

ORDINANCE NO. 1563

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA COUNCIL MUNICIPAL CODE TITLE VIII, BUILDING REGULATIONS, TO ADOPT CHAPTER 5, ELECTRIC VEHICLE CHARGING STATIONS PERMIT STREAMLINING

The City Council of the City of Arcata does ordain as follows:

Section 1: Chapter 5, Electric Vehicle Charging Station (EVCS) Permit Streamlining, is hereby adopted in Title VIII, Building Regulations, as follows:

TITLE VIII -- BUILDING REGULATIONS CHAPTER 5 -- Electric Vehicle Charging Station (EVCS) Permit Streamlining

SEC. 8500. Findings.

A. The State of California and the City of Arcata have consistently promoted and encouraged the use of fuel-efficient electric vehicles.

B. California Government Code Sections 65850.7 and 65850.71 require local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems.

C. Creation of an expedited, streamlined permitting process for electric vehicle charging stations will facilitate convenient charging of electric vehicles and help reduce the City's reliance on environmentally damaging fossil fuels.

SEC. 8501. Purpose and Intent.

The purpose of this Chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. It is the intent of this Chapter to encourage the installation of Electric Vehicle Charging Stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations. This Chapter is also intended to comply with California Government Code Sections 65850.7 and 65850.71.

SEC. 8502. Definitions.

A. "Electric Vehicle Charging Station," "EVCS," 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 Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

- B. "Electronic Submittal" means the utilization of one or more of the following:
1. Electronic mail or email.
 2. The internet.

C. “Specific, Adverse Impact” means a significant, quantifiable, direct, and unavoidable 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.

SEC. 8503. Expedited Permitting Process, Checklist.

Consistent with Government Code Sections 65850.7 and 65850.71, the City shall implement an expedited, streamlined permitting process for Electric Vehicle Charging Stations, and adopt a checklist of all requirements with which Electric Vehicle Charging Stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist shall be published on the City’s website.

SEC. 8504. Permit Application Processing and Approval.

A. No Adverse Impacts. Prior to submitting an application for processing, the applicant shall verify that the installation of an Electric Vehicle Charging Station will not have Specific, Adverse Impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

B. Electronic Submission. Consistent with Government Code Section 65850.7, the Building Official shall allow for Electronic Submittal of permit applications covered by this Chapter and associated supporting documentation. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

C. Application Review. Consistent with Section 8505 of this Chapter, a permit application that satisfies the information requirements in the City’s adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application with supporting documents meets the requirements of the City’s adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Sections 65850.7 and 6580.71, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the Electric Vehicle Charging Station until approval is granted by the City through issuance of a permit. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

D. Application Review. Consistent with Government Code Section 65850.71(b), an application to install an Electric Vehicle Charging Station shall be deemed complete if, after the applicable time period defined in Section 8504(F) of this Chapter has elapsed, both of the following are true:

1. The Building Official has not previously deemed the application complete; and
2. The Building Official has not issued a written correction notice detailing all deficiencies in the application and identifying any additional information explicitly necessary for the Building Official to complete review limited to whether the Electric Vehicle Charging Station meets all health and safety requirements of local, state, and federal law, consistent with this Chapter.

E. Application Approval. Consistent with Government Code Section 65850.71(c), an application to install an Electric Vehicle Charging Station shall be deemed approved if, after the applicable time period defined in Section 8504(F) of this Chapter has elapsed, all of the following is true:

1. The Building Official has not previously approved the application;
2. The Building Official has not made a finding based on substantial evidence, that the Electric Vehicle Charging Station could have a Specific, Adverse Impact upon the public health or safety or required the applicant to apply for a use permit;
3. The Building Official has not denied the permit pursuant to this Chapter; and
4. An appeal has not been made to the Planning Commission pursuant to Section 8505 of this Chapter.

F. Applicable Time Periods. For purposes of Subsections 8504(D) and 8504(E) of this Chapter, “applicable time period” means either of the following:

1. For applications to install no more than 25 Electric Vehicle Charging Stations at a single site, the application time period a) for the application to be deemed complete shall be five business days after submission of the application to the Building Official, and b) for the application to be deemed approved shall be 20 business days after the application is deemed complete;
2. For applications to install more than 25 Electric Vehicle Charging Stations at a single site, the application time period a) for the application to be deemed complete shall be ten business days after submission of the application to the Building Official, and b) for the application to be deemed approved shall be 40 business days after the application is deemed complete.

G. Parking Spaces. If an Electric Vehicle Charging Station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses, the City shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the Electric Vehicle Charging Station and any associated equipment.

SEC. 8505. Technical Review.

A. If the Building Official makes a finding based on substantial evidence that the Electric Vehicle Charging Station could have a Specific, Adverse Impact upon the public health

or safety, as defined in this Chapter, the Building Official may require the applicant to apply for a use permit. The City may not deny an application for a use permit to install an Electric Vehicle Charging Station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a Specific, Adverse Impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

B. In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any Electric Vehicle Charging Station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

C. The decisions of a Building Official made pursuant to Subsection 8505(A) may be appealed to the Planning Commission.

SEC. 8506. Electric Vehicle Charging Station Installation Requirements.

A. 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 or a Municipal Electric Utility Company regarding safety and reliability.

B. 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.

C. 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.

D. 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.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: CEQA. Based on the statements and findings recited above, the City Council finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to 14 Cal Code Regs §15061(b)(3), the common sense exemption. The Ordinance implements state-mandated legislation aimed at reducing the reliance on fossil fuels, reducing green house gas emissions, and encouraging the use of fuel-efficient electric

vehicles by requiring the ministerial issuance of building permits for installation of electric vehicle charging stations. It can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

This Ordinance will become effective 30 days after adoption.

DATE: February 1, 2023

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Sarah Schaefer
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1563, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 1st day of February, 2023, by the following vote:

AYES: SCHAEFER, MATTHEWS, ATKINS-SALAZAR, STILLMAN, WHITE

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata