

ORDINANCE NO. 20-0017

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH ADDING CHAPTER 9.07 (ELECTRIC VEHICLE CHARGING SYSTEM PERMIT EXPEDITING) TO TITLE 9 (BUILDING REGULATIONS) OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROVIDE AN EXPEDITED STREAMLINED PROCESS FOR ELECTRIC VEHICLE CHARGING SYSTEMS

WHEREAS, the State of California and the City of Manhattan Beach ("City") have consistently promoted and encouraged the use of fuel-efficient electric vehicles;

WHEREAS, the City Council seeks to implement Section 65850.7 of the Government Code (Assembly Bill 1236 Chapter 598, Statutes 2015) through the creation of an expedited and streamlined permitting process for electric vehicle charging systems;

WHEREAS, the City Council seeks to meet the climate action goals set by the City and State; 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.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) because the project involves updates and revisions to administrative building permit regulations consistent with California law, specifically Government Code section 65850.7. It can be seen with certainty that the Municipal Code amendments adopted herein will have no significant negative effect on the environment. Additionally, the adoption of this Ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in support of state and local climate action goals pursuant to State CEQA Guidelines Sections 15307 and 15308.

SECTION 2. Title 9 (Building Regulations) of the Manhattan Beach Municipal Code ("MBMC") is hereby amended to add a new Chapter 9.07 to read as follows:

“Chapter 9.07 - ELECTRIC VEHICLE CHARGING SYSTEM PERMIT EXPEDITING

9.07.010 – Purpose.

9.07.020 – Definitions.

9.07.030 – Expedited Permit Processing.

9.07.040 – Permit Application Processing.

9.07.050 – Technical Review.

9.07.060 – Electric Vehicle Charging Station Installation Requirements.

9.07.010 – 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. This Chapter is also purposed to comply with California Government Code Section 65850.7.

9.07.020 – Definitions.

“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 currently adopted edition of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

“Electronic submittal” means a submittal of an application utilizing email, the internet, and/or facsimile transmission.

“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.

9.07.030 – Expedited Permit Processing

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 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 and any other documents required by the Building Official shall be published on the City’s website.

9.07.040 – Permit Application Processing.

- A. 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, an assessment of: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; and areas of charging station equipment and vehicle parking.
- B. 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 and 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 Section 65850.7, 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 Building Inspector. 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.
- C. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance 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.

9.07.050 – 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 an electric vehicle charging station use permit in order to install the proposed charging station.

- B. An application for an electric vehicle charging station use permit shall be reviewed by the Building Official. The Building Official shall not deny such an application without making written findings, based upon substantial evidence in the record, that the proposed charging station would have a specific, adverse impact upon the public health or safety which could not feasibly be satisfactorily mitigated or avoided. The written findings required for rejection of an electric vehicle charging station use permit application shall include the Building Official's basis for rejecting any potentially feasible alternatives that could mitigate or prevent the alleged adverse impact. Pursuant to Government Code Section 65850.7, the Building Official's review shall be limited to health and safety issues. Aesthetic concerns, or other items not related to public health or safety shall not be considered.
- C. 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. Any condition imposed on an application for an expedited building permit or electric vehicle charging station use permit shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- D. A decision of the Building Official made pursuant to Sections 9.07.040 or 9.07.050 may be appealed to the Planning Commission. The Planning Commission's review shall be subject to the same limitations as that of the Building Official, and only health and safety issues may be considered.

9.07.060 – 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 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every 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 or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed; and the City Clerk shall make any necessary changes to the MBMC for internal consistency.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

ADOPTED _____, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM

QUINN M. BARROW
City Attorney