

Cotati City Council

Agenda Staff Report

Item type: PUBLIC HEARINGS (ACTION)
To: City Council
Subject: Introduce an Ordinance adding Chapter 14.38 to the City of Cotati Municipal Code in order to establish a streamlined permitting process for electric vehicle charging stations as required by AB 1236 (now codified as Government Code Section 65850.7)
Date: August 22, 2017
Written by: Vicki Parker, Community Development Director

Recommendation

It is recommended that the City Council introduce an ordinance adding Chapter 14.38 to the City of Cotati Municipal Code in order to establish a streamlined permitting process for electric vehicle charging stations.

Background

In 2015, legislators passed Assembly Bill 1236 which requires local agencies to adopt an expedited, or streamlined process for permitting of electric vehicle charging stations (“EV chargers”). The intent of the legislature was to prohibit local agencies from adopting ordinances that created unreasonable barriers to the installation of EV chargers which supply power for plug in electric vehicles (“PEV”), as well as to not unreasonably restrict the ability of homeowners and agricultural/business concerns to install EV chargers. The bill, now codified as Government Code (“GC”) Section 65850.7, limits a building official’s review to whether the proposal meets all health and safety requirements of local, state and federal law. In addition, it requires local agencies to administratively approve over-the-counter permit applications unless findings can be made that the charging station will have a specific, adverse impact upon public health or safety.

If the finding of specific, adverse impact can be made, the local agency may require the applicant to obtain a use permit. GC 65850.7, however, limits the discretion of the local decision makers to deny the use permit unless there is no feasible method to mitigate or avoid the installation’s specific, adverse impact.

GC 65850.7 also requires that there be an appeal process available to applicants who do not agree with the decisions of either the Building Official or Planning Commission. The City has such an appeal process in place.

Analysis/Discussion

AB 1236 required that every city, county or city and county with a population of 200,000 or more residents adopt a streamlining ordinance by September 30, 2016. It gave smaller jurisdictions (those with fewer than 200,000 residents) an additional twelve months (until September 30, 2017) to adopt streamlining.

Each jurisdiction is required to implement the streamlining and to ensure that their process conforms to the recommendations for expedited permitting, including or especially, a checklist meant to assist homeowners with determining their electrical needs, and standard details found in the most current edition of the *Zero Emission Vehicles in California: Community Readiness Guidebook*, published by the Governor's Office of Planning and Research. Staff has developed a handout with plan requirements and the checklist which will be published on our website and available in hard copy at the Building Division counter. It is included here as Attachment A.

Each jurisdiction is also required to accept electronic submittals and to provide detailed feedback of items needed to complete an application if it is insufficient upon receipt. Inspections must be made in a timely manner.

Finally, AB 1236 contained certain definitions that the local agencies are mandated to use when permitting or processing applications for EV chargers. These are included in the body of the ordinance.

Financial Considerations

All expenditures associated with permitting or processing of EV charger applications will be reimbursed through applicant fees and/or deposits.

Environmental Issues

This ordinance is categorically exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3) in that neither the ordinance nor its implementation could foreseeably have any significant effect on the environment.

Attachments:

Attachment A - EV Charger Streamlined Process (PDF)