

- 5) Provides for the planning and regulation of development within the coastal zone.
 - a) A person planning to perform or undertake any development in the coastal zone is required to obtain a coastal development permit from the Coastal Commission or local government enforcing a local coastal program (LCP) certified by the Coastal Commission.
 - b) A LCP cannot be required to include housing programs and policies.
 - c) The coastal zone means the coastal land and waters of California, and includes the lands that extend inland generally 1,000 yards from the mean high tide line, as specified, with various exceptions including the San Francisco Bay.
 - d) Development means, among other things, the placement or erection of any solid material or structure on land or in water.
- 6) Provides that after certification of a local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the CCC only for the following types of developments:
 - a) Developments approved by the local government within a specified distance of the sea.
 - b) Developments approved by the local government in specified tidelands submerged lands, public trust lands, and within 100 feet of a wetland, estuary, or stream, or within 300 feet of the top of the seaward face of a coastal bluff.
 - c) Developments approved by the local government located in a sensitive coastal resource area.
 - d) Any development approved by a coastal county not designated as the principal permitted use under the zoning ordinance or zoning district map.
 - e) A development which constitutes a major public works project or a major energy facility.

This bill:

- 1) Clarifies that local coastal program updates, for local governments in the coastal zone, shall be completed in the same three-year period required for the completion of rezones as part of the rezone program in the housing element.
- 2) Clarifies that local coastal program updates, for local governments in the coastal zone that fail to adopt a housing element within the 120 days of the statutory deadline, shall be completed in the same one-year period required for the completion of rezone program in the housing element.

- 3) Provides that, after certification of its local coastal program, an action taken by a local government on a coastal development permit application may not be appealed to the commission for a development approved by a coastal county that is not designated the principal permitted use under the zoning ordinance or zoning district map if the local government is a city and a county.
- 4) Makes other technical, clarifying changes to the California Coastal Act.

COMMENTS:

- 1) *Author's statement.* "California is facing a severe housing crisis, which is particularly acute in San Francisco. San Francisco has the longest housing approvals process in the state and recently faced an historic audit. As the city works to meet its state housing goal of 82,000 homes over the next 8 years, it needs authority over permitting in urbanized areas where affordable housing is needed most. SB 951 mandates that LCPs amendments originating from rezonings under housing element law must be completed on the same timeline as the rezoning itself, providing synchronicity with housing element law and Coastal Act compliance. These changes will ensure San Francisco, and other jurisdictions, have the tools needed to comply with state housing law."
- 2) *Housing elements generally.* Every city and county must adopt a housing element to help plan how to address its share of the regional need for housing. Each city and county must revise its housing element every eight years (every five years for some rural areas). The housing element includes a program that sets forth a schedule of actions during the planning period to provide for the housing needs of all economic segments of the community. These actions include identifying an inventory of adequate sites on which to provide housing; developing a plan to meet the needs of extremely low-, very low-, low-, and moderate-income households; removing constraints to housing for special needs populations; preserving existing affordable housing stock; promoting and affirmatively furthering fair housing opportunities; and preserving assisted housing developments for low-income households. Each locality's fair share of housing is determined through the regional housing needs allocation (RHNA) process, which is composed of three main stages. First, the Department of Finance and the state Department of Housing and Community Development (HCD) develop a regional housing needs estimate for each region, which are allocated to councils of government (COGs) throughout the state. Each COG allocates housing within its region based on these estimates (where a COG does not exist, HCD make the determinations). Each city and county then incorporates its allocation into its housing element.

It is critical that local jurisdictions adopt legally compliant housing elements on time in order to meet statewide housing goals and create the environment locally for the successful construction of desperately needed housing at all income levels. Unless communities plan for production and preservation of affordable housing, new housing will not be built. Adequate zoning, removal of regulatory barriers, protection of existing stock and targeting of resources are essential to obtaining a sufficient permanent supply of housing affordable to all economic segments of the community. Although not requiring the community to develop the housing, housing element law requires the community to plan for housing. Recognizing that local governments may lack adequate resources to house all those in need, the law nevertheless mandates that the community do all that it can and that it not engage in exclusionary zoning practices.

- 3) *Developing in the coastal zone.* The Coastal Act outlines standards for development in the coastal zone including specific policies addressing shoreline public access, recreation, protection of habitats, development design, and other things. Local governments within the coastal zone can adopt a local coastal plan (LCP). LCPs generally contain the rules for development and protection of coastal resources and basic planning tools used by the local government. Each LCP contains a land use plan and implementing measures (such as zoning and maps), some of which are subjective standards (such as requirements around design or community character), some of which are objective standards. In order for the local government to have primary jurisdiction over development permitting in the coastal zone, however, the LCP must be approved by the California Coastal Commission (CCC). Once the LCP is approved by the CCC, the local government assumes permitting authority over local developments, including housing, and the LCP is considered to be an extension of the Coastal Act. About 73% of local jurisdictions in the coastal zone have approved LCPs. In the remaining jurisdictions (*i.e.*, those that do not have an approved LCP), coastal development permits (CDPs) are issued by the CCC directly. Additionally, permitting decisions made by a local government with an approved LCP can be appealed directly to the CCC in specified circumstances. In reviewing the permit, CCC generally must defer to those standards outlined in the LCP.

This bill would state that, after certification of its local coastal program, an action taken by a local government on a coastal development permit application may not be appealed to the CCC for a development approved by a coastal county that is not designated the principal permitted use under the zoning designation if the local government is a city and a county.

- 4) *Aligning housing law with LCPs.* This bill would clarify that changes necessary to implement the housing element in the coastal zone shall occur on the same timelines as those required for jurisdictions outside of the coastal zone. Specifically, this bill would require updates to LCPs originating from required rezonings under housing element law to be completed in one to three years, so that the LCPs and the rezones are completed in tandem.

- 5) *Opposition.* Environmental groups opposed to this bill were opposed to a prior version of this bill related to changes in the Coastal Act. Homeowner Neighborhood groups are opposed to the bill because they are concerned locals will not meet the rezone requirements on time and be subject to the “builder’s remedy” and because they allege the regional housing needs allocation methodology is “flawed.” Author’s amendments taken in the Senate Natural Resources and Water Committee removed the opposition of the California Coastal Commission and the Natural Resources Defense Council. The committee was unable to determine if recent amendments changed the position of other groups in opposition.

- 6) *Double-referral.* This bill was heard in the Natural Resources and Water Committee on April 9, 2024 and passed on a 10-0 vote.

RELATED LEGISLATION:

AB 1398 (Bloom, Chapter 358, Statutes of 2021) — required cities and counties that fail to adopt a legally compliant housing element within 120 days of the statutory deadline, to complete a rezone program within one year instead of the current three-year requirement.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, April 10, 2024.)

SUPPORT:

California Apartment Association
East Bay YIMBY
Grow the Richmond
Housing Action Coalition
How to ADU
Mountain View YIMBY
Napa-Solano for Everyone

Northern Neighbors
Peninsula for Everyone
People for Housing Orange County
Progress Noe Valley
San Francisco YIMBY
San Luis Obispo YIMBY
Santa Cruz YIMBY
Santa Rosa YIMBY
South Bay YIMBY
Southside Forward
Streets for People
Urban Environmentalists
Ventura County YIMBY
YIMBY Action

OPPOSITION:

350 Humboldt
Azul
Biodiversity First!
California Cities for Local Control
California Coastal Protection Network
California Coastkeeper Alliance
California Native Plant Society
Catalyst for Local Control
Center for Biological Diversity
City and County of San Francisco
Cleaneart4kids.org
Climate Action California
Coastal San Pedro Neighborhood Council
Coastwalk
Defenders of Wildlife
Environmental Defense Center
Environmental Action Committee of West Marin
Environmental Center of San Diego
Humboldt Waterkeeper
Livable California
Los Cerritos Wetlands Land Trust
Mission Street Neighbors
Orange County Coastkeeper
Residents for Responsible Desalination
San Francisco Board of Supervisors

San Luis Obispo Mothers for Peace
Santa Cruz Climate Action Network
Save Lafayette
Sea and Sage Audubon Society
Sierra Club California
So Cal 350 Climate Action
Social Eco Education
Society of Native Nations
Southern California Watershed Alliance
The Phoenix Group
Wholly H2o
18 Individuals

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