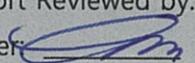


Agenda Report Reviewed by:
City Manager: 

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: October 18, 2016
To: Honorable Mayor and City Councilmembers
From: Bill Braga, Fire Chief
Glenn Schainblatt, Building Official
Subject: First reading and introduction of ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations consistent with the goals and intent of Government Code 65850.7(a) on or before September 30, 2017.
Recommendation: Approve for First Reading and Introduction of Ordinance
Funding: None Required
Currently Budgeted: N/A

Introduction:

This item is to request that the City Council approve for first reading and introduction an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations consistent with the goals and intent of Government Code 65850.7(a) on or before September 30, 2017.

Background :

Chapter 598, Statutes Of 2015 (AB 1236, Chiu).

Local ordinances: electric vehicle charging stations. The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill, AB 1236, would require a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified 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 bill would provide for appeal of that decision to the Planning Commission, as specified. The bill would provide 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. The bill would require electric vehicle charging stations to meet

specified standards. The bill would require a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill would require a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017. The bill would authorize the city, county, or city and county, in developing the ordinance, to refer to guidelines contained in a specified guidebook. The bill would also authorize the adoption of an ordinance that modifies the checklists and standards found in the guidebook due to unique conditions. By increasing the duties of local officials, this bill would create a state-mandated local program.

Each jurisdiction must evaluate and implement the statutory requirements and recommendations to ensure substantial conformance. Additionally, AB 1236 makes the following major changes to various requirements and definitions found in Civil Code Section 714 governing common interest developments and Government Code Section 65850.7 governing local jurisdictions:

- Requires adoption of an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations consistent with the goals and intent of Government Code 65850.7(a) on or before September 30, 2016;
- Requires that a jurisdiction substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting - including the checklist and standard plans adopted by the OPR in the most current edition of the Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Office of Planning and Research.

California Solar Permitting Guidebook - in developing the ordinance;

- Allows for electronic submittal of the expedited permit documents;
- Requires a single inspection, subject to certain exceptions, that must be performed in a timely manner; and
- Changes the definition of “significantly” in reference to determining whether a reasonable restriction significantly increases a cost or decreases efficiency for solar water heating systems and photovoltaic systems with regards to covenants, conditions, or restrictions imposed by a common interest development (i.e., an HOA).

Since 2009 the City has implemented an expedited permit system, reduced fees for electric vehicle charging stations and provided a checklist for submittals. In conjunction with the Redwood Empire Association of Code Officials a guideline and checklist for electric vehicle charging stations was adopted regionally and is available on the City website.

Conclusions

It is recommended that the City Council adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations consistent with the goals and intent of Government Code 65850.7(a) on or before September 30, 2017.

Recommandations:

That the City Council approve for first reading and introduction an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations consistent with the goals and intent of Government Code 65850.7(a) on or before September 30, 2017.

Attachments:

Ordinance

Assembly Bill 1236

Chapter 15.120

Zero-Emission Vehicle Guidebook

ORDINANCE NUMBER: _____

ORDINANCE AUTHORIZING THE CITY OF SEBASTOPOL TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

An Ordinance of the City Council of Sebastopol; to provide an expedited permitting process for

WHEREAS, the City Council seeks to implement AB 2136 and section 65850.7 of the Government Code through the adoption of an expedited, streamlined permitting process for electric vehicle charging systems; and

WHEREAS, the City Council wishes to advance the use of electric charging vehicle stations by all of its citizens, businesses and industries; and

WHEREAS, the City Council seeks to meet the climate action goals set by the City and the State; and

WHEREAS, electric vehicle charging stations creates local jobs and economic opportunity; and

WHEREAS, the City Council encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City of Sebastopol, and expanding the ability of property owners to install electric vehicle charging stations.

WHEREAS, it is in the interest of the health, welfare and safety of the people of Sebastopol to provide an expedited permitting process to assure the effective deployment of electric vehicle charging stations.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DO ORDAIN AS FOLLOWS

1. PURPOSE

The purpose of the Ordinance is to adopt an expedited, streamlined electric vehicle charging system permitting process that complies with AB 2136 and section 65850.7 to the Government Code to achieve timely and cost-effective installations of electric vehicle charging stations. The Ordinance encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property

owners and the City of Sebastopol, and expanding the ability of property owners to install electric vehicle charging stations. The Ordinance allows the City of Sebastopol to achieve these goals while protecting the public health and safety.

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

- b.** A “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, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

- c.** “Electronic submittal” means the utilization of one or more of the following:
 - i. Email;
 - ii. The Internet;
 - iii. Facsimile.

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

- e.** A “common interest development” means any of the following:
 - i. A community apartment project.
 - ii. A condominium project.
 - iii. A planned development.
 - iv. A stock cooperative.

- f.** “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.

- g.** “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.

3. APPLICABILITY

This Ordinance applies to the permitting of all electric vehicle charging stations the City of Sebastopol. Electric vehicle charging stations legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance 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 like-kind replacements shall not require a permit.

4. ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS

All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state, and the City of Sebastopol.

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.

5. DUTIES OF BUILDING DEPARTMENT AND BUILDING OFFICIAL

All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible City of Sebastopol 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 Sebastopol's Building Department shall adopt 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 Office of Planning and Research.

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

6. PERMIT REVIEW AND INSPECTION REQUIREMENTS

The City of Sebastopol Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of electric vehicle charging stations within 30 days of the adoption on this Ordinance. The Building Department shall issue a building permit or other nondiscretionary permit the same day for over-the-counter applications or within 1-3 business days for electronic applications of receipt of a complete application and meets the requirements of the approved checklist and standard plan. The building official may require an applicant to apply for a use permit if the official 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.

Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

If a use permit is required, a building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the City Planning Commission.

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

"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.

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

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.

Chapter 15.120

Expedited, Streamlined Permitting Process for Electric Vehicle Charging Stations

Sections:

- 15.120.010 Purpose
- 15.120.020 Definitions
- 15.120.030 Applicability
- 15.120.040 Electric Vehicle Charging Station Requirements
- 15.120.050 Duties of Building Department and Building Official
- 15.120.060 Permit Review and Inspection Requirements

15.120.010 PURPOSE

The purpose of the Ordinance is to adopt an expedited, streamlined electric vehicle charging system permitting process that complies with AB 2136 and section 65850.7 to the Government Code to achieve timely and cost-effective installations of electric vehicle charging stations. The Ordinance encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City of Sebastopol, and expanding the ability of property owners to install electric vehicle charging stations. The Ordinance allows the City of Sebastopol to achieve these goals while protecting the public health and safety.

15.120.020 DEFINITIONS

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- i. A “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, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
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- n. “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.

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All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state, and the City of Sebastopol. 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.

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IN COUNCIL DULY APPROVED FOR INTRODUCTION AND FIRST READING on the 18th day of October, 2016.

IN COUNCIL DULY APPROVED FOR SECOND READING AND ADOPTION on the 1st day of November, 2016.

APPROVED: _____

Sarah Gurney, Mayor

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney