CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1620

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO AMENDING THE NOVATO MUNICIPAL CODE BY ADDING SECTION 4-19 (ELECTRIC VEHICLE CHARGING SYSTEMS) SETTING FORTH PROCEDURES FOR EXPEDITING PERMIT PROCESSING FOR ELECTRIC VEHICLE CHARGING SYSTEMS AND FINDING THE ADOPTION THEREOF EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTIONS 15268 AND 15061 (b)(3)

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

WHEREAS, the State of California recently adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; 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, the Record of Proceedings (“Record”) upon which the City Council bases its decision on the proposed amendment to the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed amendment; (2) all documentary and oral evidence received at public meeting and hearings or submitted to the City during the comment period relating to this amendment; (3) the City of Novato 1996 General Plan and its EIR; and (4) all other matters of common knowledge to the City including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES FIND AND ORDAIN AS FOLLOWS:

SECTION 1.

The City Council hereby finds that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15268 and 15061(B)(3) because these regulatory procedures are part of the ministerial building permit process, adopt standard codes in effect pursuant to state law and set requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment, so it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment.
SECTION 2.

The City Council hereby amends the Novato Municipal Code to add new Section 4-19 Electric Vehicle Charging Systems as set forth in Exhibit A, attached hereto and incorporated herein by reference;

SECTION 3.

Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 4.

Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 5.

Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

- publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

- publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

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THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 12th day of September, 2017, and was passed and adopted at a regular meeting of the Novato City Council on the 26th day of September, 2017.

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

Mayor of the City of Novato
Attest:

____________________
City Clerk of the City of Novato

Approved as to form:

____________________
City Attorney of the City of Novato
EXHIBIT A

4-19 ELECTRIC VEHICLE CHARGING SYSTEMS

4-19.1 Purpose. The purpose of this Chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. This Chapter implements California Government Code Section 65850.7.

4-19.2 Definitions. For purposes of this section, the following definitions shall apply:

(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: electronic mail or email, the internet, or facsimile.

(d) “Chief Building Official”, means the Chief Building Official of the City of Novato or his/her designee.

(e) a “Feasible method to satisfactorily mitigate or avoid the specific adverse impact” includes, but is not limited to, any cost effective method, condition, or mitigation imposed on an application for a permit.

4-19.3 Expedited Permit Process. The Chief Building Official shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The City’s adopted checklist shall be published on the City’s website.

4-19.4 Permit Application Processing; Approval; Requirement for Use Permit

(a) As part of a complete application, the applicant shall include documentation of verification that the installation of an electric vehicle charging station will not have specific, adverse impact 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) Review of the application by the Chief Building Official shall be limited to review of whether the proposed electric vehicle charging station meets all health and safety requirements of local, state and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. 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 meets the requirements of the City’s adopted checklist, and is consistent with all applicable laws and health and safety standards, 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 City. 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.

(c) The application shall not be denied except upon the issuance of written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact. Any conditions imposed on the application shall be designed to mitigate the specific adverse impact upon the public health or safety at the lowest possible cost.

(d) 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 this Chapter, the applicant may apply for an Electric Vehicle Charging Station Use Permit which shall be processed and a decision rendered by the Chief Building Official in accordance with Section 19.42.050. Notwithstanding the findings required by Section 19.42.050, the Chief Building Official shall not deny an Electric Vehicle Charging Station Use Permit unless written findings are made based on substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact, including the basis for the rejection of potential alternatives of preventing the adverse impact. An appeal from the decision of the Chief Building Official on an Electric Vehicle Charging Station Use Permit may be filed for review by the Planning Commission in accordance with Section 19.54.

(e) 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 Civil Code Section 4080.

(f) Consistent with Government Code Section 65850.7, the Chief Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentations. In accepting such permit applications, the Chief Building Official shall also accept electronic signatures on all for

The action of the Chief Building Official may be appealed to the Planning Commission in accordance with Section 19.54

4-19.6 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 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.