

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Cecilia Aguiar-Curry, Chair  
AB 1100 (Kamlager-Dove) – As Introduced February 21, 2019

**SUBJECT:** Electric vehicles: parking requirements.

**SUMMARY:** Clarifies that parking spaces served by electric vehicle service equipment shall count as parking spaces for the purpose of complying with applicable minimum parking requirements established by a local jurisdiction. Specifically, **this bill:**

- 1) Requires a parking space served by electric vehicle (EV) service equipment or a parking space designated as a future EV charging space to count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction.
- 2) Requires a van-accessible parking space served by EV service equipment or a van-accessible parking space designated as a future EV charging space to count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction.
- 3) Provides the following definitions:
  - a) “Electric vehicle service equipment” means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle; and,
  - b) “Electric vehicle charging space” means a space designated by a local jurisdiction for charging electric vehicles.
- 4) Makes a number of findings and declarations related to the bill’s purpose.

**EXISTING LAW:**

- 1) Requires, pursuant to the Planning and Zoning Law, 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.
- 2) Requires counties and cities, including charter cities, to create an expedited permitting and inspection process for EV charging stations.
- 3) Authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an off-street parking facility to designate stalls or spaces in an off-street parking facility owned or operated by that local authority or person for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes.

- 4) Authorizes a local authority, by ordinance or resolution, to designate stalls or spaces on a public street within its jurisdiction for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes.

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Author's Statement.** According to the author, “The state has a goal to deploy 250,000 public electric vehicle charging stations to support our 1.5 million zero-emission vehicles by 2025 deployment goal. To date, we currently only have approximately 20,000 EV charging stations in the field – far short of our overarching target. If the state intends to fulfill the promise of our climate and zero-emission vehicle deployment targets, we need to double down on our efforts to reduce barriers to installing electric vehicle charging infrastructure.

“AB 1100 better aligns the building code with local parking ordinances to support EV charging infrastructure deployment. Most parking count requirements, when developed, predated the proliferation of EV charging infrastructure, and as a result, can sometimes create barriers to installation. This is a prevalent issue across the state. Many local jurisdictions have already recognized this technical incongruity and have self-corrected with updated ordinances, however, many communities have not.

“We must help all Californians’ access the benefits of electric vehicles – supporting deployment of charging stations across the state is a cornerstone to that vision. AB 1100 is a common-sense solution that does not infringe on the tenets of local control, but rather supports technical congruency between otherwise complex EV charging infrastructure installation and parking requirements.”

- 2) **Background.** California has been steadily expanding its policies supporting the adoption of EV technology and infrastructure, beginning with incentives for purchasing EVs and requirements on automakers to manufacture specified percentages of EVs in relation to their production of conventional cars. This was followed by statutes governing the degree of authority Common Interest Developments can exercise over the installation of EV charging infrastructure, and prohibitions against specified membership and fee requirements for the privilege of using an EV charging station.

In 2012, the Governor issued an Executive Order directing the California Air Resources Board, the California Energy Commission, the California Public Utilities Commission, and other relevant agencies working with the California Plug-In Electric Vehicle Collaborative and the Fuel Cell Partnership to develop benchmarks to help support and facilitate the rapid commercialization of zero-emission vehicles (ZEVs). The order directed these agencies to establish benchmarks to help the state's ZEV infrastructure support 1.5 million EVs by 2025.

- 3) **New EV Station Regulations.** The 2016 California Building Code (CBC) included new accessibility regulations for EV charging stations at public buildings, public accommodations, commercial buildings and public housing, which are intended to provide full compliance with the requirements of the Americans with Disabilities Act. This update includes language stating that, where parking spaces are provided, parking spaces must be provided in accordance with Section 11B-208 of the CBC. For purposes of that section,

electric vehicle charging stations are not parking spaces. The CBC further stipulates the number of accessible charging stations that must be provided when non-accessible charging stations are installed, and requires at least one van-accessible station in all installations.

According to the Electric Vehicle Charging Association, sponsor of this measure, “Two major barriers exist when CBC requirements for EV charging stations are coupled with local parking ordinances. First, when an EV charging station is installed at a parking space, the CBC defines it as a ‘charging space’ and not a ‘parking space.’ Because of this change in definition, some local governments have required EV charging companies to construct additional parking spaces to offset the ‘lost’ parking space to fulfill locally-mandated minimum parking requirements.

“Furthermore, the CBC requires that for every one to four chargers installed, one must be installed at a van accessible space. Van accessible spaces are larger than standard spaces, therefore requiring businesses to combine two parking spaces to make one van accessible EV space. For parking lots that have the exact minimum number of parking spaces required, this causes them to fall below the required parking count and therefore businesses must build an additional parking space. Building an additional parking space is often costly or technically infeasible. Because of these factors, charging station providers needlessly lose countless charger installation projects across the state, undercutting the state’s transportation electrification efforts, to the detriment of its air quality improvement and greenhouse gas emission reduction goals.

“Some municipalities, including Los Angeles, Sonoma and Sacramento Counties, and the cities of Stockton, West Hollywood, Santa Barbara and Pleasanton, have passed ordinances to count electric vehicle charging spaces as one or more parking spaces, as it pertains to required parking. However, most other municipalities have not taken such measures. Los Angeles has also allowed parking minimums to be reduced if it means increasing the number of disabled parking spaces.”

The Division of the State Architect (DSA) issued an Electric Vehicle Charging Stations Accessibility FAQ, which noted that “it is the appropriate jurisdictional code official who possesses the exclusive authority to enforce and interpret the requirements of the CBC.” When responding to questions related to the problems this bill seeks to remedy, the FAQ stated, “Parking ordinances are typically adopted within each city and county in California. Consistent with the state’s policies on electric vehicles, DSA encourages and county officials to recognize the necessary impact of (EV charging stations) and adopt responsive ordinances consistent with local needs.”

- 4) **Bill Summary.** This bill requires a parking space served by EV service equipment or a parking space designated as a future EV charging space to count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction. A van-accessible parking space served by EV service equipment or a van-accessible parking space designated as a future EV charging space shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction.

This bill is sponsored by the Electric Vehicle Charging Association.

- 5) **Related Legislation.** AB 1646 (Burke) requires counties and cities to require applications for specified commercial developments to include information regarding the proportion of customers expected to utilize EVs, and requires the parking spaces dedicated to EV charging to count towards the total number of parking spaces required by the city or county considering the application. AB 1646 is pending in this Committee.
  
- 6) **Previous Legislation.** AB 1236 (Chiu and Low), Chapter 598, Statutes of 2015, required counties and cities, including charter cities, to create an expedited permitting and inspection process for EV charging stations.
  
- 7) **Arguments in Support.** The Electric Vehicle Charging Association, sponsor of this bill, writes, “This legislation would help reduce unnecessary and costly barriers to EV charging station deployment. Availability of charging infrastructure is key to increasing consumer confidence in EVs; consumers want access to infrastructure to reduce their range anxiety – the fear that they will run out of fuel in their vehicle before finding a charging station. This issue is especially prominent for drivers who live in multi-unit dwellings, as they are not able to charge at home. These state needs to rapidly increase infrastructure deployment to meet its greenhouse gas emission reduction goals. AB 1100 bolsters the state’s efforts to that end.”
  
- 8) **Arguments in Opposition.** None on file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Electric Vehicle Charging Association [SPONSOR]  
 American Building Management  
 American Lung Association In California  
 Btcpower  
 California Electric Transportation Coalition  
 Chargepoint, Inc  
 Clippercreek  
 Electric Motor Werks, Inc.  
 Environmental Defense Fund  
 Ev Box North America Inc.  
 Ev Connect  
 Evgo Services Llc  
 Flo  
 Semaconnect  
 Tesla Motors, Inc.  
 Union Of Concerned Scientists  
 Valley Can (Clean Air Now)  
 Volta Charging

**Opposition**

None on file