

ASSEMBLY BILL

No. 1236

Introduced by Assembly Members Chiu and Low

February 27, 2015

An act to add Section 65850.7 to the Government Code, relating to local ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, as introduced, Chiu. Local ordinances: electric vehicle charging stations.

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning, and provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, that requires payment of a fee and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill would require a city or county to approve the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon 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. The bill would provide for appeal

of that decision to the planning commission, as specified. The bill would provide that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill would require electric vehicle charging stations to meet specified standards. The bill would require a city or county to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.7 is added to the Government
2 Code, to read:

3 65850.7. (a) The Legislature finds and declares all of the
4 following:

5 (1) The implementation of consistent statewide standards to
6 achieve the timely and cost-effective installation of electric vehicle
7 charging stations is not a municipal affair, as that term is used in
8 Section 5 of Article XI of the California Constitution, but is instead
9 a matter of statewide concern.

10 (2) It is the intent of the Legislature that local agencies not adopt
11 ordinances that create unreasonable barriers to the installation of
12 electric vehicle charging stations, including, but not limited to,
13 design review for aesthetic purposes, and not unreasonably restrict
14 the ability of homeowners and agricultural and business concerns
15 to install electric vehicle charging stations.

16 (3) It is the policy of the state to promote and encourage the use
17 of electric vehicle charging stations and to limit obstacles to their
18 use.

19 (4) It is the intent of the Legislature that local agencies comply
20 not only with the language of this section, but also the legislative
21 intent to encourage the installation of electric vehicle charging

1 stations by removing obstacles to, and minimizing costs of,
2 permitting for such charging stations.

3 (b) A city or county shall administratively approve an
4 application to install electric vehicle charging stations through the
5 issuance of a building permit or similar nondiscretionary permit.
6 Review of the application to install an electric vehicle charging
7 station shall be limited to the building official's review of whether
8 it meets all health and safety requirements of local, state, and
9 federal law. The requirements of local law shall be limited to those
10 standards and regulations necessary to ensure that the electric
11 vehicle charging station will not have a specific, adverse impact
12 upon the public health or safety. However, if the building official
13 of the city or county makes a finding, based on substantial
14 evidence, that the electric vehicle charging station could have a
15 specific, adverse impact upon the public health and safety, the city
16 or county may require the applicant to apply for a use permit.

17 (c) A city, county, or city and county may not deny an
18 application for a use permit to install an electric vehicle charging
19 station unless it makes written findings based upon substantial
20 evidence in the record that the proposed installation would have
21 a specific, adverse impact upon the public health or safety, and
22 there is no feasible method to satisfactorily mitigate or avoid the
23 specific, adverse impact. The findings shall include the basis for
24 the rejection of potential feasible alternatives of preventing the
25 adverse impact.

26 (d) The decision of the building official pursuant to subdivisions
27 (b) and (c) may be appealed to the planning commission of the
28 city, county, or city and county.

29 (e) Any conditions imposed on an application to install an
30 electric vehicle charging station shall be designed to mitigate the
31 specific, adverse impact upon the public health and safety at the
32 lowest cost possible.

33 (f) (1) An electric vehicle charging station shall meet applicable
34 health and safety standards and requirements imposed by state and
35 local permitting authorities.

36 (2) An electric vehicle charging station shall meet all applicable
37 safety and performance standards established by the National
38 Electrical Code, the Institute of Electrical and Electronics
39 Engineers, and accredited testing laboratories such as Underwriters

1 Laboratories and, where applicable, rules of the Public Utilities
2 Commission regarding safety and reliability.

3 (g) (1) On or before September 30, 2016, every city, county,
4 or city and county, in consultation with the local fire department
5 or district and the utility director, if the city, county, or city and
6 county operates a utility, shall adopt an ordinance, consistent with
7 the goals and intent of this section, that creates an expedited,
8 streamlined permitting process for electric vehicle charging
9 stations. In developing an expedited permitting process, the city,
10 county, or city and county shall adopt a checklist of all
11 requirements with which electric vehicle charging station shall
12 comply to be eligible for expedited review. An application that
13 satisfies the information requirements in the checklist, as
14 determined by the city, county, and city and county, shall be
15 deemed complete. Upon confirmation by the city, county, or city
16 and county of the application and supporting documents being
17 complete and meeting the requirements of the checklist, and
18 consistent with the ordinance, a city, county, or city and county
19 shall, consistent with subdivision (b), approve the application and
20 issue all required permits or authorizations. Upon receipt of an
21 incomplete application, a city, county, or city and county shall
22 issue a written correction notice detailing all deficiencies in the
23 application and any additional information required to be eligible
24 for expedited permit issuance.

25 (2) The checklist and required permitting documentation shall
26 be published on a publically accessible Internet Web site, if the
27 city, county, or city and county has an Internet Web site, and the
28 city, county, or city and county shall allow for electronic submittal
29 of a permit application and associated documentation, and shall
30 authorize the electronic signature on all forms, applications, and
31 other documentation in lieu of a wet signature by an applicant. In
32 developing the ordinance, the city, county, or city and county shall
33 substantially conform its expedited, streamlined permitting process
34 with the recommendations for expedited permitting, including the
35 checklists and standard plans contained in the most current version
36 of the “Plug-In Electric Vehicle Infrastructure Permitting
37 Checklist” of the “Zero-Emission Vehicles in California:
38 Community Readiness Guidebook” published by the Governor’s
39 Office of Planning and Research. A city, county, or city and county
40 may adopt an ordinance that modifies the checklists and standards

1 found in the guidebook due to unique climactic, geological,
2 seismological, or topographical conditions. If a city, county, or
3 city and county determines that it is unable to authorize the
4 acceptance of an electronic signature on all forms, applications,
5 and other documents in lieu of a wet signature by an applicant, the
6 city, county, or city and county shall state, in the ordinance required
7 under this subdivision, the reasons for its inability to accept
8 electronic signatures and acceptance of an electronic signature
9 shall not be required.

10 (h) For an electric vehicle charging station to be eligible for
11 expedited review, only one inspection shall be required, which
12 shall be done in a timely manner and may include a consolidated
13 inspection, except that a separate fire safety inspection may be
14 performed in a city, county, or city and county that does not have
15 an agreement with a local fire authority to conduct a fire safety
16 inspection on behalf of the fire authority. If an electric vehicle
17 charging station fails inspection, a subsequent inspection is
18 authorized, however the subsequent inspection shall not be required
19 to conform to the requirements of this subdivision.

20 (i) A city, county, or city and county shall not condition approval
21 for any electric vehicle charging station permit on the approval of
22 an electric vehicle charging station by an association, as that term
23 is defined in Section 4080 of the Civil Code.

24 (j) The following definitions shall apply to this section:

25 (1) “A feasible method to satisfactorily mitigate or avoid the
26 specific, adverse impact” includes, but is not limited to, any
27 cost-effective method, condition, or mitigation imposed by a city,
28 county, or city and county on another similarly situated application
29 in a prior successful application for a permit.

30 (2) “Electronic submittal” means the utilization of one or more
31 of the following:

32 (A) Email.

33 (B) The Internet.

34 (C) Facsimile.

35 (3) “Electric vehicle charging station” or “charging station”
36 means any level of electric vehicle supply equipment station that
37 is designed and built in compliance with Article 625 of the
38 California Electrical Code, as it reads on the effective date of this
39 section, and delivers electricity from a source outside an electric
40 vehicle into a plug-in electric vehicle.

1 (4) “Specific, adverse impact” means a significant, quantifiable,
2 direct, and unavoidable impact, based on objective, identified, and
3 written public health or safety standards, policies, or conditions
4 as they existed on the date the application was deemed complete.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of Section
10 17556 of the Government Code.

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