



CEAC Infrastructure & Development Policy Committee Meeting

2022 CEAC Spring Conference

Monterey Marriott Hotel | 350 Calle Principal, Monterey, California
San Carlos II

Wednesday, March 23, 2022 | 10:00 a.m. – 11:30 a.m.

AGENDA

Chair, Trisha Tillotson, Nevada County
Vice Chair, Rebecca Taber, Placer County
Vice Chair, Warren Lai, Contra Costa County

- 10:00 a.m. I. **Welcome and Opening Remarks**
Trisha Tillotson, Chair, Nevada County
- 10:05 a.m. II. **Legislative and Budget Update**
Chris Lee, CSAC, Legislative Representative
Marina Espinoza, CSAC, Senior Legislative Analyst
Attachment One: CEAC Infrastructure & Development Committee
Legislative Bill Tracking Report
- 10:30 a.m. III. **Senate Bill 9-Accessory Dwelling Units & Implementation**
Round Table Discussion
Attachment Two: SB 9 Mandates Ministerial Approval of Urban Lot
Splits and Two-Unit Developments
- 10:50 a.m. IV. **Updates on Past Agenda Items & Round Table Discussion**
 - Board of Forestry State Minimum Fire Safe Standards
 - Rule 20 Electrical Undergrounding
 - Vehicle Miles Travelled Implementation
 - AB 602-New requirements on Impact Fees
 - SB 378- Broadband Deployment Acceleration ImplementationAttachment Three: Comments in Response to the Board of Forestry
“State Minimum Fire Safe Regulations, 2021”
Attachment Four: Broadband Progress Update: Where do the historic
investments to close the Digital Divide stand now?
- 11:20 a.m. V. **Future Agenda Items**
- 11:30 a.m. VI. **Adjournment**

LIST OF ATTACHMENTS

Legislative and Budget Update

Attachment OneCEAC Infrastructure & Development Committee
Legislative Bill Tracking Report

Attachment TwoSB 9 Mandates Ministerial Approval of Urban Lot Splits
and Two-Unit Developments

Attachment ThreeComments in Response to the Board of Forestry
“State Minimum Fire Safe Regulations, 2021”

Attachment FourBroadband Progress Update: Where do the historic
investments to close the Digital Divide stand now?

Attachment One
CEAC Infrastructure & Development Committee Legislative Bill
Tracking Report

CEAC Infrastructure & Development Committee Legislative Bill Tracking Report

By Chris Lee 3/16/2022

[AB 1001](#) ([Garcia, Cristina D](#)) **Environment: mitigation measures for air and water quality impacts: environmental justice.**

Introduced: 2/18/2021

Status: 3/9/2022-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would authorize mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air or water quality of a disadvantaged community, to include measures for avoiding, minimizing, or compensating for the adverse effects on that community.

CSAC Position

Pending

[AB 1774](#) ([Seyarto R](#)) **California Environmental Quality Act: water conveyance or storage projects: judicial review.**

Introduced: 2/3/2022

Status: 2/10/2022-Referred to Coms. on NAT. RES. and JUD.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.

CSAC Position

Watch

[AB 1791](#) ([Nazarian D](#)) **Environmental permits.**

Introduced: 2/3/2022

Status: 2/4/2022-From printer. May be heard in committee March 6.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Permit Streamlining Act establishes requirements for the review and approval of development projects. The act authorizes the Secretary for Environmental Protection, at the request of an applicant for more than one environmental permit, to convene a permitting team, as specified, to identify all statutory and regulatory requirements for the issuance of environmental permits and provide the information to the applicant to facilitate the uniform, consistent, and expeditious processing of environmental permit applications. This bill would make a nonsubstantive change to those provisions.

CSAC Position

Watch

[AB 1952](#) ([Gallagher R](#)) **Infill Infrastructure Grant Program of 2019.**

Introduced: 2/10/2022

Status: 2/18/2022-Referred to Coms. on H. & C.D. and NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.			

Summary: Would exempt from the requirements of CEQA a project financed pursuant to the Infill Infrastructure Grant Program of 2019, and would make all legal actions, proceedings, and decisions undertaken or made pursuant to the program exempt from CEQA. The bill would also make nonsubstantive changes to the program by renumbering a code section and updating erroneous cross-references.

CSAC Position

Watch

[AB 2063](#) (Berman D) Density bonuses: affordable housing impact fees.

Introduced: 2/14/2022

Status: 2/24/2022-Referred to Coms. on H. & C.D. and L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.			

Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. Existing law prohibits affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees, in-lieu fees, and public benefit fees, from being imposed on a housing development's density bonus units.

CSAC Position

Pending

[AB 2097](#) (Friedman D) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

Introduced: 2/14/2022

Status: 2/24/2022-Referred to Coms. on L. GOV. and H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.			

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element and a conservation element. This bill would prohibit a public agency from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile of public transit, as defined. When a project provides parking voluntarily, the bill would authorize a public agency to impose specified requirements on the voluntary parking. The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

CSAC Position

Watch

[AB 2160](#) (Bennett D) Coastal resources: coastal development permits: fees.

Introduced: 2/15/2022

Status: 2/24/2022-Referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf. Conc.			

Summary: Current law, the California Coastal Act of 1976, requires any person wishing to perform or undertake any development in the coastal zone, as defined, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit, as provided. The act further provides for the certification of local coastal programs by the California Coastal Commission. The act prohibits the commission, except as provided, from exercising its coastal development permit review authority, as specified, over any new development within the area to which the certified local coastal program, or any portion thereof, applies. Current law requires a local government, if it has been delegated authority to issue coastal development permits, to recover any costs incurred from fees charged to individual permit applicants. Current law authorizes the local government to elect to not levy fees, as provided. This bill would, at

the request of an applicant for a coastal development permit, authorize a city or county to waive or reduce the permit fee for specified projects. The bill would authorize the applicant, if a city or county rejects a fee waiver or fee reduction request, to submit the coastal development permit application directly to the commission.

CSAC Position
Watch

AB 2179 (Grayson D) Development fees and charges: deferral.

Introduced: 2/15/2022

Status: 2/24/2022-Referred to Coms. on L. GOV. and H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, except that the payment may be required sooner under specified circumstances. This bill would similarly prohibit a noncompliant local agency, as defined, that imposes any fees or charges on a qualified development, as defined, from requiring the payment of those fees or charges until 20 years from the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first.

CSAC Position
Pending

AB 2186 (Grayson D) Housing Cost Reduction Incentive Program.

Introduced: 2/15/2022

Status: 2/24/2022-Referred to Coms. on H. & C.D. and L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Housing Cost Reduction Incentive Program, to be administered by the Department of Housing and Community Development, for the purpose of reimbursing cities, counties, and cities and counties for development impact fee waivers or reductions provided to qualified rental housing developments. Upon appropriation, the bill would require the department to provide grants to applicants in an amount equal to 50% of the amount of development impact fee waived or reduced for a qualified rental housing development by issuing a Notice of Funding Availability for each calendar year in which funds are made available for the program, as provided. The bill would require an applicant that receives a grant under the program to use those funds solely for those purposes for which the development impact fee that was waived or reduced would have been used. The bill would require the department to adopt guidelines to implement the program and exempt those guidelines from the rulemaking provisions of the Administrative Procedure Act.

CSAC Position
Pending

AB 2218 (Quirk-Silva D) California Environmental Quality Act: standing: proposed infill housing projects.

Introduced: 2/15/2022

Status: 3/10/2022-Re-referred to Com. on B. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) establishes procedures applicable to an action or proceeding brought to challenge a public agency's action on the grounds of noncompliance with CEQA. This bill would provide that a person does not have standing to bring an action or proceeding to attack, review, set aside, void, or annul acts or decisions of a public agency undertaken to implement a project involving the development of housing at an infill site, unless the person resides within 20 miles of the project.

CSAC Position
Pending

AB 2234 (Rivas, Robert D) Planning and zoning: housing: post-entitlement phase permits.

Introduced: 2/15/2022

Status: 2/24/2022-Referred to Coms. on L. GOV. and H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a city, county, or special district to provide specified information, including a current schedule of fees, exactions, and affordability requirements applicable to a proposed housing development project, and an archive of impact fee nexus studies, cost of service studies, or

equivalent studies, conducted by the city, county, or special district, on its internet website. This bill would require a public agency to create a list of information needed to approve or deny a post-entitlement phase permit, as defined, and to make that list available to all applicants for these permits no later than January 1, 2024. No later than January 1, 2024, the bill would require a public agency to require permits to be applied for, completed, and stored through a process on its internet website, and to accept applications and related documentation by electronic mail until that internet website is established. The bill would require the internet website or electronic mail to list the current processing status of the applicant's permit by the public agency, and would require that status to note whether it is being reviewed by the agency or action is required from the applicant. This bill contains other related provisions and other existing laws.

CSAC Position

Pending

[AB 2395](#) (Gallagher R) Land use: Subdivision Map Act.

Introduced: 2/17/2022

Status: 2/18/2022-From printer. May be heard in committee March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning, and provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. The Subdivision Map Act within the Planning and Zoning Law generally requires local agencies to control and regulate the subdivision of parcels of real property. This bill would make nonsubstantive changes to the provision establishing the title of the Subdivision Map Act.

CSAC Position

Watch

[AB 2428](#) (Ramos D) Mitigation Fee Act: fees for improvements: timeline for expenditure.

Introduced: 2/17/2022

Status: 3/3/2022-Referred to Coms. on L. GOV. and H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Mitigation Fee Act, requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. The Mitigation Fee Act also imposes additional requirements for fees imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements, as specified, including that the fees be deposited in a separate capital facilities account or fund. This bill would require a local agency that requires a qualified applicant, as described, to deposit fees for improvements, as described, into an escrow account as a condition for receiving a conditional use permit or equivalent development permit to expend the fees within 5 years of the deposit.

CSAC Position

Pending

[AB 2430](#) (Grayson D) Tiny homes.

Introduced: 2/17/2022

Status: 2/18/2022-From printer. May be heard in committee March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law contains various provisions addressing housing in California, including, among others, providing for the creation by local ordinance or ministerial approval, as applicable, of accessory dwelling units, and governing, under the Manufactured Housing Act of 1980, the titling, registration, and transfer of, and occupational licensing relating to, manufactured homes, mobilehomes, commercial coaches, truck campers, and floating homes. This bill would state the intent of the Legislature to enact legislation relating to tiny homes.

CSAC Position

Watch

[AB 2432](#) (Muratsuchi D) Neighborhood electric vehicles: County of Los Angeles: South Bay cities area.

Introduced: 2/17/2022

Status: 3/3/2022-Referred to Com. on TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified. Current law authorizes certain local agencies to establish a NEV transportation plan subject to certain requirements. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100. This bill would authorize the County of Los Angeles or any city in the county to establish a similar NEV transportation plan for a plan area that may include any applicable portion of the county or city located within the jurisdiction of the South Bay Cities Council of Governments, as specified, subject to the same penalties.

CSAC Position

Watch

[AB 2445](#) (Gallagher R) California Environmental Quality Act: affordable housing: judicial review: bonds.

Introduced: 2/17/2022

Status: 3/3/2022-Referred to Coms. on NAT. RES. and JUD.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require a person seeking judicial review of the decision of a lead agency made pursuant to CEQA to carry out or approve an affordable housing project to post a bond of \$500,000 to cover the costs and damages to the affordable housing project incurred by the respondent or real party in interest. The bill would authorize the court to waive or adjust this bond requirement upon a finding of good cause to believe that the requirement does not further the interest of justice.

CSAC Position

Watch

[AB 2485](#) (Choi R) California Environmental Quality Act: exemption: emergency shelters and supportive housing.

Introduced: 2/17/2022

Status: 3/10/2022-Referred to Coms. on NAT. RES. and H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA includes exemptions from its environmental review requirements for numerous categories of projects. This bill would exempt from the requirements of CEQA emergency shelters and supportive housing, as defined.

CSAC Position

Watch

[AB 2536](#) (Grayson D) Development fees: connection fees and capacity charges: studies.

Introduced: 2/17/2022

Status: 3/10/2022-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Current law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge, as specified. This bill would, on and after January 1, 2023, require a local agency that imposes fees for water connections or sewer connections, or imposes capacity charges, as provided, and that conducts a study to support the estimate of the reasonable cost of providing the service to follow certain standards and practices, as defined and specified.

CSAC Position

Pending

[AB 2653](#) (Wicks D) Planning and Zoning Law: housing elements.

Introduced: 2/18/2022

Status: 3/14/2022-Re-referred to Com. on H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use

development within its boundaries that includes, among other things, a housing element. Current law requires the planning agency of a city or county to provide an annual report to the Department of Housing and Community Development by April 1 of each year that includes, among other information, a housing element portion that includes, as provided, the city or county's progress in meeting its share of regional housing needs and local efforts to remove governmental constraints on the maintenance, improvement, and development of housing, as specified. This bill would authorize the Department of Housing and Community Development to reject the housing element portion of an annual report if the report is not in substantial compliance with these requirements.

CSAC Position

Watch

[AB 2656](#) (Ting D) Planning and zoning.

Introduced: 2/18/2022

Status: 2/19/2022-From printer. May be heard in committee March 21.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the planning agency of the city or county to provide to the Department of Housing and Community Development, the Office of Planning and Research, and the legislative body of the city or county, by April 1 of each year, an annual report that includes, among other things, the city or county's progress in meeting its share of the regional housing needs. This bill would require the planning agency to provide the annual report on or by March 31 of each year.

CSAC Position

Watch

[AB 2668](#) (Grayson D) Planning and zoning: housing: streamlined, ministerial approval.

Introduced: 2/18/2022

Status: 3/10/2022-Referred to Coms. on H. & C.D. and L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would prohibit a local government from determining that a development, including an application for a modification, is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains sufficient information that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. This bill contains other existing laws.

CSAC Position

Pending

[AB 2673](#) (Irwin D) California Environmental Quality Act: trustee agencies.

Introduced: 2/18/2022

Status: 3/10/2022-Referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Before determining whether a negative declaration or an EIR is required for a project, CEQA requires the lead agency to consult with all responsible agencies and trustee agencies. CEQA defines a trustee agency as a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for people of the State of California. The existing guidelines for the implementation of CEQA define "trustee agency" to include the Department of Fish and Wildlife, the State Lands Commission, the Department of Parks and Recreation, and the Regents of the University of California, as specified. This bill would expressly include those 4 state entities set forth in the guidelines as trustee agencies in regard to specified natural resources and properties within their respective jurisdictions.

CSAC Position

Pending

[AB 2705](#) (Quirk-Silva D) Housing: fire safety standards.

Introduced: 2/18/2022

Status: 2/19/2022-From printer. May be heard in committee March 21.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Fire Marshal to prepare, adopt, and submit building

standards and other fire and life safety regulations to the California Building Standards Commission for approval establishing minimum requirements for the storage, handling, and use of hazardous materials. Current law requires the State Fire Marshal to seek the advice of the Secretary for Environmental Protection in establishing those requirements. This bill would prohibit the legislative body of a city or county from approving a discretionary entitlement, as defined, that would result in a new residential development project, as defined, being located within a very high fire hazard severity zone, unless the city or county finds that the residential development project will meet specified standards intended to address wildfire risks, as specified.

CSAC Position

Watch

[AB 2719](#) (Fong R) California Environmental Quality Act: exemptions: highway safety improvement projects.

Introduced: 2/18/2022

Status: 3/10/2022-Referred to Com. on NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway under specified circumstances. This bill would further exempt from the requirements of CEQA highway safety improvement projects, as defined, undertaken by the Department of Transportation or a local agency.

CSAC Position

Watch

[AB 2878](#) (Aguiar-Curry D) California Environmental Quality Act.

Introduced: 2/18/2022

Status: 2/19/2022-From printer. May be heard in committee March 21.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) makes various legislative findings and declarations regarding the maintenance of a quality environment for the people of this state and states the intent of the Legislature for state agencies to regulate activities so that major consideration is given to preventing environmental damage. This bill would make nonsubstantive changes to those findings and declarations, and to the statement of intent.

CSAC Position

Watch

[SB 888](#) (Melendez R) Land use: subdivision maps: expiration dates.

Introduced: 1/31/2022

Status: 3/3/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Subdivision Map Act, vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified. This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that was approved on or after January 1, 2000.

CSAC Position

Pending

[SB 1063](#) (Skinner D) Energy: appliance standards and cost-effective measures.

Introduced: 2/15/2022

Status: 3/10/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, standards for minimum levels of operating efficiency, and authorizes the commission to prescribe other cost-effective measures, to promote the use of energy- and water-efficient appliances whose use requires a significant amount of energy or water. Current law requires that those standards become effective no sooner than one year after their date of adoption or revision and requires that they not result in any added total costs for consumers over the designed life of the impacted appliances. Existing law prohibits the sale, and the offering for sale, of a new appliance unless its manufacturer certifies that it complies with the standards in effect at the time the appliance is manufactured. This bill would authorize the commission, upon a finding of good cause, to make the standards effective sooner than one year after their date of adoption or revision.

CSAC Position

Watch

SB 1067 (Portantino D) Housing development projects: automobile parking requirements.

Introduced: 2/15/2022

Status: 3/11/2022-March 17 set for first hearing canceled at the request of author.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would prohibit a city with a population greater than 200,000 from imposing any minimum automobile parking requirement on a housing development project that is located within 1/2 mile of public transit, as defined, and that either (1) dedicates 75% of the total units to low- and very low income households, the elderly, or persons with disabilities or (2) the developer demonstrates to the local agency that the development would not have a negative impact on the local agency's ability to meet specified housing needs and would not have a negative impact on traffic circulation or existing residential or commercial parking within 1/2 mile of the project. By changing the duties of local planning officials, this bill would impose a state-mandated local program.

CSAC Position

Pending

SB 1068 (Laird D) Governor's Office of Business and Economic Development: Climate change.

Introduced: 2/15/2022

Status: 3/15/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," within the Governor's office to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill would require GO-Biz to develop economic forecasts. The bill would require the economic forecasts to include climate impacts.

CSAC Position

Watch

SB 1118 (Borgeas R) California Environmental Quality Act: judicial relief.

Introduced: 2/16/2022

Status: 2/23/2022-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes a court, in an action or proceeding brought challenging the determination, finding, or decision of a public agency on the ground of noncompliance with CEQA, to enter, among other things, an order to void the determination, finding, or decision, in whole or in part. This bill would make nonsubstantive changes to the latter provision.

CSAC Position

Watch

SB 1136 (Portantino D) California Environmental Quality Act: expedited environmental review: climate change regulations.

Introduced: 2/16/2022

Status: 2/23/2022-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires specified state agencies to perform, at the time of adoption of a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable methods of compliance. This bill would make nonsubstantive changes to the latter provision.

CSAC Position

Watch

SB 1214 (Jones R) Planning and zoning: local planning.

Introduced: 2/17/2022

Status: 3/3/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would provide that the Planning and Zoning Law and any other law do not authorize the distribution or transmission of copies of architectural drawings that contain information protected by the federal Architectural Works Copyright Protection Act of 1990, subject to certain exceptions. The bill would provide that a single copy of a set of architectural drawings submitted for official review may be physically exhibited to the public by an authorized government agency or other government body and government agencies or other government bodies responsible for the official review of architectural drawings may make copies for their internal official review.

CSAC Position

Watch

SB 1217 (Allen D) State-Regional Collaborative for Climate, Equity, and Resilience.

Introduced: 2/17/2022

Status: 3/8/2022-Set for hearing March 28.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would establish, until January 1, 2028, the State-Regional Collaborative for Climate, Equity, and Resilience to provide guidance, on or before January 1, 2024, to the State Air Resources Board for approving new guidelines for sustainable communities strategies. The collaborative would consist of one representative each of the state board, the Transportation Agency, the Department of Housing and Community Development, and the Strategic Growth Council, along with 10 public members representing various local and state organizations, as specified. The bill would require, on or before December 31, 2025, the state board to update the guidelines for sustainable communities strategies to incorporate suggestions from the collaborative.

CSAC Position

Pending

SB 1345 (Ochoa Bogh R) Excavations: subsurface installations.

Introduced: 2/18/2022

Status: 3/2/2022-Referred to Coms. on B., P. & E.D. and GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Dig Safe Act of 2016 requires an excavator to comply with specified notification and delineation requirements before starting an excavation. Current law provides for the enforcement of the act by the California Underground Facilities Safe Excavation Board. Current law defines the terms "legal excavation start date and time," "working day," and "subsurface installation" for purposes of the act. This bill would revise the definition of "legal excavation start date and time" to, among other things, exclude weekends and holidays. The bill would revise the definition of "subsurface installation" to include nonpressurized sewerlines, nonpressurized storm drains, and other nonpressurized drain lines. The bill would revise the definition of "working day" by the deleting provision limiting the hours from 7:00 a.m. to 5:00 p.m.

CSAC Position

Watch

[SB 1354](#) (Jones R) Design-build contracting: cities, counties, and cities and counties: compliance with the federal Americans with Disabilities Act of 1990.

Introduced: 2/18/2022

Status: 3/10/2022-Set for hearing March 17.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize a city, county, or city and county to use the design-build contracting process to award contracts for constructing projects that are necessary in order to comply with the federal Americans with Disabilities Act of 1990. By expanding design-build authority to include additional projects, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

CSAC Position

Watch

[SB 1404](#) (Stern D) California Environmental Quality Act: oak woodlands.

Introduced: 2/18/2022

Status: 3/9/2022-Referred to Coms. on E.Q. and N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA requires a county to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. CEQA requires the county to require certain oak woodlands mitigation alternatives if the county determines that there may be a significant effect to oak woodlands. CEQA exempts certain projects from this requirement. This bill would instead require a public agency to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment and to require certain oak woodlands mitigation alternatives, and would make conforming changes. The bill would provide that the removal of 3 or more oak trees within an oak woodland constitutes a significant effect on the environment.

CSAC Position

Watch

[SB 1410](#) (Caballero D) California Environmental Quality Act: transportation impacts.

Introduced: 2/18/2022

Status: 3/9/2022-Referred to Com. on E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Existing law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill instead would require the criteria for determining the significance of transportation impacts of projects within transit priority areas to only promote the reduction of greenhouse gas emissions. The bill would retain the metric for traffic levels of service for projects outside transit priority areas, and require the potential metrics described above to only apply to projects within transit priority areas.

CSAC Position

Watch

Total Measures: 37

Total Tracking Forms: 37

Attachment Two
SB 9 Mandates Ministerial Approval of Urban Lot Splits and Two-
Unit Developments

SB 9 Mandates Ministerial Approval of Urban Lot Splits and Two-Unit Developments

Senate Bill 9, which adds sections 65851.21 and 66411.7 to the California Government Code, goes into effect January 1, 2022. This law requires public agencies to grant ministerial, or by-right, approval of urban lot splits and two-unit developments that meet certain criteria. The intent of the legislation is to increase density in single-family neighborhoods, allowing additional units to be built on a lot that is currently zoned for a single-family residence.

Under SB 9, local agencies must ministerially approve certain subdivisions of one lot in a single-family residential zone into two lots without discretionary review or hearing. To qualify for by-right approval, the proposed lot split must meet the following criteria:

- The lot split must result in two lots of approximately equal size (60/40 split at most);
- Each new lot must be at least 1,200 square feet (unless the local agency adopts a lower minimum);
- The lot to be split cannot have been established through a prior SB 9 lot split;
- Neither the lot owner nor anyone acting “in concert with” the owner has previously subdivided an adjacent parcel through a SB 9 lot split;
- The uses on the resulting lots would be residential;
- The applicant has stated, by affidavit, that they intend to live in one of the units for three years, unless the applicant is a qualified non-profit or community land trust.

Other than the previously stated requirement, no other owner occupancy requirement may be imposed on an urban lot split. In approving an SB 9 lot split, local agencies may not require

the correction of nonconforming zoning conditions, right-of-way dedications, or the construction of off-site improvements, although they may require access to a public right-of-way and may require easements for public services and facilities.

Similarly, local agencies must also ministerially approve certain qualifying two-unit housing developments in single-family residential zones. Two-unit developments are either those that propose the construction of two new units, or those that propose the addition of one new unit to an existing unit. The project may not demolish more than 25 percent of the exterior walls of an existing unit unless the local agency permits otherwise or the site has not been occupied by a tenant in the last 3 years. Under SB 9, local agencies cannot apply any zoning standards, except for four-foot side and rear setbacks, that would not allow each of the new units to be at least 800 square feet in size. There appears to be no prohibition on local owner occupancy requirements if two units are proposed without an urban lot split.

Other qualifying criteria applicable to both urban lots splits and two-unit developments include:

- The lot split or two-unit development may not result in the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from the rental market in the last 15 years, or housing occupied by a tenant in the past 3 years.
- The lot or development must be located within an urbanized area or urban cluster, or within a city with boundaries in an urbanized area or urban cluster.

- The parcel cannot be designated a local or state historic landmark and is not within a local or state historic district.
- Dwelling units created via SB 9 may not be used for short-term rentals of less than 30 days.
- Parcels may not contain prime agricultural land, wetlands, or protected species habitat. They may be in a very high fire hazards zone, earthquake fault zone, floodplain, floodway, and site with hazardous materials if they meet certain conditions.

Urban lot splits and two-unit developments may be located within the Coastal Zone but must comply with any Local Coastal Plan and Coastal Act. No review is needed under the California Environmental Quality Act for an urban lot split, two-unit development, or local ordinance implementing SB 9.

As with similar streamlining legislation in recent years, such as the Housing Accountability Act, SB 9 provides that local agencies may only apply objective standards to qualifying urban lot splits and two-unit developments. The legislation also limits parking requirements to one space per unit (or none if the project is near transit or car share locations) and limits side and rear setbacks to four feet or less (or none for existing structures or new structures in the same location and of the same size as an existing structure). Finally, local agencies must permit proposed adjacent or connected structures meeting certain criteria.

While current law generally provides for the creation of accessory dwelling units ("ADUs") by ministerial approval, SB 9 creates two exceptions to this requirement. A local agency is not required to allow more than two units of any kind on a parcel created through an urban lot split, including ADUs, and is not required to permit ADUs on parcels that use both the urban lot split provision and the two-unit provision.

Lastly, SB 9 amends the Subdivision Map Act at section 66452.6 of the Government Code. Currently, an approved or

conditionally approved tentative map expires either 24 months after its approval, or after any additional period permitted by local ordinance, not to exceed an additional 12 months. SB 9 allows a local ordinance to permit an extension for 24 months. Where local agencies adopt this change by ordinance, a tentative map would expire up to 48 months after its approval.

For more information, please contact Barbara Kautz (bkautz@goldfarblipman.com), Nazanin Salehi (nsalehi@goldfarblipman.com), or any other attorney at Goldfarb Lipman LLP.

Attachment Three
Comments in Response to the Board of Forestry “State Minimum
Fire Safe Regulations, 2021”



January 19, 2022

Chair J. Keith Gilles, Chair
Vice Chair Darcy Wheelles
Member Mike Jani
Member Rich Wade
Member Susan Husari
Member Marc Los Huertos
Member Katie Delbar
Member Christopher Chase
Board of Forestry and Fire Protection
Post Office Box 944246
Sacramento, CA 94244-2460

Transmittal Via E-Mail: PublicComments@BOF.ca.gov

**RE: "State Minimum Fire Safe Regulations, 2021"
15-Day Revisions Published January 3, 2022– Formal Comments**

Dear Chair Gilles and Board Members:

The Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), and the Urban Counties of California (UCC) strongly urge the Board to reconsider its current approach to the proposed "State Minimum Fire Safe Regulations, 2021." Local governments sincerely appreciate the evolving hazards of catastrophic wildfire in California. It is our communities that burn, and our officials who are responsible for response, recovery, and rebuilding. We, therefore, vigorously support efforts to enhance fire safety considerations, and integrate them with local planning processes. However, this cannot be done without meaningful collaboration between the Board and local governments, and genuine commitment to balance any new development burdens with our state's other critical priorities, including the statewide housing crisis, and economic revitalization of disadvantaged communities.

Unfortunately, the current rulemaking process has, as yet, included neither such collaboration, nor such balance. We appreciate that the revised proposed regulations include several features responsive to prior comments, including limiting certain requirements within the State Responsibility Area (SRA) to high fire areas, and more nuanced consideration of dead-end roads. However, as explained in greater detail below, the revised proposal is fatally unclear regarding the requirements for individual homebuilders and small businesses, and imposes disproportionate and unnecessary

restrictions on even minor development proposals, to the detriment of both individual and community. Moreover, the revised regulations introduce new concerns, including unclear, unaccountable, and undemocratic administrative provisions, and flawed attempts to define and restrict agricultural activities.

These problems all have a common root cause – the Board's continued failure to meaningfully engage with the local governments who will be responsible for implementing the regulations. We again urge the Board members and staff to undertake a constructive, open, real-time dialog with a working group comprised of all relevant local disciplines, including elected officials, planners, public works directors, and fire officials. With good faith collaboration and an open mind, solutions can be developed, and better, stronger regulations can be implemented for the benefit of all Californians. State and local officials are necessarily partners in this effort, and it can succeed only when that is recognized by all parties.

The following is a summary of our overarching concerns. We have also attached a red-line of our recommended changes to the text of the proposed regulations. (This red-line integrates the changes previously recommended in our June 21, 2021 comment letter; however, the recommendations specifically directed to the current revised proposal are highlighted for convenience, with explanatory margin comments.)

Road Standards

- The revised proposed regulations are confusingly drafted, making it unclear what standards apply to which existing roads. Specifically, it is unclear whether the "Standards for Existing Roads" apply to all roads "that provide Access to New Building Construction" (as suggested in Section 1273.12), or only to roads serving the specific "types of Building Construction" identified in Section 1273.00, i.e., larger developments. This uncertainty has immense effect on the scope of the regulations with regard to individual homeowners and small businesses, and potentially catastrophic impacts if not clarified.
- Further, the new categorization of road requirements, into (1) those explicitly limited to "new" roads; (2) those whose applicability to "new" or "existing" roads is not specified; and (3) explicit "existing" road requirements is similarly confusing, and make it unclear which of these requirements apply to existing roads serving both smaller and larger developments.
- Finally, the "Standards for Existing Roads" – if not limited to larger developments – will unduly burden housing production and economic development, and are unrealistic in many rural areas. In addition to the concerns noted in previous comments, the revised proposed regulations would now require fully developed surfacing for all existing roads serving affected development – effectively

eliminating any significant building or other economic activity in regions served by dirt roads throughout California.

Unclear and Unaccountable Administrative Provisions

- The new "Authority Having Jurisdiction" provisions are confusing and flawed. Under the current regulations – and the prior proposal – "local jurisdictions" and their governing bodies (i.e., elected Board of Supervisors and City Councils) have clear responsibilities for both substantive decision-making, such as designation of fuel breaks and strategic ridgelines, and procedural matters, such as hearing appeals of denied "exception" requests. The revised proposal undermines all of these functions, to the detriment of the democratic process.
- The revised proposed regulations would vest all of these functions with the nebulous "Authority Having Jurisdiction," an ill-defined "organization, office, or individual," whose identity cannot be determined with any certainty, and may vary from decision-to-decision. (These provisions appear to have been adapted from National Fire Protection Association materials, and do not adequately address the much wider scope of planning-level decision-making required under these regulations.) At best, this is a recipe for continual jurisdictional in-fighting over who has decision-making authority on any issue. At worst, this will transfer responsibility from the people's elected representatives to unelected offices who lack the overarching role and public accountability of local governing bodies.
- These flaws are compounded in the appeal process, where the revised proposed regulations provide that certain decisions by the "Authority Having Jurisdiction" (whoever that is) cannot be appealed. This deprives affected residents of due process – and the community of accountability – and perversely impairs the decision-making process by removing an administrative remedy that would otherwise have to be exhausted prior to any legal challenge.

"Agriculture" Definition

- The revised proposed regulations attempt to impose a uniform statewide definition of "agriculture" – and they do so poorly. California boasts one of the world's largest and most diverse agricultural economies, and the range of agricultural uses and activities varies widely from the Redwood Coast of Del Norte county to the Imperial Valley. Contrary to the suggestions in the Supplemental Statement of Reasons, local governments are in precisely the best position to identify "what kinds of activities constitute 'agriculture'" in their communities. The proposal to replace this competent local knowledge with an inflexible uniform definition is truly a solution in search of a problem – and the flaws in this approach are aptly demonstrated by the definition proposed, which purports to exclude ranching and livestock raising

activities, a major agricultural sector. Responsibility for articulating agricultural activities should be returned to local governments, or at a minimum a competent, well-supported definition should be utilized that covers the full range of California agriculture.

"Substantial Compliance"

- The revised definition of "substantial compliance" still fails to provide either the clarity or the flexibility necessary to address disparate and unpredictable conditions encountered throughout the state. Moreover, the revised definition makes achieving "concurrent Fire Apparatus ingress and civilian evacuation" an organic component of "substantial compliance," thus further impairing any utility of this concept with respect to road standards.

Additional Concerns

- The concerns expressed in prior comments remain applicable to the current draft, including the overall lack of balance between these costly new standards and other critical needs, such as housing production and economic development, and the lack of transparency regarding the environmental and economic impacts of these proposals. The Board has still not fully complied with either the Administrative Procedure Act nor the California Environmental Quality Act – nor given any indication of how it plans to do so – which gets more concerning the further the regulatory process proceeds.

We invite Board members to carefully review these comments and concerns, and we look forward to addressing the Board directly at a future public meeting. If you have any questions, please feel free to contact Tracy Rhine (RCRC) at trhine@rcrcet.org, Catherine Freeman (CSAC) at cfreeman@counties.org, or Jean Hurst (UCC) at jkh@hbeadvocacy.com.

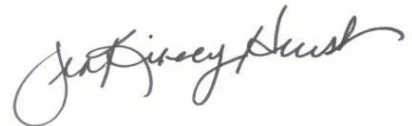
Sincerely,



CATHERINE FREEMAN
Legislative Representative
CSAC



TRACY RHINE
Senior Legislative Advocate
RCRC



JEAN KINNEY HURST
Legislative Representative
UCC

Chair Gilles and Board Members

“State Minimum Fire Safe Regulations, 2021”

15-Day Revisions Published January 3, 2022– Formal Comments

January 19, 2022

Page 5

cc: Wade Crowfoot, Secretary, Natural Resources Agency
Hazel Miranda, Deputy Legislative Secretary, Office of the Governor
Matt Dias, Executive Officer, Board of Forestry and Fire Protection

Attachment: “State Minimum Fire Safe Regulations, 2021”

15-Day Revisions Published January 3, 2022– Formal Comments

Attachment Four

Broadband Progress Update: Where do the historic investments to close the Digital Divide stand now?

Broadband Progress Update: Where do the historic investments to close the Digital Divide stand now?

GEOFFREY NEILL DANIELLE BRADLEY

Tied by strict federal funding deadlines, California agencies are working swiftly to implement the historic \$6 billion investment in broadband infrastructure. CSAC staff have provided an overview of the progress of these investments to date, as well as important funding opportunities for counties in the near future.

Middle-Mile Broadband Initiative:

SB 156 dedicated \$3.25 billion to develop, construct, and maintain a statewide, open-access middle-mile network. Because funding for the middle-mile network comes from the federal American Rescue Plan Act (ARPA), all \$3.25 billion must be dedicated by December 2024 and middle-mile projects must be completed by December 2026.

Last November, the California Department of Technology (CDT) announced the start of pre-construction and design work on [18 initial project locations](#). CDT is currently working on a competitive procurement for 3,000 miles of fiber and other materials, which Caltrans will start incorporating into existing transportation construction projects by July. However, the majority of projects are not expected to break ground until 2023. CDT anticipates the design of the 6,000-mile network to be finalized by July, but [a preliminary map](#) is available.

The Middle-Mile Advisory Committee, which oversees the development and construction of the middle-mile network, continues to meet monthly. Unfortunately, the February 18 Committee meeting fell victim to “Zoom bombing,” forcing the meeting to end early due to highly offensive content. The next meeting will be on March 18.

Last-Mile Initiative:

SB 156 also dedicated \$2 billion for last-mile broadband infrastructure to connect unserved and underserved communities. The California Public Utilities Commission (CPUC) is required to allocate \$1 billion to projects in urban counties and \$1 billion in rural counties. Within those groupings, Additionally, the CPUC must initially allocate \$5 million in each county before allocating the remaining funds based on their proportionate shares of unserved and underserved households.

On March 2, Commissioner Reynolds issued a [proposed decision](#) to adopt rules for this \$2 billion last-mile grant program. This proposed decision must be approved by a vote of the Commission, which could occur as early as the next Business Meeting on April 7. CPUC staff anticipates they will begin to open up applications in July. Reforms passed last year make counties directly eligible for these grants.

Loan Loss Reserve Fund:

The \$750 million Loan Loss Reserve Fund, also established by SB 156, will assist local governments and nonprofits secure financing for local broadband infrastructure deployment.

Unlike other programs created through SB 156, the Loan Loss Reserve Fund is funded through state General Fund dollars and is not tied to the same strict timelines as the federally funded programs. Draft program rules are expected to be released in the late summer for stakeholder comment. CPUC anticipates opening funding cycles for the Loan Loss Reserve program between April and June of 2023.

Local Agency Technical Assistance:

On February 24, the CPUC issued a [final decision](#) to establish the Local Agency Technical Assistance (LATA) grant program, which was authorized by SB 156 and is funded by the federal Coronavirus State and Local Fiscal Recovery Funds.

The LATA grant program consists of \$50 million to reimburse local agencies and Tribal entities for eligible pre-construction expenses to provide last-mile connections to unserved and underserved communities. Of this \$50 million, at least \$5 million is set-aside for Tribes. **Applications for up to \$500,000 per local agency per fiscal year that meet eligibility criteria will be granted ministerial approval.**

CPUC staff will be conducting outreach over the next couple of months. Webinars about the grant program and application process will occur on April 5, 2022 from 10-11 a.m., and on April 19, 2022 from 10-11 a.m. Links to register for these webinars will be posted on [CPUC's website](#) soon.