

Eff.: 10-27-17

ORDINANCE NO. 17-3,896

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BURBANK MUNICIPAL CODE (BMC) TITLE 9, CHAPTER 1, ARTICLE 5 TO ADOPT AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS AS REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTION 65850.7.

City Attorney's Synopsis

This Ordinance amends Title 9 of the Burbank Municipal Code to adopt expedited permitting procedures for electric vehicle charging stations to comply with the requirements of Assembly Bill 1236 adopted in October 2015, adding Government Code Section 65850.7.

THE COUNCIL OF THE CITY OF BURBANK FINDS AS FOLLOWS:

A. Section 65850.7 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of fuel-efficient electric vehicles by limiting obstacles to their use and by minimizing the permitting costs of such systems, and that such issues are a matter of statewide concern.

B. Section 65850.7 of the California Government Code provides that, on or before September 30, 2017, every city, county, or city and county with a population less than 200,000 shall adopt an ordinance, consistent with the goals and intent of Section 65850.7, that creates an expedited, streamlined permitting process for electric vehicle charging stations.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. This ordinance was determined not to be a project subject to the provisions of the California Environmental Quality Act (CEQA), as the term "project" is defined in Section 15378 of the State CEQA Guidelines and/or is exempt under Section 15061(b)(3) of the State CEQA Guidelines in that it can be seen with certainty that there is no possibility the proposed project would have a significant effect on the environment.

2. Section 9-1-5-80.97 of the Burbank Municipal Code is hereby added to read as follows:

9-1-5.80.97: ELECTRIC VEHICLE CHARGING STATION EXPEDITED REVIEW PROCESS.

A. PURPOSE

The purpose of this Ordinance is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Ordinance is also purposed to comply with California Government Code Section 65850.7.

B. DEFINITIONS

The following words and phrases as used in this section are defined as follows:

(1) “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(2) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date of the application was deemed complete.

(3) “Electronic submittal” means the utilization of one or more of the following:

- a. e-mail
- b. the internet

C. EXPEDITED PERMITTING PROCESS

Section 65850.7 of the California Government Code provides that in developing an expedited permitting process, the City shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. The Building Official is hereby authorized and directed to develop and adopt such checklist. The expedited, streamlined permitting process and checklist incorporates the recommendations contained in the most current version (which may change from time to time) of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The checklist shall be published on the City’s website.

D. PERMIT APPLICATION PROCESSING:

1. As part of the permit application submittal, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging

station equipment and associated conduits; areas of charging station equipment and vehicle parking.

2. The application shall demonstrate compliance with Burbank Water and Power's (BWP) interconnection policies.

3. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meets the requirements of the City adopted checklist; is consistent with all applicable laws and health and safety standards; and demonstrates compliance with BWP's interconnection policies, then the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary non-discretionary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by BWP. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

4. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this ordinance and associated supporting documentations. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

E. TECHNICAL REVIEW

1. It is the intent of this ordinance to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this section, the City may require the applicant to apply for a use permit. A decision affecting review of the use permit is appealable to the Community Development Director. A decision by the Community Development Director may be appealed to the Planning Board.

2. In technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

Attest:

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

By: s/Mary F. Riley
Mary F. Riley, Sr. Asst. City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 17-3,896 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 26th day of September, 2017, by the following vote:

AYES: Frutos, Gabel-Luddy, Springer, Talamantes and Rogers.

NOES: None.

ABSENT: None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 4th day of October, 2017.

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk