

2023 APR 17 PM 1:33

BY

Statement of Appeal:

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

Conditional Use Authorization for Private Parking Garage use did not consider Parcel Delivery Service use which is supported by the Private Parking Garage use and Parcel Delivery Service use requires a separate Conditional Use Authorization. This separate Conditional Use Authorization was not granted or considered 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

301 TOLAND STREET CUA APPEAL STATEMENT

The Conditional Use Authorization for a Private Parking Garage Use at 301 Toland Street is an authorization for employee parking in support of Waymo's automotive facility across the street. Waymo confirmed in testimony at the March 16, 2023, Planning Commission meeting that Waymo is "permitted" for local goods delivery through use of autonomous vehicles (see March 16, 2023 Planning Commission hearing transcript at 1hr 35 min), with the vehicles presumably stored and maintained at its automotive facility at 201 Toland Street. As a result, the Conditional Use Authorization to facilitate additional employee parking at 301 Toland Street in support of the Waymo facility allows for a further expansion of the existing Parcel Delivery Service Use by providing additional expanded employee parking. On March 22, 2022 the Board of Supervisors adopted Resolution 109-22 adopting Interim Zoning Controls that require all Parcel Delivery Service uses to obtain Conditional Use Authorization and to make specified findings. The Planning Code definition of Parcel Delivery Service use contemplates those facilities, like garages, created in support of a delivery fleet.

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 expansion of employee parking at Waymo's facilities is tantamount to the expansion of Parcel Delivery Service uses that Waymo by its own admission is permitted to conduct and is engaged in. As a result the Private Parking Garage use authorized by the Planning Commission on March 16, 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. 2022-011241CUA, a conditional use authorization regarding (address) 301 Toland Street, District 10. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

Supervisor Printed Name	Signature	Date
Shamara Walton		4/14/2023


(Attach copy of Planning Commission's Decision)

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Supervisor Printed Name	Signature	Date
Catherine Steloni		4/17/23

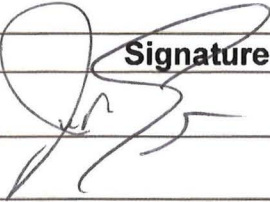
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Supervisor Printed Name	Signature	Date
ARON PESKIN		4-17-23

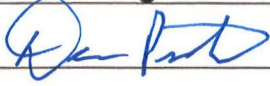
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Supervisor Printed Name	Signature	Date
Joel Engardio		4-17-23

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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

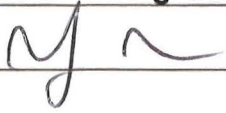
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Supervisor Printed Name	Signature	Date
Myrna Melgar		4/17/2023


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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
<i>[Handwritten Signature]</i>	<i>AMSKA SAFAI</i>	<i>4/17/23</i>

(Attach copy of Planning Commission's Decision)



PLANNING COMMISSION PROJECT SUMMARY AND DRAFT MOTION

HEARING DATE: March 16, 2023

CONSENT

Record No.: 2022-011241CUA
Project Address: 301 TOLAND STREET
Zoning: PDR-2 (Production, Distribution and Repair) Zoning District
80-E Height and Bulk District
Cultural District: African American Arts & Cultural District
Block/Lot: 5264 / 049
Project Sponsor: John Kevlin
One Bush Street, Suite 600
San Francisco, CA 94104
Property Owner: Elevate Pro LLC
1800 Sutter Street, Suite 400
San Francisco, CA 94117
Staff Contact: Laura Ajello- 628-652-7353
Laura.Ajello@sfgov.org
Environmental Review: Common Sense Exemption

Project Description

The Project would convert a portion, approximately 21,200 square feet, of the existing 108,000 square-foot building from wholesale sales/storage use to Private Parking Garage use. The garage would provide 46 parking spaces to be used as employee parking for Waymo's existing automotive maintenance site at 201 Toland Street. The proposal includes interior modifications to create an employee break room, security office, meeting room, and restrooms. Exterior alterations are limited to the replacement of one roll-up door with a larger roll-up door that extends to grade.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.3 and 303 to allow the change of use and minor exterior alterations to an industrial building with the in the PDR-2 Zoning District and 80-E Height and Bulk District.

Environmental Review

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Common Sense Exemption.

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 (CUA) No. 2022-011241CUA subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated February 28, 2023, and stamped "EXHIBIT B."

Additional Information	
Notification Period	02/24/23 – 03/15/23 (20 days mailing, newspaper, online, and posted).
Number and Nature of Public Comments Received	<p>Department staff have not received any public comment regarding the Project since the Application's initial filing. The project was reviewed by the Bayview Hunters Point Citizen's Advisory Committee (CAC) on February 1, 2023 meeting, and the CAC voted and gave a positive recommendation for the project upon the condition that the applicant return to the CAC with periodic updates</p>
Any Additional Planning Code Findings §303(t)(1) findings for Conditional Uses	<p>Planning Code Section 303(t)(1) establishes criteria, considerations and procedures for non-accessory parking facilities. On balance, the Project does comply with said criteria applicable to all districts in that:</p> <p>A. Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by carpool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;</p> <p><i>The project is a partial conversion of an existing industrial building to provide employee parking for the Waymo's fleet maintenance facility, located directly across the street, at 201 Toland Street. The fleet maintenance facility at 201 Toland Street is in operation 24 hours a day and has approximately 300 employees across three overlapping shifts. The 29 parking spaces provided on-site does not provide enough accessory parking to accommodate employees, especially for night shifts. Currently, employees use the limited on-street parking which is heavily used by employees or surrounding businesses. There are no public parking lots within walking distance of the site, with the closest being approximately 0.5 miles. Although the Project Sponsor does provide transit reimbursement to employees, the neighborhood is not well served by transit and is not available during early morning hours. .</i></p> <p>B. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code;</p> <p><i>Employees need to drive to the site and leave their car at the site throughout their shift. Car share spaces (although not present) would not accommodate this need.</i></p>

- C. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services, walking, and cycling;
- The Project does not propose the demolition of the industrial building, allowing that it can be repurposed in the future should the parking garage cease operation. The Project does not propose to alter curb cuts or change access patterns from the existing configuration. All employee parking will be located within an existing building, and therefore no visual impacts will occur. The area does not have high traffic, and has very limited transit services.*
- D. In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and
- The Project involves the change in use to provide employee parking.*
- E. Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.
- As the Waymo fleet maintenance facility is in operation 24 hours a day the parking would not be open to the public and the associated use does not attract significant visitor traffic in need of parking.*

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 210.3 and 303, and findings submitted as part of the application. The proposed use and character are compatible with the surrounding area and is on balance with the General Plan and Use District. Conditional Use approval to convert a portion of the existing building from wholesale sales/storage use to Private Parking Garage use would occupy a vacant warehouse space, free up on-street parking and support an existing Light Manufacturing use. 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 16, 2023.

AYES:

NAYS:

ABSENT:

RECUSED:

ADOPTED: March 16, 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.

Attachments:

- Exhibit A – Conditions of Approval
- Exhibit B – Plans and Renderings
- Exhibit C – Environmental Determination
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos
- Exhibit F – PRJ and CUA Supplemental Applications



**PELOSI
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LAW GROUP

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(415) 273-9670



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(1-866-486-7782)
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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

MEMO




AUTHORIZED SIGNATURE

301 Toland Street Appeal

PELOSI ZIBLATT LAW GROUP

04/17/2023

San Francisco Planning Department

698.00

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301 Toland Street Appeal

698.00