CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

W6c

DATE: March 10, 2021

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR MARCH, 2021

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 03/03/2021. 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

---

2021 Legislative Calendar

Jan 1	Statutes take effect.
Jan 6	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor
Jan 18	Martin Luther King, Jr. Day
Jan 22	Last day to submit bill requests to Legislative Counsel
Feb 15	Presidents Day
Feb 19	Last day for bills to be introduced.
March 25	Spring Recess begins upon adjournment.
March 31	Cesar Chavez Day observed.
April 5	Legislature reconvenes from Spring Recess.
April 30	Last day for policy committees to hear and report fiscal bills.
May 7	Last day for policy committees to hear and report non-fiscal bills introduced in their house.
May 14	Last day for policy committees to meet prior to June 7.
May 21	Last day for fiscal committees to hear and report to the Floor bills introduced in their house.
May 31	Memorial Day
June 1-4	Floor session only

June 4	Last day for each house to pass bills introduced in that house.
June 7	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.
July 2	Independence Day Observed
July 14	Last day for policy committees to meet.
July 16	Summer Recess begins upon adjournment.
Aug 16	Legislature reconvenes from Summer Recess.
Aug 27	Last day for fiscal committees to meet and report bills.
Aug 30-Sep 10	Floor session only
Sep 3	Last day to amend bills on the Floor
Sep 6	Labor Day
Sep 10	Last day for each house to pass bills. Recess begins upon adjournment.

PRIORITY LEGISLATION

Coastal Act Amendments

SB 1 (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. This bill is a reintroduction of SB 1100.

Introduced	12/07/20
Commission Position	**Recommend Support with Amendments, Analysis Attached**
Status	Senate Natural Resources Committee

***SB 433 (Allen) California Coastal Act: enforcement: penalties**

This bill would amend Public Resources Code Section 30821 expand the Coastal Commission's administrative penalty authority to all types of Coastal Act violations.

Introduced	02/15/21
Commission Position	**Recommend Support, analysis attached**
Status	Natural Resources and Water Committee

***SB 627 (Bates) Coastal erosion: shoreline protective devices: application process**

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, 2021, 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	02/18/21
Commission Position	**Recommend Oppose, analysis attached**
Status	Senate Natural Resources and Water and EQ Committee

***AB 1408 (Petrie-Norris) Coastal resources: coastal development permits: fees**

This bill would authorize a city or county to waive or reduce the permit fee for a public access or restoration project at the request of an applicant. If a city or county rejects the request, the bill would authorize the applicant to submit the coastal development permit application directly to the commission.

Introduced	02/19/21
Status	Assembly Rules Committee

SEA LEVEL RISE/ PLANNING/ ADAPTATION

AB 11 (Ward) Climate change: regional climate change coordinating groups

This bill would require the Strategic Growth Council to establish up to 12 regional climate change authorities by January 1, 2023, to coordinate adaptation and mitigation activities in their regions and coordinate w relevant stakeholders, and adopt guidelines that define regional climate authorities. The regional climate authorities, in cooperation with local agencies and regional stakeholders that choose to participate, would promote regional coordination, capacity-building, technical assistance and regional alignment of plans and program designed to address climate change impacts and risks. Once established, the authorities would:

(1) Receive state and federal grants, hire staff, enter in Joint Power Agreements, establish governance procedures and policies, and would provide annual reports to the SGC on its activities.
(2) Support the development of and updates of regional adaptation and mitigation plans, strategies, and programs, and provide technical assistance.
(3) Support the implementation of regional adaptation and mitigation plans, strategies, and programs, including evaluating funding mechanisms and providing technical assistance.
(4) Facilitate the exchange of adaptation and mitigation best practices, policies, projects, and strategies among participating local agencies and stakeholders.
(5) Conduct activities to support ongoing coordination among local agencies and stakeholders, including convening working groups, organizing training opportunities, and creating mechanisms for collaboration.
(6) Conduct educational activities for local agencies, decision-makers, key stakeholders, and the general public to increase their understanding of climate change risks and adaptation and mitigation solutions.
(7) Administer grants to local agencies and eligible stakeholders.

Introduced	12/07/20
Last Amended	01/21/21
Status	Assembly Natural Resources Committee

AB 50 (Boerner Horvath) Climate change: California Climate Adaptation Center and Regional Support Network: sea level rise

This would establish the California Climate Adaptation Center and Regional Support Network within the Ocean Protection Council (OPC) to provide technical support and information to local governments on adapting to climate change impacts related to sea level rise. The bill would authorize 10 full-time staff positions within the OPC with expertise in planning, engineering, land use law, finance, and community outreach, and 10 full-time staff in regional locations. This bill is a reintroduction of AB 1920.

Introduced	12/07/20
Status	Assembly Natural Resources Committee

AB 51 (Quirk) Climate change: adaptation: regional plans

This bill would require the Strategic Growth Council to establish guidelines for the formation of regional climate adaptation planning groups, and would require the CNRA and OES to develop criteria for the development of regional climate adaptation plans.

Introduced	12/07/20
Status	Assembly Natural Resources Committee

AB 66 (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 coastal landslides bluff erosion and submit recommendations to the Legislature on the development of an early warning system that would predict landslides on coastal bluffs by January 1, 2024. This bill is a reintroduction of AB 2081.

Introduced	12/07/20
Status	Assembly Natural Resources Committee

AB 67 (Petrie-Norris) Sea level rise: working group: economic analysis

This bill would require state agencies to take current and future sea level rise into account when planning, designing, building, operating, maintaining or investing in state infrastructure located in the coastal zone or otherwise subject to flooding from sea level rise or storm surges. It would require the OPC, in consultation with the Office of Planning and Research, to establish a multi-agency working group to develop, among other things, a standardized methodology for conducting economic analyses of the risks and adaptation strategies associated with sea level rise. The bill would require state agencies to conduct a sea level rise analysis for any state-funded infrastructure project located in the coastal zone or otherwise vulnerable to flooding from sea level rise pursuant to that methodology.

Introduced	12/07/20
Status	Assembly Natural Resources Committee

AB 72 (Petrie-Norris) Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and permitting: report

This bill would authorize the CNRA to explore and implement options to increasing the efficiency and coordination of coastal adaptation project review and permitting. The bill would require the agency to submit, by July 1, 2023, a report to the Legislature with additional suggestions and recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.

Introduced	12/07/20
Status	Assembly Natural Resources Committee

SB 83 (Allen) Coastal resources: climate change: sea level rise

This bill would create the Sea Level Rise Revolving Loan Program to provide low-interest loans to local governments for the purchase of threatened coastal properties vulnerable to sea level rise, subject to the approval of a "vulnerable coastal property plan." The bill would authorize the California Infrastructure and Economic Development Bank to issue bonds, and require that all loan repayments, fees and penalties be deposited in the fund. This bill is a reintroduction of AB 1293.

Introduced	12/15/20
Commission Position	**Recommend Support, analysis attached**
Status	SNRW & Governance and Finance Committees

AB 111 (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 alignment alternatives for the LOSSAN Rail Corridor in San Diego County. The bill would require SANDAG to submit a report to the Legislature and designated committees by January 1, 2024. This bill is a reintroduction of AB 2062.

Introduced	12/17/20
Status	Assembly Transportation Committee

***SB 449 (Stern) Climate related financial risk**

This bill would require the Governor establish an advisory Climate Change Financial Risk Task Force to assess climate-related financial risk facing investors, corporations, banks, credit unions, mortgage lenders, insurers, and the state. The task force would include the Commissioner of Financial Protection and Innovation, the Treasurer, the Controller, and the Insurance Commissioner, and would require the task force to prepare an annual climate-related financial risk report. It would also require banks and other financial and lending institutions to prepare a climate-related financial risk report, and update it annually.

Introduced	2/16/20
Status	Senate Banking and Financial Institutions Committee. April 9.

***SB 456 (Laird) Climate resiliency**

This is a spot bill related to climate resiliency.

Introduced	02/16/21
Status	Senate Rules Committee

***AB 897 (Mullin) Regional climate networks: climate adaptation action plans**

This bill would authorize local jurisdictions to establish regional climate networks, in consultation with the Governor's Office of Planning and Research (OPR). It would also require OPR to develop, by July 1, 2022, guidelines for regional climate networks prepare regional climate adaptation action plans.

Introduced	02/17/21
Status	Natural Resources Committee

***AB 826 (Bennett) Beach erosion: South Central California Coast**

This bill would establish the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) Program within the Coastal Conservancy to address resource and recreation goals of the South Central Coast from Point Conception to Point Mugu. The bill would authorize the Conservancy to undertake projects and award grants and loans to public agencies and non-profits to provide for public access, recreational opportunities, open space, wetland restoration and other priorities. The bill would also require the Conservancy to prepare a coastal erosion and sea level rise plan that would identify underused, existing public open space areas and facilities and parks that may be in need of upgrades. The plan would give priority to sea level rise and coastal erosion related projects that create expanded opportunities for recreation, restoration, aesthetic improvement, and wildlife habitat along the coast that can be improved without infringing on water quality, water supply, and necessary flood control.

Introduced	02/16/21
Status	Natural Resources Committee

HOUSING

SB 6 (Caballero) Local planning: housing: commercial zones

This bill would deem a housing development an allowable use in retail commercial zoning that is not adjacent to an industrial use, if certain density requirements are met. This is a reintroduction of SB 1385.

Introduced	12/09/20
Status	Senate Housing & Governance and Finance Committees

SB 8 (Skinner) Density Bonus Law

This bill would make a non-substantive change to the Density Bonus Law.

Introduced	12/09/20
Status	In Senate, pending referral

SB 9 (Atkins) Housing development: approvals

This bill would require cities and counties to ministerially approve applications for housing units containing 2 residential units within single-family residential zoning if certain conditions are met. The bill would also require ministerial approval for urban lot splits if the parcel is not in an historic zone and the 2 new parcels are of equal size and not less than 1,200 square feet. Neither action would be subject to CEQA. The bill would specify that these provisions would not supersede or lessen the intent or application of the Coastal Act, except that permit applications for lot splits or 2-unit residential development projects shall not require a public hearing. This is an introduction of SB 1120.

Introduced	12/07/20
Status	Senate Housing & Governance and Finance Committees

SB 10 (Wiener) Planning and zoning: housing development: incentives

This bill would authorize local governments, notwithstanding any other provision of law, to adopt an ordinance to zone any parcel for up to 10 units of residential density, if the parcel is located in a jobs-rich area, a transit-rich area, or an urban infill site. The bill specifies that it shall not be construed to relieve a local agency from complying with the Coastal Act of 1976. *Amendments of 2/24 require HCD to publish a map of the "jobs rich areas" in the state by January 1, 2023, and update the map every 5 years thereafter.*

Introduced	12/07/20
Last Amended	02/24/21
Status	Senate Housing & Governance and Finance Committees

AB 115 (Bloom) Planning and zoning: commercial zoning: 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	12/18/20
Status	Assembly Housing and Community Development Committee

SB 203 (Bates) Approval and adoption

This bill would make a non-substantive change to the Health and Safety Code, related to building standards. This is spot bill.

Introduced	01/08/2
Status	Senate Rules Committee

SB 290 (Skinner) Density Bonus Law: student housing for lower income students

This bill would add student housing for lower-income students to the types of development that are eligible for an incentive concession under density bonus law. The bill also reduces parking ratios to 0.5 spaces per bedroom if the development includes at least 40% moderate-income units and is within ½ mile of a major transit stop, and makes technical changes to the statute.

Introduced	01/08/2
Status	Senate Housing Committee

AB 345 (Quirk-Silva) Accessory dwelling units: separate conveyance

This bill would require local governments to adopt an ordinance allowing an accessory dwelling unit to be separately sold or conveyed to a qualified buyer if it was built by a qualified non-profit. Current law authorizes such an ordinance. The bill would also eliminate the requirement for the recording of a grant deed and change of ownership report, and replace it with the recordation of a recorded contract between the buyer and the non-profit seller.

Introduced	01/08/21
Status	Assembly Housing and Community Development Committee

AB 357 (Kamlager) Affordable housing

This is a spot bill that states the intent to enact legislation related to affordable housing.

Introduced	02/01/21
Status	Assembly Rules Reading

***AB 916 (Salas) Accessory dwelling units: bedroom addition**

This bill would prohibit a local government from requiring a public hearing for adding an additional bedroom to a single-family structure. It would also allow raise the maximum height of an accessory dwelling unit from 16 feet to 20 feet high, and allow a detached accessory dwelling structure to share a wall with the primary structure.

Introduced	02/01/21
Status	Assembly Housing and Community Development and Local Government Committees

***SB 478 (Wiener) Planning and Zoning law: housing development projects**

This bill would prohibit a local agency from imposing minimum lot size standards that exceeds an unspecified number of square feet on parcels zoned for between 2and 10 units. The bill would additionally require the department of Housing and Community Development to identify and the Attorney General to prosecute violations of these provisions by a local government.

Introduced	02/17/21
Status	Senate Governance and Finance and Housing Committees

***SB 621 (Eggman) Conversion of motels and hotels: streamlining**

This bill would provide for a streamlined approval process for the conversion of motels and hotels to multi-family housing. The bill would not apply to motels and hotels in the coastal zone

Introduced	02/17/21
Status	Senate Housing, Governance and Housing Committee

COASTAL RESOURCES/OCEAN RELATED

AJR 2 (O'Donnell) Coastal and marine waters: Santa Catalina Island: DDT

This measure would request that the US Congress and the US EPA take all measures necessary to protect marine wildlife, humans and natural resources from the recently discovered corroding barrels of DDT that were dumped offshore between the mainland and Catalina Island.

Introduced	12/07/20
Status	In Assembly, pending referral

SB 54 (Allen) Solid waste: Plastic Pollution Producer Responsibility Act

This bill would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from selling or distributing such products that are after January 1, 2032, unless they are recyclable or compostable.

Introduced	12/07/20
Last Amended	02/24/21|
Status	Natural Resources & Governance and Finance Committees

AB 63 (Petrie-Norris) Marine Managed Areas Improvement Act: marine resources

This bill would add restoration to the list of allowable activities within an MMA.

Introduced	12/07/20
Status	Assembly Water, Parks and Wildlife Committee

SB 69 (McGuire) Northcoast Railroad Authority: right of way: Great Redwood Trail

Relative to the Coastal Commission, this bill change the name of the North Coast Rail Authority to the Great Redwood Trail Agency, require the Rail Authority to assign all of its rights and responsibilities for the northern portion of the right-of-way to the Agency, and require the Agency to, among other things, complete an environmental assessment of the conditions of the northern portion of the right-of-way; plan, design, construct, operate, and maintain a trail in, or next to, the northern portion of the right-of-way, and complete a federal rail banking process. The bill would also give the agency certain rights and powers, including, the right to fix and collect fees, make grants, acquire interests in real property, and enter into contracts and joint powers agreements. This bill would also create the Great Redwood Trail Program Fund, and provide for the appointment of the Agency's directors.

Introduced	12/07/20
Status	Senate Transportation Committee

AB 223 (Ward) Dudleya: wildlife: taking and possession

This bill would make it I misdemeanor to remove, uproot, harvest or cut dudleya from state or locally owned land, or from privately owned land without the owner's written permission. It would also be unlawful to possess, transport, export or offer to sell or to purchase dudleya harvested in violation of these provisions, punishable by a fine of not less than $5,000 and up to one year in county jail.

Introduced	01/11/21
Status	Assembly Water, Parks and Wildlife Committee

AB 303 (Rivas) Aquaculture: mariculture

This bill would amend the Fish and Game Core to require the Department of Fish and Wildlife to investigate whether and how to seek state verification authority from the United States Army Corps of Engineers to streamline the review and approval of federal permits issued by the United States Army Corps of Engineers that may be required by a mariculture project intending to operate in this state.

Introduced	01/25/21
Status	Assembly Water, Parks and Wildlife Committee

AB 379 (Gallagher) Wildlife conservation: conservation lands

This bill would authorize the Wildlife Conservation Board to enter into agreements with, and provide grants or loans to, California Native American Tribes to enhance or manage fish and wildlife habitats. The bill would also allow for the sale or transfer of conservation lands to Tribes to improve conservation management, public access, historic preservation, or to protect or enhance the biological value of conservation lands. Current law authorizes these activities with non-profits, and state and local agencies.

Introduced	02/01/21
Status	Assembly Water, Parks and Wildlife Committee

SB 413 (McGuire) Electricity: offshore wind generation facilities: site certification

This bill would give the California Energy Commission (CEC) exclusive authority over offshore wind generation facilities. The bill would require the CEC to evaluate and mitigate impacts on indigenous peoples, fisheries and local governments, and to research the effects of offshore wind generation development on native tribes, small local governments and fisheries.

Introduced	02/12/21
Status	Senate Energy, Utilities and Communications Committee

SB 418 (Laird) Sea level rise planning: data base

This bill would extend by one year the sunset on the statute that requires the Ocean Protection Council to develop and maintain a Sea Level Rise Planning Database on its website. The current sunset on the requirement is January 1, 2023.

Introduced	02/12/21
Status	Senate Natural Resources and Water Committee

***SB 467 (Weiner) Oil and gas: hydraulic fracturing: prohibition: job relocation**

This bill would revise the definition of "well stimulation treatment" and prohibit all hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, cyclic steaming, or other well stimulation treatments beginning January 1, 2027. The bill would require the Geologic Energy Management Division (CalGEM) to develop and administer a program to identify oil and gas workers who have lost their jobs and to provide incentives to oil and gas well remediation companies to hire those workers for well remediation.

Introduced	02/16/21
Status	Senate Natural Resources and Water Committee

***AB 525 (Chiu) Energy: offshore wind generation**

This bill requires the California Energy Commission (CEC) and the Public Utilities Commission (PUC) to develop a strategic plan to achieve at least 10,000 megawatts of offshore wind energy off the California coast by 2040, with an interim target of 3,000 Megawatts by 2030. The plan would be submitted to the CNRA by June 1, 2022. The bill would also require the Energy Commission to develop a plan to improve existing waterfront facilities to support turbine construction and assembly and associated activities. It would also require the Energy Commission, in consultation with the CPUC and the ISO, to evaluate necessary transmission investments and upgrades necessary to support at least 10,000 megawatts of wind power.

Introduced	02/11/21
Status	Assembly Utilities and Energy Committee

***AB 564 (Gonzalez) Biodiversity Protection and Restoration Act**

This bill would codify the Governor's Executive Order N-82-20 to protect and conserve the state's biodiversity, and conserve at least 30% of California's land and coastal waters by 2030. It would establish a state policy that public agencies shall not approve projects as proposed that are inconsistent with or would impair the successful implementation of order.

Introduced	02/11/21
Status	Assembly Accountability and Administrative Review Committee

***AB 622 (Friedman) Washing machines: microfiber filtration**

This bill would require that all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller by January 1, 2024.

Introduced	02/12/21
Status	Assembly ESTM Committee

***AB 954 (Petrie-Norris) Ocean use planning**

This bill would make a non-substantive change to the Public Resources Code pertaining to California's offshore waters.

Introduced 02/17/21
Status In Assembly

***AB 1384 (Gabriel) Resiliency Through Adaptation, Economic Vitality and Equity Act of 2021**

This bill would require the Strategic Growth Council to develop a strategic resiliency framework that makes recommendations and identifies actions that are necessary to prepare the state for the most significant climate change impacts. The bill would require state agencies to engage with regional entities to implement regional solutions, and to proactively engage vulnerable communities who have been disproportionately impacted by climate change. The bill would authorize the Treasurer, and the financing authorities that the Treasurer chairs, to assist state agencies by leveraging public and private capital investment to help with loans and other incentives to attain the goals identified in the strategic resiliency framework.

Introduced 02/17/21
Status In Assembly

FIRE

SB 12 (McGuire) Local government: planning and zoning: wildfires

This bill would require local governments to amend their land use plans to include maps of any very high fire hazard areas within its jurisdictions upon each revision of its housing element after July 1, 2024. Within 12 months of any update, the local government must adopt a very high fire hazard risk overlay zone or otherwise amend its zoning ordinance to be consistent with the land use plan.

Introduced 12/07/20
Status Governance and Finance & Housing Committees

SB 55 (Stern) Very high fire hazard severity development prohibition

This bill would prohibit the creation or approval of new residential development in a very high fire hazard severity zone or a state responsibility area.

Introduced 12/07/20
Status Senate Rules Committee

SB 63 (Stern) Fire prevention: vegetation management: public education: grants: fire hazard severity zones: forest management

Relevant to the Coastal Commission, this bill would require the Director of Forestry and Fire Protection (CalFire) to identify areas of the state as moderate and high fire hazard severity zones based on specific criteria. It would prohibit defensible space clearance beyond the parcel's property line, except with the written consent of the neighboring land owner in order to meet the 100' defensible space clearance requirement. The bill would make changes to CalFire's local assistance grant program for fire prevention activities to increase the protection of people, structures and communities through vegetation management along roadways and driveways, public education and projects to reduce flammability of structures from wind-driven embers

Introduced	12/07/20
Status	Senate Natural Resources & Housing Committees

AB 380 (Seyarto) Forestry: priority fuel reduction projects

This bill would require CalFire, to determine what communities are at greatest risk of wildfire, based upon best available science and socioeconomic factors. CalFire would then identify priority fuel reduction projects by December 31, 2022, and update the list annually thereafter. The department would not be required to develop regulations to implement these provisions.

Introduced	02/02/21
Status	Assembly Natural Resources Committee

***AB 642 (Friedman) Wildfires**

This bill would require the Director of Forestry and Fire Protection to identify areas in the state as moderate and high fire hazard severity zones. The bill would additionally require the director classify areas into fire hazard severity zones based on additional factors including possible lightning caused ignition. The bill would require a the Office of the State Fire Marshal and the Department of Housing and Community Development to propose expanded application of the adopted fire protection building standards to high fire hazard severity zones, and consider expanded application of building standards for moderate fire severity zones.

Introduced	02/19/21
Status	Assembly Natural Resources Committee

***AB 1295 (Muratsuchi) Residential development agreements: very high fire risk areas**

This bill would prevent a city or county from entering into a residential development agreement for a property in a very high fire risk area.

Introduced	02/19/21
Status	Assembly Local Government and HCD Committees

TRANSPORTATION

SB 231 (McGuire) Department of Transportation: transfer of property: Blues Beach

This bill would authorize Caltrans to transfer the property known as Blues Beach in Mendocino County to a qualified non-profit organization organized by one or more qualified Native American Tribes for environmental protection. The bill would require the property to only be used for natural habitat purposes, and would require the property to revert to the department if the property is not maintained.

Introduced	12/07/20
Status	Senate Transportation Committee

SB 227 (Jones) Off-highway vehicles

This bill would make several changes to the Public Resources Code dealing with off-highway vehicles (OHVs). It would require the State Air Resources Board, in consultation with the Department of Parks and Recreation, to adopt a regulation by January 1, 2023, prescribing when competition motorcycles and all-terrain vehicles may operate on public lands to practice for sanctioned competition events. It would also require public land managers to administer off-highway vehicle competition practice in accordance Section 2415 of Title 13 of the California Code of Regulations.

Introduced	01/15/21
Last Amended	03/04/21
Status	Senate Transportation and NRW Committees

***SB 790 (Stern) Advance Mitigation Program: wildlife connectivity barriers**

This bill would authorize CalTrans to use funds from the Advance Mitigation Account to modify or remove wildlife connectivity barriers not covered by existing regulatory programs.

Introduced 02/19/21
Status Senate Transportation Committee

***AB 1401 (Friedman) Residential and commercial development: parking requirements**

This bill would prohibit a city or county from imposing minimum parking requirements on new development that is within one-half mile walking distance of public transit, or located within a low-vehicle miles traveled area.

Introduced 01/19/21
Status Assembly Rules Committee, pending referral

BONDS

SB 45 (Portantino) Wildfire Prevention, Safe Drinking Water, Drought Preparation and Flood Protection Bond Act of 2021

This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation and Flood Protection Bond Act of 2021 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.

Introduced 12/07/20
Status Senate Natural Resources and Water Committee

SB 5 (Akins) Housing: bond act

This bill would state the intent of the Legislature to enact legislation that would authorize the issuance of bonds to finance housing-related programs that serve the homeless and extremely low income and very low income Californians

Introduced 12/07/20
Status Senate Rules Committee, pending referral

AB 125 (Rivas) Food and agriculture: climate crisis: COVID-19 recovery

This bill would state the intent of the Legislature to enact legislation that would authorize the issuance of bonds to support solutions to the climate crisis and recovery from the COVID-19 pandemic that would create a more equitable and resilient food and farming system.

Introduced	12/18/20
Status	Assembly Rules Committee

***AB 1500 (Garcia, Mullin) Safe Drinking Water: Wildfire Prevention: Drought Protection: Flood Protection: Extreme Heat Mitigation and Workforce Development Bond Act of 2021**

This bill would authorize the issuance of $6,700,000,000 in General Obligation Bonds to finance programs and activities specified. Relevant to the Coastal Commission, this measure would provide $30 million to the Coastal Commission, upon appropriation, for the Commission's Local Government Assistance Grant Program to update LCPs.

Introduced	02/19/21
Status	Assembly First Reading

ADMINISTRATIVE/STATE/LOCAL ACTIONS

AB 2 (Fong) Regulations: legislative review: regulatory reform

This bill would require the Office of Administrative Law to submit to the Legislature a copy of any major adoption, amendment or repeal of any state agency regulation. Any such regulation would not become effective if the Legislature adopts a statute to override it. The bill would also require each state agency to review its regulations, identify any that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, and report to the Legislature and Governor on or before January 1, 2023.

Introduced	12/07/20
Status	Assembly Accountability and Administrative Review

SB 17 (Pan) Office of Racial Equity

As amended February 25, this bill would This bill would establish the Office of Racial Equity, and task the office with developing strategies for advancing racial equity across state agencies. The office to develop a statewide Racial Equity Framework providing guidelines for inclusive policies and practices that reduce racial inequities and establish goals and strategies to advance racial equity and address structural racism. It would direct

the Secretary of each state agency to adopt and implement a Racial Equity Action Plan, and require the office to provide technical assistance to agencies, review and approve each agency's Racial Equity Action Plan, and provide technical assistance to agencies.

Introduced	12/07/20
Last Amended	02/25/21
Status	Senate Rules Committee

AB 29 (Cooper) State bodies: 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 state body's website no less than 10 days prior to the hearing. The bill would also require state bodies to provide all of the notice materials to any member of the public who requests such material in writing on the same day it is provided to members of the state body or within 72 hours of the meeting, whichever is earlier. This bill is a re-introduction of AB 2028.

Introduced	12/07/20
Status	Assembly Governmental Organization Committee

SB 241 (Umberg) Civil discovery

This bill would declare the intent of the Legislature to enact legislation that would streamline discovery processes in order to reduce costs to the courts and litigants.

Introduced	01/21/21
Status	Assembly Accountability and Administrative Review

AB 339 (Lee) Open meetings

This bill would require all public meetings of the Legislature, state agencies and local governments to include an opportunity for all persons to attend and participate via phone or internet that includes closed-captioning. All teleconferenced meetings would also have to provide for in-person public comment at a designated site. The bill would also require local agencies and state bodies to translate agendas and instructions for participation into all languages for which 5% of the population governed by the entity are speakers. Additionally, state agencies and local governments would be required to provide qualified bi-lingual interpreters.

Introduced	01/28/21
Status	Assembly Rules Committee

AB 343 (Fong) Public Records Act Ombudsperson

This bill would create a Public Records Act Ombudsperson within the office of the State Auditor. The Ombudsperson's office would receive requests to investigate cases where a member of the public believes a Public Records Act request has been improperly denied. The Ombudsman would have the authority to require the release of records found to be improperly denied. Agencies found to have improperly withheld records would be required to reimburse the Ombudsman's office for its expenses.

Introduced	01/28/21
Status	Assembly Accountability and Administrative Review

*AB 833 (Quirk-Silva) State government: grants: administrative costs

This bill would prohibit a local government from expending more than 5% of State grant funds for administrative costs.

Introduced	02/17/21
Status	Assembly Accountability and Administrative Review

*AB 923 (Ramos) Government-to-Government Consultation Act: state-tribal consultation

This bill would require the Executive Branch to consult on a Government-to-Government basis with a Tribe within 60 days of a request. It would require Agency directors to consider the need for tribal consultation before approving any agency policy. The bill would require the Governor's Tribal Advisor to convene a council of tribal liaisons within each state agency to develop training on government-to-government consultations for agency directors, chairs, executive officers, and chief counsels. Training would be completed by January 1, 2023.

Introduced	02/17/21
Status	Assembly Accountability and Administrative Review

SB 1291 (Frazier) State bodies: open meetings

This bill would require state agencies to provide double the allotted time for public comment if a translator is required.

Introduced	02/19/21
Status	Assembly G.O. Committee

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

BILL ANALYSIS

SB 1 (Atkins)

As Introduced 12/07/2020

SUMMARY

This bill would make various amendments to the California Coastal Act (Public Resources Code Sec. 32000 *et seq.*) to require the Commission to take sea level rise (SLR) into account in coastal resource planning and management policies and activities; require the Commission to produce and regularly update guidelines for the assessment and minimization of SLR in local coastal programs (LCPS), and to require all state and regional agencies to identify, minimize and mitigate the impacts of SLR. The bill would also create the California Sea Level Rise State and Regional Support Collaborative (Collaborative), which could expend up to $100 million annually in grants to local governments to update local and regional land use plans to address SLR and implement related projects. Finally, the bill would amend the Environmental Justice Small Grant Program within the Environmental Protection Agency to provide up to $500,000 per year for grants to organizations working to address and mitigate the effects of sea level rise in disadvantaged communities.

RECOMMENDED MOTION

I move the Commission **Support** SB 1 with technical amendments, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is to codify existing practice and long-standing legal interpretation regarding the Commission's role in sea level rise planning and adaptation measures, and to establish a dedicated funding program to bring more resources to the important work of building sea level rise resilience throughout the coastal zone.

EXISTING LAW

Coastal Act Section 30006.5 authorizes the Commission to seek and receive technical, science-based information on such issues as sea level rise and coastal erosion and geology.

Coastal Act Section 30253 requires all new development to (a) minimize risks to life and property in areas of high geologic, flood or fire 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.

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.

In certified jurisdictions, the Commission retains limited appellant authority, including over all geographic areas between the first pubic road and the sea.

PROGRAM BACKGROUND

The Commission has been actively engaged in both long- and short-term planning for sea level rise by regulating new development in a manner that reflects the best available projections for SLR, as well as through partnerships with local governments, providing policy guidance, technical services and financial support, primarily through LCP updates.

In 2015 the Commission adopted interpretive guidelines for local governments to address sea level rise in their local coastal programs (LCPs). The Commission updated the guidance document in 2018 to reflect the best available science and recommendations, and is currently working on targeted guidance documents for residential development and critical infrastructure.

The Commission manages a Local Assistance Grant Program to support the completion and updates of LCPs through its Local Government Assistance Grant Program. Over the last 7 years, the Commission has awarded $8.3 million to local governments seeking to include sea level rise policies in their LCPs. This includes 62 grants to 40 jurisdictions that have supported funding for 34 vulnerability assessments and 29 adaptation reports in 35 LCP updates. To date, 8 grant-funded plans have been fully certified, with the remaining in various stages of the process. (See “Status of Grantees” box at: https://www.coastal.ca.gov/lcp/grants/). However, the program is oversubscribed by double the amount of available funding annually. (Total requested funding is $17.1 million). Although the state recently expanded the eligibility requirements for Greenhouse Gas Reduction Fund (GGRF) monies to include SLR-related planning grants at the Coastal Commission and BCDC, the annual amount appropriated by the Legislature has been inconsistent.

In January of 2020, the Legislative Analysts’ Office (LAO) released a report underscoring the urgency of SLR, quantifying the potential risks, highlighting the current impediments to local and regional planning, and making numerous recommendations.

ANALYSIS

When the original Coastal Act was passed in 1976, scientific awareness of sea level rise had already advanced to the point where lawmakers found it deserving of statewide attention. Coastal Act Section 30006.5 encouraged the Commission to seek the advice of academics and scientists to better inform the Commission’s decision-making process around the “question” of sea level rise, along with other complex coastal management issues, such as coastal erosion, wetland restoration, marine biodiversity and desalination.

The Commission has utilized that authority to convene and participate in numerous public conversations with experts and practitioners to inform Commissioners, staff and the public.

In 2019, the Coastal Act was amended to repeal the reference to any "question" about sea level rise, reflecting California's concurrence with scientific consensus. Although there is no credible legal debate over whether or not the Coastal Act as currently written confers the legal authority to address sea level rise in both the planning and permitting context, the Act itself does not contain any policies or findings that are specific to sea level rise. In an age where climate change and rising oceans is emerging as an existential threat to coastal communities and state economies, it's appropriate to make the Commission's mandate to address sea level rise explicit.

SB 1 Coastal Act Amendments:

This bill amends the Coastal Act to reflect the 21st Century reality that sea level rise should be informing coastal management decisions made by the Commission and all other relevant state agencies. Sections 1-4 of the bill emphasize the Coastal Commission's existing authority under PRC Sec 30235 and 30253 by explicitly requiring the Commission to take the effects of SLR into account in coastal resources planning and management policies and activities. Specifically the bill amends the Coastal Act to:

- Add Legislative findings declaring a basic goal of the state to "anticipate, assess, plan for, minimize and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone". (PRC Sec. 30001.5(f))

- Add a new Chapter 3 policy directing the Commission to "take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, mitigate the adverse effects of sea level rise". (PRC Sec. 30270)

- Require state and regional agencies "identify, assess, and to the extent feasible and consistent with their statutory authorities, minimize and mitigate the impacts of sea level rise." (PRC Sec. 30421)

- Require the Commission to prepare and update recommendations and guidelines, for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, taking into account local and regional conditions and the differing capacities and funding available to local governments. (PRC. Sec 30501 (c))

These provisions are entirely consistent with the Commission's past actions and ongoing programmatic efforts to avoid, minimize and mitigate the negative impacts of sea level rise. However, technical drafting amendments for internal consistency with other Coastal Act sections would eliminate any future ambiguity regarding the Commission's authority or responsibilities.

The Commission has been planning for and regulating SLR in the coastal zone for more than 40 years to account for, avoid, and mitigate for sea level rise, pursuant to PRC

30253(a) and 30253(b). This authority has been confirmed by multiple published and unpublished court cases, including, most recently, *Lindstrom v. California Coastal Commission* (2019), 40 Cal.App. 5th 73.

With respect to interagency coordination, the Commission highly values its close working relationship with sister agencies involved in SLR planning, including the State Lands Commission, Caltrans and OPC which serve as ex-officio members on the Commission, as well as the State Coastal Conservancy (the Commission Chair is an SCC Board member), State Parks and CDFW on numerous resiliency-related projects in the coastal zone, including habitat restoration, sand replenishment and facility maintenance and repair. The bill's directive in Sec. 30421 to all state agencies to assess and minimize the effects of SLR consistent with their statutory authorities will support this ongoing collaboration.

Lastly, the directive in 30501 (c) requires the Commission to prepare and adopt Sea Level Rise guidelines for every LCP updates. The statewide Sea Level Rise Guidance document that the Commission adopted in 2105 and updated in 2018 fulfills this initial requirement, and future updates and refinements are underway. These documents are meant to be useful to any and all coastal jurisdictions, as the Commission doesn't have the staff resources to produce individualized guidelines for each LCP. A technical clarifying amendment to this section will verify that the Commission's guidelines are meant to apply to all coastal jurisdictions, as the Commission doesn't have the staff resources to craft guidelines for every individual LCP. It is important to distinguish the guidelines from the individual and specific review performed by the Commission of any proposed amendments to specific LCPs, including changes pertaining to SLR.

Collectively, these amendments to the Public Resources Code would be beneficial additions to the Coastal Act, as they underscore the fact that the Coastal Commission is the state's primary planning agency when it comes to local resiliency and adaptation, and its actions on that front implement state policy.

The State and Regional Collaborative:

Section 5 of the bill creates the California Sea Level Rise State and Regional Support Collaborative, consisting of three voting members -- the EPA Chair, the CNRA Chair, and a public member appointed by the Governor; and two non-voting members appointed by the Legislature.

The purpose of the Collaborative is to provide state and regional information to the public, and support to local, regional, and other state agencies in the identification, assessment, and, where feasible, the mitigation of sea level rise. The Collaborative would be authorized to spend up to $100 million annually from bond funds and other sources to provide grants to local governments to update local and regional land use plans to take into account sea level rise, and for directly related investments to implement those plans.

Sustaining California's $45 billion ocean economy will depend on adequate planning for future coastal hazards, and strategic investments to protect public access, recreation and infrastructure. Growing risks to coastal infrastructure from climate change and sea level

rise make planning and funding adaptation projects increasingly urgent. Fifty-five inches of sea level rise and a 100-year storm could impact 3,500 miles of roads and highways, 280 miles of railways, 30 coastal power plants, and 28 wastewater treatment plants [Pacific Institute Sea Level Rise Study, 2009]. A recent FEMA sturdy showed that society saves roughly $6 for every $1 spent on hazard mitigation planning.

This measure sets a bold and much-needed target for investment in SLR planning and resiliency. Making a commitment to provide $100 million annually for local and regional planning and implementation could provide the level or certainty needed for local and regional jurisdictions to actually move forward with actual initiative. Moreover, coupling the funding with explicit policy direction to state agencies, including but not limited to the Commission, to plan for, minimize and mitigate the associated impacts, will ensure grant requests are structured appropriately.

Of course, Coastal Management Agencies as well as many other boards, commissions and departments are already engaged in helping to plan and fund climate resiliency measures within their statutory authorities and as resources allow. It may be more efficient to accelerate the work of these existing entities and programs by increasing the funding of their work, rather than creating a new entity. Certainly the Coastal Commission could use additional funding for its LCP grant program. The program is effective, can scale up quickly, and is the most obvious, direct route to achieving statewide SLR preparedness. However, it is limited by current funding levels. While the bill does not identify a specific funding source for the $100 million, the author may want to specify that agencies' existing grant programs would be eligible for this funding. The Commission has been in discussion with the author's office about avoiding duplication and delay of grant monies to local and regional entities by utilizing the existing programs of the state's planning agencies.

CONCLUSION

Climate-driven sea level rise presents one of the greatest planning challenges this state has ever faced. Sea level rise will continue to cause rapid beach and bluff erosion and coastal flooding in the coming years at an increasing rate. This will endanger critical infrastructure, sensitive habitats, coastal development and the state's economy on a massive scale.

Recent and ongoing studies and reports developed by state agencies, universities, and associated research institutions illustrate that California's coastal communities are not adequately prepared for rising sea-levels. The Commission is the *only state agency* with the explicit, existing legal jurisdiction, statutory authority, planning mechanisms and programmatic expertise to work with local governments on SLR and resilience planning through their local coastal programs (LCPs). The Commission has committed significant resources to this effort over the last 10 years, including over $8 million in grants, but the demand and the need is a substantially higher amount.

Sharpening the specific direction to state agencies to address sea level rise in their actions, whether those involve planning, permitting, grant-making or implementation, as well as providing an adequate, dedicated funding source for doing so, integrates this

important policy priority with the investment necessary to produce tangible results in a reasonable timeframe.

SUPPORT	OPPOSITON
None on file	None on file

RECOMMENDED POSITION
Staff recommends the Commission **Support** SB 1 if amended to clarify language pertaining to the Commission's existing authority and its LCPs guidelines, and to identify a portion of the funding available for the Commission's Local Government Assistance Program.

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

BILL ANALYSIS

SB 83 (Allen)

As Introduced 12/15/2020

SUMMARY

Senate Bill 83 would create a revolving, low-interest loan program for local governments to purchase properties found to be vulnerable to sea level rise, and to repay those loans through proceeds accrued through rental use of the properties.

RECOMMENDED MOTION

I move the Commission **Support** SB 83 if amended, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is to begin moving forward from the sea level rise adaptation planning phase to actual implementation by creating a pathway for vulnerable properties to be gradually purchased by public entities as part of a managed retreat strategy.

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.

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 over geographic areas between the first pubic road and the sea.

PROGRAM BACKGROUND

The Commission manages a Local Assistance Grant Program to support the completion and updates of LCPs through its Local Government Assistance Grant Program. Over the last 7 years, the Commission has awarded $8.3 million to local governments seeking to include sea level rise policies in their LCPs. This includes 62 grants to 40 jurisdictions that have supported funding for 34 vulnerability assessments and 29 adaptation reports in 35 LCP updates. (See “Status of Grantees” box at: https://www.coastal.ca.gov/lcp/grants/).

To date, 8 grant-funded plans have been fully certified, with the remaining in various stages of the process. The program does not provide buyout assistance, but does encourage a range or adaptation strategies, including managed retreat.

Nationally, the Federal Emergency Management Agency (FEMA) is the largest underwriter of flood-risk property buyouts. Public buyouts of vulnerable properties in flood-prone

communities have typically occurred post-disaster, particularly in the Midwest, when structures are no longer habitable. Buyouts in Virginia have already resulted in an estimated $25 million of losses avoided.

Over the past three decades, FEMA has supported buyouts of more than 43,000 properties. But its programs are struggling to keep up with the increasing rate of flood-related disasters. Until recently, buy-outs have not traditionally been implemented as part of proactive efforts to prepare for sea level rise or other climate-related impacts.

ANALYSIS

The science is clear. Under any future emissions scenario, seas will continue to rise over the next century. This is a statewide challenge that is going to require a diversified and well-coordinated response. Implementation will be costly, but not as costly as dealing with ongoing emergency responses. Reducing flood risk through managed retreat must be one component to the state's multifaceted adaptation strategy.

This bill would provide what amounts to initial seed money to begin a process for facilitating managed retreat with willing landowners. It would allow local governments to acquire residential development from private property owners who choose to accept a buyout offer before the property becomes uninhabitable, and lease or rent it out for as long as the structure is habitable. Property owners could recoup some portion of their investment and avoid future liability. Local governments can generate revenue to repay the loans. And the public benefits from the timely removal of hazardous structures. If bought-out land is converted to natural floodplains and open space, it can offer a variety of benefits for communities and the environment, including natural buffers, recreational opportunities, and the preservation of public beach space.

Sea level rise planning doesn't lend itself to a "one size fits all" approach. Adaptive management requires a diverse set of tools, including but not limited to zoning changes, design standards, mitigation measures such as beach nourishment and restoration, hard protections and strategic relocation. Of these, relocation, (aka managed retreat) is by far the most controversial. It has drawn sharp criticism and opposition from the real estate and building industries, and ocean-front homeowners are understandably concerned with losing their investments. While limited armoring of the coast in some areas may be necessary as a short-term adaptation measure to protect public and private development these structures cause public beaches to erode and disappear.

This approach would create an interim step by enabling the state to move toward greater coastal resiliency. It's fair to say that other the lack of consensus and political will at the local level, the single greatest impediment to advancing comprehensive statewide SLR adaptation policy is the need for additional funding. Providing a funding source may be the best way to begin to shift the broader perspective of managed retreat. In the meantime, purchased properties could provide a variety of public benefits, including vacation rentals, employee housing, or expansion of rental stock.

However, the bill does not specify whether or not the properties purchased with the revolving fund would be eligible for shoreline protective devices, or repairs to existing sea

walls once in public ownership. Unless clarified, this would clearly conflict with the overall goal of the bill.

CONCLUSION
Although planning for and adapting to the impacts of sea-level rise will be costly, accelerating the state's ability to plan for, prepare, and implement policies, programs and projects to address sea-level rise will reduce future costs. Proactive adaptation planning saves up to six times the cost of disaster response, allows time for the state and coastal communities to test and leverage needed solutions, and avoids catastrophic losses of private property and critical infrastructure. If successful, this program could provide local jurisdictions with a new funding source to invest in local adaptation efforts.

Incentivizing owners of vulnerable properties to sell voluntarily could reduce the potential for costly litigation over whether or not vulnerable properties qualify for shoreline protective devices.

Planning for the orderly removal of vulnerable structures may also avoid future costs to the state for removal of dangerous, derelict structures if homeowners walk away and/or declare bankruptcy in the face of catastrophic loss.

As the realities of sea level rise become more well understood, and its hazards more widely visible, real estate and insurance markets may begin to factor in the increased risk of flooding, which would affect property values in high-risk areas. However, it is doubtful that the market will adjust rapidly enough to avoid catastrophic losses of both public and private property. Buyouts are increasingly being evaluated to proactively relocate existing development away from vulnerable coastal and flood-prone areas, particularly in groups of contiguous properties or clusters.

If amended to clarify that structures would only be utilized for as long as they are safely habitable without the protection of a shoreline protective device, and would then be relocated or demolished, SB 83 could be an important first step toward reorienting coastal development patterns on safer, higher ground.

SUPPORT	OPPOSITON
None on file	None on file

RECOMMENDED POSITION
Staff recommends the Commission **Support** SB 83 if amended to clarify that properties subject to buy outs will not be eligible for shoreline protective devices.
.

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

BILL ANALYSIS

SB 433 (Allen)

Introduced, 02/17/21

SUMMARY
SB 433 would amend Public Resources Code Section 30821 to authorize the Coastal Commission to impose administrative civil penalties for all types Coastal Act violations. The Commission currently has the discretion to impose administrative penalties only for public access violations.

RECOMMENDED MOTION
I recommend the Commission **Support** SB 433, and I recommend a **Yes** vote.

PURPOSE OF THE BILL
The purpose of the bill is to improve the effectiveness of coastal enforcement program and implement cost-saving efficiencies.

EXISTING LAW
Under PRC Section 30820 of the Coastal Act, a superior court can impose civil penalties of up to $30,000 on any person or local government for violations of the provisions of the Coastal Act, certified Local Coastal Program or a coastal development permit. Additional penalties of not less than $1,000 per day, but not more than $15,000 per day, may be imposed for violations that are determined to be intentional and knowing.

Under PRC Section 30821(a), the Commission may impose administrative civil penalties for public access violations of up to $11,250 per day, for up to a maximum of 5 years, by a majority vote of the Commission at a noticed public hearing. Alleged violators have a 30-day window in which to voluntarily resolve their violations with no penalty.

PRC Section 30821 (i) required the Commission to submit a report to the Legislature on its first five years of implementation by January 15, 2019.

Under PRC Section 30823, any funds derived from penalties awarded by a court are deposited into the Coastal Conservancy's Violation Remediation Account and subject to appropriation by the Legislature.

Numerous other state and local agencies currently have the authority to impose administrative civil penalties for violations of applicable code sections, including but not limited to BCDC, State Lands Commission, California Energy Commission, State Department of Health Services, California Air Resources Board, Regional Air Pollution Control Districts, Oil Spill Response Administrator, State Water Resources Control Board, Regional Water Quality Control Boards, and the Integrated Waste Management Board.

PROGRAM BACKGROUND

The Coastal Commission has an unsustainable and growing backlog of over 2,600 open, unresolved enforcement cases. Many of these cases involve significant and ongoing harm to natural resources, including wetland fill, illegal dumping and grading, habitat destruction and water quality impairment. New cases are reported to the Commission faster than they can be resolved, and the backlog increases annually.

The Commission's enforcement program has evolved incrementally over several decades. For the first 15 years of the program, the Coastal Commission's only recourse for resolving Coastal Act violations was for the Attorney General to sue for injunctive relief in state court. Litigation is expensive and time consuming for all parties, but it provides the Commission the ability to seek penalties along with injunctive relief in significant cases. Penalty amounts awarded through the courts are determined pursuant to Section 30820.

The Commission received "cease and desist" order authority in 1991 (SB 317, Davis) and "restoration order" authority the following year. This allowed the Commission to issue legally binding directives to stop ongoing damage to coastal resources, resolve violations, and ensure restoration without going to court. In 2002, the Commission gained the authority to record a Notice of Violation against a property, to protect unsuspecting buyers (AB 1913, Lowenthal). In 2014, the Commission gained administrative penalty authority for public access violations through a budget trailer bill (SB 861).

Order authority has allowed the Commission to resolve more issues amicably through use of "consent orders". In a consent order, the alleged violator agrees to the terms of the order and usually agrees to pay a settlement penalty. But with no financial incentive to settle quickly, and limited staff resources, negotiations with violators can take years before reaching agreement. Because the Commission has no ability to impose penalties in most cases, the defendant must agree to do so voluntarily. However, the defendant usually receives the benefit of paying a much smaller amount than that which could be imposed by a court pursuant to PRC Section 30820, and also avoids the costs and delays associated with litigation.

By contrast, restoration orders are contested by the violator, and do not reflect a negotiated agreement or landowner cooperation. These cases frequently lead to litigation. In contrast, restoration of critical habitat and coastal resources done by mutual agreement is typically faster and more thorough than in cases where the Commission is in an adverse position with the violator, as is the case with litigation. Therefore, there are a number of reasons why consent orders are preferable both in terms of coastal resources and costs to the state.

However, it can be difficult to create the incentive to settle. Because so few violations go to court, a completely recalcitrant party may fare better financially than one who settles, if they refuse to comply and take their chances that the state will not pursue litigation and court penalties. For these parties, by and large, unless they challenge the restoration order in court and the state files a cross complaint for penalties and pursues it vigorously, they escape all penalties under the Coastal Act. This puts parties who violate the Coastal Act

in a more favorable position than those who comply with the Act, and directly undercuts the purpose of penalties under the Coastal Act, which is to deter violations.

In 2019, the Commission submitted a report to the Legislature, pursuant to 30821 (i), summarizing the first five years of administrative penalty implementation for public access violations. The report showed that administrative penalty authority is an effective tool for resolving violations quickly. The data revealed that the new authority increased the efficiency of the enforcement program in the following ways:

- Reduced average processing time for access violations from 1,073 days to 102 days, a reduction of 90%.
- Fully resolved 102 access violations in 4-year period (75% of initial universe)
- Voluntarily resolved 96 out of 102 violations (96%) with no penalty assessed due to an initial 30-day grace period which allows alleged violators to resolve their cases quickly without penalties.
- Resolved 6 out of 102 violations through consent orders with administrative penalties paid in agreement with the violator
- Only 2 of 102 cases contested in litigation
- Settled for $8.8 million in both monetary and non-monetary penalties, including $3.2 million for the Violation Remediation Account (VRA) which funds mitigation for the types of damage done.

ANALYSIS

Penalties are a critical component of all environmental statutes and are the primary means to persuade would-be violators to comply with the law. The deterrent component of any regulatory scheme is important, particularly for environmental laws. A credible threat of penalties to prevent violations in the first place can greatly increase the ability of an environmental agency to protect the environment.

Absent the ability to use penalties to deter violations, there is very little disincentive for someone to just violate the Coastal Act and gamble that they won't be caught. If they are caught, the next gamble is that the Commission will not have the resources needed to pursue them. If they do face an order proceeding in front of the Commission, objecting to the order insures they won't pay a penalty. Even if the Commission brings a formal order against them, the next gamble is that the Commission will not have the resources needed to pursue them in Court to obtain penalties.

The Commission's limited penalty authority has had a profound effect on its ability to resolve public access violations. The Commission has been able to close a higher number of cases in a shorter amount of time than would otherwise have been possible.

Between January 2015 and December 2019, the Commission was able to resolve 74.5% of the access cases opened with voluntary compliance from violators seeking to avoid fines, thereby avoiding the need for costly litigation or even a formal public hearing process. Cases resolved voluntarily in 30 days or less increased from 10% to 27%, and access cases resolved in 100 days or less increased from 20% to 42%.

Since 2014, approximately $25 million in monetary administrative penalties has been assessed by the Commission to mitigate for lost access opportunities by providing new or enhanced coastal public access amenities.

In addition to monetary penalties, the Commission has obtained valuable non-monetary ("in-lieu") penalties from willing violators seeking to reduce or avoid fines, including: land dedications; a signalized Hwy 1 crossing in Malibu to aid pedestrians; development of the free YourCoast mobile app that provides information on California beaches and parks; and dozens of improvements, such as enhanced trails, parking, and public access signage.

But there is no statutory justification why the Commission should be able to defend public access any more vigorously than it defends wetlands, creeks, endangered species habitat, scenic view sheds or prime agricultural soils. SB 433 would give the Coastal Commission the ability to impose administrative penalties on parties found to be in violation of any provision the Coastal Act, not just those relating to public access. Doing so would help deter future Coastal Act violations and help staff resolve the existing backlog of over 2,600 open enforcement cases.

SB 433 will create parity between those who violate the public access provisions of the Coastal Act, and those who violate its other provisions. The ability to impose administrative penalties equally across the program will further reduce litigation costs, result in faster and more protective restoration projects, and reduce the backlog of open violation cases. More importantly, it will protect the coast and its critical resources by creating a deterrent from violating the Coastal Act. In addition, it will create a modest new revenue source for coastal restoration projects.

The Commission has demonstrated conclusively that administrative penalty authority is a powerful, effective tool to address public access violations of the Coastal Act. There is no reason to think it will be any less effective when applied to other types of violations.

SUPPORT	OPPOSITON
None on file	None on file

RECOMMENDED POSITION
Staff recommends the Commission **Support** SB 433.

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

BILL ANALYSIS

SB 627 (Bates)

As Introduced 02/19/2021

SUMMARY

Senate Bill 627 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), 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. This bill is a reintroduction of SB 1090 (Bates, 2020),
.

RECOMMENDED MOTION

I move the Commission **Oppose** SB 627, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is provide for by-right approvals of sea walls, expedite the 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. [1]

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

In early 2020, CNRA Secretary Crowfoot and Cal EPA Secretary 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 Commission participates in a Local Government Sea Level Rise Working Group comprised of Coastal Commission representatives and CSAC and League of Cities representatives. The group is making progress on the most difficult sea level rise resilience challenges facing local governments. This effort has already resulted in a commitment to work cooperatively together on sea level rise issues, and has identified action items to

[1] See, e.g., California Coastal Commission Sea Level Rise Guidance, p. 165, https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf.

strengthen the partnership with regard to sea level rise in the coming year - https://documents.coastal.ca.gov/assets/slr/SLRWGJointStatement_Final.pdf.

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 Commission and the Coastal Conservancy 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 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 rendered obsolete by a policy requiring the approval of sea walls by right. This bill would set an adverse precedent by conferring special privilege for ocean-front landowners, and disadvantaging inland residents who will be the first to lose their traditional coastal access.

ANALYSIS

The understandable response of many ocean front homeowners to the growing threat of sea level rise is to build a physical barrier against the ocean—a seawall that will protect the structures 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.

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.

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 Coastal Commission's Sea Level Rise program is actively working toward the state's long-term goal of climate resilience.

Protecting shoreline 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 coastal armoring projects, and would instead require the Commission and local governments to approve all

such projects within 30 days.[2] This process would eliminate the Commission's ability to work with applicants to site proposed development out of harm's way, thoroughly review geologic reports, or conduct site visits, and would accelerate the walling off of the coastline 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.[3] 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 shoreline protective devices. 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 conjunction with locally-issued CDPs, mitigate for loss of habitat values or preserve opportunities for coastal recreation.

The bill does include measures 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

---

[2] 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.

[3] 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.

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.[4] 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 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

[4] 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.

California's shoreline from sea level rise could cost more than $22 billion.[5] As we learn more about the economic and resource costs of armoring, it becomes increasingly clear that it is not a good wholesale solution for sea level rise.[6]

CONCLUSION

The damaging effects of sea level rise and coastal climate change are already occurring, with king tides flooding 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.

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. 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.

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 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	OPPOSITON
None on file	None on file

RECOMMENDED POSITION

Staff recommends the Commission **Oppose** SB 627.

[5] https://www.climatecosts2040.org/costs/california
[6] https://www.wired.com/story/the-cost-of-rising-seas-more-than-dollar400-billion-and-lots-of-angst/