

CHAPTER 15.34 ELECTRIC VEHICLE CHARGING FACILITIES

15.34.010 PURPOSE

The purpose of this Chapter is to promote and encourage the development and use of zero-emission vehicle infrastructure by creating an expedited, streamlined permitting process that does not create unreasonable barriers to the installation of electric vehicle charging stations while protecting public health and safety in a manner consistent with California Government Code sections 65850.7 and 65850.71. This Chapter does not discourage the implementation of alternative fuels and energy systems within existing automobile service stations.

15.34.020 DEFINITIONS

A. “Electric vehicle charging station” or “charging station” has the meaning provided in California Government Code section 65850.7, as amended from time to time.

B. A “small electric vehicle charging station” means a charging station designed and operated as a use ancillary to the primary permitted use on a site, such as a single-family residence, condominium, apartment building, office building, retail use, parking lot, garage, or parking structure, to deliver electricity to passenger or commercial vehicles used by residents, employees, customers, or guests of the site. This classification shall not limit any expedited processing or other protection provided by State law.

C. A “large electric vehicle charging station” means a station that is designed and operated as the primary permitted use on the site in order to charge personal passenger vehicles and trucks and/or commercial passenger vehicles and trucks and which is open to the public, whether with or without the payment of fees, subscriptions or other monetary charges for the service. A “large electric vehicle charging station” includes the electrical and mechanical equipment as defined in Article 625 of the California Electrical Code, and any subsequent amendments, that is necessary to deliver electricity from a source outside and electric vehicle into a plug-in electric vehicle. It does not include ancillary equipment and facilities that are not directly necessary for the charging of plug-in electric vehicles, including but not limited to, canopies (with or without solar panels), patronage resting facilities, commercial sale kiosks or buildings, public restrooms, family amenities or pet amenities. Such ancillary equipment and facilities are not subject to the expedited application and permitting requirements of this Ordinance and shall be subject to Administrative Architectural and Site Plan Review pursuant to Chapter 17 of the City of Upland Municipal Code.

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. “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.

F. “Electronic submittal” means submission by one or more of the following methods:

1. Electronic mail or email.
2. An internet-based permitting system or portal.
3. Facsimile.

15.34.030 ELECTRIC VEHICLE CHARGING FACILITIES

A. Applicability.

This Chapter applies to the permitting of all electric vehicle charging stations in the City. A charging station lawfully established or permitted before the effective date of this Chapter is not subject to this Chapter unless a physical modification or alteration requires a new City permit.

B. Electric Vehicle Charging Station Requirements.

1. An electric vehicle charging station shall meet applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and nationally recognized testing laboratories such as Underwriters Laboratories and, where applicable, the safety and reliability requirements of the California Public Utilities Commission and the serving electric utility.
2. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means, and overcurrent protective devices shall comply with Article 625 and all other applicable provisions of the California Electrical Code.
3. Electric vehicle charging stations shall be incorporated into the load calculations for new or existing electrical services and shall comply with the California Electrical Code. Charging equipment shall be treated as a continuous load where required by the California Electrical Code.

4. Anchorage of floor-mounted or wall-mounted electric vehicle charging stations shall comply with the California Building Code or California Residential Code, as applicable, and the manufacturer's installation instructions. Installation shall not adversely affect structural, fire-resistance-rated, accessibility, or other required life-safety elements.

C. Expedited Permitting Process.

Consistent with California Government Code sections 65850.7 and 65850.71, the Building Official shall implement and maintain an expedited, streamlined permitting process and a checklist of all information and requirements necessary for an electric vehicle charging station application to qualify for expedited review. The checklist may incorporate or refer to the most current Electric Vehicle Charging Station Permitting Guidebook published by the Governor's Office of Business and Economic Development, or any successor State publication or guidance. The checklist, application forms, submittal requirements, applicable fees, and other required permitting documentation shall be published on a publicly accessible City website.

D. Permit Application Process.

1. The applicant shall provide the information required by the City's adopted checklist to allow evaluation of electrical system capacity and loads; wiring, bonding, and overcurrent protection; building or site infrastructure affected by charging equipment and associated conduits, piping, or ducting; accessibility; fire access; and vehicle circulation or parking. Nothing in this paragraph shifts the Building Official's responsibility to determine compliance with applicable health and safety requirements.

2. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and promptly processed. A complete application does not authorize an applicant to energize, connect, or use an electric vehicle charging station until the City has issued all required permits and completed all inspections required by law.

3. If the Building Official determines that an application is incomplete, the Building Official shall issue a written correction notice identifying all deficiencies and any additional information explicitly necessary to determine whether the proposed installation complies with applicable health and safety requirements.

4. The Building Official shall determine that an application is complete or issue the written correction notice required by paragraph 3 no later than:

- (a) Five business days after submission if the application is for at least one, but not more than 25, electric vehicle charging stations at a single site.

- (b) Ten business days after submission if the application is for more than 25 electric vehicle charging stations at a single site.

If the Building Official does not determine that the application is complete or issue a written correction notice within the applicable period, the application shall be deemed complete in accordance with California Government Code section 65850.71.

5. Where applicable, an application shall identify the interconnection requirements of the serving electric utility. City permit approval shall not be conditioned on separate utility approval except to the extent authorized or required by State law.

6. The City shall allow electronic submittal of applications and supporting documentation covered by this Chapter and shall accept electronic signatures on all forms, applications, plans, and other documentation in lieu of wet signatures.

E. Permit Review.

1. The Building Official shall review an electric vehicle charging station application solely to determine whether the proposed installation meets applicable health and safety requirements of local, State, and federal law. Local requirements shall be limited to standards necessary to ensure that the charging station will not have a specific, adverse impact upon public health or safety. The Building Official retains authority to identify and address higher-priority life-safety conditions.

2. Upon confirmation that the application and supporting documents meet the requirements of the City's adopted checklist and applicable health and safety standards, the Building Official shall approve the application and issue all necessary permits or authorizations in accordance with California Government Code section 65850.7.

3. If the Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon public health or safety, the City may require the applicant to apply for a conditional use permit pursuant to Chapter 17, but only to the extent authorized by California Government Code section 65850.7. The Building Official shall issue any written determination requiring a conditional use permit no later than:

- (a) Twenty business days after the application is deemed complete if the application is for at least one, but not more than 25, electric vehicle charging stations at a single site.

- (b) Forty business days after the application is deemed complete if the application is for more than 25 electric vehicle charging stations at a single site.

If the City does not approve the application or issue a written determination requiring a conditional use permit within the applicable period, the application shall be deemed approved when all conditions for deemed approval under California Government Code section 65850.71 have been satisfied.

4. A decision of the Building Official pursuant to California Government Code section 65850.7 may be appealed to the Planning Commission within the period established by applicable City procedures. The appeal shall be submitted in writing to the Planning Division. The Planning Division shall schedule the appeal for consideration at a public meeting and transmit the application materials and a report stating the Building Official's decision and reasons to the Planning Commission. No separate noticed public hearing is required unless otherwise required by law. If the Planning Commission finds that substantial evidence does not support a specific, adverse impact upon public health or safety, it shall direct issuance of the applicable permits. If the Planning Commission finds that substantial evidence supports such an impact, it may require a conditional use permit only to the extent authorized by State law.

5. Notwithstanding Chapter 17, the City shall not deny a conditional use permit for an electric vehicle charging station unless the Planning Commission makes written findings, based on substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon public health or safety and that no feasible method exists to satisfactorily mitigate or avoid that impact. The findings shall state the basis for rejecting potentially feasible alternatives. A denial may be appealed to the City Council in the manner provided by Chapter 17.

6. Any condition imposed by the Building Official, Planning Commission, or City Council shall be designed to mitigate the identified specific, adverse impact upon public health or safety at the lowest cost possible.

7. The City shall not condition approval of an electric vehicle charging station permit on approval of the charging station by an association, as defined in California Civil Code section 4080.

F. Additional Objective Health and Safety Standards for Electric Vehicle Charging Stations.

1. For large electric vehicle charging stations, the minimum lot size shall be 3.0 acres. Minimum street frontage for large electric vehicle charging stations shall be 200 feet.

2. Building setbacks: Same as underlying zoning.

3. Amenities. Amenities and other ancillary equipment and facilities that are not directly necessary for the charging of plug-in electric vehicles from an outside

source, including but not limited to, canopies (with or without solar panels), patronage resting facilities, commercial sales kiosks or buildings, public restrooms, family amenities or pet amenities, are not subject to the expedited application and permitting requirements of this ordinance but shall be subject to Administrative Architectural and Site Plan Review pursuant to Chapter 17 of the City of Upland Municipal Code.

4. Building Height: Same as underlying zoning.

5. Security: All large electric vehicle charging stations shall include a security plan subject to review and approval by the Planning Department and the Police Department. The security plan may include, but is not limited to a security surveillance system, security personnel, or a perimeter wrought iron or tubular steel fence with visibility into the facility at a maximum height of 8 feet.

6. Vehicle Types and Circulation/Parking: The applicant shall identify the vehicle types served by the station.

(a) Access/Internal Circulation/ Egress from the Site. The applicant shall provide appropriate truck and other vehicle turning templates on plan subject to review and approval by the City Planning Division and Public Works Engineering/Traffic.

(b) Driveways, parking, and queuing areas shall comply with all Fire Codes, Traffic Engineering and Planning/Zoning requirements.

(c) All proposed signage for the station shall be subject to Chapter 17 of the City of Upland Municipal Code.

G. Parking.

1. If a charging station or associated equipment reduces or eliminates parking spaces otherwise required for an existing use, the number of required spaces shall be reduced by the amount necessary to accommodate the charging station and associated equipment, consistent with California Government Code section 65850.71.

2. The installation of a charging station shall not require replacement parking for displaced spaces when replacement parking is prohibited by State law.

3. Nothing in this subsection eliminates applicable accessibility requirements for parking spaces, charging stations, accessible routes, or associated facilities.

H. Public Right-of-Way Installations.

1. A charging station proposed within the public right-of-way shall comply with California Government Code section 65850.72 and applicable City requirements governing work within and use of the public right-of-way.

2. No later than January 1, 2029, the City shall develop and publish the checklist, fees and charges, and other information required by California Government Code section 65850.72. Any criteria used to determine appropriate locations within the public right-of-way shall be adopted by the City Council.

3. Nothing in this Chapter grants a private party the right to occupy or use City property or public right-of-way without separate authorization required by law.

I. Fees.

The City Council may establish by resolution fees for permits issued under this Chapter, provided that all fees comply with applicable State law.

J. Conflict With State Law.

This Chapter shall be interpreted consistently with California Government Code sections 65850.7, 65850.71, and 65850.72, as amended from time to time. If a provision of this Chapter conflicts with a mandatory provision of State law, State law shall control.