



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: July 13, 2021

SUBJECT: STATE LEGISLATION: SENATE BILL 12

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council oppose Senate Bill 12 (McGuire) and transmit position statements to Senator McGuire, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, League of California Cities, and other stakeholder organizations.

BACKGROUND

Authored by Senator Mike McGuire (D-2-North Coast), Senate Bill 12 preempts certain local land use authority within Very High Fire Hazard Severity Zones.

California Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term General Plan that includes various elements, including a Housing Element and a Land Use Element. Existing state law requires the Land Use Element and Housing Element to designate the proposed general distribution and general location of suitable sites for, among other purposes, housing, business, and industry. Additionally, existing state law requires county or city zoning ordinances to be consistent with the General Plan of the county or city, as specified.

The California Department of Housing and Community Development (HCD) is responsible for reviewing every local government's Housing Element to determine whether it complies with state law. California Department of Housing and Community Development's approval is required before a local government can adopt its Housing Element as part of its overall General Plan. This process includes determining the Regional Housing Needs Assessment (RHNA) for each region's planning body and subsequently, each local government.

Existing state law requires that each region's planning body, as part of the RHNA Plan, conduct an analysis of population and employment trends and documentation of projections and quantifications of the locality's existing and projected housing needs for four income levels (very

low, low, moderate, and above moderate) and that local governments include their RHNA Plan as part of their Housing Element.

Additionally, existing state law requires the Director of Forestry and Fire Protection to identify areas in the state as Very High Fire Hazard Severity Zones (VHFHSZ) based on the severity of fire hazard that is expected to prevail in those areas.

Existing state law requires the General Plan to be reviewed and, if necessary, revised at least once, every 8 years, to identify new information, including factors related to flood and fire hazards, climate adaptation, and resiliency strategies applicable to the city or county that was not available during the previous revision.

Senate Bill 12 requires local governments upon each revision of the General Plan, on or after July 1, 2024, to amend the General Plan and Housing Element to include, among other things, the locations of all very high fire risk areas and implementation of “wildfire risk reduction standards,” as established pursuant to this legislation.

Additionally, this legislation requires local governments to consider recommendations, if any, made by the State Board of Forestry and Fire Protection, prior to the adoption of the aforementioned amendments to the General Plan and Housing Element. If recommendations are made and a local government proposes not to adopt the State Board of Forestry and Fire Protection recommendations, this legislation requires consultation between the two parties and ultimately, authorizes the State Board of Forestry and Fire Protection to notify the Office of Attorney General that the local government is in violation of state law, if the State Board of Forestry and Fire Protection determines that the local government is not complying with the provisions established pursuant to this legislation.

Moreover, this legislation authorizes any interested person to bring legal action to compel local governments to comply with the requirements established in this legislation.

Furthermore, Senate Bill 12 requires the Office of State Fire Marshall, in consultation with the Office of Planning and Research and State Board of Forestry and Fire Protection, to develop and adopt “wildfire risk reduction standards,” for residential developments in a VHFHSZ by January 1, 2023.

Additionally, this legislation prohibits local governments from approving any new residential developments or construction that would increase occupancy of an existing residential structure in a VHFHSZ, unless the local government finds, based on substantial evidence, that the project is in compliance with the “wildfire risk reduction standards,” as established pursuant to this legislation.

As part of the City’s Building Code and described in the attached Fire Hazard Zone - Construction Requirements, the City has extensive construction requirements for structures specifically built in fire hazard zones. These requirements include specifications regarding roof material, windows and doors, underside of floor projections, vegetation management, and all exterior walls.

Furthermore, on March 4, 2021, the Southern California Association of Governments (SCAG) adopted a final resolution for the 6th cycle of the Regional Housing Needs Assessment, as part of the Final RHNA Allocation Plan for the October 2021 - October 2029 Housing Element Planning Period. The City's RHNA allocation for the 6th cycle is approximately 10,031 units. The City has consistently maintained compliance with state law with regard to the adoption of a General Plan.

If implemented, Senate Bill 12 would affect approximately 88 percent of the residential units projected to be in the suitable sites inventory for the City's 6th Cycle Housing Element, and could prohibit residential development in these areas.

Due to time constraints, this item was not reviewed by the City Council Legislative Committee. However, the recommendation to oppose Senate Bill 12 is consistent with the City of Santa Clarita 2021 Executive and Legislative Platform. Specifically, Component 27 under the "State" section advises that the City Council, "Oppose legislation that would interfere with, limit, or eliminate the decision-making authority of municipalities in the area of local land use."

Senate Bill 12 passed the Senate (31-8-1) on June 1, 2021. Senator Scott Wilk (R-21-Santa Clarita) voted against the bill and Senator Henry Stern (D-27-Calabasas) voted in support of the bill. Senate Bill 12 passed the Assembly Committee on Local Government (6-2-0). Assembly Member Tom Lackey (R-36-Palmdale) voted against the bill as a member of the Assembly Committee on Local Government. Senate Bill 12 is pending a hearing in the Assembly Committee on Housing and Community Development as of the writing of this report.

Notable supporters include the California Fire Chiefs Association, Fire Districts Association of California, and Sierra Business Council.

Notable opponents include the Los Angeles County Board of Supervisors, Building Industry Association, and California Association of Realtors.

ALTERNATIVE ACTION

1. Adopt a "support" position on Senate Bill 12.
2. Adopt a "neutral" position on Senate Bill 12.
3. Take no action on Senate Bill 12.
4. Refer Senate Bill 12 to the Legislative Committee.
5. Other direction, as provided by the City Council.

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2021-22 budget.

ATTACHMENTS

Senate Bill 12 - Bill Text

Fire Hazard Zone - Construction Requirements