

**Mayor**  
Willard Rodarmel  
**Mayor Pro Tem**  
John Plourde  
**Council Members**  
John Gordon  
John Murray  
William Siegel



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**LEMOORE**  
CALIFORNIA

**Item 3D**

**City Council Staff Report**

**To:** Lemoore City Council  
**From:** Holly Smyth, Planning Director  
**Date:** March 29, 2012  
**Subject:** Opposition to AB 1627 (Dickinson)

**DISCUSSION:**

As follow up legislation to SB 375 and the California Global Warming Solutions Act of 2006, AB 1627 continues to propose legislation to reduce energy consumption and therefore green house gases. In this case, as seen in fact sheet, the Energy Commission would develop standards for local jurisdictions to follow before they could issue residential or non-residential building permits until the local jurisdiction could show that the project would meet the new standards. This past year all cities in California were already required to adopt the new "Green Building" codes which address many issues in building construction to make them more energy efficient. However, the new bill would extend that to further more energy efficient appliances and also vehicle miles traveled. The vehicle miles traveled is difficult to mitigate and involves decisions by individual drivers and should not be something that governments are required to dictate to individuals, especially while penalizing local governments for not carrying out something they really have no direct control over. Full text of the legislation can be found at [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1601-1650/ab\\_1627\\_bill\\_20120209\\_introduced.html](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1601-1650/ab_1627_bill_20120209_introduced.html).

The League of California Cities is urging cities to send letters in opposition. Attached is a draft for your review.

**BUDGET IMPACT:**

None at this time, but in the future would potentially add costs to building inspections and slow the local pace of development thereby hurting the City's economic recovery.

**RECOMMENDATION:**

By motion, authorize the mayor to sign the letter of opposition for AB 1627.

## **AB 1627 (Dickinson): Imposing Costly Mandates and State Micromanagement on Local Sustainable Development**

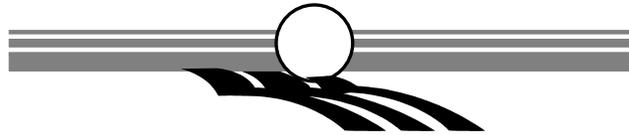
### **FACT SHEET**

**AB 1627 imposes an overbearing state regulatory framework on city efforts to comply with SB 375.** This bill would prohibit local governments from issuing local building permits until the building has satisfied standards being developed by the California Energy Commission (CEC) designed to reduce vehicle miles traveled by occupants of residential and nonresidential buildings. Stakeholders, like the League of California Cities, businesses and local government organizations carefully negotiated agreements in order to support the final version of SB 375. Critical to that agreement was the framework whereby the California Air Resources Board (CARB) established a greenhouse gas reduction target for each region. The micromanagement by the state, as presented in AB 1627, is exactly what was specifically excluded from SB 375 so that cities could make planning choices based on the intricacies of their individual communities. Furthermore, one cannot guarantee a reduction in vehicle miles traveled (VMT) making the environmental goal in AB 1627 uncertain.

**AB 1627 adds mandates while local government tools have been depleted.** Redevelopment was the most powerful tool the state had to promote transit-oriented development, and renovate urban cores. With the devastating loss of redevelopment, local agencies have virtually no tools left to resolve the challenges of infill: cleaning up brownfields; small lot assembly; upgrading sewer, water and other infrastructure to support high-density development; providing affordable housing; and other issues. Saddling these communities with costly mandates at this time is ill considered and will not achieve desired outcomes.

**AB 1627 restricts economic growth at a time when California should be encouraging economic development and job creation.** Local agencies will be prohibited from issuing a building permit until the agency can confirm that the project meets the minimum VMT standards set by the CEC. Overly restrictive and intrusive requirements imposed on new units and their occupants will further exacerbate California's economy by making new construction in the state less marketable and desirable. Furthermore, for those that are not fortunate enough to already own a home, this bill will unfairly impact their future opportunities to purchase or rent housing by dramatically increasing the costs. AB 1627 does not consider the increased costs to the building industry as a result of the mandates of the CEC, or the burden of paying local governments to hire staff to confirm that the development meets the CEC standards.

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March 29, 2012

The Honorable Roger Dickinson  
California State Assembly  
State Capitol Building, Room 3126  
Sacramento, CA 95814  
Fax: (916) 319-2109

**RE: AB 1627 (Dickinson). Building Prohibitions: building standards; vehicle miles traveled.**  
*(as introduced February 9, 2012)*  
**Notice of Opposition**

Dear Assembly Member Dickinson:

The Lemoore City Council regrets to inform you of our opposition to AB 1627. This bill would prohibit local governments from issuing local building permits until the building has satisfied standards being developed by California Energy Commission (CEC) designed to reduce vehicle miles traveled (VMT) by occupants of residential and nonresidential buildings.

Lemoore has concerns with the following aspects of AB 1627:

- **The intent of AB 1627 unravels carefully negotiated SB 375 agreements and micromanages solutions.** Stakeholders, like the League of California Cities, businesses and local government organizations carefully negotiated agreements in order to support the final version of SB 375. Critical to that agreement was the framework whereby the California Air Resources Board (CARB) established a greenhouse gas reduction target for each region. After CARB confirms that a plan will achieve its target, regions and their local governments are provided complete flexibility to craft local approaches and strategies that would achieve the target. State micromanagement was specifically excluded from the measure. The stated intent of AB 1627 is to “ensure that the promise of SB 375 is realized.” By attempting to impose an overbearing state regulatory framework on all new development, this measure undermines that delicate balance.
- **Adds mandates while local government tools have been depleted:** Redevelopment was the most powerful tool the state had to promote affordable housing, transit-oriented development, and renovate urban cores. With the devastating loss of redevelopment, local agencies have virtually no tools left to resolve the challenges of infill: cleaning up brownfields; small lot assembly; upgrading sewer, water and other infrastructure to support high-density development; providing affordable housing; and other issues. Saddling these communities with costly mandates at this time is ill considered and will not achieve desired outcomes.
- **Broad mandate to regulate individual choice:** AB 1627 specifically seeks to reduce VMT by the *occupants* of residential and nonresidential buildings through “*all feasible and attainable means.*” This is a shockingly broad mandate to empower a state agency to regulate the choices of individuals. How will these restrictions be ultimately measured? How will they be enforced?

- **Restricting economic growth:** Local agencies will be prohibited from issuing a building permit until the agency can confirm that the project meets the minimum VMT standards set by the CEC. Overly restrictive and intrusive requirements imposed on new units and their occupants will further exacerbate California's economy by making new construction in the state less marketable and desirable.
- **Freedom of Personal Choice:** A prized feature of the American political system is the belief in free markets and freedom of individual choice. These choices include: where one chooses to work, live, how many children to have, how many cars to own, whether to sign up for a traveling soccer team and countless other benefits of a free society. This bill attempts to limit personal choice through legislation and there are limits to how much government can impose on individual choice.
- **No guarantee to reduce VMT:** AB 1627 can't force people live near their job or get rid of their car. Once a building permit is issued there is no way - other than having the state tracking and enforcing limitations on automobile use by individuals - to guarantee that VMT will be reduced. Carpool incentives and transit investments can be made, but resources and conditions differ. Every city is unique and will not be able to use the same manner to reduce VMT.
- **Strays beyond CEC's expertise:** CEC's primary function is to look at energy needs, promote energy efficiency, and support energy research, not land use planning or VMT. The CEC is an illogical and inappropriate choice to establish standards to reduce VMT. SB 375's wisely constructed framework allows regions and local agencies, which have expertise in these matters, to have flexibility to develop local solutions.
- **Costs imposed on individuals not a factor:** In previous regulatory efforts the CEC was charged with balancing the cost of a new energy efficiency standard against the lifecycle cost imposed on the individual. That is not the case for AB 1627. AB 1627 requires the CEC to determine the feasibility and attainability of the standards based on the economic, social and environmental costs for the "state as a whole" not the costs to individuals or businesses that may be particularly detrimentally impacted by the requirements.
- **The burden of VMT reduction will be carried by the few.** For those that are not fortunate enough to already own a home, this bill will unfairly impact their future opportunities to purchase or rent housing by dramatically increasing the costs. AB 1627 does not consider the increased costs to the building industry as a result of the mandates of the CEC, or the burden of paying local governments to hire staff to confirm that the development meets the CEC standards.
- **Excludes more cost effective measures.** AB 1627 requires the use of costly compliance options to reduce VMT, but specifically precludes cost-effective measures such as the energy efficiency of structures, use of alternative fuels, or fuel efficient vehicles.

For these reasons, the Lemoore City Council opposes AB 1627.

Sincerely,

Willard Rodarmel  
Mayor

cc: Joanna Gin, Consultant, Assembly Business, Professions and Consumer Protection Committee; FAX (916) 319-3739  
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Assembly Member David Valadao  
Senator Michael Rubio  
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