

Background: Proposed PPCC Motion to Oppose SB 423 (Wiener), Unless Amended to 1) Maintain the Coastal Zone Exemption, and 2) Provide for an Unconditional Exemption for the Very High Fire Hazard Severity Zone (VHFHSZ)

A. SB 423 text and history:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB423.

Bill seeks to increase affordable housing by expanding SB 35, which in turn “forces cities to approve certain multifamily housing developments without public input or environmental review.”¹ The former exemption in SB 35 for coastal projects is eliminated, and the bill does not provide for an unconditional exemption for the VHFHSZ. Bill passed in Senate on 5/31/23; now in Assembly (as of this writing not yet assigned to a committee).

B. SB 423 coastal zone exemption summary:

From a recent California Coastal Commission (CCC) Legislative Report:²

"SB 423 would replace the discretionary Coastal Development Permit process for qualifying multifamily and mixed-use housing projects in the coastal zone with a ministerial approval based on objective standards. In coastal jurisdictions without certified LCP, this change would effectively exempt such projects from Coastal Act review. While the Commission supports the author's fundamental goal of increasing the production of housing, the ministerial approval process of Government Code Section 65913.4 needlessly sacrifices coastal protection and climate change adaptation in the name of housing production. To maintain the integrity of the Coastal Act, to preserve considered land use planning in the coastal zone, and to avoid moving backwards on the state's climate adaptation and conservation efforts, the bill should be amended to maintain the current language of Government Code Section 65913.4(a)(b)(A) excluding the coastal zone from the ministerial approval process."

C. SB 423 VHFHSZ exemption summary:

Similar to past housing bills (such as SB 9/Wiener) which PPCC strongly opposed, SB 423 contains confusing and buried references to other Government Code sections which provide only for a *conditional* exemption for projects that are built according to fire safe standards, *i.e.*, an “exception to the exception” (see footnote 2 in “PPCC Policy Statement” re legislation involving the VHFHSZ, and other statements under “Past PPCC positions,” linked on p. 2, following). As with other housing bills that have passed in the legislature in recent years and are now California law, there is no clear, unconditional VHFHSZ exemption in SB 423, nor any acknowledgment of the risk to public safety from added density during emergency evacuations.³

D. Impact on Pacific Palisades:

Substantial portions of Pacific Palisades are located in the coastal zone (much of PPCC Areas One, Two,

¹ See <https://www.calcities.org/news/post/2023/03/22/anti-local-housing-bill-heads-to-senate-governance-and-finance> (League of California Cities opposition to SB 423). The bill would apply when a city does not meet its Regional Housing Needs Assessment (RHNA) goals. A recent study indicates that Los Angeles is unlikely to meet its RHNA goals without “major reforms.” <https://www.cbsnews.com/losangeles/news/new-study-suggests-major-reforms-needed-to-meet-la-housing-production-goals/>

² See the CCC Legislative Report at <https://www.coastal.ca.gov/meetings/agenda/#/2023/6> (item 6c). Status: CCC to vote on motion to oppose SB 423 unless amended at its meeting on June 7, 2023.

³ As has been briefly reported to PPCC, in recognition of this serious issue Sen. Ben Allen has introduced SB 571, which would require proponents of certain projects in the VHFHSZ to submit emergency evacuation plans with their permit applications: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB571.

Four, Six and Seven, and portions of Area Three). Pacific Palisades (Los Angeles) does not have a certified Local Coastal Program (LCP). Under SB 423, multi-family/mixed-use projects in the coastal zone that would otherwise be subject to Coastal Act review would proceed via a streamlined, “by right” (ministerial) permitting process, with no notice, hearing or review of environmental and public safety impacts as otherwise required by the Coastal Act. An example: Had SB 423 (as proposed) previously been the law and the City’s RHNA goals not been met, a project such as the former “Jack-in-the-Box” mixed use project (with an affordable housing component) in PPCC Area One would not have required a Coastal Development Permit nor any discretionary process (no notice, public input, hearing or review under the Coastal Act).

Additionally, as PPCC has repeatedly emphasized, the *entirety of Pacific Palisades is in the VHFHSZ* and therefore at risk from added density during emergency evacuations.

E. Past PPCC positions:

Support for reasonable affordable housing solutions that do not compromise public safety or the environment: <https://pacpalicc.org/wp-content/uploads/2021/03/PPCC-Letter-Senate-Housing-SB-15.pdf>.

Support for Coastal Act protection/opposition to housing bills that did not exempt the coastal zone:

- SB 9: <https://pacpalicc.org/wp-content/uploads/2021/02/Letter-re-CF-21-0002-S18.pdf>
- SB 10: <https://pacpalicc.org/wp-content/uploads/2021/02/Letter-re-CF-21-0002-S18.pdf>
- AB 1287: <https://pacpalicc.org/wp-content/uploads/2023/04/PPCC-EC-letter-AB1287.pdf>

Support for VHFHSZ protection/opposition to housing bills that did not provide for an unconditional exemption for the VHFHSZ:

- PPCC Policy Statement – Housing Density Bills and Public Safety: <https://pacpalicc.org/wp-content/uploads/2020/06/Fire-Hazard-Exemption-Policy.pdf>
- Numerous other PPCC positions re VHFHSZ protection: <https://pacpalicc.org/index.php/planning-density-2016-2023/>

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