



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: April 14, 2022

90-Day Deadline: April 18, 2022

Project Name: EV Charging Locations and Fleet Charging
Case Number: 2022-000549PCA [Board File No. 220036]
Initiated by: Mayor Breed / Introduced January 11, 2022
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval with Modifications

Please note that this case report has been revised based on feedback from the last Planning Commission hearing on March 24, 2022. “The Way It Is” and “The Way It Would Be” section has been amended to correctly identify where Fleet Charging is allowed now and where it will be allowed should this ordinance pass; the “Racial and Social Equity” analysis has been expanded; a new section on Fleet Charging has been added; the recommendations have been revised to include recommendations presented at the last Planning Commission hearing; and new maps are included as Exhibits D-H.

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use authorization, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals.

The Way It Is	The Way It Would Be
<p>1. For the purposes of Planning approval, EV Charging Locations are regulated as Gas Stations. Gas Stations are permitted as follows:</p> <p>Not Permitted: Residential House (RH), Residential Mixed (RM), Residential Transit Oriented (RTO), <u>some Neighborhood Commercial Districts (NCDs)</u>, Chinatown Districts, Residential Eastern Neighborhood Districts (except MUR), and Downtown Residential Districts (DTR).</p> <p>Conditional Use: Residential-Commercial (RC), <u>Some Neighborhood Commercial Districts (NCDs)</u>, <u>Downtown Districts C-3-O, C-3-O(SD), and C-3-R.</u></p> <p>Principally Permitted: Community Business Districts (C-2); <u>Downtown Districts C-3-G and C-3-S</u>; Production Distribution and Repair (Industrial or PDR) Districts; and all other Eastern Neighborhood Districts. (See Exhibit D)</p>	<p>1. The Planning Code would be amended to include a new use definition for EV Charging Locations, which will be categorized as an Automotive Use.</p> <p>Not Permitted: Residential House (RH), Residential Mixed (RM), Residential Transit Oriented (RTO), Chinatown Districts, Residential Eastern Neighborhood Districts (except MUR), and Downtown Residential Districts (DTR).</p> <p>Conditional Use: Residential-Commercial (RC), <u>Neighborhood Commercial Districts (NCDs)</u></p> <p>Principally Permitted: Community Business Districts (C-2); <u>all Downtown Districts (C-3)</u>; Production Distribution and Repair (Industrial or PDR) Districts; and all other Eastern Neighborhood Districts (See Exhibit E)</p>
<p>2. EV Charging Locations are permitted as-of-right where there is an existing gas station.</p>	<p>2. EV Charging Locations would be allowed as-of-right if they are replacing an existing Automotive Use as defined in Planning Code Section 102. (See Exhibit H)</p>
<p>3. For the purposes of Planning approval, Fleet Charging is primarily regulated as a Utility Installation. Utility installations require CU in most zoning districts; however, this use is prohibited in Eastern Neighborhood Districts, and are principally permitted in in C-2, C-3-G, C-3-S, PDR-1-D, PDR-1-G, and PDR-2. (See Exhibit F)</p>	<p>3. The Planning Code would be amended to include a new use definition for Fleet Charging, which will be categorized as an Automotive Use. Fleet Charging would be allowed as an accessory use with EV Charging location, otherwise the use would be permitted as follows:</p> <p>Not Permitted: Residential House (RH), Residential Mixed (RM), Residential Transit Oriented (RTO), Neighborhood Commercial Districts (NCD), Chinatown, Downtown Residential (DTR), and Residential Eastern</p>

	<p>Neighborhood Districts (except MUR).</p> <p>Conditional Use: Residential Commercial (RC), Community Business Districts (C-2), Downtown (C-3), Industrial Buffer Districts (PRD-1-B), Mixed Use Residential (MUR), and all other Non-Residential Eastern Neighborhood Districts</p> <p>Principally Permitted: All other Industrial Districts (PDR-1-D, PRD-1-G, and PDR-2)</p> <p>(See Exhibit G)</p>
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Background

In 2019, Mayor Breed released the Electric Vehicle Roadmap (“the Roadmap”) to accelerate and advance EV adoption to reduce emissions and associated air pollution health impacts from the transportation sector. To date, EVs represent about 11% of new light-duty vehicle registrations in San Francisco. The Roadmap sets a 2030 goal of 100% of new passenger vehicle registrations to be zero emissions with no increase in total vehicle registrations per household. It also set an ambitious goal of 100% emission-free ground transportation by 2040. These goals are aligned with California’s targets to increase EV adoption and access to EV charging. In September 2020, Governor Gavin Newsom issued an executive order requiring only zero emission passenger cars to be sold in California by 2035. Additionally, the City’s goals are aligned with the Biden Administration’s goal that 50% of all new vehicles sold in the United States in 2030 be zero-emission vehicles.

The rate of EV adoption is determined in large part by access to charging. The three greatest barriers at this time for drivers to buy EVs are cost of the EVs, lack of charging infrastructure, and the range of EVs, the latter two barriers are interrelated and result in “range anxiety,” or the fear that EV owners won’t be able to locate a charger or that if they do, someone else will be using it.

Issues and Considerations

Addressing Climate Change

In 2021, the Intergovernmental Panel on Climate Change issued a report further underscoring the need for urgent action to cut global greenhouse gas emissions (GHGs) in half by 2030. It also reported that the world must meet net-zero emissions no later than 2050 to prevent the most catastrophic effects of climate change. San Francisco, the Bay Area, and the State of California are already suffering the effects of climate change in the form of droughts, air pollution, extreme heat, frequent wildfires, flooding, and other drastic impacts on weather and the environment.

In 2021 Mayor London Breed sponsored legislation to update the City's climate action goals to address these urgent challenges. As a result of Ordinance No. 117-21, San Francisco now has climate action goals to reduce emissions 61% below 1990 levels by 2030 and reach net-zero emissions by 2040. To achieve net-zero emissions by 2040, the updated climate action goals prioritize the City's Transit First policy and encourage a shift to low-carbon modes of transportation such as taking transit, walking, and biking. All remaining modes of transportation, including private and commercial vehicles, must be electrified to further reduce and eventually eliminate remaining transportation emissions.

As of 2019, nearly half (47%) of San Francisco's GHG emissions came from the transportation sector, with the vast majority (72%) of those emissions from privately owned cars and trucks.

The City's climate action targets include the following transportation and land use goals:

- By 2030, 80% of trips taken by low-carbon modes such as walking, biking, transit, and shared Electric Vehicles (EVs).
- By 2030, increase vehicle electrification to at least 25% of all registered private vehicles, and, by 2040, to 100% of all such vehicles.

As reported in the latest San Francisco GHG Emissions Inventory, San Francisco's 2019 emissions were 41% below 1990 levels—six years ahead of the previously established goal to reduce emissions 40% by 2025. However, additional efforts must be undertaken to ensure the net-zero commitment is met by 2050. As of 2019, nearly half (47%) of San Francisco's GHG emissions came from the transportation sector, with the vast majority (72%) of those emissions from privately owned cars and trucks. Despite the City's success in reducing overall emissions to date, GHG emissions from the transportation sector have remained relatively stable.

Increasing EV Charging Capacity

The number of publicly accessible charging stations in San Francisco needs to increase from about 800 in 2019 to 2,000 by 2025, and over 5,000 by 2030, to meet this demand.

In 2020, the International Council on Clean Transportation (ICCT) completed a study on San Francisco's EV charging needs in 2030 and 2040. The ICCT projects that by 2030, more than 170,000 light-duty EVs will be registered in the City. To meet that charging demand, the City must have six times more charging capacity than in 2019. The number of publicly accessible charging stations in San Francisco needs to increase from about 800 in 2019 to 2,000 by 2025, and over 5,000 by 2030, to meet this demand.

Currently, EV charging is not defined in the Planning Code. As a result, applications to install EV charging projects require an EV service provider (EVSP) and the Planning Department to work out a permitting pathway, on a case-by-case basis, using Planning Code provisions designed for gas stations and auto service centers. The existing use categories are an imperfect fit for this new use. They impose limitations more appropriate for the facilities they were intended to address—conventional fueling facilities—rather than less-impactful EV charging stations, creating lengthy approval processes and bureaucratic delays that should be avoided for EV charging projects.

Multiple studies have suggested a correlation between increasing the number of charging stations and higher EV adoption rates...

Without this ordinance's amendments, further air quality and GHG degradation would occur because the ongoing inconvenience of finding EV charging stations would result in a low rate of adoption of EVs. Multiple studies have suggested a correlation between increasing the number of charging stations and higher EV adoption rates, as summarized in an October 2017 white paper by the International Council on Clean Transportation (ICCT). In addition, the EV Roadmap identified the expansion of publicly accessible Level 2 and fast charging infrastructure in San Francisco as a key strategy to increase EV adoption rates.

Publicly accessible EV charging stations—including public Level 2 (240 volt), DC fast (“superchargers”), and workplace chargers—are the most efficient and effective solution to meet anticipated demand for EV charging. San Francisco's combination of population density, small size, and resulting high land costs make it the perfect place to install fast-charging plazas that mimic the gas station experience drivers have come to expect when fueling their vehicles. Fast-charging plazas are integral to San Francisco's developing a comprehensive public charging network. With a robust network of public charging stations, EV owners will be able to access fast charging as needed and close to their homes.

Fleet Charging

EV Fleet Charging can apply to any type of fleet, such as parcel deliver providers like UPS, FedEx, Amazon and the USPS, taxi or ride hailing fleets, or sometime in the not-so-distant future, autonomous vehicle (AV) fleets. Staff believes that Fleet Charging is an intensive use mostly suited for industrial or mixed-use areas of the City. We estimated that AV Fleets could generate approximately 2 to 9 times more motorized trips per 1,000 square feet than a typical PDR use. The proposed ordinance allows this use as of right in our PDR districts but requires CU authorization in our Eastern Neighborhood mixed-use neighborhoods.

It's estimated that we need to reduce VMT per capita by about 14 to 17 percent between 2018 and 2050. These estimates assume electrification of vehicles.

While we are familiar with traditional vehicle fleets, AV Fleets are somewhat of an unknown since the use doesn't fully exist yet. We don't know what sort of impact they will have on our streets, pedestrian safety, or adjacent communities, which is why this ordinance takes a more conservative approach to where they are permitted. AVs may have a similar impact on VMTs as ride hailing services such as Uber or Lyft. Each ride hailing vehicle generates more VMTs per trip than a privately owned vehicle, and studies show that approximately 40 percent of the VMTs from each vehicle would be generated without any passengers. As a state, we will not meet our long-term greenhouse gas reduction targets if we do not reduce VMTs. It's estimated that we need to reduce VMT per capita by about 14 to 17 percent between 2018 and 2050. These estimates assume electrification of vehicles.

General Plan Compliance

The proposed ordinance is consistent with policies in both the Transportation Element and the Commerce and Industry Element because allows for new commercial activity, but at the same time it prioritizes the conversion of existing automotive uses over the creation of new uses and places appropriate controls over the establishment of new auto-oriented facilities.

Racial and Social Equity Analysis

Lack of access to EV Charging is an equity issue. Nearly 70% of San Francisco residents live in multi-unit buildings and most such residents do not have access to off-street parking or home charging. EV charging at home should not be a privilege available only to single-family home residents who can afford to install their own systems, or those with EV charging available at the workplace. The proposed ordinance will enhance the availability of EV Charging throughout the City by better utilizing our increasingly obsolete network of gas stations, helping to assist the equal distribution of EV charging options through the city.

Converting our transportation system to zero emission vehicles will also have a positive effect on the health of marginalized communities. Often located in neighborhoods next to freeways, oil refineries and other industrial pollution sources, Black, Hispanic, and American Indian/Alaska Native communities bear the greatest burden from our reliance on fossil fuels. Black Americans are 1.5 times more likely to have asthma and three times more likely to die of asthma compared to White Americans¹. There are many contributing factors that lead to health disparities in marginalized communities, but the legacy of environmental racism is especially significant. Reducing exposure to pollution by strengthening clean air policies, reducing transportation-related emissions, and transitioning to a clean energy economy are essential changes that San Francisco must make to help improve the health outcomes in these communities.

As proposed, Fleet Charging will be allowed primarily in the eastern and southeastern parts of the City. These areas of the City also contain some of our most vulnerable communities; however, the foundational issues related to industrial uses in this area were addressed when the City went through its 10+ year Eastern Neighborhoods rezoning effort. That planning process transitioned many areas away from industrial zoning, shifted many formerly industrial areas toward housing and office space, and created buffer zoning districts to protect new and establishing residential neighborhoods to lessen the impacts of nearby industrial uses. The process also created strong protections for the remaining industrial lands in San Francisco, which now represent less than 5% of City.

Heavy industry, petroleum-based vehicle fleets, and EV fleets already exist in our PDR Districts. Because of their non-residential, non-retail, and transportation-based nature, fleet charging of both EV and conventional types is most appropriate in our industrial areas. Since EVs will not produce emissions, Fleet Charging is less impactful on the surrounding communities than existing or future conventional fleet uses. Further, in our Eastern Neighborhoods Mixed-Use Districts, where a healthy mix of housing, commercial and PDR uses is generally allowed, Fleet Charging locations will require CU authorization, ensuring that any impacts on adjacent communities will be considered prior to project approval.

Implementation

The Department has determined that this Ordinance will improve our current implementation procedures by setting a clear and consistent way to permit EV Charging Locations and Fleet Charging.

¹ [Asthma Disparities - Reducing Burden on Racial and Ethnic Minorities | AAFA.org](https://www.aafa.org/asthma-disparities-reducing-burden-on-racial-and-ethnic-minorities/)

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Require CU in all C-3 Districts for EV Charging Locations and change the code to make Gas Stations a CU in the two C-3 districts where they are currently principally permitted (C-3-G and C-3-S).
2. Exempt the conversion of existing automotive uses to EV Charging from Section 142 Screening requirements.
3. Prohibit Fleet Charging in RC Districts.
4. Add a new section to the Code explicitly allowing for the conversion of Automotive Uses to EV Charging Locations regardless of the underlying zoning district. Example text:

xxxyy Conversion of Automotive Uses to EV Charging Locations

Notwithstanding any other provisions of this Code, a change in use from an Automotive Use, as defined in Section 102, to an EV Charging Location, as defined in Section 102, shall be principally permitted regardless of the underlying zoning district. Further, such a change in use shall not be subject to the notification requirements outlined in Planning Code Section 311.

Basis for Recommendation

The Department supports the proposed ordinance because it sets clear definitions and regulations for EV Charging Locations and Fleet Charging that are consistent with existing land use regulations. Further, it prioritizes the conversion of existing auto infrastructure over creating new sites by allowing EV Charging locations as-of-right where there is an existing Automotive Use. For Fleet Charging, the ordinance principally permits this more intensive use in our industrial districts and requires conditional use in other areas where pedestrian safety and congestion can be properly analyzed; however, it also allows fleet charging as an accessory use to EV Charging location to ensure the use is more dispersed throughout the city. That said the Department does have the following amendments to the proposed ordinance that will rationalize existing and proposed regulations.

Recommendation 1: Require CU in all C-3 Districts for EV Charging Locations and change the code to make Gas Stations a CU in the two C-3 districts where they are currently principally permitted (C-3-G and C-3-S).

Staff recommends making this change because we want to encourage the conversion of existing auto infrastructure in our downtown area rather than encourage new locations. As currently drafted, EV Charging Locations are principally permitted in all downtown districts, while only two districts principally permit Gas Stations. The other three require CU authorization for Gas Stations. Requiring CU authorization for both uses will encourage the conversion of existing infrastructure to EV Charging and allow for individual analysis of new sites to ensure they do not impede transit or impact pedestrian safety in our downtown core.

Recommendation 2: Exempt the conversion of existing automotive uses to EV Charging from Section 142 Screening requirements.

Section 142 requires screening and greening for all new vehicular use areas. While this requirement helps improve the City's built environment by softening the presence of auto infrastructure, staff has found that it is difficult for existing automotive uses to come into conformance with these requirements. Mainly because they require a 5' planting area along the sidewalk, which can take up a significant portion of the lot depending on the current configuration. Since we want to encourage the conversion of existing automotive uses, we are recommending that this requirement be waived when an existing Automotive Use is being converted to an EV Charging Location.

Recommendation 3: Prohibit Fleet Charging in RC Districts.

As currently drafted the proposed ordinance allows Fleet Charging in RC Districts. This appears to be a drafting error that was noticed after the original case report was published. RC Districts are some of our densest urban areas and not conducive to intensive auto oriented uses like Fleet Charging. RC Districts are primarily residential, while provisions are made for supporting ground floor commercial uses that meet the frequent needs of nearby residents without generating excessive vehicular traffic. RC Districts are primarily found in the City's Tenderloin neighborhood, and along the Van Ness corridor. The Tenderloin has the highest density of children in the city, and along with Van Ness has the most high-injury corridors in the City². Allowing fleet charging in RC Districts would only intensify auto traffic in these neighborhoods. Further, the Van Ness corridor recently saw the opening of the City's first BRT line, a significant transit investment intended to prioritize transit over automobiles.

Recommendation 4: Add a new section to the Code explicitly allowing for the conversion of Automotive Uses to EV Charging Locations regardless of the underlying zoning district.

The intention with this ordinance was always to allow the conversion of any auto-orient use to an EV Charging Location; however, as currently drafted this provision does not extend to R Districts. The proposed language would clarify that the conversion is allowed regardless of the underlying zoning district and that the conversion is not subject to 311 notification.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

Since the first hearing on March 24, the Planning Department received a letter from *Cruise* regarding the proposed Ordinance.

² [Evaluating & Monitoring Our Progress | Vision Zero SF](#)

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 220036
- Exhibit C: Public Comment Letters
- Exhibit D: Map: Existing Gas Station Controls
- Exhibit E: Map: Proposed EV Charging Location Controls
- Exhibit F: Map: Existing Utility Installation Controls
- Exhibit G: Map: Proposed Controls for Fleet Charging
- Exhibit H: Map: All Automotive Uses



PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: April 14, 2022

Project Name: Electric Vehicle Charging Locations
Case Number: 2022-000549PCA [Board File No. 220036]
Initiated by: Mayor Breed / Introduced January 11, 2022
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CREATE ELECTRIC VEHICLE CHARGING LOCATION AND FLEET CHARGING AS AUTOMOTIVE USES, ALLOW CONVERSION OF AUTOMOTIVE SERVICE STATIONS TO ELECTRIC VEHICLE CHARGING LOCATIONS WITHOUT CONDITIONAL USE AUTHORIZATION, REVISE ZONING CONTROL TABLES TO REFLECT THESE CHANGES, AND REQUIRE ANNUAL REPORTING BY THE PLANNING DEPARTMENT REGARDING ELECTRIC VEHICLE CHARGING LOCATION AND FLEET CHARGING PROJECT APPROVALS; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on January 11, 2022 Mayor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 220036, which would which would amend the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use authorization, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals.

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 14, 2022; and,

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and,

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Require CU in all C-3 Districts for EV Charging Locations and change the code to make Gas Stations a CU in the two C-3 districts where they are currently principally permitted (C-3-G and C-3-S).
2. Exempt the conversion of existing automotive uses to EV Charging from Section 142 Screening requirements.
3. Prohibit Fleet Charging in RC Districts.
4. Add a new section to the Code explicitly allowing for the conversion of Automotive Uses to EV Charging Locations regardless of the underling zoning district. Example text:

Conversion of Automotive Uses to EV Charging Locations

Notwithstanding any other provisions of this Code, a change in use from an Automotive Use, as defined in Section 102, to an EV Charging Location, as defined in Section 102, shall be principally permitted regardless of the underling zoning district. Further, such a change in use shall not be subject to the notification requirements outlined in Planning Code Section 311.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission supports the proposed ordinance because it sets clear definitions and regulations for EV Charging Locations and Fleet Charging that are consistent with existing land use regulations. Further, it prioritizes the conversion of existing auto infrastructure over creating new sites by allowing EV Charging locations as-of-right where there is an existing Automotive Use.

The Commission supports the proposed ordinance because it principally permits Fleet Charging in our industrial districts and requires conditional use in other areas where pedestrian safety and congestion can be properly analyzed; however, it also allows fleet charging as an accessory use to EV Charging location to ensure the use is more dispersed throughout the city.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

POLICY 1.2

Ensure the safety and comfort of pedestrians throughout the city.

POLICY 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The proposed ordinance ensures that new automobile facilities will be reviewed to ensure that pedestrian safety and comfort can be considered prior to approval. Further, the proposed ordinance prioritizes the conversion of existing automotive uses to EV Charging installations, rather than creating new facilities. This is consistent with the giving priority to public transit and other alternatives to the private automobile.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The proposed Ordinance will facilitate the establishment of EV Charging Locations and Fleet Charging according to existing land use patterns and controls. Better regulations for these uses will provide substantial net benefits for the city, while minimizing any undesirable consequences.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposed Ordinance allows new commercial activity, EV Charging Locations and Feet Charging, with controls that are appropriate for each district. This added commercial activity will help the city meet its Climate Change Goals and maintain a favorable social and cultural climate in San Francisco. This enhances San Francisco as a location for firms.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss

of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 14, 2022.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: April 14, 2022

1 [Planning Code - Electric Vehicle Charging Locations]

2

3 **Ordinance amending the Planning Code to create Electric Vehicle Charging Location**
 4 **and Fleet Charging as Automotive Uses, allow conversion of Automotive Service**
 5 **Stations to Electric Vehicle Charging Locations without Conditional Use authorization,**
 6 **revise zoning control tables to reflect these changes, and require annual reporting by**
 7 **the Planning Department regarding Electric Vehicle Charging Location and Fleet**
 8 **Charging project approvals; affirming the Planning Department’s determination under**
 9 **the California Environmental Quality Act; and making findings of consistency with the**
 10 **General Plan, and the eight priority policies of Planning Code, Section 101.1, and**
 11 **findings of public necessity, convenience, and welfare under Planning Code, Section**
 12 **302.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 16 **Board amendment additions** are in double-underlined Arial font.
 17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 18 **Asterisks (* * * *)** indicate the omission of unchanged Code
 19 subsections or parts of tables.

17

18 Be it ordained by the People of the City and County of San Francisco:

19

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
 22 ordinance comply with the California Environmental Quality Act (California Public Resources
 23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 24 Supervisors in File No. 220036 and is incorporated herein by reference. The Board affirms
 25 this determination.

1 (b) On _____, the Planning Commission, in Resolution No. _____,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
7 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
8 Planning Commission Resolution No. _____, and incorporates such reasons by this
9 reference thereto. A copy of said Resolution is on file with the Clerk of the Board of
10 Supervisors in File No. _____, and is incorporated herein by reference.

11 (d) This ordinance is based on the following findings:

12 (1) In 2021, the Intergovernmental Panel on Climate Change issued a report
13 further underscoring the need for urgent action to cut global greenhouse gas emissions
14 (GHGs) in half by 2030 and reach net-zero emissions no later than 2050 to prevent the most
15 catastrophic effects of climate change and reduce detrimental impacts to human health and
16 ecosystems.

17 (2) San Francisco, the Bay Area, and the State of California are already
18 suffering the effects of climate change in the form of droughts, air pollution, extreme heat,
19 frequent wildfires, flooding, and other drastic impacts on weather and the environment.

20 (3) To address these urgent challenges, in 2021 Mayor London Breed
21 sponsored legislation to update the City's climate action goals. As a result of Ordinance No.
22 117-21, San Francisco now has climate action goals to reduce emissions 61% below 1990
23 levels by 2030 and reach net-zero emissions by 2040.

24 (4) To achieve net-zero emissions by 2040, the updated climate action goals
25 prioritize the City's Transit First policy and encourage a shift to low-carbon modes of

1 transportation such as taking transit, walking, and biking. All remaining modes of
2 transportation, including private and commercial vehicles, must be electrified to further reduce
3 and eventually eliminate remaining transportation emissions.

4 (5) The City’s climate action targets, per Ordinance No. 117-21, include the
5 following transportation and land use goals:

6 (A) By 2030, 80% of trips taken by low-carbon modes such as walking,
7 biking, transit, and shared Electric Vehicles (EVs).

8 (B) By 2030, increase vehicle electrification to at least 25% of all
9 registered private vehicles, and, by 2040, to 100% of all such vehicles.

10 (6) As reported in the latest San Francisco GHG Emissions Inventory, San
11 Francisco’s 2019 emissions were 41% below 1990 levels—six years ahead of the previously
12 established goal to reduce emissions 40% by 2025. However, additional efforts must be
13 undertaken to ensure the net-zero commitment is met by 2050.

14 (7) As of 2019, nearly half (47%) of San Francisco’s GHG emissions came from
15 the transportation sector, with the vast majority (72%) of those emissions from privately
16 owned cars and trucks. Despite the City’s success in reducing overall emissions to date, GHG
17 emissions from the transportation sector have remained relatively stable.

18 (8) In 2019, Mayor Breed released the Electric Vehicle Roadmap (“the
19 Roadmap”) to accelerate and advance EV adoption to reduce emissions and associated air
20 pollution health impacts from the transportation sector. To date, EVs represent about 11% of
21 new light-duty vehicle registrations in San Francisco. The Roadmap sets a 2030 goal of 100%
22 of new passenger vehicle registrations with no increase in total vehicle registrations per
23 household and an ambitious goal of 100% emission-free ground transportation by 2040.
24 These goals are aligned with California’s targets to increase EV adoption and access to EV
25 charging. In September 2020, Governor Gavin Newsom issued an executive order requiring

1 only zero emission passenger cars to be sold in California by 2035. Additionally, the City's
2 goals are aligned with the Biden Administration's goal that 50% of all new vehicles sold in the
3 United States in 2030 be zero-emission vehicles.

4 (9) The rate of EV adoption is determined in large part by access to charging.
5 The three greatest barriers at this time for drivers to buy EVs are cost of the EVs, lack of
6 charging infrastructure, and the range of EVs, the latter two barriers are interrelated and result
7 in "range anxiety," or the fear that EV owners won't be able to locate a charger or that if they
8 do, someone else will be using it.

9 (10) Range anxiety is also an equity issue. Nearly 70% of San Francisco
10 residents live in multi-unit buildings and most such residents do not have access to off-street
11 parking or home charging. EV charging at home should not be a privilege available only to
12 single-family home residents or those with EV charging available at the workplace. To provide
13 expanded access to EV charging, in June 2021, the California Public Utilities Commission
14 ruled that electrical corporations should prioritize their near-term investments to create
15 charging options to customers without access to home charging.

16 (11) Publicly accessible EV charging stations—including public Level 2 (240
17 volt), DC fast ("superchargers"), and workplace chargers—are the most efficient and effective
18 solution to meet anticipated demand for EV charging. San Francisco's combination of
19 population density, small size, and resulting high land costs make it the perfect place to install
20 fast-charging plazas that mimic the gas station experience that drivers have come to expect
21 when fueling their vehicles. Fast-charging plazas are integral to San Francisco's developing a
22 comprehensive public charging network. With a robust network of public charging stations, EV
23 owners will be able to access fast charging as needed and close to their homes.

24 (12) Without this ordinance's amendments of the Planning Code, further air
25 quality and GHG degradation would occur because the ongoing inconvenience of finding EV

1 charging stations would result in a low rate of adoption of EVs. Multiple studies have
2 suggested a correlation between increasing the number of charging stations and higher EV
3 adoption rates, as summarized in an October 2017 white paper by the International Council
4 on Clean Transportation (ICCT). In addition, the EV Roadmap identified the expansion of
5 publicly accessible Level 2 and fast charging infrastructure in San Francisco as a key strategy
6 to increase EV adoption rates.

7 (13) In 2020, the ICCT completed a study on San Francisco’s EV charging
8 needs in 2030 and 2040. The ICCT projects that by 2030, more than 170,000 light-duty EVs
9 will be registered in the City. To meet that charging demand, the City must have six times
10 more charging capacity than in 2019. The number of publicly accessible charging stations in
11 San Francisco needs to increase from about 800 in 2019 to 2,000 by 2025, and over 5,000 by
12 2030, to meet this demand.

13 (14) Currently, EV charging is not defined in the Planning Code. As a result,
14 applications to install EV charging projects require an EV service provider (EVSP) and the
15 Planning Department or Commission to work out a permitting pathway, on a case-by-case
16 basis, using Planning Code provisions designed for gas stations and auto service centers.
17 The existing use categories are an imperfect fit for this new use. They impose limitations
18 more appropriate for the facilities they were intended to address—conventional fueling
19 facilities—rather than less-impactful EV charging stations, creating lengthy approval
20 processes and bureaucratic delays that should be avoided for EV charging projects.

21 (15) By defining “Electric Vehicle Charging Location” as an “Automotive Use” in
22 the Planning Code and establishing zones in the City in which stand-alone EV charging is
23 permitted, this ordinance will make it easier to convert existing sites with “Automotive Uses” to
24 EV charging plazas or hubs. This will result in a clear approval path for EV charging projects,
25 reducing delays and additional workflow in Planning, and expanding opportunities to deploy

1 publicly accessible EV charging stations within San Francisco. This ordinance will expedite
2 expansion of critical EV charging services, creating new public charging options for San
3 Francisco residents and visitors, thus encouraging the adoption of EVs by a greater share of
4 the population. This in turn will help the City meet its climate action goals to reduce emissions
5 from the transportation sector.

6
7 Section 2. The Planning Code is hereby amended by revising Sections 102 (including
8 placing new defined terms in alphabetical sequence with existing defined terms), 187.1,
9 202.2, 202.5, 204, 210.1, 210.2, 210.3, 311, and 710, and adding Section 204.6, to read as
10 follows:

11 **SEC. 102. DEFINITIONS.**

12 * * * *

13 **A**

14 * * * *

15 **Automotive Use.** A Commercial Use category that includes Automotive Repair,
16 Ambulance Services, Automobile Sale or Rental, Automotive Service Station, Automotive
17 Wash, Electric Vehicle Charging Location, Fleet Charging, Gas Station, Parcel Delivery Service,
18 Private Parking Garage, Private Parking Lot, Public Parking Garage, Public Parking Lot,
19 Vehicle Storage Garage, Vehicle Storage Lot, and Motor Vehicle Tow Service. All Automotive
20 Uses that have Vehicular Use Areas defined in this Section of the Code shall meet the
21 screening requirements for vehicular use areas in Section 142.

22 **Automotive Use, Non-Retail.** A subcategory of Automotive Use that includes
23 Ambulance Services, Fleet Charging, Parcel Delivery Service, Private Parking Garage, Private
24 Parking Lot, and Motor Vehicle Tow Service.

1 **Automotive Use, Retail.** A subcategory of Automotive Use that includes Automotive
2 Repair, Automotive Sale or Rental, Automobile Service Station, Automotive Wash, Electric
3 Vehicle Charging Location, Gas Station, Public Parking Garage, Public Parking Lot, Vehicle
4 Storage Garage, and Vehicle Storage Lot.

5 * * * *

6 **E**

7 * * * *

8
9 **Electric Vehicle Charging Location.** Automotive Use, Retail that provides electricity to
10 electric motor vehicles through one or more Electric Vehicle Charging Stations on a retail basis to the
11 general public as a primary use. Electric Vehicle Charging Locations may include up to one-third of
12 the total Electric Vehicle Charging Stations dedicated to Fleet Charging as an accessory use per
13 Section 204.6(a), and may include ancillary services, including but not limited to restrooms, self-
14 service vending, and limited retail amenities primarily for the benefit of customers charging their
15 vehicles.

16 **Electric Vehicle Charging Station.** An electric vehicle charging space served by an electric
17 vehicle charger or other charging equipment.

18 * * * *

19 **F**

20 * * * *

21 **Fleet Charging.** Automotive Use, Non-Retail that provides electricity to electric motor vehicles
22 through one or more Electric Vehicle Charging Stations that are dedicated or reserved for private
23 parties pursuant to contract or other agreement and are not available to the general public.

24 * * * *

1 **SEC. 187.1. AUTOMOTIVE SERVICE STATIONS, ELECTRIC VEHICLE CHARGING**
2 **LOCATIONS, AND GAS STATIONS AS LEGAL NONCONFORMING USES.**

3 (a) **Continuation as a Nonconforming Use.** Notwithstanding any other provision of
4 this Code, an Automotive Service Station or a Gas Station as defined in Section 102 of this
5 Code, located in a Residential district, and having legal nonconforming use status under the
6 provisions of this Code on January 1, 1980, shall be regarded as a legal nonconforming use
7 so long as the station *either: (1) continues to sell and dispense gasoline and other motor fuels*
8 *and lubricating fluids directly into motor vehicles, or (2) transitions to an Electric Vehicle Charging*
9 *Location.*

10 * * * *

11 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

12 * * * *

13 (b) **Automotive Uses.** The Automotive Uses listed below shall be subject to the
14 corresponding conditions:

15 * * * *

16 (2) **Conditional Use Authorization Required for Establishments that Sell**
17 **Beer or Wine with Motor Vehicle Fuel.** Any establishment that proposes to retail motor
18 vehicle fuel and provide retail sale of beer or wine shall require Conditional Use authorization.
19 The Planning Commission may deny authorization or grant Conditional Use authorization to
20 an applicant based upon the criteria set forth in Section 303(c) of this Code.

21 * * * *

22 (D) **Definitions.** For purposes of Subsection 202.2(b)(1) and (2), the
23 following definitions shall apply:

24 (i) "Alcoholic beverages" shall be as defined in California
25 Business and Professions Code Section 23004;

1 (ii) "Beer" and "wine" shall be as defined in California Business
2 and Professions Code Section 23006 and Section 23007, respectively;

3 (iii) "Motor vehicle fuel" shall mean gasoline, other motor fuels
4 including electricity at an Electric Vehicle Charging Location, and lubricating oil dispensed directly
5 into motor vehicles; and

6 (iv) "Establishment" shall include an arrangement where a lot
7 containing a business selling motor vehicle fuel provides direct access to another business
8 selling alcoholic beverages on the same or adjacent lot.

9 * * * *

10 (3) **Automotive Wash.** Cleaning and polishing are required to be conducted
11 within an enclosed building having no openings, other than fixed windows or exits required by
12 law located within 50 feet of any R District, and that has an off-street waiting and storage area
13 outside the building which accommodates at least one-quarter the hourly capacity in vehicles
14 of the enclosed operations, provided: (1) that incidental noise is reasonably confined to the
15 premises by adequate soundproofing or other device; and (2) that complete enclosure within a
16 building may be required as a condition of approval, notwithstanding any other provision of
17 this Code; but the foregoing provisions shall not preclude the imposition of any additional
18 conditions pursuant to Section 303 of this Code.

19 (4) **Electric Vehicle Charging Location.** At Electric Vehicle Charging Locations, the
20 Electric Vehicle Charging Stations, including the charging space for the electric vehicle and all
21 necessary charging equipment and infrastructure, may be located within any setbacks required by the
22 underlying zoning district. Any structures associated with ancillary services, including restrooms or
23 vending machines, must adhere to any underlying zoning setback requirements.

24 (5) **Fleet Charging and Electric Vehicle Charging Location Reporting Requirements.**
25 Beginning on June 1, 2023, the Planning Department shall submit a report to the Board of Supervisors

1 and the Mayor that includes the number and location of all Electric Vehicle Charging Locations and
2 Fleet Charging locations that have been approved since the ordinance in Board File No. 220036
3 establishing this reporting requirement became effective. The Planning Department's report shall
4 include: the address of each such charging location, number of charging stations at each location,
5 prior use of the property, whether the charging location was principally permitted or conditionally
6 permitted, and what percent of each station is dedicated to Fleet Charging. The Planning Department
7 shall submit this report annually for five years, with the last report to be submitted on June 1, 2027.

8 * * * *

9 **SEC. 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.**

10 * * * *

11 (b) **Definitions.** Whenever used in this Section, unless a different meaning clearly
12 appears from the context:

13 (1) "Automotive Service Station" or "service station" shall mean a retail automotive
14 service use as defined in Section 102 of this Code.

15 (2) "Conversion" shall mean to change the use of a property from a service station
16 use to a different type of use. A change from Automotive Service Station to Electric Vehicle
17 Charging Location is not a change to a different type of use and shall not be a "Conversion" subject to
18 this Section.

19 * * * *

20 **SEC. 204. ACCESSORY USES, GENERAL.**

21 This Section 204 and Sections 204.1 through 204.65, shall regulate Accessory Uses,
22 as defined in Section 102. Any use which does not qualify as an Accessory Use shall be
23 classified as a Principal or Conditional Use, unless it qualifies as a temporary use under
24 Sections 205 through 205.4 of this Code.

25 * * * *

SEC. 204.6. FLEET CHARGING ACCESSORY TO ELECTRIC VEHICLE CHARGING

LOCATIONS.

In order for Fleet Charging to be classified as an Accessory Use to an Electric Vehicle Charging Location, no more than one-third of the Electric Vehicle Charging Stations may be dedicated to Fleet Charging and two-thirds, or more, of the Electric Vehicle Charging Stations shall be available for general public use.

* * * *

SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.

* * * *

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
-----------------	--------------	-----

* * * *

NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
Automotive Repair	§ 102	NP
Automotive Sale/Rental	§ 102	P (3)
Automotive Service Station	§§ 102, 202.2(b), 202.5	P (2)
Automotive Wash	§§ 102, 202.2(b)	C (2)
<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>

<u>Fleet Charging</u>	<u>§ 102</u>	<u>C</u>
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SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
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* * * *

NON-RESIDENTIAL STANDARDS AND USES						
* * * *						
Automotive Use Category						
Automotive Repair	§ 102	NP	NP	NP	NP	P
Automotive Sale/Rental	§ 102	P (4)	P (4)	P (4)	P (3)	P (3)
Automotive Service Station	§§ 102, 202.2(b), 202.5	NP	NP	NP	P	P
Automotive Wash	§§ 102, 202.2(b)	NP	NP	NP	C	C
<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Fleet Charging</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

* * * *

1 **SEC. 311. PERMIT REVIEW PROCEDURES.**

2 (a) **Purpose.** The purpose of this Section 311 is to establish procedures for reviewing
3 building permit applications to determine compatibility of the proposal with the neighborhood
4 and for providing notice to property owners and residents on the site and neighboring the site
5 of the proposed project and to interested neighborhood organizations, so that concerns about
6 a project may be identified and resolved during the review of the permit.

7 (b) **Applicability.** Except as indicated herein, all building permit applications in
8 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
9 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
10 Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal
11 of an authorized or unauthorized residential unit, shall be subject to the notification and review
12 procedures required by this Section 311. In addition, all building permit applications that would
13 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,
14 shall be subject to the review procedures required by this Section 311. Notwithstanding the
15 foregoing or any other requirement of this Section 311, a change of use to a Child Care
16 Facility, as defined in Section 102, shall not be subject to the review requirements of this
17 Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,
18 building permit applications to construct an Accessory Dwelling Unit pursuant to Section
19 207(c)(6) shall not be subject to the notification or review requirements of this Section 311.
20 Notwithstanding the foregoing or any other requirement of this Section 311, a change of use
21 to a principally permitted use in an NC or NCT District, or in a limited commercial use or a
22 limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be
23 subject to the review or notice requirements of this Section 311. Notwithstanding the foregoing
24 or any other requirement of this Section 311, building permit applications to change any existing
25

1 Automotive Use to an Electric Vehicle Charging Location shall not be subject to the review or
 2 notification requirements of this Section 311.

3 * * * *

4 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

5 * * * *

6 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**
 7 **ZONING CONTROL TABLE**

8 * * * *

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS				
* * * *				
Non-Residential Uses		Controls by Story		
		1st	2nd	3rd+
* * * *				
Automotive Use Category				
Automotive Uses*	§ 102	NP	NP	NP
<u>Electric Vehicle Charging Location</u>	<u>§ 102, 202.2(b)</u>	<u>C(12)</u>	<u>C(12)</u>	<u>C(12)</u>
Parking Garage, Private	§ 102	C	C	C

22 * * * *

23
 24 (12) P where existing use is any Automotive Use.

25 * * * *

1
2 Section 3. Amendment of Specific Zoning Control Tables.

3 Zoning Control Tables 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722,
4 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740,
5 741, 742, 743, 744, 745, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762,
6 763, and 764 are hereby amended identically to the amendment of Zoning Control Table 710
7 in Section 2 of this ordinance, to create “Electric Vehicle Charging Location” as a new Non-
8 Residential Use within the Automotive Use Category, citing Planning Code Sections 102 and
9 202.2(b) as references, identifying “C” as the zoning control, and including the note (“*P where*
10 *existing use is any Automotive Use.*”), provided that the note shall be numbered as appropriate
11 for each table, as follows.

12

Zoning Control Table	Note #
711	13
712	12
713	9
714	9
715	8
716	8
717	7
718	8
719	10
720	6
721	6

13
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1	722	14
2	723	10
3	724	7
4	725	7
5	726	8
6	727	3
7	728	8
8	729	6
9	730	6
10	731	7
11	732	7
12	733	7
13	734	7
14	735	3
15	736	3
16	737	5
17	738	3
18	739	8
19	740	5
20	741	3
21	742	3
22		
23		
24		
25		

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743	3
744	4
745	4
750	10
751	8
752	8
753	6
754	9
755	7
756	7
757	11
758	10
759	9
760	5
761	7
762	8
763	8
764	10

21
22
23
24
25

Section 4. The Planning Code is hereby amended by revising Sections 810, 811, 812, 827, 829, 840, 841, 842, 843, 844, 845, 846, 847, and 848, to read as follows:

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810.

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Automotive Use Category				
Automotive Uses*	§§ 102, 202.54	NP	NP	NP
<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>C(4)</u>	<u>C(4)</u>	<u>C(4)</u>
Parking Garage, Private	§ 102	C	C	C

* * * *

(4) P where existing use is any Automotive Use.

* * * *

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

Table 811.

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
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NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Automotive Use Category				
Automotive Uses*	§§ 102, 202.54	NP	NP	NP
<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>C(3)</u>	<u>C(3)</u>	<u>C(3)</u>
Parking Garage, Private	§ 102	C	C	C

* * * *

(3) P where existing use is any Automotive Use.

* * * *

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812.

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				

Automotive Use Category				
Automotive Uses*	§§ 102, 202.54	NP	NP	NP
<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>C(3)</u>	<u>C(3)</u>	<u>C(3)</u>
Parking Garage, Private	§ 102	C	C	C

* * * *

(3) P where existing use is any Automotive Use.

* * * *

SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

* * * *

Table 827
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *			
Non-Residential Standards and Uses			
* * * *			

.40	Automotive Repair	§ 890.15	NP
<u>.40a</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>C</u>
<u>.40b</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>NP</u>

* * * *

SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).

* * * *

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
* * * *			
Non-Residential Standards and Uses			
* * * *			
.40	Automotive Repair	§ 890.15	NP
<u>.40a</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>C</u>
<u>.40b</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>NP</u>

1 * * * *

2 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

3 * * * *

4 **Table 840**

5 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-General District Controls
* * * *			
Motor Vehicle Services			
* * * *			
840.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
<u>840.76</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
<u>840.77</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within an enclosed building</u>

18 * * * *

19 **SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

20 * * * *

21 **Table 841**

22 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

23 * * * *

No.	Zoning Category	§ References	Mixed Use- Residential District Controls
* * * *			
Motor Vehicle Services			
* * * *			
841.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
<u>841.76</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
<u>841.77</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within an enclosed building</u>

* * * *

SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

* * * *

Table 842

MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use-Office District Controls
* * * *			
Motor Vehicle Services			
* * * *			

1	842.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
2	<u>842.76</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
3				
4	<u>842.77</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within</u>
5				<u>an enclosed building</u>
6				

* * * *

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

* * * *

Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Urban Mixed Use District Controls
* * * *			
Motor Vehicle Services			
<u>843.68</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
<u>843.69</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within</u> <u>an enclosed building</u>
843.70	Vehicle Storage - Open Lot	§ 890.131	NP

* * * *

SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.

* * * *

Table 844

WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	WSoMa Mixed Use- General District Controls
* * * *			
Motor Vehicle Services			
* * * *			
844.75	Non-Auto Vehicle Sales or Rental	§ 890.69	C
<u>844.76</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P with no ingress/egress onto alleys, as defined in the Western SoMa Community Plan, within or along any RED or RED-MX Districts</u>
<u>844.77</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within an enclosed building with no ingress/egress onto alleys, as defined in the Western SoMa</u>

			<u>Community Plan,</u> <u>within or along any</u> <u>RED or RED-MX</u> <u>Districts</u>
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SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.

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Table 845

WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	WSoMa Mixed Use- Office District Controls
* * * *			
Motor Vehicle Services			
* * * *			
845.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
<u>845.76</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
<u>845.77</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within an enclosed building</u>

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SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

1 * * * *

2 Table 846

3 SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SALI District Controls
* * * *			
Motor Vehicle Services			
* * * *			
846.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
<u>846.76</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
<u>846.77</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within an enclosed building</u>

16 * * * *

17 SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

18 * * * *

19 Table 847

20 RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
* * * *			

Automotive Services			
* * * *			
847.63	Public Transportation Facility	§ 890.80	NP
<u>847.64</u>	<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>NP</u>
<u>847.65</u>	<u>Fleet Charging</u>	<u>§ 102</u>	<u>NP</u>

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SEC. 848. CMUO-CENTRAL SOMA MIXED-USE OFFICE DISTRICT.

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Table 848		
CMUO-CENTRAL SOMA MIXED-USE OFFICE DISTRICT ZONING CONTROL TABLE		
Central SoMa Mixed Use-Office District Controls		
Zoning Category	§ References	Controls
* * * *		
Automotive Use Category		
Automotive Uses*	§ 102	P
<u>Electric Vehicle Charging Location</u>	<u>§§ 102, 202.2(b)</u>	<u>P</u>
<u>Fleet Charging</u>	<u>§ 102</u>	<u>C and must be within an enclosed building</u>

1 * * * *

2
3 Section 5. Effective Date. This ordinance shall become effective 30 days after
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
6 of Supervisors overrides the Mayor's veto of the ordinance.

7
8 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the "Note" that appears under
13 the official title of the ordinance. The preceding sentence does not apply to Section 3 of the
14 ordinance, which uses a different methodology for amending the sections of the Municipal
15 Code to which it applies.

16
17
18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: /s/ Robb Kapla
21 ROBB KAPLA
22 Deputy City Attorney

23 n:\legana\as2021\2100505\01574603.docx

Proposal on EV Zoning Legislation for Fleet Charging Activities

Benefits of the Legislation: San Francisco has proposed legislation to codify electric vehicle (EV) charging - both publicly available and fleet charging - as official uses within Code. The intent of the legislation is sound, and represents a positive step forward for meeting the City's broader climate action and electrification goals in line with Mayor Breed's EV Roadmap. Every San Franciscan deserves access to clean transportation options.

Challenges of the Legislation: However, as written, the legislation creates undue restrictions on the ability for EV fleets to build and develop their own dedicated non-public charging stations, largely limiting these uses to existing PDR districts or constricting their use to 30% of public charging hubs (as an accessory use). Additionally, though the draft legislation—introduced over two months ago—allows Fleet Charging as a conditional use in the Residential Commercial (RC) zoning districts, staff has proposed a last-minute change to prohibit Fleet Charging in the RC districts. Any prohibition of fleet charging in RC districts would be a stark departure from current zoning, where almost all Automotive Uses and Utility Installation uses are permitted with approval of a Conditional Use Authorization.

Risks to City's Equity, Climate, and Inclusive Growth Goals: This legislation creates a number of extrinsic risks for broader electrification in San Francisco, including significant business uncertainty for EV fleets pursuing charging projects in RC districts, and broader adverse impacts on the city's equity, environmental justice, and inclusive growth goals. As written, the policy codifies geographic inequities that would lead to fleet charging stations being concentrated only in a few southern neighborhoods. At best, clean, zero-emission fleets will have to travel significant extra distance across the city, adding unneeded vehicle miles traveled. At worst, the narrow zoning for fleet charging locations could hinder the adoption of EVs in fleets, leading to greater air pollution in communities already overly and unfairly burdened. The policy as written could also unintentionally become a barrier to creating new, green jobs for organized labor and sharing the benefits of the EV transition with every San Franciscan.

Fleet charging provides tremendous public benefit in expanding EV access to all San Franciscans - regardless of EV ownership or access to a charger. It also creates new, green job opportunities and brings significant new investments in the community, like road safety and beautification improvements. For example, our proposed charging and R&D center on Cesar Chavez Street provides ~\$25M in economic benefits to organized labor through new construction and maintenance jobs, which is why the San Francisco Building Trades and Construction Council has formally endorsed our project.

Proposal: Given these potential unintended consequences on the city's environmental, equity, and growth goals, Cruise proposes the following changes for the SF EV Ordinance legislation:

- The legislation should maintain the current provision of Fleet Charging uses within the RC districts as a conditional use.
- Allow fleet charging on properties that already have an existing Automotive Use, on the condition that such projects provide a neighborhood notice and are subject to Discretionary Review.
- Allow Fleet Charging as of right on any property for which a Project Application has been filed or a building permit has been issued to establish a new Fleet Charging use by April 18, 2022.

FAQs on Proposal:***Why can't fleet vehicles just drive back and forth to PDR zones in D10?***

If all fleet charging occurs in D10, EV fleets will spend significant periods of time unnecessarily traversing the city, leading to deadhead miles and business inefficiencies, all of which will reduce incentives for fleets to adopt electric vehicle business models and delay the air quality benefits of EV fleet adoption for local communities.

Why can't fleet vehicles just share with public chargers? Isn't 1/3 enough?

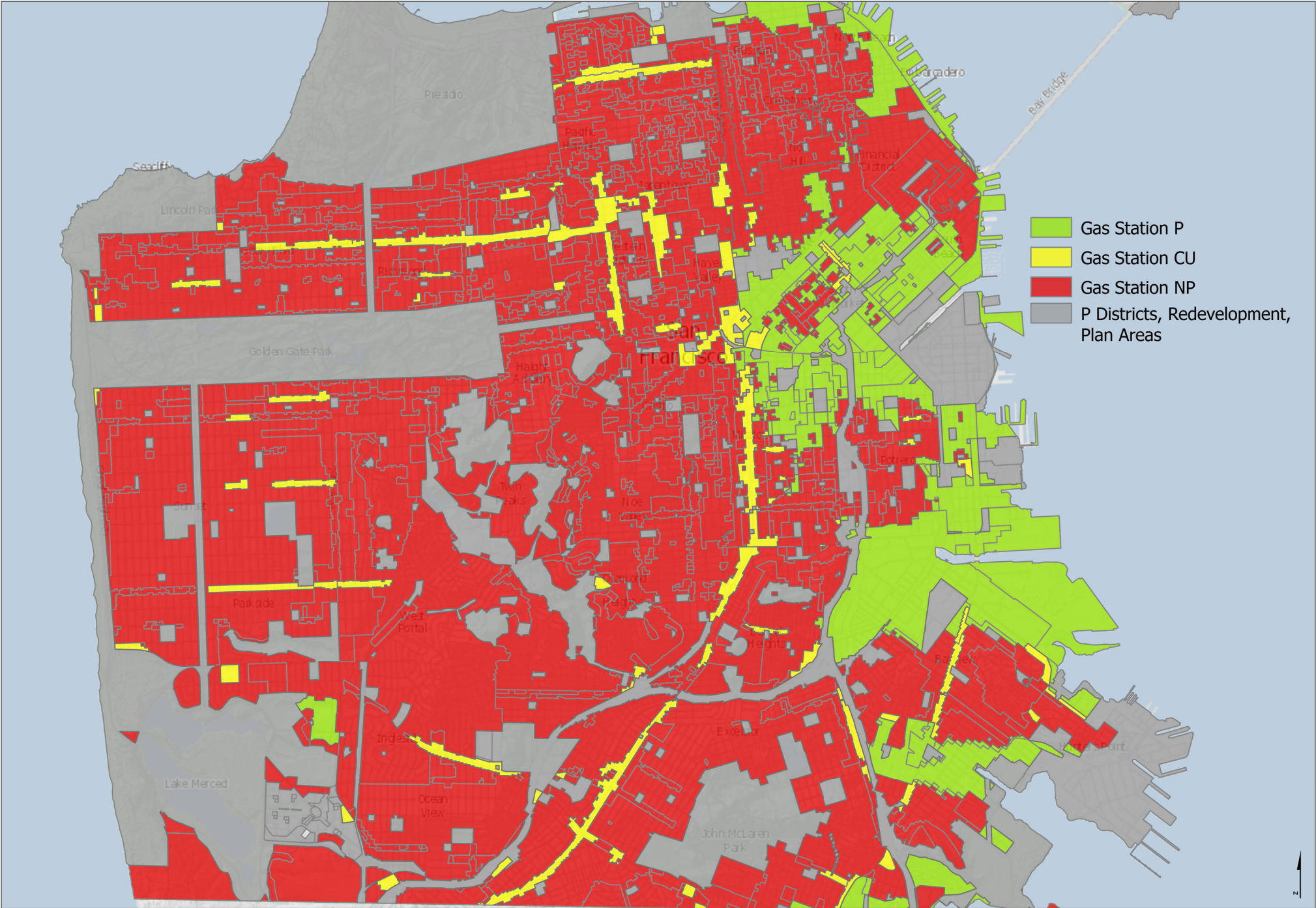
The costs and operational needs for fleet charging are distinct from public charging stations. The 1/3 accessory use provision does not provide enough scale to accommodate fleet charging requirements, possibly hindering the adoption of clean vehicle fleets and risking achieving the City's climate goals. Additionally, many charging operators depend on fleet charging to generate a return as an anchor tenant and de-risk investment in charging hubs. Restricting this offtake to only 1/3 would make many charging hubs untenable based on today's level of EV adoption.

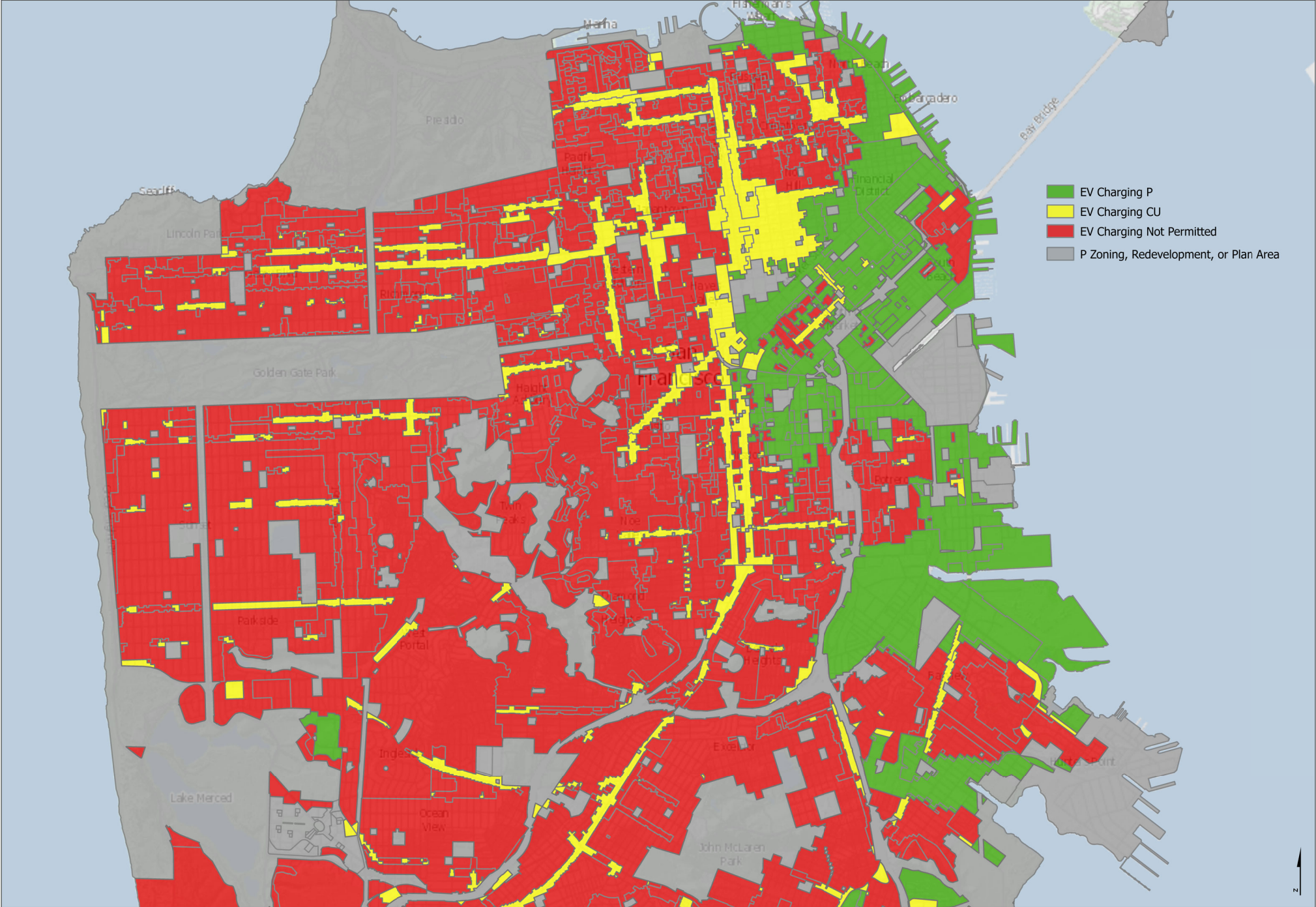
How will fleet charging sites operate? How intensive is this use?

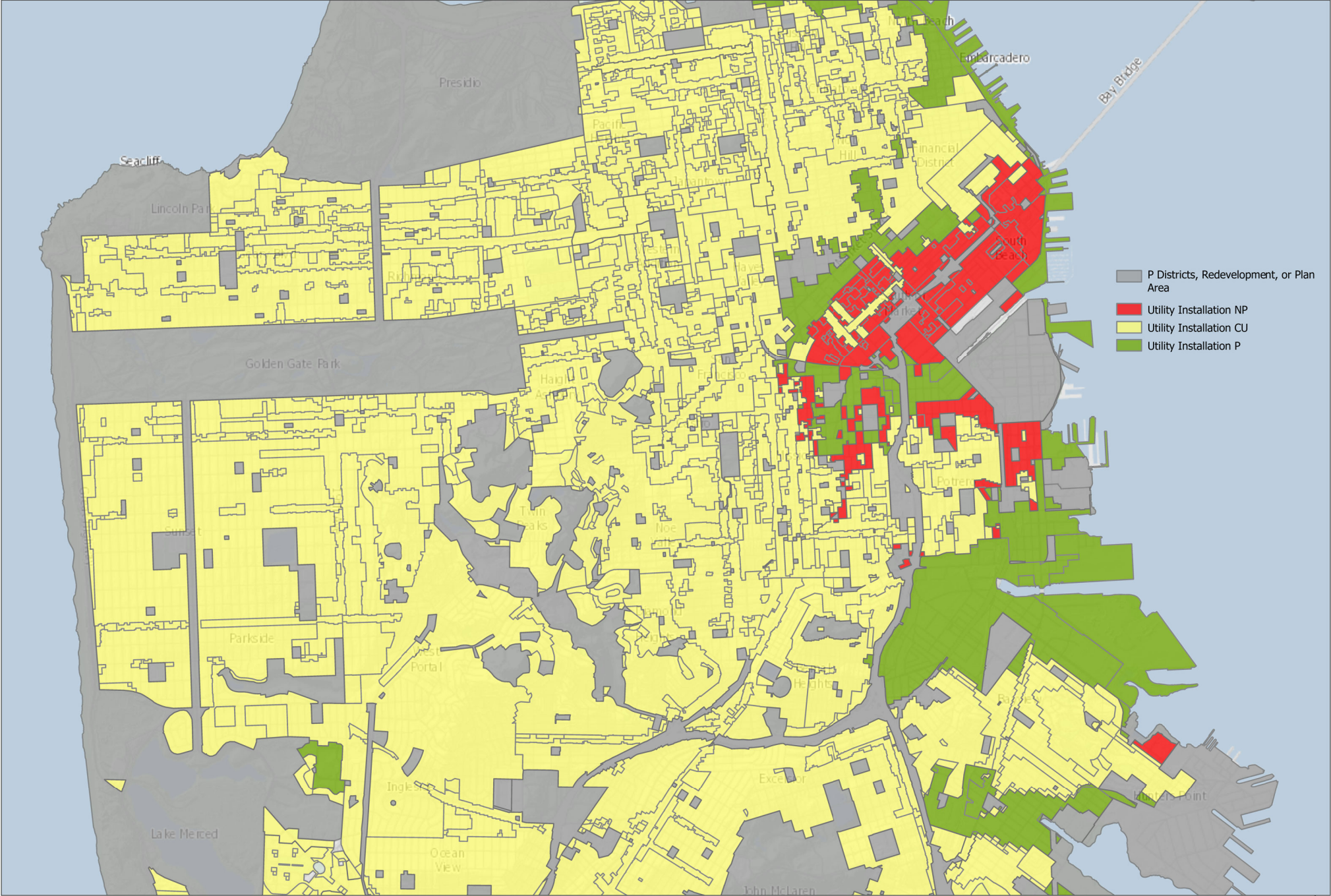
While intensity will depend on the number of chargers, Cruise estimates vehicle traffic will be relatively minimal, consisting of almost exclusively light duty vehicles. Charging of light-duty fleet vehicles takes just as long as charging privately owned light duty vehicles, thus the usage pattern of the site is unlikely to change. Many charging hubs do require higher utilization in order to make it economically viable. Allowing fleet charging outside of the PDR zones with either a CU or discretionary review requirement will ensure that any potential location-specific impacts of a fleet charging site are thoughtfully considered and addressed.

How much space will fleet charging facilities need?

Most satellite charging locations will be at existing auto use sites like parking garages or auto service shops, and be contained within an existing building or site footprint. Charging also does not lead to intensification of use if the site is already an existing auto use. In fact, it is more likely a site will lose some capacity when adding charging due to having additional electrical switchgear and chargers.

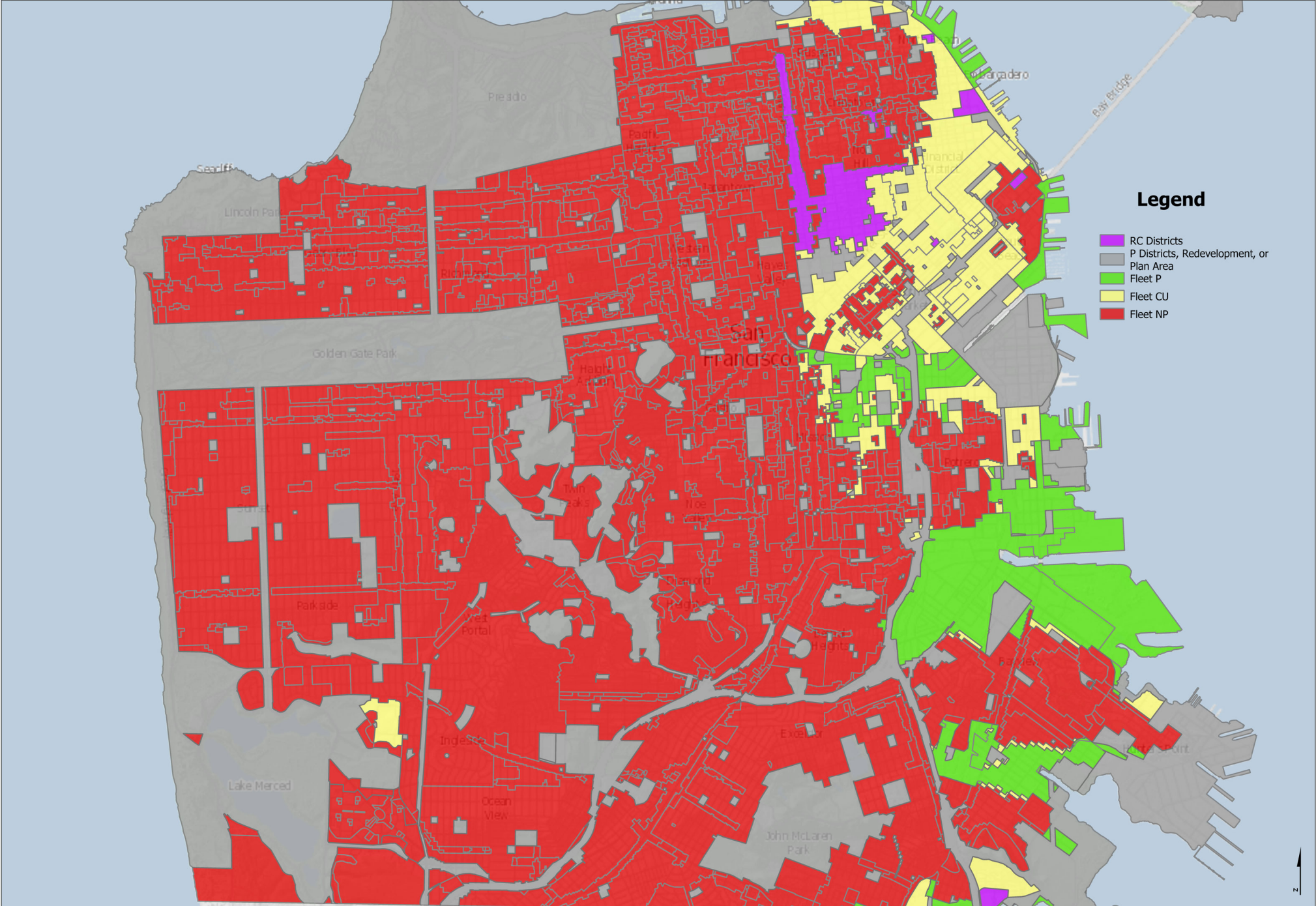




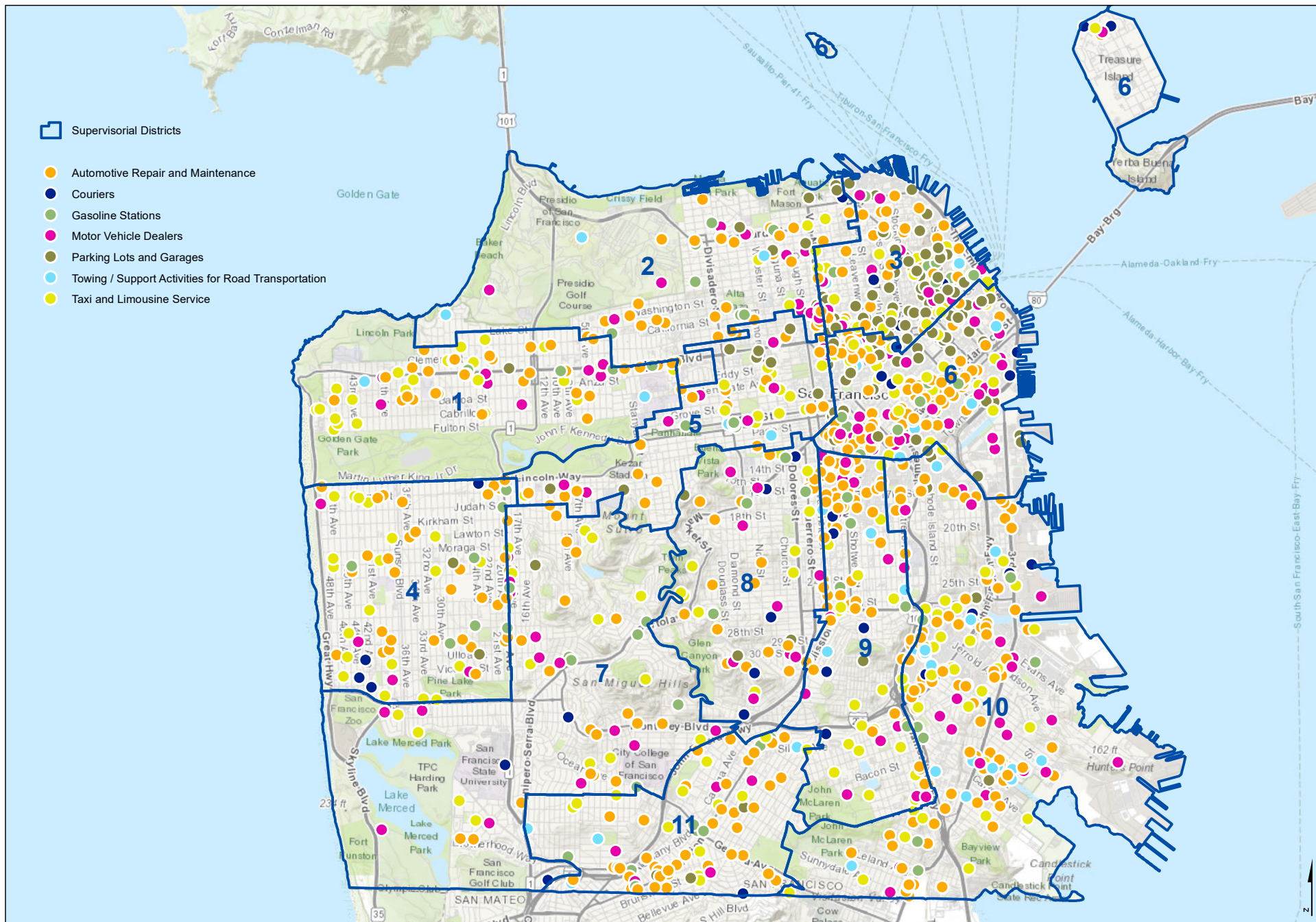


- P Districts, Redevelopment, or Plan Area
- Utility Installation NP
- Utility Installation CU
- Utility Installation P

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Automotive Uses and Supervisorial Districts



- Supervisorial Districts
- Automotive Repair and Maintenance
- Couriers
- Gasoline Stations
- Motor Vehicle Dealers
- Parking Lots and Garages
- Towing / Support Activities for Road Transportation
- Taxi and Limousine Service

