



# City of San Leandro

Meeting Date: September 5, 2017

## Staff Report

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**File Number:** 17-479

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.R.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** City Attorney and  
Rich Pio Roda  
City Attorney

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report for an Ordinance adding Article 15, "Electric Vehicle Charging Station Permits", to Chapter 7-5 of the San Leandro Municipal Code to provide for an expedited, streamlined permitting process for electric vehicle charging stations

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### RECOMMENDATION

Staff recommends that the City Council waive the first reading of and introduce the attached ordinance adding Article 15, "Electric Vehicle Charging Station Permits", to Chapter 7-5 of the San Leandro Municipal Code to provide for an expedited, streamlined permitting process for electric vehicle charging stations.

### BACKGROUND AND SUMMARY

On October 8, 2015, Governor Jerry Brown signed AB 1236 into law. AB 1236 amends Government Code section 65850.7 to, among other things, require jurisdictions with fewer than 200,000 residents to adopt an ordinance to establish an expedited, streamlined permitting process for electric vehicle charging stations on or before September 30, 2017. AB 1236 requires the Building Official to adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. Once an applicant has satisfied the requirements of the checklist, the City must approve the application and issue all required permits unless the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to mitigate the specific, adverse impact.

AB 1236 also requires the acceptance of electronic signatures in lieu of wet signatures. If a city or county is unable to authorize acceptance of an electronic signature, the ordinance must specify the reasons for the inability to accept electronic signatures. The City does not currently accept electronic signatures, and the technology necessary to accept electronic signatures adds

complexity and expense to the permitting process. This information is included in the proposed ordinance as the basis for the City's inability to accept electronic signatures at this time.

The attached ordinance complies with the requirement of AB 1236 to establish an expedited, streamlined permitting and inspection process for electric vehicle charging stations and protects public health and safety by prescribing minimum standards for the use, design and installation of such stations. The City Council must adopt such an ordinance on or before September 30, 2017 in order to comply with AB 1236.

**ATTACHMENT(S)**

- Exhibit A - Municipal Code Text



# City of San Leandro

Meeting Date: September 5, 2017

## Ordinance

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**File Number:** 17-480 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** City Attorney and  
Rich Pio Roda  
City Attorney

**FINANCE REVIEW:** Not Applicable

**TITLE:** An ORDINANCE Of The City Of San Leandro Adding Article 15 "Electric Vehicle Charging Station Permits" To Chapter 7-5 Of The San Leandro Municipal Code To Provide For An Expedited, Streamlined Permitting Process For Electric Vehicle Charging Stations

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WHEREAS, the City of San Leandro desires to promote and encourage the use of fuel-efficient electric vehicles; and

WHEREAS, on October 8, 2015, the Governor signed AB 1236, which amended Government Code section 65850.7 to require local agencies to adopt an ordinance by creating an expedited and streamlined permitting process for electric vehicle charging stations; and

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

WHEREAS, the City Council of the City of San Leandro finds that it is in the interest of the health, welfare, and safety of the public to provide an expedited, streamlined permitting process to encourage and facilitate the convenient development of electric vehicle charging stations.

Now, therefore, the City Council of the City of San Leandro does ordain as follows:

**SECTION I.** Recitals. The above recitals are true and correct and made a part of this ordinance.

**SECTION II.** Electronic Signatures. The City is unable as of the date of this Ordinance to comply with the provisions of Government Code Section 65850.7(g)(2) that would allow the City to utilize "electronic signatures on all forms, applications, and other documentation in lieu of a wet

signature by an applicant." The City does not have a system in place that is capable of verifying an electronic signature. The technology required to implement such a system would require significant changes to the City's technology infrastructure, which is currently in re-design and development. Therefore, at present the City requires more time and analysis to determine the best means to implement an electronic signature acceptance system. Based on the reasons set forth in this Section, the City Council determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant for an electric vehicle charging station.

SECTION III. CEQA. Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a text amendment to adopt regulations to expedite and streamline permitting for electric vehicle charging stations, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

SECTION IV. Approval. The City Council hereby approves the amendments to the Municipal Code, more particularly, adding Article 15 to Chapter 7-5, as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION V. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION VI. Publication and effective date. This Ordinance shall take effect thirty (30) days after adoption. The City Clerk of the City of San Leandro shall cause the Ordinance to be published in accordance with section 36933 of the Government Code of the State of California.

# EXHIBIT A

## CHAPTER 7-5 BUILDING CODE

### ARTICLE 15. ELECTRIC VEHICLE CHARGING STATION PERMITS

<b>Sec. 7-5-1500</b>	<b>Purpose and intent.</b>
<b>Sec. 7-5-1505</b>	<b>Definitions.</b>
<b>Sec. 7-5-1510</b>	<b>Expedited permitting process.</b>
<b>Sec. 7-5-1515</b>	<b>Permit application processing.</b>
<b>Sec. 7-5-1520</b>	<b>Technical review.</b>
<b>Sec. 7-5-1525</b>	<b>Electric vehicle charging station installation requirements.</b>

**Sec. 7-5-1500**                      **Purpose and intent.**

The purpose and intent of this article 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 article is intended to comply with the requirements of Government Code Section 65850.7.

**Sec. 7-5-1505**                      **Definitions.**

For purposes of this article, the following words and phrases shall have the meanings provided below:

- 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 article, and delivers electricity from a source outside an electrical vehicle into a plug-in electric vehicle.
- B. *Building Official* means the Chief Building Official of the City of San Leandro or his or her designee.
- C. *Electronic submittal* means the utilization of one or more of the following:
  - (1) E-mail,
  - (2) The internet,
  - (3) Facsimile.
- D. *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.

- E. *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.

**Sec. 7-5-1510 Expedited permitting process.**

The Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations consistent with this article, 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 and shall be accessible to the public.

**Sec. 7-5-1515 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, inspection of the following: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; and 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 meet the requirements of the city’s adopted checklist, and are 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.
- C. Approval does not authorize an applicant to energize or utilize the electric vehicle charging station unless and until approval is granted by the applicable electric utility.
- D. An inspection may be required and performed by the Building Official. If an inspection is required, the inspection shall be done in an efficient and timely manner. If the electric vehicle charging station fails the initial inspection, a subsequent inspection may be required.
- E. 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.

F. Upon a determination of the City Manager that the City has such capabilities, the Building Official shall allow for electronic submittal of permit applications covered by this article and associated supporting documents.

**Sec. 7-5-1520 Technical review.**

A. 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, the city may require the applicant to apply for a Use Permit pursuant to the City's Zoning Code.

B. In the technical review of an electric vehicle charging station, the Building Official shall not condition the approval of 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. 7-5-1525 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 applicable electric utility 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.

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