

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE ADDING CHAPTER 15.38 (STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS) TO TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CITY OF FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 968-2021

WHEREAS, the state legislature passed and the Governor approved AB 1236 on October 8, 2015, requiring local agencies to adopt streamlining regulations, process and assistance for permitting of electric vehicle charging stations; and

WHEREAS, it was the stated intent of the legislature to prohibit unreasonable barriers to and encourage the establishment of, facilities for charging residential and commercial electric vehicles; and

WHEREAS, the City has previously established the required procedures administratively as required by AB 1236 and the City Council finds that these should also be adopted by ordinance.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The above recitals constitute a part of the findings made by the City Council in adopting this Ordinance.
2. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2. Chapter 15.38 is hereby added to the Fort Bragg Municipal Code as follows:

CHAPTER 15.38 STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

Sections:

- 15.38.010 Purpose.
- 15.38.020 Definitions.
- 15.38.030 Applicability.
- 15.38.040 Electric vehicle charging station requirements.
- 15.38.050 Duties of Building Division and Building Official.

- 15.38.060 Permit review and inspection requirements.
- 15.38.070 Discretionary permit required

15.38.010 Purpose.

The purpose of this chapter is to adopt an expedited, streamlined electric vehicle charging system permitting process to achieve timely and cost-effective installations of electric vehicle charging stations. This chapter encourages the use of electric vehicle charging stations in the City by removing unreasonable barriers, minimizing costs to property owners and expanding the ability of property owners to install electric vehicle charging stations. This chapter allows the City of Fort Bragg to achieve these goals while protecting public health and safety.

15.38.020 Definitions.

As used in this chapter:

- A. **“Association”** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

- B. **“Common interest development”** means any of the following:
 - 1. A community apartment project.
 - 2. A condominium project.
 - 3. A planned development.
 - 4. A stock cooperative.

- C. **“Electric vehicle charging station” (EVCS) 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, in effect on the date of permit issuance, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

- D. **“Electronic submittal”** means the utilization of one or more of the following:
 - 1. Email;
 - 2. Internet;
 - 3. Facsimile.

- E. **“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 a city, county, or city and county on another similarly situated application in a prior successful application for a permit.

- F. **“Reasonable restrictions”** on an electric vehicle charging system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

- G. **“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.

15.38.030 Applicability.

This chapter applies to the permitting of all electric vehicle charging stations in the City of Fort Bragg. Electric vehicle charging stations legally established or permitted prior to the effective date of this ordinance 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 a system in such a way as to require new permitting. Routine operation and maintenance or in-kind replacements shall not require a permit.

15.38.040 Electric vehicle charging station requirements.

All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the State, the City of Fort Bragg and the City of Fort Bragg Fire Department. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.38.050 Duties of Planning Department

All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible City of Fort Bragg website. Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all electric vehicle charging station permit applicants.

The City of Fort Bragg's Planning Department shall adopt and maintain a standard plan and checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

The electric vehicle charging station permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the Zero-Emission Vehicles in California: Community Readiness Guidebook published by the Governor's Office of Planning and Research.

All fees prescribed for the permitting of electric vehicle charging stations must comply with Government Code Sections 65850.55, 66015, and 66016, and State Health and Safety Code Section 17951.

15.38.060 Permit review and inspection requirements.

The City of Fort Bragg Planning Department shall ensure expedited permit routing and a nondiscretionary review process of electric vehicle charging stations within 30 days of the adoption of the ordinance codified in this chapter.

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.

Review of the application shall be limited to the Community Development Director or their designee's determination of whether the application meets local, state, and federal health and safety requirements. The Community Development Director or their designee may require an applicant to apply for a use permit if the Director finds, based on substantial evidence, that the electric vehicle charging system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City's Planning Commission.

15.38.070 Discretionary permit required.

If the Community Development Director or their designee determines that an installation could have a specific, adverse impact upon public health and safety, a use permit shall be required and an application must be made to the planning division on the form required with all necessary information and fees.

The Planning Commission may deny the use permit only if it adopts written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.

Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

The city shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on June 14, 2021 and adopted

at a regular meeting of the City of Fort Bragg held on June 28, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Bernie Norvell,
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: June 17, 2021 and July 8, 2021 (by summary).
EFFECTIVE DATE: July 28, 2021.