

CALIFORNIA COASTAL COMMISSION

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W6c

Prepared June 5, 2023 for the June 7, 2023 Legislative Report

TO: Coastal Commission and Interested Persons

FROM: Kate Huckelbridge, Executive Director
Sarah Christie, Legislative Director
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SUBJECT: Additional hearing materials for W6c, Legislative Report

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

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To: [ExecutiveStaff@Coastal](#)
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Subject: Public Comment on June 2023 Agenda Item Wednesday 6c - Legislative Report
Date: Monday, June 5, 2023 7:49:11 AM

Dear Chair Brownsey and Commissioners:

The fundamental approach that the Coastal Act takes for protecting the resources of our coast is to establish strict protections for natural habitats, open spaces, and agricultural lands while calling for concentration of development in already urbanized areas. (Pub. Resources Code, §§ 30233 (wetlands), 30240 (environmentally sensitive habitat areas), 30241-30242 (agricultural lands), 30250 (concentration of development).) Indeed, where Coastal Act policies conflict, the Act declares that policies to concentrate development in urban areas tend to be more protective overall than more specific resource protection policies. (Pub. Resources Code, § 30007.5.)

Almost fifty years have passed since enactment of the Coastal Act, but the urbanized areas of the coastal zone remain predominantly low density and therefore also heavily car-dependent. This deplorable situation defies Coastal Act requirements to concentrate development, minimize energy consumption and vehicle miles traveled, and promote public transit, and does little to advance the Coastal Act's strong protections for wetlands, ESHA, agriculture, water quality, or the marine environment.

The failure of most urbanized areas of the coastal zone to provide meaningful amounts of new multifamily housing in the past half century contributes to the high cost of housing in coastal California. It also impedes California's climate goals by pushing housing to inland areas of the state that require more energy and water use to cope with more extreme climates and that are even more automobile-dependent than urban areas of the coast. Requiring lower-income Californians to endure mega-commutes to get to work and to live in areas that have some of the worst air pollution in the nation also flouts any conceptions of environmental justice.

The basic goal of SB 423 - to facilitate more multi-family housing in urban neighborhoods where it is currently allowed in theory but all too often denied in reality - aligns well with the Coastal Act and the state's climate goals. I agree with the Legislative Report that SB 423 as currently drafted is ambiguous about the extent to which it limits local governments' and the Coastal Commission's Coastal Act permitting authority. Its across-the-board limitation of discretionary policies also threatens some of the most sensitive coastal resources, which can be present even in heavily urbanized areas.

That said, the Legislative Report's recommendation that SB 423 be amended to exclude the coastal zone in its entirety also goes too far. That is a recipe for simply perpetuating the status quo, which is unacceptable from a Coastal Act perspective, a climate perspective, and an environmental justice perspective.

The Commission should instead urge the bill's author to amend SB 423 so that it would exclude areas that fall within the Commission's geographic appellate jurisdiction. (*See* Pub. Resources Code, § 30603(a)(1)-(2).) With that amendment, SB 423 wouldn't apply to public trust lands; areas between the first public road and the sea; areas within 300 feet of the mean

high tideline, the inland extent of a beach or the top of a coastal bluff; or areas within 100 feet of wetlands or streams. That exclusion would mean that development in the areas most likely to have sensitive coastal resources or to raise issues regarding public access would continue to receive the full panoply of discretionary Coastal Act protections.

The Commission should also recommend that the bill's author amend SB 423 to clarify that development eligible for streamlining under SB 423 will continue to require a CDP in non-excluded areas of the coastal zone, but that those CDPs could only enforce objective standards contained in a certified LCP, certified LUP, or the Coastal Act, as applicable. That would mean that, in areas where multi-family housing is already allowed, it would be entitled to streamlined review for Coastal Act compliance. Those are the areas where multifamily housing is most appropriate and are also much less likely to raise concerns about impacts to sensitive coastal resources.

LCPs typically include a host of objective standards to implement Coastal Act requirements, so allowing streamlined review of eligible multifamily housing is not tantamount to deregulation or the abandonment of Coastal Act protections. To the extent LCPs rely on discretionary policies to protect coastal resources, this legislation would provide local governments with a strong incentive to update their LCPs with objective standards that allow a much more consistent, transparent, predictable, and efficient review process.

Regardless of whether the Commission agrees with the specific amendments I propose, I urge the Commission to engage with the bill's author and with the legislature in general about how best to encourage more multifamily housing in urbanized areas of the coast while still protecting significant coastal resources. The status quo is not working and is unlikely to change without changes to the law.

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson