



DATE: July 11, 2017

TO: Mayor and City Council

FROM: Interim Development Services Director

SUBJECT: Introduction of an Ordinance that Would Amend the Currently Adopted Hayward Building Code by Establishing Expedited Permitting Procedures for Electric Vehicle Charging Stations as Required by California Government Code Section 65850.7 (AB 1236)

RECOMMENDATION

That the City Council introduces the attached ordinance, which would provide an expedited, streamlined permitting process for electric vehicle charging stations, as mandated by California Government Code Section 65850.7 and [Assembly Bill 1236](#).

BACKGROUND

Subsection (a) of Section 65850.7 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of electric vehicle (E.V.) charging stations by limiting obstacles to their use and by minimizing the permitting costs of such systems. Section 65850.7 of the California Government Code also provides that a city shall administratively approve applications to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit.

By the passage of Assembly Bill No. 1236 (AB 1236) on October 8, 2015, the State Legislature amended Section 65850.7 of the California Government Code to require every city, county, or city and county with a population of less than 200,000 residents to adopt an ordinance on or before September 30, 2017 that creates an expedited, streamlined permitting process for "electric vehicle charging stations" and to provide checklists electronically.

DISCUSSION

The Building Division has recently adopted a procedure that expedites the review for E.V. charging stations installed in commercial/retail or multi-family (i.e., apartments or condominiums) locations, ensuring that permit application review comments or permits are issued within eight business days (versus the standard fifteen business days) at no additional cost to the applicant. This current procedure also allows for permits for Level-1 (120 volt) and Level-2 (240 volt) charging stations, located at single-family homes or duplexes, to be issued at the Permit Center counter or electronically (same day). Therefore, the City already

substantially expedites the review of such permit applications. Consequently, the primary ramification of AB 1236 is that the City may not deny applications for electric vehicle charging stations unless the Building Official makes specified written findings demonstrating that the proposed stations would have “a specific, adverse impact” upon public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; in which case, a use permit may be required. Staff anticipates such occurrences would be very rare or non-existent because the City seldom encounters such issues that cannot be resolved through the design and permitting process.

Pursuant to AB 1236, the Building Official has consulted with the Fire Marshal and Planning Manager before recommending that the City Council introduce this ordinance for adoption. The proposed ordinance complies with the requirements of AB 1236 and thereby protects public health and safety by prescribing minimum standards for the use, design and installation of electric vehicle charging stations while simultaneously establishing an expedited, streamlined permitting and inspection process for installation, alteration, and replacement of such equipment. Once installed, the Building Inspection Division shall conduct a minimum of one final inspection to ensure compliance with state and local codes. The Building Division currently provides next business day inspections.

Pursuant to the requirements of Government Code Section 65850.7(g)(2), the Building Official shall develop a checklist of the requirements with which the application for E.V. charging stations shall comply to be eligible for expedited review. The E.V. charging station permit process and checklist shall substantially conform to the recommendations contained in the most current version of the *Plug-In Electric Vehicle Infrastructure Permitting Checklist* contained in the [Zero-Emission Vehicles in California: Community Readiness Guidebook](#) adopted by the Governor's Office of Planning and Research. The Building Official shall have the authority to revise the process checklist in substantial conformance to the Guidebook. Attachments III and IV include checklists for single-family residential E.V. charging stations and commercial and multi-family residential E.V. charging stations. The checklists and Guidebook will be posted on the City's website.

These expediting procedures are in alignment with the 2040 General Plan, Economic Development Goal 6: *A Business-Friendly City*, and the following related policies:

ED 6.4: Permit Processing - The City shall ensure a timely, fair, and predictable permit process that seeks to integrate multiple City departments into a single coordinated organization.

ED 6.5: Permit Technology - The City shall optimize its permit procedures by using technology and other tools that improve efficiency and reduce costs.

Environmental Review - Pursuant to the State of California Guidelines for implementation of the California Environmental Quality Act (CEQA) (commencing with Section 15000 of Title 14 of the California Code of Regulations), the City is the "lead agency" for the preparation and consideration of environmental documents for this ordinance. It has been determined that this ordinance is not subject to CEQA, pursuant to Sections 15060 (c) (1, 2, &3) of the Title 14

of the California Code of Regulations because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Also, this ordinance is a valid exercise of the local police power and in accord with the goals and intent of AB 1236 and the public purposes and provisions of applicable State and local laws and requirements.

ECONOMIC AND FISCAL IMPACTS

There is no budgetary impact since costs to implement and enforce this ordinance will be funded by applicants for the installation, alteration or replacement of permits for electric vehicle charging stations.

NEXT STEPS

Should the Council introduce the attached ordinance, it would be brought back to Council for adoption at the next Council meeting, anticipated for July 18, 2017. The ordinance will be effective 30 days after adoption.

Prepared by: Gary Nordahl, Acting Building Official

Recommended by: Stacey Bristow, Acting Director of Development Services

Approved by:



Kelly McAdoo, City Manager