

ORDINANCE NO. 823-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLE 28 OF CHAPTER 4 (OFF STREET PARKING AND LOADING) OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE TO INCLUDE ELECTRIC VEHICLE CHARGING STATION REGULATIONS (TEXT AMENDMENT TA-108-17) AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, in July 2014 the City Council adopted a Climate Action Plan which includes the goal to “expand policies to promote the use of fuel efficient vehicles and low carbon fuels” by developing “policies to encourage the installation of public electric-vehicle charging stations at hotels, municipal parking lots, and shopping center parking lots; and

WHEREAS, amendments to the zoning provisions are necessary in order to enforce regulations for electric vehicle charging spaces and stations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to Article 28 on July 17, 2017 and adopted Resolution No.977 initiating and recommending City Council approval of Text Amendment TA-108-17; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed changes to Article 28 and on August 14, 2017 and introduced the Ordinance.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Amended. Article 28 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Off-Street Parking and Loading) is hereby amended as follows (deletions in ~~strike through~~, additions in underline):

Sec. 9-4.2802. - Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

* * * * *

- (e) “Electric vehicle charger” shall mean off-board charging equipment used to charge an electric vehicle.
- (f) “Electric vehicle charging space” (“EV Space”) shall mean a space intended for installation of EV charging equipment and charging of electric vehicles.
- (g) “Electric vehicle charging station” shall mean one or more electric vehicle charging space served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are categorized by the following levels:
 - Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
 - Level 2 is considered medium charging and operated on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
 - Level 3 is considered fast or rapid charging and operated on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can

also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

~~(h)~~ "Electric vehicle supply equipment" shall mean the conductors, including the underground, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

~~(e)~~(i) "House car", also known as "motor home", shall mean a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper shell has been permanently attached.

~~(j)~~ "Major alteration" shall mean an alteration and addition where significant upgrades to structure and mechanical, electrical, and/or plumbing systems are proposed where areas of such construction for the building or associated parking facilities cumulatively are 20,000 gross square feet or more.

~~(k)~~(k) "Motor vehicle" shall mean a vehicle which is self-propelled.

~~(l)~~(l) "Motorcycle" shall mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground and weighing less than 1,500 pounds, except that four (4) wheels may be in contact with the ground when two (2) of the wheels are a functional part of a side car.

~~(m)~~(m) "Semitrailer" shall mean a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

~~(n)~~(n) "Trailer" shall mean a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

~~(o)~~(o) "Trailer coach" shall mean a vehicle designed for human habitation, or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.

~~(p)~~(p) "Truck" shall mean a motor vehicle designed, used, or maintained primarily for the transportation of property.

~~(q)~~(q) "Truck tractor" shall mean a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

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Sec. 9-4.2818. - Number of parking spaces required.

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(i) Electric Vehicles Charging Stations

(1) New construction or major alteration of commercial or municipal facilities shall include an EV Space with adequate electric vehicle supply equipment in place that is capable of supporting the future installation of a Level 2 or Level 3 electric vehicle charging station or include installation of a Level 2 or Level 3 electric vehicle charging station.

(i) An EV Space and electric vehicle charging stations shall be incorporated according to the following schedule:

<u>TOTAL NUMBER OF ACTUAL PARKING SPACES*</u>	<u>NUMBER OF REQUIRED EV SPACES</u>	<u>NUMBER OF REQUIRED EV CHARGING STATIONS</u>
<u>1-9</u>	<u>1</u>	
<u>10-25</u>		<u>2</u>
<u>26-50</u>		<u>4</u>
<u>51-75</u>		<u>6</u>
<u>76-100</u>		<u>9</u>
<u>101-150</u>		<u>12</u>
<u>151-200</u>		<u>17</u>
<u>201 and over</u>		<u>10 percent of total (rounded up the nearest whole number)</u>

* Actual parking shall be the number of parking spaces provided for the facility and not the number of parking spaces required per subsections (a) through (h) of this section.

- (ii) Additional EV Spaces or electric vehicle charging stations beyond the requirements of the schedule above are encouraged.
- (iii) Electric vehicle charging station requirements for major alterations shall be proportional to the area of impact.
- (2) An electric vehicle charging station shall be an allowed accessory use within any zoning district subject to all applicable city code requirements in addition to the following:
 - (i) The electric vehicle charging station shall be protected as necessary to prevent damage by automobiles.
 - (ii) Any electric vehicle charger shall be Listed and Labeled by an Approved testing agency.
 - (iii) The electric vehicle charging station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each electric vehicle charging station.
- (3) An electric vehicle charging station for public use shall be subject to the following requirements:
 - (i) The electric vehicle charging station shall be located in a manner that will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours.
 - (ii) Be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
 - (iii) One standard nonilluminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of electric vehicle charging stations.
 - (iv) The electric vehicle charging station may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.
- (4) The following information shall be posted at a public electric vehicle charging station:
 - (i) Voltage and amperage levels.
 - (ii) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner.
 - (iii) Usage fees.
 - (iv) Safety information.
 - (v) Contact information for reporting when the equipment is not operating or other problems.

- (5) An electric vehicle charging station for private use shall:
 - (i) Be located in a manner that will not allow public access to the charging station
 - (ii) Electric vehicle charging equipment and electric vehicle charger shall be located in reasonably inconspicuous location from public view when not in use.
- (6) Where Accessible parking requirements are applicable, at least one EV Space or electric vehicle charging station shall meet current Van Accessible dimensions, as defined by the California Building Code, and be connected to a barrier free accessible route of travel to the building. No Accessible markings shall be made on the EV Space or electric vehicle charging station with Van Accessible dimensions. The EV Space with Van Accessible dimensions shall be the first electric vehicle charging station established on the property.

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the statute (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.), including without limitation under sections 15301, 15303, and 15304(f) and under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the San Mateo County Clerk.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

Section 6. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For areas within the Coastal Zone, this Ordinance shall not become effective until the California Coastal Commission certifies an amendment to the City's local coastal program pursuant to Section 30514 of the Public Resources Code.

PASSED AND ADOPTED this 11th day day of September, 2017, by the following vote:

AYES: Martin, Vaterlaus, Digre, Keener, O'Neill
NOES: None
ABSTAIN: None
ABSENT: None



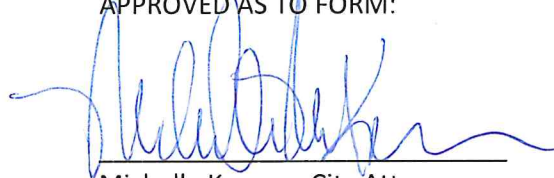
Mike O'Neill, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney