

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: October 11, 2023  
To: Planning Department / Commission  
From: John Carroll, Clerk of the Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 230704  
Planning Code - Fleet Charging Locations and Parcel Delivery Service

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure
  
- 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 John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

[Planning Code - Fleet Charging Locations and Parcel Delivery Service]

**Ordinance amending the Planning Code to prohibit Parcel Delivery Service activities at Fleet Charging locations; 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.**

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. Environmental and Land Use 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.

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

7 Section 2. Article 1 of the Planning Code is hereby amended by revising Section 102,  
8 to read as follows:

9 **SEC. 102. DEFINITIONS.**

10 \* \* \* \*

11 **Fleet Charging.** Automotive Use, Non-Retail that provides electricity to electric motor  
12 vehicles through one or more Electric Vehicle Charging Stations that are dedicated or  
13 reserved for private parties pursuant to contract or other agreement and are not available to  
14 the general public. Fleet Charging is not allowed as an accessory use to any other principal  
15 use. Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for  
16 deliveries, is prohibited at Fleet Charging locations.

17 \* \* \* \*

18  
19 Section 3. Effective Date. This ordinance shall become effective 30 days after  
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
22 of Supervisors overrides the Mayor's veto of the ordinance.  
23

24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
3 additions, and Board amendment deletions in accordance with the “Note” that appears under  
4 the official title of the ordinance.

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7 APPROVED AS TO FORM:  
8 DAVID CHIU, City Attorney

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

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**LEGISLATIVE DIGEST**

Substituted 10/03/23

[Planning Code - Fleet Charging Locations and Parcel Delivery Service]

**Ordinance amending the Planning Code to prohibit Parcel Delivery Service activities at Fleet Charging locations; 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. Fleet Charging is defined in Section 102 as a non-retail automotive use where electric vehicle charging stations are dedicated or reserved for private use and not open to the general public. Fleet Charging is not allowed as an accessory to other principal uses.

Amendments to Current Law

The Proposed Legislation would amend the definition of Fleet Charging to prohibit Parcel Delivery Service (“PDS”) activities, including as loading, sorting, and unloading of merchandise for delivery, at Fleet Charging locations.

Background Information

The goals of prohibiting PDS activities at Fleet Charging locations are: to maximize the capacity and availability of electric vehicle charging infrastructure for such vehicles to access; and to avoid inflicting any impacts of PDS activities on areas surrounding Fleet Charging locations.

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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. 230704
- 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 - Fleet Charging Locations and Parcel Delivery Service

Long Title or text listed:

Ordinance amending the Planning Code to prohibit Parcel Delivery Service activities at Fleet Charging locations; 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:

