



PLANNING COMMISSION RESOLUTION NO. 21099

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
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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:

202.13 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.

5. Allow Fleet Charging with Conditional Use authorization in all NC Districts except NC-1 and NCT-1

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: Diamond, Fung, Koppel, Tanner

NOES: Ruiz, Imperial

ABSENT: Moore

ADOPTED: April 14, 2022