

AMENDED IN SENATE AUGUST 27, 2015

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JULY 9, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1236**

---

---

**Introduced by Assembly Members Chiu and Low  
(Coauthor: Assembly Member Linder)**

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 general plan for the physical development of the county or city and authorizes 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, 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, county, or city and county to approve an application for 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, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill would require a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017. *The bill would authorize the city, county, or city and county, in developing the ordinance, to refer to guidelines contained in a specified guidebook. The bill would also authorize the adoption of an ordinance that modifies the checklists and standards found in the guidebook due to unique conditions.* 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

1 Section 5 of Article XI of the California Constitution, but is instead  
2 a matter of statewide concern.

3 (2) It is the intent of the Legislature that local agencies not adopt  
4 ordinances that create unreasonable barriers to the installation of  
5 electric vehicle charging stations and not unreasonably restrict the  
6 ability of homeowners and agricultural and business concerns to  
7 install electric vehicle charging stations.

8 (3) It is the policy of the state to promote and encourage the use  
9 of electric vehicle charging stations and to limit obstacles to their  
10 use.

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

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

31 (c) A city, county, or city and county may not deny an  
32 application for a use permit to install an electric vehicle charging  
33 station unless it makes written findings based upon substantial  
34 evidence in the record that the proposed installation would have  
35 a specific, adverse impact upon the public health or safety, and  
36 there is no feasible method to satisfactorily mitigate or avoid the  
37 specific, adverse impact. The findings shall include the basis for  
38 the rejection of potential feasible alternatives of preventing the  
39 adverse impact.

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

4 (e) Any conditions imposed on an application to install an  
5 electric vehicle charging station shall be designed to mitigate the  
6 specific, adverse impact upon the public health or safety at the  
7 lowest cost possible.

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

11 (2) An electric vehicle charging station shall meet all applicable  
12 safety and performance standards established by the California  
13 Electrical Code, the Institute of Electrical and Electronics  
14 Engineers, and accredited testing laboratories such as Underwriters  
15 Laboratories and, where applicable, rules of the Public Utilities  
16 Commission regarding safety and reliability.

17 (g) (1) On or before September 30, 2016, every city, county,  
18 or city and county with a population of 200,000 or more residents,  
19 and, on or before September 30, 2017, every city, county, or city  
20 and county with a population of less than 200,000 residents, shall,  
21 in consultation with the local fire department or district and the  
22 utility director, if the city, county, or city and county operates a  
23 utility, adopt an ordinance, consistent with the goals and intent of  
24 this section, that creates an expedited, streamlined permitting  
25 process for electric vehicle charging stations. In developing an  
26 expedited permitting process, the city, county, or city and county  
27 shall adopt a checklist of all requirements with which electric  
28 vehicle charging stations shall comply to be eligible for expedited  
29 review. An application that satisfies the information requirements  
30 in the checklist, as determined by the city, county, or city and  
31 county, shall be deemed complete. Upon confirmation by the city,  
32 county, or city and county of the application and supporting  
33 documents being complete and meeting the requirements of the  
34 checklist, and consistent with the ordinance, a city, county, or city  
35 and county shall, consistent with subdivision (b), approve the  
36 application and issue all required permits or authorizations.  
37 However, the city, county, or city and county may establish a  
38 process to prioritize competing applications for expedited permits.  
39 Upon receipt of an incomplete application, a city, county, or city  
40 and county shall issue a written correction notice detailing all

1 deficiencies in the application and any additional information  
2 required to be eligible for expedited permit issuance. ~~A city,~~  
3 ~~county, or city and county, that owns and operates electric utility~~  
4 ~~services within its service territory shall comply with the electric~~  
5 ~~utility interconnection policy. An application submitted to a city,~~  
6 ~~county, or city and county that owns and operates an electric utility~~  
7 ~~shall demonstrate compliance with the utility’s interconnection~~  
8 ~~policies prior to approval.~~

9 (2) The checklist and required permitting documentation shall  
10 be published on a publicly accessible Internet Web site, if the city,  
11 county, or city and county has an Internet Web site, and the city,  
12 county, or city and county shall allow for electronic submittal of  
13 a permit application and associated documentation, and shall  
14 authorize the electronic signature on all forms, applications, and  
15 other documentation in lieu of a wet signature by an applicant. In  
16 developing the ordinance, the city, county, or city and county may  
17 ~~reasonably conform its expedited, streamlined permitting process~~  
18 ~~with the recommendations for expedited permitting, including the~~  
19 ~~checklists and standard plans refer to the recommendations~~  
20 contained in the most current version of the “Plug-In Electric  
21 Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission  
22 Vehicles in California: Community Readiness Guidebook”  
23 published by the ~~Governor’s~~ Office of Planning and Research. A  
24 city, county, or city and county may adopt an ordinance that  
25 modifies the checklists and standards found in the guidebook due  
26 to unique climactic, geological, seismological, or topographical  
27 conditions. If a city, county, or city and county determines that it  
28 is unable to authorize the acceptance of an electronic signature on  
29 all forms, applications, and other documents in lieu of a wet  
30 signature by an applicant, the city, county, or city and county shall  
31 state, in the ordinance required under this subdivision, the reasons  
32 for its inability to accept electronic signatures and acceptance of  
33 an electronic signature shall not be required.

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

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

39 (1) “A feasible method to satisfactorily mitigate or avoid the  
40 specific, adverse impact” includes, but is not limited to, any

1 cost-effective method, condition, or mitigation imposed by a city,  
2 county, or city and county on another similarly situated application  
3 in a prior successful application for a permit.

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

- 6 (A) Email.
- 7 (B) The Internet.
- 8 (C) Facsimile.

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

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

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 a local agency or school district has the authority to levy service  
22 charges, fees, or assessments sufficient to pay for the program or  
23 level of service mandated by this act, within the meaning of Section  
24 17556 of the Government Code.