



ORANGE COUNTY GRAND JURY

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www.ocgrandjury.org • FAX 714/834-5555

February 26, 2020

The Honorable Steven R. Jones
Mayor of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

CONFIDENTIAL

Dear Mayor Jones:

Enclosed is a copy of the 2019-2020 Orange County Grand Jury report, "**Electric Vehicles Are Here – Is Orange County All Charged Up?**" Pursuant to *Penal Code 933.05(f)*, a copy of the report is being provided to you at least two working days prior to its public release. Please note that under that subsection, "No officer, agency, department, or governing body of a public agency shall disclose any contents of the report *prior to the public release of the final report.*" (Emphasis added.) It is required that you provide a response to each of the findings and recommendations of this report directed to your office in compliance with *Penal Code 933.05(a)* and (b), copy enclosed.

Please distribute this report to your governing body.

For each Grand Jury recommendation accepted and not implemented, provide a schedule for future implementation. In addition, by the end of March of each subsequent year, please report on the progress being made on each recommendation accepted but not completed. These annual reports should continue until all recommendations are implemented.

Please mail the response to the recommendations to Kirk H. Nakamura, Presiding Judge of the Superior Court, 700 Civic Center Drive West, Santa Ana, CA 92701, with a separate copy mailed to the Orange County Grand Jury, 700 Civic Center Drive West, Santa Ana, CA 92701, no later than 90 days after the public release date, March 5, 2020, in compliance with *Penal Code 933*, copy enclosed. The due date then is June 3, 2020.

Should additional time for responding to this report be necessary for further analysis, *Penal Code 933.05(b)(3)* permits an extension of time up to six months from the public release date. Such extensions should be advised in writing, with the information required in *Penal Code 933.05(b)(3)*, to the Presiding Judge of the Superior Court, with a separate copy of the request to the Grand Jury.

We tentatively plan to issue the public release on March 5, 2020. Upon public release, the report will be available on the Grand Jury website at www.ocgrandjury.org.

Very truly yours,

Donald Noble, Foreperson
2019-2020 ORANGE COUNTY GRAND JURY

DN:tk

Enclosures: Grand Jury Report & Penal Code 933, 933.05

cc: Scott C. Stiles, City Manager

California Penal Code Sections §933 and §933.05

[NOTE: to reduce grand jury requests for additional response information, the grand jury has **bolded** those words in §933.05 which should be appropriately included in a response]

- §933 (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
- (d) As used in this section "agency" includes a department.
- §933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent **agrees** with the finding.
 - (2) The respondent **disagrees wholly or partially** with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation **has been implemented**, with a summary regarding the implemented action.
 - (2) The recommendation **has not yet been implemented, but will be implemented** in the future, with a **timeframe** for implementation.
 - (3) The recommendation **requires further analysis**, with an explanation and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation **will not be implemented** because it is not warranted or is not reasonable, with an explanation therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

**Electric Vehicles Are Here –
Is Orange County All Charged Up?**



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SUMMARY

In its continuing effort to be a leader in reducing carbon dioxide (CO₂) emissions from roadway vehicles, California seeks to encourage the use of electric cars and trucks. California Assembly Bill (AB) 1236¹ was enacted to require cities, counties, or cities and counties to streamline the Level 2 charger installation permitting process. Original equipment recharging units, Level 1, 120-volt, for these vehicles renew at a nominal rate of about 4 miles of range per hour of recharge, whereas Level 2, 240-volt residential chargers are nearly six times faster.² The higher grade, faster chargers require certified, professional electricians to assure correct installation and must include proper grounding, conductor ampacity, and circuit breaker size. The Grand Jury investigated city and county compliance with this new mandate, found that 8 of the 34 Orange County cities have yet to comply, and interviewed representatives of these eight cities to evaluate each cities' progress toward compliance.

REASON FOR THE STUDY

The earth has recently undergone a noticeable increase in worldwide mean temperatures.³ Greenhouse gases are generally accepted as a significant contributor⁴ with some estimates showing transportation accounts for 29% of man-made greenhouse gas emissions in the United States (US).⁵ In light of this, California is encouraging the use of electric vehicles (EVs). California Assembly Bill 1236⁶ was created with "... the legislative intent to encourage the installation of electric vehicle charging stations (EVCS) by removing obstacles to, and minimizing costs of, permitting for charging stations" The bill, signed into law October 8, 2015, requires that by September 30, 2017, every city "... adopt an ordinance consistent with the goals and intent of this section, and create an expedited, streamlined permitting process for electric vehicle charging stations." Specifically, the legislation requires that, among other things:

- Each city shall adopt a checklist of all requirements with which EVCS shall comply to be eligible for expedited review.

¹ Codified as Government Code Section 65850.7

² Saxton, Tom, *Understanding Electric Vehicle Charging*, 2011, <https://pluginamerica.org/understanding-electric-vehicle-charging>

³ *2019 was 2nd hottest year on record for Earth say NOAA, NASA*, January 15, 2020, <https://www.noaa.gov/news/2019-was-2nd-hottest-year-on-record-for-earth-say-noaa-nasa>

⁴ *The Causes of Climate Change*, <https://climate.nasa.gov/causes>

⁵ *Transportation and Climate Change*, <https://www.epa.gov/transportation-air-pollution-and-climate-change/carbon-pollution-transportation>

⁶ Text of the resulting California code is found in the Appendix section.

- The checklist and required permitting documentation shall be published on a publicly accessible internet web site, if the city, county, or city and county has an internet web site.
- Each city shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. (However, if the city determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the entity shall state the reasons for its inability to accept electronic signatures and acceptance of electronic signatures shall not be required.)
- Lastly, besides the cities, the unincorporated county communities can obtain permits through the County Public Works department. Authority for this procedure rests with Ordinance No. 16-018 of the County of Orange, California building code, page 18 as follows: “Section 120. An expedited review and permit issuance process shall be provided for Electrical Charging Stations and simplified forms for submittal will be made available on the County’s website by September 30, 2017.”

Therefore, the Grand Jury sought to understand how Orange County cities and the county are implementing the requirements of Assembly Bill 1236, and how they are encouraging public education about installation of Level 2 EVCS at private residences.

METHOD OF STUDY

The Grand Jury thoroughly reviewed California Assembly Bill 1236 (Local Ordinance: EVCS).

The Grand Jury reviewed the websites of all 34 Orange County cities and that of the County to determine if they meet the requirements of AB 1236. Specifically, the Grand Jury:

- Reviewed city municipal codes to determine if they are updated per AB 1236.
- Searched for EV charger information on the cities’ and county’s websites.
- When EV charger information was found, it was reviewed to determine if it fully complied with the AB 1236 mandates.
- If EV charger information was not found, a knowledgeable city official was interviewed.
- In addition, the Grand Jury sought to determine if they were aware of grants available to offset the costs to install public charging stations.

An initial website canvas revealed the cities of Fountain Valley, Garden Grove, Laguna Beach, Laguna Woods, Lake Forest, Placentia, Seal Beach, and Yorba Linda had not implemented any features in AB 1236. The Grand Jury subsequently interviewed persons with civic responsibilities, i.e. mayors, city managers or public works managers, of these cities to ascertain

whether these officials were familiar with AB 1236 and its primary mandate to eliminate confusion in obtaining upgraded permits for private residence, condominium, and business location Level 2 EV charging station installation.

Additionally, the Grand Jury was interested in determining how committed cities are to EV charging, how actively they assist the average citizen in this matter, and whether they provide a convenient website checklist for public familiarization and implementation.

BACKGROUND AND FACTS

Electric Vehicles in California

EV sales in California, the largest green market in the US, led the nation in 2019, outpacing prior years' quarters by substantial margins (13% the first three months over that of 2018 alone).⁷ Additionally, the Edison Electric Institute estimates overall US numbers of EVs will approach twenty million within a decade, requiring roughly 9.6 million charge ports to facilitate that expansion.⁸ Although one model car, the Tesla 3, is primarily responsible for this surge through impressive sales, several other manufacturers are quickly catching up with thirteen major brands now competing for buyers' interest.⁹

California also boasts an export of EVs manufactured within the state outselling its petroleum products, pistachios, and semi-conductors. At a staggering revenue of \$3.4 billion, EVs hold an impressive 8th place in what the state produces.^{10,11}

Battery science, too, is advancing in step with several improvements in this unique industry. Adding to battery storage volume is the regenerative aspect of EV braking systems that recovers energy of acceleration.¹² IBM, for example, has recently introduced new battery technology virtually free of the heavy metals cobalt and nickel. Not only are the newer batteries lighter and less prone to fires, they have greatly expanded charge capacity, extending the range of some EVs

⁷ Descant, Skip: *California Continues to Lead in Electric Vehicle Adoption: Future Structure*, April 10, 2019, <https://www.govtech.com/fs/transportation/California-Continues-to-Lead-in-Electric-Vehicle-Adoption.html>

⁸ *Edison Electric Institute Celebrates 1 Million Electric Vehicles on U.S. Roads*, November 30, 2018, <https://www.eei.org/resourcesandmedia/newsroom/Pages/Press%20Releases/EEI%20Celebrates%201%20Million%20Electric%20Vehicles%20on%20U-S-%20Roads.aspx>

⁹ *Ibid.*

¹⁰ Workman, Daniel: *California's Top 10 Exports*, December 2, 2019; <http://www.worldstopexports.com/californias-top-10-exports>

¹¹ Busch, Chris: *California EV Exports, Already Valued at \$3 Billion, Expected to Hit \$3.4 Billion in 2019*, September 23, 2019, <https://www.forbes.com/sites/energyinnovation/2019/09/23/california-electric-vehicle-exports-already-valued-at-3-billion-in-2018-expected-to-hit-35-billion-in-2019/#9721c664e278>

¹² Toll, Micah: *Regenerative Braking: How it Works in EVs*, April 24, 2018, <https://electrek.co/2018/04/24/regenerative-braking-how-it-works/>

to nearly 600 miles.¹³ The salient factor remains, however, EV batteries require recharging, and any effort to encourage or promote ease to accomplish this benefits everyone.

Mile for mile, an EV is less harmful to the environment than a vehicle powered directly by carbon based fossil fuel. “Today, an average EV on the road in the U.S. has the same greenhouse emissions as a car getting 80 miles per gallon.”¹⁴ Though the volume of carbon dioxide produced to generate recharging power for EV’s is impressive, over the lifetime of two similar size vehicles (150,000 miles), the car with the battery represents an 84% reduction in recognized air pollutants in contrast to emissions of an internal combustion engine.¹⁵

Though certain tax incentives are scheduled to incrementally expire after EV sales reach a triggering number (200,000 qualifying vehicles per manufacturer) and availability of desired vehicles to decline due to popularity, it remains a certainty that the number of Level 2 charger permit requests will swell toward saturation. The introduction of higher capacity battery packs (200 miles+, more than adequate for 99% of casual drivers¹⁶) has also greatly reduced so-called “range anxiety” many EV drivers endured with earlier models. These and other factors predict battery power for domestic transportation is no longer a vision but a reality.¹⁷

Private Chargers

In order to ease the installation and funding of private EVCS, the California legislature passed Assembly Bill 1236. The convenience of speedy recharging of private EVs at one’s residence or public location is one of the major selling points stressed at place of purchase. Orange County cities have every incentive to ease the permitting process for installation of Level 2 EVCS. Over eighty percent of EV owners charge their vehicles this way.¹⁸ Though the vast majority of EVs are passenger cars and sport utility vehicles, it is recognized battery powered light duty trucks and even motorcycles fall into this classification of ‘private’ transportation.

¹³ Young-Hye, Na: *Free of Heavy Metals, New Battery Design Could Alleviate Environmental Concerns*, IBM Research Blog, December 18, 2019, <https://www.ibm.com/blogs/research/2019/12/heavy-metal-free-battery>.

¹⁴ Mariacci, Silvio: *Charging an Electric Vehicle is Far Cleaner Than Driving on Gasoline, Everywhere in America*, Forbes on line, March 14, 2018, <https://www.forbes.com/sites/energyinnovation/2018/03/14/charging-an-electric-vehicle-is-far-cleaner-than-driving-on-gasoline-everywhere-in-america/#501683dd71f8>.

¹⁵ Silverstein, Ken: *Arguments Against Electric Vehicles Are Running On Empty*, Forbes on line, December 18, 2019, <https://www.forbes.com/sites/kensilverstein/2019/12/18/the-arguments-against-electric-vehicles-are-running-on-empty-especially-as-coal-fades-and-renewables-advance/#1ece71ec4d2e>.

¹⁶ Jouret, Guido: *Why Electric-Powered Mobility Is Finally Finding Traction*, Forbes, September 30, 2019, <https://www.forbes.com/sites/johnfrazer/2019/09/30/why-electric-powered-mobility-is-finally-finding-traction/#642002846718>.

¹⁷ Barry, Keith: *New Long-Range, Affordable Electric Cars Coming Soon*, Consumer Reports, August 22, 2019.

¹⁸ Cheung, Philip: *Wheels*, New York Times; July 11, 2019.

Available Funding for Public Chargers

To assist in the proliferation of EVCS installations, financing assistance issued from the California State Treasury in the form of loans include those for design, development, purchase, and installation of EV charging stations by small businesses within California; loans may provide for up to 100% coverage to lenders on certain loan defaults should that occur. Borrowers may also individually qualify for rebates of 10-15% of the enrolled loan amount.¹⁹ Lenders include any chartered bank, savings association, certified Community Development Financial Institution, or credit union licensed and authorized to do business in California.²⁰

FINDINGS

In accordance with California Penal Code Sections §933 and §933.05, the 2019-2020 Grand Jury requires responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation described here, the 2019-2020 Orange County Grand Jury has arrived at the following principal finding:

- F1. Eight Orange County cities, Fountain Valley, Garden Grove, Laguna Beach, Laguna Woods, Lake Forest, Placentia, Seal Beach, and Yorba Linda, have not fully complied with AB 1236 that requires cities to implement a streamlined process in obtaining permits to install EVCS and make it available to the public on their city websites, thus impeding residents' ease of installation of EVCS.

RECOMMENDATIONS

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In accordance with California Penal Code Sections §933 and §933.05, the 2019-2020 Grand Jury requires responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation described herein, the 2019-2020 Orange County Grand Jury makes the following three recommendations to comply with the requirements of AB 1236:

- R1. Cities, that have not already done so, should update their municipal code to add an ordinance streamlining their EVCS permitting process by May 1, 2020. (F1)

¹⁹ Office of the State Treasurer (CA); *California Pollution Control Financing Authority*, <https://chig.ca.gov/Government-Partners/California-Pollution-Control-Financing-Authority>.

²⁰ Ibid.

- R2. Cities, that have not already done so, should create a streamlined permit process for single family residences, multi-family residences and businesses to obtain permits to install EVCS that includes an easy to use checklist by May 1, 2020. (F1)
- R3. Cities, that have not already done so, should describe the streamlined EV charging installation permit application process and have the checklists and forms available on their website by May 1, 2020. (F1)

COMMENDATION

The 26 Orange County cities not mentioned in this report have complied with at least the basics of AB 1236, as has the County of Orange for unincorporated areas. The city of Irvine is a good example of a city that has fully complied. There is a page on that city's website dedicated to EV charging containing links to permit applications, a related Southern California Edison website, and a map of EVCS. This example may be used by cities that have not complied with AB 1236 to aid them in updating their processes and website. The city of Irvine is commended for fully implementing the mandates. Their web page can be found by searching "EV charging" or "EVCS" from the Irvine city website home page or navigating to the uniform resource locator (URL) below.

<https://www.cityofirvine.org/community-development/electric-vehicle-service-equipment-evse>

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the Findings and Recommendations of this Grand Jury report:

§933

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury

final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)

Responses Required

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

Findings

City Councils of the following cities:

Fountain Valley, Garden Grove, Laguna Beach, Laguna Woods, Lake Forest, Placentia, Seal Beach, Yorba Linda

F1

Recommendations

City Councils of the following cities:

Fountain Valley, Garden Grove, Laguna Beach, Laguna Woods, Lake Forest, Placentia, Seal Beach, Yorba Linda

R1, R2, R3

GLOSSARY

AB	Assembly Bill
CalCAP	California Capital Access Program
CALeVIP	California Electric Vehicle Infrastructure Project
CO ₂	Carbon Dioxide
CPCFA	California Pollution Control Financing Authority
DCFC	Direct Current Fast Charge
EV	Electric Vehicle(s)
EVCS	Electric Vehicle Charging Station(s)
EVSE	Electric Vehicle Supply Equipment
SCIP	Southern California Incentive Project
URL	Uniform Resource Locator
US	United States

APPENDIX

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 08, 2015. Filed with Secretary of State

October 08, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, 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.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 65850.7 is added to the Government Code, to read:

65850.7.

(a) The Legislature finds and declares all of the following:

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

(2) It is the intent of the Legislature 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.

(3) 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.

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

long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(b) A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. 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. However, if the building official of the city, county, or city and county 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 city, county, or city and county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install an electric vehicle charging station unless it makes 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 findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

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

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

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

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

(g) (1) On or before September 30, 2016, every city, county, or city and county with a population of 200,000 or more residents, and, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 residents, shall, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a

utility, adopt an ordinance, consistent with the goals and intent of this section, that creates an expedited, streamlined permitting process for electric vehicle charging stations. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, or city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. However, the city, county, or city and county may establish a process to prioritize competing applications for expedited permits. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. An application submitted to a city, county, or city and county that owns and operates an electric utility shall demonstrate compliance with the utility's interconnection policies prior to approval.

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

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

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

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city,

county, or city and county on another similarly situated application in a prior successful application for a permit.

(2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

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

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

SEC. 2.

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

