

**ORDINANCE NO. 1192-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAWNDALE, CALIFORNIA ADDING CHAPTER 17.104  
ELECTRIC VEHICLE CHARGING STATIONS TO TITLE 17  
ZONING, OF THE LAWNDALE MUNICIPAL CODE REGARDING  
AND FINDINGS OF EXEMPTION FROM CEQA**

SUMMARY: This ordinance regulates Electric Vehicle Charging Stations within the City.

WHEREAS, the State of California has consistently promoted and encouraged the use of energy efficient electric vehicles; and

WHEREAS, in 2015 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, the State of California recently adopted Assembly Bill 970 amending Assembly Bill 1236 requiring an application to install an electric vehicle charging station to be deemed complete after a specific number of business days depending on the number of electric vehicle charging stations proposed after an application is submitted; 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 reliance on fossil fuels ; and

WHEREAS, the Planning Commission considered this ordinance at a properly noticed public hearing on September 28, 2022 and recommended that the City Council adopts this ordinance; and

WHEREAS, the City Council, after a duly public notice on October 28, 2022 was given as required by law, held a public hearing on November 7, 2022 in the City Hall council chamber located at 14717 Burin Avenue, Lawndale, California, to consider this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Lawndale hereby makes the following findings:

- A. The above recitals are true and correct and incorporated fully herein.
- B. The changes to the Zoning Code of the City of Lawndale made by this Ordinance are consistent with the General Plan of the City of Lawndale.

SECTION 2. Chapter 17.104 is added to Title 17 of the City of Lawndale Municipal Code to read, in its entirety, as follows:

“17.104.010 Electric Vehicle Charging Station

17.72.020 Intent and Purpose. The intent and purpose of this chapter is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with Government Code Section 6580.71, to achieve timely and cost-effective installations. This chapter is designed to encourage the use of electric vehicles by removing what the State Legislature considers to be unreasonable barriers, thus minimizing costs to property owners and the city, and expanding the ability of property owners to install electric vehicle charging systems and electric vehicle charging spaces. This chapter allows the city to achieve these goals while protecting the public health and safety.

17.72.030 Definitions

For purposes of this chapter, the following words and phrases shall have the following meanings:

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 Article, 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. Facsimile.
3. The internet

D. “Zoning Clearance” means an approval from the City’s Planning department, as allowed in the City of Lawndale Municipal code, by verifying the proposed use, structure and/or equipment complies with the City’s land use requirements.

17.72.040 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 its requirements unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station in such a way as to require new

permitting. Routine operation and maintenance or like for like replacements with no structural alterations shall not require a permit.

#### 17.72.050 Technical Review

A. In the technical review of a charging station permit application, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any such permit on the approval of such system by an association, as that term is defined by Civil Code Section 4080.

B. 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.

C. 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.

#### 17.72.060 Duties of Building and Safety Division and Building Official

A. The Building Official shall implement an expedited, streamlined permitting process and adopt a checklist of all requirements which electric vehicle charging stations shall comply with in order to be eligible for expedited review within 30 days of the adoption of this chapter.

B. Electric vehicle charging stations shall be eligible for expedited review as provided in this chapter.

C. All documents required for submission of an expedited electric vehicle charging station system shall be made available on the city's publicly accessible website.

D. Electronic submittal of the required permit application and documents via email, the city's website, or facsimile shall be made available to all electric vehicle charging station permit applicants.

E. The Building and Safety Division shall adopt a standard plan and checklist of all requirements with which electric vehicle charging stations shall comply with to be eligible for expedited review.

F. The electric vehicle charging station permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard 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.

G. All fees prescribed for the permitting of electrical vehicle charging stations shall comply with Government Code Section 17556.

#### 17.72.070 Expedited Review and Inspection Requirements

A. For an application for electric vehicle charging stations that meets the requirements of the approved checklist and standard plan, the Building and Safety Division shall issue a building permit or other non-discretionary permit within three (3) business days following receipt of a completed application. The expedited, streamlined permitting process and checklist refers 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 checklist adopted by the city shall be published on the city’s website. The Building Official may require the applicant to apply for an electric vehicle charging station use permit only if the Official finds, based on substantial evidence, the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission by filing a written appeal pursuant to chapter 17.12 of the Lawndale Municipal Code.

B. Review of the application for a permit for an electric vehicle charging station shall be limited to the Building Officials review of local, state and federal building health and safety requirements. 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. If an electric vehicle charging station permit is required pursuant to subsection (A) of this section, the Building Official may deny the application if the Building Official makes written findings based upon substantive 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 written findings shall include the basis for the rejection of the potential feasible alternative for preventing adverse impact. Such decisions may be appealed to the Planning Commission as provided in this chapter.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. The city shall use its best efforts to ensure the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).

E. 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 within three business days following the date the application is deemed incomplete.

F. The Building Official shall allow for electronic submittal of permit applications covered by this chapter 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.

G. 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's adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall 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 it passes final inspection by the city.

H. Only one inspection shall be required and it shall be performed by the Building and Safety Division for electric vehicle charging stations eligible for expedited review.

I. The inspection shall be done in a timely manner and should combine inspections of multiple trades if feasible. An inspection shall be scheduled within two business days of a request.

J. If an electric vehicle charging station fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.

#### 17.72.80 Electric Vehicle Charging Station Use Permit and Appeals

A. If the Building Official determines, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the Building Official shall make written findings to support this determination and shall require the applicant to apply for a conditional use permit pursuant to the provisions of Title 17 (Zoning).

B. If the Building Official requires an electric vehicle charging station use permit, the Planning Commission shall approve an application for a electric vehicle charging station use permit to install an electric vehicle charging station, provided that the Planning Commission is able to make the findings set forth in Section 17.28.050 of the Code and the Planning Commission determines there are feasible methods to satisfactorily mitigate or avoid specific, adverse impact upon public health and safety.

C. Appeals. Decisions of the Building Official may be appealed to the Planning Commission pursuant to the provisions of chapter 17.12of the Lawndale Municipal Code; Decisions of the Planning Commission may be appealed to the City Council pursuant to the provisions of chapter 17.12 of the Lawndale Municipal Code.

#### 17.72.090 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.

#### 17.72.100 Zoning Clearance

A. A zoning clearance shall be required if, based on substantial evidence, a finding is made that the charging station would have a specific, adverse impact upon the public health, safety and general welfare.

B. Any conditions on a zoning clearance approval shall be solely imposed in order to mitigate the specific, adverse impact upon the public health or safety and shall do so at the lowest cost possible.

C. New and proposed electric charging stations shall be subject to the City of Lawndale Residential Development Standards and Design Guidelines.

D. New and proposed electric charging stations shall be designed in a manner to protect the visual character of the city through careful design, siting, landscaping and innovative camouflaging techniques for electrical charging station equipment. ”

SECTION 3. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines section 15282(h). These sections statutorily exempt the adoption of an ordinance implementing provisions of Government Code Section 65852.1 and 65852.2. This ordinance would allow for the construction of electric vehicle charging stations consistent with and as required by state law. Additionally, this ordinance is exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this Ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty

(30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be posted and published in a newspaper of general circulation in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of December, 2022.

\_\_\_\_\_/S/\_\_\_\_\_  
Robert Pullen-Miles, Mayor

ATTEST:

State of California            )  
County of Los Angeles        )     SS  
City of Lawndale             )

I, Erica Harbison, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly approved and adopted the foregoing Ordinance No. 1192-22 at its regular meeting held on the 5th day of December, 2022, by the following roll call vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Robert Pullen-Miles, Mayor	X				
Rhonda Hofmann Gorman, Mayor Pro Tem	X				
Pat Kearney	X				
Bernadette Suarez	X				
Sirley Cuevas	X				

\_\_\_\_\_/S/\_\_\_\_\_  
Erica Harbison, City Clerk

12/5/22  
Date

APPROVED AS TO FORM:

\_\_\_\_\_/S/\_\_\_\_\_  
Gregory Murphy, City Attorney