



June 1, 2020

The Honorable Kirk H. Nakamura
Presiding Judge of the Superior Court
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Mayor
Neeki Moatazedi

Mayor Pro Tem
Mike James

Council Members
Dwight Robinson
Mark Tettemer
Scott Voigts

City Manager
Debra DeBruhl Rose

Dear Judge Nakamura,

Pursuant to the letters from the Orange County Grand jury received on January 16, 2020 and February 26, 2020, regarding implementation of Assembly Bill 1236 in the City of Lake Forest, the City has taken several actions as follows:

1. On February 6, 2020, the City posted the Electric Vehicle Charging Permitting Process on its website, which included all required items listed in the Orange County Grand Jury letter dated January 16, 2020.
2. On May 5, 2020, the City Council introduced Ordinance 332, adding Chapter 8.74 to the Lake Forest Municipal Code providing an expedited, streamlined permitting process for Electric Vehicle Charging Stations, for first reading.
3. On May 19, 2020, the City Council held a second reading and adopted Ordinance No. 332. A copy of the draft ordinance (signature pending) is attached.

With these actions, we have completed all actions by the Orange County Grand Jury. If further actions are required, please let me know as quickly as possible, and we will work to comply. I can be reached by email at gackerman@lakeforestca.gov or via telephone at (949) 461-3463.

Sincerely,

Gayle Ackerman, ACIP
Director of Community Development

Enclosures: Ordinance 332
cc: Orange County Grand Jury



ORDINANCE NO. 332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADDING CHAPTER 8.74 TO THE LAKE FOREST MUNICIPAL CODE PROVIDING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the State of California and the City of Lake Forest have consistently promoted and encouraged the use of fuel efficient electric vehicles; and

WHEREAS, the State of California recently adopted Assembly Bill 1236, which requires local agencies to adopt an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, creating of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate conventional charging of electric vehicles and help reduce reliance on environmentally damaging fossil fuels; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the State of California Guidelines for Implementation of CEQA (commencing with Section 15000 of Title 14 of the California Code of Regulations), the City is the "lead agency" for the preparation and consideration of environmental documents for this ordinance; and

WHEREAS, the City Council finds and determines that this ordinance is not subject to CEQA pursuant to Sections 15060 (c)(2) and 15050 (C)(3) of the Title 14 of the California Code of Regulations because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. This ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Section 15060 (c)(2) and 15060 (c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes a streamline process for electric vehicle charger permits and is merely authorizing administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 3. Chapter 8.74 is added to the Lake Forest Municipal Code to read as follows.

**8.74 ELECTRIC VEHICLE CHARGING STATIONS EXPEDITED,
STREAMLINED PERMITTING PROCESS**

8.74.010. 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 purposed to comply with California Government Code Section 65850.7.

8.74.020. Definitions

A. "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.

B. "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.

C. "Electronic submittal" means the utilization of one or more of the following:

1. Electronic mail or email.
2. The internet.
3. Facsimile.

8.74.030. Expedited Permitting Process

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt 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 may refer 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 City's adopted checklist shall be published on the City's website.

8.74.040. Permit Application Processing

A. Prior to submitting an application for processing, 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.

B. 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, 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. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. 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.

C. 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.

8.74.050. Technical Review

A. 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 Chapter, the City may require the applicant to apply for a use permit.

B. In the 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.

8.74.060. 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.

SECTION 4. Any provision of the City of Lake Forest Municipal Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2020.

MIKE JAMES
MAYOR PRO TEM

ATTEST:

MARIA D. HUIZAR, CMC
CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAKE FOREST)

I, Maria D. Huizar, City Clerk of the City of Lake Forest, California do hereby certify that the foregoing Ordinance No. 332 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 5th day of May 2020, and thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council on the 19th day of May, 2020, by the following vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MARIA D. HUIZAR, CMC
CITY CLERK