

CALIFORNIA COASTAL COMMISSION

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DATE: September 11, 2019

TO: Coastal Commission and Interested Persons

FROM: John Ainsworth, Executive Director
 Sarah Christie, Legislative Director

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER, 2019

CONTENTS: This report provides summaries and status of bills affecting the Coastal Commission and California's Coastal Program, and coastal-related legislation identified by staff.

Note: Information contained in this report is accurate as of 09/09/2019. Bills added since the previous month's report are marked by an *asterisk. Recent amendments are summarized in *italics*. Bill text, votes, analyses and current status of any bill may be viewed on the California Legislature's Homepage at <http://leginfo.legislature.ca.gov/>. This report can also be accessed through the Commission's Homepage at www.coastal.ca.gov

 2019 Legislative Calendar

Jan 1	Statutes take effect.
Jan 7	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor.
Jan 21	Martin Luther King, Jr. Day
Jan 25	Last day to submit bill requests to Office of Legislative Counsel.
Feb 22	Last day for bills to be introduced.
March 30	Cesar Chavez Day observed.
April 11	Spring Recess begins upon adjournment.
April 22	Legislature reconvenes from Spring Recess.
April 26	Last day for policy committees to hear and report fiscal bills.
May 3	Last day for policy committees to hear and report non-fiscal bills introduced in their house.
May 10	Last day for policy committees to meet prior to June 4.
May 17	Last day for fiscal committees to hear and report to the Floor bills introduced in their house.
May 27	Memorial Day
May 28-31	Floor session only
May 31	Last day for each house to pass bills introduced in that house.
June 3	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.
July 10	Last day for policy committees to hear and report fiscal bills.
July 12	Last day for policy committees to meet. Summer Recess begins upon adjournment.
Aug 12	Legislature reconvenes from Summer Recess.
Aug 30	Last day for fiscal committees to meet and report bills.
Sept 2	Labor Day
Sept 3-13	Floor session only
Sept 6	Last day to amend bills on the Floor.
Sept 13	Last day for Legislature to pass bills. Interim Recess begins upon adjournment.
Oct 13	Last day for Governor to sign or veto bills.

PRIORITY LEGISLATION

AB 62 (Fong) State government: Fi\$Cal: transparency

This bill would require the state’s Fi\$Cal system to include a publicly accessible, interactive website that discloses specified information relating to all state expenditures, including the amount, type and description of expenditures, a brief description of its purpose, and entity making the expenditure.

Amendments of 03/28/19 make technical, non-substantive changes.

Introduced 12/03/18
Last Amended 03/28/19
Status Assembly Accountability & Administrative Review Committee

AB 63 (Fong) State government

This bill would require state agencies to provide forms on the internet for individuals to register complaints relating to the performance of that agency, with instructions on how to electronically file or mail their complaints to the agency. The forms would include an A, B, C, D, F, grading system for individuals to rate their experiences. *Amendments of 04/03/19 specify that the bill only applies to agencies that provide direct services to the public.*

Introduced 12/03/18
Last Amended 04/03/19
Status Assembly Appropriations Committee, Suspense File. Held under Submission

AB 65 (Petrie-Norris) Coastal protection: climate adaptation: project prioritization

This bill would require the State Coastal Conservancy to prioritize Proposition 68 funds for projects that use natural infrastructure to help with adaptation to climate change, as well as those that provide multiple public benefits, including protection of communities, natural resources and recreational opportunities. *Amendments of 03/18/19 add a definition of the term “natural infrastructure,” and authorize the Conservancy to provide technical assistance to communities to assist them with natural infrastructure projects. Amendments of 06/17 conforms the new definition across code sections.*

Introduced 12/03/18
Last Amended 06/17/19
Status Senate Third Reading

AB 68 (Ting) Land use: accessory dwelling units

This bill would require ministerial approval of a local application for a building permit within a residential or mixed-use zone to create the following: (1) one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met; (2) a detached, new construction single-story accessory dwelling unit that meets certain requirements and would authorize a local agency to impose specified conditions relating to floor area and height on that unit; (3) multiple accessory dwelling units within the portions of an existing multifamily dwelling structure provided those units meet certain requirements; or (4) not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to certain height and rear yard and side setback requirements. It would shorten the time limit for a local government to approve or deny a permit application for an Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Units (JADUs) from 120 days to 60 days from receipt of a completed application; prohibit an ordinance from imposing limits on minimum lot size, lot coverage, or floor area ratio beyond certain specifications. The bill would give the Department of Housing and Community Development authority to review local ordinances relating to Accessory Dwelling Units (ADUs) and submit written findings to a local government as to whether the ordinance meets state standards, and to notify the Attorney General if the ordinance violates state law. In response, the local government may either amend its ordinance or adopt a resolution stating the reasons the ordinance is already in compliance.

Amendments of 04/03/19 would prevent a local agency from issuing a certificate of occupancy for an ADU before issuing a certificate of occupancy for the primary residence. Amendments of 06/12/19 clarify that junior accessory dwelling units (JADUs), must be within the space of an existing dwelling.

Introduced	12/03/18
Last Amended	07/05/19
Status	Senate Third Reading

AB 69 (Ting) Land use: accessory dwelling units

This bill would require the Department of Housing and Community Development authority to develop “small home building standards” for ADUs and detached dwelling units less than 800 sf., and junior accessory dwelling units, and submit those proposed standards to the California Building Standards Commission by January 1, 2021, to achieve the most cost-effective building standards possible.

Amendments of 04/04/19 make technical, non-substantive changes. Amendments of 06/20/19 delete the reference to the 2007 edition of the California Building Standards Code, and specify that the small home building standards shall also take health and safety into consideration.

Introduced	12/03/18
Last Amended	06/20/19
Status	Senate Inactive File

AB 129 (Bloom) Microfiber pollution

This bill states it is the intent of the Legislature to enact legislation recognizing the emerging threat that microfibers pose to water quality and reducing the amount of microfibers that enter the environment. *Amendments of 03/25/19 would require the public and private entities that use a laundry system to install a microfiber filtration capture system by 2020 and 2021, respectively, and would require the State Water Resources Control Board to adopt methods for evaluating microfiber shedding and filtration efficiency.*

Introduced 12/04/18
Last Amended 03/25/19
Status Assembly Environmental Safety & Toxic Materials Committee

AB 209 (Limón) Parks: environmental education: grant program

This bill would require the Department of Parks and Recreation to establish the Outdoor Equity Grants Program, to increase the availability of outdoor education programs to underserved and at-risk populations. The bill would establish the California Outdoor Equity Account in the State Parks and Recreation Fund, and would allow the fund to receive private funds as well as funds appropriated by the Legislature.

Introduced 01/14/19
Status Enrolled

AB 255 (Limón) Parks: Coastal resources: oil spills: grants

This bill would authorize the Oil Spill Response (OSPR) administrator to offer grants to Native American Tribes and other public entities with jurisdiction over waters of the state for the purpose of providing oil spill response equipment. Current law only provides for grants to local governments.

Introduced 01/23/19
Status Chaptered. Chapter 84, Statutes of 2019.

AB 342 (Muratsuchi) Public lands: leasing: oil and gas: prohibition

This bill would prohibit any state agency, department, or commission, or any local trustee with leasing authority over public lands within the state from entering into any new lease or other conveyance authorizing new construction of oil- and gas-related infrastructure upon federal lands that are designated as, or were at any time designated as, federally protected lands, including tidelands and submerged lands, as defined. The bill would not prevent any activity undertaken to convey oil or natural gas produced from state lands or waters from existing leases.

Introduced 03/07/19
Last Amended 08/21/19
Status Assembly Floor

AB 467 (Boerner Horvath) Competitions on state property: prize compensation: gender equity

This bill would require specified state agencies, including the Coastal Commission, to include conditions on any permit or lease issued for a competition held on state land to ensure equal prize money between gendered categories at each participant level. *Amendments of 6/14/19 add co-authors.*

Introduced 02/11/19
Last amended 06/14/19
Status Enrolled

AB 516 (Chiu) Authority to remove vehicles

This bill would amend the Vehicle Code to authorize a peace officer or public employee to tow or immobilizing a vehicle that has been left standing for 72 hour or more in violation of a local ordinance; has 5 or more unpaid parking tickets; or a registration that is expired by more than 6 months, only if the vehicle has remained parked or left standing for 10 days after a notice is affixed to the vehicle specifying the date and time the vehicle will be removed. *Amendments of 07/02/19 reduce the notice period from 10 to 5 days, and specify that if the Commission on State Mandates determines that this imposes state costs on local agencies, that the state shall reimburse for those costs.*

Introduced 02/28/19
Last amended 07/02/19
Status Senate Appropriations Committee

AB 552 (Stone) Coastal Adaptation, Access, and Resilience Program

This bill would create the Coastal Adaptation, Access and Resilience Fund in the State Treasury for the purpose of funding actions by the California Coastal Commission, the Natural Resources Agency, the Ocean Protection Council, the Department of Parks and Recreation, and the State Coastal Conservancy to address sea level rise and climate change. Funds would be subject to appropriation by the Legislature. The source of the funds would be not less than 30% of state tidelands revenues collected by the State Lands Commission. *Amendments of 4/30/19 add the State Lands Commission to the list of agencies that would receive money from the Fund. Amendments of 06/27/19 revise the title of the program, and specify that the Natural Resources Secretary shall ensure that moneys expended from the Coastal Resilience, Adaptation and Access Fund prioritize expenditures that minimize the overall financial risks and costs of climate change impacts statewide.*

Introduced 02/13/19
Last Amended 06/27/19
Status Senate Appropriations Committee. Held under submission.
Commission Position Support

AB 825 (Mullin) San Mateo County Flood and Sea Level Rise Resiliency District

This bill would rename and expand the authority of the San Mateo County Flood Control District, by creating the San Mateo County Flood and Sea Level Rise Resiliency District. The district would have the authority to issue general revenue bonds, and levy tax assessments on all taxable property within the district to pay for the interest on the bonds. The bill would grant rights of way in, over and across public lands for the construction and maintenance of protective works, subject to SLC approval.

Amendments of 4/10/19 clarify that nothing in the act supersedes or in any way alters or lessens the effect or application of the Coastal Act. Amendments of 06/04/19 make non-substantive changes.

Introduced 02/20/19

Last Amended 06/04/19

Status Enrolled

AB 931 (Petrie-Norris) State and local boards and commissions: appointments

This bill would establish state and local boards and commissions to be comprised of a specified minimum of female appointees. Relevant to the Coastal Commission, this bill would require at least 50% of the appointed members to be women. *Amendments of 04/22/19 limit the scope of the bill to local boards and commissions in cities with a population of 50,000 or more.*

Introduced 02/20/19

Last Amended 04/22/19

Status Assembly Appropriations Committee, Suspense File

AB 1011 (Petrie-Norris) Coastal resources: waiver of filing fees

This bill would authorize the Commission to waive the permit fee for a non-profit organization seeking to undertake a project that provides public access to coastal resources or habitat restoration.

Introduced 02/21/19

Last Amended 03/18/19

Status Chaptered. Chapter 168, Statutes of 2019

Commission Position Support

AB 1040 (Muratsuchi) Protection of cetaceans: unlawful activities

This bill would make it unlawful to hold in captivity any cetacean, whether wild-caught or captive-bred, for any purpose including display, performance of entertainment. The bill would make it unlawful to breed or impregnate any cetacean in captivity. The bill would allow any cetacean held in captivity prior to a specified date to lawfully remain in captivity for educational purposes.

Introduced 02/21/19

Status Assembly Water, Parks & Wildlife Committee

AB 1080 (Gonzalez) California Circular Economy and Plastic Pollution Reduction Act

This bill would enact the California Circular Economy and Plastic Pollution Reduction Act, which would require the Department of Resources Recycling and Recovery (CalRecycle), in consultation with the State Water Resources Control Board and the Ocean Protection Council to develop a scoping plan for reducing plastic pollution in California by the year 2030 through source reduction, recycling and composting. AB 1080 is a companion to SB 54 (Allen). The two bills are identical in their current forms. *Amendments of 03/19/19 add additional specificity to the Department’s proposed regulations, including identification of single-use packaging materials for reduction actions; criteria for source reduction requirements, minimum post-consumer recycled content requirements; and processes for annual reporting by businesses. Amendments of 05/07/19 extend the deadline for the adoption of regulations from 01/01/21 to 01/01/23; expand the bill to include manufacturers and retailers; and require the department to develop a scoping plan for achieving the bill’s objectives prior to adopting regulations. Amendments of 05/22 substantially revise the bill to establish that it is a policy goal of the state that manufacturers and retailers reduce single-use packaging and products by 75% by the year 2030, transition to reusable products and packaging to the maximum extent practicable; and that single use packaging and products must be recyclable or compostable by specified dates. The amendments would narrow the scope of CalRecycle’s regulatory authority to “priority single use plastic products” which are defined in the bill as single-use packaging and the 10 most commonly littered single-use plastic products in California. The Department would be required to adopt regulations to implement the policy. The bill would also extend the deadline by two years for manufacturers to demonstrate a 40% recycling rate by 2028. Amendments of June 20 add definitions, and require the Department to post on its website a list of recycling rates by material type. Amendments of 07/05/19 require the Department to report to the Legislature every 2 years on the progress implementing the bill’s provisions. Amendments of 09/06 require the department to establish a Circular Economy Waste Pollution Reduction Panel to identify barriers and solutions associated with implementing the act.*

Introduced 02/21/19
Last Amended 09/06/19
Status Senate Second Reading
Position Support

AB 1184 (Gloria) Public records: writing transmitted by electronic mail: retention

This bill would require state agencies to retain for at least two years every public record, as defined in Public Records Act Section 6252 (e), that is transmitted by e-mail, unless a longer retention period is required by another statute or regulation.

Introduced 02/21/19
Last Amended 08/30/19
Status Assembly Third Reading.

AB 1300 (Kamlager-Dove) State Coastal Conservancy: Explore the Coast Program

This bill would establish the Explore the Coast Program within the State Coastal Conservancy. The program would require the Conservancy, when awarding grants to non-profit organizations, public agencies and Native American Tribes for the purpose of achieving program goals, to prioritize projects that provide students and youth the opportunity to visit the coast for the first time.

Introduced 02/22/19
Last Amended 03/28/19
Status Assembly Appropriations Committee, Held Under Submission.

AB 1321 (Gipson) Public lands: State Lands Commission: coastal ports: automated technology

This bill would authorize the State Lands Commission to approve, on a case-by-case basis, the use of automated technology in coastal ports within the commission's jurisdiction if the commission determines that the automated technology will provide a safe working environment and not cause critical damage to the state economy or to the economies of surrounding local communities, as specified. The bill would also require the commission to submit an annual report to the Legislature, detailing each instance in which the commission has approved a use of automated technology pursuant to the bill during the preceding year. *Amendments of 08/13 revise the bill to instead require the State Lands Commission to work with the Governor's Office of Business and Economic Development to hold a series of meetings near California ports to consider the impacts of automated technology and issue two reports to the Legislature.*

Introduced 02/22/19
Last Amended 08/13/19
Status Senate Third Reading

AB 1426 (Boerner Horvath) State beaches: San Onofre State Beach: report on encroaching state or local agency infrastructure project

This is a spot making non-substantive changes to Public Resources Code Section 30522, related to the certification of local coastal programs. *Amendments of 03/25/19 amend the bill to require the State Parks to report to legislative policy committees about any proposed state or local agency infrastructure project that would interfere with the operation of San Onofre State Beach.*

Introduced 02/22/19
Last Amended 03/25/19
Status Assembly Appropriation Committee, Suspense File. Held under Submission.

AB 1511 (Bloom) Coastal resources: Santa Monica Bay Restoration Commission

This bill would transfer the responsibility of providing administrative services to the Santa Monica Bay Restoration Commission from the State Water Resources Control Board to the State Coastal Conservancy, pursuant to a MOU between the Natural Resources Agency, the Environmental Protection Agency, and the SMBR Commission. The purpose of the bill is to support the restoration and enhancement of the Santa Monica Bay and its watershed.

Introduced 02/22/19
Last Amended 03/26/19
Status Senate Third Reading.

AB 1585 (Boerner Horvath) Accessory dwelling units

This is a spot making non-substantive changes Government Code Section 65852.2, related to accessory dwelling units (ADUs).

Introduced 02/22/19
Status Assembly First Reading

AB 1628 (Rivas) Environmental justice: Attorney General: Bureau of Environmental Justice

This bill would modify the definition of environmental justice in Government Code Section 65040.12 (e) to include meaningful engagement. The bill would also codify the Bureau of Environmental Justice within the Attorney General’s office as a permanent state entity, state the intent of the Legislature to support funding for the bureau, and expand the Office of Planning and Research Director’s agency coordination and consultation role to include the bureau. *Amendments of 06/19 change “meaningful engagement” to “meaningful involvement” delete the provisions related to the Bureau of Environmental Justice, and amend the definition of environmental justice in Coastal Act Section 30107.3 to cross-reference the new definition in Section 65040.12.*

Introduced 02/22/19
Last Amended 06/14/16
Status Enrolled
Commission Position Support

AB 1644 (Levine) Coastal resources: scientific advice and recommendations: agriculture

This bill would include agriculture among the specified issues on which the Coastal Commission may receive technical advice and recommendations with respect to its decisions. *Amendments of 04/29/19 revise PRC Section 30006.5 to remove reference to “the question” of sea level rise.*

Introduced 02/22/19
Last Amended 04/29/19
Status Chaptered. Chapter 168, Statutes of 2019.
Commission Position Support

[AB 1680 \(Limón\) State Coastal Conservancy: coastal access](#)

This bill would direct the Coastal Commission, in consultation with the State Coastal Conservancy, Department of Parks and Recreation, and the State Lands Commission to develop a new public access program for Hollister Ranch in Santa Barbara County by April 1, 2020. The bill would specify plan components. If the plan is not completed by the deadline, the State Lands Commission would be required to implement the Coastal Commission’s 1982 public access program as expeditiously as possible. *Amendments of 08/30 specify provisions to be included in the update, change the initial deadline to April 1, 2021, require implementation of the first phase of access by April 1, 2022, raise the in-lieu fee to \$33,000 per permit, specify that the fees can only be expended on program implementation, guarantee the coastal agencies have right of entry in order to implement required access, and restates existing law that any attempt to obstruct public access is a violation of the Coastal Act. See attached analysis for details.*

Introduced 02/22/19

Last Amended 08/30/19

Status Enrolled

Commission Position Support, [Revised Analysis Attached](#)

[AB 1718 \(Levine\) State parks: state coastal beaches: smoking ban](#)

This bill would make it an infraction for any person to smoke on a state coastal beach or a unit of the state park system, or to dispose of cigarette or cigar waste on a state coastal beach or unit of the system. The bill would require the Department of Parks and Recreation to post signs providing public notice of the restriction. *Amendments of 09/06 revise the definition of a “coastal beach,” and expands the application of the bill to include state beaches operated by another entity pursuant to an agreement with the department.*

Introduced 02/22/19

Last Amended 09/06/19

Status Senate Second Reading

[AB 1731 \(Boerner Horvath\) Short term rentals: coastal zone](#)

This bill would amend the Business and Professions Code to require a hosting platform that offers short-term vacation rentals to be responsible for collecting and remitting local transient occupancy taxes (TOT). The bill would also authorize a hosting platform to make a residentially zoned property within the coastal zone available as a short-term rental 365 days per year, provided that the primary resident lives on site full-time. The bill would prohibit the listing of a short-term rental for more than 30 days per year of any residential property in the coastal zone, unless the primary resident makes the property available as a short-term rental in accordance with the Lower Cost Coastal Accommodations Program administered by the State Coastal Conservancy. *Amendments of 05/02/19 delete the reference to the State Coastal Conservancy’s lower-cost overnight accommodations program; limit the provisions of the bill to residentially zoned properties in urbanized areas of San Diego County’s coastal zone; establish a sunset date of January 1, 2025; clarify that the bill does not apply to campgrounds, cabins, RV parks, hotels or motels; and require the Office of Planning and Research (OPR) to prepare a report that evaluates the effect of the bill during that time with regard to housing availability and long-term rental rates. Amendments of 07/02/19 change the sunset date from January 1, 2025, to January 1, 2023. The new reporting requirement for OPR would be January 1, 2024. The amendments also make technical, clarifying changes.*

Introduced 02/22/19
Last Amended 07/02/19
Status Senate Governance & Finance Committee. Hearing cancelled.

AB 1749 (Boerner Horvath) Coastal resources: development permits

This is a spot bill that would make non-substantive changes to Public Resources Code Section 30624, relating to the issuance of coastal development permits.

Introduced 02/22/19
Status Assembly First Reading

AB 1785 (Boerner Horvath) Transportation: North County Transit District

This bill would have made non-substantive changes to the Public Utilities Code, related to the San Diego Regional Transportation Consolidation Act. *Amendments of 03/28/19 gutted and amended the original bill to allow a railroad owner or operator, or a local government entity through which a railroad passes, to file a special motion to strike a cause of action seeking damages for an incident occurring on a railroad right of way that is open to the public.*

Introduced 02/22/19
Last Amended 03/28/19
Status Assembly Judiciary Committee

ACR 136 (Cunningham) Coastal Cleanup Day

This measure would recognize the 3rd Saturday in September as Coastal Cleanup Day, and proclaim September 21, 2019, as the 35th annual Coastal Cleanup Day in California.

Introduced 08/26/19

SB 4 (McGuire) Housing

This bill states the intent to enact legislation that would limit restrictive local land use policies that contribute to increased housing costs, and also to encourage increased housing development near transit and job centers, in a manner that acknowledges relevant differences between communities. The bill would provide incentives for multifamily, Transit Oriented Development (TOD) as defined, on eligible parcels within cities and counties with unmet housing needs, including a streamlined, ministerial application process, a categorical CEQA exemption, and extended deadlines for permit expiration. These provisions would not apply in high fire hazard areas, flood plains, historic or architectural districts or the coastal zone. These provisions would not apply on any site that would require the demolition of deed-restricted affordable housing, rent-controlled housing, housing occupied by tenants within the previous 10 years, or any historic structure on a local, state or national register. The bill would require that TODs meeting specified thresholds be constructed by a skilled and trained workforce. *Amendments of 04/10/19 eliminate the previous references to local fees charged for water/sewer connection fees, multifamily projects, and fees charged by school districts. The bill adds a statement of Legislative Intent to reduce unreasonable fees on small housing developments.*

Introduced 12/03/18
Last Amended 04/10/19
Status Senate Governance & Finance Committee. Hearing cancelled.

SB 5 (Beall) Affordable Housing and Community Development Investment Program

This bill would establish the Local-State Sustainable Investment Incentive Program, and the Sustainable Investment Incentive Committee to oversee it. The purpose of the Program would be to incentivize the construction of more affordable and transit-oriented housing. The Program would authorize local governments and various other public local agencies to support affordable housing plans. Funds would be available via tax increment through a redistribution of educational revenue augmentation funds (ERAF), which the bill would authorize through direction to county auditors. Relevant to the Coastal Commission, one eligible use of the funding would be for coastal communities dealing with the effects of sea level rise, including the construction, repair, replacement and maintenance of infrastructure related to protecting communities from sea level rise. *Amendments of 05/21 expand the category of eligible projects to include infrastructure related to protecting communities from climate change, not just sea level rise. Amendments of 07/03 add co-authors. Amendments of 08/12 make minor, technical changes, and clarify what constitutes a “public work” for the purpose of the bill.*

Introduced 12/03/18
Last Amended 08/12/19
Status Assembly Third Reading

SB 6 (Beall) Residential development: available land

This bill would require the Department of Housing and Community Development to provide the Department of General Services with a list of local land that is suitable and available for residential development as identified in a housing element of a general plan. The bill would require DGS to create a publicly searchable database of that information. *Amendments of 04/23/19 require local governments to submit an electronic copy the inventory of land suitable for residential development to the Department of Housing and Community Development for any housing element adopted after January 1, 2021. The bill would also authorize the Department to review, adopt, amend and repeal the forms, standards and definitions necessary to implement.*

Introduced 12/03/18
Last Amended 09/06/19
Status Assembly Third Reading

SB 8 (Glazer) State parks: state coastal beaches: smoking ban

This bill would make it an infraction to smoke tobacco products on a state coastal beach or a unit of the State Parks system, or to dispose of tobacco-related waste in anything other than an appropriate waste receptacle, punishable by a fine of \$25. The bill would require the Department of Parks and Recreation to post signs providing notice of the prohibition. *Amendments of 09/06 revise the definition of a “coastal beach,” and expands the application of the bill to include state beaches operated by another entity pursuant to an agreement with the department.*

Introduced 12/03/18
Last Amended 09/06/19
Status Assembly Third Reading

SB 13 (Wieckowski) Accessory dwelling units

This bill makes several changes to the Government Code and the Health and Safety Code pertaining to Accessory Dwelling Units (ADUs). Changes include:

- Limits ADUs to lots with an existing or proposed single family dwelling.
- Prohibits local governments from requiring additional parking for an ADU that demolishes an existing garage, carport or covered parking structure.
- Prohibits local governments from requiring owner-occupancy of one of the residential units.
- Reduces the length of time to review and approve a ministerial ADU application from 120 days to 60 days for local governments that have not yet adopted an ADU ordinance. If not approved within 60 days, the application shall be deemed approved.
- Requires that ADUs cannot be restricted by ordinance to less than 800 sf.
- Limits the amount of connection fees that can be imposed for a new residential dwelling.
- Allows the owner of an ADU that receives an enforcement order to correct violations or abate nuisances to request a 10-year delay in correction of the violations provided they aren't necessary to protect public health and safety.
- Specifies that ADUs less than 750 square feet shall not be charged impact fees.
- Specifies that ADUs greater than 750 square feet shall be charged 25% of a regular impact fee.
- Renumbers the Coastal Act “savings clause” that specifies nothing in this section shall supersede or lessen the effect of the Coastal Act.

Amendments of 05/17/19 prohibit a local agency from establishing minimum square footage for attached or detached ADUs that prohibits an efficiency unit; and from establishing a maximum square footage for an ADU that is less than 850 sf., or 1,000 sf for a unit with more than one-bedroom. Amendments of 07/01/19 specify that the fee limitations in the bill do not apply to connection fees or capacity charges imposed by a local agency, special district or water corporation.

Introduced 12/03/18
Last Amended 07/01/19
Status Assembly Third Reading

SB 45 (Allen) Wildfire, Drought and Flood Protection Bond Act of 2020

This bill would enact the Wildfire, Drought and Flood Protection Bond Act of 2020 in the amount of \$4,300,000,000, \$300 million of which would be available for coastal resources, \$300 million for protecting rivers, lakes and streams, and \$150 million for improving regional climate resilience in General Obligation bonds to finance projects to restore fire-damaged areas, reduce wildfire risks, promote healthy forests and watersheds, reduce climate impacts on vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources. *Amendments of 08/30/19 increase the amount of the bond from \$3.999 billion to \$4.069 billion, and make numerous revisions and allocations including eligibility for projects that promote resilience and adaptation of small community wastewater treatment facilities at risk from sea level rise, consistent with an updated, certified local coastal program. Preference shall be given to projects that provide for wastewater recharge or recycling.*

Introduced 12/03/18
Last Amended 09/05/19
Status Senate Appropriations Committee. Two-year bill.

SB 50 (Wiener) Planning and zoning: housing development: incentives

This bill would waive local density maximums and parking minimums greater than 0.5 spaces per unit, and provide other incentives for residential development project proposed within a ½-mile radius of a major transit stop. A major transit stop is defined as a site containing an existing transit station or a ferry terminal served by a bus or transit service. The bill specifies that it shall not be construed to relieve a local agency from complying with the Coastal Act of 1976. *Amendments of 03/11/19 make additional definitions in the “Equitable Communities Incentives” section of the bill; require the Department of Housing and Urban Development to publish map showing areas identified by the Department as “housing rich areas” and update it every 5 years; set the application of in-lieu fees for local governments that have not adopted an inclusionary housing ordinance; and set the term of affordability deed restrictions to 55 years for rental units and 45 years for sale units. Amendments of 05/01/19 would specify that the provisions of the bill would not apply in a Coastal Zone within a city of less than 50,000.*

Introduced 12/03/18
Last Amended 05/01/19
Status Senate Appropriations Committee, Suspense File. Two-year bill.

SB 53 (Wilk) Open meetings

This bill would clarify that any advisory committee or subcommittee of a multi-member state board, commission or committee is subject to the Bagley-Keene Open Meetings Act if it is comprised of 2 or more members, if one of those members represents that state body in their official capacity. This bill has an urgency clause.

Introduced 12/10/18
Last Amended 03/05/19
Status Assembly Appropriations Committee. Held under submission.

SB 54 (Allen) California Circular Economy and Plastic Pollution Reduction Act

This bill would enact the California Circular Economy and Plastic Pollution Reduction Act, which would require the Department of Resources Recycling and Recovery (CalRecycle), in consultation with the State Water Resources Control Board and the Ocean Protection Council to develop a scoping plan for reducing plastic pollution in California by the year 2030 through source reduction, recycling and composting. AB 1080 is a companion to AB 1080 (Gonzalez). The two bills are identical in their current forms. *Amendments of 03/19/19 add additional specificity to the Department’s proposed regulations, including identification of single-use packaging materials for reduction actions; criteria for source reduction requirements, minimum post-consumer recycled content requirements; and processes for annual reporting by businesses. Amendments of 05/07/19 extend the deadline for the adoption of regulations from 01/01/21 to 01/01/23; expand the bill to include manufacturers and retailers; and require the department to develop a scoping plan for achieving the bill’s objectives prior to adopting regulations. Amendments of 05/22 substantially revise the bill to establish that it is a policy goal of the state that manufacturers and retailers reduce single-use packaging and products by 75% by the year 2030, transition to reusable products and packaging to the maximum extent practicable; and that single use packaging and products be recyclable or compostable by specified dates. The amendments would narrow the scope of CalRecycle’s regulatory authority to “priority single use plastic products” which are defined in the bill as single-use packaging and the 10 most commonly littered single-use plastic products in California. The Department would be required to adopt regulations to implement the policy. The bill would also extend the deadline by two years for manufacturers to demonstrate a 40% recycling rate by 2028. Amendments of 06/24/19 add definitions, and require the Department to post on its website a list of recycling rates by material type. Amendments of 07/05/19 require the Department to report to the Legislature every 2 years on the progress implementing the bill’s provisions. Amendments of 09/06 require the department to establish a Circular Economy Waste Pollution Reduction Panel to identify barriers and solutions associated with implementing the act.*

Introduced 12/11/18
Last Amended 09/06/19
Status Assembly Third Reading
Position Support

SB 62 (Dodd) Endangered species: accidental take associated with routine and ongoing agricultural activities: state safe harbor agreements

This bill would make permanent a temporary exception in the California Endangered Species Act for the otherwise unlawful “take” of an endangered species if accidentally committed in the context of routine, ongoing agricultural activities. The bill would also require the reporting of any such take within 10 days. The bill would also extend the Safe Harbor Act from January 1, 2020, to January 1, 2024. The Safe Harbor Act encourages landowners to voluntarily manage lands to benefit endangered, threatened or candidate species without being subject to additional regulatory requirements as a result of their efforts. *Amendments of 03/19/19 extend the provisions of the bill to individual farmers, ranchers, and their bona fide employees.*

Introduced 01/03/19
Last Amended 04/03/19
Status Chaptered. Chapter 137, Statutes of 2019

SB 67 (McGuire) Cannabis: temporary licenses

This bill would allow for the reinstatement of an expired, temporary license issued by the Department of Food and Agriculture for a commercial cannabis operation, provided that the licensee submits a completed application and application fee. The temporary license would be revoked after the department issues an annual or provisional license, or denies the application for same. This bill has an urgency clause, and if enacted, will take effect immediately.

Introduced	01/08/19
Last Amended	03/21/19
Status	Assembly Business & Professions Committee

SB 69 (Wiener) Ocean Resiliency Act of 2019

This bill amends multiple codes including the Public Resources Code, Fish and Game Code, Public Health Code, and Water Code to address issues related to fisheries, ocean acidification, timber harvest plans, vessel speeds in the Santa Barbara Channel and San Francisco Bay, marine invasive species, and other topics. The bill would also require various studies and reports related to wetlands, beneficial reuse of dredged materials, low-trophic mariculture, and the potential for kelp and native oyster reefs to sequester carbon. The bill would require the State Air Resources Board to develop a voluntary speed reduction program to reduce air pollution, whale strikes and harmful underwater acoustics in the Santa Barbara Channel and San Francisco Bay; require the Natural Resources Agency to conduct an inventory of the state’s coastal wetlands, updated every 5 years; require the State Coastal Conservancy to develop a beneficial reuse program for dredged sediments in coastal restoration projects; and require the Ocean Protection Council to submit a report to the Legislature. *Amendments of 04/29/19 delete the requirement for the Department of Fish and Wildlife to conduct a survey of all dams in all rivers frequented by fish every five years. Amendments of 05/17 remove Sections related to: timber harvest plans; low-trophic mariculture; an ocean acidification working group; the Water Quality Monitoring Council; ballast water control technology; and amendments to the California Ocean Plan. Amendments of June 25 would require the Department to develop a plan to improve the survival rate of hatchery salmon; develop a sediment reduction plan for the Elk River watershed; require the Board of Forestry to evaluate forest practice rules that negatively affect salmonids; and prohibit timber harvesting activity under timber harvest plans that are likely to cause extreme erosion, unless certain specifications are met. Amendments of 07/03/19 require the Department’s to include an analysis of the effect of in-river or ocean net-pen releases of hatchery salmon on the natural production of salmon. Amendments of 07/11 specify that an erosion control plan filed pursuant to a timber harvesting plan must be consistent with existing law.*

Introduced	01/09/19
Last Amended	07/11/19
Status	Assembly Appropriations Committee. Hearing cancelled at request of author.

SB 140 (Stern) Specialized license plates: The Endless Summer

This bill would require the State Coastal Conservancy, in consultation with the California Highway Patrol, to develop a specialized license plate with the image of a surfer to fund projects and programs that promote exposure to surfing, its cultural heritage, and the coastal resources on which it depends.

Introduced 01/17/19
Status Senate Appropriations Committee, Suspense File. Held under Submission

SB 168 (Wieckowski) Climate change: Chief Climate Resilience Officer

This bill would establish the position of Chief Climate Resilience Officer in the Office of Planning and Research, and require the preparation of guidance documents for statewide integration of adaptation and resiliency measures. *Amendments of 04/11/19 specify that guidance documents must include projected economic and fiscal impacts. Amendments of 05/17 specify that the appointment is subject to Senate confirmation. Amendments of 06/27/19 include references to the Natural Resources Secretary.*

Introduced 01/28/19
Last Amended 05/17/19
Status Assembly Appropriations Committee. Held under submission.

SB 241 (Moorlach) Personal Income Tax: California Voluntary Contribution Program

As amended April 22, this bill would repeal the expiration dates for the California Firefighters Memorial Fund and the California Peace Officers Memorial Fund personal income tax check-offs, thereby allowing those funds to remain on the California income tax return forms indefinitely. The bill would also substantially revise the procedure for inclusion of not-for-profit organizations on the annual tax forms, making it a fee-based application to the Franchise Tax Board limited to charitable organizations as defined in the bill. In order to be eligible, a charitable organization must average at least \$100,000 in gross receipts, be registered as a Charitable Trust with the State Attorney General's Office, and have submitted 3 years of annual returns with the Franchise Tax Board.

Introduced 02/11/19
Last Amended 04/29/19
Status Senate Appropriations Committee, Suspense File. Held under Submission
Commission Position Oppose

SB 262 (McGuire) Commercial fishing: landing fees: sea cucumbers

This bill would amend the Fish and Game Code to extend the sunset for the current sea cucumber commercial fishery program to April 1, 2030, and set the landing fee rate schedule for 2019. *Amendments of 03/18/19 make minor, non-substantive changes to the bill. Amendments of 06/12/19 amend the Coastal Act by adding Public Resources Code Section 30612.5, which would require the Coastal Commission, in consultation with the Department of Fish and Wildlife, to prepare guidelines for aquaculture applicants. Amendments of 07/11 would repeal this section on July 1, 2021. Amendments of 09/03 make changes involving Dungeness crab and commercial salmon vessel permits.*

Introduced 02/12/19
Last Amended 09/03/19
Status Assembly Third Reading

SB 330 (Skinner) Housing Crisis Act of 2019

This bill would make numerous changes to the Planning and Zoning Law to facilitate the construction of emergency shelters, affordable housing, and other housing developments. The bill would proscribe how cities and counties process applications for specified projects, impose fees, and conduct hearings. The bill would also reduce the timelines for a public agency to approve or deny a housing project under the Permit Streamlining Act. The bill would also require relocation assistance for any occupants who are displaced as the result of any housing demolition. The bill provides that:

“ Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).”

Amendments of 08/12 provide that a preliminary application for a housing development within the coastal zone must indicate whether any portion of the property contains wetlands, ESHA, any use of the site for public access, or tsunami run-up zone.

Introduced	02/19/19
Last Amended	08/12/19
Status	Enrolled

SB 424 (Jackson) Tobacco products: single-use and multiuse components

This bill would prohibit the sale or distribution in California of any cigarette with a single-use filter, single-use electronic cigarette or an attachable single-use filter. The bill would authorize a city attorney, county counsel or District Attorney to assess a \$500 civil fine for violation. The bill would also require manufacturers of tobacco products to use recyclable materials for their products sold in California, or provide a take back or mail back program for non-recyclable components.

Introduced	02/21/19
Last amended	05/17/19
Status	Assembly Governmental Organization Committee

SB 518 (Wiekowski) Public Records Act: court costs and attorneys fees

This bill would require a public agency that improperly withholds public records subject to the Public Records Act (PRA) to pay court costs and attorney’s fees to the plaintiff even if a settlement offer is made and accepted prior to judgement, notwithstanding Section 998 of the Code of Civil Procedures. *Amendments of 06/20 reorganize the bill’s construction to accomplish the same goal.*

Introduced	02/19/19
Last Amended	06/20/19
Status	Assembly Third Reading

SB 551 (Jackson) Oil and gas: decommissioning, cleanup and remediation: costs

This measure would require the Division of Oil, Gas and Geothermal Resources (DOGGR) to develop a mechanism to assess the full cost of decommissioning, cleanup and remediation of oil and gas infrastructure, including pipelines, pump facilities and storage facilities. *Amendments of 09/03 require that the cost of full site restoration be included in the cost assessment. Amendments of 09/05 replace the references to “restoration” to “remediation.”*

Introduced	01/22/19
Last amended	09/05/19
Status	Assembly Third Reading

SB 576 (Umberg) State Coastal Conservancy: coastal climate change adaptation

As amended April 23, this bill would require the State Coastal Conservancy to develop and implement a climate adaptation and readiness program that would include collaboration and coordination with the Office of Planning and Research, California State University Long Beach, various state conservancies and other entities to recommend best practices and strategies for improving climate resiliency for coastal communities, infrastructure and habitat. The bill would also require the Conservancy to participate in, facilitate or host an international conference on coastal climate change every two years, in cooperation with the Natural Resources Agency, the Ocean Protection Council, and other relevant state agencies. *Amendments of 05/21 would require the Conservancy to recommend best practices and strategies to improve coastal climate resiliency, and collaborate with academia, scientists and NGOs to facilitate climate change-related information sharing. Amendments of 07/01/19 shift those responsibilities to the Ocean Protection Council. Amendments also codify the Conservancy’s Climate Ready Program in statute, and authorize the Conservancy to award grants to local agencies and non-profits under the terms of the program. Amendments of 09/06 make chaptering order that will conform to AB 65, should AB 65 be enacted prior to this bill.*

Introduced	02/22/19
Last amended	09/06/19
Status	Assembly Third Reading

SR 12 (Jackson) 50th anniversary of the Santa Barbara Oil Spill

This measure commemorates the 50th anniversary of the offshore oil spill in Santa Barbara on January 8, 1969, and honors the efforts of environmental leaders who worked to achieve stronger protections for coastal resources as a result.

Introduced	01/23/19
Status	Enrolled

SR 32 (Jackson) Coastal resources

This measure establishes the Senate's support for the federal Coastal Zone Management Act, and its opposition to any federal actions that would weaken California's federal consistency review authority.

Introduced	04/11/19
Status	Senate Natural Resources and Water Committee

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BILL ANALYSIS
AB 1680 (Limón)
As Amended 08/30/19

SUMMARY

This bill would direct the Coastal Commission, in consultation with the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission to develop a new coastal access plan for Hollister Ranch in Santa Barbara County by April 1, 2020. If not completed by the deadline, the State Lands Commission would be required to implement the Coastal Commission's 1982 Coastal Access Program as expeditiously as possible, until such time as the Coastal Commission adopts an updated plan. The bill would also direct the State Coastal Conservancy to periodically review the public access in-lieu fee levied for new development at Hollister Ranch, and to make recommendations on any legislation needed to adjust the fee to an amount sufficient to implement the coastal access plan.

RECOMMENDED MOTION

I move the Commission **Support** AB 1680, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose for the bill is to finally provide long-delayed public access to the coast at Hollister Ranch, a private, gated subdivision in Santa Barbara County that has consistently resisted efforts to provide public access in compliance with the Coastal Act.

EXISTING LAW

Public Resources Code (PRC) Section 30610.3 authorizes the Commission to designate coastal subdivisions with inadequate public access as eligible for an alternative process for meeting the Coastal Act's public access mandate, wherein acquisition is funded through the imposition of in-lieu fees. Once an area is designated as eligible, the Commission develops a program to ensure meaningful public access. The Coastal Conservancy implements the program through a management plan.

Public Resources Code Section 30610.8 set the in-lieu fee at Hollister Ranch at \$5,000 (subject to annual increase of 5% once the program is in place), directed the Conservancy and the Public Works Board (PWB) to proceed "as expeditiously as possible" to obtain access "in a timely manner," and specified that the fees are to go toward purchasing the necessary public access easements.

PROGRAM BACKGROUND

The Gaviota coast is the least accessible stretch of coastline in California. Between the 14,000-acre Hollister Ranch, the 24,000-acre Cojo Jalama Ranch, and the 98,000-acre Vandenberg Airforce Base, there is less than 2 miles of publicly accessible coastline in over 60-miles.

Hollister Ranch is a gated subdivision encompassing 8.5 miles of shoreline near Point Conception in Santa Barbara County. During the late 1970s, the Commission approved several permits for new homes within Hollister Ranch, and conditioned each of them to provide a public access easement to the coast, pursuant to the newly enacted California Coastal Act of 1976. The property owners sued, arguing, among other things, that they were unable to convey the easements required by their permits because the land underlying the main access road was owned and controlled by a third party—the Hollister Ranch Owners' Association (HROA).

Conflicting trial court rulings were appealed to the 2nd District Court of Appeal. However, before the appellate court could issue a final decision on the merits, the Legislature passed AB 643 (Calvo, Ch.919, Stats of 1979) adding Coastal Act Section 30610.3, creating an alternative process for securing access in private coastal subdivisions. Subsequently, in September of 1980 the Commission adopted a resolution designating Hollister Ranch as an appropriate area for an in-lieu fee program pursuant to Section 30610.3, and the Court of Appeal remanded all pending cases back to the Commission without resolving the underlying legal questions.

Following this designation, Commission and Conservancy staff worked together to develop a Coastal Access Program for Hollister Ranch. Extensive field work was necessary to accurately evaluate the area's natural resources and to site the proposed access facilities. However, most of the landowners would not give permission for staff to survey their properties, and staff was forced to limit its field work to the common areas of the Ranch.

Based on the best information available at the time, the Commission adopted the initial Hollister Ranch Coastal Access Program in August of 1981, acknowledging that an ongoing environmental assessment could provide the basis for future amendments. Amendments to the program were adopted one year later, reflecting public comment and recommendations made by the Department of Fish and Game. The final, adopted program calls for a phased and monitored approach to opening and managing access to the Ranch with a maximum cap of 500 visitors per day. It proposes the construction of beach facilities such as a bathroom, showers and picnic areas, with bicycle access along the existing main road, pedestrian access parallel to the road and along the beach, and shuttle van access. The program also prioritizes protection of sensitive habitat areas and acknowledges property owners' privacy needs. Phase 1 would only allow access of no more than 100 daily visitors to three specified beaches.

Subsequent to adoption of the program, it was the Conservancy's responsibility to determine the cost of acquiring the necessary access easements to implement it. Pursuant to PRC Section 30610.3 (f), in the absence of a fixed price agreed to by both the Conservancy and the seller, the Conservancy must specify an estimated acquisition cost based on a formal appraisal of the access areas. Once a fixed cost was determined, that total figure would be divided by the number of parcels to calculate an appropriate in-lieu fee. Thereafter, any lot owner who received a coastal development permit must pay the in-lieu fee, but would not be required to provide access directly across their property.

However, Hollister Ranch property owners continued to deny access to the Conservancy and the Public Works Board. Without necessary appraisal data, the Conservancy had no way to calculate the value of the in-lieu fees necessary to fund the program. As a result, the Conservancy was not able to implement the Hollister Ranch Coastal Access Program.

Recognizing that the landowners at Hollister Ranch could delay implementation of the Coastal Access Program indefinitely by refusing to cooperate in the appraisal process, in February 1982 the Legislature passed Assembly Bill 321 (Hannigan, Ch. 42, Stats. of 1982), which added Section 30610.8 to the Public Resources Code. This legislation set the amount of the in-lieu fee at Hollister Ranch at \$5,000 and appropriated \$500,000 for expenditure by the Conservancy to implement the access program "as expeditiously as possible." (PRC § 30610.8(c)). The fee was intended to increase by a factor of 5% per year, following acquisition of easements. Archived enrolled bill reports (EBRs) indicate that the Coastal Commission, the Department of Finance and the Governor's Office of Planning and Research supported the bill, and the legislation was adopted with an urgency clause to provide for immediate implementation of the program.

It is unclear from historic records why the Conservancy was unable to move forward from this point. The Attorney General obtained a court order in June of 1983 on behalf of the Conservancy and the Public Works Board authorizing entry into Hollister Ranch. But the available files show no evidence of that taking place. One answer may be that Governor Deukmejian, who ran on a platform of abolishing the Coastal Commission and was sworn in January of 1983, was not supportive of public access at Hollister Ranch. His 1988 veto of AB 3408 (Hauser), which would have granted the Conservancy the authority to acquire property independent of the Public Works Board, supports this theory. At any rate, the bill suggests the Legislature's dissatisfaction with the PWB process as it was playing out with the Coastal Conservancy.

Despite numerous legislative, legal and administrative efforts over several years, there is still no public access to the 8.5 miles of coast at Hollister Ranch, 37 years after the Legislature's original foray into the issue. The residents of Hollister Ranch have employed a variety of tactics to delay or block implementation of the public access, all the while enjoying the ability to develop their properties after payment of a modest \$5,000 in-lieu fee.

The Legislature attempted to balance private and public rights in the 1979 and 1982 amendments to the Coastal Act. The residents of Hollister Ranch have enjoyed the benefits of their part of the bargain, but the public has never received any of the coastal access that the Legislature explicitly intended, and which is guaranteed under the Coastal Act and the California Constitution.

LEGISLATIVE HISTORY

- **AB 643 (Calvo, Ch. 919, Stats 1979)** This bill made multiple changes to the Public Resources Code, including the addition of Section 30610.3, creating an alternative process for providing public coastal access in private subdivisions. This alternate approach alleviates the obligation for individual property owners to provide parcel-by-parcel access through the permit process. Instead, PRC 30610.3 authorizes the Coastal Commission to designate areas suitable for a comprehensive coastal access program, and the authority to prepare and adopt such a program. Implementation of the program is funded by "in-lieu" fees paid by permittees in lieu of providing individual access. This allows property owners to build their homes without the necessity of recording individual easements, in return for a subdivision-wide access program implemented by the Coastal Conservancy and funded by in-lieu fees.
- **AB 321 (Hannigan, Ch. 43, Stats. 1982)** This bill sought to resolve the ongoing controversy over public access at Hollister Ranch "in an expeditious manner" and provide public coastal access at Hollister Ranch "in a timely manner...to promote the public's welfare" by setting the in-lieu fee amount at \$5,000 and appropriating \$500,000 for the State Coastal Conservancy to implement the 1982 Adopted Coastal Access Program for Hollister Ranch. This bill was adopted with an urgency clause, and was supported by the Coastal Commission, the Department of Housing and Community Development, the Department of Finance, and the Governor's Office of Planning and Research. The 1982 EBR written by OPR justified the urgency clause by saying, "The urgency clause is justified because the Coastal Conservancy should immediately proceed to implement the Hollister Ranch Access Program." (OPR EBR, 02/16/1982).
- **AB 1035 (Goggin, 1983)** This bill would have allowed the State Coastal Conservancy to undertake the Hollister Ranch Project "notwithstanding any other provision of law," and would have authorized the Conservancy to contract with third-party vendors to conduct surveys and appraisals, as opposed to the Department of General Services, to determine suitability for acquisition. It was vetoed by Governor Deukmejian.

- **AB 1739 (Goggin, Ch. 1551, Stats. 1984)** This bill allowed the State Coastal Conservancy to expend funds received from in-lieu fees at Hollister Ranch for any purpose consistent with the Conservancy’s statutory objectives.
- **AB 3408 (Hauser, 1988)** This bill would have allowed the State Coastal Conservancy to acquire coastal lands without the necessity of Public Works Board approval. It was vetoed by Governor Deukmejian.
- **SB 2534 (Limon, 2018)** This bill would have directed all relevant state agencies, boards, and commissions to utilize their existing legal authority to implement the Coastal Commission’s 1982 Adopted Coastal Access Program for Hollister Ranch (access program) as expeditiously as possible. The bill would have created two subaccounts for the acquisition and management, respectively, of the public accessways proposed in the access program. The bill was vetoed by Governor Brown. The veto message directed the relevant state agencies to work together to update the program.

ANALYSIS

The 1982 Coastal Access Program for Hollister Ranch has never been implemented for a variety of reasons. Ranch owners have litigated and lobbied effectively to resist public access to the subdivision’s coastline since the passage of the Coastal Act. The 1982 Access Program itself left much of the implementation details up to a subsequent management plan that was never completed. Public controversy and fluctuating political will, combined with the fact that the State has never provided the funding to acquire the necessary easements or fee title interests to effectuate public access through eminent domain, thwarted the “expeditious” timeframe initially called for by the Legislature. Over the years, interest in the Coastal Access Program waned as its prospects looked increasingly unlikely.

That changed in 2018, when media attention on Hollister Ranch highlighted the lack of access to public trust beaches and state-waters. This sparked a new generation of public interest in the adopted Coastal Access Program. The 1982 Program remains a valid document that could theoretically be implemented as is, once the necessary easements or fee interests are purchased by the State or granted by the land owners.

That said, much has changed in California over the 37 years since the Coastal Access Program was adopted. The state’s population has increased from 25 million to 40 million, placing higher demands on public access to coastal resources. Agencies have a better understanding of the environmental justice implications of public access, threats from sea level rise, and habitat requirements for a growing list of threatened and endangered species. All these issues have implications for how we plan for, provide and manage public access in the twenty-first century. Addressing them directly in an updated coastal access plan for Hollister Ranch could provide for a better public experience as well as more efficient and effective management.

This bill is the author’s second effort to effectuate public access to and along the coastline at Hollister Ranch, in accordance with Coastal Act sections 30610.3 and 30610.8, and previous Commission actions in 1981 and 1982.

In 2018, the Legislature passed [AB 2354 \(Limón\)](#), which would have created two subaccounts for the purpose of funding acquisition and management of accessways necessary to implement the 1982 Coastal Access Program. The bill also would have directed all state agencies to use their existing legal authority to obtain public access at Hollister Ranch. Governor Brown vetoed the bill on the grounds that the 1982 program was “outdated” and directed the applicable agencies to work together on an updated plan.

In response, the agencies began moving forward with actions begin the update process and assemble the necessary information and expertise for implementation. In early December 2018, the State Lands Commission undertook a weeks-long mean high tide line (MHTL) survey along the Hollister Ranch coastline, using land surveyors and aerial drones. By mid-March, the entire 8.5 miles of coastline had been surveyed. From this source data SLC staff has been able to produce image mosaics, 3D models, and aerial video footage, which will be particularly useful for mapping trail routes, avoiding sensitive areas, identifying other planning constraints, as well as locating the legal boundary between public and private lands.

Also in December, the Coastal Commission conducted a public informational hearing on the long and complicated history of the State's efforts to secure public access at Hollister Ranch, and received extensive feedback. The Commission updated its web page to invite public comment under the "[Highlights](#)" section on the home page, as well as links to the [1982 Program](#), the [environmental assessment](#), and a [map of the area](#). The web page is updated regularly so members of the public can track the process.

On March 1, 2019, the Directors of the Coastal Commission, Coastal Conservancy, Department of Parks and Recreation and the State Lands Commission signed an inter-agency [Collaboration Agreement](#) delineating each agency's roles and responsibilities with respect to updating the access program, and committing to expanding and enhancing public access at Hollister Ranch. The Agreement establishes a framework for effective and efficient communication and collaboration among the signatories to develop a new, contemporary Public Access Program informed by meaningful and comprehensive public outreach and stakeholder engagement in a timely manner.

Six weeks later, on March 18, 2019, the agencies took the first step toward initiating the public review process when the Conservancy posted a [Request for Proposals](#) (RFP) seeking community engagement, planning, environmental and professional services to assist in developing an updated Public Access Program for Hollister Ranch, in two phases. The RFP deadline is April 19, 2019 and the approximate contract start date is May 20, 2019, and the State Coastal Conservancy has agreed to make the necessary funding available (\$50,000) to support Phase 1. Additional funds will need to be secured for Phase 2, which will involve continued public input and community engagement, refinement of the Public Access Program, an outline of the regulatory permits and processes, preparation of an estimated budget for completing the program, identification of the critical path toward implementation, and identification of components for operational feasibility.

And on March 28, all four agency Directors and the Chair of the Coastal Commission, Dayna Bochco, participated in a site visit to Hollister Ranch to better understand the opportunities and constraints, which will inform the planning process going forward.

AB 1680 furthers the agencies' shared goals of public access and resource protection by providing statutory direction and benchmarks for progress, and is fully consistent with the actions taken to date. The bill would codify the agencies' intent to update the 1982 access program, and supports the inter-agency commitment to work collaboratively and expeditiously. The bill specifies three plan components, including land-based access, beach recreational areas, and scientific/educational areas.

In addition, AB 1680 would establish a process for increasing the \$5,000 access in-lieu fee that is currently assessed for all coastal development permits at Hollister Ranch, and specify that the fee would be used to fund management costs. This fee was supposed to increase by 5% per year once a program was in place. Instead it has been stalled at the original amount, which, if adjusted as designed, would now be approximately \$30,000. The bill would direct the Conservancy to make findings and recommendations to

the Legislature regarding necessary adjustments to the fee in an amount sufficient to fund the program's ongoing implementation.

Although the Commission and its partner agencies share the goal of meaningful access in a timely manner, the April 1, 2020 is very ambitious, given the amount of effort required to conduct the robust public outreach effort the public expects. Getting the public process right is essential to ensure that all voices and perspectives are fully heard and considered. This means talking with and listening to not only local stakeholders, but interested parties statewide, including those from marginalized, underserved communities and inland residents to incorporate their priorities for an inclusive, meaningful and accessible experience of coastal resources at Hollister Ranch. Deadlines are useful for keeping any effort on track. Once the agencies have selected a contractor to conduct the public outreach process, they will have a better idea of a realistic timeline.

In addition, no plan, regardless of how well conceived and broadly supported, can be implemented without funding to acquire the necessary easements. While AB 1680 does not currently include any mechanism for funding acquisitions, this will have to be addressed by the Legislature at some point.

All of these details can be addressed through friendly amendments, working collaboratively with the author and partner agencies as the bill progresses. Because the goal and intent of AB 1680 is wholly consistent with the Commission's core mission to provide equitable coastal access for all Californians, and furthers the goal of achieving long-delayed public access to public trust resources at Hollister Ranch, staff recommends the Commission support AB 1680.

SUPPORT

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OPPOSITION

None on file.

RECOMMENDED POSITION

Staff recommends the Commission **Support** AB 1680.