



TOWN OF FAIRFAX

STAFF REPORT

September 6, 2017

TO: Mayor and Council

FROM: Ben Berto, Planning Director
Garrett Toy, Town Manager GT

SUBJECT: Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.04.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations; Class 3 CEQA Categorical Exemption

RECOMMENDATION

1. Conduct the public hearing.
2. Introduce, waive first reading and read by title only an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.04.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations.

BACKGROUND

The State of California signed AB 1236 into law in October 2015, which added Section 65850.7 to the Government Code. The statute requires cities and counties to administratively approve an electric vehicle charging station (EVCS) installation application via issuance of a building permit or similar nondiscretionary permit, and create a streamlined permitting process for EVCS application review. The statute also requires local jurisdictions to adopt local regulations by September 30, 2017 to comply with the goals and intent of the Statute.

DISCUSSION

Fairfax has been an enthusiastic supporter of the use of electric vehicles. Governmental policies and regulations in further encouragement of their use would seem to be logical. State regulations direct that appurtenant EVCS facilities be allowed without discretionary review, and that local review be streamlined.

Staff does not anticipate problems with future EVCS facilities in Fairfax, provided that necessary electrical permits are obtained prior to installation.

In furtherance of the statutory permit streamlining requirements, the State has provided a checklist to be used in reviewing EVCS (attached).

If introduced tonight, the ordinance would be brought back to the Council at its October 4, 2017 meeting for a second reading and possible adoption.

CEQA

Pursuant to State CEQA Guidelines section 15303 (14 Cal. Code Regs., § 15303), this Ordinance is covered by the Class 3 CEQA Categorical Exemption for construction of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The adoption of this Ordinance will result in a streamlined permitting process for the installation of electric vehicle charging equipment in residential or commercial garages, parking lots and other developed areas.

FISCAL IMPACT

N/A

ATTACHMENTS

- A. Ordinance No. _____
- B. Permitting Checklist

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
ADDING SECTION 15.04.065 "ELECTRIC VEHICLE CHARGING STATIONS"
TO CHAPTER 15.04, CONSTRUCTION CODES,
SETTING FORTH PROCEDURES FOR EXPEDITED PERMIT PROCESSING FOR
ELECTRIC VEHICLE CHARGING STATIONS**

WHEREAS, State law mandates that on or before September 30, 2017, every city/town, county, or city and county with a population of less than 200,000 residents must adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations pursuant to Assembly Bill 1236 (2011); and

WHEREAS, the Town wishes to amend its Municipal Code to meet State law and to facilitate convenient charging of electric vehicles; and

WHEREAS, the Ross Valley Fire Protection District has been consulted regarding the adoption of this ordinance as required by Government Code section 65850.7(g); and

WHEREAS, the Town of Fairfax supports the environmental benefits of electric vehicles and necessary appurtenant facilities; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Fairfax Town Council has reviewed all written evidence and oral testimony presented to date on this matter.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Section 15.04.065 entitled "Electric Vehicle Charging Stations" is hereby added to Chapter 15.04 "Construction Codes" of the Fairfax Municipal Code, which shall read as follows:

§ 15.04.065: ELECTRIC VEHICLE CHARGING STATIONS

(A) Purpose.

The purpose of this section is to create an expedited and streamlined electric vehicle charging station permitting process that complies with Government Code Section 65850.7 to achieve the timely and cost-effective installation of electric vehicle charging stations. Pursuant to Government Code Section 65850.7 and notwithstanding any other provision of this Code pertaining to conditional or accessory uses, only an electrical permit shall be required for an electric vehicle charging station.

(B) Definitions

(1) Electronic submittal means the submission of application materials via electronic mail.

(2) Electric vehicle charging station or charging station means any level of electric vehicle supply equipment station this is designed and built in compliance with the California Electric Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(C) Permit.

(1) An electrical permit is required prior to installing an electric vehicle charging station. Installation shall also meet any applicable requirements of the California Building Standards Code (California Code of Regulations, Title 24) and state law, including but not limited to, Government Code Section 65850.7, as may be amended from time to time.

(2) The building official shall adopt and maintain a standard electric vehicle charging station checklist that is consistent with the checklist 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 Office of Planning and Research. The checklist and application shall be made available on the Town's website.

(3) An application to install an electric vehicle charging station may be made by electronic submittal. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(4) An application will be deemed complete if the building official determines that the application includes all of the information and documents required by the standard application form and the standard checklist. If an application is deemed incomplete, the building official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the building official will perform an expedited review of the application.

(5) A permit will be issued following the building official's approval of an application for a electric vehicle charging station and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically. The decision to approve or deny the permit shall be issued in accordance with the timeframes adopted by the town council and in no event later than three days after the application is deemed complete.

(6) As soon as practicable after the applicant notifies the building official that an electric vehicle charging station has been installed, the building official will inspect the system to verify compliance with the permit. No electric vehicle charging station may be operated unless the building official verifies in writing that it complies with the permit.

Section 3. CEQA. The Town Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California

Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15303 (14 Cal. Code Regs., § 15303), this Ordinance is covered by the Class 3 CEQA Categorical Exemption for construction of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The adoption of this Ordinance will result in a streamlined permitting process for the installation of electric vehicle charging equipment in residential or commercial garages, parking lots and other developed areas. The Town Council hereby directs the Town Manager or his/her designee to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

Section 5. Effective Date and Posting. This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women's Club.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the ___ day of _____ 2017, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Reed, Mayor

Attest:

Michele Gardner, Town Clerk

Date