

**CALIFORNIA COASTAL COMMISSION**

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**W6c**

DATE: April 14, 2021

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR APRIL, 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 04/0X/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](http://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 <i>committees</i> 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-Sep10	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.

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## 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. *Amendments of 03/23 create the Collaborative within the Ocean Protection Council (OPC), and specify that the OPC will coordinate with other agencies, including the Coastal Commission, to administer grants consistent with their existing authorities.*

Introduced 12/07/20  
Last Amended 03/23/21  
Status Senate Environmental Quality Committee (4/12)

**[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 Support with Amendments**  
Status Senate Governance and Finance 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 Support**  
Status Senate Natural Resources and Water Committee (4/27)

**[\\*AB 500 \(Ward\) Local planning: permitting: coastal development](#)**

As amended, this bill would amend Public Resources Code Section 30213 to reinstate the Commission’s previous authority over housing for people of low and moderate income; add PRC Sec. 30252.2 to preserve and enhance higher density residential development in non-hazardous areas of the coastal zone; repeal PRC Sec. 30500.1 prohibiting the inclusion of housing policies and programs in LCPs; and add PRC Sec. 30514 (f) to require local governments to amend their LCPs to include streamlined measures for approving Accessory Dwelling Units and Supportive Housing projects.

Introduced 02/09/21  
**Commission Position Recommend Support, Analysis Attached**  
Last Amended 03/25/21  
Status Assembly Natural Resources 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
<b>Commission Position</b>	<b>Oppose</b>
Status	Senate Natural Resources and Water and EQ Committees
(4/13)	

**[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
Commission Position	<b>Recommend Support, Analysis Attached</b>
Status	Assembly Natural Resources 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, 2025. This bill is a reintroduction of AB 2081. *Amendments of 04/05 indemnify the U.C. Regents from any harm related to the research or recommendations.*

Introduced	12/07/20
Last Amended	04/05/21
Status	Assembly Appropriations 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. *Amendments of 04/05 include the BCDC's jurisdiction, specify that state agencies use the OPC's sea level rise projections, and specify that new or expanded infrastructure project projects may only qualify for state funds if they are designed not to be vulnerable to sea level rise for the life of the project.*

Introduced	12/07/20
Last Amended	04/05/21
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

**[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. *Amendments of 03/22 require the Secretary of Transportation to implement a Clean Truck Infrastructure program to support the construction and operation of charging and hydrogen refueling stations for zero-emissions vehicles.*

Introduced 12/17/20  
Last Amended 03/22/21  
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. (4/21).

**[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 guidelines for regional climate networks prepare regional climate adaptation action plans by July 1, 2022. *Amendments of 04/07 direct OPR to establish geographic boundaries for regional climate networks, and publish guidelines on its website.*

Introduced 02/17/21  
Last Amended 04/07/21  
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

**[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                         Assembly 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. *Amendments of 03/08 would sunset the provisions of the bill on January 1, 2029.*

Introduced 12/09/20  
Last Amended 03/08/21  
Status Senate Governance and Finance Committee (4/29)

### **SB 8 (Skinner) Density Bonus Law**

As amended 03/10/21 this bill would extend the sunset date of the Housing Crisis Act of 2019 from January 1, 2025, to January 1, 2030. The bill would made several technical, clarifying changes to the Act

Introduced 12/09/20  
Last Amended 03/10/21  
Status Senate Rules Committee

### **SB 9 (Atkins) Housing development: approvals**

This is a re-introduction of SB 1120 (Weiner, 2019). 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 approximately 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 a re-introduction of SB 1120 (Weiner, 2019). *Amendments of 04/05 specify that objective zoning standards could not preclude the construction of two new units at least 800 sf.*

Introduced 12/07/20  
Last Amended 04/05/21  
Status Senate Housing & Governance and Finance Committees (4/15)

### **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. The bill would 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. *Amendments of 03/22 would allow ministerial approval of projects consisting of more than 10 units.*

Introduced 12/07/20  
Last Amended 03/22/21  
Status Senate 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 Governance and Finance Committee (4/15)

**[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. *Amendments of 03/09 require additional information on the tenancy in common agreement, including delineated responsibility for payment of taxes, insurance, utilities and maintenance.*

Introduced 01/08/21  
Last Amended 03/09/21  
Status Assembly Appropriations 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  
Last Amended 03/09/21  
Status Assembly Rules Reading

### **[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 2 and 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 (4/8)

### **[AB 500 \(Ward\) Local planning: permitting](#)**

This bill This bill would amend Public Resources Code Section 30213 to reinstate the Commission's previous authority over housing for people of low and moderate income; add PRC Sec. 30252.2 to preserve and enhance higher density residential development in non-hazardous areas of the coastal zone; repeal PRC Sec. 30500.1 prohibiting the inclusion of housing policies and programs in Local Coastal Programs (LCPs); and add PRC Sec. 30514 (f) to require local governments to amend their LCPs to include streamlined measures for approving Accessory Dwelling Units and Supportive Housing projects.

Introduced 02/19/21  
Last Amended 03/26/21  
Commission Position **Recommend Support, Analysis Attached**  
Status Assembly Natural Resources Committee

**[SB 621 \(Eggman\) Conversion of motels and hotels: streamlining](#)**

This bill would provide for ministerial approval for the conversion of motels and hotels to multi-family housing, if the units have been vacant for at least six months, and the project provides for 10% affordable housing. The bill would not apply to motels and hotels in the coastal zone. *Amendments of 04/05 delete the coastal zone exemption.*

Introduced                    02/17/21  
Last Amended                04/05/21  
Status                         Senate Housing, Governance and Housing Committee (4/15)

**[AB 721 \(Bloom\) Covenants and restrictions: affordable housing](#)**

This bill would make any private recorded covenants, conditions, restrictions, or private limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number or size of the residences that may be built on the property, unenforceable against the owner of an affordable housing development.

Introduced                    02/16/21  
Status                         Assembly HCD and Judiciary Committees

**[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 require a local government to ministerially approve and application for not more than 2 ADUs on a lot with an existing multi-family building, with a height limit of 18', provided the units are not attached to the main building.

Introduced                    02/01/21  
Last Amended                04/06/21  
Status                         Housing and Community development Committee

**[\\*AB 964 \(Boerner Horvath\) Rental units: hosting platforms: affordable housing](#)**

This bill would amend the Business and Professions Code to specify that an ordinance adopted by a city or county in the coastal zone to limit or prohibit short term vacation rentals does not constitute development under the Coastal Act, and as such, does not require a coastal development permit or a LCP amendment.

Introduced 02/17/21  
Last Amended 03/16/21  
Status Assembly Natural Resources Committee.

**Discussion summary attached**

## 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 Assembly Environmental Safety and Toxic Materials Committee

### [\\*AB 30 \(Kalra\) Outdoor access to nature: environmental equity](#)

This bill would establish a state policy that access to nature and access to the benefits of nature is a human right and that every human has the right to safe and affordable outdoor access. The bill would require all relevant state agencies and departments, including the Natural Resources Agency and its respective departments, boards, and commissions to incorporate this state policy when revising, adopting, or establishing policies, regulations, and grant criteria.

Introduced 12/07/20  
Last Amended 03/22/21|  
Status Assembly Water, Parks and Wildlife Committee

### [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 02/25/21|  
Status Environmental Quality Committee

**[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 (4/29)

**[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. *Amendments of 03/10 delete the provision creating the Fund, and delete the requirement to create and maintain a bicycle and pedestrian pathway parallel to the right of way, and instead declares that the ancillary bicycle and pedestrian pathways that provide connectivity between station sites, and other pathways, shall be known as the Great Redwood Trail, Southern Segment.*

Introduced 12/07/20

Last Amended 03/10/21

Status Senate Transportation Committee

**[AB 223 \(Ward\) Dudleya: wildlife: taking and possession](#)**

This bill would make it a 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](#)**

As amended, this bill would direct the CDFW to designate no fewer than five estuary or ocean tracts of 200 hectares (494 acres) each for the establishment of shellfish and

seaweed mariculture projects as part of a pilot program. Bottom leases for tracts within the pilot areas would be issued within four months of application. Sublessees could be approved by a local government lessee without approval from the department, as long as CDFW was notified within two months of the sublease. The bill would confer sole regulatory and enforcement authority over the program and the pilot projects to CDFW. The Commission's role would be limited to consulting with CDFW on their regulations for implementing the program.

Introduced 01/25/21  
Last Amended 03/30/21  
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 the sunset on the statute that requires the Ocean Protection Council to develop and maintain a Sea Level Rise Planning Database on its website from January 1, 2023 to January 1, 2028.

Introduced 02/12/21  
Last Amended 03/17/21  
Status Senate Natural Resources and Water Committee (4/27)

**[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. *Amendments of 3/22 would prohibit the issuance of a new or modified permit for oil and gas production within 2,500 feet of a home, school, daycare center, park or playground.*

Introduced                    02/16/21  
Last Amended                03/22/21  
Status                         Senate Natural Resources and Water Committee (4/13)

**[AB 525 \(Chiu\) Energy: offshore wind generation](#)**

This bill require 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

**[\\*SB 624 \(Hueso\) Environmental Equity and Outdoor Access Act](#)**

This bill would establish the Environmental Equity and Outdoor Access Act, establishing the state's commitment to ensuring all Californians can benefit from, and have meaningful access to cultural and natural resources. The bill would establish a state policy to promote representation and ensure cultural competency among staff of departments, boards, conservancies, and commissions within the CNRA, to ensure all Californians and visitors of the state feel safe and welcome in the outdoors.

Introduced 02/18/21  
Status Senate Natural Resources and Water Committee

**[\\*SB 796 \(Bradford\) State parks: state beaches: County of L.A.: deed restrictions](#)**

As amended, this bill would increase the estimated cost limitation for non-commercial development on a number of beaches previously transferred from State Parks to the County of Los Angeles from \$250,000 to \$750,000, adjusted annually per the CPI. The bill would direct the State Parks director to execute amendments to existing deed restrictions to that effect.

Introduced 02/17/21  
Last Amended 03/24/21  
Status Senate Natural Resources and Water Committee

**[AB 954 \(Petrie-Norris\) Ocean use planning](#)**

As amended, this bill would authorize the city of Laguna Woods to lease a park to a public agency or joint powers authority for purposes related to fire protection or public safety.

Introduced 02/17/21  
Last Amended 03/25/21  
Status Assembly Local Government Committee

**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 Senate Housing Committee (4/29).

**[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, unless a local agency has adopted a comprehensive, wildfire prevention and community hardening strategy. *Amendments of 04/05 specify that the prohibition doesn't apply to repair or restoration of existing dwellings. Amendments also provide for an additional density bonus of 10-20 feet for housing developments that are not located in a moderate, high or very high fire hazard severity zone.*

Introduced 12/07/20  
Last Amended 04/05/21  
Status Senate G.O. and Housing Committees

**[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 (4/29)

**[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

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

As amended 03/08, this bill requires the Natural Resources Agency, the Office of Emergency Services, the Office of Planning and Research, and the California Environmental Protection Agency, to establish a long-term forest management plan by July 1, 2022.

Introduced 02/16/21  
Last Amended 03/08/21  
Status Senate Natural Resources and Water Committee (4/27)

### **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 Appropriations 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

**[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, 2024, 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            04/05/21  
Status                     Senate Transportation and NRW Committees

**[SB 790 \(Stern\) Advance Mitigation Program: wildlife connectivity barriers](#)**

As amended, this bill would authorize CalTrans to request CDFW to issue mitigation credits for actions that Caltrans takes to improve fish and wildlife connectivity in connection with a state highway project in excess of any legally required mitigation. The bill would authorize Caltrans to use those credits to satisfy obligations to mitigate the impacts of other projects on the state highway system in the same Caltrans district.

Introduced                02/19/21  
Last Amended            03/22/21  
Status                     Senate Transportation Committee (4/13)

**[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. *Amendments of 04/05 provide that the bill would*

*not preclude a local government from imposing requirements when a project provides parking voluntarily to require spaces for car share vehicles.*

Introduced 01/19/21  
Last Amended 04/05/21  
Status Assembly Local Government and Housing & Community Development  
Committees

## **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 Governance and Finance Committee (4/15)

### **[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 Housing 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 Water, Parks & Wildlife and Natural Resources Committee

**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

### **[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 473 \(Chau\) Public Records Act](#)**

This bill re-codify and re-organize the Public Records Act, and is not intended to make any substantive changes to the law or procedures governing public records. The bill would become operative on January 1, 2023

Introduced 02/08/21  
Status Assembly Judiciary Committee

**[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

**[\\*AB 943 \(Eduardo Garcia\) Greenhouse Gas Reduction Fund: investment plan](#)**

This bill would require state agencies administering competitive grant programs funded through the GGRF to give preferential points during grant application scoring for programs that improve air quality .

Introduced 02/18/21  
Last Amended 03/11/21  
Status Assembly Natural Resources Committee

**[\\*AB 1031 \(Villapudua\) State agencies: interns & student assistants: hiring preference](#)**

This bill would require state agencies, when hiring for internships and student assistants, to give preference to qualified applicants who have been victims of human trafficking.



Introduced	02/18/21
Last Amended	03/11/21
Status	Assembly Public Employee and R Committee

**[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	Senate G.O. Committee

###

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**BILL ANALYSIS****AB 500 (Ward)**

As Amended 3/25/2021

**SUMMARY**

Assembly Bill 500 would amend Public Resources Code Section 30213 to reinstate the Commission's previous authority over housing for people of low and moderate income; add PRC Sec. 30252.2 to preserve and enhance higher density residential development in non-hazardous areas of the coastal zone; repeal PRC Sec. 30500.1 prohibiting the inclusion of housing policies and programs in Local Coastal Programs (LCPs); and add PRC Sec. 30514 (f) to require local governments to amend their LCPs to include streamlined measures for approving Accessory Dwelling Units and Supportive Housing projects.

**RECOMMENDED MOTION**

I move the Commission **Support** AB 500, and I recommend a **Yes** vote.

**PURPOSE OF THE BILL**

The purpose of the bill is to increase residential density and affordable housing in the coastal zone, consistent with Coastal Act policies.

**EXISTING LAW**

Public Resources Code Section 30011 prohibits the Commission from enforcing the affordable housing requirements of the Mello Act (Gov. Code § 65590) and Section 30500.1 specifies that the Commission cannot require a Local Coastal Program to include affordable housing policies. Public Resources Code Sections 30604 (f) and (g) direct the Commission to "encourage housing opportunities for persons of low and moderate income" and precludes the Commission from reducing density bonuses below what is sought by the applicant.

**PROGRAM BACKGROUND**

From the date of its enactment in 1976 through 1981, the California Coastal Act included broad policy language requiring the provision of affordable housing in the coastal zone for persons of low and moderate income. As originally enacted, Section 30213 of the Coastal Act provided:

"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided."

Under that authority, the Commission adopted interpretive guidelines that allowed it to require, as conditions to coastal development permits issued for numerous residential subdivisions, that as many as 25% to 35% of the permitted units be maintained as

affordable housing with re-sale controls to ensure their continued affordability for persons of low to moderate income. This resulted in approximately 5,000 units of affordable housing being approved over a period of 5 years statewide, within market rate subdivisions. The Commission also prevented the demolition of approximately 1,300 existing, affordable units, and collected over \$2 million in in lieu fees. The interpretive guidelines also allowed for land dedications, offsite mitigation, and the payment of in-lieu fees, and exempted subdivisions of 9 or fewer units.

The Coastal Act's inclusionary housing policies were controversial, and several bills were introduced between 1977-1980 to repeal the Commission's authority; all of which were opposed by the Commission. In 1981, Senator Mello (D-Monterey) introduced SB 626, supported by local governments and real estate interests. Despite Commission opposition, the Legislature approved the measure and it was signed into law, repealing the Commission's statutory authority to protect and provide affordable housing in the coastal zone. SB 626 (Ch. 1007 Statutes of 1981) amended PRC Section 30213 as follows:

~~"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided."~~

And added Section 30500.1 which states:

"No local coastal program shall be required to include housing policies and programs."

And Section 30607.2 (a) which states:

"Conditions requiring housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, which were incorporated into a coastal development permit issued prior to January 1, 1982, may, at the request of the permittee, be amended or modified by the commission or by a local government having the authority to issue coastal development permits. In approving such amendments or modifications, only those conditions and requirements authorized by Section 65590 of the Government Code may be imposed on the permittee."

This allowed developers of several previously approved projects to successfully petition the Commission for the removal of earlier permit conditions requiring the provision of affordable units.

SB 626, known as the Mello Act, also added Section 65590 to the Government Code, authorizing the demolition or conversion of existing affordable housing units in the coastal zone, so long as replacement units were constructed within the same city or county, within 3 miles of the coastal zone, within 3 years of the demolition of the pre-

existing units, unless such mitigation was found to be infeasible. In the Commission's experience, local governments frequently make findings of infeasibility in order to allow the conversion of affordable housing without the required replacement units.

In 2002, the Commission found that many of the deed-restricted units that had been built under the Commission's original authority had been illegally released from local affordable housing programs, prior to their expiration dates. In response, Assemblymember Lowenthal (D-Long Beach) introduced AB 2158, directing the Commission to take all appropriate steps to recover those units. After extensive research, this resulted in litigation, in which the Commission did not prevail.

In 2003, Senator Ducheny (D-San Diego) introduced SB 619 (Chapter 793, Statutes of 2003), addressing a variety of affordable housing-related issues across a number of statutes. Specific to the Coastal Act, SB 619 added PRC Sections 30604 (f) and (g) directing the Commission to "encourage housing opportunities for persons of low and moderate income" and preclude the Commission from reducing density bonuses below what is otherwise allowable in the Government Code, unless specific findings are made regarding Chapter 3 policies:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

SB 619 limited the Commission's ability to reduce residential densities of affordable housing projects, (which it hadn't been doing anyway) but did not restore the Commission's authority to protect existing affordable housing or encourage or provide new affordable housing. The Legislative findings in Section 30604(g) in Chapter 7 do not provide the same authority as enforceable policies of Chapter 3. This was made clear when the Commission staff initially interpreted 30604 (f) and (g) broadly as a requirement to "encourage" new affordable housing in ways that included but were not limited to the specific references to density bonuses. The bill's author intervened, and

clarified through two letters to the Commission that she intended her legislation to be narrowly interpreted, and not used as a justification for any additional actions on the part of the Commission to increase additional affordable housing beyond what might be proposed by applicants.

## **ANALYSIS**

This bill reinstates Coastal Act affordable housing policies that were repealed by the Mello Act in 1981, and will give the Commission the authority to protect existing affordable housing and/or ensure the provision of new affordable housing planned and designed consistent with other Coastal Act policies. It will also allow the Commission to push for increased residential density, through permit actions and LCPs, in a manner that does not diminish coastal resources, increase risks to structures from sea level rise, or conflict with public access.

The bill repeals the prohibition on requiring LCPs to include housing policies, but it does not compel local governments to amend LCPs to address affordable housing. If a local government chose to amend its LCP to streamline the permitting process for ADUs and supportive housing, the Commission would be required to prioritize those amendments. Many coastal local governments have already adopted inclusionary housing policies in their general plans and local coastal plans.

The drafters of the Coastal Act and the Legislature understood that with a growing population, a booming economy, and the near-universal desire to live at or near the coast, gentrification of the coastal zone was inevitable. For this reason, they included affordable housing as a coastal resource to be protected and provided for as a priority use, right alongside public access, sensitive habitat, wetlands, and lower-cost recreational opportunities.

Forty years after its repeal, affordable housing in the coastal zone becomes increasingly scarce with each passing year. Within a generation, relatively modest coastal neighborhoods from Venice to Santa Cruz have transformed from diverse, working class neighborhoods to exclusive communities out of reach for even fully employed professional couples with families. Even the affordability covenants in the deed restrictions required by the Commission from 1977-1981 have long-since expired, and those units have matriculated into the general housing markets.

This is not exclusively a supply-side problem with a wholly market-based solution. The demand for all housing types in the coastal zone far outstrips demand as well as resource limits, including water, infrastructure, and available space. Land costs, foreign investments, the rising popularity of short-term vacations rentals, and the increasing trend toward second- and third-home ownership are all contributing to the lack of supply. Market incentives alone will never generate meaningful amounts of new affordable units and do little to protect existing affordable housing. California's coastal cities cannot simply build their way out of their affordable housing shortage.

Affordable housing, coastal protection, and sustainable land use planning are not mutually exclusive. For the first 5 years of the program, when the Coastal Act included the requirement to protect and provide affordable housing, the Commission approved over 5,000 affordable, deed-restricted units. Until the Legislature repealed this authority, the Coastal Commission was extremely effective in terms of actually requiring affordable housing on the ground. Since that time, even with no regulatory ability to require affordable housing, the Commission has approved 100% of all affordable projects it has acted on. Currently, the Commission is doing what it can to preserve existing density in the face of escalating gentrification by requiring large, new single-family residences (SFRs) to include Accessory Dwelling Units (ADUs) and Junior ADUs in cases where new SFRs are demolishing existing multi-family housing.

But ADUs are not a panacea, as they can also be used as maid's quarters, guest suites or vacation rentals.

### **The Mello Act**

The Mello Act didn't just remove the Commission's authority over affordable housing. It went further. It added PRC Sec. 30500.1, specifically stating that Local Coastal Programs could not be required to include housing policies or programs. And it allowed developers to amend any existing coastal development permits to remove the conditions to build affordable units in their market rate projects. As a result, hundreds of approved, affordable units that would have been integrated into large, market-rate, coastal subdivisions were never built.

To add insult to injury, the Mello Act amended the Government Code to allow the demolition or conversion of existing affordable housing in the coastal zone to make way for higher-end residential development, so long as replacement units were constructed elsewhere in the city or within 3 miles of the coastal zone. However, the bill exempted the demolition of less than 3 units, allowing the razing of pre-Coastal Act duplexes with no mitigation at all. Worse yet, the bill specifically prohibited the Coastal Commission from requesting any verification that replacement units were built. Thus, the Mello Act effectively allowed (and still allows) for the unfettered demolition of duplexes, and export of affordable housing in the coastal zone to less desirable areas, with no accountability to the Coastal Commission or the public.

It's time to revisit the decision to repeal this important Coastal Act policy. The Commission has a demonstrable track record of implementation. As a statewide land use planning and permitting agency, the Commission is in an ideal position to directly and immediately begin to preserve and increase the affordable housing stock in some of the nation's least affordable areas.

**CONCLUSION**

This bill will enable the Coastal Commission to protect more effectively existing affordable housing and provide for new affordable housing and increased residential density in the coastal zone, without sacrificing coastal resource protection policies. The bill will reverse a deeply misguided policy that removed the Commission’s authority over affordable housing in 1981, which resulted in the loss of thousands of affordable units in coastal cities and counties.

**SUPPORT**

None on file

**OPPOSITON**

None on file

**RECOMMENDED POSITION**

Staff recommends the Commission **Support** AB 500.

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**BILL ANALYSIS****AB 1408 (Petrie-Norris)**

As Introduced 2/19/2021

**SUMMARY**

Assembly Bill 1408 would amend Public Resources Code Section 30600.6.1 to authorize local governments to waive or reduce fees for coastal development permits (CDPs) from applicants undertaking a public access or restoration project. If a city or county rejects the request, the bill would authorize the applicant to submit the coastal development permit application directly to the Coastal Commission.

**RECOMMENDED MOTION**

I move the Commission **Support** AB 1408, and I recommend a **Yes** vote.

**PURPOSE OF THE BILL**

The purpose of the bill is to encourage and facilitate public access and restoration projects in the coastal zone by making them more affordable, by encouraging local governments to favorably consider requests to waive or reduce fees.

**EXISTING LAW**

Public Resources Code Section 30620 (c)(3) directs the Coastal Commission to give extra consideration to private, non-profit organizations undertaking public access or restoration projects when considering a request for a fee waiver.

Public Resources Code Section 30600.6 authorizes local governments to elect not to charge fees for coastal development permits.

Government Code Section 6103(a) provides that government entities shall not be required to pay filing fees for the performance of any official service. The Commission interprets that to mean the Commission cannot charge CDP application fees to other public agencies.

**PROGRAM BACKGROUND**

The Coastal Commission regulates coastal land uses in the coastal zone through the issuance of CDPs and the certification of local coastal programs (LCPs). Once a local government has adopted a certified LCP, it assumes CDP permitting authority for all certified areas.

Local governments with certified LCPs are responsible for adopting their own permit fee schedules. In some jurisdictions, these fees can be significantly higher than the Commission's. In addition, not all local governments embrace the concept of public access, particularly if a project is opposed by favored constituents. Locally controversial projects, particularly those involving public access, can be delayed by opponents who object to public access in their neighborhoods, causing cost overruns and delays.



Filing fees paid to the Commission are deposited into the Coastal Act Services Fund (CASF) pursuant to PRC Section 30620 (2). The first \$500,000 collected annually is directed to the State Coastal Conservancy. The remainder accrues in the CASF and is subject to appropriation by the Legislature for purposes that further the goals and policies of the Coastal Act.

## **ANALYSIS**

Providing public access and habitat protection/restoration are two fundamental goals of the Coastal Act. However, they make up a very small percentage of project applications. Applicants for such projects are typically non-profit groups or public agencies. Because these types of projects provide public benefits that are in line with state priorities, as a matter of public policy, it is reasonable for the state to incentivize them by encouraging reasonable cost savings where feasible.

Although the Coastal Commission's regulations (14 C.C.R. 13055(h)) and PRC Sec. 30620 give the Commission discretion to waive or reduce a CDP fee for non-profits undertaking an access or a restoration project, there is no similar authorization for CDPs issued by cities and counties. While some local governments do consider such requests, it is not consistent across all jurisdictions. This bill would provide legislative authorization to local governments to consider fee relief for projects that protect, enhance and provide for public access, and/or protect and restore coastal habitat areas. It would not limit the local governments' current discretion, but rather, it would indicate that the Legislature expects them to consider fee waivers from entities that are undertaking public-benefit projects.

Should a local government decline the request, the bill would authorize an applicant to apply directly to the Coastal Commission. The Commission does not charge permit fees to public agencies, and already has the authority to waive or reduce fees for non-profits seeking to undertake public access and restoration projects, and considers each such request on the merits. This bill would provide significant cost savings to state agencies, such as DPR, SCC and regional conservancies, and provide greater continuity between the state and local processing of Coastal Act priority projects.

## **CONCLUSION**

This bill will reduce permitting costs for entities undertaking public access and habitat restoration projects. These projects further the goals of the Coastal Act and the state, and should be encouraged and facilitated in furtherance of the Natural Resources Secretary's "Cutting Green Tape" initiative.

## **SUPPORT**

None on file

## **OPPOSITON**

None on file

## **RECOMMENDED POSITION**

Staff recommends the Commission **Support** AB 1408.

## SUMMARY OF AB 964 (Boerner Horvath)

- Amends the Business and Professions Code to specify that a local ordinance, policy or program regulating the licensing or rental of residential units for transient occupancy (aka Short Term Rental, or STRs) through hosting platforms does not constitute development as defined in Public Resources Code Sec. 30106, and shall not be obligated to obtain a Coastal Development Permit (CDP) or be subject to a Local Coastal Program (LCP) amendment in order to become operative in the coastal zone.
- The author's intent is to help local governments preserve long-term rental and for-sale housing stock in the Coastal Zone by giving local governments the authority to decide whether and how to regulate STRs operated through hosting platforms in their jurisdictions without Coastal Commission approval.
- The reason for the bill is the growing popularity of online hosting platforms, like Airbnb and VRBO, which have increased the number of STRs in residential neighborhoods, especially coastal areas. Short-term rentals can negatively impact neighborhood quality, including increased noise and traffic. In addition, STRs reduce available housing stock, and can contribute to the rising cost of housing.
- The author states that the Coastal Commission has obstructed local governments' efforts to regulate STRs in the coastal zone, by requiring them to get CDPs or to submit LCP amendments before taking effect, whereupon the Commission has overturned or modified those policies.

## **ISSUES TO CONSIDER**

- STRs provide additional opportunities for coastal access, recreation and overnight coastal accommodations. Although they are not necessarily "lower-cost," they can provide affordable alternatives for families or groups. Hosted home-shares are typically the most affordable option.
- STRs reduce available housing stock. In extremely popular and most lucrative coastal areas, they can proliferate to the point where they affect market forces. The Santa Monica Rent Control Board found that Airbnb short-term rentals were responsible for nearly 10 percent of the median rent increase for a two-bedroom apartment in Santa Monica between 2010 and 2017.

- The Commission has been working with local governments for over a decade to craft STR ordinances that strike an appropriate balance between the provision of overnight accommodations, and protection of community character. The Commission has approved more than 25 STR ordinances, requiring modifications on less than ½ of them.
- Eliminating Coastal Commission review of STR ordinances creates the possibility of local policies that either ban STRs completely, or allow them to proliferate without constraint, depending on the varying priorities of local Councils and Boards. Thus, the bill would not necessarily accomplish its stated goal.
- This bill sets a precedent by legislatively limiting the definition of development, to exclude ordinances regulating development. This could foreseeably lead to future, similar attempts to exclude other types of ordinances, leading to more attempts to avoid Coastal Act compliance through local ordinances.
- This bill would have the effect of amending the Coastal Act through an unrelated law – the Business and Professions Code. Diminishing the Commission’s authority through other statutes could cause confusion and conflicts for the public, practitioners and local agencies.
- If not appropriately regulated and managed, STRs can negatively impact community character, by decreasing the availability of local parking, and increasing traffic, noise and other incompatible activities.