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SB-131 Public Resources. (2025-2026)

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Date Published: 07/01/2025 09:00 PM

Senate Bill No. 131

CHAPTER 24

An act to add Article 3 (commencing with Section 50245) to Chapter 6.5 of Part 1 of Division 31 of the Health and Safety Code, and to amend Sections 21080.1, 21080.47, 21080.51, 21094.5.5, and 21167.6 of, and to add Sections 21060.4, 21064.8, 21067.5, 21080.085, 21080.44, 21080.48, 21080.49, 21080.55, 21080.57, 21080.69, 21080.70, and 21083.03 to, the Public Resources Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2025. Filed with Secretary of State June 30, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 131, Committee on Budget and Fiscal Review. Public Resources.

(1) Existing law establishes the Homeless Housing, Assistance, and Prevention program, administered by the Interagency Council on Homelessness, with respect to rounds 1 to 5, inclusive, of the program, and the Department of Housing and Community Development, with respect to round 6 of the program, for the purpose of providing jurisdictions, as defined, with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges, as specified.

This bill would establish round 7 of the program. The bill would authorize the Department of Finance to augment Item 2240-001-0001 of the Budget Act of 2025 by \$8,000,000 from the General Fund to prepare to administer round 7 of the program, as specified. The bill would require the Department of Finance to provide notification of any augmentation within 10 days to the Joint Legislative Budget Committee. The bill would, effective July 1, 2026, appropriate \$500,000,000, as specified, provided that these funds be disbursed in accordance with specified requirements, including that funds from this appropriation be disbursed to a city, county, tribe, or continuum of care for round 7 of the program after a declaration by the director of the department, in consultation with the Director of Finance, that the department has substantially completed its initial disbursement of round 6 funds to the city, county, tribe, or continuum of care, and that the city, county, tribe, or continuum of care has obligated at least 50% of its total round 6 award. The bill would state the intent of the Legislature to enact future legislation that specifies the parameters for round 7 of the program, as specified.

(2) 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 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 the Office of Land Use and Climate Innovation 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 proposed guidelines. CEQA requires those adopted guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and exempts those classes of projects from CEQA, commonly known as categorical exemptions. CEQA requires the guidelines to include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment, and requires the criteria to require a finding that a project may have a significant effect on the environment if one or more of specified conditions exist.

This bill would exempt from CEQA, except as provided, a rezoning that implements the schedule of actions contained in an approved housing element, as specified. The bill would require the lead agency to be responsible for determining whether a project is exempt from CEQA. By requiring a lead agency to determine the applicability of the exemption and by increasing the duties of a lead agency, the bill would impose a state-mandated local program.

This bill would, for the approval of a proposed project that would otherwise be exempt from CEQA pursuant to a statutory exemption, or specified categorical exemptions adopted before January 1, 2026, but for a single condition, as specified, limit the application of CEQA to the effects upon the environment that are caused solely by that single condition. For these projects, the bill would only require the initial study or EIR to examine those effects that the lead agency determines, based upon substantial evidence in the record, are caused solely by the single condition that makes the proposed project ineligible for a statutory or categorical exemption. The bill would provide that these provisions do not apply to, among other things, a project that includes a distribution center, as defined, oil and gas infrastructure, as defined, or a project located on specified natural and protected lands, as defined.

This bill would exempt from CEQA specified new agricultural employee housing projects and projects consisting exclusively of the repair or maintenance of an existing farmworker housing project.

Existing law exempts from CEQA, until January 1, 2028, specified projects that, among other things, do not affect wetlands or sensitive habitats, undertaken by a public agency or private entity that primarily benefit a small disadvantaged community water system or a state small water system, as provided. Existing law defines various terms for these purposes.

This bill would extend the applicability of that exemption until January 1, 2032, and would expand the definition of a project for purposes of the exemption to include a project to provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems, as defined.

This bill would, until January 1, 2030, exempt from CEQA specified projects for a community water system that receives funding from specified sources that does not otherwise include any construction activities if the project results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery and includes procedures and ongoing management for the protection of the environment. This bill would exempt from CEQA wildfire risk reduction projects, including, among other things, projects for prescribed fire, defensible space clearance, and fuel breaks.

Existing law exempts from CEQA specified projects that consist of linear broadband deployment in a right-of-way if the project meets specified conditions.

This bill would expand that exemption to include a right-of-way of a local street or road.

This bill would exempt from CEQA updates to the state's climate adaptation strategy, as provided.

This bill would exempt from CEQA any activity or approval necessary for or incidental to planning, design, site acquisition, construction, operation, or maintenance of public park or nonmotorized recreational trail facilities funded by a specified source.

This bill would exempt from CEQA, except when located on natural and protected lands, as defined, a project that consists exclusively of a day care center, as specified, a project that consists exclusively of a federally qualified health center or a rural health clinic, as specified, a project that consists exclusively of a nonprofit food bank or food pantry, as specified, and a project that consists exclusively of a facility for advanced manufacturing, as specified.

This bill would exempt from CEQA a project that consists of the development, construction, or operation of a heavy maintenance facility or other maintenance facility for electrically powered high-speed rail, as defined, if specified conditions are met. The bill would exempt from CEQA a project that consists of the development, construction, or modification of a proposed passenger rail station, or design changes to a passenger rail station, for the purpose of serving electrically powered high-speed rail, if specified conditions are met.

Because a lead agency would be required to determine the applicability of some of the above-described exemptions, the bill would impose a state-mandated local program.

(3) Existing law, the Administrative Procedure Act, sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require the office, on or before July 1, 2027, to map the eligible urban infill sites within every urbanized area or urban cluster in the state, as provided. The bill would require the office to develop a definition of and metrics for identifying an eligible urban infill site, as provided. The bill would require the office, at least 120 days before initial adoption of a map of eligible urban infill sites, to transmit a copy of the draft map or revision to the board of supervisors of each county and to the city council of each city in which any portion of the mapped area is located. The bill would authorize a city, county, or city and county to submit comments and proposed corrections and would require the office to consider those comments or proposed corrections and revise the draft map as appropriate. The bill would require the office to publish the draft map on its internet website for at least 45 days, conduct at least one public meeting to present the draft map, and receive public comments, as provided. The bill would authorize the office to amend any portion of the map, as provided. This bill would exempt the adoption or amendment of a map of eligible urban infill sites and the development of the definition of and metrics for identifying an eligible urban infill site from the Administrative Procedure Act.

Existing law limits the application of CEQA to the approval of an infill project, as defined, to the effects on the environment that are specific to the project or to the project site and were not addressed as significant effects in the prior EIR or where substantial new information shows the effects will be more significant than described in the prior EIR, as provided. Existing law requires the office to prepare, develop, and transmit to the Natural Resources Agency for certification and adoption guidelines to implement this provision.

This bill would, on or before January 1, 2026, and at least once every 2 years thereafter, require the guidelines to be updated to address any rigid requirements, lack of clarity in vague terminology, and the potential for excessive exposure to frivolous litigation over lead agency determinations, as specified.

(4) CEQA requires an action or proceeding to attack, review, set aside, void, or annul certain acts or decisions of a public agency to be commenced according to specified processes, including that at the time that the action or proceeding is filed, the plaintiff or petitioner is required to file a request that the respondent public agency prepare the record of proceedings relating to the subject of the action or proceeding, and requires the record of proceedings to include specified items and materials, including, among other things, all internal agency communications, including staff notes and memoranda related to the project or to compliance with CEQA, but excluding communications that are of a logistical nature, as specified.

This bill would, except for a project that includes a distribution center or oil and gas infrastructure, exclude staff notes and internal agency communications from the record of proceedings, as provided.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 3 (commencing with Section 50245) is added to Chapter 6.5 of Part 1 of Division 31 of the Health and Safety Code, to read:

Article 3. Round 7 of the Homeless Housing, Assistance, and Prevention program

50245. (a) Round 7 of the Homeless Housing, Assistance, and Prevention program is hereby established.

(b) Effective July 1, 2026, the sum of five hundred million dollars (\$500,000,000), less the amount of funding that has been transferred to Item 2240-001-0001 of the Budget Act of 2025 from the General Fund pursuant to subdivision (d), is appropriated, provided that these funds shall only be disbursed in accordance with both of the following:

(1) None of these funds shall be allocated until after enactment of legislation declaring that it addresses the issues described in subdivision (c).

(2) Funds from this appropriation shall only be disbursed to a city, county, tribe, or continuum of care for round 7 of the program after declaration by the director of the department, in consultation with the Director of Finance, that both of the following are true of the particular city, county, tribe, or continuum of care that is the subject of the disbursement, with respect to round 6 of the Homeless Housing, Assistance, and Prevention program:

(A) The department has substantially completed its initial disbursement of round 6 funds to the city, county, tribe, or continuum of care.

(B) The city, county, tribe, or continuum of care has obligated at least 50 percent of its total round 6 award.

(c) (1) Consistent with paragraph (1) of subdivision (b), it is the intent of the Legislature to enact future legislation that specifies parameters for round 7 of the Homeless Housing, Assistance, and Prevention program.

(2) The following conditions and priorities shall be incorporated into the implementation of round 7 funding, with subsequent legislation to specify the extent to which each shall apply:

(A) Having a compliant housing element.

(B) Having a local encampment policy consistent with administration guidance.

(C) Having a prohousing designation.

(D) Leveraging local resources to scale state investments.

(E) Demonstrating progress on key housing performance metrics.

(F) Demonstrating urgency and measurable results in housing and homelessness prevention.

(d) (1) (A) The Department of Finance may augment Item 2240-001-0001 of the Budget Act of 2025 by eight million dollars (\$8,000,000) to prepare to administer round 7 of the Homeless Housing, Assistance, and Prevention program.

(B) The Department of Finance shall provide notification of any augmentation within 10 days to the Joint Legislative Budget Committee.

(2) (A) The administrative costs for round 7 of the program shall not exceed 5 percent of the total allocated for round 7 of the program.

(B) The amounts provided in paragraph (1) are included in the 5 percent to be allocated for this purpose.

SEC. 2. The Legislature finds and declares both of the following:

(a) The California Environmental Quality Act (CEQA; Division 13 (commencing with Section 21000) of the Public Resources Code) provides communities across California with important safeguards against projects like fossil fuel plants and warehouses that have caused real environmental harm to residents of the state. Too often it has resulted in delays to essential projects that are key to solving the state's housing crisis and to strategic development that is necessary to maintain California's position as the fourth largest economy in the world.

(b) Over the last several years, the Legislature has enacted numerous provisions that streamline CEQA, including, but not limited to, reforms to administrative records, court timelines, and the level of environmental review of projects in the areas of water, transportation, clean energy, and housing.

(c) CEQA should not be used primarily for economic interests, to stifle competition, to gain competitive advantage, or to delay a project for reasons unrelated to environmental protection.

SEC. 3. Section 21060.4 is added to the Public Resources Code, to read:

21060.4. "Distribution center" means a warehouse distribution center, as defined in Section 2100 of the Labor Code, that is 50,000 square feet or larger.

SEC. 4. Section 21064.8 is added to the Public Resources Code, to read:

21064.8. "Oil and gas infrastructure" means a facility used for the production, processing, transmission, storage, or distribution of petroleum or natural gas.

SEC. 5. Section 21067.5 is added to the Public Resources Code, to read:

21067.5. "Natural and protected lands" means sites located within any of the following locations:

(a) The state park system, as described in Article 1 (commencing with Section 5001) of Chapter 1 of Division 5.

(b) A wilderness area, as defined in Section 5093.32.

- (c) A marine protected area, as defined in Section 2852 of the Fish and Game Code.
- (d) The national park system, as defined in Section 100102 of Title 54 of the United States Code.
- (e) A national recreation area.
- (f) A national monument.
- (g) The national wild and scenic rivers system, as defined in Section 1273 of Title 16 of the United States Code.
- (h) Any ecological reserve or wildlife management area acquired and managed by the Department of Fish and Wildlife pursuant to Article 2 (commencing with Section 1525) or Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code.
- (i) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - (1) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for the use proposed by the project. This paragraph does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5 of the Government Code.
 - (2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code has otherwise determined that the site is suitable for the use proposed by the project.
- (j) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- (k) Lands under conservation easement.
- (l) On, or within a 300-foot radius of, a wetland, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- (m) An environmentally sensitive area within the coastal zone, as defined in Section 30107.5.
- (n) Lands protected as preserve areas or reserve lands pursuant to an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) or habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).
- (o) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within the state responsibility area, as defined in Section 4102. This subdivision does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following provisions or their successor provisions:
 - (1) Section 4291 of this code or Section 51182 of the Government Code, as applicable.
 - (2) Section 4290.
 - (3) Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations.
- (p) Either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

SEC. 6. Section 21080.085 is added to the Public Resources Code, to read:

21080.085. (a) This division does not apply to a rezoning that implements the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code.

(b) (1) Subdivision (a) does not apply to either of the following:

(A) A rezoning that would allow for the construction of a distribution center or for oil and gas infrastructure.

(B) A rezoning that would allow for construction to occur within the boundaries of any natural and protected lands as defined pursuant to Section 21067.5.

(2) (A) (i) Subdivision (a) applies to a rezoning that contains within its boundaries any natural and protected lands as defined pursuant to Section 21067.5 if those natural and protected lands are excluded from the rezoning.

(ii) The definition of "natural and protected lands" described in clause (i) does not include the lands described in subdivision (p) of Section 21067.5.

(B) The rezoning of any parcel or portions of a parcel that is excluded from a rezoning under this paragraph shall be a separate project that is subject to this division.

SEC. 7. Section 21080.1 of the Public Resources Code is amended to read:

21080.1. (a) The lead agency shall be responsible for determining whether the project is exempt from this division and whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required for any project that is subject to this division. That determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167.

(b) (1) If a proposed housing development project would otherwise be exempt from this division pursuant to a statutory exemption, or categorical exemption pursuant to Class 1 to 5, inclusive, 12, 15, 20, 27, 30, or 32 that is adopted before January 1, 2026, but for a single condition detailed in the statutory exemption or in Section 15300.2, 15301, 15302, 15303, 15304, 15305, 15312, 15315, 15320, 15322, 15327, 15330, or 15332 of Title 14 of the California Code of Regulations, as applicable, the application of this division to the approval of the proposed housing development project shall be limited to effects upon the environment that are caused solely by that single condition.

(2) An initial study or environmental impact report prepared for a housing development project subject to this subdivision is only required to examine those effects that the lead agency determines, based upon substantial evidence in the record, are caused solely by the single condition that makes the proposed housing development project ineligible for the statutory exemption or categorical exemption.

(3) An environmental impact report for a housing development project subject to this subdivision is not required to include any discussion of alternatives to the housing development project or the growth-inducing impacts of the housing development project.

(4) This subdivision does not apply to any of the following housing development projects:

(A) A proposed housing development project that is not similar in kind to the projects listed in the statutory or categorical exemption.

(B) A proposed housing development project that is ineligible for the statutory exemption or categorical exemption due to two or more conditions.

(C) A proposed housing development project that includes a distribution center or oil and gas infrastructure.

(D) (i) A proposed housing development project located on natural and protected lands, as defined pursuant to Section 21067.5.

(ii) The definition of "natural and protected lands" described in clause (i) does not include the lands described in subdivision (o) of Section 21067.5.

(5) For purposes of this subdivision, the following definitions apply:

(A) "Condition" means a physical or regulatory feature of the project or its setting or an effect upon the environment caused by the project.

(B) "Housing development project" has the same meaning as defined in Section 65589.5 of the Government Code.

(c) In the case of a project described in subdivision (c) of Section 21065, the lead agency shall, upon the request of a potential applicant, provide for consultation before the filing of the application regarding the range of actions, potential alternatives, mitigation measures, and any potential and significant effects on the environment of the project.

SEC. 8. Section 21080.44 is added to the Public Resources Code, to read:

21080.44. (a) This division does not apply to a new agricultural employee housing project that complies with Section 21159.22, meets the requirements of paragraphs (1) to (4), inclusive, of subdivision (i) of Section 17021.8 of the Health and Safety Code, and that is any of the following:

- (1) Funded by the Joe Serna, Jr. Farmworker Housing Grant Program (Chapter 3.2 (commencing with Section 50515.2) of Part 2 of Division 31 of the Health and Safety Code).
- (2) Funded by the Office of Migrant Services within the Department of Housing and Community Development.
- (3) Funded by a local government.
- (4) Owned or operated and funded by a public or nonprofit entity, or that receives state, federal, or local public funding.

(b) This division does not apply to a project consisting exclusively of the repair or maintenance of an existing farmworker housing project.

SEC. 9. Section 21080.47 of the Public Resources Code is amended to read:

21080.47. (a) For purposes of this section, the following definitions apply:

- (1) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents within the area served by the public water system.
- (2) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.
- (3) "Inadequate onsite sewage treatment system" has the same meaning as defined in Section 13288 of the Water Code.
- (4) "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons more than six months per year.
- (5) "Onsite sewage treatment system" has the same meaning as defined in Section 13290 of the Water Code.

(6) (A) "Project" means either of the following:

(i) A project that consists solely of the installation, repair, or reconstruction of one or more of the following:

- (I) Drinking water groundwater wells with a maximum flow rate of up to 250 gallons per minute.
- (II) Drinking water treatment facilities with a footprint of less than 2,500 square feet that are not located in an environmentally sensitive area.
- (III) Drinking water storage tanks with a capacity of up to 250,000 gallons.
- (IV) Booster pumps and hydropneumatic tanks.
- (V) Pipelines of less than three miles in length in a road right-of-way or up to seven miles in length in a road right-of-way when the project is required to address threatened or current drinking water violations.
- (VI) Water service lines.
- (VII) Minor drinking water system appurtenances, including, but not limited to, system and service meters, fire hydrants, water quality sampling stations, valves, air releases and vacuum break valves, emergency generators, backflow prevention devices, and appurtenance enclosures.

(ii) A project to provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems.

(B) "Project" does not include either of the following categories of projects:

- (i) Facilities that are constructed primarily to serve irrigation or future growth.
- (ii) Facilities that are used to dam, divert, or convey surface water.

(7) "Project labor agreement" has the same meaning as in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(8) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, and shall include, but not be limited to, any of the following:

(A) Any collection, treatment, storage, and distribution facilities under the control of, and used primarily in connection with, the public water system.

(B) Any collection or pretreatment storage facilities not under the control of the operator of the public water system, but that are used primarily in connection with the public water system.

(C) Any system for the provision of water for human consumption through pipes or other constructed conveyances that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

(9) "Skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(10) "Small community water system" means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(11) "Small disadvantaged community water system" means either a small community water system that serves one or more disadvantaged communities or a nontransient noncommunity water system that primarily serves one or more schools that serve one or more disadvantaged communities.

(12) "State small water system" means a system for the provision of piped water to a disadvantaged community for human consumption that serves at least 5, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(b) (1) This division does not apply to a project that meets the requirements of subdivision (c) and subdivision (d) or (e), as appropriate, and that primarily benefits a small disadvantaged community water system or a state small water system in any of the following ways:

(A) Improving the small disadvantaged community water system's or state small water system's water quality, water supply, or water supply reliability.

(B) Encouraging water conservation.

(C) Providing drinking water service to existing residences within a disadvantaged community, a small disadvantaged community water system, or a state small water system where there is evidence that the water exceeds maximum contaminant levels for primary or secondary drinking water standards or where the drinking water well is no longer able to produce an adequate supply of safe drinking water.

(2) Before determining a project is exempt under this section, the lead agency shall contact the State Water Resources Control Board to determine whether claiming the exemption under this section will affect the ability of the small disadvantaged community water system or the state small water system to receive federal financial assistance or federally capitalized financial assistance.

(c) The project meets all of the following:

(1) Does not affect wetlands as defined in the United States Fish and Wildlife Service Manual Part 660 FW 2 (June 21, 1993), or an environmentally sensitive habitat area within the coastal zone, as defined in Section 30107.5.

(2) Unusual circumstances do not exist that would cause a significant effect on the environment.

(3) Is not located on a hazardous waste site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(4) Does not have the potential to cause a substantial adverse change in the significance of a historical resource.

(5) The construction impacts are fully mitigated consistent with applicable law.

(6) The cumulative impact of successive reasonably anticipated projects of the same type as the project, in the same place, over time, is not significant.

(d) (1) For a project undertaken by a public agency that is exempt from this division pursuant to this section, except as provided in paragraph (2), an entity shall not be prequalified or shortlisted or awarded a contract by the public agency to perform any portion of the project unless the entity provides an enforceable commitment to the public agency that the entity and its subcontractors at

every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades.

(2) Paragraph (1) does not apply if any of the following requirements are met:

(A) The public agency has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce, and the entity agrees to be bound by that project labor agreement.

(B) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the public agency before January 1, 2021.

(C) The entity has entered into a project labor agreement that will bind the entity and all of its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

(e) For a project undertaken by a private entity that is exempt from this division pursuant to this section, the project applicant shall do both of the following:

(1) Certify to the lead agency that either of the following is true:

(A) The entirety of the project is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(B) If the project is not in its entirety a public work, all construction workers employed in the execution of the project will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the project is subject to this subparagraph, then, for those portions of the project that are not a public work, all of the following shall apply:

(i) The project applicant shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(ii) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(iii) (I) Except as provided in subclause (III), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided by that section.

(II) Except as provided in subclause (III), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the project, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(III) Subclauses (I) and (II) do not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the project and provides for enforcement of that obligation through an arbitration procedure.

(iv) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(2) Certify to the lead agency that a skilled and trained workforce will be used to perform all construction work on the project. All of the following requirements shall apply to the project:

(A) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the project.

(B) Every contractor and subcontractor shall use a skilled and trained workforce to complete the project.

(C) (i) Except as provided in clause (ii), the applicant shall provide to the lead agency, on a monthly basis while the project or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the lead agency pursuant to this clause shall be a public record under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(ii) Clause (i) does not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

(f) If the lead agency determines that a project is not subject to this division pursuant to this section, and the lead agency determines to approve or carry out that project, the lead agency shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152.

(g) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

SEC. 10. Section 21080.48 is added to the Public Resources Code, to read:

21080.48. (a) This division does not apply to a project, as defined in Section 21080.47, that is a community water system that is funded pursuant to the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Division 50 (commencing with Section 90000)) or the State Water Resources Control Board's Safe and Affordable Funding for Equity and Resilience program that does not otherwise include any construction activities if the project does both of the following:

(1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery.

(2) Includes procedures and ongoing management for the protection of the environment.

(b) A project exempt from this division pursuant to this section remains subject to all other applicable federal, state, and local laws and regulations and shall not weaken or violate any applicable environmental or public health standards.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 11. Section 21080.49 is added to the Public Resources Code, to read:

21080.49. This division does not apply to any of the following wildfire risk reduction projects, if the project is in compliance with all other applicable laws, ordinances, and zoning requirements:

(a) A project consisting of a prescribed fire or fuel reduction to reduce wildfire risk by reestablishing the fire return interval appropriate to the ecosystem for biodiversity or other benefits, excluding projects located on coastal sage scrub habitat or any other sensitive habitat. In order to qualify for the exemption established pursuant to this subdivision, all of the following requirements shall be met:

(1) The project shall not exceed 50 contiguous acres and shall be located within one-half mile of a subdivision of 30 or more dwelling units.

(2) The lead agency shall consult with the Department of Fish and Wildlife to ensure that, to the extent feasible, the project is designed to avoid or minimize impacts to (A) candidate, rare, threatened, endangered plants and wildlife; and (B) wildlife nursery sites, including nesting rookeries, spawning areas, fawning areas, and maternal roosts.

(3) The lead agency shall, to the extent feasible, design the project to avoid impacts to riparian areas and water quality through use of sediment and erosion control measures where there is ground disturbance for control lines.

(4) The lead agency shall identify and, to the extent feasible, protect tribal cultural resources that may be impacted by project. This paragraph may be met by reviewing existing records, including the California Historical Resources Information System and Sacred Lands Inventory, or by engaging in consultation with relevant California Native American tribes on identification of tribal cultural resources and appropriate mitigation measures while maintaining confidentiality of sensitive records.

(b) A project consisting of “defensible space” fire clearance of up to 100 feet, as measured from the center line of the roadway, for a public roadway identified as an egress and evacuation route for a subdivision or community of 30 or more dwelling units, to remove flammable vegetation or trees of less than 12 inches in diameter as measured at chest height.

(c) A project consisting of the establishment or enhancement of residential home hardening or defensible space for wildfire risk reduction within 200 feet of a legal structure located in a high or very high wildfire hazard zone.

(d) A project consisting of a fuel break that extends up to 200 feet from structures, including the clearance of flammable vegetation and trees less than 12 inches in diameter as measured at chest height.

SEC. 12. Section 21080.51 of the Public Resources Code is amended to read:

21080.51. (a) This division does not apply to a project undertaken by any entity, including a public entity or private or nonprofit corporation, that consists of linear broadband deployment in a right-of-way, including a right-of-way of a local street or road, if the project meets all of the following conditions:

(1) The project is constructed along, or within 30-feet of, the right-of-way of any public road or highway.

(2) The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aerially along an existing utility pole right-of-way.

(3) The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission, the Department of Transportation, or the city, county, or city and county responsible for the right-of-way to address potential environmental impacts. At minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources.

(4) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by a city, county, or city and county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

(b) If a project meets all of the requirements of subdivision (a), the person undertaking the project shall do all of the following:

(1) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority, of the exemption of the project pursuant to this section.

(2) Provide notice to the public in the area affected by the project in a manner consistent with subdivision (b) of Section 21108.

(3) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.

(4) Comply with all conditions authorized by law imposed by a city, county, or city and county as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

SEC. 13. Section 21080.55 is added to the Public Resources Code, to read:

21080.55. This division does not apply to updates to the state's climate adaptation strategy, known as the plan, adopted by the Natural Resources Agency pursuant to Section 71153.

SEC. 14. Section 21080.57 is added to the Public Resources Code, to read:

21080.57. This division does not apply to any activity or approval necessary for or incidental to planning, design, site acquisition, construction, operation, or maintenance of public park or nonmotorized recreational trail facilities funded in whole or in part by the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Division 50 (commencing with Section 90000)).

SEC. 15. Section 21080.69 is added to the Public Resources Code, to read:

21080.69. (a) Except as provided in subdivision (b), this division does not apply to any of the following projects:

(1) A project that consists exclusively of a day care center, as defined in Section 1596.76 of the Health and Safety Code, that is not located in a residential area.

(2) A project that consists exclusively of a rural health clinic, as defined by Section 1396(d)(l)(1) of Title 42 of the United States Code, or a federally qualified health center, as defined by Section 1396(d)(l)(2) of Title 42 of the United States Code, if the facility is less than 50,000 square feet in total space.

(3) A project that consists exclusively of a nonprofit food bank or food pantry, defined as a nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (26 U.S.C. Sec. 501(c)(3)), that solicits, stores, and distributes sufficient food to their defined service area, if the project is located on a site that is zoned exclusively for industrial uses.

(4) A project that consists exclusively of a facility for advanced manufacturing, as defined in Section 26003, if the project is located on a site zoned exclusively for industrial uses.

(b) This section does not apply to a project located on natural and protected lands, as defined pursuant to Section 21067.5.

SEC. 16. Section 21080.70 is added to the Public Resources Code, to read:

21080.70. (a) This division does not apply to a project that consists of the development, construction, or operation of a heavy maintenance facility or other maintenance facility for electrically powered high-speed rail, if all of the following conditions are met:

(1) The project has been evaluated in a prior project-level environmental impact report prepared pursuant to this division and that prior report evaluated one or more similar high-speed rail maintenance facility sites.

(2) The project incorporates all applicable mitigation measures identified in those prior project-level environmental impact reports.

(3) The project site is located within one mile of rail right-of-way approved for high-speed rail service.

(b) This division does not apply to a project that consists of the development, construction, or modification of a proposed passenger rail station, or design changes to a passenger rail station, for the purpose of serving electrically powered high-speed rail, if both of the following conditions are met:

(1) The station or station design change is located within the resource study area of a previously certified environmental impact report prepared pursuant to this division for a high-speed rail or passenger rail project.

(2) The project incorporates all applicable mitigation measures identified in the previously certified environmental impact report.

(c) For purposes of this section, "high-speed rail" means the California high-speed rail project and other high-speed rail projects in California that are planned to directly connect to the California high-speed rail project.

(d) This section does not apply to any project on or within natural and protected lands as defined in Section 21067.5.

(e) The exemptions provided in subdivisions (a) and (b) shall apply exclusively to projects described in those subdivisions and do not exempt any other facilities, structures, or uses not expressly identified. Any other project uses shall be subject to this division unless independently exempt under a separate provision of law.

SEC. 17. Section 21083.03 is added to the Public Resources Code, to read:

21083.03. (a) (1) On or before July 1, 2027, the Office of Land Use and Climate Innovation shall map the eligible urban infill sites within every urbanized area or urban cluster in the state.

(2) The Office of Land Use and Climate Innovation shall develop a definition of and metrics for identifying "eligible urban infill sites" that reflect both of the following criteria:

(A) (i) The site has a land use designation that is consistent with infill development as set forth in the local jurisdiction's most recent general plan or most recently adopted housing element that has been certified by the Department of Housing and Community Development to be in compliance with state law.

(ii) If a local jurisdiction has submitted land use designation information to the Office of Land Use and Climate Innovation in accordance with paragraph (3), the determination of the Office of Land Use and Climate Innovation on whether a site within that jurisdiction has a land use designation that is consistent with infill development is based on the information provided by the local jurisdiction.

(B) Development on the site promotes compact development in order to accomplish one or more of the following goals:

(i) Reduce greenhouse gas emissions and improve regional air quality by reducing the distance people need to travel.

(ii) Reduce conversion of agricultural land, sensitive habitat, and open space for new development.

(iii) Facilitate healthy and environmentally friendly active transportation.

(iv) Reduce stormwater runoff resulting in flooding and pollution of waterways.

(v) Bring vibrancy, community, and social connection to neighborhoods.

(3) (A) (i) At least 120 days before initial adoption of a map of eligible urban infill sites under this subdivision, the Office of Land Use and Climate Innovation shall transmit a copy of the draft map or revision to the board of supervisors of each county and to the city council of each city in which any portion of the mapped area is located.

(ii) Within 45 days after receiving the draft map under subparagraph (A), the city, county, or city and county may submit comments and proposed corrections to the Office of Land Use and Climate Innovation. The Office of Land Use and Climate Innovation shall consider any comments and proposed corrections submitted by the city, county, or city and county, and revise the draft map as appropriate. The city, county, or city and county may include a map of current land use designations within its boundaries and the zoning districts and regulations associated with each designation.

(iii) After making any revisions pursuant to clause (ii), the Office of Land Use and Climate Innovation shall, before adoption, publish the draft map on its internet website for at least 45 days, conduct at least one public meeting to present the draft map, and receive public comments.

(iv) The Office of Land Use and Climate Innovation shall consider any comments received at the public meeting held, or in writing during the 45-day public comment period, pursuant to clause (iii) when preparing the final map. The Office of Land Use and Climate Innovation shall publish the final map on its internet website and shall transmit a copy to the board of supervisors of each county and to the city council of each city in which any portion of the mapped area is located.

(B) (i) The Office of Land Use and Climate Innovation may amend any portion of the map of eligible urban infill sites from time to time based upon a land use designation change or other change in circumstances.

(ii) At least 45 days before amending the map, the Office of Land Use and Climate Innovation shall transmit a copy of the draft amendment to the board of supervisors of each county and to the city council of each city affected by the proposed amendment. The local jurisdiction may submit comments and proposed corrections to the Office of Land Use and Climate Innovation that the Office of Land Use and Climate Innovation shall consider, along with any other land use designation information provided by the local jurisdiction, as the Office of Land Use and Climate Innovation revises the draft amendment as appropriate.

(4) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the adoption or amendment of a map of eligible urban infill sites or to the development of definitions and metrics under this subdivision.

(b) For purposes of this section, the following definitions apply:

(1) "Urbanized area" means an urbanized area designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

(2) "Urban cluster" means an urban cluster designated by the United States Census Bureau, as published in the Federal Register, Volume 77, Number 59, on March 27, 2012.

SEC. 18. Section 21094.5.5 of the Public Resources Code is amended to read:

21094.5.5. (a) The Office of Land Use and Climate Innovation shall prepare, develop, and transmit to the Natural Resources Agency for certification and adoption guidelines for the implementation of Section 21094.5 and the Secretary of the Natural Resources Agency, on or before January 1, 2013, shall certify and adopt the guidelines.

(b) The guidelines prepared pursuant to this section shall include statewide standards for infill projects that may be amended from time to time and promote all of the following:

(1) The implementation of the land use and transportation policies in the Sustainable Communities and Climate Protection Act of 2008 (Chapter 728 of the Statutes of 2008).

(2) The state planning priorities specified in Section 65041.1 of the Government Code and in the most recently adopted Environmental Goals and Policy Report issued by the Office of Land Use and Climate Innovation supporting infill development.

(3) The reduction of greenhouse gas emissions under the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(4) The reduction in per capita water use pursuant to Section 10608.16 of the Water Code.

(5) The creation of a transit village development district consistent with Section 65460.1 of the Government Code.

(6) Substantial energy efficiency improvements, including improvements to projects related to transportation energy.

(7) Protection of public health, including the health of vulnerable populations from air or water pollution, or soil contamination.

(c) On or before January 1, 2027, and at least once every two years thereafter, in order to better incentivize affordable and smart infill housing growth pursuant to Section 21094.5, the guidelines prepared pursuant to this section shall be updated in a manner that complies with Section 21094.5 in order to address any rigid requirements, lack of clarity in vague terminology, and the potential for excessive exposure to frivolous litigation over lead agency determinations to make tiering under Section 21094.5 work more effectively in compliance with this division.

SEC. 19. Section 21167.6 of the Public Resources Code is amended to read:

21167.6. Notwithstanding any other law, in all actions or proceedings brought pursuant to Section 21167, except as provided in Section 21167.6.2 or those involving the Public Utilities Commission, all of the following shall apply:

(a) At the time that the action or proceeding is filed, the plaintiff or petitioner shall file a request that the respondent public agency prepare the record of proceedings relating to the subject of the action or proceeding. The request, together with the complaint or petition, shall be served personally upon the public agency not later than 10 business days from the date that the action or proceeding was filed.

(b) (1) (A) The public agency shall prepare and certify the record of proceedings not later than 60 days from the date that the request specified in subdivision (a) was served upon the public agency. Upon certification, the public agency shall lodge an electronic copy of the record of proceedings with the court and shall serve on the parties notice that the record of proceedings has been certified and lodged with the court. The parties shall pay any reasonable costs or fees imposed for the preparation of the record of proceedings in conformance with any law or rule of court.

(B) The court shall schedule a case management conference within 30 days of the filing of the complaint or petition pursuant to this division to review the scope, timing, and cost of the record of proceedings. The parties may stipulate to a partial record of proceedings that does not contain all the documents listed in subdivision (e) if approved by the court.

(2) The plaintiff or petitioner may elect to prepare the record of proceedings by providing a notice of the election to the public agency, or the parties may agree to an alternative method of preparation of the record of proceedings, subject to certification of its accuracy by the public agency, within the 60-day time limit specified in this subdivision.

(3) Notwithstanding paragraph (2), the public agency, within five business days of the receipt of the notice specified in paragraph (2), may deny the request of the plaintiff or petitioner to prepare the record of proceedings, in which case the public agency or the real party in interest shall bear the costs of preparation and certification of the record of proceedings, and those costs shall not be recoverable from the plaintiff or petitioner.

(c) The time limit established by subdivision (b) may be extended only upon the stipulation of all parties who have been properly served in the action or proceeding or upon order of the court. Extensions shall be liberally granted by the court when the size of the record of proceedings renders infeasible compliance with that time limit. There is no limit on the number of extensions that may be granted by the court, but no single extension shall exceed 60 days unless the court determines that a longer extension is in the public interest.

(d) If the public agency fails to prepare and certify the record of proceedings within the time limit established in paragraph (1) of subdivision (b), or any continuances of that time limit, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions.

(e) The record of proceedings shall include, but is not limited to, all of the following items:

(1) All project application materials.

(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.

(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.

(4) Any transcript or minutes of the proceedings at which the decisionmaking body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decisionmaking body before action on the environmental documents or on the project.

(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.

(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.

(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.

(8) Any proposed decisions or findings submitted to the decisionmaking body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.

(10) (A) (i) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document or portions of the initial study or drafts that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division, but not including communications that are of a logistical nature, such as meeting invitations and scheduling communications, except that any material that is subject to privileges contained in the Evidence Code, or exemptions contained in the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), shall not be included in the record of proceedings under this paragraph, consistent with existing law.

(ii) This subparagraph applies to a project that includes a distribution center or oil and gas infrastructure.

(B) (i) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions of the initial study or drafts, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including memoranda related to the project or to compliance with this division, but not including communications that are of a logistical nature, such as meeting invitations and scheduling communications, except that any material that is subject to privileges contained in the Evidence Code, or exemptions contained in the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), shall not be included in the record of proceedings under this paragraph, consistent with existing law.

(ii) This subparagraph applies to any project that is not subject to subparagraph (A).

(iii) For purposes of this subparagraph, internal agency communications does not include electronic internal agency communications, including emails, that were not presented to the final decisionmaking body, other than those

communications and documents consulted, or reviewed by the lead agency executive or a local agency executive, as defined in subdivision (d) of Section 3511.1, or other administrative official in a supervisory role who is reviewing the project. The public agency may, but is not required to, include any documents in the record of proceedings that are not specifically set forth in this subparagraph.

(11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body before the filing of litigation.

(f) In preparing the record of proceedings, the party preparing the record of proceedings shall strive to do so at reasonable cost in light of the scope of the record of proceedings.

(g) The clerk of the superior court shall prepare and certify the clerk's transcript on appeal not later than 60 days from the date that the notice designating the papers or records to be included in the clerk's transcript was filed with the superior court, if the party or parties pay any costs or fees for the preparation of the clerk's transcript imposed in conformance with any law or rules of court. Nothing in this subdivision precludes an election to proceed by appendix, as provided in Rule 8.124 of the California Rules of Court.

(h) Extensions of the period for the filing of any brief on appeal may be allowed only by stipulation of the parties or by order of the court for good cause shown. Extensions for the filing of a brief on appeal shall be limited to one 30-day extension for the preparation of an opening brief and one 30-day extension for the preparation of a responding brief, except that the court may grant a longer extension or additional extensions if it determines that there is a substantial likelihood of settlement that would avoid the necessity of completing the appeal.

(i) At the completion of the filing of briefs on appeal, the appellant shall notify the court of the completion of the filing of briefs, whereupon the clerk of the reviewing court shall set the appeal for hearing on the first available calendar date.

SEC. 20. 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.

SEC. 21. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.