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Assembly California Legislature

DAVID CHIU
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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.ⁱ

My intent in authoring this legislation was to eliminate unreasonable barriers to the installation of electric vehicle charging stations through certainty and uniformity in local permitting without diminishing local government authority to protect the health and safety of its citizens. It has come to my attention that a number of jurisdictions are denying or delaying permits or subjecting them to discretionary review for reasons unrelated to health and safety, which is inconsistent with AB 1236.

Accordingly, the Legislature established in AB 1236 that "It is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use." In summary:

- AB 1236 requires local jurisdictions to approve EV charging stations through a non-discretionary administrative permit process, unless the charging station would have specific, adverse impact, supported by substantial evidence, on public health or safety.
- AB 1236 required local governments with a population of 200,000 to adopt a conforming ordinance "that creates an expedited, streamlined permitting process for electric vehicle charging stations" by September 30, 2016; those cities and counties with a population less than 200,000 had until September 30, 2017 to adopt an ordinance.
- The Legislature declared its intent that "local agencies not adopt ordinances that create unreasonable barriers to the installation of electric vehicle charging stations and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install electric vehicle charging stations."

AB 1236 is consistent with Governor Brown's goal of 1.5 million Zero Emission Vehicles (ZEVs) on California roads by 2025 and with state policies offering consumer incentives to increase the penetration of ZEVs and near zero-emission vehicles. Increasing the penetration of EVs is not only good for the environment, according to the American Lung Association's Clean Air Future study, but 100% EV penetration could also result in \$13.5 billion in combined health and climate benefits by 2050.ⁱⁱ

Local Governments May Not Impose Design Review

AB 1236, section 65850.7(b) specifies that "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.” Accordingly, the imposition of a design review process or permit conditions for aesthetic purposes is inconsistent with AB 1236.

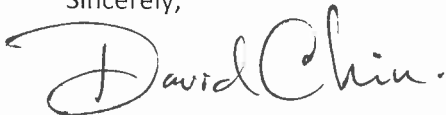
Timelines Must Be Reasonable

AB 1236, section 65850.7(a)(1) stipulates that “implementation of consistent statewide standards to achieve the timely and cost-effective installation” of EV charging stations is of statewide concern.” I have been advised by industry experts that permitting and inspection can sometimes be the longest part of a project’s development timeline, especially for direct current fast charging stations. While some jurisdictions have streamlined their permitting process into one or two weeks, others can take three months or longer, which is inconsistent with the intent of AB 1236. Additionally, planning or zoning review may not be consistent with a non-discretionary, administrative approval process as envisioned in the bill.

In conclusion, I respectfully request that all local permitting agencies enact reasonable permitting timelines that encourage timely installation of EV charging station and limit project review to public health or safety concerns. Increasing access to EV charging stations across California is critical to spurring EV deployment, establishing certainty for EV customers, and more importantly, addressing our climate crisis. This goal cannot be accomplished without the help of local jurisdictions like yourselves.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "David Chiu".

David Chiu
Assembly District 17

ⁱ An electric vehicle charging station means any level of electric vehicle supply equipment station that meets California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

ⁱⁱ Pg. 14 <http://www.lung.org/local-content/california/documents/2016zeroemissions.pdf>