

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.*