

Maricela Hernandez

Subject: SB 765 and SB 55

ITEM NO. 10 CORRESPONDENCE

From: Mekelburg, Megan <Megan.Mekelburg@sen.ca.gov>

Sent: Thursday, March 18, 2021 12:29 PM

To: Maricela Hernandez <mhernandez@cityofcalabasas.com>

Cc: Wolf, Jeremy <Jeremy.Wolf@sen.ca.gov>

Hi Maricela,

Yes, Jeremy and I would be interested in attending the March 24th meeting to speak to SB 765 as well as SB 55. I also wanted to provide the pending draft amendments to SB 55 which may impact the staff's comments regarding its severity. The attached amendments will do the following:

- Provide a general exemption to the development prohibition of a local jurisdiction meets stringent fire safety standards.
- Clarifies the definition of a "new development" to explicitly allow for rebuilds and any 1:1 construction for existing dwelling units
- Allows any essential infrastructure maintenance
- Allows for construction of a new facility or infrastructure if it is intended for fire prevention or response

Please let me know if there are specific directions for to participate in the meeting and if any further information is needed in advance of the meeting for either bill.

Thank you!

Megan Mekelburg

Legislative Aide

Office of Senator Henry Stern (D-Los Angeles)

State Capitol, Room 5080

Sacramento, CA 95814

(916) 651-4027

The people of the State of California do enact as follows:

SECTION 1. Section 51182.5 is added to the Government Code, to read:

51182.5. (a) Notwithstanding any law, in furtherance of state housing production and wildfire mitigation goals under Assembly Bill 101 (Chapter 159 of the Statutes of 2019), Section 4290 of the Public Resources Code, and subdivision (g) of Section 65088, a new development shall not be created or approved in a very high fire hazard severity zone or a state responsibility ~~area~~ *area unless the county and, if applicable, the city is in substantial compliance with the "Fire Hazard Planning, General Plan Technical Advice Series" guidance document updated by the Office of Planning and Research pursuant to Section 65040.21.*

(b) For purposes of this section, ~~"development"~~ *"development"* section:

(1) *"Development"* means either of the following:

~~(1)~~

(A) A project containing residential dwellings, including, but not limited to, mobilehomes, accessory dwelling units, and junior accessory dwelling units, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

~~(2)~~

(B) A project for commercial, retail, or industrial use.

(2) *"New development"* does not include either of the following:

(A) *Construction required to maintain, repair, reconstruct, restore, or rebuild a development that is involuntarily damaged or destroyed by fire or other catastrophic event.*

(B) *Construction required to maintain, repair, reconstruct, restore, or rebuild an existing residential dwelling.*

(C) *Construction required to maintain, repair, reconstruct, restore, or rebuild a facility or infrastructure associated with the delivery of essential public services, including, but not limited to, the provision of water service, electric service, and wastewater collection and treatment.*

(D) *Construction of a new facility or infrastructure intended for fire prevention or response.*

(3) *"Rebuild"* means to build a new structure of the same or smaller size as, and in place of, an existing structure or a structure that is destroyed by fire or other catastrophic event.

(4) *"Substantial compliance"* means actual compliance with every essential and relevant aspect of the document described in subdivision (a).

SEC. 2. The Legislature finds and declares that the prohibition on the creation or approval of a new development within a zone of high fire danger as specified in this act is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore,

Section 1 of this act adding Section 51182.5 to the Government Code applies to all cities, including charter cities.

SEC. 3. No reimbursement is required by this act 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 act, within the meaning of Section 17556 of the Government Code.