

BOARD of SUPERVISORS



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MEMORANDUM

Date: April 29, 2026
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 260432
Interim Zoning Controls - Conditional Use Authorization for Unattended Electric Vehicle Charging Locations

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Interim Zoning Controls - Conditional Use Authorization for Unattended Electric Vehicle
2 Charging Locations]

3 **Resolution imposing interim zoning controls for 18 months to require a Conditional**
4 **Use authorization for proposed Electric Vehicle Charging Location Uses that will**
5 **operate unattended during nighttime hours in all zoning districts except the M-1 (Light**
6 **Industrial), M-2 (Heavy Industrial) and PDR-2 (Core Production, Distribution, and**
7 **Repair) districts; affirming the Planning Department’s determination under the**
8 **California Environmental Quality Act; and making findings of consistency with the**
9 **General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning**
10 **Code, Section 306.7.**

11
12 WHEREAS, Planning Code, Section 306.7, authorizes the Planning Commission or the
13 Board of Supervisors (“Board”) to impose interim zoning controls to allow time for the orderly
14 completion of a planning study and the adoption of appropriate legislation, and to ensure that
15 the legislative scheme which may be ultimately adopted is not undermined during the planning
16 and legislative process by changes of use or approval actions which will conflict with that
17 scheme; and

18 WHEREAS, The City's climate action targets, per Ordinance No. 117-21, include
19 achieving 80% of trips taken by low-carbon modes such as walking, biking, transit, and shared
20 Electric Vehicles (EVs) by 2030, and 100% of all registered private vehicles being EVs by
21 2040; and

22 WHEREAS, Nearly 70% of San Francisco residents live in multi-unit buildings, and
23 most such residents do not have access to off-street parking or home charging; and

1 WHEREAS, To provide all San Franciscans with access to EV charging close to their
2 homes, the City enacted the Electric Vehicle Charging Location Ordinance (“EVCL
3 Ordinance”) in 2022, Ordinance No.190-22; and

4 WHEREAS, The EVCL Ordinance amended the Planning Code to define Electronic
5 Vehicle Charging Location (“EVCL”) as an Automotive Retail Use open to the general public
6 for charging electric vehicles (Section 102), to principally permit conversion of any Automotive
7 Use to an EVCL regardless of the underlying zoning district across the City (Section 202.13),
8 and to principally permit EVCLs in the Commercial, Production, Distribution and Repair, Mixed
9 Use, and SALI (Service/Arts/Light Industrial) districts; and

10 WHEREAS, Since enactment of the EVCL Ordinance in 2022, the Planning
11 Department has identified a significant difference between the operation of traditional
12 Automotive Service Stations and EVCLs regarding nighttime operations; and

13 WHEREAS, Traditional Automotive Service Stations that operate overnight have lower
14 usage rates during nighttime hours, but EVCLs operating at night have much greater usage
15 rates due to the combination of lower nighttime charging costs (and/or relief from surge pricing
16 during normal hours), greater demand from commuters unable to charge at home or at work
17 during the day, and fewer charging options available at night; and

18 WHEREAS, EV charge times range from 15 to 45 minutes compared to 90 seconds to
19 five minutes for refueling gas vehicles; and

20 WHEREAS, The combination of long charge times and high demand for scarce
21 charging spaces often leads to EV drivers queueing to enter EVCLs in traffic lanes; and

22 WHEREAS, EVCLs without an attendant to determine and enforce the order in which
23 drivers are allowed to access chargers have loud and occasionally violent disputes between
24 frustrated drivers; and

25

1 WHEREAS, Drivers and passengers waiting for access to unattended EVCLs or
2 waiting for their vehicles to complete charging at unattended EVCLs have repeatedly
3 generated unreasonable noise levels, particularly between the hours of 10:00 p.m. and 8:00
4 a.m., including loud music and disruptive violent behavior; and

5 WHEREAS, Driver and passenger conduct has, in some instances, allegedly violated
6 applicable laws, including but not limited to public urination in violation of San Francisco
7 Police Code Section 153; and

8 WHEREAS, The operation of EVCLs unattended during nighttime hours contributes to
9 increased noise, traffic congestion, and a heightened risk of disturbances, including potential
10 violence and vandalism, thereby negatively impacting nearby residents during sensitive
11 overnight hours; and

12 WHEREAS, The Board has considered the impact on the public health, safety, and
13 general welfare if these interim controls are not imposed; and

14 WHEREAS, The Board has determined that the public interest will best be served by
15 imposition of these interim controls to ensure that the legislative scheme which may be
16 ultimately adopted is not undermined during the planning and legislative process for
17 permanent controls; and

18 WHEREAS, The Board finds that these interim controls are consistent with San
19 Francisco's General Plan, in that they satisfy Urban Design Element Objective 4 to “to
20 stabilize and improve the health and safety of the local environment,” and Policy 4.1 to
21 “Protect residential areas from the noise, pollution and physical danger of excessive traffic,”
22 and that these interim controls do not conflict with any other aspects of the General Plan; and

23 WHEREAS, For the reasons stated above, the Board finds that these interim controls
24 support the health and safety of residents consistent with Planning Code, Section 306.7; and
25

1 WHEREAS, The Board finds that these interim controls are consistent with the Priority
2 Policies set forth in Planning Code, Section 101.1, because these interim controls will
3 preserve and enhance residential areas; and

4 WHEREAS, The Planning Department has determined that the actions contemplated in
5 this Resolution comply with the California Environmental Quality Act (California Public
6 Resources Code, Sections 21000 et seq.); said determination is on file with the Clerk of the
7 Board of Supervisors in File No. _____ and is incorporated herein by reference; the Board
8 affirms this determination; now, therefore, be it

9 RESOLVED, That in all districts except the M-1 (Light Industrial) and M-2 (Heavy
10 Industrial) districts and the PDR-2 (Core Production, Distribution, and Repair) district, any
11 proposed Electric Vehicle Charging Location, as defined in Section 102 of the Planning Code,
12 that proposes to operate between the hours of 10:00 p.m. and 8:00 a.m. without an attendant
13 supervising (1) vehicle access to the EVCL, (2) adherence with the Good Neighbor Policies
14 set forth below, and (3) use of the chargers shall require Conditional Use authorization
15 pursuant to Planning Code, Section 303, while these Interim Zoning Controls are in effect;
16 and, be it

17 FURTHER RESOLVED, That attendants at EVCL Uses operating between the hours of
18 10:00 p.m. and 8:00 a.m. shall supervise adherence with the following Good Neighbor
19 Policies:

- 20 (a) noise, odors, and sound levels (e.g. car radios; conversations between and
21 amongst waiting patrons) must be controlled so as not to be audible or odorous from outside
22 the premises or otherwise have a negative impact on surrounding residences and other uses;
- 23 (b) vehicle queue management is used to reduce neighborhood disruption and
24 ensure safe and unimpeded access to the right-of-way, including the sidewalk, by neighbors
25 to their homes and garages;

1 (c) vehicle ingress and egress are facilitated so as to not interfere with traffic,
2 bicycle, or pedestrian flows;

3 (d) notices shall be prominently displayed urging patrons to leave the premises
4 once charging is completed and urging patrons to leave in a quiet, peaceful, and orderly
5 fashion and to not litter or block driveways in the neighborhood;

6 (e) proper and adequate disposal of debris and garbage shall be provided with
7 trash, litter, and cleanliness around the premises ensured at all times;

8 (f) security and safety are maintained at all times; and

9 (g) a designated community liaison's name, cellular phone number, and email are
10 provided to the Zoning Administrator and to interested community groups to assist in
11 coordination with neighbors, respond to complaints, and help mitigate impacts; and, be it

12 FURTHER RESOLVED, That these Interim Controls shall apply to EVCL applications
13 in all zoning districts except for the PDR-2, M-1, and M-2 districts where a building permit has
14 not been issued as of the effective date of this Resolution; and, be it

15 FURTHER RESOLVED, That for projects currently scheduled for a hearing at the
16 Planning Commission under a Discretionary Review as of the effective date of this Resolution,
17 the Planning Department is requested to expedite the processing and calendaring of any
18 required Conditional Use authorization under these controls; and, be it

19 FURTHER RESOLVED, That these interim zoning controls shall remain in effect for a
20 period of 18 months from the date of imposition, unless they are extended or otherwise
21 amended in accordance with the provisions of Planning Code, Section 306.7, or until the
22 adoption of permanent legislation regulating EVCL Uses, whichever first occurs; and, be it

23 FURTHER RESOLVED, That while the planning study is underway, the Board urges
24 the Planning Department to evaluate what controls are best suited to ensure nighttime
25 operation of EVCL Uses does not disrupt nearby residents' health and safety.

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APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Robb Kapla
ROBB KAPLA
Deputy City Attorney

4937-1157-6995, v. 2

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 inquires..."
- 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):

Sherrill

Subject:

Interim Zoning Controls - Conditional Use Authorization for Unattended Electric Vehicle Charging Locations

Long Title or text listed:

Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization for proposed Electric Vehicle Charging Location Uses that will operate unattended during nighttime hours in all zoning districts except the M-1 (Light Industrial), M-2 (Heavy Industrial) and PDR-2 (Core Production, Distribution, and Repair) districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 306.7.

Signature of Sponsoring Supervisor: