



July 1, 2019

The Honorable Benjamin Allen
Chair, California Senate Committee on Environmental Quality
State Capitol, Room 2205
Sacramento, California 95814

RE: AB 430 (Gallagher): Camp Fire Housing Assistance Act of 2019 – Oppose

Senator Allen,

While the Planning and Conservation League (PCL) supports the expressed intent of the proposal, we write here to respectfully convey our strong opposition to AB 430. We believe such a broad California Environmental Quality Act (CEQA) exemption for new development should require many siting and performance criteria as described further below, but **our primary recommendation is that the bill be held by the author until such time a targeted cross-jurisdictional plan is developed, with robust community input, for the economic recovery of the region, while also demonstrating alignment with California’s climate and equity goals.**

PCL has the utmost sympathy and concern for the victims and the survivors of the Camp Fire, as we do for all of the communities across California that have been struck by the increasingly devastating fires of recent years.

PCL, an author and guardian of CEQA, believes that the extremity of these disasters does indeed warrant special assistance for the rebuilding of these communities, including a well-thought-out CEQA-relief mechanism. PCL has, and continues to be, committed to working with these communities and the legislature to identify the appropriate streamlining mechanism that enables a better future for these communities, and does not run the risk of replicating or exacerbating the mistakes of the past. PCL does not believe that AB 430 represents such a well thought-out mechanism.

As recently as 2018, PCL worked to improve and support AB 2267 (Wood 2018), a fire recovery bill for the City of Santa Rosa and Sonoma County. By comparison, aspects of AB 2267 that PCL supported included:

- The streamlining incentive was expedited judicial review (AB 900 (2011) language), not a full CEQA review exemption.
- Assemblymember Wood was working directly with the City of Santa Rosa and Sonoma County, among other community stakeholders, to develop an appropriate development plan, which was almost entirely consistent with a master plan that had already been vetted by the community.

- The development plan was, in its latest version, almost entirely infill, with strong density requirements (12- 20 U/acre minimums, depending on transit proximity)
- The plan had strong transportation efficiency performance requirements, and a no-net-GHG requirement. The sites were required to be Sustainable Community Strategy consistent, and almost all of them were in transit-priority-areas (TPAs).
- There was a 20% deed-restricted affordability requirement, and a no-demolition clause for existing affordable housing , or any housing that had been rented in the last 10 years, to guard against displacement of existing low-income communities.

AB 430 does not require any of these criteria, instead proposing a full CEQA exemption for any housing within the participating jurisdictions with little more than General Plan consistency required. It should be noted that a CEQA exemption already exists for the rebuilding of properties lost due to fire. AB 430 would allow ministerial approval for new housing, including greenfield development of up to 50 acres at a time. No amount of greenfield development should have a full CEQA exemption and General Plan-level review is not adequate to gage parcel-specific environmental and community impacts. General Plans, among other things, are not fiscally constrained, and are not required to demonstrate consistency with a region's State-mandate GHG reduction targets. Allowing such a sweeping CEQA exemption for General Plan consistency alone, without a more specific, programmatically reviewed master plan in place, would be unprecedented—and it would be a bad precedent.

The ministerial-approval-for-all-housing approach proposed by AB 430 should be restricted to only the best of projects in the least impactful areas. In addition to the excluded sensitive lands already provided for in AB 430, such a fire recovery exemption should:

- Apply only to infill (wholly within and urbanized area or urban cluster as define by the Census Bureau, and no less than 75% surrounded by existing urban uses with the remainder or perimeter being previous urban uses).
- Require strict transportation efficiency standards, preferably -15% of jurisdiction average vehicle miles travelled (VMT) performance (OPR SB 743 Technical Advisory recommendation).
- Include strict affordability requirements for low, very low, and extremely low income housing.
- Require anti-displacement measures. No-net-loss is not enough, even with right-of-first return and relocation assistance which is not included in the bill either. No demolition of existing affordable or rental housing (as stipulated by SB 35 (2017)) should be the minimum, and the addition of minimal rent stabilization and just-cause eviction protection would be preferable.
- Apply stringent fire-resiliency standards for both siting and design.

Further, and most importantly, such a fire recovery exemption should require **a targeted fire recovery plan**, for the economic recovery of the region, while also demonstrating achievement of California's climate and equity goals. Disaster recovery pre-planning for all jurisdictions across the state should be a prerequisite for streamlining exemptions after the disaster. Reactionary implementation after the fact while still in a state of shock will set in motion decisions without a review process that can impact communities for decades to come, and possibly exacerbate an already challenging situation. There is existing streamlining for rebuilding after a disaster, but new development should be thought-out and planned with the robust community input.

The AB 2267 was almost entirely consistent with a fully developed master plan that had already gone through a community engagement process. The parts of the plan that had not been vetted by the community were what proved divisive, and what eventually stalled the bill—and therein lies the most important lesson: community engagement and approval in disaster recovery planning is essential. Again, PCL's primary recommendation to the author is to **hold AB 430 until next year, and develop a cross-jurisdictional recovery plan that reflects community identified needs and desires, with particular attention paid to resiliency to future fires and compliance to State environmental and equity mandates.**

Lack of such a plan has resulted in significant local opposition to the bill, and caused many of the jurisdictions most directly affected by the fire to opt out of the coverage of the bill.

If a cross-jurisdictional, community derived, recovery master plan were to be developed by the Butte region, then a reasonable discussion could be had on what the appropriate level of programmatic review and subsequent streamlining thereafter should be. PCL would be committed to working with the author and the legislature to identify the appropriate streamlining mechanism for such a plan, but without it, we must oppose AB 430's current proposal.

Questions regarding this letter may be directed to Planning and Conservation League's Policy Director, Matthew Baker, with the contact information below.

Sincerely,



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