BOARD of SUPERVISORS

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M E M O R A N D U M

TO: Deborah Raphael, Director, Department on the Environment
Jeffrey Tumlin, Executive Director, San Francisco Municipal Transportation Agency
Carla Short, Interim Director, Public Works

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: January 18, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on January 11, 2022:

File No. 220036

Ordinance amending 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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Joseph Sweiss, Department on the Environment
Charles Sheehan, Department on the Environment
Anthony Valdez, Department on the Environment
Kate Breen, San Francisco Municipal Transportation Agency
Janet Martinsen, San Francisco Municipal Transportation Agency
Joel Ramos, San Francisco Municipal Transportation Agency
David Steinberg, Public Works
Bryan Dahl, Public Works
John Thomas, Public Works
Lena Liu, Public Works

[Planning Code - Electric Vehicle Charging Locations]

Ordinance amending 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.

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

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

Section 1. Findings.

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

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

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

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

(1) 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 and reach net-zero emissions no later than 2050to prevent the most catastrophic effects of climate change and reduce detrimental impacts to human health and ecosystems.

(2) 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.

(3) To address these urgent challenges, in 2021 Mayor London Breed sponsored legislation to update the City's climate action goals. 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.

(4) 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.

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

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

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

(6) 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.

(7) 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.

(8) 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 with no increase in total vehicle registrations per household and 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.

(9) 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.

(10) Range anxiety is also 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 or those with EV charging available at the workplace. To provide expanded access to EV charging, in June 2021, the California Public Utilities Commission ruled that electrical corporations should prioritize their near-term investments to create charging options to customers without access to home charging.

(11) 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 that 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.

(12) Without this ordinance's amendments of the Planning Code, 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.

(13) In 2020, the 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.

(14) 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 or Commission 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.

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

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

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

SEC. 102. DEFINITIONS.

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A

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

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

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

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E

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

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

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

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

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

*** * * ***

SEC. 202.2. LOCATION AND OPERATING CONDITIONS.

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

*** * * ***

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

*** * * ***

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

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

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

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

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

*** * * ***

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

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

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

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

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SEC. 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.

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

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

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

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SEC. 204. ACCESSORY USES, GENERAL.

This Section 204 and Sections 204.1 through 204.*6*~~5~~, shall regulate Accessory Uses, as defined in Section 102. Any use which does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

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SEC. 204.6. FLEET CHARGING ACCESSORY TO ELECTRIC VEHICLE CHARGING LOCATIONS.

In order for Fleet Charging to be a 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.

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

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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)
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*P*

Fleet Charging	*§ 102*	*C*

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SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

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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
* * * *						
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
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*P*	*P*	*P*	*P*	*P*
Fleet Charging	*§ 102*	*C*	*C*	*C*	*C*	*C*
* * * *						

SEC. 210.3. PDR DISTRICTS.

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Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Automotive Use Category					
Automotive Uses*	§ 102	NP	P	P	P
Automotive Repair	§ 102	P (3)	P	P	P
Automotive Sale/Rental	§ 102	P	P (4)	P	P
Automotive Service Station	§§ 102, 202.2(b), 202.5	P	P	P	P
Automotive Wash	§§ 102, 202.2(b)	P	P	P	P
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*P*	*P*	*P*	*P*
Fleet Charging	*§ 102*	*C*	*P*	*P*	*P*

* * * *

SEC. 311. PERMIT REVIEW PROCEDURES.

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

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

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

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

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Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

* * * *

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
Electric Vehicle Charging Location	*§ 102, 202.2(b)*	*C(12)*	*C(12)*	*C(12)*
Parking Garage, Private	§ 102	C	C	C

* * * *

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

* * * *

Section 3. Amendment of Specific Zoning Control Tables.

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

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

722	14
723	10
724	7
725	7
726	8
727	3
728	8
729	6
730	6
731	7
732	7
733	7
734	7
735	3
736	3
737	5
738	3
739	8
740	5
741	3
742	3

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

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.

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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, 202.5~~4~~	NP	NP	NP
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*C(4)*	*C(4)*	*C(4)*
Parking Garage, Private	§ 102	C	C	C

* * * *

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

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SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

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Table 811.

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

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Zoning Category	§ References	Controls

NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Automotive Use Category				
Automotive Uses*	§§ 102, 202.5~~4~~	NP	NP	NP
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*C(3)*	*C(3)*	*C(3)*
Parking Garage, Private	§ 102	C	C	C

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

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SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

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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.*5*4	NP	NP	NP
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*C(3)*	*C(3)*	*C(3)*
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).

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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
.40a	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*C*
.40b	*Fleet Charging*	*§ 102*	*NP*

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

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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
.40a	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*C*
.40b	*Fleet Charging*	*§ 102*	*NP*

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

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Table 840

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
840.76	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*P*
840.77	*Fleet Charging*	*§ 102*	*C and must be within an enclosed building*

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

* * * *

Table 841

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

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

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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			
* * * *			

842.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
842.76	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*P*
842.77	*Fleet Charging*	*§ 102*	*C and must be within an enclosed building*

* * * *

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

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Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

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

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

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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
844.76	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*P with no ingress/egress onto alleys, as defined in the Western SoMa Community Plan, within or along any RED or RED-MX Districts*
844.77	*Fleet Charging*	*§ 102*	*C and must be within an enclosed building with no ingress/egress onto alleys, as defined in the Western SoMa*

			Community Plan, within or along any RED or RED-MX Districts

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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
845.76	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*P*
845.77	*Fleet Charging*	*§ 102*	*C and must be within an enclosed building*

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

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Table 846

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
846.76	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*P*
846.77	*Fleet Charging*	*§ 102*	*C and must be within an enclosed building*

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

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Table 847

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
847.64	*Electric Vehicle Charging Location*	*§§ 102, 202.2(b)*	*NP*
847.65	*Fleet Charging*	*§ 102*	*NP*

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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
Electric Vehicle Charging Location	*§§ 102, 202.2(b)*	*P*
Fleet Charging	*§ 102*	*C and must be within an enclosed building*

* * * *

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

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

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FILE NO. 220036

LEGISLATIVE DIGEST

[Planning Code - Electric Vehicle Charging Locations]

Ordinance amending 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.

Existing Law

The Planning Code does not contain definitions or zoning controls for electric vehicle charging locations, stations, or fleet charging. The Planning Code requires a conditional use authorization to convert an existing automobile service station to any other use and allows existing gas stations that do not conform with their zoning to remain in place as long as they continue to sell gasoline.

Amendments to Current Law

The Proposed Legislation would add three new definitions to the Planning Code: (1) Electric Vehicle Charging Station (EVCS)—the equipment to charge an electric vehicle; (2) Electric Vehicle Charging Location—a retail automotive use where the general public can pay to charge electric vehicles using EVCSs and access typical gas station services such as restrooms, snacks and refreshments, and vehicle necessities; and (3) Fleet Charging—EVCSs that are dedicated or reserved for specific users by contract or other arrangement and are not available for use by the general public. The Proposed Legislation would allow Electric Vehicle Charging Locations to dedicate up to one-third of their EVCSs to Fleet Charging use.

The Proposed Legislation would allow existing gas stations to convert to Electric Vehicle Charging Locations without needing conditional use authorization, including in areas where the existing gas station is nonconforming.

The Proposed Legislation would also amend the zoning control tables for several non-residential districts across the City to allow Electric Vehicle Charging Locations by right (e.g., PDR and certain Mixed Use districts), pursuant to conditional use authorization (e.g., all Neighborhood Commercial and Chinatown Districts), or prohibit them (e.g., Residential-Enclave Mixed and all Residential Districts). Fleet Charging as a principal use (locations that

have no retail EVCS access for the general public) would only be permitted by right in certain PDR districts and pursuant to conditional use authorization in Downtown Commercial Districts and certain Eastern Neighborhoods Mixed Use and Industrial Districts (but only when located within an enclosed building). Throughout the rest of the City, Fleet Charging as a principal use would not be permitted.

The Proposed Legislation would allow Electric Vehicle Charging Locations to charge vehicles and have EVCSs located within the setbacks of underlying zoning, but would require any ancillary structures—restrooms, vending machines or snack bars—adhere to any underlying setback requirements. The Proposed Legislation would also exempt Electric Vehicle Charging Locations from the notification provisions of Section 311 of the Planning Code.

Finally, the Proposed Legislation would require the Planning Department issue annual reports to the Board of Supervisors and Mayor's Office detailing the location and approval of all retail Electric Vehicle Charging Locations and Fleet Charging locations approved since the zoning changes were enacted.

Background Information

Local and state law streamline permitting for applicants installing EVCS equipment to existing uses, such as parking spaces serving office buildings, retail establishments, or private residences. But there is no explicit provision in the Planning Code that governs the establishment of electric vehicle charging as a principal use—where the parcel contains no commercial or residential use other than for customers to charge their electric vehicle and access ancillary services—like traditional gas stations. The Proposed Legislation would address this issue by (1) defining Electric Vehicle Charging Location and subject the use to similar zoning conditions as new and existing/non-conforming gas stations, and (2) defining Fleet Charging as an automotive use that may be accessory to Electric Vehicle Charging Locations, but as a principal use is generally confined to industrial and more intense mixed use districts. Finally, the annual reporting requirement will allow the City to monitor imbalances in geographic distribution, the effectiveness of the provisions in assisting the transition of gas to electric vehicles, and consistency with Transit-First policy.

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