

ORDINANCE NO. 17-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADDING CHAPTER 10.10 (ELECTRIC VEHICLE CHARGING STATION PERMITS) TO TITLE 10 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236 AND SECTION 65850.7 OF THE CALIFORNIA GOVERNMENT CODE, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15060(C)(2) AND (C)(3)

The City Council of the City of Rancho Santa Margarita hereby finds, determines and declares as follows:

WHEREAS, on October 8, 2015, Governor Brown approved Assembly Bill 1236 ("AB 1236"), amending Section 65850.7 of the California Government Code, to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use; and

WHEREAS, AB 1236 requires every city and county with a population less than 200,000 to adopt an expedited, streamlined permitting processes for electric vehicle charging stations by September 30, 2017; and

WHEREAS, the City Council seeks to implement AB 1236 through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council finds that it is in the interest of the health, welfare and safety of the public to provide an expedited, streamlined permitting process to encourage the effective development of electric vehicle charging stations; and

WHEREAS, the City Council finds that this Ordinance will have the effect of encouraging the installation of electric vehicle charging stations and minimizing barriers, obstacles, and costs of obtaining permits for their installation.

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.10, entitled "Electric Vehicle Charging Station Permits," is hereby added to Title 10 (Buildings and Construction) of the Rancho Santa Margarita Municipal Code to read as follows:

## Chapter 10.10

### Electric Vehicle Charging Station Permits

- Sec. 10.10.010. Purpose.
- Sec. 10.10.020. Applicability.
- Sec. 10.10.030. Definitions.
- Sec. 10.10.040. Electric Vehicle Charging Station System Requirements.
- Sec. 10.10.050. Applications and Documents.
- Sec. 10.10.060. Application Submittal and Expedited Review.

#### **Sec. 10.10.010. – Purpose.**

The purpose of this Chapter 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 Chapter is also intended to comply with Government Code Section 65850.7.

#### **Sec. 10.10.020. – Applicability.**

This Chapter applies to the permitting of all electric vehicle charging stations in the City. Electric vehicle charging stations legally established or permitted prior to the effective date of this Chapter are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station system. Routine operation and maintenance or like-kind replacements of electric vehicle charging stations shall not require a permit.

#### **Sec. 10.10.030. – Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Building Department* means the Building and Safety Division of the Development Services Department for the City of Rancho Santa Margarita.

*Building Official* means the Building Official for the City of Rancho Santa Margarita.

*City* means the City of Rancho Santa Margarita.

*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 as of October 8, 2015, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

*Electronic submittal* means the utilization of one or more of the following:

1. Email.
2. The internet.
3. Facsimile.

*Expedited permitting and expedited review* means the process outlined in Section 10.10.060. – Application submittal and expedited review process.

*Feasible method to satisfactorily mitigate or avoid the specific, adverse impact* includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the City on another similarly situated application in a prior successful application for a similar permit.

*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.

**Sec. 10.10.040. – Electric Vehicle Charging Station System Requirements.**

- (a) All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the City, the Orange County Fire Authority, and the State of California.
- (b) All Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

**Sec. 10.10.050. – Application and Documents.**

- (a) The Building and Safety Division shall develop and implement a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist shall include, but may not be limited to the recommendations contained in the most current version 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 Building and Safety Division may develop and implement more than one checklist to differentiate the requirements for expedited review of commercial and residential applications.

- (b) All documents required for the submission of an expedited electric vehicle charging station application, including the checklist(s), shall be made available on the City's website.
- (c) Electronic submittal of the required application and documents via email, the City's website, or facsimile shall be made available to all electric vehicle charging station permit applicants.
- (d) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

**Sec. 10.10.060. – Application Submittal and Expedited Review Process.**

The Building Department shall implement the following administrative, nondiscretionary review process to expedite the approval of an application to install an electric vehicle charging station.

- (a) An application that satisfies the information requirements in the City's checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the application and supporting documents meet the requirements of the City's checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits.
- (b) If an application for an electric vehicle charging station is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant.
- (c) The Building Official may require an applicant to apply for an electric vehicle charging station 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. Such decisions may be appealed to the City Planning Commission in accordance with Section 9.08.100 of this Code.
- (d) Any condition imposed on an application for an electric vehicle charging station use permit shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- (e) The Building Official may not deny an application for an electric vehicle charging station use permit unless 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 the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for

preventing the adverse impact. Such decisions may be appealed to the City Planning Commission in accordance with Section 9.08.100 of this Code.

- (f) Approval of an application for an electric vehicle charging station shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the Civil Code, that manages a common interest development.

SECTION 2. The City Council of the City of Rancho Santa Margarita hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. The City Council of the City of Rancho Santa Margarita hereby finds and determines that, pursuant to Section 711.4 of the California Fish and Game Code, this Ordinance is exempt from the required fees as it has been determined that no impacts to wildlife resources will result from the project.

SECTION 4. The City Council of the City of Rancho Santa Margarita hereby finds and determines that this Ordinance will not have any adverse impacts to any subregional Natural Communities Conservation Planning (NCCP) Program.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Rancho Santa Margarita hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

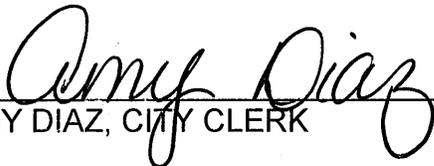
SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2017.



CAROL A. GAMBLE, MAYOR

ATTEST:



AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF RANCHO SANTA MARGARITA )

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 17-04 was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 13<sup>th</sup> day of September 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 27<sup>th</sup> day of September 2017 by the following vote, to wit:

AYES: Council Members Beall, Holloway, McGirr and Mayor Gamble (4)

NOES: None (0)

ABSENT: Mayor Pro Tempore Vaughn (1)

ABSTAIN: None (0)



AMY DIAZ, CITY CLERK

AFFIDAVIT OF POSTING  
AND PUBLICATION

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF RANCHO SANTA MARGARITA )

AMY DIAZ, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Rancho Santa Margarita;

That in compliance with State Laws of the State of California, ORDINANCE NO. 17-04, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADDING CHAPTER 10.10 (ELECTRIC VEHICLE CHARGING STATION PERMITS) TO TITLE 10 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236 AND SECTION 65850.7 OF THE CALIFORNIA GOVERNMENT CODE, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15060(C)(2) AND (C)(3)

on the 6th day of October, 2017, was published in the Coto De Caza News; and was in compliance with City Resolution No. 00-01-06-07, on the 6<sup>th</sup> day of October, 2017, caused to be posted in three places in the City of Rancho Santa Margarita, to wit:

Rancho Santa Margarita City Hall  
Fire Station 45  
Trabuco Canyon Water District

  
\_\_\_\_\_  
AMY DIAZ, CITY CLERK  
Rancho Santa Margarita, California