

CITY OF YUBA CITY
STAFF REPORT

Date: June 4, 2019
To: Honorable Mayor & Members of the City Council
From: Development Services Department
Presentation by: Darin E. Gale, Interim Development Services Director

Summary

Subject: Assembly Bill 430 – Camp Fire Housing Assistance Act
Recommendation: Authorize the Mayor to sign letters of support on behalf of the City for Assembly Bill 430 and request the author amend the bill to include Yuba City in the legislation
Fiscal Impact: None

Purpose:

To streamline the development process for residential development in areas impacted by the Camp Fire.

Background:**Assembly Bill 430 (AB 430):**

AB 430 (Gallagher), also known as the Camp Fire Housing Assistance Act of 2019, if passed by the Legislature and signed by the Governor, would provide a ministerial exemption of the California Environmental Quality Act (CEQA) through January 1, 2026, if the development satisfies certain objective Planning Standards as follows:

1. The development is located within a specialized residential planning area identified in the General Plan of, and adjacent to existing urban development within the cities of Biggs, Chico, Gridley, Orland and Oroville;
2. The development is either a residential or mixed-use development that follows certain guidelines described in the bill;
3. The development has a minimum density of at least four units per acre;
4. The development site is no more than 50 acres and is zoned for residential or residential mixed-use development;
5. Is consistent with the general plan and other stated guidelines;
6. The development, excluding any additional density or any other waivers of development standards grants pursuant to the density bonus law is consistent with zoning standards, subdivisions standards, and design review standards in effect at the time the development application is submitted to the local government.

7. The Development will achieve gold certification under the United States Green Building Council's Leadership in Energy and Environmental Design or equivalent;
8. The Development is not located on;
 - a. Either prime farmland or farmland of statewide importance;
 - b. Wetlands;
 - c. Within a very high fire hazard severity zone;
 - d. Within a hazardous waste site;
 - e. Within a delineated earthquake fault zone;
 - f. Within a special flood hazard area subject to a 100-year flood;
 - g. Within a regulatory floodway unless the development has received a no-rise certification;
 - h. Lands identified for conservation in an adopted natural community conservation plan;
 - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by any of the federal Endangered Species Act of 1973, the California Endangered Species Act, the Native Plant Protect Act, lands under conservation easement;
 - j. The Development does not require the demolition of a historic structure that was placed on a national, state or local historic register;
 - k. The development is not on an existing parcel of land or site that is governed under: The Mobilehome Residency Law, The Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act described in the proposed legislation.

If the development project conflicts with the standards above, the City would have 60 or 90 days to provide an explanation of why the development is in conflict with the above standards for 150 or fewer housing units (60-days); or 150 or more housing units (90-days), respectively.

Design review or public oversight shall be impartial and be strictly focused on assessing standards with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by the a local government before submission of a development application. Design review shall be completed with 90 or 180 days for 150 or fewer units or 150 or more house units, respectively. A local jurisdiction will not be able to impose parking standards in multi-family developments for projects qualifying for this CEQA exemption.

If a local government approves a project pursuant to AB 430, then despite any other law, that approval shall not expire if the project includes public investment in housing affordability and 50 percent of the units are affordable to households making below 80 percent of the area median income. Otherwise approval shall automatically expire after three years with an option of a one-year extension under certain conditions. The approval continues and does not expire after three years as long as vertical construction has begun and is in progress.

The City has created and modified several LLMDs that encompass many commercial projects and subdivisions over the past few years.

Analysis:

AB 430 is designed to streamline residential development projects to meet the housing needs of Camp Fire victims. Over 12,000 residential housing units were destroyed by the Camp Fire and many jurisdictions in Northern California are struggling to meet the housing needs of residents displaced by the fire. Although the City of Yuba City is not currently included in the legislation, this bill will streamline the development process and provide much needed housing in our surrounding communities impacted by the Camp Fire.

Recently the Chico City Council voted to oppose the bill and requested that the author remove Chico from the proposed legislation. Assemblymember Gallagher is looking to remove Chico and add other cities within the region to AB 430.

Fiscal Impact:

None.

Alternatives:

1. Do not support AB 430.
2. Do not support AB 430 until such time that Yuba City is included in the language of the bill.

Recommendation:

Authorize the Mayor to sign letters of support on behalf of the City for Assembly Bill 430 and to send a letter requesting the author amend the bill to include Yuba City in the legislation

Attachments:

1. AB 430
2. AB 430 Fact Sheet
3. AB 430 Myths vs Fact

Prepared By:

[/s/ Darin E. Gale](#)

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Interim Development Services Director

Submitted By:

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Finance

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City Attorney

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ATTACHMENT 1

AMENDED IN ASSEMBLY APRIL 30, 2019

AMENDED IN ASSEMBLY APRIL 11, 2019

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 430

Introduced by Assembly Member Gallagher

February 7, 2019

An act to add and repeal Section ~~65913.7~~ 65913.15 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 430, as amended, Gallagher. Housing development: Camp Fire Housing Assistance Act of 2019.

Existing law authorizes a development proponent to submit an application for a development permit that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards, including that the development is a multifamily housing development that contains 2 or more residential units.

This bill would authorize a development proponent to submit an application for a residential development, or mixed-use development that includes residential units with a specified percentage of space designated for residential use, within the territorial boundaries or ~~sphere of influence of~~ *a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, specified cities that is subject to a similar streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards.* The bill

would require a ~~city local government~~ to notify the development proponent in writing if the ~~city local government~~ determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a ~~city local government~~ to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a ~~city local government~~ approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project ~~expire expires~~ automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a ~~city local government~~ from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. The bill would repeal these provisions as of January 1, 2026.

This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all of the specified cities, including charter cities.

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 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 does not apply to the approval of ministerial projects.

By establishing a streamlined, ministerial approval process for certain housing developments, this bill would expand the exemption for the ministerial approval of projects under CEQA.

This bill would make legislative findings and declarations as to the necessity of a special statute for the cities specified in the bill.

By imposing new duties on local agencies within the County of Butte with respect to the streamlined, ministerial approval process described above, this bill would impose a state-mandated local program.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Camp Fire Housing Assistance Act of 2019.

3 SEC. 2. The Legislature finds and declares all of the following

4 (a) The Camp Fire, which started on November 8, 2018, in the
5 County of Butte, is the deadliest and most destructive wildfire in
6 California.

7 (b) The fire displaced over 50,000 people and the surrounding
8 areas do not have sufficient capacity to absorb this population.

9 (c) To provide timely housing relief for the area, it is necessary
10 to streamline the building process within specified cities in the
11 impacted region.

12 ~~SEC. 3. Section 65913.7 is added to the Government Code, to~~
13 ~~read:~~

14 ~~65913.7.—~~

15 *SEC. 3. Section 65913.15 is added to the Government Code,*
16 *to read:*

17 *65913.15.* (a) Notwithstanding Section 65913.4, a development
18 proponent may submit an application for a development that is
19 subject to the streamlined, ministerial approval process provided
20 by subdivision (b) and is not subject to a conditional use permit if
21 the development satisfies all of the following objective planning
22 standards:

23 (1) The development is located within the territorial boundaries
24 ~~or the sphere of influence of a specialized residential planning~~

1 *area identified in the general plan of, and adjacent to existing*
 2 *urban development within, any of the following:*
 3 (A) The City of Biggs.
 4 (B) The City of Chico.
 5 (C) The City of Gridley.
 6 (D) The City of Orland.
 7 (E) The City of Oroville.
 8 (2) The development is either a residential development or a
 9 mixed-use development that includes residential units with at least
 10 two-thirds of the square footage of the development designated
 11 for residential use, not including any land that may be devoted to
 12 open-space or mitigation requirements.
 13 (3) *The development has a minimum density of at least four*
 14 *units per acre.*
 15 ~~(3)~~
 16 (4) The development is located on a site that ~~either~~ *meets both*
 17 *of the following requirements:*
 18 (A) *The site is no more than 50 acres.*
 19 (B) *The site either:*
 20 ~~(A)~~
 21 (i) Is zoned for residential use or residential mixed-use
 22 development.
 23 ~~(B)~~
 24 (ii) Is consistent with the general plan and general plan policies
 25 and has a general plan designation that allows residential use or a
 26 mix of residential and nonresidential uses, with at least two-thirds
 27 of the square footage of the development designated for residential
 28 use, not including any land that may be devoted to open space or
 29 mitigation requirements.
 30 ~~(4)~~
 31 (5) The development, excluding any additional density or any
 32 other concessions, incentives, or waivers of development standards
 33 granted pursuant to the Density Bonus Law in Section 65915, is
 34 consistent with objective zoning standards, objective subdivision
 35 standards, and objective design review standards in effect at the
 36 time that the development is submitted to the ~~city~~ *local government*
 37 pursuant to this section.
 38 (6) *The development will achieve sustainability standards*
 39 *sufficient to receive a gold certification under the United States*
 40 *Green Building Council's Leadership in Energy and Environmental*

1 *Design for Homes rating system, or the comparable rating under*
2 *the GreenPoint rating system or voluntary tier under the California*
3 *Green Building Code (Part 11 (commencing with Section 101) of*
4 *Title 24 of the California Code of Regulations).*

5 ~~(5)~~

6 (7) The development is not located on a site that is any of the
7 following:

8 (A) Either prime farmland or farmland of statewide importance,
9 as defined pursuant to United States Department of Agriculture
10 land inventory and monitoring criteria, as modified for California,
11 and designated on the maps prepared by the Farmland Mapping
12 and Monitoring Program of the Department of Conservation, or
13 land zoned or designated for agricultural protection or preservation
14 by a local ballot measure that was approved by the voters of that
15 jurisdiction.

16 (B) Wetlands, as defined in the United States Fish and Wildlife
17 Service Manual, Part 660 FW 2 (June 21, 1993).

18 (C) Within a very high fire hazard severity zone, as determined
19 by the Department of Forestry and Fire Protection pursuant to
20 Section 51178, or within a high or very high fire hazard severity
21 zone as indicated on maps adopted by the Department of Forestry
22 and Fire Protection pursuant to Section 4202 of the Public
23 Resources Code. A parcel is not ineligible within the meaning of
24 this subparagraph if it is located on either of the following:

25 (i) A site excluded from the specified hazard zones by a local
26 agency, pursuant to subdivision (b) of Section 51179.

27 (ii) A site that has adopted fire hazard mitigation measures
28 pursuant to existing building standards or state fire mitigation
29 measures applicable to the development.

30 (D) A hazardous waste site that is listed pursuant to Section
31 65962.5 or a hazardous waste site designated by the Department
32 of Toxic Substances Control pursuant to Section 25356 of the
33 Health and Safety Code, unless the Department of Toxic
34 Substances Control has cleared the site for residential use or
35 residential mixed uses.

36 (E) Within a delineated earthquake fault zone as determined by
37 the State Geologist in any official maps published by the State
38 Geologist, unless the development complies with applicable seismic
39 protection building code standards adopted by the California
40 Building Standards Commission under the California Building

1 Standards Law (Part 2.5 (commencing with Section 18901) of
2 Division 13 of the Health and Safety Code), and by any local
3 building department under Chapter 12.2 (commencing with Section
4 8875) of Division 1 of Title 2.

5 (F) Within a special flood hazard area subject to inundation by
6 the 1 percent annual chance flood (100-year flood) as determined
7 by the Federal Emergency Management Agency in any official
8 maps published by the Federal Emergency Management Agency.
9 If a development proponent is able to satisfy all applicable federal
10 qualifying criteria in order to provide that the site satisfies this
11 subparagraph and is otherwise eligible for streamlined approval
12 under this section, a ~~city~~ *local government* shall not deny the
13 application on the basis that the development proponent did not
14 comply with any additional permit requirement, standard, or action
15 adopted by that ~~city~~ *local government* that is applicable to that
16 site. A development may be located on a site described in this
17 subparagraph if either of the following are met:

18 (i) The site has been subject to a Letter of Map Revision
19 prepared by the Federal Emergency Management Agency and
20 issued to the ~~city~~ *local government*.

21 (ii) The site meets Federal Emergency Management Agency
22 requirements necessary to meet minimum flood plain management
23 criteria of the National Flood Insurance Program pursuant to Part
24 59 (commencing with Section 59.1) and Part 60 (commencing
25 with Section 60.1) of Subchapter B of Chapter I of Title 44 of the
26 Code of Federal Regulations.

27 (G) Within a regulatory floodway as determined by the Federal
28 Emergency Management Agency in any official maps published
29 by the Federal Emergency Management Agency, unless the
30 development has received a no-rise certification in accordance
31 with Section 60.3(d)(3) of Title 44 of the Code of Federal
32 Regulations. If a development proponent is able to satisfy all
33 applicable federal qualifying criteria in order to provide that the
34 site satisfies this subparagraph and is otherwise eligible for
35 streamlined approval under this section, a ~~city~~ *local government*
36 shall not deny the application on the basis that the development
37 proponent did not comply with any additional permit requirement,
38 standard, or action adopted by that ~~city~~ *local government* that is
39 applicable to that site.

- 1 (H) Lands identified for conservation in an adopted natural
2 community conservation plan pursuant to the Natural Community
3 Conservation Planning Act (Chapter 10 (commencing with Section
4 2800) of Division 3 of the Fish and Game Code), habitat
5 conservation plan pursuant to the federal Endangered Species Act
6 of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural
7 resource protection plan.
- 8 (I) Habitat for protected species identified as candidate,
9 sensitive, or species of special status by state or federal agencies,
10 fully protected species, or species protected by any of the
11 following:
- 12 (i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec.
13 1531 et seq.).
- 14 (ii) The California Endangered Species Act (Chapter 1.5
15 (commencing with Section 2050) of Division 3 of the Fish and
16 Game Code).
- 17 (iii) The Native Plant Protection Act (Chapter 10 (commencing
18 with Section 1900) of Division 2 of the Fish and Game Code).
- 19 (J) Lands under conservation easement.
- 20 ~~(6)~~
- 21 (8) The development does not require the demolition of a historic
22 structure that was placed on a national, state, or local historic
23 register.
- 24 ~~(7)~~
- 25 (9) The development shall not be upon an existing parcel of
26 land or site that is governed under any of the following:
- 27 (A) The Mobilehome Residency Law (Chapter 2.5 (commencing
28 with Section 798) of Title 2 of Part 2 of Division 2 of the Civil
29 Code).
- 30 (B) The Recreational Vehicle Park Occupancy Law (Chapter
31 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of
32 Division 2 of the Civil Code).
- 33 (C) The Mobilehome Parks Act (Part 2.1 (commencing with
34 Section 18200) of Division 13 of the Health and Safety Code).
- 35 (D) The Special Occupancy Parks Act (Part 2.3 (commencing
36 with Section 18860) of Division 13 of the Health and Safety Code).
- 37 (b) (1) If a ~~city~~ *local government* determines that a development
38 submitted pursuant to this section is in conflict with any of the
39 objective planning standards specified in subdivision (a), it shall
40 provide the development proponent written documentation of

1 which standard or standards the development conflicts with, and
2 an explanation for the reason or reasons the development conflicts
3 with that standard or standards, as follows:

4 (A) Within 60 days of submittal of the development to the ~~city~~
5 *local government* pursuant to this section if the development
6 contains 150 or fewer housing units.

7 (B) Within 90 days of submittal of the development to the ~~city~~
8 *local government* pursuant to this section if the development
9 contains more than 150 housing units.

10 (2) If the ~~city~~ *local government* fails to provide the required
11 documentation pursuant to paragraph (1), the development shall
12 be deemed to satisfy the objective planning standards specified in
13 subdivision (a).

14 (c) Any design review or public oversight of the development
15 may be conducted by the ~~city's~~ *local government's* planning
16 commission or any equivalent commission responsible for review
17 and approval of development projects or the city council, as
18 appropriate. That design review or public oversight shall be
19 objective and be strictly focused on assessing compliance with
20 criteria required for streamlined projects, as well as any reasonable
21 objective design standards published and adopted by ordinance or
22 resolution by a ~~city~~ *local government* before submission of a
23 development application, and shall be broadly applicable to
24 development within the jurisdiction. That design review or public
25 oversight shall be completed as follows and shall not in any way
26 inhibit, chill, or preclude the ministerial approval provided by this
27 section or its effect, as applicable:

28 (1) Within 90 days of submittal of the development to the ~~city~~
29 *local government* pursuant to this section if the development
30 contains 150 or fewer housing units.

31 (2) Within 180 days of submittal of the development to the ~~city~~
32 *local government* pursuant to this section if the development
33 contains more than 150 housing units.

34 (d) (1) Notwithstanding any other law, a ~~city~~, *local government*,
35 whether or not it has adopted an ordinance governing automobile
36 parking requirements in multifamily developments, shall not
37 impose automobile parking standards for a streamlined
38 development that was approved pursuant to this section in any of
39 the following instances:

1 (A) The development is located within one-half mile of public
2 transit.

3 (B) The development is located within an architecturally and
4 historically significant historic district.

5 (C) When on-street parking permits are required but not offered
6 to the occupants of the development.

7 (D) When there is a car share vehicle located within one block
8 of the development.

9 (2) If the development does not fall within any of the categories
10 described in paragraph (1), the ~~city~~ *local government* shall not
11 impose automobile parking requirements for streamlined
12 developments approved pursuant to this section that exceed one
13 parking space per unit.

14 (e) (1) If a ~~city~~ *local government* approves a development
15 pursuant to this section, then, notwithstanding any other law, that
16 approval shall not expire if the project includes public investment
17 in housing affordability and 50 percent of the units are affordable
18 to households making below 80 percent of the area median income.
19 For purposes of this paragraph, “public investment in housing
20 affordability” does not include tax credits.

21 (2) If a ~~city~~ *local government* approves a development pursuant
22 to this section and the project does not include 50 percent of the
23 units affordable to households making below 80 percent of the
24 area median income, that approval shall automatically expire after
25 three years, except that a project may receive a one-time, one-year
26 extension if the project proponent provides documentation that
27 there has been significant progress toward getting the development
28 construction ready, such as filing a building permit application.

29 (3) If a ~~city~~ *local government* approves a development pursuant
30 to this section, that approval shall remain valid for three years from
31 the date of the final action establishing that approval and shall
32 remain valid thereafter for a project so long as vertical construction
33 of the development has begun and is in progress. Additionally, the
34 development proponent may request, and the ~~city~~ *local government*
35 shall have discretion to grant, an additional one-year extension to
36 the original three-year period. The ~~city's~~ *local government's* action
37 and discretion in determining whether to grant the foregoing
38 extension shall be limited to considerations and process set forth
39 in this section.

1 (f) A ~~city~~ *local government* shall not adopt any requirement,
2 including, but not limited to, increased fees or inclusionary housing
3 requirements, that applies to a project solely or partially on the
4 basis that the project is eligible to receive ministerial or streamlined
5 approval pursuant to this section.

6 (g) This section does not affect a development proponent’s
7 ability to use any alternative streamlined by right permit processing
8 adopted by a ~~city~~, *local government*, including the provisions of
9 subdivision (i) of Section 65583.2.

10 (h) For purposes of this section, the following terms have the
11 following meanings:

12 (1) “Development proponent” means the developer who submits
13 an application for streamlined approval pursuant to this section.

14 (2) “*Local government*” means a city or a county, including a
15 charter city or a charter county, that has jurisdiction over a
16 development for which a development proponent submits an
17 application pursuant to this section.

18 ~~(2)~~

19 (3) (A) “Objective zoning standards,” “objective subdivision
20 standards,” and “objective design review standards” mean standards
21 that involve no personal or subjective judgment by a public official
22 and are uniformly verifiable by reference to an external and
23 uniform benchmark or criterion available and knowable by both
24 the development applicant or proponent and the public official
25 before submittal. These standards may be embodied in alternative
26 objective land use specifications adopted by a ~~city or county~~, *local*
27 *government*, and may include, but are not limited to, housing
28 overlay zones, specific plans, inclusionary zoning ordinances, and
29 density bonus ordinances, subject to subparagraph (B).

30 (B) A development shall be deemed consistent with the objective
31 zoning standards related to housing density, as applicable, if the
32 density proposed is compliant with the maximum allowable
33 residential density within that land use designation, notwithstanding
34 any specified maximum unit allocation that may result in fewer
35 units of housing being permitted.

36 (i) This section shall remain in effect only until January 1, 2026,
37 and as of that date is repealed.

38 SEC. 4. The Legislature finds and declares that, for the reasons
39 stated in Section 2 of this act, Section 3 of this act adding Section
40 ~~65913.7~~ *65913.15* to the Government Code addresses a matter of

1 statewide concern rather than a municipal affair as that term is
2 used in Section 5 of Article XI of the California Constitution.
3 Therefore, Section 3 of this act adding Section ~~65913.7~~ 65913.15
4 to the Government Code applies to all cities specified in that
5 section, including charter cities.

6 SEC. 5. The Legislature finds and declares that a special statute
7 is necessary and that a general statute cannot be made applicable
8 within the meaning of Section 16 of Article IV of the California
9 Constitution because of the findings and declarations set forth in
10 Section 2 of this act.

11 SEC. 6. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.

O

ATTACHMENT 2



AB 430 Camp Fire Housing Assistance Act

SUMMARY

AB 430 would help provide housing relief for Camp Fire victims by allowing housing developments in impacted areas that meet specified criteria to utilize a streamlined ministerial process at the local level to speed up approval of the project.

ISSUE BACKGROUND

The Camp Fire, which started in Butte County in November 2018, is the most destructive and deadliest fire in State history. The fire displaced 50,000 people from the communities of Paradise, Concow, Yankee Hill, and Magalia and [destroyed almost 20,000 buildings](#).

It will take years for these communities to rebuild and, in the meantime, evacuees need to be able to find stable housing. While some will choose to rebuild, others will try to find permanent housing in surrounding areas. However, [the Camp Fire destroyed 14% of Butte County's housing stock](#), exacerbating the housing crisis in the area and making it difficult for many of these families to find affordable housing. [Housing affordability](#) and availability dropped steeply after the Fire. The rental market vacancy rate, which was around three percent before the fire, fell to nearly zero percent after the fire. Many evacuees have resorted to buying trailers or RVs, renting individual bedrooms, [or leaving the area completely](#).

It is essential to build more housing in impacted jurisdictions to make up for the massive housing loss from the Camp Fire and to allow evacuees the ability to stay in the area where

they have jobs, family, and community ties. Current law allows some housing projects to be permitted by city or county planning staff ministerially, requiring only an administrative review process to ensure they are consistent with the existing general plan and zoning rules. However, most large housing projects, such as what is needed in Butte County and surrounding areas, would not qualify for a ministerial process under current law.

SOLUTION

AB 430 will authorize, until 2026, housing developments in specified jurisdictions that have been impacted by the Camp Fire to utilize a streamlined ministerial process at the local level if they meet qualifying criteria.

The bill does not encourage urban sprawl, because it requires that the development be located within the territorial boundaries or specialized residential planning areas identified in the general plan of the following cities: Biggs, Chico, Gridley, Orland, or Oroville. Additionally, the project must be consistent with zoning standards and the city's general plan.

The bill also disqualifies projects that have detrimental environmental impacts by excluding projects that are located in floodplains and floodways, prime farmland, and lands identified for conservation, among others. The bill also disqualifies areas that are protected by the federal Endangered Species Act, the California Endangered Species Act, and the Native Plant Protection Act.

SUPPORT

Bay Area Builders Exchange
Butte County
Butte-Glenn Medical Society
Build.com
California Apartment Association
California Association of Realtors
California Building Industry Association
California Chamber of Commerce
Chico Builders Association
Chico Chamber of Commerce
City of Biggs
City of Gridley
City of Orland
City of Oroville
Civil Justice Association of California
Downtown Chico Business Association
Enloe Medical Center
Nevada County Contractors' Association
North Valley Property Owners Association
Placer County Contractors Association &
Builders Exchange
Rural County Representatives of California
Sacramento Regional Builders Exchange
Shasta Builders' Exchange
Sierra North Valley Realtors
Sustainability Management Association
Valley Builders Exchange
Valley Contractors Exchange

AUTHOR'S STATEMENT

"We must get new housing online as soon as possible. The legislature has streamlined environmental review and approval for sports arenas. Surely we can do the same for housing, especially for people who are recovering from a catastrophic event. Many people want to stay in the area where they have jobs, family, and community connections."

MORE INFORMATION

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ATTACHMENT 3

Assembly Bill 430: Myth vs Fact
Camp Fire Housing Assistance Act

MYTH: AB 430 takes away local control.

FACT: Any housing project benefitting from AB 430 must still abide by the city zoning regulations, design standards and general plan. It has to be an area that locals have already approved for residential development. Additionally, Asm. Gallagher is working with legislative colleagues to potentially remove provisions that require ministerial approval at the local level and thereby provide full conditional use authority.

MYTH: AB 430 is a thinly veiled attempt to circumvent CEQA.

FACT: There is no veil – Asm. Gallagher is very openly seeking a CEQA exemption for vital housing projects in our region. CEQA is constantly abused by special interests and NIMBYs to stop or slow down housing projects. Project opponents hire attorneys that abuse CEQA by exploiting technicalities that have no real environmental impacts.

MYTH: AB 430 does nothing to address affordable housing.

FACT: Affordability is brought about by removing regulatory barriers and increasing housing supply. AB 430 addresses both of these issues. Increased supply lowers prices and rents. That is an economic fact. In addition to AB 430, Asm. Gallagher is also requesting millions of dollars in affordable housing tax credits dedicated to the Camp Fire region.

MYTH: AB 430 will put further stress on local infrastructure and increase traffic.

FACT: Cities can require housing developers to pay development impact fees. Cities can also force developers to make infrastructure improvements to roads, drainage, sewer, etc. AB 430 does not change this at all. Planning for infrastructure and what will be needed for future development is a prudent thing to do, and locals can and should do just that. This is completely in their control.

MYTH: AB 430 will exacerbate climate change.

FACT: AB 430 requires developments to achieve LEED gold certification or the comparable rating under the GreenPoint rating system or voluntary tier under the CA Green Building Code.

MYTH: AB 430 will allow developers to build without restriction.

FACT: The bill disqualifies projects that have detrimental environmental impacts by excluding projects that are located in floodplains and floodways, protected farmland, and lands identified for conservation. AB 430 also disqualifies areas that are protected by the federal Endangered Species Act, the California Endangered Species Act, and the Native Plant Protection Act. Additionally, sites are limited to no more than 50 acres with a required minimum density of at least four units per acre.

MYTH: AB 430 will encourage urban sprawl.

FACT: AB 430 requires that the development be located within the territorial boundaries or specialized residential planning areas identified in the general plan of the following cities: Biggs, Chico, Gridley, Orland, or Oroville.

MYTH: AB 430 will only benefit homebuyers from the Bay Area.

FACT: All 57 homes in the new Oroville Olive Grove subdivision have already been sold and 75% of the buyers are Camp Fire victims. According to new population figures from the Dept. of Finance, upwards of 20,000 wildfire victims are now living in Chico, and more than 3,500 are residing in Oroville. They need housing.

MYTH: AB 430 threatens Chico's Greenline.

FACT: There is specific language in the bill to protect the Greenline. No projects proposed outside the Greenline would qualify under AB 430.

MYTH: AB 430 is being jammed through the legislative process without stakeholder input.

FACT: Legislation is always a work in progress. Asm. Gallagher's office solicited feedback from all local governments and a broad group of stakeholders more than a month before the first committee vote. The bill has already been amended three times to address concerns from Butte County, the Sierra Club and others. Asm. Gallagher is willing to address concerns as much as possible without defeating the central purpose of the legislation.

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