

1 [Approval of Retroactive 90-Day Extension for Planning Commission Review of Planning
2 Code - Electric Vehicle Charging Locations (File No. 220851)]

3 **Resolution retroactively extending by 90 days the prescribed time within which the**
4 **Planning Commission may render its recommendations on the Ordinance (File No.**
5 **220851) amending the Planning Code to create Electric Vehicle Charging Location and**
6 **Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations**
7 **to Electric Vehicle Charging Locations without Conditional Use authorization and**
8 **principally permit conversion of other Automotive Uses to Electric Vehicle Charging**
9 **Locations, revise zoning control tables to reflect these changes, and require annual**
10 **reporting by the Planning Department regarding Electric Vehicle Charging Location**
11 **and Fleet Charging project approvals; affirming the Planning Department’s**
12 **determination under the California Environmental Quality Act; and making findings of**
13 **consistency with the General Plan, and the eight priority policies of Planning Code,**
14 **Section 101.1, and findings of public necessity, convenience, and welfare under**
15 **Planning Code, Section 302.**

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17 WHEREAS, On July 18, 2022, Supervisor Peskin duplicated legislation from Mayor
18 Breed (File No. 220036), further amending the Planning Code to create Electric Vehicle
19 Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive
20 Service Stations to Electric Vehicle Charging Locations without Conditional Use authorization
21 and principally permit conversion of other Automotive Uses to Electric Vehicle Charging
22 Locations, revise zoning control tables to reflect these changes, and require annual reporting
23 by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging
24 project approvals; affirming the Planning Department’s determination under the California
25 Environmental Quality Act; and making findings of consistency with the General Plan, and the

1 eight priority policies of Planning Code, Section 101.1, and findings of public necessity,
2 convenience, and welfare under Planning Code, Section 302, which was then formally
3 introduced into File No. 220851 on July 25, 2022, (the “Proposed Ordinance”); and

4 WHEREAS, On or about July 26, 2022, the Clerk of the Board of Supervisors referred
5 the Proposed Ordinance to the Planning Commission; and

6 WHEREAS, The Planning Commission shall, in accordance with Planning Code,
7 Section 306.4(d), render recommendations on the Proposed Ordinance within 90 days from
8 the date of referral of the Proposed Ordinance to the Planning Commission; and

9 WHEREAS, Failure of the Planning Commission to act within 90 days shall be deemed
10 to constitute disapproval; and

11 WHEREAS, The Board of Supervisors, in accordance with Planning Code, Section
12 306.4(d) may, by Resolution, extend the prescribed time within which the Planning
13 Commission may render its recommendations to the Proposed Ordinance amending the
14 Planning Code initiated by the Board of Supervisors; and

15 WHEREAS, All parties would benefit from additional consideration of the proposed
16 legislation prior to the Planning Commission taking action; now, therefore, be it

17 RESOLVED, That the Board of Supervisors hereby deems it appropriate in this
18 instance to retroactively grant the Planning Commission additional time to review the
19 Proposed Ordinance prior to rendering its recommendation and extends the prescribed time
20 within which the Planning Commission may render its recommendation on the Proposed
21 Ordinance for 90 additional days, until January 22, 2023.

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