

1 [Adoption of Findings Related to Conditional Use Authorization - 1160 Mission Street]

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3 **Motion adopting findings in support of the Board of Supervisors' disapproval of the**
4 **decision of the Planning Commission by its Motion No. 21301, approving a Conditional**
5 **Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed**
6 **project at 1160 Mission Street; and approving a Conditional Use Authorization for the**
7 **same Planning Case and property with different conditions; adopting findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1; and affirming the Planning Department's determination under the**
10 **California Environmental Quality Act.**
11

12 WHEREAS, The project involves a change of use from Public Parking Garage (a Retail
13 Automotive use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground,
14 second, and third floors of an existing four-story Public and Private Parking Garage located at
15 1160 Mission Street, including converting 61 of the 189 public parking spaces to fleet charging
16 spaces, with 128 spaces remaining as public parking spaces (the "Project"); and

17 WHEREAS, On March 30, 2023, the Planning Commission found that the Project is
18 consistent with the General Plan, and the eight priority policy findings of the Planning Code,
19 Section 101.1, for the reasons set forth in Planning Commission Motion No. 21301, and
20 approved Conditional Use Authorization No. 2022-003331CUA, to allow the change of use to
21 Fleet Charging, with one additional condition; and

22 WHEREAS, The Planning Department has determined that the Project is
23 exempt/excluded from environmental review pursuant to CEQA Guideline, Section 15303; and

24 WHEREAS, On April 17, 2023, Marc Gleason ("Appellant") filed a timely appeal
25 protesting the approval of the Conditional Use Authorization by the Planning Commission; and

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

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

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
9 in the Clerk of the Board of Supervisors File No. 230439, and is incorporated in this Motion as
10 though set forth in its entirety; and

11 WHEREAS, Following the conclusion of the public hearing on May 23, 2023, the Board
12 voted to disapprove the decision of the Planning Commission and to approve the requested
13 Conditional Use Authorization with one additional condition, as reflected in Board of
14 Supervisors Motion No. M23-076; now, therefore, be it

15 MOVED, That the Board finds that:

- 16 • The Conditional Use Authorization, as approved by the Planning Commission,
17 did not specifically address whether use of the property for the operation of a
18 Parcel Delivery Service was permissible; and
- 19 • The lack of clarity as to the permissibility of the operation of a Parcel Delivery
20 Service created uncertainty for various stakeholders, including neighbors of the
21 property; and
- 22 • It is in the public interest to clarify through the addition of a new condition to the
23 Conditional Use Authorization that the authorization to operate Fleet Charging
24 on portions of the ground, second, and third floors of the existing parking garage
25 does not permit the operation of a Parcel Delivery Service use at 1160 Mission

1 Street, and that violation of such condition shall be enforceable under Planning
2 Code, Section 176; and, be it

3 FURTHER MOVED, That the Board finds that with the condition imposed by the Board
4 at the May 23, 2023, hearing, as memorialized in Board Motion No. M23-076, in the Clerk of
5 the Board of Supervisors File No. 230441, the Project is necessary or desirable for, and
6 compatible with, the neighborhood and the community; and, be it

7 FURTHER MOVED, That condition imposed by the Board of Supervisors in Motion No.
8 M23-076 will minimize the potential adverse impacts of the Project on the community; and, be
9 it

10 FURTHER MOVED, That this condition is consistent with and supported by the
11 Planning Commission's findings of consistency with the General Plan, and Planning Code,
12 Section 101.1, and the Board hereby incorporate these findings and adopts them as its own;
13 and, be it

14 FURTHER MOVED, That on May 23, 2023, this Board affirmed the Planning
15 Department's determination of exemption from review under CEQA, which determination is on
16 file with the Clerk of the Board of Supervisors in File No. 230439 and is incorporated herein by
17 reference.