

BOARD of SUPERVISORS



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

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

Re: Board of Supervisors Motion No. M23-112

Dear Assessor-Recorder Torres:

On May 23, 2023, the Board of Supervisors held a public hearing of persons interested in or objecting to the certification of a Conditional Use Authorization for a proposed project located at 301 Toland Street issued by the Planning Commission by Motion No. 21278, dated March 16, 2023, and adopted Motion No. M23-074 (Disapproving the Conditional Use Authorization - 301 Toland Street) and Motion No. M23-075 (Preparation of Findings Related to Conditional Use Authorization - 301 Toland Street).


On July 18, 2023, the Board of Supervisors adopted Motion No. M23-112 (Adoption of Findings Related to Disapproval of Conditional Use Authorization - 301 Toland Street).

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

- One certified copy of Motion No. M23-074 (File No. 230437)
- One certified copy of Motion No. M23-112 (File No. 230822)

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

Sincerely,


Angela Calvillo
Clerk of the Board

jw:ll:ak:ams

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



City and County of San Francisco

Certified Copy

Motion

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

230437 [Disapproving the Conditional Use Authorization - 301 Toland Street]

Motion disapproving the decision of the Planning Commission by its Motion No. 21278 approving a Conditional Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed project at 301 Toland Street. (Clerk of the Board)

5/23/2023 Board of Supervisors - APPROVED

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

Excused: 1 - Melgar

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO


CLERK'S CERTIFICATE

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

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

July 17, 2023

Date


Angela Calvillo
Clerk of the Board

1 [Disapproving the Conditional Use Authorization - 301 Toland Street]

2
3 **Motion disapproving the decision of the Planning Commission by its Motion No. 21278**
4 **approving a Conditional Use Authorization, identified as Planning Case No. 2022-**
5 **011241CUA, for a proposed project at 301 Toland Street.**
6

7 MOVED, That the Planning Commission's approval on March 16, 2023, of a
8 Conditional Use Authorization identified as Planning Case No. 2022-011241CUA, by its
9 Motion No. 21278, to convert a portion, approximately 21,200 square feet, of the existing
10 108,000 square-foot building from wholesale sales/storage use to Private Parking Garage
11 use; the garage would provide 44 parking spaces to be used as employee parking for
12 Waymo's existing automotive maintenance site at 201 Toland Street; the proposal includes
13 interior modifications to create an employee break room, security office, meeting room, and
14 restrooms; exterior alterations are limited to the replacement of one roll-up door with a larger
15 roll-up door that extends to grade to an industrial building within the PDR-2 Zoning District and
16 80-E Height and Bulk District, for a proposed project located at:

17 301 Toland Street, Assessor's Parcel Block No. 5264, Lot No. 049,
18 is hereby disapproved.
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City and County of San Francisco

Tails

Motion: M23-074

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

File Number: 230437

Date Passed: May 23, 2023

Motion disapproving the decision of the Planning Commission by its Motion No. 21278 approving a Conditional Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed project at 301 Toland Street.

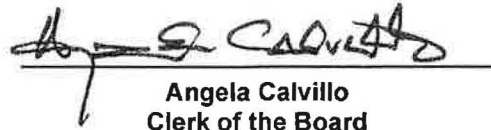
May 23, 2023 Board of Supervisors - APPROVED

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

Excused: 1 - Melgar

File No. 230437

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


Angela Calvillo
Clerk of the Board



City and County of San Francisco

Certified Copy

Motion

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

230822 [Adoption of Findings Related to Disapproval of Conditional Use Authorization - 301 Toland Street]

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21278, approving a Conditional Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed project at 301 Toland Street. (Clerk of the Board)

7/18/2023 Board of Supervisors - APPROVED

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

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO


CLERK'S CERTIFICATE

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

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

July 24, 2023

Date


Angela Calvillo
Clerk of the Board

1 [Adoption of Findings Related to Disapproval of Conditional Use Authorization - 301 Toland
2 Street]

3 **Motion adopting findings in support of the Board of Supervisors' disapproval of the**
4 **decision of the Planning Commission by its Motion No. 21278, approving a Conditional**
5 **Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed**
6 **project at 301 Toland Street.**

7
8 WHEREAS, On March 16, 2023, the Planning Commission approved a Conditional
9 Use Authorization identified as Planning Case No. 2022-011241CUA, by its Motion No.
10 21278, to convert a portion, approximately 21,200 square feet, of the existing 108,000 square-
11 foot building at 301 Toland Street, Assessor's Parcel Block No. 5264, Lot No. 049, from
12 Wholesale Storage (a Non-Retail Sales and Service Use) to Private Parking Garage (a Non-
13 Retail Automotive Use) (the "proposed project"); and

14 WHEREAS, Under the proposed project, the garage would provide 44 parking spaces
15 to be used as employee parking for Waymo's existing automotive maintenance site at 201
16 Toland Street; the proposal included interior modifications to create an employee break room,
17 security office, meeting room, and restrooms; exterior alterations were limited to the
18 replacement of one roll-up door with a larger roll-up door that extends to grade; and

19 WHEREAS, The proposed project site consists of a single-story warehouse building
20 within the Production, Distribution and Repair ("PDR")-2 Zoning District and 80-E Height and
21 Bulk District, on a full-block lot with frontages along Toland Street to the west, Innes Avenue
22 to the south, and Shelby Street to the east below the elevated Interstate 280 Highway, and
23 Hudson Avenue to the north; and

24 WHEREAS, The area surrounding the proposed project site is industrial in character,
25 with a mix of warehouses, automotive, and light industrial uses; the surrounding development

1 is predominately single-story, with enclosed and unenclosed vehicular use areas and loading
2 directly from the street; and a Waymo fleet maintenance facility is located across Hudson
3 Avenue, at 301 Toland Street; immediately to the south of the site is the San Francisco
4 Produce Market, in the Bayview-Hunters Point neighborhood; and

5 WHEREAS, The Planning Department determined that the Project is exempt from
6 environmental review; and

7 WHEREAS, On April 17, 2023, Mark Gleason (Appellant) filed a timely appeal
8 protesting the approval of the Conditional Use Authorization by the Planning Commission; and

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

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

14 WHEREAS, The written record and oral testimony in support of and opposed to the
15 appeal and deliberation of the oral and written testimony at the public hearing before the
16 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
17 in the Clerk of the Board of Supervisors' File No. 230435, and is incorporated in this motion as
18 though set forth in its entirety; and

19 WHEREAS, Following the conclusion of the public hearing on May 23, 2023, the Board
20 voted to disapprove the decision of the Planning Commission, as reflected in Board of
21 Supervisors Motion No. M23-074; and now, therefore, be it

22 MOVED, That the Board finds that:

- 23 • The proposed project is inconsistent with the City's Transit First policy, adopted
24 more than 50 years ago by the Board of Supervisors on March 19, 1973, by
25 Resolution No. 189-73, and now enshrined in Charter, Section SEC. 8A.115.

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- The Transit First policy sets forth a comprehensive set of policies and goals regarding the transportation system and the use of limited public right of way in the City. In relevant part, it mandates that “[d]ecisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety;” and that “[p]arking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.”
- The area where proposed project is located is well served by public transit. Several Muni lines serve the project site. Muni routes 9/9R, 23, 24, 44 are within a 15 minute walk, and other routes such as the 15, 19, 54 and T are also nearby, but a bit further away. There are more than a dozen bus stops within a 15 minute walk from the proposed project site.
- The Transit First policy supports the City’s Climate Action Plan, which finds that “a vigorous, renewed commitment to implementing the Transit First policy directly supports climate action,” and that “[t]ransit, walking and biking improve local air quality for everyone, especially people who suffer from respiratory illnesses like asthma. Similarly, low-carbon modes increase physical activity which can reduce the likelihood of health problems like diabetes and depression.”
- The Transit First policy also supports the City’s Vision Zero policy, adopted in 2014. The Vision Zero policy commits resources to eliminate traffic fatalities, the vast majority of which occur due to interactions between large motorized vehicles and pedestrians and cyclists.

- Preservation of PDR spaces is also an important City policy. Under the Planning Code, the zoning district currently in effect in the proposed project site, PDR-2, is a “core” PDR district, and is intended to “encourage the introduction, intensification and protection of a wide range of light and contemporary industrial activities.” For those reasons, “new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as incinerators” are prohibited. Generally, all other uses are permitted, but “the conservation of existing flexible industrial buildings is also encouraged.”
- The proposed project would convert an existing PDR space into a private parking garage, in an area that is well served by public transit. The proposed project is not in alignment with the City’s PDR preservation policies, and the traffic and congestion that would result from the proposed project are not in alignment with the City’s Transit First and Vision Zero policies.
- Under these circumstances, the Board reverses the Planning Commission’s decision to grant a Conditional Use Authorization for the proposed project, finding that the proposed project does not meet the criteria for such entitlement under Section 303 of the Planning Code, because the proposed project is not “necessary or desirable for, and compatible with, the neighborhood or the community;” and may indeed be “detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.”

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City and County of San Francisco
Tails
Motion: M23-112

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

File Number: 230822

Date Passed: July 18, 2023

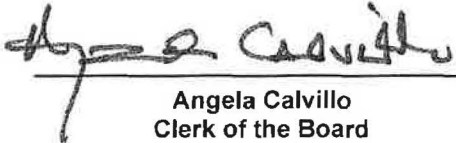
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July 18, 2023 Board of Supervisors - APPROVED

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

File No. 230822

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


Angela Calvillo
Clerk of the Board