

ORDINANCE NO. CS-399

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADDING A NEW CHAPTER 18.22 (ELECTRIC VEHICLE CHARGING STATIONS) TO THE CITY OF CARLSBAD MUNICIPAL CODE PURSUANT TO STATE LAW

WHEREAS, California Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020, setting a target of 100 percent of in-state sales of new passenger vehicles will be zero-emission by 2035, as well as ambitious targets for zero-emission medium- and heavy-duty vehicles.

WHEREAS, to help achieve the goals set forth under Executive Order N-79-20, the City of Carlsbad is adding a new Chapter 18.22 (Electric Vehicle Charging Stations) to the City of Carlsbad Municipal Code to implement State law as adopted by Assembly Bill 1236 on January 1, 2016, in order to achieve timely and cost-effective installations for electric vehicle charging stations in accordance with California Government Code section 65850.7; and

WHEREAS, Chapter 18.22 will promote and encourage the use of electric vehicles in accordance with the City's Climate Action Plan; and

WHEREAS, an increase in local use of electric vehicle charging stations is expected to occur as the number of electric vehicles increases, which is consistent with the City's Climate Action Plan goals to expand alternative fuel infrastructure and increase the percentage of vehicle miles traveled by electric and alternative fuel vehicles; and

WHEREAS, Chapter 18.22 maintains the Building Official's authority to protect the public health and safety; and

WHEREAS, on September 30, 2017, California Government Code section 65850.7, created by Assembly Bill 1236, was effective for all jurisdictions in the State of California with populations less than 200,000, including the City of Carlsbad; and

NOW, THEREFORE, the City Council of the City of Carlsbad hereby ordains as follows:

1. The above recitations are true and correct
2. Chapter 18.22 of the Carlsbad Municipal Code is hereby added as follows:

CHAPTER 18.22 ELECTRIC VEHICLE CHARGING STATIONS

18.22.010 Purpose

The purpose of Chapter 18.22 is to promote and encourage the use of the electric vehicles in accordance with the City's Climate Action Plan, and Government Code Section 65850.7 by providing an expedited, streamlined permitting process for electric vehicle charging stations for residential and non-residential uses. The intent is to remove unreasonable regulatory barriers and minimize permit processing costs to achieve timely and cost-effective installations and to help achieve Governor's Executive Order N-79-20. Chapter 18.22 helps the city to achieve those goals, prevents adverse impacts in the installation and use of electric vehicle charging stations, and maintains the Building Official's authority to protect the public health and safety and to identify and address higher priority life-safety situations, where applicable.

18.22.020 Definitions

The following definitions shall apply to Chapter 18.22:

- A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "Checklist" means the submittal checklist required by the City of Carlsbad to be submitted with the permit application for an electric vehicle charging station to demonstrate compliance.
- C. "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.
- D. "Electronic submittal" means the utilization of electronic mail (email); the Internet; facsimile (fax); "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.
- E. "Feasible Method" means a method to satisfactorily mitigate or avoid a specific, adverse impact including, 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 permit.

18.22.030 Applicability

- A. Chapter 18.22 applies to the permitting of all electric vehicle charging stations in the City of Carlsbad.

- B. Electric vehicle charging stations legally established or permitted prior to the effective date of the Ordinance codified in this Chapter are not subject to the requirements of Chapter 18.22 unless physical modifications or alterations are undertaken that materially change the size, type, or components of the electric vehicle charging station in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.
- C. The installation of electric vehicle charging stations shall comply with the standards set forth in section 18.21.140 and 18.21.150 as applicable.

18.22.040 Permit Application and Submittal Requirements

- A. All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.
- B. 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.
- C. All documents required for the submission of an electric vehicle charging station application are available on the city website, including a checklist of submittal requirements for expedited review. Unless otherwise specified, the checklist shall be the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook".
- D. Electronic submittal of the required permit application and documents shall be made available to all electric vehicle charging station permit applicants. The permit application and associated documentation may be submitted to the Building Division in person, by mail, or by electronic submittal together with required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature.
- E. Should this chapter conflict with any permit processing requirements specified in any other chapter of the Carlsbad Municipal Code, this chapter shall take precedence

18.22.050 Permit Review and Issuance

- A. The Community Development Department shall implement an administrative, nondiscretionary review process to expedite approval of electric vehicle charging stations.

- B. A permit application that satisfies the information requirements in the city's Checklist shall be deemed complete and be promptly processed.
- C. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- D. Upon confirmation by the Building Official that the permit application and supporting documents meets the 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.
- E. The Building Official may require an applicant to apply for a Minor Site Development Plan pursuant to CMC §21.06 if the 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.
 - 1. Such decisions may be appealed to the Planning Commission pursuant to Section 21.54.140.
 - 2. If a Minor Site Development Plan is required, the city may deny such application if it makes written findings based upon substantive 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, as defined, the adverse impact.
 - 3. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.
 - 4. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
 - 5. No condition shall be imposed on the Minor Site Development Plan that would require prior approval by an Association.

18.22.060 Waiver or Modification of Development Standards

- A. The City Planner, through the processing of a Minor Site Development Plan pursuant to Chapter 21.06, may modify the following development standards for electric vehicle charging stations.
 - 1. Parking standards under Chapter 21.44

2. Sign standards under Chapter 21.41

- B. The modifications specified in Section 18.22.060.A shall not be permitted unless the decision-making authority makes the required findings specified in Section 21.06.020(B).

18.22.070 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.

18.22.080 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

EFFECTIVE DATE OF THIS ORDINANCE: This ordinance shall be effective thirty days after its adoption; and the city clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 17th day of August, 2021, and thereafter

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 31st day of August, 2021, by the following vote, to wit:

AYES: Hall, Blackburn, Bhat-Patel, Acosta, Norby.

NAYS: None.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:



CELIA A. BREWER, City Attorney



MATT HALL, Mayor

ATTEST:



FAVIOLA MEDINA, City Clerk Services Manager

(SEAL)

