

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 11-113 OF THE FRESNO MUNICIPAL CODE, RELATING TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS.

WHEREAS, by the passage of Assembly Bill 1236 (AB 1236) in 2015, the State Legislature amended California Government Code Section 65850.7 to require every city, county, or city and county with a population over 200,000 residents to adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, California Government Code Section 65850.7 provides that it is the policy of the State to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use; and

WHEREAS, AB 1236 requires a city or county to administratively approve an application for an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit, and review of the application shall be limited to whether the applicant meets all public health and safety requirements of local, state and federal law; and

WHEREAS, the City desires to enact this ordinance for the purpose of creating an expedited, streamlined permitting process for the installation, alteration or replacement of electric vehicle charging stations.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

1 of 8

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

SECTION 1. Section 11-113 of the Fresno Municipal Code is added to read:

SECTION 11-113. – ELECTRIC VEHICLE CHARGING STATIONS  
REVIEW PROCESS.

(a) Definitions: The following words and phrases as used in this section are defined as follows:

(1) "Electronic submittal" means the utilization of the City's online portal or the Internet.

(2) "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 Electric Code, as it reads on January 1, 2016, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(3) "Specific, adverse impact" means a significant, quantifiable, direct, or 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.

(b) PERMIT APPLICATION PROCESS. Section 65850.7 of the California Government Code provides that every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for Electric Vehicle Charging Stations.

(1) This section applies to the permitting of all electric vehicle charging stations in the City.

(2) All electric vehicle charging stations legally established or permitted prior to the effective date of this ordinance shall not require a permit issued under this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station. Routine operations and maintenance or like-kind replacements of the components of an electric vehicle charging station shall not be considered a material change.

(c) REQUIREMENTS.

(1) All electric vehicle charging stations shall meet all applicable health and safety standards and requirements, including but not limited to any requirements imposed by the state and the City, local fire department and utility director, the California Building Code, Fresno Municipal Code, and Federal laws including the Americans with Disabilities Act.

(2) Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and the accredited testing laboratories such as Underwriters Laboratories and, where

applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) APPLICATIONS.

(1) All documents required for submission of an electric vehicle charging station application shall be made available on the City's website.

(2) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(3) The Building and Safety Services Division shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

(4) The Building and Safety Services Division 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 Governor's Office of Planning and Research, when adopting the electric vehicle charging station permit process and checklist. The checklist will be made available on the City's website.

(e) REVIEW.

(1) The Building Official shall implement an administrative review process to expedite approval of electric vehicle charging

stations. Review of a complete permit application shall be limited to the Building Officials review of whether it meets all health and safety requirements of local, state and federal law. Local law requirements shall be limited to those standards and regulations necessary to ensure there is no specific, adverse impact on public health or safety by the proposed installation. For direct current fast chargers (DCFC), the review of a complete permit application will be a fifteen business day timeline.

(2) A permit application that satisfies the information requirements in the checklist, as adopted by the City, shall be deemed complete.

(3) A complete permit application and proposed installation that meets the required standards and approved checklist that does not have a specific, adverse impact on public health or safety shall be not be denied.

(4) An applicant that provides an incomplete permit application shall be provided with a written correction notice detailing all deficiencies in the application and any information required to be eligible for expedited permit issuance.

(5) The Building Official may require an applicant to apply for a conditional use permit if the official makes a written finding, based on substantial evidence, that the proposed electric vehicle charging station could have a specific, adverse impact upon the

public health or safety and conditions are necessary. The decision of the Building Official may be appealed to the City Planning Commission in accordance with the procedures of Section 15-5017.

(6) The Director may not deny an application for a conditional use permit 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 Director's written findings shall include the basis for the rejection of potential feasible alternatives or conditions for preventing the adverse impact. The decision of the Director may be appealed to the City Planning Commission in accordance with the procedures of Section 15-5017.

(7) Any conditions imposed on an application shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible. Government Code Section 65850.7 requires that the Building Official shall not condition the approval for any conditional use permit on the approval of such a system by an association, as that term is defined by Civil Code 4080.

(8) A 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 permit.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2019  
Mayor Approval/No Return: \_\_\_\_\_, 2019  
Mayor Veto: \_\_\_\_\_, 2019  
Council Override Vote: \_\_\_\_\_, 2019

YVONNE SPENCE, MMC CRM  
City Clerk

BY: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Rina Gonzales Date  
Deputy City Attorney