

ORDINANCE NO. 17-009

An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 25 To Title 8 Of The Emeryville Municipal Code Relating To An Expedited, Streamlined Permitting Process For Electric Vehicle Charging Stations

WHEREAS, the State of California and the City Emeryville have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

WHEREAS, the State of California adopted Assembly Bill 1236 in 2015, which requires local jurisdictions with a population of less than 200,000 residents to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems on or before September 30, 2017; and

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the City's reliance on environmentally damaging fossil fuels; and

WHEREAS, this ordinance is in the best interest of the public health, safety and welfare of the people of Emeryville;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: PURPOSE AND INTENT.

The purpose and intent of this ordinance is to add Chapter 25 to Title 8 of the Emeryville Municipal Code, to implement the requirements of California Government Code Section 65850.7 to create an expedited, streamlined permitting process for electric vehicle charging stations.

SECTION TWO: ADDING CHAPTER 25 TO TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE.

Chapter 25, Electric Vehicle Charging Stations, is hereby added to Title 8 of the Emeryville Municipal Code to read as follows:

Chapter 25. Electric Vehicle Charging Stations.

Sections:

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|---------|--------------------------------------|
| 8-25.01 | Title, Words and Phrases. |
| 8-25.02 | Definitions. |
| 8-25.03 | Expedited Plan Check Review Process. |
| 8-25.04 | Electronic Submittals. |

8-25.05	Association Approval.
8-25.06	Permit Application Processing
8-25.07	Technical Review
8-25.08	Electric Vehicle Charging Station Installation Requirements

8-25.01 Title, Words and Phrases.

This Chapter shall be known as the City of Emeryville Electric Vehicle Charging Station Permit Expediting Ordinance. The terms, phrases, and words used in this Chapter shall be construed in compliance with the definitions set forth in California Government Code Section 65850.7. Electric vehicle charging stations which qualify for expedited permit processing, pursuant to Government Code Section 65850.7, shall be subject to the administrative permitting procedures set forth in this Chapter.

8-25.02 Definitions.

- (a) "Electric vehicle charging station" or "charging station" means 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 electric vehicle into a plug-in electric vehicle.
- (b) "Specific, adverse impact" means 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.
- (c) "Electronic submittal" means the utilization of one or more of the following:
 - a. Electronic mail or email.
 - b. The internet.
 - c. Facsimile.
- (d) "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

8-25.03 Expedited Plan Check Review Process.

Consistent with Government Code Section 65850.7, the Chief Building Official shall implement an expedited administrative permit review process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. The expedited administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of

Planning and Research. The City's adopted checklist shall be published on the City's website.

8-25.04 Electronic Submittals.

Consistent with Government Code Section 65850.7, the Chief Building Official shall allow for electronic submittal of permit applications covered by this Chapter and associated supporting documentations. In accepting such permit applications, the Chief Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

8-25.05 Association Approval.

Consistent with Government Code Section 65850.7, the Chief 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 California Civil Code Section 4080.

8-25.06 Permit Application Processing

- (a) Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impacts to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity 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.
- (b) A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Chief 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, the Chief Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the Building Division. If the Chief 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.

8-25.07 Technical Review

It is the intent of this Chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action

does not supersede the Chief Building Official's authority to address higher priority life-safety situations. If the Chief 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 Government Code 65850.7, the Chief Building Official shall not issue the permit until the specific adverse impact is mitigated.

8-25.08 Electric Vehicle Charging Station Installation Requirements

- (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 other 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.

SECTION THREE. CEQA DETERMINATION

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION FOUR. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase, is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses, or phrases.

SECTION FIVE. EFFECTIVE DATE

This ordinance shall take effect 30 days after its final passage. The City Clerk is directed to cause copies of this ordinance to be posted or published as required by Government Code Section 36933.

SECTION SIX. CODIFICATION

Section Two of this ordinance shall be codified in the Emeryville Municipal Code. Sections One, Three, Four, Five, and Six shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting held on Tuesday, September 5, 2017, and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 19, 2017, by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	



MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK



CITY ATTORNEY