



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: December 27, 2022 Meeting date: January 9, 2023

Subject: Second Reading and Adoption of Ordinance No. 506

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 506 amending Chapter 15.36 of Title 15 of the Malibu Municipal Code to include time periods to the electric vehicle charging station permitting process, and determining the project is categorically exempt from the California Environmental Quality Act.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was included in the Adopted Work Plan for Fiscal year 2022-2023 and is part of normal staff operations.

DISCUSSION: On December 12, 2022, the Council introduced on first reading Ordinance No. 506.

ATTACHMENT: Ordinance No. 506

ORDINANCE NO. 506

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING CHAPTER 15.36 OF TITLE 15 OF THE MALIBU MUNICIPAL CODE TO INCLUDE TIME PERIODS TO THE ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Amendments

Section 15.36 of the Malibu Municipal Code is amended to add the following section as follows:

“Chapter 15.36.040 Electric Vehicle Charging Station Permit Time Period”

- A. Table 3 of the Governor’s Office of Business and Economic Development (GO-Biz) Electric Vehicle Charging Station Permitting Guidebook, published July 2019, recommends best practices for electric vehicle supply equipment permitting that would establish a 15-day timeline and satisfy the intent of Assembly Bill 1236 (Chapter 598 of the Statutes of 2015).
- B. A permit application to install an electric vehicle charging station submitted pursuant to Section 15.36.020 shall be deemed complete if, after the applicable time period has elapsed, both of the following are true:
 - 1. The building official or designee has not deemed the permit application complete, consistent with the checklist created by the city.
 - 2. The building official or designee has not issued a written correction notice detailing all deficiencies in the permit application and identifying any additional information explicitly necessary for the building official to complete a review limited to whether the electric vehicle charging station meets all health and safety requirements of local, state, and federal law.
- C. For purposes of subsection B, “applicable time period” means:
 - 1. Five (5) business days after submission of the permit application to the city, if the application is for at least 1, but not more than 25 electric vehicle charging stations at a single site.
 - 2. Ten (10) business days after submission of the permit application to the city, if the application is for more than 25 electric vehicle charging stations at a single site.

SECTION 2. Environmental Review

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes a streamlined process for electric vehicle charging station permits and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 3. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2023.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney