

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/18/2022)

[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 and principally permit conversion of other Automotive Uses to Electric Vehicle Charging Locations, 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 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. Further, the Proposed Legislation would allow conversion of any existing Automotive Use to an Electric Vehicle Charging Location regardless of underlying zoning and without Section 311 notice.

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 allowed pursuant to conditional use authorization in PDR Districts, Downtown Commercial Districts and certain Neighborhood Commercial, 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 or accessory use would not be permitted.

The Proposed Legislation includes criteria the Planning Commission must consider when evaluating a Fleet Charging use for conditional use authorization. These criteria include the whether the use would induce passenger vehicle demand in a congested or transit-rich area; whether the use would unduly impact pedestrian, bicycle, transit, or traffic in the area; and whether the proposed fleet has sufficient vehicle storage near within or near the City to accommodate the vehicles when not in use.

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

This is a duplicate of a substitute ordinance, the original ordinance was introduced on January 11, 2022. The substitute ordinance was further amended at Land Use Committee on July 11 and July 18, 2022 to remove the ability for Fleet Charging to be an accessory use to any other principal use, and to make Fleet Charging a conditional use in PDR districts that the previous version of the ordinance had permitted by right (PDR-1-D, PDR-1-G, and PDR-2). This ordinance was duplicated from the amended substitute ordinance at the July 18, 2022 meeting and the conditional use authorization criteria were amended to this duplicate ordinance.

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 principal use 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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