



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: May 11, 2021

SUBJECT: STATE LEGISLATION: ASSEMBLY BILL 970

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to oppose Assembly Bill 970 (McCarty) and transmit position statements to Assembly Member McCarty, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, League of California Cities, and other stakeholder organizations.

BACKGROUND

Authored by Assembly Member Kevin McCarty (D-7-Sacramento), Assembly Bill 970 automatically deems an application to install an electric vehicle charging station complete and/or approved if a local government does not respond to an application within the prescribed timeframe outlined in the bill.

Existing state law requires a local government to create a streamlined electric charging station permitting process and administratively approve an application to install an electric charging station through the issuance of a building permit or similar non-discretionary permit, subject to a limited review by a local public building official.

Additionally, existing state law allows a local government to require the applicant to apply for a use permit if the building official finds that the station could have a specific adverse impact on public health or safety, but prohibits a local government 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 public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Assembly Bill 970 requires an application to install an electric vehicle charging station to be automatically deemed complete if a local government has not deemed the application incomplete within five business days after the application was submitted.

Furthermore, this bill requires an application to install an electric vehicle charging station to be automatically deemed approved if a local government has not made a finding based on substantial evidence that the proposed installation could have a specific, adverse impact upon public health or safety and requires the applicant to apply for a use permit within 15 business days after the application has been submitted.

The City of Santa Clarita's (City) Building and Safety Division has an expedited review and permitting process, consistent with existing state law. Furthermore, the City's current review and permitting process allows for building officials to properly review and permit electric vehicle charging stations, ensuring that proposals are reviewed based on unique community characteristics and do not have a detrimental effect on public health or safety. Additionally, in recognizing the growth and needs of the community with regard to the use of electric vehicles, the City offers next business day building inspections for electric vehicle charging station installation requests made before 2:30 p.m. the day prior.

However, Assembly Bill 970 preempts the City's current permitting process and ability to properly review and permit electric vehicle charging stations by deeming applications automatically complete or approved if building officials are unable to respond within the prescribed timeframe outlined in this bill. Furthermore, this bill solely prioritizes statewide expedited permitting of electric vehicle charging stations, potentially resulting in the unauthorized installation of electric charging stations that may cause a risk to public safety or health.

The recommendation to oppose Assembly Bill 970 is consistent with the City of Santa Clarita 2021 Executive and Legislative Platform. Specifically, Component 27 under the "State" section advises that the City Council, "Oppose legislation that would interfere with, limit, or eliminate the decision-making authority of municipalities in the area of local land use."

Assembly Bill 970 is set to be heard in the Assembly Committee on Local Government on May 5, 2021.

A list of registered supporters and opponents was not available at the time this report was developed.

The City Council Legislative Committee met on April 28, 2021, and recommends that the City Council adopt an "oppose" position on Assembly Bill 970.

ALTERNATIVE ACTION

1. Adopt a "support" position on Assembly Bill 970.
2. Adopt a "neutral" position on Assembly Bill 970.
3. Take no action on Assembly Bill 970.
4. Refer Assembly Bill 970 back to the Legislative Committee.

5. Other direction, as provided by the City Council.

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2020-21 budget.

ATTACHMENTS

Assembly Bill 970 - Bill Text