

BOARD of SUPERVISORS



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## MEMORANDUM


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Date: June 13, 2023  
To: Planning Department / Commission  
From: Erica Major, Clerk of the Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 230704  
Planning Code - Parcel Delivery Services Definition

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- California Environmental Quality Act (CEQA) Determination Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.  
(California Public Resources Code, Sections 21000 et seq.)
  - Ordinance / Resolution
  - Ballot Measure

06/30/23 
- Amendment to the Planning Code, including the following Findings:  
(Planning Code, Section 302(b): 90 days for Planning Commission review)
  - General Plan
  - Planning Code, Section 101.1
  - Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning  
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments  
(Charter, Section 4.105, and Administrative Code, Section 2A.53)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
  - Landmark (Planning Code, Section 1004.3)
  - Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
  - Mills Act Contract (Government Code, Section 50280)
  - Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department/Commission recommendation/determination to Erica Major at [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org).

1 [Planning Code - Parcel Delivery Services Definition]

2

3 **Ordinance amending the Planning Code to revise the definition of Parcel Delivery**  
 4 **Services to include Fleet Charging for freight or Autonomous Vehicles, as defined, that**  
 5 **are primarily engaged in or preparing to deliver parcels or goods, and Parking Garages**  
 6 **for use by employees of a Parcel Delivery Service use; affirming the Planning**  
 7 **Department's determination under the California Environmental Quality Act; and**  
 8 **making public necessity, convenience, and welfare findings under Planning Code,**  
 9 **Section 302, and findings of consistency with the General Plan, and the eight priority**  
 10 **policies of Planning Code, Section 101.1.**

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

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

19 Section 1. Environmental and Land Use Findings.

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

25 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
3 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
5 amendments will serve the public necessity, convenience, and welfare for the reasons set  
6 forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board adopts such  
7 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of  
8 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

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10 Section 2. The Planning Code is hereby amended by revising Section 102 to amend  
11 the definition of Parcel Delivery Services, to read as follows:

12 **SEC. 102. DEFINITIONS.**

13 \* \* \* \*

14 **Service, Parcel Delivery.** A Non-Retail Automotive Use limited to (1) facilities for the  
15 unloading, sorting, and reloading of local retail merchandise for deliveries, including but not  
16 limited to cannabis and cannabis products, where the operation is conducted entirely within a  
17 completely enclosed building, including garage facilities for local delivery trucks; (2) Fleet  
18 Charging exclusively for freight or Autonomous Vehicles. as that term is defined in the California  
19 Vehicle Code, Section 38750(a)(2)(A), as may be amended from time to time, that are primarily  
20 engaged in or preparing to deliver parcels or goods; and (3) Parking Garages for use by employees of  
21 a Parcel Delivery Service use; but excluding repair shop facilities. Where permitted in PDR  
22 Districts, this use is not required to be operated within a completely enclosed building.

23 \* \* \* \*

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

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6           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the “Note” that appears under  
11 the official title of the ordinance.

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14 APPROVED AS TO FORM:  
15 DAVID CHIU, City Attorney

16 By: /s/ Andrea Ruiz-Esquide  
17       ANDREA RUIZ-ESQUIDE  
18       Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Planning Code - Parcel Delivery Services Definition]

**Ordinance amending the Planning Code to revise the definition of Parcel Delivery Services to include Fleet Charging for freight or Autonomous Vehicles, as defined, that are primarily engaged in or preparing to deliver parcels or goods, and Parking Garages for use by employees of a Parcel Delivery Service use; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Section 102 of the Planning Code includes many definitions of uses that are permitted, conditional, or not permitted under the City’s zoning and planning regulations. The current definition of “Parcel Delivery Services” is “[a] Non-Retail Automotive Use limited to facilities for the unloading, sorting, and reloading of local retail merchandise for deliveries, including but not limited to cannabis and cannabis products, where the operation is conducted entirely within a completely enclosed building, including garage facilities for local delivery trucks, but excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to be operated within a completely enclosed building.”

### Amendments to Current Law

This ordinance would amend the definition of Parcel Delivery Services to include:

- Fleet Charging for freight or Autonomous Vehicles, that are primarily engaged in or preparing to deliver parcels or goods, and
- Parking Garages for use by employees of a Parcel Delivery Service use.

The ordinance defines Autonomous Vehicles based on the current state law definition in Section 38750(a)(2)(A) of the Vehicle Code, as it may be amended from time to time. That definition reads: ““Autonomous vehicle” means any vehicle equipped with autonomous technology that has been integrated into that vehicle that meets the definition of Level 3, Level 4, or Level 5 of SAE International’s “Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR2021),” as may be revised.”

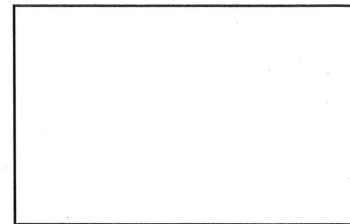
FILE NO. 230704

The ordinance amendments include other uses that are already defined in the Planning Code, such as Fleet Charging and Parking Garage, which mean, respectively, an “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 (...)” and “[a] Non-Retail Automotive Use that provides temporary parking accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage...”.

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## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [ ] inquires..."
- 5. City Attorney Request
- 6. Call File No. [ ] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Chan

Subject:

Planning Code - Parcel Delivery Services Definition

Long Title or text listed:

Ordinance amending the Planning Code to revise the definition of Parcel Delivery Services to include Fleet Charging for freight or Autonomous Vehicles, as defined, that are primarily engaged in or preparing to deliver parcels or goods, and Parking Garages for use by employees of a Parcel Delivery Service use; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: 