

ORDINANCE NO. 824-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADDING SECTION 8-7.04 TO THE PACIFICA MUNICIPAL CODE TO ESTABLISH A STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS (TEXT AMENDMENT TA-109-17) AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the State of California adopted Assembly Bill 1236, which requires local agencies with a population of less than 200,000 residents to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems on or before September 30, 2017; and

WHEREAS, The local fire district has been consulted regarding the adoption of this ordinance as required by Government Code section 65850.7(g); and

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce reliance on environmental damaging fossil fuels; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed text amendment to Title 8 of the Pacifica Municipal Code 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. Addition. Section 8-7.04 is hereby added to Chapter 7 of Title 8 of the Pacifica Municipal Code as follows:

Section 8-7.04. Streamlined permitting process for electric vehicle charging systems.

(a) Purpose. The purpose of this section is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with Assembly Bill 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) to achieve timely and costly-effective installations of electric vehicle charging stations. The ordinance encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City of Pacifica, and expanding the ability of property owners to install electric vehicle charging stations. The ordinance allows the City of Pacifica to achieve these goals while protecting the public health and safety.

(b) Definitions.

1. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
2. "Electronic submittal" means the utilization of the City's online building permit web portal.

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3. "Specific, adverse impact" means a significant, quantifiable, direct, and unavailable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(c) City Building Permit Required.

1. A city building permit is required to install an electric vehicle charging station. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
2. An application for a City building permit to install an electric vehicle charging station shall be processed in accordance with Government Code section 65850.7.

(d) Review of Applications. The following expedited, permitting process applies to applications for a building permit to install an electric vehicle charging station:

1. Application. The City will make the following available on the City's website: the City's standard building permit application form; and the City's standard electric vehicle charging station plan form and checklist. The checklist will include all requirements that an electric vehicle charging station must meet to be eligible for review and approval under this section. An application to install an electric vehicle charging station may be submitted electronically.
2. Application review. An application will be deemed complete if the building official determines that the application includes all of the information and documents required by the standard application form, the standard plan form, and the standard checklist, and is consistent with all applicable laws and health and safety standards. If an application is deemed incomplete, the building official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the building official will perform an expedited review of the application and all submittals.
3. Permit issuance. A building permit will be issued following the building official's approval of an application for an electric vehicle charging station and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically.
4. Inspection and authorization to operate. As soon as practicable after the applicant notifies the building official that an electric vehicle charging station has been installed, the building official will inspect the system to verify compliance with the building permit. If the building official determines that a system was not installed in compliance with a building permit, the building official will notify the permittee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No electric vehicle charging station may be operated unless the building official verifies in writing that it complies with the building permit.

(e) Electric Vehicle Charging Station Installation Requirements.

1. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers

Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission regarding safety and reliability.

2. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
3. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
4. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(f) Requirements Cumulative. The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of a utility provider, that must be satisfied before an electric vehicle charging station may be installed or operated.

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 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.

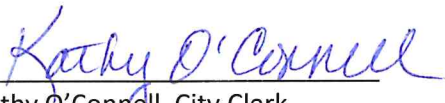
PASSED AND ADOPTED this 11th day of September , 2017, by the following vote:

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



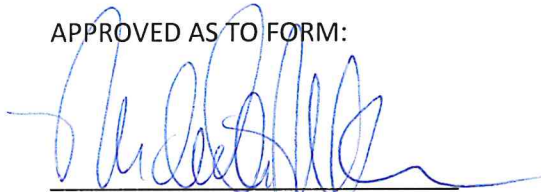
Mike O'Neill, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney