



January 23, 2024

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 2023-010059PCA:
Fleet Charging
Board File No. 231080

Planning Commission Recommendation: Approval

Dear Ms. Calvillo and President Peskin,

On January 11, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Peskin that would amend the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts. At the hearing the Planning Commission recommended approval.

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.

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,

Aaron D. Starr
Manager of Legislative Affairs

cc: **Robb Kapla**, Deputy City Attorney
Sunny Angulo, Aide to Supervisor Peskin
John Carroll, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21481

HEARING DATE: JANUARY 11, 2024

Project Name: Fleet Charging
Case Number: 2023-010059PCA [[Board File No. 231080](#)]
Initiated by: Supervisor Peskin / Introduced October 17, 2023
Staff Contact: Joseph Sacchi, Legislative Affairs
 Joseph.Sacchi@sfgov.org, 628-652-7308
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE CONDITIONAL USE AUTHORIZATION FOR CONVERTING PRIVATE PARKING LOTS OR VEHICLE STORAGE LOTS TO FLEET CHARGING IN ALL PDR (PRODUCTION, DISTRIBUTION, AND REPAIR) DISTRICTS; 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 October 17, 2023, Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 231080, which would amend the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts; and,

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 11, 2024 ; 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** the proposed ordinance.

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 creates a standardized review process with a consistent degree of scrutiny for all Fleet Charging projects. The proposed change would not alter where Fleet Charging is a conditionally permitted use, applies to a limited number of sites, and importantly closes a potential procedural loophole.

General Plan Compliance

The proposed Ordinance is 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 fleet charging facilities will be reviewed to ensure that pedestrian safety and comfort can be considered prior to approval. This is consistent with the policy of 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 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, Fleet 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;

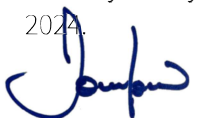
The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

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 the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 11, 2024.



Jonas P Ionin

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Date: 2024.01.19 13:36:15
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Jonas P. Ionin
Commission Secretary

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

NOES: None

ABSENT: None

ADOPTED: January 11, 2024



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: January 11, 2024

90-Day Deadline: January 29, 2024

Project Name: Fleet Charging
Case Number: 2023-010059PCA [[Board File No. 231080](#)]
Initiated by: Supervisor Peskin / Introduced October 17, 2023
Staff Contact: Joseph Sacchi, Legislative Affairs
Joseph.Sacchi@sfgov.org, 628-652-7308
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533
Environmental Review: Not a Project Under CEQA

Recommendation: Approval

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to require Conditional Use authorization for converting Private Parking Lots or Vehicle Storage Lots to Fleet Charging in all PDR (Production, Distribution, and Repair) Districts.

The Way It Is Now	The Way It Would Be
Generally, Fleet Charging requires Conditional Use authorization in the zoning districts where the use is allowed. However, in PDR-1-D, PDR-1-G, and PDR-2 Districts, Fleet Charging is principally permitted where the existing use is a Private Parking Lot or Vehicle Storage Lot.	Fleet Charging uses in PDR-1-D, PDR-1-G, and PDR-2 Districts would require Conditional Use authorization, including where the existing use is a Private Parking Lot or Vehicle Storage Lot.

Background

“Fleet Charging” was first defined and independently controlled as a discrete land use in September of 2022 by the Electric Vehicle (EV) Charging Locations Ordinance (Ordinance No. 190-22)¹. Per the approved ordinance, Fleet Charging generally requires Conditional Use authorization in the Zoning Districts where it is allowed; but within PDR Districts (except PDR-1-B), properties where the existing use is a Private Parking Lot or Vehicle Storage Lot may be converted to Fleet Charging as of right.

In November 2022, the Planning Commission considered a duplicate of the EV Charging Locations Ordinance, which proposed amendments to the Planning Code to include new Conditional Use criteria for Fleet Charging projects and require Conditional Use authorization for Fleet Charging in PDR Districts regardless of the existing use [[Board File No. 220851](#)]. At the hearing, Commissioners raised concerns regarding the concentration of Fleet Charging uses in a small number of districts. However, lacking a longer history of Fleet Charging application data to draw from, Commissioners also highlighted the need to monitor and learn from future application patterns prior to formulating new geographic criteria or controls. After discussion, the Commission recommended approval with modifications as follows:

1. Remove proposed CU Criterion 1 and proposed CU Criterion 3
2. Principally Permit Fleet Charging in PDR districts, as specified in the recently approved ordinance (i.e., if the existing use is a Private Parking Lot or Vehicle Storage Lot, except for PDR-1-B) and ensure that Fleet Charging uses that displace PDR uses are subject to a PDR replacement requirement. Conditionally allow Fleet Charging with proposed criterion 2 in some use districts, as specified in the recently approved ordinance.
3. Add new Planning Code requirements for Fleet Charging
 - Prohibit new curb cuts on protected pedestrian, cycling, and transit-oriented street frontages
 - Require some projects to prepare and implement a driveway and loading operations plan
4. After additional study, update the Transportation Sustainability Fee (TSF) to include impact fee categories for “Fleet Charging” and “Parcel Delivery Service”.

The duplicated file did not progress following the transmittal of the Planning Commission’s recommendations, and the matter was filed due to inactivity in July 2023.

¹ [Board File No. 220036](#)

The definitions and controls adopted per the EV Charging Locations Ordinance [Ord. 190-22], without the modifications proposed under the duplicate ordinance, are operative today. The Ordinance now being considered by the Commission is limited in scope, proposing only to remove the provision allowing the principal permitting of Fleet Charging in PDR Districts.

Issues and Considerations

Fleet Charging and Other Automotive Land Use Types

As opposed to EV Charging Locations, which are retail uses open to the general public, Fleet Charging facilities exclusively serve commercial or institutional vehicular fleets. Notably, in addition to more traditional fleet types, Fleet Charging applies to autonomous vehicle (AV) fleets, which present novel opportunities and challenges. The uncertainties surrounding the impacts of AV fleets on our streets, pedestrian safety, and adjacent communities support a more conservative approach to the permitting of Fleet Charging locations.

As opposed to EV Charging Locations, which are retail uses open to the general public, Fleet Charging facilities exclusively serve commercial or institutional vehicular fleets.

Although their physical development may be similar, Fleet Charging is distinguished from Parking Lots and Garages by the relatively rapid turnover of vehicles. Fleet Charging facilities are intended to have vehicles exit once charging is complete rather than remaining parked for an indefinite period. Turning a Parking Lot for traditional vehicles into a Fleet Charging station has the advantage of reducing emissions from gas-powered engines and improving air quality; however, the conversion will also increase the number and frequency of vehicle trips to and from the site, with potential negative impacts on pedestrian safety and congestion. Additionally, electric vehicles, especially larger ones, generate unregulated emissions, such as particulate matter from tires, brakes, and clutch wear.

Consistency of Implementation

In creating the controls for Fleet Charging, the City's policy makers chose to require a Conditional Use authorization for Fleet Charging in all zoning districts where the use is allowed. They crafted one limited exception, which will be eliminated under the subject Ordinance (*Principally Permitting conversions of Private Parking and Vehicle Storage Lots to Fleet Charging in certain PDR districts*). Although the Commission has previously supported principally permitting Fleet Charging in PDR districts, removing the exception would close a loophole in the existing controls and ensure a consistent degree of consideration for all Fleet Charging projects.

Within PDR districts (except for PDR-1-B) it is currently procedurally possible to establish a Fleet Charging use by filing two over the counter permits in sequence, circumventing the Conditional Use authorization process.

When the allowance for principal permitting of Fleet Charging was added to the controls, it was assumed to apply to a fixed pool of known sites. However, Vehicle Storage Lot is a principally permitted use in PDR districts (except for PDR-1-B). Therefore, it is currently procedurally possible to establish a Fleet Charging use by filing two over the counter permits in sequence – one establishing a Vehicle Storage Lot and a second converting to Fleet Charging – thus circumventing the Conditional Use authorization process.

General Plan Compliance

The proposed ordinance is consistent with policies in both the Transportation Element (Policies 1.2 and 1.3) and the Commerce and Industry Element (Policies 1.1 and 2.1). While allowing for new commercial activity, the proposed changes extend appropriate controls over the establishment of new intensive auto oriented facilities.

Racial and Social Equity Analysis

The locations where Fleet Charging is principally permitted are restricted to PDR districts, which are located in the eastern and southeastern parts of the City. These areas are also home to historically marginalized and vulnerable populations. Although converting petroleum-based automotive uses to electric vehicles would reduce exposure to air pollution generated by gas engines, Fleet Charging is also an intensive use. The increased activity can negatively affect congestion and pedestrian safety, while still contributing to unregulated emissions, such as particulate matter from tires, brakes, and clutch wear.

Applications to establish Fleet Charging uses may still concentrate in PDR districts due to the availability and suitability of sites; however, the proposed ordinance would ensure that each application is evaluated for its equity impacts, both within the context of individual sites and larger patterns of application geography.

Implementation

The Department has determined that this ordinance will improve our current implementation procedures by creating a standardized review process with a consistent degree of scrutiny for all Fleet Charging projects.

Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The proposed Ordinance would not change the zoning districts where Fleet Charging is an allowed use. As an intensive land use, Fleet Charging facilities may be appropriately placed in PDR districts, which are already developed with heavy industry and Automotive Uses serving petroleum-based vehicles and fleets. However, concentrating their location in vulnerable population areas absent the oversight available through the CUA process raises geographic equity and environmental justice concerns. The proposed change applies to a limited number of sites and importantly closes a potential procedural loophole. Requiring a Conditional Use authorization for Fleet Charging in all cases would create a uniform approval process, with a consistent degree of scrutiny applied, for all Fleet Charging projects.

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 received one letter in opposition to the proposed ordinance from the Chamber of Progress, a tech industry trade association.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 231080
- Exhibit C: Public Comment Letters