



March 28, 2024

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

RE: SB 1092 (Blakespear) Multi-family housing development and Coastal Commission appeals -
OPPOSE

Dear Senator Min and Committee Members:

On behalf of NRDC and NRDC Action Fund, we are writing to respectfully oppose Senate Bill 1092 by Senator Blakespear. NRDC advocates for coastal and ocean protection and equitable access to California's 1,100 miles of beloved shoreline. We also work to mitigate greenhouse gas and air pollution with a variety of strategies, including ensuring access to affordable housing near transit, schools, parks, and other community resources.

While this and other bills to address California's housing shortage are well-intentioned, SB 1092 will ultimately not serve our coast. For the past 48 years, the Coastal Act has protected equitable public access to the coastline and the unique habitats that make the California coastline so special and cause it to be a driver of our ocean economy. The Commission has a critical role to play in evaluating housing and other new development and the impacts of sea-level rise due to our changing climate.

SB 1092 would limit the Coastal Commission's ability to hear appeals of local approvals of multifamily housing projects within the Coastal Zone. Currently, the Commission decides whether to hear an appeal based on whether a local government's actions were consistent with a certified Local Coastal Program (LCP) or if the appeal raises a substantial issue under the Coastal Act. SB 1092 would replace this well-understood standard with a new "abuse of discretion" standard that would apply only to certain multifamily housing projects.

Creating a separate appeals standard and process for a specific class of projects will only confuse and delay the entitlement of future multifamily housing projects in the coastal zone. Legislating special treatment under the Coastal Act to a specific class of development, with no robust data to support such a proposal, is problematic and would set a negative precedent.

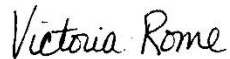
The Coastal Act underscores the importance of public access to the coast and the preservation of its sensitive coastal and marine habitat and biodiversity. In passing the Coastal Act, the Legislature declared

the law is necessary to ensure “the permanent protection of the state’s natural and scenic resources” which it describes as a “paramount concern to present and future residents of the state and nation.” However, the protection the Coastal Act has provided since its enactment would be compromised if the appeals process of local government decisions is constrained to a narrow procedural review.

When the commission agrees to review an appeal of a multifamily housing project, which is approximately 0.5 percent of all local approvals, it considers issues such as whether the project encroaches on public space used for pedestrian access or into wetland buffers – the very protections the Legislature enshrined in statute when it passed the Coastal Act.

We would be happy to work with the author and stakeholders on the issues contemplated in SB 1092 and look forward to a solution. But as currently written, we must oppose the bill. Thank you for considering our views.

Sincerely,



Victoria Rome
CA Govt. Affairs Director



Joel Reynolds
Senior Attorney

Cc Senator Blakespear