



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

March 25, 2024

The Honorable Marc Berman
Member, California State Assembly
1021 O Street, Room 8130
Sacramento, CA 95814

**RE: Assembly Bill 2199 – SUPPORT
As Amended March 18, 2024**

Dear Assembly Member Berman:

On behalf of the Rural County Representatives of California (RCRC), we are pleased to support your Assembly Bill 2199, which extends an existing California Environmental Quality Act (CEQA) exemption for residential and mixed-use housing projects. RCRC is an association of forty rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those counties.

Assembly Bill 2199 extends the sunset date for a CEQA exemption that applies to the construction of residential or mixed-use housing projects in a county's unincorporated area. To qualify for this exemption, projects must be consistent with applicable general plan policies and zoning as well as be located on a site of no more than five acres in an area that is substantially surrounded by urban uses. AB 2199 will provide both rural and non-rural counties with continued CEQA relief for infill housing projects, will help fuel economic growth, and provide counties with more flexibility to address the state's significant housing shortfall.

While we appreciate that the existing exemption cannot be used on sites that appear on the Cortese List of contaminated sites, we suggest exploring opportunities to refine that exception, as that list still includes many sites that formerly had a leaking underground storage tank, which have since been fully remediated. Such an accommodation was integrated into SB 35's Government Code Section 65913.4(a)(6)(E), which precludes use of SB 35's streamlined approval process for affordable housing projects located on "A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, *unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.*"

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(emphasis added). While DTSC may be the appropriate entity to make such a determination for some of these sites, regional water boards may be more frequently involved in those determinations.

For the above reasons, RCRC supports your AB 2199. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is written in a cursive style with a large, looping "J" and "K".

JOHN KENNEDY
Senior Policy Advocate

cc: The Honorable Isaac Bryan, Chair, Assembly Natural Resources Committee
Members of the Assembly Natural Resources Committee
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee
Casey Dunn, Consultant, Assembly Republican Caucus