



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: October 4, 2022

Subject

Consider adopting an ordinance to comply with AB 1236 to establish an expedited permit process for electric vehicle (EV) charging systems

Recommended Action

Introduce for first reading an ordinance amending Cupertino Municipal Code Chapter 16.28 establishing an expedited, streamlined permitting process for electric vehicle charging stations in compliance with AB 1236.

Background

Assembly Bill 1236 (Chiu, 2015) requires cities and counties to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations (EVCS). Pursuant to AB 1236, cities and counties must adopt a streamlining ordinance and checklist, and any EVCS permit review can only be limited to health and safety requirements.

Assembly Bill 970 (McCarty, 2021), which created Government Code Section 65850.71, builds upon AB 1236. AB 970 adds specific binding timelines to the review period based on the size of the project and clarifies parking requirements.

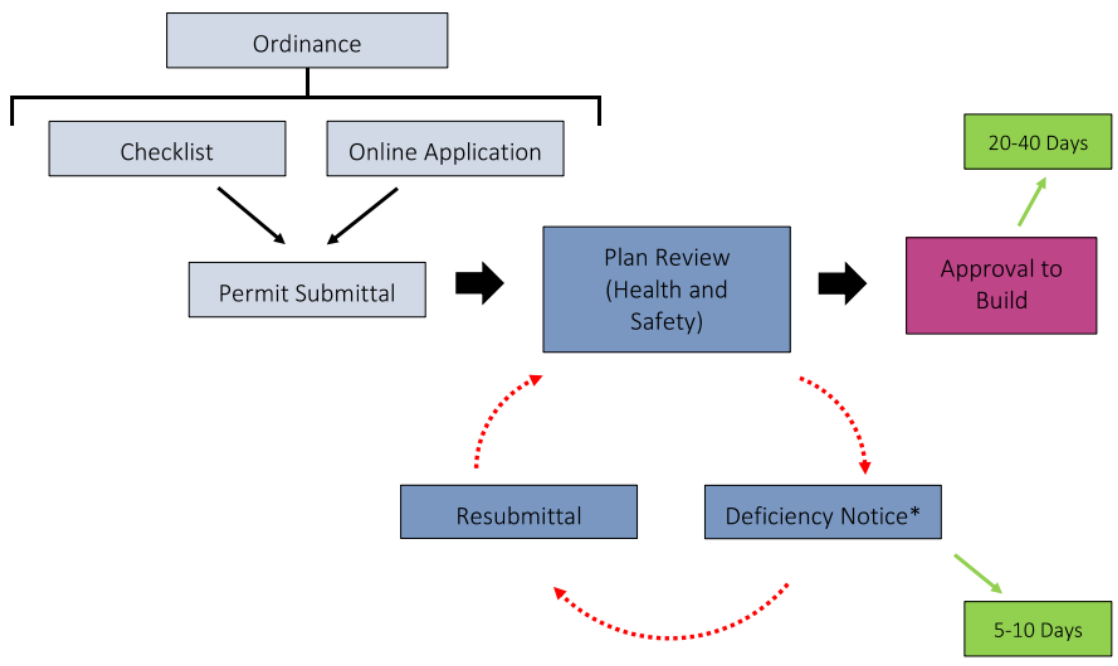
AB 1236 and AB 970 require the City to become "EVCS Permit Ready," based on the following standards:

1. Streamlining Ordinance for Expedited EVCS Permit Process
2. Permitting Checklists Online for L2 & DCFC
3. Administrative Approval of EVCS
4. Approval Limited to Health & Safety Review
5. Electronic Signatures Accepted
6. EVCS Not Subject to Association Approval
7. One Complete Deficiency Notice if Application is Incomplete

In addition to adoption of the proposed ordinance, staff will update its checklist to contain objective requirements for the installation of an electric vehicle charging station and a process for electronic submittal of permit applications to be made available on City's website. The updated checklist is expected to be made available by the beginning of calendar year 2023,

following the ordinance becomes effective. The content of the checklist requires the permit applicant to check the features of the existing electrical service such as rating in amperes, system voltage, connected or calculated load, spare capacity in amperes, voltage and ampere rating of the electric vehicle supply equipment, circuit rating of the electric vehicle supply equipment, location of the electric vehicle supply equipment, if ventilation is/ or is not required, 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’s Zoning Ordinance. The permit process and timeline are outlined below.

1. EVCS Permit Process and Timeline



* The deficiency notice should include one complete set of comments.

Assembly Bill 1236 (2015) further prohibits a jurisdiction from imposing any condition approval on an EV charging station permit based on the approval of an association as defined in California Civil Code, Section 4080.

Staff recommends that the City Council introduce for first reading the proposed ordinance, based on the requirements of Government Code section 65850.7. The ordinance and related next steps below will bring the City of Cupertino in full compliance with both AB 1236 and AB 970 and create an expedited, streamlined process will be available to permit applicants.

Related Relevant Laws

AB 1100 (Kamlager-Dove, 2019), codified in Vehicle Code section 22511.2, provides that charging spaces count as at least one standard parking space for complying with minimum

parking requirements. Accessible charging spaces with an access aisle count as at least two standard parking spaces.

Civil Code Section 4745 limits a homeowner association's ability to prohibit or restrict the installation of an EVCS by a member.

Civil Code Section 1947.6 (residential) and Civil Code Section 1952.7 (commercial) provide that tenants have the right to install EVCS and landlords must grant permission under specified circumstances.

Next Steps

If Council approves the introduction of the ordinance, staff will agendize the second reading on October 18, 2022 to adopt the proposed ordinance. Subsequently, staff will create the necessary permitting checklist and post it to the website and at the permit counter by January 2023. A public relations campaign will follow to notify the public of the newly adopted streamlined permitting process.

Staff will also submit this information to the State of California's Go-BIZ administrators, and request that the EVCS permit streamlining map be updated to show Cupertino in full compliance with the EVCS permit streamlining laws.

Sustainability Impact

The Cupertino Climate Action Plan 2.0, which was adopted by City Council on August 12, 2022, places a great emphasis on decarbonizing the transportation systems in the City. Measure TR-3 seeks an increase in zero-emission vehicles to 35 percent for passenger vehicles and 20 percent for commercial vehicles by the year 2030. Adopting and maintaining a streamlined EVCS permitting process is a key action toward this end.

Fiscal Impact

Adopting the ordinance proposed today will not by itself have any fiscal impact.

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Reviewed by:

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Benjamin Fu, Director of Community Development

Christopher Jensen, City Attorney

Approved for Submission by:

Pamela Wu, City Manager

Attachments:

A – Draft Ordinance (Redline)

B – Draft Ordinance (Clean)