



# CITY OF WHEATLAND

## PLANNING COMMISSION MEETING STAFF REPORT

March 7, 2023

**SUBJECT:** Consideration to recommend City Council approval of the proposed ordinance to amend the Wheatland Municipal Code to establish a streamlined permitting process for electric vehicle charging stations (EVCS) in compliance with Assembly Bill (AB) 1236 and AB 970.

**PREPARED BY:** Kevin Valente, Senior Planner

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### **Recommendation**

Staff recommends that the Wheatland Planning Commission hold the public hearing on the EVCS, and upon close of the public hearing adopt the attached resolution recommending the Wheatland City Council approve the proposed ordinance establishing the streamlined permitting process for EVCS in compliance with AB 1236 and AB 970.

### **Background**

On November 22, 2022, staff received direction from the Wheatland City Council to prepare an ordinance to amend the Wheatland Municipal Code in order to comply with AB 1236 and AB 970.

### **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 the Chief Building Director: 1) administratively approve EV charging station applications that satisfy submittal requirements in an adopted checklist; 2) adopt and publish an application checklist that would be available 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.

In order to become a "Streamlined Jurisdiction," the Chief Building Director of the City of Wheatland is required to adopt a Streamlining Ordinance and a Permitting Checklist. Application submittals that are consistent with the Permitting Checklist will be eligible for a streamlined permitting, which limits the Building Director's review to public health and safety concerns. If the chief building official finds, based on substantial evidence, that an electric vehicle charging station could have a specific adverse impact upon the public health or safety, the city may require the applicant to apply for a conditional use permit.

## 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.

## **Discussion**

As a result, staff has prepared the attached ordinance adding Chapter 18.64 of the Wheatland Municipal Code (see Exhibit A of Attachment 1).

## California Environmental Quality Act Review

The proposed ordinance is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) under Public Resources Code Section 21065 and CEQA Guidelines Section 15378, this action is not a “project” under the CEQA because it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment as the City is required to allow accessible parking and electric vehicle charging stations pursuant to current California law.

## **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. This proposed ordinance is being processed using general fund dollars under the existing Raney Planning and Management contract services.

## **Conclusion**

Staff recommends that the Wheatland Planning Commission approve the attached resolution (see Attachment 1), recommending City Council approve the Ordinance included as Exhibit A, therefore amending the Wheatland Municipal Code to establish a streamlined permitting process for EVCS in compliance with AB 1236 and AB 970.

## **Attachment**

1. Resolution of the Wheatland Planning Commission recommending the Wheatland City Council approve the proposed ordinance establishing the streamlined permitting process for EVCS in compliance with AB 1236 and AB 970.

Exhibit A – Proposed City Council Ordinance

Attachment 1

**RESOLUTION NO. 2023-02**

**OF THE PLANNING COMMISSION OF THE  
CITY OF WHEATLAND RECOMMENDING THE WHEATLAND CITY COUNCIL  
APPROVE THE ORDINANCE TO AMEND THE WHEATLAND MUNICIPAL CODE TO  
ESTABLISH A STREAMLINED PERMITTING PROCESSING FOR ELECTRIC VEHICLE  
CHARGING SYSTEMS IN COMPLIANCE WITH ASSEMBLY BILL 1236 AND  
ASSEMBLY BILL 970.**

**WHEREAS**, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

**WHEREAS**, the State of California adopted Assembly Bill 970, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

**WHEREAS** creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the City's reliance on environmentally damaging fossil fuels; and

**WHEREAS**, on November 22, 2022, the City of Wheatland City Council provided direction to staff to prepare an ordinance to amend the Wheatland Municipal Code in order to comply with Assembly Bill 1236 and Assembly Bill 970; and

**WHEREAS**, the Wheatland Planning Commission duly gave notice of public hearing as required by law; and

**WHEREAS**, on March 7, 2023, the Wheatland Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

**NOW THEREFORE, BE IT RESOLVED** that in recommending approval to the City Council of Ordinance No. 2023-02, expediting the permitting processing for electric vehicle charging stations, the Planning Commission makes the following findings, which are based on its review and consideration of the entire record, including the recitals above and any oral or written testimony provided at the hearing:

1. The proposed Ordinance is exempt from environmental review because under Public Resources Code Section 21065 and the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action is not a "project".
2. The proposed Ordinance is consistent with the General Plan, as it carries out the purposes of the General Plan and is consistent with the land use and development designation in such plans.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission recommends the City Council adopt the Ordinance establishing the streamlined permitting process for electric vehicle charging stations in compliance with Assembly Bill 1236 and Assembly Bill 970, in the form attached as Exhibit A, subject to such changes as may be approved by the City Council.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing recommendation was passed and adopted by the City of Wheatland Planning Commission, at a regular meeting thereof, held on the 7<sup>th</sup> day of March, 2023 by following vote:

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**Planning Commission Chairperson**

**ATTEST:**

\_\_\_\_\_  
**Lisa Thomason, City Clerk**

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

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF WHEATLAND, CALIFORNIA,  
ADDING NEW CHAPTER 18.64 TO THE WHEATLAND MUNICIPAL CODE  
RELATING TO ELECTRIC VEHICLE CHARGING STATIONS**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority.

The purpose of this ordinance is to add Chapter 18.64 to the Wheatland Municipal Code pertaining to the City's streamlining of electric vehicle charging station permits. This ordinance is adopted pursuant to Government Code sections 65850.7 and 65850.71.

SECTION 2. Findings.

The City Council finds and determines as follows:

- A. The City of Wheatland administers zoning provisions within the City's boundaries consistent with the City's General Plan as provided for in Title 18 of the Wheatland Municipal Code.
- B. Government Code sections 65850.7 and 65850.71 the State Electric Vehicle Charging Station Permit Streamlining law, authorize the City to adopt an ordinance articulating the City's procedures for and administration of the State Electric Vehicle Charging Station Permit Streamlining law within the City's boundaries.
- C. On \_\_\_\_\_, 2023 the City Council held a duly noticed public meeting concerning the adoption of a proposed ordinance to carry out the State electric vehicle charging station streamlining law ("proposed Electric Vehicle Charging Station Ordinance").
- D. The proposed Electric Vehicle Charging Station Ordinance is consistent with the policies of the City of Wheatland General Plan and with the Wheatland Municipal Code.
- E. The City Council finds it necessary to pass and implement the proposed Electric Vehicle Charging Station Ordinance, and that it will promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents within the City.

SECTION 3. Amendments.

- A. New Chapter 18.64 shall be added to Title 18 of the Wheatland Municipal Code to read as follows:

Chapter 18.64

BUILDING PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

Sections:

- 18.64.010      Applicability.
- 18.64.020      Process.



18.64.010 Applicability.

This section applies to applications for expedited building permits for electric vehicle charging stations pursuant to California Government Code Section 65850.7.

18.64.020 Process.

1. The building official shall adopt a checklist of all requirements for an application for an expedited building permit for electric vehicle charging stations. The checklist shall substantially conform to the checklist and standard plans 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.

2. If the building official determines that the application for an expedited building permit is complete and meets the requirements of the checklist, the building official shall issue the expedited building permit.

3. If the application for an expedited building permit is incomplete, the building official shall provide a written correction notice of the deficiencies and the additional information required to be eligible for expedited building permit issuance.

4. The checklist, application form, and any other documents required by the building official shall be published on the city's website.

5. An application for an expedited building permit for electric vehicle charging stations may be filed by email.

6. If the chief building official finds, based on substantial evidence, that an electric vehicle charging station could have a specific adverse impact upon the public health or safety, the city may require the applicant to apply for a conditional use permit pursuant to Chapter 18.76.

SECTION 4. Exemption from CEQA.

The City Council finds that under Public Resources Code Section 21065 and CEQA Guidelines Section 15378, this action is not a "project" under the California Environmental Quality Act (CEQA) because it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment as the City is required to allow accessible parking and electric vehicle charging stations pursuant to current California law.

SECTION 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date.

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

SECTION 7 Posting.

Within fifteen (15) days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

\* \* \* \* \*

I **HEREBY CERTIFY** that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Wheatland, held on the \_\_\_\_ of \_\_\_\_\_, 2023, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_ of \_\_\_\_\_, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Mayor of the City of Wheatland

**ATTEST:**

\_\_\_\_\_  
City Clerk of the City of Wheatland

DRAFT