



Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Yolanda Bundy, Environmental Sustainability Director
Richard Mollica, Planning Director

Approved by: Steve McClary, City Manager

Date prepared: November 16, 2022 Meeting date: December 12, 2022

Subject: Adoption of Ordinance No. 506 - Update to Permitting Process for Electric Vehicle Charging Stations

RECOMMENDED ACTION: 1) Waive full reading of ordinance and order that it be read by title only; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 506 amending Chapter 15.36 of Title 15 of the Malibu Municipal Code to include time periods to the electric vehicle charging station permitting process, and determining the project is categorically exempt from the California Environmental Quality Act; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 506 for the January 9, 2023 City Council Regular meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was included in the Adopted Work Plan for Fiscal year 2022-2023 and is part of normal staff operations.

DISCUSSION: Government Code Section 65850.7 (g)(1) requires local jurisdictions with a population less than 200,000 residents to adopt an ordinance to create an expedited, streamlined permitting process for electric vehicle (EV) charging stations on or before September 30, 2017. Government Code Section 65850.71, effective January 1, 2023, was added to address a matter of statewide concern rather than a municipal affair.

On September 11, 2017, the City adopted an expedited, streamlined permitting process. The intent was to encourage the installation of EV charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede higher priority life-safety situations. It provides staff with concise standards for permitting EV charging stations and assists applicants by streamlining the permitting and construction process.

On October 8, 2021, the State adopted Assembly Bill 970 to clarify the existing law regarding the EV charging station permitting process. To ensure compliance, staff developed Ordinance No. 506. In this ordinance, staff has added the recommended best practices to establish a 15-day timeline. The permitting turnaround time will be based on one of the following project categories.

- Five (5) business days after submission of the application to the city, if the application is for 1 to 25 electric vehicle charging stations at a single site.
- Ten (10) business days after submission of the application to the city, if the application is for more than 25 electric vehicle charging stations at a single site.

The City previously established both a checklist containing requirements for an EV charging station installation and a process for electronic submittal of permit applications, and already had other required procedures in place, such as electronic submittal of the EV charging station permit application and plans.

The applicant will be required to use the checklist to confirm 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 EV supply equipment, circuit rating of the electric vehicle supply equipment, location of the EV supply equipment, if ventilation is/ or is not required, and clearances of the charging equipment to comply with all applicable building and fire safety laws. The applicant can also use the checklist to confirm that the location of the EV supply equipment will comply with any vehicle clearance requirements.

It should be noted that this ordinance does not supersede the requirements of the City's Certified Local Coastal Program (LCP). As part of the review of an EV charger application, the applicant will also submit a copy of the proposed project plans to the Planning Department. Staff will review the project plans for conformance with the LCP. If the project qualifies for an exemption from the requirements of a Coastal Development Permit (CDP) the project can proceed to permit issuance with Building Safety. However, if the proposed EV charger project is determined to require a CDP, the applicant will be required to process a CDP application for the project as proposed.

Ordinance No. 506, if approved will amend Chapter 15.36 to conform with the statewide required timeline for the EV charging station permitting process.

ALTERNATIVES: No alternatives are recommended; it is required that the City adopt an expedited, streamlined permitting process for electric vehicle (EV) charging stations on or before January 1, 2023.

ATTACHMENTS:

1. Ordinance No. 506
2. Notice of Public Hearing

ORDINANCE NO. 506

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING CHAPTER 15.36 OF TITLE 15 OF THE MALIBU MUNICIPAL CODE TO INCLUDE TIME PERIODS TO THE ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS

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

SECTION 1. Amendments

Section 15.36 of the Malibu Municipal Code is amended to add the following section as follows:

“Chapter 15.36.040 Electric Vehicle Charging Station Permit Time Period”

- A. Table 3 of the Governor’s Office of Business and Economic Development (GO-Biz) Electric Vehicle Charging Station Permitting Guidebook, published July 2019, recommends best practices for electric vehicle supply equipment permitting that would establish a 15-day timeline and satisfy the intent of Assembly Bill 1236 (Chapter 598 of the Statutes of 2015).
- B. A permit application to install an electric vehicle charging station submitted pursuant to Section 15.36.020 shall be deemed complete if, after the applicable time period has elapsed, both of the following are true:
 - 1. The building official or designee has not deemed the permit application complete, consistent with the checklist created by the city.
 - 2. The building official or designee has not issued a written correction notice detailing all deficiencies in the permit application and identifying any additional information explicitly necessary for the building official to complete a review limited to whether the electric vehicle charging station meets all health and safety requirements of local, state, and federal law.
- C. For purposes of subsection B, “applicable time period” means:
 - 1. Five (5) business days after submission of the permit application to the city, if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.
 - 2. Ten (10) business days after submission of the permit application to the city, if the application is for more than 25 electric vehicle charging stations at a single site.

SECTION 2. Environmental Review

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes a streamlined process for electric vehicle charging station permits and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 3. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2022.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, December 12, 2022, at 6:30 p.m. on the item identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's order.**

Public comment can be submitted ahead of the public hearing to citycouncil@malibucity.org for inclusion in the public record. To participate during the public hearing, please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

UPDATE TO PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING CHAPTER 15.36 TO TITLE 15 OF THE MALIBU MUNICIPAL CODE UPDATING THE EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS WITHIN THE CITY

IF YOU CHALLENGE THE CITY COUNCIL'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR OTHERWISE HELD BY THE CITY, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, EITHER AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Environmental Sustainability Director Bundy at (310) 456-2489, ext. 229. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.



Yolanda Bundy, Environmental Sustainability Director

Publish Dates: December 1, 2022 and December 8, 2022