Third Reading

Bill No: AB 970
Author: McCarty (D) and Chiu (D), et al.
Amended: 7/13/21 in Senate
Vote: 21

Senate Governance & Fin. Committee: 4-1, 7/8/21
Ayes: McGuire, Durazo, Hertzberg, Skinner
Noes: Nielsen

Assembly Floor: 66-8, 6/1/21 - See last page for vote

Subject: Planning and zoning: electric vehicle charging stations: permit application: approval

Source: Coalition for Clean Air
Electrify America, LLC

Digest: This bill deems approved applications for electric vehicle charging stations after specified time periods.

Analysis:

Existing law:

1) Requires a city or county to administratively approve an application to install electric vehicle (EV) charging stations through the issuance of a building permit or similar nondiscretionary permit.

2) Limits review of the application to install an EV charging station to the building official’s review of whether it meets all health and safety requirements of local, state, and federal law.

3) Limits the requirements of local law to those standards and regulations necessary to ensure that the EV charging station will not have a specific, adverse impact upon the public health or safety.
4) Requires, pursuant to AB 1236 (Chiu, Chapter 598, Statutes of 2015), on or before September 30, 2016, every local agency with a population of 200,000 or more, and on or before September 30, 2017, every local agency with a population of less than 200,000, in consultation with the local fire department or district and the utility director, if the local agency operates a utility, to adopt an ordinance, consistent with the goals and intent of this bill, that creates an expedited, streamlined permitting process for EV charging stations.

5) Requires the local agency, in developing an expedited permitting process, to adopt a checklist of all requirements with which EV charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the local agency, shall be deemed complete.

6) Requires a local agency to approve the application and issue all required permits or authorizations upon confirmation by the local agency of the application and supporting documents being complete and meeting the requirements of the checklist, as specified.

7) Requires, upon receipt of an incomplete application, a local agency to issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

8) Prohibits a local agency from conditioning approval for any EV charging station permit on the approval of an EV charging station by a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

This bill:

1) Deems an application to install an EV charging station complete if, the building official of the city, county, or city and county has not either deemed the application complete or written a correction notice detailing the deficiencies in the application within the following time periods:

   a) Five business days of the application being submitted for an application to construct at least one and up to 25 charging stations at a single site.

   b) 10 business days of the application being submitted for an application to construct more than 25 charging stations at a single site.

2) Deems approved an application to install an EV charging station 20 business days after the application was deemed complete for an installation of up to 25
charging stations at a single site, or 40 business days for an installation of more than 25 charging stations, if all of the following are true:

a) The building official has not administratively approved or denied the application based on the requirements of AB 1236.

b) The building official has not made a finding that the EV charging station could have a specific adverse impact upon the public health or safety or required the applicant to apply for a use permit.

c) An appeal has not been made to the planning commission of the city, county, or city and county.

3) Requires a city or county to reduce the number of required parking spaces for any existing uses by the amount necessary to accommodate the EV charging station and any associated equipment if that equipment reduces or otherwise impacts parking that is required for existing uses.

4) Provides that if the EV charging station is being installed in an area that receives electrical service from a local publicly owned electric utility, this bill does not expand or restrict the local publicly owned electric utility’s role and responsibility in providing new electric service to the EV charging station in a manner consistent with safety, reliability, and engineering requirements.

5) Becomes effective on January 1, 2022, but delays the requirements of this bill until January 1, 2023, for a city or county with a population of less than 200,000 residents.

6) Clarifies that this bill and the requirements enacted by AB 1236 apply to charter cities and includes findings and declarations to support its purposes.

**Background**

*GO-Biz Guidebook.* GO-Biz in July 2019 published the first edition of its “Electric Vehicle Charging Station Permitting Guidebook.” The GO-Biz Guidebook notes, “To support California’s ambitious ZEV deployment goals – 5 million ZEVs [zero-emissions vehicles] in California by 2030 – the state is prioritizing the development of infrastructure to support these vehicles, in the form of plug-in EV charging stations and hydrogen fueling stations. At the most fundamental level, infrastructure enables the deployment of ZEVs. When consumers look to buy a new or used car, they need confirmation that it will be able to take them where they want to go. Widespread availability of infrastructure ensures that Californians will
have that confidence... Ultimately, a successful transition to zero emissions hinges on success at the local level.”

According to the GO-Biz Guidebook, “Plug-in Electric Vehicles (PEVs) as a percentage of new passenger car sales continue to increase. PEV sales exceeded 5% of all new passenger car sales in California 2017 and comprised approximately 8% of sales in 2018. In total, well over 600,000 PEVs have been sold in California as of the publishing of this document. With the increasing popularity of ZEVs and increasing ZEV sales, the need for ZEV infrastructure is increasingly important.”

GO-Biz Guidebook’s findings and recommendations on permitting. The GO-Biz Guidebook states, “When AB 1236 was being developed, permitting processes and actual timelines varied widely – in many cases adding considerable delay to the station development process. Delays continue to come from both sides of the equation. Both [local governments] and station developers have reported frustrations with incomplete information... Unfortunately, due to lack of awareness, enforcement, and inconsistent application across the state, a wide variance in permitting processes persists.”

The Guidebook generally recommends as best practices that local agencies determine if an application is complete within five business days, and provide approval to build within 15 business days, with shorter timelines for single-family residential chargers. It does note, however, that “it is important to consider the unique circumstances of some typical installations.” For fast-charging stations in particular, the Guidebook points out some of the additional considerations not associated with single-family residential charging stations, such as potential requirements for more power, a dedicated power “drop,” to provide power to the site, and complex trenching and associated rights-of-way issues.

AB 1236 streamlining compliance. Not all cities and counties have adopted the expedited permitting requirements of AB 1236. GO-Biz tracks local compliance with AB 1236 through an online tracker that it regularly updates. As of July 2, 2021, 133 cities and counties in the state are fully streamlined, while an additional 149 are partially so. However, the remaining 258 cities and counties, or 48% of jurisdictions in the state, are not streamlined.

Electrify America builds and operates a network of chargers in California and other parts of the United States. Electrify America’s Q1 2021 quarterly report notes that the average time to permit an EV station in California is 77-79 days, which is 30% longer and 34% more costly than in other states. Electrify America wants the Legislature to reduce permitting times.
Comments

1) **Purpose of the bill.** According to the author, “In 2015, the Legislature passed AB 1236 which requires local governments to expedite the permitting of EV charging stations. After conducting a comprehensive assessment of local government compliance with AB 1236, the Governor’s Office of Business and Economic Development found that as of March 11, 2021, only 24 percent of cities and counties were in compliance with the law. The consequent delays from slow permitting have resulted in fewer electric vehicle charging stations being built, hindering the state’s objectives to accelerate adoption and increase access to electric vehicles. California must take immediate and bold action to transition the market to zero emission vehicles by no later than 2035, clean up our air, and combat climate change. AB 970 is a prudent step along the way, ensuring we build the infrastructure to support electric vehicles by expediting the permitting of EV charging stations.”

2) **Jumping the line.** Local governments are under pressure to approve many types of permits in a timely fashion and must make determinations on how to prioritize different types of project applications, whether it’s to address live safety issues first, move to address the state’s housing crisis or need to rebuild fire prone areas, approve Americans with Disabilities Act improvements, or comply with other state mandates to expedite permitting of rooftop solar panels. Pushing a charging station permit application to the top of the queue could override those decisions. AB 970 goes a significant step further than AB 1236 by deeming applications to be approved if locals don’t act. Therefore, local governments that don’t want to be stuck with EV charger applications that are deemed approved will move those applications to the top of the pile, at the expense of other permits. While this may be advantageous from the perspective of the EV charging industry, it is unclear that permitting EV charging stations is of greater importance than the other permitting work local agencies do.

**Related/Prior Legislation**

AB 2168 (McCarty, 2020) was nearly identical to this bill. AB 2168 was held in the Assembly Local Government Committee.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 7/14/21)

Coalition for Clean Air (co-source)
Electrify America, LLC (co-source)
350 Silicon Valley
Alliance for Automotive Innovation
Amply Power
Bay Area Council
Black & Veatch
BP America INC.
Breathe Southern California
California Apartment Association
California Business Alliance for a Clean Economy
California Electric Transportation Coalition
California New Car Dealers Association
California State Association of Electrical Workers
California State Pipe Trades Council
CALSTART
Central California Asthma Collaborative
Ceres
City of Los Angeles
City of Sacramento
Coalition of California Utility Employees
Cruise LLC
Edison International and Affiliates, including Southern California Edison
Electric Auto Association
Ford Motor Company
Greenlots
Los Angeles Cleantech Incubator
National Parks Conservation Association
NRDC
Plug in America
Sacramento Electric Vehicle Association
Siemens
Silicon Valley Leadership Group
Tesla Motors, INC.
Union of Concerned Scientists
Valley Clean Air Now

**OPPOSITION:** (Verified 7/14/21)

California Building Officials
California State Association of Counties
City of Menifee
City of Santa Clarita
League of California Cities
Rural County Representatives of California
Urban Counties of California

ASSEMBLY FLOOR: 66-8, 6/1/21
NOES: Bigelow, Megan Dahle, Mathis, Patterson, Salas, Seyarto, Voepel, Waldron
NO VOTE RECORDED: Choi, Frazier, Gallagher, Gray, Smith

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