

File No. 230822

Committee Item No. _____

Board Item No. 89

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 18, 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

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Prepared by: Lisa Lew

Date: July 14, 2023

Prepared by: _____

Date: _____

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

2

3 **Motion adopting findings in support of the Board of Supervisors’ disapproval of the**
4 **decision of the Planning Commission by its Motion No. 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
- 24 • The proposed project is inconsistent with the City's Transit First policy, adopted
25 more than 50 years ago by the Board of Supervisors on March 19, 1973, by
Resolution No. 189-73, and now enshrined in Charter, Section SEC. 8A.115.

- 1
- 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.”
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 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.
- 9
- 10
- 11
- 12
- 13
- 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.”
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 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.
- 21
- 22
- 23
- 24
- 25

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

21
22 n:\land\as2023\9890542\01689339.docx
23
24
25

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):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: