

CALIFORNIA COASTAL COMMISSION

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DATE: May 12, 2021

TO: Coastal Commission and Interested Persons

FROM: John Ainsworth, Executive Director
Sarah Christie, Legislative Director
Sean Drake, Legislative Analyst

SUBJECT: LEGISLATIVE REPORT FOR MAY 2021

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

Note: Information contained in this report is accurate as of 05/06/2021. Bills added since the previous report are marked by an *asterisk. Substantive amendments are summarized in *italics*. Bill text, votes, analyses, and the 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 (Atkins) from 2020. *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 Appropriations Committee (suspense file)
Position	Support

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. *Amendments of 05/03 increase the proposed the curing period for non-access violations to 60 days, and would require the Commission to submit an annual report regarding implementation.*

Introduced 02/15/21
Last Amended 05/03/21
Status Senate Appropriations Committee
Position Support

AB 500 (Ward) Local planning: permitting: coastal development

As amended, this bill would amend Public Resources Code (PRC) Section 30213 to reinstate the Commission’s previous authority over housing for people of low and moderate income; add PRC Section 30252.2 to preserve and enhance higher density residential development in non-hazardous areas of the coastal zone; repeal PRC Section 30500.1 prohibiting the inclusion of housing policies and programs in LCPs; and add PRC Section 30514 (f) to require local governments to amend their LCPs to include streamlined measures for approving Accessory Dwelling Units and Supportive Housing projects. *Amendments of 04/19 specify that LCPs must be updated to include specified housing policies by January 1, 2024.*

Introduced 02/09/21
Last Amended 04/19/21
Status Assembly Appropriations Committee
Position Support

SEA LEVEL RISE PLANNING/ ADAPTATION

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 (Boerner Horvath) from 2020. *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 (suspense file)

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 Appropriations 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 increase 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 Appropriations Committee (suspense file)

[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. *Amendments of 04/29 would require the Ocean Protection Council to develop the program, and would require the State Coastal Conservancy to administer the Sea Level Rise Revolving Loan Fund.*

Introduced 12/15/20
Last Amended 04/29/21
Status Senate Appropriations Committee
Position Support with Amendments

SB 449 (Stern) Climate-related financial risk

As amended 04/13, this bill would require corporations, partnerships, LLCs, and other business entities to prepare a climate-related financial risk report by December 31, 2022, and annually thereafter, and submit to the Secretary of State for public posting on its website.

Introduced 02/16/20
Last Amended 04/22/21
Status Senate Appropriations Committee

AB 826 (Bennett) Beach erosion: South Central California Coast: Point Conception to Point Mugu

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. *Amendments of 04/19 added a reference to the Conservancy's Climate Ready Program.*

Introduced 02/16/21
Last Amended 04/19/21
Status Assembly Appropriations Committee

AB 897 (Mullin) Office of Planning and Research: 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. The bill would direct OPR to establish geographic boundaries for regional climate networks, and publish guidelines on its website, and to provide technical assistance to regional climate networks in developing regional climate adaptation action plans. *Amendments of 04/19 would require a regional climate network to develop an action plan and submit it to OPR for review and comment.*

Introduced 02/17/21
Last Amended 04/19/21
Status Assembly Appropriations Committee

AB 1384 (Gabriel) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022

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 02/19/21
Status Assembly Appropriations 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 (Caballero) from 2020. *Amendments of 03/08 would sunset the provisions of the bill on January 1, 2029.*

Introduced 12/09/20
Last Amended 04/12/21
Status Senate Appropriations Committee (5/10)

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 make several technical, clarifying changes to the Act. *Amendments of 05/03 would limit the recipients of certain benefits to low- and moderate-income occupants of protected units.*

Introduced 12/09/20
Last Amended 05/03/21
Status Senate Appropriations 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 square feet.

Introduced 12/07/20
Last Amended 04/27/21
Status Senate Appropriations Committee

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. Amendments of 04/13 specify that the provisions of the bill also apply to common interest developments.*

Introduced 12/07/20
Last Amended 04/27/21
Status Senate Appropriations Committee (5/10)

SB 290 (Skinner) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints

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 one half-mile of a major transit stop, and makes technical changes to the statute.

Introduced 01/08/2
Status Senate Appropriations Committee (suspense file)

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

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

This bill would prohibit a local agency from imposing minimum lot size standards that exceed 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. *Amendments of 04/12 set minimum floor-to-area ratio standards.*

Introduced 02/17/21
Last Amended 04/12/21
Status Senate Appropriations Committee (5/10)

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. *Amendments of 04/28 specify that the bill does not apply to conservation easements and similar recorded documents that meet certain conditions.*

Introduced 02/16/21
Last Amended 04/28/21
Status Assembly Appropriations Committee

AB 989 (Gabriel) Housing Accountability Act: appeals: Housing Accountability Committee

This bill would create the Housing Accountability Committee within the Housing and Community Development Department. It would authorize the committee to hear appeals of proposed housing developments, and to vacate a local denial if it finds that the local agency inappropriately disapproved the housing development or imposed unreasonable conditions that make the project financially infeasible. *Amendments of 05/03 broadened the purview of the Committee to all housing developments, and limited the authority of the Committee to vacating only those local decisions that deny or condition approval in violation of Government Code Section 65598.5(d).*

Introduced 02/18/21
Last Amended 05/03/21
Status Assembly Appropriations Committee

COASTAL/OCEAN RESOURCES

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 Senate Rules Committee

AB 30 (Kalra) Outdoor access to nature: environmental equity

As amended, 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 Appropriations Committee

SB 54 (Allen) 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 Senate Appropriations Committee (5/10)

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 Senate Rules Committee

SB 69 (McGuire) North Coast Railroad Authority: right of way: Great Redwood Trail Agency: Sonoma-Marin Rail Transit District

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 04/26/21
Status Senate Appropriations Committee (5/10)
Position Recommend Support if Amended (analysis attached)

[AB 223 \(Ward\) Wildlife: dudleya: 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 per plant and up to one year in jail.

Introduced 01/11/21
Status Assembly Appropriations Committee (suspense file)
Position Recommend Support (analysis attached)

[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 (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. *Amendments of 04/29 would authorize the Board to grant funds to, and enter into agreements, loans, or contracts with, Tribes to the same extent as any public or private entity as authorized under specified laws.*

Introduced 04/29/21
Status Assembly Floor

[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 Appropriations Committee (5/10)

AB 525 (Chiu) Energy: offshore wind generation

This bill would 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. *Amendments of 04/26 remove the specific megawatt and year targets; change the submittal date of the required plan to December 31, 2022; and require the CEC to coordinate with the Coastal Commission and other state, local, and federal agencies to identify suitable sea space for wind energy facilities, make recommendations for addressing potential environmental impacts and use conflicts, and develop guidelines and timeframes for permitting associated transmission infrastructure.*

Introduced 02/11/21
Last Amended 04/26/21
Status Assembly Appropriations 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 Environmental Safety and Toxic Materials 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 authorize the CNRA and all departments, boards, conservancies, and commissions within the CNRA, to take targeted actions that improve equitable access to the state's public lands in ways that prioritize communities of color and other marginalized groups.

Introduced 02/18/21
Last Amended 04/19/21
Status Senate Appropriations Committee

SB 796 (Bradford) State parks: state beaches: County of Los Angeles: Manhattan State Beach, 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 Director of Parks and Recreation to execute an amendment to

existing deed restrictions to that effect by June 30, 2022. *Amendments of 04/12 would allow the County of Los Angeles to sell or transfer a property in Manhattan Beach known as Bruce’s Beach in the manner determined to be in the best interests of the county and the general public. Amendments of 05/03 revise the deadline for the Director of Parks and Recreation to execute the amendment to December 31, 2021.*

Introduced 02/17/21
Last Amended 05/03/21
Status Senate Appropriations Committee
Position Recommend Support (analysis attached)

[AB 1279 \(Muratsuchi\) Coastal resources: sustainable kelp](#)

As amended, this bill would require the Ocean Protection Council to work with private and non-profit entities to promote sustainable kelp projects, and to review and assess data from ongoing research and pilot projects to identify knowledge gaps related to kelp forest ecosystems.

Introduced 02/19/21
Last Amended 03/25/21
Status Assembly Appropriations Committee

WILDFIRES

[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. *Amendments of 05/04 would require the State Fire Marshal to adopt wildfire risk reduction standards for developments in very high fire risk areas.*

Introduced 12/07/20
Last Amended 05/04/21
Status Senate Appropriations Committee

SB 63 (Stern) Fire prevention: vegetation management: public education: grants: defensible space: 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 landowner 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
Last Amended 05/03/21
Status Senate Appropriations Committee

SB 456 (Laird) Fire prevention: forest health, action plan: reports

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 04/19/21
Status Senate Appropriations Committee (5/10)

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 02/12/21
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 Committee

TRANSPORTATION

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 04/19/21
Status Senate Appropriations Committee (5/10)

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 Appropriations Committee (5/10)

SB 790 (Stern) Wildlife connectivity mitigation: credits

As amended, this bill would require 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 04/14/21
Status Senate Appropriations 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. *Amendments of 04/19 clarify that the bill would prohibit these provisions from reducing or eliminating the enforcement of any requirement to provide electric vehicle parking or handicapped parking.*

Introduced 01/19/21
Last Amended 04/19/21
Status Assembly Appropriations Committee

BONDS

SB 5 (Atkins) Affordable Housing Bond Act of 2022

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. Amendments of 03/10 authorize the issuance of bonds in the amount of \$6.5 billion, and establishes the Affordable Housing Bond Act Trust Fund of 2022 within the State Treasury.

Introduced 12/07/20
Last Amended 03/10/21
Status Senate Housing Committee

SB 45 (Portantino) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

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. *Amendments of 04/08 increase the total amount of the bond to \$5,595,000,000.*

Introduced 12/07/20
Last Amended 04/08/21
Status Senate Appropriations Committee (suspense file)

AB 125 (Rivas) Equitable Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022

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. *Amendments of 04/12 increase the total amount of the bond to \$3,302,000,000.*

Introduced 12/18/20
Last Amended 04/12/21
Status Assembly Natural Resources Committee

AB 1500 (Garcia, Mullin) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022

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. *Amendments of 04/14 increase the total amount of the bond to \$6,995,000,000.*

Introduced 02/19/21
Last Amended 04/14/21
Status Assembly Natural Resources Committee

STATE/LOCAL ADMINISTRATIVE 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 by January 1, 2023.

Introduced 12/07/20
Status Assembly Appropriations Committee

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 04/15/21
Status Senate Appropriations Committee (suspense file)

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 Appropriations Committee (suspense file)

AB 339 (Lee) Open meetings

As amended, this bill would require all local agencies to include an opportunity for all persons to attend and participate via phone or internet. All teleconferenced meetings would also have to provide for in-person public comment. The bill would also require local agencies and state bodies to provide translation services for the 2 most common non-English languages spoken in their jurisdiction. *Amendments of 04/15 eliminated the requirement for closed captioning. Amendments of 05/04 limited the bill's applicability to local government jurisdictions containing at least 250,000 people, and removed the requirements to provide translation services.*

Introduced 01/28/21
Last Amended 05/04/21
Status Assembly Appropriations Committee

AB 343 (Fong) California 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. The bill would require the Ombudsperson to submit a report to the Legislature by 01/01/2023.

Introduced 01/28/21
Last Amended 04/21/21
Status Assembly Appropriations Committee

AB 473 (Chau) California Public Records Act

This bill would 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 Appropriations Committee (suspense file)

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 Appropriations Committee

AB 1031 (Villapudua) State agencies: interns and 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 Floor

AB 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 Rules Committee

TWO-YEAR BILLS

AB 11 (Ward) Climate change: regional climate change authorities

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 (Boerner Horvath) from 2020.

Introduced 12/07/20
Status Assembly Natural Resources Committee

[AB 51 \(Quirk\) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation 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

[SB 55 \(Stern\) Very high fire hazard severity: state responsibility area: development prohibition: supplemental height and density bonuses](#)

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 Governance and Finance Committee

[AB 111 \(Boerner Horvath\) San Diego Association of Governments: LOSSAN Rail Corridor: study](#)

This bill previously would have appropriated \$5 million to the San Diego Association of Governments (SANDAG) to study alignment alternatives for the LOSSAN Rail Corridor in San Diego County. *Amendments of 03/22 gutted the bill and amended it to concern a Clean Truck Infrastructure program.*

Introduced 12/17/20
Last Amended 03/22/21
Status Assembly Transportation Committee

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
Last Amended 04/20/21
Status Assembly Local Government Committee

AB 303 (Rivas) Aquaculture: mariculture production and restoration: pilot program

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. *Amendments of 04/21 require CDFW to consult with the Coastal Commission, and would delay the implementation of the pilot program to the point where sufficient data has been collected.*

Introduced 01/25/21
Last Amended 04/21/21
Status Assembly Natural Resources Committee

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 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 467 (Weiner) Oil and gas: hydraulic fracturing: acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming: 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 Failed Passage in Senate Natural Resources and Water Committee, Reconsideration Granted

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 the order.

Introduced 02/11/21
Status Assembly Accountability and Administrative Review 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 deleted the coastal zone exemption.*

Introduced 02/17/21
Last Amended 04/05/21
Status Senate Governance and Finance 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
Status Senate Natural Resources Committee
Position **Oppose**

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 Committee

***AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing**

This bill would require a state body that conducts a meeting by teleconference to make the public portion remotely observable both audibly and visually. If a state body conducting a meeting by teleconference is to adjourn and reconvene on the same day, the body would be required to provide instructions for how the public could observe the meeting both audibly and visually. Amendments of 03/24 would require a state body conducting a meeting by teleconference to post the agenda at the designated location where members of the public may physically attend the meeting and participate.

Introduced 02/17/21
Last Amended 03/24/21
Status Assembly Governmental Organization Committee

AB 916 (Salas) Zoning: 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 two ADUs on a lot with an existing multi-family building, with a height limit of 18 feet, provided the units are not attached to the main building.

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

AB 943 (Eduardo Garcia) California Global Warming Solutions Act of 2006: 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 02/17/21
Last Amended 03/11/21
Status Assembly Natural Resources Committee

AB 964 (Boerner Horvath) Rental units: hosting platforms: coastal resources

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 03/18/21
Status Assembly Natural Resources 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 Natural Resources Committee
Position Support

#

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**BILL ANALYSIS****AB 223 (Ward)**

As Introduced 1/11/2021

SUMMARY

Assembly Bill 223 would make it a crime to remove any succulent plant within the *Dudleya* genus from public or private property without written permission. It would also make it a crime to aid or participate in the sale or purchase of illegally obtained dudleya. Violations of these provisions would be a misdemeanor punishable by a fine and/or imprisonment.

RECOMMENDED MOTION

I move the Commission **Support** AB 223, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is to disincentivize poaching of dudleya by establishing strict criminal penalties for harvesting, selling, or buying dudleya illegally. Enforcement of these provisions will help protect dudleya and prevent the ecological degradation and bluff destabilization caused by poaching activities.

EXISTING LAW

The federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) provide for the listing and protection of species deemed to be at risk of extinction. Federal ESA regulations currently list seven California species within the *Dudleya* genus as threatened or endangered (50 CFR Section 17.12), while CESA regulations list five as threatened, endangered, or rare (14 CCR Section 670.2). ESA and CESA prohibit the illegal take or trafficking of listed species, and prescribe criminal penalties for violations including up to a \$50,000 fine and/or one-year imprisonment (16 USC Section 1540; California Fish & Game Code Section 12008.1).

California Food and Agriculture Code Section 80072 prohibits the harvest of specific California native plants, including *Dudleya saxosa*, except when permitted for scientific or educational purposes.

California Penal Code Section 384(a) prohibits removing plants from public or private property without written permission. A violation of this section is punishable by a fine of up to \$1,000 and/or imprisonment for up to six months.

Fish and Game Code Section 12012 establishes a penalty of up to \$40,000 and/or imprisonment for up to one year for illegal trafficking of a bird, fish, mammal, reptile, or amphibian for profit or personal gain.

Coastal Act Section 30001 states, in relevant part:

“The Legislature hereby finds and declares:

- (a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
- (b) That the permanent protection of the state’s natural and scenic resources is a paramount concern to present and future residents of the state and nation.
- (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction...”

PROGRAM BACKGROUND

Preservation of California’s unique coastal natural resources was a fundamental objective motivating the passage of Proposition 20 in 1972 and the subsequent adoption of the Coastal Act in 1976. As a reflection of the primacy of this issue, the Coastal Act opens with a declaration of strong policy language intended to protect coastal ecosystems and natural resources. Specifically, Section 30001 states that “the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.” The section goes on to further state that “permanent protection of the state’s natural and scenic resources is a paramount concern...,” and that “it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.” These concepts are carried into the Chapter 3 policies which guide the Commission’s regulatory decision-making, such as policies protecting wetlands and environmentally sensitive habitat areas.

ANALYSIS

Dudleya is a genus of succulent plants in southwestern North America that includes forty-seven species, twenty-six of which are native to California. *Dudleya* are slow growing, and are commonly known as “live-forevers.” They primarily grow in unique niches close to the coastline, typically on cliffsides adjacent to the water. Eight of the *dudleya* species found in California are classified as threatened or endangered under the federal ESA or CESA, and more than half of the *dudleya* species in California are ranked as rare according to the California Native Plant Society.¹

As the popularity of succulents grows internationally, cases of illegal poaching of the state’s native *dudleya* have risen alarmingly. These succulents can be grown in nurseries, but a fixation from buyers on larger, more mature *dudleya* that have been

¹ A list of state and federally threatened and endangered species as of April 2021 is available online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline>. The California Native Plant Society Inventory of Rare and Endangered Plants of California is available online at <http://www.rareplants.cnps.org/>.

AB 223 (Ward) Analysis

shaped by growth in their natural habitat and have visible signs of weathering has driven up the price of wild dudleya to as much as \$1,000 per plant. As a result, plant poachers have been motivated to collect wild dudleya, primarily from coastal areas, by the thousands and ship them for sale on the black market in other countries with the highest demand. For example, in 2018 three poachers in Humboldt County were caught in possession of more than two thousand dudleya plants, with intent to sell to a network of buyers in South Korea and China. Investigators estimate that the state has lost several hundreds of thousands of dudleya worth tens of millions of dollars to illegal poaching activity already, but because the state is not able to identify or apprehend all poaching operations, it is difficult to estimate the full scale of this problem.

Poaching poses significant harm to the *Dudleya* genus and to the coastal areas it inhabits. Due to their slow growth and limited range, widespread dudleya poaching removes the plants at a rate far greater than they can naturally repopulate, leading to the progressive disappearance of dudleya from California's coast. This disappearance threatens the long-term survival of California's wild dudleya species, many of which are already at risk of extinction, and also damages the coastal ecosystems in which dudleya grow. Moreover, given their tendency to grow on coastal cliffs and bluffs, dudleya contribute to the blanket of geologic stabilization provided by coastal vegetation. Removing dudleya, and damaging other nearby plants in the process, reduces the stability of these coastal lands, increasing the pace of coastal erosion and presenting a potential safety risk to the public.

Currently, the legal bases for penalizing dudleya poaching are inconsistent and insufficient. While the Fish and Game Code establishes strong penalties for illegal take or trafficking, these penalties apply only to listed or otherwise protected species or wildlife products (e.g., elephant tusks, rhinoceros horns, abalone). However, specific penalties for the illegal take or trafficking of dudleya species that are not listed do not currently exist in statute. This includes *Dudleya farinosa*, which is estimated to be the most widely poached dudleya species. For these unlisted species, law enforcement has had to prosecute poachers using Penal Code Section 384(a), which imposes a fine of up to \$1,000 and/or imprisonment for up to six months. Given the high value of mature, wild dudleya plants on the black market, these penalties are not sufficient to disincentivize poaching.

AB 223 would make poaching and trafficking of all dudleya species a misdemeanor punishable by a fine of not less than \$5,000 per plant and/or one year in jail. For subsequent offenses, the minimum fine would be \$40,000 per plant. These penalties are commensurate with the existing federal and state law criminal penalties for trafficking listed species or wildlife products, reflecting the equal urgency and seriousness that dudleya poaching presents to the state. By clearly making it unlawful to take or sell dudleya taken from their natural habitat and by establishing strict criminal penalties for violations, this bill would disincentivize future poaching operations and provide wildlife officers and prosecutors with a more consistent and effective tool to address dudleya poaching. Ending dudleya poaching is broadly consistent with the ecological preservation and habitat protection goals of the Coastal Act, and would prevent further ecological and geologic harm caused by poaching activities.

CONCLUSION

AB 223 will combat the widespread issue of dudleya poaching by criminalizing poaching and trafficking of all dudleya species. Ending dudleya poaching is consistent with the ecosystem preservation and habitat protection goals of the Coastal Act, and would prevent further ecological and geologic harm to California’s coast caused by poaching activities.

SUPPORT

- Audubon of California
- California Botanic Garden
- California Fish & Game Warden Supervisors and Managers Association
- California Native Plant Society
- California ReLeaf
- California Wilderness Coalition
- Californians for Western Wilderness
- Center for Biological Diversity
- Center for Plant Conservation
- Defenders of Wildlife
- Endangered Habitats League
- Environmental Center of San Diego
- Friends of Hedionda Creek
- Friends of the Inyo
- Great Old Broads for Wilderness
- Los Angeles Audubon Society
- Los Padres ForestWatch
- Midpenninsula Open Space District
- Mojave Desert Land Trust
- Morongo Basin Conservation Association
- National Parks Conservation Association
- Natural Resources Defense Council
- The Nature Conservancy
- Pacific Forest Trust
- San Diego Audubon Society
- Sierra Club of California
- Sierra Forest Legacy
- Theodore Payne Foundation
- Tuleyome
- The Urban Wildland Group
- Vet Voice Foundation
- The Wildlands Conservancy

OPPOSITION

None on file.

RECOMMENDED POSITION

Staff recommends the Commission **Support** AB 223.

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BILL ANALYSIS

SB 69 (McGuire)

As Amended 4/26/2021

SUMMARY

SB 69 would create the Great Redwood Trail, a 300-mile trail extending from north San Francisco Bay to Humboldt Bay. To do this, the bill would convert the North Coast Railroad Authority (NCRA) into the Great Redwood Trail Agency (GRTA) and divide its approximately 300-mile right-of-way into two segments. The southern segment, from Larkspur to the Sonoma-Mendocino county line, would consist of a network of bicycle and pedestrian trails along the Sonoma-Marin Area Rail Transit (SMART) right-of-way, which currently carries passenger and freight trains. The GRTA would plan and develop the northern segment of the trail from the Sonoma-Mendocino county line to Samoa, with the option to contract for future rail service along that portion of the right-of-way.

RECOMMENDED MOTION

I move the Commission **Support** SB 69 if amended to require the Great Redwood Trail Agency to coordinate with local governments, the State Coastal Conservancy, and the Coastal Commission to prepare a sea level rise assessment for the trail segment located in the coastal zone. I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is to convert the financially troubled North Coast Railroad Authority into the Great Redwood Trail Agency and use its right-of-way to develop a world-class recreational trail, while also maintaining rail service on the active portion of the right-of-way.

EXISTING LAW

The North Coast Railroad Authority Act of 1989 established NCRA, which traverses the Counties of Sonoma, Mendocino, Humboldt, and Trinity, with the intent to provide passenger and freight rail service to the north coast area. [AB 2224 \(Ch. 341, Stats. 2002\)](#) created Sonoma-Marin Area Rail Transit (SMART) within the Counties of Marin and Sonoma for potential freight and transit services and to operate and maintain a passenger rail system within its territory. [SB 1029 \(Ch. 934, Stats. 2018\)](#) declared that it is in the public interest to dissolve the NCRA and establish a trail in its right-of-way, and required the California State Transportation Agency (CalSTA) to assess the most appropriate way to dissolve the NCRA and dispense with its assets and liabilities.

Existing law broadly directs the Commission to incorporate sea level rise into planning projects in the coastal zone. In 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing state agencies to prepare guidance on sea level rise and to address sea level rise as part of planning projects located in vulnerable areas. In 2015,

Governor Brown issued Executive Order B-30-15, which requires state agencies to take climate change into account in their planning and investment decisions.

These orders are supported by the principles and policies of the Coastal Act. Public Resources Code Sections 30006.5 and 30335.5 direct the Commission to use science to guide decisions for planning and development in the coastal zone. Sections 30001, 30001.5, 30235, and 30253 instruct the Commission to adopt planning and development standards that minimize coastal hazards. Chapter Three of the Coastal Act (Pub. Res. Code Section 30200 *et seq.*) broadly guides the Commission to make decisions that maximize protection of public access, recreation, and sensitive coastal resources. In carrying out these practices, Sections 30006, 30320, 30339, 30500, 30503, and 30711 direct the Commission to maximize agency coordination and public participation.

In conjunction with the principles and policies of the Coastal Act, the Coastal Commission developed and adopted a Sea Level Rise Policy Guidance in 2015, and updated it in 2018. The guidance provides an overview of the best available science on sea level rise for California and a recommended methodology for addressing sea level rise in Coastal Commission planning and regulatory actions. It is intended to serve as a multi-purpose resource for a variety of audiences, including as a framework for coordination between the Commission and other state agencies and local governments in planning projects located in the coastal zone.

PROGRAM BACKGROUND

The North Coast Railroad Authority (NCRA) is a state agency formed in 1989 by the Legislature under the North Coast Railroad Authority Act. At that time, the Act was intended to ensure continuation of railroad service in northwestern California. The Act envisioned the approximately 300-mile rail line as providing significant transportation infrastructure for a part of the state that faced transportation challenges due to restricted access and limited options.

From 1991 through 2008, the California Transportation Commission (CTC) provided the NCRA with an estimated \$63 million through various grant programs for purchasing right-of-way, rolling stock, and equipment, and making repairs to the existing rail line. Additionally, in 2006, the NCRA entered into an agreement with the Northwestern Pacific Railroad Company (NWPCo) to operate service on the rail line. Currently, NWPCo is the exclusive contract freight operator for the NCRA. NWPCo runs minimal freight rail service on the line, operating up to two trains a week with several cars on each run from Lombard to Windsor, approximately 62 miles in distance. NCRA does not generate sufficient revenue from its operating contract with NWPCo to cover its expenditures.

Since its inception, the NCRA has been unable to secure stable funding and has struggled to provide consistent service along the rail line. In June of 2017, the NCRA testified at a CTC hearing that it has never been financially self-sufficient, operates with an annual loss, is routinely unable to pay its obligations, possesses outstanding debts due to legal fees from environmental lawsuits, and was selling excess property to pay

its debt obligations. Overall, since 2011, the NCRA has annually held \$7 million to \$10.6 million in debt obligations while simultaneously operating with significant cash flow constraints. CTC requested that the NCRA develop a strategic plan and return to the Commission to explain how it was going to continue operations.

In a follow-up presentation to the CTC in January of 2018, the NCRA provided an overview of its strategic plan. The NCRA proposed to accomplish several key objectives, including railbanking¹ a 120-mile segment of right-of-way to raise necessary funding to retire debt, and working toward obtaining grant and private funding required to complete phased improvements and restore freight service. The CTC indicated that the plan did not present sufficient information for the Legislature and other stakeholders to make informed decisions concerning the future of the NCRA. The CTC concluded that the NCRA could not be expected to continue as it is, and suggested that a legislative solution was the only remedy to the problem.

In 2018, the Legislature passed SB 1029 (McGuire), which declared that it is in the public interest to dissolve the NCRA and develop a trail on its right-of-way, and eliminated much of the NCRA's statutory authority besides that which was necessary to assist in planning its dissolution. The bill also required CalSTA to conduct an assessment to determine the most appropriate way to dissolve the NCRA and dispense with its assets and liabilities. CalSTA completed this report in 2020. The report found that the NCRA right-of-way is well suited for development of a recreational trail, including a rail-with-trail system along the southern portion of the rail corridor. The report also evaluated potential trail management governance structures.

ANALYSIS

SB 69 would build on the progress of SB 1029 and the 2020 CalSTA report by establishing the successor agency to the NCRA. Specifically, the bill would rename the NCRA as the Great Redwood Trail Agency, and would revise its governance structure to include representatives from CalSTA, the California Natural Resources Agency, and other state-appointed experts. Under this new structure, the GRTA would divide its approximately 300-mile right-of-way into two segments. The southern segment, from Larkspur to the Sonoma-Mendocino county line, would be transferred to Sonoma-Marín Area Rail Transit (SMART), which would continue to develop a network of bicycle and pedestrian pathways along the rail corridor. For the northern segment, from the Sonoma-Mendocino county line to Samoa, the GRTA would be responsible for completing the federal railbanking process, inventorying the right-of-way, completing an environmental assessment, and conducting a thorough public engagement process. Using the information gathered from these activities, the GRTA would design, construct, and maintain the Great Redwood Trail's northern segment, while maintaining the option to contract for rail service along that portion of the right-of-way in the future.

This proposed new name and governance structure will be better suited for planning and developing a recreational trail along the NCRA's right-of-way, while also

¹ "Railbanking" is a legal process that involves leaving tracks, bridges, and other infrastructure intact while allowing for potential future rail use.

maintaining rail service on the active portion of the corridor. Preserving this historic ribbon of land and turning it into a world-class recreation and transportation corridor is the best and highest use of the property, will provide a significant economic driver for many rural communities in northern California, and will benefit the people of California for generations to come. Development of the trail around Humboldt Bay would also provide a significant and valuable addition to the California Coastal Trail.

However, to ensure the public can enjoy the Great Redwood Trail in the long term, the GRTA must consider projected future sea level rise impacts when planning the 15-mile right-of-way segment around Humboldt Bay. This would best be accomplished through coordination with local governments, the Coastal Commission, and the Coastal Conservancy, all of whom are actively engaged in sea level rise planning along the Humboldt coast. Amending the bill to require the Great Redwood Trail's master plan to include a sea level rise assessment would ensure that planning and development of this segment of the trail is grounded in sound policy, and would equip the GRTA with the information necessary to design a resilient trail that contributes to the broader adaptation vision for Humboldt Bay.

CONCLUSION

This bill will continue to lay necessary groundwork for developing the Great Redwood Trail, including a significant addition to the California Coastal Trail around Humboldt Bay. Amendments requiring the Great Redwood Trail Agency to coordinate with state and local partners on a sea level rise assessment will ensure that the segment of trail in the coastal zone can be enjoyed for generations to come.

SUPPORT

Alta Planning & Design
Bay Area Ridge Trail Council
Bicycle Trails Council of the East Bay
Bruce & Julie Cline
City of Healdsburg
Coalition for Responsible Transportation Priorities
County of Marin
Friends of Stevens Creek Trail
Friends of the Annie & Mary Rail Trail
Friends of the Eel River
Humboldt Bay Keeper
Humboldt Trail Council
Marin County Bicycle Coalition
Marin County Board of Supervisors
Michael Foget & SHN Engineering
Rails to Trail Conservancy
Sonoma County Ag & Open Space District
Sonoma County Bicycle Coalition
Zander Design, Landscaping Architecture & Planning

SB 69 (McGuire) Analysis

OPPOSITION

Mendocino Railway

Train Riders Association of California

RECOMMENDED POSITION

Staff recommends the Commission **Support** SB 69 if amended to require the Great Redwood Trail Agency to coordinate with local governments, the State Coastal Conservancy, and the Coastal Commission to prepare a sea level rise assessment for the trail segment located in the coastal zone..

CALIFORNIA COASTAL COMMISSION

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BILL ANALYSIS
SB 796 (Bradford)
As Amended 5/3/2021

SUMMARY

SB 796 would authorize Los Angeles County to sell, transfer, or encumber the Bruce's Beach property within Manhattan State Beach in a manner determined to be in the best interest of the County and the general public. The bill would also require the Department of Parks and Recreation to execute an amendment removing existing deed restrictions on transfer and development of the property. This bill contains an urgency clause.

RECOMMENDED MOTION

I move the Commission **Support** SB 796, and I recommend a **Yes** vote.

PURPOSE OF THE BILL

The purpose of the bill is to rectify the injustice done to the Bruce Family in the mid-1920s by returning the Bruce's Beach property to the family descendants. The Bruce family was operating the only beach resort in the region that was available to African Americans. After years of racist harassment, the property was taken from them by eminent domain.

EXISTING LAW

Public Resources Code Section 5002.6 requires the Department of Parks and Recreation (DPR) to grant specified state beaches, including parts of Manhattan State Beach, to Los Angeles County in trust for the people of California. As a condition of the grant, Los Angeles County, is required to maintain these lands for public recreation and beach purposes in perpetuity. The deed associated with the grant must include deed restrictions prohibiting commercial development, limiting non-commercial development, and prohibiting sale or transfer of the property.

Government Code Section 11135(a) declares: "No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state."

Coastal Act Section 30107.3 and Government Code Section 65040.12 define environmental justice, in part, as "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the

SB 796 (Bradford) Analysis

development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

Coastal Act Section 30013 states, in part, that “in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division....”

Coastal Act Section 30001.5 states, in part:

“The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners....”

Government Code Section 8301.1 establishes an eight-member task force to study the issue of reparations for African Americans and make recommendations on the forms that reparations might take, among other tasks.

PROGRAM BACKGROUND

The California Coastal Commission was the product of a movement by the people of California to protect the coast for current and future generations. The Coastal Act, the statute that created and guides the Commission in this mission, is a law inherently grounded in the principle of equity. The Coastal Act begins with the declaration that the California coast “is a distinct and valuable natural resource of vital and enduring interest to all the people...” (emphasis added).

The Commission has a proud history of applying this principle to promote equitable use and enjoyment of the California coast. For example, the Commission required an exclusive club on a public beach to open its membership to women and people of color in the 1980s and, more recently, required Titans of Mavericks to include women in their annual big wave surf competition. In 2016, the Commission worked to pass legislation that allows the agency to consider environmental justice impacts in its decisions, and subsequently adopted an Environmental Justice Policy in 2019.

However, the legacy of racism continues to limit the ability of Black and Brown Americans to meaningfully access the coast. The soaring cost of housing in California’s

coastal areas has made living near the coast prohibitively expensive for low-income individuals, with a disproportionate impact on people of color. This divide reinforces the perception created by historical racism that the coast is primarily a place for white people, and that Black and Brown Americans are outsiders in coastal communities. As part of ensuring equitable coastal access for “all the people,” the Commission continues to pursue initiatives that undo systemic racism and inequity by promoting the ability of historically marginalized communities to make their livelihoods along the coast.

ANALYSIS

Bruce’s Beach was a Black-owned resort established in 1912 when Willa Bruce purchased the first of two lots overlooking the ocean in the city of Manhattan Beach for \$1,225. In 1920, the Bruces purchased the second, neighboring lot. Willa Bruce ran a popular lodge, café, and dance hall, providing a place of recreation for Black people in southern California during a time when beaches were segregated and largely inaccessible to people of color. The nearest other option for Black people to safely access a beach was in Santa Monica, which at the time was at least an hour’s drive away. A few more Black families, drawn to this new community, also bought and built their own cottages by the sea in Manhattan Beach.

From the beginning, the Bruce family and Black visitors faced harassment, threats, and violence from white residents and white supremacist groups, including the Ku Klux Klan (KKK). The KKK purportedly set fire to a mattress under the main deck and torched a Black-owned home nearby. Fake “10 minutes only” parking signs were posted to deter visitors. Many Black beachgoers would return from the beach to find the air had been let out of their tires. Despite this, the Bruce family refused to leave and continued to grow their thriving business throughout the 1920s.

In response, white residents launched a campaign to convert the area into a public park. In 1924, Manhattan Beach city officials condemned the neighborhood and seized more than two dozen properties via eminent domain to create a public park. The Bruces and three other Black families sued, citing racial prejudice. The Bruces sought \$120,000 in compensation — \$70,000 for their two lots and \$50,000 in damages. Another couple asked for \$36,000. After years of litigation, the Bruces received \$14,500. The other families received between \$1,200 and \$4,200 per lot.

Despite the stated purpose of acquiring the properties to create a public park, the properties sat empty for decades. The Bruces’ oceanfront parcels were transferred to the state in 1948, then to Los Angeles County in 1995. The latter transfer imposed statutory restrictions requiring that the county maintain the property for public recreation and beach purposes in perpetuity. Los Angeles County currently runs a lifeguard center on the site and has expressed interest in returning the property to the Bruce family’s descendants, but cannot do so with the current statutory restrictions. As for the remaining lots, city officials eventually turned them into a park. In 2007, the city renamed the park Bruce’s Beach.

SB 796 (Bradford) Analysis

On September 1, 2020, the Manhattan Beach City Council formed the Bruce's Beach Task Force and charged it with addressing the history of Bruce's Beach, re-writing the text on a plaque at the park, and considering an art installation. The mission evolved to include recommendations for a formal apology; community forums; and other measures intended to educate, enlighten, and engage the conversation among residents to combat racial injustice. On April 6, 2021, the Manhattan Beach City Council voted to issue an "acknowledgment and condemnation" of the City's past actions regarding Bruce's Beach.

The history of the Bruce family in Manhattan Beach is not unique and follows a longstanding, familiar trend in American history of white Americans stealing the land and property of Black Americans, typically with impunity, using methods ranging from abuse of the legal system to outright terrorism. In this case, the City of Manhattan Beach effectively stole the Bruces' property through the use of eminent domain under the guise of creating a park. This deprived the Bruces of their land, the most common asset for growing and transferring wealth to one's descendants. The business owned and operated by the Bruce family was thriving when the property was condemned, and likely would have continued to generate substantial income for the Bruce family over time, potentially allowing for other investments and growth. In other words, the value paid at condemnation did not compensate for the total losses the Bruce family sustained, when calculated over time. That value also cannot account for the harassment and violence inflicted on the Bruce family.

SB 796 takes one step toward redressing the injustices done to the Bruce Family in the mid-1920s by authorizing the return of the Bruce's Beach property to its rightful owners. Authorizing this transfer and removing the deed restrictions on future development and transfer would restore the Bruce Family's right to economic self-determination on the property, consistent with state and local law. Future development of the property would require local approval of a Coastal Development Permit, which would be appealable to the Commission. Any change to the property's zoning designation would require a Local Coastal Program amendment. Thus, the property would be subject to the same regulatory requirements under the Coastal Act as other properties in the area.

While returning the property will not fully compensate the descendants of Willa and Charles Bruce for their lost intergenerational wealth or their inherited trauma, it would be a significant step toward rectifying these harms. More broadly, given that the theft of Bruce's Beach contributed to the longstanding culture of racial exclusion in California's coastal communities, creating a pathway for redressing this egregious case would help foster a coast that is more welcoming and inclusive of "all the people," in furtherance of the Coastal Act and the Commission's Environmental Justice Policy. Restoring Bruce's Beach to the Bruce Family would mark a deliberate action toward undoing historic racism in California and the United States, and would stand as one example of how to deliver reparations owed to Black Americans harmed by the legacy of slavery and systemic racism.

CONCLUSION

Los Angeles County has the unique opportunity to rectify a nearly 100-year-old historic injustice by returning the Bruce’s Beach property to the descendants of Willa and Charles Bruce. SB 796 would authorize this transfer and order DPR to remove existing deed restrictions on transfer and development of the property.

SUPPORT

County of Los Angeles (sponsor)
Azul
Latino Outdoors
Natural Resources Defense Council

OPPOSITION

None on file.

RECOMMENDED POSITION

Staff recommends the Commission **Support** SB 796.