



March 25th, 2024

The Honorable Dave Min  
Chair, Senate Natural Resources and Water Committee  
1021 O Street, Ste. 6710  
Sacramento, CA 95814

**RE: Oppose SB 1077 (Blakespear)**

Dear Senator Min,

The California Coastal Protection Network (CCPN) and Azul, nonprofit organizations with decades of experience working for the public interest in coastal and ocean natural resources management, write to voice our opposition to SB 1077 (Blakespear).

We recognize the need for new solutions to the state's urgent housing crisis, and that accessory dwelling units (ADUs) can be a helpful tool to expand housing availability within existing urban areas. Unfortunately, SB 1077, (like its companion SB 1092, also by Senator Blakespear), asks the legislature to make an unnecessary and destructive statewide change to California's bedrock environmental law, the California Coastal Act, without the benefit of any solid documentation or data to support the existence of the problem it purports to 'correct.'

**Reasons for opposition:**

SB 1077 would **exempt** ADUs and Junior ADUs from having to comply with the Coastal Act and local governments' local coastal programs (LCPs). This would provide a free pass for expanded development footprints even when such projects would degrade the environment or reduce public access to the coast, without any assurance that it would provide housing.

- The bill's proposed process is ripe for abuse by the wealthiest coastal zone property owners, because it contains **no** requirement that the ADUs in question be used as housing. Especially in wealthy coastal areas, ADUs are commonly used as fitness studios, private guest accommodations, home offices, play-rooms, or simply as home additions.
- There are **no** resource protection, public access, public safety, or sea level rise preparedness guardrails required by the bill. The bill *allows* local governments, if they choose, to require coastal permits for ADUs in very narrowly defined areas (near bluff edges, adjacent to wetlands), but no permits are *required* under the bill.

### **Existing law does not prevent development of ADUs**

A review of existing law shows that the Coastal Act has not served as an obstacle to the development of ADUs. Currently, ADU Law (Gov. Code § 65852.2(l)) says that ADU Law and the Coastal Act shall be **harmonized**. This simply means that property owners can avail themselves of everything that ADU law allows, but should build ADUs in a manner consistent with the Coastal Act or the local jurisdiction's LCP. The law currently specifies that local hearings aren't required for ADUs. In other words, **current law already provides for ministerial approval of ADUs in the coastal zone.**

This approach provides several important advantages. Having ADUs comply with Coastal Act/LCP policies ensures that ADUs are built in locations that don't interfere with public coastal accessways, impact sensitive habitat or wetlands, degrade public ocean views, and aren't vulnerable to erosion, flooding, or other public safety hazards due to sea level rise. These coastal resource considerations are frequently present on residential lots, especially coastal frontage properties, despite being zoned for residential development. The very purpose of local planning standards (including LCPs in the coastal zone) is to ensure that residential development can occur in a manner that accounts for these resources and hazards. This bill would sweep those standards aside for ADUs of questionable service to state housing needs.

### **Better reform ideas exist**

The goal of increasing ADUs to serve as housing can be advanced without undermining the Coastal Act or the high risk of abuse threatened by SB 1077; this can be done and has been done administratively through development and approval of LCPs. Many local governments already have additional measures in their LCPs that make ADU development standards clear and facilitate ADU production; the Legislature could easily require or encourage other local governments in the coastal zone to adopt such measures. Some examples include:

- Specifying more lenient unit dimensions and setbacks for ADUs
- Streamlining local procedures (in addition to already not needing to have a hearing)
- Waiving local permitting fees
- Establishing measures to ensure the protection of public safety when ADUs are sought in areas with significant vulnerability to coastal hazards.

### **Conclusion:**

The Committee should not exempt ADUs from the Coastal Act. Such an exemption isn't necessary under current law. It would **NOT** create proven housing stock, but it **would** risk harm to coastal natural resources, and jeopardize public access and public safety.

California's bedrock environmental laws, including the Coastal Act, were extraordinarily hard won, and the state's world-leading progress in protecting, restoring, and democratizing its lands, waters and coastline are thanks to their enactment and careful implementation by state agencies. Reforms to these laws must be undertaken with commensurate thoughtfulness and surgical precision, guided by data that helps achieve desired outcomes and minimizes unintended impacts. We are eager to support such reforms that expand affordable housing in California while preserving essential protections for the coastal environment and public access.

Gutting our environmental laws, piece by piece, with blunt, ill-considered carve-outs represents an approach to policymaking that will undermine the great environmental progress California has achieved, and the quality of the environment we will pass on to future generations. We will continue to oppose such efforts, including SB 1077.

Sincerely,

Marcela Gutiérrez-Graudiņš  
Founder / Executive Director  
Azul

Susan Jordan  
Founder & Executive Director  
California Coastal Protection Network