

CITY OF YUBA CITY  
STAFF REPORT

**Date:** February 20, 2018  
**To:** Honorable Mayor & Members of the City Council  
**From:** Development Services Department  
**Presentation By:** Arnaldo Rodriguez, Development Services Director

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**Summary**

**Subject:** Expedited permitting procedures for electric vehicle charging stations pursuant to Assembly Bill 1236.

**Recommendation:**

- A. Concur with the determination that the text amendment does not constitute a project pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3).
- B. Introduce an Ordinance adding Title 7, Chapter 17 to the Municipal Code relating to expedited permitting procedures for electric vehicle charging stations, and waive the first reading.

**Fiscal Impact:** Building permits will continue to be subject to the payment of permit fees that will cover future costs incurred by the City. This building code update does not modify building or development fees.

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**Purpose:**

Promote and encourage installation of electric vehicle charging stations.

**Background:**

AB 1236, signed into law on October 8, 2015, added Government Code Section 65850.7 to require jurisdictions with a population of less than 200,000 to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations. Under Section 65850.7, a jurisdiction must adopt an ordinance for the expedited, streamlined process. The ordinance must include the requirement that a jurisdiction adopt a checklist of requirements with which a permit application for an electric vehicle charging station will be eligible for expedited review. Essentially the Assembly Bill is attempting to remove unreasonable barriers to the installation of electric vehicle charging stations and not unreasonably restrict the ability of homeowners and businesses to install electric vehicle charging stations. The purpose of the Assembly Bill is to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

An electric vehicle charging station is any level of Electric Vehicle Supply Equipment (EVSE) station which delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. Assembly Bill 1236 suggests that the City's checklist may be based on the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of Planning and Research.

### **Analysis:**

In advance of AB 1236, the Development Services Department had already taken deliberate and purposeful steps well in advance of the Assembly Bill to streamline and simplify the EVSE Permitting Process. The Chief Building Official had already allowed applicant's to simply attach the manufacturer's installation instructions, technical specifications, and a simple plan. If all the information is provided and the proposal complies with the applicable building codes, then the review and approval process can usually be performed within a couple of days depending upon workloads and staff levels at the time of submission. Large commercial projects with multiple charging stations that may require the electrical service upgrades are more complex and could require additional coordination with the Fire Department. As a result, these large projects are mostly reviewed on a submittal basis which requires they be distributed to the various departments for a standard 21-day review process. These larger projects take longer to review and approve because they are more complex and involve multi-departmental review and approval. The goal is to ensure health and safety while ensuring a streamlined and predictable review process, which again complies with the state statute.

### **Environmental Finding:**

State Guidelines for implementation of the California Environmental Quality Act (CEQA) provide for the exemption of projects which will clearly have no significant effects on the environment. More specifically, Section 15061(b)(3) of the CEQA Guidelines states:

*...CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

It has been determined that there is no possibility of significant adverse effects as a result of this proposal given that it has no potential for resulting in physical change in the environment, directly or indirectly, nor does it permit or authorize new or increased intensity of uses. Therefore, the proposed ordinance is not subject to CEQA.

### **Recommended Action:**

City staff recommends that the City Council take the following actions:

- A. Concur with the determination that the text amendment does not constitute a project pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3).
- B. Introduce an Ordinance adding Title 7, Chapter 17 to the Municipal Code relating to expedited permitting procedures for electric vehicle charging stations, and waive the first reading.

### **Alternatives:**

1. Approve with amendments.
2. Deny the proposal.
3. Provide staff with further direction.

### **Attachments:**

1. Ordinance

Prepared by:

*/s/ Mike Campos*  
Mike Campos  
Chief Building Official

Reviewed By:

Department Head

Finance

City Attorney

Submitted by:

*/s/ Steven C. Kroeger*  
Steven C. Kroeger  
City Manager

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TH by email

# ATTACHMENT 1

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY ADDING CHAPTER 17 TO TITLE 7 OF THE YUBA CITY MUNICIPAL CODE SETTING FORTH PROCEDURES FOR EXPEDITING PERMITTING PROCESSING FOR ELECTRIC VEHICLE CHARGING SYSTEMS**

**WHEREAS**, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

**WHEREAS**, the City Council of the City of Yuba City seeks to implement AB 1236 through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

**WHEREAS**, the City Council wishes to advance the use of electric vehicle charging stations by residents, businesses, and visitors; and

**WHEREAS**, AB 1236 requires the City to adopt an ordinance creating an expedited and streamlined permitting process for electric vehicle charging stations.

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

**Section 1. Recitals.**

The above recitals are hereby found to be true and accurate and are incorporated into this Ordinance as findings of the City Council by this reference.

**Section 2. Addition of Chapter 17, Title 7 to the Yuba City Municipal Code.**

Chapter 17, Title 7 is hereby added to the Yuba City Municipal Code to read as follows:

**Chapter 17**

**Expedited Permit Processing For Electric Vehicle Charging Systems**

Sec. 7-17.01. Purpose and intent

Sec. 7-17.02. Definitions

Sec. 7-17.03. Expedited Permitting Process

Sec. 7-17.04. Permit Application Processing

Sec. 7-17.05. Technical Review

Sec. 7-17.06. Electric Vehicle Charging Station Installation Requirements

**Sec. 7-17.01. – Purpose and intent.**

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 while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Chapter is also purposed to comply with California Government Code Section 65850.7.

**Sec, 7-17.02. – 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:
  - (1) Electronic mail or email.
  - (2) The internet.
  - (3) Facsimile.

**Sec, 7-17.03. – 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.

**Sec. 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) 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.
- (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 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.

**Sec. 7-17.05. - 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.

**Sec. 7-17.06. – 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.**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. CEQA.**

The City Council hereby determines that this ordinance is exempt from environmental review under the California Environmental Quality Act because it can be seen with certainty it will not have a significant effect on the environment (CEQA Guideline 15061(b)(3)).

**Section 5. Effective Date.**

This ordinance shall become effective thirty (30) days after its adoption. A summary of this ordinance shall be published once at least five (5) days prior to the adoption of this ordinance and once within fifteen (15) days after its adoption, in the Appeal Democrat, a newspaper of general circulation in the City of Yuba City.

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Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 20<sup>th</sup> day of February, 2018, and passed and adopted at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Patricia Buckland, City Clerk

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Preet Didbal, Mayor

Approved as to form:

\_\_\_\_\_  
Tim Hayes, City Attorney