

ORDINANCE NO. 2913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING CHAPTER 18.57 TO TITLE 18 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO ELECTRIC VEHICLE CHARGING SYSTEMS

CITY ATTORNEY SUMMARY

This Ordinance adds regulations to the City's municipal code to create an expedited, streamlined permitting process for electric vehicle charging stations as required by State law.

WHEREAS, the State of California promotes and encourages the use of fuel-efficient electric vehicles;

WHEREAS, Government Code Section 65850.7(g)(1) requires, in relevant part, that every city adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations consistent with the goals and intent of Government Code Section 65850.7(a); and

WHEREAS, Government Code section 65850.7 further provides that the expedited review and approval of electric vehicle charging stations shall be administrative in nature, and that such stations shall only be denied unless certain specific findings are made.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 18.57 (Electric Vehicle Charging Systems) is hereby added to Title 18 (Building Codes and Regulations) of the Garden Grove Municipal Code to read as follows:

Chapter 18.57

ELECTRIC VEHICLE CHARGING SYSTEMS EXPEDITED, STREAMLINED PERMITTING PROCESS

18.57.010 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 California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.

"Electronic submittal" means the utilization of one or more of either electronic mail, the Internet, or facsimile.

“Feasible Method to Satisfactorily Mitigate or Avoid the Specific Adverse Impact” includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the City on another similarly situated application in a prior successful application for a similar permit.

“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.

18.57.020 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.

18.57.030 APPLICABILITY

This Chapter applies to the permitting of all electric vehicle charging systems in the City. Electric vehicle charging systems legally established or permitted prior to the effective date of this Chapter are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements of the components of an electric vehicle charging station shall not be considered a material change.

18.57.040 ELECTRIC VEHICLE CHARGING SYSTEM REQUIREMENTS

A. All electric vehicle charging systems shall meet all applicable health and safety standards and requirements, including, but not limited to, any requirements imposed by the State, local fire department, California Building and Electrical Code, this Code, and Federal laws, including the Americans with Disability Act.

B. All electric vehicle charging systems shall further meet the applicable safety and performance standards established by 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.

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.

18.57.050 DUTIES OF THE CITY'S CHIEF BUILDING OFFICIAL

A. All documents required for submission of an electric vehicle charging system application shall be made publicly available on the City's website.

B. The Chief Building Official is empowered and directed to adopt a checklist of all requirements with which electric vehicle charging systems shall comply to be eligible for expedited review.

C. The electric vehicle charging system permit process and checklist shall substantially conform to recommendations contained in the most current version of the Plug-In Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.

D. The Chief Building Official shall allow the electronic submittal of the electric vehicle charging station application.

18.57.060 PERMIT REVIEW REQUIREMENTS

A. Review of the permit application shall be limited to the Chief Building Official's review of whether the application meets local, state and federal health and safety requirements. The application shall be administratively reviewed by the Chief Building Official as a nondiscretionary permit.

B. The City shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code section 4080.

C. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Chief Building Official determines that the application satisfies all the requirements found in the checklist.

D. If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten (10) working days, detailing all deficiencies in the application and any additional information or

documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission.

E. The Chief Building Official, in consultation with the Planning Services Manager, may require an applicant to apply for a conditional use permit if the Chief Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. The Chief Building Official's decision to require a conditional use permit may be appealed by the applicant to the Planning Commission within 15 calendar days of the Chief Building Official's decision.

F. If a conditional use permit is required, the application for the conditional use permit may be denied if the Planning Commission 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. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. The decision of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission's decision.

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the 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 section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 24th day of March.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on March 24, 2020, with a vote as follows:

AYES: COUNCIL MEMBERS: (7) BRIETIGAM, O'NEILL, NGUYEN D., BUI,
KLOPFENSTEIN, NGUYEN K., JONES
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE

/s/ TERESA POMEROY, CMC
CITY CLERK