



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

November 22, 2022

SUBJECT: Compliance with Assembly Bills 1236 and 970 related to electric vehicle charging stations, and Assembly Bill 2140 related to the adoption of the local hazard mitigation plan into the Safety Element of the General Plan.

PREPARED BY: Jim Goodwin, City Manager

Recommendation

Staff recommends that the Wheatland City Council provide direction to staff to prepare an ordinance to amend the Wheatland Municipal Code in order to expedite electric vehicle charging stations (EVCS) in compliance with Assembly Bill (AB) 1236 and AB 970, as well as, a general plan amendment including language in the City's Safety Element regarding the local hazard mitigation plan (LHMP) in compliance with Assembly Bill (AB) 2140.

Background and Discussion

The Assembly Bills are described in detail below.

Assembly Bill 1236

AB 1236, codified in Government Code (GC) Section 65850.7, requires all California cities and counties to develop an expedited, streamlined permitting process for EVCS. Specifically, AB 1236 requires that a city: 1) administratively approve EV charging station applications that satisfy submittal requirements in an adopted checklist; 2) publish the checklist on the city's website; and 3) accept electronic application submittals and electronic signatures. The law was developed to further the availability of charging infrastructure to help drive the deployment of zero emission vehicles—the faster charging stations are deployed, the sooner California's air quality improves, greenhouse gas emissions are reduced, and local economic benefits are captured.

In order to become a "Streamlined Jurisdiction," the City of Wheatland is required to adopt a Streamlining Ordinance and a Permitting Checklist covering Single Family Chargers (L2) and direct-current fast chargers (DCFC).

Assembly Bill 970

AB 970, codified in GC Section 65850.71, builds on AB 1236. Jurisdictions are required by AB 1236 to limit EVCS project review to health and safety requirements. AB 970 adds specific binding timelines to that review period based on the size of the project and clarifies parking requirements. AB 970 also clarifies that cities and counties shall reduce the number of required parking spaces by the amount necessary to accommodate the EVCS if the EVCS and associated equipment interferes with, reduces, eliminates, or in any way impacts the required parking spaces for existing uses.

AB 1236 and AB 970 apply to all charging station installations and essential components and infrastructure necessary for charging station function. All cities in California are required to comply with AB 1236 and AB 970, and for cities with fewer than 200,000 residents, AB 970 shall become effective by January 1, 2023.

Assembly Bill 2140

AB 2140 was passed in 2006 and allows California counties and cities to adopt a current, FEMA-approved, local hazard mitigation plan (LHMP) into the Safety Element of the General Plan. By adopting a LHMP into the Safety Element, the City is eligible to be considered for part or all its local-share costs eligible Public Assistance funding to be provided by the State through the California Disaster Assistance Act (CDAA).

After a disaster occurs, the usual local share by the City or County is 25 percent of the total project cost. However, the CDAA allows the state to pay up to 18.75 percent of the non-federal, local share cost. Counties and cities that are AB 2140 compliant will be eligible to be considered for the remaining 6.25 percent local share to also be funded by the State. AB 2140 is not a requirement. It is an optional state incentive to help counties and cities become more resilient to natural hazards.

The City's updated 2021 LHMP was previously approved by FEMA and adopted by City Council on January 25, 2022. In order to be AB 2140 compliant, the City's current 2021 LHMP must be incorporated into the Safety Element by resolution via a general plan amendment adopted by the Wheatland City Council.

Fiscal Impact

AB 1236 and AB 970 are mandated by the State; however, the State has not made available grant funding for the processing of these mandates. AB 2140 compliance would be a city-initiated amendment process and once compliant with AB 2140, the City would be eligible for additional State funding after a disaster from the CDAA. These would be processed using general fund dollars under the existing Raney Planning and Management contract services.

Conclusion

Staff recommends that the Wheatland City Council provide direction to staff to prepare and process the ordinance required for compliance with AB 1236 and AB 970 and the general plan amendment for compliance with AB 2140.