

I, Sheila Harrington, City Clerk of the City of Newark, State of California, hereby certify under penalty of perjury the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Date:

9/15/2020

5 pages

Sheila Harrington – City Clerk

Deputy City Clerk



CITY OF NEWARK, CALIFORNIA

**PUBLIC NOTICE  
OF AN ORDINANCE TO BE CONSIDERED  
FOR ADOPTION BY THE  
CITY COUNCIL OF THE CITY OF NEWARK**

**NOTICE IS HEREBY GIVEN** that the attached ordinance will be considered for adoption at the regular meeting of the Newark City Council to be held on Thursday, September 24, 2020 at 7:00 p.m. Please see the City Council agenda, posted at least 72 hours before the meeting at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes> for details on how to participate via virtual teleconference.

**ORDINANCE NO.**

ORDINANCE OF THE CITY COUNCIL OF NEWARK ADDING CHAPTER 15.55 (EXPEDITED STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS) TO TITLE 15 (BUILDINGS AND CONSTRUCTION), ARTICLE II (MISCELLANEOUS REGULATIONS) OF THE NEWARK MUNICIPAL CODE TO PROVIDE FOR AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the State of California and the City of Newark desire to promote and encourage the use of fuel-efficient electric vehicles; and

WHEREAS, on October 8, 2015, Governor Jerry Brown signed AB 1236, amending Government Code section 65850.7, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council of the City of Newark seeks to implement AB 1236 through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council of the City of Newark finds that it is in the interest of the health, welfare, and safety of the public to provide an expedited, streamlined permitting process to encourage and facilitate the convenient development of electric vehicle charging stations.

NOW THEREFORE, the City Council of the City of Newark does ordain as follows:

Section 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

Section 2. California Environmental Quality Act (CEQA). This Ordinance is exempt from CEQA based on sections 15378 and 15061(b)(3) of the State CEQA Guidelines, because it has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. This Ordinance is a text amendment involving the adoption of regulations to expedite and streamline permitting for electric vehicle charging stations; thus, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 3. Findings. The City Council makes the following findings in support approving this Ordinance, based on the whole of the record before it.

1. The City has a substantial interest in complying with Government Code 65850.7 by creating an expedited, streamlined permitting process for Electric Vehicle Charging Stations.
2. The amendments are consistent with the City's efforts to promote and encourage the use of Zero-Emission Vehicles

Section 4. Approval. The City Council hereby approves the amendments to the Municipal Code, more specifically, adding Chapter 15.55, as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 6. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

## **EXHIBIT A**

### **CHAPTER 15.55 EXPEDITED STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATION**

- 15.55.010 Intent and purpose.
- 15.55.020 Definitions.
- 15.55.030 Expedited permitting process.
- 15.55.040 Permit application process.
- 15.55.050 Technical review.
- 15.55.060 Electric vehicle charging station installation requirements.
- 15.55.070 Fees

**15.55.010 Intent and purpose.**

The purpose of this chapter is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with AB 1236 (Chapter 598, Statutes 2015, California Government Code Section 65850.7) to achieve timely and cost-effective installations of electric vehicle charging stations. This chapter allows the city to achieve these goals while protecting the public health and safety.

**15.55.020 Definitions.**

For the purpose of carrying out the intent of this chapter, the terms in this chapter have the meaning set forth below:

- A. “Electric vehicle charging station” or “charging station” shall mean 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 electrical vehicle into a plug-in electric vehicle.
- B. “Building Official” shall mean the Building Official for Newark or the Building Official’s designee.
- C. “City” shall mean the City of Newark.
- D. “Electronic submittal” shall mean the utilization of one or more of the following:
  - 1. Email
  - 2. The Internet
  - 3. Facsimile
- E. “Expedited permitting process” or “expedited review” shall mean the process outlined in Section 15.55.030 for permit review and inspection requirements.
- F. “Specific adverse impact” shall mean 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.

**15.55.030 Expedited permitting process.**

The Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" as published by the Governor's Office of Planning and Research. The City's adopted checklist shall be published on the City's website and shall be accessible to the public.

**15.55.040 Permit application processing.**

A. The applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Documentation required to be submitted by the applicant includes but is not limited to: identifying electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; charging station equipment location and vehicle parking.

B. The Building Official shall allow for electronic submittal of permit applications covered by this article and associated supporting documentation. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by applicant.

C. A permit application that satisfies the information/documentation requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the City's adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits.

D. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

E. Application approval / permit issuance does not authorize an applicant to energize or utilize the electric vehicle charging station, unless and until an inspection is performed and approval is granted by the City and the utility carrier as necessary.

F. Inspections shall be required. When an inspection is requested, the inspection shall be done in an efficient and timely manner. Inspections shall verify safety requirements and ensure that the electric vehicle charging stations are properly installed and in compliance with Code and the approved plans. If the electric vehicle charging station fails the initial inspection, a subsequent inspection may be required.

**15.55.050 Technical review.**

A. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this chapter, the City may require the applicant to apply for a Use Permit.

B. In the technical review of an electric vehicle charging station, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

**15.55.060 Electric vehicle charging station installation.**

A. Electric vehicle charging station equipment 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 or a Municipal Electric Utility Company regarding safety and reliability.

B. 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.

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

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.

**15.55.070 Fees.**

The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.