

CALIFORNIA COASTAL COMMISSION

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W6c

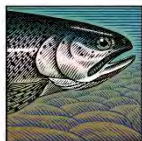
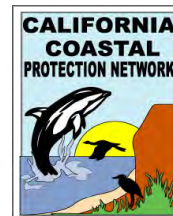
Prepared June 6, 2023 for the June 7, 2023 Legislative Report

TO: Coastal Commission and Interested Persons

FROM: Kate Huckelbridge, Executive Director
Sarah Christie, Legislative Director
Sean Drake, Legislative Analyst

SUBJECT: Additional hearing materials for W6c, Legislative Report

This package includes additional correspondence received in the time since the staff report was distributed.



Citizens Preserving Venice



Resource Renewal Institute
40 Years. Innovation for a Sustainable Future.



June 6, 2023

Agenda Item W6c

Chair Donne Brownsey
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
Via Electronic Delivery: ExecutiveStaff@coastal.ca.gov

Re: Public Comment on June 2023 Agenda Item Wednesday 6c - Legislative Report

Dear Chair Brownsey and Commissioners:

The undersigned organizations represent statewide and national constituencies committed to protecting coastal and ocean resources and upholding California’s landmark coastal protection law: the California Coastal Act of 1976. We submit this letter pending additional signatories. **We submit the following comments supporting the Coastal Commission staff recommendation to oppose SB 423 unless the bill is amended.**

The Coastal Act regulates land use to protect public access, sensitive habitats, wetlands, agriculture, scenic viewsheds, lower-cost recreational opportunities, and the biological productivity of ocean waters. It requires new development to minimize energy use, reduce vehicle miles traveled, and avoid hazards such as flood-prone areas, unstable bluffs, and tsunami runup zones. Fifty years of careful Coastal Act implementation is the reason the California coast still belongs to everyone regardless of zip code.

In 2017, the Legislature passed SB 35 (Wiener) which created an administrative, by-right approval process for multifamily housing. Notably, this administrative process is not applicable in the coastal zone, where the Coastal Act is implemented through discretionary coastal development permits (CDPs) issued by the Coastal Commission and/or local governments with certified Local Coastal Plans (LCPs). SB 423 would strike the existing coastal zone exclusion in Government Code Section 65913.4(a)(6)(A) **resulting in a de-facto exemption from the Coastal Act for multifamily housing.**

The high value and desirability of coastal real estate generates extremely high development pressure on the coastal zone. In 1972, California voters passed Proposition 20 (the Coastal Initiative) in response to the rapid pace and scale of industrial and residential development, and the resulting loss of public access, open space, and habitat. The fundamental premise of the Coastal Act is that new development within the coastal zone should undergo a higher standard of environmental review to preserve this unique geography

for current and future generations. Californians from across the state, particularly those from inland areas, still value the protection of public access and coastal resources afforded by the Coastal Act. In this rapidly changing era of climate change and sea level rise, it is more important than ever to ensure that we are not building in harm's way. "By-right" approval will eliminate the ability of the Coastal Commission and local governments to use the best available science when calculating flood and erosion risks. It also raises fundamental questions about whether shoreline protective devices (aka seawalls), which are closely regulated pursuant to the Coastal Act, will be authorized "by right" as well. This is just one example of the kind of subjective, discretionary determination that is fundamental to coastal management land use decisions but would be eliminated by SB 423.

This bill would also limit the standard for protecting coastal wetlands to that defined in federal law, which is significantly weaker than the Coastal Act standard. Moreover, the U.S. Supreme court ruling in [Sackett v. U.S.](#) EPA recently narrowed the federal definition of wetlands even further, leaving tens of millions of acres of wetlands across this country with no protection at all. Considering California's trailblazing initiatives to create resilient communities in the face of climate change, wetlands and protected habitats should be viewed as resiliency assets, rather than obstacles.

Inexplicably "equestrian zones" are carved out of the bill while basic coastal resource and public access protections are being overridden. **We submit that preserving coastal resources and public access is more important to more Californians than preserving "equestrian zones."**

We understand and agree with the author's goal of increasing the supply of multifamily housing in the coastal zone. However, we vehemently disagree that exempting new developments from the Coastal Act is the way to achieve that goal. It has long been our position that affordable housing and coastal protection are not and should not be mutually exclusive. The Coastal Commission decisively demonstrated this fact for the first five years of the coastal program by requiring inclusionary units to be built alongside market rate housing. As originally enacted, the Coastal Act contained enforceable provisions for the protection and provision of affordable housing. From 1977-1981, the Commission approved over 5,000 deed-restricted units for construction, prevented the demolition of 1,200 existing affordable units, and collected over \$2 million in in-lieu fees. Unfortunately, the Legislature repealed the Coastal Act's housing provisions 1981 (SB 626, Mello). Since that time, the Commission has lacked the legal authority to protect and provide for affordable housing in the coastal zone, which has contributed to the widening housing gap in coastal areas. We respectfully submit that the most effective way to increase the supply of affordable housing in the coastal zone is to reinstate the Coastal Commission's housing policies, not exempt multifamily housing from the Coastal Act.

The primary purpose of this bill is to eliminate the sunset provision in SB 35. It should do just that and nothing further. As the Senate Committee on Housing found, SB 35 has improved housing in California by facilitating the approval of nearly twenty thousand units between 2018 and 2021 with 60 percent of them made affordable to lower income households. It is clearly a successful approach for increasing housing. But because of the unique economics of coastal real estate development, SB 423 will almost certainly accelerate the construction of luxury, ocean-front condominiums with minimal amounts of affordable housing. This is not the type of housing California needs, and it will increase the cost of planning for the inevitable impacts of sea level rise.

We urge you to **maintain the integrity of the Coastal Act** and reject the removal of Government Code Section 65913.4(a)(6)(A). Affordable housing and coastal resource protection can and should go hand in hand. Thank you for the consideration of our comments.

Sincerely,

Ashley Eagle-Gibbs, Legal and Policy Director
Environmental Action Committee of West Marin

Pamela Heatherington, Board of Directors
Environmental Center of San Diego

Chance Cutrano, Director of Programs
Resource Renewal Institute

Michael Stocker, Director
Ocean Conservation Research

Susan Jordan, Executive Director
California Coastal Protection Network

Scott Webb, Advocacy & Policy Director
Turtle Island Restoration Network

Patricia A. McCleary, Co-Executive Director
Smith River Alliance

Sean Bothwell, Executive Director
California Coastkeeper Alliance

Michael Warburton, Director
Public Trust Alliance
A Project of The Resource Renewal Institute

Laura Walsh, California Policy Manager
Surfrider Foundation

Kristen Northrop, Policy Advocate
Coastal Environmental Rights Foundation

Jack Eidt, Co-Founder
SoCal 350 Climate Action

Garry Brown, Founder & President
Orange County Coastkeeper

Robin Rudisill, Board Member
Citizens Preserving Venice

CC: Sarah Christie, Legislative Director, California Coastal Commission
Sean Drake, Legislative Analyst, California Coastal Commission

W6d

June 1, 2023

Chair Donne Brownsey
California Coastal Commission
Legislative Report re. SB 423
SUPPORT

Dear Chair Brownsey and Commissioners,

Citizens Preserving Venice (CPV) is a 501c(3) non-profit organization that was founded in 2018 as a group dedicated to preserving and protecting Venice from the relentless pressures of gentrification, which have been eroding the social, cultural, racial and economic diversity of our community, and driving the loss of affordable housing stock.

We strongly support more multi-family housing in Venice and throughout the Coastal Zone. However, the by right, administrative approval process in SB 423 is not the way to accomplish that goal.

Even though SB 423 requires applicants to follow objective planning standards, there will be no consideration of the Coastal Act for Venice or the rest of coastal Los Angeles, because the City of Los Angeles does not have a certified Local Coastal Program (LCP). Making multi-family development proposals "by right" eliminates coastal development permits, which are the only mechanism for implementing the Coastal Act. Not only will SB 423 eliminate our ability to preserve existing affordable multifamily units, it will accelerate the construction of luxury condominiums with no way to mitigate for impacts to coastal resources such as public access, public views, or open space. This is not the type of housing California needs.

Even in communities *with* certified LCPs, the application of density bonus credits will override objective planning standards, such as height limits, setbacks from wetlands and sensitive habitats, and parking requirements. So even in areas with delegated coastal development authority, there is little chance that impacts to public views, natural resources and public access will be mitigated.

Significantly, eliminating Coastal Act review also means eliminating the application of state sea level rise policies. The Coastal Act requires new development to take sea level rise into account and avoid hazardous areas. There is no one-size-fits-all, objective, statewide checklist for sea level rise resiliency. Meaningful sea level rise analysis and resilient design can only be accomplished through discretionary review. Despite our changing climate, the economic incentives for developing as close to the coast as possible remain strong. Developers' bottom line is enhanced by ocean views and proximity to the beach. In addition to Venice, uncertified jurisdictions like Santa Monica, Costa Mesa, Torrance, Seal Beach and dozens of other uncertified coastal communities with no LCP have no objective Coastal Act standards to which to adhere. The result will be that there is no Coastal Act consideration whatsoever in those areas. This will throw decades of case law on issues such as sea walls, public access, coastal wetlands and ESHA into chaos, and undoubtedly lead to additional litigation.

The Coastal Act should not be seen as an impediment to density and affordable housing. Instead, it should be used as a planning tool for leveraging increased density and affordability in the Coastal Zone. Coastal protection and resilient, affordable housing are not mutually exclusive. We urge you to amend SB 423 to keep the Coastal Act Savings Clause in order to give the Coastal Commission the tools they need to proactively protect and provide for more housing in the coastal zone.

*For the Love of Los Angeles
and our precious Coast,
Robin Rudisill*
On behalf of Citizens Preserving Venice
(310) 721-2343