

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2559 (Petrie-Norris) – As Amended March 21, 2024

SUBJECT: Local planning: electric vehicle service equipment: permitting delays.

SUMMARY: Requires the Governor’s Office of Business and Economic Development (GO-Biz) to create and maintain a publicly accessible internet website to collect information and report delays and denials in the permitting of electric vehicle service equipment (EVSE). Specifically, **this bill:**

- 1) Requires, consistent with specified previous legislation governing local permitting requirements for electric vehicle (EV) charging stations, GO-Biz to create and maintain a publicly accessible internet website that contains a landing page with functionality to collect information and report delays and denials in the permitting of EVSE, including, but not limited to, the following:
 - a) The authority having jurisdiction over the permit.
 - b) The reported reason for delay or denial.
 - c) The length of delay, if applicable.
- 2) Requires GO-Biz to establish a working group to evaluate the data it receives from the internet website required by this bill and direct the working group to determine recommended solutions to address permitting delays.
- 3) Requires, on or before January 1, 2026, GO-Biz to submit to the Legislature and publish on its internet website a comprehensive report regarding the challenges identified through the data collection process pursuant to this bill, as specified.
- 4) Requires GO-Biz to establish a permit streamlining specialist to assist authorities having jurisdiction with permit delays and denials related to this bill.

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **Background.** California has been steadily expanding its policies supporting the adoption of EV technology and infrastructure, beginning with incentives for purchasing EVs and requirements on automakers to manufacture specified percentages of EVs in relation to their production of conventional cars. This was followed by statutes governing the degree of authority Common Interest Developments (CIDs) can exercise over the installation of EV charging infrastructure, and prohibitions against specified membership and fee requirements for the privilege of using an EV charging station.

In 2012, the Governor issued an Executive Order directing the California Air Resources Board (CARB), the California Energy Commission (CEC), the California Public Utilities Commission (PUC), and other relevant agencies working with the California Plug-In Electric Vehicle Collaborative and the Fuel Cell Partnership to develop benchmarks to help support and facilitate the rapid commercialization of zero emission vehicles (ZEVs). The order directed these agencies to establish benchmarks to help the state's ZEV infrastructure support 1.5 million EVs by 2025. Furthering this goal, the Governor's Office of Planning and Research and the State Architect published guidelines to address physical accessibility standards and design guidelines for the installation of EV charging stations throughout California.

To further these efforts, at the end of 2020, Governor Newsom issued Executive Order (EO) N-79-20, which required 100% of in-state sales of new passenger cars and trucks to be zero-emission by 2035. This EO tasked CARB with developing and proposing passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards that goal. The EO also directed the CEC to update the biennial statewide assessment of zero-emission vehicle infrastructure required by AB 2127 (Ting) Chapter 365, Statutes of 2018, to support the level of EV adoption required by the EO.

- 2) **AB 1236 of 2015.** Responding to the patchwork of California's EV permitting structure and the uncertainty it posed to installers, AB 1236 (Chiu), Chapter 598, Statutes of 2015, placed significant new requirements into law regarding applications to install EV charging stations. AB 1236 required counties and cities to administratively approve an application to install EV charging stations through the issuance of a building permit or similar nondiscretionary permit, and limited review of an application to whether it meets all health and safety requirements of local, state, and federal law. Requirements of local law were limited 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. AB 1236 allowed a county or city to require an applicant to apply for a use permit under certain circumstances.

AB 1236 also required local agencies to adopt an ordinance that creates an expedited, streamlined permitting process for EV charging stations. Local agencies must adopt a checklist of all requirements with which EV charging stations must comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist is deemed complete. A local agency must approve the application and issue all required permits once the local agency confirms the application and supporting documents are complete and meet the requirements of the checklist. If a local agency receives an incomplete application, it must issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

- 3) **2019 GO-Biz Guidebook.** GO-Biz in July 2019 published the first edition of its "EV Charging Station Permitting Guidebook." The 2019 GO-Biz Guidebook noted, "To support California's ambitious ZEV deployment goals – 5 million ZEVs 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 2019 GO-Biz Guidebook, “Plug-in EVs (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.”

The 2019 GO-Biz Guidebook also reported that there were 20,653 public chargers in California as of June 25, 2019. This included:

- a) Level 1 (4–5 miles of range per hour) – 367 chargers at 169 sites;
 - b) Level 2 (12–70 miles of range per hour) – 17,216 chargers at 4,764 sites; and,
 - c) DC Fast (3–20 miles of range per minute) – 3,070 chargers at 685 sites.
- 4) **2019 GO-Biz Guidebook’s Findings and Recommendations on Permitting.** The 2019 GO-Biz Guidebook stated, “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 recommended 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. It did note, however, that “it is important to consider the unique circumstances of some typical installations.” For fast-charging stations in particular, the Guidebook pointed 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, and complex trenching and associated rights-of-way issues.

- 5) **AB 970 of 2021.** In response to the 2019 GO-Biz Guidebook’s recommendations, AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must complete and approve permits for EV charging stations. Under the bill, an application to install an EV charging station is deemed complete if the building official of the city or county has not either deemed the application complete or written a correction notice detailing the deficiencies in the application within specified time periods. Applications are deemed approved 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 certain conditions are met.
- 6) **Author’s Statement.** According to the author, “AB 2559 works to reduce red tape by understanding and addressing the root cause of permit delays for electric vehicle charging stations. As the state races to transition to electric vehicles, it is essential that we can deploy charging as fast and efficiently as possible in jurisdictions across the state. AB 2559 creates

an opportunity for EV service providers to report permit delays and help the state pinpoint obstacles to streamline EV charging permits. It also establishes a permit streamlining specialist role at GO-Biz to help local governments meet existing permit streamlining requirements.”

- 7) **Bill Summary.** This bill requires, consistent with AB 1236 of 2015 and AB 970 of 2021, GO-Biz to create and maintain a publicly accessible internet website that contains a landing page with functionality to collect information and report delays and denials in the permitting of EVSE. This website must include, but is not limited to, the following:
- a) The authority having jurisdiction over the permit.
 - b) The reported reason for delay or denial.
 - c) The length of delay, if applicable.

This bill requires GO-Biz to establish a working group to evaluate the data it receives from the website, and direct the working group to determine recommended solutions to address permitting delays. On or before January 1, 2026, GO-Biz must submit to the Legislature and publish on its website a comprehensive report regarding the challenges identified through the data collection process pursuant to this bill.

This bill also requires GO-Biz to establish a permit streamlining specialist to assist authorities having jurisdiction with permit delays and denials related to this bill.

This bill is sponsored by CALSTART.

- 8) **Related Legislation.** AB 2427 (McCarty) requires local agencies to: develop a permitting checklist that includes all applicable requirements to permit the installation of EV charging stations in the public right-of-way; identify all applicable fees and charges as part of the permitting process; and, identify specific locations or location criteria regarding where EV charging stations are better suited to be installed in the public right-of-way. AB 2427 is pending in this Committee.
- 9) **Previous Legislation.** AB 1504 (McCarty) of 2023 would have required cities and counties to complete a plan for the installation of EV charging stations in the public right-of-way, and made changes to the statewide assessment of EV charging infrastructure the CEC must prepare pursuant to existing law

SB 507 (Gonzalez) would have expanded the scope of information the CEC must consider when assessing the state’s need for EV charging infrastructure. SB 507 was held in the Senate Appropriations Committee.

AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must approve permits for EV charging stations.

AB 1236 (Chiu), Chapter 598, Statutes of 2015, required counties and cities to administratively approve applications to install EV charging stations, and create an expedited, streamlined permitting process for EV charging stations.

AB 2127 (Ting), Chapter 365, Statutes of 2017, required the CEC to conduct a statewide assessment of the EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030 and of reducing emissions of GHG to 40% below 1990 levels by 2030.

- 10) **Arguments in Support.** CALSTART, sponsor of this bill, writes, “CALSTART is a global nonprofit organization dedicated to the advancement of zero emission vehicle and infrastructure technology. With a global member consortium of more than 300 technology, government, industry, and community partners, CALSTART has worked for 30+ years to accelerate the commercialization and deployment of advanced technologies and solutions.

“The California Energy Commission (CEC) projects that California will need 1 million chargers to support 7 million light-duty electric vehicles in 2030 - today there are approximately 100,000 publicly available charging stations. As Zero-Emission Vehicles (ZEVs) become a larger proportion of the State’s on-road fleet, infrastructure accessibility, reliability, and rapid deployment must be a priority in order to ensure the State’s successful transition of the transportation sector.

“An essential step to charging infrastructure deployment involves obtaining permit approvals, however despite the enactment of prior legislation - specifically AB 1236 (2016) and AB 970 (2022), electric vehicle service providers continue to encounter delays in obtaining these permit approvals due to various factors including zoning complications, unresponsiveness, or insufficient resources within local governments.

“AB 2559 seeks to identify the scope and nature of these challenges by requiring the Governor’s Office of Business and Economic Development (GO-Biz) to develop a reporting platform where electric vehicle service providers have the ability to log any obstacles, delays, or denials they are encountering related to permitting. By enabling GO-Biz to better identify and understand the root cause of permitting slow downs, GO-Biz gains the ability to eliminate barriers in executing the streamlined permitting provisions mandated by law, and help address the outstanding issues which hinder infrastructure deployment. Addressing this issue will help to facilitate the acceleration of essential EVSE permits.”

- 11) **Arguments in Opposition.** None on file.

- 12) **Double-Referral.** This bill is double-referred to the Committee on Jobs, Economic Development, and the Economy.

REGISTERED SUPPORT / OPPOSITION:

Support

CALSTART [SPONSOR]
Chargepoint, INC
Forum Mobility
Plug in America

Opposition

None on file.

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