

AMENDED IN ASSEMBLY APRIL 6, 2016  
AMENDED IN ASSEMBLY MARCH 17, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2713**

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**Introduced by Assembly Member Chiu  
(Coauthor: Assembly Member Mullin)**

February 19, 2016

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An act to add Section 65850.8 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2713, as amended, Chiu. Land use: local ordinances: energy systems.

Existing law, 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 requires 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. Existing law provides 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.

~~This bill would require a city, county, or city and county to approve an application for the installation of advanced energy storage, 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 that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of advanced energy storage systems is a matter of statewide concern.~~

~~This bill would require advanced energy storage system to meet specified standards. The~~

~~*This bill would, on or before January 31, 2018, September 30, 2017, for a city, county, or city and county with a population of 200,000 or more residents, or June 30, 2018, January 31, 2018, for a city, county, or city and county with a population of less than 200,000 resident, require every the city, county, or city and county to create an expedited and streamlined permitting process for advanced energy storage installations. The bill would require the city, county, or city and county, in developing the ordinance, to refer to documented best practices, and would require the ordinance to substantially comply with the California Energy Storage Permitting Guidebook. The bill would also require, in developing an expedited review and checklist, the city, county, or city and county to develop a simplified standard plan so that an engineering plan check is unnecessary for standard advanced energy storage system configurations make all documentation and forms associated with the permitting of advanced energy storage, as defined, available on a publicly accessible Internet Web site, as specified. The bill would require a city, county, or city and county to allow for the electronic submittal of a permit application and associated documentation, as specified. The bill would prohibit the calculation of a fee associated with the permitting or inspection of an advanced energy storage installation from being calculated based on the value of the installation or any other factor not directly associated with the cost to issue the permit.*~~

~~The bill would require the Governor's Office of Planning and Research, on or before September 30, 2017, to create a California Energy Storage Permitting Guidebook, 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 65850.8 is added to the Government  
2 Code, to read:

3 65850.8. (a) The Legislature finds and declares ~~all~~ *both* of the  
4 following:

5 ~~(1) The implementation of consistent statewide standards to~~  
6 ~~achieve the timely and cost-effective installation of advanced~~  
7 ~~energy storage 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 or impose permitting, plan review, or inspection~~  
12 ~~requirements that create unreasonable barriers to the installation~~  
13 ~~of advanced energy storage and not unreasonably restrict the ability~~  
14 ~~of homeowners and agricultural and business concerns to install~~  
15 ~~advanced energy storage.~~

16 ~~(3)~~  
17 (1) It is the policy of the state to promote and encourage the  
18 installation of advanced energy storage and to limit obstacles to  
19 its use in order to increase the reliability, safety, and resilience of  
20 the state's electrical system.

21 ~~(4) It is the intent of the Legislature that local agencies comply~~  
22 ~~not only with the language of this section, but also the legislative~~  
23 ~~intent to encourage the installation of advanced energy storage by~~  
24 ~~removing obstacles to, and minimizing costs of, permitting and~~  
25 ~~inspection of those installations while ensuring they are installed~~  
26 ~~safely and reliably.~~

27 ~~(5)~~  
28 (2) It is further the intent of the Legislature that the applicable  
29 state agencies, including the Governor's Office of Planning and  
30 Research, extend and expand the existing initiative being conducted  
31 by the Public Utilities Commission to further note best practices  
32 in the safe permitting of advanced energy storage. That effort  
33 should ultimately produce an Advanced Energy Storage Permitting

1 Guidebook, taking advantage of the efforts and lessons learned in  
2 creating the streamlined permitting processes and modeling in part  
3 after the California Solar Permitting Guidebook.

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

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

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

31 ~~(e) Any conditions imposed on an application to install advanced~~  
32 ~~energy storage shall be designed to mitigate the specific, adverse~~  
33 ~~impact upon the public health and safety at the lowest cost possible.~~

34 ~~(f) (1) Advanced energy storage system installations shall meet~~  
35 ~~applicable health and safety standards and requirements imposed~~  
36 ~~by state and local permitting authorities.~~

37 ~~(2) Advanced energy storage installations shall meet all~~  
38 ~~applicable safety and performance standards established by the~~  
39 ~~California Building Standards Code, the California Electrical Code,~~  
40 ~~and accredited testing laboratories, such as Underwriters~~

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

3 ~~(g) (1)~~

4 ~~(b) On or before January 31, 2018, September 30, 2017, every~~  
5 ~~city, county, or city and county with a population of 200,000 or~~  
6 ~~more residents, and on or before June 30, January 31, 2018, every~~  
7 ~~city, county, or city and county with a population of less than~~  
8 ~~200,000 residents, shall, in consultation with the local fire~~  
9 ~~department or district and the utility director, if the city, county,~~  
10 ~~or city and county operates a utility, adopt an ordinance, consistent~~  
11 ~~with the goals and intent of this section, that creates a streamlined~~  
12 ~~permitting and inspection process for advanced energy storage~~  
13 ~~installations. The ordinance shall substantially comply with the~~  
14 ~~California Energy Storage Permitting Guidebook created pursuant~~  
15 ~~to subdivision (k). In developing a streamlined permitting process,~~  
16 ~~the city, county, or city and county shall adopt a checklist of all~~  
17 ~~requirements with which advanced energy storage installations~~  
18 ~~shall comply to be eligible for expedited review. An application~~  
19 ~~that satisfies the information requirements in the checklist, as~~  
20 ~~determined by the city, county, or city and county, shall be deemed~~  
21 ~~complete. Upon confirmation by the city, county, or city and county~~  
22 ~~of the application and supporting documents being complete and~~  
23 ~~meeting the requirements of the checklist, and consistent with the~~  
24 ~~ordinance, a city, county, or city and county shall, consistent with~~  
25 ~~subdivision (b), approve the application and issue all required~~  
26 ~~permits or authorizations. Upon receipt of an incomplete~~  
27 ~~application, a city, county, or city and county shall issue a written~~  
28 ~~correction notice detailing all deficiencies in the application and~~  
29 ~~any additional information required to be eligible for expedited~~  
30 ~~permit issuance. An application submitted to a city, county, or city~~  
31 ~~and county that owns and operates an electric utility shall~~  
32 ~~demonstrate compliance with the utility's interconnection policies~~  
33 ~~prior to approval.~~

34 ~~(2) In developing the ordinance, the city, county, or city and~~  
35 ~~county shall refer to documented best practices in California,~~  
36 ~~including relevant practices or procedures from its own expedited~~  
37 ~~permitting process for rooftop solar pursuant to Section 65850.5~~  
38 ~~and for electric vehicle charging stations pursuant to Section~~  
39 ~~65850.7, and applicable safety-related findings published or~~  
40 ~~promoted by the Public Utilities Commission.~~

1 ~~(3) In developing the streamlined permitting review and~~  
2 ~~checklist, the city, county, or city and county shall develop a~~  
3 ~~simplified standard plan so that an engineering plan check is~~  
4 ~~unnecessary for standard system configurations, known as an~~  
5 ~~“over-the-counter review.” If the expedited review process requires~~  
6 ~~an engineering plan check, this check shall be completed no later~~  
7 ~~than five business days after the application is deemed complete.~~

8 ~~(4) The checklist and required permitting documentation shall~~  
9 ~~be published shall make all documentation and forms associated~~  
10 ~~with the permitting of advanced energy storage available on a~~  
11 ~~publicly accessible Internet Web site, if the city, county, or city~~  
12 ~~and county has an Internet Web site, and the site. The city, county,~~  
13 ~~or city and county shall allow for electronic submittal submission~~  
14 ~~of a permit application and associated documentation, and shall~~  
15 ~~authorize the electronic signature on all forms, applications, and~~  
16 ~~other documentation in lieu of a wet signature by an applicant. If~~  
17 ~~a city, county, or city and county determines that it is unable to~~  
18 ~~authorize the acceptance of an electronic signature on all forms,~~  
19 ~~applications, and other documents in lieu of a wet signature by an~~  
20 ~~applicant, the city, county, or city and county shall state, in the~~  
21 ~~ordinance required under this subdivision, the reasons for its~~  
22 ~~inability to accept electronic signatures and acceptance of an~~  
23 ~~electronic signature shall not be required.~~

24 ~~(h) A city, county, or city and county shall not condition~~  
25 ~~approval for any advanced energy storage installation permit on~~  
26 ~~the approval of the installation by an association, as that term is~~  
27 ~~defined in Section 4080 of the Civil Code.~~

28 ~~(i) A city, county, or city and county shall calculate the~~  
29 ~~reasonable cost of executing the process as specified in this section.~~  
30 ~~The details and results of this calculation shall be reported to the~~  
31 ~~Energy Commission upon implementation of the expedited process~~  
32 ~~and the fee charged to each application will be reported to the~~  
33 ~~Energy Commission on an annual basis.~~

34 ~~(j)~~

35 ~~(c) Any fee charged for the permitting or inspection of an~~  
36 ~~advanced energy storage installation shall not be calculated based~~  
37 ~~on the value of the installation or any other factor not directly~~  
38 ~~associated with the cost to issue the permit.~~

39 ~~(k)~~

1 (d) On or before September 30, 2017, the Governor’s Office of  
2 Planning and Research shall, in consultation with local building  
3 officials, the State Fire Marshall, the storage industry, the Public  
4 Utilities Commission, and other stakeholders, and through review  
5 of any existing streamlined permitting practices used by cities,  
6 counties, or city and counties, create a California Energy Storage  
7 Permitting Guidebook modeled substantially on the California  
8 Solar Permitting Guidebook.

9 ~~(f)~~

10 (e) For purposes of this section, the following terms have the  
11 following meanings:

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

17 ~~(2)~~

18 (1) “Advanced energy storage” means an energy storage system,  
19 as defined in Section 2835 of the Public Utilities Code, as well as  
20 an energy storage system that is designed to provide backup energy  
21 services in the event of a grid outage, that is limited to either of  
22 the following:

23 (A) Electrochemical energy storage in nonventing packages.

24 (B) Customer sited installations.

25 ~~(3)~~

26 (2) “Customer sited” means the system is interconnected to the  
27 electrical grid through an existing retail customer interconnection.

28 ~~(4)~~

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

31 (A) Email.

32 (B) The Internet.

33 (C) Facsimile.

34 ~~(5) “Specific, adverse impact” means a significant, quantifiable,~~  
35 ~~direct, and unavoidable impact, based on objective, identified, and~~  
36 ~~written public health or safety standards, policies, or conditions~~  
37 ~~as they existed on the date the application was deemed complete.~~

38 SEC. 2. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 a local agency or school district has the authority to levy service

- 1 charges, fees, or assessments sufficient to pay for the program or
- 2 level of service mandated by this act, within the meaning of Section
- 3 17556 of the Government Code.

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