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AMENDED IN SENATE AUGUST 27, 2015

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JULY 9, 2015

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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:

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

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

11 (3) It is the policy of the state to promote and encourage the use
12 of electric vehicle charging stations and to limit obstacles to their
13 use.

14 (4) It is the intent of the Legislature that local agencies comply
15 not only with the language of this section, but also the legislative
16 intent to encourage the installation of electric vehicle charging
17 stations by removing obstacles to, and minimizing costs of,
18 ~~permitting for charging stations.~~ *stations so long as the action does*
19 *not supersede the building official's authority to identify and*
20 *address higher priority life-safety situations.*

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

36 (c) A city, county, or city and county may not deny an
37 application for a use permit to install an electric vehicle charging
38 station unless it makes written findings based upon substantial
39 evidence in the record that the proposed installation would have
40 a specific, adverse impact upon the public health or safety, and

1 there is no feasible method to satisfactorily mitigate or avoid the
2 specific, adverse impact. The findings shall include the basis for
3 the rejection of potential feasible alternatives of preventing the
4 adverse impact.

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

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

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

15 (2) An electric vehicle charging station shall meet all applicable
16 safety and performance standards established by the California
17 Electrical Code, ~~the Institute of Electrical and Electronics~~
18 ~~Engineers, the Society of Automotive Engineers, the National~~
19 ~~Electrical Manufacturers Association,~~ and accredited testing
20 laboratories such as Underwriters Laboratories and, where
21 applicable, rules of the Public Utilities Commission regarding
22 safety and reliability.

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

1 and county shall, consistent with subdivision (b), approve the
2 application and issue all required permits or authorizations.
3 However, the city, county, or city and county may establish a
4 process to prioritize competing applications for expedited permits.
5 Upon receipt of an incomplete application, a city, county, or city
6 and county shall issue a written correction notice detailing all
7 deficiencies in the application and any additional information
8 required to be eligible for expedited permit issuance. An application
9 submitted to a city, county, or city and county that owns and
10 operates an electric utility shall demonstrate compliance with the
11 utility's interconnection policies prior to approval.

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

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

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

- 1 (1) “A feasible method to satisfactorily mitigate or avoid the
2 specific, adverse impact” includes, but is not limited to, any
3 cost-effective method, condition, or mitigation imposed by a city,
4 county, or city and county on another similarly situated application
5 in a prior successful application for a permit.
- 6 (2) “Electronic submittal” means the utilization of one or more
7 of the following:
8 (A) Email.
9 (B) The Internet.
10 (C) Facsimile.
- 11 (3) “Electric vehicle charging station” or “charging station”
12 means any level of electric vehicle supply equipment station that
13 is designed and built in compliance with Article 625 of the
14 California Electrical Code, as it reads on the effective date of this
15 section, and delivers electricity from a source outside an electric
16 vehicle into a plug-in electric vehicle.
- 17 (4) “Specific, adverse impact” means a significant, quantifiable,
18 direct, and unavoidable impact, based on objective, identified, and
19 written public health or safety standards, policies, or conditions
20 as they existed on the date the application was deemed complete.
- 21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 a local agency or school district has the authority to levy service
24 charges, fees, or assessments sufficient to pay for the program or
25 level of service mandated by this act, within the meaning of Section
26 17556 of the Government Code.