

ASSEMBLY THIRD READING

AB 2625 (Ting)

As Amended May 5, 2022

Majority vote

SUMMARY

This bill exempts from the Subdivision Map Act (SMA) certain types of leases and easements in conjunction with the financing, erection, and sale or lease of an electrical energy storage system (EESS).

Major Provisions

Adds the leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of an EESS on the land to the list of land transactions that are exempt from the SMA if the project is subject to discretionary action by the advisory agency or legislative body of the local agency with jurisdiction over the parcel.

COMMENTS

The SMA establishes a statewide regulatory framework for controlling the subdividing of land, which generally requires a subdivider to submit a tentative map to the city or county where the land is situated. Cities and counties approve tentative maps that are consistent with their general plans, attaching scores of conditions. Once subdividers comply with those conditions, local officials must issue final maps. Approving tentative maps is a discretionary action. However, once the conditions of a tentative map are met, a final map is typically approved ministerially.

For smaller subdivisions (lot splits), the level of improvements local governments can require for the subdivisions are statutorily limited and local officials issue parcel maps rather than tentative and final maps. Parcel maps may be approved ministerially, as well as through a one-step discretionary process at the local level. However, local governments may, at their discretion, require a tentative parcel map followed by final parcel map for these subdivisions.

The SMA defines a subdivision as the division of land for the purpose of sale, lease, or financing. About a dozen types of land divisions are exempt from the SMA, including leases and easements for wind powered electrical generation devices, provided that the project is subject to local discretionary approval. The SMA also exempts land divisions including leases and easements for solar electrical generation and certain biogas projects, provided that the project is subject to local discretionary approval or a local ordinance regulating design and improvement.

The California Environmental Quality Act (CEQA) requires the state and local agencies to study and mitigate, to the extent feasible, the environmental impacts of discretionary actions taken by the agency, providing a key protection for the environment and residents of California. Ministerial approvals are not discretionary and therefore not subject to CEQA. As noted above, under the SMA local agencies may establish a ministerial approval process for smaller land subdivisions (parcel maps), but larger subdivisions are typically subject to a discretionary approval process (tentative and final map), which triggers CEQA.

This bill exempts land divisions associated with EESS projects from the SMA, only if the project is subject to another form of discretionary approval (triggering CEQA) by the local agency.

According to the Author

"The Subdivision Map Act (SMA) regulates and controls the design of land divisions by a city or county. Current law exempts certain renewable energy devices, including wind, solar and biogas projects, from the requirements of the SMA. Despite the existing exemptions for these renewable resources, stand-alone energy storage projects are still subject to SMA requirements. AB 2625 would expand this exemption to include land uses for stand-alone energy storage devices, allowing these projects to come online in a timelier manner. In doing so, this bill aligns energy storage development projects with the existing SMA exemptions for renewable resources and ensures the state can achieve our energy reliability needs."

Arguments in Support

The California Energy Storage Alliance writes in support, "Providing a Subdivision Map Act exemption to energy storage does not undercut or undermine other important goals or processes, such as local permitting or CEQA. Importantly, AB 2625 only applies this exemption if the project is subject to review by a local or state agency, which provides assurances that there will be oversight for all projects. At the local level, except for in unusual circumstances, lead agencies require that storage projects receive discretionary development permits, which allow for review of project design and triggers CEQA oversight."

Arguments in Opposition

None on file.

FISCAL COMMENTS

None.

VOTES**ASM LOCAL GOVERNMENT: 8-0-0**

YES: Aguiar-Curry, Lackey, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas, Voepel

UPDATED

VERSION: May 5, 2022

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