

Electric Vehicle Charging Station Permit Streamlining Fact Sheet



Zoning Requirements

Overview

- As charging infrastructure is built to support zero-emission vehicle uptake in California and across the U.S., some project developers and local jurisdictions are encountering local zoning incompatibilities with state mandated permit streamlining laws (Assembly Bill 1236 and Assembly Bill 970).
- This fact sheet clarifies the state's expectation that Authorities Having Jurisdiction (AHJs) enable the deployment of electric vehicle charging stations (EVCS) in all zones for every project use type, unless the AHJ documents its finding, based on substantial evidence, of a specific adverse impact on public health and safety, that cannot otherwise be adequately mitigated or avoided.

PRIMARY AND ACCESSORY USE

Local jurisdictions often have different permitting and planning procedures based on project use types. For example, permitting accessory use EVCS projects for existing building sites may be more streamlined than permitting of primary use, new construction projects. [Assembly Bill 1236](#) (Chiu, 2015) mandates permit streamlining for all charger installation projects and underscores the importance of facilitating EVCS deployment irrespective of whether projects are primary or accessory use or the vehicle weight class the station serves (e.g., light-, medium- or heavy-duty).

However, because primary use projects or projects on undeveloped land may have different or expanded impacts on matters of health and safety, it is reasonable to implement a different, but still streamlined permitting process for these types of installations. For example, the streamlined permitting process for a primary use charger installation project may require more consideration of health and safety components than an accessory use charging station (e.g., due to increased vehicle usage of the site).

Some AHJs have interpreted larger EVCS installations to be fueling stations, rather than site accessories, raising concerns over their compliance with zoning codes. Similarly, some cities and counties have communicated that a direct current fast charging (DCFC) depot application could be streamlined in a location zoned for fueling but not if the DCFC depot is to be constructed in a commercial zone or retail setting.

PRIMARY AND ACCESSORY USE (CONT.)

Such interpretations may inadvertently conflict with the objectives of AB 1236, and AHJs shall consider developing strategies to enable streamlined permitting for all charging installations, including DCFC depots, in as many site types as possible. AHJs may consider making EVCS its own permitted, primary use to the broadest extent feasible, aligning with the legislative intent of AB 1236.

STREAMLINED REVIEW PROCESS

It is crucial that a charging station that is the primary use of a site shall not be subjected to a conditional use permit process, unless the AHJ documents its finding, based on substantial evidence, of a specific adverse effect to the public health and safety. Consistent with the provisions of AB 1236 and [Assembly Bill 970](#) (McCarty, 2021), an AHJ shall harmonize as closely as possible its streamlined permitting process for a charging station that is accessory use with that for a charging station that is primary use.

Furthermore, an AHJ shall not reject an application to install an electric vehicle charging station unless there are written findings based on substantial evidence demonstrating that the proposed installation would pose a specific, adverse impact on public health or safety.

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Zoning Requirements (Cont.)

STREAMLINED REVIEW PROCESS (CONT.)

Additionally, it must be shown that there is no feasible method to adequately mitigate or avoid this specific adverse impact in order to reject the application. The written findings must also detail the reasons for dismissing potential feasible alternatives to prevent the adverse impact. AHJs and project proponents are encouraged to coordinate to avoid and overcome issues resulting in adverse impacts on public health and safety, to the extent possible, so that installations may appropriately move forward.

HARMONIZING ZONING AND PERMIT STREAMLINING

AHJs are strongly encouraged to explore innovative approaches to utilizing zoning codes to further promote and streamline charger development. For example, an AHJ could formally define an EVCS as a permitted accessory and primary use, and further integrate the permitting process into the zoning code. By embedding a jurisdiction's plans for charging across all relevant documents, communities can effectively plan and develop charging infrastructure in harmony with state law and related state goals.

Local planners and other leaders can incorporate charging within their planning tools, both binding, and nonbinding. In addition to meeting and exceeding state permit streamlining requirements, zero-emission vehicle charging and fueling should be considered and included within general plans, capital improvement plan, climate action plans, transportation plans, design guidelines, and zoning codes as applicable. Incorporating a jurisdiction's plans for charging across all applicable documents helps communities plan and develop charging.

RESOURCES

Please review the [Electric Vehicle Charging Station Permitting Guidebook](#), which this guide is modeled after, for more comprehensive information.

For more information visit the Plug-In Vehicle Charging Station Readiness website: [Plug-In Vehicle Charging Station Readiness Website](#).