. (Planning Code Table 210.2.) This is no different from a developer whose entitlement for new construction includes ground floor retail space that is ultimately leased to a formula retail tenant who must obtain a separate entitlement to authorize a particular formula retail storefront.

Planning Staff confirmed this at the March 30, 2023, Planning Commission hearing in response to Appellant’s objections at that hearing. **Planning Staff and the Commission were clear that the CU approved for TeraWatt’s Fleet Charging use does not permit the operation of a Parcel Delivery**

Service use at the Property and that any future Parcel Delivery Service use would need to obtain a separate CU for such use.

D. The Project is Consistent with the Required CU Findings, City Policy, and the Electric Vehicle Charging Locations Ordinance

1. The Project is Consistent with the Required CU Findings

The Planning Commission correctly concluded that the Project is necessary, desirable for, and compatible with the surrounding neighborhood.

By providing fleet charging spaces in downtown San Francisco, the Project will provide charging capacity close to where fleets do business, thereby cutting down on unnecessary vehicle miles between business destinations and charging facilities during the day.

The Project proposes to convert spaces within an existing parking garage to Fleet Charging, with no new construction and no exterior changes. As of today, none of the residents in the 246-unit SoMa Grand building attached to the garage have voiced opposition to the Project, nor have any other neighborhood stakeholders. TeraWatt has committed to using Union electrical contractors for the work related to the installation of the proposed EV charging stations at the Property, and the Project has the affirmative support of IBEW Local 6.

2. The Project is In Line with Zero Emissions Policy Goals and the Electric Vehicle Charging Ordinance

This Board unanimously adopted the Electric Vehicle Charging Locations Ordinance (the “**EV Charging Ordinance**”) on September 6, 2022. (Ord. No. 190-22, attached at **Exhibit B.**) The findings the EV Charging Ordinance are based on include the following:

- San Francisco now has climate action goals to reduce emissions 61% below 1990 levels by 2030 and reach net-zero emissions by 2040.
- The City's climate action targets, per Ordinance No. 117-21, include the following transportation and land use goals . . . By 2030, increase vehicle electrification to at least 25% of all registered private vehicles, and, by 2040, to 100% of all such vehicles.

In order to reach net-zero emissions by 2040 and electrification of all registered private vehicles by that date, EV charging for public and private use needs to be approved and installed at a rapid pace. In line with that goal, the EV Charging Ordinance allows Fleet Charging in most zoning districts with approval of a CU. The Project makes use of an existing Automotive Use to convert spaces in a large, underutilized garage to create new Fleet Charging spaces downtown. The Project is exactly the kind of project that the EV Charging Ordinance encourages.

If the Board of Supervisors overturns this CU, it will be sending the message that—despite the recently-passed EV Charging Ordinance—Fleet Charging is not a use that the City supports. If the Board takes that stance, it is difficult to imagine that the City can get anywhere near to the net-zero emissions goals stated in the EV Charging Ordinance.

E. Conclusion

Based on the above, the Appeal should be denied and the CU Authorization upheld. The Planning Commission correctly concluded that the Project is necessary, desirable for, and compatible with the surrounding neighborhood. The Project is also consistent with the unanimously adopted EV Charging Ordinance and the ambitious net-zero emissions goals that the ordinance is based on.

Contrary to Appellant's unsubstantiated objections, the Project does not propose a Parcel Delivery Service use. TeraWatt is a charging infrastructure provider and the chargers proposed for the Property have not yet been leased to an end-user. As the Planning Commission confirmed at the March 30, 2023, hearing, any Parcel Delivery Service provider at the Property would be required to obtain a separate CU to authorize that particular use.

Accordingly, we ask that you deny the appeal and uphold the CU.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

A handwritten signature in blue ink, appearing to read 'Chloe Angelis', is written over a light blue circular stamp.

Chloe Angelis

cc: Nick Foster, Planner
Dan Sider, Planning Department Chief of Staff
Michael Englhard, TeraWatt
David Noyola, Noyola Piccini Group

Exhibit A

- 1. LOT AND BLOCK NUMBER: 3702 / 061
- 2. ZONING DISTRICT: C-3-G DOWNTOWN GENERAL
- 3. HEIGHT AND BULK RESTRICTIONS: 150-S, 240-S
- 4. HEIGHT OF THE PROJECT: N/A

OWNER

PEARL STREET REAL ESTATE HOLDINGS, LLC
 49 STEVENSON STREET, SUITE 600
 INFO@PEARLSTLAND.COM
 415.837.1946

ZONING TABLE

DIRECTORY

SOMA GRAND, LOCATED AT 1160 MISSION STREET, BETWEEN MISSION STREET & ODD FELLOWS WAY, IS A RESIDENTIAL HIGH RISE STRUCTURE WITH A FOUR STORY PARKING GARAGE AND GROUND LEVEL RETAIL. THE AREA IDENTIFIED IN THIS APPLICATION IS FOR THE FOUR LEVEL PARKING GARAGE LOCATED AT THE GROUND LEVEL OF THE BUILDING AND SPANS FROM ODD FELLOWS WAY TO MISSION STREET. THE CURRENT USE IS PARKING GARAGE - PUBLIC. THE CURRENT OWNER, PEARL STREET REAL ESTATE HOLDINGS, LLC, IS PROPOSING TO CONVERT 61 PARKING STALLS (APPROXIMATELY 9,851.5 SQ FT TOTAL - 8.5' x 19' EACH) TO BE USED FOR COMMERCIAL ELECTRIC VEHICLE (FLEET) CHARGING ON FLOORS 1 & 2. ALTHOUGH NOT INCLUDED IN THE PUBLIC PARKING STALL COUNT, THE RESIDENTIAL PARKING LOCATED ON FLOORS 3 AND 4 WAS APPROVED THROUGH CONDITIONAL USE AUTHORIZATION (APPLICATION 2002.0628CEKVX!).

- 01 | COVER PAGE
- 02 | SITE PLAN - OVERALL PROJECT LOCATION
- 03 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 1
- 04 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 2
- 05 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 3
- 06 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 4
- 07 | PHOTOS FROM MISSION STREET
- 08 | PHOTOS FROM ODD FELLOWS WAY

PROJECT NARRATIVE

DRAWING INDEX

COVER PAGE

DRAWING NO.

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

01

MARCH 20, 2023

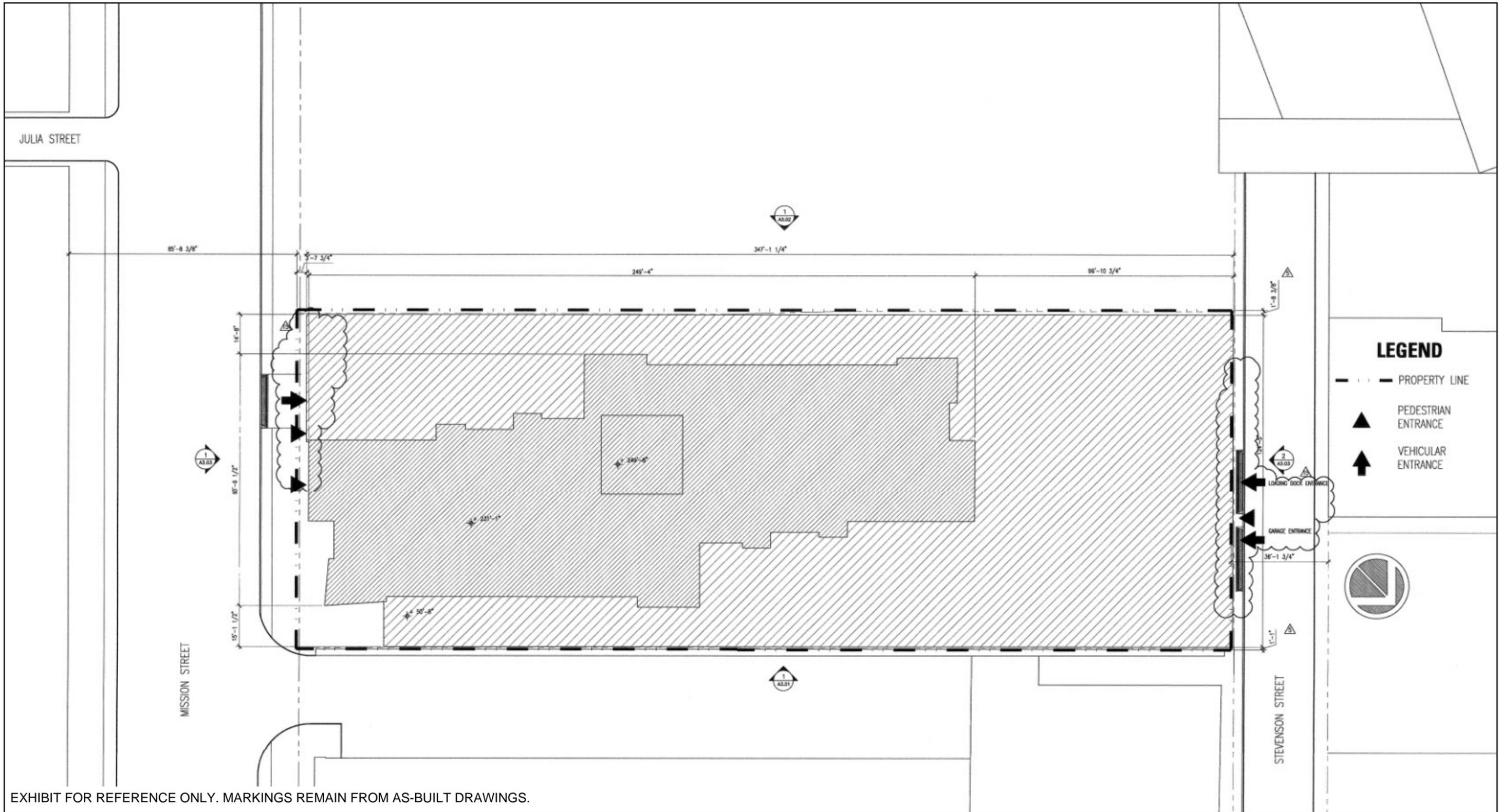


EXHIBIT FOR REFERENCE ONLY. MARKINGS REMAIN FROM AS-BUILT DRAWINGS.

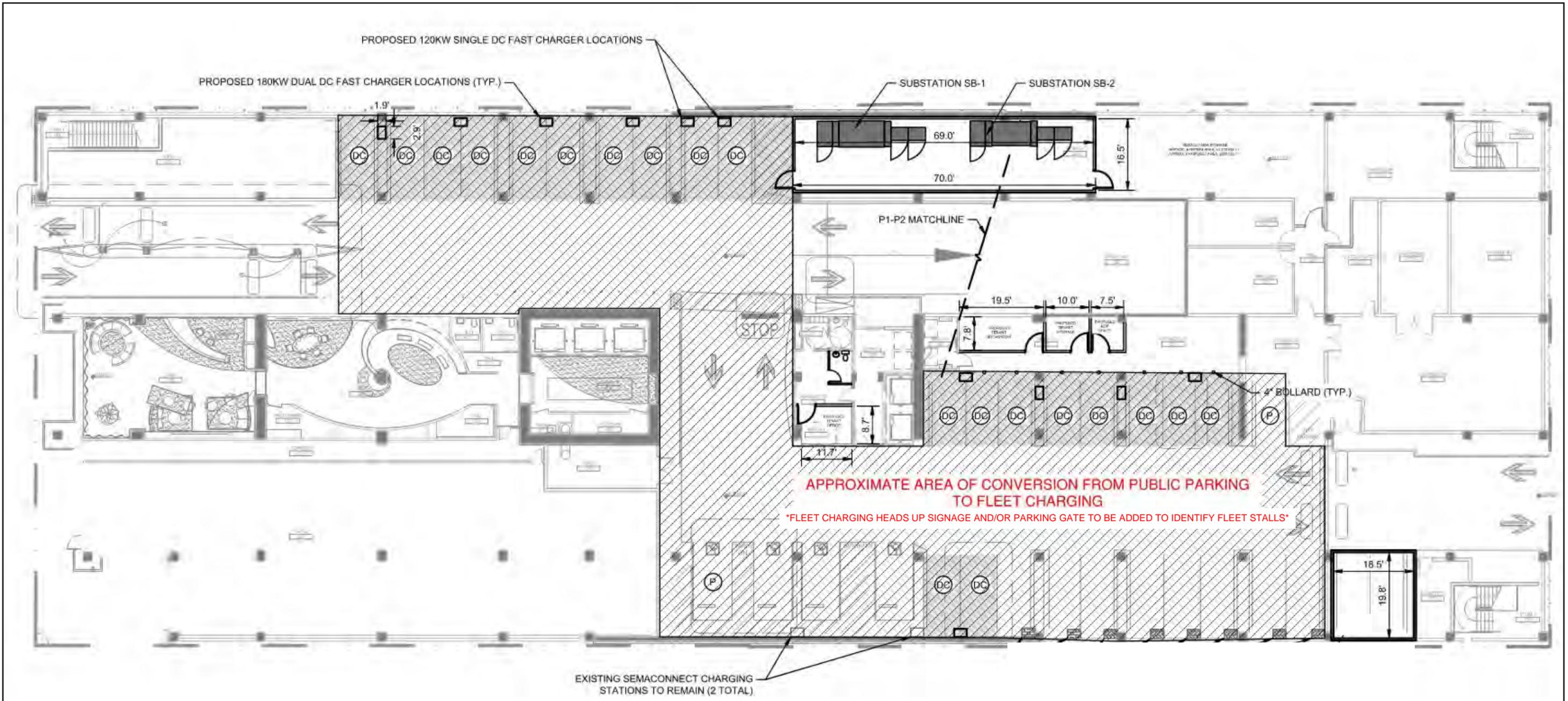
DRAWING NO.

SITE PLAN - OVERALL PROJECT LOCATION

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

02

MARCH 20, 2023



PARKING LEVEL P1 - FLOOR PLAN

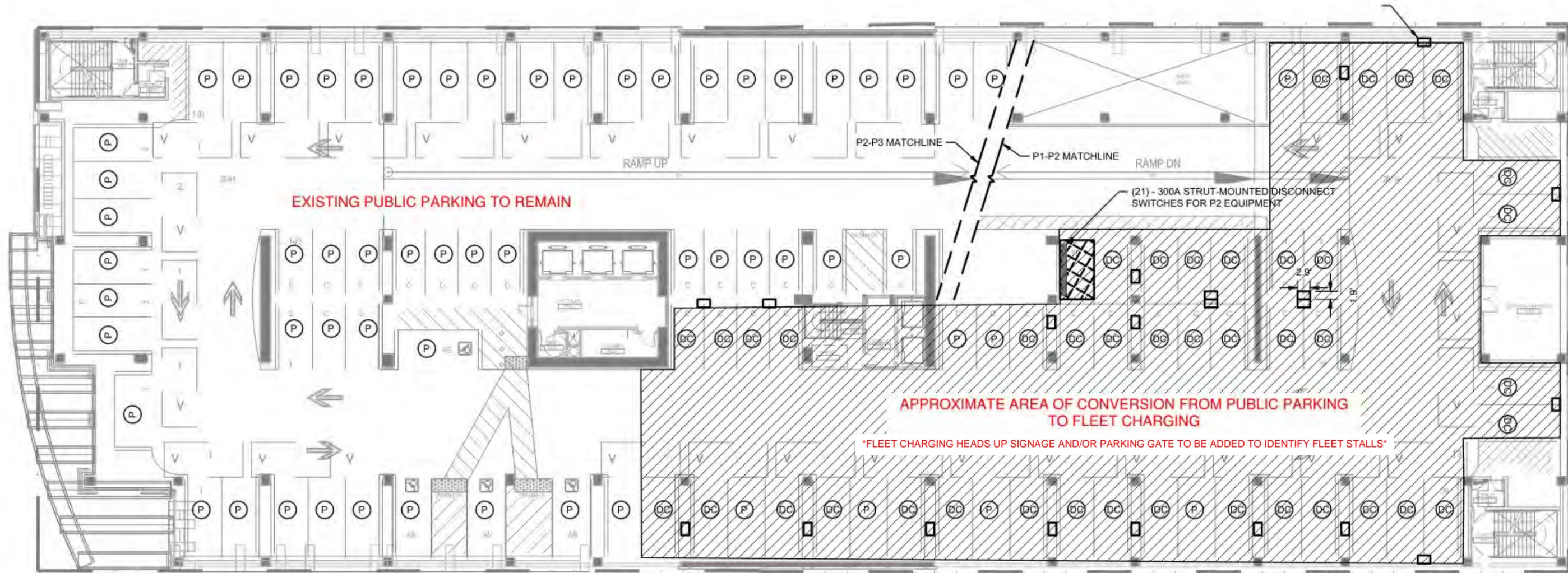
SITE PLAN - PROJECT LOCATION - PARKING LEVEL 1

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

03

MARCH 20, 2023



PARKING LEVEL P2 - FLOOR PLAN

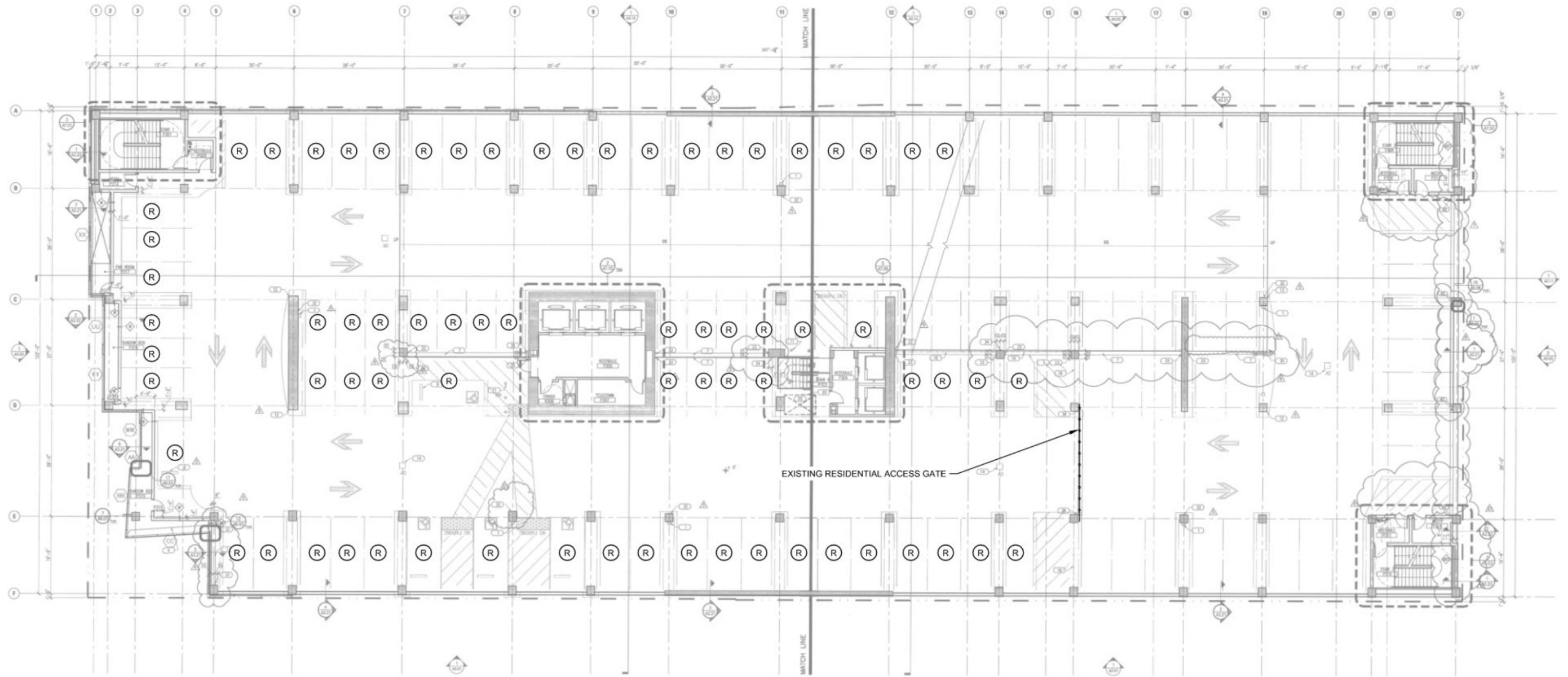
SITE PLAN - PROJECT LOCATION - PARKING LEVEL 2

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

04

MARCH 20, 2023



PARKING LEVEL P3 - FLOOR PLAN

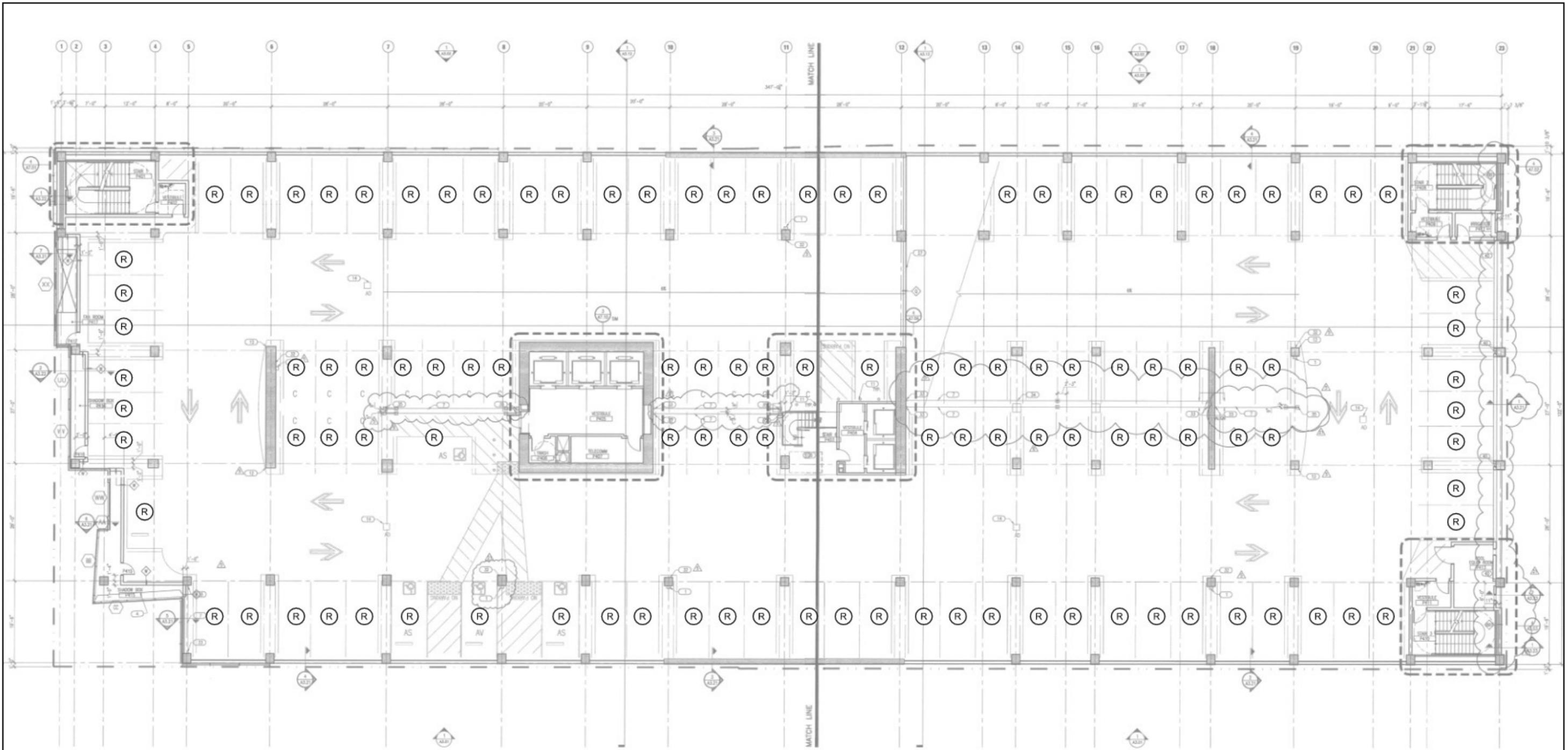
SITE PLAN - PROJECT LOCATION - PARKING LEVEL 3

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

05

MARCH 20, 2023



PARKING LEVEL P4 - FLOOR PLAN

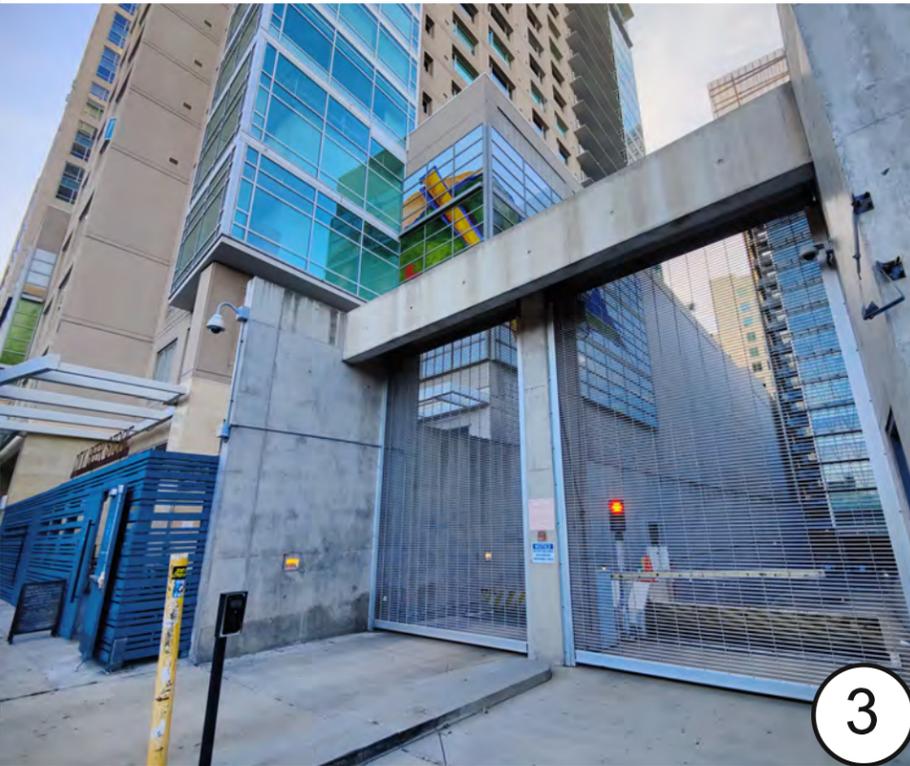
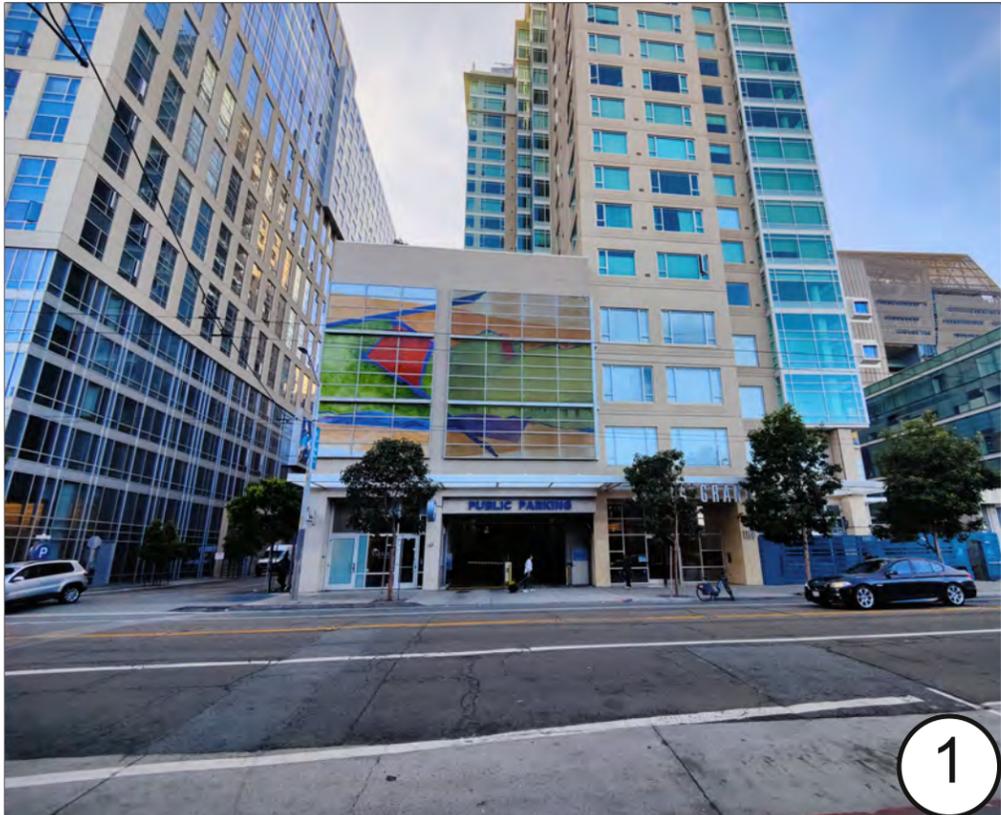
DRAWING NO.

SITE PLAN - PROJECT LOCATION - PARKING LEVEL 4

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

06

MARCH 20, 2023



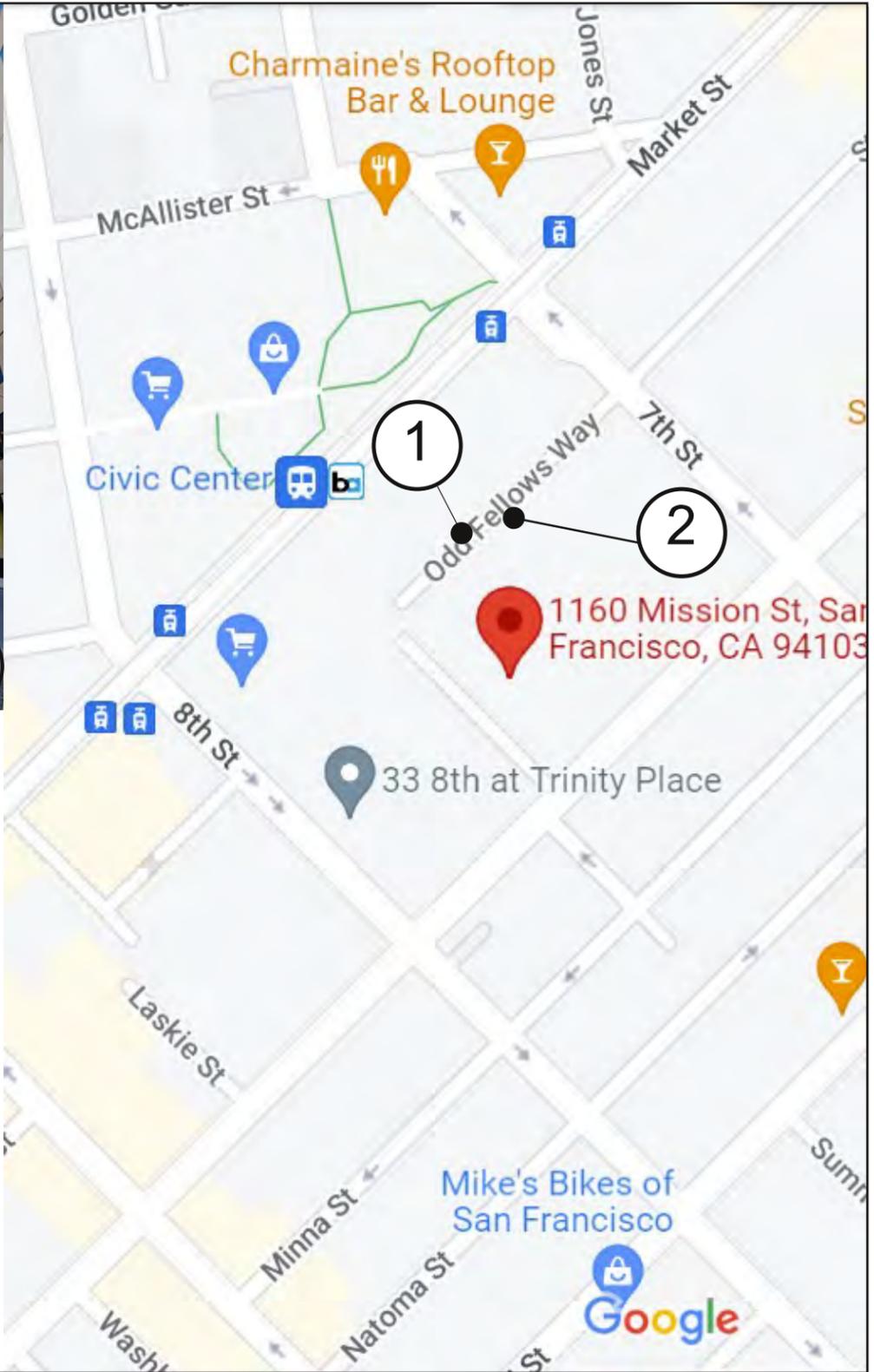
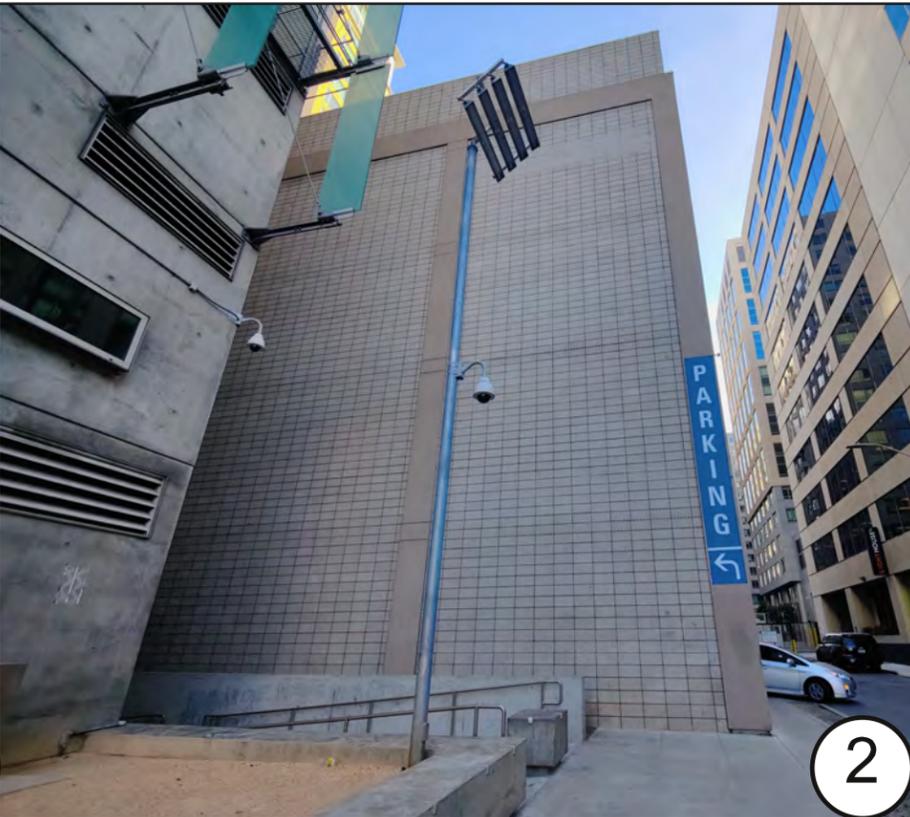
PHOTOS ALONG MISSION STREET

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

07

MARCH 20, 2023



PHOTOGRAPHS ALONG ODD FELLOWS WAY

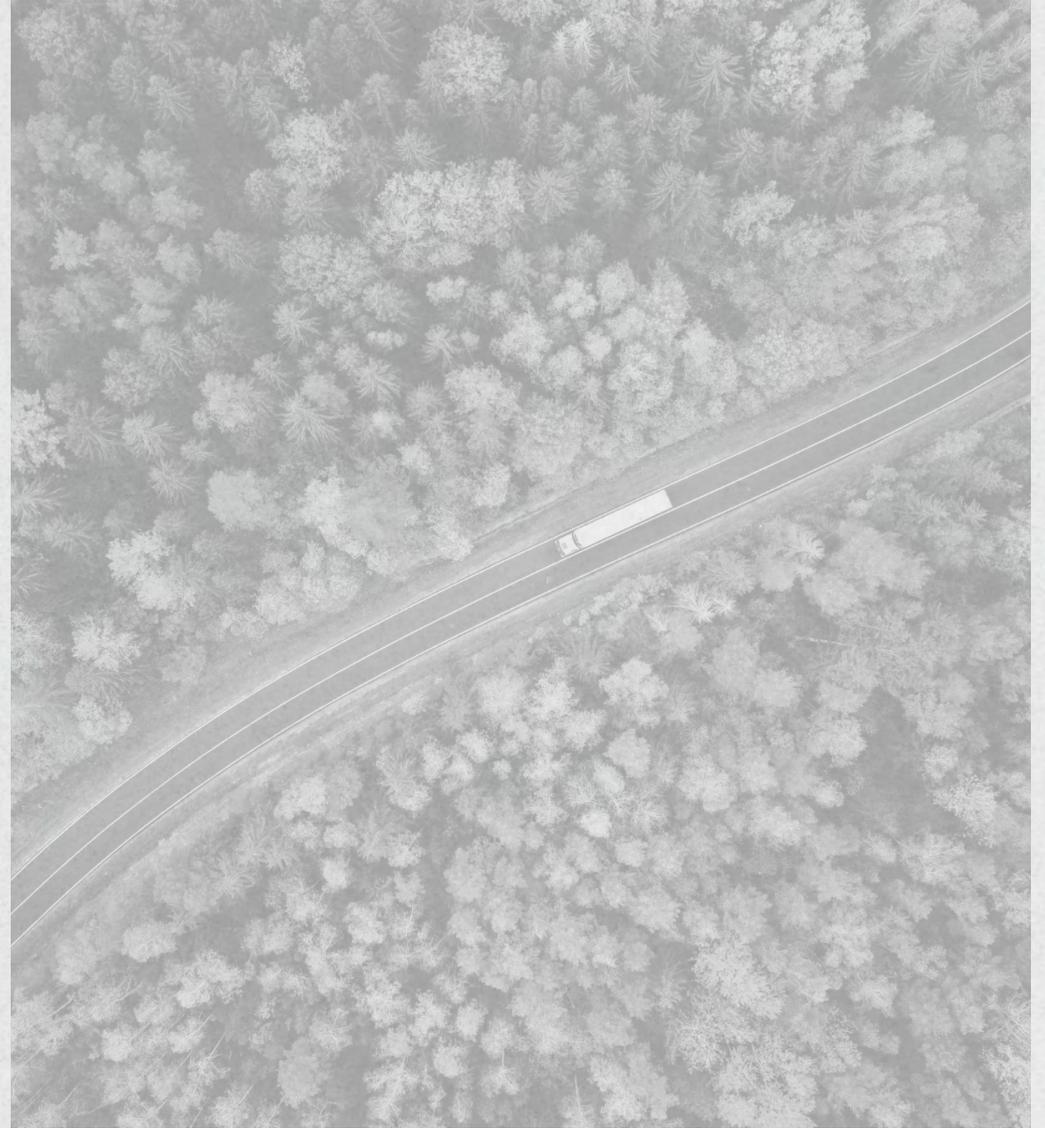
DRAWING NO.

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

08

MARCH 20, 2023

Business Overview: 1160 Mission Street



BUSINESS MISSION

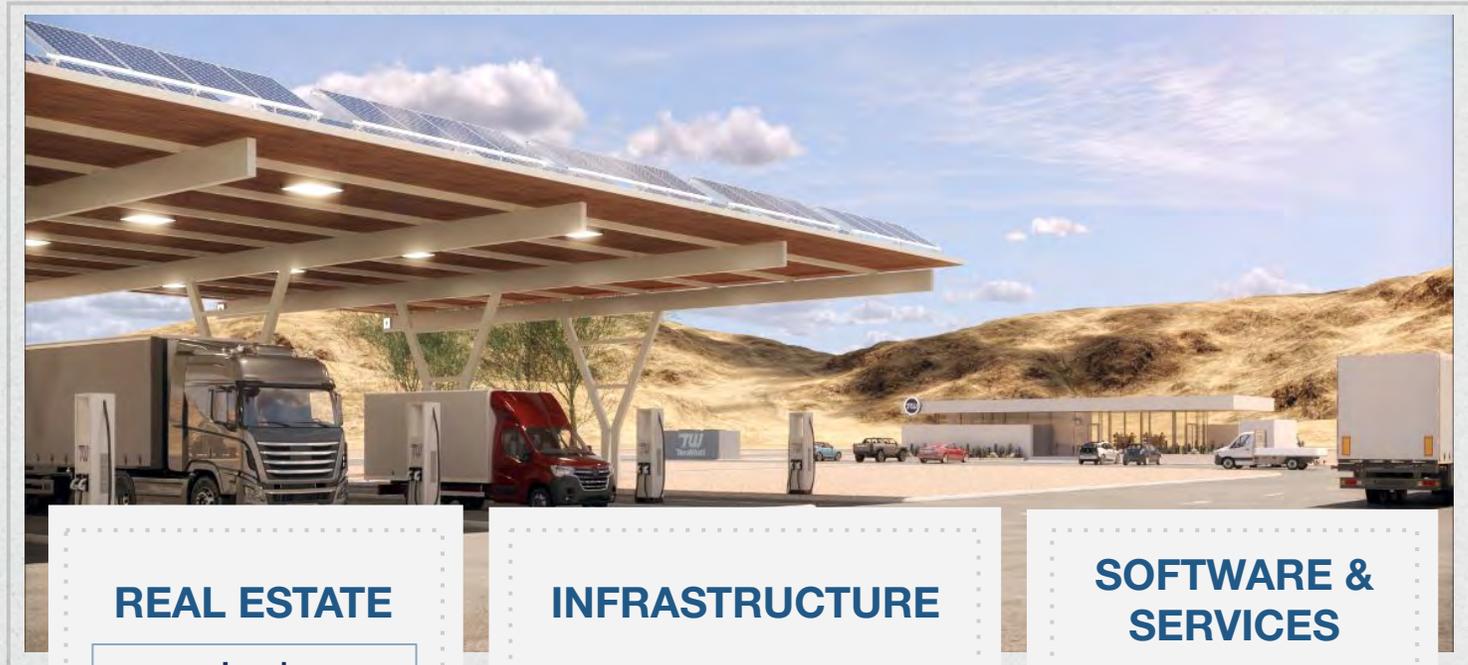
**Power electrified fleets with
the most reliable network of
charging centers**



Charging Center Overview

Charging Centers are the core of what we do. This is our answer to the demands fleet owners will face.

Our Charging Centers provide strategic locations, vast power access, and proprietary energy management services that will keep fleets moving forward.



REAL ESTATE

Land

Power / Interconnect

Fiber / Connectivity

Facilities

Parking

INFRASTRUCTURE

Charging Equipment

SOFTWARE & SERVICES

Charging Management

Energy Management

Grid Controls

Energy Asset Controls

Fleets Need Reliable Offsite EV Charging

Mission Garage can serve many fleet types and use cases

Vehicle Classes



Light Duty



Medium Duty

Offsite Charging Use Cases

- Daytime quick-charge:
 - This will allow fleet vehicles a designated location to charge vehicles along their routes before domiciling at night. This frees up public charging locations to be used specifically for charging personal passenger vehicles.
- Longer dwell charging:
 - Existing fleet facility location upgrades can be expensive or unfeasible due to economic, lease or utility-related constraints. By using our facilities to park and charge, fleets are able to electrify more quickly and still have a reliable location to charge and dwell vehicles before returning to service.

Fleets Need Reliable Offsite EV Charging

Mission Garage can serve many fleet types and use cases

Vehicle Classes



Light Duty



Medium Duty

Additional Offsite Charging Use Cases

- Overflow charging lot:
 - Fleets may not have enough sufficient charging capacity at existing locations of domicile. As an extension of their facilities, without requiring further space or upgrades to their sites, we enable fleets to grow zero-emission operations and stay charged while on the road.
- Driver transfer point:
 - As a central SF location, fleet would be able to quickly swap vehicles and drivers throughout the day in order to get back on the road as quickly as possible to maximize zero-emission miles travelled per vehicle.

Exhibit B

1 [Planning Code - Electric Vehicle Charging Locations]

2
3 **Ordinance amending the Planning Code to create Electric Vehicle Charging Location**
4 **and Fleet Charging as Automotive Uses, allow conversion of Automotive Service**
5 **Stations to Electric Vehicle Charging Locations without Conditional Use authorization**
6 **and principally permit conversion of other Automotive Uses to Electric Vehicle**
7 **Charging Locations, revise zoning control tables to reflect these changes, and require**
8 **annual reporting by the Planning Department regarding Electric Vehicle Charging**
9 **Location and Fleet Charging project approvals; affirming the Planning Department's**
10 **determination under the California Environmental Quality Act; and making findings of**
11 **consistency with the General Plan, and the eight priority policies of Planning Code,**
12 **Section 101.1, and findings of public necessity, convenience, and welfare under**
13 **Planning Code, Section 302.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.
19 **Asterisks (* * * *)** indicate the omission of unchanged Code
20 subsections or parts of tables.

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 220036 and is incorporated herein by reference. The Board affirms
2 this determination.

3 (b) On April 14, 2022, the Planning Commission, in Resolution No. 21099, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. 220036, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
9 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
10 Planning Commission Resolution No. 21099, and incorporates such reasons by this reference
11 thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File
12 No. 220036, and is incorporated herein by reference.

13 (d) This ordinance is based on the following findings:

14 (1) In 2021, the Intergovernmental Panel on Climate Change issued a report
15 further underscoring the need for urgent action to cut global greenhouse gas emissions
16 (GHGs) in half by 2030 and reach net-zero emissions no later than 2050 to prevent the most
17 catastrophic effects of climate change and reduce detrimental impacts to human health and
18 ecosystems.

19 (2) San Francisco, the Bay Area, and the State of California are already
20 suffering the effects of climate change in the form of droughts, air pollution, extreme heat,
21 frequent wildfires, flooding, and other drastic impacts on weather and the environment.

22 (3) To address these urgent challenges, in 2021 Mayor London Breed
23 sponsored legislation to update the City's climate action goals. As a result of Ordinance No.
24 117-21, San Francisco now has climate action goals to reduce emissions 61% below 1990
25 levels by 2030 and reach net-zero emissions by 2040.

1 (4) To achieve net-zero emissions by 2040, the updated climate action goals
2 prioritize the City's Transit First policy and encourage a shift to low-carbon modes of
3 transportation such as taking transit, walking, and biking. All remaining modes of
4 transportation, including private and commercial vehicles, must be electrified to further reduce
5 and eventually eliminate remaining transportation emissions.

6 (5) The City's climate action targets, per Ordinance No. 117-21, include the
7 following transportation and land use goals:

8 (A) By 2030, 80% of trips taken by low-carbon modes such as walking,
9 biking, transit, and shared Electric Vehicles (EVs).

10 (B) By 2030, increase vehicle electrification to at least 25% of all
11 registered private vehicles, and, by 2040, to 100% of all such vehicles.

12 (6) As reported in the latest San Francisco GHG Emissions Inventory, San
13 Francisco's 2019 emissions were 41% below 1990 levels—six years ahead of the previously
14 established goal to reduce emissions 40% by 2025. However, additional efforts must be
15 undertaken to ensure the net-zero commitment is met by 2050.

16 (7) As of 2019, nearly half (47%) of San Francisco's GHG emissions came from
17 the transportation sector, with the vast majority (72%) of those emissions from privately
18 owned cars and trucks. Despite the City's success in reducing overall emissions to date, GHG
19 emissions from the transportation sector have remained relatively stable.

20 (8) In 2019, Mayor Breed released the Electric Vehicle Roadmap ("the
21 Roadmap") to accelerate and advance EV adoption to reduce emissions and associated air
22 pollution health impacts from the transportation sector. To date, EVs represent about 11% of
23 new light-duty vehicle registrations in San Francisco. The Roadmap sets a 2030 goal of 100%
24 of new passenger vehicle registrations with no increase in total vehicle registrations per
25 household and an ambitious goal of 100% emission-free ground transportation by 2040.

1 These goals are aligned with California's targets to increase EV adoption and access to EV
2 charging. In September 2020, Governor Gavin Newsom issued an executive order requiring
3 only zero emission passenger cars to be sold in California by 2035. Additionally, the City's
4 goals are aligned with the Biden Administration's goal that 50% of all new vehicles sold in the
5 United States in 2030 be zero-emission vehicles.

6 (9) The rate of EV adoption is determined in large part by access to charging.
7 The three greatest barriers at this time for drivers to buy EVs are cost of the EVs, lack of
8 charging infrastructure, and the range of EVs, the latter two barriers are interrelated and result
9 in "range anxiety," or the fear that EV owners won't be able to locate a charger or that if they
10 do, someone else will be using it.

11 (10) Range anxiety is also an equity issue. Nearly 70% of San Francisco
12 residents live in multi-unit buildings and most such residents do not have access to off-street
13 parking or home charging. EV charging at home should not be a privilege available only to
14 single-family home residents or those with EV charging available at the workplace. To provide
15 expanded access to EV charging, in June 2021, the California Public Utilities Commission
16 ruled that electrical corporations should prioritize their near-term investments to create
17 charging options to customers without access to home charging.

18 (11) Publicly accessible EV charging stations—including public Level 2 (240
19 volt), DC fast ("superchargers"), and workplace chargers—are the most efficient and effective
20 solution to meet anticipated demand for EV charging. San Francisco's combination of
21 population density, small size, and resulting high land costs make it the perfect place to install
22 fast-charging plazas that mimic the gas station experience that drivers have come to expect
23 when fueling their vehicles. Fast-charging plazas are integral to San Francisco's developing a
24 comprehensive public charging network. With a robust network of public charging stations, EV
25 owners will be able to access fast charging as needed and close to their homes.

1 (12) Without this ordinance's amendments of the Planning Code, further air
2 quality and GHG degradation would occur because the ongoing inconvenience of finding EV
3 charging stations would result in a low rate of adoption of EVs. Multiple studies have
4 suggested a correlation between increasing the number of charging stations and higher EV
5 adoption rates, as summarized in an October 2017 white paper by the International Council
6 on Clean Transportation (ICCT). In addition, the EV Roadmap identified the expansion of
7 publicly accessible Level 2 and fast charging infrastructure in San Francisco as a key strategy
8 to increase EV adoption rates.

9 (13) In 2020, the ICCT completed a study on San Francisco's EV charging
10 needs in 2030 and 2040. The ICCT projects that by 2030, more than 170,000 light-duty EVs
11 will be registered in the City. To meet that charging demand, the City must have six times
12 more charging capacity than in 2019. The number of publicly accessible charging stations in
13 San Francisco needs to increase from about 800 in 2019 to 2,000 by 2025, and over 5,000 by
14 2030, to meet this demand.

15 (14) Currently, EV charging is not defined in the Planning Code. As a result,
16 applications to install EV charging projects require an EV service provider (EVSP) and the
17 Planning Department or Commission to work out a permitting pathway, on a case-by-case
18 basis, using Planning Code provisions designed for gas stations and auto service centers.
19 The existing use categories are an imperfect fit for this new use. They impose limitations
20 more appropriate for the facilities they were intended to address—conventional fueling
21 facilities—rather than less-impactful EV charging stations, creating lengthy approval
22 processes and bureaucratic delays that should be avoided for EV charging projects.

23 (15) By defining "Electric Vehicle Charging Location" as an "Automotive Use" in
24 the Planning Code and establishing zones in the City in which stand-alone EV charging is
25 permitted, this ordinance will make it easier to convert existing sites with "Automotive Uses" to

1 EV charging plazas or hubs. This will result in a clear approval path for EV charging projects,
2 reducing delays and additional workflow in Planning, and expanding opportunities to deploy
3 publicly accessible EV charging stations within San Francisco. This ordinance will expedite
4 expansion of critical EV charging services, creating new public charging options for San
5 Francisco residents and visitors, thus encouraging the adoption of EVs by a greater share of
6 the population. This in turn will help the City meet its climate action goals to reduce emissions
7 from the transportation sector.

8
9 Section 2. The Planning Code is hereby amended by revising Sections 102 (including
10 placing new defined terms in alphabetical sequence with existing defined terms), 142, 187.1,
11 202.2, 202.5, 204, 210.1, 210.2, 210.3, 311, 710, 711, and 713, and adding Sections 202.13
12 and 204.6, to read as follows:

13 **SEC. 102. DEFINITIONS.**

14 * * * *

15 **A**

16 * * * *

17 **Automotive Use.** A Commercial Use category that includes Automotive Repair,
18 Ambulance Services, Automobile Sale or Rental, Automotive Service Station, Automotive
19 Wash, Electric Vehicle Charging Location, Fleet Charging, Gas Station, Parcel Delivery Service,
20 Private Parking Garage, Private Parking Lot, Public Parking Garage, Public Parking Lot,
21 Vehicle Storage Garage, Vehicle Storage Lot, and Motor Vehicle Tow Service. All Automotive
22 Uses that have Vehicular Use Areas defined in this Section of the Code shall meet the
23 screening requirements for vehicular use areas in Section 142.

1 **Automotive Use, Non-Retail.** A subcategory of Automotive Use that includes
2 Ambulance Services, Fleet Charging, Parcel Delivery Service, Private Parking Garage, Private
3 Parking Lot, and Motor Vehicle Tow Service.

4 **Automotive Use, Retail.** A subcategory of Automotive Use that includes Automotive
5 Repair, Automotive Sale or Rental, Automobile Service Station, Automotive Wash, Electric
6 Vehicle Charging Location, Gas Station, Public Parking Garage, Public Parking Lot, Vehicle
7 Storage Garage, and Vehicle Storage Lot.

8 * * * *

9 **E**

10 * * * *

11 **Electric Vehicle Charging Location.** Automotive Use, Retail that provides electricity to
12 electric motor vehicles through more than one or more Electric Vehicle Charging Stations on a retail
13 basis to the general public as a primary use. Electric Vehicle Charging Locations may include up to
14 one-third of the total Electric Vehicle Charging Stations dedicated to Fleet Charging as an
15 accessory use per Section 204.6(a), and may include ancillary services, including but not limited
16 to restrooms, self-service vending, and limited retail amenities primarily for the benefit of customers
17 charging their vehicles.

18 **Electric Vehicle Charging Station.** An electric vehicle charging space served by an electric
19 vehicle charger or other charging equipment.

20 * * * *

21 **F**

22 * * * *

23 **Fleet Charging.** Automotive Use, Non-Retail that provides electricity to electric motor vehicles
24 through one or more Electric Vehicle Charging Stations that are dedicated or reserved for private
25

1 parties pursuant to contract or other agreement and are not available to the general public. Fleet
2 Charging is not allowed as an accessory use to any other principal use.

3 * * * *

4 **SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICULAR USE**
5 **AREAS.**

6 Off-street parking and Vehicular Use Areas adjacent to the public right-of-way shall be
7 screened as provided in this Section 142. Where an existing Automotive Use converts to an Electric
8 Vehicle Charging Location, the requirements of this Section shall not apply.

9 * * * *

10 **SEC. 187.1. AUTOMOTIVE SERVICE STATIONS, ELECTRIC VEHICLE CHARGING**
11 **LOCATIONS, AND GAS STATIONS AS LEGAL NONCONFORMING USES.**

12 (a) **Continuation as a Nonconforming Use.** Notwithstanding any other provision of
13 this Code, an Automotive Service Station or a Gas Station as defined in Section 102 of this
14 Code, located in a Residential district, and having legal nonconforming use status under the
15 provisions of this Code on January 1, 1980, shall be regarded as a legal nonconforming use
16 so long as the station either: (1) continues to sell and dispense gasoline and other motor fuels
17 and lubricating fluids directly into motor vehicles, or (2) transitions to an Electric Vehicle Charging
18 Location.

19 * * * *

20 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

21 * * * *

22 (b) **Automotive Uses.** The Automotive Uses listed below shall be subject to the
23 corresponding conditions:

24 * * * *

1 (2) **Conditional Use Authorization Required for Establishments that Sell**
2 **Beer or Wine with Motor Vehicle Fuel.** Any establishment that proposes to retail motor
3 vehicle fuel and provide retail sale of beer or wine shall require Conditional Use authorization.
4 The Planning Commission may deny authorization or grant Conditional Use authorization to
5 an applicant based upon the criteria set forth in Section 303(c) of this Code.

6 * * * *

7 (D) **Definitions.** For purposes of Subsection 202.2(b)(1) and (2), the
8 following definitions shall apply:

9 (i) "Alcoholic beverages" shall be as defined in California
10 Business and Professions Code Section 23004;

11 (ii) "Beer" and "wine" shall be as defined in California Business
12 and Professions Code Section 23006 and Section 23007, respectively;

13 (iii) "Motor vehicle fuel" shall mean gasoline, other motor fuels
14 including electricity at an Electric Vehicle Charging Location, and lubricating oil dispensed directly
15 into motor vehicles; and

16 (iv) "Establishment" shall include an arrangement where a lot
17 containing a business selling motor vehicle fuel provides direct access to another business
18 selling alcoholic beverages on the same or adjacent lot.

19 * * * *

20 (3) **Automotive Wash.** Cleaning and polishing are required to be conducted
21 within an enclosed building having no openings, other than fixed windows or exits required by
22 law located within 50 feet of any R District, and that has an off-street waiting and storage area
23 outside the building which accommodates at least one-quarter the hourly capacity in vehicles
24 of the enclosed operations, provided: (1) that incidental noise is reasonably confined to the
25 premises by adequate soundproofing or other device; and (2) that complete enclosure within a

1 building may be required as a condition of approval, notwithstanding any other provision of
2 this Code; but the foregoing provisions shall not preclude the imposition of any additional
3 conditions pursuant to Section 303 of this Code.

4 (4) **Electric Vehicle Charging Location.** At Electric Vehicle Charging Locations, the
5 Electric Vehicle Charging Stations, including the charging space for the electric vehicle and all
6 necessary charging equipment and infrastructure, may be located within any setbacks required by the
7 underlying zoning district. Any structures associated with ancillary services, including restrooms or
8 vending machines, must adhere to any underlying zoning setback requirements.

9 (5) **Fleet Charging and Electric Vehicle Charging Location Reporting Requirements.**
10 Beginning on June 1, 2023, the Planning Department shall submit a report to the Board of Supervisors
11 and the Mayor that includes the number and location of all Electric Vehicle Charging Locations and
12 Fleet Charging locations that have been approved since the ordinance in Board File No. 220036
13 establishing this reporting requirement became effective. The Planning Department's report shall
14 include: the address of each such charging location, number of charging stations at each location,
15 prior use of the property, whether the charging location was principally permitted or conditionally
16 permitted, and what percent of each station is dedicated to Fleet Charging. The Planning Department
17 shall submit this report annually for five years, with the last report to be submitted on June 1, 2027.

18 * * * *

19 **SEC. 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.**

20 * * * *

21 (b) **Definitions.** Whenever used in this Section, unless a different meaning clearly
22 appears from the context:

23 (1) "Automotive Service Station" or "service station" shall mean a retail automotive
24 service use as defined in Section 102 of this Code.

1 (2) "Conversion" shall mean to change the use of a property from a service station
2 use to a different type of use. A change from Automotive Service Station to Electric Vehicle
3 Charging Location is not a change to a different type of use and shall not be a "Conversion" subject to
4 this Section.

5 * * * *

6 **SEC. 202.13. CONVERSION OF AUTOMOTIVE USE TO ELECTRIC VEHICLE**
7 **CHARGING LOCATION.**

8 Notwithstanding any other provisions of this Code, any Automotive Use, including Retail or
9 Non-Retail uses, as defined in Section 102, shall be principally permitted to convert to an Electric
10 Vehicle Charging Location, also as defined in Section 102, regardless of the underlying zoning district.
11 Further, such conversion shall not be subject to the notification requirements outlined in Section 311.

12
13 **SEC. 204. ACCESSORY USES, GENERAL.**

14 This Section 204 and Sections 204.1 through 204.56, shall regulate Accessory Uses,
15 as defined in Section 102. Any use which does not qualify as an Accessory Use shall be
16 classified as a Principal or Conditional Use, unless it qualifies as a temporary use under
17 Sections 205 through 205.4 of this Code.

18 * * * *

19 **SEC. 204.6. FLEET CHARGING NOT PERMITTED AS ACCESSORY USE TO**
20 **ELECTRIC VEHICLE CHARGING LOCATIONS.**

21 In all use districts of the City, Fleet Charging is not permitted In order for to be a
22 classified as an Accessory Use to an Electric Vehicle Charging Location, no more than one-third
23 of the Electric Vehicle Charging Stations may be dedicated to Fleet Charging and two-thirds,
24 or more, of the Electric Vehicle Charging Stations shall be available for general public use.

25 * * * *

| | | | | | | |
|-----------------|--------------|-------|-----------|-------|-------|-------|
| Zoning Category | § References | C-3-O | C-3-O(SD) | C-3-R | C-3-G | C-3-S |
|-----------------|--------------|-------|-----------|-------|-------|-------|

* * * *

NON-RESIDENTIAL STANDARDS AND USES

* * * *

Automotive Use Category

| | | | | | | |
|---|---------------------------------|----------|----------|----------|-----------|-----------|
| Automotive Repair | § 102 | NP | NP | NP | NP | P |
| Automotive Sale/Rental | § 102 | P (4) | P (4) | P (4) | P (3) | P (3) |
| Automotive Service Station | §§ 102, 202.2(b), 202.5 | NP | NP | NP | P | P |
| Automotive Wash | §§ 102, 202.2(b) | NP | NP | NP | C | C |
| <i>Electric Vehicle Charging Location</i> | <i>§§ 102, 202.2(b), 202.13</i> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <i>Fleet Charging</i> | <i>§ 102</i> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| Gas Station | §§ 102, 187.1, 202.2(b) | NP | NP | NP | <u>CP</u> | <u>CP</u> |

* * * *

SEC. 210.3. PDR DISTRICTS.

* * * *

**Table 210.3
ZONING CONTROL TABLE FOR PDR DISTRICTS**

| | | | | | |
|-----------------|--------------|---------|---------|---------|-------|
| Zoning Category | § References | PDR-1-B | PDR-1-D | PDR-1-G | PDR-2 |
|-----------------|--------------|---------|---------|---------|-------|

* * * *

NON-RESIDENTIAL STANDARDS AND USES

* * * *

Automotive Use Category

| | | | | | |
|---|---------------------------------|----------|---------------|---------------|---------------|
| Automotive Uses* | § 102 | NP | P | P | P |
| Automotive Repair | § 102 | P (3) | P | P | P |
| Automotive Sale/Rental | § 102 | P | P (4) | P | P |
| Automotive Service Station | §§ 102, 202.2(b), 202.5 | P | P | P | P |
| Automotive Wash | §§ 102, 202.2(b) | P | P | P | P |
| <i>Electric Vehicle Charging Location</i> | <i>§§ 102, 202.2(b), 202.13</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> |
| <i>Fleet Charging</i> | <i>§ 102</i> | <i>C</i> | <i>C(24)P</i> | <i>C(24)P</i> | <i>C(24)P</i> |

* * * *

(24) P where existing use is a Private Parking Lot or Vehicle Storage Lot.

SEC. 311. PERMIT REVIEW PROCEDURES.

(a) **Purpose.** The purpose of this Section 311 is to establish procedures for reviewing building permit applications to determine compatibility of the proposal with the neighborhood

1 and for providing notice to property owners and residents on the site and neighboring the site
2 of the proposed project and to interested neighborhood organizations, so that concerns about
3 a project may be identified and resolved during the review of the permit.

4 (b) **Applicability.** Except as indicated in this subsection (b), all building permit
5 applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a
6 change of use; establishment of a Micro Wireless Telecommunications Services Facility;
7 establishment of a Formula Retail Use; demolition, new construction, or alteration of buildings;
8 and the removal of an authorized or unauthorized residential unit, shall be subject to the
9 notification and review procedures required by this Section 311. In addition, with the exception
10 of Grandfathered MCDs converting to Cannabis Retail use pursuant to Section 190(a), all
11 building permit applications that would establish Cannabis Retail or Medical Cannabis
12 Dispensary uses, regardless of zoning district, shall be subject to the notification and review
13 procedures required by this Section 311. Notwithstanding the foregoing or any other
14 requirement of this Section 311, a change of use to a Child Care Facility, as defined in
15 Section 102, shall not be subject to the review requirements of this Section 311.

16 Notwithstanding the foregoing or any other requirement of this Section 311, building permit
17 applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not
18 be subject to the notification or review requirements of this Section 311. Notwithstanding the
19 foregoing or any other requirement of this Section 311, a change of use to a principally
20 permitted use in an NC or NCT District, or in a limited commercial use or a limited corner
21 commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the
22 review or notice requirements of this Section 311. Notwithstanding the foregoing or any other
23 requirement of this Section 311, building permit applications to change any existing Automotive Use to
24 an Electric Vehicle Charging Location shall not be subject to the review or notification requirements of
25 this Section 311.

* * * *

SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

* * * *

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---------------------------------|--------------------------|--------------|--------------|
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS | | | | |
| * * * * | | | | |
| Non-Residential Uses | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |
| * * * * | | | | |
| Automotive Use Category | | | | |
| Automotive Uses* | § 102 | NP | NP | NP |
| <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>C(12)</u> | <u>C(12)</u> | <u>C(12)</u> |
| Parking Garage, Private | § 102 | C | C | C |

* * * *

(12) P where existing use is any Automotive Use.

* * * *

SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---------------------------------|--------------------------|--------------|--------------|
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS | | | | |
| * * * * | | | | |
| Non-Residential Uses | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |
| * * * * | | | | |
| Automotive Use Category | | | | |
| Automotive Uses* | § 102 | NP | NP | NP |
| Automotive Repair | § 102 | C | NP | NP |
| Automotive Service Station | §§ 102, 202.2(b) | C | NP | NP |
| <i>Electric Vehicle Charging Location</i> | <i>§§ 102, 202.2(b), 202.13</i> | <i>C(13)</i> | <i>C(13)</i> | <i>C(13)</i> |
| <i>Fleet Charging</i> | <i>§ 102</i> | <i>C</i> | <i>C</i> | <i>C</i> |
| Gas Station | §§ 102, 187.1, 202.2(b) | C | NP | NP |

* * * *

(13) P where existing use is any Automotive Use.

1 * * * *

2 SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER
3 DISTRICT.

4 * * * *

5 Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
6 ZONING CONTROL TABLE

7 * * * *

| Zoning Category | § References | Controls | | |
|---|---------------------------------|-------------|-------------|-------------|
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS | | | | |
| * * * * | | | | |
| Non-Residential Uses | Controls by Story | | | |
| | 1st | 2nd | 3rd+ | |
| * * * * | | | | |
| Automotive Use Category | | | | |
| Automotive Uses* | § 102 | NP | NP | NP |
| Automotive Sale/Rental | § 102 | C | NP | NP |
| Automotive Service Station | §§ 102, 202.2(b) | P | NP | NP |
| Automotive Wash | §§ 102, 202.2(b) | C | NP | NP |
| <i>Electric Vehicle Charging Location</i> | <i>§§ 102, 202.2(b), 202.13</i> | <i>C(9)</i> | <i>C(9)</i> | <i>C(9)</i> |
| Gas Station | §§ 102, 187.1, 202.2(b) | C | NP | NP |

1 * * * *

2 (9) P where existing use is any Automotive Use.

3
4 Section 3. Amendment of Specific Zoning Control Tables.

5 Zoning Control Tables 712, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724,
6 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742,
7 743, 744, 745, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, and 764
8 are hereby amended identically to the amendment of Zoning Control Table 711 in Section 2 of
9 this ordinance, to create “Electric Vehicle Charging Location” and “Fleet Charging” as new
10 Non-Residential Uses within the Automotive Use Category, citing Planning Code Sections
11 102, 202.2(b) and 202.13 as references, identifying “C” as the zoning control, and including
12 the note for “Electric Vehicle Charging Location” use (“P where existing use is any Automotive
13 Use.”), provided that the note shall be numbered as appropriate for each table, as follows.

14

| Zoning Control Table | Note # |
|----------------------|--------|
| 712 | 12 |
| 714 | 9 |
| 715 | 8 |
| 716 | 8 |
| 717 | 7 |
| 718 | 8 |
| 719 | 10 |
| 720 | 6 |
| 721 | 6 |
| 722 | 14 |

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|-----|----|
| 723 | 10 |
| 724 | 7 |
| 725 | 7 |
| 726 | 8 |
| 727 | 3 |
| 728 | 8 |
| 729 | 6 |
| 730 | 6 |
| 731 | 7 |
| 732 | 7 |
| 733 | 7 |
| 734 | 7 |
| 735 | 3 |
| 736 | 3 |
| 737 | 5 |
| 738 | 3 |
| 739 | 8 |
| 740 | 5 |
| 741 | 3 |
| 742 | 3 |
| 743 | 3 |

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|-----|----|
| 744 | 4 |
| 745 | 4 |
| 750 | 10 |
| 751 | 8 |
| 752 | 8 |
| 753 | 6 |
| 754 | 9 |
| 755 | 7 |
| 756 | 7 |
| 757 | 11 |
| 758 | 10 |
| 759 | 9 |
| 760 | 5 |
| 761 | 7 |
| 762 | 8 |
| 763 | 8 |
| 764 | 10 |

Section 4. The Planning Code is hereby amended by revising Sections 810, 811, 812, 827, 829, 840, 841, 842, 843, 844, 845, 846, 847, and 848, to read as follows:

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810.

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

* * * * *

| Zoning Category | § References | Controls | | |
|---|---------------------------------|--------------------------|-------------|-------------|
| NON-RESIDENTIAL USES | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |
| * * * * * | | | | |
| Automotive Use Category | | | | |
| Automotive Uses* | §§ 102, 202.54 | NP | NP | NP |
| <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>C(4)</u> | <u>C(4)</u> | <u>C(4)</u> |
| Parking Garage, Private | § 102 | C | C | C |

* * * * *

(4) P where existing use is any Automotive Use.

* * * * *

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * * *

Table 811.

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

* * * * *

| Zoning Category | § References | Controls | | |
|-----------------------------|--------------|--------------------------|------------|-------------|
| NON-RESIDENTIAL USES | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |

| | | | | |
|---|---------------------------------|-------------|-------------|-------------|
| * * * * | | | | |
| Automotive Use Category | | | | |
| Automotive Uses* | §§ 102, 202.54 | NP | NP | NP |
| <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>C(3)</u> | <u>C(3)</u> | <u>C(3)</u> |
| Parking Garage, Private | § 102 | C | C | C |

* * * *

(3) P where existing use is any Automotive Use.

* * * *

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812.

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|-----------------------------|----------------|--------------------------|------------|-------------|
| NON-RESIDENTIAL USES | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |
| * * * * | | | | |
| Automotive Use Category | | | | |
| Automotive Uses* | §§ 102, 202.54 | NP | NP | NP |

| | | | | |
|---|---------------------------------|-------------|-------------|-------------|
| <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>C(3)</u> | <u>C(3)</u> | <u>C(3)</u> |
| Parking Garage, Private | § 102 | C | C | C |

* * * *

(3) P where existing use is any Automotive Use.

* * * *

SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

* * * *

Table 827

**RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT
ZONING CONTROL TABLE**

| No. | Zoning Category | § References | Rincon Hill Downtown Residential Mixed Use District Zoning Controls |
|---|------------------------|---------------------|--|
| * * * * | | | |
| Non-Residential Standards and Uses | | | |
| * * * * | | | |
| .40 | Automotive Repair | § 890.15 | NP |

| | | | |
|------|---|-------------------------------------|-----------|
| .40a | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>C</u> |
| .40b | <u>Fleet Charging</u> | <u>§ 102</u> | <u>NP</u> |

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SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).

* * * *

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | South Beach Downtown Residential Mixed Use District Zoning Controls |
|---|---|-------------------------------------|---|
| * * * * | | | |
| Non-Residential Standards and Uses | | | |
| * * * * | | | |
| .40 | Automotive Repair | § 890.15 | NP |
| .40a | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>C</u> |
| .40b | <u>Fleet Charging</u> | <u>§ 102</u> | <u>NP</u> |

1 * * * *

2 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

3 * * * *

4 **Table 840**

5 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

| No. | Zoning Category | § References | Mixed Use-General District Controls |
|-------------------------------|---|---------------------------------|--|
| * * * * | | | |
| Motor Vehicle Services | | | |
| * * * * | | | |
| 840.75 | Non-Auto Vehicle Sales or Rental | § 890.69 | P |
| <u>840.76</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P</u> |
| <u>840.77</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |

19 * * * *

20
21 **SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

22 * * * *

23 **Table 841**

24 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

25 * * * *

| No. | Zoning Category | § References | Mixed Use- Residential District Controls |
|-------------------------------|---|-------------------------------------|--|
| * * * * | | | |
| Motor Vehicle Services | | | |
| * * * * | | | |
| 841.75 | Non-Auto Vehicle Sales or Rental | § 890.69 | P |
| <u>841.76</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P</u> |
| <u>841.77</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |

* * * *

SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

* * * *

Table 842

MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | Mixed Use-Office District Controls |
|-------------------------------|-----------------|--------------|---------------------------------------|
| * * * * | | | |
| Motor Vehicle Services | | | |

| | | | |
|---------------|---|-------------------------------------|--|
| * * * * | | | |
| 842.75 | Non-Auto Vehicle Sales or Rental | § 890.69 | P |
| <u>842.76</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P</u> |
| <u>842.77</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |

* * * *

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

* * * *

Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | Urban Mixed Use District Controls |
|-------------------------------|---|-------------------------------------|--|
| * * * * | | | |
| Motor Vehicle Services | | | |
| <u>843.68</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P</u> |
| <u>843.69</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |
| 843.70 | Vehicle Storage - Open Lot | § 890.131 | NP |

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SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.

* * * *

Table 844

WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | WSoMa Mixed Use- General District Controls |
|-------------------------------|---|-------------------------------------|---|
| * * * * | | | |
| Motor Vehicle Services | | | |
| * * * * | | | |
| 844.75 | Non-Auto Vehicle Sales or Rental | § 890.69 | C |
| <u>844.76</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P with no ingress/egress onto alleys, as defined in the Western SoMa Community Plan, within or along any RED or RED-MX Districts</u> |
| <u>844.77</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |

with no ingress/egress onto alleys, as defined in the Western SoMa Community Plan, within or along any RED or RED-MX Districts

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SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.

* * * *

Table 845

WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | WSoMa Mixed Use-Office District Controls |
|-------------------------------|---|---------------------------------|--|
| * * * * | | | |
| Motor Vehicle Services | | | |
| * * * * | | | |
| 845.75 | Non-Auto Vehicle Sales or Rental | § 890.69 | P |
| <u>845.76</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P</u> |

| | | | | |
|-------------|---------------|-----------------------|--------------|--|
| 1 2 3 | <u>845.77</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |
|-------------|---------------|-----------------------|--------------|--|

* * * *

SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

* * * *

Table 846

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | SALI District Controls |
|-------------------------------|---|-------------------------------------|--|
| * * * * | | | |
| Motor Vehicle Services | | | |
| * * * * | | | |
| 846.75 | Non-Auto Vehicle Sales or Rental | § 890.69 | P |
| <u>846.76</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>P</u> |
| <u>846.77</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>C and must be within an enclosed building</u> |

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SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

* * * *

Table 847

RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE

| No. | Zoning Category | § References | Residential Enclave-Mixed Controls |
|----------------------------|---|---------------------------------|------------------------------------|
| * * * * | | | |
| Automotive Services | | | |
| * * * * | | | |
| 847.63 | Public Transportation Facility | § 890.80 | NP |
| <u>847.64</u> | <u>Electric Vehicle Charging Location</u> | <u>§§ 102, 202.2(b), 202.13</u> | <u>NP</u> |
| <u>847.65</u> | <u>Fleet Charging</u> | <u>§ 102</u> | <u>NP</u> |

* * * *

SEC. 848. CMUO-CENTRAL SOMA MIXED-USE OFFICE DISTRICT.

* * * *

| <p style="text-align: center;">Table 848</p> <p style="text-align: center;">CMUO-CENTRAL SOMA MIXED-USE OFFICE DISTRICT ZONING CONTROL TABLE</p> | | |
|--|--------------|----------|
| <p style="text-align: center;">Central SoMa Mixed Use-Office District Controls</p> | | |
| Zoning Category | § References | Controls |

| | | |
|---|---|--|
| * * * * | | |
| Automotive Use Category | | |
| Automotive Uses* | § 102 | P |
| <i>Electric Vehicle Charging Location</i> | <u>§§ 102, 202.2(b),</u> <u>202.13</u> | <u>P</u> |
| <i>Fleet Charging</i> | <u>§ 102</u> | <u>C and must be within</u> <u>an enclosed building</u> |

* * * *

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance. The preceding sentence does not apply to Section 3 of the ordinance, which uses a different methodology for amending the sections of the Municipal Code to which it applies.

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APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Robb Kapla
ROBB KAPLA
Deputy City Attorney

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City and County of San Francisco

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

Tails Ordinance

File Number: 220036

Date Passed: September 06, 2022

Ordinance amending the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use authorization and principally permit conversion of other Automotive Uses to Electric Vehicle Charging Locations, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

June 13, 2022 Land Use and Transportation Committee - CONTINUED

July 11, 2022 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 11, 2022 Land Use and Transportation Committee - CONTINUED AS AMENDED

July 18, 2022 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 18, 2022 Land Use and Transportation Committee - DUPLICATED

July 18, 2022 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

July 26, 2022 Board of Supervisors - PASSED ON FIRST READING

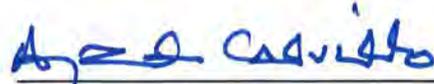
Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 06, 2022 Board of Supervisors - FINALLY PASSED

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

File No. 220036

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/6/2022 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

9/10/22

Date Approved



PLANNING COMMISSION MOTION NO. 21301

HEARING DATE: March 30, 2023

Record No.: 2022-003331CUA
Project Address: 1160 MISSION STREET PARKING
Zoning: C-3-G (Downtown – General) Zoning District
150-S & 240-S Height and Bulk Districts
Cultural District: SoMa Pilipinas Cultural District
Block/Lot: 3702 / 061
Project Sponsor: Hope Gist
Pearl Street Property Company, LLC
4021 SW 10th Street, #305
Topeka, KS 66604
Property Owner: Pearl Street Real Estate Holdings, LLC
4021 SW 10th Street, #305
Topeka, KS 66604
Staff Contact: Nicholas Foster, AICP, LEED GA – (628) 652-7330
nicholas.foster@sfgov.org

Project Description

The proposed project (“Project”) involves a change of use, from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second and third floors of an existing, 4-story Public and Private Parking Garage. The Project would convert 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces. The Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. Further, aside from the installation of EV charging equipment and associated electrical equipment servicing the new fleet charging spaces, no other work is proposed as part of the Project.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.2 and 303, to permit a change of use from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use) at the Project Site.

Environmental Review

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15303 (Class 3 – New Construction. change of use under 10,000 sq. ft. if principally permitted or with a CU).

Decision

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the findings below, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2022-003331CUA** subject to conditions contained in the attached “EXHIBIT A” and in general conformance with plans on file, dated March 20, 2023, and stamped “EXHIBIT B.”

| Additional Information | |
|---|--|
| Notification Period | 03/10/23 – 03/30/23 (20 days mailing, newspaper, online, and posted). |
| Number and Nature of Public Comments Received | Department staff have not received any public comment regarding the Project since the Application’s initial filing. |
| Any Additional Planning Code Findings Findings for Conditional Uses | The Project is subject to the standard findings required for Conditional Uses pursuant to Planning Code Section 303. |

| Generalized Basis for Approval |
|---|
| The Commission finds that this Project is necessary, desirable for, and compatible with the surrounding neighborhood as follows, and as set forth in Sections 210.2 and 303(c), and findings submitted as part of the application. The proposed use and character is compatible with the surrounding area and is on balance with the General Plan and Use District. Conditional Use approval to establish Fleet Charging use will allow the Property Owner to lease a specified number of spaces in the existing garage to private fleet vehicles for short-term electric vehicle charging, making for a more productive use of a large parking garage that has been underutilized over time, while also facilitating an electrified mode of transportation that will further reduce emissions thereby benefiting the greater community. Department staff believes the Project would be desirable for and compatible with the surrounding neighborhood and recommends Approval with Conditions. |

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 30, 2023

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
 NAYS: None
 ABSENT: Ruiz
 ADOPTED: March 30, 2023



Jonas P. Ionin
 Commission Secretary

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors.

PROTEST OF FEE OR EXACTION: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development. If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission’s adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator’s Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

EXHIBIT A

Authorization

This authorization is for a conditional use to permit a change of use, from Public Parking Garage (a Retail Automotive Use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second and third floors of an existing, 4-story Public and Private Parking Garage, located at 1160 Mission Street, within Assessor's Block 3702, Lot 061, pursuant to Planning Code Sections 210.2, and 303©, within the C-3-G Zoning District and the 150-S & 240-S Height and Bulk Districts, in general conformance with plans, dated March 20, 2023, and stamped "EXHIBIT B" included in the docket for Record No. 2022-003331CUA and subject to conditions of approval reviewed and approved by the Commission on **March 30, 2023** under Motion No. **21301**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **March 30, 2023**, under Motion No. **21301**.

Printing of Conditions of Approval on Plans

The conditions of approval under 'Exhibit' A' of this Planning Commission Motion No. **21301** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

Changes and Modifications

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to do so, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Design – Compliance at Plan Stage

- 6. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 7. Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

Monitoring - After Entitlement

- 8. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 9. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

- 10. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org.

11. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 1. LOT AND BLOCK NUMBER: 3702 / 061
- 2. ZONING DISTRICT: C-3-G DOWNTOWN GENERAL
- 3. HEIGHT AND BULK RESTRICTIONS: 150-S, 240-S
- 4. HEIGHT OF THE PROJECT: N/A

OWNER

PEARL STREET REAL ESTATE HOLDINGS, LLC
 49 STEVENSON STREET, SUITE 600
 INFO@PEARLSTLAND.COM
 415.837.1946

ZONING TABLE

DIRECTORY

SOMA GRAND, LOCATED AT 1160 MISSION STREET, BETWEEN MISSION STREET & ODD FELLOWS WAY, IS A RESIDENTIAL HIGH RISE STRUCTURE WITH A FOUR STORY PARKING GARAGE AND GROUND LEVEL RETAIL. THE AREA IDENTIFIED IN THIS APPLICATION IS FOR THE FOUR LEVEL PARKING GARAGE LOCATED AT THE GROUND LEVEL OF THE BUILDING AND SPANS FROM ODD FELLOWS WAY TO MISSION STREET. THE CURRENT USE IS PARKING GARAGE - PUBLIC. THE CURRENT OWNER, PEARL STREET REAL ESTATE HOLDINGS, LLC, IS PROPOSING TO CONVERT 61 PARKING STALLS (APPROXIMATELY 9,851.5 SQ FT TOTAL - 8.5' x 19' EACH) TO BE USED FOR COMMERCIAL ELECTRIC VEHICLE (FLEET) CHARGING ON FLOORS 1 & 2. ALTHOUGH NOT INCLUDED IN THE PUBLIC PARKING STALL COUNT, THE RESIDENTIAL PARKING LOCATED ON FLOORS 3 AND 4 WAS APPROVED THROUGH CONDITIONAL USE AUTHORIZATION (APPLICATION 2002.0628CEKVX!).

- 01 | COVER PAGE
- 02 | SITE PLAN - OVERALL PROJECT LOCATION
- 03 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 1
- 04 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 2
- 05 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 3
- 06 | SITE PLAN - PROJECT LOCATION - PARKING LEVEL 4
- 07 | PHOTOS FROM MISSION STREET
- 08 | PHOTOS FROM ODD FELLOWS WAY

PROJECT NARRATIVE

DRAWING INDEX

COVER PAGE

DRAWING NO.

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

01

MARCH 20, 2023

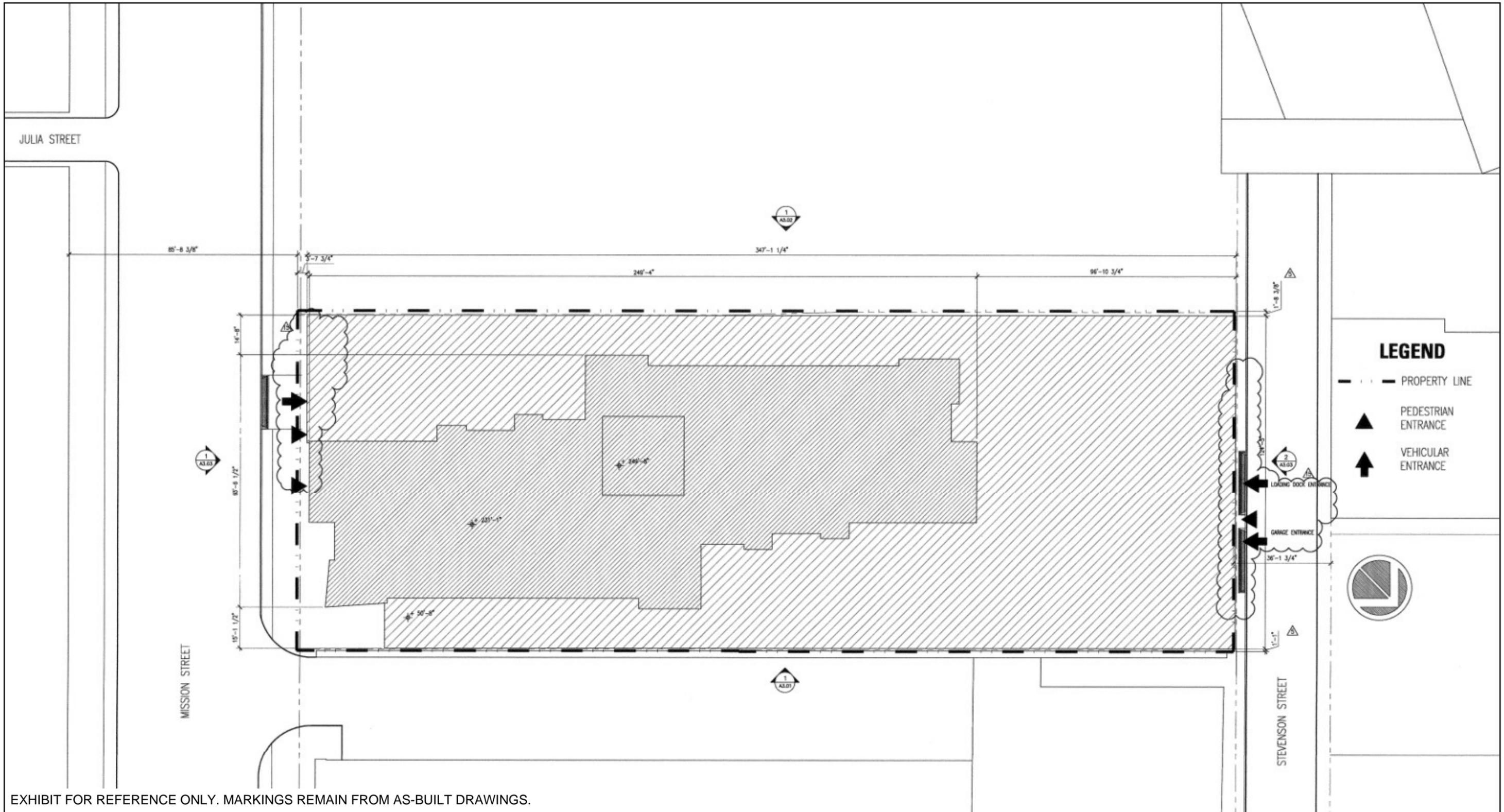


EXHIBIT FOR REFERENCE ONLY. MARKINGS REMAIN FROM AS-BUILT DRAWINGS.

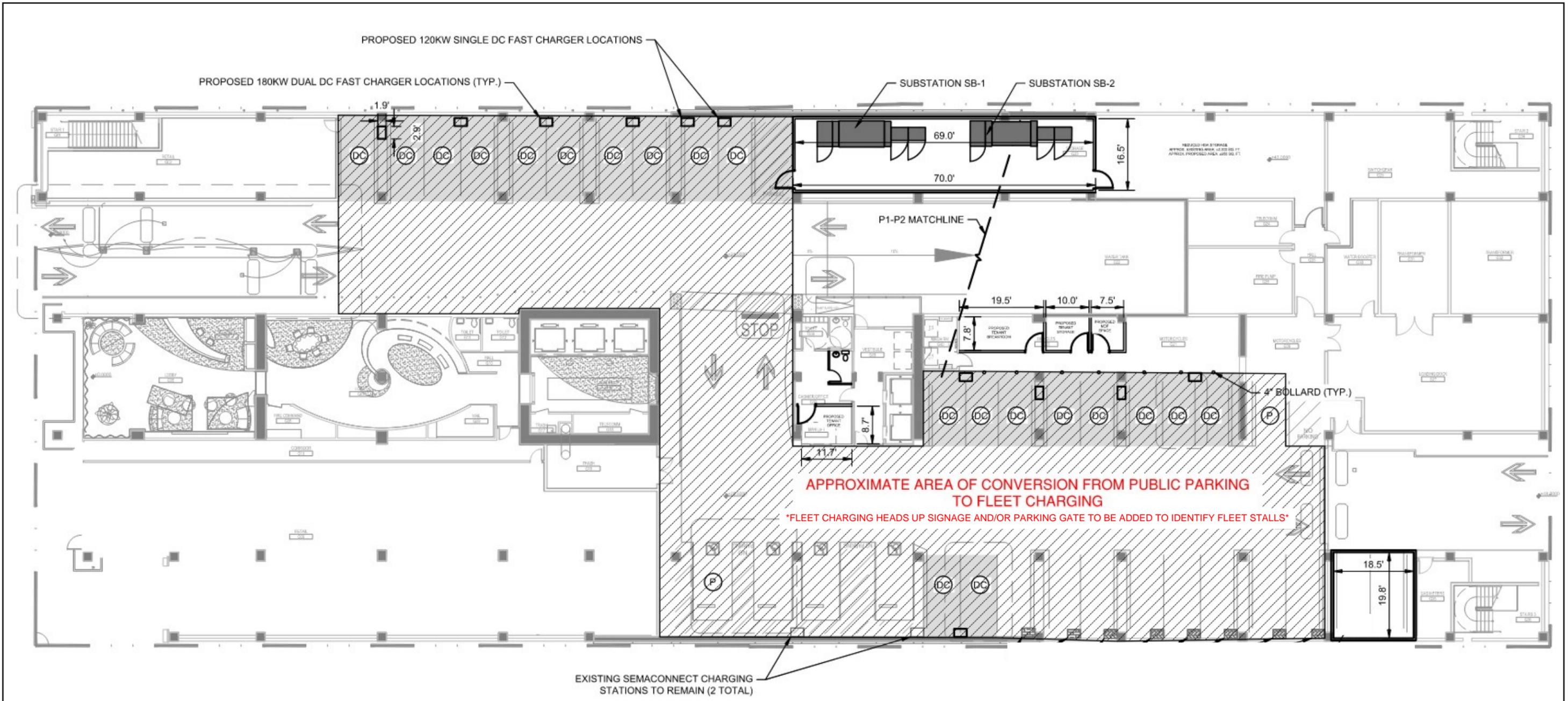
DRAWING NO.

SITE PLAN - OVERALL PROJECT LOCATION

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

02

MARCH 20, 2023



PARKING LEVEL P1 - FLOOR PLAN

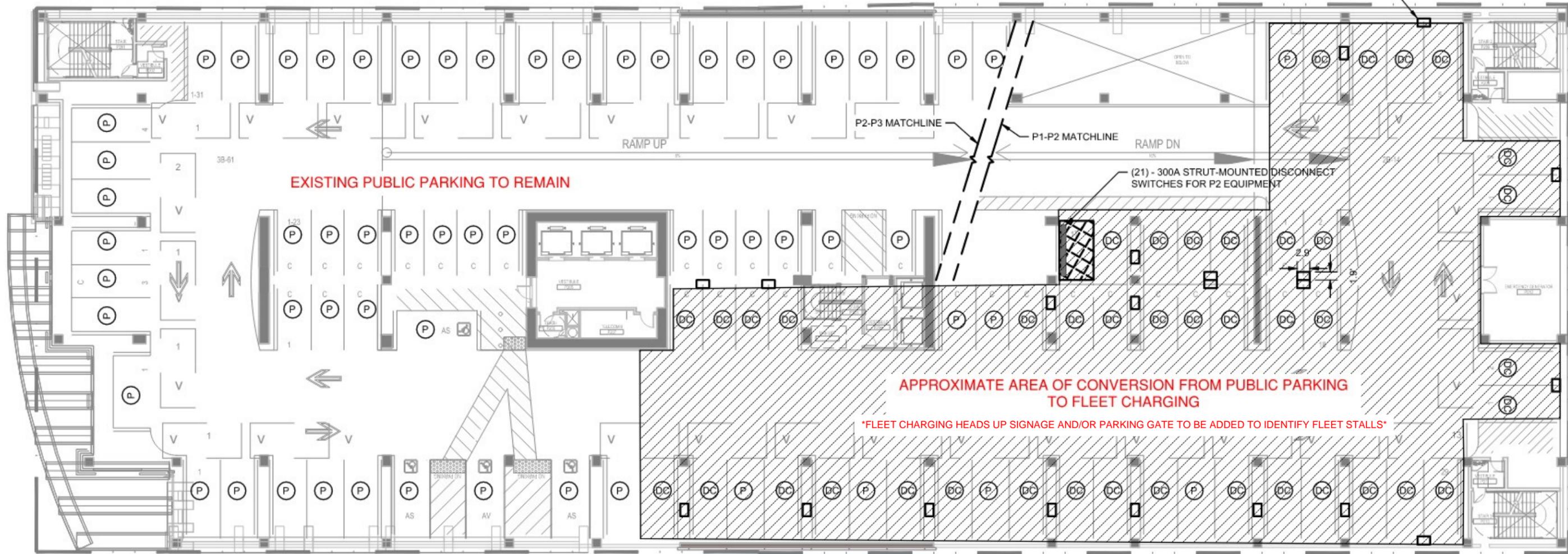
SITE PLAN - PROJECT LOCATION - PARKING LEVEL 1

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

03

MARCH 20, 2023



PARKING LEVEL P2 - FLOOR PLAN

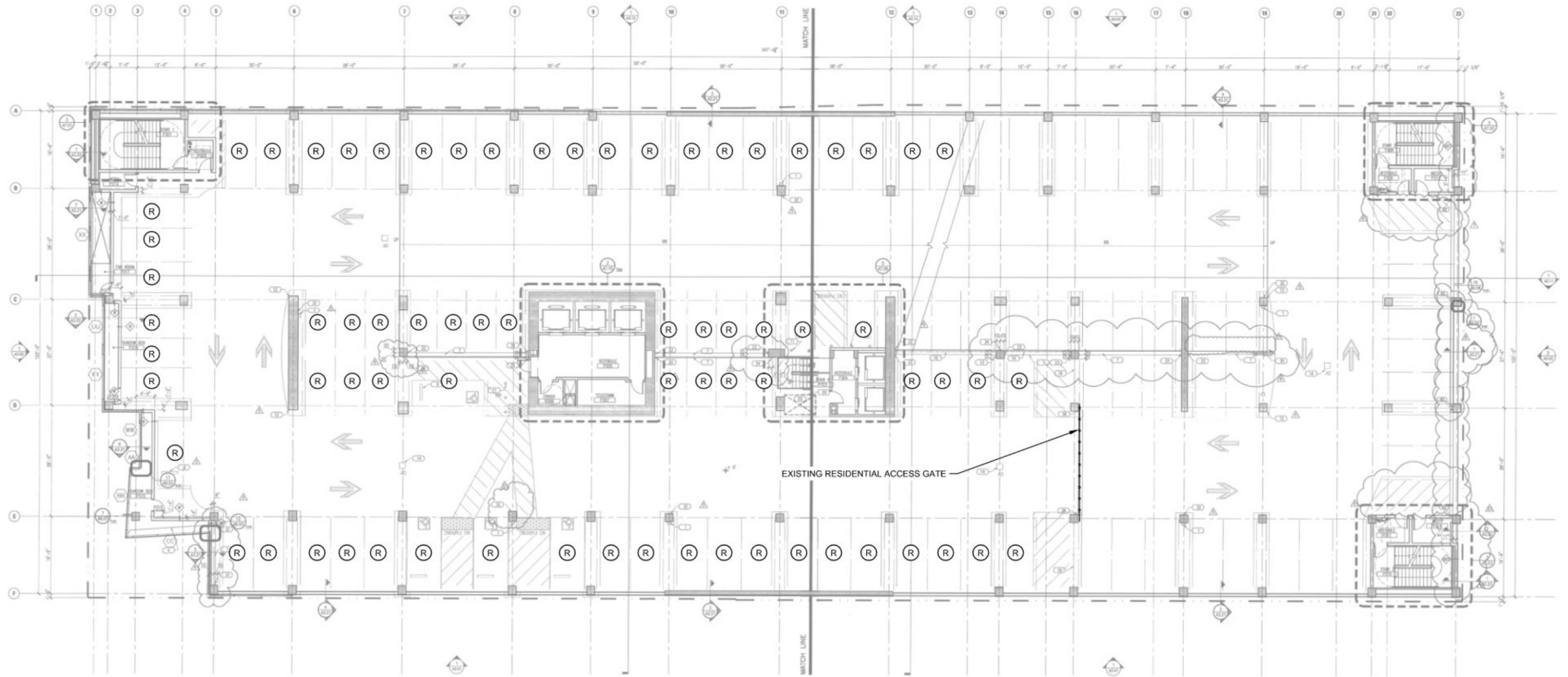
SITE PLAN - PROJECT LOCATION - PARKING LEVEL 2

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

04

MARCH 20, 2023



PARKING LEVEL P3 - FLOOR PLAN

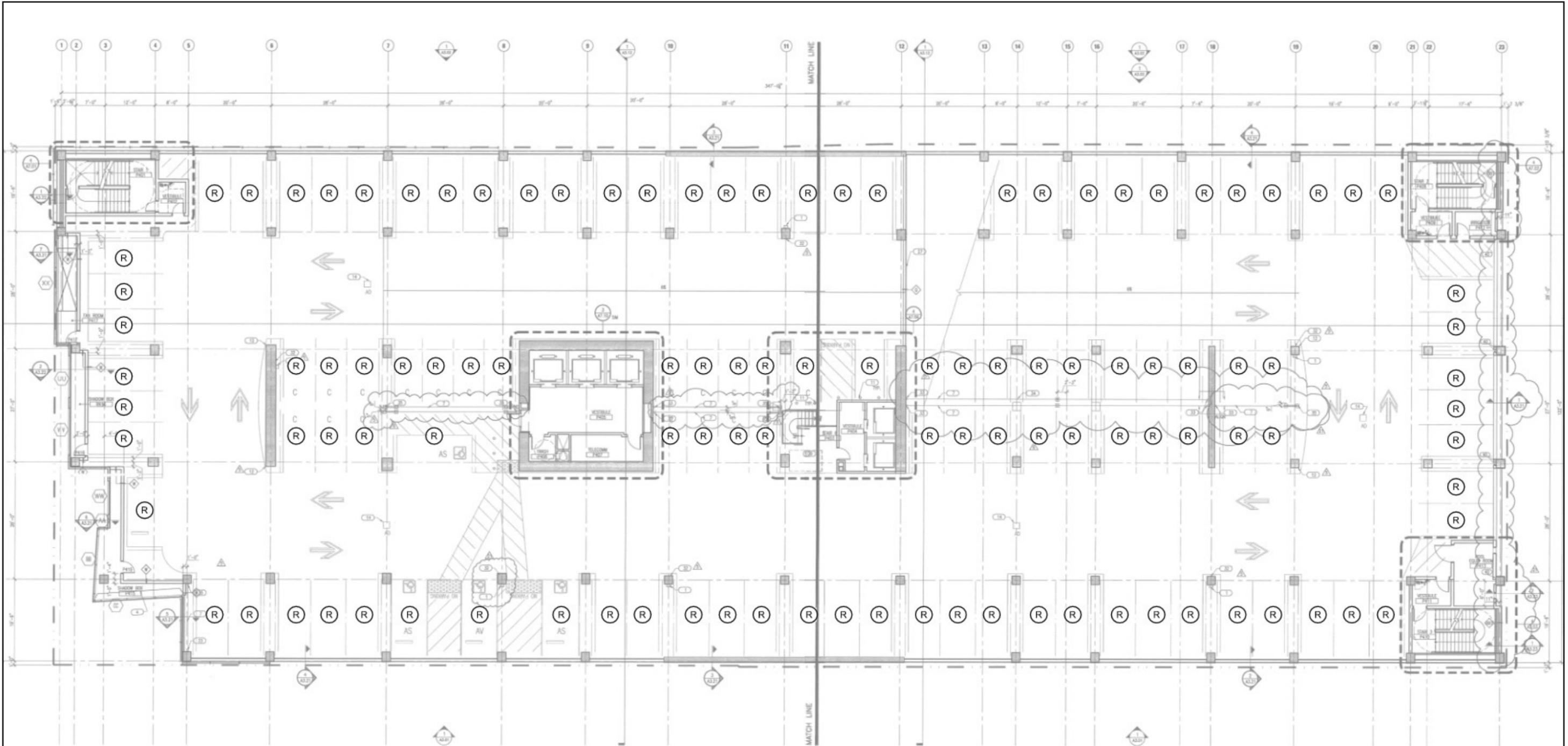
SITE PLAN - PROJECT LOCATION - PARKING LEVEL 3

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

05

MARCH 20, 2023



PARKING LEVEL P4 - FLOOR PLAN

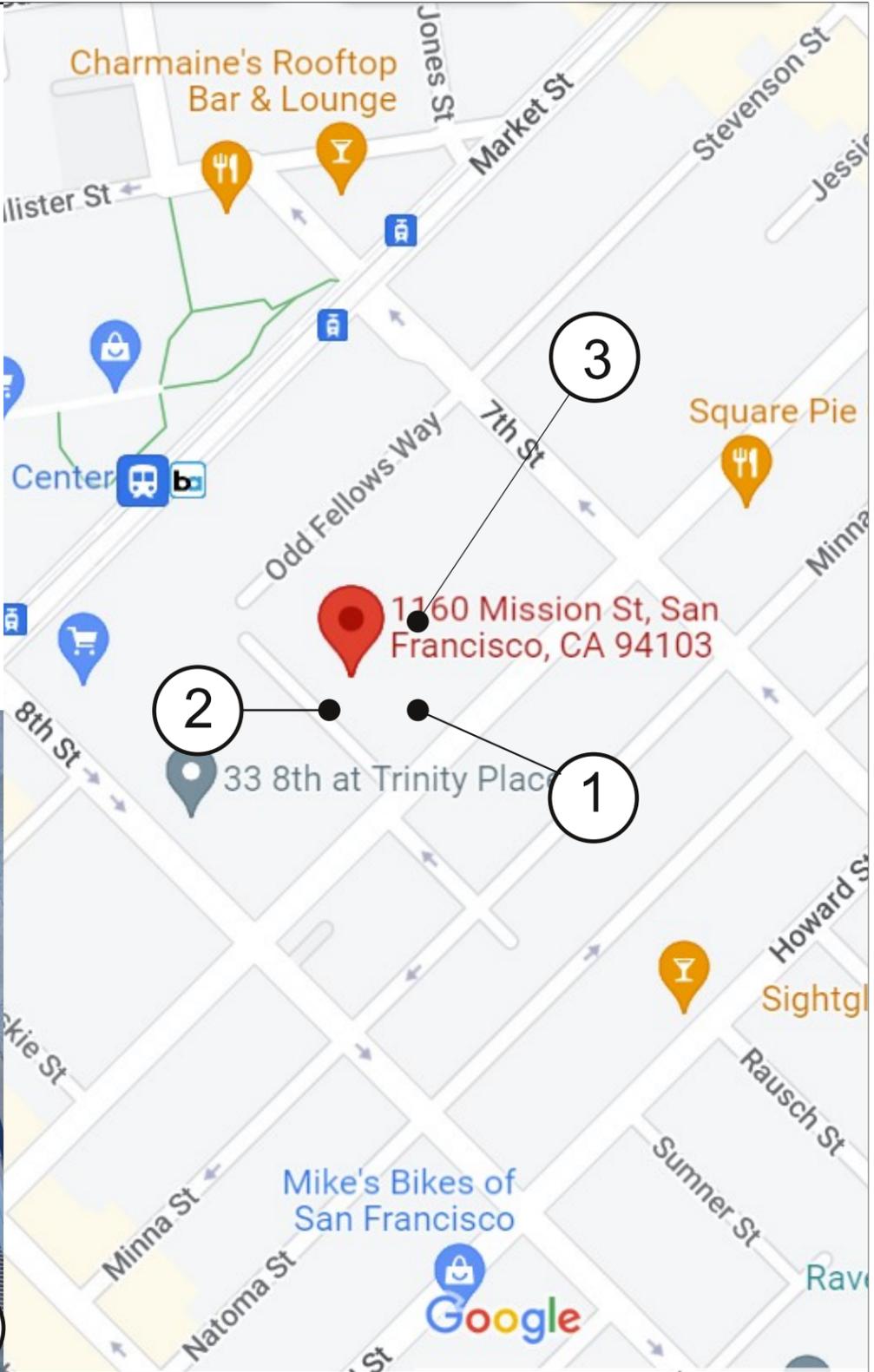
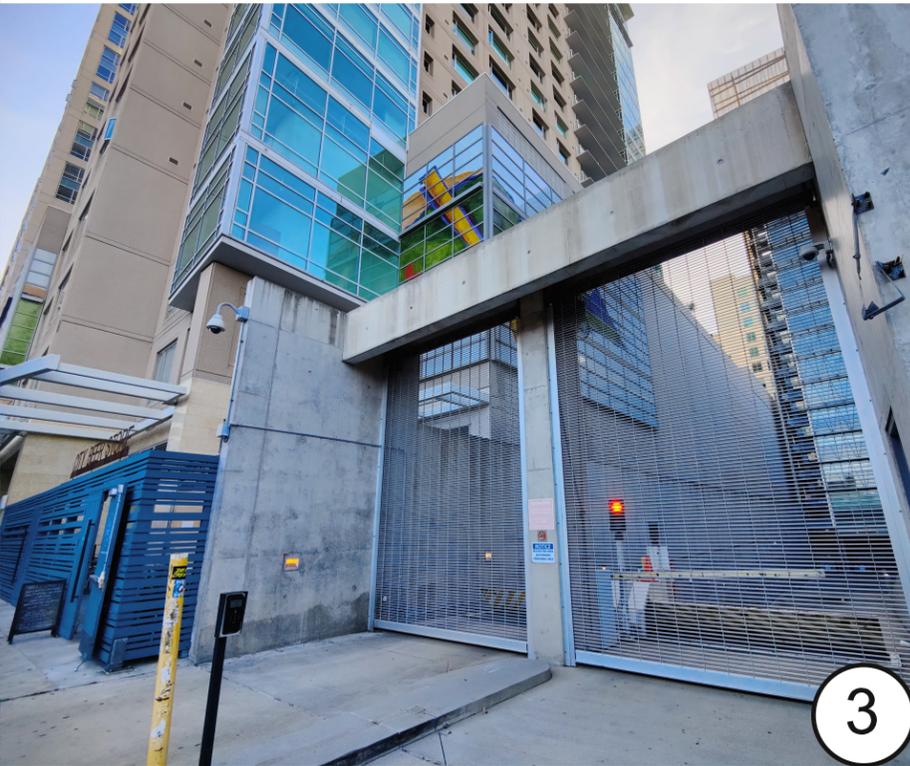
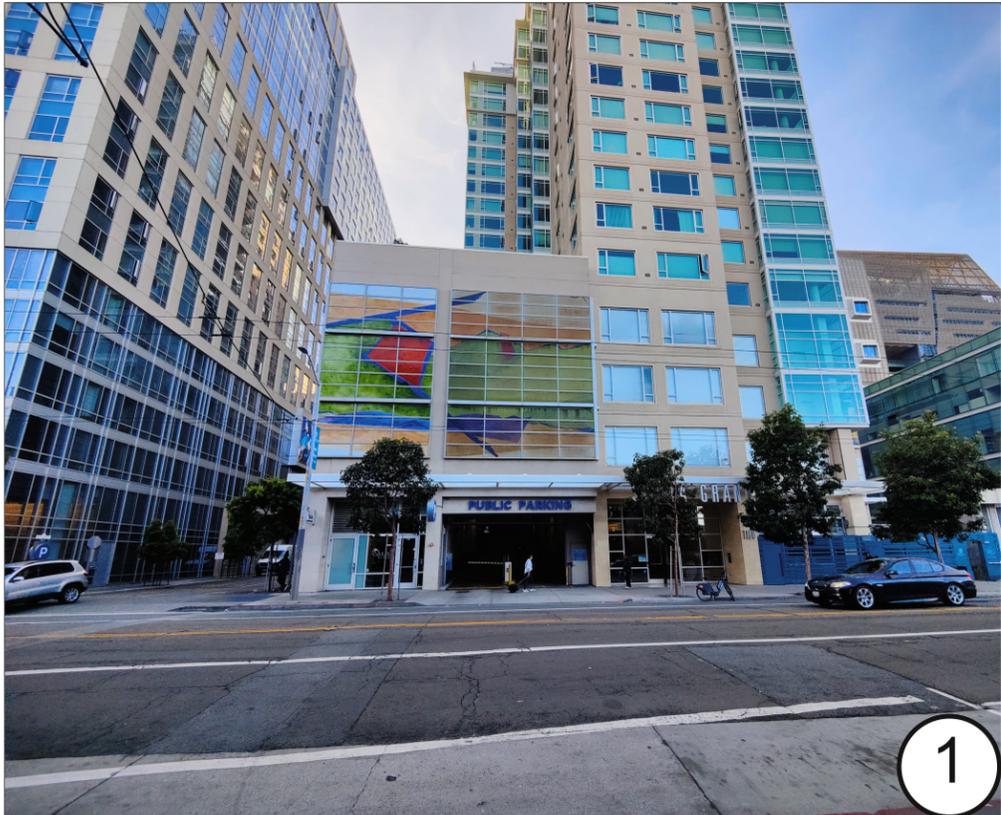
DRAWING NO.

SITE PLAN - PROJECT LOCATION - PARKING LEVEL 4

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

06

MARCH 20, 2023



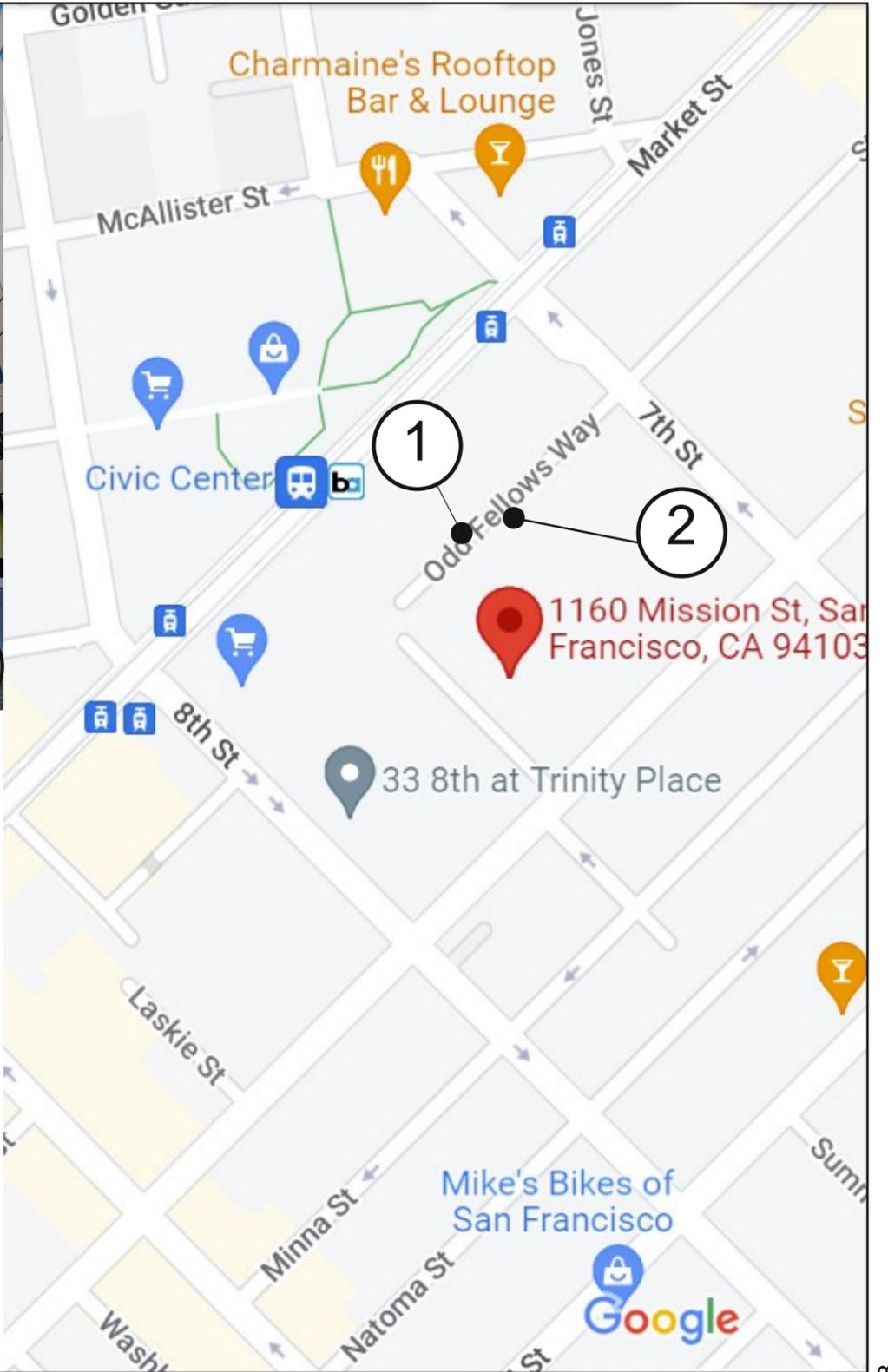
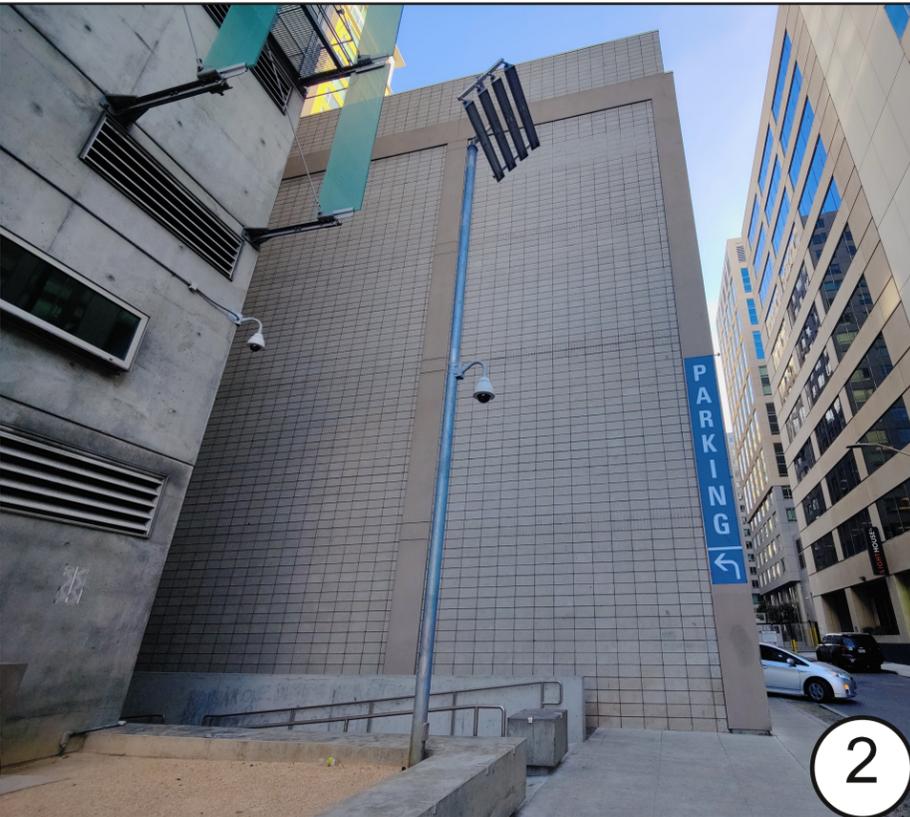
PHOTOS ALONG MISSION STREET

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

DRAWING NO.

07

MARCH 20, 2023



PHOTOGRAPHS ALONG ODD FELLOWS WAY

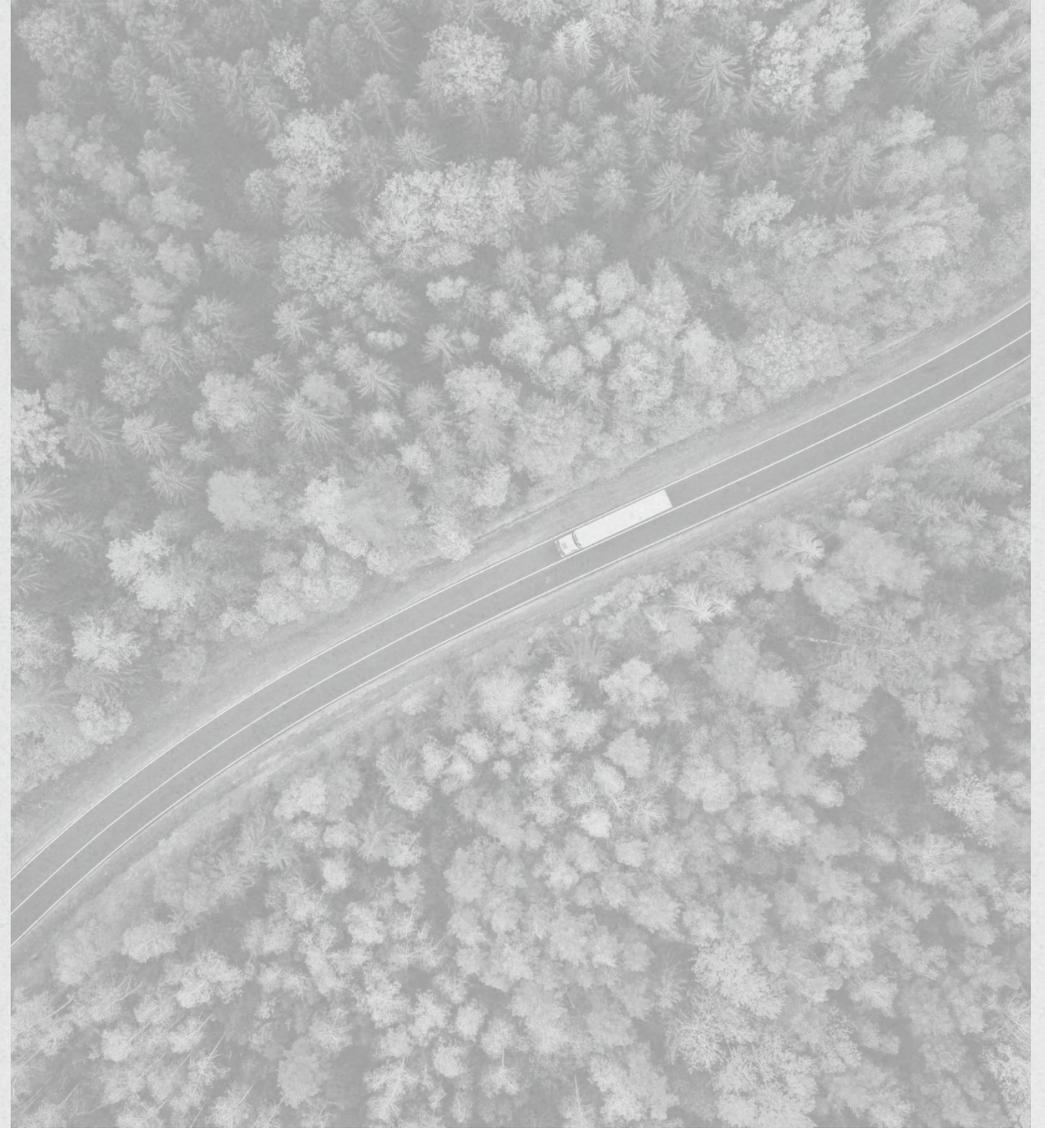
DRAWING NO.

SOMA GRAND PARKING GARAGE - 1160 MISSION STREET, SAN FRANCISCO, CA

08

MARCH 20, 2023

Business Overview: 1160 Mission Street



BUSINESS MISSION

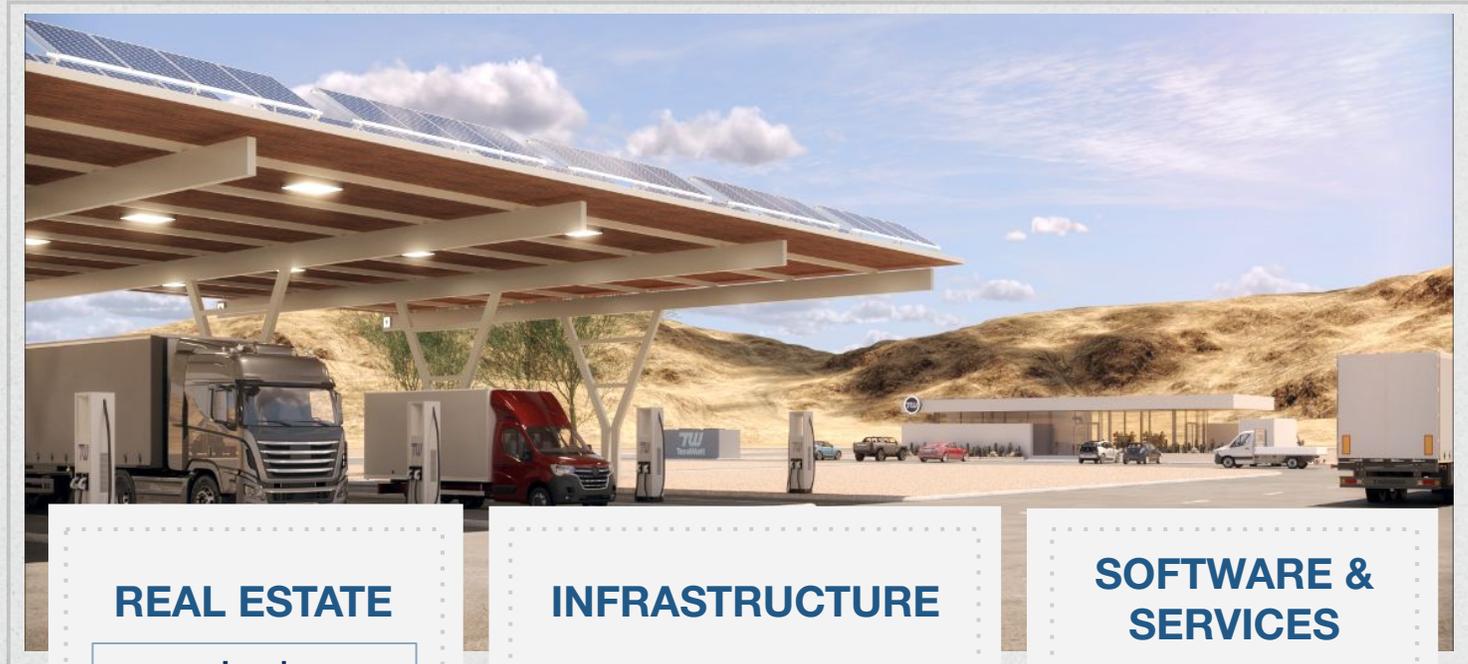
**Power electrified fleets with
the most reliable network of
charging centers**



Charging Center Overview

Charging Centers are the core of what we do. This is our answer to the demands fleet owners will face.

Our Charging Centers provide strategic locations, vast power access, and proprietary energy management services that will keep fleets moving forward.



REAL ESTATE

Land

Power / Interconnect

Fiber / Connectivity

Facilities

Parking

INFRASTRUCTURE

Charging Equipment

SOFTWARE & SERVICES

Charging Management

Energy Management

Grid Controls

Energy Asset Controls

Fleets Need Reliable Offsite EV Charging

Mission Garage can serve many fleet types and use cases

Vehicle Classes



Light Duty



Medium Duty

Offsite Charging Use Cases

- Daytime quick-charge:
 - This will allow fleet vehicles a designated location to charge vehicles along their routes before domiciling at night. This frees up public charging locations to be used specifically for charging personal passenger vehicles.
- Longer dwell charging:
 - Existing fleet facility location upgrades can be expensive or unfeasible due to economic, lease or utility-related constraints. By using our facilities to park and charge, fleets are able to electrify more quickly and still have a reliable location to charge and dwell vehicles before returning to service.

Fleets Need Reliable Offsite EV Charging

Mission Garage can serve many fleet types and use cases

Vehicle Classes



Light Duty



Medium Duty

Additional Offsite Charging Use Cases

- Overflow charging lot:
 - Fleets may not have enough sufficient charging capacity at existing locations of domicile. As an extension of their facilities, without requiring further space or upgrades to their sites, we enable fleets to grow zero-emission operations and stay charged while on the road.
- Driver transfer point:
 - As a central SF location, fleet would be able to quickly swap vehicles and drivers throughout the day in order to get back on the road as quickly as possible to maximize zero-emission miles travelled per vehicle.

From: [BOS Legislation. \(BOS\)](#)
To: ["peter@pzlandlaw.com"](#); ["cangelis@reubenlaw.com"](#); ["david@npgsf.com"](#); ["hgist@pearlstland.com"](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Switzky, Joshua \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Watty, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Subject: HEARING NOTICE - Appeal of Conditional Use Authorization - Proposed 1160 Mission Street Project - Appeal Hearing May 23, 2023
Date: Friday, May 12, 2023 8:50:00 AM
Attachments: [image001.png](#)

Greetings,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **May 23, 2023**, at 3:00 p.m. for the appeal of the Conditional Use Authorization for the proposed project at 1160 Mission Street:

Please find the following link to the hearing notice for the matter:

[Public Hearing Notice - May 12, 2023](#)

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 230439](#)

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO
Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard in person or remotely.

Date: Tuesday, May 23, 2023

Time: 3:00 p.m.

Location: **IN-PERSON MEETING INFORMATION**
Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

REMOTE ACCESS

Watch: www.sfgovtv.org

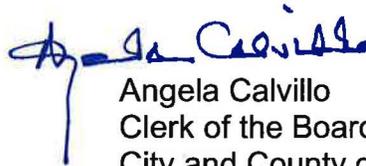
Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 230439.** Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 202.2, 303, and 745 of the Planning Code, for a proposed project at 1160 Mission Street, Assessor's Parcel Block No. 3702, Lot No. 061, identified in Planning Case No. 2022-003331CUA, issued by the Planning Commission by Motion No. 21301 dated March 30, 2023, involving a change of use from Public Parking Garage (a Retail Automotive use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second, and third floors of an existing four-story Public and Private Parking Garage; including converting 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces; the Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. (District 6) (Appellant: Peter Ziblatt of Pelosi Ziblatt Law Group, on behalf of Mark Gleason) (Filed April 17, 2023)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, May 19, 2023.

For any questions about this hearing, please contact our office at bos.legislation@sfgov.org or call (415) 554-5184.

Please Note: *The Department is open for business, but employees are working from home. Please allow 24 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

jw:ll

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

PROOF OF MAILING

Legislative File No. 230439

Description of Items: Hearing - Appeal of Conditional Use Authorization Approval - 1160 Mission Street - 697 Notices Mailed

I, Jocelyn Wong, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: May 12, 2023

Time: 9:00 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

From: [BOS Legislation, \(BOS\)](#)
To: [Liu, Bella \(CPC\)](#); [Yeung, Tony \(CPC\)](#)
Cc: [BOS-Operations](#); [BOS Legislation, \(BOS\)](#)
Subject: CHECK PICKUP: Appeal of Conditional Use Authorization - Proposed 1160 Mission Street Project - Appeal Hearing
May 23, 2023
Date: Monday, April 24, 2023 8:18:00 AM
Attachments: [image001.png](#)
[Appeal Check Pickup.doc](#)

Hi Bella,

The check for the appeal filing fee for the Conditional Use Authorization appeal of the proposed 1160 Mission Street project, is ready to be picked up at the Clerk's Office. Our office is opened Monday through Friday from 8:00am to 5:00pm. A fee waiver was not filed with this project. Kindly sign the attached Appeal Check Pickup form once the filing fee is picked up.

Thank you.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Friday, April 21, 2023 5:08 PM
To: 'peter@pzlandlaw.com' <peter@pzlandlaw.com>; 'cangelis@reubenlaw.com' <cangelis@reubenlaw.com>; 'david@npgsf.com' <david@npgsf.com>; 'hgist@pearlstland.com' <hgist@pearlstland.com>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Watty, Elizabeth (CPC)

<elizabeth.watty@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Foster, Nicholas (CPC) <nicholas.foster@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Subject: Appeal of Conditional Use Authorization - Proposed 1160 Mission Street Project - Appeal Hearing May 23, 2023

Greetings,

The Office of the Clerk of the Board has scheduled for a hearing Special Order before the Board of Supervisors on **May 23, 2023**, at 3:00 p.m. Please find linked below an appeal letter regarding the proposed 1160 Mission Street project, and an informational letter from the Clerk of the Board.

[Appeal Letter - April 17, 2023](#)

[Clerk of the Board Letter - April 20, 2023](#)

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 230439](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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BOARD of SUPERVISORS



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TDD/TTY No. (415) 554-5227

April 24, 2023

File Nos. 230439-230442

Planning Case No. 2022-001838CUA

Received from the Board of Supervisors Clerk's Office one check, one in the amount of Six Hundred Ninety Eight Dollars (\$698) the filing fee paid by Pelosi Ziblatt Law Group for the appeal of the Conditional Use Authorization for the proposed 1160 Mission Street project:

Planning Department By:

Tony Yeung
Print Name

[Signature] 4/24/23
Signature and Date

From: [BOS Legislation. \(BOS\)](#)
To: ["peter@pzlandlaw.com"](#); ["cangelis@reubenlaw.com"](#); ["david@npgsf.com"](#); ["hgist@pearlstland.com"](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Tam, Tina \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Watty, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Subject: Appeal of Conditional Use Authorization - Proposed 1160 Mission Street Project - Appeal Hearing May 23, 2023
Date: Friday, April 21, 2023 5:08:16 PM
Attachments: [image001.png](#)

Greetings,

The Office of the Clerk of the Board has scheduled for a hearing Special Order before the Board of Supervisors on **May 23, 2023**, at 3:00 p.m. Please find linked below an appeal letter regarding the proposed 1160 Mission Street project, and an informational letter from the Clerk of the Board.

[Appeal Letter - April 17, 2023](#)
[Clerk of the Board Letter - April 20, 2023](#)

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 230439](#)

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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BOARD of SUPERVISORS



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Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

April 20, 2023

Peter Ziblatt
Pelosi Ziblatt Law Group
244 Kearny Street, 9th Floor
San Francisco, CA 94108

Subject: File No. 230439 - Appeal of Conditional Use Authorization
1160 Mission Street

Dear Mr. Ziblatt:

Thank you for your appeal filing regarding the proposed project at 1160 Mission Street. The filing period to appeal the conditional use authorization closes on Monday, May 1, 2023. The conditional use appeal was filed with the subscription of 11 members of the Board of Supervisors, and therefore meets the filing requirements of Planning Code, Section 308.1.

Pursuant to Planning Code, Section 308.1, a hearing date has been scheduled for **Tuesday, May 23, 2023, at 3:00 p.m.**, at the Board of Supervisors meeting.

Please provide to the Clerk's Office by noon:

20 days prior to the hearing:
Wednesday, May 3, 2023

names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

11 days prior to the hearing:
Friday, May 12, 2023

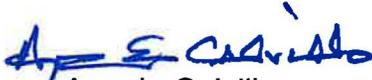
any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests electronic files be sent to bos.legislation@sfgov.org.



Please feel free to contact our office at bos.legislation@sfgov.org or call (415) 554-5184 if you have any questions.

Very truly yours,


Angela Calvillo
Clerk of the Board

jw:ak:ll:ams

- c: Anne Pearson, Deputy City Attorney
- Kristen Jensen, Deputy City Attorney
- Rich Hillis, Planning Department
- Lisa Gibson, Planning Department
- Devyani Jain, Planning Department
- Joy Navarrete, Planning Department
- Corey Teague, Planning Department
- Tina Tam, Planning Department
- AnMarie Rodgers, Planning Department
- Dan Sider, Planning Department
- Aaron Starr, Planning Department
- Elizabeth Watty, Planning Department
- Jonas Ionin, Planning Commission
- Nicholas Foster, Planning Department
- Julie Rosenberg, Board of Appeals
- Alec Longaway, Board of Appeals

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquiries..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Conditional Use Authorization Approval - 1160 Mission Street

Long Title or text listed:

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 202.2, 303, and 745 of the Planning Code, for a proposed project at 1160 Mission Street, Assessor's Parcel Block No. 3702, Lot No. 061, identified in Planning Case No. 2022-003331CUA, issued by the Planning Commission by Motion No. 21301 dated March 30, 2023, involving a change of use from Public Parking Garage (a Retail Automotive use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second, and third floors of an existing four-story Public and Private Parking Garage; including converting 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces; the Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. (District 6) (Appellant: Peter Ziblatt of Pelosi Ziblatt Law Group, on behalf of Mark Gleason) (Filed April 17, 2023)

Signature of Sponsoring Supervisor: