

On Jun 3, 2022, at 4:47 PM, Christopher Pederson <[cpedersonlaw@gmail.com](mailto:cpedersonlaw@gmail.com)> wrote:

Dear Chair Brownsey and Commissioners:

I commend Commission staff for its excellent overview of many of the historical roots of the racial and economic disparities in housing along the California coast.

Moving forward, I urge the Commission to strive to correct these inequities, especially the discriminatory legacy of exclusionary zoning. In rectifying exclusionary zoning, the Commission can also simultaneously mitigate the adverse climate impacts of low-density, automobile-dependent development patterns in the urbanized areas of California's coast.

As the report notes, low-density, single-use residential zoning districts have the effect of excluding lower-income households, thereby also disproportionately excluding minority households. Other development standards such as minimum lot size requirements, large setback requirements, low height limits, low floor-to-area ratio (FAR) limits, and excessive parking requirements further limit the supply and increase the cost of housing. These tools are commonplace elements of local coastal programs that the Commission certifies and implements at every monthly meeting. The net effect is that the Commission too often plays a crucial role in perpetuating, strengthening, and enforcing land use requirements that exclude lower-income and minority households from the coastal zone.

Those same exclusionary zoning requirements also undercut the Commission's efforts to address the climate crisis. Transportation is now the largest source of carbon emissions in California. The Air Resources Board has repeatedly found that the state cannot reach its greenhouse gas reduction goals without significantly reducing vehicle miles traveled. (See, e.g., CARB, Draft 2022 Scoping Plan, pp. 155-157; CARB, California's 2017 Climate Change Scoping Plan, p. 75.) By mandating low-density development in most urbanized areas of the coast, the Commission effectively mandates automobile-dependent patterns of development and thwarts efforts to reduce vehicle miles traveled. Limits on housing in urbanized areas of the coastal zone also force more housing to be constructed in inland areas with more extreme climates and with correspondingly greater energy demands for heating and cooling.

The Coastal Act does not require these results. To the contrary, it calls for concentrating development in urbanized areas; minimizing vehicle miles traveled and energy consumption; and promoting public transit, walking, and bicycling. (Pub. Resources Code, §§ 30250, 30253, 30252.) Constraints on multi-family housing in urban areas, by excluding lower-income populations from the coastal zone, also contradict the Coastal Act's core mandate to maximize access to the coast for all. The Commission can fully implement Coastal Act policies that call for protecting habitat and agriculture and for minimizing hazards by focusing multi-family housing in urbanized areas located away from those sensitive resources.

For the Commission and local governments to move beyond the legacy of exclusionary zoning will require introducing multi-family housing into neighborhoods that are currently predominantly single-family residential. That, too, is consistent with the Coastal Act. Section 30251 of the Coastal Act protects views to and along the coast and calls for development to be "compatible" with the character of surrounding areas. The Commission and local governments have ample discretion to find that apartment buildings are compatible with the character of residential neighborhoods, even lower density ones. Sweeping claims that the Coastal Act requires all new development within residential areas to be similar in size and density to the existing pattern of development are unfounded.

Overcoming this legacy of exclusionary zoning will be challenging. Through its LCP grant programs, its review of LCP submittals and permit appeals, its regulations, and its legislative advocacy, however, the Commission should strive for housing policies and practices that accommodate all segments of California's diverse society in ways that also advance the state's climate goals.

Thank you for your consideration of my comments.

Sincerely,  
Christopher Pederson