

ORDINANCE NO. 2017-11

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AMENDING ARTICLE 57 (MISCELLANEOUS  
USE RESTRICTIONS ORDINANCE) OF THE  
ESCONDIDO ZONING CODE

APPLICANT: City of Escondido  
PLANNING CASE NO.: AZ 17-0002

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN  
as follows:

SECTION 1. That proper notices of a public hearing have been given and  
public hearings have been held before the Planning Commission and City Council on  
this issue.

SECTION 2. The City Council has duly reviewed and considered all evidence  
submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated August 16, 2017, which along with its attachments  
is incorporated herein by this reference as though fully set forth herein;  
and
- d. Additional information submitted during the Public Hearing.

SECTION 3. That the City Council has reviewed and considered the Notice of Exemption prepared for this project, in conformance with the California Environmental Quality Act (“CEQA”) Section 15061(b)(3) “General Rule,” and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving the code amendment.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Findings of Fact,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the specified sections of the Escondido Zoning Code Article 57 are amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 6. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

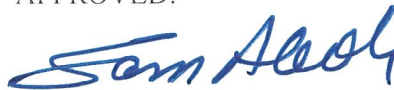
SECTION 7. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 23<sup>rd</sup> day of August, 2017 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED  
NOES : Councilmembers: NONE  
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the  
City of Escondido, California

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STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2017-11 passed at a regular meeting of the City Council of the City of Escondido held on the 23<sup>rd</sup> day of August, 2017, after having been read at the regular meeting of said City Council held on the 16<sup>th</sup> day of August, 2017.



DIANE HALVERSON, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2017-11

**EXHIBIT "A"**  
**FINDINGS OF FACT**  
**AZ 17-0002**

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendment. New permitting procedures for electrical vehicle charging stations only change the method of application. The proposed Zoning Code amendment would not be detrimental to surrounding properties because no physical improvements are proposed as part of this Zoning Code amendment. Future charging station construction must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
2. The proposed Zoning Code amendment would be consistent with the goals and policies of the General Plan because the electrical vehicle charging station ordinance would not, in and of itself, result in development or any other material change to the environment. The proposed amendment would implement new State law. The proposed Zoning Code amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
3. The proposed Zoning Code amendment does not conflict with any specific plan.



**EXHIBIT "B"**  
**PROPOSED CHANGES TO THE ZONING CODE**  
**AZ17-0002**

Amend the various zoning code sections to read as specified below.

**ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

Add Section 33-1124, Electric Vehicle Charging Stations, as set forth below.

**Sec. 33-1124. Electric Vehicle Charging Stations**

- (a) Applicability. This section shall apply to the permitting of all electrical vehicle charging stations (EVCS) or any other electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (1) An EVCS shall be allowed within any legal single-family residential garage or carport, and any multi-family parking space; subject to all applicable city, state, and federal code requirements, and the following:
- (A) The EVCS shall be protected as necessary to prevent damage by automobiles, vandalism, and to be safe for use in inclement weather.
  - (B) The EVCS shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EVCS. When needed, signage shall be installed designating spaces with charging stations for electric vehicles only.
  - (C) The EVCS is located to discourage unauthorized use, such as public access to the charging station.
  - (D) Charging stations and associated equipment or materials may not encroach on the minimum required clear areas from the public right-of-way, driveways, parking spaces, garages, or maneuvering areas.
- (2) An EVCS for non-commercial (no service fee) or private use shall be permitted as an accessory use within any legal commercial, industrial, or other non-residential parking space in a parking lot or in a parking garage or carport; subject to all applicable city, state, and federal code requirements, and the following:
- (A) The requirements listed in Section 33-1124(a)(1).
  - (B) Be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.

(c) Permit review requirements.

- (1) Permit review requirements: The Building Official shall carry out an administrative review process to streamline approval of EVCS. If the application meets the requirements of the approved checklist and standards and there are no specific, adverse impacts upon public health or safety, the official shall complete the building permit approval process. Review of the application for EVCS shall be limited to the official's review of whether the application meets the requirements of this section, as well as any local, state, and federal health and safety requirements. Such approval shall not include any necessary approval or permission by a local utility provider to connect the EVCS to the provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.
- (2) If an application is deemed incomplete, the Building Division shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- (3) The Building Division may require an applicant to apply for a Minor Use Permit if the official finds, based on substantial evidence, that the EVCS could have a specific, adverse impact upon the public health and safety. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. Such decisions may be appealed to the Planning Commission.
- (4) If a Minor Use Permit is required, the Zoning Administrator may only deny such application if he/she makes written findings based upon significant evidence in the record that the proposed EVCS would have a specific, adverse impact upon public health and/or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact(s). Such findings shall include the justification for the rejection of the potential feasible alternative(s) for preventing the adverse impact. Such decisions may also be appealed to the Planning Commission.

(d) Fees. City Council may establish fees for permits issued under this Section.