



STAFF REPORT

MEETING DATE: June 14, 2023

PRESENTER: Jesus R. Orozco, Community Development Director

SUBJECT: Public Hearing Ordinances Relating to Expedited Permit Process for Electrical Vehicle Charging Stations, Repeal of Current Ordinance and Consideration of New Ordinance (JRO)

RECOMMENDATIONS:

1. City Council conduct a public hearing, waive full reading, and introduce Ordinance Text Amendment 2023-01 repealing Chapter 17.98 related to expedited permit process for electrical vehicle charging stations from Title 17 of the Kerman Municipal Code; and
2. City Council conduct a public hearing, waive full reading, and introduce Ordinance Text Amendment 2023-02 adding Chapter 15.22 to Title 15 of the Kerman Municipal Code relating to Expedited Permit Process for Electrical Vehicle Charging Stations

EXECUTIVE SUMMARY:

The proposed ordinance text amendments (OTA 2023-01 & OTA 2023-02) attached are City-initiated amendments. OTA 2023-01 will repeal Chapter 17.98 from Title 17 which was adopted in 2017 by Ordinance No 17-04, to ensure compliance with Government Code Section 65850.7 as part of Assembly Bill 1236. Chapter 17.98 is specific to the expedited permit processing of electrical vehicle charging stations wherein the Building Official is the implementing officer. Though Chapter 17.98 is being repealed, existing language will be updated and transitioned appropriately into Title 15, the Buildings and Construction Code as part of OTA 2023-02. Repealing Chapter 17.98 will not result in conflict with any other ordinance, chapter, or section of the Kerman Municipal Code (KMC). The Planning Commission held a public hearing on May 8, 2023 to consider OTA 2023-01 and approved the attached (Attachment 3) resolution consistent with 17.26.040 of the KMC. This will allow existing language to be transitioned into Chapter 15.22 alongside required updates consistent with Cal. Gov't Code § 65850.7 and § 65850.71. OTA 2023-02 includes language for the application and reviewing process, definitions clearly defining new electric vehicle terms, and electric vehicle parking requirements.

ANALYSIS:

Background

Assembly Bill 1236 amended Government Code Section 65850.7 to require jurisdictions with a population less than 200,000 residents to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations. Additionally, Assembly Bill 970, requires local agencies, including charter cities, to deem an application complete and approved

within a certain timeframe if all requirements are met. The amendments to Section 65850.7 include the requirement for a jurisdiction to adopt an ordinance for the expedited, streamlined process. The ordinance requires that a jurisdiction adopt a checklist of requirements with which a permit application for an electric vehicle charging station will be eligible for expedited review. Said checklist (Attachment 4) has been prepared by the Building Official and will be updated as deemed necessary.

General Plan Consistency

The City of Kerman's 2040 General Plan Conservation, Open Space, Parks and Recreation Element guides the city's long-range growth and development policy; it establishes citywide standards, goals, and policies, implemented through the City's municipal code and other pertinent programs. OTA 2023-02 is consistent with General Plan **Goal COS-5**, which encourages minimizing *"energy consumption and reducing greenhouse gas emission as part of the statewide effort to combat climate change"*. Furthermore, OTA 2023-02 will directly and indirectly address Policy COS-5.3 (Sustainable Building Practice), COS-5.4 (Renewable Energy Features in New Projects), and COS-5.6 (Electric Vehicle Charging). The OTA will not create any inconsistencies with the General Plan.

Zoning Ordinance Consistency

As previously noted in this report, the ordinance related to Expedited Permit Process for Electrical Vehicle Charging Stations, consistent with Government Code § 65850.7, was originally adopted under Chapter 17.98, Title 17 (Zoning Code). However, *"since review of the application to install an electric vehicle charging station shall be limited to the building official's review..."*, staff has recommended existing language in concurrence with updated language as required by Government Code § 65850.71 be transitioned into Title 15 (Building and Construction Code) of the Kerman Municipal Code via OTA 2023-02. Procedurally, OTA 2023-01 will prevent inconsistencies with the Zoning Ordinance.

ENVIRONMENTAL REVIEW:

A preliminary environmental assessment has been performed for this project pursuant to the California Environmental and Quality Act (CEQA). There are findings to determine with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

FISCAL IMPACT:

None.

ATTACHMENTS:

- A. Ordinance Text Amendment 2023-01 (repealing Chapter 17.98)
- B. Ordinance Text Amendment 2023-02 (adding Chapter 15.22)
- C. Planning Commission Resolution w/exhibits
- D. Check List for Expedited Permitting