

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: November 15, 2018

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Tang on January 23, 2018:

File No. 180090-2

Ordinance amending the Building Code to enact an expedited and streamlined permit process for Electric Vehicle Charging Stations; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage.

The proposed substitute ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

1 [Building Code - Electric Vehicle Charging Stations - Expedited Permit Process]

2
3 **Ordinance amending the Building Code to enact an expedited and streamlined permit**
4 **process for Electric Vehicle Charging Stations; affirming the Planning Department's**
5 **determination under the California Environmental Quality Act; and directing the Clerk**
6 **to forward this Ordinance to the California Building Standards Commission upon final**
7 **passage.**

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.

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

16 Section 1. Findings.

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

22 (b) On _____ 2018, the Building Inspection Commission considered this
23 ordinance at a duly noticed public hearing pursuant to Charter Section D3.750-5.

24 (c) On January 1, 2016, Assembly Bill 1236 went into effect. AB 1236 added
25 Section 65850.7 to the California Government Code, requiring every city, county, or city and
county with a population of 200,000 or more residents to adopt an ordinance by

1 September 30, 2016, that creates an expedited, streamlined permitting process for electric
2 vehicle charging stations and a checklist of requirements consistent with the Legislature's
3 goals and intent.

4 (d) In Section 65850.7(a), the Legislature finds and declares that:

5 (1) Implementation of consistent statewide standards to achieve the timely and
6 cost-effective installation of electric vehicle charging stations is a matter of statewide concern.

7 (2) It is the policy of the state to promote and encourage the use of electric
8 vehicle charging stations and to limit obstacles to their use.

9 (3) It is the intent of the Legislature that local agencies comply not only with the
10 language of Section 65850.7 but also with the legislative intent to encourage the installation of
11 electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting
12 for charging stations so long as such action does not supersede the building official's authority
13 to identify and address higher priority life-safety situations.

14 (e) The City and County of San Francisco has been in compliance with the goals
15 and mandate of AB 1236 through the Department of Building Inspection's administrative
16 implementation of the expedited permit process being codified in this ordinance. The permit
17 fee currently being charged is the fee listed in Building Code Section 110A, Table 1A-E for
18 Category 3 - Service Distribution and Utilization Equipment. This ordinance neither
19 establishes nor increases the permit fee, but simply lists it as a separate item under Category
20 5 – Miscellaneous Installations.

21
22 Section 2. California Health and Safety Code Section 17958.7. No findings are
23 required for this ordinance under Section 17958.7 because the ordinance enacts the
24 expedited permit process for EV charging stations required by California Government Code
25 Section 65850.7. It does not amend a "building standard" as defined in Section 18909 of the

1 California Health and Safety Code or modify the checklists and standards found in the
2 Guidebook cited in Government Code Section 65850.7.

3
4 Section 3. The Building Code is hereby amended by adding Section 106A.1.16, to
5 read as follows:

6 **106A.1.16 Electric Vehicle (EV) Supply Equipment ; permit and fee.** *An electrical permit obtained by*
7 *a California state licensed Electrical Contractor is required to install Electric Vehicle Supply*
8 *Equipment (EVSE) defined in Section 202 of this Code, and the alteration or modification of any*
9 *portion of the electrical system on the property. See Section 110A, Table 1A-E – Electrical Permit Fee*
10 *Issuance and Inspection Fee Schedule for the applicable fees.*

11 **EXCEPTION:** *A permit is not required to install a Residential Electrical Vehicle Charger when*
12 *a plug in type charger is utilizing a previously approved receptacle outlet.*

13 **106A.1.16.1 General requirements.**

14 *1. The EV Charging Station and its installation shall comply with Article 625 and other*
15 *applicable sections of the Electrical Code, and all applicable sections of the Mechanical Code,*
16 *Building Code, and Fire Code. The installation shall also meet any safety and performance standards*
17 *established by the Society of Automotive Engineers, the National Electrical Manufacturers Association,*
18 *accredited testing laboratories such as Underwriters Laboratories, and the California Public Utilities*
19 *Commission that the Building Official determines shall apply.*

20 *2. New construction and certain major alterations, as those terms are defined in Section 202 of*
21 *the Green Building Code, are subject to the requirements of Sections 4.103.3.3 and 5.103.3 and other*
22 *applicable sections of the Green Building Code, per Ordinance No. 92-17, enacted in April 2017.*

23 *3. All electrical materials, devices, fittings, and associated equipment shall be listed by a*
24 *nationally recognized testing laboratory.*

1 4. Level 2 EVSE shall be connected and fastened in place per the manufacturer's instructions
2 and Section 625.44 of the Electrical Code. The anchorage of either floor-mounted or wall-mounted
3 stations shall comply with the Building Code and Electrical Code.

4 5. For indoor locations, the coupling means of the EVSE shall be stored at a height of not less
5 than 18 inches and not more than 48 inches above the finished floor level.

6 6. For outdoor locations, the coupling means of the EVSE shall be stored or located at a height
7 of not less than 24 inches above grade level.

8 **106A.1.16.2 Application submittal requirements.**

9 1. Consistent with existing procedures, the Department shall continue to allow a California
10 state licensed Electrical Contractor registered with the Department to obtain an electrical permit for
11 installation of electrical materials, devices, fittings, and associated equipment. Where the scope of a
12 project, including installation of an EV Charger, solely requires an electrical permit, such a permit
13 shall continue to be available electronically and over the counter to licensed Electrical Contractors
14 registered with the Department. The Department shall publish guidance clarifying conditions where an
15 electrical permit is sufficient.

16 2. For projects which require additional review or permits, the Department shall publish
17 guidance clarifying when any or all of the following are required in order for an EV Charging Station
18 permit to be complete. The application, and the information and documentation required by this
19 Section 106A.1.16.2, may be submitted electronically.

20 (a) an electrical plan and calculations signed and stamped by either a California
21 registered Electrical Engineer or the licensed Electrical Contractor who is responsible for design and
22 installation of the system;

23 (b) a line diagram that includes all relevant information regarding the electrical
24 charger, panels, raceways, wire types and sizes, utility service main breaker ampacity, and utility
25 service voltage;

1 (c) if applicable, identification of the type of EV Charger being installed;

2 (d) current manufacturer specification sheets for major components of the system;

3 (e) information from the manufacturer indicating whether or not ventilation is required;

4 (f) if ventilation is required, a mechanical plan signed and stamped by either a
5 California registered Mechanical Engineer or the licensed Mechanical Contractor responsible for the
6 ventilation design;

7 (g) a site plan approximately to scale that includes the locations of new and existing
8 panels, meter, charging unit, and associated items;

9 (h) a completed Department service load calculation form;

10 (i) an electrical panel schedule; and

11 (j) listing and labeling information from an approved nationally recognized testing
12 laboratory.

13 106A.1.16.3 Inspections. Inspections by the Electrical Division are required for EV Charging Station
14 installations, and for any alteration or modification of the electrical system on the property, including
15 the installation of EVSE.

16
17 Section 4. The Building Code is hereby amended by revising Section 110A, Table 1A-
18 E, to read as follows:

19 **SECTION 110A – SCHEDULE OF FEE TABLES**

20 * * * *

21 **TABLE 1A-E – ELECTRICAL PERMIT ISSUANCE AND INSPECTION FEE**

22 **SCHEDULE**

23 * * * *

24 **Category 5**

25 **Miscellaneous Installations**

1 Installation of EV Charging Station Same fee as is applicable for Category 3 - Service

2 Distribution and Utilization Equipment.

3 * * * *

4 Section 5. Pursuant to the requirements of California Government Code Section
5 65850.7(g)(2), the Department of Building Inspection shall publish on its website the
6 requirements set forth in Section 106A.1.16.2 of the Building Code.

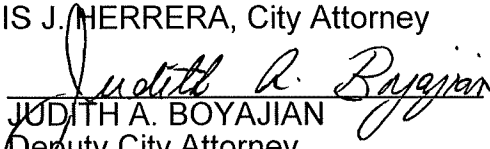
7
8 Section 6. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19 Section 8. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
20 to forward a copy of this ordinance to the California Building Standards Commission upon final
21 passage.

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:


25 JUDITH A. BOYAJIAN
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 11/13/2018)

[Building Code - Electric Vehicle Charging Stations - Expedited Permit Process]

Ordinance amending the Building Code to enact an expedited and streamlined permit process for Electric Vehicle Charging Stations; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

Building Code Section 110A, Table 1A-E establishes the fees for electrical permit issuance and inspection. The fee that the Department of Building Inspection currently charges for the installation of an Electric Vehicle ("EV") Charging Station is the fee listed in Category 3 for Service Distribution and Utilization Equipment.

Amendments to Current Law

Section 106A.1.16 is added to the Building Code to codify the Department of Building Inspection's existing administrative process for streamlining and expediting the review and approval of applications for a permit to install an EV Charging Station. Section 110, Table 1A-E is amended to list Installation of EV Charging Stations separately under Category 5 - Miscellaneous Installations, with the same fee that is currently being charged.

Background Information

On January 1, 2016, Assembly Bill 1236 went into effect. It added Section 65850.7 to the Government Code, requiring every city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance by September 30, 2016 that creates an expedited, streamlined permitting process for electric vehicle charging stations and a checklist of requirements consistent with the Legislature's goals and intent. City departments currently review applications and issue permits for electric vehicle charging stations through a streamlined and expedited administrative process that complies with the Legislature's mandate and intent.

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