



PACIFIC PALISADES COMMUNITY COUNCIL

February 3, 2021

Via CA legislature submission letter portal

Hon. Scott Wiener

Chair, Senate Housing Committee

Additional Committee Members:

Hon. Patricia Bates (Vice-Chair); Hon. Anna Caballero; Hon. Dave Cortese; Hon. Mike McGuire; Hon. Rosilicie Ochoa Bogh; Hon. Nancy Skinner; Hon. Thomas Umberg; Hon. Bob Wieckowski

Re: SB 9 (Atkins) and SB 10 (Wiener); assigned to Senate Housing Committee -- OPPOSED

Dear Chair Wiener, Vice Chair Bates and Members of the Senate Housing Committee:

Pacific Palisades Community Council (PPCC) is the voice of Pacific Palisades – a community of about 25,000 situated within the wildland-urban interface between the coast and the Santa Monica Mountains in the City of Los Angeles. Pacific Palisades is entirely located within the Very High Fire Hazard Severity Zone (VHFHSZ). We have experienced numerous serious wildfires and evacuations, including most recently mandatory evacuations as a result of the dangerous Getty Fire in November 2019.

PPCC opposes SB 9 and 10 on several substantial grounds, including: both bills fail to include an unconditional exemption for the VHFHSZ – thus putting *public safety seriously at risk*; both bills violate *principles of democracy and local land use control*; and both fail to actually require *any amount of affordable housing* (an ostensible goal of the bills). In addition, SB 10 violates the California Constitution, Art. II.10(c), by allowing local governments (*i.e.*, a simple majority of City Council members) to *override voter initiatives*. Please see motions attached below for PPCC's complete position on these bills (motions passed by the PPCC board at its regularly-scheduled public meeting on January 28, 2021, after full consideration and discussion).

We note that SB 9 and 10 are re-introductions of prior bills that did not pass in the legislature last session: respectively, SB 1120 and 902. Please see PPCC's policy statement regarding these bills submitted in 2020: <http://pacpalicc.org/wp-content/uploads/2020/06/Fire-Hazard-Exemption-Policy.pdf>.

In previous communications with legislators about proposed housing density bills, PPCC has acknowledged: **“we agree with the general goal of addressing the state’s affordable housing and climate challenges”** (see 1/22/20 letter re SB 50: <http://pacpalicc.org/wp-content/uploads/2020/01/LetterSenaterRulesSB50R.pdf>). At the same time, we have continued to insist that proposed state housing density bills protect public safety (particularly in our VHFHSZ areas), preserve principles of democracy and local control, and actually provide for affordable housing.

PPCC respectfully urges you to consider the serious flaws in these current proposed bills – including the critical public safety risk posed by the failure to include an unconditional exemption for the VHFHSZ – and to vote “No” on SB 9 and 10 and/or to decline to move the bills forward.

Thank you for your consideration and attention to this matter.

Sincerely,

David Card

David Card, Chair
Pacific Palisades Community Council

cc:

Hon. Ben Allen, Senator (SD 26)

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Hon. Richard Bloom, Assemblymember (AD 50)

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Hon. Sheila Kuehl, LA County Supervisor (CSD 3)

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Hon. Eric Garcetti, Mayor, City of Los Angeles

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Hon. Mike Bonin, City Councilmember (CD 11)

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Hon. Paul Koretz, City Councilmember (CD 5)

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Attachments

Motion: Oppose SB 9 (Atkins)

Whereas, Senate Bill 9 violates principles of democratic process and local control by mandating local governments to ministerially approve lot splits and/or development projects allowing for two main residential units on parcels in single-family residential zones (under specified conditions), thus substantially eliminating single-family zoning in California;

Whereas, Senate Bill 9 violates the California Coastal Act (Public Resources Code §§30000 et seq.) by failing to exempt parcels within the Coastal zone, by purporting to eliminate hearings for Coastal Development Permits, and by requiring by-right/expedited approval of all projects permitted under the bill, including projects within the Coastal zone which otherwise require discretionary review, including hearings, under the Coastal Act;

Whereas, Senate Bill 9 violates the California Environmental Quality Act (Public Resources Code §§ 21065 and 21080) and shortcuts required CEQA review by declaring preemptively that a project permitted under the bill is not a “project” under CEQA, without regard to the test established by controlling caselaw, that is, whether the ordinance in a given case is “capable of causing a direct or reasonably foreseeable indirect change in the environment” (Union of Medical Marijuana Patients, Inc. v. City of San Diego (California Coastal Commission, Real Party in Interest), (2019) 7 Cal.5th 1171);

Whereas, Senate Bill 9 compromises public safety and puts the lives and property of thousands of California residents in the Very High Fire Hazard Severity Zone (VHFHSZ) at risk from increased density by failing to provide any exemption for parcels within the VHFHSZ;

Whereas, Senate Bill 9 fails to address the state’s affordable housing crisis or to further the purported goal of “ensuring an adequate supply of affordable housing” by not specifying or requiring any particular amount or level of affordable housing (low to moderate income/workforce housing) in projects permitted pursuant to the bill;

Whereas, Councilmember Paul Koretz has introduced a resolution in Los Angeles City Council, CF 21-0002- S18, calling for the City of Los Angeles to oppose Senate Bill 9;

Therefore, Pacific Palisades Community Council opposes Senate Bill 9 (Atkins) and supports the resolution in CF 21-0002-S18 (Koretz) calling for the City of Los Angeles to oppose Senate Bill 9.

Motion: Oppose SB 10 (Wiener)

Whereas, Senate Bill 10 violates the California Constitution (Art. II, Sec. 10(c)) and principles of democracy and true local control by allowing local governments (i.e., a majority of the current or future City Council) to upzone single family residential properties and speed approval processes for increased density/multi-unit housing, without stakeholder involvement and by overriding community-driven local restrictions on adopting zoning ordinances, *including restrictions enacted by voter initiatives*;

Whereas, Senate Bill 10 violates the California Coastal Act (Public Resources Code §§30000 et seq.) by failing to exempt parcels within the Coastal zone and by allowing by-right/expedited approval of development projects with up to 10 dwelling units on properties that are upzoned under the bill, including projects within the Coastal zone which require discretionary review under the Coastal Act;

Whereas, Senate Bill 10 violates the California Environmental Quality Act (Public Resources Code §§ 21065 and 21080) and shortcuts required CEQA review by declaring preemptively that an ordinance by a local government (i.e., a majority of the current or future City Council) to upzone a single family residential property pursuant to the bill is not a “project” under CEQA, without consideration of whether the ordinance in a given case is “capable of causing a direct or reasonably foreseeable indirect change in the environment” (Union of Medical Marijuana Patients, Inc. v. City of San Diego (California Coastal Commission, Real Party in Interest), (2019) 7 Cal.5th 1171);

Whereas, Senate Bill 10 potentially compromises public safety and may put the lives and property of thousands of California residents in single family residential areas that are also in the Very High Fire Hazard Severity Zone (VHFHSZ) at risk from increased density by failing to provide for an unconditional exemption from upzoning under the bill for properties in the VHFHSZ;

Whereas, Senate Bill 10 prevents public scrutiny and bypasses democratic process by providing that state agencies alone, without local community input, would identify and maintain a controlling map of so-called “jobs-rich” areas throughout the state for purposes of upzoning single family residential properties under the bill;

Whereas, Senate Bill 10 circumvents controlling caselaw by, in effect, allowing for “spot zoning” by local governments (i.e., a majority of the current or future City Council) without consideration of whether upzoning a single family residential property would be of substantial benefit to the public in a given case (Foothills Communities Coalition v. County of Orange (2014) 222 Cal.App.4th 1302);

Whereas, Senate Bill 10 fails to address the state’s affordable housing crisis or to further the purported goal of “ensuring an adequate supply of affordable housing” by not requiring any particular amount or level of affordable (low to moderate income/workforce) housing in development projects to be built on properties that are upzoned under the bill;

Whereas, Councilmember Paul Koretz has introduced a resolution in Los Angeles City Council, CF 21-0002- S21, calling for the City of Los Angeles to oppose Senate Bill 10;

Therefore, Pacific Palisades Community Council opposes Senate Bill 10 (Wiener) and supports the resolution in CF 21-0002-S21 (Koretz), calling for the City of Los Angeles City to oppose Senate Bill 10.

Both motions passed by PPCC board on 1/28/21