

The People are the City

**Mayor**  
WARD L. SMITH

**Mayor Pro Tem**  
JEREMY B. YAMAGUCHI

**Councilmembers:**  
CRAIG S. GREEN  
RHONDA SHADER  
CHAD P. WANKE



**City Clerk:**  
ROBERT S. MCKINNELL

**City Treasurer**  
KEVIN A. LARSON

**City Administrator**  
DAMIEN R. ARRULA

401 East Chapman Avenue – Placentia, California 92870

September 3, 2020

Donald Noble, Foreperson  
Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Mr. Noble,

This letter is in response to the Orange County Grand Jury report, "**Electric Vehicles Are Here- Is Orange County All Charged Up?**" the City received in February 2020. The City has finalized implementing the Grand Jury's findings and recommendations but needs additional time in order to complete this large task. On June 3, 2020, the City requested a six-month extension pursuant to Penal Code 933.05 (b)(3) because the recommendations provided by the Grand Jury required further analysis.

At this time, the City has implemented all of the findings and recommendations, including to: (1) 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 as well as (2) describe the streamlined EV charging installation permit application process and have the checklists and forms available on the City website. Here is a link to the City's Building and Safety webpage, on the left hand side of that page is a link to Electric Vehicle Charging: <https://www.placentia.org/58/Building-and-Safety>

Here is a direct link to the City's Electric Vehicle Charging Guidelines webpage: <https://www.placentia.org/906/Electric-Vehicle-Charging>

The aforementioned webpage provides a link to EV Charging System Guidelines: <https://www.placentia.org/DocumentCenter/View/8548/Electric-Vehicle-Charging-System-Guidelines-Residential>

The aforementioned webpage also provides a link to the City's permit application which may be submitted via e-mail: <https://www.placentia.org/DocumentCenter/View/8003/PERMIT-COPY>

The one remaining item that is in process is to update the City of Placentia Municipal Code, adding an Ordinance streamlining EVCS permitting. The City has used this time to prepare a draft Ordinance (attached) in compliance with your recommendations and in compliance with AB 1236. The Ordinance is scheduled to go before City Council for first reading on October 6, 2020.

Please feel free to contact me should you have any questions.

Sincerely,

  
Joseph M. Lambert  
Director of Development Services

cc: Kathya M. Firlik, Deputy City Attorney  
Scott Porter, Deputy City Attorney

Enclosure

**ORDINANCE NO. O-2020-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PLACENTIA, CALIFORNIA AMENDING THE PROVISIONS OF THE  
PLACENTIA MUNICIPAL CODE REVISING TITLE 20 (“BUILDING  
CODES AND REGULATIONS”) OF THE MUNICIPAL CODE TO  
CREATE A STREAMLINED PROCESS FOR THE APPROVAL OF  
ELECTRIC VEHICLE CHARGING STATIONS CONSISTENT WITH  
GOVERNMENT CODE 65850.7**

City Attorney’s Summary

This Ordinance amends provisions of Title 20 (“BUILDING CODES AND REGULATIONS”) of the Placentia Municipal Code and adopts regulations regarding Electric Vehicle Charging Stations that creates an expedited and streamlined permitting process for electric vehicle charging systems in compliance with Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems.

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

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the public’s reliance on fossil fuels; and

WHEREAS, on October 6<sup>th</sup>, 2020, the City Council of the City of Placentia held a duly noticed public hearing at which time it considered all evidence presented, whether written or oral; and

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WHEREAS, the City desires to amend its regulations to comply with State law.

**NOW, THEREFORE, THE CITY OF PLACENTIA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Municipal Code Amendment.** Chapter 20.60 of the Municipal Code is hereby created. The new chapter shall be entitled, “Electric Vehicle Charging Stations.” The Chapter shall provide as follows:

**20.60.010. Purpose.**

The purpose of this Chapter is to comply with Government Code 65850.7 and 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.

**20.60.020. Definition**

“Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with all requirements of this code and any checklists approved by the Building Official, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

**20.60.030. Expedited Permitting Process.**

A. Streamlined 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.

B. Checklist Effective with Commission Approval. The Building Official’s checklist and procedures shall become effective upon approval by the Director of Development Services. Such procedures may be amended by the Director of Development Services or designee from time to time. The City’s adopted checklist and procedures shall be published on the city’s website, and shall be binding upon all applicants.

C. Checklist Contents. The checklist and procedures 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. Such checklist must ensure that all requirements of this Chapter are met, including the following:

1. Standards for EV Station. 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.
2. Electrical Code Requirements. 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.

3. Load Calculations. 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.
4. Anchorage. 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.
5. Property Owner Associations. 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.

#### **20.60.040. Permit Application Processing**

A. Adverse Impact Prohibited. 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. "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. 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. Permit Applications. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. If the Building Official determines that the permit application is incomplete, the Building Official 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. Upon confirmation by the Building Official that the permit application and supporting documents meets City's checklist requirements and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, issue a permit for the electric vehicle charging station.

C. Electronic Submission Permitted. Permit applications covered by this Chapter and associated supporting documentation may be submitted via email to the Building Official, but such documentation shall only be considered received on the date the Building Official personally responds via email that the documents were received. 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.

D. Appeal. The Building Official's determination may be appealed to the Planning Commission. Such appeal shall be governed by the procedures of Chapter 20.28.070 (Hearing by Planning Commission) of Title 20 (Building Codes and Regulations) of the Municipal Code, except that the determination of the Planning Commission shall be final and cannot be appealed to the City Council. After conducting the public hearing, the reviewing body shall issue its determination in writing based upon substantial evidence in the record.

**20.60.050. City Owned Electric Vehicle Parking Spaces.**

The Director of Public Works, or designee, is authorized to designate parking spaces or stalls in any off-street parking facility owned and operated by the City of Placentia for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes.

**SECTION 2. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

**SECTION 3. CEQA.** The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines 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 under (b)(4) funding mechanisms are exempt from CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

**SECTION 4. Effective Date.** This Ordinance shall take effect on the 31<sup>st</sup> day after adoption.

**SECTION 5. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this

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ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

**SECTION 6.** Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

**INTRODUCED** at a regular meeting of the City Council of the City of Placentia held on the 6<sup>th</sup> day of October, 2020.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Ward L. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Robert S. McKinnell, City Clerk

I, Robert S. McKinnell, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Placentia, held on the 6<sup>th</sup> day of October 2020 and adopted at a regular meeting of the City Council of the City of Placentia, held on the \_\_\_\_ day of \_\_\_\_\_ 2020 by the following vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:  
ABSTAIN: Councilmembers:

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Robert S. McKinnell, City Clerk

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APPROVED AS TO FORM:

Christian L. Bettenhausen, City Attorney