

CALIFORNIA COASTAL COMMISSION

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DATE: APRIL 12, 2023

TO: Coastal Commission and Interested Persons

FROM: Kate Huckelbridge, Executive Director
Sarah Christie, Legislative Director
Sean Drake, Legislative Analyst

SUBJECT: LEGISLATIVE REPORT FOR APRIL 2023

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 April 5, 2023. 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.

2023 Legislative Calendar

Jan 1	Statutes take effect.
Jan 4	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor.
Jan 20	Last day to submit bill requests to Legislative Counsel.
Feb 17	Last day for bills to be introduced.
March 30	Spring Recess begins upon adjournment.
April 10	Legislature reconvenes from Spring Recess.
April 28	Last day for policy committees to hear and report fiscal bills.
May 5	Last day for policy committees to hear and report non-fiscal bills.
May 12	Last day for policy committees to meet prior to June 5.
May 19	Last day for fiscal committees to hear and report bills to the Floor.
June 2	Last day for each house to pass bills introduced in that house.
June 5	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.

July 14	Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment.
Aug 14	Legislature reconvenes from Summer Recess.
Sep 1	Last day for fiscal committees to meet and report bills.
Sep 5-14	Floor session only.
Sep 8	Last day to amend bills on the floor.
Sep 14	Last day for each house to pass bills. Recess begins upon adjournment.
Oct 14	Last day for Governor to sign or veto bills.

PRIORITY LEGISLATION

COASTAL ACT AMENDMENTS

[AB 45 \(Boerner Horvath\) Coastal resources: coastal development permits: blue carbon projects: new development: greenhouse gas emissions](#)

This bill would add Sections 30275 and 30276 to the Coastal Act, requiring the Commission to authorize the Commission to authorize blue carbon demonstration projects, and amend Section 30253 to require that new development minimize greenhouse gas emissions. A blue carbon project is defined as the creation or restoration of coastal wetland, intertidal, or marine habitats or ecosystems, including, but not limited to, kelp forests, seagrasses, and wetlands, that capture carbon. State grant programs may be used to contribute toward the project. The bill would also amend Section 30253 to require that new development mitigate greenhouse gas emissions. *Amendments of 03/15/23 make minor changes to the legislative findings.*

Introduced	12/05/22
Last Amended	03/15/23
Status	Assembly Appropriations Committee, Suspense File

[SB 79 \(J. Nguyen\) Coastal resources: preservation](#)

This bill would provide that it is the intent of the Legislature to enact subsequent legislation that would establish policy addressing coastal preservation.

Introduced	01/12/23
Status	Senate Rules Committee

[SB 360 \(Blakespear\) California Coastal Commission: member voting](#)

This bill would amend Coastal Act Section 30318 to allow Coastal Commissioners to simultaneously serve on Local Agency Formation Commissions (LAFCOs) and/or Joint Powers Authorities (JPAs) while also serving on the Coastal Commission.

Introduced	02/08/23
Status	Senate Natural Resources and Water Committee

SB 423 (Wiener) Land use: streamlined housing approvals; multifamily

This bill would allow the Department of General Services to act in place of a local government for the purpose of considering streamlined, ministerial review and approval of a multi-family housing project on state-owned lands. **The bill would also repeal the provision in existing law that precludes the streamlined approval process from applying in the coastal zone.** The effect of this would be that a multifamily housing project would be “deemed consistent” and not subject to a coastal development permit if it provides a variable minimum amount of affordable housing, and meets the objective zoning standards of the General Plan. The bill would also allow development in wetlands or critical habitat for listed species if development has been authorized by federal or other state law.

Introduced 02/13/23
Last Amended 03/28/23
Status Senate Housing Committee

AB 584 (Hart) California Coastal Act of 1976: coastal development: emergency waiver

This bill would amend Coastal Act Sec 30611 to increase the value limit of permanent structures that may be authorized by an emergency coastal development permit waiver from \$25,000 to \$125,000. *Amendments of 03/06/23 add language allowing this limit to increase automatically based on the Consumer Price Index.*

Introduced 02/09/23
Last Amended 03/06/23
Status Senate Rules Committee

***SB 689 (Blakespear) Local Coastal Program: conformity determination**

This bill would amend the Streets and Highways Code to provide that any project contained within or consistent with a bicycle transportation plan is consistent with a certified Local Coastal Program (LCP). It would also provide that any project to restripe a street for the purpose of relieving traffic congestion is consistent with an LCP.

Introduced 01/13/23
Last Amended 03/20/23
Status Senate Transportation Committee

SB 704 (Min) Coastal Resources: California Coastal Act of 1976: industrial developments: oil and gas facilities: offshore wind

As amended, this bill would amend the Coastal Act to specify that new or expanded oil and gas facilities shall not be considered a coastal-dependent industrial use and may only be permitted if found to be consistent with Chapter 3. The bill would also add statutory findings to the Coastal Act encouraging existing ports to pursue development contributing to offshore wind energy generation, and encouraging the Commission to receive technical advice with regard to offshore wind energy generation.

Introduced 02/16/23
Last Amended 03/27/23
Status Senate Natural Resources and Water Committee

***SB 782 (Limón) Coastal Resources: public works plan: vegetation management: coastal zone**

This bill would require the Coastal Commission to prepare a public works plan (PWP) for vegetation management in the coastal zone.

Introduced 02/17/23
Last Amended 03/22/23
Status Senate Natural Resources and Water Committee

AB 1287 (Alvarez) Density Bonus Law: additional density bonus and incentives or concessions: California Coastal Act of 1976

This bill would remove long-standing language from the Government Code specifying that state Density Bonus Law (DBL) does not supersede or lessen the application of the Coastal Act, and would replace this language with an affirmative statement that development standard exceptions granted under DBL can be applied to housing projects notwithstanding Coastal Act or Local Coastal Program policies. The bill would have the effect of exempting projects that take advantage of DBL exceptions from the coastal resource protection policies of the Coastal Act and LCPs.

Introduced 02/16/23
Last Amended 03/21/23
Status Assembly Housing and Community Development Committee
Position Recommend Oppose Unless Amended (analysis attached)

AB 1308 (Quirk-Silva) Single-family residences: parking requirements

As amended, this bill would prohibit a public agency, including the Coastal Commission, from increasing minimum parking standards on a project to remodel, renovate or add to a single-family residence. While this is not a Coastal Act amendment, it has the effect of creating a Coastal Act exemption from parking requirements.

Introduced 02/16/23
Last Amended 03/30/23
Status Assembly Housing and Community Development Committee

AB 1375 (Dixon) Coastal Protection

This is a Coastal Act spot bill.

Introduced 02/17/23
Status Assembly Rules Committee

***AB 1590 (Friedman) Major coastal resorts: coastal development permits: audits: waste**

As amended, this bill would establish the Major Coastal Resorts Environmental Accountability Act, and would require the Coastal Commission, with the assistance of a qualified consultant, to every 2 years prepare an audit of a major coastal resort’s compliance with the requirements of its coastal development permit including the coastal development permit, as provided. The bill would require the Commission to document the audit’s investigation and findings in a public report to be posted on the Commission’s website. The bill would also require any coastal development permit pertaining to a major coastal resort approved after January 1, 2024, to include, as a condition of approval, submittal of a turf, landscape, and pest management plan; and the Commission would be required to add this condition to any existing coastal development permit pertaining to a major coastal resort whenever such a permit is next amended. Finally, the bill would prohibit the use of any nonorganic pesticide at a major coastal resort, would prohibit a major coastal resort from providing single-use plastic bottled beverages, and would require a major coastal resort to provide at least one recycling bin in each guest room. Violation of these requirements would be punishable by a civil penalty of \$500 per day.

Introduced 02/17/23
Last Amended 03/23/23
Status Assembly Natural Resources Committee

NATURAL AND MARINE RESOURCES

AB 72 (Boerner Horvath) Coastal resources: research: landslides and erosion

This bill would extend the deadline for the Scripps Institution of Oceanography at UCSD to conduct research and provide a report to the Legislature regarding early warning systems that could detect landslides from March 15, 2025 to March 30, 2026.

Introduced 12/13/22
Status Assembly Floor

AB 234 (Bauer-Kahan) Microparticles

As amended, this bill would prohibit the sale of rinse-off cosmetics, detergents, waxes, and polishes that contain synthetic polymer microparticles, based on legislation passed by the European Union. The bill would impose a \$5,000 per day penalty for violation. *Amendments of 03/30/23 specify screening criteria for compliance.*

Introduced 01/12/23
Last Amended 03/30/23
Status Assembly Natural Resources Committee

AB 343 (Muratsuchi) Southern Los Angeles: ocean dumpsites: chemical waste

This bill would require Cal EPA to hold at least 4 public meetings per year, between March 31, 2024 to until January 1, 2028 to provide the public with current information efforts to study and mitigate DDT and other chemical waste dumped off the coast of Los Angeles. The bill would require the agency, to report to the Legislature with policy recommendations on how to further mitigate the impacts of chemical waste deposits at or from the dumpsites.

Introduced 01/31/23
Status Assembly Appropriations Committee

SB 378 (Gonzalez) State parks: state beaches: expanded polystyrene food container and cooler ban

This bill would prohibit a person from bringing a Styrofoam food container or cooler onto a state beach or any unit of the State Parks system. An infraction would be punishable by a \$25 fine.

Introduced 02/09/23
Status Senate Natural Resources and Water Committee

AB 566 (Pellerin) Department of Parks and Recreation: protection: stewardship: Santa Cruz Mountains Region

This bill would authorize State Parks to enter into an agreement with an NGO or a federally- or state-recognized Tribe, for the purpose of establishing permanent protection over properties in Big Basin, Año Nuevo, or Butano State Parks through fee title acquisition or ongoing management, stewardship, and monitoring in perpetuity.

Introduced 02/08/23
Status Assembly Water, Parks, and Wildlife Committee

AB 706 (L. Rivas) Leasing of public lands: minerals others than oil and gas

This bill would authorize the State Lands Commission (SLC) to issue prospecting permits and leases minerals (other than oil and gas) on state lands without approval by the Attorney General. The bill would delete the current 960-acre maximum for lease areas, as well as the requirement for the lease area to be surveyed by the SLC or another entity. The bill would also authorize the SLC to issue permits for geological or geophysical exploration permits on state lands, and if minerals are discovered, require a lessee to pay an annual rental based on fair market value.

Introduced 02/13/23
Status Assembly Appropriations Committee

***AB 748 (Villapudua) California Abandoned and Derelict Commercial Vessel Program**

The bill would require the State Lands Commission (SLC) to, by July 1, 2025, create an inventory of abandoned and derelict commercial vessels in commercially navigable waters. This bill would direct the SLC to convene multiagency group to identify, prioritize, and fund the removal and disposal of abandoned and derelict commercial vessels, and would create a state agency task force to develop guidance for carrying out these responsibilities. The bill would further impose civil penalties on vessels that become derelict. Penalty moneys would be deposited in a fund, created by the bill, and would be used to fund removal of abandoned and derelict commercial vessels.

Introduced 02/13/23
Last Amended 03/23/23
Status Assembly Natural Resources Committee

AB 953 (Connolly) Coastal resources: voluntary vessel speed reduction

This bill would require the OPC to implement a statewide voluntary vessel speed reduction in shipping corridors to reduce whale strikes, air pollution, and underwater acoustic impacts. *Amendments of 03/26/23 clarify the requirement of the bill to expanding the existing program for voluntary vessel speed reduction.*

Introduced 02/14/23
Last Amended 03/29/23
Status Assembly Natural Resources Committee

AB 1407 (Addis) Coastal resources: ocean recovery and restoration: large scale restoration

This bill would require the Ocean Protection Council to establish a Kelp Forest and Estuary Restoration and Recovery Framework that has a goal of restoring by 2050 an unspecified number of acres of kelp forests, eelgrass meadows, and native oyster beds. The bill would also require the OPC to establish an interagency Ocean Restoration and Recovery Working Group that includes the Coastal Commission and other departments to coordinate and facilitate large-scale restoration in the coastal areas of the state.

Introduced 02/17/23
Status Assembly Water, Parks, and Wildlife Committee

CLIMATE CHANGE & SEA LEVEL RISE

[AB 225 \(Grayson\) Real property: environmental hazards handbook](#)

This bill would express the intent of the Legislature to require the Department of Real Estate to include wildfire, climate change and sea level rise in its informational booklet on environmental hazards, when the booklet is next updates. The bill would require the State Department of Public Health to seek the advice and assistance of departments within the Natural Resources Agency in the writing of the new sections.

Introduced 01/11/23
Status Assembly Appropriations Committee

[SB 272 \(Laird\) Sea level rise: planning and adaptation](#)

This bill would require all local governments in the coastal zone to address sea level rise through Local Coastal Programs by January 1, 2034. Jurisdictions that complete this requirement by January 1, 2029, would be prioritized for state funding. Vulnerability assessments and implementation policies would be based on the best available science, cover specified priorities, and would get updated on a timeline agreed upon by the local governments and the Coastal Commission. The measure would also require the Commission and BCDC to collaborate with OPC and the Sea Level Rise State and Regional Support Collaborative on the establishment of guidelines to assist local governments in this work by December 31, 2024.

Introduced 12/05/22
Status Senate Governance and Finance Committee
Position **Recommend Support (analysis attached)**

[AB 970 \(L. Rivas\) Climate and Sustainability Insurance and Risk Reduction Program](#)

This bill would require the Department of Insurance to establish and administer the Climate and Sustainability Insurance and Risk Reduction Program, to expand insurance options, especially in vulnerable and disadvantaged communities where climate risks are currently uninsured or underinsured.

Introduced 02/14/23
Status Assembly Appropriations Committee

[AB 1554 \(Gallagher\) CEQA: exemption: wildfire fuels reduction program](#)

This bill would exempt from CEQA projects to reduce of fuels in areas within moderate, high, and very high fire hazard severity zones.

Introduced 02/14/23
Status Assembly Natural Resources Committee

ENERGY

AB 3 (Zbur) Offshore wind energy: reports

As amended, this bill would require the Energy Commission to produce two reports dealing with offshore wind development. The first report, prepared in consultation with the State Lands Commission, would include both a report and a plan related to seaport readiness. Among other specifications the second report would consider retrofits to existing ports and the development of new ports in new locations where site control can be obtained by a port authority or state agency within five years. It would also develop recommendations for the ports best suited for supporting offshore wind energy developments and in-state workforce opportunities, including opportunities for low-income and environmental justice communities, by January 1, 2026. The second report, due by July 1, 2027, would analyze the feasibility of achieving 70% and 85% in-state assembly and manufacturing of offshore wind energy projects.

Introduced	12/05/22
Last Amended	04/04/23
Status	Assembly Utilities and Energy Committee

AB 65 (Mathis) Energy: nuclear generation facilities

This bill would exempt small, modular nuclear reactors from the current prohibition against the certification of any new nuclear power plants in California. The bill would also require the Public Utilities Commission, on or before January 1, 2026, to adopt a plan to increase the procurement of electricity generated from nuclear facilities and to phase out the procurement of electricity generated from natural gas facilities.

Introduced	12/06/22
Last Amended	02/14/23
Status	Assembly Natural Resources Committee

AB 80 (Addis) Coastal resources: ocean research: West Coast Offshore Wind Science Entity

As amended, this bill would require the OPC to establish and oversee a West Coast Offshore Wind Science Entity to ensure comprehensive baseline modeling of California's ocean ecosystem to inform state and federal decisions about offshore wind development. The entity would also oversee and direct funding to targeted research.

Introduced	01/31/23
Last Amended	03/23/23
Status	Assembly Natural Resources Committee

SB 286 (McGuire) Offshore wind energy projects

As amended, this bill would designate the State Lands Commission as the CEQA lead agency for all offshore wind projects. It would also create the Offshore Wind Energy Resiliency Fund in the State Treasury, and establish the Offshore Wind Energy Fisheries Working Group which the Coastal Commission would convene with SLC, OPC, CDFW, representatives of the fishing industry and federal agencies and other stakeholders as appropriate. The working group would be required to develop a statewide strategy by January 1, 2026 to ensure the avoidance, minimization and/or mitigation of impacts to ocean fisheries, establish compensation for commercial and recreational fishers for economic impacts, and develop best practices for monitoring, communications and engaging affected communities.

Introduced 02/02/23
Last Amended 03/22/23
Status Senate Natural Resources and Water Committee

SB 319 (McGuire) Electricity: transmission planning

As amended, this bill would require the Energy Commission, Public Utilities Commission, and Independent System Operator to develop an expedited permitting roadmap for electrical transmission infrastructure, and to submit the roadmap to the Natural Resources Agency and Legislative by December 31, 2024. The bill further requires the agencies to coordinate in various transmission forecasting and planning processes, and requires electrical corporations to submit annual and project reports to the PUC, which is required to report the information to the Legislature.

Introduced 02/06/23
Last Amended 03/22/23
Status Senate Energy, Utilities, and Communications Committee

AB 344 (Wood) Load serving entities: offshore wind facilities

This bill would authorize electrical corporations, electric service providers, and community choice aggregators to jointly enter into agreements to procure electricity generated from offshore wind facilities.

Introduced 01/31/23
Status Assembly Appropriations Committee

SB 420 (Becker) Electricity: electrical transmission facility projects

This bill would require the Governor to identify a lead agency to monitor clean energy and electrical transmission planning and deployment, and require that agency to identify those electrical transmission facility projects necessary to maintain system reliability and to meet specified targets. Those projects would qualify for a streamlined approval process under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021. In a proceeding to determine whether to issue certificates of public convenience and necessity for those projects, the bill would establish a rebuttable presumption that the project is necessary if certain requirements related to the Independent System Operator are satisfied. *Amendments of 03/30/23 require the lead agency to consult with the Natural Resources Agency, and would except from the provisions of the bill transmission projects within state and national park units.*

Introduced 02/09/23
Last Amended 03/30/23
Status Senate Environmental Quality Committee

AB 547 (Alanis) Distribution of energy resources

This is a spot bill related to the distribution of energy resources throughout the state.

Introduced 02/08/23
Status Assembly Rules Committee.

SB 559 (Min) Offshore oil drilling: leases

This bill would require the State Lands Commission to undertake negotiations with oil and gas lessees for the voluntary relinquishment of oil and gas production associated with leases on state lands.

Introduced 02/15/23
Status Senate Natural Resources and Water Committee

SB 605 (Padilla) Wave and tidal energy

As amended, this bill would require the Energy Commission and the Ocean Protection Council (OPC) to conduct a comprehensive study to evaluate the feasibility and benefits of ocean wave and tidal energy. As part of the study, the Energy Commission would be required to work with the Coastal Commission, OPC, Department of Fish and Wildlife, State Lands Commission, and local and federal agencies to identify suitable sea space for wave and tidal energy facilities in state and federal waters. The bill would also require the Energy Commission and OPC to develop a strategic plan for the deployment of wave and tidal energy with generation targets, and to submit a report to the Legislature with findings and recommendations, by January 1, 2025. The bill would also authorize the Energy Commission to solicit applications for and to approve tidal and wave energy pilot projects.

Introduced 02/15/23
Last Amended 03/20/23
Status Senate Energy, Utilities, and Communications Committee

AB 772 (Jackson) Electric vehicle chargers

This bill would require all new single-family homes constructed after January 1, 2025, to include a rapid compact electric vehicle charger. The bill would also require utility companies to install electric vehicle charging stations upon request of a homeowner after January 1, 2025. The bill would also establish a fund administered by the PUC for reimbursing installation costs to utilities.

Introduced 02/13/23
Status Assembly Utilities and Energy Committee

AB 914 (Friedman) Electrical infrastructure: California Environmental Quality Act: exemptions: review time period

This bill would provide a CEQA exemption for the expansion or upgrade of an existing electrical transmission facility, or the construction of a new electrical transmission facility, if the project is intended to provide capacity or enhance reliability to accommodate increased demand or forecasted demand. It would also provide a CEQA exemption for electrical storage facilities (battery storage facilities).

Introduced 02/15/23
Last Amended 03/09/23
Status Assembly Natural Resources Committee

HOUSING

SB 4 (Wiener) Planning and zoning: housing development; higher education and religious institutions

This bill would provide that a housing development project that is 100% available to lower income and moderate income households would be a use by right on any land owned by an independent institution of higher education or religious institution that was in their ownership prior to January 1, 2024, if the project meets objective zoning standards, is at least ¼ acre in size, the applicant hires skilled and trained labor, and is located within ½ mile of a major transit stop, a high quality corridor, or within one block of a car-share vehicle. *Amendments of 02/22/23 allow up to 5% of the housing to be available to staff of the institution if made available at an affordable rate. Amendments of 3/28/23 delete the provision that the property must be at least ¼ acre in size, specify that projects are eligible for density bonus, incentives, waivers of development standards, and parking ratios.*

Introduced 12/05/23
Last Amended 03/28/23
Status Senate Governance and Finance Committee

SB 18 (McGuire) Housing programs: Tribal Housing Reconstitution And Resiliency Act

As amended, this bill would establish the Tribal Housing Grant Program Trust Fund, to provide a source of funding to tribes and tribal entities for housing, housing-related program services, and community development, upon appropriation by the Legislature. The Fund would be administered by the Department of Housing and Community Development.

Introduced 12/05/22
Last Amended 03/22/23
Status Senate Housing Committee

AB 49 (Soria) Affordable housing

This bill would express the intent of the Legislature to enact legislation that would increase the supply of affordable housing and reduce homelessness.

Introduced 12/05/22
Status Assembly Rules Committee

AB 68 (Ward) Land use: streamlined housing approvals: density, subdivision, and utility approvals

This bill would provide for a streamlined application process for housing development proposals on climate-smart parcels, as defined in the bill. The bill would also prohibit a city or county from increasing density on climate-risk lands or climate-refugia lands, as defined in the bill.

Introduced 12/08/22
Last Amended 03/16/23
Status Assembly Housing and Community Development Committee

SB 91 (Umberg) California Environmental Quality Act exemption: supportive and transitional housing; motel conversion

This bill would remove the January 1, 2025 sunset date for the CEQA exemption that currently applies to conversion of hotels and motels for transitional and support housing.

Introduced 01/17/23
Status Senate Housing Committee

AB 986 (Berman) General plans

This bill is a spot bill related to housing.

Introduced 02/15/23
Status Assembly Rules Committee

AB 1630 (Garcia) Planning and zoning: housing development approvals: student housing projects

As amended, this bill would make student housing and faculty housing an allowable use within 1,000 feet of a university campus, provided that 20% of the units are occupied by students or faculty of that university, and 20% of the units are available to lower income households. The bill would also prohibit a local government from imposing a minimum parking requirement.

Introduced 02/17/23
Last Amended 03/21/23
Status Assembly Housing and Community Development Committee

WATER

ACA 2 (Alanis) Water and Wildfire Resiliency Act of 2023

This measure would establish the Water and Wildfire Resiliency Fund, and would require the Treasurer to annually transfer an amount equal to 3% of all state General Fund revenues to the WWR Fund. The measure would require that 50% of the money in the fund be used for water projects, including desalination, recycling, conveyance and drinking water quality projects. The other 50% of the money in the fund would be used for forest maintenance and health projects, including fuel breaks, fuel reduction, home hardening and workforce training.

Introduced 12/05/22
Status Assembly Rules Committee

SB 23 (Caballero) Water supply and flood risk reduction projects: expedited permitting

This bill would make substantial revisions to the process, timelines, and standard of review by which CDFW, SWRCB and RWQCBs review and approve water supply and flood risk projects, with the objective of reducing timelines and environmental requirements to 180 days. The bill would also authorize any state agency to enter into agreements with project proponents to recover costs for expedited review of environmental documents with the goal of completing permit review and approval in an expeditious manner, and to hire or compensate staff or contract for services needed to complete permit review and approval in an expeditious manner. *Amendments of 03/30/23 clarify that the agencies shall approve water supply and flood risk reduction projects within 180 days of receiving a complete application, or within 60 days of receiving the final CEQA document, whichever is later; and add nature-based solutions to the definition of "flood risk reduction project."*

Introduced 12/05/22
Last Amended 03/30/23
Status Senate Natural Resources and Water Committee

AB 66 (Mathis) Natural Resources Agency: water storage projects: permit approval

This bill would require every agency within the CNRA to approve the necessary permits for water storage projects within 180 days from receiving the permit application. If the permit approval does not occur within this time period, the permit would be deemed approved. *Amendments of 03/29/23 remove the completion requirement and the automatic approval mechanism, and require every agency to post updates on permit application process on its website.*

Introduced 12/06/22
Last Amended 03/29/23
Status Assembly Appropriations Committee

AB 345 (Wilson) Habitat restoration: flood control: advance payments

This bill would authorize DWR to provide advance payments to local agencies for projects to restore habitat for threatened and endangered species or flood protection. *Amendments of 03/20/23 extend the authorization to the Central Valley Flood Protection Board, stipulate that advance payments must be spent within 6 months, and impose reporting requirements on recipients.*

Introduced 01/31/23
Last Amended 03/20/23
Status Assembly Appropriations Committee

AB 1596 (Alvarez) Watershed, Clean Beaches, and Water Quality Act: beaches: water quality.

This bill would require the State Water Resources Control Board to identify and implement projects to improve beach access and address ocean water quality on public beaches that experience bacteria levels that exceed public health standards, whether the source is from urban runoff or transboundary flows.

Introduced 02/17/23
Status Assembly Environmental Safety and Toxic Materials Committee

PUBLIC ACCESS

AB 612 (Berman) State Parks: Pedro Point

This bill would require Caltrans to transfer surplus property in San Mateo County to the City of Pacifica for the purpose of expanding the California Coastal Trail by closing a gap between Pacifica State Beach and Pedro Point Headlands, and providing for additional parking and trailhead amenities.

Introduced 02/09/23
Status Assembly Water, Parks, and Wildlife Committee

AB 859 (Gallagher) Hunting: navigable waters

This bill would amend the hunting provision of the Fish and Game Code to clarify that nothing in the provision restricts the right of the public to use navigable waters for hunting, fishing, or other public purpose as guaranteed under Section IV of Article X of the California Constitution.

Introduced 02/14/23
Status Assembly Water, Parks, and Wildlife Committee

AB 1150 (Assembly Water, Parks, and Wildlife Committee) Department of Parks and Recreation: community access agreements: interpretive and visitor services

This bill would authorize the Department of Parks and Recreation to enter into community access agreements with non-profit organizations and Native American tribes to provide interpretive and visitor services to underserved populations at state parks. It would authorize a community access agreement to offer free or reduced-cost access to members of the public participating in interpretive services and visitor services offered by the organization.

Introduced 02/16/23
Status Assembly Appropriations Committee
Position **Recommend Support (analysis attached)**

EQUITY, ENVIRONMENTAL JUSTICE & TRIBES

SB 310 (Dodd) Prescribed fire: civil liability: cultural burns

This bill would authorize cultural fire practitioners to obtain approval to burn pursuant to a tribal law, ordinance, regulation, or resolution adopted by a California Native American tribe within its ancestral territory, in lieu of any other permit. *Amendments of 03/30/23 recast the bill to authorize the Natural Resources Secretary to enter into agreements with California Native American Tribes regarding cultural burning, and as part of those agreements the Secretary may waive state permitting or regulatory requirements.*

Introduced 02/06/23
Last Amended 03/20/23
Status Senate Natural Resources and Water Committee

AB 437 (Jackson) State government: equity

As amended, this bill would require state agencies to ensure that their policies, allocation of resources, and systemic practices are equitable in meeting the needs of diverse and underserved populations.

Introduced 02/06/23
Last Amended 03/20/23
Status Assembly Accountability and Administrative Review Committee

AB 1077 (Jackson) State agencies and counties: antiracism audits

This bill would require the State Controller to conduct comprehensive antiracism audits on all state agencies and counties. The bill would require each state agency and county to establish and implement an action plan within one year of the audit to rectify deficiencies in efforts to identify and dismantle racist practices, policies, and attitudes identified by the audit. If the Controller determines that appropriate progress has not been made by a state agency or county toward rectifying deficiencies within 3 years, the Controller may impose a civil penalty or bring a court action.

Introduced 02/15/23
Status Assembly Accountability and Administrative Review Committee

AB 1284 (Ramos) Tribal ancestral lands and waters: co-governance and co-management agreements

As amended, this bill would authorize the Natural Resource Agencies and its subsidiary agencies to enter into co-governance and co-management agreements with federally recognized tribes for the purpose of shared responsibility, decision-making and partnership in resource management and conservation within a tribe’s ancestral lands and waters.

Introduced 02/16/23
Last Amended 03/23/23
Status Assembly Natural Resources Committee

AB 1495 (S. Nguyen) Office of Tribal Affairs

This bill would establish the Office of Tribal Affairs within the Governor’s office, managed by the Secretary of the Office of Tribal Affairs. The bill would also establish a Deputy of Tribal Affairs and a Tribal Advisor position in every state agency, department, or commission, and in every constitutional office. The bill would require the Governor to appoint a Tribal Advisory Committee, to advise the Secretary of Tribal Affairs.

Introduced 02/17/23
Status Assembly Rules Committee

TRANSPORTATION

AB 692 (Patterson) CEQA: exemptions: egress route projects: fire safety

This bill would provide a CEQA exemption for the construction of secondary egress routes to improve emergency access for communities identified by CalFire.

Introduced 02/13/23
Status Assembly Appropriations Committee

AB 756 (Papan) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters

As amended, this bill would require the Department of Transportation (Caltrans), in consultation with the State Water Board, DTSC, and CDFW, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the process to include a pilot project at a particular highway crossing over San Mateo Creek to study the effectiveness of installing bioretention and biofiltration controls to eliminate the discharge of 6PPD and 6PPD-quinone into waters of the state. This bill would require Caltrans to annually install bioretention or biofiltration controls at 10% of specified locations for 10 years, until Caltrans has installed bioretention or biofiltration controls at all locations.

Introduced 02/13/23
Last Amended 03/02/23
Status Assembly Environmental Safety and Toxic Materials Committee

AB 894 (Friedman) Parking requirements: shared parking

This bill would require public agencies to share underutilized parking spaces with other users, if 20% or more of the dedicated parking is unused during the time that additional parking is desired by other users.

Introduced 02/14/23
Status Assembly Local Government Committee

SB 677 (Blakespear) Intercity rail: LOSSAN Rail Corridor

As amended, this bill would require the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency to prioritize and promote climate resiliency in its planning and projects within the rail corridor.

Introduced 02/16/23
Last Amended 03/21/23
Status Senate Transportation Committee

BOND ACTS

AB 305 (Villapudua) California Flood Protection Bond Act of 2024

This bill would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters in the November 2024 general election, would authorize the issuance of bonds in the amount of \$3,750,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified.

Introduced 01/26/23
Last Amended 03/23/23
Status Assembly Water Parks and Wildlife Committee

SB 638 (Eggman) Climate Resiliency and Flood Protection Bond Act of 2024

This bill would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters in the November 5, 2024 general election, would authorize the issuance of bonds in the amount of \$4,500,000,000, for flood protection and climate resiliency projects. *Amendments of 03/20/23 increase the amount of the bond to \$6,000,000,000.*

Introduced 02/16/23
Last Amended 03/20/23
Status Senate Governance and Finance Committee

SB 867 (Allen) Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

This bill would enact the above-referenced bond act which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, and park creation and outdoor access programs.

Introduced 02/17/23
Status Senate Governance and Finance Committee

AB 1567 (Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023.

This bill would enact the above-referenced bond act which, if approved by the voters, would authorize the issuance of bonds in in the amount of \$15,105,000,000 for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

Introduced 02/17/23
Status Assembly Water, Parks, and Wildlife Committee

ADMINISTRATIVE

AB 433 (Jackson) State and county funded grants: advance payments

This bill would require state and county departments that offer grants to nonprofit organizations to advance a payment of 10% of the total grant amount awarded to the nonprofit organization, upon request of the nonprofit administrators.

Introduced 02/06/23
Status Assembly Accountability and Administrative Review Committee

AB 469 (V. Fong) California Public Records Act Ombudsman

This bill would create a Public Records Act Ombudsperson within the office of the State Auditor. The office would receive requests to investigate cases where a member of the public believes a Public Records Act request has been improperly denied. The Ombudsperson would have the authority to require the release of records found to be improperly denied. Agencies found to have improperly withheld records may be required to reimburse the office for its expenses. The bill would require the Ombudsperson to submit a report to the Legislature by January 1, 2025 and every year thereafter.

Introduced 02/06/23
Status Assembly Judiciary Committee

***SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing**

This bill would indefinitely extend the provisions of the Governor’s Executive Order related to the Bagley-Keene Open Meetings Act, allowing state agencies to conduct public meetings without the need to post notice of each location of each member that will be participating in the public meeting by teleconference, post an agenda at each teleconference location, or to require that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to listen and observe remotely and address the state body both remotely and directly at one physical site with staff present.

Introduced 02/15/23
Last Amended 03/20/23
Status Senate Government Organization Committee

***AB 696 (Lowenthal) State agency grants and contracts: nonprofit agencies**

As amended, this bill would require all state agencies that administers grant programs to accept electronic signatures and allow for electronic fund transfers. It would also require the State Library to create a website through which non-profit agencies could submit any documents associated with their grant contracts, and require the Department of General Services to create a website for non-profits to submit invoices, progress reports, budget modifications, and other documents.

Introduced 02/13/23
Last Introduced 03/20/23
Status Assembly Accountability and Administrative Review Committee

AB 749 (Irwin) State agencies: information security: uniform standards

This bill would require every state agency to make specified cyber-security upgrades by January 1, 2025.

Introduced 02/13/23
Last Amended 03/14/23
Status Assembly Accountability and Administrative Review Committee

***AB 1217 (Gabriel) Business pandemic relief**

This bill would extend the sunset for the Covid-19 Pandemic Relief authorization to restaurants, bars, and clubs to expand their outdoor seating and sales areas onto adjacent public sidewalks, parking spaces and parklets pursuant to licenses issued by the Department of Alcoholic Beverage Control (ABC). The new sunset date has not been determined, and the terms of the ABC licenses do not supersede local ordinances.

Introduced: 02/13/23
Status Assembly Government Organization Committee

***AB 1713 (Gipson) State and local agencies: state and federal funds: reports**

This bill would require a state or local agency that receives state or federal funds that are subject to an expiration date to report to the Legislature within one year of the funding expiration date a summary of how funds have been expended and a plan for the remaining funds to be expended.

Introduced 02/17/23
Last Amended 03/23/23
Status Assembly Accountability and Administrative Review Committee

###

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BILL ANALYSIS

SB 272 (Laird)

As Introduced 1/31/2023

SUMMARY

Senate Bill 272 would require all local governments in the coastal zone to address sea level rise (SLR) through their Local Coastal Programs (LCPs) by January 1, 2034. Jurisdictions that complete this requirement by January 1, 2029 would be prioritized for state funding. Vulnerability assessments and policies would be based on the best available science, cover specified priorities, and would be updated on a timeline agreed upon by local governments and the Coastal Commission. The measure would also require the Commission and the San Francisco Bay Conservation and Development Commission (BCDC) to collaborate with the Ocean Protection Council (OPC) and the Sea Level Rise State and Regional Support Collaborative on the establishment of guidelines to assist local governments in this work by December 31, 2024. This analysis only addresses coastal zone/Coastal Commission impacts, although its provisions also apply to BCDC and the San Francisco Bay jurisdictions.

RECOMMENDED MOTION

I move that the Commission **SUPPORT** SB 272, and I recommend a **YES** vote.

PURPOSE OF THE BILL

The purpose of the bill is to elevate SLR planning from its current voluntary status within existing LCPs to a requirement that would apply to all local governments in the coastal zone and San Francisco Bay area. The bill is also intended to bring standardization to local SLR planning across the coastal zone and Bay Area through regular updates that reflect the state's best available science with respect to projections.

EXISTING LAW

Chapter 6 of the Coastal Act (commencing with Public Resources Code Section 30500) requires all local governments located in whole or in part within the coastal zone to prepare and submit to the Commission a Local Coastal Program (LCP) no later than January 1, 1984 (PRC Sec. 30517.5 and 30517.6). Once certified and adopted, any change, revision, update or other modification to an LCP is discretionary on the part of the local government. However, any change to an LCP must be submitted to the Coastal Commission for certification.

PROGRAM BACKGROUND

While the Coastal Act contains a requirement for every local government in the coastal zone to prepare and adopt a certified LCP, it does not contain any requirement for local governments to update their LCPs once they have been certified by the Coastal Commission. Moreover, the Coastal Act did not contain an explicit reference to sea level

rise until the passage of SB 1 ([Atkins, Ch. 236, Stats. 2021](#)). However, the Commission has long encouraged, incentivized and supported local governments to begin planning for SLR voluntarily. For example, since 2014, the Commission has awarded over \$16 million in grants to local governments for the purpose of updating their LCPs to address SLR and other climate-related planning issues. More than half of the 64 certified jurisdictions already include some SLR policies in their LCPs or are currently in the process of adding them. Some contain only a vulnerability assessment, while others have taken the next step of translating that information into policies and programs.¹

ANALYSIS

SB 272 would require local governments in the coastal zone that have not already done so to address sea level rise resiliency planning through an LCP or an LCP amendment by January 1, 2034, at the latest. There is no penalty or other consequence for non-compliance.

This bill would specify that the required components to address SLR, shall include:

- Vulnerability assessment that also ensures equity for at-risk communities
- Implementation approaches, including adaptive management
- Identification of lead agencies
- A timeline for future updates

LCPs contain policies and priorities that are tailored to reflect unique aspects of each locality. Currently, it is up to local governments to determine how much to focus on SLR adaptation. Some local governments are only interested in conducting vulnerability assessments. Others also want to understand the economic ramifications. Still others have sought to synthesize that information into policies/programs, but may not prioritize equity.

Mandating and standardizing the components of an SLR update across all LCPs and developing guidelines for doing so, while still allowing for local flexibility in terms of specific conditions and priorities within Coastal Act requirements, will provide incentive, clarification, and focus for local governments. Both CSAC and the League of Cities engaged productively on this bill's predecessor, [SB 867 \(Laird, 2022\)](#), and neither organization took an oppose position on the final version of the bill.

Furthering the intent of SB 1 (Atkins)

SB 272 also furthers the provisions of [SB 1 \(Atkins, Ch. 236, Stats. 2021\)](#), which amended the Coastal Act to advance sea level rise planning and adaptation across the California coast. This bill operationalizes the following provisions of SB 1:

- Establishes as a goal of the state to anticipate, assess, plan for, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone. (PRC Section 30001.5)

¹ See <https://documents.coastal.ca.gov/assets/lcp/grants/LCP-Grants-Graphic.pdf>.

SB 272 (Laird) Analysis

- Requires the Coastal Commission to adopt recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each LCP). (PRC Section 30501)
- Requires the Commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities. (PRC Section 30270)
- Requires 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. (PRC Section 30421)

SB 272 builds on SB 1 as follows:

- Provides a deadline for all certified LCPs to include SLR policies.
- Provides a deadline for the Commission to produce guidelines for LCP updates.
- Requires LCPs to include both vulnerability assessments and adaptation plans.
- All SLR policies within certified LCPs must be updated periodically to reflect the best available science as provided in the “State of California Sea-Level Rise Guidance Document.”

Every local government within the coastal zone must have a certified LCP by Jan. 1, 2034.

The Commission is still the primary permitting authority in 12 coastal cities that have not yet complied with the Coastal Act mandate to prepare and adopt a certified LCP. This bill would update the deadline by which these remaining jurisdictions are required to do so² as well as adding the requirement to include SLR policies. While it does not stipulate a consequence for failure to comply, local governments that complete this work prior to the deadline will be given priority for state funding to construct projects that are consistent with the policies.

This approach represents a trade-off between mandates and incentives. If SB 272 were to create a clear penalty for missing the deadline, it could lead to costly litigation and further delays, and could potentially undermine the decades-long partnership that has been built between the Commission and coastal jurisdictions. Still, deadlines have a way of focusing the mind. Even without a consequence for non-compliance, this measure would still bring demonstrable forward progress to the state’s adaptation and resiliency goals. If enforceability remains an issue, that could be the focus of future legislation.

All certified LCPs must include SLR policies.

In addition to reiterating the original requirement for all coastal cities and counties to prepare and adopt an LCP, the measure would also require certified jurisdictions that have not yet voluntarily addressed resiliency planning to do so through an LCP amendment by January 1, 2034.

² The Coastal Act currently requires local governments to submit the two components of an LCP (a land use plan and an implementation plan) no later than January 1, 1984 (PRC Sec.30517.5 and 30517.6).

Moving from a voluntary approach to a requirement to address SLR is a logical next step in resiliency planning, following 8 years of proactive grant making. It is also consistent with PRC Sec. 30270, added in 2021 by SB 1, which requires the Commission to “account for the effects of sea level rise in coastal resource planning and management policies and activities.” Because LCPs are the tools for local coastal planning and management, the logical way to implement Section 30270 is by requiring LCPs to include a sea level rise component.

Vulnerability assessments provide baseline data on the range of future scenarios that communities can expect as warming seas continue to rise. This information provides the critical building blocks upon which to craft policies and programs to avoid, mitigate, or lessen the impacts of future coastal flooding and erosion. What form these policies take for individual communities may differ, but requiring cities and counties to take an honest look at what lies ahead is a rational first step toward long-term problem solving.

All SLR policies within certified LCPs must be updated periodically.

Once the LCPs have been created/updated and certified to include SLR policies as specified, this bill would require updates to those SLR policies on a schedule determined by the Commission. Like general plans, LCPs are living documents that are meant to be updated to respond to a changing world. Given that climate science and our collective understanding of the threats associated with SLR is evolving rapidly, requiring periodic updates is prudent. However, unlike general plans, there is no statutory mandate to do so. Historically, updates have been dependent on political will at the local level and/or driven by project-specific needs for re-zoning. For many of the dozens of LCP segments that were initially certified at a time when SLR was not front-of-mind as it is today, this means that some aspects of these critical blueprints for local planning decisions do not reflect today’s on-the-ground realities. Some of these have never undergone a comprehensive update in more than 20 or even 30 years. Outdated LCPs lead to increased appeals and inefficient permitting, and can create barriers to appropriate development on the coast and the jobs that come with them. Notably, this would be the first required update for LCPs, and thus, would set a new precedent in the well-established process for LCP planning, which requires extensive public participation and which frequently spans several years at the local level. This is essential to achieving the necessary level of public buy-in for local land use policies, but it is time-consuming and expensive. Earlier versions of SB 867 specified the time intervals between updates. However, local governments expressed concern that these defined intervals may create a never-ending update loop, where a new cycle would begin almost immediately on the heels of the previous update, and that it would have the effect of making the Statewide Sea Level Rise Guidance Document a regulatory document. Under the current approach, timeframes for updates can be negotiated between the Commission and local government, taking into consideration various triggers, current modeling, and funding sources.

Preparing Guidelines

The final portion of the bill requires the Commission and BCDC, in close coordination with OPC and the California Sea Level Rise State and Regional Support Collaborative,

SB 272 (Laird) Analysis

to establish guidelines for the preparation of the new planning and adaptation requirements. In order to provide assistance to local governments, the Coastal Commission developed and adopted interpretive guidelines in 2015 focusing on how to integrate the best available science into local coastal planning documents. They contain SLR projection tables, summaries of key reports, and how to use the information provided. The Guidelines also include resources such as SLR mapping and modeling tools, grant funding sources, and agency and other stakeholder guidance. The Guidance was unanimously updated in November 2018 to include the best available science from the OPC's 2018 SLR Guidance. If this bill becomes law, Commission staff will re-evaluate the guidelines to determine how best to update them for consistency with this measure.

SUPPORT

Brown Girl Surf
California Coastal Protection Network
California Coastkeeper Alliance
California Construction and Industrial Materials Association (CALCIMA)
Surfrider Foundation
Surfrider Foundation, Monterey Chapter
Surfrider Foundation, San Francisco Chapter
Turtle Island Restoration Network

OPPOSITION

Bay Area Council (unless amended)
Bay Planning Coalition (unless amended)
Building Industry Association, Bay Area (unless amended)
California Building Industry Association (unless amended)

RECOMMENDED POSITION

Staff recommends that the Commission **SUPPORT** SB 272.

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**BILL ANALYSIS**
AB 1150 (AWPWC)

As Introduced 2/16/23

SUMMARY

This bill would authorize the Department of Parks and Recreation (State Parks) to enter into community access agreements with qualified non-profit organizations to provide interpretive services and visitor services at state parks to underserved populations. The bill is operable until January 1, 2029, by which date State Parks is required to submit a report to the Legislature on implementation of the bill.

RECOMMENDED MOTION

I move that the Commission **SUPPORT** AB 1150, and I recommend a **YES** vote.

PURPOSE OF THE BILL

The purpose of the bill is to increase and enhance the ability of underserved populations to access natural open spaces by making it easier for non-profit organizations to provide targeted interpretive services and visitor services at state parks.

EXISTING LAW

Public Resources Code Section 5009.3 authorizes State Parks to enter into various agreements, including agreements with non-profit organizations or other private entities, to assist State Parks in its efforts to secure long-term private funding sources for any and all units of the state park system and to ensure that they are preserved and open for public use and enjoyment.

Public Resources Code Section 513 authorizes State Parks to enter into cooperative agreements with a non-profit organization engaged in educational or interpretive work in a state park system unit.

Coastal Act Section 30001.5(c) states, in relevant part, regarding public access:

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

...

(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.

...

(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.”

Coastal Act Section 30012 states, in relevant part, regarding public education:

“(a) The Legislature finds that an educated and informed citizenry is essential to the well-being of a participatory democracy and is necessary to protect California's finite natural resources, including the quality of its environment. The Legislature further finds that through education, individuals can be made aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment...”

PROGRAM BACKGROUND

One of the highest priorities of the California Coastal Act is public access to the coast. Section 30001.5(c) of the Coastal Act declares that it is a basic goal of the State to “maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.” Consistent with the principles of environmental justice, the Coastal Commission is committed to expanding access to the coast for all, with a particular emphasis on historically underserved populations.

Access to the coast and other natural open spaces provides numerous benefits to the community, environment, and economy. Public health studies have shown that people of all ages and abilities enjoy higher levels of health and well-being when they have natural open spaces nearby in parks, gardens, greenways, playgrounds, and natural landscaping around homes and workplaces. Access to nature has also been related to lower levels of mortality and illness, higher levels of outdoor physical activity, relief from stress, and a greater sense of wellbeing.

To date, California has established 280 state park units with the intention of providing Californians with convenient, meaningful access to natural open space. Yet, it is an ongoing challenge to provide equitable access to the state’s parklands. Historical and continuing inequities, such as lack of access to transportation, fees for parking and park use, and the degraded conditions of some park facilities are just some of the barriers to parks and open space access. In 2021, the Trust for Public Land (TPL) found that one in three Americans do not live within a 10-minute walk to a quality park. According to the TPL, California cities such as Riverside, Los Angeles, Chula Vista, Stockton, Bakersfield, Santa Ana, and Fresno rank among the bottom third for parks access among the 100 most populated cities in the United States. Inequitable access to parks is experienced disproportionately by people of color. A 2020 report by the Hispanic Access Foundation and Center for American Progress found that 55 percent of Hispanic or Latino populations in California lack access to open space, and significantly fewer acres of green space are present in many Black, Hispanic, and Latino neighborhoods when compared to predominantly white neighborhoods.

The State has made numerous efforts in recent years to increase access to state parks and counteract these inequities. Many of these efforts rely on grants to non-profit organizations that offer outdoor experiences to underserved populations. For example, the California State Parks Outdoor Equity Grants Program was created in 2019 to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands. In February 2022, the Coastal Commission award 91 Whale Tail Grants totaling more than \$3 million to community organizations that provide opportunities for inland, rural, and historically excluded communities to experience and learn about the coast ocean, including at state beaches and coastal state parks. Through these and similar programs, non-profits play a critical role as the conduit through which underserved populations travel to and have meaningful experiences at California's state parks.

Currently, community-based non-profit organizations seeking to provide programming on State Parks property must typically apply for a Special Event permit. This permit is generally intended for large, one-time events such as festivals, music concerts, and sports competitions. As such, the cost and administrative burden associated with securing a Special Event permit can be prohibitive for local non-profit organizations seeking to provide smaller-scale, recurring programming to underserved populations on state park lands, such as community organizations that offer surfing and water safety lessons to disadvantaged youth at California state beaches. This burden limits the frequency of these organizations' activities, which in turn limits the impact of the programming they provide.

ANALYSIS

AB 1150 would authorize State Parks to enter into community access agreements with qualified non-profit organizations to provide interpretive services and visitor services to underserved populations. It would allow community access agreements to include free or reduced cost for the organization and participants to access the park. Compared to the State Parks Special Event permit, developing a community access agreement is a simpler process that can be tailored to the specific interpretive or visitor-serving activities provided by a non-profit. This suitability will reduce the cost and administrative burden on non-profits and State Parks in making arrangements for providing meaningful access for underserved populations to California's spectacular state park lands.

The bill contains multiple provisions to ensure it is implemented for the collective benefit of State Parks, non-profit organizations, and underserved populations. State Parks is able to use its discretion in deciding when a community access agreement is appropriate, and the bill prescribes criteria for a non-profit organization to be eligible to participate. These measures will help ensure that community access agreements are utilized for interpretive and visitor-serving programming that provides underserved populations with meaningful access to state park lands. The bill further provides that all revenues generated by an organization's programming are retained by the organization. This practice will maximize the effectiveness of community access agreements by minimizing the cost and complexity to participate and by re-investing revenue in the organizations uplifting California's underserved populations.

AB 1150 (AWPWC) Analysis

AB 1150 would sunset at the end of 2028, by which time State Parks would submit a report to the Legislature on implementation of the legislation to date. At that juncture, the Legislature would have the opportunity to extend the legislation with any refinements needed to best fulfill the objective of providing underserved populations with greater access to state park lands.

CONCLUSION

AB 1150 would provide a more effective tool for State Parks to permit the critical programming performed by non-profits to connect underserved populations with their state park lands, including California's state beaches and coastal parks.

SUPPORT

California State Parks Foundation
(Co-Sponsor)
Outdoor Outreach (Co-Sponsor)
Active San Gabriel Valley
Asian Pacific Islander Forward
Movement
Brown Girl Surf
California Trout
Environmental Center of San Diego
Friends of Harbors, Beaches and Parks
Friends of The River
Groundwork San Diego Chollas Creek

Individuals (432)
Institute for Public Strategies
Latino Outdoors
Los Angeles Neighborhood Land Trust
Mono Lake Committee
Nature for All
San Diego Mountain Biking Association
San Diego River Park Foundation
Tree People
Un Mar De Colores
Wildcoast
Yes Nature to Neighborhoods

OPPOSITION

None on file.

RECOMMENDED POSITION

Staff recommends that the Commission **SUPPORT** AB 1150.

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BILL ANALYSIS

AB 1287 (Alvarez)

As Amended 3/21/23

SUMMARY

Assembly Bill 1287 would amend Government Code Section 65905(m) to remove long-standing language specifying that state Density Bonus Law (DBL) does not supersede or lessen the application of the Coastal Act, and would replace this language with an affirmative statement that development standard exceptions granted under DBL can be applied to housing projects notwithstanding Coastal Act or Local Coastal Program (LCP) policies. The proposed amendment would have the effect of exempting projects that take advantage of DBL exceptions from the coastal resource protection policies of the Coastal Act and LCPs.

RECOMMENDED MOTION

I move that the Commission **OPPOSE** AB 1287 unless amended to retain the current language in Government Code Section 65915(m), and I recommend a **YES** vote.

PURPOSE OF THE BILL

The purpose of the bill is to eliminate the existing requirement that Coastal Act and LCP policies be considered when DBL exceptions are applied to housing projects. Eliminating this requirement would allow such projects to incorporate any DBL exceptions, including those that would render a housing project significantly inconsistent with the Coastal Act or the applicable LCP.

EXISTING LAW

Enacted in 1976, the Coastal Act generally requires that all new development in the coastal zone must be consistent with the coastal resource protection policies of the Coastal Act or, if the development is in a local jurisdiction with a certified Local Coastal Program, the policies of the LCP. Coastal Development Permits (CDPs) are a discretionary permit by which the Coastal Commission and local governments ensure proposed developments comply with the requirements of the Coastal Act and LCPs.

Enacted in 1979, the state Density Bonus Law¹ (DBL) allows a market-rate residential development project to exceed local development standards in exchange for incorporating residential units for specific demographics into the project. DBL grants exceptions for development projects that include affordable residential units for moderate, lower, and very low income residents; transitional foster youth; disabled veterans; unhoused persons; and college students receiving financial aid.² Cities and

¹ Government Code § 65915 et seq.

² DBL also provides a blanket 20% density bonus for senior citizen housing developments and senior citizen mobile home parks, with no affordability requirements.

counties are required to grant a “density bonus,” which is an exceedance of the otherwise allowable project density, if a housing project would include affordable units for one or more of these demographics. The amount of the density bonus is codified as a sliding scale based on the percentage of affordable units provided and the demographics targeted. In general, DBL grants up to a 50% density bonus for residential developments that incorporate between 15% and 44% affordable units, depending on the demographic.³ DBL also allows for a 100% density bonus for residential developments that are 100% affordable. DBL further specifies that no maximum density standard shall apply to any residential development project that is within one-half mile of a major transit stop or within a “very low vehicle travel area.”⁴

In addition to providing a density bonus, DBL requires a city or county to provide up to four “incentives” or “concessions” to any project that qualifies for a density bonus, depending on the percentage of affordable units provided. Incentives/concessions are defined jointly to include reductions in setback, square footage, and parking requirements; approval of mixed-use zoning; and any other proposal that would enhance the financial viability of the project.⁵ A developer may also propose to have any development standard waived or reduced in order to accommodate any density or incentive/concession allowed by DBL.⁶ Examples of waivable development standards include lot coverage, open space requirements, setbacks, and architectural design standards. There is no limit on the number of development standard waivers that may be requested or granted.

Through density bonuses, incentives/concessions, and waivers, DBL provides myriad incentives which are designed to increase the supply of market-rate housing and, to a lesser extent, affordable housing. When any of these development standard exceptions is requested by a developer, a local government is required to grant it “by right” through a ministerial, administrative process unless the local government can affirmatively demonstrate that the exception would not result in a cost savings to the developer, would cause a public health or safety problem, would harm historical property, or would be contrary to law.⁷ Aside from these limited bases for denial, given that there is no cap

³ The percentage of affordable units used to calculate the density bonus is with reference to the originally proposed number of units (the “base density”). For example, if a developer proposes a 100-unit residential project with 90 market-rate units and 10 affordable units for very low income residents, this 10% affordability percentage would warrant a 33% density bonus. The developer would be entitled to 33 additional market-rate units (for a total of 133 units), though this density bonus would dilute the percentage of affordable units to 6%.

⁴ Government Code Section 65915(o)(9) defines “very low vehicle travel area” as “an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita.”

⁵ Gov. Code § 65915(k).

⁶ Gov. Code § 65915(e)(i).

⁷ The bases upon which a local government can reject a requested incentive/concession or waiver previously included finding that such an exception would have an adverse impact on the environment. However, this basis was removed by Senate Bill 290 (Skinner, Ch. 340, Stats. 2021).

on the number of development standard waivers that may be requested or granted, DBL allows for seemingly limitless exceptions to local development standards.

Many local jurisdictions in the coastal zone have already adopted inclusionary housing ordinances, and in many cases the affordability requirements of these ordinances are stronger than those in DBL.⁸ However, DBL jurisprudence has established that local governments are not allowed to apply such requirements to projects that take advantage of DBL.⁹ Thus, in jurisdictions where an inclusionary housing ordinance has stronger requirements than DBL, DBL exceptions, which must be granted by right, result in fewer affordable housing units being constructed than if a jurisdiction could apply its own ordinance.

The policies of the Coastal Act (and LCPs certified pursuant to the Coastal Act) establish development standards intended to protect coastal resources. Where DBL allows development projects to exceed these development standards, the Coastal Act and DBL conflict with one another, potentially significantly. DBL reinforces this conflict by stating that the granting of a density bonus or an incentive/concession does not require amending the applicable LCP or issuing any discretionary approval (such as a CDP).¹⁰ Government Code Section 65915(m) seeks to avoid these conflicts and harmonize the Coastal Act and Density Bonus Law through inclusion of a Coastal Act “savings clause.”¹¹ It reads:

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner

⁸ Inclusionary housing requirements refer to requirements that a certain percentage of multi-unit residential projects include affordable units, with no density bonus. Such requirements frequently range from 15% to 20%, and are typically framed in terms of providing such units on-site, contributing a fee to allow for the construction of such units off-site, or some combination thereof.

⁹ In 2013, the California Court of Appeal in *Latinos Unidos del Valle De Napa y Solano v. County of Napa* ((2013) 217 Cal.App.4th 1160) held that DBL does not allow a city or county to use its inclusionary housing ordinance to increase the minimum number of affordable units required to qualify a housing project for a density bonus and other DBL exceptions. In doing so, the court invalidated a section of the Napa County density bonus ordinance that stated, “These density bonus units will be provided, at the request of the applicant, when that applicant provides target units *in addition to* the affordable units required by [the Napa County 20% inclusionary ordinance]” (emphasis added). The court reasoned that “...allowing the County to increase the number of affordable units required for a density bonus would conflict with subdivision (f) of section 65915, which bases the amount of density bonus on the percentage of affordable housing units in the project.” In other words, jurisdictions are prohibited from applying their own inclusionary housing ordinance to first establish a “base” affordable housing requirement to which the DBL affordability requirement is then added; only one or the other can apply.

¹⁰ Gov. Code §§ 65915 (f)(5), (j)(1).

¹¹ Government Code Section 65915(m) was added to DBL by Assembly Bill 1866 (Wright, Ch. 1062, Stats. 2002). This bill also prescribed the bases on which a local government could deny a requested concession or incentive, including that it would have an adverse impact on the environment.

that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.

PROGRAM BACKGROUND

Since its creation in 1976, the Coastal Commission has worked diligently to promote housing, and particularly affordable housing, in the coastal zone consistent with the provision and protection of other coastal resources. The Coastal Act originally included broad policy language requiring the provision of affordable housing in the coastal zone for persons of low and moderate income. Pursuant to this authority, in its first five years (1977-1981) the Commission permitted approximately 5,000 units of deed-restricted, affordable housing within market-rate subdivisions. The Commission also prevented the demolition of approximately 1,300 existing, affordable units, and collected over \$2 million in in-lieu fees for the construction of affordable housing.

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

In 2003, Senator Ducheny (D-San Diego) introduced SB 619 (Ch. 793, Stats. 2003), addressing a variety of affordable housing-related issues across multiple statutes. Specific to the Coastal Act, SB 619 added PRC Sections 30604 (f) and (g) directing the Commission to "encourage housing opportunities for persons of low and moderate income." However, the legislation also precluded the Commission or a local government from reducing density bonuses below what is otherwise allowable under DBL unless it finds that a density bonus cannot be accommodated in a manner consistent with the Coastal Act or an LCP. This combination of constraint and re-encouragement was intended to orient the Coastal Commission and local governments toward promoting affordable housing within the framework of DBL, as opposed to non-incentives-based approaches such as the Commission's previous affordable housing authority and local inclusionary housing ordinances.

Yet, in the years since SB 619, DBL has expanded dramatically in terms of the demographics it targets for housing. Whereas DBL originally entitled developers to a density bonus in return for incorporating affordable housing for low-income residents into their housing projects (hence "Density Bonus Law"), DBL now also incentivizes housing for transitional foster youth, disabled veterans, and unhoused persons—demographics which do correlate strongly with low-income residents—as well as broader demographics such as senior citizens and college students receiving financial aid. Density bonuses are also awarded to developers who donate land, either contiguous to the development project or elsewhere, to a local government for the development of affordable housing. While these expansions to DBL have afforded greater flexibility to developers in securing density bonuses, they have also reduced the proportion of DBL projects which actually contain affordable housing.

The number and extent of development standard exceptions available to DBL projects has also expanded significantly. As described above, in addition to a density bonus, qualifying projects are entitled to up to four incentives/concessions as well as an unlimited number of waivers or reductions of local development standards. Among these exceptions, a noteworthy and commonly utilized incentive/concession is the approval of mixed-use zoning, whereby commercial, office, industrial, or other land uses may be incorporated into what would otherwise be zoned as a residential project. The result is that many developments which take advantage of DBL are not strictly housing projects, but are large, mixed-use developments in which the residential units are predominantly market-rate. Thus, although DBL is commonly referred to as an “affordable housing” law, modern DBL provides development standard exceptions to projects which may or may not be affordable, and which provide varying amounts of housing.

Nevertheless, the Coastal Commission has continually worked to leverage the shared values of the Coastal Act and DBL to promote affordable housing in the coastal zone. The Commission has never denied an affordable housing project in its nearly 50-year history. Nor has the Commission ever denied or rendered a housing project infeasible based on DBL exceptions. In fact, the Commission has made a concerted effort to partner with local governments in implementing DBL in harmony with the policies of the Coastal Act and LCPs. The Commission has approved numerous DBL-related LCP amendments, including more recent amendments that identify specific methodologies for harmonizing DBL and the Coastal Act.¹² Such methodologies provide greater regulatory certainty regarding the co-application of DBL and the Coastal Act within a local jurisdiction, and evidence even more concretely that the Coastal Act and DBL can be harmonized efficiently without negatively impacting housing outcomes.¹³

ANALYSIS

The policies of the Coastal Act (and LCPs certified pursuant to the Coastal Act) establish development standards designed to protect coastal resources. Where DBL entitles projects to exceed these standards, the Coastal Act and DBL conflict with one another, potentially significantly. Government Code Section 65915(m), which is referred

¹² See, for example, San Luis Obispo County LCP Amendment No. LCP-3-SLO-21-0025-1-Part D, which was approved by the Commission in July 2021. This LCP amendment identified an explicit process for evaluating and approving DBL projects under the LCP. The process includes a clear analytical method for comparing an LCP-consistent project for a particular site against a project at the same site incorporating DBL exceptions, thus allowing decision makers (including the Commission, if on appeal) to weigh the relative affordable housing and other benefits of a DBL project against potential coastal resource impacts, and allowing approval if the approving authority concludes “based on substantial evidence, that: (a) the approved project encourages housing opportunities for persons of low and moderate income with the least amount of Coastal Act and LCP deviation; and (b) there will be no significant adverse coastal resource impacts due to the approved project.”

¹³ See, for example, the Riverfront LLC mixed-use development project on Front Street in the City of Santa Cruz, which was appealed to the Commission and heard in March 2021 (Appeal No. A-3-STC-21-0013). That project proposed 175 residential units (20 of which were affordable) and 11,500 square feet of commercial space, and took advantage of DBL to deviate from the City’s LCP standards in several respects. The Commission found no substantial issue with the City’s CDP approval, clearing the way for that project to proceed.

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to as the “Coastal Act savings clause,” currently harmonizes the two statutes by establishing that DBL exceptions shall be permitted in a manner that is consistent with the Coastal Act. AB 1287 would remove this savings clause and would replace it with an affirmative statement that DBL supersedes the Coastal Act. Specifically, the bill would amend Section 65915(m) as follows:

(m) ~~This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).~~ Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which ~~the~~ an applicant is entitled under this section shall be permitted ~~in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.~~ notwithstanding the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code.

The immediate effect of this legislation would be to exempt DBL projects from the Coastal Act to the detriment of coastal resources. Removing the Coastal Act savings clause from DBL would clear the regulatory path for the approval and construction of development projects that could be significantly bigger and taller than would otherwise be allowed, and which could freely encroach into sensitive or protected areas or setbacks. Such an approach to development would needlessly sacrifice coastal resources and put Californians in harm’s way. For example, DBL exceptions could extend to waiving blufftop setback standards, building into riparian or wetland buffers, encroaching on public accessways or agricultural areas, or blocking significant scenic views. If the ever-growing body of exceptions afforded by DBL is allowed by right notwithstanding Coastal Act and LCP requirements, as the bill proposes, such projects would cause tremendous resource losses that could otherwise be avoided by continuing to harmonize coastal resource protection with the objective to build more housing.

Affordable housing and coastal resource protection are not mutually exclusive, and the law should not treat them as such. In fact, adhering to coastal resource protection policies make affordable housing projects safer, more resilient, and more sustainable without increasing costs, by concentrating new residential development in already developed areas with public services that can handle such development. The idea that coastal resources specifically should be subordinate to and sacrificed for residential and other development is directly counter to the fundamental premise of the Coastal Act.

To the contrary, the Coastal Act and the Coastal Commission are allies in the State’s fight to build more affordable housing. The Commission amply demonstrated this fact in its earliest days when it approved approximately 5,000 deed-restricted, affordable units in just five years. Despite subsequently losing its affordable housing authority, the Commission has continued to push the boundaries of its limited ability to preserve what little affordable housing still exists on the coast, to encourage and allow affordable housing in appropriate contexts, and to encourage no net loss of density in redeveloping areas. Within the context of DBL, the Commission has made a concerted effort to partner with local governments in implementing DBL in harmony with the policies of the Coastal Act and LCPs. The Commission has approved numerous DBL-related LCP

amendments, including recent amendments that identify specific methodologies for harmonizing DBL and the Coastal Act. Such methodologies prove that the Coastal Act and DBL can be harmonized efficiently, and thus, that there is no need for the changes proposed by the bill. Exempting DBL projects from the Coastal Act and LCPs flouts the Commission's record of successfully promoting affordable housing in the coastal zone, and nullifies local efforts that have successfully harmonized DBL and LCPs.

Moreover, aside from harming coastal resources, exempting DBL projects from the Coastal Act and LCPs will actually hurt the State's efforts to construct more affordable housing. As described above, some DBL projects provide fewer affordable units than would otherwise be required by the applicable inclusionary housing ordinance. In these situations, DBL is already creating a perverse incentive for builders to increase profits while providing fewer affordable units than would otherwise be required. No longer having to comply with Coastal Act policies will only provide further incentive to pursue DBL exceptions instead of complying with conventional zoning standards and strong inclusionary housing policies. The answer to the coastal housing crisis is not to further exempt new development from the Coastal Act, but to reinstate the Act's original housing policies back into Chapter 3 so that the Commission can once again be a state partner in affirmatively providing for and protecting affordable housing.

Finally, the proposed legislation would set a dangerous precedent of exempting wholesale a special class of development from the Coastal Act. In its almost 50-year history, the Coastal Act has never been amended in this way, in no small part due to the collective recognition that coastal protection does not run counter to the State's other priorities. AB 1287 would send the opposite message. Furthermore, the Coastal Act savings clause is a common feature of multiple other statutes streamlining various types of development such as accessory dwelling units, congestion management, farmworker housing, etc. This bill would signal that future legislation similarly exempting these and other types of development from the Coastal Act would be viable, to the great detriment of the California coast.

CONCLUSION

California is grappling with a shortage of affordable housing, but removing the Coastal Act savings clause from state Density Bonus Law (DBL) is not a solution. The Commission has never denied an affordable housing project in its nearly 50-year history. Nor has the Commission ever denied or rendered a housing project infeasible based on DBL exceptions. Removing the Coastal Act savings clause from DBL will nullify the work of numerous local governments that have adopted LCP amendments successfully harmonizing DBL and Coastal Act policies, and will upend DBL projects in various stages of planning and development. In place of these plans and projects, the bill will allow development in hazardous locations, wetlands and sensitive habitats, significant viewsheds, public accessways, agricultural lands, and other sensitive areas with no recourse by the Coastal Commission or local governments to avoid such damage. The Coastal Act savings clause is a workable compromise between the Legislature's desire to streamline priority projects, and the public's desire to protect coastal resources and public access. It has functioned well for nearly 20 years in

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various forms. The long history of judicious application of the saving clause argues for its retention, not its elimination.

SUPPORT

None on file.

OPPOSITON

None on file.

RECOMMENDED POSITION

Staff recommends that the Commission **OPPOSE** AB 1287 unless amended to retain the current language in Government Code Section 65915(m).