

FORM APPROVED COUNTY COUNSEL 4/31/16
 BY: GREGORY P. PRIAMOS DATE

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

563



FROM: TLMA – Building & Safety Department

SUBMITTAL DATE:
 August 31, 2016

SUBJECT: Introduction of Ordinance No. 931 Related to Expedited Permitting Procedures for Electric Vehicle Charging Stations – CEQA Exempt - All Districts - [\$27,000]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Per Board of Supervisors Policy A-1, waive application of Board Policy A-67 regarding initiation of ordinances since Ordinance No. 931 is required by state law per Government Code section 65850.7;
2. Find Ordinance No. 931 exempt from CEQA per CEQA Guidelines sections 15301, 15303, 15304, 15061(b)(3), 15268, and Public Resources Code section 21080(b)(1) based on the findings and conclusions contained in the attached Notice of Exemption; and
3. Introduce, waive further reading of the ordinance, and adopt on successive weeks Ordinance No. 931, an ordinance of the County of Riverside related to expedited permitting procedures for electric vehicle charging stations.

BACKGROUND:

AB 1236, effective January 1, 2016, adds Government Code section 65850.7 to require cities and counties to adopt streamlined permitting and inspection processes for electric vehicle charging stations.

Juan C. Perez,
 TLMA Director

Mike Lara
 Director of Building & Safety

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 27,000	\$ 0	\$ 27,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 27,000	\$ 0	\$ 27,000	\$ 0	

SOURCE OF FUNDS: 100% Building and Safety Budget
 (Department Administrative Fee Revenue)

Budget Adjustment: No
 For Fiscal Year: 16/17

C.E.O. RECOMMENDATION:

APPROVE
 BY: Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3-45

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Introduction of Ordinance No. 931 Related to Expedited Permitting Procedures for
Electric Vehicle Charging Stations – CEQA Exempt - All Districts - [\$27,000]**

DATE: August 31, 2016

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

In particular, Government Code section 65850.7 requires the County to:

- Adopt a County Ordinance, in consultation with the Fire Department, by September 30, 2016, to provide for an expedited, streamlined permitting process for electric vehicle charging stations. The bill states that in developing the ordinance, the County “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’ published by the Office of Planning and Research.” The County may modify the checklists and standards in the Guidebook, if the County makes findings related to unique local climatic, geological, seismological, or topographical conditions.
- Adopt a Checklist of all requirements for expedited County review of electric vehicle charging stations in substantial conformance with the Guidebook.
- Provide for Web / Internet Access and Electronic Submittals. The Checklist and all permitting documentation must be published on a publicly accessible website. The County must allow for electronic submittals (email, internet or fax) and permit electronic signatures on all forms. If the County is unable to provide for electronic access and submittal, the County must provide reasons for its inability in the ordinance.
- Administratively Approve an Application for Electric Vehicle Charging Stations and Issue a Nondiscretionary Permit upon confirmation that that application and supporting documents are complete, meet the requirements of the Checklist, and the ordinance. Such approval cannot be conditioned upon the approval of the electric vehicle charging stations by a homeowner association.
- If the Application is Incomplete, issue a written correction notice detailing all the deficiencies in the application and any missing documentation.

Under Government Code section 65850.7, the County is required to administratively approve applications to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station must be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law must be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the County 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 County may require the applicant to apply for a plot plan under Section 18.30 of Ordinance No. 348. Upon receipt of a plot plan application for an electric vehicle charging station, the County may not deny the application unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings must include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

Attached Ordinance No. 931 is intended to satisfy the requirements of Government Code section Government Code section 65850.7.

Ordinance No. 931 is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines sections 15301, 15303, 15304, 15061(b)(3), 15268, and Public Resources Code section 21080(b)(1) as set forth in the attached Notice of Exemption.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Introduction of Ordinance No. 931 Related to Expedited Permitting Procedures for
Electric Vehicle Charging Stations – CEQA Exempt - All Districts - [\$27,000]**

DATE: August 31, 2016

PAGE: 3 of 3

Impact on Residents and Businesses

The expressed purpose of AB 1236 is to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use. This will, in turn, help improve the County's and State's ability to reach its clean energy goals while maintaining safety standards.

SUPPLEMENTAL:

Additional Fiscal Information

The adoption of this new ordinance is an unfunded state mandate. The fiscal impact to the County in preparing and implementing the new ordinance would be \$27,000. This includes the total estimated cost for developing the following mandated elements of the expedited permitting processing: (1) the attached ordinance, (2) an Electric Vehicle Charging Station Checklist identifying all required documentation for expedited review, (3) incorporating electric vehicle charging stations into our electronic submittal process for permit applications, and (4) increasing staffing levels, likely through use of consultant contracts, to comply with the required deadlines for expedited review and inspection.

Attachments:

1. Ordinance No. 931
2. Summary of Ordinance No. 931
3. Notice of Exemption

1 ORDINANCE NO. 931

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
4 RELATED TO EXPEDITED PERMITTING PROCEDURES FOR
5 ELECTRIC VEHICLE CHARGING STATIONS
6

7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. FINDINGS AND PURPOSE. The Board of Supervisors finds and declares
9 the following:

- 10 a. Subsection (a) of Government Code section 65850.7 states that the
11 implementation of consistent statewide standards to achieve the timely and
12 cost-effective installation of electric vehicle charging stations is a matter of
13 statewide concern and it is the policy of the State to promote and encourage
14 the use of solar energy systems and to limit obstacles to their use.
- 15 b. Subsection (a) of Government Code section 65850.7 further states that it is
16 the intent of the Legislature of the State that local agencies “not adopt
17 ordinances that create unreasonable barriers to the installation of electric
18 vehicle charging stations and not unreasonably restrict the ability of
19 homeowners and agricultural and business concerns to install electric
20 vehicle charging stations.”
- 21 c. The purpose of this ordinance is to adopt an expedited, streamlined
22 permitting process for electric vehicle charging stations that complies with
23 Assembly Bill No. 1236 (Chapter 598, Statutes 2015) to achieve timely and
24 cost-effective installations of electric vehicle charging stations while
25 protecting public health and safety.
- 26 d. This ordinance shall apply to the permitting of all electric vehicle charging
27 stations in the unincorporated area of the County. Electric vehicle charging
28 stations permitted prior to the effective date of this ordinance are not subject

1 to the requirements set forth herein unless physical modifications or
2 alterations are undertaken that materially change the size, type, or
3 components of an electric vehicle charging station in such a way as to
4 require new permitting. Routine operation and maintenance or like-kind
5 replacements shall not require a permit.

6 Section 2. AUTHORITY. This ordinance is adopted pursuant to the authority granted
7 by Article XI, Section 7 of the California Constitution and Government Code section 65850.7.

8 Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have
9 the following meanings:

10 a. Director. The Director of the Building and Safety Department or his
11 designee.

12 b. Electronic submittal. The utilization of one or more of the following:

- 13 1. Email;
- 14 2. Internet;
- 15 3. Facsimile.

16 c. Electric vehicle charging station. Any level of electric vehicle supply
17 equipment station that is designed and built in compliance with Article 625
18 of the California Electrical Code and delivers electricity from a source
19 outside an electric vehicle into a plug-in electric vehicle.

20 d. Specific, adverse impact. A significant, quantifiable, direct, and
21 unavoidable impact, based on objective, identified, and written public
22 health or safety standards, policies, or conditions as they existed on the date
23 the application was deemed complete.

24 Section 4. ELECTRIC VEHICLE CHARGING STATIONS EXPEDITED
25 PERMITTING PROCESS.

26 a. Installation of an electric vehicle charging station shall require a permit,
27 current an effective, issued pursuant to this ordinance.

28 b. On or before September 30, 2016, the Director shall adopt an

1 administrative, nondiscretionary expedited permit process for electric
2 vehicle charging stations. The checklist shall set forth all requirements with
3 which the electric vehicle charging station must comply in order to be
4 eligible for expedited permit processing.

5 c. The electric vehicle charging station permit process and checklist may refer
6 to the recommendations in the checklist prescribed by the most current
7 version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist"
8 of the "Zero-Emission Vehicles in California: Community Readiness
9 Guidebook" ("Guidebook") published by the Governor's Office of Planning
10 and Research, as may be periodically revised.

11 d. The Director may modify the checklist found in the Guidebook due to
12 unique climactic, geological, seismological, or topographical conditions.

13 e. The checklist and standards for electric vehicle charging stations adopted by
14 the Director, as well as all other required permitting documentation shall be
15 published on the County's website. If the Director modifies the checklist
16 and standards found in the Guidebook, he shall document the unique
17 climactic, geological, seismological or topographical conditions requiring
18 such modifications and shall also include such documentation on the
19 County's website.

20 Section 5. APPLICATION REVIEW.

21 a. The applicant may submit the application and related documentation for an
22 electric vehicle charging station by electronic submittal, with all required
23 permit processing and inspection fees, as specified on the County website.
24 Electronic signatures shall be accepted by the Building and Safety
25 Department on all electronic submittals in lieu of a wet signature.

26 b. An application for an electric vehicle charging station shall be deemed
27 complete when the Building and Safety Department staff determines that
28 the application satisfies all the information requirements in the checklist and

1 standard plans.

2 c. If an application is deemed incomplete, a written correction notice detailing
3 all deficiencies in the application and any additional information or
4 documentation required to be eligible for expedited permit issuance shall be
5 sent to the applicant for resubmission.

6 d. Applications for electric vehicle charging stations shall be administratively
7 reviewed and acted upon by the Director as nondiscretionary permits within
8 in a reasonable time following receipt of a complete application that meets
9 the requirements of the County's approved checklist, standards plans, and
10 payment of all required permit processing and inspection fees. The
11 Director's review shall be limited to whether the proposed electric vehicle
12 charging station meets all health and safety requirements of local, state, and
13 federal law. The requirements of local law shall be limited to those
14 standards and regulations necessary to ensure that the electric vehicle
15 charging station will not have a specific, adverse impact upon the public
16 health and safety.

17 e. The Director may require the applicant to apply for a plot plan pursuant to
18 section 18.30 of Ordinance No. 348 and all provisions of sections 18.30 of
19 Ordinance No. 348 shall apply if the Director finds, based on substantial
20 evidence, that the proposed electric vehicle charging station could have a
21 specific, adverse impact upon the public health or safety.

22 1. If a plot plan is required, the application for the plot plan may be
23 denied if the appropriate authority as designed in Ordinance No. 348 makes
24 written findings based upon substantial evidence that the proposed
25 installation of the electric vehicle charging station would have a specific,
26 adverse impact and there is no feasible method to satisfactorily mitigate or
27 avoid the specific, adverse impact. A "feasible method to satisfactorily
28 mitigate or avoid the specific, adverse impact" includes, but is not limited

1 to, any cost-effective method, condition, or mitigation imposed by the
2 County on another similarly situated application in a prior successful
3 application for a permit. The findings for denial shall include the basis for
4 the rejection of potential feasible alternatives of preventing the adverse
5 impact. Such decision may be appealed to the Planning Commission
6 consistent with Section 18.30 of Ordinance No. 348.

7 2. Any condition imposed on a plot plan for the electric vehicle
8 charging station shall be designed to mitigate the specific, adverse impact
9 upon the public health and safety at the lowest possible cost.

10 f. Approval of an application for an electric vehicle charging station shall not
11 be based or conditioned on the approval of an association, as defined in
12 section 4080 of the Civil Code.

13 Section 6. SEVERABILITY. If any provision, clause, sentence or paragraph of this
14 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
15 shall not affect the other provisions of this ordinance which can be given effect without the invalid
16 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
17 severable.

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SUMMARY OF ORDINANCE NO. 931
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
RELATED TO EXPEDITED PERMITTING PROCEDURES FOR
ELECTRIC VEHICLE CHARGING STATIONS

This summary is presented pursuant to California Government Code section 25124(b). A certified copy of the full text of Ordinance No. 931 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California, 92501.

Ordinance No. 931 adopts a streamlined permitting for electric vehicle charging stations as required by Assembly Bill No. 1236 (AB 1236). AB 1236 adds Government Code section 65850.7 to require all cities and counties to adopt an ordinance creating an expedited, streamlined permitting process for electric vehicle charging stations. Ordinance No. 931 implements the mandatory provisions of Government Code section 65850.7 with regard to electric vehicle charging stations, such as accepting and approving applications electronically, directing the Director of the Building and Safety Department ("the Director") to develop a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review, and authorizing the Director to administratively review and approve such applications as nondiscretionary permits. Ordinance No. 931 requires that applications to install electric vehicle charging stations be administratively reviewed and approved as nondiscretionary permits by the Director, subject to a limited exception requiring approval of a plot plan under Section 18.30 of Ordinance No. 348 if the Director finds, based on substantial evidence, that the proposed electric vehicle charging station could have a specific, adverse impact on public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Plot plan review and conditions of approval are limited in accordance with state statutory requirements. Ordinance No. 931 would become effective thirty days after its adoption.

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
To: X Office of the County Clerk & Recorder

From: County of Riverside
4080 Lemon Street
Riverside, CA 92501

Project Title: Ordinance No. 931, an Ordinance of the County of Riverside Related to Expedited Permitting Procedures for Electric Vehicle Charging Stations

Project Location: The unincorporated area of Riverside County.

Project Description: Ordinance No. 931 adopts a streamlined permitting for electric vehicle charging stations as required by Assembly Bill No. 1236 (AB 1236). AB 1236 adds Government Code section 65850.7 to require all cities and counties to adopt an ordinance creating an expedited, streamlined permitting process for electric vehicle charging stations. Ordinance No. 931 implements the mandatory provisions of Government Code section 65850.7 with regard to electric vehicle charging stations, such as accepting and approving applications electronically, directing the Director of the Building and Safety Department (“the Director”) to develop a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review, and authorizing the Director to administratively review and approve such applications as nondiscretionary permits. Ordinance No. 931 requires that applications to install electric vehicle charging stations be administratively reviewed and approved as nondiscretionary permits by the Director, subject to a limited exception requiring approval of a plot plan under Section 18.30 of Ordinance No. 348 if the Director finds, based on substantial evidence, that the proposed electric vehicle charging station could have a specific, adverse impact on public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Plot plan review and conditions of approval are limited in accordance with state statutory requirements.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: Transportation and Land Management Agency of the County of Riverside

Exempt Status: (check one)

Ministerial: (Public Resources Code Sec. 21080(b)(1); State CEQA Guidelines Sec. 15268)

Declared Emergency

Emergency Project

Categorical Exemption (State CEQA Guidelines Sec. 15301, 15303, and 15304)

Statutory Exemption: (Public Resources Code Sec. 21080(b)(1); State CEQA Guidelines Sec. 15268)

Other: (State CEQA Guidelines Sec. 15061(b)(3))

Reasons Why Project is Exempt: Ordinance No. 931 implements, on a County level, mandatory state statutes requiring that provisions be made for the approval of electric vehicle charging stations on a ministerial basis. These statutory requirements are set forth in Government Code section 65850.7. Government Code section 65850.7 requires the County to adopt an ordinance with detailed statutory requirements that the County must include in its ordinance regarding streamlined permitting of electric vehicle charging stations. As a result, the adoption of Ordinance No. 931 is exempt from CEQA as a ministerial project pursuant to Public Resources Code section 21080(b)(1) and State CEQA Guidelines section 15268 since the County lacks any discretion to adopt the ordinance. Additionally, adoption of Ordinance No. 931 is exempt from environmental review pursuant to State CEQA Guidelines sections 15301, 15303, and 15304, as suggested in the *Zero-Emission Vehicles in California: Community Readiness Guidebook* adopted by the Governor’s Office of Planning and Research. Consistent with Section 15301 of the CEQA Guidelines, an expedited permit process for electric vehicle charging stations will result in minor alterations to existing facilities involving negligible or no expansion of use beyond that which is presently existing. Further, consistent with Section 15303 and 15304 of the CEQA Guidelines, an expedited permit process for electric vehicle charging stations will result in a limited number of new, small structures, and will consist of minor public or private alterations in the condition of land. Ordinance No. 931 is also exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may have a significant effect on the environment. Almost all electric vehicle charging station applications will be subject only to nondiscretionary review and approval and therefore will themselves be exempt as a ministerial project pursuant to Public Resources Code section 21080(b)(1) and State CEQA Guidelines section

There is no specific electric vehicle charging station application associated with the adoption of this ordinance and it does not commit the County to the installation of any such charging station. To the extent that an electric vehicle charging station may in limited circumstances require a plot plan, the performance of any environmental analysis at this early stage would require the County to speculate as to what property might be involved, what type of charging station might be used, and what effects a hypothetical electric vehicle charging station on a hypothetical site might have when that system is not subject to the usual ministerial approval process. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d. 185, 193. Under these circumstances, environmental analysis at this time would be premature and meaningless. Accordingly, the County's approval of the ordinance does not create either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Before an electric vehicle charging station not subject to only ministerial review is installed on any particular site, environmental issues will be analyzed in site-specific environmental documents in accordance with CEQA.

County Contact Person

Phone Number

Signature: _____ Title: _____ Date: _____

For County Clerk's Use Only