

ORDINANCE NO.

ADOPTION OF 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 GOVERNMENT CODE SECTION 65850.7)

WHEREAS, the state legislature passed and the Governor approved AB 1236 on October 8, 2015, requiring local agencies to adopt streamlining regulations, process and assistance for permitting of electric vehicle charging stations; and

WHEREAS, it was the stated intent of the legislature to prohibit unreasonable barriers to and encourage the establishment of, facilities for charging residential and commercial electric vehicles; and

WHEREAS, the City has established the required checklists and permitting assistance and this ordinance will be evidence of compliance with those requirements; and

WHEREAS, the City Council held a public hearing on August 22, 2017 introducing and holding the first reading of the proposed ordinance, wherein all members of the public wishing to speak on the proposed ordinance or guidance documents were given a chance to address the Council; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

Section 1: The above recitals constitute a part of the findings made by the City Council in adopting this Ordinance.

Section 2: Chapter 14.38 is hereby added to the Cotati Municipal Code as follows:

STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

Sections:

14.38.010 Purpose.

14.38.020 Definitions.

- 14.38.030 Applicability.
- 14.38.040 Electric vehicle charging station requirements.
- 14.38.050 Duties of Building Division and Building Official.
- 14.38.060 Permit review and inspection requirements.
- 14.38.070 Discretionary permit required.

14.38.010 Purpose.

The purpose of this chapter is to adopt an expedited, streamlined electric vehicle charging system permitting process that complies with AB 1236 and Section 65850.7 of the Government Code to achieve timely and cost-effective installations of electric vehicle charging stations. This chapter encourages the use of electric vehicle charging stations in the City by removing unreasonable barriers, minimizing costs to property owners and expanding the ability of property owners to install electric vehicle charging stations. This chapter allows the City of Cotati to achieve these goals while protecting public health and safety.

14.38.020 Definitions.

As used in this chapter:

- A. “**Association**” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. “**Common interest development**” means any of the following:
 - 1. A community apartment project.
 - 2. A condominium project.
 - 3. A planned development.
 - 4. A stock cooperative.
- C. “**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, in effect on the date of permit issuance, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- D. “**Electronic submittal**” means the utilization of one or more of the following:
 - 1. Email;
 - 2. Internet;

3. Facsimile.

- E. **“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.

- F. **“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.

- G. **“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.

14.38.030 Applicability.

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

14.38.040 Electric vehicle charging station requirements.

All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the State, the City of Cotati and the Rancho Adobe Fire Protection District. 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.

14.38.050 Duties of Building Division 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 Cotati 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 Cotati’s Building Division shall adopt and maintain 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 Governor's Office of Planning and Research.

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

14.38.060 Permit review and inspection requirements.

The City of Cotati Building Division shall adopt an administrative, nondiscretionary review process to expedite approval of electric vehicle charging stations within 30 days of the adoption of the ordinance codified in this chapter. The Building Division shall issue a building permit or other nondiscretionary permit the same day for over-the-counter applications, or within one to three business days for electronic applications, of receipt of a complete application that meets the requirements of the approved checklist and standard plan.

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.

Review of the application shall be limited to the Building Official's determination of whether the application meets local, state, and federal health and safety requirements. 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.

14.38.070 Discretionary permit required.

If the Building Official determines that an installation could have a specific, adverse impact upon public health and safety, a use permit shall be required and an application must be made to the Planning Division on the form required with all necessary information and fees.

The Planning Commission may deny the use permit only if it adopts written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.

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

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

Section 3: CEQA. 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.

Section 4: Severability. If any section, subsection, sentence clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of Cotati hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5: Effective and Operative Dates. This ordinance shall take effect on the 30th day following its adoption.

Section 6: Certification; Publication. The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

Approved: _____
Mayor

Attest: _____
Lauren Berges, Deputy City Clerk

Approved as to form:

Robin Donoghue, City Attorney

This document is a true and correct copy of Ordinance Number and has been published or posted pursuant to law. *California Government Code § 40806*

Lauren Berges, Deputy City Clerk