

CITY OF YORBA LINDA

4845 CASA LOMA AVENUE • YORBA LINDA • CALIFORNIA 92886

June 17, 2020

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

Re: Response to 2019-2020 Orange County Grand Jury Report “Electric Vehicles Are Here – Is Orange County All Charged Up?”

Dear Honorable Judge Nakamura:

Thank you for the opportunity to respond to the Grand Jury’s report on regulatory streamlining pursuant to AB 1236 for electric vehicle charging within local municipalities in Orange County. The City of Yorba Linda’s responses are as follows:

Finding F.1: Eight Orange County cities, Fountain Valley, Garden Grove, Laguna Beach, Laguna Woods, Lake Forest, Placentia, Seal Beach, and Yorba Linda, have not fully complied with AB 1236 that requires cities to implement a streamlined process in obtaining permits to install EVCS and make it available to the public on their city websites, thus impeding residents’ ease of installation of EVCS.

Agree. However, the City of Yorba Linda now is fully in compliance with the requirements of AB 1236 inasmuch as the City has adopted an ordinance for streamlined approval of EVCS installations (see attached copy of Ordinance No. 2020-1080), has provided the required checklists and all application materials on the City’s website, and has provided for electronic submittal, review and approval of EVCS applications as required by AB 1236.

Recommendation R.1: Cities that have not already done so should update their municipal code to add an ordinance streamlining their EVSC permitting process by May 1, 2020.

The recommendation has been implemented. See discussion in Finding F.1 above and attached ordinance. Additionally, the City provides the following link to the EVCS permitting page on the City’s website for your Honor’s reference:
<https://www.yorbalindaca.gov/777/Electric-Vehicle-Charging-Stations-ECVS>

Recommendation R.2: Cities that have not already done so should create a streamlined permit process for single-family residences, multi-family residences and businesses to obtain permits to install EVCS that includes an easy to use checklist by May 1, 2020.

The recommendation has been implemented. Please refer to Recommendation R.1 response above and the link to the EVCS permitting page on the City's website for detailed information.

Recommendation R.3: Cities that have not already done so should describe the streamlined EV charging installation permit application process and have the checklists and forms available on their website by May 1, 2020.

The recommendation has been implemented. Please refer to Recommendation R.1 response above and the link to the EVCS permitting page on the City's website for detailed information.

The City of Yorba Linda appreciates the opportunity to respond to the Orange County Grand Jury's 2019-2020 Report concerning electric vehicle permit streamlining. Should you have any additional questions or concerns, please feel free to reach out to David Brantley, Community Development Director, at (714) 961-7134 or dbrantley@yorbalingca.gov.

Sincerely,



Beth Haney
Mayor

Attachment

1) Ordinance No. 2020-1080

C: Yorba Linda City Council
Mark Pulone, City Manager
Todd Litfin, City Attorney

ORDINANCE NO. 2020-1080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, ADDING A NEW CHAPTER 15.60 TO TITLE 15 OF THE YORBA LINDA MUNICIPAL CODE TO PROVIDE FOR AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the City Council of the City of Yorba Linda seeks to implement Assembly Bill 1236 (Chapter 598, Statutes 2015) through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council wishes to encourage the installation of electric vehicle charging stations by all of its residents and businesses; and

WHEREAS, it is in the interest of the health, safety, and welfare of the residents and businesses of the City to provide an expedited permitting process for electric vehicle charging stations to assure the effective deployment of electric vehicle charging stations technology, in accordance with the requirements of Assembly Bill 1236.

NOW, THEREFORE, the City Council of the City of Yorba Linda does hereby ordain as follows:

Section 1. Recitals. The above recitals are true and correct and are incorporation herein by this reference.

Section 2. Amendment. Chapter 15.60 is added to Title 15 of the City of Yorba Linda Municipal Code to read in its entirety as follows:

Chapter 15.60

ELECTRIC VEHICLE CHARGING STATIONS

Sections:

15.60.010 Applicability and Purpose.

15.60.020 Electric Vehicle Charging Station Requirements.

15.60.030 Duties of the Building Department.

15.60.040 Expedited Permit Review and Inspection Requirements.

Sec. 15.60.010 Applicability and Purpose.

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 the electric vehicle charging station in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

Sec. 15.60.020 Electric Vehicle Charging Stations Requirements.

- (a) "Electric vehicle charging station" or "charging station" means all of the following:
- (b) Any level of electric vehicle supply equipment station that;
 - (1) Is designed and built in compliance with Article 625 of the California Electrical Code;
 - (2) Delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle;
 - (3) Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all State and City health and safety standards;
- (c) An electric vehicle charging station 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. 15.60.030 Duties of the Building Department.

- (a) A checklist and required permitting documentation of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review and all documents required for the submission of an expedited electric vehicle charging stations shall be published on the City's publicly accessible Internet Website.
- (b) Electronic submittal of the required permit application and documents via email or facsimile shall be made available to all electric vehicle charging stations permit applicants. Website applications may be allowed at such time in the future that the technology is made available by the City.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

- (d) The Building Department shall adopt a checklist and required permitting documentation of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.
- (e) The checklist and required permitting documentation of all requirements with which electric vehicle charging stations 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" published by the Governor's Office of Planning and Research.

Sec. 15.60.040 Expedited Permit Review and Inspection Requirements.

- (a) The Building Department shall adopt an administrative, nondiscretionary review process to expedite the approval of electric vehicle charging stations applications within thirty (30) days of the adoption of this chapter.
- (b) An application for electric vehicle charging stations that meets the requirements of the checklist and required permitting documentation of all requirements shall be deemed complete, and the Building Department shall issue a building permit or other non-discretionary permit at expedited rate.
- (c) Review of the application shall be limited to the Building Department's review of whether the applicant meets local, state and federal health and safety requirements.
- (d) If an application for 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 provided to the applicant for resubmission.
- (e) Inspections shall be required and performed by the Building Department for electric vehicle charging stations.
- (f) The inspection shall be done in an efficient inspection process, in a timely manner, and should include consolidated inspections; inspection measures taken should be consistent with safety requirements to ensure that the electric vehicle charging stations are properly installed.
- (g) If an electric vehicle charging station fails inspection, a subsequent

inspection is authorized but need not conform to the requirements of this chapter.

Section 3. CEQA Determination. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

Section 4. Severability. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.


Section 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption. Within fifteen (15) days of the date of adoption of this Ordinance, the City Clerk shall post a copy of said Ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Yorba Linda at a regular meeting on this 2nd day of June, 2020.



BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:



for MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP



CITY ATTORNEY

ORDINANCE NO. 2020-1080

PAGE NO. 5

STATE OF CALIFORNIA
COUNTY OF ORANGE) SS
CITY OF YORBA LINDA)

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California **DO HEREBY** certify that the foregoing Ordinance was duly adopted at a regular meeting of the City Council of the City of Yorba Linda, held on the 2nd day of June 2020, by the following vote:

AYES: COUNCILMEMBERS: Campbell, Haney, Hernandez, Huang, Rodriguez

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


for **MARCIA BROWN, CITY CLERK**
CITY OF YORBA LINDA