

PCL Insider - July 23, 2019

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Communities Deserve a Say in Their Disaster Recovery: Why AB 430 Would Be a Bad Precedent

PCL regrets that we have had to come out in opposition to AB 430, a bill that would allow an extremely broad California Environmental Quality Act (CEQA) exemption for housing development in response to the Camp Fire that destroyed the town of Paradise in 2018. PCL has the utmost sympathy and concern for the victims 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. California needs a standard process for accelerating disaster recovery, one that reflects community-identified needs as well as state law, but AB 430 does not propose such a process.

AB 430 would provide a full CEQA exemption and ministerial approval for any housing or mixed-use project within the participating cities of the Butte region (Chico has opted to not be included in the bill). It should be noted that a full 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. While the bill contains exclusions of sensitive lands such as endangered species habitat, flood zones, and high-risk wildfire areas (all of which PCL does support), General Plan consistency remains to be the only substantive constraint on where and what would be built. General Plan-level review is not adequate to gauge parcel-specific impacts for greenfield development, nor regionally cumulative 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-mandated GHG reduction targets. Allowing such a sweeping CEQA exemption for the General Plan consistency alone, without a more specific, programmatically reviewed master plan in place, would be unprecedented.

PCL believes that the Butte region should first develop a **targeted master recovery plan, with robust community input**, and with particular attention paid to resiliency to future fires and compliance to State environmental and equity mandates. **Without such a plan, entirely removing the public process that CEQA provides will mean that the community has no say at all in how their region rebuilds.**

PCL, an author and guardian of CEQA, believes that the extremity of these disasters does indeed warrant special incentives for the accelerated 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.

As recently as last year, 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, the aspects of AB 2267 that PCL supported included:

- The streamlining incentive was expedited judicial review, not a full CEQA review exemption. Expedited judicial review is not something PCL generally supports in principle, but we feel disaster recovery is an instance that could warrant it.
- The City of Santa Rosa and Sonoma County, with other community stakeholders, developed a targeted development plan, consistent with a master plan that had already been vetted by the community.
- The last revised development plan was almost entirely focused on 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.
- 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 the displacement of existing low-income residents.

PCL is not proposing that the above criteria are exactly the right fit for the Butte region. We are proposing that these are the kinds of criteria that should be considered by the community for an accelerated recovery plan.

The author of AB 430, Assembly Member Gallagher, has said he “has no time” to develop such a plan. We truly sympathize with his sense of urgency, but we would contend that there is no more important time than after a disaster for direct community engagement on questions of how that community rebuilds. These decisions will impact these communities for decades to come, and, if not well thought out, could exacerbate the risks and mistakes of the past.

A disaster-recovery CEQA streamlining should require **a targeted disaster-recovery plan**, demonstrating alignment with community-identified needs as well as California’s climate and equity goals. With such a plan in place, a reasonable conversation could then be had about what the appropriate level of review and streamlining would be to accelerate recovery. Without such a plan, AB 430 would be a dangerous precedent for disaster recovery in California. **The community deserves a say.**

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