

April 11, 2024

Austin City Council and Planning Commission
301 W. Second Street
Austin, TX 78701

Re: Amendment C20-2023-021 - Electric Vehicle Charging Land Use

EVgo welcomes the opportunity to provide input on the recommendations and draft ordinance to establish electric vehicle (EV) charging as a use within the City of Austin land development code. As one of the nation's largest public fast charging providers, EVgo has over a decade of experience building, owning, and operating fast charging stations across the country.¹

The City of Austin has positioned itself as a leader in vehicle electrification, setting an ambitious and achievable goal to electrify 40 percent of all vehicle miles traveled by 2030, including full electrification of private gig, rideshare, delivery, and public health vehicles.² Achieving this goal will require a significant increase in public EV charging infrastructure over the next decade.

To date, many public EV charging installations have been accessory to existing establishments like grocery stores, malls, or offices, allowing drivers to charge at the places they already frequent. However, growing demand for charging will require a variety of site types and use cases, including larger charging sites where EV charging is intended as a primary use of a property. Standalone charging facilities are essential to meeting growing citywide demand for charging and ensuring an equitable transition to electric vehicles. These larger sites not only accommodate increased charging needs by residents and light-duty fleets but also provide a critical charging solution for Austinites without access to at-home charging.

We commend Council and staff for their leadership on this effort, and support the key recommendations put forth in the draft ordinance. EVgo offers the following feedback, anchored by national best practices, to build on staff's recommendations and ensure an effective ordinance that enables rapid, equitable deployment of EV charging throughout the city.

1. Define EV charging as both a primary and accessory use.

EVgo supports staff's recommendation to define EV charging as its own primary use into the land development code, rather than incorporating EV charging under existing categories for parking or gas stations. While this ordinance intends to establish charging as a primary use, staff should also consider defining EV charging as a permitted accessory use in parking lots across the city for consistency. This would codify existing practice and ensure site hosts retain flexibility to offer charging on their properties.

¹ https://site-assets.evgo.com/f/78437/x/80120e2978/connect-the-watts_local-zoning-codes-best-practices.pdf

² See transportation electrification strategies: [City of Austin Climate Equity Plan](#)

2. Ensure parity in use permissions between EV charging and gas stations.

We support the broad range of commercial and industrial districts in which staff proposes to permit EV charging as a primary use. These use permissions will enable Austin to meet its growing charging needs and ensure widespread, equitable distribution of charging infrastructure.

However, under the draft ordinance, there remain several zoning districts that would allow for a new fossil fuel gas station or standalone surface parking lot but prohibit the development of EV charging, which is cleaner and typically generates less intense traffic impacts than a gas station.³ Short fueling times at gas stations generate more frequent vehicular turnover and a constant flow of traffic throughout the day, while longer dwell times associated with EV charging often reduce the frequency and intensity of traffic entering or leaving a site.

This approach differs from precedent in other jurisdictions like San Diego and New York City, where charging uses are more broadly permitted than other automotive uses. In San Diego, EV charging is a permitted accessory and primary use in all zoning districts, while New York City classifies charging in a less intensive use category to allow EV charging in areas where other automobile uses or gas stations would otherwise not be permitted.⁴ To ensure parity and alignment with the City's EV goals, the draft ordinance should align use permissions for charging with those for parking and gas stations.

3. Permit conversion of both gas stations and parking uses to EV charging.

We strongly support staff's proposal to allow charging on existing or former gas station sites. This provision will further expand access to charging by incentivizing redevelopment of gas stations into cleaner, quieter charging facilities. We recommend expanding this provision to also include sites with existing off-street parking facilities and other auto-related uses.

Parking lots and auto-related uses are also ideal candidates for EV charging sites and, in many cases, face significantly fewer barriers to conversion than gas stations. Expanding this provision will further incentivize redevelopment of surface lots or more intensive, noxious auto uses into community charging hubs. Including parking and auto-uses in this provision could also ensure greater parity between use permissions for charging and gas stations, as outlined above and in Exhibit A.

4. Clarify proximity criteria for charging sites located on transit corridors.

We support the proposed criteria allowing by-right development of charging projects that are less than 25,000 square feet and located 1,000 feet away from another EV charging use for sites along key transit corridors. These criteria reflect a thoughtful approach to enabling critical charging infrastructure while avoiding concentration of auto-uses on transit corridors.

³ See Exhibit A - these districts include GR, L, CBD, DMU, NO, LO, GO, CR, and LR.

⁴ See Section [141.0419](#) (EV charging use) and [Chapter 13](#) (base zoning use permissions) of the San Diego Municipal Code. For New York City, see allowable land uses under [Use Group 7](#)

To avoid confusion, we recommend clarifying that the 1,000-foot proximity criteria applies specifically to other primary use EV charging sites, and not to individual charging ports at existing businesses or residential properties. This clarification will ensure that this ordinance protects key transit corridors without unintentionally limiting the availability of charging options in Austin.

5. Provide performance-based design standards in lieu of prescriptive specifications.

Standalone EV charging sites require sufficient space to accommodate a larger footprint of fixed electrical equipment that must be easily accessible for maintenance. As a result, these sites have unique constraints and less flexible layouts than a standard surface parking lot. For example, traditional parking design standards like trees can be evenly spaced throughout a surface parking lot but would create dangerous conflicts with underground utilities and electrical equipment at a charging lot.

We recommend that any proposed or future design standards for primary use EV charging lots adopt a flexible, performance-based approach to account for site constraints, conflicts with underground utilities, and access requirements for electrical equipment. One possible solution is a point system tied to stall count that provides a range of design and landscaping options that can be chosen based on each site's unique conditions.⁵

While flexible design standards will help minimize requests for exemptions or modifications, we recommend including language that clarifies staff's authority to review and approve alternative design options, in line with similar language in existing neighborhood regulating plans.

Conclusion

EVgo looks forward to continued engagement throughout the code amendment process. We are optimistic about the future of vehicle electrification in Austin and remain committed to working closely with policymakers and staff to meet the city's ambitious and achievable EV and climate goals.

Sincerely,



Romic Aevaz
Associate, Market Development and Public Policy

⁵ See Table 3-8 and 3-9 in the City of West Hollywood [parking design standards](#)

Exhibit A – Comparison of Use Permissions for Parking, Service Stations, and EV Charging

Zoning District	Parking	Service Station	EV Charging (Proposed)
Community Commercial (GR)	Permitted	Permitted	Not Permitted
General Commercial Services (CS)	Permitted	Permitted	Permitted
Commercial-Liquor Sales (CS-1)	Permitted	Permitted	Permitted
Commercial Highway Services (CH)	Permitted	Permitted	Permitted
Major Industry (MI)	Permitted	Permitted	Permitted
Limited Industrial Services (LI)	Permitted	Permitted	Permitted
Lake Commercial (L)	Conditional	Conditional	Not Permitted
Central Business (CBD)	Conditional	Conditional	Not Permitted
Downtown Mixed Use (DMU)	Conditional	Conditional	Not Permitted
General Office (GO)	Not Permitted	Conditional	Not Permitted
Commercial Recreation (CR)	Not permitted	Conditional	Not Permitted
Neighborhood Commercial (LR)	Not permitted	Permitted	Not Permitted
Industrial Park (IP)	Not permitted	Not Permitted	Permitted

CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

April 15, 2024

Hon. Mayor and City Council Members
Austin City Hall
301 W 2nd St.
Austin, TX 78701

Re: H.O.M.E. and Compatibility Ordinance Proposals

Dear Mayor and Members of the City Council:

The Central West Austin Neighborhood Contact Team writes to express its objection to the Council's consideration and adoption of code amendments inconsistent with Imagine Austin and, specifically, our Central West Austin Combined Neighborhood Plan.

The Council's December 7, 2024, adoption of Ordinance No. 20231207-001, known as H.O.M.E. Phase 1, introduced multi-family uses into single-family districts. This is inconsistent with Plan Objective L.1.1, which reads, in part, "Preserve the existing single-family uses within the neighborhood by not changing them to non-residential or multifamily uses" and with our Future Land Use Map, which designates SF-3 properties as "Single-Family." While the Council's action does not change the zoning district classification of SF-3 properties in our planning area, it modified the content of that district to include what the code defined as multi-family uses.

The Council has set a May 16 hearing date to consider H.O.M.E Phase 2 and changes to weaken the compatibility standards. Phase 2 implements and expands Phase 1 by authorizing a new minimum lot size of 2,000 square feet. This will facilitate the conversion of existing single-family uses into multi-family uses as defined when our plan was adopted, again, in violation of our combined neighborhood plan.

Instead, we ask that the Council postpone action on Phase 2 and direct staff to create a new zoning district that incorporates the elements of H.O.M.E. (Phase 1 and 2) to replace Ordinance No. 20231207-001. Applications for this district and amendments to our combined neighborhood plan could be considered contextually on a case-by-case basis through the regular zoning process. This would accommodate both the Council's objectives for greater density opportunities and the community's interest in having contextual decision-making in which the public can participate.

We note that the Council is also considering drastic changes to compatibility standards. Compatibility standards were part of the code when our plan was adopted and were

considered an integral part of single-family zoning. The development of commercial properties under the proposed scaled-back compatibility standards is inconsistent with the intent of our plan. For example, Objective L.2.7 provides that “the residential scale and character along W. 35th Street should be preserved...” and that “[h]armony with the abutting single-family houses on the south side of this block, facing 34th Street, should be maintained.” The proposed scaled-back compatibility standards conflict with this intent.

Neither the contact team nor the constituent neighborhood associations in the planning area were consulted or engaged to explore ways to meet both Council objectives reflected in the H.O.M.E. initiative and community interests reflected in our city-adopted plan in a mutually acceptable way. In the absence of that, we have proposed, above, a compromise that we respectfully ask you to consider.

Respectfully,

Michael Curry

Michael Curry,
Executive Committee Member for
The CWANP Contact Team

Authorized April 2, 2024, by
The Central West Austin
Neighborhood Plan Contact Team



WEST AUSTIN NEIGHBORHOOD GROUP

April 22, 2024

Organized 1973

TO: City of Austin Planning Commission
RE: H.O.M.E. and City Wide Compatibility Land Development Code Amendments

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Members of the Planning Commission,

The West Austin Neighborhood Group supports the preservation and creation of more affordable housing in our neighborhood and throughout Austin. We want more people and families of all income levels to have the opportunity for home ownership, but the city-wide “one size fits all” changes to all of Austin’s single-family zoned properties, as currently written in the H.O.M.E. Ordinances, is not the solution.

The City of Austin’s **Housing Cost Analysis** (May, 2022) states:

No two parcels face the same development costs and variations in regulatory code, environmental conditions, and market dynamics all impact a site’s development potential. This makes it very difficult to extrapolate the cost of developing housing across a wider geographic area.

<https://services.austintexas.gov/edims/pio/document.cfm?id=412476>

Housing prices are market driven and based on specific AREAS, cost of land, demolition, construction, permitting and other fees. **What gets built at what price (single family homes, duplexes, townhomes) depends on what will generate the most profit for the builder / investor.** The WANG area has some of the highest cost to build in the city. Granting more land development entitlements by right to home builders and developers via smaller minimum lots, greater impervious cover and FAR will *not* guarantee more affordable housing in 78703. This might result in more homes on less land at the same or higher price per square foot as existing homes, but at what cost? More buildings/ impervious cover means more tree loss, loss of green space, flooding, Urban Heat Island effect, pollution and damage to parkland and water sources.

And while more market rate housing may be added to some Austin neighborhoods under H.O.M.E., **it will NOT BE AFFORDABLE HOUSING**, and will cause displacement in neighborhoods where land values are less than 78703. A recent **report for the City’s Equity Office by Rich Heyman, PhD states:**

The HOME Initiative is unlikely to achieve its goals of increasing affordability in Austin and will likely lead to higher property values throughout the city, as well as continued gentrification and displacement in lower-income neighborhoods, home to many of Austin’s residents of color.

utexas.box.com/v/heyman-home-report

The West Austin Neighborhood Group is part of the Central West Austin Combined Neighborhood Planning Area. We support our Neighborhood Plan as a part of the Imagine Austin Comprehensive Plan. We support adding density in a measured approach, area by area, based on public engagement and the unique conditions in each area, rather than a “one size fits all” blanket change to all single-family zoned properties in the city. On April 15th, 2024, The Central West Austin Neighborhood Plan Contact Team sent the attached letter to the Planning Commission and Austin City Council. The West Austin Neighborhood Group respectfully asks that you consider this alternative to the H.O.M.E. Ordinance:

We ask that the Planning Commission and Council postpone action on Phase 2 and Compatibility amendments and direct staff to create a new Zoning District that incorporates the elements of H.O.M.E. (Phase 1 and 2) to replace Ordinance No. 20231207-001. Applications for this District and Neighborhood Plan Amendments could be considered contextually on a case-by-case basis through the regular zoning process. This would accommodate both the Council’s objectives for greater density opportunities and the community’s interest in having contextual decision-making in which the public can participate.

Sincerely,

Holly Reed, President
West Austin Neighborhood Group
president@westaustinng.com



April 21, 2024

Planning Commission
Austin City Hall
301 W. 2nd Street
Austin, TX 78701

Re: Comments on the City of Austin Electric Vehicle Charging Code Amendment

Dear Planning Commissioners,

Voltera appreciates the work that City staff have put into drafting the current amendment. We thank you for taking up this amendment and considering our recommendations to strengthen the linkage between the draft amendment and the City's electrification goals.

About Voltera

Voltera sites, builds, owns, and operates charging facilities to enable electric vehicle (EV) deployment and operation at scale. With plans to invest significant capital and a team with deep experience deploying charging assets, proven critical infrastructure expertise, and key strategic partners, Voltera is well positioned to help solve the EV infrastructure challenge and enable scaled zero-emission transportation. Voltera's customers span from rideshare to drayage fleets, and our business strategy seeks to accelerate the transition to zero emission vehicles (ZEVs) by addressing infrastructure challenges inhibiting the adoption of zero emission vehicles. Voltera is also actively working to support branded charging networks and their customers.

Voltera provides a "charging infrastructure as a service" (ClaaS) model. ClaaS is a turnkey solution that includes site identification and acquisition, site development, hardware deployment, operations, and maintenance. In February, Voltera announced that we have secured 19 new ZEV infrastructure development sites since August 2022, bringing Voltera's portfolio to 21 sites, representing approximately \$150 million of private investment in ZEV infrastructure real estate and over 115 megawatts (MW) of planned charging capacity, with projects in Texas, California, Arizona, Georgia, and Florida.

Austin's Climate Equity Plan

Voltera is a strong supporter of Austin's Climate Equity Plan (Plan), and we seek to play a significant role in helping achieve its transportation electrification goals. The EV charging code amendment has the potential to significantly impact achievement of the City goals by guiding the speed and density of EV charging infrastructure investment and development.

The Plan seeks to increase 50% of trips in Austin to public transit, biking, walking, carpooling, or by avoiding travel altogether by 2030. The Plan also targets significant electrification of the remaining vehicles on the road to achieve the 2030 goal of 40% of all miles driven to be electric. To achieve the adoption of the necessary approximately 460,000 EVs – a 10X+ increase from current adoption levels – the Plan focuses on transitioning 100% of private fleets, including gig, rideshare, and delivery vehicle fleets to electric and envisions the equitable geographic deployment of approximately 40,000 charging ports – a roughly 20X increase from current deployment.

The City's actions to establish an electric vehicle charging code amendment is an important step to setting the foundation for building the necessary infrastructure to achieve the City's electrification goals. However, to make EV ownership and electric rides truly accessible, there needs to be policy that guides where charging stations are located and ensures charging and electric vehicle/ride access to low-income and diverse communities. Further assessment and development of transportation electrification infrastructure policy is needed to balance development and land use goals – including to complement the City's transit vision. Staff's work to develop this code amendment is a strong starting point, and we recommend strengthening the code amendment to better align with the Plan's goals, as well as developing further policy and infrastructure planning tools.

Indeed, the City's transportation electrification goals are unlikely to be fully achieved without significant investment in infrastructure and without substantial policy and zoning framework to enable that investment. Voltera is actively investing in projects that align with these goals and with the City's zoning principles to preserve compatibility with land use standards while enabling growth and innovation.

Recommendations Related to Code Amendment Language

While Voltera generally believes the code amendment allows for the reasonable development of land into EV charging stations, we encourage the City consider the following recommendations, the most critical of which is to establish more flexibility for accommodating the needs of fleets – including larger vehicle fleets – and more flexibility to accommodate the level of charging density necessary to achieve the City's electrification goals.

Notably, Voltera provides infrastructure to all types of electric vehicles, including vans, trucks, and buses. Considering the draft code amendment through the lens of larger vehicles and private fleets that operate them is helpful to recognize the unintentionally low ceiling associated with the current structure of the code amendment. Larger vehicles are quickly entering the market as organizations seek to replace their gas or diesel vehicles.

Voltera has concerns about the distance requirements and the square footage restrictions. Rather than having a 25,000 square footage limit, we recommend increasing the limit to 50,000 square feet. This change would enable the flexibility to find real estate properties up to one acre for charging stations – a size relevant but insufficient for larger fleets and fleets of bigger vehicles. While the proposed size may be suitable for the development of branded charging network sites, we have learned that properties below a half-acre are generally inadequate to allow the ability to scale development to meet the demands of fleet customers. During the design and construction process, there needs to be enough space on the property for charging infrastructure while supporting electrical infrastructure, landscaping, sidewalk improvements, drive aisles and security measures. With setback requirements, there is significant pressure to find property beyond 25,000 square feet to accommodate all of these factors.

Voltera is also concerned with the proposed 1,000 feet limit between sites, and we recommend removing or moderating that restriction such that it better balances the City's overall density vision with the mass of chargers necessary to achieve the City's electrification goals. An approach to mitigating unintended consequences could be to reduce this to 500-750 feet or establish a minimum number of chargers or charging stalls. Voltera believes that 25-30 chargers or charging stalls per site may be an appropriate site density level associated with a potential distance limitation. Regardless, Voltera recommends that the Commission ensures that it has the tools necessary to enable the scale, density, and distribution of charging infrastructure and sites needed to meet the City's electrification goals.

April 19, 2024

We also recommend developing a list of permitted uses for the conversion of existing property by land use to electric vehicle charging that would allow the use by right, regardless of the zone classification. If there is an appropriate existing use, sites could easily be converted to electric vehicle charging without detrimental impacts. Voltera suggests allowing for the following existing uses to be able to be converted to electric vehicle charging stations:

- | | |
|------------------------------------|---------------------------------|
| a. Service Station | i. Convenience Storage |
| b. General Retail Sales (General) | j. Laundry Services |
| c. Auto Rentals | k. Off Site Accessory Parking |
| d. Auto Repair | l. Pawn Shop Services |
| e. Auto Sales | m. Pedicab Storage and Dispatch |
| f. Auto Washing | n. Vehicle Storage |
| g. Commercial Off-Street Parking | o. Any industrial use |
| h. Construction Sales and Services | |

We also recommend including clearer definitions in the code amendment associated with charging stations:

- 1) **Electric Vehicle Charging Station:** Use of the site for the provision of 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 their vehicles.
- 2) **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 general public.

While the current definition of electric vehicles in the code language aligns with the U.S. Department of Energy's definitions, Voltera recommends greater clarity on the types of land use zoning standards to give certainty on where these types of facilities can be developed and operated.

We look forward to collaborating with you in developing the policy foundation needed to enable achievement of the City's electrification goals, and to investing in and developing the charging infrastructure necessary to meet those goals. Thank you again for your time and attention to this important code amendment.

Sincerely,



Amira Streeeter
Sr. Government Affairs and Community Engagement Manager
astreeeter@volterapower.com