

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 8, 2021

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Ask Keotahian - rg For* Council File No. 21-0002-S121
Chief Legislative Analyst Assignment No: 21-05-0414

SUBJECT: Resolution to SUPPORT AB 970 (McCarty and Chiu).

CLA RECOMMENDATION: Adopt Resolution (O'Farrell) to include in the City's 2021-2022 State Legislative Program, SUPPORT for AB 970 (McCarty and Chiu), which would require an application to install an electric vehicle charging station to be deemed complete, if five business days after the application was submitted, the city, or city and county has not deemed the application incomplete, or issued a written correction notice detailing all deficiencies in the application; and thereby, advance the City's policy objective to make electric vehicle-ready charging stations available citywide (Ordinance No. 186485).

SUMMARY

The Resolution (O'Farrell), introduced May 18, 2021, advises that on December 11, 2019, the Council adopted Ordinance No. 186485 (Council File No. 17-0309), making EV-ready (Electric Vehicle) charging stations more readily available citywide by requiring that all *new* multi-family dwelling units, residential occupancies other than one and two family dwellings and townhouses, hotels and motels, allocate 10 percent of the parking spaces to electric vehicle charging *stations*; and 30 percent as electric vehicle *parking spaces*. The Resolution notes that on April 28, 2021, President Joseph Biden stated in his address to Congress, the introduction of an infrastructure proposal called the *American Jobs Plan*, which among various policy objectives, includes \$174 billion in spending to boost the electric vehicle market and shift away from gas-powered cars, as a source of job creation/economic development and to curb the country's greenhouse gas emissions. Therefore, the Resolution then advises that the City include its 2021-2022 State Legislative Program SUPPORT for a bill currently pending in the State legislature, AB 970 (McCarty and Chiu), which would advance the City's policy objective, as reflected in Ordinance No. 186485 addressing air quality concerns by requiring EV charging stations and parking spaces in newly constructed multi-family dwelling units, and thereby, reducing vehicle emissions, which are a major contributing factor to air pollution.

BACKGROUND

AB 970 (McCarty and Chiu) would require an application to install an electric vehicle charging station to be deemed complete if, 5 business days after the application was submitted, the city, county, or city and county has not deemed the application to be incomplete or issued a written correction notice detailing all deficiencies in the application, as specified. The bill would require an application to install an electric vehicle charging station to be deemed approved if 20 business days after the application was deemed complete:

1. The city, county, or city and county has not approved the application;
2. The building official has not made a finding that the proposed installation could have an adverse impact upon public health or safety or required the applicant to apply for a use permit;
3. The building official has not denied the permit; and
4. An appeal has not been made to the Planning Commission of the city, county, or city and county, as specified.

The bill, AB 970 (McCarty and Chiu), would further provide that these requirements do not expand or restrict the role or responsibility of a local publicly owned electric utility in providing new electric service to an EVCS in a manner consistent with safety, reliability, and engineering requirements. Lastly, the bill would require a city, county, or city and county to reduce the number of required parking spaces to accommodate the EVCS, as specified.

AB 970 would expedite EVCS development and address the noncompliance with AB 1236 (Chiu) by enacting in statute the best practice timelines for EVCS permitting review set by the Governor's Office of Business and Economic Development, in consultation with permitting officials and practitioners, which were published in the 2019 EVSC Permitting Guidebook. The bill would codify the best practice timelines by establishing that permit applications would be "deemed complete" or "deemed approved" in situations where the timelines were not followed.

AB 1236 (Chiu)

In 2015, California Legislature passed AB 1236 (Chiu) which requires local governments to expedite the permitting of Electric Vehicle Charging Stations (EVCS). 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 EVCS being built, hindering the State's objective to accelerate adoption and increase access to electric vehicles.

As a result, the State is not deploying as many EVCS as quickly as it could, jeopardizing the State's efforts to attain air quality standards required by State and Federal law and to reach the greenhouse gas targets set by the State Legislature. Additionally, the Energy Commission has projected that the State will fall short of its 2025 infrastructure deployment goal by approximately 80,000 chargers. Charging infrastructure remains a critical barrier to the State achieving its EV adoption goals.

DEPARTMENTS NOTIFIED

None

BILL STATUS

02/18/21	AB 970 Introduced to State Assembly
03/04/21	Referred to Committee on Local Government
06/02/21	AB 970 Introduced to State Senate

CD Fields

Christopher Fields
Analyst

Attachment: 1. Resolution (O'Farrell)
2. AB 970 (McCarty and Chiu)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, currently pending in the State legislature, is a bill, AB 970 (McCarthy and Chiu), which would require an application to install an electric vehicle charging station (EVCS) to be deemed complete, if five business days after the application was submitted, the city, or city and county has not deemed the application to be incomplete, or issued a written correction notice detailing all deficiencies in the application; and

WHEREAS, AB 970 would further require an application to install an electric vehicle charging station to be deemed approved if twenty business days after the application was deemed complete, and the following have occurred: (1) the city, county or city and county has not approved the application; (2) the building official has not made a finding that the proposed installation could have an adverse impact upon the public health or safety, or require the applicant to apply for a land use permit; (3) the building official has not denied the permit; and (4) an appeal has not been made to the Planning Commission of the city, county, or city and county; and

WHEREAS, on December 11, 2019, the Council adopted Ordinance No. 186485 (Council File No. 17-0309), making EV-ready charging stations more readily available citywide by requiring that all *new* multi-family dwelling units, residential occupancies other than one and two family dwellings and townhouses, hotels and motels, allocate 10 percent of the parking spaces to electric vehicle charging stations; and 30 percent as electric vehicle parking spaces; and

WHEREAS, on April 28, 2021, President Biden stated in his address to Congress, the introduction of an infrastructure proposal called the *American Jobs Plan*, which among various policy objectives, includes \$174 billion in spending to boost the electric vehicle market and shift away from gas-powered cars, as a source of job creation/economic development and to curb the country's greenhouse gas emissions, thereby making AB 970 very timely if it were to be enacted into law; and

WHEREAS, AB 970 would advance the City's policy objective, as reflected in Ordinance No. 186485, addressing air quality concerns by requiring EV charging stations and parking spaces in newly constructed multi-family dwelling units, and thereby, reducing vehicle emissions, which are a major contributing factor to air pollution;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles, hereby includes in its 2021-22 State Legislative Program SUPPORT of AB 970 (McCarthy and Chiu), which would require an application to install an electric vehicle charging station to be deemed complete, if five business days after the application was submitted, the city, or city and county has not deemed the application to be incomplete, or issued a written correction notice detailing all deficiencies in the application; and thereby, advance the City's policy objective to make electric vehicle-ready charging stations available citywide (Ordinance No. 186485).

PRESENTED BY:

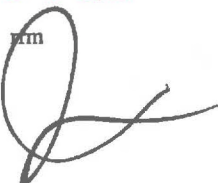

MITCH O'FARRELL

Councilmember, 13th District

SECONDED BY:



MAY 18 2021



AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 27, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 970

**Introduced by Assembly Members McCarty and Chiu
(Coauthor: Assembly Member Ting)**

February 18, 2021

An act to add Section 65850.71 to the Government Code, relating to zoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as amended, McCarty. Planning and zoning: electric vehicle charging stations: permit application: approval.

Existing law requires a city, county, or city and county to administratively approve an application to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit subject to a limited review by the building official of that city, county, or city and county. Existing law allows the building official to require the applicant to apply for a use permit if the official finds that the station could have a specific adverse impact upon the public health or safety and prohibits the city, county, or city and county from denying the application for a use permit to install an electric vehicle charging station unless it makes written findings that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Existing law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle

charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review.

This bill would require an application to install an electric vehicle charging station to be deemed complete if, 5 business days after the application was submitted, the city, county, or city and county has not deemed the application to be incomplete or issued a written correction notice detailing all deficiencies in the application, as specified. The bill would require an application to install an electric vehicle charging station to be deemed approved if 20 business days after the application was deemed complete, (1) the city, county, or city and county has not approved the application, (2) the building official has not made a finding that the proposed installation could have an adverse impact upon the public health or safety or required the applicant to apply for a use permit, (3) the building official has not denied the permit, and (4) an appeal has not been made to the planning commission of the city, county, or city and county, as specified. The bill would provide that these requirements do not expand or restrict the role or responsibility of a local publicly owned electric utility in providing new electric service to an electric vehicle charging station in a manner consistent with safety, reliability, and engineering requirements. *The bill would require a city, county, or city and county to reduce the number of required parking spaces to accommodate the electric vehicle charging station, as specified.*

This bill's provisions would become operative on January 1, 2022, but for every city, county, or city and county with a population of less than 200,000 residents, the bill's provisions would apply beginning on January 1, 2023.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65850.71 is added to the Government
- 2 Code, to read:
- 3 65850.71. (a) The Legislature finds and declares both of the
- 4 following:
- 5 (1) An electric vehicle charging station has a significant
- 6 economic impact in California and is not a municipal affair, as the

1 term is used in Section 5 of Article XI of the California
2 Constitution, but is instead a matter of statewide concern.

3 (2) Table 3 of the Governor's Office of Business and Economic
4 Development (GO-Biz) Electric Vehicle Charging Station
5 Permitting Guidebook, published July 2019, recommends best
6 practices for electric vehicle supply equipment permitting that
7 would establish a 15-day timeline and satisfy the intent of
8 Assembly Bill 1236 (Chapter 598 of the Statutes of 2015).

9 (b) An application to install an electric vehicle charging station
10 submitted to the building official of a city, county, or city and
11 county shall be deemed complete if, five business days after the
12 application was submitted to the city, county, or city and county,
13 both of the following are true:

14 (1) The building official of the city, county, or city and county
15 has not deemed the application complete, consistent with the
16 checklist created by the city, county, or city and county pursuant
17 to subdivision (g) of Section 65850.7.

18 (2) The building official of the city, county, or city and county
19 has not issued a written correction notice detailing all deficiencies
20 in the application and identifying any additional information
21 explicitly necessary for the building official to complete a review
22 limited to whether the electric vehicle charging station meets all
23 health and safety requirements of local, state, and federal law,
24 consistent with subdivisions (b) and (g) of Section 65850.7.

25 (c) An application to install an electric vehicle charging station
26 shall be deemed approved if 20 business days after the application
27 was deemed complete, all of the following are true:

28 (1) The building official of the city, county, or city and county
29 has not administratively approved the application pursuant to
30 subdivision (b) of Section 65850.7.

31 (2) The building official of the city, county, or city and county
32 has not made a finding, based on substantial evidence, that the
33 electric vehicle charging station could have a specific adverse
34 impact upon the public health or safety or required the applicant
35 to apply for a use permit pursuant to subdivision (b) of Section
36 65850.7.

37 (3) The building official of the city, county, or city and county
38 has not denied the permit pursuant to subdivision (c) of Section
39 65850.7.

1 (4) An appeal has not been made to the planning commission
2 of the city, county, or city and county, pursuant to subdivision (d)
3 of Section 65850.7.

4 (d) If an electric vehicle charging station and any associated
5 equipment interfere with, reduce, eliminate, or in any way impact
6 the required parking spaces for existing uses, the city, county, or
7 city and county shall reduce the number of required parking spaces
8 for the existing uses by the amount necessary to accommodate the
9 electric vehicle charging station and any associated equipment.

10 (e) If the electric vehicle charging station is being installed in
11 an area that receives electrical service from a local publicly owned
12 electric utility, this section does not expand or restrict the local
13 publicly owned electric utility's role and responsibility in providing
14 new electric service to the electric vehicle charging station in a
15 manner consistent with safety, reliability, and engineering
16 requirements.

17 (f) *This section shall become operative on January 1, 2022, but*
18 *for every city, county, or city and county with a population of less*
19 *than 200,000 residents, this section shall apply beginning on*
20 *January 1, 2023.*