



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 1092 (Blakespear)

Dear Senator Min,

Azul and the California Coastal Protection Network (CCPN), 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 1092 (Blakespear).

We recognize the need for new solutions to the state's urgent housing crisis, and that multi-unit residential developments can be a helpful tool to expand housing availability within existing urban areas. Unfortunately, SB 1092, (like its companion SB 1077, also by Blakespear), asks the legislature to make unnecessary, arbitrary, and destructive changes to California's bedrock environmental law with no documentation or data to demonstrate that the Coastal Act's processes for review and approval represent a problematic obstacle to advancing multi-unit housing. Furthermore, by scrambling the state's existing process for handling appeals to coastal development permits, the bill risks counterproductively **impeding** new housing developments by causing a wave of costly, time-consuming new litigation.

Reasons for opposition:

SB 1092 seeks to bifurcate the Coastal Commission's well-established and legally settled appeals process and introduce a complicated new appeals structure for a certain narrow class of projects, which comprise less than 1 percent of all appeals heard by the Commission. This is problematic for several reasons.

First, it would meddle with a process that is and has been working properly for many years. According to Commission data, the percentage of multifamily housing projects approved by local governments that get appealed to the Coastal Commission represents less than one percent of all appealed local decisions. Over the last 3 years, statewide, there were 9 multifamily housing projects appealed in 2021, 5 in 2022, and 15 in 2023. Of these, the Commission declined to hear about half of them, because they did not raise a "substantial issue" with Coastal Act requirements, the current standard. This means the local decision for approval was upheld in these cases. **Based on this data, the number of**

multifamily housing projects that actually receive a full “de novo” appeal hearing in front of the Commission is a fraction of one percent of local permit decisions.

Furthermore, where appeals were considered, it was due to issues related to natural resource protection, ensuring public access, or ensuring readiness for sea level rise and other coastal hazards, i.e. major issues of significant consequence to the public interest and to long term management of coastal resources.

Second, creating an entirely new appeals standard and process for certain multifamily housing projects would make the Coastal Act—and the permitting of needed multifamily housing developments—**less** efficient, rather than streamline them. The existing appeal process has been around for almost 50 years. It’s been thoroughly analyzed, scrutinized, and interpreted in judicial decisions, agency regulations, and across a multi-decade body of Commission decisions. The result today is that it’s firmly and widely understood among the public and developers. Creating an entirely new process would result in years of new litigation, regulations, and conflicts to settle new details. This will only slow down multifamily housing appeals, counter to the author’s goal.

Furthermore, the bill risks further regulatory chaos by provoking a raft of copycat legislation to provide special appeals process for other arbitrary special interests. If SB 1092 is enacted, other legislators will certainly seek to “expedite” their own development types of interest depending on the political priorities of the day. In past years, this could’ve been fossil fuel energy projects or highway projects. To maintain the efficiency of the Coastal Commission’s appeals process, it should be kept singular and uniformly applied. This bill muddies the waters of appeals by creating a wholly separate appeal pathway which a given project may or may not qualify for.

Finally, SB 1092’s text includes an admission that its reform proposal is based on inadequate information regarding true bottlenecks to the laudable goal of increased multifamily housing development. Specifically, the bill requires a study to surface basic information on what actually impedes these projects, indicating a lack of empiricism in the proposed reform. In other words, the bill puts the cart well before the horse.

We and our partners would eagerly support a bill that requires and funds the Commission to track such data, which could provide a sound, factual foundation for development of needed reforms. But pursuing potentially harmful, counterproductive changes to the Coastal Act based only on anecdotes or the talking points of special interests is dangerously premature.

Conclusion:

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, surgical precision and guided by data that helps achieve desired outcomes and minimize 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 with blunt, ill-considered carveouts 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 1092 .

Sincerely,

Marcela Gutiérrez-Graudiņš
Founder / Executive Director
Azul

Susan Jordan
Founder & Executive Director
California Coastal Protection Network