

ORDINANCE NO. 4330

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA ADDING CHAPTER 75 TO THE POMONA CITY CODE RELATING TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the City of Pomona, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City’s 2012 adopted Green Plan encourages reducing the City’s reliance on fossil fuels and encourages use of renewable energy sources such; and

WHEREAS, the 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;

WHEREAS, the City wishes to amend the Pomona City Code to meet State law and to facilitate convenient charging of electric vehicles.

THE CITY COUNCIL OF THE CITY OF POMONA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Addition of Chapter 75 “Electric Vehicle Charging Stations” to Pomona City Code. Chapter 75, “Electrical Vehicle Charging Stations” is hereby added to the Pomona City Code to read as follows:

“Chapter 75 – ELECTRICAL VEHICLE CHARGING STATIONS

Section 75-1 – 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.

Section 75-2 – Definitions

A. “A 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 permit.

B. “Chief Building Official” means the chief building official of the City or his or her designee.

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, and any subsequent amendments thereto, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

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

- a. Email
- b. The Internet
- c. Facsimile

G. “Director of Development Services” means the director of development services of the City or his or her designee.

Section 75-3 – Electrical Vehicle Charging Station Requirements

A. The electric vehicle charging station shall meet the applicable safety and performance standards established by 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 and the local 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 75-4 – Expedited Permitting Process

A. Consistent with Government Code Section 65850.7, the City of Pomona shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt checklists of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The checklists shall set forth all requirements with which the electric vehicle charging stations must comply in order to be eligible for expedited review and shall be published on the City's website. The Director of Development Services is hereby authorized and directed to develop such checklist and procedures.

B. The expedited, streamlined permitting process and checklist shall substantially conform to the recommendations for expedited permitting, including the checklists 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.

C. The Director of Development Services may modify the checklist found in zero emissions vehicles in California: Community Readiness Guide Book due to unique climactic, geological, seismological, or topographical conditions.

Section 75-5 – Permit Application Process

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: 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. The applicant may submit an application and related documentation for an electric vehicle charging station by electronic submittal, with all required permit processing and inspection fees, as specified on the City's website. In accepting such permit applications, the Department of Development Services shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

C. A permit application shall be deemed complete when Department of Development Services staff determine that that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. A completed application does not authorize an applicant to energize or utilize the electric vehicle charging station until approval and all necessary permits are granted by the City.

D. If Department of Development Services staff determine that the permit application is incomplete, a written correction notice to the applicant shall be issued, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

Section 75-6 – Permit Review

A. The Director of Development Services shall review all electric vehicle charging station applications. Notwithstanding the expedited permit processing set forth in this chapter, the Chief Building Official retains authority at all times to identify and address higher priority life-safety situations.

B. If the Director of Development Services 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, the City may require the applicant to apply for a use permit. The Director of Development Services decision may be appealed by the applicant to the Planning Commission.

C. An application for a use permit to install an electric vehicle charging station shall not be denied unless 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. The findings shall include the basis for the rejection of potential feasible alternatives. If denied, the Planning Commission's decision may be appealed by the applicant to the City Council.

D. In the technical review of a charging station application, the Director of Development Services shall not condition the approval of 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.

E. Upon confirmation by the Director of Development Services that the permit application and supporting documents meet the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the Director of Development Services shall, consistent with Government Code Section 65850.7, as may be amended, approve the application and issue all necessary permits.

SECTION 3. CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this Ordinance only establishes a streamlined process for electric vehicle charging station permits and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment. Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication/Effective Date. This Ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City.

PASSED, APPROVED, AND ADOPTED this 17th day of April 2023.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF POMONA)

I, DIANA ROBLES, DEPUTY CITY CLERK of the City of Pomona do hereby certify that the foregoing Urgency Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on April 3, 2023 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on April 17, 2023, by the following vote:

AYES: Preciado, Ontiveros-Cole, Lustro, Torres, Sandoval
NOES: None
ABSENT: Nolte, Garcia
ABSTAIN: None

Diana Robles
Deputy City Clerk