

Date of Hearing: April 20, 2022

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 2705 (Quirk-Silva) – As Amended April 7, 2022

**SUBJECT:** Housing: fire safety standards.

**SUMMARY:** Requires cities and counties to make specified findings regarding wildfire standards before approving discretionary entitlements for new residential developments in very high fire hazard severity zones (VHFHSZ), and requires the State Fire Marshall to provide financial assistance to fire harden specified numbers of existing homes in VHFHSZ, upon appropriation by the Legislature. Specifically, **this bill:**

- 1) Provides that the legislative body of a city or county shall not approve a discretionary entitlement that would result in a new residential development project located within a VHFHSZ, unless the city or county finds that the residential development project will meet all of the following standards to reduce wildfire risk, as applicable:
  - a) **For a residential development project of any size** the following standards adopted by the State Board of Forestry and Fire Protection (Board), the State Fire Marshal, and the California Building Standards Commission intended to address wildfire risks or the successor provisions, unless such standards provide exceptions or alternative means of compliance applicable to the residential development project:
    - i) Chapter 7A of the California Building Code.
    - ii) Chapter 49 of the California Fire Code.
    - iii) Section R337 of the California Residential Code.
    - iv) Chapter 12-7A of the California Referenced Standards Code.
    - v) Subchapter 2 (commencing with Section 1270) of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations.
    - vi) Article 3 (commencing with Section 1299.01) of Subchapter 3 of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations.
  - b) **For a residential development project of 10 or more residential dwelling units:**
    - i) All of the standards set forth above for a project of any size.
    - ii) A plan reviewed by the local fire authority that implements, at a minimum, the following wildfire risk reduction strategies:
      - (1) Fire hardening of onsite structures in accordance with the fire safety standards described in a), above, and any site-specific measures needed to address unique fire risks as determined by the local fire authority.

- (2) Access for fire safety personal and evacuation routes for residents as determined by the local fire authority.
  - (3) Wildfire buffer areas of at least 30 feet or to the property line from steep slopes and high-risk fuel sources, following completion of any development grading, as determined by the local fire authority.
  - (4) Long-term funding and maintenance of the wildfire buffer areas through a homeowners' association or other similar organization.
- c) **For a residential development project of 100 units or more:**
- i) All of the standards set forth in a) and b), above, for a residential development project of 99 units or less.
  - ii) Undergrounding of new distribution electric power lines of 66 kilovolts or less within the boundaries of the residential development project.
  - iii) Adequate access for firefighting equipment, taking into consideration width, turning radius, and turnaround, that meets or exceeds the requirements set forth in the California Fire Code.
  - iv) A demonstrated water supply to support fire suppression that meets or exceeds the requirements set forth in the California Fire Code.
  - v) An evacuation plan, approved by the local fire authority, that determines that the residential development project would not significantly impair evacuation times during a wildfire event, taking into account planned improvements or measures that are conditions of approval for the residential development. The evacuation plan shall identify adequate ingress and egress for the residential development during a wildfire emergency event, including primary and secondary access points, alternative emergency access lanes or areas that can be used by emergency personnel, and other ingress and egress options that allow safe evacuation and emergency personnel access during a wildfire event. The plan may incorporate, if approved by the local fire authority, a sheltering plan for extreme conditions where evacuation is not practical.
  - vi) A wildfire risk reduction program, approved by the local fire authority, setting forth site-specific safety measures to ensure that the residential development project, as a whole, is planned and constructed to resist the encroachment of wildfire and to mitigate wildfire risks to surrounding areas. This program shall be deemed to satisfy the requirement for a fire protection plan described in b), above. A community-wide wildfire risk reduction program shall include at least all of the following:
    - (1) Fire hardening of onsite structures in accordance with the fire safety standards described in a), above, for a project of any size and any site-specific standards needed to address unique fire risks as determined by the local fire authority.
    - (2) Wildfire buffer areas from the perimeter of the residential development project to slopes and potential fuel sources, as determined following completion of any

development grading, of at least 100 feet or to the property line, or a greater distance if determined necessary by the local fire authority.

- (3) Enhanced fire sprinklers pursuant to NFPA 13D, if determined necessary by the local fire authority.
  - (4) A development pattern and layout for the residential development project that is intended to reduce wildfire risk through measures that may include, but are not limited to, all of the following:
    - (a) Incorporating natural and manmade features on the perimeter of the property as wildfire buffer areas between higher risk fuel sources or steep slopes and residential structures within the property.
    - (b) Encouraging the placement of residential structures on the inner side of perimeter roads or other perimeter wildfire buffer areas.
    - (c) Discouraging the placement of residential structures on portions on the property that have disproportionately high risk to wildfires compared to other residential structures on the property.
  - (5) An ongoing education program by a homeowners' association or similar organization that includes, at a minimum, ongoing materials and activities to educate residents about wildfire risks, evacuation routes, landscaping restrictions, and other fire protection measures. This education program shall include periodic wildfire evacuation drills.
  - (6) An ongoing implementation and maintenance program to ensure that the wildfire buffer areas and other applicable measures in the community-wide wildfire risk reduction program are implemented and maintained over the life of the residential development. Consistent with the California Constitution, this program may be funded through a fee, tax, assessment, homeowners' association assessment, or similar funding mechanism for the life of residential development. Compliance shall be documented by the homeowners association or similar organization and submitted to the local fire authority annually for the first three years and then at least every five years thereafter.
- 2) States that the wildfire risk reduction standards outlined in this bill shall not limit or prohibit a legislative body of a city or county from adopting more stringent standards than those in this bill.
  - 3) Requires, upon appropriation from the Legislature, and in accordance with the California Wildfire Mitigation Financial Assistance Program (Wildfire Mitigation Program), the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development (HCD), to do all of the following:
    - a) Provide financial assistance to fire harden at least 300,000 existing vulnerable homes within the next three years in VHFHSZ, with an emphasis on disadvantaged communities

identified pursuant to Section 39711 of the Health and Safety Code, in the form of grants and low interest loans under the Wildfire Mitigation Program.

- b) Continue to offer financial assistance to fire harden an additional 300,000 existing vulnerable homes in VHFHSZ every three years thereafter, with a target of hardening 1 million existing vulnerable homes within the first 10 years.
  - c) Report back to the Legislature annually, as specified, on the pace of fire hardening and what constraints impair the ability to realize the targets established by this bill.
- 4) Provides the following definitions for the purposes of this bill:
- a) “Discretionary entitlement” means one or more of the following discretionary approvals for a new residential development project for which a new application or preliminary application is submitted after January 1, 2023, for any of the following:
    - i) A general plan amendment.
    - ii) A zoning ordinance amendment.
    - iii) A development agreement.
    - iv) A subdivision tract or parcel map, other than a final map.
    - v) A conditional use permit.

“Discretionary entitlement” does not include any modification or amendment to any previously approved development agreement, subdivision tract map, parcel map or final map, conditional use permit, or other discretionary approval for a residential development project.

- b) “Local fire authority” means the organization, office, or individual responsible for enforcing the applicable requirements of this chapter, or for approving equipment, materials, installations, or procedures. “Local fire authority” includes the local government and local fire authority in their respective roles of development approval process and regulatory enforcement.
- c) “Residential development project” means a development project to construct new residential units, including student and faculty housing, or a mixed-use development project with over 75 percent new residential uses by square footage.
- d) “Very high fire hazard severity zone” means any lands located within a VHFHSZ, as indicated on maps adopted by the Department of Forestry and Fire Protection (CalFIRE) or as designated by a local agency pursuant to existing law, as specified.
- e) “Wildfire buffer areas” means setbacks or fuel modification zones that provide a buffer between a residential development and slopes or high-risk fuel sources. Wildfire buffer areas may be satisfied by, but are not limited to, natural or manmade setbacks, maintained fuel modification zones, roads, defensible space, natural or landscaped areas

with fire-resistant vegetation, fuel breaks, or nonflammable natural or manmade amenities or features.

- f) “Wildfire risk reduction program” means a program designed by a professional with experience in firefighting and wildfire risk reduction strategies for the purpose of avoiding, reducing, or mitigating fire- and wildfire-related risks to a residential development project based on the criteria provided in this bill’s wildfire risk reduction standards for a residential development project of 100 units or more, as specified.
- 5) Makes extensive findings and declarations regarding its purpose.
  - 6) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because this bill provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, as specified.

#### **EXISTING LAW:**

- 1) Allows a city or a county to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public, including land use authority.
- 2) Requires, pursuant to Planning and Zoning Law, every city and county to adopt a general plan that sets out planned uses for all of the area covered by the plan, and requires the general plan to include seven mandatory elements, including a land use element.
- 3) Requires major land use decisions by cities and counties, such as development permitting and subdivisions of land, to be consistent with their adopted general plans.
- 4) Requires the Director of CalFIRE to designate areas of moderate, high, and VHFHSZs.
- 5) Requires landowners in the State Responsibility Area (SRA) and VHFHSZs to follow specified fire prevention practices and meet standards developed by the Board.
- 6) Requires the Board to adopt specified minimum fire safety standards applicable to the perimeters and access to all residential, commercial, and industrial building construction within the SRA and lands classified and designated as VHFHSZ.

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

#### **COMMENTS:**

- 1) **Bill Summary.** This bill prohibits a city or county from approving a discretionary entitlement that would result in a new residential development project located within a VHFHSZ, unless the city or county finds that the residential development project will meet specified standards to reduce wildfire risk. These standards are categorized by the size of the development. Projects containing less than 10 units are required to comply with existing state

law. Standards become progressively more stringent for developments of 10-99 units, and developments of 100 or more units.

Entitlements that are subject to the bill's requirements include discretionary approvals for a new residential development project for which a new application or preliminary application is submitted after January 1, 2023, for any of the following:

- a) A general plan amendment.
- b) A zoning ordinance amendment.
- c) A development agreement.
- d) A subdivision tract or parcel map, other than a final map.
- e) A conditional use permit.

This bill also requires the State Fire Marshall to provide financial assistance to fire harden at least 300,000 existing vulnerable homes within the next three years in VHFHSZ, with an emphasis on disadvantaged communities, in the form of grants and low interest loans under the Wildfire Mitigation Program. The State Fire Marshall must continue to offer financial assistance to fire harden an additional 300,000 existing vulnerable homes in VHFHSZ every three years, with a target of hardening 1 million existing vulnerable homes within the first 10 years. The State Fire Marshall must report back to the Legislature annually on the pace of fire hardening and what constraints impair the ability to realize the targets established by this bill.

This bill is sponsored by The California Building Industry Association.

- 2) **Author's Statement.** According to the author, "As a state, we are far from meeting the need for 'Housing for All.' To address the housing shortage, reduce inequities in home ownership rates, and protect homeowners from climate change, California needs to build more housing across all levels of affordability that are fire-resilient and energy efficient. We need options to build modern, resilient homes, including increasing our affordable housing stock by also making sure those who live and work in our communities are protected and safe."
- 3) **State Housing Crisis.** California faces a severe housing shortage. In its most recent statewide housing assessment, HCD estimated that California needs to build an additional 100,000 units per year over recent averages of 80,000 units per year to meet the projected need for housing in the state. A variety of causes contributed to the lack of housing production. Recent reports by the Legislative Analyst's Office and others point to local approval processes as a major factor. They argue that local agencies control most of the decisions about where, when, and how to build new housing, and those agencies are quick to respond to vocal community members that may not want new neighbors. The building industry also points to the review required by the California Environmental Quality Act (CEQA) as an impediment, and housing advocates note a lack of a dedicated source of funds for affordable housing.

- 4) **California Wildfires.** Catastrophic and devastating wildfires have occurred repeatedly in the state in recent years. In 2021 alone, preliminary data show almost 9,000 wildland fires burned almost 2.6 million acres in the state. Slightly fewer wildland fires in 2020 burned almost 4.4 million acres – a modern record. The 2020 August Complex Fire in northern California – the largest fire in California’s modern history – burned over 1 million acres by itself. The 2021 Dixie fire also almost reached 1 million acres. Two wildland fires in the last year burned over the crest of the Sierras which had not been previously observed. Nine of the twenty largest and seven of the twenty most destructive wildland fires in state history occurred in 2020 and 2021.
- 5) **Fire Hazard Severity Zones.** CalFIRE provides wildland fire protection on non-federal lands outside cities. To meet this duty, the Board designates the SRA every five years. Within SRA lands, the Director of CalFIRE designates moderate, high, and VHFHSZs. After the 1991 Oakland-Berkeley firestorm, the Legislature required CalFIRE to designate VHFHSZs in the Local Responsibility Area (LRA). These maps must be updated every five years (current maps date to 2007).

Landowners in the SRA and VHFHSZs must follow specified fire prevention practices and meet standards developed by the Board. These practices and standards include maintaining defensible space of 100 feet around structures, performing certain activities to reduce the amount of flammable material near and on structures, and meeting specific building standards developed by CalFIRE and HCD that help a structure withstand ignition and reduce fire risk. AB 2911 (Friedman), Chapter 641, Statutes of 2018, required the State Fire Marshall to update these building standards to provide for comprehensive site and structure fire risk reduction by January 1, 2020.

- 6) **Planning and Permitting.** Every county and city must adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. Most major land use decisions – subdivisions, zoning, public works projects, use permits, and so forth – must be consistent with the general plan. Development decisions must carry out and not obstruct a general plan’s policies.

The Subdivision Map Act regulates how local officials approve the conversion of larger parcels into marketable lots. Major subdivisions – more than four lots – require a discretionary tentative map and a ministerial final map. Minor subdivisions – four or fewer lots, called “lot splits” – usually require a single, discretionary parcel map. In some communities, minor subdivisions require a tentative parcel map and a final parcel map, similar to major subdivisions.

- 7) **Fire-Specific Planning Requirements.** The Planning and Zoning Law provides that the safety element’s purpose is to protect the community from unreasonable risks from geologic hazards, flooding, and wildland and urban fires. In 2012, the Legislature expanded the safety elements’ contents for fire risks on land classified as SRAs and VHFHSZs. SB 1241 (Kehoe), Chapter 311, Statutes of 2012, required safety elements to contain specified information about fire hazards and, based on that information, a set of comprehensive goals, policies, and objectives to protect against unreasonable fire risks. SB 1241 also required safety elements to contain a set of feasible implementation measures to carry out these goals.

Cities and counties must also submit a draft of any safety element amendments to the Board and to local fire protection agencies at least 90 days before adopting it. The Board must review and recommend changes to the draft safety element within 60 days of receiving it. If the Board provides recommendations within this timeframe, local governments must consider its recommendations. If they do not adopt the Board's recommendations, local governments have to explain why they did not to the Board. Local agencies must meet with the Board on its recommendations if the Board requests, but are not required to adopt the Board's recommendations. The safety element also must include similar information about risks due to climate change, and goals, policies, objectives, and implementation measures to protect against those risks.

Many local governments have also adopted a Local Hazard Mitigation Plan (LHMP) to identify all of the natural hazards that threaten a community, and strategies to mitigate those hazards. The Federal Emergency Management Agency reviews and approves every LHMP, and the LHMP expires five years after it's approved, unless amended and recertified. Local governments with a compliant LHMP are eligible for proactive hazard mitigation grants from the federal government, as well as additional post-disaster assistance.

Before a city council or county board of supervisors can approve a tentative map or final map in the SRA or VHFHSZ, it must make findings supported by substantial evidence that: the subdivision is consistent with the Board's applicable regulations or local ordinances certified by the Board as meeting or exceeding the state regulations; and, a local agency or CalFIRE, under contract, will provide structural fire protection and suppression services to the subdivision. Upon making these findings, the city or county must send them, along with the subdivision maps, to the Board.

- 8) **CEQA and Project Approvals.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that the project would not have a significant effect on the environment, the lead agency must prepare a negative declaration or a mitigated negative declaration. If the initial study shows that the project may have a significant effect, the lead agency must prepare an Environmental Impact Report (EIR).

Generally, an EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. Before approving any project that has received environmental review, an agency must make certain findings. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Each discretionary entitlement described in this bill is generally considered a "project" under CEQA if it will have a significant impact on the environment. There are several statutory exemptions that provide limited environmental review for projects that are consistent with a previously adopted general plan, community plan, specific plan, or zoning ordinance.



- 9) **CEQA Exemptions for Housing Projects.** CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines developed by OPR and the Natural Resources Agency, for housing projects. CEQA exemptions can provide a tremendous benefit to property owners, developers, and local governments and other parties involved in the approval of a project as they allow for the project to be completed in an expedited fashion, and insulate the project from CEQA litigation.

Each of these exemptions include a range of conditions, including requirements for prior planning-level review, as well as limitations on the location and characteristics of the site. These conditions are intended to guard against the approval of projects with significant environmental impacts that go undisclosed and unmitigated – which could otherwise endanger workers, residents and the environment.

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

- a) **SB 12 (McGuire).** This Committee approved a related measure last year, SB 12 (McGuire), which outlined more stringent wildfire standards than this bill. SB 12 also included a number of fire planning requirements that are not included in this bill. Given the ferocity and destructiveness of California’s wildfires, many stakeholders are questioning the prudence of developing in fire zones at all, while others argue for more restrictive standards than those enumerated in this bill. The Committee may wish to consider whether the wildfire standards outlined in this bill reach an appropriate balance between considering the state’s pressing housing needs and protecting residents in or near new developments in VHFHSZ.
- b) **Evacuation Routes.** In its standards for a residential development project of 100 units or more, this bill requires “an evacuation plan, approved by the local fire authority, that determines that the residential development project would not significantly impair evacuation times during a wildfire event, taking into account planned improvements or measures that are conditions of approval for the residential development. The evacuation plan shall identify adequate ingress and egress *for the residential development* during a wildfire emergency event,” as specified (emphasis added).

A superior court decision filed in January regarding the Guenoc Valley Mixed Use Planned Development Project noted, “...the issue of whether the Project’s residents could safely leave the Project in the event of a wildfire...does not focus on the issue that is required to be addressed by CEQA; whether *evacuation of the residents in the nearby area* would be affected by evacuation of the Project’s residents during a wildfire” (emphasis added). The judgment set aside the approval of the project because it did not adequately provide for the evacuation for nearby residents. The Committee may wish to encourage the author to refine this language moving forward to ensure that evacuation for *existing* residents near a new development is also accounted for in the bill’s language governing evacuation routes.

- c) **Definitions.** This bill defines “residential development project” to mean a development project to construct new residential units, including student and faculty housing, or a mixed-use development project with over 75 percent new residential uses by square footage. Most definitions of a mixed-use project use a 50 percent or 2/3 residential ratio.

The Committee may wish to encourage the author to conform this definition to those in existing law.

- d) **Discretionary Entitlements.** This bill's definition of "discretionary entitlement" includes several specific types of entitlements. It is not clear if this list covers the entire scope of discretionary entitlements possible in the process of a residential development project. The Committee may wish to consider if additional clarification is needed.

- 11) **Committee Amendment.** The Committee may wish adopt the following amendment in order to ensure that the consideration of the wildfire standards in the bill is not confused with CEQA review, which may be applicable to lead agency actions included, and excluded, from the bill's definition of "discretionary entitlement:"

On page 12, line 13, insert:

66314. Nothing in this chapter shall affect the consideration of a residential development project pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

- 12) **Related Legislation.** SB 12 (McGuire) of 2021 imposes additional fire hazard planning responsibilities on local governments, requires counties and cities to make specified findings before taking certain development actions in very high fire risk areas (VHFRA), requires related fire planning and review by multiple state agencies, and creates a grant program for small jurisdictions to implement the bill's requirements. Among its provisions, SB 12 requires the following:

- a) By January 1, 2023, the State Fire Marshall must adopt wildfire risk reduction standards that meet specified requirements and standards for third-party inspection and certification of defensible space.
- b) By January 1, 2024, the State Fire Marshall must update maps of VHFHSZs and identify areas where new residential development poses exceptional risk to future occupants of the development and to public safety personnel who must access the development during a wildfire.
- c) By January 1, 2023, the Office of Planning and Research must identify local ordinances, policies and best practices relating to land use planning in VHFRA, wildfire risk reduction, and wildfire preparedness, and publish those resources on its clearinghouse for climate adaptation information.
- d) Upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, counties and cities must review and update the safety element of their general plans as necessary to include a comprehensive retrofit strategy for existing structures.
- e) Upon the next revision of the housing element on or after July 1, 2024, each county or city that contains a VHFRA must amend the land use element of its general plan to include specified goals, objectives, information, policies, and implementation measures related to fire hazard planning. Counties and cities must adopt corresponding zoning

changes, and are subject to specified restrictions on development actions in VHFRA unless they make findings that the project and all structures in it are protected from wildfire risk.

- f) Counties and cities must make findings regarding their progress in implementing wildfire risk reduction standards and designating lands as VHFHSZs, and submit those findings to the Board and local agencies that provide fire protection in the area. The Board must review these findings and recommend changes. The Board must notify the county or city, and may notify the Attorney General (AG), that the county or city is violating state law if the Board determines that the county's or city's findings do not substantially comply with the requirements of this bill.
- g) For the 7th and subsequent revisions of the housing element, RHNA plans must further the objective of promoting resilient communities, which includes reducing development pressure within VHFRA. The factors used to develop the RHNA methodology must include the amount of land in each jurisdiction that includes a VHFRA, and whether suitable alternative sites exist outside the jurisdiction, but within the region, to accommodate the remaining regional housing need. Any determination to establish, or not establish, a lower allocation must be supported by a data-driven analysis demonstrating that the reduced allocation is, or is not, appropriate.

SB 12 also creates a grant program administered by CalFIRE to distribute grant funds to small jurisdictions to fund local planning activities necessary to meet the requirements of the bill.

SB 12 is pending in the Housing and Community Development Committee.

- 13) **Previous Legislation.** SB 182 (Jackson) of 2020 was nearly identical to SB 12. SB 182 was vetoed by the Governor with the following message:

“I strongly support strengthening land use planning requirements in order to better protect our communities from wildfire. The importance of reducing the number and impact of fires in our communities cannot be overstated. However, this bill creates inconsistencies, duplicates existing requirements, creates a loophole for regions to not comply with their housing requirements, fails to account for consequences that could increase sprawl and places significant cost burdens on the state.

“New state laws and policies are already directing housing to communities near transit, jobs and urban centers and away from fire risk areas, including integration into the current housing planning cycle. Additionally, the 2019-20 Budget requires the California Department of Housing and Community Development, in collaboration with the Governor's Office of Planning and Research, to develop recommendations to improve the regional housing need allocation process to promote and streamline housing development to address California's housing shortage. Wildfire resilience must become a more consistent part of land use and development decisions. However, it must be done while meeting our housing needs.”

AB 1295 (Muratsuchi) of 2021 prohibits, on and after January 1, 2022, the legislative body of a city or county from entering into a residential development agreement for property located within a VHFRA. AB 1295 was held in this Committee.

SB 474 (Stern) of 2020 would have prohibited the creation or approval of a new development in a VHFHSZ or a SRA. SB 474 was held in this Committee.

AB 38 (Wood), Chapter 391, Statutes of 2019, created the Wildfire Mitigation Program by requiring the California Office of Emergency Services to enter into a joint powers agreement with CalFIRE to administer a comprehensive wildfire mitigation and assistance program to encourage cost-effective structure hardening and facilitate vegetation management, contingent upon appropriation by the Legislature.

- 14) **Arguments in Support.** The California Building Industry Association, sponsor of this bill, writes, “The measures required by AB 2705 are based on decades of experience, science, and an analysis of the State Fire Marshal’s Property Loss Data of more than 31,000 data points...The analysis of the State Fire Marshal data revealed that on average 1.3% of new homes in the 9 largest fires in the state were affected or destroyed in these fires. This underscores the point that the significant strides in building codes, defensible space and other requirements are working and that older structures need to be hardened, defensible space enforced, and communitywide perimeter buffers should be established.

“Additionally...master planned communities have implemented wildfire protection measures that have been fire-tested and proven to work so that no homes in these communities were damaged or destroyed. AB 2705 incorporates the lessons learned from these projects and makes them the baseline for project approval with 100 or more homes.”

- 15) **Arguments in Opposition.** Endangered Habitats League, in opposition, states, “The various requirements enumerated by the bill are either already required by state law (e.g., building codes) or are already part of standard local government practice (e.g., evacuation plans, educational programs). In this sense, the bill does not add value. But what it does do is send a signal from the state that further expansion of new housing into with wildland-urban interface is acceptable and mitigable. Rather, such expansion is both unnecessary and dangerous.

“The bill’s assertion that ‘critically needed housing’ is needed in very high fire hazard severity zones is completely unsupported. Indeed, the Housing Element of unincorporated Los Angeles County, which has enormous fire hazard zones, has accommodated all its required housing capacity, for all income levels, in safe locations. The bill’s promotion of more sprawl into fire zones suits the financial interests of the bill’s backer, the California Building Industry Association, but not the safety of Californians.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Building Industry Association [SPONSOR]  
 Building Industry Association of Southern California, INC.  
 Building Owners and Managers Association of California

California Apartment Association  
California Business Properties Association  
California Business Roundtable  
California Chamber of Commerce  
Commercial Real Estate Development Association, NAIOP of California  
Institute of Real Estate Management (IREM)  
International Council of Shopping Centers  
Orange County Business Council  
Southern California Leadership Council  
United Latinos Action

**Opposition**

Brentwood Alliance of Canyons & Hillsides (prior version)  
Buena Vista Audubon Society (prior version)  
California Native Plant Society (prior version)  
California Native Plant Society - San Diego Chapter (prior version)  
California Wildlife Foundation (prior version)  
Center for Biological Diversity  
Defenders of Wildlife (prior version)  
Endangered Habitats League  
Environmental Center of San Diego (prior version)  
Friends of Harbors, Beaches and Parks (prior version)  
Hills for Everyone (prior version)  
Los Angeles Audubon Society (prior version)  
Los Padres Forest Watch (prior version)  
Natural Resources Defense Council (prior version)  
Planning and Conservation League (prior version)  
San Diego Audubon Society (prior version)  
San Dieguito Community Planning Group (prior version)  
The Urban Wildlands Group (prior version)

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