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March 28, 2024

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

RE: SB 1092 (Blakespear) OPPOSE

Dear Senator Min,

We the undersigned organizations submit these comments to respectfully oppose Senate Bill 1092. Our organizations have decades of experience advocating on coastal and ocean protection and equitable access to California's 1,100 miles of beloved shoreline. We are deeply concerned that our bedrock coastal access and resource protection law in California - the California Coastal Act of 1976 - is under siege.

While legislation before your committee to address California's housing shortage may be 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 as well as the unique habitats that make the California coastline so special and cause it to be a driver of our ocean economy.

SB 1092 (Blakespear) would chip away at the Coastal Act by severely limiting 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. More fundamentally, legislating special treatment under the Coastal Act to a specific class of development, with no robust data to support such a proposal, is bad policy that would set a negative precedent and invite similar measures in the future for other types of development.

With all due respect to Senator Blakespear, we must regretfully oppose SB 1092.

If enacted, SB 1092 will limit the commission's ability to protect the sandy beaches, bluffs, wetlands and intertidal areas that are so unique to California. Measures such as SB 1092 will add to the cumulative

deterioration of one of California's foundational environmental protection laws - a law that is the envy of the nation for its effectiveness in protecting the public shoreline. 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 is clearly compromised if the appeals process of local government decisions is severely constrained to a narrow procedural review.

To be clear, the Coastal Act appeals process is not a hindrance to the development of multifamily dwellings within the Coastal Zone. 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.

As the impacts of climate change have placed our special natural resources under great duress, now is not the time to roll back laws that have served to protect them. We implore you Senator Min to exert your leadership as chair of the Senate Natural Resources and Water Committee to ensure the continued preservation of our coast by rejecting SB 1092. Thank you for your consideration.

Sincerely,

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Inland Empire Waterkeeper

Cc Senator Blakespear
Senate Natural Resources and Water Committee member