



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R24-0604  
December 4, 2024

**REPORT RE:**

**DRAFT ORDINANCE ADDING SUBSECTIONS 91.106.6, 91.106.6.1, 91.106.6.2, 91.106.6.3, 91.106.6.4, 91.106.6.5, 91.106.6.6, and 91.106.6.7 TO SECTION 91.106, DIVISION 1, ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO STREAMLINE AND EXPEDITE THE PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING SYSTEMS**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 22-0120

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds Subsections 91.106.6, 91.106.6.1, 91.106.6.2, 91.106.6.3, 91.106.6.4, 91.106.6.5, 91.106.6.6, and 91.106.6.7 to Section 91.106, Division 1, Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) to streamline and expedite the permitting process for electric vehicle charging stations as required by Government Code Section 65850.7.

Legislative Background

In 2015, the State of California amended Government Code Section 65850.7 to require that cities with a population of more than 200,000 residents adopt an ordinance to streamline and expedite the permitting process for electric vehicle charging stations (EVCS). Government Code Section 65850.7(g)(1) requires that the City adopt a checklist of all permitting requirements to facilitate the permitting of EVCS, provided that

they meet all applicable local, state, and federal health and safety standards and do not have a specific, adverse impact upon the public health and safety. Government Code Section 65850.71 requires that the City deem an application complete, within five or ten business days depending on the number of EVCS, if the City has not already deemed the application complete or issued corrections. This section also requires that the City deem a permit application approved, within 20 or 40 business days depending on the number of EVCS, provided that the City has not made a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety.

On February 1, 2022, a motion (Krekorian-O'Farrell) was introduced directing Department of Building and Safety (Building and Safety), with the assistance of the City Attorney, to prepare a draft ordinance to streamline and expedite the permit process for EVCS in compliance with Government Code Sections 65850.7 and 65850.71.

On February 15, 2022, the Planning and Land Use Management (PLUM) Committee considered and adopted the motion. On March 4, 2022, the City Council adopted the PLUM Committee's recommendation and requested that Building and Safety, with the assistance of this Office, transmit a draft ordinance.

On February 21, 2024, Building and Safety requested an extension of the Council File because it was still in the process of drafting a compliant ordinance in consultation with the Department of City Planning and this Office, and resolving issues such as: the potential effect of the draft ordinance on the existing zoning code and the New Zoning Code in Chapter 1A, permit review timelines, and formalizing a streamlined permitting checklist for EVCS as required by state law. In order to expedite processing this Office conducted form and legality review in parallel with Building and Safety's drafting process.

#### Summary of Ordinance Provisions

The draft ordinance adds Subsections 91.106.6 through 91.106.6.7 to the LAMC to require that Building and Safety create a streamlined and expedited permitting process for EVCS and adopt a checklist of permitting requirements to facilitate that process.

Subsection 91.106.6.3 requires that Building and Safety adopt a checklist to expedite and streamline the permitting process for EVCS, and Subsection 91.106.6.4 requires that the Building and Safety allow for electronic submittal of such permit applications.

Subsection 91.106.6.6 requires that Building and Safety deem a permit application complete within five business days after submission of a permit application for up to 25 EVCS, or within ten days after submission of a permit application for more

than 25 EVCS, if Building and Safety has not yet deemed the application complete and has not issued corrections.

Subsection 91.106.6.7 requires that Building and Safety deem a permit application approved within 20 business days after an application for up to 25 EVCS has been deemed complete, or within 40 days after an application for more than 25 EVCS has been deemed complete. An application is deemed approved, provided that Building and Safety has not already administratively approved the application, has not made a finding that the electric vehicle charging station will have a specific, adverse impact upon the public health or safety, and no administrative appeal has been filed. At this time, the City does not have a land use permit applicable to electric vehicle charging stations as referenced in Government Code Sections 65850.7(b) and (c). This subsection also requires that if an EVCS and/or its associated equipment reduce the number of required spaces for an existing use, Building and Safety reduce the number of parking spaces required for that existing use by that amount.

#### California Environmental Quality Act (CEQA) Standard of Review

The City Council may determine that this draft ordinance is not a “project” as defined by CEQA Guidelines Section 15378(b)(5) [“organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment”]. To the extent that the draft ordinance is considered a “project,” the City Council may determine, based on the whole of the administrative record, that the draft ordinance is exempt from CEQA under CEQA Guidelines Sections 15303 (small structures) and 15308 (regulatory actions for protection of the environment) and that none of the exceptions under Section 15300.2 apply. Furthermore, the City Council may also determine, based on the whole of the administrative record, that the draft ordinance is exempt pursuant to CEQA Guidelines Section 15061(b)(3) [common sense exception] because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. If the City Council concurs, it should adopt these CEQA findings prior to or concurrent with its action on the draft ordinance.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to Building and Safety and the Department of City Planning with a request to provide comments, if any, directly to the City Council or its Committee when this matter is considered.

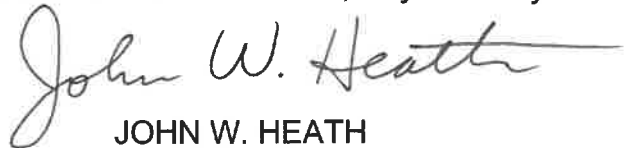
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If you have any questions regarding this matter, please contact Deputy City Attorney Charles D. Sewell at (213) 978-8083. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By

A handwritten signature in black ink that reads "John W. Heath". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

JOHN W. HEATH  
Chief Assistant City Attorney

JWH:CDS:la  
Transmittal