

ORDINANCE NO. 26-18 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADDING
CHAPTER 6.49 TO THE RICHMOND MUNICIPAL CODE SETTING FORTH
PROCEDURES FOR AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC
VEHICLE CHARGING STATIONS**

WHEREAS, the State of California and the City of Richmond consistently promote and encourage the use of fuel-efficient electric vehicles; and

WHEREAS, the City Council wishes to advance the use of electric vehicles by all of its citizens, businesses and industries; and

WHEREAS, the State of California recently adopted Assembly Bill 1236, which requires local agencies to adopt a permit checklist and an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; 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, under Title 14 of the California Code of Regulations, Section 15061(b)(3), this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND
does ordain as follows:

SECTION 1. Article VI of the Richmond Municipal Code is hereby amended by adding the following chapter:

**Chapter 6.49 - PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING
STATIONS**

Sections:

- 6.49.010 – Purpose
- 6.49.020 – Definitions
- 6.49.030 – Applicability
- 6.49.040 – Permit Process
- 6.49.050 – Technical Review
- 6.49.060 – Electric Vehicle Charging Station Installation Requirements

6.49.010 Purpose

The purpose of this Chapter is to comply with Government Code Section 65850.7 and promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for the timely and cost-effective installation of electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations.

6.49.020 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. "Building Official" means the person charged with the administration and enforcement of this chapter and the Building Code, or the duly authorized representative of the

Building Official. All references to Building Official in Article VI of this Code shall include the Building Official's designee, if any.

- D. "Electronic submittal" means the utilization of one or more of the following:
1. Electronic mail or email.
 2. The internet.
 3. Facsimile.

6.49.030 Applicability

- A. This chapter applies to the issuance of building permits for electric vehicle charging stations in the city. All requirements of building permit applications in Title 24 for electric vehicle charging stations that are not addressed herein remain in effect.
- B. Electric vehicle charging stations lawfully in existence at the time of the adoption of this ordinance may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such equipment.

6.49.040 Permit Process

- A. Process and Checklist. Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for the timely and cost-effective installation of 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.
- B. Application Process
1. 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.
 2. 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 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. If the Building Official or his/her designee 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
 3. Consistent with Government Code Section 65850.7, permit applications may be submitted electronically, including electronic signatures that comply with State law on all forms, applications, and other documentation.

6.49.050 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 written 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, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact, then the City may require the applicant to apply for a use permit
- B. Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

- 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 in Section 4080 of the Civil Code.
- D. The Building Official's decision pursuant to subdivision A may be appealed to the Planning Commission.

6.49.060 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 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION 3. Effective Date. All applications filed after or pending upon the date of final passage and adoption of this Ordinance shall be subject to this Ordinance. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

This ordinance amendment shall be effective 30 days after passage and adoption. First introduced at a regular meeting of the City Council of the City of Richmond held on October 2, 2018, and finally passed and adopted at a regular meeting held on October 16, 2018, by the following vote:

YES: Councilmembers Beckles, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Choi.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 26-18 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on October 16, 2018.



Pamela Christian, City Clerk of the City of Richmond