



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

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Item Number: 4.28

MEETING DATE: 12/13/2022

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Gracie Rodriguez

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR PLANNING AND BUILDING

Final adoption of the proposed ordinance adding Article XI, entitled "Expedited Permit Process for Electric Vehicle Charging Stations," to Chapter 21.01, "Building Regulations," of Title 21, "Building and Engineering" of the San Benito County Code consistent with California law to comply with AB 1236 (Chiu 2015) and AB 970 (McCarty 2021).

SBC FILE NUMBER: 790

ORDINANCE: 1050

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Assembly Bill 1236 (Chiu), adopted in October 2015, with the intent to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use added Government Code Section [65850.7](#) to require jurisdictions with a population of less than 200,000 to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations by September 30, 2017. The ordinance must include provisions for adoption of a checklist of objective requirements for a permit application for an electric vehicle charging station installation and a method for the electronic submittal of permit applications. San Benito County did not meet that deadline and the proposed ordinance is intended to achieve compliance.

An electric vehicle charging station is any level of Electric Vehicle Supply Equipment station that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. This process includes establishing a checklist. 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—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 / County's Zoning Ordinance. AB 1236 suggests that the County's checklist may be based on the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the Zero-Emissions Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of Planning and Research.

AB 1236 also clarifies that a jurisdiction shall not condition approval of a permit for an electric vehicle charging station based on the approval of an homeowners or other common interest development owners' association as defined in California Civil Code, Section 4080. In 2021 AB 970 (McCarty) was enacted, which amended Government Code Section 65850.7 and added section 65850.71, providing timelines for approval of applications for electrical vehicle charging stations, and that applications meeting specified criteria would be deemed approved if timely action was not taken by county officials on the applications, which will go into effect January 1, 2023 for counties like San Benito with a population of less than 200,000 persons.

The proposed ordinance adds Article XI, entitled "Expedited Permit Process for Electric Vehicle Charging Stations," to Chapter 21.01, "Building Regulations," of Title 21, "Building and Engineering" of the San Benito County Code. Adopting the proposed ordinance will create an expedited, streamlined permitting process for electric vehicle charging stations.

The ordinance would facilitate convenient charging of electric vehicles and help reduce the County's reliance on fossil fuels. The employment of electrical vehicles will significantly help to reduce air pollutants to meet State and Federal emission and greenhouse gas reduction targets. Efficient permitting and inspection for EV electric charging systems will help encourage the use of Electric Vehicles in California.

Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines sections 15061(b)(3) because it can be seen with certainty that the proposed ordinance will have no significant negative impact on the environment.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

No

CONTRACT AND RFP HISTORY:

n/a

LAST CONTRACT AMOUNT OR N/A:

N/A

STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

N/A

BUDGET ADJUSTMENT NEEDED:

N/A

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

1. Adopt the ordinance of the County of San Benito, adding Article XI, entitled "Expedited Permit Process for Electric Vehicle Charging Stations," to Chapter 21.01, "Building Regulations," of Title 21, "Building and Engineering" of the San Benito County Code consistent with California law to comply with AB 1236 (Chiu 2015) and AB 970 (McCarty 2021).
2. Authorize the Clerk of the Board or designee to certify the passage and adoption of the ordinance and submit the ordinance or ordinance summary of the same to be published at least once, with

the names of the members of the board of Supervisors for and against the ordinance in a newspaper of general circulation in the County of San Benito County, State of California, before the expiration of 15 days after passage. The ordinance shall take effect thirty (days) from the date of its adoption.

ATTACHMENTS:

[ZEV Guidebook](#)

[EV Charger Permit Streamlining AB-1236 Fact Sheet](#)

[Bill Text AB-1236 Local ordinances electric vehicle charging stations](#)

[Bill Text - AB-970 Planning and zoning electric vehicle charging stations permit application approval](#)

[EV Charger Permit Streamlining Ordinance](#)

[EV Charger Permit Streamline Publication 2022 12 02](#)

[EV Charger Checklist for San Benito County Final 12-05-22](#)