

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



W6c

DATE: July 8, 2020

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR JULY, 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 06/24/2020. 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

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 4	Assm reconvenes from Joint Recess
May 11	Senate reconvenes from Joint Recess
May 22	Last day for Assm policy committees to meet for fiscal bills
May 25	Memorial Day
May 29	Last day for Assm policy committees to meet for 1 st House non-fiscal bills. Last day for Senate policy committees to meet for 1 st House fiscal bills.
June 1	Committee meetings may resume.
June 5	Last day for Assembly fiscal committees to report 1 st House bills to the Floor. Last day for Senate policy committees to hear and report non-fiscal bills
June 15	Budget Bill must be passed by midnight.
June 19	Last day for Assembly to pass 1 st House bills. Last day for Senate fiscal committees to hear and report Senate Bills to the Floor. Assembly Summer Recess begins upon adjournment
June 26	Last day for Senate to pass 1 st House bills.
July 2	Summer Recess begins upon adjournment.
July 13	Legislature reconvenes from Summer Recess.
July 31	Last day for policy committees to meet and report fiscal bills
Aug 7	Last day for policy committees to meet and report non-fiscal bills
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: ASSEMBLY BILLS

[ACA 5 \(Weber\) Government Preferences](#)

This bill would repeal Proposition 209, a constitutional amendment passed by the voters in 1996. Prop 209 prohibits the state from discriminating against, or giving preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, education or contracting. It invalidated a series of state laws intended to rectify and remedy the under-representation of people of color and women in the workplace and educational institutions.

Introduced	01/18/19
Last Amended	05/04/20
Status	Engrossing and Enrolling
Commission Position	Recommend Support, Analysis Attached

[AB 953 \(Ting\) Land use: accessory dwelling units](#)

This bill would deem a ministerial application for an accessory dwelling unit or a junior accessory dwelling unit approved if a local agency has not acted on a completed application within 60 days.

Introduced	02/21/19
Last Amended	01/06/20
Status	Senate Rules Committee

[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. *Amendments of 05/07 re-tool this into a COVID-19 recovery measure, and state that it is the intent of the Legislature to adopt a policy framework with principles and goals to spend and fund for equity in a manner that prioritizes reversing the factors that have resulted in disproportionate health impacts and economic suffering due to the coronavirus pandemic among California's low-income communities, communities of color, and immigrant communities that have historically faced underinvestment and discriminatory policies.*

Introduced	01/06/20
Last Amended	05/07/20
Status	Assembly Natural Resources Committee

[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 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 01/17/20
Status Senate Rules

[AB 2028 \(Aguilar-Curry\) 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 Senate Rules Committee

[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 prevention strategy for state parks located in very high fire hazard severity zones. *Amendments of 05/18 would require the department to provide an update on the strategy implementation on or before January 1, 2026 to the relevant policy committees of the Legislature.*

Introduced 02/05/20
Last Amended 05/18/20
Status Senate Rules 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. Held in 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, and a building official has not yet issued an incomplete letter. 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
Last Amended 05/04/20
Status Assembly Local Government 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 Senate Rules Committee

[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
Last Amended	05/04/20
Status	Assembly Insurance 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

[AB 2371 \(Freidman\) Strategic Growth Council: science advisory team: climate adaptation and hazard mitigation](#)

This bill would require the Strategic Growth Council (SGC) to convene a climate science advisory team develop recommendations on to improve climate adaptation and hazard mitigation planning. It would require the Council to develop, by January 1, 2022, a list of recommended existing and potential projects of statewide significance that should be prioritized to advance the state's climate resilience, including projects that improve community resilience and hazard mitigation through natural infrastructure. Amendments of 06/04 shift the responsibilities from the SGC to the Governor's Office of Planning and Research,

Introduced	02/18/20
Last Amended	06/04/20
Status	Senate Rules Committee

[*AB 2393 \(Petrie-Norris\) Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and report](#)

As amended, this bill would enact the Coastal Adaptation Permitting Act of 2020, requiring the CNRA to explore and implement options to establish a more efficient permitting process for coastal adaptation projects. The bill would require the agency to submit a report to the Legislature by July 1, 2022, with recommendations for improving the process.

Introduced 02/18/20
Last Amended 05/04/20
Status Assembly Natural Resources Committee

[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

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

This bill would provide for a streamlined process for converting exiting 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. *Amendments of 05/11 establish that the provisions of the bill would not apply in the coastal zone.*

Introduced 02/20/20
Last Amended 05/22/20
Status Assembly Appropriations Committee. Held in 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 Appropriations Committee. Held in Committee

[AB 2768 \(Kalra\) Digital signatures](#)

This bill would repeal the Secretary of State adopt regulations for the use of digital signatures for public agencies in written communications, by January 1, 1977. Instead, the bill would require the Secretary of State to adopt emergency regulations by March 1, 2022.

Introduced 02/20/20
Last Amended 04/04/20
Status Assembly Judiciary Committee

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

This bill would require BCDC to create and implement procedures for reviewing staff decisions in enforcement cases, a method for assessing civil penalties in cases involving multiple violations, 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, beginning in 2025. *Amendments of 5/18 strike the provision authorizing BCDC to record a notice of violation on properties that are subject to an enforcement order, and the provision prohibiting the Commission from using the Abatement Fund to pay for staff salaries.*

Introduced 02/20/20
Last Amended 05/18/20
Status Senate Rules Committee

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

This bill would require that a housing development shall 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, provided that at least 20% of the units are deed restricted to be affordable for purchase or rent to lower income households; the site is not adjacent to an industrial use; and at least 75% of the adjoining parcels are developed with urban uses.

Amendments of 05/11 set height and density standards for qualified proposals.

Introduced 02/21/20
Last Amended 05/11/20
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 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. *Amendments of 05/04 increase the amount of the bond to \$6,980,000,000, and include \$1,100,000,000 for the protection of coastal and ocean resources from sea level rise, of which \$600,000,000 would be available to the State Coastal Conservancy; \$200,000,000 would be available to the Ocean Protection Council, \$30,000,000 for the Coastal Commission's LCP Grant Program, and \$20,000,000 to BCDC for planning and projects. Amendments of 05/18 add "Economic Recovery" to the title in place of "Climate Resilience", make findings related to the economic benefits of the proposed investments, and add a definition of "natural infrastructure." Amendment of 06/04 add an urgency clause.*

Introduced 02/21/20
Last Amended 06/04/20
Status Assembly Rules Committee, pending referral
Commission Position Support

SENATE BILLS

SB 795 (Beall) Affordable Housing and Community Development Investment Program

The bill would make up to \$2 billion per year available for appropriation by the Legislature to provide emergency economic recovery and development, climate change, and disaster response. The bill would create the Climate, Sea Level, and Natural Disaster Program and the Community Economic Development Program within the Governor's Office of Business Development, or "GO-Biz," and require the Controller to allocate up to \$100,000,000 to the program. Recipients may use moneys allocated under this subparagraph to finance projects for the construction, repair, replacement, and maintenance of infrastructure, including natural infrastructure, relating to protecting communities from the effects of climate change.

Introduced	01/06/20
Last Amended	06/18/20
Status	Senate Floor

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. *Amendments of 05/21/20 deleted the provision that established a multi-family project as a use by right in zones where residential uses are permitted, pre-empt any local restrictions on adopting zoning ordinances, and specify that bill would require the Department of Housing and Community Development to determine jobs-rich areas and publish a map of those areas every 5 years.*

Introduced	01/30/20
Last Amended	05/21/20
Status	In Assembly

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 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. *Amendments of 05/29 specify that a fine for a first violation shall not exceed \$1,500 for the first violation, \$3,000 for a second violation, and \$5,000 for subsequent violations within a year.*

Introduced 02/18/20
Last Amended 05/29/20
Status In Assembly

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 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

[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 determine 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	Natural Resources and Water Committee. Held in Committee
Commission Position	Oppose

[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	Assembly Rules Committee

[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. *Amendments of 06/18 specify that any expenditure is subject to appropriation.*

Introduced	02/21/20
Last Amended	06/18/20
Status	Senate Floor

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. *Amendments of 06/18 require the assessment to be updated every 5 years.*

Introduced 02/21/20
Last Amended 06/18/20
Status Senate Floor

SB 1457 (Borgeas) State regulatory action: reduction or waiver of civil penalties

This bill would require state agencies that have a significant rulemaking authority over small businesses 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. *Amendments of 06/18 make the bill's provisions operative only upon the Legislature making an appropriation.*

Introduced 02/21/20
Last Amended 06/18/20
Status Senate Appropriations 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 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 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 Dpt. 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 Dpt. 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
Position	Support

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 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, pending referral

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
Position	Support

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

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**BILL ANALYSIS****[ACA 5 \(Weber\)](#)**

As Amended 06/04/2020

SUMMARY

Assembly Constitutional Amendment 5 would place the option to repeal Section 31 of Article 1 of the State Constitution, as enacted by Proposition 209 in 1996, on the November 2020 ballot. Proposition 209 prohibited all state public institutions from taking any action to discriminate against, or grant preferential treatment to, any person or group based on race, sex or national origin.

RECOMMENDED MOTION

I move the Commission **Support** ACA 5, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is to give California voters the opportunity to re-establish the state's authority to implement affirmative action in the advancement of social and racial equity.

EXISTING LAW

Article 14 of the US Constitution (the Equal Protection Clause) provides that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article 1 of the State Constitution prohibits the state of California from discriminating against or granting preferential treatment to, "any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting."

The State Civil Service Act (Government Code Section 18000 et seq.) requires that state employment be based on the merit principle: that appointments are based on merit and fitness ascertained through practical and competitive examination, and that tenure of service employment is subject to good behavior.

The Department of Fair Employment and Housing, California's civil rights agency is responsible for enforcing the state's civil rights laws, including the Fair Employment and Housing Act.

PROGRAM BACKGROUND

Prior to the passage of Proposition 209, public entities in California were still able to undertake some actions to increase workplace and student body diversity consistent with the *Bakke* decision.

Concerned about the underrepresentation of people of color in the environmental field, the Commission sponsored a bill in 1991 (SB 154, McCorquodale) to amend the Coastal Act and the Government Code, giving the Commission the flexibility and tools it needed to enter into arrangements with non-profits for the purpose of increasing the ethnic diversity of staff. Pursuant to the bill, which added Coastal Act Section 30012(d), the Commission established the "Come-In" Minority Environmental Intern Program, a robust, paid internship program which sought out candidates that "reflect the ethnic diversity of the state." Funded and implemented collaboration with NGOs such as the Minority Opportunities Program, the California Environmental Trust and the Environmental Careers Organization, the positions were funded through an aggressive fundraising effort, with monies coming from a variety of private and public entities. Interns were paid a stipend for up to a 1-year internship, during which they acquired the skills necessary to qualify for permanent employment. Additional details about the Program can be found in Attachment 1.

The Legislature enacted Section 30012(d) because it recognized the need for the state to actively inspire, recruit, train and support young people of color to pursue careers in the environmental field generally, and in coastal management specifically, because it understood Commission's work would necessarily be focused on coastal areas which are predominantly white communities. Through the passage of SB 154, they took particular care to create a pathway for young people of color to gain the experience needed for work at the Commission.

In 1996, California voters approved Proposition 209, the "California Civil Rights Initiative," by a margin of 55%. Proposition 209 was based, in part, on a reverse discrimination lawsuit against the University of California Medical School, filed by Alan Bakke. In a landmark 1978 Supreme Court case, Mr. Bakke, who is white, argued in his reverse discrimination suit that he had been rejected in favor of less qualified applicants due to racial quotas. The court ruled that the University's use of racial quotas was unconstitutional, but upheld the use of affirmative action as long as institutions could show that the consideration of race was necessary to promote a compelling state interest. Mr. Bakke was eventually admitted to medical school, but the broader concept of affirmative action, with some caveats that narrowed its application, remained viable.

Nearly 20 years later in 1996, California voters approved Proposition 209, the "California Civil Rights Initiative" based, in part on the Bakke decision. The initiative passed by 55 percent reversing decades of state affirmative action programs and practices by prohibiting any state agency or institution from giving preferential treatment to any person or group on the basis of race, gender, or national origin.

Following the passage of Proposition 209, the Commission was no longer able to operate the intern program specifically focused on increasing diversity at the agency. Although the Commission continued to make efforts to recruit, attract and hire talented individuals from diverse backgrounds for its fellowship positions and unpaid internships, the diversity internship program ceased to exist as a discreet, funded program. Proposition 209 also limited the ability of state agencies to compile internal personnel data on race or national origin, making it more difficult to quantify existing diversity within the agency, establish a baseline, or determine the success of diversity outreach and recruitment.

According to a report commissioned by the Equal Justice Society, one of the major impacts of Proposition 209 was seen in the public procurement process. The study notes that Proposition 209 "caused the state and local governments to end their race-conscious contracting programs, resulting in a loss of \$1 billion to \$1.1 billion annually for minority and women business enterprises."

The Commission continues to do what it can within the bounds of the law to recruit, hire and retain a diverse and dedicated work force over the years. Indeed, the Commission has made consistent progress toward its goal of building a professional staff that reflects the diversity of California as a whole, particularly over the last decade. Data compiled by the Office of Civil Rights gleaned from voluntary self-reporting, while not fully comprehensive, shows that the percentage of non-white staff at the Commission's has grown from 27% in 2011 to 35 % in 2019. This is due to sustained outreach to colleges and universities throughout the state, participation in employment fairs in urban and rural areas, language diversity outreach and consistent participation in external fellowship programs.

ANALYSIS

Proposition 209 was written and advanced by individuals who clearly sought to end affirmative action. But rather than calling it what it was, the campaign led by UC Regent Ward Connerly cynically promoted the measure as opportunity to create a color-blind, gender-blind society. Co-author and academic Glynn Custred decried multi-culturalism as "terribly misguided." Governor Pete Wilson, who had championed the overtly discriminatory Proposition 187 in 1994 co-wrote the ballot statement in support of Proposition 209 with Wade Connerly:

The only honest and effective way to address inequality of opportunity is by making sure that *all* California children are provided with the tools to

compete in our society. And let them succeed on a fair, color-blind, race-blind, gender-blind basis.”

Thus, Proposition 209 effectively eliminated affirmative action for marginalized groups in the name of equality. Unfortunately, several other states followed California’s lead, and enacted similar laws by statute, voter initiative, or executive order including Washington, Arizona, Florida, Nebraska, New Hampshire and Oklahoma. And yet, state and national indicators continue to reflect a significant and, in many cases, growing wage gap and employment disparity between whites and people of color as well as gender.¹ These and other disparities laid bare by the Covid-19 pandemic, are informing an emerging social consensus that “equality” and “equity” are very different concepts.

Twenty-four years after its approval by the voters, Proposition 209’s legacy remains controversial. Over time, it’s become clear that the practical effect has been to eliminate an important social ladder to economic and social justice for these communities. As Supreme Court Justice Harry Blackmun wrote the *Bakke* decision, “In order to get beyond racism, we must first take account of race. There is no other way... And in order to treat some persons equally, we must treat them differently. We cannot – we dare not – let the Equal Protection Clause perpetuate racial supremacy.”

Removing barriers to the Coastal Commission’s efforts to increase diversity would be beneficial to the agency as a whole and the public it serves, because including the perspective of different lived experiences in the decision-making process makes Commission decisions stronger and more durable. It would also resolve legal ambiguities related to grant awards to race and gender specific NGOs. The Commission’s adopted Environmental Justice Policy notes, “Equity refers to the fairness of achieving outcomes for all groups.” In other words, the Commission recognizes that the benefits of coastal resource protection cannot be equitably distributed or enjoyed as long as significant racial, gender, and socio-economic disparities persist throughout our culture and our institutions. Nor will the Commission be fully able to implement its Racial Equity Action Plan (REAP), designed to increase equity within the agency, without the tools necessary to accurately measure its progress.

¹ For instance, 2019 study from the Economic Policy Institute shows that Black workers are twice as likely to be unemployed than their white counterparts. Research by The Institute for Women’s Policy Research shows that women earn an average of 82 cents to the dollar of male co-workers.

ACA 5 would allow a more diverse California electorate another opportunity to approve or reject a change in state policy regarding affirmative action, by placing the question before the voters on the November 2020 ballot, just as Proposition 209 did. Should it pass, it will restore the Commission's and all state departments' ability to freely implement measures and advance diversity initiatives in the service of race and gender equity in California.

SUPPORT

California Faculty Assn. (Co-sponsor)
Chinese for Affirmative Action (Co-sponsor)
UC Board of Regents
ACLU California
League of Women Voters

OPPOSITON

Asian American Coalition for Education
Organization for Justice and Equality
San Diego Asian Americans
Silicon Valley Chinese Assn. Foundation
Silicon Valley Community United

Full list of Support Available in [Senate Committee Analysis](#)

RECOMMENDED POSITION

Staff recommends the Commission **Support** ACA 5.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

W8e 

March 31, 1993

TO: Commissioners and Other Interested Parties

FROM: Peter Douglas, Executive Director

SUBJECT: Contract For Minority Environmental Intern Program
(For meeting of April 13-16, 1993, Holiday Inn, Los Angeles)

Recommendation: Staff recommends that the Commission authorize the Executive Director to enter into a contract, not to exceed \$150,000, with the Environmental Careers Organization (ECO), the California Environmental Trust or other appropriate nonprofit organization to provide interns to the Commission for the "Coast and Ocean Minority Environmental Intern Program".

Staff Analysis: The Commission has committed itself to improving the involvement of people of color in professional careers in coastal management and the environmental field in general. This contract will enable the Commission to secure assistance in identifying, recruiting, and employing minority interns through a non-profit organization. In 1991, the Commission sponsored and the Legislature passed an amendment to the Coastal Act that was, among other things, specifically designed to give the Commission the flexibility and tools it needs to enter into arrangements with non-profit organizations for the purpose of increasing the ethnic diversity of participants in coastal management through appropriate internship programs (see PRC section 30012). The contract may be executed with the California Environmental Trust (CET, the Commission's partner in seeking private funding support for the program), the Environmental Careers Organization (ECO), or other suitable non-profit organization which can provide the services needed to enable the Commission to recruit and support interns representative of ethnic groups not historically involved in coastal management or natural resource-environmental protection programs.

The Commission pursued enactment of section 30012 of the PRC after prior attempts to utilize intern programs through arrangements with non-profit organizations such as ECO were terminated by the State Personnel Board as being contrary to state rules and regulations. Given the important and positive public policy and social purposes served by the Commission's initiative, legislation was proposed by the Commission and signed into law by Governor Wilson to enable the Commission to implement this program notwithstanding other provision of law which might otherwise be used to block it. By approving this contract recommendation, the Commission concurs with the position of the Executive Director that section 30012 (d) of the PRC gives the Commission the authority, "notwithstanding any other provision of law", to select and contract with any appropriate non-profit organization that will

specifically provide services to expand minority participation in coastal management or natural resource-environmental protection fields. Accordingly, the Commission agrees with the Executive Director that the Commission may contract with such a non-profit organization notwithstanding its inability to demonstrate compliance with minority, women and disabled veteran business participation requirements. Leaving aside questions about the applicability of the M-W-DVBE participation requirements to non-profit organizations when the sole purpose of the proposed state contract is to expand minority participation in environmental career fields, the provisions of section 30012(d) would clearly be frustrated if the Commission were precluded from participating in a minority intern program because the non-profit organization does not have the resources to comply with those requirements. The Commission respectfully urges the Department of General Services, in reviewing a contract to implement the Commission's minority intern program, to concur with its reading and interpretation of section 30012(d). In addition and with respect to the M-W-DVBE participation requirements, the Commission also recognizes that this program is a form of subvention aid to the public by contract with a non-profit organization by providing people of color the opportunity for on the job training in a professional field through paid internships.

A description of the Commission's Minority Environmental Intern Program, an overview of the Commission's broader program relative to public outreach and of the individual internship positions is attached.

3586I

PROJECT SUMMARY :

The California Coastal Commission (CCC) is concerned about the lack of representation of people of color in the environmental field. To address this issue, the Coastal Commission has joined in a unique partnership with the California Environmental Trust (CET) to provide employment opportunities to minority college students and recent graduates.

This will be accomplished through the development of the *Coast and Ocean Minority Environmental Intern Program*. Interns will work closely with a staff member who will supervise their work on a daily basis. Minority professionals in the environmental fields will serve as mentors, meeting with the interns regularly to provide career advice and support. In order to gain a broad range of experiences, interns will work for six to nine months at CCC and complete a three month "internship within an internship" at a local non-profit agency which matches with the specific interests of the intern.

The California Environmental Trust recognizes that increasing opportunities for people of color in the environmental field will be crucial to the future success of the environmental movement. To aid the Coastal Commission in accomplishing this goal, the Trust, a non-profit organization with tax exempt 501(c)(3) status, is available to receive and administer the funds for this internship program.

Our program will provide interns with educational seminars and training sessions to increase their awareness of environmental issues. They will work on a variety of projects focusing on outreach, education and policy making. For example, one intern will work on the further development of the minority involvement and outreach program. This intern will meet with leaders in the environmental and social justice communities, attend job and career fairs and develop methods to disseminate information to minority communities on coastal protection initiatives. Another intern will work in the Pajaro Valley Unified School District to develop a program of coastal environmental awareness for the K-3, 4-6, 7-8 and high school levels in this predominantly Latino community. Other interns will participate in permit monitoring to prevent unregulated development along the coast.

The total budget for this program is \$436,993. The Coastal Commission will provide staff administrative and overhead support of \$180,360 and an additional \$100,000 to match funds raised from outside sources. Funds raised previously for program development include a \$9500 matching grant from the Packard Foundation. The total request for assistance from the Hewlett Foundation is \$75,000, to be disbursed directly to the California Environmental Trust. This money will support intern stipends and outreach efforts.