

**CALIFORNIA COASTAL COMMISSION**

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DATE: May 13, 2020

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR MAY, 2020

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 04/24/2020. Bills added since the previous 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](http://www.coastal.ca.gov)

## 2020 Legislative Calendar

|           |   |
|-----------|---|
| Jan 1     | Statutes take effect.   |
| Jan 6     | Legislature reconvenes.   |
| Jan 10    | Budget Bill must be submitted by Governor   |
| Jan 17    | Last day for policy committees to hear fiscal bills   |
| Jan 20    | Martin Luther King, Jr. Day   |
| Jan 24    | Last day to submit bill requests to Office of Legislative Counsel                               |
| Jan 31    | Last day for each house to pass bills introduced in 2019  |
| Feb 17    | Presidents Day  |
| Feb 21    | Last day for bills to be introduced.  |
| March 27  | Cesar Chavez Day observed.  |
| April 2   | Spring Recess begins upon adjournment.  |
| April 13  | Legislature reconvenes from Spring Recess.  |
| April 24  | Last day for policy committees to hear and report fiscal bills.                                 |
| May 1     | Last day for policy committees to hear and report non-fiscal bills introduced in their house.   |
| May 8     | Last day for policy committees to meet prior to June 1.   |
| May 15    | Last day for fiscal committees to hear and report to the Floor bills introduced in their house. |
| May 25    | Memorial Day  |
| May 26-29 | Floor session only  |
| May 29    | Last day for each house to pass bills introduced in that house.                                 |
| June 1    | Committee meetings may resume.  |
| June 15   | Budget Bill must be passed by midnight.   |

|           |  |
|-----------|--|
| June 26   | Last day for policy committees to hear and report fiscal bills.                |
| July 2    | Last day for policy committees to meet. Summer Recess begins upon adjournment. |
| Aug 3     | Legislature reconvenes from Summer Recess.                                     |
| Aug 14    | Last day for fiscal committees to meet and report bills.                       |
| Aug 17-31 | Floor session only   |
| Aug 21    | Last day to amend bills on the Floor   |
| Aug 31    | Last day for each house to pass bills. Recess begins upon adjournment.         |

## PRIORITY LEGISLATION COASTAL ACT AMENDMENTS

### [AB 3156 \(Rivas\) Coastal resources: coastal development permits: affordable housing](#)

This bill would require the Coastal Commission, on or before July 1, 2021, to adopt regulations to expedite the process of reviewing and acting upon applications for coastal development permits for projects that either include affordable housing units or in which 100% of the units will be affordable to households making 80% or below the median income.

Introduced 02/21/20  
Status Assembly Natural Resources Committee. **Held at author's request**

### [SB 986 \(Allen\) Coastal resources: new development: greenhouse gas emissions](#)

This bill would amend Public Resources Code Section 30253 to include a provision that new development in the coastal zone shall minimize greenhouse gas emissions.

Introduced 02/12/20  
Status Senate Natural Resources and Water  
Committee. **Held at author's request**

### [SB 1090 \(Bates\) California Coastal Act of 1976: natural shoreline: construction](#)

This bill would add Section 30237 to the Coastal Act, to require the Commission and local governments to approve the repair, maintenance and construction of sea walls for residential development existing as of May 1, 2020, unless it is determined that the project constitutes a substantial threat to public health or safety. As a condition for approval, the applicant may be required to provide a "sand mitigation offset" not to exceed \$25,000, or one percent of the assessed value of the property. If the Commission denies a sea wall pursuant to the findings required in the bill, or receives notice of a local denial, the Commission must inform the Legislature of its action within 30 days that includes evidence supporting the denial.

Introduced 02/19/20  
Last Amended 04/09/20  
Status Senate Rules Committee  
Commission Position: [Recommend Oppose, Analysis Attached](#)

**[SB 1100 \(Atkins\) Coastal resources: sea level rise](#)**

Relative to the Coastal Act, this bill would amend the Coastal Act findings in Public Resources Code (PRC) Section 30001.5 to include the goal of anticipating, assessing, planning for, minimizing and mitigating the adverse environmental and economic effects of sea level rise within the coastal zone. It would amend PRC Sec. 30501 to require the Coastal Commission to adopt recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program. It would add PRC Sec. 30270 requiring the Commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities. And it would add Sec. 30421 to require state and regional agencies to identify, assess, and, to the extent feasible and consistent with their statutory authorities, minimize and mitigate the impacts of sea level rise. The bill also establishes the California Sea Level Rise State and Regional Support Collaborative, and allocates \$2 million per year to the Environmental Justice Small Grant Program within the EPA, \$500,000 of which would be dedicated as grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities impacted by sea level rise.

Introduced 02/19/20

Status Senate Natural Resources and Water Committee

**COASTAL- RELATED**

**[AB 3200 \(Friedman\) State Coastal Conservancy: report: Lower Cost Coastal Accommodations Program](#)**

This bill would require the Coastal Conservancy to include information in the conservancy's progress in implementing the Lower Cost Coastal Accommodations Program in its tri-annual report to the Governor and the Legislature, pursuant to Public Resources Code Section 31108.

Introduced 02/21/20

Status Assembly Natural Resources Committee. **Held at author's request**

**[AB 2809 \(Mullin\) BCDC: Suisun Marsh Preservation Act of 1977](#)**

This bill would require BCDC to create and implement procedures to review staff decisions in enforcement cases, establish timelines for resolving cases, and a matrix for assessing fines and civil penalties. The bill would also authorize BCDC to record a Notice of Violation (NOV) against properties subject to enforcement actions. It would prevent any funds deposited into the Bay Fill Clean-up and Abatement Fund from being used to pay for staff salaries of enforcement actions. The bill would also require BCDC to review all local protection programs under the Suisun Marsh Preservation Act every 5 years.

Introduced 02/20/20

Status Assembly Natural Resources Committee

**[SB 1372 \(Monning, Stern\) Wildlife corridors and connectivity: Wildlife and Biodiversity Protection and Movement Act of 2020](#)**

This bill would enact the Wildlife and Biodiversity Protection and Movement Act of 2020 and would require the state to build off of existing programs and plans, including the State Wildlife Action Plan, to proactively protect and enhance wildlife corridors and design infrastructure to maximize wildlife connectivity. The bill would require the Resources Secretary and the Secretary of Transportation to coordinate with the Habitat Conservation Planning Branch of the Department of Fish and Wildlife and the Division of Environmental Analysis of the Department of Transportation to allow for maximum wildlife passage features. The bill would require the Secretaries to establish the Ira Ruskin Wildlife Habitat Connectivity Advance Mitigation Pilot Program to create compensatory mitigation credits that can be used to address existing barriers identified in the California Essential Habitat Connectivity Project and offset significant impacts of future transportation and water projects that impact wildlife connectivity. The bill would require the Department of Transportation to identify a corridor coordinator in each CalTrans district to, among other things, lead the wildlife habitat connectivity program for that region. The bill would require the Strategic Growth Council to hold one public hearing each year focused on infrastructure design and wildlife corridors.

Introduced 02/21/20  
Last Amended 03/25/20  
Status Senate Transportation Committee

**BONDS**

**[AB 352 \(E. Garcia\) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020](#)**

This bill would enact the Wildfire Preventions, Safe Drinking Water, Drought Preparation and Flood Protection Bond Act of 2020 in the amount of \$3.920 billion in General Obligation bonds to finance projects to harden structures in fire hazard areas, reduce wildfire risks, restore natural systems and landscapes, reduce climate impacts on vulnerable populations, protect water supply and water quality, support regional climate resilience projects, promote community access projects for disadvantaged communities, reduce flood risk, protect fish and wildlife from climate impacts, improve groundwater health, and protect coastal lands and resources. If signed by the Governor, this measure will appear on the November 3, 2020 statewide ballot.

Introduced 2/04/19  
Last Amended 08/14/19  
Status Senate Environmental Quality Committee

**[AB 3256 \(Garcia\) Climate risks: bond measure](#)**

This measure would authorize the issuance of general obligation bonds in the amount of \$4,000,000,000 to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

Introduced 02/21/20  
Status In Assembly, pending referral

**[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 \$5.5 billion 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, support regional climate resilience projects, 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. If signed by the Governor, this measure will appear on the November 3, 2020 statewide ballot. *Amendments of 01/23/20 increase the amount of the bond from \$4.069 billion to \$5.510 billion, and include funding for the adaptation of small community wastewater treatment facilities at risk from sea level rise, consistent with an updated, certified local coastal program (80231 (b)).*

Introduced 12/03/18  
Last Amended 01/23/20  
Status Assembly Desk

**SEA LEVEL RISE/ PLANNING/ ADAPTATION**

**[AB 1839 \(Bonta\) Climate change: California Green New Deal](#)**

This measure would create the California Green New Deal Council, comprised of Governor's appointees, to increase assistance to populations impacted by climate change, accelerating reductions of GHGs, and ensure that jobs created as a result of climate policy are protective of workers' rights and available to members of disadvantaged communities.

Introduced 01/06/20  
Status In Assembly, pending referral

**[AB 1920 \(Boerner Horvath\) Climate change: California Climate Adaptation Center and Regional Support Network](#)**

This measure declares the intent of the Legislature to enact subsequent legislation that would establish the California Climate Adaptation Center and Regional Support Network to provide technical support and information to local governments on adapting to climate change impacts, including, but not limited to, sea level rise.

Introduced 01/13/20  
Status In Assembly, pending referral. **Held at author's request.**

**[AB 1992 \(Friedman\) Transportation: asset management plan: California Transportation Plan: transportation infrastructure: climate change](#)**

This bill states the intent of the Legislature to enact legislation that establishes a new program to fund climate adaptation planning for transportation impacts, data collection, modeling, and training.

Introduced 01/27/20  
Last Amended 03/11/20  
Status Assembly Transportation Committee. **Held at author's request**

**[AB 2062 \(Boerner Horvath\) San Diego Association of Governments: LOSSAN Rail Corridor: study](#)**

This bill would appropriate \$5 million from the General Fund to the San Diego Association of Governments (SANDAG) to study alternatives for the LOSSAN Rail Corridor in San Diego County. The bill would require SANDAG to submit a report to the Legislature by January 1, 2023.

Introduced 02/04/20  
Status Assembly Transportation Committee. **Held at author's request**

**[AB 2076 \(Bigelow\) Public lands: Department of Parks and Recreation: wildfire management plan: fire hazard severity zones](#)**

This bill would require the Director of the Department of Parks and Recreation to develop and implement a wildfire management plan for state parks located in very high fire hazard severity zones.

Introduced 02/05/20  
Status Assembly Water, Parks and Wildlife Committee

**[AB 2081 \(Boerner Horvath\) Coastal resources: research: landslides and erosion: early warning system: County of San Diego](#)**

This bill would appropriate \$2.5 million from the General Fund to Scripps Institution of Oceanography to conduct research on bluff erosion and submit recommendations to the Legislature on the development of an early warning system that would predict landslides on coastal bluffs.

Introduced 02/05/20  
Status Assembly Natural Resources Committee. **Held at author's request**

**[AB 2367 \(Gonzalez\) Residential property insurance: wildfire resilience](#)**

This bill would create the Wildfire Resilience Task Force, which would include the Insurance Commissioner, the Director of the Office of Emergency Services, and the State Fire Marshal. The task force would establish minimum standards for fire-hardened homes and communities. The bill would require an admitted insurer that sells residential property insurance to, at a minimum, sell the existing residential property insurance coverage it most commonly offers to an applicant or insured who owns a residence that has an estimated replacement cost consistent with the insurer's underwriting guidelines, meets the minimum standards established by the task force, and was built before those standards were established.

Introduced 02/18/20  
Status Assembly Insurance Committee

**[AB 2619 \(Stone\) Coastal resources: Program for Coastal Resilience, Adaptation, and Access](#)**

This bill would establish the Program for Coastal Resilience, Adaptation and Access, for the purpose of funding available, upon appropriation, to the California Coastal Commission, the Natural Resources Agency, the Ocean Protection Council, the Department of Parks and Recreation, the State Lands Commission, and the State Coastal Conservancy for activities consistent with the Fourth Climate Assessment and the Safeguarding California Plan. The funding source would be not less than 30% of the tidelands oil revenues deposited annually by the State Lands Commission into the Kapiloff Land Bank Account.

Introduced 02/20/20  
Status Assembly Natural Resources Committee

**[AB 2148 \(Quirk\) Climate change: adaptation: regional plans](#)**

This bill states the Legislature's intent to enact legislation that would foster regional-scale adaptation planning by establishing and assisting regional climate collaboration groups to develop plans addressing sea level rise, fire vulnerability, pests, the effects on agriculture and human health. If regions do not develop adaptation plans by a date certain the state would develop them.

Introduced 02/10/20  
Last Amended 03/05/20  
Status Assembly Natural Resources Committee. **Held**

**[AB 2371 \(Freidman\) Climate change: adaptation](#)**

This bill would require the Secretary of the Natural Resources Agency to develop a strategic resiliency framework based on the Safeguard California Plan and recommend actions necessary to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond, review available funding sources and make recommendations for aligning investments with the framework, and establish actions for community and economic resiliency, the ocean and coast, and terrestrial ecosystems. The bill would require the Strategic Growth Council, by July 1, 2021, to convene a science advisory team of distinguished scientists to guide climate planning and adaptation efforts in the state and to, among other things, review and make recommendations to improve the plan and the framework. The bill would require each state agency identified in the framework to report to the secretary on its progress in completing the recommendations and actions in the framework.

Introduced 02/18/20  
Last Amended 03/16/20  
Status Assembly Natural Resources Committee

**[SB 946 \(Pan\) Local Flood Protection Planning Act: local flood protection plans](#)**

This bill would require local flood protection plans to include the identification of current and future flood corridors, weirs, bypasses and other appurtenances.

Introduced 02/10/20  
Last Amended 03/12/20  
Status Senate Natural and Water Resources Committee

**[SB 1293 \(Allen\) Coastal resources: climate change: sea level rise](#)**

This bill would create the Sea Level Rise Revolving Loan Account within the California Infrastructure and Economic Development Bank (I-Bank) to provide low-interest loans to local jurisdictions for the purchase of coastal properties vulnerable to sea level rise. It would be funded by taxable or tax-exempt revenue bonds issued by the I-Bank. To participate in the program, a local government would first have to prepare a “vulnerable coastal properties plan.” The bill would require the Coastal Conservancy, in consultation with the Coastal Commission and the State Lands Commission, to determine criteria for the identification of properties eligible for participation in the program, and to approve any vulnerable coastal properties plan as consistent with those criteria.

Introduced 02/21/20  
Last Amended 03/30/20  
Status Rules Committee. **Bill held at request of author.**

**[SB 1320 \(Stern\) Climate change: California Climate Change Assessment](#)**

This bill would require the Office of Planning and Research in coordination with the Natural Resources Agency, the Energy Commission, and the Strategic Growth Council, to develop the California Climate Change Assessment, and update the assessment every two years. The report would assess the projected economic, environmental, and public health impacts of climate change, including damages to infrastructure, human health, ecosystem services and natural resources, devaluation of property and assets, liabilities to the financial sector and costs of disruption to energy supplies.

Introduced 02/21/20  
Status Senate Natural Resources and Water Committee

**HOUSING**

**[AB 1934 \(Voepel\) Planning and zoning: affordable housing: ministerial approval](#)**

This bill would provide for ministerial local approval of multifamily and mixed use development projects that are consistent with objective general plan standards if the project provides housing for individuals of low or moderate income. Once approved, the permit would not expire for a period of 5 years.

Introduced 01/15/20  
Status Assembly Housing and Community Development Committee



**[AB 2580 \(Eggman\) Conversion of motels and hotels: streamlining](#)**

This bill would provide for a streamlined process for converting existing motels and hotels into multifamily housing, provided 20% of the units are preserved for persons of low to moderate income and deed-restricted for 45 years for owner-occupancy, or 55 years for rental units. The bill would prohibit a local government from imposing minimum or maximum unit size or density restrictions, and limit a local government's ability to impose parking standards.

Introduced 02/20/20

Status Assembly Housing and Community Development Committee

**[AB 3173 \(Bloom\) Microunit buildings](#)**

This bill would require cities and counties with populations of 400,000 or more to allow for the construction of "microunit buildings" in any zone where multifamily housing is permitted. Density limits would not apply to microunit buildings, and a specified percentage of units would have to be available to lower income, very low income, or extremely low income households. Parking or common areas may not be required, and density bonuses would not be applicable.

Introduced 02/21/20

Status Assembly Housing and Community Development Committee

**[AB 3107 \(Bloom\) Planning and zoning: general plan: housing development](#)**

This bill would require that a housing development in which at least 20% of the units are affordable for purchase or rent to lower income households, be an allowable use on a site designated in any element of the general plan for commercial uses, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulations.

Introduced 02/21/20

Status Assembly Housing and Community Development Committee

**[SB 1410 \(Gonzalez\) Housing: local development decisions: appeals](#)**

This bill would establish the Housing Accountability Committee within the Housing and Community Development Department, with the authority to review local decisions to deny multifamily housing projects and vacate denials that were found to be "unreasonable."

Introduced 02/21/20

Status Senate Governance and Finance Committee. Triple referred.

**[SB 795 \(Beall\) Affordable Housing and Community Development Investment Program](#)**

This bill would establish the Affordable Housing and Community Investment Program, and the Affordable Housing and Community Investment Committee to oversee it. The bill would allow local governments, JPAs, Affordable Housing Authorities to establish an affordable housing and community development investment agency. The bill would authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program.

Introduced 01/06/20  
Status Senate Governance and Finance Committee

**[SB 902 \(Wiener\) Planning and zoning: multifamily project: use by right: density](#)**

This bill would provide that a multifamily project is a use by right in zones where residential uses are permitted if the project is located outside of a very high fire severity zone, does not demolish existing rental housing or housing that has been placed on a national or state historic register, follows specified local objective criteria, and meets specified density requirements. This bill would additionally authorize a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of CEQA.

Introduced 01/30/20  
Last Amended 03/09/20  
Status Senate Housing Committee

**[SB 1138 \(Wiener\) Housing element: emergency shelters: rezoning of sites](#)**

This bill would authorize local governments to designate zones for emergency shelters in non-residential zones if it can be demonstrated that the zone is connected to amenities and services. The bill would also require that the number of people accommodated at each site be calculated using a minimum of 200 square feet per person. The bill also revises the time frame within which local governments must complete rezoning consistent with the adoption of a housing element.

Introduced 02/19/20  
Last Amended 03/24/20  
Status Senate Housing Committee

## OCEANS/WATER QUALITY

### [AB 1949 \(Boerner Horvath\) Fisheries: California Ocean Resources Enhancement and Hatchery Program](#)

This bill would expand the existing Ocean Resources Enhancement and Hatchery Program, administered by the Department of Fish and Wildlife, in the following ways:

- Changes the focus of the program from research into how hatchery-raised fish can enhance certain desirable, impacted species to include any desirable marine species.
- Changes the focus of the program from research into how hatchery-raised fish can enhance certain desirable, impacted species to include research and understanding of hatchery operations and benefits.
- Allows the Department to contract with any public or private entity, as opposed to existing law which is limited to private non-profits conducting relevant research.
- Makes changes to the appointment of the advisory council.

Introduced 01/13/20  
Status Water Parks and Wildlife Committee

### [AB 1952 \(Stone\) Washing machines: microfiber filters: state laundry facilities: pilot program](#)

This bill would require the Department of General Services in coordination with Cal EPA to implement a 1-year pilot project to assess the feasibility of microfiber filtration systems in removing microfibers from state-owned laundry facilities.

Introduced 01/17/20  
Last Amended 02/24/20  
Status Assembly Accountability and Administrative Review Committee

### [AB 2027 \(Boerner Horvath\) Ocean resources management: state policy](#)

This is a spot bill that makes non-substantive changes to Public Resources Code Section 36002, related to ocean conservation and development.

Introduced 01/30/20  
Status **Held at author's request**

### [AB 3232 \(Friedman\) Commercial washing machines: microfiber filter](#)

This bill would require that all washing machines for commercial sale in California contain a microfiber filtration system with a 90% or greater filtration rate.

Introduced 02/21/20  
Status In Assembly, pending referral. **Held at author's request**

**[AB 2071 \(Muratsuchi\) Once-through cooling policy: extension](#)**

This bill would amend Section 13193.5 of the Water Code to prohibit the State Water Resources Control Board from granting a power plant operator a time extension to comply with the state's once through cooling policy, unless the site is in the coastal zone and contains coastal wetlands, and a local agency or NGO has obtained a Prop 68 grant to restore the wetlands on site and develop parklands.

Introduced 02/04/20  
Status Assembly Natural Resources Committee

**[AB 2370 \(Limón\) Ventura Port District: aquaculture plots: federal waters](#)**

This bill would authorize the Ventura Port District to construct, maintain, operate and grant permits to others for aquaculture plots in federal waters. This bill has an urgency clause.

Introduced 02/18/20  
Last Amended 03/16/20  
Status Assembly Local Government Committee

**[SB 1093 \(Wiener\) Mariculture: master permitting program: designation of suitable state waters](#)**

This bill would eliminate the Commission's jurisdiction over aquaculture projects, and require the Department of Fish and Wildlife (DFW) to incorporate all of the Commission's current responsibilities into a "master permitting program." It would require DFW to develop a master permitting program that would include a series of permits for different types of aquaculture projects. In developing the program, DFW would consult with the Coastal Commission, the State Lands Commission and National Oceanic and Atmospheric Association, if feasible. The bill would require DFW to produce a comprehensive map of state waters indicating suitable areas for commercial aquaculture and restoration. The department would be required to designate a minimum of 5 square miles annually as suitable for low-trophic mariculture.

Introduced 02/19/20  
Last Amended 03/25/20  
Status Senate Natural Resources and Water Committee. **Held at author's request**

**[SB 1301 \(Hueso\) Tijuana River Valley: binational watershed management plan](#)**

This bill would require the San Diego River Conservancy to work with the Coastal Conservancy, the State Water Resources Control Board, and California EPA to create a binational watershed management plan for the Tijuana River Valley.

Introduced 02/21/20  
Last Amended 03/26/20  
Status Senate Rules Committee

**[SB 1405 \(Galgiani\) Marine mammals: protection of cetaceans: unlawful activities](#)**

This bill would make it a misdemeanor to hold any species of whale, dolphin or porpoise for display, entertainment or performance purposes, or to breed, inseminate, export move or sell any wild or captive bred cetacean. Cetaceans other than orcas in captivity prior to an unspecified date could continue to be displayed for educational purposes. Violation would be subject to a fine pf up to \$100,000.

Introduced 02/21/20  
Status Pending Referral

**ADMINISTRATIVE/STATE/LOCAL ACTIONS**

**[AB 2028 \(Aguiar-Curry\) State agencies: meetings](#)**

This bill would require that a state body must include all writings and materials provided for a noticed public hearing in connection with a matter subject to discussion or consideration at the meeting. The bill would require all writings and materials to be posted on the internet no less than 10 days prior to the hearing. The bill would also require that members of the public have the opportunity to address the state body on each agenda item, regardless of whether they may have testified at a previous hearing.

Introduced 01/30/20  
Status Assembly Governmental Organization Committee

**[AB 2093 \(Gloria\) Public records: writing transmitted by electronic mail: retention](#)**

This bill would require public agencies to retain and preserve every public record transmitted by email for a period of 2 years, unless a longer retention period is required by statute or regulation.

Introduced 02/05/20  
Status Assembly Appropriations Committee

**[AB 2172 \(Petrie-Norris\) State highways: Route 133: relinquishment](#)**

This bill would authorize the California Transportation Commission to relinquish a 3.4-mile section of Highway 133 (Laguna Canyon Rd.) in coastal zone, adjacent to Crystal Cove State Park in the City of Laguna Beach.

Introduced 02/11/20  
Status Assembly Transportation Committee

**[AB 2168 \(McCarty\) Planning and zoning: electric vehicle charging stations: permit application: approval](#)**

This bill would require that an application for an electrical vehicle charging station be deemed complete if a local agency has not deemed it incomplete within 5 days of submittal. Once complete, an application shall be deemed approved within 15 business days unless the local building official makes written findings that the proposed project may have adverse impacts and the applicant must apply for a use permit. This bill has an urgency clause.

Introduced 02/11/20  
Status Assembly Local Government Committee

**[AB 2214 \(Carrillo\) Administrative Procedure Act: notice of proposed action](#)**

This bill would require public agencies to post any proposed changes to its regulations on its website within 24 hours of submitting those changes to the Office of Administrative Law.

Introduced 02/12/20  
Status Assembly Accountability and Administrative Review. **Held at author's request**

**[AB 2508 \(Fong\) FI\\$Cal System: project plan: update](#)**

This bill would require the State Department of Technology to create a new project plan update for the FI\$Cal system, and provide a report to the Legislature on the unanticipated costs of the project.

Introduced 02/19/20  
Status Assembly Budget Committee

**[SB 1049 \(Glazer\) Local ordinance: short-term rentals](#)**

This bill would authorize a city council to impose an administrative penalty of up to \$5,000 for the violation of a short-term rental ordinance.

Introduced 02/18/20  
Status Senate Governance and Finance Committee

**[SB 1457 \(Borgeas\) State regulatory action: reduction or waiver of civil penalties](#)**

This bill would require state agencies to establish a policy for the reduction or waiver of administrative penalties and assist small businesses achieve compliance with regulatory actions as part of an enforcement action by January 1, 2022.

Introduced 02/21/20  
Status Senate Governmental Organization Committee

**[SB 1060 \(Hill\) Historical resources](#)**

This bill would require the Department of Parks and Recreation to register trails that it determines to be important as state historical landmarks or points of historical interest.

Introduced 02/18/20  
Status Senate Natural Resources and Water Committee.

**SB 1027 (Stern) Specialized license plates: The Endless Summer**

This bill would require the State Coastal Conservancy to apply to the DMV for a specialized license plate with a surfer logo and the slogan “The Endless Summer” for the purpose of funding grants within the Conservancy’s “Explore the Coast” program.

Introduced 02/14/20

Status Senate Transportation Committee

**SB 1032 (Allen) State parks: Off-Highway Motor Vehicle Recreation Commission**

Under existing law, the Off-Highway Vehicle Commission would sunset on January 1, 2023. This bill would eliminate the sunset and instead, revise the appointees of the Off-Highway Vehicle Commission to include appointees with expertise in environmental restoration, environmental restoration, public health and safety, non-motorized recreation and the public at large.

Introduced 02/14/20

Status Senate Natural Resources and Water **Held at author’s request**

**SB 1070 (Leyva) Land use: general plans**

This bill would specify elements that local governments must include in an adopted environmental justice element in their general plans by January 1, 2023. Required provisions include identification of disadvantaged communities, an assessment of the compounded health risks in those communities, investment needs, and quantifiable objectives, goals and policies to address the identified needs. The bill would require the element to advance climate resiliency, access to public facilities, housing and services, and provide for meaningful involvement of residents of those communities in the preparation, adoption and implementation of the EJ element. IT also sets forth standards for public notice and meeting requirements for the preparation and adoption of the element. The bill would prohibit the Director of the Office of Planning and Research (OPR) to grant additional time for local governments to prepare and adopt an environmental justice element in their general plans.

Introduced 02/18/20

Last Amended 03/25/20

Status Senate Rules Committee

## TWO-YEAR BILLS

### **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 345 (Muratsuchi) Natural resources: environmental justice: oil and gas: regulation of operations**

This bill would require the Natural Resources Agency to create an environmental justice program to identify and address gaps in existing policies and programs that impede environmental justice, and establish a grant program that would enable community groups to meaningfully participate in rulemaking and other public regulatory processes.

Introduced                    03/26/19  
Last amended                01/23/20  
Status                         Senate Rules Committee

### **AB 1080 (Gonzalez) Solid waste: packaging and products**

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 Inactive File |
| <b>Position</b> | <b>Support</b>       |

**[AB 1731 \(Boerner Horvath\) Short-term rentals: coastal zone: County of San Diego](#)**

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. |

**SB 54 (Allen) Solid waste: packaging and products**

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 are 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    | 09/10/19               |
| Status          | Assembly Inactive File |
| <b>Position</b> | <b>Support</b>         |

**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

**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

**CALIFORNIA COASTAL COMMISSION**

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**BILL ANALYSIS**  
**SB 1090 (Bates)**  
As Amended 04/09/2020

**SUMMARY**

Senate Bill 1090 would require the Coastal Commission or a local government with Coastal Development Permit (CDP) authority, to approve all CDP applications for the construction, repair, and maintenance of coastal armoring devices (e.g., seawalls, retaining walls, revetments) in all beach areas of Orange County and San Diego County, unless a finding is made that the project would constitute a substantial threat to health and safety. Approval must be issued within 30 days of the completed application, and the fee may not exceed the amount charged for an emergency permit. To mitigate for any erosive effects of the sea wall, the bill would allow the Commission or local government to require the permit holder to deposit up to \$25,000 worth of sand at the affected beach, calculated on the basis of the assessed value of the property. The bill would prohibit any additional mitigation conditions, including mitigation for loss of public access or recreational opportunities. If the Commission or a local government denies any CDP application for a coastal armoring device, it must provide a written report with evidence supporting the denial, and the Commission must inform the Legislature within 30 days. The bill would eliminate local appeals to the Commission for sea wall projects. Instead, any decision by a local government would only be reviewable solely by filing a petition for a writ of mandate within 90 days.

**RECOMMENDED MOTION**

I move the Commission **Oppose** SB 1090, and I recommend a **Yes** vote.

**PURPOSE OF THE BILL**

The purpose of the bill is provide for by-right approvals of sea walls in the author's district, expedite approval process, and reduce permitting and mitigation costs. The Encinitas Bluff collapse and accelerated erosion at Capistrano Beach are cited as findings for the necessity of the bill.

**EXISTING LAW**

- Coastal Act Section 30235 states that shoreline protective devices shall be permitted when required either to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion. The devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. As with all CDPs, the Commission may also impose conditions to address compliance with other Coastal Act requirements, including but not limited to impacts to habitat, public access and recreational opportunities.

The Commission has traditionally interpreted “existing structures” to refer to those structures already in existence on January 1, 1977, when the Coastal Act (including Section 30235) was enacted.<sup>1</sup>

- Coastal Act Section 30253 requires all new development to (a) minimize risk of flooding and geologic hazards, and (b) neither create nor contribute to erosion, geologic instability, or destruction of the site or surrounding area or require the construction of armoring that would substantially alter natural land forms, bluffs, or cliffs.
- In certified jurisdictions, the Commission retains limited appellant authority, including for projects between the first public road and the sea, which, by definition, include sea walls.
- The Commission’s filing fees are governed by the Coastal Act and implementing regulations (Cal. Code Regs., tit. 14, 13055) and adjusted annually for inflation. The current fee for an emergency permit is \$1,249, which is applied toward the filing fee for the subsequent CDP. Coastal Development Permit Fees are calculated based on the type of development, amount of grading required, development cost, and/or gross square footage. Fees can range from several hundred to several thousand dollars.

## **PROGRAM BACKGROUND**

Sea level rise and coastal climate change are already threatening California’s coastline by increasing the severity and frequency of catastrophic storms and flooding, erosion rates, damage to coastal private property and public infrastructure, and loss of natural “buffer systems” that protect the coast, such as wetlands, dunes, and sandy beaches. Sometimes the results include the tragic loss of human life.

The initial, reflexive response of many homeowners to the growing threat of sea level rise is to build a physical barrier against the ocean—a seawall that will protect the structure behind it. At first glance, this seems like an obvious solution. But sea walls are not a silver bullet. They can create more complex problems than they solve, and focusing on protecting individual properties one at a time is an expensive, inequitable, short-term fix with significant long-term consequences. While sea walls have utility in some circumstances, prudent coastal management requires that they be considered as part of a suite of adaptation planning measures that will also minimize loss of public resources and benefit the broader community.

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<sup>1</sup> See, e.g., [California Coastal Commission Sea Level Rise Guidance](https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf), p. 165, [https://documents.coastal.ca.gov/assets/slr/guidance/2018/0\\_Full\\_2018AdoptedSLRGuidanceUpdate.pdf](https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf)

Failure to plan for the unavoidable consequences of climate change along the coast of California could cost the State billions of dollars over the coming decades.<sup>2</sup> Fortunately, California has undertaken a comprehensive effort to coordinate state sea level rise policy implementation across all agencies, and to assist local governments in planning for sea level rise adaptation and resiliency.

In early 2020, CNRA Secretary Wade Crowfoot and Cal EPA Secretary Jared Blumenfeld convened the Coastal Commission, OPC, State Parks, BCDC, the State Lands Commission, the Energy Commission, CDFW, CalTrans, the Delta Stewardship Council, DWR, OES, SWRCB, the Strategic Growth Council, and the Governor's Office of Planning and Research to draft a detailed set of [Sea Level Rise Principles](#) that have since been adopted as official state policy. The Principles are consistent with and complementary to the Commission's ongoing efforts to address sea level rise, including the consideration of environmental justice, public access and protection of sensitive coastal resources. For instance, the Coastal Commission has been working for several years with the Department of Transportation (Caltrans) to plan for the realignment of Highway 5, 101, and Pacific Coast Highway in highly vulnerable locations – a wise investment in the state's transportation, recreational, and natural resources. Relocating, rather than armoring highways in vulnerable areas increases their longevity and also allows for continued public access via the California Coastal Trail. The Commission is also working with the State Lands Commission to develop an adaptive framework to coordinate the protection of Public Trust resources through the two commissions' respective authorities.

The state has also made significant investments in the Commission's [LCP Grant Program](#), through which the Commission helps fund local governments to update their Local Coastal Programs (LCPs) to proactively plan for sea level rise. Over the past five years, the Commission has awarded \$8.3 million in local government assistance grants for this purpose from a variety of funding sources, including the Environmental License Plate Fund, the Greenhouse Gas Reduction Fund, and bond funds. Grant guidelines specifically require the consideration of environmental justice and equitable public access. The Governor's 2019-20 Budget proposes a \$1.5 million augmentation to the Commission's baseline budget to make the local assistance grants program permanent.

The Commission and the Coastal Conservancy also provide informational and technical assistance to applicants and local governments, including mapping of vulnerable populations and resources based on the best-available science, through the publication and update of formal policy guidance documents. The Conservancy's Climate Ready Program published its 2015 [Baylands and Climate Change](#) as a guide for utilizing natural infrastructure as a cost-effective way to work with nature rather than against it to protect communities from coastal flooding. The Commission's 2015 [Sea Level Rise](#)

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<sup>2</sup> A Federal Emergency Management Agency (FEMA)-sponsored study by the National Institute of Building Sciences found that for every \$1 the federal government invested in various types of pre-disaster mitigation activities in recent years, it avoided public and private losses totaling \$6. <https://www.nibs.org/page/mitigationsaves>

[Policy Guidance](#) was updated in 2018, and the *Residential Adaptation Policy Guidance* and *Critical Infrastructure Policy Guidance* are forthcoming.

These and numerous other planning efforts would be undermined or nullified by a policy of approving sea walls by right. San Diego and Orange Counties are not unique in terms of their vulnerability. The Bay Area counties are also experiencing dramatic coastal erosion, and sea levels are rising in portions of Humboldt County faster than any other area of the state. This bill would set an adverse precedent for other communities seeking similar dispensation, and in the meantime establishes inequitable treatment for the two covered counties; by conferring special privilege for ocean-front landowners, and disadvantaging inland residents who will be the first to lose their traditional coastal access.

## **ANALYSIS**

Coastal armoring devices (e.g., seawalls, bulkheads, groins, rip rap revetments) vary greatly in terms of their utility and construction, and can have very different impacts depending on geomorphology and what kind of other armoring is present. For instance, sea walls and revetments are land-based structures designed to protect development from wave action, but as an unintended consequence they lead to sand scouring and beach loss. Groins are placed in the water to redirect available sand deposits to specific places. But this can rob other areas of needed sand supply and inadvertently shrink downcoast beaches. All types of armoring have the capacity to provide protection for the structures or beaches behind them, but they can also have significant, long-term adverse effects on neighboring properties and beaches, and particularly on public access. This analysis will focus primarily on land-based sea walls/revetments.

Protecting inland development from erosion also starves beaches of sand. Sea walls deflect wave energy laterally and back out to sea, accelerating erosion of nearby beaches, bluffs, and coastal ecosystems. Over time, beaches in front of armoring structures get progressively narrower until they disappear completely. As public beach space diminishes, direct wave energy on the structure increases, necessitating progressively bigger, more fortified armoring. Moreover, this protection is only temporary because rising seas and accelerated erosion eventually undercut the structure itself. The ultimate result of walling off the coast is the widespread disappearance of public beaches, followed ultimately by the destruction or relocation of the very structures they were built to protect.

The Coastal Act appropriately balances the need to protect private property with the obligation to protect public access and Public Trust resources. Read together, Coastal Act sections 30235 and 30253 essentially require the Commission to approve sea walls for pre-Coastal Act structures “by right,” but confer *discretionary* approval authority over seawalls associated with structures built *after* 1972. In some cases, the Commission has approved some sea walls or other hard armoring devices to protect more recent structures for a variety of reasons. For example, the Commission has approved new armoring devices when a property is flanked by existing sea walls that are intensifying

erosion on that site, or in areas where a geologic anomaly is threatening to undermine a structure atop an otherwise hard rock cliff face.

But given the significant threat that widespread armoring poses to coastal access, other coastal resources and nearby structures, and consistent with Coastal Act section 30253, the Commission also frequently requires that new development be sited, designed and constructed to avoid the need for future armoring. For example, the Commission routinely requires that new homes and other buildings be set back far enough to be safe from future erosion for the life of the structure. It has also required deed restrictions on new shorefront development specifying that no coastal armoring device will be approved for the structure in the future. This approach allows for safe development while also protecting public beaches and other coastal resources that would be harmed by armoring.

This bill would effectively override the requirements of Section 30253 for all coastal armoring projects in Orange and San Diego counties, and would instead require the Commission and local governments to approve all such projects within 30 days.<sup>3</sup> This process would eliminate the Commission's ability to work with applicants to site proposed projects out of harm's way, thoroughly review geologic reports, or conduct site visits, and would accelerate the walling off of the coastline in Orange and San Diego counties at the public's expense. If applicants know they can build a sea wall at some future date, there is less incentive to invest in careful site planning.

Moreover, the Commission and local governments would be explicitly precluded from requiring armoring projects to mitigate or avoid any impacts to biological resources, public access, coastal recreation, water quality, scenic resources, etc.<sup>4</sup> This contravenes the fundamental premise of the Coastal Act and environmental law more broadly that environmental impacts associated with development must be avoided or mitigated.

This bill would also eliminate the Commission's appellate authority over sea walls in Orange and San Diego Counties. In LCP-certified jurisdictions, the Commission retains appellate jurisdiction over development between the first public road and the sea. The Coastal Act reserves this authority for the Commission in part to ensure that development in this critical area of the coastal zone does not interfere with or impede public access. By prohibiting any appeal of a locally approved sea wall to the Commission, this bill would eliminate the Commission's ability to ensure that appropriate measures are being taken to protect public access at the local level in

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<sup>3</sup> Section 30237(b)(3)(A) allows the Commission or a local government to deny such a project if it would be "a substantial threat to the public health or safety." However, it is unclear in what, if any, instance this exception would apply.

<sup>4</sup> Section 30237(e) requires the commission to identify native plant species that may be suitable for planting within the coastal hazard mitigation zone. However, a property has no obligation to actually plant any identified species, and any planting that does occur can be done without further coordination or approval from qualified biological staff at the Commission or local governments.



conjunction with locally-issued CDPs, mitigate for loss of habitat values or preserve opportunities for coastal recreation.

The bill does include measures attempting to reduce loss of coastal sand supply as a result of widespread coastal armoring. However, multiple shortcomings would prevent such measures from being effective. Foremost, the requirement that shoreline armoring approved pursuant to the bill be “designed to mitigate or protect against coastal erosion” is legally inoperable because coastal armoring devices fundamentally exacerbate erosion in the long term by refracting erosive tidal energy downward (undercutting the device), sideways (accelerating erosion of adjacent properties), and seaward (carrying beach sand out to sea).

In an attempt to make up for this, the bill allows the Commission and local governments to impose a “sand mitigation offset” as part of an armoring project to compensate for the project’s negative effects on sand supply. This would amount to a property owner arranging for the placement of additional sand at the base of the protective device. However, the bill declares that a sand mitigation offset for a private property owner’s armoring project cannot exceed the lesser of twenty-five thousand dollars (\$25,000) or one percent (1%) of the assessed value of the private property. In other words, any oceanfront property worth \$2.5 million or more could be required to provide a sand mitigation offset of \$25,000, and any property worth less than that would pay for a smaller offset. This is woefully insufficient when compared to existing sand supply mitigation programs currently operated or in development by special districts and local governments, whereby an appropriate amount of sand can easily cost a homeowner tens of thousands of dollars depending on the size of the property.<sup>5</sup> Moreover, the bill caps the offset at the amount of sand projected to be lost as a result of the armoring device over 20 years, automatically rendering such mitigation temporary and insufficient.

Once any sand placed pursuant to a CDP has eroded, a permittee would have no obligation to provide additional sand mitigation, despite the continuous, permanent erosion impacts of their armoring. As such, one-time “sand mitigation offsets” would not actually offset the sand supply loss that will result from armoring the coasts of Orange and San Diego counties under this bill. The practical result will be less sand along the Southern California coastline over time and, ultimately, a complete loss of public beaches in those areas. Beach loss would be crippling for local coastal economies in these counties, which rely heavily on revenue generated by public fees for various coastal recreation activities. The State would likely experience similar fiscal impacts due to loss of public recreation fees at State Beaches and campgrounds.

Even if the cap were substantially higher, the reality is that sand replenishment itself is a temporary measure, and is not a universally appropriate mitigation response. Sand

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<sup>5</sup> For example, the City of Solana Beach (immediately south of the author’s district) currently imposes a sand supply mitigation fee of \$1,000 per linear foot of a property’s ocean frontage in order to construct an armoring device. Under that system, a property owner with 40 feet of ocean frontage would pay a sand supply mitigation fee of \$40,000. In April 2019, property owners sued the City of Solana Beach and the Coastal Commission to dispute the fee.

replenishment works best on a more regional scale, where it can be placed strategically in relation to prevailing currents and existing topography. Dumping sand in isolation in front of individual properties is a solution in name only. It will not actually work.

Finally, the bill would limit the fee for a sea wall in the two counties to the equivalent of that charged for an emergency permit. The current fee for an emergency permit is \$1,249, which is applied toward the filing fee for the subsequent CDP. Emergency permits, as the term suggests, are approved very quickly with minimal review to prevent imminent loss of life or property. They are issued with the expectation that when the emergency has passed, the applicant will return to the Commission with an application to bring the development into compliance with the Coastal Act. This level of analysis requires significantly more staff time and state resources. By limiting the fee charged for an emergency permit, state taxpayers will be subsidizing the additional cost, which will have to be absorbed out of the Commission's existing budget.

Moreover, armoring is costly and not every property owner will be able afford the expense. It is not uncommon for an engineered sea wall to cost as much as \$200,000, and repairs can be as expensive as the initial cost. A mile-long wall can cost taxpayers millions of dollars. A recent study by the Center for Climate Integrity estimated that defending California's shoreline from sea level rise could cost more than \$22 billion.<sup>6</sup> As we learn more about the economic and resource costs of armoring, it becomes more clear that it is not a good wholesale solution for sea level rise.<sup>7</sup>

## **Conclusion**

The damaging effects of sea level rise and coastal climate change are already occurring, with king tides flooded city streets several times per year, and severe winter storms damaging homes vehicles, and piers throughout the state, as well as eroding public beaches. These impacts are most acutely felt in and by disadvantaged communities, where climate change disproportionately affects California's racial and linguistic minorities and recreational opportunities are limited.

While Orange and San Diego counties experience their share of erosion-related issues, they are by no means unique. Coastal erosion is a statewide phenomenon—and more broadly a global phenomenon. It is difficult to find sufficient rationale for exempting these two counties from Coastal Act policies that would still apply to other communities grappling with their own problematic erosion, flooding and water quality threats.

As the Coastal Commission has advised in its 2018 update to the Sea Level Rise Guidance, in numerous presentations to the public and local governments, and in correspondence with the Legislature, California's approach to sea level rise must be as diverse as the California coast itself. There is no "one size fits all" approach to adapting to sea level rise and coastal erosion, though that is exactly what this bill promotes by expediting coastal armoring. Rather, effective sea level rise adaptation involves identifying the combination of adaptation strategies that is best suited for a given locale.

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<sup>6</sup> <https://www.climatecosts2040.org/costs/california>

<sup>7</sup> <https://www.wired.com/story/the-cost-of-rising-seas-more-than-dollar400-billion-and-lots-of-angst/>

SB 1090 (Bates) Analysis

This combination may include beach replenishment, coastal fortification through natural infrastructure, coastal armoring, relocation, architectural design features and other measures that, collectively, will ensure the continued viability of public beaches, private coastal development, and natural coastal resources. No one approach is singlehandedly feasible or sufficient.

The Coastal Commission is committed to working closely with local governments and communities to ensure that sea level rise adaptation occurs in a manner that is tailored to fit local land uses and resources, equitable in the consideration of communities living on and visiting the coast, and mindful of the catastrophic consequences of failing to adapt. This bill would undermine the Commission's authority to continue that effort. Armoring California's southern coast would lead to permanent loss of public coastal lands and beaches for the temporary benefit of the relatively few land owners fortunate enough to own oceanfront property, deprive inland residents of Constitutionally protected access, and weaken coastal economies as well as reducing State revenues.

**SUPPORT**

California Apartment Assn.

**OPPOSITON**

None on file

**RECOMMENDED POSITION**

Staff recommends the Commission **Oppose** SB 1090.