

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; and

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; and

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 CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project falls under the statutory exemption pursuant for Ministerial Projects in accordance with to Section 152 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

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.

“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.

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

Electronic mail or email.

The internet.

Facsimile.

**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 shall be published on the City’s website.

#### **9.07.040 – Permit Application Processing.**

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.

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.

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 documentations. 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.**

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.

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.

#### **9.07.060 – Electric Vehicle Charging Station Installation Requirements.**

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.

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.

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.

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.

SECTION 6. The City Clerk shall cause a summary of this Ordinance to be published as provided by law. The summary shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five days prior to the City Council meeting at which this Ordinance is to be adopted. Within 15 days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

ADOPTED July 14, 2020.

Ayes:

Noes:

Abstain:

Absent:

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RICHARD MONTGOMERY  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk