

CALIFORNIA COASTAL COMMISSION

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DATE: February 9, 2021

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR FEBRUARY 2022

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 February 02, 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.

2022 Legislative Calendar

Jan 1	Statutes take effect.
Jan 3	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor.
Jan 14	Last day for policy committees to hear and report to fiscal committees the fiscal bills introduced in their house during the 2021 session.
Jan 21	Last day for any committee to hear and report to the floor bills introduced in that house during the 2021 session. Last day to submit bill requests to Legislative Counsel.
Jan 31	Last day for each house to pass bills introduced in that house during the 2021 session.
Feb 18	Last day for bills to be introduced.
April 7	Spring Recess begins upon adjournment.

April 18	Legislature reconvenes from Spring Recess.
April 29	Last day for policy committees to hear and report to fiscal committees the fiscal bills introduced in their house.
May 6	Last day for policy committees to hear and report non-fiscal bills introduced in their house.
May 13	Last day for policy committees to meet prior to May 31.
May 20	Last day for fiscal committees to hear and report to the floor bills introduced in their house.
May 23-27	Floor session only.
May 27	Last day for each house to pass bills introduced in that house.
May 31	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.
June 30	Last day for a legislative measure to qualify for the November 8 General Election ballot.
July 1	Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment.
Aug 1	Legislature reconvenes from Summer Recess.
Aug 12	Last day for fiscal committees to meet and report bills.
Aug 15-31	Floor session only.
Aug 25	Last day to amend bills on the floor.
Aug 31	Last day for each house to pass bills. Final Recess begins upon adjournment.
Sept 30	Last day for Governor to sign or veto bills.

PRIORITY LEGISLATION

TWO-YEAR BILLS

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 bill is a re-introduction of SB 1385 (Caballero) from 2020. *Amendments of 3/8/21 sunset the provisions of the bill on January 1, 2029. Amendments of 8/23/21 require the developer to certify that all contractors and sub-contractors will pay prevailing wage.*

Introduced	12/09/20
Last Amended	08/23/21
Status	Assembly Housing and Community Development Committee.

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 5/4/21 require the State Fire Marshal to adopt wildfire risk reduction standards for developments in*

very high fire risk areas. Amendments of 7/1/21 narrow the bill to apply to residential structures only, as opposed to “development” generally.

Introduced	12/07/20
Last Amended	07/01/21
Status	Assembly Housing and Community Development Committee. Failed Passage. Reconsideration granted.

SB 17 (Pan) Office of Racial Equity.

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 would be required to develop a statewide Racial Equity Framework, in coordination with other agencies, to provide guidelines for inclusive policies and practices that reduce racial inequities, and to establish goals and strategies to advance racial equity and address structural racism. The bill would direct the Secretary of each state agency to adopt and implement a Racial Equity Action Plan, and would require the office to provide technical assistance to agencies, and approve each agency's Racial Equity Action Plan.

Amendments of 7/1/21 add a requirement for the Office to develop a Statewide Racial Equity Framework, and establish a Chief Equity Officer appointed by the Governor.

Introduced	12/07/20
Last Amended	07/01/21
Status	Assembly Appropriations Committee. Hearing cancelled at request of author.

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	Senate Rules 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	Assembly Desk.

SB 307 (McGuire) North Coast Railroad Authority: County of Humboldt: state moneys.

As amended, this bill would prohibit use of state moneys for any project designed to rehabilitate, maintain, or repair an existing rail facility, including any rail terminal or other rail infrastructure, on the North Coast Railroad Authority's right-of-way north of the City of Willits in Mendocino County. The bill also specifically prohibits state moneys from being spent for any new bulk coal terminal project in Humboldt County.

Introduced	02/04/21
Last Amended	01/03/22
Status	Assembly Desk.

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 January 1, 2023. *Amendments of 5/24/21 revise the deadline for submitting the report to January 1, 2024.*

Introduced	01/28/21
Last Amended	05/24/21
Status	Senate Judiciary Committee.

SB 396 (Dahle) Forestry: electrical transmission or distribution lines: clearance: notice and opportunity to be heard.

As amended 9/3/21, this bill would authorize utility line operators, notwithstanding any other provision of law, to access private property to trim, cut or fell any hazardous trees to maintain safe clearance. The bill would also require the utility to notify the landowner, provide an opportunity to protest, preserve timber value of felled trees if possible, and leave wood on site unless asked to remove it. The bill would also require the California Office of Energy Infrastructure Safety, by July 1, 2024, to develop standardized landowner notice materials, and would require utilities to make a good faith effort to communicate with landowners about trimming activities.

Introduced	02/02/21
Last Amended	09/03/21
Status	Assembly Floor.

SB 418 (Laird) Sea level rise planning: database.

This bill would extend 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. *Amendments of 1/14/22 change the subject of the bill to health care.*

Introduced	02/12/21
Last Amended	01/24/22
Status	Senate Governance and Finance Committee.

AB 500 (Ward) Local planning: coastal development: affordable housing.

This bill would have amended 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, junior accessory dwelling units, supportive housing projects, and 100% affordable housing projects by January 1, 2024. *Amendments of 8/31/21 limit the scope of the bill to only require LCP amendments, and add 100% affordable housing project, transitional housing, and low barrier navigation centers to the housing types to be included.*

Introduced	02/09/21
Last Amended	08/31/21
Status	Senate Inactive File.
Position	Support

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. *Amendments of 6/21/21 require the CNRA to submit a report to the Legislature by January 1, 2024 on implementation of the program.*

Introduced	02/18/21
Last Amended	06/21/21
Status	Assembly Appropriations Committee. Suspense File.

AB 897 (Mullin) Office of Planning and Research: regional climate networks: climate adaptation and resilience 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 4/19/21 require a regional climate network to develop an action plan and submit it to OPR for review and comment. Amendments of 7/14/21 broaden the scope of the required plans to also include climate resilience and hazard mitigation planning, require OPR's responsibilities under the bill to be carried out in consultation with the Office of Emergency Services, add tribes as entities eligible to participate in regional climate networks, add definitions of "under-resourced community" and "vulnerable community," and make various technical amendments.*

Introduced	02/17/21
Last Amended	07/14/21
Status	Senate Appropriations 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	01/03/21
Status	Senate Rules Committee.

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 specify who is authorized to represent the state in Tribal consultation, and 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
Last Amended	01/20/22
Status	Senate Rules Committee.

AB 989 (Gabriel) Housing Accountability Act: appeals: Office of Housing Appeals.

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 disapproved or conditioned the project in violation of the Housing Accountability Act Government Code Section 65598.5. *Amendments of 7/5/21 provide that the measure would sunset on January 1, 2029; specify that the appeal hearings shall be heard by a panel of 5 administrative law judges; provide that panel decisions are subject to judicial review; and specify the procedures for filing an appeal of a local agency action. Amendments of 8/18/21 limit the bill to housing developments of 5 units or more; specify that the statute of limitations does not begin until the final administrative action; reduce the size of the panel to 3 administrative law judges, and require the panel to render a written decision within 14 days of the appeal hearing.*

Introduced	02/18/21
Last Amended	08/18/21
Status	Senate Inactive File.

AB 1279 (Muratsuchi) Coastal resources: sustainable kelp.

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	Senate Natural Resources and Water Committee. Hearing cancelled at request of author.

AB 1323 (Chiu) Department of Technology: modernization: state information technology contracts.

This bill would require all state agencies and entities to submit their IT service contracts to the Department of Technology by May 1, 2022. The Department of Technology would be required to analyze the contracts to identify candidates for statewide contracts for common uses, and would prioritize legacy IT system modernization efforts across state government. *Amendments of 3/26/21 require the Department to work with the Legislature and the Legislative Analyst's Office to modernize state government IT project approval and oversight.*

Introduced	02/19/21
Last Amended	03/26/21
Status	Senate Governmental Organization 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. *Amendments of 7/14/21 reassign the requirements of the bill from the Strategic Growth Council to the Natural Resources Agency in coordination with the Office of Planning and Research, require the Natural Resources Agency to develop timetables and metrics for measuring the state's progress in implementing the Safeguarding California Plan, and require agencies to prioritize equity in climate change adaptation expenditures. Amendments of 8/26/21 would require the CNRA to release an updated draft of the Safeguarding California plan by January 1, 2017, and update it every 3 years thereafter, and to identify opportunities to improve policy and budget coordination across jurisdictions.*

Introduced	02/19/21
Last Amended	08/26/21
Status	Senate Inactive File

FAILED BILLS

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	Filed with the Chief Clerk pursuant to Joint Rule 56.

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 3/10/21 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	Returned to Secretary of Senate pursuant to Joint Rule 56.

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	Filed with the Chief Clerk pursuant to Joint Rule 56.

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 (Aguilar-Curry) from 2020.

Introduced 12/07/20

Status Filed with the Chief Clerk pursuant to Joint Rule 56.

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 re-introduction of AB 1920 (Boerner Horvath) from 2020.

Introduced 12/07/20

Status Filed with the Chief Clerk pursuant to Joint Rule 56.

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 Filed with the Chief Clerk pursuant to Joint Rule 56

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 4/5/21 specify that the prohibition does not 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 Returned to Secretary of Senate pursuant to Joint Rule 56.

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 4/5/21 include BCDC's jurisdiction, require 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 Filed with the Chief Clerk pursuant to Joint Rule 56.

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 Filed with the Chief Clerk pursuant to Joint Rule 56.

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 4/12/21 increase the total amount of the bond to \$3,302,000,000.*

Introduced	12/18/20
Last Amended	04/12/21
Status	Filed with the Chief Clerk pursuant to Joint Rule 56.

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.

Amendments of 5/25/21 specify that the bill's provisions would take effect January 1, 2023. Amendments of 6/23/21 delete the provisions related to competition motorcycles on public lands, and delete the provision requiring the Air Board to adopt regulations pertaining to competition motorcycles and ATVs.

Introduced	01/15/21
Last Amended	06/23/21
Status	Assembly Appropriations Committee. Held under submission.

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

As amended, this bill would direct the CDFW to establish a process for designating 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. Sub-lessees 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 require the State Lands Commission and/or the Fish and Game Commission to issue or deny a lease application within four months, and confer sole regulatory and enforcement authority over 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 01/03/22 eliminate consultation requirements with tribes, ports, NGOs, academic institutions, and stakeholders; require CDFW to establish the parameters of the program through rule making; and authorize but do not require the regulations to be based on best management practices.*

Introduced	01/25/21
Last Amended	01/03/22
Status	Filed with the Chief Clerk pursuant to Joint Rule 56.
Position	Oppose

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	Filed with the Chief Clerk pursuant to Joint Rule 56.

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

This bill would give the California Energy Commission exclusive authority over offshore wind generation facilities. The bill would require the Energy Commission 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	Returned to Secretary of Senate pursuant to Joint Rule 56.

SB 449 (Stern) Climate-related financial risk.

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 it to the Secretary of State for public posting on its website.

Introduced	02/16/20
Last Amended	04/22/21
Status	Returned to Secretary of Senate pursuant to Joint Rule 56.

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	Filed with the Chief Clerk pursuant to Joint Rule 56

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 4/5/21 delete the coastal zone exemption.*

Introduced	02/18/21
Last Amended	04/05/21
Status	Returned to the Secretary of Senate pursuant to Joint Rule 56.

AB 622 (Friedman) Washing machines: microfiber filtration.

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

Introduced	02/12/21
Status	Filed with the Chief Clerk pursuant to Joint Rule 56.

SB 627 (Bates) Coastal erosion: installation of 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 seawalls for residential development existing as of May 1, 2021, unless it is determined that the project constitutes a substantial threat to public health or safety. As a condition for approval, the applicant may be required to provide a “sand mitigation offset” not to exceed \$25,000, or one percent of the assessed value of the property. If the Commission denies a sea wall pursuant to the findings required in the bill, or receives notice of a local denial, the Commission must inform the Legislature of its action within 30 days with evidence supporting the denial.

Introduced	02/18/21
Status	Senate Natural Resources Committee. Failed passage.
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	Filed with the Chief Clerk pursuant to Joint Rule 56.

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 3/24/21 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 Filed with the Chief Clerk pursuant to Joint Rule 56.

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, promote climate adaptation, and reduce vehicle miles travelled beginning July 1, 2023.

Introduced 02/17/21
Last Amended 01/12/22
Status Filed with the Chief Clerk pursuant to Joint Rule 56.

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 an LCP amendment.

Introduced 02/17/21
Last Amended 03/18/21
Status Filed with the Chief Clerk pursuant to Joint Rule 56.

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

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

Introduced 02/19/21
Status Filed with the Chief Clerk pursuant to Joint Rule 56.

AB 1401 (Friedman) Residential and commercial development: remodeling, renovations, and additions: 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 4/19/21 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. Amendments of 6/21/21 prohibit a public agency from requiring additional parking for a remodel, renovation, or addition of a single-family residence. Amendments of 7/5/21 provide that the bill would not apply to counties with a population of less than 600,000 unless the public agency is a city with a population greater than 75,000.*

Introduced	01/19/21
Last Amended	07/05/21
Status	Senate Appropriations Committee. Held under submission.

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	Filed with the Chief Clerk pursuant to Joint Rule 56.
Position	Support

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 5/11/21 increase the total amount of the bond to \$7,080,000,000.*

Introduced	02/19/21
Last Amended	05/11/21
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CALIFORNIA COASTAL COMMISSION

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DATE: January 7, 2022

TO: Coastal Commission and Interested Persons

FROM: Legislative Unit and Legal Division

SUBJECT: Coastal Act: 2021 Chaptered Legislation

The 2021 California legislative session resulted in three pieces of chaptered legislation that directly amend the Coastal Act (SB 1, AB 378, SB 433) and six that will require future Coastal Commission involvement or action (AB 61, SB 69, SB 231, AB 361, AB 525, AB 1291). With the exception of AB 61, these new laws took effect January 1, 2022. AB 61 is an urgency statute that took effect October 8, 2021. This memo reviews these statutory changes and describes how the Commission will implement and/or comply with this legislation. Relevant language is provided below, with new language marked in underlined italics and removed language in ~~striketrough~~. The full text of each measure is digitally available through the links provided, and also at <http://leginfo.legislature.ca.gov/>.

Three additional bills (SB 8, SB 9, SB 10) made substantive changes to statutes governing residential housing development (the Government Code Planning and Zoning Law, the Health and Safety Code, and the Civil Code) that will affect local governments' review and approval of both affordable and market-rate residential housing units within and outside of the coastal zone. While these changes do not lessen or supersede the application of the Coastal Act, they will have a material effect on LCP implementation/amendments. For this reason, staff is currently working with the Department of Housing and Community Development (HCD) on a comprehensive memo describing these statutory changes, for the purpose of providing guidance to local governments. This memo will be presented to the Commission at a subsequent hearing in early 2022.

2021 COASTAL ACT AMENDMENTS

1. [SB 1 \(Atkins, Ch. 236, Stats. 2021\) Coastal resources, sea level rise](#)

This bill amends findings in Public Resources Code (PRC) Section 30001.5 to include the goal of anticipating, assessing, planning for, avoiding, minimizing, and mitigating the adverse environmental and economic effects of sea level rise within the coastal zone. It amends PRC Section 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 (LCP), and also makes several non-substantive amendments to that section. The bill adds PRC Section 30270, which requires the Commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities. It further adds Section 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.

Outside of the Coastal Act, the bill also establishes the California Sea Level Rise Mitigation and Adaptation Act of 2021 (PRC Section 30970-30973). The State and Regional Support Collaborative is created within the Ocean Protection Council (OPC), and authorized to expend up to \$100 million per year in grants to local and regional governments to update land use plans and implement projects. The bill requires the OPC to coordinate with other agencies, including the Coastal Commission, to administer the grants consistent with their authorities. In addition, the EPA Secretary may also expend up to \$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.

Implementation: This bill primarily codifies the SLR planning work and project-related analysis that the Commission has been doing for decades. The Commission will continue to analyze the potential impacts of sea level rise on proposed projects and condition them accordingly in order to avoid, minimize, and mitigate flood and erosion hazards. The Commission has already adopted SLR guidelines for local governments to assist in the drafting of SLR policies in LCPs. These guidelines were adopted in 2015 and updated in 2018. The Commission will continue to update as needed to reflect best available science.

With respect to the State and Regional Support Collaborative, the Commission will work closely with the OPC to assist in the administration of LCP grants and related regional planning efforts as needed, and to ensure that SLR adaptation funding supports Coastal Act and LCP-consistent projects.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 1. Section 30001.5 of the Public Resources Code is amended to read:

30001.5.

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) Ensure 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.
- (d) Ensure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

(f) Anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.

SEC. 2. Article 8 (Commencing with Section 30270) is added to Chapter 3 of Division 20 of the Public Resources Code, to read:

Article 8. Sea Level Rise

30270.

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

SEC. 3. Section 30421 is added to the Public Resources Code, to read:

30421.

State and regional agencies shall identify, assess, and, to the extent feasible and consistent with their statutory authorities, avoid, minimize, and mitigate the impacts of sea level rise.

SEC. 4. Section 30501 of the Public Resources Code is amended to read:

30501.

The commission shall, ~~within 90 days after January 1, 1977,~~ adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of ~~any~~ a local coastal program, including, but not limited to, all of the following:

(a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics.

(b) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. ~~Such~~ Those uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by ~~any~~ a local government.

(c) Recommendations and guidelines, which shall be periodically updated by the commission to incorporate new information as it becomes available, for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, taking into account local and regional conditions and the differing capacities and funding available to local governments.

2. AB 378 (Bauer-Kahan, Ch. 378, Stats. 2021) Public officials

This bill removes gendered language from several statutes referring to specific state Administration officials, including the reference to the Director of the Office of Planning and Research in PRC Section 30415.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: ...

SEC. 261. Section 30415 of the Public Resources Code is amended to read:

30415.

The Director of the Office of Planning and Research shall, in cooperation with the commission and other appropriate state agencies, review the policies of this division. If the director determines that effective implementation of any policy requires the cooperative and coordinated efforts of several state agencies, ~~he~~ the director shall, no later than July 1, 1978, and from time to time thereafter, recommend to the appropriate agencies actions that should be taken to minimize potential duplication and conflicts and which could, if taken, better achieve effective implementation of such policy. The director shall, where appropriate and after consultation with the affected agency, recommend to the Governor and the Legislature how the programs, duties, responsibilities, and enabling legislation of any state agency should be changed to better achieve the goals and policies of this division.

3. **SB 433 (Allen, Ch. 643, Stats. 2021) California Coastal Act: enforcement: penalties**

This bill adds PRC Section 30821.3 to confer administrative penalty authority over all types of Coastal Act violations. It also requires the Commission to submit an annual report to the Legislature regarding implementation.

Implementation: In passing SB 433, the Legislature expanded the Commission's existing authority to assess administrative penalties for violations involving public access, to include all types of Coastal Act violations. The cure period for voluntarily resolving a non-access violation is 60 days. The Commission is implementing Section 30821.3 in the following ways:

- Staff is conducting an internal assessment of existing cases to determine which ones include a non-access component.
- Staff is including a reference to 30821.3 in Notice of Violation (NOV) letters for newly discovered cases that involve non-access violations.
- Enforcement staff will update the Commission on implementation status at a subsequent hearing.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 1. Section 30821.3 is added to the Public Resources Code, to read:

30821.3.

(a) In addition to any other penalties imposed pursuant to this division, a person, including a landowner, who is in violation of any provision of this division other than public access, including, but not limited to, damage to archaeological and wetlands resources and damage to environmentally sensitive habitat areas, is subject to an administrative civil penalty that may be imposed by the commission in an amount not to exceed 75 percent of the amount of the maximum penalty authorized pursuant to subdivision (b) of Section 30820 for each violation. The administrative civil penalty may be assessed for each day the violation persists, but for no more than five years.

(b) All penalties imposed pursuant to subdivision (a) shall be imposed by majority vote of the commissioners present in a duly noticed public hearing in compliance with the requirements of Section 30810, 30811, or 30812.

(c) In determining the amount of civil liability, the commission shall take into account the factors set forth in subdivision (c) of Section 30820.

(d) A person shall not be subject to both monetary civil liability imposed under this section and monetary civil liability imposed by the superior court for the same act or failure to act. If a person who is assessed a penalty under this section fails to pay the administrative penalty, otherwise fails to comply with a restoration or cease and desist order issued by the commission in connection with the penalty action, or challenges any of these actions by the commission in a court of law, the commission may maintain an action or otherwise engage in judicial proceedings to enforce those requirements and the court may grant any relief as provided under this chapter.

(e) If a person fails to pay a penalty imposed by the commission pursuant to this section, the commission may record a lien on the property in the amount of the penalty assessed by the commission. This lien shall have the force, effect, and priority of a judgment lien.

(f) In enacting this section, it is the intent of the Legislature to ensure that unintentional, minor violations of this division that only cause de minimis harm will not lead to the imposition of administrative penalties if the violator has acted expeditiously to correct the violation.

(g) "Person," for the purpose of this section, does not include a state agency, or a local government, a special district, or an agency thereof, when acting in a legislative or adjudicative capacity.

(h) Administrative penalties pursuant to subdivision (a) shall not be assessed if the property owner corrects the violation consistent with this division within 60 days of receiving written notification from the commission regarding the violation, and if the alleged violator can correct the violation without undertaking additional development that requires a permit under this division. This 60-day timeframe for corrective action does not apply to previous violations of permit conditions incurred by a property owner.

(i) The commission staff shall prepare and present a written report to the full commission at its first public hearing after January 1, 2024, and annually thereafter at the first hearing of the year, that includes all of the following related to the implementation of this section:

(1) The number and type of new violations investigated and identified that were reported the previous year.

(2) The number of violations resolved from the previous year, including a description of those resolved without the imposition of an administrative civil penalty.

(3) The number of administrative penalties issued pursuant to this section, the dollar amount of the penalties, and a description of the violations that resulted in the imposition of a penalty the previous year.

(4) The number of days from initial notice to resolution of violations for those resolved in the previous year.

(j) The commission staff shall provide the written report described in subdivision (i) annually to the relevant policy and budget committees in both houses of the Legislature.

(k) Revenues derived pursuant to this section shall be deposited into the Violation Remediation Account of the Coastal Conservancy Fund and expended pursuant to Section 30823.

(l) The commission shall provide an opportunity for a local government with a certified local coastal program to enforce violations of its building codes in compliance with that local coastal program.

2021 COAST-RELATED LEGISLATION

1. [**AB 61 \(Gabriel, Ch. 651, Stats. 2021\) Business pandemic relief**](#)

Relative to the Coastal Commission, this bill adds Government Code Section 65907 to allow for the temporary suspension of local parking requirements for restaurants that have responded to COVID-19 indoor dining restrictions by expanding outdoor dining areas into areas previously used for parking. Until January 1, 2024, it requires local governments that have not yet adopted an ordinance that provides relief from parking requirements to reduce the number of required parking spaces by the number of spaces determined to be necessary to accommodate the expanded outdoor dining area.

Implementation: Pursuant to PRC Section 30611 the Commission issued numerous Coastal Development Permit waivers in 2020 and 2021 for pandemic relief activities to remain in effect for the length of the Governor's March 4, 2020 State of Emergency declaration and associated Executive Orders. Commission staff is preparing guidance for local governments to assist them with local implementation of this measure post-emergency, consistent with Coastal Act policies and process.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: ...

SEC. 2. Section 65907 is added to the Government Code, to read:

65907.

(a) To the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas shall reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area.

(b) This section shall become operative on January 1, 2022.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

2. [**SB 69 \(McGuire, Ch. 423, Stats. 2021\) North Coast Railroad Authority: Great Redwood Trail Agency: rail rights-of-way: Sonoma-Marin Area Rail Transit District**](#)

This bill changes the name of the North Coast Railroad Authority to the Great Redwood Trail Agency (Agency), and assigns the Agency with authorities and responsibilities related to developing the Great Redwood Trail along the existing railroad right-of-way. Relevant to the Coastal Commission, this bill requires the Agency to, among other things, complete an environmental assessment of the conditions of the railroad right-of-way from the Sonoma-Mendocino County line to Humboldt Bay; complete the federal railbanking process; and plan, design, construct, operate, and maintain a trail in, or next

to, that segment of right-of-way. The bill prohibits the Agency from collecting fees for public access to the trail.

Implementation: Pursuant to Government Code Section 93022(a), the Great Redwood Trail Agency is required to complete an environmental assessment of the conditions of the rail right-of-way for purposes of trail development. This includes approximately 15 miles of right-of-way in the coastal zone around Humboldt Bay, which is significantly vulnerable to sea level rise. Commission staff will proactively engage with the Great Redwood Trail Agency to ensure that the environmental assessment considers projected future sea level rise impacts and that future trail planning efforts are coordinated and consistent with state and local sea level rise adaptation efforts around Humboldt Bay.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: ...

SEC. 19. Section 93022 is added to the Government Code, to read:

93022.

(a) To the extent funding is available, the agency shall do all of the following:

(1) Initiate, complete, or initiate and complete the federal Surface Transportation Board's railbanking process on its rail rights-of-way. The federal Surface Transportation Board's railbanking process may be initiated, completed, or initiated and completed by segment of the rail rights-of-way.

(2) Inventory any parcel, easement, or contract related to its rail rights-of-way.

(3) Complete an environmental assessment of the conditions of the rail rights-of-way for purposes of trail development.

(4) Plan, design, construct, operate, and maintain a trail in, or parallel to, the rail rights-of-way.

(5) Conduct a thorough community engagement process that includes landowners, trail advocates, environmental groups, and the community at large. Items to be discussed during this process include, but are not limited to, trail configurations in, and parallel to, the rail rights-of-way, including those on public lands, connecting the trail to other trails, and rail-crossing access and fees.

(6) Honor existing trail licenses and work with local and state governments, tribal governments, and community groups to expeditiously provide new trail license agreements that meet the goal of this title.

(7) Use the services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, wherever feasible, for projects related to trails, environmental enhancements, and restoration, and other improvement projects.

(8) Use the services of conservation organizations, wherever feasible, for projects related to trails, fishing access, fish passage barrier restoration, and other environmental enhancement, restoration, and improvement projects.

(9) Prepare and implement a master plan for the rail rights-of-way, including any environmental analysis required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(10) Before January 1, 2024, and annually thereafter, submit a report to the Legislature, in compliance with Section 9795, describing the agency's progress towards fulfilling the requirements and goals relating to the rail rights-of-way.

(b) To the extent funding is available, the agency may do any of the following:

(1) Contract with public and private entities for trail management.

(2) Contract with an operator to operate excursion rail service, except that the excursion rail service shall not interfere with or harm the rail rights-of-way. The operator shall pay all expenses associated with rail construction, maintenance, and operation, including equipment, track safety, bridges, trestles, and pedestrian safety applicable to the excursion rail service.

(3) Work with landowners, fishing organizations, and others to locate and provide fishing and river access along the rail rights-of-way and to discourage and prevent trespassing on private property.

(c) This section shall become operative on March 1, 2022.

3. **SB 231 (McGuire, Ch. 289, Stats. 2021) Department of Transportation: transfer of property: Blues Beach**

This bill authorizes the California Department of Transportation (Caltrans) to transfer the property known as Blues Beach, located in the unincorporated community of Westport in Mendocino County, to a non-profit corporation organized by the Sherwood Valley Band of Pomo Indians, the Round Valley Indian Tribes, and the Coyote Valley Band of Pomo Indians. The bill requires the property to be used only to provide public access, maintain natural habitat, and protect Native American cultural resources, and requires the property to revert to Caltrans if the property is not maintained for these purposes.

Implementation: Pursuant to PRC Section 30609.5, public access across the Blues Beach property must be maintained either by the State's reservation of permanent property interests (e.g., public access easements) as part of the transfer or, if the non-profit meets the requirements of PRC Section 30609.5(b) and Government Code Section 831.5(b), through a public access agreement with the State Coastal Conservancy. Additionally, the transfer document must require that existing or potential public access is not diminished, and that the property will revert to Caltrans if public access is diminished. Commission staff is currently working with Senator McGuire's office, the three Tribes enumerated in the bill, Caltrans, and Mendocino County on planning out the mechanics of the transfer process to ensure that the transfer satisfies the requirements of PRC Section 30609.5 and will maintain public coastal access while protecting sensitive natural and cultural resources on the property.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 1. Section 118.9 is added to the Streets and Highways Code, to read:

118.9.

(a) For purposes of this section, the following definitions apply:

(1) (A) Except as provided in subparagraph (B), "Blues Beach property" means the property that meets the following description:

(i) The department acquired the property for state highway purposes.

(ii) The property is located along State Route 1 between post mile 73.65 and post mile 75.62 in the unincorporated community of Westport in the County of Mendocino.

(B) "Blues Beach property" does not include property that is part of the highway operating right of way.

(2) "California Native American tribe" means the Sherwood Valley Band of Pomo Indians, the Round Valley Indian Tribes, or the Coyote Valley Band of Pomo Indians.

(3) "Qualified nonprofit corporation" means a nonprofit corporation that is qualified pursuant to Section 501(c)(3) of the Internal Revenue Code and is organized by one or more California Native American tribes for the purpose of environmental protection, including the protection of Native American cultural resources. A qualified nonprofit corporation may include other Native American tribes besides California Native American tribes if their participation in the nonprofit is approved by a majority of the California Native American tribes organizing the nonprofit.

(b) The department may, upon terms, standards, and conditions approved by the commission, transfer the Blues Beach property at no cost to a qualified nonprofit corporation in accordance with this section.

(c) The conditions of the transfer of the Blues Beach property pursuant to subdivision (b) shall require the Blues Beach property to be maintained as a natural habitat and for protection of Native American cultural resources.

(d) As a condition to the transfer of the Blues Beach property pursuant to subdivision (b), the department may enter into an agreement with the transferee on a written plan to manage the Blues Beach property in accordance with this section.

(e) The department shall provide the fiscal and transportation policy committees of the Legislature with at least 30 days prior written notice of the transfer to facilitate the Legislature's review of the transfer.

(f) (1) The qualified nonprofit corporation to which the department transfers the Blues Beach property shall assume the long-term responsibility for the future maintenance of the property.

(2) (A) If the qualified nonprofit corporation fails to maintain the Blues Beach property in the manner required by this section, or if the qualified nonprofit corporation ceases to exist, the property shall automatically revert to the department.

(B) Any costs, including legal costs, associated with reversion pursuant to this paragraph shall not accrue to the department.

(g) (1) All deeds conveying the Blues Beach property in accordance with this section shall include a restriction limiting the use of the property to public access, natural habitat, and the protection of Native American cultural resources.

(2) All deeds conveying the Blues Beach property in accordance with this section and deeds related to a transfer or assignment of property under this section shall be filed with the county recorder's office in the county where the property is located and shall be consistent with Section 30609.5 of the Public Resources Code.

(h) A qualified nonprofit corporation to which the department transfers the Blues Beach property pursuant to this section shall not do any of the following:

(1) Transfer or assign the Blues Beach property to another entity without approval from the department and compliance with this section.

(2) Transfer or use the property for any other purpose than the purposes authorized in this section.

(3) Subdivide the property.

(4) Allow the property to be used to obtain development approval for other property or to provide mitigation for the development of other property.

(5) Charge monetary fees to access the property.

(6) Permit commercial or retail development on the property.

(7) Permit gaming on the property.

(i) A qualified nonprofit corporation to which the department transfers the Blues Beach property pursuant to this section shall allow public access to the Blues Beach property consistent with the requirement to provide public access, maintain natural habitat, and protect Native American cultural resources, but may restrict public access to any portion of the property that contains a Native American burial ground and shall restrict public access from sunset to sunrise. The restriction on public access from sunset to sunrise does not apply to Native American cultural activities, including, but not limited to, conducting cultural activities, harvesting native plants, and fishing.

(j) The Legislature finds and declares both of the following:

(1) This section serves the public purpose of conserving highly vulnerable natural and cultural resources that must be preserved and protected from damage due to unauthorized activities.

(2) Due to the remoteness of the Blues Beach property and the exceptional vulnerability of the resources, it is necessary to restrict public coastal access to the hours between sunrise and sunset.

4. **AB 361 (Rivas, Ch. 165, Stats. 2021) Open meetings: state and local agencies: teleconferences**

This bill statutorily extends Governor Newsom's Executive Order N-29-20, which suspended the Ralph M. Brown Act and Bagley-Keene Open Meeting Act requirements for teleconferencing, allowing public agencies to meet remotely during a state of emergency. The bill allows state public agencies to continue meeting remotely until January 31, 2022.

Implementation: On January 5, 2022, Governor Newsom issued Executive Order N-1-22, which further extended these suspensions until March 31, 2022. The Commission is preparing to return to hybrid, in-person public meetings beginning with the April meeting, unless public health concerns result in additional restriction or Executive Order time extensions.

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

This bill requires the California Energy Commission (CEC) to evaluate, by June 1, 2022, the maximum feasible offshore wind capacity off California, and to establish planning goals for 2030 and 2045. It also requires the CEC, in coordination with relevant state and local agencies, to develop a plan to improve waterfront facilities that could support offshore wind energy development. The bill requires the CEC, in consultation with the Coastal Commission and other agencies and stakeholders, to submit to the Legislature a permitting roadmap that describes timeframes and milestones for permitting offshore wind energy facilities and associated transmission infrastructure by December 31, 2022. Finally, the bill would require the CEC, in coordination with other agencies, including the Coastal Commission, to develop a strategic plan by June 30, 2023 for offshore wind generation in federal waters.

Implementation: The Coastal Commission has been working closely with the CEC and other agencies to coordinate interagency activities related to offshore wind planning and permitting. The Commission received \$425,000 in the 2021 budget to expend over 5 years on a limited-term position to hire a dedicated staff position to address the Commission's role in this strategic planning and permit coordination process.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: ...

SEC. 2. Chapter 14 (commencing with Section 25991) is added to Division 15 of the Public Resources Code, to read:

25991.

(a) (1) The commission, in coordination with the California Coastal Commission, the Ocean Protection Council, the State Lands Commission, the Office of Planning and Research, the Department of Fish and Wildlife, the Governor's Office of Business and Economic Development, the Independent System Operator, and the Public Utilities Commission, and other relevant federal, state, and local agencies as needed, shall develop a strategic plan for offshore wind energy developments installed off the California coast in federal waters.

(2) Development of the strategic plan shall incorporate, but not delay, progress to advance responsible development of offshore wind in other relevant policy venues.

(b) (1) The commission shall submit the strategic plan to the Natural Resources Agency and the Legislature on or before June 30, 2023.

(2) The plan submitted to the Legislature pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(c) The strategic plan shall include, at a minimum, the following five chapters:

(1) Identification of sea space, including the findings and recommendations resulting from activities undertaken pursuant to Section 25991.2.

(2) Economic and workforce development and identification of port space and infrastructure, including the plan developed pursuant to Section 25991.3.

(3) Transmission planning, including the findings resulting from activities undertaken pursuant to Section 25991.4.

(4) Permitting, including the findings resulting from activities undertaken pursuant to Section 25991.5.

(5) Potential impacts on coastal resources, fisheries, Native American and Indigenous peoples, and national defense, and strategies for addressing those potential impacts.

(d) (1) The strategic plan shall emphasize and prioritize near-term actions, particularly related to port retrofits and investments and the workforce, to accommodate the probable immediate need for jobs and economic development.

(2) In considering port retrofits, the strategic plan shall strive for compatibility with other harbor tenants and ocean users to ensure that the local benefits related to offshore wind energy construction complement other local industries.

(3) The strategic plan shall emphasize and prioritize actions that will improve port infrastructure to support land-based work for the local workforce.

(e) The development of the strategic plan regarding workforce development shall include consultation with representatives of key labor organizations and apprenticeship programs that would be involved in dispatching and training the construction workforce.

(f) The commission shall provide an opportunity for public review and comment on a draft strategic plan.

6. [AB 1291 \(Frazier, Ch. 63, Stats. 2021\) State bodies: open meetings](#)

This bill requires all state bodies that allow public comment to provide at least twice the allotted time for speakers who utilize translating technology.

Implementation: Pursuant to the Commission's Environmental Justice Policy, adopted in March 2019, the Commission provides translation services and already allows for twice the allotted time for members of the public who require translation assistance at its public hearings.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: ...

SEC. 2. Section 11125.7 of the Government Code is amended to read:

11125.7.

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(c) (1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator or other translating technology to ensure that non-English speakers receive the same opportunity to directly address the state body.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously. ...

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