

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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~~ *city, county, or city and 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~~ *city, county, or city and 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.

1 (4) It is the intent of the Legislature that local agencies comply
2 not only with the language of this section, but also the legislative
3 intent to encourage the installation of electric vehicle charging
4 stations by removing obstacles to, and minimizing costs of,
5 permitting for such charging stations.

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

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

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

34 (e) Any conditions imposed on an application to install an
35 electric vehicle charging station shall be designed to mitigate the
36 specific, adverse impact upon the public health ~~and~~ *or* safety at
37 the lowest cost possible.

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

1 (2) An electric vehicle charging station shall meet all applicable
2 safety and performance standards established by the ~~National~~
3 *California* Electrical Code, the Institute of Electrical and
4 Electronics Engineers, and accredited testing laboratories such as
5 Underwriters Laboratories and, where applicable, rules of the
6 Public Utilities Commission regarding safety and reliability.

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

29 (2) The checklist and required permitting documentation shall
30 be published on a publically accessible Internet Web site, if the
31 city, county, or city and county has an Internet Web site, and the
32 city, county, or city and county shall allow for electronic ~~submittal~~
33 *submittal* of a permit application and associated documentation,
34 and shall authorize the electronic signature on all forms,
35 applications, and other documentation in lieu of a wet signature
36 by an applicant. In developing the ordinance, the city, county, or
37 city and county shall substantially conform its expedited,
38 streamlined permitting process with the recommendations for
39 expedited permitting, including the checklists and standard plans
40 contained in the most current version of the “Plug-In Electric

1 Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission
2 Vehicles in California: Community Readiness Guidebook”
3 published by the Governor’s Office of Planning and Research. A
4 city, county, or city and county may adopt an ordinance that
5 modifies the checklists and standards found in the guidebook due
6 to unique climactic, geological, seismological, or topographical
7 conditions. If a city, county, or city and county determines that it
8 is unable to authorize the acceptance of an electronic signature on
9 all forms, applications, and other documents in lieu of a wet
10 signature by an applicant, the city, county, or city and county shall
11 state, in the ordinance required under this subdivision, the reasons
12 for its inability to accept electronic signatures and acceptance of
13 an electronic signature shall not be required.

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

24 ~~(i)~~

25 (h) A city, county, or city and county shall not condition
26 approval for any electric vehicle charging station permit on the
27 approval of an electric vehicle charging station by an association,
28 as that term is defined in Section 4080 of the Civil Code.

29 ~~(j)~~

30 (i) The following definitions shall apply to this section:

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

36 (2) ~~“Electronic-submittal”~~ *submittal*” means the utilization of
37 one or more of the following:

38 (A) Email.

39 (B) The Internet.

40 (C) Facsimile.

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

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

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.