

ORDINANCE NUMBER NO. 747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD AMENDING TITLE 15-BUILDING CONSTRUCTION OF THE SOLEDAD MUNICIPAL CODE BY THE ADDITION OF NEW CHAPTER 15.40-STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the State of California and the City of Soledad have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

WHEREAS, the State of California recent adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

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

WHEREAS, the Planning Commission held a noticed public hearing on August 11, 2022, to consider proposed new Chapter 15.40 Streamlined Permitting Process for Electric Vehicle Charging Stations and found that it was consistent with the City's General Plan, and recommended, based on the whole record, that the City Council approve the proposed Code amendment adding Chapter 15.40; and

WHEREAS, the City Council held a public hearing by title only on September 21, 2022 and a noticed public hearing on October 5th, 2022 to consider proposed new Chapter 15.40 and found, based on the whole record, that Chapter 14.40 is consistent with the City's General Plan, and

WHEREAS, the proposed addition to the Soledad Municipal Code adds provisions that are administrative in nature, do not approve any physical development, and do not have the potential to result in individually or cumulatively significant effects on the environment, and therefore, the passage of this ordinance is exempt from California Environmental Quality Act ("CEQA") review under the General Rule that CEQA only applies to projects with the potential to cause a significant effect on the environment and thus no environmental analysis or review is necessary- CEQA Guidelines Section 15061(b)(3).

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Soledad as follows:

Section 1. Recitals and Findings. All of the recitals set forth above are true and correct to the best of the Council's knowledge and by this action are made findings and incorporated herein by reference.

Section 2. Title 15 Building Construction of the Soledad Municipal Code is hereby amended by the addition of new Chapter 15.40- Streamlined Permitting Process for Electric Vehicle Charging Stations as follows:

Chapter 15.40
Streamlined Permitting Process for Electric Vehicle Charging Stations

Sections

- 15.40.010 - Purpose
- 15.40.020 - Definitions
- 15.40.030 - Expedited Permitting Process
- 15.40.040 - Electric Vehicle Charging Station Installation Requirements
- 15.40.050 - Permit Application Process
- 15.40.060 - Technical Review

15.40.010- Purpose.

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. The provisions of this Chapter have been prepared to comply with California Government Code Section 65850.7.

15.40.020- Definitions.

A. “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 Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

B. “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.

C. “Electronic submittal” means the utilization of one or more of the following:

1. Electronic mail or email.
2. The internet.
3. Any other electronic submittal process as approved by the Building Official.

D. “Building Official” means the Building Official for the City of Soledad and/or the Building Official’s designee.

15.40.030- Expedited permitting process.

Consistent with Government Code Section 65850.7, the Building Official 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 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.

15.40.040- 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.

15.40.050- Permit application process.

A. Prior to submitting an application for processing, an 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. The Building Department shall give priority review to an application for an electric vehicle charging station that meets the requirements of the City’s checklist. A permit application that satisfies the information requirements in the City’s adopted checklist, as determined by the Building Official, shall be processed as follows:

1. 1-25 station project at a single site: An EVCS application will be deemed complete if after 5 business days the Building Official has not either found the application to be complete or issued a written deficiency notice

a. Detailing all changes needed to make the application consistent with the City's EVCS permitting checklist or

b. Identifying specific information necessary for the Building Official to conduct a limited review of whether the project meets all health and safety requirements. If the City has not yet created its checklist, the deficiency notice will be limited to the Building Official's review of whether it meets all health and safety requirements of local, state, and federal law per AB 1236.

2. 26 or more stations at a single site: The process described above is the same for applications including 26 or more EVCS at a site, except: an EVCS application will be deemed complete after 10 business days and will be deemed approved 40 business days after deemed complete.

D. When an applicant uses electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation maybe used in lieu of a wet signature.

E. Upon confirmation by the Building Official that the permit application and supporting documents are complete and mees the requirements of the City adopted checklist, and that the permit is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits and authorizations. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. The applicant is responsible for obtaining such approval or permission from a local utility provider.

F. An inspection of the station(s) shall be required and performed by the Building Department. Once an applicant informs the Building Department that the electric vehicle charging station has been installed, the required inspection shall be completed as soon practical. If the charging station fails the inspection, a subsequent inspection shall be required and conducted as soon as practical after any deficiency has been corrected.

15.40.060- Technical review.

A. It is the intent of this Ordinance 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. 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 City may require the applicant to apply for a use permit.

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.

15.40.070 - Right of appeal.

Any person having any record or legal interest in the charging station may appeal from any action or decision of the Building Official under this Chapter by filing an appeal to the Board of Appeals in accordance with the procedures set forth in Soledad Municipal Code Section 15.04.040, as amended.

Section 3. Severability. Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

Section 4. CEQA. Approval of the code amendment herein is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments regarding building and related codes, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 36933.

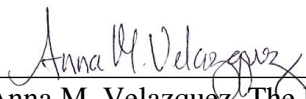
This Ordinance was introduced and first read by the City Council of the City of Soledad at a regular meeting on the 21st of September of 2022 and **PASSED AND ADOPTED** by the City Council of the City of Soledad at a regular meeting on {INSERT DATE} by the following vote:

AYES, and in favor thereof Councilmembers: Mayor Anna M. Velazquez, Alejandro Chavez, Benjamin Jimenez, Jr., Maria Corralejo, Mayor Pro Tem Marisela Lara

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None



Anna M. Velazquez, The Honorable Mayor

ATTEST:



Brent Slama, City Clerk