

**ORDINANCE NO. 2017-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CHARTERED CITY OF VISTA, CALIFORNIA, ADDING  
CHAPTER 16.07 TO THE VISTA DEVELOPMENT CODE  
REGARDING APPLICATIONS TO INSTALL ELECTRIC  
VEHICLE CHARGING STATIONS**

**The City Council of the City of Vista does ordain as follows:**

**1. Findings.** The City Council hereby finds and declares the following:

A. In 2015, the State of California adopted Assembly Bill 1236, which requires local agencies, with a population of less than 200,000, to adopt an ordinance that creates an expedited and streamlined process for electric vehicle charging systems, prior to September 30, 2017; and

B. This ordinance implements State law and promotes environmental goals while avoiding unnecessary administrative delays.

**2. Code Amendment.**

A. Chapter 16.07 of the Vista Development Code is adopted to read as follows:

**Chapter 16.07  
Application Procedures for  
Electric Vehicle Charging Stations**

**Sections:**

**16.07.010 Purpose; Definition**  
**16.07.020 Submission of Applications**  
**16.07.030. Technical Requirements**  
**16.07.040 Review and Action on Applications**  
**16.07.050 Appeals**

**16.07.010 Purpose; Definition**

A. This Chapter establishes a streamlined process to review and consider applications for electric vehicle charging stations consistent with Section 65850.7 of the California Government Code. All terms not defined herein shall have the meanings assigned to those terms pursuant to Government Code subsection 65850.7(i), or if not defined therein, as defined in this Title.

B. For purposes of this Chapter, the term "building official" means the building official for the City of Vista, or his or her designee.

C. In implementing this Chapter, all terms and provisions shall be construed and applied in a manner to avoid conflict with Section 65850.7 of the Government Code, or other provisions of State or Federal law.

### **16.07.20 Submission of Applications**

A. Pursuant to this Chapter, a person may obtain an expedited review of an application to install an electric vehicle charging station by submitting to the building official a complete application in accordance with paragraph B, below. Any determination that an application is incomplete shall be communicated in writing and shall inform the applicant of the additional content required to render the application complete.

B. The contents needed to qualify an application as complete will be included in a written checklist prepared by the building official which may require the applicant to:

1. Pay an application fee in the amount set by a City Council resolution; and
2. Demonstrate compliance with: (a) public health and safety requirements contained in building codes, electric codes and similar codes; (b) safety and performance standards adopted by the associations and commissions listed in subsection 65850.7(f)(2); (c) publications of the Office of Planning and Research as described in subsection 65850.7(g)(2); (d) laws or local ordinances adopted to protect the public from specific adverse health or safety impacts; and (e) such other lawful content as may be required by the building official.
3. Demonstrate that proposed electric vehicle charging stations will be compatible with the electrical system capability 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.
4. Demonstrate compliance with the requirements of Section 16.07.030.

C. The City's adopted checklist shall be published on the City's website. The building official shall have authority to amend or update the City's adopted checklist to address changes in the building codes, changes in the technology, or other changes that affect the design, installation and inspection of electric vehicle stations.

### **16.07.030 Technical Requirements**

All proposed installations of electric charging stations shall satisfy each of the following requirements, in addition to those described in Section 16.07.020:

A. Installation of electric vehicle charging stations and associated wiring, bonding, disconnection means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

B. Installation of electric vehicle charging stations shall be incorporated into

the load calculations of all new and existing electrical services and shall meet the requirements of the California Electrical Code.

C. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building Code or the Residential Building Code, as applicable per the occupancy, and the provisions of the manufacture's installation instructions. Mounting of charging stations shall not adversely affect building elements.

#### **16.07.040 Review and Action on Applications**

A. Except as provided in paragraph B, the building official will review and approve a complete application as a nondiscretionary permit using an expedited review process consistent with Section 658050.7 of the Government Code. When approving an application, the building official may impose conditions to mitigate specific adverse impacts on the public health or safety.

B. Notwithstanding anything to the contrary, review of the application shall occur using the City's special use permit process if the building official determines in writing, based on substantial evidence, that the installation could have a specific adverse impact on the public health or safety.

1. Any written determination to require a special use permit shall identify the facts and reasons for that determination.

2. After issuing a determination requiring a special use permit, the City will resume processing the application after it receives a complete application for a special use permit, inclusive of the application fee.

3. Upon the conclusion of a public hearing to consider an application for a special use permit, the application shall be approved, conditionally approved, or denied. However, a denial shall occur only if the proposed installation would produce a specific adverse impact on the public health or safety which cannot be feasibly mitigated, and written findings to that effect are made.

#### **16.07.050 Appeals**

An applicant may appeal any written determination made pursuant to Sections 16.07.020 or 16.07.040 by delivering to the City Clerk a written appeal inclusive of any required appeal fee, no later than ten days following the date of the contested written determination. The appeal shall identify the result sought on appeal, the facts supporting that result, and the reasons supporting that result.

**3. Special Findings.** At this time, the City is unable to accept applications for electric vehicle charging stations using electronic signatures or electronically because such a procedure does not exist for any other application covered by the Vista Development Code.

**4. Severability.** If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining

words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

**5. Effective Date.** This Ordinance shall be effective on the thirty-first day following the date of its adoption.

**6. Adoption.** INTRODUCED AND ADOPTED at a meeting of the City Council held on August 8, 2017 by the following vote:

AYES: Mayor Ritter, Aguilera, Rigby, Franklin, Green

NOES: None

ABSTAIN: None

  
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JUDY RITTER, Mayor

APPROVED AS TO FORM:  
Darold Pieper, City Attorney

ATTEST:  
Kathy Valdez, City Clerk

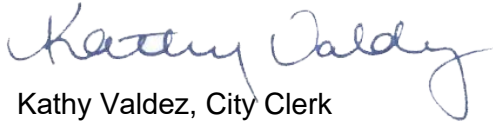
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APPROVED  
Jonathan B. Stone  
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## **CERTIFICATION**

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2017-11 to be posted on August 9, 2017, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive style with a large, looping "y" at the end.

Kathy Valdez, City Clerk