

TOWN COUNCIL STAFF REPORT

Subject: Ordinance adding Section 15.04.180 to the Town Municipal Code relating to expedited permitting procedures for electric vehicle charging stations as required by Government Code Section 65850.7.

Meeting Date: April 20, 2022

Written by: Bailey Thompson, Permit Technician / Plans Examiner
Tom Perry, Building Official

RECOMMENDATION:

Waive the first reading and introduce by title only the attached Ordinance which enacts expedited permitting procedures for electric vehicle charging stations and adding Section 15.04.180 to the Municipal Code.

BACKGROUND/ANALYSIS:

Assembly Bill 1236, which amended Section 65850.7(a)(3) of the California Government Code, provides that it is the policy of the state to promote and encourage the use of electric vehicle charging stations by limiting obstacles to their use. Section 65850.7(g)(1) of the California Government Code requires that, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 residents must adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations. The streamlined permitting process includes the provision that cities cannot require electric vehicle charging stations to go through a discretionary permit process (i.e., administrative permit, use permit, etc.), unless 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, in which case the city may require the applicant to apply for a use permit. Section 65850.7(h) also clarifies that a jurisdiction shall not condition approval of a permit for an electric vehicle charging station based on the approval of an association as defined in California Civil Code, Section 4080.

Although the Town has not formally adopted an ordinance, we are currently expediting the review of such applications by not subjecting them to a discretionary permit process. The Town also currently can accept such applications electronically.

Town staff presented this ordinance to the Board of Appeals/ Building Advisory Committee on February 23, 2022, and the Board recommended approval of the ordinance to the Town Council. Town staff presented this ordinance to the Mammoth Lakes Contractors Association and Mammoth Lakes Fire Protection District on March 4, 2022, and both groups expressed support for the ordinance.

The ordinance codifies the requirements of Section 65850.7, such as accepting and approving applications electronically, directing the Town's Building Official to develop a checklist of all requirements, defining the requirements for expedited review, and authorizing the Building Official to administratively approve such applications.

OPTIONS ANALYSIS

Option 1: Waive the first reading and introduce by title only the attached Ordinance which enacts expedited permitting procedures for electric vehicle charging stations and adding Section 15.04.180 to the Municipal Code.

Option 2: Decline to adopt the attached Ordinance which enacts expedited permitting procedures for electric vehicle charging stations.

Option 1 would allow the Ordinance to proceed to a second reading by Council on May 4, 2022, and the Ordinance would become effective 30 days after the second reading.

Option 2 would stop the work effort; Council would not need to make findings for denial.

STAFFING CONSIDERATIONS:

There is no anticipated staffing impact as the Town already processes these types of permits in an expedited manner.

FINANCIAL CONSIDERATIONS:

There is no anticipated fiscal impact as the costs would be recovered through existing building permit fees. As noted, the Building Division is currently providing expedited review and electronic submittal of applications for electric vehicle charging stations.

ATTACHMENTS:

Attachment 1: Town Council Ordinance 22-__
Attachment 2: Checklist for Expedited Process of Electric Vehicle Charging Stations Permits