



August 22, 2023

Assemblymember Chris R. Holden, Chair
 Assembly Appropriations Committee
 1021 O St., Suite 8220
 Sacramento, California 95814

RE: Oppose SB 423 (Wiener) Unless Amended to Address Coastal Access, Sea Level Rise, Flood Protection, Toxic Waste, Equitable Housing, and Environmental Justice Concerns

Dear Chair Holden:

On behalf of the undersigned coastal access, coastal resource protection, fire safety, and equitable housing organizations; we write to express our oppose unless amended position with regards to SB 423 (Wiener). Below we [link to previous letters](#) submitted by our own organizations as well as several letters sent by colleagues representing various environmental justice organizations, because we share their concerns. Where possible, we have included specific links to these letters and each of the signatories would welcome additional dialogue. We strongly support affordable housing in California, but the streamlined approach proposed in this bill is wrong for too many sites and communities in our state. If SB 423 had simply extended SB 35, the vast majority of the undersigned organizations would not be opposing SB 423 as currently proposed.

SB 423 removes many of the safeguards in SB 35 and puts families and individuals at risk by streamlining qualified housing projects in areas that are vulnerable to flooding caused by sea level rise. Last-minute

amendments *after* the policy committee process also removed the existing exclusion for high-risk wildfire areas. The bill overrides cultural stabilization strategies intended to support displaced and minority communities and keeps an open door for housing to be built near toxic waste sites that are vulnerable to climate impacts. **The bill makes these grave sacrifices to health and safety for a proposed streamlining structure that only requires developers to have 10% affordable housing in their projects.** This criterion is too low to meaningfully change market rates or housing needs in zones where luxury units will far and away be the preferred units to build; and instead, the bill will put people, development, and resources in harm's way.

SB 423 as currently written is the wrong track for California communities, who should not be forced into binary decisions between safety, health, and housing. Given that SB 35 does not expire until January 1, 2026, we urge you to hold SB 423 so that legislators can work with stakeholders to address these major outstanding issues over the coming year. The concerns outlined below have not yet been addressed as of the August 14th amendments in print:

1. **Toxic Waste** - This bill bypasses the California Environmental Quality Act (CEQA) requirement that hazardous waste sites go through a full remediation process. Housing has and will continue to be located on toxic and harmful sites if this process is not required. [More in letter by California Environmental Justice Alliance \(CEJA\).](#)
2. **Pollution** - The bill does not ensure that housing is properly distanced from potential polluting or industrial land uses. Failing to provide adequate separation from these pollutants has historically resulted in water, air, and soil pollution that is hazardous to human health, and which disproportionately burdens disadvantaged communities. [More in letter by CEJA Action and Communities for a Better Environment.](#)
3. **Flooding** - The bill allows for streamlined development in the coastal zone, which is vulnerable to up to 10 feet of sea level rise and related flooding by 2100. Sea level rise and coastal inundation puts people and property at risk, which is not consistent with California's immense investment of resources to prepare for sea level rise. [More in letter by Environmental Action Committee of West Marin \(EAC\), California Coastal Protection Network, and Surfrider Foundation.](#)
4. **Erosion** - The bill streamlines building in the coastal zone and does not account for erosion induced by sea level rise. Cliffs are present along the majority of coastal California, and more than half of them are detected to be eroding, according to the Scripps Institution of Oceanography paper [Special and Temporal Trends in California Coastal Cliff Retreat](#). Blufftop properties are subject to increasingly higher rates of erosion and at risk of landslides caused by sea level rise. [More in letter by EAC, California Coastal Protection Network, and Surfrider Foundation.](#)
5. **Fire** - The August 14th amendments to SB 423 strip SB 35 of the safeguard excluding application in very high fire hazard severity zones and substitute this safeguard with a toothless "legislative intent" to "consult." The Assembly Natural Resources Committee's July 7th bill analysis recommended language to *strengthen* SB 35's existing exclusion in fire zones consistent with other streamlining bills, but this new amendment backtracks potential progress in the policy committees by completely removing the exclusion. As outlined in the Center for Biological Diversity's report, [Built to Burn: California's Wildlands Developments Are Playing With Fire](#), development in high fire-risk wildlands is putting more people in harm's way and resulting in increased fire suppression costs, property damage, and environmental degradation. California should be considering strategies to discourage new development in high-risk areas instead of forcing jurisdictions to approve development without a CEQA process designed to consider and mitigate risks.

6. **Community Stabilization** - The bill does not adequately align with Housing Element Law or the legal duty of the state and local governments to Affirmatively Further Fair Housing (AFFH), a requirement intended to reduce displacement pressures for low-income communities of color. The AFFH duty requires jurisdictions to combat discrimination, bias, and historic patterns of segregation in all housing and community development activities. As currently written, SB 423 could force local governments to approve projects that violate their AFFH duty. [More in letter submitted by the Western Center on Law & Poverty.](#)
7. **Habitat** - The bill allows for streamlined development in Environmental Sensitive Habitat Areas (ESHA). It is not clear that the new amendments to SB 423 address this concern, and the bill still does not expressly exclude application in ESHA. [More in letter submitted by EAC, California Coastal Protection Network, and Surfrider Foundation.](#)
8. **Fiscal and Economic Impacts** - This bill will expose California to unnecessary litigation costs due to the many inconsistencies that are raised between the bill and existing laws. California also boasts a significant coastal recreation economy, which could be negatively impacted by inadequate review of coastal development, which could impact public access and coastal recreation. [More in letter submitted by EAC to the Assembly Housing and Community Development Committee.](#)

Please take into consideration the negative impacts of this overly simplified strategy for housing. This bill will set a bad precedent with an ill-conceived approach to streamlining, where safety and environmental concerns are not adequately prioritized to benefit only a few. Many of our groups have already proposed and hope to work with leadership on alternative comprehensive strategies for supporting our state's dire housing needs that more appropriately address the health and well-being of our communities, and we will work with the Legislature to advance these proposals before the expiration of SB 35. Thank you for the consideration of these comments.

Sincerely,

Brady Bradshaw, Senior Campaigner
Center for Biological Diversity

Rick Coates, Executive Director
Forest Unlimited

Ashley Eagle-Gibbs, Legal and Policy Director
Environmental Action Committee of West Marin

Jack Eidt, Co-Founder
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Dee Anna Fromm, Director
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Marylee Guinon, Director
State Alliance for Firesafe Road Regulations

Marcia Hanscom, Community Organizer
Defend Ballona Wetlands

Kimberly Burr, Manager
Community Clean Water Institute

Chance Cutrano, Director of Programs
Resource Renewal Institute

Frank Egger, President
North Coast Rivers Alliance

Neal Fishman, Board President
Sonoma County Conservation Action

Norman Gilroy, Community Organizer
Mobilize Sonoma

Rick Hall, President
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Larry Hanson, President
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Pamela Heatherington, Board of Directors
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Susan Jordan, Executive Director
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Wendy Krupnick, Owner/Farmer
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Laura Morgan, M.D.
Save the Sonoma Coast

Dan Silver, Executive Director
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Julie Testa, Chair
California Alliance of Local Electeds

Laura Walsh, California Policy Manager
Surfrider Foundation

Erin Woolley, Senior Policy Strategist
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Deirdre & Chris Hockett, Member
Protect San Antonio Valley

Linda Krop, Chief Counsel
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Janus Holt Matthes, Chair
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Gail Yamamoto Seymour, Board Member
Turtle Island Restoration Network

Dee Swanhuysen, Board Member
West County Rural Alliance

Robert van de Hoek, Environmental Scientist
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Melanie Winter, Director & Founder
The River Project

cc: Assembly Appropriations Committee Members
Senator Scott Wiener