

RESOLUTION NO. 66,707-N.S.

ESTABLISHING A RESIDENTIAL CURBSIDE ELECTRIC VEHICLE CHARGING
PILOT PROGRAM

WHEREAS, on September 10, 2013 Council requested that the City Manager determine appropriate staff and commissions to develop standards, conditions, and guidelines for a pilot program to allow for Electric Vehicle (EV) charging in the Public Right-of-Way (PROW) and return with a proposed solution to this challenge; and

WHEREAS, a subcommittee of the Transportation Commission, Public Works Commission, and Energy Commission was formed to develop a set of conditions for a residential curbside electric vehicle charging pilot program; and

WHEREAS, on February 20, 2014 the Transportation Commission voted unanimously to support a residential curbside EV charging pilot program with specific conditions based on the work of the subcommittee; and

WHEREAS, at its February 2014 meeting the Energy Commission discussed the document adopted by the Transportation Commission and made comments, but took no formal action; and

WHEREAS, on March 12, 2014, the Commission on Disability unanimously approved a motion that any plan or implementation of PEV's in PROW must be accessible in the design of the equipment and the placement/location; and

WHEREAS, regionally and locally, the number of Electric Vehicle drivers continues to climb; and based on state rebates issued for EVs through the Clean Vehicle Rebate Project, the number of EVs registered in Berkeley has increased by almost 90% in the last 9 months, to over 380 vehicles.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to establish a Pilot Program allowing residents to install curbside EV charging stations in the public right of way based on the conditions set forth in Exhibit A.

BE IT FURTHER RESOLVED that Council encourages the Zoning Adjustments Board (ZAB) to approve construction of parking spaces on driveways within the front yard setback if installed for the purpose of EV charging that could not otherwise be accommodated on-site.

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The foregoing Resolution was adopted by the Berkeley City Council on July 1, 2014 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Mark Numainville, CMC, City Clerk

Exhibit A

Conditions for a Pilot Program Allowing Residential Curbside EV Charging Stations in the Public Right of Way

Established jointly by the Transportation, Energy, and Public Works Commissions

It should be City policy to encourage the private installation of electric vehicle chargers based on the hierarchy that minimizes conflicts with other City policies. Consideration for locating chargers should be based on the following hierarchy:

- Chargers serving a legal, off-street parking space
- Chargers serving a driveway within a residential setback
- Chargers within the public right-of-way adjacent to curbside parking spaces

Installation within the public right-of-way should only be considered when all other options are not available. It is recommended that the City authorize a pilot for installations in the public right-of-way.

1. The "pilot" must have a specified duration (recommend three years), evaluation criteria and data tracking mechanism, maximum number of pilot installations (recommend up to 25), and contingency plans for success or failure of the pilot.
2. Applications for curbside charging could be considered if there are no on-site spaces legally available that would not impact the public ROW. Zoning Adjustments Board (ZAB) should be encouraged to approve resident creation of curb cuts and driveways to facilitate EV charger installations on private property prior to consideration of curbside chargers. In the event that side or rear yard parking is infeasible, ZAB should be encouraged to approve construction of parking spaces on driveways within the front yard setback if installed for the purpose of on-site EV charging.
3. Applications must include installation plans with map of existing utility infrastructure along the property frontage. This will confirm that there are no conflicts with other existing utilities and underground laterals as well as providing a basis for marking of any new conduit as part of underground service alert requests.
4. Allowing private charging to impact the public right of way should be need based, not merely out of convenience or preference. This policy would apply to existing residential single and multifamily dwellings and be applicable to owners and tenants at owner's discretion. A policy for commercial properties may be considered at a later date.
5. Use of the charger is to be under the control of the property owner. The charger would be for private use of the resident only, or, if the owner wishes to make the charger available to the public, the charger and its placement/location must be accessible (ADA compliant) and available to the public at all times, at no cost to anyone who wishes to use it.
6. Chargers and cabling systems must meet a safety standard to be determined, including failsafe shutoff features. This could be achieved by utilizing commercial chargers, and possible curbside cord management systems. All installations must be handled by licensed and certified electrical contractor. Simply installing an outlet would not be permitted.
7. The encroachment permit for a charger must come from or be approved by the property owner, not just a tenant.

8. Installation and maintenance of chargers would be at the expense of the owner/applicant.
9. There may need to be a deposit (the amount to be determined by the city) or other provision for removal of chargers in the event of abandonment or other problems. Periodic (5 year) inspection may be needed to assure chargers are in a good state of repair and do not pose any hazard or blight. During the pilot inspections may be on an annual basis to observe both the condition and operation of the chargers.
10. Installation of a charger may not create a "private" or "reserved" parking space on the street. Curbside parking at the charger location would be available to all using normal parking regulations The curbside parking stall would be used on a first come first served basis either by an EV charger or other street parker. Signs at curbside should clarify that there is not any parking restriction associated with a charger An EV charger would not have parking reference for the space.
11. Approval of curbside chargers may be subject to parking occupancy limits, which would need to be determined. i.e., no chargers allowed if street parking occupancy at two different observation times is over 85%, unless at least 75% of the neighbors agree to the charger being installed through a petition process. The city will evaluate the parking needs and make a determination accordingly. Time of day parking restrictions may apply. EV chargers would be subject to all parking restrictions. Clear signage would be installed advising both EV chargers and other parkers of the rules for parking on the street at the EV charging site.
12. Applicants shall provide notice to all neighbors prior to issuance of a permit sharing the regulations and guidelines about use of such chargers and adjacent parking spaces. Neighborhood concurrence may be required.
13. Applicants shall indemnify the City for any harm arising out of installation, use, or misuse of the charger per city attorney requirements.
14. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area. Cord management systems shall be employed that avoid creation of potential trip hazards where needed.
15. Application process should be made as easy as possible to minimize the temptation for people to ignore or violate the process. Appropriate penalties for violations will need to be established by the city both to encourage application for a permit and as fines for disregarding parking or charging regulations, failure to obtain a permit, or breach of other regulations.
16. The city should consider incentives to encourage EV use and charging; possibly waiving or reducing application and permit fees for chargers or associated facilities if grant funds can be obtained to do so.
17. The city should establish design standards for EV stations to insure they are safe, are not a blight on the neighborhood, and that appropriate aesthetics are considered and required.