

# California's permitting law (AB1236) is strong, calling for "consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations"



#### Assembly Bill No. 1236

CHAPTER 598

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

[Approved by Governor October 8, 2015. Filed with Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, Chiu. Local ordinances: efectric 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 possible 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 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.

A jurisdiction's permit review "shall be limited to the building official's review of whether it meets all health and safety requirements" and may not include a zoning review.

"The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety."

All AHJs must have "an expedited, streamlined permitting process for electric vehicle charging stations."

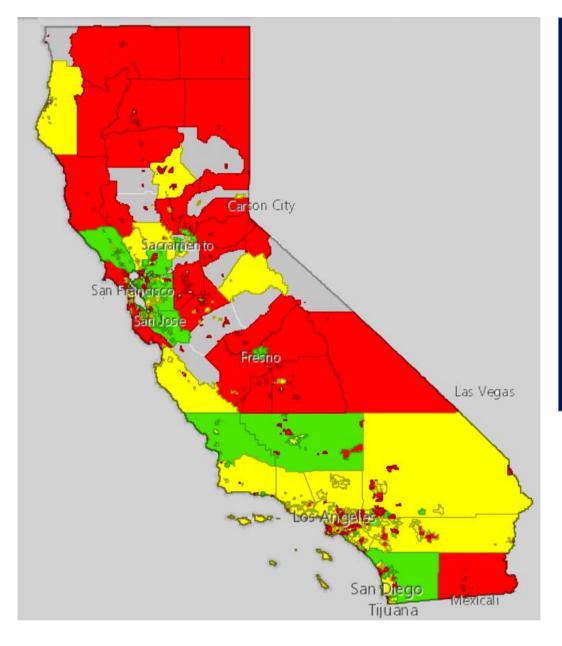
A use permit may not be required unless a jurisdiction "makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety."

The Governor's Office has established that, based on a collection of real-world charging station permitting experiences in California, 15 day timelines for permitting ultra-fast charging stations "meet the intent of AB 1236."

92



#### **GO-Biz Finds 85% of Jurisdictions Don't Comply with AB 1236**



As of February 19, 2020, GO-Biz has evaluated 495 (of 540) jurisdictions in California for compliance with AB 1236.

73 cities or counties (15 percent) have been deemed "Streamlined."

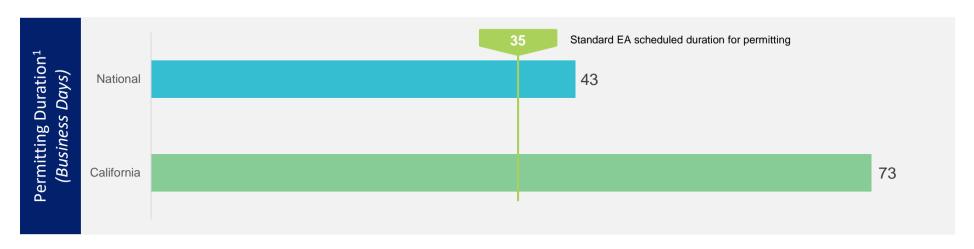
141 (28 percent) are "Partially Streamlined/Streamlining in Progress."

257 (52 percent) are considered "**Not Streamlined**."

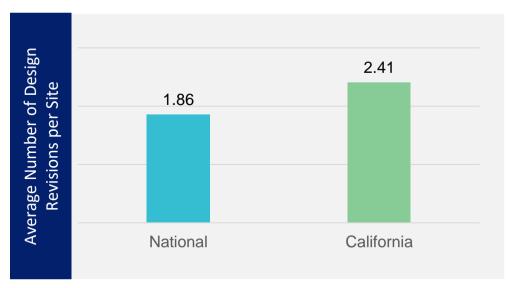
- Streamlined
- Partially Streamlined
- Not Streamlined



### Permitting in California presents a number of challenges; costs and standard durations for projects much longer than National



California DCFC stations have more than 20% higher design, permitting, & construction costs than national average due largely to permitting related costs and statewide requirements





### GO-Biz EV Charging Station Permitting Guidebook outlines befor permit timelines

best	practices
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Application Submittal » Complete Response			
Type of Charger	Within Best Practice	Optimal	
L2 – Single Family	1 day		
Multi L2 – Shared (Multi Family/Workplace/Public)	5 days	Same Day	
DCFC	5 days		

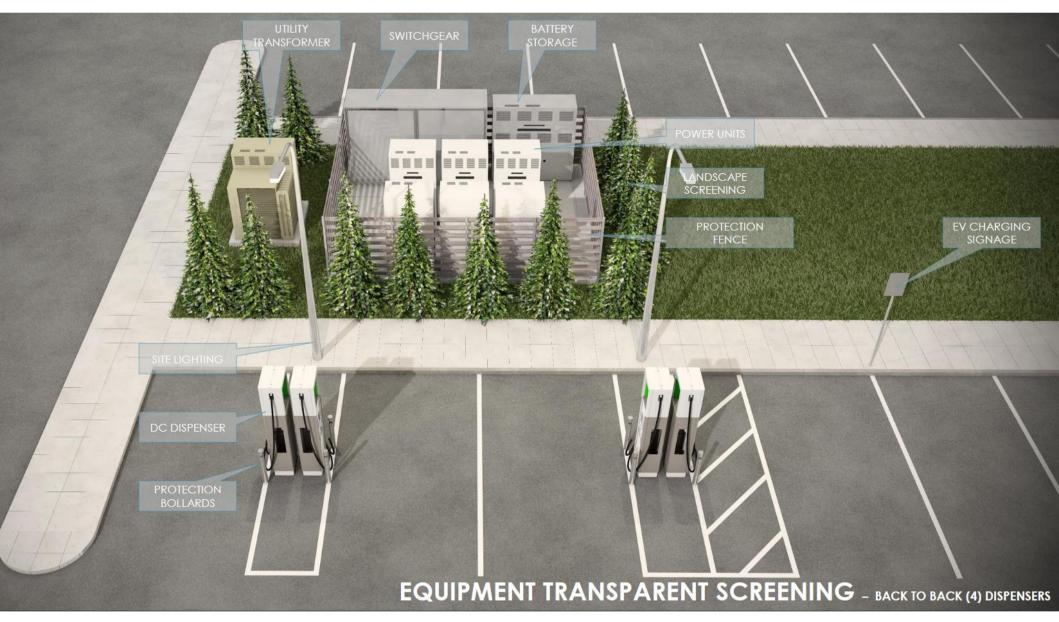
Complete package » Approval to Build			
Type of Charger	Within Best Practice	Optimal	
L2 – Single Family	1 day		
Multi L2 – Shared (Multi Family/Workplace/Public)	15 days*	Same Day	
DCFC	15 days*		

Construction Complete Notice » Inspection				
Type of Charger	Within Best Practice	Optimal		
L2 – Single Family	5 days			
Multi L2 – Shared (Multi Family/Workplace/Public)	5 days	Same Day		
DCFC	5 days			

Note: Municipalities with integrated utilities may require more time to align the utility planning and review that occurs before building permit approval.



#### Standard four-charger station design





#### Electrify America's Experience: Permitting requirements are not "limited to health & safety" and the process is not "expedited"

#### **Extended Zoning Review**

extended zoning review

AB 1236 calls for "expedited, streamlined permitting process" led by the Building Official.

#### **Minimum Parking Requirements**

82% of delayed permitting processes<sup>1</sup> included parking minimum enforcement

> Parking count regulations do not protect health/safety

#### **Multiple Rounds of Comments**

primary cause of delayed projects<sup>1</sup> was 77% of delayed projects<sup>1</sup> received multiple rounds of comments

> Multiple rounds of comments was the 2<sup>nd</sup> most common primary cause of delay

#### **Aesthetics**

77% of delayed projects<sup>1</sup> included reviews/comments focused on aesthetics

> Aesthetic review is not permitted under AB 1236



### Permitting improves when Legislators, City Attorneys, and GoBiz build AB 1236 Awareness

CALIFORNIA GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

#### Electric Vehicle Charging Station Permitting

Guidebook



Streamlined, Expedited Process: City of Sacramento, San Jose

Parking: Burbank, South Gate, Sacramento County

Zoning: Rocklin, Los Angeles

Aesthetics: San Francisco, San Jose

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CHAIR: HOUSING AND COMMUNITY DEVELOPMENT ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND INTERNET MEDIA BUDGET

BUSINESS AND PROFESSIONS JUDICIARY

SUBCOMMITTEES
BUDGET SUBCOMMITTEE NO. 4 ON
STATE ADMINISTRATION

Dear Friends,

I am writing to clarify the intent of my bill, Assembly Bill (AB) 1236, that was signed by Governor Brown in 2015. AB 1236 requires all local jurisdictions to adopt an expedited, streamlined permitting process for electric vehicle (EV) charging stations.<sup>i</sup>



### AB 2168 (McCarty, Chiu & Reyes, 2020) will improve permitting by setting timeframe after which permit application is "deemed approved"

CALIFORNIA LEGISLATURE-2019-20 REGULAR SESSION

#### ASSEMBLY BILL

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No. 2168

Introduced by Assembly Members McCarty, Chiu, and Reyes
(Principal coauthor: Assembly Member Kalra)
(Coauthors: Assembly Members Cooley and Ting)
(Coauthors: Senators Beall, Lena Gonzalez, and Wieckowski)

February 11, 2020

An act to add Section 65850.75 to the Government Code, relating to zoning, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2168, as introduced, McCarty. Planning and zoning: electric vehicle charging stations: permit application: approval.

Existing law requires a city, county, or city and county to administratively approve an application to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit subject to a limited review by the building official of that city, county, or city and county. Existing law allows the

A local government has an initial five business days to verify the completeness of the permitting application.

"An application to install an EV charging station ... shall be deemed approved if 15 business days after" a application is submitted the city has neither "administratively approved the application" nor found "a specific, adverse impact to public health or safety." These criteria were established by AB 1236 (Chiu 2015).

Timelines are based on GO-Biz Analysis of Best Practices

<u>Co-Authors</u>: Kalra, Cooley, Ting, Beall, Lena Gonzalez, Wieckowski

<u>Supporters</u>: ABB; Alliance for Auto Innovation; Black & Veatch; Coalition for Clean
Air; Core States Group; EV Charging Association; Env't California; Ford; Greenlots;
Plug-In America; Sac EV Association; SemaConnect; Siemens; SCE; Tesla; Valley CAN;

Volta .... <u>and your organization?</u>

#### "Deemed Approved" deadlines succeed in expediting permitting



#### **AB 57**:

Enacted in 2015 to expedite the permitting of telecommunications facilities including cell phone towers. It is widely understood to have eliminated unnecessary delays for telecommunications facilities.

An application "shall be deemed approved" if the city our county fails to approve or disapprove the application within 30 calendar days.

#### **Permit Expediting Act of 1977:**

A development permit application shall be "deemed approved" if the city our county fails to meet comment deadlines.





#### We look forward to continued collaboration



### Thank you





# Pathways to EV Charging Readiness

West Hollywood | March 10, 2020 | Up to Code - GO BIZ EVENT



#### **ABOUT WEHO**



- Incorporated in 1984
- 1.9 square miles
- Population = ~35,000 ppl
- Median Income = \$56,699
- Predominantly renters

#### **Existing building stock:**

- Majority low-to-mid-rise multifamily
- 70% of properties are rentstabilized
- Majority built mid-20<sup>th</sup> century or earlier



#### **WEHO EV STATS**

10 public EVCS citywide

600+ EVs registered in West Hollywood

1.6 EVs per 100 residents

300+ EVs per square mile



33% of West Hollywood MUDs are in the top 15% of propensity-to-purchase EVs

#### CITY COUNCIL DIRECTION

Since 2016, the City Council has issued directives to promote EV charging readiness that focuses on the following:

- 1. Policy creation/streamlining
- 2. Implementation
- 3. Advocacy
- 4. Technical Assistance
- 5. Expansion of public EV infrastructure
- 6. General Education & Awareness

**CITY** 

COUNCIL

#### FOUR LEVELS OF EV READINESS

### NO EV INFRASTRUCTURE

### **EV CAPABLE**

#### **EV READY**

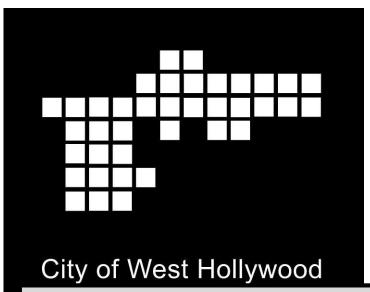
### EV CHARGER INSTALLED

- → Spaces not equipped with EV infrastructure at time of construction
- → Inaccessible conduit installed at time of construction
- → Full circuit & electric panel capacity installed at time of construction
- → EVCS & all support equipment installed at time of construction

#### **BUILDING CODE VS. ZONING CODE**



- ☐ Statewide code updated every 3 years
- □ 2016 state code includes mandatory EV Charging requirements
- ☐ Cities must file all local amendments with the state
- ☐ Staff required to revise local building code (Title 13)



- □ Staff required to revise local zoning code (Title 19) to:
  - Update parking section to include EV readiness requirements
  - Reference CALGreen and local amendments
  - Allow exemptions
  - Remove parking code barriers

# EVC STREAMLINING FOR RETROFITS ROADMAP (AB 1236)

- ✓ Combined effort with EV Readiness Ordinance (in coordination with Building & Safety)
- ✓ Ensured that any spaces reserved for EVCS count toward parking requirement in our Zoning Code
- ✓ Use CALBo EVC templates to create admin ordinance & application checklist for future retrofits
- ✓ Submitted staff report, ordinance, and sample checklist to City Council (March 2018)
- ✓ Created one-stop shop EV Charge Up program webpage once ratified

## **EVC STREAMLINING PROCESS FOR RETROFITS (AB 1236)**

- ✓ The City's process to approve and permit EVCS installations consists of three steps:
  - (1) obtain a zone clearance from Current Planning Division
  - (2) submit plans to the Building & Safety Division for plan check review; and
  - (3) once approved, obtain necessary building and electrical permits.
- ✓ WAIVED:
  - ✓ Building and electrical plan check fees and associated permit fees for qualifying EVCS
- ✓ NOT WAIVED:
  - ✓ A zone clearance fee from the Planning Division as well as any State or outside agency fees
  - ✓ Permit fees for any required structural upgrades to existing buildings as part of the system installation

#### WEHO EV CHARGE UP PROGRAM



2020) will now require multifamily properties of three to nine units to designate a certain percentage of parking sp. Services EV Capable. S Community for new constru Business to below for mo City Government

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- EV Readiness Requirements for New Construction Guide v1 (Effective thru December 31, 2019)
- EV Readiness Requirements for New Construction Guide v2 (Effective beginning January 1, 2020)

#### **EVCS Permitting Process**

#### Requirements for New Construction

The City's EV Readiness requirements necessitate an electrical permit, at minimum, and the plan check process will ensure compliance with both EV and accessibility requirements before construction begins. Please note:

- EVCS Permitting is included as part of the building permit for new construction
- Projects must specify EV infrastructure and plan for accessibility on original plans/construction documents

For more information about the EV readiness requirements and plan requirements, please see our guides below:

- EV Readiness Requirements for New Construction Guide\_v1 (Effective thru December 31, 2019)
- EV Readiness Requirements for New Construction Guide\_v2 (Effective beginning January 1, 2020)

#### Requirements for Existing Buildings (AB 1236)

To bring the City into substantial conformance with the State requirements AB 1236 (2015), West Hollywood adopted Ordinance No. 18-1028 that further streamlines its approval process for qualifying EVCS. Applicants planning to install a charging station at an existing building must accurately complete the <a href="mailto:application-checklist">application checklist</a> and <a href="mailto:zone-checklist">zone</a> clearance <a href="mailto:application">application</a> in order to be issued all necessary permits.

Applications can be submitted online or at the Planning Counter.

Building and electrical plan check fees and associated permit fees for qualifying EVCS have been waived by the City of West Hollywood. A zone clearance fee from the Planning Division as well as any State or outside agency fees will apply. Permit fees for any required structural upgrades to existing buildings as part of the system installation are not waived.

#### **EVC READINESS IMPLEMENTATION**

#### **Quick Wins:**

- EV charging content and resources on the City's website
- EV charging included in signage/wayfinding project
- Free 2-hour parking validation when charging in a public garage
- UCLA & SCAG studies on WeHo



#### **Longer Strides:**

- Curbside charging
- Additional deployment of EVCS in public lots and garages
- Host an EV Showroom
- Fully electrify our municipal fleet



### **QUESTIONS?**

