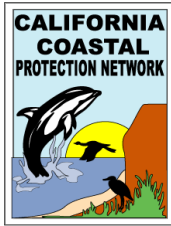
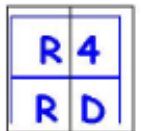


This letter was submitted to the authors office on Monday, March 11, 2023. We respectfully maintain our Oppose Unless Amended position until the requested amendments are in print.



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March 6, 2023

Senator Scott Weiner
California State Senate
1021 O St., Suite 8620
Sacramento, California 95814

RE: Environmental Justice and Environmental Groups Oppose SB 951 Unless Amended

Dear Senator Wiener,

The undersigned organizations write to oppose SB 951 as it is currently drafted and recommend consideration of amendments that would achieve the goal of improving the supply of housing in the Coastal Zone by providing for strengthened legislative direction to local governments, elimination of existing loopholes in coastal housing law, and greater accountability for results.

Our organizations recognize that California continues to face a severe housing crisis characterized by inadequate housing supply, high rental rates, low homeownership, and a disproportionate number of people experiencing homelessness.¹ As you have pointed out, California needs more housing in developed areas, both to address this crisis and to help meet our state's climate goals.² This pressure is acute in the state's urban coastal areas, where the housing crisis has contributed to the displacement of many working people.³ We applaud you and your colleagues in the Legislature for working diligently to address the many factors that contribute to the housing crisis.

We agree that the California Coastal Zone has a role to play in addressing the housing crisis. This role is uniquely challenging, as the state must balance its need to improve housing availability for people of all income levels (especially for those of low and moderate incomes) with the need to protect residents, businesses, and infrastructure from natural hazards and the threat of sea level rise; advance the public's constitutional right of access to the coast; and conserve the ecosystems that support all of us. For this reason, we strongly support implementation of recent changes to the California Coastal Act and other laws (changes you helped enact), such as SB 1 (Atkins, 2021), SB 272 (Laird, 2023), and AB 30 (Kalra, 2022), to require local governments to prepare for sea level rise and other impacts of climate change, and to ensure all Californians can access nature and its benefits.³

¹ [i] California Dept. of Housing and Community Development, "Addressing a Variety of Challenges," at <https://www.hcd.ca.gov/policy-and-research/addressing-variety-housing-challenges> (last visited Feb. 14, 2024).

² See Climate One Podcast, "Housing Density as a Climate Lever with Scott Wiener" (Feb. 24, 2023) at <https://www.climateone.org/audio/housing-density-climate-lever-scott-wiener> (last visited Feb. 14, 2024).

³ See SB 1035 (Jackson 2018), SB 1 (Atkins, 2021), and SB 272 (Laird, 2023) which together require local governments, the Coastal Commission, and other public agencies to plan for sea level rise and other climate risks through local coastal programs, general plans, and other land use tools; and AB

These considerations lead us to oppose in its current form your SB 951, specifically the provisions that would a) re-draw the Coastal Zone boundary within the City of San Francisco to exclude certain portions of the city from application of the California Coastal Act, and b) remove Coastal Commission authority and the public's opportunity to appeal certain projects within counties with approved local coastal programs. We are concerned these changes will not effectively increase housing opportunities for San Francisco residents, as we are aware of no evidence that the Coastal Act has been the cause of improper delays in housing development in San Francisco.⁴ To the contrary, **we understand that current law makes it too easy for local governments across the state to evade accountability for development of affordable housing in the Coastal Zone.**

Accordingly, **we recommend eliminating current Section 2 of the bill that would redraw the Coastal Zone boundary, eliminating current Section 3 of the bill curtailing the Commission and public's appeal authority, and instead recommend developing reforms to tighten housing requirements along the following lines:**

1) **Eliminate loopholes in the 1982 Mello Act**, which governs the provision of housing for families and persons of low or moderate income in the Coastal Zone.⁵ Currently, the Mello Act allows local governments to avoid protecting existing or developing new such housing in the Coastal Zone, and even to push such housing up to three miles inland and outside of the Coastal Zone.

2) **Require local governments to provide for affordable housing in local coastal programs (LCPs).** Currently, the Coastal Act allows them to avoid doing so⁶ and the Mello Act does not require them to adopt any other locally tailored measure to promote housing in the Coastal Zone. Requiring LCPs to address housing needs will ensure local governments consider how to better meet housing objectives while considering coastal hazards, public access, and other statewide objectives.

3) **Provide for accountability.** The Legislature has charged the Coastal Commission with "encourag[ing] housing opportunities for persons of low and moderate income" in the Coastal Zone.⁷ However, the Mello Act and current provisions of the Coastal Act prevent the Commission from executing this duty effectively. Historic evidence demonstrates that the Commission was quite successful in securing new affordable housing before its authority to do so was repealed in 1981. Such new oversight direction, with appropriate consideration of the

30 (Kalra, 2022) which "sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful and sustainable access to, the state's rich cultural and natural resources."

⁴ Important to note is that the Coastal Commission approves approximately 96 percent of the coastal development permit applications it reviews, and has only considered two appeals of projects proposed in San Francisco's Coastal Zone, concurring with approval by the City of San Francisco.

⁵ Government Code 65590 and 65590.1. The Mello Act replaced previous language in the Coastal Act that required local governments to provide affordable housing in the Coastal Zone, with oversight from the Coastal Commission. The Legislature repealed that Coastal Act provision in 1981.

⁶ Public Resources Code 30500.1

⁷ Public Resources Code 30604(f) and (g).

evolution of state housing law in the intervening years, would improve the likelihood that local jurisdictions meet housing objectives in the Coastal Zone.

We are confident that changes along these lines could better meet your housing objectives while ensuring local governments continue to address important statewide climate, access, and environmental goals. For these reasons, we respectfully oppose SB 951 unless it is amended, and we stand ready to work with you to identify alternative language.

Sincerely,

Susan Jordan
Executive Director
California Coastal Protection Network

Suzanne Hume
Executive Director
CleanEarth4Kids.org

Marce Gutiérrez-Graudins
Founder/Director
Azul

Cea Higgins
Board of Directors
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Michael Novick
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Anti-Racist Action-LA

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LA Waterkeeper

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350 Humboldt