

ORDINANCE NO. 1148

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING SAN ANSELMO MUNICIPAL CODE TITLE 9 (BUILDING REGULATIONS) BY ADDING CHAPTER 8 (ELECTRIC VEHICLE CHARGING STATIONS) TO ESTABLISH AN EXPEDITED BUILDING PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS; AND AMENDING SECTION 7-11.504 (STANDARDS FOR MANUFACTURED HOMES) TO BRING IT INTO COMPLIANCE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY GUIDANCE

WHEREAS, Subsection (a) of 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 electric vehicle charging stations by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, Subdivision (g)(1) of Section 65850.7 of the California Government Code provides that every city, county, or city and county with a population of 200,000 or less, shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.7, that creates an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the Town Council desires to adopt this Ordinance to ensure compliance with state law and to promote the use of EV's under the Town's Electric Vehicle Strategy and General Plan Circulation Element Policy 17.1; and

WHEREAS, in February 2020, the California Department of Water Resources ("DWR") notified the Town of San Anselmo that section 7-11.504 of the Municipal Code was out of compliance with Federal Emergency Management Agency ("FEMA") guidance; and

WHEREAS, FEMA advises communities to require manufactured homes in flood zones to be elevated at a minimum of three feet or higher from the highest adjacent grade to minimize flood damage (FEMA, Protecting Manufactured Homes from Floods and Other Hazards § 3.6.1; citing 44 CFR § 60.3(b)(8)); and

WHEREAS, the Town's Municipal Code currently permits manufactured homes in Zones A1—30, AH, or AE on the Town's Flood Insurance Rate Map to be elevated twelve, rather than thirty six, inches above grade; and

WHEREAS, the Town Council desires to bring the Town's elevation requirement in line with FEMA's guidance to protect manufactured homes from flooding; and

WHEREAS, the Town Council held a duly noticed public hearing on June 9, 2020, and introduced this ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENVIRONMENTAL REVIEW

The Town Council finds and determines that the adoption of this Ordinance, which is intended to encourage electric vehicle use in Town and to protect manufactured homes from flooding, is exempt

from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

SECTION 2. AMENDMENTS TO MUNICIPAL CODE

Chapter 8 (Electric Vehicle Charging Stations) is added to Title 9 (Building Regulations) of the San Anselmo Municipal Code to read in full as follows:

Chapter 8 – ELECTRIC VEHICLE CHARGING STATIONS

Sections:

9-8.1 Purpose.

9-8.2 Definitions.

9-8.3 Electric Vehicle Charging Station Installation Requirements.

9-8.4 Streamlined Permitting.

9-8.1 Purpose.

The purpose of this Chapter is to establish an expedited, streamlined permitting process for electric vehicle charging stations.

9-8.2 Definitions.

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

A. “Electronic submittal” means the utilization of the eTrakit permitting system.

B. “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. A “charging station” may include essential signage, parking lot striping, wheel stops, bollards and other similar directional and safety improvements as necessary for safe operation of EVCS equipment.

C. “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 the application was deemed complete.

9-8.3 Electric Vehicle Charging Station Installation Requirements.

A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.

B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

9-8.4 Streamlined Permitting.

A. The Town shall adopt a checklist of all requirements with which electrical 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.

B. The checklist shall be published on the Town's internet website. The applicant may submit the permit application and associated documentation to the Town's building division by electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

C. Prior to submitting an application, 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.

D. An application that satisfies the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

E. Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist, the Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the electrical vehicle charging station to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

F. The Building Official may require an applicant to apply for a use permit if the Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Applications for use permits for vehicle charging stations shall be made on forms provided by the Town and shall contain information as required by the Building Official to assist in making a determination. Applications for use permits may also provide potential alternatives for preventing adverse impacts. If a use permit is required, the Building Official may deny an application only if the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public

health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission under San Anselmo Municipal Code Section 10-4.01. Terms in this section not defined in this chapter shall have the same meaning as such terms in Government Code Section 65850.5.

G. Only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the Building Official. If an electric vehicle charging station fails inspection, a subsequent inspection is authorized and need not conform to the requirements of this subsection.

H. No approval by a homeowner's association, as defined in Section 4080 of the Civil Code, shall be required for construction of an electric vehicle charging station that is located on private property and outside of restricted common areas.

Amendment to San Anselmo Municipal Code section 7-11.504(2)(ii)

San Anselmo Municipal Code section 7-11.504(2)(ii) is hereby amended as follows:

(ii) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six (36) inches in height above grade.

SECTION 3. Severability.

If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 4. Effective Date.

This ordinance shall take effect thirty (30) days after adoption.

SECTION 5. Publication.

This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the San Anselmo Town Council held on June 9, 2020 and thereafter passed and adopted by the San Anselmo Town Council on June 23, 2020 by the following vote:

AYES: COUNCILMEMBER: Colbert, Wright, Fineman, Burdo

NOES: COUNCILMEMBER: None

ABSENT: COUNCILMEMBER: Greene

ABSTAIN: COUNCILMEMBER: None

Ford Green, Mayor

ATTEST:

Carla Kacmar, Town Clerk