

ORDINANCE O2020-\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE CHAPTER 15.04 TO ADD SECTION 15.04.120 "ELECTRIC VEHICLE CHARGING STATION PERMITS" AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA

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

WHEREAS, in 2015, the state legislature adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; 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 of Napa's reliance on environmentally damaging fossil fuels; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

**SECTION 1. CEQA.** The City Council hereby determines that the actions authorized by this Ordinance are exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15303 (Class 3), as well as Section 15061(b)(3) as the adoption of electronic vehicle charging station ordinance required by State law does not have the potential for causing a significant effect on the environment.

**SECTION 2: Amendment.** Napa Municipal Code Chapter 15.04 is hereby amended to add Section 15.04.120 to read as follows:

**15.04.120 Electric Vehicle Charging Station Permits.**

A. Purpose.

The purpose of this Section is to promote and encourage the use of electric vehicles, in accordance with California Government Code Section 65850.7, by creating an expedited, streamlined permitting process for electric vehicle charging stations, while promoting public health and safety and preventing specific adverse

impacts on the installation and use of such charging stations.

### B. Definitions.

1. "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 Section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
2. "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.
3. "Electronic submittal" means the utilization of one or more of the following: email, the Internet or facsimile.

### C. Expedited Review Process.

Consistent with Government Code Section 65850.7, the 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 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 checklist shall be published on the City's website.

### D. Permit Application Processing.

1. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have a 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.
2. 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 Building Official that the permit application and supporting documents meet the requirements of the City, and is consistent with all applicable laws, the 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 final inspection and approval of the installation of the station have been granted by the Building Official. 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.

3. Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Section and associated supporting documentations. 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 any applicant.

### E. Technical Review.

1. 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, the Building Official may require the applicant to apply for a use permit in accordance with Chapter 17.60 of this code.
2. The Building Official may impose conditions on an electric vehicle charging station permit that are designed to mitigate specific, adverse impacts upon the public health or safety at the lowest cost possible.
3. Consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such system by an association, as that term is defined by Civil Code Section 4080.

### F. Electric Vehicle Charging Station Installation Requirements.

1. Electric vehicle charging station equipment shall meet the requirements of Chapter 15.04 of this 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 regarding safety and reliability.
2. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Chapter 15.04 of this code.
3. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall

## ATTACHMENT 1

meet the requirements of Chapter 15.04 of this code. Electric vehicle charging equipment shall be considered a continuous load.

4. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of Chapter 15.04 of this code, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

G. Appeals. Any appeal of a determination made, or action taken, by the Building Official under this Section may be made to the Planning Commission in accordance with the provisions of Chapter 17.70 of this code.

**SECTION 4: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK OF THE CITY OF NAPA

## ATTACHMENT 1

STATE OF CALIFORNIA }  
COUNTY OF NAPA } SS:  
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 4<sup>th</sup> day of August 2020, and had its second reading and was adopted and passed during the public meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

Tiffany Carranza  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney