

ORDINANCE NO. 2022-1105

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.60 OF THE YORBA LINDA MUNICIPAL CODE PERTAINING TO ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the City of Yorba Linda seeks to implement Government Code sections 65850.7 and 65850.71 to meet the goals set by the State of California pertaining to electric vehicle charging stations; and

WHEREAS, an expedited, streamlined permitting process for electric vehicle charging stations facilitates the convenient charging of electric vehicles; and

WHEREAS, the City of Yorba Linda desires to adopt this Ordinance to amend Chapter 15.60 of the City's Municipal Code pertaining to electric vehicle charging stations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The findings and determinations reflected in the Recitals above are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 15.60 of the Yorba Linda Municipal Code is hereby amended to read in its entirety as follows:

Section 15.60.010 Title and Purpose

This Chapter 15.60 of the Yorba Linda Municipal Code shall be known as the "City of Yorba Linda Electric Vehicle Charging Permit Expediting Ordinance", and may be cited as such and referred to herein as "this Chapter". The purpose of this Chapter is to promote 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 electric vehicle charging stations.

Section 15.60.020 Definitions

The definitions contained in this Section shall govern the construction, meaning and application of the words and phrases used in this Chapter. Words or phrases used in this Chapter that are not specifically defined in this Chapter shall be interpreted by the Building Official to give them the meaning that results in the most reasonable application of this Chapter.

Application Checklist: The checklist found on the City's website containing the information which an electric vehicle charging station (EVCS) application must contain

to be considered complete and eligible for expedited, streamlined approval pursuant to this Chapter.

Building Official: The City of Yorba Chief Building Official or his or her designee.

City: The City of Yorba Linda.

Electrical Vehicle Charging Station (“EVCS”) or Charging Station: Shall mean any level of electric vehicle supply equipment station that is designated and built-in compliance with Article 625, of the California Electrical Code, as it reads on the effective date of this Section and updated by the corresponding California Electrical Code and by ordinance and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. Where applicable, 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 the EVCS equipment.

Electronic submittal: The utilization of the City’s web-based application and document submittal platform.

EVCS application: An application for a building permit or similar non-discretionary permit to install, replace or otherwise alter an EVCS.

Specific adverse impact: The meaning set forth in California Government Code Section 65850.7(i)(4), as may be amended from time to time.

Section 15.60.030 Applicability and Requirements

This Chapter applies to the permitting of all EVCS in the City. EVCS legally established or permitted prior to the effective date of the ordinance codified in this Chapter are not subject to the requirements of this Chapter unless physical alterations are undertaken that materially affect the size, type, location, or components of an EVCS in such a way as to require a new building permit or similar non-discretionary permit. Routine maintenance and repair, including like-for-like replacement of individual components of an EVCS, shall not be considered a material alteration requiring a new building permit or similar non-discretionary permit.

The provisions of this Chapter shall not be deemed to nullify any provisions of local, state, or federal law. EVCS installed, replaced, or otherwise altered pursuant to this Chapter shall comply with all applicable federal, state, and local health and safety standards and requirements, including but not limited to Title 15 of the Yorba Linda Municipal Code. EVCS shall also meet all applicable safety and performance standards established by 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.

Section 15.60.040 Administration

The Building Official is authorized to administer the provisions of this Chapter. The Building Official shall have the approval authority for all EVCS applications.

Section 15.60.050 Expedited Permit Application and Review

A. *Submittal.* Every EVCS application shall be submitted to the City either in person or by electronic submittal and shall contain the information set forth in the application checklist.

B. *Determination of completeness of EVCS application.* Following the City's receipt of an EVCS application, the Building Official shall determine whether the EVCS application is complete.

1) An EVCS application shall be deemed complete if the Building Official determines that the EVCS application satisfies the information requirements of the application checklist.

2) If the Building Official determines that an EVCS application does not satisfy the information requirements of the Application Checklist, the EVCS application shall be deemed incomplete. EVCS applications deemed incomplete shall be returned to the applicant along with a written correction notice detailing all deficiencies in the EVCS application and any additional information or documentation required to be eligible for expedited, streamlined approval pursuant to this Chapter.

C. *Administrative review.*

1) EVCS applications deemed complete shall be administratively reviewed by the Building Official. The Building Official's review shall be limited to whether EVCS applications meet all health and safety requirements of local, state, and federal law. The applicable requirements of local law shall be limited to those standards and regulations necessary to ensure that the EVCS will not have a specific, adverse impact upon the public health or safety. The Building Official's review of EVCS applications shall not be subject to approval of any associations, as defined in Section 4080 of the Civil Code.

2) Except as otherwise provided in this Chapter, the Building Official shall administratively approve EVCS applications deemed complete which meet all of the following requirements:

a) The EVCS application is consistent with this Chapter; and

- b) The EVCS application meets all health and safety requirements of local, state, and federal law as provided in Subsection 1 above; and
 - c) The Building Official does not make a finding of a specific, adverse impact upon the public health or safety, as detailed in Subsection 3 below.
- 3) The Building Official shall not be required to administratively approve EVCS applications deemed complete in either of the following situations, and may instead require a conditional use permit, or deny EVCS applications as provided herein:
- a) The Building Official may, in consultation with the City's Community Development Director, require a conditional use permit for an EVCS application if the Building Official makes a finding, based on substantial evidence, that the EVCS could have a specific, adverse impact upon the public health or safety. Any conditions imposed on a permit to install an EVCS shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.
 - b) The Building Official may deny an EVCS application if the Building Official makes a finding, based on substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- 4) *Appeal.* An EVCS applicant may appeal any decision of the Building Official made pursuant to this Chapter to the Planning Commission. The timing of and requirements for an appeal shall be as outlined in Yorba Linda Municipal Code section 18.36.810.
- 5) *Electronic signatures.* Electronic signatures may be used in lieu of wet signatures on all forms, applications, and other documentation required by this Chapter.

Section 15.60.060 Time Limitations

The following time limitations shall apply on all applications and plan reviews for EVCS.

- A. An application to install an EVCS submitted to the Building Official shall be deemed complete if, after the applicable time period noted in subsection 3 below has elapsed, both of the following in subsections 1 and 2 are true:

- 1) The Building Official has not deemed the application complete consistent with the Application Checklist provided by the City per Government Code section 65850.7(g).
 - 2) The Building Official has not issued a written correction notice detailing all deficiencies in the application and identifying any additional information explicitly necessary for the Building Official to complete a review limited to whether the EVCS meets all the health and safety requirements of local, state and federal law, consistent with Government Code section 65850.7(b) and (g).
 - 3) Time Limitations.
 - a) Five (5) business days after submission for 1 to 25 EVCS.
 - b) Ten (10) business days after submission for more than 25 EVCS.
- B. An application to install an EVCS shall be deemed approved if the applicable time period noted in subsection 3 below has elapsed and both of the following in subsections 1 and 2 are true:
- 1) The Building Official has not administratively approved the application pursuant Government Code section 65850.7(b).
 - 2) The Building Official has not made a finding, based on substantial evidence, that the EVCS could have a specific impact on public health or safety or required the applicant to apply for a use permit pursuant to Government Code section 65850.7(b).
 - 3) Time Limitations:
 - a) Twenty (20) business days after the application was deemed complete for 1 to 25 EVCS
 - b) Forty (40) business days after the application was deemed complete for 25 or more EVCS.

SECTION 3. CEQA

In adopting this Ordinance, the City Council finds that this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Sections 15060(c)(3), 15061 (b)(3) and 15378, in that it can be seen with certainty that the Municipal Code amendments propose no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION 4. Severability

If any section, subsection, sentence, clause, phase, 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 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 sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 5. This Chapter supersedes and replaces Chapter 15.60 of the Yorba Linda Municipal Code in its entirety.

SECTION 6. Effective Date.

This Ordinance shall take effect thirty days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this ordinance or a summary thereof to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this _____ day of _____, 20__.

MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM
RUTAN & TUCKER LLP

CITY ATTORNEY

SS.

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA