



AGENCY: City Council of the COFB
MEETING DATE: June 14, 2021
DEPARTMENT: CDD
PRESENTED BY: K. Locke
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 968-2021 Adding Chapter 15.38 (Streamlined Permitting Process for Electric Vehicle Charging Stations) to Title 15 (Buildings and Construction) of the City of Fort Bragg Municipal Code

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/businesses 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

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 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 Community Development counter. It is included as **Attachment 1**.

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.

ENVIRONMENTAL DETERMINATION

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

RECOMMENDED ACTION

Receive report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 968-2021 Adding Chapter 15.38 to the City of Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S)

None. This is a mandatory measure required by AB 1236 (2015) that requires all local jurisdictions to adopt an ordinance with an expedited, streamlined process for permits for EV Charging stations.

FISCAL IMPACT

There is no immediate financial impact or budget action necessary as a result of the recommended action.

GREENHOUSE GAS EMISSIONS IMPACT:

The ordinance would not directly have an impact on greenhouse gas emissions. New construction of charging stations would have a marginal effect on greenhouse gas emissions.

CONSISTENCY:

Goal/Policy/Program	Consistency
Goal OS-7: Improve air quality.	The ordinance provides the streamlined creation of EV charging stations which make electric vehicles more accessible and convenient. Electric vehicles produce fewer emissions that contribute to smog than conventional vehicles.

Goal OS-6: Reduce dependence on non-renewable energy and materials.	EV charging stations allow for a diversity of fuel choices available for transportation, and can charge vehicles with renewable energy unlike a typical combustion engine.
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ATTACHMENTS

1. EV Charging Checklist
2. Proposed Resolution

NOTIFICATION

None.