

ORDINANCE NO. 1143

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, ADDING CHAPTER 16.55 OF TITLE 16 (BUILDINGS AND CONSTRUCTION) TO THE CAMARILLO MUNICIPAL CODE TO ESTABLISH AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Government Code section 65850.7 sets forth the state's policy to promote the use of electrical vehicles and minimize local land use regulations that may discourage such use.

B. Assembly Bill 1236 recently amended Government Code section 65850.7 to require jurisdictions with a population of less than 200,000 residents to establish procedures for expedited, streamlined processes for the permitting of electric vehicle charging stations. The amendments to Section 65850.7 require the City to adopt an ordinance for the expedited, streamlined process on, or before, September 30, 2017. The ordinance also requires the City to adopt a checklist for the expedited review of eligible permit applications for electric vehicle charging stations.

C. The City Council seeks to implement Assembly Bill 1236 by adopting this ordinance.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); 15303 (the activity involves the new construction or conversion of small structures); and 15061(b)(3), (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment). The ordinance involves updates to existing regulations, and establishes a streamlined process for electric vehicle charging structures, electric vehicle charger permits and related administrative activities, which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 3. Addition of Chapter 16.55. Title 16 (Buildings and Construction) of the Camarillo Municipal Code is amended to add Chapter 16.55 – Electrical Vehicle Charging Stations, as set forth below:

“Chapter 16.55 – Electrical Vehicle Charging Stations

16.55.010 – Definitions.

The words, phrases and terms used in this chapter will have the meaning set forth in this section unless another meaning is clearly apparent from the context.

“Building official” means the person or entity designated as such by the city council or that person or entity’s designee, as set forth under Section 16.040.020.B, who is authorized to interpret and administer the provisions of this chapter.

“Electronic submittal” has the meaning set forth in Government Code section 65850.7(i)(2), as it may be amended.

“Electric vehicle charging station” or “charging station” has the meaning set forth in Government Code section 65850.7(i)(3), as it may be amended.

“A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” has the meaning set forth in Government Code section 65850.7(i)(1), as it may be amended.

“Specific, adverse impact” has the meaning set forth in Government Code section 65850.7(i)(4), as it may be amended.

16.55.020 – Implementation of expedited permitting process.

This chapter implements an expedited, streamlined permitting process for the installation of electric vehicle charging stations, and establishes a checklist of requirements before an applicant may be eligible for expedited review of eligible permit applications for electric vehicle charging stations. The city’s checklist will be published on the city’s website.

16.55.030 – Permit application procedure.

- A. Prior to submitting an application, the applicant must verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety. Verification by the applicant includes, but is not limited to, review of the following for adequate safety: 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. After submission, a permit application that satisfies the information requirements in the City’s adopted checklist will be reviewed. If deemed complete, the permit application will be promptly processed. Upon confirmation by the building official that the permit application and supporting documents meets the requirements of the city adopted checklist, and is consistent with all applicable laws and health and safety standards, the building official will 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. If the building official determines that the permit application is incomplete, he or she will 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.
- C. The building official will allow for electronic submittal of permit applications covered by this chapter and associated supporting documents. In accepting such permit applications, the building official will also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

16.55.040 – 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 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, the building official may not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as defined by Civil Code section 4080 (a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development).
- C. Any conditions imposed on an application to install an electric vehicle charging station must be designed to mitigate the specific, adverse impact upon public health or safety at the lowest cost possible.
- D. 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 public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings will include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- E. Electric vehicle charging station equipment must 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.
- F. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices must meet the requirements of Article 625 of the California Electrical Code, and all other applicable provisions of the California Electrical Code.
- G. Installation of electric vehicle charging stations must be incorporated into the load calculations of all new or existing electrical services and must meet the requirements of the California Electrical Code. Electric vehicle charging equipment will be considered a continuous load for the purposes of such calculations.
- H. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations must 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 may not adversely affect building elements.

16.55.050 – Appeals.

- A. The decision of the building official may be appealed to the planning commission.

B. Any appeal pursuant to this section must be in writing and filed within 15 days of the building official's decision. The written appeal must also specify the basis for the appeal and must be accompanied by an administrative appeal fee in an amount determined by city council resolution. The appeal hearing will be scheduled at the earliest opportunity and in any event no later than 45 days after a complete appeal application is filed. The city will notify the appellant of the time and place for consideration of the appeal. In acting on an appeal under this section, the planning commission will determine whether the permit should be issued or denied pursuant to this chapter. The decision of the planning commission will be final.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED AND ADOPTED on September 27, 2017.

Attested to on: 9/29/17
Jamadland
City Clerk

Janitha L. McDonald
Mayor

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1143 was introduced by the City Council at a meeting held September 6, 2017, and subsequently passed and adopted by the City Council at a regular meeting held September 27, 2017, by the following vote:

AYES: Councilmembers: Craven, Kildee, Morgan, Trembley, Mayor McDonald
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jamadland
City Clerk

