



## Council Agenda Report

**From:** Brian Cowen, Interim Chief Building Official

**Subject:** Second Reading and Adoption of an Ordinance, adding Chapter 17.25 to Title 17 of the Municipal Code and creating an expedited permitting process for Electric Vehicle Charging Stations

**Date:** October 3, 2017

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### Facts

1. The State of California has determined 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.
2. The Intent of the Legislature is that local agencies not adopt ordinances that create unreasonable barriers and not unreasonably restrict the installation of electric vehicle charging stations.
3. It is the policy of the State to promote and encourage the use of electric vehicle charging stations and to limit obstacles of their use.
4. The Intent of the Legislature is that local agencies would minimize the cost of permitting for charging stations, so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.
5. In 2015, the State adopted Assembly Bill (AB) 1236 (Chapter 598, Statutes 2015), requiring local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations.
6. On September 19, 2017, the City Council held a public hearing where the proposed ordinance was introduced for first reading without any changes.

### Options

1. Adopt the proposed Ordinance on second reading by title only, adding Chapter 17.25 to Title 17 of the Municipal Code and creating an expedited permitting process for Electric Vehicle Charging Stations.
2. Refer back to staff for additional analysis.

### Analysis and Conclusions

The City Council held a public hearing on September 19, 2017 and introduced the ordinance for first reading.

Since first reading:

- There have been no substantive changes to the ordinance.
- The City Attorney has signed off on the notice, to appear in a newspaper of general circulation.

The City Council must hold a public hearing for the second reading of the ordinance as required by State Law.

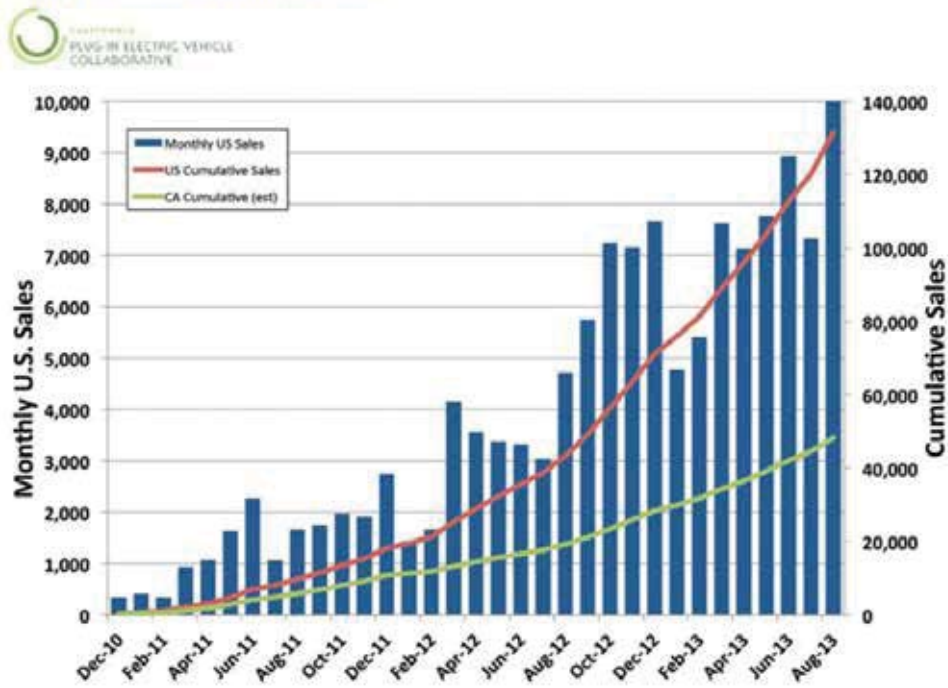
**Previous Staff Report Discussion**

AB 1236 requires the City to adopt an ordinance creating an expedited, streamlined permitting process for electric vehicle charging stations. The City is to adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. The checklist and other required permitting documents are to be made available on the City website. The City is to allow for electronic submittal of applications for electric vehicle charging station permits. The Governor’s Office of Planning and Research has developed a model checklist for this purpose. The Governor’s Office of Planning and Research has also developed “Zero-Emission Vehicles in California: Community Readiness Guidebook,” for the City to refer to and make available to applicants (refer to Attachment 3).

Upon confirmation by the City that an application and supporting documents are complete, meet the requirements of the checklist, and are consistent with the ordinance, the City is to approve the application and issue the permit as a ministerial action. This process is very similar to the City’s existing permitting process and not expected to create any significant impacts on staff since due to the low volume of Electric Vehicle Charging Stations permit applications. In order comply with AB 1236, the City must:

- Adopt an ordinance.
- Make available the “Zero-Emission Vehicles in California: Community Readiness Guidebook.”
- Make all required submittal documents available on the city website.
- Issue the building permit within a reasonable period of time

**Plug-in Electric Vehicle Sales**



Plug-in Electric Vehicle Sales- Governor’s Office of Planning and Research.

The draft ordinance amends Title 17, the Local Buildings and Construction Ordinance of the Municipal Code to create an expedited, streamlined permitting process for electric vehicle charging stations, in compliance with AB 1236 (Chapter 598, Statutes 2015).

Council may choose to amend, modify, or refer the draft ordinance back to staff. Any action the City Council takes needs to be consistent with State's requirements under AB 1236.

**Fiscal Impact**

None.

**Recommendation**

Hold second reading and adopt Ordinance XXX N.S., adding Chapter 17.25 to Title 17 of the City of El Paso De Robles Municipal Code, creating an expedited permitting process for electric vehicle charging stations.

**Attachments**

1. Ordinance XXX N.S.
2. Plug In Electric Vehicle Infrastructure Permitting Checklist
3. Zero-Emission Vehicles in California: Community Readiness Guidebook
4. Legal Notice

# Attachment 1

## Draft Ordinance

ORDINANCE NO. XXXX-N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES, ADDING CHAPTER 17.25-  
ELECTRIC VEHICLE CHARGING STATIONS, TO TITLE 17 OF THE MUNICIPAL  
CODE (BUILDINGS AND CONSTRUCTION)

WHEREAS, the State has determined 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; and

WHEREAS, the intent of the Legislature is that local agencies not adopt ordinances that create unreasonable barriers and not unreasonably restrict the installation of electric vehicle charging stations; and

WHEREAS, it is the policy of the State to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use; and

WHEREAS, the intent of the Legislature is that local agencies would minimize the cost of permitting for charging stations, so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations; and

WHEREAS, the State has adopted Assembly Bill 1236, requiring local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and

WHEREAS, it is in the interest of the health, safety and welfare of the residents of the City to provide an expedited, streamlined permitting process for electric vehicle charging stations, in accordance with the requirements of AB 1236; and

WHEREAS, On September 19, 2017, the City Council held a public hearing where the proposed ordinance was introduced for first reading.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES  
HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. The City Council hereby ordains as follows:

Chapter 17.25 of Title 17 of the City of El Paso De Robles Municipal Code is added to read:

**CHAPTER 17.25 – Electric Vehicle Charging Stations**

17.25.010 - Purpose.

17.25.020 - Definitions.

17.25.030 - Expedited Permitting Process.

17.25.040 - Permit Application Processing.

17.25.050 - Technical Review.

17.25.060 - Electric Vehicle Charging Station Installation Requirements.

**17.25.010 - Purpose.**

The purpose of this Chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations.

#### **17.25.020 - Definitions.**

- (a) “Electric vehicle charging station” 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 Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (b) “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.
- (c) “Electronic submittal” means the utilization of one or more of the following:
  - a. Electronic mail or email.
  - b. The internet.
  - c. Facsimile.

#### **17.25.030– Expedited Permitting Process.**

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist shall be published on the City’s website.

#### **17.25.040 – Permit Application Processing.**

- (a) Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
- (b) A permit application that satisfies the information requirements in the City’s adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meets the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- (c) Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentation. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

#### **17.25.050 – Technical Review.**

- (a) It is the intent of this Ordinance to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official’s authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as

defined in this Chapter, the City may require the applicant to apply for a use permit.

- (b) In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

**17.25.060 – Electric Vehicle Charging Station Installation Requirements.**

- (a) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
- (b) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
- (c) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- (d) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 5. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk.

Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 369633.

INTRODUCED at a regular meeting of the City Council held on September 17, 2017, for first reading by the City Council of the City of El Paso de Robles, and adopted on the 3<sup>rd</sup> day of October, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Steven W. Martin, Mayor

Attest:

\_\_\_\_\_  
Kristen L. Buxkemper, Deputy City Clerk

CITY OF PASO ROBLES ORDINANCE SUMMARY  
TO ADD CHAPTER 17.25 TO TITLE 17 OF THE MUNICIPAL CODE  
RELATING TO AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC  
VEHICLE CHARGING STATIONS

Pursuant to state law, the City is required to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations, make available the “Zero Emission Vehicles in California: Community Readiness Guidebook,” and make all required submittal documents available on the city website.

A public hearing to consider Ordinance No. XXXX N.S. will be held by the City of Paso Robles City Council at 6:30 p.m. on October 3, 2017, or as soon thereafter as the matter may be heard, at City Hall/Library Conference Room 1000 Spring Street, Paso Robles, California.

The above description constitutes a summary of the proposed ordinance. A reading of the entire text may be necessary to obtain a full understanding of the ordinance. Copies of the full text of the ordinance and one copy of each of the above referenced codes are available for review during regular business hours at the City Clerk's office at City Hall, 1000 Spring Street, Paso Robles, California.