Agenda Item Number: 7

Agenda Report Reviewed by:
City Manager:

CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT

Meeting Date: November 1, 2016

To: Honorable Mayor and Honorable City Councilmembers

From: Glenn Schainblatt Building Official

Subject: Ordinance 1094, An Ordinance Authorizing the City of Sebastopol to Provide for an expedited, streamlined permitting process for electrical vehicle charging stations.

Recommandation: That the City Council Waive the Second Reading and Approve Adoption of Ordinance 1094

Funding: Currently Budgeted: N/A

INTRODUCTION:
This item is to request City Council approval and adoption of Ordinance 1094.

BACKGROUND:
This ordinance will 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.

DISCUSSION:

On October 18, 2016 the Council introduced an ordinance to the City of Sebastopol municipal code to adopt local 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:

That the City Council approve waiving of second reading and approve adoption of Ordinance 1094 to adopt An Ordinance Authorizing the City of Sebastopol to Provide for an expedited, streamlined permitting process for electrical vehicle charging stations.

Attachment(s):

Ordinance

ORDINANCE NUMBER: 1094

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

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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 Glade Gurney, Mayor

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

_____

Larry McLaughlin, City Attorney