

CITY OF YUBA CITY
STAFF REPORT

Date: November 15, 2022
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Expedited Permitting for Electric Vehicle Charging Systems, Ordinance Update pursuant to Assembly Bill 970

Recommendation: Introduce an Ordinance of the City Council of the City of Yuba City Amending Section 7-17.04 (Permit Application Processing) of Chapter 17, Title 7 of the Yuba City Municipal Code to implement the provisions of Assembly Bill 970 by title only and waive the first reading

Fiscal Impact: None

Purpose:

To implement the statutory requirements of Assembly Bill 970 to promote efficient permitting of electric vehicle charging stations.

Council's Strategic Goal:

This item addresses the Council's business-friendly goals.

Background:

On March 6, 2018, the City Council adopted an Ordinance implementing AB 1236 (Government Code Section 65850.7) that required cities and counties to establish procedures for expedited, streamlined processes for permitting of electric vehicle (EV) charging stations. The current ordinance commences at Municipal Code Section 7-17.01.

Assembly Bill 970 (AB 970) was signed into law by the Governor on October 8, 2021 and it becomes effective for jurisdictions having a population of under 200,000 on January 1, 2023. This bill clarifies the provisions of AB 1236 apply to all cities, including charter cities, and establishes new timelines for permit streamlining that are explained below.

Analysis:

AB 970 requires applications to install EV charging stations be deemed complete within either five (5) business days for projects having 25 or fewer EV charging stations proposed, or ten (10) business days for projects including more than 25 EV charging stations. If a local jurisdiction does not determine an

application is incomplete or issue a written correction notice detailing the deficiencies in the application, the application is presumed under the statute to be complete.

Additionally, AB 970 requires applications to install electric vehicle charging stations to be approved within twenty (20) business days or forty (40) business days after the application was deemed complete, depending on the number of electric vehicle charging stations proposed; unless (1) city staff has not approved the application, (2) the building official has made a finding that the proposed installation could have an adverse impact upon the public health or safety or required the applicant to apply for a use permit, (3) the building official has denied the permit, and/or (4) an appeal has been made to the planning commission.

In order to comply with the requirements of AB 970, an update of the municipal code is warranted.

Fiscal Impact:

None. Building permits will continue to be subject to the payment of permit fees to cover costs incurred by the City. This ordinance update does not modify existing building or development impact fees.

Alternatives:

The City Council may include additional requirements to the ordinance proposed; however, the City Council cannot adopt an ordinance less restrictive than the provisions of AB 970 or the previous AB 1236.

Recommendation:

Introduce an Ordinance Amending Section 7-17.04 of Chapter 17, Title 7 of the Yuba City Municipal Code to implement the provisions of Assembly Bill 970 by title only and waive the first reading.

Attachments:

1. Proposed Ordinance

Prepared By:
Doug Libby, AICP
Deputy Director of Development Services

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
YUBA CITY, CALIFORNIA, AMENDING SECTION 7-17.04
(PERMIT APPLICATION PROCESSING) OF CHAPTER 17,
TITLE 7, OF THE YUBA CITY MUNICIPAL CODE**

WHEREAS, the City of Yuba City has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. Art. XI, section 7; and

WHEREAS, the City Council of the City of Yuba City finds that certain conditions constitute a threat to the public peace, safety and welfare of the City; and

WHEREAS, the City Council has adopted the Yuba City Municipal Code, which it periodically updates to protect the public health, safety and welfare; and

WHEREAS, the City Council finds that ensuring compliance with the Yuba City Municipal Code and other regulations vital to the protection of the public's health, safety and quality of life throughout the City is an important public service; and

WHEREAS, the City Council desires to enhance and promote the maintenance of businesses, properties and employment opportunities in a manner which enhances the health, safety, livability, community, and the social and economic conditions of the community; and

WHEREAS, the Legislature enacted AB 970, which was signed by the Governor in October of 2021.

WHEREAS, AB 970 requires an application to install an electric vehicle charging station to be deemed complete within, either five (5) business days or ten (10) business days after the application was submitted, depending on the number of electric vehicle charging stations proposed in the application, if city staff have not deemed the application to be incomplete or issued a written correction notice detailing all deficiencies in the application, as specified; and

WHEREAS, AB 970 requires an application to install an electric vehicle charging station to be deemed approved within twenty (20) business days or forty (40) business days after the application was deemed complete, depending on the number of electric vehicle charging stations proposed in the application; unless (1) city staff has not approved the application, (2) the building official has made a finding that the proposed installation could have an adverse impact upon the public health or safety or required the applicant to apply for a use permit, (3) the building official has denied the permit, and/or (4) an appeal has been made to the planning commission; and

WHEREAS, the requirements of AB 970 become operative as to the City of Yuba City on January 1, 2023; and

WHEREAS, City Council desires to update and amend the Yuba City Municipal Code relating to the permit application processing for electric vehicle charging station systems, within the City to best addresses the public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

SECTION 1. Recitals. The recitals set forth above are incorporated herein by this reference.

SECTION 2. Expedited Permit Processing for Electric Vehicle Charging Station Systems. Section 1-17.04 of Chapter 7 of Title 17 of the Yuba City Municipal Code, is hereby amended to read in its entirety as follows:

Section. 7-17.04 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)

(i) Application for a project of one (1) to twenty-five (25) charging stations at a single site: shall be deemed complete if after five (5) business days City staff has not either found the application to be complete or issued a written deficiency notice. The written deficiency notice shall include the following: all changes needed to make the application consistent with the City's electric vehicle charging station permitting checklist; or identifying specific information necessary for City staff to conduct a limited review of whether the project meets all health and safety requirements. If not already approved or denied the application shall be deemed approved twenty (20) business days after it was deemed complete if the City has not made a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety; the City has not required the applicant to apply for a use permit as specified in Government Code section 65850.7(b); and an appeal has not been made to the planning commission pursuant to Government Code section 65850.7(d).

(ii) Application for a project of twenty-six (26) or more charging stations at a single site: shall be processed in the same manner as described above except an electric vehicle charging station application will be

deemed complete after ten (10) business days and will be deemed approved forty (40) business days after it has been deemed complete.

~~(bc) 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 of Yuba City's 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.~~

(ed) 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 documentations. 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.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 4. Effective Date and Publication. This ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

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Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 15th day of November, 2022, and passed and adopted at a regular meeting held on the 20th day of December, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

Dave Shaw, Mayor
City of Yuba City

ATTEST:

APPROVED AS TO FORM:

Ciara Wakefield, Deputy City Clerk

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP