# PRC 4290.5 – GC 65302(g)(5) – GC § 65302.15 Informal Guidance

**Public Resources Code § 4290.5** mandates that the Board and OSFM conduct a fire safety survey for all subdivisions located in SRA or LRA VH which lack secondary access/egress by July 1, 2021. The corresponding regulation in 14 CCR 1267.01 defines “subdivision” as “an existing development of more than 30 residential units”. It specifies that a secondary egress route is not “a road with locked gates or limited access; or one which directs traffic to the same outlet as the primary road or results in circular traffic flow, to the extent practicable”. These surveys culminate in fire safety recommendations sent from the Board and OSFM to local jurisdictions and residents of the subdivisions surveyed.

**Government Code § 65302 (g)(5)**, added pursuant to **SB 99**, requires local jurisdictions containing SRA or LRA VH to identify in their safety element all “residential developments” located in “any hazard area identified in the safety element” which lack “at least two emergency evacuation routes”. Local jurisdictions, and not the Board, have statutory authority to define parameters for those three terms. The Board is unclear at this time regarding its level of statutory authority to define these terms, but can offer guidance to local jurisdictions as they contemplate how to comply with this code section. See below for resources and guidance on those interpretations:

1. “Residential Development” – “development” is defined in [Government Code § 66418.1](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fleginfo.legislature.ca.gov%2Ffaces%2Fcodes_displaySection.xhtml%3FsectionNum%3D66418.1.%26lawCode%3DGOV&data=04%7C01%7CClaire.McCoy%40bof.ca.gov%7C87faadebfa1f4bcb566608d8a2164495%7C447a4ca05405454dad68c98a520261f8%7C1%7C0%7C637437563806733527%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=xHH0Md0zDeiIOIOMi4GyZjSUhmaFgPEkAzdBc5NQucI%3D&reserved=0) (the subdivision map act) as “the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.” [Public Resources Code § 4290.5](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fleginfo.legislature.ca.gov%2Ffaces%2Fcodes_displaySection.xhtml%3FsectionNum%3D4290.5.%26lawCode%3DPRC&data=04%7C01%7CClaire.McCoy%40bof.ca.gov%7C87faadebfa1f4bcb566608d8a2164495%7C447a4ca05405454dad68c98a520261f8%7C1%7C0%7C637437563806743477%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=IZXJ2Y4TiVx3KrKBbHrUI5Kdt5ghj8f2gatEyM7g4CE%3D&reserved=0) (the subdivision review statute) defines a subdivision as “an existing residential development of more than 30 dwelling units.” Neither PRC 4290.5 nor the regulations in [14 CCR 12267.00-.03](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgovt.westlaw.com%2Fcalregs%2FBrowse%2FHome%2FCalifornia%2FCaliforniaCodeofRegulations%3Fguid%3DI6B69B424B90F452CB9B7DC844AE544E4%26originationContext%3Ddocumenttoc%26transitionType%3DDefault%26contextData%3D(sc.Default)%26bhcp%3D1&data=04%7C01%7CClaire.McCoy%40bof.ca.gov%7C87faadebfa1f4bcb566608d8a2164495%7C447a4ca05405454dad68c98a520261f8%7C1%7C0%7C637437563806743477%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=eMQbaEmGbzUvTiNWVuB%2B9hHCXK521l7ZpIbmM0YHOBU%3D&reserved=0) define the term “residential development.” While the Subdivision Map Act specifically defines “development” for the purposes of that Act, the term “development” is frequently used colloquially to generally refer to groups of homes and/or businesses. There is no guidance in SB 99 regarding a specific definition for “residential development.”
2. “In any hazard area” – given this phrase does not specify fire hazard areas, it can be assumed that residential developments in fire, flood, earthquake, and other hazard areas identified in the planning area must be identified under SB 99. PRC 4290.5 only requires the identification and survey of subdivisions “that are at significant fire risk.”
3. “Without two emergency evacuation routes” – This language differs from PRC 4290.5, which requires a survey of subdivisions of >30 homes without a “secondary egress route.” PRC 4290.5 does not establish any definitions or requirements for “secondary egress route,” so the Board used its authority under the statute to establish requirements for what qualified as an adequate secondary access in 14 CCR 1267.01.

**Government Code § 65302.15**, added pursuant to **AB 747**, mandates that local jurisdictions review and update their local hazard mitigation plan and/or safety element “as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios”. This update is to be completed upon the next revision of an adopted local hazard mitigation plan after January 1, 2022, or to begin on or before January 1, 2022 as an update to the safety element if a jurisdiction has not adopted a hazard mitigation plan.