



Staff Report

File #: REPORT 24-0176, Version: 1

Honorable Mayor and Members of the Hermosa Beach City Council Regular Meeting of April 9, 2024

**CONSIDERATION OF A RESOLUTION EXPRESSING
OPPOSITION TO ASSEMBLY BILL 2560 (ALVAREZ),
SENATE BILL 1077 (BLAKESPEAR),
SENATE BILL 1092 (BLAKESPEAR),
AND SENATE BILL 951 (ALLEN)**
(Deputy City Manager Angela Crespi)

Recommended Action:

Staff recommends City Council consider adopting by title a Resolution of the City Council of the City of Hermosa Beach, California expressing opposition to Assembly Bill 2560, Senate Bill 1077, Senate Bill 1092, and Senate Bill 951 (**Attachment 1**).

Executive Summary:

The City of Hermosa Beach regularly expresses its support or opposition regarding legislative matters that would have an impact on the City. As requested by Councilmember Detoy, and supported by Mayor Pro Tem Francois and Councilmember Jackson, at its March 26, 2024 meeting, staff presents this item to consider adoption of a resolution expressing opposition to Assembly Bill 2560 and other similar bills.

Background:

The legislature of the State of California each year proposes, passes, and has signed into law various bills addressing a range of housing and other land use issues. Many of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit each city and its residents and instead impose mandates that do not consider the needs and differences of jurisdictions throughout the State of California.

Further, these bills have historically not applied to developments in the Coastal Zone such that housing or other projects must still comply with the Coastal Act process (*i.e.*, coastal development permit, *etc.*) and adhere to any applicable development standards relating to coastal resources. However, recent legislative proposals have proposed to remove this exemption for projects located in the Coastal Zone as explained below.

At City Council's regular meeting on March 26, 2024 Councilmember Detoy requested, and Mayor

Pro Tem Francois and Councilmember Jackson supported, directing staff to place on the next regular session agenda a resolution expressing opposition to Assembly Bill 2560 and other similar bills.

Past Council Actions

Meeting Date	Description
May 25, 2021	City Council approved the adoption of a Resolution expressing support for actions to further strengthen local authority and control as related to local zoning and housing issues.
November 23, 2021	City Council adopted a resolution expressing support for the “Brand-Huang-Mendoza Tri-partisan Land Use Initiative” to Amend Article XI of the Constitution of the State of California to make zoning and land use community affairs, and not of State interest, submitted to the Attorney General of California.
July 11, 2023	City Council directed Staff to prepare a Resolution expressing support to further strengthen local democracy, authority, and control as related to local zoning and housing issues.
March 26, 2024	Councilmember Detoy requested, and Mayor Pro Tem Francois and Councilmember Jackson supported, a future agenda item to consider adoption of a resolution expressing opposition to Assembly Bill 2560 and other similar bills.

Discussion:

Assembly Bill 2560

On February 14, 2024, Assembly Member Alvarez introduced Assembly Bill 2560, which proposes that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the density bonus law be permitted notwithstanding the Coastal Act. This would allow developers the same ability irrespective of whether or not the development is located in the Coastal Zone.

Existing density bonus law requires the City to provide a developer that proposes a housing development within the City a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income households or very low income households and meets other requirements. Existing law explicitly posits that nothing in the density bonus law supersedes or alters or lessens the requirements of the Coastal Act.

Senate Bill 1077

On February 12, 2024, Senator Blakespear introduced Senate Bill 1077, which proposes to amend

the California Coastal Act and posit that a coastal development permit shall not be required for the addition of an accessory dwelling units (ADU) or junior accessory dwelling unit (JADU) that is proposed on a lot with an existing residential structure except for those projects proposed to be located: (i) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach; or (ii) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

Existing planning and zoning law mandates that the City provide for the creation of accessory dwelling units in areas zoned for residential use (and junior accessory dwelling units in single-family residential zones) pursuant to certain standards. These ADU and JADU laws did not supersede the Coastal Act such that any applicable requirements or standards applicable for a proposed ADU or JADU must still be complied with.

Senate Bill 1092

On February 12, 2024, Senator Blakespear introduced Senate Bill 1092, which proposes to change the appeal procedure for certain actions taken by a local government on a coastal development permit to the California Coastal Commission. It would also change the standard of review for appeals regarding a multifamily housing development (as defined in SB 1092). The Coastal Commission must find that there was an abuse of discretion in the approval of the project and this proposed bill provides a more expedited timeframe for appeals of these projects.

Because the City does not have permitting jurisdiction in the City, this proposed bill would not have much effect as it stands today. In the future, should the City obtain permitting power, then this bill would impact an appeal of the specific projects contemplated by this bill. In comparison to AB 2560 and SB 1077, this bill is not as impactful as the main focus of this bill is to have the California Coastal Commission simply process and issue decisions on appeals more quickly.

Senate Bill 951

On January 18, 2024, Senator Weiner introduced Senate Bill 951, which proposes to amend the requirements for housing element updates to include any necessary local coastal program updates. Existing planning and zoning law requires that all rezonings associated with housing elements to be completed within a certain time - three years if the housing element is certified within the statutory deadline and one year if the housing element is certified after the statutory deadline. This bill would require that local coastal program updates be completed along with the required rezonings.

Because the City does not have a certified Local Coastal Program, this bill potentially would require completion of or update of the local coastal program within specific time periods to stay in compliance with State Housing Element law. Jurisdictions requiring local coastal programs must gain approval from the California Coastal Commission, but do not have control over timelines. This essentially removes any jurisdiction's local control over approval of their housing element, which is a required part of a City's general plan.

Staff recommends City Council consider adopting by title a Resolution (**Attachment 1**) of the City Council of the City of Hermosa Beach, California expressing opposition to Assembly Bill 2560 and other similar bills.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below.

Governance Element

Goal 1. A high degree of transparency and integrity in the decision-making process.

Policy:

- **Open meetings.** Maintain the community's trust by holding meetings in which decisions are being made, that are open and available for all community members to attend, participate, or view remotely.

Goal 4. A leader and partner in the region.

Policy:

- **4.1 Regional governance.** Play an active role in the South Bay Cities Council of Governments, the Southern California Association of Governments and other regional agencies to protect and promote the interests of the City.

Land Use Element

Goal 1. Create a sustainable urban form and land use patterns that support a robust economy and high quality of life for residents.

Goal 2. Neighborhoods provide for diverse needs of residents of all ages and abilities, and are organized to support healthy and active lifestyles.

Goal 3. A series of unique, destination-oriented districts throughout Hermosa Beach.

Goal 4. A variety of corridors throughout the city provide opportunities for shopping, recreation, commerce, employment, and circulation.

Goal 5. Quality and authenticity in architecture and site design in all construction and renovation of buildings.

Goal 6. A pedestrian-focused urban form that creates visual interest and a comfortable outdoor environment.

Goal 7. Adequate space and appropriate integration of community and school facilities that support physical activity, civic life and social connections for residents of all ages and interests.

Goal 8. A range of coastal-dependent and visitor-serving uses available to serve a variety of income ranges and amenity desires.

Goal 9. Local energy independence through renewable energy generation.

Goal 10. A strong sense of cultural and architectural heritage.

Goal 11. A proud and visible identity as an arts and cultural community.

Goal 12. A mix of cultural facilities that support and encourage the community's vibrant range of art

creation and presentation.

Goal 13. Land use patterns that improve the health of residents.

Fiscal Impact:

There is no immediate fiscal impact associated with the recommended action.

Attachments:

1. Draft Resolution
2. Assembly Bill 2560 Text
3. Senate Bill 1077 Text
4. Senate Bill 1092 Text
5. Senate Bill 951 Text
6. Link to May 25, 2021 City Council Staff Report
7. Link to November 23, 2021 City Council Staff Report
8. Link to July 11, 2023 City Council Meeting Agenda
9. Link to March 26, 2024 City Council Agenda

Respectfully Submitted by: Angela Crespi, Deputy City Manager

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager