

**ORDINANCE NO. 2323**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE WEST COVINA MUNICIPAL CODE BY ADDING ARTICLE XVIII TO CHAPTER 7 TITLED "PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS"**

**THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** In enacting this ordinance, the West Covina City Council makes the following findings:

1. Government Code § 65850.7 provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern.
2. California law requires cities with populations of less than 200,000 to adopt an expedited, streamlined electric vehicle charging station permitting process that complies with Government Code § 65850.7 on or before September 30, 2017.
3. The City Council desires to increase the statewide deployment of electric vehicle charging stations, remove obstacles to and minimize the costs of permitting for electric vehicle charging stations, improve the state and City's ability to reach its clean energy goals, and generate jobs, while protecting public health and safety.

**SECTION 2.** A new Article XVIII to Chapter 7 titled "Permit Process for Electric Vehicle Charging Stations," consisting of § 7-280-§7-280.7, is added to the West Covina Municipal Code to read as follows:

**"ARTICLE XVIII: PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS**

<b>7-280</b>	<b>Title</b>
<b>7-280.0</b>	<b>Title</b>
<b>7-280.1</b>	<b>Purpose.</b>
<b>7-280.2</b>	<b>Definitions.</b>
<b>7-280.3</b>	<b>Applicability.</b>
<b>7-280.4</b>	<b>Electric Vehicle Charging Station Requirements.</b>
<b>7-280.5</b>	<b>Application and Documents.</b>
<b>7-280.6</b>	<b>Permit Review Requirements; Appeals.</b>
<b>7-280.7</b>	<b>Fees.</b>
<b>7-280.0</b>	<b>Title</b>

The ordinance codified in this article shall be known and designated as the "Electric Vehicle Charging Station Permits" ordinance.

**7-280.1 Purpose.**

This Chapter is adopted to provide an expedited, streamlined permitting process for electric vehicle charging stations that will encourage the timely and cost-effective installations of electric vehicle charging stations, in compliance with Government Code § 65850.7. This Chapter is intended to achieve these goals while protecting public health and safety.

**7-280.2 Definitions.**

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Chapter:

“Building Official” or “Official” means the City’s Building Official or designee.

“Electric Vehicle Charging Station(s)” or “Charging Station(s)” means an electric vehicle supply equipment station, of any level, that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle and is designed and built in compliance with 24 California Code of Regulations §§ 625.1, *et seq.*, as it reads on the effective date of this Chapter, or as it may be amended.

“Nonconforming Charging Station(s)” means any Charging Station that was lawfully established and in compliance with all applicable laws at the time it was installed, but which, due to enactment of this Chapter, no longer complies with all the applicable regulations and standards of the zone in which the property is located.

“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 City found the Electric Vehicle Charging Station application complete.

**7-280.3 Applicability.**

- A. Except for Charging Stations located on publicly owned property, this Chapter applies to the permitting of all Charging Stations in the City.
- B. Unless modified after the effective date of this Chapter, Nonconforming Charging Station(s) are exempt from this Chapter. Routine operation and maintenance, or like-kind replacements, do not require a permit.
- C. Historical architectural review pursuant to Article III of Chapter 17 of this Code is required if the Charging Station is proposed to be located on property containing a registered or potential registered resource.

**7-280.4 Electric Vehicle Charging Station Requirements.**

- A. All Electric Vehicle Charging Stations must meet all applicable health and safety standards and requirements, as set forth in federal, state, county, and municipal codes and regulations.
- B. Electric Vehicle Charging stations must meet all applicable safety and performance standards established by applicable law including, without limitation, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- C. All parking spaces associated with Electric Vehicle Charging Stations must meet all applicable standards, including without limitation, any and all parking space standards adopted by the City of West Covina.

**7-280.5 Application and Documents.**

- A. All documents required for the submission of a Charging Station application will be made available on the City's website and at City Hall.
- B. Applicants may submit the required permit application and documents by submitting them either via electronic mail or the Internet or by delivering them to the Building Division of the Public Works Department. An applicant's electronic signature will be accepted on all forms, applications, and other documents in lieu of a wet signature.
- C. The Building Official, or designee, will adopt a checklist of all requirements with which the Charging Stations must comply to be eligible for expedited review. The electric vehicle permit process, standard(s) and checklist(s) must substantially conform to recommendations for permitting of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research, including the checklist and standards contained in the "Plug-In Electric Vehicle Infrastructure Permitting Checklist."
- D. If an application is submitted to the City and the Building Official deems the application 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 must be sent to the applicant for resubmission. The correction notice must be sent within five (5) business days after submission of the application.

**7-280.6 Permit Review Requirements; Appeals.**

- A. Review of an Electric Vehicle Charging Station Permit application is limited to whether the application meets local, state, and federal health and safety requirements. If the application meets the requirements of the approved checklist and standards, and

the proposed Charging Station does not pose any specific, adverse impact upon public health or safety, the Building Official must approve the application.

- B. If the Building Official determines, based on the application, that the proposed Charging Station could have a specific, adverse impact upon the public health and safety, the Building Official may require an “Electric Vehicle Charging Station Use Permit.” The permit may include conditions designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- C. The Building Official must notify an applicant whether the application has been approved, or, alternatively, whether the applicant must obtain an Electric Vehicle Charging Station Use Permit, within 30 days after the submission of a complete application.
- D. An application for an Electric Vehicle Charging Station Use Permit can only be denied if the Building Official finds that (1) the proposed installation would have a specific, adverse impact upon public health or safety, and (2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact. These findings must be presented in writing, must include the basis for the rejection of the potential feasible alternative for preventing the adverse impact, and must be based upon substantial evidence in the record.
- E. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact may include, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on a prior successful application for an Electric Vehicle Charging Station Use Permit, where the proposed Charging Station is similarly situated to the Charging Station in that prior successful application.
- F. Any decision by the Building Official or his/her designee made pursuant to this Chapter may be appealed to the planning commission in accordance with the procedure set forth in Section 26-212 of Chapter 26 of this Code.

**7-280.7 Fees.**

The City Council may establish by resolution the fees for permits issued under this Chapter.”

**SECTION 3.** Environmental Review. The Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures in compliance with recently-enacted State law; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, the Ordinance does not constitute a “project” that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5). In addition, because the Ordinance is proposed, in part, for protection of the environment, it is exempt from further review under CEQA Guidelines § 15308.

**SECTION 4.** Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

**SECTION 5.** Enforceability. Repeal or supersession of any provision of the West Covina Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed or superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**SECTION 6.** Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the West Covina Municipal Code or other ordinance by this Ordinance will be rendered void and cause such previous West Covina Municipal Code provision or other the city ordinance to remain in full force and effect for all purposes.

**SECTION 7.** Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

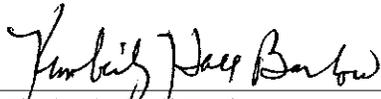
**SECTION 8.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of West Covina's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 9.** This Ordinance will take effect on the 30<sup>th</sup> day following its final passage and adoption.

**PASSED, APPROVED AND ADOPTED** on this 19<sup>th</sup> day of September, 2017.

  
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Corey Warshaw  
Mayor

**APPROVED AS TO FORM:**



Kimberly Hall Barlow  
City Attorney

**ATTEST:**



Nickolas S. Lewis  
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 5<sup>th</sup> day of September, 2017. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 19<sup>th</sup> day of September, 2017, by the following vote:

- AYES: Johnson, Spence, Toma, Wu, Warshaw
- NOES: None
- ABSENT: None
- ABSTAIN: None



Nickolas S. Lewis  
City Clerk