

Communication from Public

Name: C.J. Laffer

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Council File No: 22-0120-S1

Comments for Public Posting: Please see the attached letter from Voltera Power regarding Agenda Item No. 12 on the June 18, 2024 Planning and Land Use Management Committee Meeting (Council File 22-0120-S1).



June 17, 2024

Planning and Land Use Management (PLUM) Committee
Los Angeles City Council
City of Los Angeles
200 N. Spring Street, Room 340
Los Angeles, CA 90012

RE: Council File 22-0120-S1 Comments on Report Back on Recommendations for an Ordinance that Would Define Allowable Electric Vehicle Charging for All Appropriate Zones in the City

June 18, 2024 PLUM Committee Meeting - Agenda Item No. 12

Dear Members of the Planning and Land Use Management Committee,

Expanding on perspective submitted to the Committee June 3, Voltera, a company that sites, invests in, develops, builds, owns, and operates electric vehicle charging facilities for fleets spanning from rideshare to Class 8 drayage, and branded charging networks, in Los Angeles and nationally, submits the following additional encouragements to the Committee in consideration of expeditiously moving forward with development and adoption of a clear, flexible, and sustainable EV charging ordinance.

Voltera is an active partner in the Los Angeles Cleantech Incubator Transportation Electrification Partnership, along with a broad spectrum of businesses and local government, where we work collaboratively to accelerate deployment of clean transportation technologies and infrastructure toward achievement of an aggressive set of electrification goals ahead of the 2028 Olympics.

As an active investor, developer, and operator of zero emission vehicle charging facilities, we know how critical zoning for this infrastructure is, and how much time is invested in navigating the City's zoning code to enable EV charging in the absence of clear, effective, and permissive land use language. Sound planning policy in this area is needed to develop the critical infrastructure necessary to meet the City's goals. We are sharing this information to serve as a high level guide to help clarify our position and share perspective on approaches the City could take to enable EV charging via its land use policy.

General Background on the Need for EV Charging Land Use Policy

A clear EV charging ordinance is critical to support investment by companies like Voltera to reach the City's climate and electrification goals. Reducing greenhouse gas emissions and advancing environmental justice principles has been at the forefront of the City's policy objectives with the adoption of LA's Sustainable City pLAN, which committed the City to significant deployment of zero-emission infrastructure by articulating goals of increasing zero-emission vehicles to 25% by 2025; 80% by 2035; and 100% by 2050. Additionally, California has set the ambitious goal to reduce greenhouse gas emissions by 40 percent below 1990 levels by 2030.

Across the nation, antiquated land use codes have been a significant barrier to electrification. As supported by AB 1236 and AB 970, the permitting process for EV charging infrastructure should be

consistent, clear, and streamlined. Voltera agrees with staff that EV charging as a primary use does not cleanly conform with the historic adjacent uses of parking and fueling station, and this lack of clarity creates inefficiencies and delays in obtaining development approval and investor confidence. It is urgent that infrastructure for zero-emission transportation and goods movement be built to advance environmental goals for the City, improve air quality, meet climate goals, and enhance the quality of life of the City's residents. With these goals in mind, City Council should act quickly in updating the zoning code to enable EV charging infrastructure providers to move efficiently through the permitting process.

Recommendations and Resources

We ask that City staff be directed to expeditiously develop an appropriate ordinance defining the primary land use of EV charging before the end of the year. With clear EV charging land use policy, industry can invest and develop the significant volume of infrastructure needed to achieve local, regional, and state emissions reduction and transportation electrification goals. The following are Voltera's current recommendations for the City to consider as the ordinance is developed.

1. Have clear, flexible definitions to guide code, particularly of "electric vehicle" and "EV charging station or facility".

We recommend that the City avoid classifying EV Charging as a "Fueling Station" use, as EV charging facilities are distinct from traditional gas stations and may be appropriately sited closer to residential uses in order to promote more equitable EV charging options across the City.

In addition, the Zoning Code should include a clear definition of "electric vehicle", which does not currently exist. A common definition is below and adapted from the Pacific Northwest Technical Laboratory for the U.S. Department of Energy. This would allow for a broad definition of electric vehicles without unnecessarily distinguishing between private (i.e., fleet) or public vehicle or facility use. For context, Voltera and other infrastructure providers are developing charging facilities that serve customers with a variety of end customers and vehicle uses. Customers and vehicle uses for the same facility may change or evolve over time and as contracts or lease agreements sunset.

Example definition of electric vehicle:

Electric Vehicle: An automotive vehicle for on-road use, such as a passenger automobile, bus, truck, van, neighborhood electric vehicle, and electric motorcycle, powered by an electric motor that draws current from a building electrical service, electric vehicle charging supply equipment (EVSE), a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current.

There also needs to be a clear definition of "EV charging station or facility." For example, it is possible that these facilities will include various accessory services as amenities for customers while they are charging their vehicles or associated with their operation of electric vehicles, e.g. office space, break room, restrooms, etc. The definitions below account for these uses as accessory to the primary purpose of EV charging.

The definitions have been adapted from the municipal codes of the City of San Diego and the City and County of San Francisco, and the definition for “fleet charging station” is directly from the City of San Diego Municipal Code.

Electric Vehicle Charging Station: Retail space or parking area that provides electricity to electric motor vehicles through at least two chargers for public and/or private use. Electric Vehicle Charging Stations may include ancillary services as an accessory use, including but not limited to restrooms and break areas, self-service vending and limited retail amenities primarily for the benefit of customers charging electric vehicles.

Fleet Charging Station: 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 public.

2. Develop language that allows for medium and heavy-duty electric vehicle charging stations to be permitted within the City.

The Planning Department developed ordinance language to permit EV charging of large vehicles as part of the Truck Moratorium in Wilmington (attached).

Voltera suggests that the City adopt similar language to allow for the expansion of EV charging for medium- and heavy-duty vehicles within many zoning districts citywide. The language provides a straightforward definition for EV charging, along with requirements that protect neighboring properties and the community by prohibiting an EV charging facility for large vehicles within 200 feet of a sensitive use and requiring site improvements including a landscaped setback and a solid perimeter wall meant to ensure the site’s aesthetics.

This language meant to permit EV charging for large vehicles should serve as the basis for EV charging language citywide for passenger and light-duty vehicle charging facilities, excepting the prohibition of siting a charging facility within 200 feet of a sensitive use. While we understand the rationale for medium or heavy-duty vehicles and potential impact associated with truck traffic and the potential size of such facilities, facilities for charging passenger and light-duty vehicles lack the type of impact that guardrail is meant to protect against. We recommend that City staff develop language concurrently with language focused on passenger vehicles.

Voltera seeks to create both functional and appealing spaces for our customers that fit with the neighborhood or community they are developed in. Our design plans for customers can be unique and can include site design features such as a small building with amenities, retail space, vending machines, café and lounge space, and restrooms. Additionally, we can offer robust landscaping and in certain circumstances, public amenities such as benches, water filling stations, bike share parking, etc. to create benefits for the neighborhood and customers alike.

A “one-size-fits-all” approach would hinder development for our customers needs. We recommend avoiding being so prescriptive that a functional design would be denied based on standards that are too nuanced or strict. Thus, we recommend that the City create a flexible of set of performance standards that account for the difference between traditional parking lots and forward EV Charging uses. For example, reducing or modifying the current parking lot requirements to provide one tree per four parking spaces or a 5-foot landscape buffer is necessary because EV charging station

equipment space often implicates a different approach to planter sizes or large landscape buffers at the head of a parking spot.

Closing

In closing, Voltera respectfully requests that the PLUM Committee direct City Planning staff to complete an expedient review of these and other recommendations and that staff report back with a draft of the ordinance by the end of this year. We also recommend that the City directly engage with and involve industry professionals along with community stakeholders in the drafting of the actual language, prior to the publication of a draft, with clear timing milestones to ensure an appropriate balance between further industry and stakeholder engagement with appropriate urgency to mature and finalize an appropriate, flexible, sustainable ordinance.

To that end, an example of a specific potential Council motion could include would instruct the Department of City Planning, in coordination with the Department of Building and Safety and the City Attorney, to prepare and present an ordinance to amend Chapters 1 (Current Zoning Code) and 1A (New Zoning Code) of the LAMC within 120 days to (i) appropriately define electric vehicle charging, including private fleet charging, as a primary use citywide and (ii) include standards for ministerial approvals for such use in appropriate zones. Clear performance standards to ensure neighborhood compatibility should also allow for scalability and flexibility through alternative design options and broad consideration of Citywide Design Guideline goals.

To further advance the City's efforts to encourage electrification of the trucking industry, a second potential Council motion could include instructing the Department of City Planning, in coordination with the Department of Building and Safety and the City Attorney, to report back with recommendations within 120 days for amendment to Chapters 1 (Current Zoning Code) and 1A (New Zoning Code) of the LAMC to (i) define EV charging for medium- and heavy-duty vehicles, including private fleet charging, as an allowable use and (ii) include standards for ministerial approvals for such use in appropriate zones.

Thank you in advance for your time and consideration of these recommendations. Please contact us if you have any questions or would like to discuss this further.

Sincerely,



Amira Streeter
Sr. Government Affairs and
Community Engagement Manager
astreeter@volterapower.com

ORDINANCE NO. _____

An ordinance adding Subdivision 36 to Subsection A of Section 12.22 of Article 2 of Chapter I of the Los Angeles Municipal Code to regulate new or expanded trucking-related uses in the Wilmington-Harbor City Community Plan Area.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision 36 is added to Subsection A, Section 12.22 of Article 2, Chapter I of the Los Angeles Municipal Code to read as follows:

36. Trucking-Related Uses. Notwithstanding anything to the contrary in Article 2 of this Chapter, Trucking-Related Uses shall be prohibited within the Geographic Project Area as provided below:

(a) Use Regulations.

(1) **Prohibition.** This subdivision prohibits the issuance of all permits and certificates of occupancy associated with the establishment or the expansion of all Trucking-Related Uses as a primary use. This prohibition shall not apply to an Electric Vehicle Charging Facility, Large Vehicle, as defined in Subsection (2).

(2) **Electric Vehicle Charging Facility, Large Vehicle.** In the Geographic Project Area, Electric Vehicle Charging Facility, Large Vehicle uses shall be only those facilities that comply with the following development standards:

(i) The facility shall not be within 200 feet of a Sensitive Use or within 200 feet of a residential or an agricultural zoned parcel.

(ii) The facility shall be surrounded by a minimum 3.5-foot-high concrete or masonry wall, which has a minimum thickness of 8 inches along any lot line abutting a street. Walls shall not include chain link, barbed wire, or concertina. No wall may be constructed of tires, junk, leaves or other discarded materials.

(iii) The facility shall include a minimum 4-foot landscaped buffer at the frontage lot line with a minimum of 20 perennial plants, including shrubs, vines, succulents, grasses and ferns, every 50-feet with a minimum height at maturity of 3 feet on the exterior side of the frontage wall.

(iv) The facility shall include a minimum of three (3) trees with a minimum 15-gallon container size and a minimum caliper of one inch at the planting (or the standard specified by the *American Standard for Nursery Stock*) for every 50-feet of the frontage lot line; the trees shall be planted on the exterior side of the required frontage wall.

(v) The facility shall include an irrigation system that complies with Guidelines BB-Irrigation Specification (adopted pursuant to Section 12.41 B.2 of the LAMC).

(b) **Expiration.** The Ordinance shall expire upon the effective date of the adoption of a comprehensive update to the Wilmington-Harbor City Community Plan or other amendment to the City's Zoning Ordinance, which regulates Trucking-Related Uses within the Geographic Project Area.

(c) **Definitions.** The following terms and phrases shall only be used to construe this Subdivision 36:

(1) **Electric Vehicle Charging Facility, Large Vehicles.** Any fueling station dedicated to providing electric vehicle charging for large vehicles. Large vehicles include vehicles possessing three (3) or more axles, such as trailer trucks, construction vehicles, and motor homes. The term Electric Vehicle Charging Facility, Large Vehicle, does not include electric vehicle charging stalls within a parking area serving another use or uses.

(2) **Geographic Project Area.** The area of the Wilmington-Harbor City Community Plan, bounded by the following: Sepulveda Boulevard and Lomita Boulevard on the north, Alameda Street on the east, Western Avenue on the west, and the jurisdictional boundary with the Port of Los Angeles on the south (Harry Bridges Boulevard), except the industrial area east of Alameda Street and the Wilmington Industrial Park area located south of G Street, east of Quay Avenue, south of D Street and Lakme Avenue.

(3) **Sensitive Use.** A residential use, a medical use, a school use, or any open space and indoor/outdoor recreational uses, which include, but are not limited to, skate parks, playgrounds, gymnasiums, fitness centers, sports courts, and athletic fields.

(4) **Truck Parking (Parking of Trucks).** A building, structure, or principal use of land used to park freight trucks, freight truck trailers, or the associated equipment/accessories, including,

but not limited to, storage of chassis, container stackers, cranes, and forklift trucks.

(5) **Trucking-Related Uses.** Uses where a building, structure or principal use of land relates to the use, operation, service or storage of freight trucks and freight truck operations. Trucking-Related Uses include, but are not limited to, Truck Parking, Truck Storage, Trucking Terminal, Trucking Yard, an electric vehicle charging facility that does not comply with Subsection (a)(2).

(6) **Truck Storage (Commercial Vehicle Storage).** A building, structure, or principal use of land used to store freight trucks, freight truck trailers, or the associated equipment/accessories, including, but not limited to, storage of chassis, container stackers, cranes, and forklift trucks.

(7) **Trucking Terminal.** A building, structure, or principal use of land where freight trucks dock to unload/load and transport goods, and which may include the storage of freight trucks, or truck trailers or associated equipment/accessories, including, but not limited to, chassis, container stackers, cranes, and forklift trucks. Trucking Terminal does not include commercial uses of land such as grocery or retail stores with loading docks.

(8) **Trucking Yard.** A building, structure or principal use of land used to store freight trucks, freight truck trailers or the associated equipment/ accessories including but not limited to chassis, container stackers, cranes, and forklift trucks and may include a maintenance yard.

(d) Nothing in this subsection is intended to allow any uses, not otherwise allowed under this chapter or any ordinance adopted under this chapter; and nothing in this subsection is intended to prohibit any use not explicitly prohibited by this subsection.

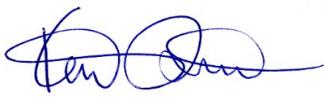
Sec. 2. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 3. **URGENCY.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: permanent measures are needed for the immediate protection of

residential areas from adverse impacts such as noise, dust, visual and air quality impacts, and increased truck traffic through residential streets caused by the establishment of Trucking-Related Uses near residential neighborhoods as supported by the administrative record. This ordinance will prevent potentially irreversible negative impacts on the community resulting from the expansion or establishment of additional Trucking-Related Uses. This ordinance is necessary to protect the public safety, health, and welfare of the Wilmington and Harbor City communities. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality
HYDEE FELDSTEIN SOTO, City Attorney

By 
KATHRYN C. PHELAN
Deputy City Attorney

Date June 12, 2024

File No. _____

Pursuant to Charter Section 559, I
disapprove this ordinance on behalf
of the City Planning Commission and
recommend that it **not** be adopted.


VINCENT P. BERTONI, AICP
Director of Planning

Date June 12, 2024

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____