

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1176 (Zbur) – As Amended March 23, 2023

SUBJECT: General plans: Local Electrification Planning Act.

SUMMARY: Requires cities and counties to amend their general plans to identify various strategies, objectives, policies, goals and proposed ordinance amendments regarding electrification of transportation and buildings. Specifically, **this bill:**

- 1) Enacts the Local Electrification Planning Act and requires, upon the adoption or revision of a city's or county's general plan, on or after January 1, 2025, but no later than January 1, 2028, the city or county to adopt a climate action electrification element as part of the general plan or otherwise amend the general plan to do all of the following:
 - a) Identify strategies and enforceable commitments, policies, and proposed ordinance amendments to meet California's greenhouse gas reduction goals requiring increased electrification of transportation and buildings, including, but not limited to, Executive Order No. N-79-30, which requires 100 percent of new passenger cars and trucks be zero emission by 2035, and the State Air Resources Board's 2022 Climate Change Scoping Plan's strategies to reduce residential and commercial building emissions.
 - b) Set goals for the implementation of passenger vehicle electric charging stations necessary to meet the electric vehicle (EV) charging needs of the city's or county's visitors, residents, and businesses, including, but not limited to, fast charge and slow charge stations.
 - c) Identify objectives and policies, including the removal of barriers in the city's or county's codes and policies, to meet the EV charging needs of the city's or county's visitors, residents, and businesses.
 - d) Identify objectives and policies to ensure EV charging infrastructure is equitably located and meets the EV charging needs of disadvantaged communities.
 - e) Identify electric charging corridors on public streets where chargers will be made available to the public, including, but not limited to, chargers for overnight fast and slow charging.
 - f) Identify land use and zoning strategies to meet the EV charging needs within the city or county, including, but not limited to, incentives and mandates as necessary to increase vehicle charging stations and infrastructure in government, retail, commercial, and residential parking lots and structures.
 - g) Identify areas where electric charging infrastructure may be needed to meet the existing and projected needs of public and private medium- and heavy-duty EV fleets operating within the city or county.

- h) Identify land use and zoning strategies to deploy EV charging infrastructure that meets the existing and projected needs of public and private medium- and heavy-duty EV fleets operating within the city or county.
 - i) Set goals and strategies for the electrification of new and existing buildings.
 - j) Identify objectives and policies, including, but not limited to, the removal of barriers in the city's or county's codes and policies, to meet the building electrification needs of the city's or county's residents and businesses.
 - k) Identify strategies to facilitate the deployment of zero-emission distributed energy resources, such as rooftop solar and battery storage technologies, including, but not limited to, the removal of barriers in the city's or county's codes and policies.
 - l) Identify strategies to subsidize and incentivize the building electrification needs of disadvantaged communities and low-income households and small businesses, including, but not limited to, strategies and policies to access any available private, state, and federal funds.
 - m) Identify strategies and programs to incentivize and subsidize the installation of EV charging stations along public corridors and in residential, retail, and commercial parking lots and structures.
 - n) In coordination with the load-serving entities, identify areas where grid infrastructure upgrades are needed to meet the transportation and building electrification needs of visitors, residents, businesses, and governmental entities within the city or county.
- 2) Provides the following definitions for purposes of this bill:
- a) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code, or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.
 - b) "Load-serving entity" means an electrical corporation, electric service provider, or community choice aggregator. "Load-serving entity" does not include any of the following:
 - i) A local publicly owned electric utility.
 - ii) The State Water Resources Development System commonly known as the State Water Project.
 - iii) Customer generation located on the customer's site or providing electric service through arrangements authorized by Section 218, if the customer generation, or the load it serves, meets one of the following criteria:

- (1) It takes standby service from the electrical corporation on a commission-approved rate schedule that provides for adequate backup planning and operating reserves for the standby customer class.
 - (2) It is not physically interconnected to the electrical transmission or distribution grid, so that, if the customer generation fails, backup electricity is not supplied from the electrical grid.
 - (3) There is physical assurance that the load served by the customer generation will be curtailed concurrently and commensurately with an outage of the customer generation.
- c) “Low-income households” means households of persons and families of very low and low income, as defined in Sections 50093 and 50105 of the Health and Safety Code.
- 3) Finds and declares that Sections 65104 and 66014 of the Government Code provide local agencies with authority to levy fees sufficient to pay for the program or level of service mandated by this bill.
 - 4) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, as specified.

EXISTING LAW:

- 1) Requires each city or county to adopt a general plan for the physical development of the city or county and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties.
- 2) Requires the general plan to contain seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety.
- 3) Requires the general plan to include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. (Government Code § 65300 – 65404).

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill requires cities and counties to adopt a climate action electrification element as part of the general plan or otherwise amend the general plan to, among other things, identify strategies and enforceable commitments to meet California’s greenhouse gas reduction goals by requiring increased electrification of transportation and buildings. A city or county would have to comply with these provisions upon the adoption or revision of the general plan, on or after January 1, 2025, but no later than January 1, 2028.

According to the author, “In order to meet the state’s climate goals, Californians will need over one million chargers to support the eight million electric vehicles anticipated on the road by 2030, and more to meet the state’s 2035 electric vehicle mandate. Residential and commercial buildings will also need upgrades and retrofitting and installation of electric appliances and equipment to cut greenhouse gas emissions. AB 1176 requires cities and local jurisdictions to create plans to meet their transportation and building electrification needs, and to ensure that electric vehicle chargers and building electrification are accessible to renters, multi-family housing residents, commercial vehicle and truck fleets, and disadvantaged communities. The bill requires consideration of and planning for on-street electric vehicle charger corridors and electrification funding strategies for disadvantaged communities

- 2) **Background.** Every county and city must adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Most of cities’ and counties’ major land use decisions – subdivisions, zoning, public works projects, use permits, etc. – must be consistent with their general plans. Development decisions must carry out and not obstruct a general plan’s policies.

The California Supreme Court has called the general plan “the constitution for all future development” because it presents a vision and a set of principles for future growth in the community. It serves an important role in shaping the location and type of development that will occur, ensuring that there is adequate infrastructure to support that development, providing adequate open space, and mitigating future risks from fire, floods, and climate change. Zoning ordinances then effectuate the requirements in the housing element and general plan. Those ordinances are specific where the general plan is not.

- 3) **Greenhouse Gas Reduction.** California must reduce statewide greenhouse gas (GHG) emissions to a level 40 percent below 1990 levels by 2030, as provided by SB 32 (Pavley, 2016). The California Air Resources Board (CARB) is the lead agency implementing SB 32 and has developed the Climate Change Scoping Plan, which outlines the policies that the state will implement to reach the 2030 target, as well as reducing GHG emissions 80 percent below 1990 levels by 2050. SB 100 (De Leon, 2018) sets the goal of carbon neutrality for the state’s electrical grid by 2045.
- 4) **Building Decarbonization.** Building decarbonization is a term used to describe reductions in GHG emissions from the building sector. According to CARB, residential and commercial buildings are responsible for roughly 25% of California’s GHG emissions. Of this 25%, roughly 10% of emissions are attributable to fossil fuel combustion, including natural gas, with residential buildings accounting for slightly more of those emissions than commercial buildings.

The Climate Change Scoping Plan identifies actions to reduce GHG emissions from the building sector, including progressively improving building codes and standards, pursuing voluntary efforts to exceed code requirements, and completing existing building retrofits. Several strategies can be deployed to reduce carbon emissions from the building sector. These include improving the energy efficiency of buildings and appliances, reducing carbon

emissions from fossil fuel sources, ensuring cleaner sources of energy to operate buildings and associated appliances, addressing methane leaks, and others.

- 5) **Building Codes.** The California Building Standards Code (Title 24 of the California Code of Regulations) contains building standards and regulations as adopted by the California Building Standards Commission. These standards include, among other requirements, structural standards for building safety (the Building Code), fire safety standards (the Fire Code), energy efficiency standards (the Energy Code), and standards for green buildings (CalGreen).

The Building Standards Code is updated on a three-year cycle. Once adopted at the state level, local agencies in California then enact an ordinance to adopt the codes. Those ordinances may include amendments that are more stringent than the state codes, if the local governing body makes findings that the amendments are necessary because of local climatic, geological, or topographical conditions. CalGreen provides that local climatic, geological, or topographical conditions include environmental conditions established by the city, county, or city and county, meaning that local agencies can adopt more stringent green building requirements.

New construction and improvements to existing buildings must comply with the current building codes, and improvements to an existing building may trigger additional code upgrades for other parts of a building.

- 6) **Energy Efficiency Standards for Buildings.** The California Energy Commission (CEC) adopts building energy efficiency standards that are cost effective for occupants over the 30-year lifespan of a building. The standards ensure that builders use the most energy efficient technologies and construction, save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants and help preserve the environment. These measures can be found in Title 24, Parts 6 and 11, of the California Code of Regulations.

State law also tasks the CEC with developing and implementing a comprehensive program to achieve greater energy savings in California's existing residential and nonresidential building stock that fall significantly below the current standards in Title 24. The CEC has also adopted a Building Action Plan that sets out a ten-year roadmap to use market forces to improve California's existing residential, commercial, and public building stock into high-performing and energy-efficient buildings.

- 7) **Building Decarbonization Assessment.** AB 3232 (Friedman, 2018) requires CEC to develop a plan to achieve the goal of reducing the emissions of greenhouse gases by the state's residential and commercial building stock by at least 40% below the 1990 levels by January 1, 2030. The AB 3232 California Building Decarbonization Assessment was published in August of 2021 and analyzes scenarios to reduce GHG emissions from the building sector.
- 8) **Local Voluntary Efforts Related to GHGs.** Local agencies can adopt certain plans to reduce their GHG emissions and mitigate the climate impacts of their activities. One such document is a climate action plan (CAP). A CAP is a voluntary document that typically:

- a) Identifies baseline GHG emissions.
- b) Sets a target level of GHG emissions.
- c) Forecasts business-as-usual emissions without additional actions.
- d) Chooses strategies to reduce emissions to meet the target.
- e) Identifies implementation steps, including funding.
- f) Provides for monitoring and tracking of emissions.

According to CARB's 2019 Report on the State of CAPs in CA, 181 cities and 21 counties had adopted CAPs.

The California Environmental Quality Act (CEQA) requires public agencies, including local governments, to analyze and mitigate the GHG impacts of "projects." CEQA's guidelines allow local agencies to adopt GHG reduction plans to more comprehensively analyze the impacts from projects. A GHG reduction plan must:

- a) Quantify greenhouse gas emissions from activities within a defined geographic area;
- b) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
- c) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- d) Specify measures or a group of measures to collectively achieve the specified emissions level;
- e) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
- f) Be adopted in a public process following environmental review.

Projects that comply with measures in the plan may be considered to not have a cumulative impact on GHG emissions.

Finally, some local governments have adopted "reach codes" that go beyond the state's energy efficiency building standards to reduce the GHG emissions from buildings in their jurisdictions. Reach codes often involve a combination of building electrification and EV charging requirements.

- 9) **EV Policies.** 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, the 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 requires 100% of in-state sales of new passenger cars and trucks to be zero-emission by 2035. This EO tasks 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 directs 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.

- 10) **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.

- 11) **GO-Biz Guidebook.** GO-Biz in July 2019 published the first edition of its "EV Charging Station Permitting Guidebook." The GO-Biz Guidebook notes, "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 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.”

According to the GO-Biz Guidebook, 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.

- 12) **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. 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, and complex trenching and associated rights-of-way issues.

- 13) **AB 970 of 2021.** In response to the 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.

- 14) **Solar Policies.** The California Legislature enacted the Solar Rights Act in 1978 to protect a homeowner's right to install a solar energy system by limiting a homeowner association's ability to object to such installations through its covenants, conditions and restrictions (CC&Rs). The Solar Rights Act allows CC&Rs to include provisions that impose reasonable restrictions on solar energy systems. Reasonable restrictions include those that: do not significantly increase the cost of the solar system; do not significantly decrease the system's efficiency or specified performance; and, allow for an alternative system of comparable cost, efficiency and benefits. "Significant" is further defined as those restrictions that increase the system's cost by more than 20% or decrease the system's efficiency by more than 20%. AB 2473 (Wolk), Chapter 789, Statutes of 2004, updated the Solar Rights Act by specifying standards for what constitutes "significant" increases in solar energy system costs or decreases in those systems' efficiency. The bill also made changes to the permitting process for solar energy systems.
- 15) **Solar Permitting Process.** Existing law limits review of an application to install solar energy system to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law are limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

A city or county cannot deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record 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. The findings must include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

- 16) **Solar Energy System Permit Fees.** The Legislature has approved a series of bills limiting the fees that a city or county can charge for solar energy systems:
- a) **SB 1222 (Leno), Chapter 614, Statutes of 2012.** SB 1222 placed caps on the amount of permit fees a city or county can charge for residential or commercial rooftop solar energy systems. For a residential rooftop solar energy system, a city or county was precluded from charging a permit fee that exceeded \$500 (plus \$15 per kW for each kW above 15kW). SB 1222 bill also prohibited, for a commercial rooftop solar energy system, a city or county from charging a permit fee that exceeded \$1,000 for systems up to 50kW (plus \$7 kW for each kW between 51kW and 250 kW, and \$5 per kW for each kW above 250 kW). These caps were limited specifically to rooftop photovoltaic (PV) systems, and did not apply to PV systems installed elsewhere on a building, or to solar thermal systems.

SB 1222 allowed a city or county to charge permit fees exceeding these caps, provided the city or county made a written finding and adopted a resolution or ordinance showing substantial evidence of the reasonable cost to issue the permit. SB 1222 contained a sunset date of January 1, 2018.

- b) **AB 1414 (Friedman), Chapter 849, Statutes of 2017.** AB 1414 made a number of additional changes to these permit fee caps. It reduced the fee cap to \$450 and applied the cap beyond rooftop solar PV installations only, to include any PV systems and solar thermal systems, with specified size limitations. The bill maintained the permit fee cap of \$1,000 on commercial rooftop solar energy systems, but applied the cap beyond rooftop solar PV installations to include PV systems generally and solar thermal systems, also with specified size limitations.

AB 1414 continued to allow a city or a county to charge a permit fee that exceeds the specified caps if the city or county makes a written finding and adopts a resolution or ordinance that provides substantial evidence of the reasonable cost to issue the permit. However, this bill required additional elements in the written finding.

AB 1414 also amended the meaning of “solar energy system” to specify that a solar energy system includes any PV device or technology that is integrated into a building, including, but not limited to, PV windows, siding, and roofing shingles or tiles. The bill also added an explicit cross-reference to this amended definition (which is contained in Civil Code § 801.5) to the code section containing the permit fee caps (Government Code § 66015), thereby explicitly applying the permit fee caps to this expanded definition of “solar energy system.”

AB 1414 extended the sunset date in SB 1222, from January 1, 2018, to January 1, 2025.

- c) **AB 1124 (Friedman), Chapter 235, Statutes of 2021.** Among other provisions, this bill again revised the definition of “solar energy system” to additionally include any structural design feature by eliminating the provision that the structural design feature be a feature of a building. The bill added the following structural design features in the definition of “solar energy system,” regardless of whether the feature is on the ground or on a building:

- i) Solar racking.
- ii) Solar mounting.
- iii) Elevated solar support structures, including, but not limited to, solar carports, shade structures, awnings, canopies, and patio covers. This includes both the aboveground superstructure and associated foundation elements that support solar energy devices or collectors.

The bill specified that a solar energy system must be designed to serve one utility retail customer on the same property, more than one utility retail customer on the same property, one utility retail customer on the same, adjacent, or contiguous properties, or more than one utility retail customer on the same, adjacent or contiguous properties. The solar energy system must not be designed for procurement of electricity by an electric utility.

17) **Policy Considerations.** The Committee may wish to consider the following:

- a) **Duplication?** This bill requires cities and counties to undertake a task that, given the numerous state and local efforts to decarbonize buildings and transportation, might be duplicative of these efforts. The Committee may wish to consider if this bill is necessary.
- b) **Financial and Liability Concerns.** This bill contains language requiring a general plan to do all of the following:
 - i) Identify “enforceable commitments” to meet California’s greenhouse gas reduction goals.
 - ii) Identify land use and zoning strategies to meet the EV charging needs within the city or county, including “incentives and mandates.”
 - iii) Identify strategies to “subsidize and incentivize” the building electrification needs of disadvantaged communities and low-income households and small businesses.
 - iv) Identify strategies and programs to “incentivize and subsidize” the installation of EV charging stations along public corridors and in residential, retail, and commercial parking lots and structures.

These mandates are not typical of general plans, and could pose risks of liability and financial burdens for cities and counties. The Committee may wish to consider amending this language.

18) **Committee Amendments.** In order to address some of the policy considerations raised above, the Committee may wish to consider the following amendments:

- a) 65302.13(a)(1) Identify strategies ~~and enforceable commitments~~, policies, and proposed ordinance amendments to meet California’s greenhouse gas reduction goals requiring increased electrification of transportation and buildings, including, but not limited to, Executive Order No. N-79-30, which requires 100 percent of new passenger cars and trucks be zero emission by 2035, and the State Air Resources Board’s 2022 Climate Change Scoping Plan’s strategies to reduce residential and commercial building emissions.
- b) 65302.13(a)(6) Identify land use and zoning strategies to meet the electric vehicle charging needs within the city or county, ~~including, but not limited to, incentives and mandates as necessary~~ **and** to increase vehicle charging stations and infrastructure in government, retail, commercial, and residential parking lots and structures.
- c) 65302.13(a)(12) Identify strategies **and policies to access any available private, state, and federal funds** to **help** subsidize and incentivize the building electrification needs of disadvantaged communities and low-income households and small businesses, ~~including, but not limited to, strategies and policies to access any available private, state, and federal funds.~~

- d) 65302.13(a)(13) Identify strategies and programs to **access any available private, state, and federal funds** to **help** incentivize and subsidize the installation of electric vehicle charging stations along public corridors and in residential, retail, and commercial parking lots and structures.

19) **Related Legislation.** AB 1504 (McCarty) requires cities and counties to complete a plan for the installation of EV charging stations in the public right-of-way, and makes changes to the statewide assessment of EV charging infrastructure the CEC must prepare pursuant to existing law. AB 1504 is pending in the Transportation Committee.

AB 1132 (Friedman) Extends the sunset date on provisions of law that limit the permit fees a city or county can charge for solar energy systems, from January 1, 2025, to January 1, 2034. AB 1132 is pending on the Assembly Floor.

SB 507 (Gonzalez) expands the scope of information the CEC must consider when assessing the state's need for EV charging infrastructure. SB 507 is pending in the Senate Transportation Committee.

20) **Previous Legislation.** SB 1291 (Archuleta), Chapter 373, Statutes of 2022, added hydrogen-fueling stations to the provisions of AB 1236.

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

AB 1124 (Friedman), Chapter 235, Statutes of 2021, revised the definition of "solar energy system" as that term is used for the purpose of local permitting of such systems, including the allowable fees a local agency may charge, and clarified the permit fees local agencies may charge for commercial and residential solar energy systems.

SB 32 (Cortese) of 2021 would have required, after January 1, 2023, each county and city, including charter cities, to make a one-time amendment to its general plan during the next cycle of updates to the plan, climate action plan or greenhouse gas emissions reduction plan, or building codes to identify goals, policies, objectives, targets, and feasible implementation strategies to decarbonize newly-constructed commercial and residential buildings.

AB 2168 (McCarty) of 2020 was nearly identical to AB 970. AB 2168 was held in this Committee.

AB 2700 (Friedman) of 2020 was substantially similar to AB 1124. AB 2700 was held in this Committee.

AB 1414 (Friedman), Chapter 849, Statutes of 2017, reduced the maximum permit fee a city or a county may charge for residential rooftop solar energy systems, applied these caps and commercial permit fee caps to a broader range of solar energy systems, and made additional changes to existing law governing permit fees for rooftop solar energy systems.

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. AB

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 2188 (Muratsuchi), Chapter 521, Statutes of 2014, required every city and county to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

SB 1222 (Leno), Chapter 614, Statutes of 2012, limited the fees that cities and counties charge for permits related to the installation of rooftop solar energy systems.

AB 2473 (Wolk), Chapter 789, Statutes of 2004, required cities and counties to permit the installation of solar energy systems by right if the system meets specified requirements, and redefined the term “significantly” in regard to restrictions on solar systems that raise costs or decrease efficiency.

- 21) **Arguments in Support.** ClimatePlan, sponsor of this measure, states, “Assembly Bill 1176 acknowledges the leadership that some of our cities and counties are already undertaking in their planning processes and provides the flexibility to recognize their existing efforts, while also providing guidance and a clear path forward to ensure no municipality falls behind.

“The transportation and built environment sectors are the primary areas that California’s greenhouse gas reduction goals focus on, as they make up most of our emissions. AB 1176 critically focuses on the intersection of these two sectors and the infrastructure that will be necessary in order to make meaningful progress towards both.

“AB 1176 will require pivotal early coordination with load-serving entities or utility providers in order to identify and meet the need for grid infrastructure upgrades. As the transition to ZEVs and all-electric appliances continues to accelerate with the development and increasing access to new technologies, cities and counties will not be able to keep up and support this growing facet of municipal life without robust planning to ensure the sufficient distribution of charging and electric-ready infrastructure.

“It is for these reasons ClimatePlan strongly SUPPORTS and co-sponsors AB 1176 (Zbur), which will require city and county governments to incorporate electrification considerations into their general planning process and serve as a tool for intentional development aligned with California’s climate change, public health, housing, and equity goals.”

- 22) **Arguments in Opposition.** The League of California Cities, the Rural County Representatives of California, and the California Building Industry Association write, “While we support the state’s climate and transportation goals, local jurisdictions are aggressively doing their part to comply with existing state mandates to deploy a robust electric vehicle charging station network. Unfortunately, AB 1176 is predicated on the false premise that local jurisdictions universally have energy reliability and will easily be able to add capacity to meet electrification requirements. Opening a general plan or adopting new revisions to one

for electrification to support transportation needs is not appropriate and would be better suited in the circulation element.

“Currently, we are working with several legislators on other similar measures, including Assembly Bill 1504 (McCarty), which would require local governments to plan for the installation of EV charging stations in the public right-of-way. Cities and counties must do several things in developing the plan and permitting process, such as consulting with internal and external stakeholders, developing a process to solicit input from the public, assessing the jurisdiction’s existing EV charging stations and its projected need for EV charging stations in the right-of-way, and identifying planning and permitting barriers to the installation of EV charging stations in the right-of-way. Cities and counties must also identify competing uses in the right-of-way and complete an equity analysis to determine locations for EV charging stations in the right-of-way that will reduce barriers to equitable access.

“Specifically, (AB 1504) requires the collaboration and consultation with energy providers, as well as relevant building and planning departments to complete an assessment of existing and projected electrification needs, which is something local jurisdictions support. Further, this measure would require the development of a location, zoning, or siting framework that considers and identifies, at a minimum, the density of the surrounding development and the types of transportation corridors that are required for the installation of EV charging stations in the public right-of-way, as well as identify necessary updates to relevant codes or regulations of the local agency. While AB 1504 is not ideal and presents significant implementation issues for local governments this approach is less problematic than what is proposed in AB 1176.

“While a few local governments are served by municipal electric providers (SMUD, LADWP, Glendale, Burbank, etc), most are served by investor-owned utilities. Having local governments prepare electrification elements without having any control over the grid and system upgrades will set locals up for failure. Local governments do not control the means with which to deploy vehicle charging stations in our communities. We do not own or operate those stations, nor do some locals have the capacity to do so. For these reasons, (we) respectfully (oppose) AB 1176 unless it is amended to address our concerns.”

REGISTERED SUPPORT / OPPOSITION:

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California Environmental Voters
Environment California
IBEW Local Union 569
Sacramento Area Congregations Together
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Opposition

California Building Industry Association
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