

San Francisco Department of the Environment Regulation #SFE-20-0#-##

Regulation for Electric Vehicle Charging in Commercial Parking Lots and Garages

Ordinance No. 244-19, Enacted November 1, 2019

Regulation Effective Date: October 01, 2021

A. Authorization

The Electric Vehicle Charging in Commercial Parking Lots and Garages Ordinance, Ordinance No. 244-19 (“the Ordinance”), was signed by the Mayor on November 1, 2019, and became effective on December 1, 2019. The ordinance created Chapter 31 of the Environment Code, requiring commercial parking lots and garage with more than 100 parking spaces to install electric vehicle charging equipment in 10% of parking spaces by January 1, 2023. The Ordinance also amended the Police Code to add compliance with the new electric vehicle charging requirements as a condition of existing as well as future City permits for commercial parking lots and garages.

The Director of the Department of the Environment (“Director”) promulgates this regulation pursuant to the Director’s authority under Environment Code Section 3103(b) to issue rules for the fair evaluation of requests for waiver under Section 3103 and the Director’s authority under Section 3104(a) to issue regulations necessary or appropriate for the implementation and enforcement of Chapter 31 of the Environment Code.

Unless otherwise noted, any section numbers in this regulation refer to Environment Code, Chapter 31. Note that Chapter 31 was originally designated Chapter 30, Sections 3001 through 3006, when the Ordinance was enacted. These provisions were editorially redesignated to avoid a numbering conflict with existing Chapter 30, “Renewable Energy for Commercial Buildings,” which was adopted by Ordinance No. 220-19, effective November 4, 2019.

B. Scope

The purpose of this regulation is to provide the forms, performance procedures, and rules to carry out the provisions of Chapter 31. These regulations do not duplicate the Ordinance, and must be read together with the Ordinance.

C. Process

The Director provided a 10-day public comment period and conducted a publicly noticed hearing open to all members of the public on August 31, 2021 to allow members of the public to provide input to this regulation.

The Director will provide written notice and a copy of this regulation to the Clerk of the Board of Supervisors upon certification (completion)####-day, month/day, 2021. If a Member of the Board of Supervisors does not introduce an ordinance to disapprove the regulation within 60 days of the date of delivery of such notice to the Clerk of the

Board of Supervisors, or if such an ordinance is introduced within the 60-day period but the ordinance is not enacted by the Board of Supervisors within 90 days of the date of the Director’s delivery of notice to the Clerk of the Board of Supervisors, the regulation shall go into effect.

D. Definitions

Terms used in this regulation that are defined in Section 3101 shall have the meanings set forth in Section 3101.

E. Procedure for Commercial Parking Lot or Garage Permit Applicants and Permitholders to Demonstrate Compliance with Chapter 31 or Request a Waiver

Pursuant to Police Code Section 1215.1, an applicant for a commercial parking permit must use an application form provided by the Chief of Police. The Ordinance amended Police Code Section 1215.1 to require an applicant, at the time of permit application, to submit a statement electronically to SFE as to whether the commercial parking lot or garage complies with Chapter 31 of the Environment Code. Accordingly, an applicant for a new commercial parking lot or garage permit must submit a Compliance Statement or Waiver Request form electronically at the time of application.

Current permitholders must submit electronically to SFE either a Compliance Statement or a Waiver Request form from October 1, 2021 to December 31, 2022, as a part of the annual permit renewal process.

COMPLIANCE STATEMENT: To demonstrate compliance, an applicant must complete and sign “Form A, Statement of Compliance,” and submit this form electronically, together with a description of the electric vehicle charging infrastructure, with the permit application to SFE.

WAIVER REQUEST: If an applicant seeks a full or partial waiver from the Director, they must complete and sign the “Form B, Waiver Request,” and submit the form electronically to SFE. This form requires the applicant to select the type of waiver requested (partial or full), the reason(s) for the waiver request, and attach evidence to support the reason(s) for the request.

In considering a request for a full or partial waiver under Section 3103, the Director may consider:

- 1) Section 3103(c)(1): whether the existing local utility infrastructure is unable to supply sufficient electrical capacity to meet the requirements of Chapter 31;
- 2) Section 3103(c)(2): whether due to site conditions it is technically infeasible to install the infrastructure to comply with the requirements of Chapter 31; or

- 3) Section 3103(c)(3): whether the Commercial Parking Lot or Garage demonstrates it made good faith efforts to enter into an agreement with at least two companies that install, maintain, and operate electric vehicle Charging Stations to install the infrastructure to comply with the requirements of Chapter 31 at minimal or no cost to the Commercial Parking Lot or Garage, but such companies declined because such an agreement was not financially viable.

The specific facts and documentation that the Director will consider in determining if the above factors are met are listed in Form B, attached to this regulation.

A waiver under Sections 3103(c)(1) or 3103(c)(2) shall expire after a period of five years from the date of the waiver. A waiver under Section 3103(c)(3) shall expire two years after the date the Director grants the waiver. No later than the date of expiration of a waiver, the commercial parking lot or garage must electronically submit a “Form A, Statement of Compliance” or “Form B, Full or Partial Waiver Request.”

F. Violations of Chapter 31

Section 3104 provides that where the Director determines that a commercial parking lot or garage has violated Chapter 31, the Director may issue an administrative citation imposing an administrative fine that will be governed by Chapter 100 of the Administrative Code. Section 3104 further provides that for purposes of calculating the fine for a violation of Section 3102, each day of non-compliance is a separate violation. The Director will generally follow the penalty schedule below when issuing citations, but may deviate from this penalty schedule, taking into account the factors identified in Administrative Code Section 100.5 and the specific facts of the violation.

Amounts of Penalties for Noncompliance with Section 3102				
Are there Charging Stations that satisfy Chapter 31 on site on Compliance Date (1/1/2023)?	Parking Garage / Lot Capacity	PERIOD OF NONCOMPLIANCE		
		Up to 30 days	31 to 180 Days	After 180 Days
50% or more compliance	1,000 parking spaces and greater	\$100 per day	\$200 per day	\$500 per day
50% or more compliance	less than 1,000 parking spaces	\$50 per day	\$100 per day	\$250 per day
49% or less compliance	1,000 parking spaces and greater	\$200 per day	\$400 per day	\$1,000 per day

Amounts of Penalties for Noncompliance with Section 3102

Are there Charging Stations that satisfy Chapter 31 on site on Compliance Date (1/1/2023)?	Parking Garage / Lot Capacity	PERIOD OF NONCOMPLIANCE		
		Up to 30 days	31 to 180 Days	After 180 Days
49% or less compliance	less than 1,000 parking spaces	\$100 per day	\$200 per day	\$500 per day

The Director hereby adopts these regulations as of the date specified below.

Deborah O. Raphael, Director
Department of the Environment

Approved:

Date:

Form A**Statement of Compliance**

(Rev. January 2021)
 Department of the
 Environment

- Attach to your construction plan(s).
- Go to www.sfenvironment.org for instructions and latest information.

Environment Code Chapter 31; Department of the Environment Regulation #SFE-20-0#-##

Environment Code Chapter 31, Section 3102 states that beginning on January 1, 2023, any commercial parking lot or garage with more than 100 parking spaces designated for automobiles shall provide Level 2 Charging Stations to at least 10% of the parking spaces designated for automobiles, provided that the maximum number of parking spaces where Level 2 Charging Stations are required shall be no more than 200 parking spaces per Commercial Parking Lot or Garage location.

Fast Charging Stations can be substituted for Level 2 Charging Stations. For the purposes of this ordinance, Level 2 Charging Station means an electric vehicle charging station that supplies electricity in any amount less than 40 kW, supplied by a circuit with capacity meeting manufacturer specification and not less than a 208/240V AC at 40 amp circuit. Fast Charging Station means an electric vehicle charging stations that supplies electricity at a rate of 40 kW or higher.

Section A: Site and Contact Information (Type or Print)

1. Garage / Lot Name*:

Click or tap here to enter text.

2. Garage / Lot Address*:

Click or tap here to enter text.

3. ZIP Code*:

Click or tap here to enter text.

4. Applicant Name*:

Click or tap here to enter text.

5. Applicant Title*:

Click or tap here to enter text.

6. Applicant Business Telephone No*:

Click or tap here to enter text.

7. Applicant Business Email Address*:

Click or tap here to enter text.

Section B: Compliance Information and Statement

8. No. of Total Parking Spaces*:

9. Total Number and Output of Public Level 2 Charging Stations* (enter "NA" if not applicable)

Number of Public Level 2 Charging Stations	Output per Station	Connectors per Station
For example: 4	20 kW	2

10. Total Number and Output of Public Fast Charging Stations*: (enter "NA" if not applicable)

Number of Public Fast Charging Stations	Output	Connectors per Station
For example: 3	100 kW	2

11. Are all Charging Stations behind a pay-gate*?

- Yes
 No

12. Will electric vehicle operators be charged for parking while charging their vehicles?*

- Yes No

13. Approximate date when the Charging Stations will be available for public use*:

14. Charging Station Provider Information*:

- Name of Charging Station Provider: Click or tap here to enter text.
- Contact Name: Click or tap here to enter text.
- Contact Telephone Number: Click or tap here to enter text.
- Contact Email Address: Click or tap here to enter text.

15. Do you have an equipment schedule and site plan for the Charging Stations?*

- Yes, attached to this form. No, but plans will be available by: _____

Electric vehicle charging permit checklist is available here: <https://sfdbi.org/information-sheets>

16. **SIGN HERE:***

I declare that I have entered or examined this information, and to the best of my knowledge and belief, it is true, correct, and complete.

FOR OFFICIAL CITY USE ONLY

DATE COMPLIANCE FORM RECEIVED

FORM STATUS

DATE OF ANY STATUS CHANGE

COMMENTS

STAFF NAME

DRAFT

Form B**Full or Partial Waiver Request**

(Rev. January 2021)
 Department of the
 Environment

- Attach to your charging station report or analysis.
- Go to www.sfenvironment.org for instructions and latest information.

Environment Code Chapter 31; Department of the Environment Regulation #SFE-20-0#-##

Environment Code Chapter 31, Section 3102 states that beginning on January 1, 2023, any commercial parking lot or garage with more than 100 parking spaces designated for automobiles shall provide Level 2 Charging Stations to at least 10% of the parking spaces designated for automobiles, provided that the maximum number of parking spaces where Level 2 Charging Stations are required shall be no more than 200 parking spaces per Commercial Parking Lot or Garage location. Fast Charging Stations can be substituted for Level 2 Charging Stations.

Section A: Site and Contact Information (Type or Print)

1. Garage / Lot Name*: Click or tap here to enter text.	
2. Garage / Lot Address*: Click or tap here to enter text.	3. ZIP Code*: Click or tap here to enter text.
4. Applicant Name*: Click or tap here to enter text.	5. Applicant Title*: Click or tap here to enter text.
6. Applicant Business Telephone No*: Click or tap here to enter text.	7. Applicant Business Email Address*: Click or tap here to enter text.

Section B: Waiver Evaluation Request

8. No. of Total Parking Spaces*:
9. I am requesting*: <input type="checkbox"/> Full Waiver (see items 10 – 12) <input type="checkbox"/> Partial Waiver (see items 13 – 15)
FULL WAIVER: The garage / lot cannot comply with Chapter 31 based on the following justifications. Select as many justifications as applicable from below:
10. The existing local utility infrastructure is unable to supply sufficient electrical capacity to meet the requirements of Chapter 31. <ul style="list-style-type: none"> • Existing Service Amperage: <input type="text"/> Click or tap here to enter text.

- Required Service Amperage for Full Compliance:
- Estimated Cost for Service Upgrade:
- Name of Licensed Electrical Contractor that Conducted Electrical Analysis:
- Contractor Telephone Number
- Contractor Email Address:
- Contractor License No.:

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

- Is a report or analysis available?

- Yes, attached to this form. No, but will send by (date)
-

- Email report(s) or analysis to SFE at evcompliance@sfgov.org.
- Full waiver under this section shall expire five years after the date the Director grants the waiver.

11. The existing site conditions make it technically infeasible to install the infrastructure to comply with the requirements of Chapter 31.

- Describe existing conditions:
- Please provide information for the company that conducted site analysis.
- Company Name
- Contact Name
- Contact Email Address
- Is a report or analysis available?

- Yes, attached to this form. No, but will send by (date)
-

- Email reports or analysis to SFE at evcompliance@sfgov.org.
- Full waiver under this section shall expire five years after the date the Director grants the waiver.

12. I have made good faith efforts to enter into an agreement with at least **two** companies that install, maintain, and operate Electric Vehicle Charging Stations to comply with the requirements of Chapter 31 at minimal or no cost to my Commercial Parking Lot or Garage, but such companies declined because such an agreement was not financially viable.

- Please provide information for each company that conducted site analysis.

Company 1

- Company Name
- Contact Name
- Contact Email Address

Company 2

- Company Name
- Contact Name
- Contact Email Address

- Is a report or analysis available?

Yes, attached to this form. No, but will send by (date) _____

- Email reports or analysis to SFE at evcompliance@sfgov.org.
- Full waiver under this section shall expire two years after the date the Director grants the waiver.

PARTIAL WAIVER: The garage / lot cannot fully comply with Chapter 31 based on the following justifications. Select as many justifications as applicable from below:

13. The existing local utility infrastructure is unable to supply sufficient electrical capacity to meet the full requirements of Chapter 31.

- Existing Service Amperage:
- Required Service Amperage for Full Compliance:
- Estimated Cost for Service Upgrade:
- Name of Licensed Electrical Contractor that Conducted Electrical Analysis:
- Contractor Telephone Number
- Contractor Email Address:
- Contractor License No.:

- Is a report or analysis available?

Yes, attached to this form. No, but will send by (date) _____

- Email reports or analysis to SFE at evcompliance@sfgov.org.
- Partial waiver under this section shall expire five years after the date the Director grants the waiver.

14. The existing site conditions make it technically infeasible to install the infrastructure to comply with the full requirements of Chapter 31.

- Describe existing conditions: [Click or tap here to enter text.](#)
- Please provide information for the company that conducted site analysis.
- Company Name
- Contact Name
- Contact Email Address
- Is a report or analysis available?
 - Yes, attached to this form.
 - No, but will send by (date) _____
- Email reports or analysis to SFE at evcompliance@sfgov.org.
- Partial waiver under this section shall expire five years after the date the Director grants the waiver

15. Based on the information provided in Sections 13 and/or 14, this parking lot or garage is able to provide the following electric vehicle Charging Stations*:

- Number of Level 2 or Fast Charging Stations to meet full requirement*:
 - [Click or tap here to enter text.](#)
- Number of Level 2 Charging Stations proposed for partial waiver*:
 - [Click or tap here to enter text.](#)
- Number of Fast Charging Stations proposed for partial waiver*:
 - [Click or tap here to enter text.](#)
- Approximate date when the Charging Stations will be available for public use*:
 - [Click or tap here to enter text.](#)
- Please include additional information to support your request* (attach additional sheets as necessary):
 - [Click or tap here to enter text.](#)
- Do you have an equipment schedule and site plan for the Charging Stations?*

Yes, attached to this form. No, but plans will be available by: _____

- Electric vehicle charging permit checklist is available here: <https://sfdbi.org/information-sheets>

16. SIGN HERE*:

I declare that I have entered or examined this information, and to the best of my knowledge and belief, it is true, correct, and complete.

FOR OFFICIAL CITY USE ONLY

DATE WAIVER FORM RECEIVED

FORM STATUS

DATE OF ANY STATUS CHANGE

COMMENTS

STAFF NAME