

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.

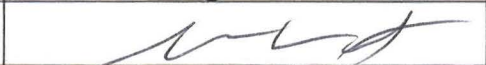
Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2022-003331CUA, a conditional use authorization regarding (address) 1160 Mission Street, 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>

(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


(Attach copy of Planning Commission's Decision)

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Supervisor Printed Name	Signature	Date
AARON PESKIN		4-17-23

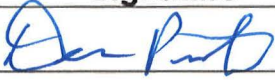
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Supervisor Printed Name	Signature	Date
Joel Engardio		4-17-23

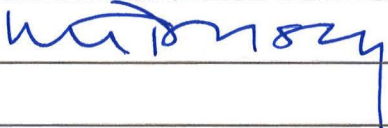
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Supervisor Printed Name	Signature	Date
Dean Preston		4/17/23


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Supervisor Printed Name	Signature	Date
MATT DORSEY		4/17/23

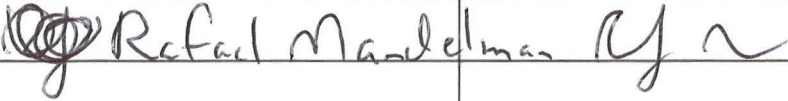
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Supervisor Printed Name	Signature	Date
Myrna Melgar		4/17/2023


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Supervisor Printed Name	Signature	Date
Rafael Mandelman		4-17-23

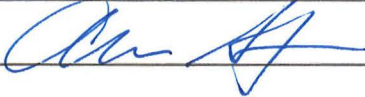
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Supervisor Printed Name	Signature	Date
Hillary Ronen		4-17-23

(Attach copy of Planning Commission's Decision)

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Supervisor Printed Name	Signature	Date
AHSHA SAFAI		4/17/23

(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
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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



[Handwritten Signature]

AUTHORIZED SIGNATURE

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MEMO

1160 Mission Street Appeal

PELOSI ZIBLATT LAW GROUP

04/17/2023

San Francisco Planning Department

698.00

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1160 Mission Street Appeal

698.00