



PACIFIC PALISADES COMMUNITY COUNCIL

January 18, 2020

California State Senate Rules Committee:

Hon. Toni G. Atkins, Chair & Senate President pro Tempore

senator.atkins@senate.ca.gov

Hon. Scott Wilk, Vice-Chair

senator.wilk@senate.ca.gov

Hon. Patricia C. Bates

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Hon. Bill Monning

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Hon. Richard D. Roth

senator.roth@senate.ca.gov

Re: Senate Bill 50 (Wiener); (tentative) hearing date January 22, 2020; OPPOSE as worded; request for amendment to include unambiguous exemption for all parcels in the VHFHSZ.

Dear Committee Chair Atkins, Vice-Chair Wilk and members Bates, Monning and Roth:

Pacific Palisades Community Council (PPCC) since 1973 has been the voice of the community and the most-based organization in Pacific Palisades – a community of about 25,000 located in the wildland-urban interface between the coast and the Santa Monica mountains within the City of Los Angeles (City). The community of Brentwood (also in the wildland-urban interface within the City) is adjacent and located to our east.

PPCC is on record as strongly opposing SB 50. At the same time, we agree with the general goal of addressing the state's affordable housing and climate challenges as well as the suggestion that lawmakers should "continue conversations" about how best to achieve this goal (as Senator Atkins recently expressed). However, the new amendments to SB 50 highlight one area of immediate and significant concern for Pacific Palisades, Brentwood, additional hillside areas of the City and other similarly-situated areas of the state (including many fire-prone communities within each of your own districts):

Lack of VHFHSZ Exemption

Pacific Palisades is located entirely within the Cal Fire Very High Fire Hazard Severity Zone (VHFHSZ), as is most of Brentwood. Residents of both of our communities were recently under mandatory evacuation orders during the dangerous 2019 Getty fire, and many Palisades residents were also required to evacuate during the Palisades fire in 2019. PPCC and Brentwood Community Council (BCC) are extremely concerned, on public safety grounds, about the lack of a clear exemption in SB 50 for all parcels within the VHFHSZ.¹ We have

¹ As amended, the bill mandates that cities permit single-family homes to be converted to fourplexes (four dwelling units per parcel) and allow fourplexes to be built on vacant lots in R-1 zones, *regardless of whether the parcel is located within the VHFHSZ*. Currently, the only exception to this mandate under the bill is when a developer seeks to combine parcels to build a very large multi-family structure (under the "equitable communities incentive"), or, as the bill's author Sen. Wiener describes it, when a density "bonus" is sought (Sec. 65918.52(b)(3)(A)). In that circumstance only, parcels within the VHFHSZ would be exempt (assuming that the project does not fall within the ambiguous "exception to the exception" in subsection (A)(ii)) and the requested bonus would not be allowed. In all other instances in the VHFHSZ, the exemption does not apply and up to four dwelling units would be mandated *by right* on single-family parcels (in home conversions and on vacant lots) – thus potentially increasing the population four-fold in our VHFHSZ areas, with dangerous implications for **necessary swift & life-saving evacuations** during wildfire events in fire-prone areas – where hundreds of thousands of Californians live, very often with limited egress routes and narrow hillside and canyon roads, throughout the state.

communicated our concerns to our elected state officials as well as Sen. Wiener. To our knowledge, these concerns have also been brought to the attention of Sen. Wiener by our Senator Ben Allen. Unfortunately, to date these significant and well-grounded concerns have not been addressed.

See: <http://pacpalicc.org/wp-content/uploads/2020/01/PPCC-BCC-SB50-Letter.pdf>.

Of course, the prospect of evacuation catastrophes during wildfire events – and increased risk to the public as a result of the greater density mandated by SB 50 -- is not limited to Pacific Palisades and Brentwood. The Los Angeles Fire Department (<https://ers.lafd.org/redflag/>) warns:

“The fire service has learned from incidents such as the Oakland Hills fire and the Cedar fire that citizens becoming trapped in their vehicles, while evacuating, can lead to a catastrophic situation.”²

We respectfully urge the members of the Rules Committee to vote “No” on SB 50 as currently worded, and/or to decline to send SB 50 for a floor vote without an amendment to provide for a clear and unambiguous exemption from the bill’s up-zoning mandates, without exception,³ for all VHFHSZ parcels.

Thank you for your consideration.

Sincerely,

David Card, Vice-Chair
Pacific Palisades Community Council

Christina Spitz, Secretary
Pacific Palisades Community Council

cc: Hon. Scott Wiener, Senator (District 11)
Hon. Ben Allen, Senator (District 26)
Hon. Richard Bloom, Assemblymember (District 50)
Michelle Bisnoff, Chair, Brentwood Community Council

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² The Cedar fire (San Diego County, 2003) was a massive, highly destructive wildfire that killed 15 people, including 10 people who were trapped in vehicles. The Oakland Hills fire (Oakland/Berkeley, 1991) was a huge firestorm conflagration in an urban-wildland interface area that killed 25 people in 1991. The Camp fire (Butte County, 2018), was the deadliest, most destructive wildfire in California history, killing 85 civilians with five persons who died in vehicles while fleeing. And the Woolsey Fire (LA & Ventura Counties, 2019) was another huge wildfire in which two people were found dead in vehicles trying to escape. This history alone makes clear that *an exemption for all VHFHSZ areas is imperative in order to protect the lives and safety of Californians.*

³ As noted, Sec. 65918.52(b)(3)(A)(ii) contains a vague exception for “bonus” projects in VHFHSZ areas, *i.e.*, a proposed large project located on a “site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development” will still be eligible for the “bonus” and will *not* be exempt from up-zoning under Sec. 65918.52(b)(3)(A). Yet exactly what constitutes adequate “fire hazard mitigation measures” is inadequately explained or defined, and it is difficult to know in any given circumstance when this exception would apply. This ambiguous language should be eliminated from any exception for VHFHSZ parcels.