

Attachment 'B'

ORDINANCE NO. 23-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING CHAPTER 15.22 TO TITLE 15 OF THE KERMAN MUNICIPAL CODE RELATING TO EXPEDITED PERMIT PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS

The City Council of the City of Kerman does ordain as follows:

SECTION 1. Title 15 "Buildings and Construction" of the Kerman Municipal Code is amended by adding Chapter 15.22 relating to Expedited Permit Process for Electrical Vehicle Charging Stations to read as follows:

Chapter 15.22

EXPEDITED PERMIT PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS

Sections:

15.22.010 Purpose and Intent

15.22.020 Definitions

15.22.030 EV Charger Processing

15.22.040 Requirements For Alternative Vehicle Parking

SECTION 15.22.010 Purpose and Intent

The purpose of this chapter is to provide an expedited, streamlined permitting process for electric vehicle charging stations that complies with AB 1236 and AB 970, codified in Government Code Section [65850.7](#) and Section [65850.71](#), which intends to facilitate the convenient charging of electric vehicles. This chapter supports the goals of advancing of zero emissions vehicles.

SECTION 15.22.020 Definitions

As used in this chapter:

"Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

"Electric vehicle charging station or charging station" means an 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.

"Electronic submittal" means the submittal of the application utilizing electronic mail, the internet, or facsimile.

"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.

"Electric Vehicle" definitions.

1. *Automatic Load Management Systems (ALMS)*. A control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS systems must be designed to deliver at least 1.4kW per charger to each EV Capable, EV Ready, or EVCS space served by ALMS. The connected amperage on-site shall not be lower than the required connected amperage per Part 11, 2022 California Green Building Code for the relevant building types.
2. *Electric Vehicle Capable Space*. A parking space linked to a listed electrical panel with sufficient capacity to provide at least 208/240 volts and 40 amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least 1" in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as "EV CAPABLE." Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.
3. *Level 1 EV Ready Space*. A parking space served by a complete electric circuit with a minimum of 120-volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1"-diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) EVSE.
4. *Level 2 EV Ready Space*. A parking space served by a complete electric circuit with 208–240-volt, 40 ampere capacity including electrical panel capacity, overprotection device, a minimum 1"-diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) EVSE with a minimum output of 30 amperes.
5. *Level 3 EV Ready Space*. A parking space served by a complete electric circuit with a minimum 400-volt capacity including electrical panel capacity, overprotection device, a minimum 1- diameter raceway that may include multiple circuits as allowed by the

California Electrical Code, wiring, and a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space b) 400-volt EVSE.

SECTION 15.22.030 EV Charger Processing

A. Expedited Permitting Process

1. Consistent with Government Code Section 65850.7 and Section 65850.71, the building official shall implement an expedited, streamlined permitting process for electric vehicle charging stations and adopt a checklist of all requirements 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. Permit Application Processing

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 impacts 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. The Building Official shall implement an administrative review process to expedite approval of electric vehicle charging stations. Review of a complete permit application shall be limited to the Building Official's review of whether it meets all health and safety requirements of local, state and federal law. Local law requirements shall be limited to those standards and regulations necessary to ensure there is no specific, adverse impact on public health or safety by the proposed installation.
3. 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 and 65850.71, 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 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.

4. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this chapter and associated supporting documentation. In accepting such permit applications, the building official shall also accept electronic signatures on all forms, applications and other documentation in lieu of a wet signature by any applicant.

C. Technical Review

1. The permitting requirements in this chapter do not supersede the building official's authority to address higher priority life-safety situations. The building official may deny an application to install an electric vehicle charging station only if the building official 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 of preventing the adverse impact. The decision of the building official to deny an application to install an electric vehicle charging station may be appealed to the planning commission.
2. The city shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association.

D. Electrical Vehicle Charging Station Installation Requirements

1. 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.
2. 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.
3. 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.
4. 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.

5. All electric vehicle charging stations shall meet all applicable health and safety standards and requirements, including but not limited to any requirements imposed by the state and the City, local fire department and utility director, the California Building Code, City of Kerman Municipal Code, and Federal laws including the Americans with Disabilities Act.
6. 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 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, the City may require the applicant to apply for a use permit.
7. In the technical review of a charging station, consistent with Government Code Sections 65850.7 and 65850.71, 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 by Civil Code Section 4080.

SECTION 15.22.040 Requirements for Alternative Vehicle Parking

A. Alternative Parking Requirements – Electric Vehicles

1. Electrical Vehicle Requirements

a. Electric Vehicle (EV) Parking Requirements for Residential Land Uses.

i. One- and two-family dwellings and townhouses with attached private garages.

(A) For each new dwelling unit, install two Level 2 EV Ready Spaces. For dwelling units with only one parking space, install one Level 2 EV Ready Space.

(B) New Accessory Dwelling Units constructed on the lot are required to include the installation of two Level 2 EV Ready Spaces. For Accessory Dwelling Units with only one parking space, install one Level 2 EV Ready Space.

ii. *Multi-family buildings with less than 20 dwelling units.*

(A) For multi-family buildings with less than or equal to 20 dwelling units, 10% of all parking spaces shall be provided with a Level 2 EV Capable Space. EV Capable parking spaces must be shown for future locations of EV charging stations. Electrical load calculations shall demonstrate that the electrical panel service

capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

- (B) For multi-family buildings with less than or equal to 20 dwelling units, 25% of all dwelling units with parking spaces shall be provided with a Level 2 EV Ready Space. EV Ready spaces are required to be installed. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number.

iii. *Multi-family buildings with more than 20 dwelling units.*

- (A) For multi-family buildings with more than 20 dwelling units, 10% of all parking spaces shall be provided with a Level 2 EV Capable Space. EV Capable parking spaces must be shown for future locations of EV charging stations. Level 2 EV Capable Spaces must be shown in development site plans. This allowance is at the panel or electrical service only. No infrastructure is required.

- (B) For multi-family buildings with more than 20 dwelling units, 25% of the dwelling units with parking spaces shall be provided with a Level 2 EV Ready Space. EV Ready spaces are required to be installed. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number.

- (C) For multi-family buildings with more than 20 dwelling units, 5% of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common parking is not provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests. Installation and wire location of EV chargers shall be consistent with requirements per Part 11, 2022 California Green Building Code.

iv. *Exceptions.*

- (A) Accessory Dwelling Units without additional parking facilities are not required to comply with Section 15.22.050 (B)(1).
- (B) Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.

b. *Electric Vehicle Parking Requirements for Nonresidential Land Uses.*

- i. Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3 of Part 11, 2022 California

Green Building Code and shall be provided in accordance with regulations in the *California Building Code* and *California Electrical Code*, as they may be changed from time to time.

- ii. *Exceptions.*
- (A) *Institutional Uses.* At the discretion of the zoning administrator, modified EV parking requirements may be permitted for institutional uses on a case-by-case basis if compelling reasons exist for reduced or modified EV parking, depending on the circumstances for the particular use.
- c. *Electric Vehicle Charging for Medium-Duty and Heavy-Duty*
- i. Construction shall comply with Section 5.106.5.4 of Part 11, 2022 California Green Building Code, as it may be changed from time to time, to facilitate future installation of Electric Vehicle Supply Equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4 for future installation of medium- and heavy-duty EVSE.
- d. *Electrical Vehicle Parking Requirements for Mixed Uses.*
- i. Mixed use developments shall comply with the applicable residential and nonresidential requirements specified in Section 15.22.050(B)(1)(a) and (b), above in accordance with the square footage and number of parking spaces by land use type
- e. *Technical requirements.* Raceways for electric vehicle charging spaces are required to be installed at the time of construction and shall be installed prior to occupancy/operation in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:
 - i. Type and location of the EVSE.
 - ii. The raceway(s) shall originate at a service panel, or a subpanel(s) serving the area and shall terminate near the proposed location of the charging equipment and into listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
 - iii. Electrical calculations shall substantiate the design of the electrical system, to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EVCS at its full rated amperage.

- iv. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.
- v. Electric vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment as necessary for use. Electric cords shall not cross a pathway. All such equipment shall comply with the Building Regulations in Title 24, including all applicable provisions of the California Green Building Standards Code pertaining to electric vehicle charging.

B. Alternative Vehicle Parking Requirements – All Vehicles

1. All electric vehicle parking spaces required under this section, including electric vehicle charging stations, shall be counted toward the off-street parking required by Chapter 17.74 of this Code and the accessible parking spaces, including electric vehicle charging spaces, shall be as required by the current California Building Code.
2. Vehicle parking spaces required under this section, including electric vehicle charging stations, shall be clearly marked with both signage and pavement stencils, except that in private garages associated with single-family, townhome, and Accessory Dwelling Unit uses.
3. Parking spaces required under this section, including electric vehicle charging stations, shall meet the dimensional standards of Section 17.78.030 of Chapter 17.78 of this Code. Electric vehicle charging equipment shall not reduce the size of the parking space.

SECTION 3. CEQA. A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

SECTION 4. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 6. Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 14th day June 2023 and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the 28th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Marci Reyes
City Clerk