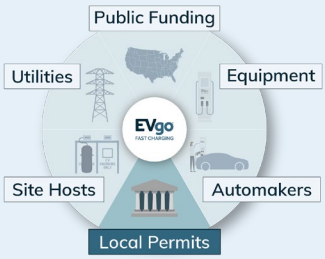
CONNECT THE WATTS™ POWERED BY EVgo

Best Practices for Charging Infrastructure Program Design

Local Zoning Codes



As sales of passenger electric vehicles (EVs) accelerate and fleets electrify, demand for public fast charging will continue to grow. This increased demand will necessitate the growth of larger footprint EV charging stations, including locations where EV charging is intended as the primary property use (like a surface parking lot with charging as the sole use of the parcel).

Long accustomed to EV charging being an "accessory" use (i.e. co-located at a grocery store or another retail establishment), many local jurisdictions (AHJs) do not yet have EV charging as a defined use within their zoning code. This can lead to challenges in local approvals for standalone charging sites, particularly when they are subjected to unrelated zoning requirements intended for liquid fueling stations or parking uses. Many of these zoning requirements are incompatible with EV charging uses, limit areas that are open to the development of EV charging infrastructure, and ultimately result in delays that erect further barriers to local vehicle electrification goals. The good news is that many local jurisdictions are starting to contemplate this unique use case, which will be critical as EV charging stations scale in size commensurate with demand.

Drawing on EVgo's decade-long experience building charging stations across the country, the Connect the Watts™ team continues to elevate best practices in zoning and has identified four recommendations to ensure local zoning codes are equipped to support deployment of both accessory and primary use charging projects: 1) Define EV Charging as Its Own Use, 2) Broadly Permit EV Charging Across Zoning Districts, 3) Provide By-Right or Ministerial Approval for EV Charging, and 4) Provide Flexible, Performance-Based Design Standards.

Define EV Charging as Its Own Use

Best Practices:

- **Include a clear, broad definition of EV charging** that does not differentiate between power levels (i.e., Level 2 or DC Fast Charging) or type of charging (i.e., public vs light-duty fleet charging). Overly narrow definitions can introduce barriers and require further code amendments as use cases evolve.
- Define EV charging as **both a permitted primary and accessory use**. Primary use cases include standalone charging hubs or plazas, often as the sole use of a property, while charging as an accessory use includes more common station locations, such as charging co-located with retail parking lots, office buildings, or as a dedicated portion of a larger parking facility.

Practices to Improve:

- **Avoid classifying charging under an existing use** like parking, fueling stations, or other automobile-related uses which may be subject to their own restrictions or standards that are unrelated to EV charging.

Broadly Permit EV Charging Across Zoning Districts

Best Practices:

- EV charging as a primary use should be **permitted broadly throughout the city**. The City of San Diego, for example, permits EV charging as an accessory and primary use in all base zoning districts.
- Charging uses are far **less noxious** and generally experience **less vehicular turnover** than a fueling station, while serving a key role in transportation electrification in contrast to standalone parking facilities.
- Charging should remain a **permitted accessory use in all zoning districts**, allowing broad flexibility for site hosts to provide charging stations at their properties.

Practices to Improve:

- Avoid limiting primary use charging to an overly narrow range of zoning districts. Real estate and power availability constraints, in addition to site conditions, already impact where larger charging hubs are feasible. Further restrictions ultimately inhibit the deployment of charging infrastructure and can limit geographic diversity in site location.

Provide By-Right or Ministerial Zoning Approval for EV Charging

Best Practices:

- Provide a **non-discretionary (i.e., by-right) zoning approval pathway** for primary use EV charging projects to the widest extent possible.
- Include a **checklist of permitting requirements** for both accessory and primary use sites to further codify streamlined permitting processes within the use regulations for EV charging.
- When a special zoning designation or neighborhood overlay requires additional review, opt for a **ministerial review and approval process**. This can allow staff and site developers to address site-specific needs directly as opposed to routing projects through a lengthy discretionary review process.

Practices to Improve:

- **Avoid or limit conditional use permit requirements**, which can introduce significant uncertainty, delays, and added cost to a project. In California, state permit streamlining requirements explicitly require non-discretionary approval pathways for EV charging projects.

Provide Flexible, Performance-Based Design Standards

Best Practices:

- Focus use-specific design requirements on broader outcomes (i.e., provision of shade, pedestrian safety, landscaping) in lieu of prescriptive standards.
- **Provide flexible design and landscaping options** to account for variations in site conditions and layouts. Potential approaches include a point system tied to charging space count with a menu of options from which site developers can choose (ex: West Hollywood parking design standards).
- Include language authorizing local planning staff to review and approve alternative design options if strict compliance with guidelines as written is not possible. This language can help minimize confusion and allow site developers to coordinate directly with staff as needed.

Practices to Improve:

- Avoid applying prescriptive parking design standards to EV charging projects given potential conflicts with electrical equipment. For example, tree placement requirements that may be more easily located throughout a parking lot are far more difficult on charging lots due to interference with equipment and underground utilities.

AHJ Spotlight

San Diego, CA:

- EV charging is a separately regulated use (see Section 141.0419), and permitted in all base zoning districts.[1]
- Use-regulations for EV charging specify that EV charging projects only require electrical permits unless altering an existing structure or modifying or relocating an existing ADA parking space.
- The code further codifies the streamlined permitting process that EV charging projects will follow, in compliance with state law:
  - "In reviewing the construction permit, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law."

AHJ Toolkit

Example definitions:

- City of San Diego, CA: "Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles"
- City of Dallas, TX: "Accessory electric vehicle charging station: a facility that provides electrical charging for vehicles.[2]

Resources:

- California GO-BIZ EV Charging Permitting Guidebook: Part 4 (p. 33, zoning guidance)

[1]Permitted uses for all base zoning districts are outlined in Chapter 13 of the San Diego Municipal Code.
[2]https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-81771