



REPORT TO CITY COUNCIL

DATE: SEPTEMBER 12, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: AMIR HAMIDZADEH, BUILDING OFFICIAL 

SUBJECT: ADOPTION OF ORDINANCE NO. 17-431; AMENDING SECTION 8207 OF CHAPTER 2 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

At the August 23, 2017 regular City Council meeting, the City Council held a public hearing and on a 5-0 vote, introduced, read by title only, and waived further reading of Ordinance No. 17-431.

By amending Municipal Code Section 8207 of Chapter 2 of Article VIII of the Agoura Hills Municipal Code, the City Council will further the conservation goals of the City, through the creation of an expedited, streamlined permitting process for electric vehicle charging stations.

Assembly Bill 1236, adopted in October 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 on or before September 30, 2017. The purpose of this Assembly Bill is to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

In order to achieve the expedited process and meet the requirements of Assembly Bill 1236, the City of Agoura Hills will include a checklist of requirements with which a permit application for an electric vehicle charging station will be eligible for expedited review. This checklist will be published and available as a handout, as well as on City's website.

Attached for your reference is a copy of the proposed ordinance.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Ordinance No. 17-431; amending Municipal Code Section 8207 of Chapter 2 of Article VIII of the Agoura Hills Municipal Code.

Attachments: Ordinance No. 17-431
Eligibility Checklist

ORDINANCE NO. 17-431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 8207 OF CHAPTER 2 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

A. The City Council of the City of Agoura Hills seeks to implement Assembly Bill 1236 (Local ordinances: electric vehicle charging stations) through the creation of an expedited, streamlined permitting process for electric vehicle charging stations.

B. The City Council seeks to further the conservation goals of the City and support the climate action policies set by the State.

C. It is in the interest of the health, welfare and safety of the people of Agoura Hills to provide an expedited permitting process for the deployment of electric vehicle technology.

Section 2. CEQA. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance 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. Staff is hereby directed to prepare and post a notice of exemption pursuant to Guidelines Section 15062.

Section 3. Code Amendment. Section 8207 of Chapter 2 of Article VIII of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

"8207. Expedited Review of Electric Vehicle Charging Station Permits.

A. APPLICABILITY

1. This section applies to applications for expedited building permits for electric vehicle charging stations consistent with California Government Code Section 65850.7.

B. DEFINITIONS

1. “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 Electric Code, as it read on January 1, 2016, and delivers electricity from a source outside of an electric vehicle into a plug-in electric vehicle.
2. “Electronic submission” means a submission of an application utilizing email, the internet, and/or facsimile transmission.
3. “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 an application was deemed complete.

C. PROCESS

1. The building official shall adopt a checklist of all application requirements for expedited building permits for electric vehicle charging stations. The checklist shall substantially conform to the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” found in the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research. The checklist, application form, and any other documents required by the building official shall be published on the City’s website.
2. Anyone seeking to install an electric vehicle charging station at any site within the City shall apply to the building official for an expedited nondiscretionary building permit.
3. An application for an expedited building permit for an electric vehicle charging station, and all associated documentation, may be submitted to the building official in person, by mail, or by electronic submission. Electronic signatures may be used in lieu of wet signatures.
4. An application that, in the opinion of the building official, satisfies the information requirements of the checklist adopted by the City shall be deemed complete.
5. If an application for an expedited building permit is deemed incomplete, the building official shall provide a written correction notice of the

deficiencies and the additional information required to complete the application.

6. If the building official determines that an application for an expedited building permit is complete, the building official shall process the application. If the building official determines that the proposed charging station meets all health and safety requirements of state and federal law, and would not have a specific, adverse impact upon the public health or safety, the application shall be approved and a building permit shall be issued.
 7. If the building official finds, based on substantial evidence, that a proposed charging station could have a specific, adverse impact upon the public health or safety, the City may require the applicant to apply for an electric vehicle charging station use permit in order to install the proposed charging station.
 8. An application for an electric vehicle charging station use permit shall be reviewed by the building official. The building official shall not deny such an application without making written findings, based upon substantial evidence in the record, that the proposed charging station would have a specific, adverse impact upon the public health or safety which could not feasibly be satisfactorily mitigated or avoided. The written findings required for rejection of an electric vehicle charging station use permit application shall include the building official's basis for rejecting any potentially feasible alternatives that could mitigate or prevent the alleged adverse impact. Pursuant to Government Code Section 65850.7, the building official's review shall be limited to health and safety issues. Aesthetic concerns, or other items not related to public health or safety may not be considered.
 9. A decision of the building official made pursuant to paragraphs 6-8 of this subsection may be appealed to the Planning Commission. The Planning Commission's review shall also be limited to health and safety issues.
 10. Any condition imposed on an application for an expedited building permit or electric vehicle charging station use permit shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- D. FEES. Fees for permits and inspections associated with this Chapter may be established by resolution of the City Council."

Section 4. Section 8207 (Violations, Penalties) of Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby

renumbered as Section 8208 of the Agoura Hills Municipal Code and will read as follows:

“8208. – Violations, penalties.

In addition to any other applicable provision of this article VIII, any person, firm, partnership, association, corporation or joint venture violating any of the provisions of this chapter shall be guilty of a misdemeanor.”

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. Certification and Publication. 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 this ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Agoura Hills, California, on this _____ day of September, 2017.

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney