

ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DELETING SECTION 15.08.020(H)(8) AND ADDING CHAPTER 15.19 TO TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE TO SET FORTH AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING SYSTEMS

WHEREAS, the State of California and the City of San Clemente have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

WHEREAS, the State of California adopted Assembly Bill 1236, codified as Section 65850.7 to the Government Code, 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 reliance on environmentally damaging fossil fuels; and

WHEREAS, Government Code Section 65850.7(9)(1) provides that every city, county, or city and county with a population of less than 200,000 residents shall adopt an ordinance consistent with the goals and intent of Government Code Section 65850.7(a); and

WHEREAS, with the adoption of Chapter 15.19 of Title 15 of the San Clemente Municipal Code (SCMC) pursuant to Assembly Bill 1236, the existing Section 15.08.020(H)(8) of the SCMC, which addresses streamlined electric vehicle charging station projects, is no longer necessary and should be removed in its entirety; and

WHEREAS, these changes require amendments and additions to the SCMC; and

WHEREAS, the City Council introduced and conducted a first reading of the ordinance at its regular meeting on May 20, 2025, and considered any public input provided at that time; and

WHEREAS, updating the SCMC is in the City's and public's best interest.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

SECTION 1. The City of San Clemente City Council hereby finds and

determines that the above recitals are true and correct and incorporates them fully herein.

SECTION 2. Based on substantial evidence in the record as a whole, adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) because it includes updates and revisions to streamline and expedite existing regulations pertaining solely to approval of electric vehicle charging stations and merely authorizes administrative activities that will enhance and not have any significant impacts on the environment; per Public Resources Code section 21080(b)(1) and CEQA Guidelines Sections 15060(c)(1) and 15268 because it is a ministerial project required by state law and the City lacks any discretion to adopt the ordinance and because almost all electric vehicle charging station projects that will be authorized by this ordinance will themselves be subject only to nondiscretionary review; per CEQA Guidelines Sections 15301, 15303, and 15304, because the ordinance's expedited permit processes for electrical vehicle charging stations will result in only minor alterations to existing facilities and involving negligible or no expansion of current or former uses and only a limited number of new small structures and minor alterations to land; and per CEQA Guidelines Section 15308, because the ordinance is required by state law as a measure to reduce harmful emissions from motor vehicles and improve air quality, and contains detailed safety and performance specifications to ensure these goals are achieved.

SECTION 3. Chapter 15.19 of Title 15 is added to the City of San Clemente Municipal Code to read in full as follows:

#### **Chapter 15.19 ELECTRIC VEHICLE CHARGING SYSTEMS EXPEDITED, STREAMLINED PERMITTING PROCESS**

##### **15.19.010 - 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 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:
  - a. Electronic mail
  - b. The Internet
  - c. Facsimile

**15.19.020 - Purpose**

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

**15.19.030 - Applicability**

This Chapter applies to the permitting of all electric vehicle charging systems in the City of San Clemente. Electric vehicle charging systems 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 an electric vehicle charging system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

**15.19.040 - Electric Vehicle Charging System Requirements**

- A. All electric vehicle charging systems 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 regarding safety and reliability.
- B. Installation of electric vehicle charging stations shall be incorporated into the load. Calculations of all new or existing electrical services shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- C. 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.
- 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.

**15.19.050 - Duties of the Building Division and the Building Official**

- A. All documents required for submission of an electric vehicle charging system application shall be made available on the publicly accessible City of San Clemente website.
- B. The City of San Clemente hereby adopts the checklist of all requirements with which electric vehicle charging systems shall comply to be eligible for expedited review as set forth in Exhibit A to this ordinance, which is fully incorporated herein by this reference. Such checklist may be amended by resolution of the City Council.
- C. The electric vehicle charging system permit process and checklist shall substantially conform to recommendations contained in the most current version of the *Plug-In Electric Vehicle Infrastructure Permitting Checklist* contained in the *Zero-Emission Vehicles in California: Community Readiness Guidebook* adopted by the Governor's Office of Planning and Research.
- D. The Building Official shall allow the electronic submittal of the electric vehicle charging station application.
- E. Electric vehicle charging stations cannot be installed or utilized until approval is granted by the Building Official.

#### **15.19.060 - Permit Application Processing**

- A. Review of the electric vehicle charging system permit application shall be limited to the Building Official's review of whether the application meets local, state and federal health and safety requirements. The application shall be administratively reviewed by the Building Official as a nondiscretionary permit.
- B. The City shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code Section 4080.
- C. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Building Official determines that the application satisfies all the requirements found in the checklist.
- D. If an application is deemed incomplete, a written plan-check correction notice will be available to the applicant. It will detail all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance. It shall be given to the applicant for resubmission.
- E. The Building Official may require an applicant to apply for a use permit if the Building Official finds in writing, based on substantial evidence, that the electric vehicle charging station would have a specific, adverse impact upon the public health or safety. The Building Official's decision to require a use permit

may be appealed by the applicant to the Planning Commission. The appeal shall be filed within fifteen (15) calendar days of the Building Official's decision.

- F. If a use permit is required, the application for the use permit may be denied if the Planning Commission makes written findings based upon 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. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. Such decisions may be appealed to the City Council pursuant to Government Code Section 65850.5.

SECTION 4. SCMC Section 15.08.020(H)(8), relating to expediting electric vehicle charging station projects, shall be eliminated and is hereby deleted in its entirety.

SECTION 5. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases thereof be declared invalid or unconstitutional.

SECTION 6. The mayor shall sign this ordinance The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary thereof, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of San Clemente, 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 California Government Code Section 36933. and thirty (30) days thereafter it shall take effect and be in force.

APPROVED AND ADOPTED this 3rd day of June, 2025.

ATTEST:

  
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 City Clerk of the City of  
 San Clemente, California

  
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 Steve Knoblock, Mayor of the  
 City of San Clemente, California

STATE OF CALIFORNIA        )  
 COUNTY OF ORANGE         ) ss.  
 CITY OF SAN CLEMENTE     )

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1792 having been regularly introduced at the meeting of May 20, 2025, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 3rd day of June, 2025, and said ordinance was adopted by the following vote:

AYES: CABRAL, ENMEIER, LOEFFLER, WU, MAYOR KNOBLOCK

NOES: NONE

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 13th day of June, 2025.

  
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 CITY CLERK of the City of  
 San Clemente, California

APPROVED AS TO FORM:

  
 Elizabeth A. Mitchell, CITY ATTORNEY