



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Community Development

MEETING DATE: September 5, 2017

PREPARED BY: Evan Nuckles, Building & Safety Division Manager

AGENDA LOCATION: AR-1

TITLE: Amendment to Title 15 (Buildings and Construction) of the Monrovia Municipal Code Establishing a Streamlined Permitting Process Pursuant to AB 1236; Introduction and First Reading of Ordinance No. 2017-06

OBJECTIVE: To adopt regulations and standards for an expedited and streamlined permitting process for electric vehicle charging stations as required by Government Code Section 65850.7

BACKGROUND: Electric vehicles (EV) were introduced more than a century ago. However, as technology has improved and the options significantly increased, the popularity of alternative fuel vehicles continues to increase steadily. This is especially true in California, which is home to around 40% of all EVs sold in the United States. These sales figures – which are tracked by the California Air Resources Board (CARB) – mean that California has more EVs on the road than any other state or country.

Additionally, the market for EVs is growing stronger every year, according to the California Plug-In Electric Vehicle Collaborative. Monrovia-based AeroVironment inked a deal in March of 2017 with Volvo to develop the company's first custom global EV charging station. To support the increasing numbers of EVs, the Collaborative and other key EV stakeholders assert that increasing EV charging infrastructure will allow EV drivers to extend their range of electric miles driven and encourage owners of conventional fuel vehicles to purchase EVs.

In 2012, the Governor issued an Executive Order directing CARB, the California Energy Commission, the Public Utilities Commission (PUC), and other relevant agencies working with the Collaboration and the Fuel Cell Partnership to develop benchmarks to help support and facilitate the rapid commercialization of zero emission vehicles (ZEVs). The order directed these agencies to establish benchmarks to help the state's ZEV infrastructure support 1.5 million EVs by 2025. Furthering this goal, Governor's Office of Planning and Research and the State Architect published guidelines to address physical accessibility standards and design guidelines for the installation of EV charging stations throughout California. These guidelines are voluntary and apply to public and private sites.

In 2015, Assembly Bill 1236 (AB 1236) was signed into law. This bill mandates counties and cities, including charter cities, to create an expedited permitting and inspection process for home electric vehicle charging stations. Specifically, this bill:

- 1) Requires local jurisdictions to adopt an ordinance on or before September 30, 2017, that streamlines the permitting process for EV charging stations.
- 2) Requires local jurisdictions to publish, on a publicly accessible website, a checklist of all requirements and the required permitting documentation, allow for electronic submittal of a

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permit application and associated documents, and authorize electronic signatures on all submittal documents.

- 3) Requires an EV charging station to meet health and safety standards and requirements imposed by state and local permitting authorities, as well as safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, accredited testing laboratories, and, where applicable, rules of the California Public Utilities Commission regarding safety and reliability.

AB 1236 is the 4th EV charging bill passed by the State of California in recent years; the others are SB 209 (2011), SB (2012), and AB 1092 (2013).

ANALYSIS: Assembly Bill 1236 requires jurisdictions with a population of less than 200,000 to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations. Local jurisdictions must adopt a conforming ordinance on or before September 30, 2017.

This process includes adopting regulations as establishing a checklist that is based on the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” of the Governor’s Office of Planning and Research.

Ordinance No. 2017-06

As specified by AB 1236, local jurisdictions are required to adopt a local ordinance that outlines the parameters and requirements for streamlined processes. As contained in the proposed ordinance, these provisions include:

- Implementation of an expedited permit and review process not to exceed (2) business days
- Only a single inspection can be required
- Building Official to adopt a standard plan and checklist
- Prohibition of HOA approval requirements
- Appeal process

Permitting Checklist

This checklist contains objective requirements eligible for expedited review for the installation of an electric vehicle charging station, and a process for electronic submittal of permit applications. The checklist requires the permit applicant to check the features of the existing electrical service such as rating in amperes and system voltage, as well as the specification requirements of the electric vehicle supply equipment, including ventilation and clearances of the charging equipment to comply with all applicable building and fire safety laws.

The checklist also assists the applicant in confirming that the location of the electric vehicle supply equipment will comply with any vehicle clearance requirements in the City of Monrovia Zoning Ordinance.

Pursuant to the provisions of AB 1236, there are few alternatives available to local jurisdictions and make the direction from the State of California relatively clear. However, that being said, staff has determined that the impact to the operation is minimal.

ENVIRONMENTAL REVIEW: This ordinance is not subject to CEQA because the adoption of this ordinance is not a “project” pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) because this Ordinance involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code section 65850.7. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. Additionally, the adoption of this ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in

support of state and local climate action goals pursuant to CEQA Guidelines, 14 C.C.R., Sections 15307 and 15308.

FISCAL IMPACT: There is no immediate financial impact or budget action necessary as a result of the recommended action. The City has fees established that recover the cost to implement the requirements of the proposed regulations.

OPTIONS: As this ordinance complies with a state mandated activity, there are not many alternative courses of action, therefore the following options are provided for the consideration of the City Council:

1. Approve the amendments to Title 15 of the Monrovia Municipal Code contained in Ordinance No. 2017-06, or
2. Do not approve the amendments contained in Ordinance No. 2017-06 and direct the staff to address any stated concerns of the City Council to be incorporated into an amended ordinance to be brought back for reconsideration.

RECOMMENDATION: Staff recommends that City Council adopt Ordinance No. 2017-06.

COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate action would then be a motion to introduce, waive further reading, and read by title only Ordinance No. 2017-06.

ORDINANCE NO. 2017-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO ELECTRIC VEHICLE CHARGING STATION PERMITTING REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA does ordain as follows:

SECTION 1. In 2015, Assembly Bill No. 1236 (“AB 1236”) was passed which amended Section 6580.7 of the California Government Code to require every city, county, and charter city to adopt an ordinance that creates an expedited, streamlined permitting process for “electric vehicle” charging stations” by September 30th, 2017. AB 1236 also requires every city and county to administratively approve electric vehicle charging stations in an expedited and timely manner, and it prohibits a city or county from denying an application for use permit unless it makes certain written findings.

SECTION 2. Environmental Review

The City Council hereby finds, in the exercise of its independent judgement and Analysis, that Ordinance 2017-06 is exempt from the California Environmental Quality Act (“CEQA”) pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) because this Ordinance involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code section 65850.7. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. Additionally, the adoption of this ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in support of state and local climate action goals pursuant to CEQA Guidelines, 14 C.C.R., Sections 15307 and 15308.

SECTION 3. The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016.

SECTION 4. All legal prerequisites to the adoption of the Ordinance have occurred.

SECTION 5. Title 15 (Buildings and Construction) of the Monrovia Municipal Code, is hereby amended by adding a new Chapter 15.56 entitled Electric Vehicle Charging Station Ordinance, which shall read as follows:

15.56 Electric Vehicle Charging Station Ordinance.

15.56.010 Intent and Purpose.

The intent and purpose of this chapter is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with Government Code Section 6580.7 to achieve timely and cost-effective installations. This chapter is designed to encourage the use of electric vehicles by removing what the State Legislature considers to be unreasonable barriers, thus minimizing costs to property owners and the city, and expanding the ability of property owners to install electric vehicle charging systems and electric vehicle charging spaces. This chapter allows the city to achieve these goals while protecting the public health and safety.

15.56.020 Definitions.

ASSOCIATION means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

BUILDING DEPARTMENT means the Building and Safety Division of the Community Development Department for the City of Monrovia.

BUILDING OFFICIAL means the Building Official for the City of Monrovia.

COMMON INTEREST DEVELOPMENT means any of the following:

1. A community apartment project.
2. A condominium project.
3. A planned development.

ELECTRIC VEHICLE CHARGING STATION or CHARGING STATION means any level of electric vehicle supply equipment station or space involved for charging electric vehicles that is designed and built in compliance with Article 625 of the California Electric 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.

ELECTRONIC SUBMITTAL means the utilization of one or more of the following:

1. Email.
2. The Internet.
3. Facsimile.

FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR AVOID THE SPECIFIC ADVERSE IMPACT includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the city on another similarly situated application in a prior successful application for a similar permit.

SPECIFIC, ADVERSE IMPACT means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, and written public health or

safety standards, polices, or conditions as they existed on the date the application was deemed complete.

15.56.030 Applicability

This chapter applies to the permitting of all electric vehicle charging stations in the city. Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter are not subject to its requirements unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements with no structural alterations shall not require a permit.

15.56.040 Technical Review

- (A) In the technical review of a charging station, 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.
- (B) 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.
- (C) 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.

15.56.050 Duties of Building and Safety Division and Building Official

- (A) The Building Official shall implement an expedited, streamlined permitting process and adopt a checklist of all requirements which electric vehicle charging stations shall comply with in order to be eligible for expedited review within 30 days of the adoption of this Chapter.
- (B) Electric vehicle charging stations shall be eligible for expedited review as provided in this chapter.
- (C) All documents required for submission of an expedited electric vehicle charging station system shall be made available on the city's publicly accessible website.

- (D) Electronic submittal of the required permit application and documents via email, the city's website, or facsimile shall be made available to all electric vehicle charging station permit applicants.
- (E) The Building and Safety Division shall adopt a standard plan and checklist of all requirements with which electric vehicle charging stations shall comply with to be eligible for expedited review.
- (F) The electric vehicle charging station permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard 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" published by the Governor's Office of Planning and Research.
- (G) All fees prescribed for the permitting of electrical vehicle charging stations shall comply with Government Code Section 17556.

15.56.060 Expedited Review and Inspection Requirements

- (A) For an application for electric vehicle charging stations that meets the requirements of the approved checklist and standard plan, the Building and Safety Division shall issue a building permit or other non-discretionary permit within three business days following receipt of a completed application. The expedited, streamlined permitting process and checklist refers 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 checklist adopted by the City shall be published on the City's website. The Building Official may require the applicant to apply for an electric vehicle charging station use permit only if the Official finds, based on substantial evidence, the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission by filing a written appeal pursuant to 2.52.060 of the Monrovia Municipal Code.
- (B) Review of the application for a permit for an electric vehicle charging station shall be limited to the Building Officials review of local, state and federal building health and safety requirements. 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) If an electric vehicle charging station use permit is required pursuant to division (A) of this section, the Building Official may deny the application if the Official makes written findings based upon substantive evidence in the record that the proposed installation 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. Such written findings shall include the basis for the rejection of the potential feasible alternative for preventing adverse impact. Such decisions may be appealed to the Planning Commission as provided in this Chapter.

- (D) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. The city shall use its best efforts to ensure the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).
- (E) If an application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant within three business days following the date the application is deemed incomplete.
- (F) 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.
- (G) 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's adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall 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 it passes final inspection by the city.
- (H) Only one inspection shall be required and it shall be performed by the Building and Safety Division for electric vehicle charging stations eligible for expedited review.
- (I) The inspection shall be done in a timely manner and should combine inspections of multiple trades if feasible. An inspection shall be scheduled within two business days of a request.
- (J) If an electric vehicle charging station fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.

15.56.070 Electric Vehicle Charging Station Use Permit and Appeals

- (A) If the Building Official determines, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the Building Official shall make written findings to support this determination and shall require the applicant to apply for a conditional use permit pursuant to the provisions of Title 17 (Zoning) of the Code.

- (B) If the Building Official requires an electric vehicle charging station use permit, the Planning Commission shall approve an application for a electric vehicle charging station use permit to install an electric vehicle charging station, provided that the Planning Commission is able to make the findings set forth in Section 17.52.290 of the Code and the Planning Commission determines there are feasible methods to satisfactorily mitigate or avoid specific, adverse impact upon public health and safety.
- (C) *Appeals.* Decisions of the Building Official may be appealed to the Planning Commission pursuant to the provisions of Section 17.52.020 of the Monrovia Municipal Code; Decisions of the Planning Commission may be appealed to the City Council pursuant to the provisions of Section 17.52.010 of the Monrovia Municipal Code.

15.56.080 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.

SECTION 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, 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 remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

INTRODUCED this 5th day of September, 2017.

PASSED, APPROVED, AND ADOPTED this 19th day of September, 2017.

Tom Adams, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia