

**DOCKETED**

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*Comment Received From: Francesca Wahl*  
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**Tesla Comments - Streamlined Permitting**

*Additional submitted attachment is included below.*



September 13, 2019

California Energy Commission  
Re: Docket No: 17-EVI-01  
1516 Ninth Street  
Sacramento, CA 95814

**RE: Staff Workshop on Streamlining the Electric Vehicle Charger Permitting Process**

Tesla appreciates the opportunity to provide feedback in response to the recent workshop hosted by the California Energy Commission (Energy Commission), the Governor's Office of Business and Economic Development (GO-Biz), and the California Public Utilities Commission (CPUC) on streamlining the electric vehicle (EV) charger permitting process.

Streamlining EV charger permitting is critically important for ensuring the infrastructure development needed to support significant EV deployment is provided in a timely manner and keeps pace with driver needs. Tesla was an active participant in the development process for the EV Charging Station Permitting Guidebook (Permitting Guidebook) that was released by GO-Biz in July 2019 and appreciates GO-Biz's leadership in creating the guidebook, which is an important first step to developing a more scalable permitting process across California for all levels of charging. In addition to the guidebook, GO-Biz is also in the process of developing an online map that scores jurisdictions based on whether they have implemented a streamlined permitting process.<sup>1</sup> Overtime, this online map can serve as a useful tool for not only indicating who has a streamlined process in place but also for gathering data on the length of permitting timelines and potential areas for continued improvement.

One of the key drivers for the Permitting Guidebook is Government Code Section 65850.7, which was adopted per Assembly Bill (AB) 1236 (Chiu), and established permitting process and communication requirements for cities and counties for all levels of charging. While AB 1236 paired with the Permitting Guidebook is incredibly beneficial for ensuring a more streamlined process, the more impactful, and difficult, next step will be accelerating the implementation of the guidebook and making sure that authorities having jurisdiction (AHJs) are aware of the streamlined permitting requirements. In the comments below, Tesla addresses the following areas discussed during the workshop:

- **Timelines:** There is a need to further standardize timelines across AHJs to eventually move toward the optimal scenario of same day turnaround.
- **Fees:** Across AHJs there is a lack of consistency regarding permitting fees and guidance to more closely align permitting fees across jurisdictions has been limited.
- **Escalation Path:** A well-defined process for resolving differences in interpretation regarding AB 1236 does not exist today and should be provided.
- **Implementation of Best Practices:** AB 1236 includes key implementation requirements such as electronic submittal, checklists, and non-discretionary use permits that can inform best practices.
- **Utility Service Connection:** While not directly part of the permitting process, the utility service connection or grid connection process plays an important role in streamlining EV charging deployment and can be more consistent across territories to incorporate best practices.

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<sup>1</sup> <http://www.business.ca.gov/ZEVReadiness>

- **Accessibility Regulations:** Varying interpretations of accessibility requirements continue to be a challenge and stakeholders should continue to work with DSA to further refine guidelines where plausible.

## I. Timelines

While AB 1236 established a streamlined permitting process requirement, the legislation did not address specific timelines for what this means in practice. The Permitting Guidebook includes Table 3, which outlines permit timeline best practices based on the type of charger project. These timelines range anywhere from 1 day to 1 month from submitted application to approval to build. The table also indicates that an optimal timeline would be same day turn around for both responses to the initial application and the complete package being received for approval to build and inspection. In practice, timelines vary drastically across AHJs throughout the state and it can take many months in some jurisdictions between plan review to approval to build and inspection. One best practice that Tesla and other charging providers have implemented is to have pre-application meetings with AHJs to overcome some of the timeline challenges and to ensure that AHJs are familiar with the various types of charging projects (i.e. Level 2, DCFC, and combination sites). This, however, is not a long-term solution, especially as deployments increase and there is limited staff available. If moving toward a same day turn-around is the goal, including providing over the counter review for some projects, then a more concrete pathway needs to be established for getting there with each AHJ in the state. For instance, for single family homes and smaller standard projects, future best practices for a streamlined permit issuance process can include minimized in person inspections with online submittals and spot checks. As AHJs become more familiar with charging projects and education and outreach is more widespread, more consistent streamlined timelines can be facilitated.

- **Recommendations:**
  - AHJs should provide clear timelines in their streamlined permitting review checklists and consider codifying these timelines as necessary.
  - GO-Biz and other regional organizations should include clear timeline expectations when doing local outreach and education on streamlined EV charger permitting.
  - The industry should continue to collaborate with GO-Biz, Energy Commission, CPUC and other state agencies to help define a more concrete pathway for achieving same day turn-around on permitting.

## II. Fees

For distributed energy resources, including residential solar and storage, there has been on-going discussion on permitting fees and opportunities to provide fee caps for individual projects. For EV charging, however, a more standardized guidance on permitting fees has not been provided. Similar to timelines, permitting fees can vary drastically across AHJs, often seemingly at odds with the state's constitutional requirement that fees not exceed the reasonable costs of processing a permit. For instance, plan check fees can range anywhere from a few hundred dollars to over \$1,500. While it may be unrealistic to waive permitting fees for all types of charging projects, it is important to continue to attempt to standardize the fees that can reasonably be charged for EV charging station permitting recognizing this may vary jurisdiction by jurisdiction given different cost recovery needs and labor costs. As the Permitting Guidebook notes "reasonable fees, or even subsidized fees, can also attract development...for instance, the City of Anaheim waives what would be a \$147.56 fee for single-family residential charging."<sup>2</sup>

- **Recommendations:**
  - AHJs should clearly outline the expected fee(s) of an EV charging permit in the permitting checklist or application documents.

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<sup>2</sup> Permitting Guidebook, p.28.

- GO-Biz, Energy Commission, CPUC, industry and AHJs should work together to establish clear fee ranges or potential caps for different aspects of EV charging permits that should not be exceeded.
- AHJs should consider waiving permit fees for residential single-family charging where possible.

### III. Escalation Path

While for the majority of EV charging station permitting issues an escalation pathway should not be necessary as issues should be able to be resolved between an AHJ and a station developer, there may be instances where it is helpful to have an impartial third-party facilitator provide guidance. This is especially useful in those instances where an AHJ has not adopted a streamlined permitting ordinance and/or checklist. At the same time, this effort can be combined with the critical outreach and education that GO-Biz and other organizations are facilitating to help make AHJs aware of the requirements of AB 1236 and ensure that streamlined adoption becomes more consistent.

- **Recommendations:**

- GO-Biz along with other regional organizations should continue to provide outreach and education to facilitate the implementation of AB 1236 across California.
- GO-Biz as needed can serve as facilitator to help clarify interpretation of AB 1236 based on the guidance provided in the Permitting Guidebook.

### IV. Implementation Best Practices

AB 1236 included a number of requirements for what is considered a streamlined permitting process. Table 2 in the Permitting Guidebook outlines these requirements along with additional best practices for consideration by AHJs.<sup>3</sup> Among the requirements in AB 1236 is allowing for electronic submittal of a permitting application and electronic signatures. Not all AHJs have enabled electronic filing and signatures, however, this is a best practice that can facilitate a reduction in timelines and cost and is critically important for eventual streamlined applications across the entire state. AB 2188 (Muratsuchi), a predecessor to AB 1236, required AHJs to enable electronic filing and signatures of solar permits so it is reasonable to assume that the incremental costs of accommodating EV charging permits should be minimal. In an ideal scenario, all the best practice listed in Table 2 would become standard practices across all AHJs. As EV charging deployment becomes more prevalent, providing one designated point of contact at each AHJ dedicated to EV charging permitting and detailed guidance documents will be even more important.

- **Recommendations:**

- AHJs should provide electronic submittal and if not achievable today, it should become a near term priority as electronic submittal benefits all permit applications across all industries, not just EV charging projects.

### V. Utility Service Connection

Streamlining the utility service connection, or grid connection, processes for EV charging stations gaining power access facilitates streamlined EV charger permitting and is an integral component of the infrastructure deployment process. The Permitting Guidebook dedicates an entire section, part 5, to connecting to the grid and provides several best practices for utilities to consider. Three key best practices include: 1) providing a dedicated account representative, 2) indicating upfront timelines and 3) establishing a transparent process.

- **Recommendations:**

- Stakeholders and utilities should continue to collaborate on implementing best practices and provide opportunities to share learnings across different utilities. This could be facilitated via an annual forum that brings together charging providers,

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<sup>3</sup> Permitting Guidebook, p.18.

utilities, and other interested stakeholders to gather best practices and discuss solutions to outstanding challenges.

## VI. Accessibility Regulations

Part 4 of the Permitting Guidebook is dedicated to accessibility and outlines that the Americans with Disabilities Act (ADA) is the overarching federal law that dictates accessibility requirements, which is then incorporated by the Division of the State Architect (DSA) into the California Building Code. The federal law does not address charging specifically and beyond guidance provided by DSA, interpretations can vary by AHJ. While DSA has provided many helpful clarifications and guidance, challenges remain in certain areas. Therefore, Tesla appreciates DSA's efforts during the 2019 intervening code adoption cycle to address some of the outstanding areas that require additional clarity within the code to ensure equitable access.

- **Recommendations:**

- Stakeholders should continue to work with DSA and AHJs to identify common challenges to interpreting accessibility requirements that can be clarified in the California Building Code updates.

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Tesla commends GO-Biz for the development of the Permitting Guidebook as an important first step in ensuring the implementation of AB 1236 in every jurisdiction and creating a pathway towards more streamlined permitting. A critical next step is education and outreach with AHJs to ensure that everyone is aware of the streamlining requirement and to highlight those AHJs which have developed a streamlined process that is exemplary and should be replicated. As education and outreach occurs, innovation will be equally important to further address outstanding challenges such as establishing clear timelines that progress toward same day turn around and creating potential permit fee caps for certain applications. In this regard, AHJs can also utilize best practices from the experience of streamlining the permitting process for rooftop solar rather than developing entirely new processes.

AHJs have an opportunity to provide leadership in these areas and ensure that California meets its zero-emission vehicle deployment and greenhouse gas emissions reductions goals. We look forward to continuing to work with GO-Biz, Energy Commission, CPUC, AHJs, and other stakeholders to help achieve a more streamlined process for EV charging station permitting.

Sincerely,

Francesca Wahl  
Senior Policy Advisor, Business Development and Policy