

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: December 11, 2023

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, December 12, 2023

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, December 12, 2023. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, December 11, 2023, at 1:30 p.m., by the votes indicated.

BOS Item No. 40

File No. 230704

[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.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye
Supervisor Dean Preston – Aye
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 230704

Committee Item No. 1

Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: Dec. 11, 2023

Board of Supervisors Meeting:

Date: Dec. 12, 2023

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- Budget and Legislative Analyst Report
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OTHER

- Planning Commission Transmission – November 28, 2023
- BOS Resolution No. 433-23
- CEQA Determinations – November 7 and June 30, 2023
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- Committee Report Request Memo – December 7, 2023
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: Dec. 8, 2023

Prepared by: John Carroll

Date: De. 11, 2023

Prepared by: _____

Date: _____

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

2

3 **Ordinance amending the Planning Code to prohibit Parcel Delivery Service activities at**
4 **Fleet Charging locations; affirming the Planning Department’s determination under the**
5 **California Environmental Quality Act; and making public necessity, convenience, and**
6 **welfare findings under Planning Code, Section 302, and findings of consistency with**
7 **the General Plan and the eight priority policies of Planning Code, Section 101.1.**

8

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

12

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

14

15 Section 1. Environmental and Land Use Findings.

16 (a) The Planning Department has determined that the actions contemplated in this
17 ordinance comply with the California Environmental Quality Act (California Public Resources
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
19 Supervisors in File No. 230704 and is incorporated herein by reference. The Board affirms
20 this determination.

21 (b) On November 16, 2023, the Planning Commission, in Resolution No. 21447,
22 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
23 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
24 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
25 the Board of Supervisors in File No. 230704, 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. 21447, and the Board adopts such reasons as
4 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
5 No. 230704 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 as part of a at Fleet Charging use 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.

5

6

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

8

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

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REVISED LEGISLATIVE DIGEST
(Amended in Committee – December 11, 2023)

[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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November 28, 2023

Ms. Angela Calvillo, Clerk
Honorable Supervisor Peskin
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2023-005567PCA
Fleet Charging Locations and Parcel Delivery Service Ordinance
Board File No. 230704

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Chan,

On November 16, 2023, the Planning Commission (Commission) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Fleet Charging Locations and Parcel Delivery Service Ordinance, which was introduced by Supervisor Chan on June 6, 2023, and substituted on October 3, 2023. The proposed Ordinance would amend the San Francisco Planning Code (Planning Code) to prohibit Parcel Delivery Service at Fleet Charging locations. At the hearing the Commission recommended approval with modification.

The Commission's proposed modifications are as follows:

1. Modify the Ordinance to amend the proposed language as follows: "Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for deliveries, is prohibited as part of a Fleet Charging use." And make similar amendments to relevant sections of the Planning Code (sections 204.6, 703, and 803.2),

The proposed amendments are not defined as a project under CEQA Guidelines Sections 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr

Manager of Legislative Affairs

cc: Robb Kapla, Deputy City Attorney
Frances Hsieh, Aide to Supervisor Chan
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution

Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21447

HEARING DATE: NOVEMBER 16, 2023

Project Name: Parcel Delivery Services Definition Ordinance
Case Number: 2023-005567PCA, [Board File No. 230704](#)
Initiated by: Supervisor Chan/ Introduced June 6, 2023; Substituted October 3, 2023
Staff Contact: Jenny Delumo, jenny.delumo@sfgov.org, 628.652.7568
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 102 TO PROHIBIT PARCEL DELIVERY SERVICE ACTIVITIES AT FLEET CHARGING LOCATIONS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on June 6, 2023 Supervisor Chan introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 230704, which would amend Section 102 of 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;

WHEREAS, on October 3, 2023 Supervisor Chan introduced a substitute Ordinance under Board File Number 230704, which would amend Section 102 of the Planning Code to prohibit Parcel Delivery Service activities at Fleet Charging locations;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 16, 2023; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c); 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. Modify the Ordinance to amend the proposed language as follows: "Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for deliveries, is prohibited as part of a Fleet Charging use." And make similar amendments to relevant sections of the Planning Code (sections 204.6, 703, and 803.2),

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 as it is consistent with policies in the Commerce and Industry Element (policy 1.1) and the Transportation Element (policies 14.5 and 14.8).

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

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 would indirectly manage the development of charging infrastructure for electric fleets and parcel delivery in a manner that seeks to balance the impacts of commingling these uses under one conditional use authorization.

TRANSPORTATION ELEMENT

OBJECTIVE 14

DEVELOP AND IMPLEMENT A PLAN FOR OPERATIONAL CHANGES AND LAND USE POLICIES THAT WILL MAINTAIN MOBILITY AND SAFETY DESPITE A RISE IN TRAVEL DEMAND THAT COULD OTHERWISE RESULT IN SYSTEM CAPACITY DEFICIENCIES.

Policy 14.5

Encourage the use of alternative fuels for City vehicles, transit vehicles and as feasible, any other motor vehicles as a means of reducing toxic automobile emissions and conserving energy.

Policy 14.8

Implement land use controls that will support a sustainable mode split, and encourage development that limits the intensification of automobile use.

The proposed Ordinance would support electric vehicle infrastructure development consistent with the City's Climate Action goals. The Ordinance would also enable decision makers to better understand the potential intensity of automobile use on a project site.

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;

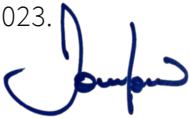
The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

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 November 16, 2023.



Jonas P. Ionin
Commission Secretary

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: November 16, 2023



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: November 16, 2023

90-Day Deadline: December 10, 2023¹

Project Name: Fleet Charging Locations and Parcel Delivery Service Ordinance
Case Number: 2023-005567PCA, [Board File No. 230704](#)
Initiated by: Supervisor Chan/ Introduced June 6, 2023; Substituted October 3, 2023
Staff Contact: Jenny Delumo, jenny.delumo@sfgov.org, 628.652.7568
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Environmental Review: Not a Project Under CEQA

Recommendation: Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the San Francisco Planning Code (Planning Code) to prohibit Parcel Delivery Service at Fleet Charging locations.

The Way It Is Now:

The definition of Fleet Charging does not specify whether any other land uses may be accessory to that use.

The Way It Would Be:

The Fleet Charging definition would be amended to include the underlined text:

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. Fleet Charging is not allowed as an accessory use to any other principal use. Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for deliveries, is prohibited at Fleet Charging locations.

¹ The original ordinance was referred to the Planning Commission with a deadline of September 11, 2023. On September 21, 2023, the Board of Supervisors adopted extension Resolution No. 433-23 (Board File No. 230940) extending the ordinance an additional 90 days, expiring December 10, 2023.

Background

Supervisor Chan first introduced the proposed Ordinance on June 6, 2023 (original Ordinance), in response to two different Conditional Use appeals. One appeal was for a project at 301 Toland Street that would change a portion of an existing building from Wholesale Storage to a Private Parking Garage for Waymo staff, located across the street. The other appeal was for a project at 1160 Mission Street that proposed to change portions of an existing Public and Private Parking Garage to Fleet Charging. The Board of Supervisors (Board) granted the appeal for 301 Toland Street and overturned the Planning Commission's action by denying the application, citing the City's Transit First Policy as justification. The Board also granted the appeal for 1160 Mission Street but did not overturn the Planning Commission's decision. Instead, it added language to the Conditional Use approval motion clarifying that the proposed project was only for Fleet Charging, and not for Parcel Delivery Services. The original Ordinance was intended to address some of the concerns related to those appeals by amending the Planning Code to revise the definition of Parcel Delivery Services to include: (1) Fleet Charging for freight or Autonomous Vehicles that is primarily engaged in or preparing to deliver parcels or goods; and (2) Parking Garages for use by employees of a Parcel Delivery Service use.

On October 3, 2023, Supervisor Chan introduced a substitute Ordinance after conversations with Department staff. The revised ordinance essentially prohibits Parcel Delivery Services as an Accessory Use for Fleet Charging. This change ensures that Fleet Charging approval cannot be used to circumvent the Conditional Use requirement for Parcel Delivery Service. It also solves the issue of discouraging the use of electric vehicles for Parcel Deliver Services, which the previous version of the Ordinance could have done.

Issues and Considerations

Types of Fleets in the Planning Code

Types of vehicular fleets can vary, and include taxis; ride hailing fleets for transportation network companies (TNCs) like Lyft or Uber; autonomous vehicle fleets; fleets for Parcel Delivery Service providers like UPS, FedEx, Amazon, and the United States Postal Service; or City-owned or city-contracted vehicles.

Parcel Delivery Service may include accessory parking for its fleet of delivery vehicles. Whereas Fleet Charging facilities are not for the parking or storing of vehicles, but instead for the electric charging of vehicles that then vacate the facility.

The Fleet Charging definition in the Planning Code applies to facilities that are primarily dedicated to the electric charging of vehicles in a non-retail manner (i.e., private access), and is most often used for autonomous vehicle fleets. The Planning Code also includes specific uses that are primarily dedicated to the parking of vehicles, including Parking Lots/Garages and Vehicle Storage Lots/Garages. Additionally, a Parcel Delivery Service may include accessory parking for its fleet of delivery vehicles. The key distinction for Fleet Charging facilities is that their purpose is not for the parking or storing of vehicles, but instead for the electric charging of vehicles that then vacate the facility (with a caveat for accessory maintenance of those vehicles).

Parcel Delivery Service and Fleet Charging Uses

Parcel Delivery Service is defined in the Planning Code by the activities associated with the distribution of goods and the facilities that support that distribution. The definition does not distinguish between the type of fuel used for delivery vehicles (gas, electricity, or hydrogen). Fleet Charging has a distinct and separate definition in the Planning Code, as described above. Like Fleet Charging, Parcel Delivery Service is not permitted or requires a

Conditional Use authorization in almost all zoning districts, with few exceptions. Meaning a project sponsor would be required to obtain approval from the Planning Commission for any of these uses, including meeting the criteria for a Conditional Use. If a project sponsor obtains approval for Fleet Charging, but instead operates another use on their site (such as Parcel Delivery Service or Private Parking) they would be operating beyond the scope of their approval and would be subject to enforcement action. However, **electric vehicle charging infrastructure that is proposed as part of an existing, expanded, or new Parcel Delivery Service use would not convert that use into a Fleet Charging use** because adding electric vehicle chargers for accessory parking or parking otherwise germane to Parcel Delivery Service does not change the principal use.

General Plan Compliance

The proposed Ordinance is consistent with several policies in the General Plan. For example, this Ordinance would support electric vehicle infrastructure development consistent with the City's Climate Action goals. The Ordinance would also enable decision makers to better understand the potential intensity of automobile use on a project site (Transportation Element policies 14.5 and 14.8). The draft legislation (Exhibit A) provides a fuller discussion of General Plan compliance.

Racial and Social Equity Analysis

Understanding the potential benefits, burdens and the opportunities to advance racial and social equity that the proposed Ordinance provides is part of the Department's Racial and Social Equity Action Plan. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability, the Planning and Historic Preservation Commissions' 2020 Equity Resolutions, and with the Office of Racial Equity mandates, which requires all Departments to conduct this analysis. Below are some specific issues to consider:

With the understanding that one of the stated goals of the proposed Ordinance is to maximize the capacity and availability of electric vehicle charging infrastructure, this Ordinance could have varying effects on racial and social equity. The availability of electric vehicle charging infrastructure is crucial to the adoption of electric vehicle fleets. Given that average roadways in communities with the highest environmental justice burden tend to have a higher number of vehicle trips than roadways in communities with the lowest environmental justice burden,² this could have the effect of reducing the emissions associated with gas powered vehicles on those roadways. It would also be consistent with the City's Climate Action goals. On the other hand, while some air pollutant effects would be lessened by using electric automobiles, particulate matter from tire, brake, and clutch wear, and road dust suspension are also sources of pollution.³ These are unregulated emissions that could result in inequitable impacts in the areas whether those fleets charge and travel if they are in highly burdened environmental justice areas.

Implementation

The Department has determined that this Ordinance would not impact our current implementation procedures.

² San Francisco Planning Department. *Environmental Justice Information Analysis for the Housing Element 2022 Update*. December 7, 2022. Available at

³ According to the California Air Resources Board, vehicles emit inhalable particles from two major sources: the exhaust system, which electric vehicles can address; and non-exhaust sources including brake wear, tire and road wear, clutch wear and road dust resuspension, which electric vehicles do not address.

<https://ww2.arb.ca.gov/resources/documents/braketire-wear-emissions>, accessed August 2023.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendation is as follows:

1. Modify the Ordinance to amend the proposed language as follows: "Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for deliveries, is prohibited as part of a Fleet Charging use." And make similar amendments to relevant sections of the Planning Code (sections 204.6, 703, and 803.2),

Basis for Recommendation

The stated goals of this Ordinance are to (1) maximize the capacity and availability of electric vehicle charging infrastructure and (2) avoid inflicting the impacts of Parcel Delivery Service activities on the areas surrounding Fleet Charging locations. While Department staff believe the current definitions for Fleet Charging and Parcel Delivery Service are sufficient to address these concerns, staff support the overall intent of this Ordinance. However, it should be clear whether a project may seek a separate approval for a Parcel Delivery Service use on the same site as a Fleet Charging use.

Recommendation 1: Modify the Ordinance to amend the proposed language as follows: "Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for deliveries, is prohibited as part of a Fleet Charging use." And make similar amendments to relevant sections of the Planning Code (sections 204.6, 703, and 803.2).

As written, the Ordinance would prohibit Parcel Delivery Service as an accessory use to Fleet Charging; however, it could also be read as a prohibition on Parcel Delivery Service uses from being approved separately on the same site as a Fleet Charging use. This seems inconsistent with the goals of the ordinance, and contrary to existing laws and practices. Therefore, Department staff propose that the *italicized/underlined* text above be added to the definition.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

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.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 230704

1 [Approval of a Retroactive 90-Day Extension for Planning Commission Review of Parcel
2 Delivery Services Definition (File No. 230704)]

3 **Resolution retroactively extending by 90 days the prescribed time within which the**
4 **Planning Commission may render its decision on an Ordinance (File No. 230704)**
5 **amending the Planning Code to revise the definition of Parcel Delivery Services to**
6 **include Fleet Charging for freight or Autonomous Vehicles, as defined, that are**
7 **primarily engaged in or preparing to deliver parcels or goods, and Parking Garages for**
8 **use by employees of a Parcel Delivery Service use; affirming the Planning**
9 **Department's determination under the California Environmental Quality Act; and**
10 **making public necessity, convenience, and welfare findings under Planning Code,**
11 **Section 302, and findings of consistency with the General Plan, and the eight priority**
12 **policies of Planning Code, Section 101.1.**

13
14 WHEREAS, On June 6, 2023, Supervisor Chan introduced legislation amending the
15 Planning Code to revise the definition of Parcel Delivery Services to include Fleet Charging for
16 freight or Autonomous Vehicles, as defined, that are primarily engaged in or preparing to
17 deliver parcels or goods, and Parking Garages for use by employees of a Parcel Delivery
18 Service use; affirming the Planning Department's determination under the California
19 Environmental Quality Act; and making public necessity, convenience, and welfare findings
20 under Planning Code, Section 302, and findings of consistency with the General Plan, and the
21 eight priority policies of Planning Code, Section 101.1; and

22 WHEREAS, On or about June 13, 2023, the Clerk of the Board of Supervisors referred
23 the proposed ordinance to the Planning Commission; and
24
25

1 WHEREAS, The Planning Commission shall, in accordance with Planning Code,
2 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
3 of referral of the proposed amendment or modification by the Board to the Commission; and

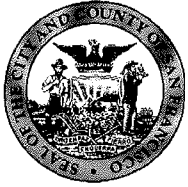
4 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
5 constitute disapproval; and

6 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d), may, by
7 Resolution, extend the prescribed time within which the Planning Commission is to render its
8 decision on proposed amendments to the Planning Code that the Board of Supervisors
9 initiates; and

10 WHEREAS, Supervisor Chan has requested additional time for the Planning
11 Commission to review the proposed Ordinance; and

12 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
13 Commission additional time to review the proposed Ordinance and render its decision; now,
14 therefore, be it

15 RESOLVED, That by this Resolution, the Board hereby retroactively extends the
16 prescribed time within which the Planning Commission may render its decision on the
17 proposed Ordinance for approximately 90 additional days, until December 10, 2023.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230940

Date Passed: September 12, 2023


Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 230704) 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.

September 12, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230940

I hereby certify that the foregoing Resolution was ADOPTED on 9/12/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

9/21/23
Date Approved

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

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

-
- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 Ordinance / Resolution
 Ballot Measure

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. Physical projects will require separate environmental review.

11/7/2023

Joy Navarrete

- 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.

BOARD of SUPERVISORS




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San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

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

- 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.



MYRNA MELGAR

DATE: December 6, 2023

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

mm

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, December 12, 2023, as Committee Reports:

- | | |
|------------------------|--|
| File No. 230704 | Planning Code - Fleet Charging Locations and Parcel Delivery Service
Sponsor: Chan |
| File No. 231033 | Planning Code - Landmark Designation - Chata Gutierrez Mural
Sponsor: Ronen |
| File No. 231034 | Planning Code - Landmark Designation - Carnaval Mural
Sponsor: Ronen |
| File No. 231258 | Planning and Subdivision Codes, Zoning Map - Housing Production
Sponsors: Mayor; Engardio |
| File No. 230706 | Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects
Sponsor: Dorsey |
| File No. 230863 | Planning Code - Exceptions from Limits on Conversion of Production, Distribution and Repair, Institutional Community, and Arts Activities Uses in Eastern Neighborhood Plans Areas
Sponsor: Dorsey |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 11, 2023, at 1:30 p.m.

From: [Chris Wright](#)
To: [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#)
Cc: [Breed, Mayor London \(MYR\)](#); [Dennis-Phillips, Sarah \(ECN\)](#); [Carroll, John \(BOS\)](#)
Subject: Advance SF letter re: Amendment to the Fleet Charging Locations and Parcel Delivery Service ordinance (File# 230704)
Date: Monday, December 11, 2023 9:28:51 AM
Attachments: [Advance SF Letter re amendment to Fleet Charging Locations and Parcel Delivery Service ordinance.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

December 11, 2023

The Honorable Myrna Melgar
The Honorable Dean Preston
The Honorable Aaron Peskin

San Francisco Board of Supervisors
Land Use and Transportation Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Fleet Charging Locations and Parcel Delivery Service ordinance (File # 230704)

Dear Chair Melgar and Members of the Land Use and Transportation Committee,

We are writing to express our concerns that a proposed amendment to the *Fleet Charging Locations and Parcel Delivery Service* ordinance (File # 230704) would impact a broad range of businesses and negatively impact the City's economic recovery and future tax revenue.

Advance SF is an organization comprised of San Francisco's leading employers dedicated to an equitable, resilient, and vibrant economy shared by all people working and living in San Francisco. Over the past two years, our organization has worked with City government, business, and community partners to advocate for San Francisco's economic recovery.

Although the *Fleet Charging Locations and Parcel Delivery Service* legislation has been publicly available for some time, one of the possible amendments has only recently come to light and appears to impact far more businesses than those that engage in parcel deliveries. It seems the legislation will affect any company interested in electrifying its fleet, a goal we should be encouraging both from an environmental

perspective and for the associated economic benefits.

Creating unnecessary restrictions on electric vehicle charging sites would hurt the City's and State's sustainability goals and longer-term economic vitality. It would create a disincentive for any business with electrified fleets to locate and grow in San Francisco. Particularly in today's economic environment, we urge you to fully vet and understand this new amendment's direct and indirect impacts before considering its adoption.

For the reasons above and the need for proper outreach to the business community and other stakeholders, we would like to ask the members of the Land Use and Transportation Committee to continue this item rather than hastily rushing it through to the full Board of Supervisors meeting tomorrow. Your leadership on this matter is important, and we are committed to working together to ensure the continued economic recovery of the City.

Sincerely,

Wade

Wade Rose

President

cc: The Honorable Connie Chan



December 11, 2023

The Honorable Myrna Melgar
The Honorable Dean Preston
The Honorable Aaron Peskin

San Francisco Board of Supervisors
Land Use and Transportation Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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Sincerely,

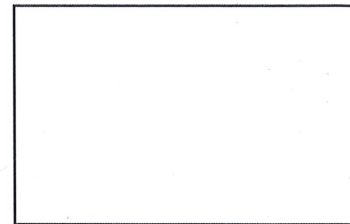
A handwritten signature in black ink that reads "Wade Rose". The signature is written in a cursive style with a large, stylized "W" and "R".

Wade Rose
President

cc: The Honorable Connie Chan

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: