



PACIFIC PALISADES COMMUNITY COUNCIL

March 19, 2021

Hon. Ben Allen, Senator, SD 26
Hon. Henry Stern, Senator, SD 27

Via email

Re: Proposed Draft Amendments to SB 55 (Stern & Allen)

Dear Senators Allen and Stern:

The PPCC Executive Committee very much appreciates recent communications from Senator Stern's Legislative Aide Megan Mekelburg, advising us of the proposed draft amendments to SB 55. We again thank you both for addressing the serious issue of public safety in the VHFHSZ related to development density. We also thank Senator Stern's legislative team for their effort to address our concerns about when and how property owners should be allowed to build in the future.

As you know, we have requested that the bill be amended to allow rebuilding on a 1:1 basis, "in accordance with all applicable then-current zoning code regulations and development standards" (*i.e.*, regulations and standards in place at the time of rebuilding). To clarify: We strongly believe that property owners should be allowed to rebuild "like for like," that is, if their property is zoned single-family, they should be allowed to build or replace a single-family residence with another single-family residence, at whatever size is allowed by applicable code and development standards at the time of rebuilding.

We do not believe that a home's size alone has any realistic relationship to the safety of evacuation during wildfire in the VHFHSZ. Rather, we are concerned with additional *density* mandates – more dwelling units with more people, more cars – under recent proposed housing bills, *e.g.*, statewide efforts to require or encourage upzoning to allow multiple dwelling units on former single-family zoned lots in the VHFHSZ. It is this additional density, not the size of residential structures, which we justifiably fear will lead to clogged ingress and egress routes in the VHFHSZ and put lives and property at risk during wildfire evacuations.

We read the proposed draft amendments to mean that the owner of an old, small home would be prohibited from replacing it in the future with a larger, more modern home that might otherwise be allowed on the property. This result would be arbitrary and unfair to owners, particularly when (as is often the case in our community) other owners have been allowed to replace or enlarge old, small homes with larger homes in the same neighborhood under otherwise applicable zoning regulations. Owners would be rightly concerned that this unequal treatment of similarly-situated properties – with no showing that restricting the size (as opposed to the number) of homes on a given lot is reasonably related to public safety -- will lead to a substantial loss in property value and may constitute an impermissible "taking."

For these reasons, we respectfully urge you to reconsider the proposed draft amendments that would limit rebuilding of an existing structure to the "same or smaller size."

We also reiterate our suggestion for amendments allowing current owners of vacant property, as well as those who have not yet built ADUs, to build such structures on their property as they reasonably expected they would be allowed to do.

We further request that you include a provision that identifies who or what entity would certify or determine “substantial compliance” under Sec. 1(a) of the bill.

Thank you again for your consideration.

Sincerely,

PPCC Executive Committee

David Card, Chair

David Kaplan, Vice Chair

Richard Cohen, Treasurer

Christina Spitz, Secretary

Maryam Zar, Chair Emeritus

John Padden, Organization Representative (PRIDE)

Joanna Spak, Area Representative (Area 1,

Castellammare, Paseo Miramar)

cc:

Jeffrey Wolf, District Director, Sen. Stern

Megan Mekelburg, Legislative Aide, Sen. Stern

Samuel Liu, Chief of Staff, Sen. Allen

Zachary Castillo-Krings, Ch. Legislative Consultant, Sen. Allen

Liliana Pond, Field Representative, Sen. Allen

jeremy.wolf@sen.ca.gov

megan.mekelburg@sen.ca.gov

samuel.liu@sen.ca.gov

zak.castillo-krings@sen.ca.gov

liliana.pond@sen.ca.gov