CALIFORNIA COASTAL COMMISSION
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W6c

DATE: APRIL 9, 2025

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR APRIL 2025

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

Note: Information contained in this report is accurate as of April 4, 2025. 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.

2025 Legislative Calendar

Jan 1	Statutes take effect.
Jan 6	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor.
Feb 21	Last day for bills to be introduced.
Apr 10	Spring Recess begins upon adjournment.
Apr 21	Legislature reconvenes from Spring Recess.
May 2	Last day for policy committees to hear and report fiscal bills introduced in that house.
May 9	Last day for policy committees to hear and report non-fiscal bills introduced in that house in 2024.
May 23	Last day for policy committees to meet prior to June 9.
May 17	Last day for fiscal committees to hear and report to the Floor bills introduced in that house in 2024.
June 2-6	Floor session only.

June 6	Last day for each house to pass bills introduced in that house.
June 9	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.
July 18	Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment.
Aug 18	Legislature reconvenes from Summer Recess.
Aug 29	Last day for fiscal committees to meet and report bills.
Sept 2-12	Floor session only.
Sept 5	Last day to amend bills on the Floor.
Sept 12	Last day for each house to pass bills. Recess begins upon adjournment.
Oct 12	Last day for Governor to sign or veto bills.

PRIORITY LEGISLATION

COASTAL ACT AMENDMENTS

AB 10 (Essayli) California Coastal Commission: consistency determinations: Vandenberg Space Force Base

This bill would overturn the Coastal Commission's October 2024 objection to the U.S. Department of the Air Force's proposed increase in private commercial space launches at Vandenberg Space Force Base. The bill would deem the proposed space launch activities consistent with the policies of the Coastal Act. This bill contains an urgency clause.

Introduced	12/02/24
Status	Assembly Rules Committee

AB 357 (Alvarez) Coastal resources: coastal development permit: exclusions

This bill would exclude housing projects for university or college students, faculty, or staff from the requirements of the Coastal Act.

Introduced	01/30/25
Status	Assembly Natural Resources Committee

AB 399 (Boerner) Coastal resources: coastal development permits: blue carbon demonstration projects

This bill would add Section 30237 to the Coastal Act, explicitly authorizing the Coastal Commission to authorize blue carbon demonstration projects, and would authorize the Commission to require an applicant for a non-residential project that impacts wetland, tidal, or marine habitat to build or contribute to a blue carbon demonstration project. A "blue carbon demonstration project" is defined as the creation or restoration of coastal wetland, intertidal, or marine habitats or ecosystems that capture carbon.

Introduced	02/04/24
Status	Assembly Appropriations Committee

AB 439 (Rogers) California Coastal Act of 1976: local planning and reporting
This bill would amend the Coastal Act to establish that de minimis amendments to local coastal programs (LCPs) and port master plans approved by the Coastal Commission take effect immediately upon adjournment of the Commission meeting, rather than 10 days later as is currently the case. This bill would also standardize the contents and timetable on which the Commission periodically reports to the Legislature about its Coastal Act enforcement activities.

Introduced	02/06/25
Status	Assembly Appropriations Committee
Position	**Support (recommended)**

AB 462 (Lowenthal, Rivas) Land use: coastal development permits: accessory dwelling units
This bill would exempt the construction of accessory dwelling units (ADUs) in Los Angeles County, and in any county that is subject of a Governor state of emergency declared after February 1, 2025, from the requirements of the Coastal Act. This bill contains an urgency clause. *Amendments of 02/27/25 limit the scope of the bill to counties subject to a Governor's emergency declaration for an emergency that damaged or destroyed housing.*

Introduced	02/06/25
Last Amended	02/27/25
Status	Senate Rules Committee

AB 608 (Zbur) Coastal resources: local coastal program: submission
This bill is a spot bill that would make nonsubstantive changes to the Coastal Act section regarding the preparation of local coastal programs.

Introduced	02/13/25
Status	Assembly Rules Committee

AB 623 (Dixon) Fuel modification and reduction projects: California Environmental Quality Act: coastal development permits: exemptions
This bill would exempt from the Coastal Act and CEQA any vegetation clearance project intended to maintain 100 feet of defensible space from a structure. The bill would also exempt from the Coastal Act any vegetation clearance project intended to prevent or contain the spread of wildfire. *Amendments of 03/17/25 broaden the scope of the CEQA exemption also exempt any vegetation clearance project intended to prevent or contain the spread of wildfire.*

Introduced	02/13/25
Last Amended	03/17/24
Status	Assembly Natural Resources Committee

AB 996 (Pellerin) Public Resources: California Coastal Act of 1976: California Coastal Planning Fund

This bill would establish the California Coastal Planning Fund, which would be dedicated to supporting the work of the Coastal Commission, BCDC, and local governments to do local coastal planning, with a particular emphasis on sea level rise planning. The fund would not have a dedicated source but would be able to accept voluntary contributions from the federal government, local or state entities, private corporations, and nonprofit organizations.

Introduced	02/20/25
Last Amended	03/10/25
Status	Assembly Natural Resources Committee

***AB 1023 (Gipson) Coastal resources: coastal development permits and procedures: Zero Emissions Port Electrification and Operations project**

As amended, this bill would the cede coastal development permit authority from the Coastal Commission and the City of Los Angeles to the Los Angeles Harbor Department for the portions of the Port of Los Angeles' Zero Emissions Port Electrification and Operations project that are in the coastal zone but outside of the Port's coastal permitting jurisdiction. The bill would also require any other state entity responsible for issuing a permit for the electrification project to do so within 90 days of receiving an application.

Introduced	02/20/25
Last Amended	03/24/25
Status	Assembly Natural Resources Committee

AB 1448 (Hart) Coastal resources: oil and gas development

This bill would amend the Coastal Act to specify that repair, reactivation, or maintenance of an oil and gas facility that has been idle or inactive for three years or more shall be considered development for purposes of the Coastal Act, and that such development may be permitted only if it found consistent with the policies of Chapter 3 of the Coastal Act as well as the requirements in Section 30262 for new or expanded oil and gas development. The bill would also expand the prohibition on the State Lands Commission and local trustee agencies to enter into new leases authorizing oil and gas extraction in state waters, and would impose additional requirements that must be satisfied for such a lease to be approved.

Introduced	02/21/25
Status	Assembly Natural Resources Committee

SB 375 (Grove) Wildfire prevention activities: Endangered Species Act: California Environmental Quality Act: California Coastal Act of 1976

This bill would exempt from the Coastal Act and CEQA vegetation thinning or clearance projects in designated moderate, high, and very high fire hazard severity zones. The bill would also amend the California Endangered Species Act relative to wildfire preparedness.

Introduced	02/13/25
Status	Senate Natural Resources and Water Committee

***SB 484 (Laird) Coastal resources: coastal development permits: infill area categorical exclusion**

As amended, this bill would direct the Coastal Commission, by July 1, 2027, to identify infill areas within three local jurisdictions that currently do not have a certified local coastal program. In these areas, the Commission would be required to categorically exclude residential projects composed entirely of deed-restricted affordable housing from the requirement to obtain a coastal development permit. The categorical exclusions would remain in effect until June 30, 2037. Before commencing construction of a proposed residential housing project that is categorically excluded, the development proponent would be required to request, and the Commission would be required to issue, a documentation that the proposed project is categorically excluded. The bill would require the Commission, by January 1, 2035, to submit a report to the Legislature identifying the number of affordable housing projects that were constructed pursuant to the categorial exclusions.

Introduced	02/19/25
Last Amended	03/26/25
Status	Senate Natural Resources and Water Committee (4/8)

SB 741 (Blakespear) Coastal resources: coastal development permit: local emergency declaration

This bill would amend the Coastal Act to specify that whenever an emergency is declared by a local government or special district, development in that jurisdiction is entitled to an Emergency Coastal Development Permit under Public Resources Code Section 30624.

Introduced	02/21/25
Status	Senate Natural Resources and Water Committee

PUBLIC ACCESS

AB 452 (Irwin) Coastal recreation: designated state surfing reserves
This bill would require the Coastal Conservancy, by July 1, 2026, to establish a process for designating an area of the coastline as a state surfing reserve. The bill would authorize a local government to nominate an area of coast within its jurisdiction as a state surfing reserve. The bill would require the local government to include in its application, among other things, a description of the proposed surfing reserve. The bill would require the Coastal Conservancy to include designated state surfing reserves in publications or maps that are issued by the agency.

Introduced	02/06/25
Status	Assembly Natural Resources Committee (4/7)

AB 518 (Ward) Low-impact camping areas
This bill would amend the Health and Safety Code to define a “low-impact camping area” as any area of private property that provides up to nine overnight rental accommodations for recreational purposes; establish minimum health, safety, and public welfare standards and management requirements for low-impact camping areas; and authorize counties to enforce them in the absence of other local standards. This bill is a partial reintroduction of SB 620 (McGuire, 2024).

Introduced	02/10/25
Status	Assembly Housing and Community Development Committee

AB 1225 (Bennett) State parks and state beaches: Accessibility Advisory Committee
This bill would require the Director of Parks and Recreation to establish an Accessibility Advisory Committee that consists of the Director, the Director’s designees, and additional members appointed by the director with demonstrated experience in public accessibility requirements. The bill would require the committee to serve in an advisory capacity to the Director and make recommendations for improving the accessibility of the state parks and state beaches for individuals with disabilities. The bill would require the Director to consult with, and consider the recommendations of, the committee.

Introduced	02/21/25
Status	Assembly Water, Parks, and Wildlife Committee

NATURAL RESOURCES

AB 14 (Hart) Coastal resources: Protecting Blue Whales and Blue Skies Program
This bill would, subject to the availability of funding, require the Ocean Protection Council to serve as a stakeholder in advising the Protecting Blue Whales and Blue Skies Program to support coastal air districts in their efforts to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast. The bill would also authorize the expansion of the Protecting Blue Whales and Blue Skies Program to include incentives to participating ship operators of vessels that are 300 gross tons or greater. The bill would require the participating air districts to submit a report to the Legislature regarding the implementation of the program by December 31, 2029. *Amendments of 03/13/25 make clarifying revisions to the legislative findings.*

Introduced	12/02/25
Last Amended	03/13/25
Status	Assembly Natural Resources Committee (4/7)

AB 807 (Dixon) Conservation and mitigation bank: marine artificial reef
This bill would expand the definitions of "conservation bank" and "mitigation bank" in the Fish and Game Code to include marine artificial reefs. The bill would authorize any person or entity to, consistent with applicable state and federal laws, create a marine artificial reef for purposes of establishing a conservation or mitigation bank. The bill would require marine artificial reefs located in state tidelands to receive a lease from the State Lands Commission, and would establish that such a lease would serve as a valid bank enabling instrument and would entitle the operator to a conservation easement from the Department of Fish and Wildlife.

Introduced	02/18/25
Status	Assembly Water, Parks, and Wildlife Committee

***AB 1086 (Muratsuchi) Marine Carbon Initiative**
As amended, this bill would require the California Air Resources Board to establish a council to advance the science of marine carbon dioxide removal and sequestration methods and technologies. The bill would direct the Air Board, in consultation with various state agencies including the Coastal Commission, to establish an expedited permitting process for marine carbon dioxide removal and sequestration projects. As part of the expedited permitting process, the bill would require all permit applications for such projects to be acted upon within 6 months of submittal.

Introduced	02/20/25
Last Amended	03/28/25
Status	Assembly Natural Resources Committee

SEA LEVEL RISE

AB 1102 (Boerner) Development projects: sea level rise and groundwater rise risk assessment

This bill would require a proponent of a new development to complete a sea level rise and groundwater rise risk assessment as part of the application to a public agency, if the proposed development would be within 1,000 feet of an identified contaminated site and within an area that would be vulnerable to five feet of groundwater rise or sea level rise as determined by NOAA, the Ocean Protection Council, the US Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.

Introduced	02/20/25
Status	Assembly Housing and Community Development Committee

WILDFIRE

***AB 567 (DeMaio) Insurance: residential and commercial**

As amended, this bill would require the state to pay for any annual increase in residential property insurance rates that is above either an annual increase of 7% or the annual national average increase in residential insurance premiums, whichever is lower. The bill would also require, by March 31, 2026, the Department of Insurance, in consultation with the insurance industry, to provide a report to the Legislature on how to slash regulations on the insurance market, including how to suspend or reform all regulations pertaining to CEQA, the State Air Resources Control Board, and the Coastal Commission that limit clearing of defensible space around a property.

Introduced	02/12/25
Last Amended	03/10/25
Status	Assembly Revenue and Taxation Committee

WATER QUALITY

AB 773 (Dixon) Marine resources: copper-based antifouling paint

This bill would require the State Water Resources Control Board, regional water quality control boards, and the Department of Pesticide Regulation to suspend enforcement of their regulations relating to copper-based antifouling paint until certain requirements are satisfied, including that the Board and the Department collaborate to determine the best methods to regulate the use of copper-based antifouling paint within the state and release guidelines regarding such regulations.

Introduced	02/18/25
Status	Assembly Environmental Safety & Toxic Materials Committee

SB 10 (Padilla) Otay Mesa East Toll Facility Act: toll revenues
This bill would authorize revenues generated by the Otay Mesa East Toll Facility to be used to fund maintenance of the South Bay International Boundary and Water Commission sewage treatment facility pursuant to an agreement with the federal government. *Amendments of 03/13/25 add that toll revenues may also be used to fund development of additional sanitation infrastructure projects related to the Tijuana River.*

Introduced	12/02/25
Last Amended	03/13/25
Status	Senate Appropriations Committee

HOUSING

AB 507 (Haney) Adaptive reuse: streamlining: incentives
This bill would deem an adaptive reuse project a use by right in all zones and would establish a process for streamlined, ministerial approval of adaptive reuse projects that meet specified requirements, including that the structure be less than 50 years old, that half of the square footage be devoted to housing, and that between 5% and 30% of the units be deed-restricted affordable housing. The bill would authorize an adaptive reuse project to include the development of new residential or mixed-use structures on undeveloped areas and parking areas on the same parcel or an adjacent parcel. This provision would not apply in specified areas, including the following portions of the coastal zone: within 100 feet of a wetland, within 300 feet of a bluff edge, within areas not subject to a certified LCP or land use plan, in areas vulnerable to five feet of sea level rise, and on prime agricultural land. The bill would also authorize local governments to establish incentive programs for adaptive reuse projects in their jurisdictions.

Introduced	02/10/25
Status	Assembly Housing and Community Development Committee

***AB 609 (Wicks) California Environmental Quality Act: exemption: housing development projects**
As amended, this bill would exempt from CEQA housing development projects on infill sites statewide. A proposed project would be required to meet specified criteria in order to be eligible for the exemption, including in the coastal zone that there be substantial evidence that would allow a reasonable person to conclude that the proposed projects is consistent with the applicable Local Coastal Program.

Introduced	02/13/25
Last Amended	03/24/25
Status	Assembly Natural Resources Committee

***AB 647 (González) Housing development approvals: residential units**

As amended, this bill would require any housing projects of 8 or fewer units that is proposed for a lot zoned for 8 or fewer units to be approved ministerially if the project meets certain requirements, including that it contain at least one deed-restricted affordable unit. The bill would require local governments to approve or deny qualifying projects within 60 days of receiving a complete application. A local government could deny a qualifying project only if it makes a written finding that the proposed project would have a specific, adverse impact on public health and safety. The bill would not apply in specified areas, including the following portions of the coastal zone: within 100 feet of a wetland, within 300 feet of a bluff edge, within areas not subject to a certified LCP or land use plan, in areas vulnerable to five feet of sea level rise, and on prime agricultural land.

Introduced	02/13/25
Last Amended	03/28/25
Status	Assembly Housing and Community Development Committee

AB 818 (Ávila Farías) Permit Streamlining Act: local emergencies

This bill would prohibit, during the period of a local emergency, a local agency from denying an application for a permit necessary to rebuild or repair a residential property affected by a natural disaster unless the permit would result in the property being deemed a substandard building. The bill would require the local agency to approve or disapprove that application within 45 days of receipt of the application, and would prohibit specified fees from being charged for these projects.

Introduced	02/19/25
Status	Assembly Local Government Committee

AB 1021 (Wicks) Housing: local educational agencies

This bill would amend the Housing Accountability Act to deem housing an allowable use on any property owned by a local education agency. Qualifying projects must contain 10 or more housing units, more than 50% of the units must be deed-restricted affordable housing, and first priority must be given to employees of the local educational agency, among other requirements. Qualifying projects must be designed to comply with the objective local zoning standards that apply in the nearest multifamily residential zone.

Introduced	02/20/25
Status	Assembly Housing and Community Development Committee

AB 1206 (Harabedian) Single-family and multifamily housing units: preapproved plans

This bill would require every local government, by January 1, 2026, to develop a program for the preapproval of single-family and multifamily residential housing plans whereby the local agency would accept and either approve or deny a preapproval application. The bill would require a local government to, upon receiving an application for a housing project that utilizes the local government's most current preapproval plans, to either approve or deny the application within 30 days. *Amendments of 03/27/25 extend the deadline to July 1, 2026, specify that projects must meet the zoning regulations, design standards, and other standards for which the preapproved plan was designed, and make other clarifying amendments.*

Introduced	02/21/25
Last Amended	03/27/25
Status	Assembly Local Government Committee

***AB 1294 (Haney) Planning and zoning: housing development: standardized application form**

As amended, this bill would require the Department of Housing and Community Development to adopt a standardized application form that applicants for any housing project may use, and would require a local government to accept an application submitted on the standardized application form. The bill would prohibit the city, county, or city and county from requiring submission of any other forms or applications beside the standardized application form as part of entitling a housing project. In this way, the bill would exempt housing projects in the coastal zone from the requirement to comply with Local Coastal Program policies and standards. The bill would also prohibit a local government from requiring any additional information or process before entitling a housing project, including preapplication submissions, approvals, reviews, meetings, consultations, public notices, or any other preapplication requirements.

Introduced	02/21/25
Last Amended	03/17/25
Status	Assembly Housing and Community Development Committee

***SB 79 (Wiener) Planning and zoning: housing development: transit-oriented development**

As amended, this bill would make residential development is an allowed land use within one-half mile or one-quarter mile of a major transit stop (depending on the nature of the transit offered at the stop), regardless of zoning, provided the residential development meets specified height, density, and floor area ratio standards. The bill would also exempt from CEQA any residential, commercial, or mixed-use project that is located entirely or principally on land owned by a public transit agency.

Introduced	01/15/25
Last Amended	03/05/25
Status	Senate Housing Committee

***SB 574 (Umberg) Streamlined housing approvals**
As amended, this bill would establish that development applications for the construction of a single-family home shall be subject to a streamlined, ministerial approval process if the structure would be 1,600 square feet or less and consistent with all applicable objective planning and design standards.

Introduced	02/20/25
Last Amended	03/24/25
Status	Senate Housing Committee

***SB 625 (Wahab) Housing developments: disasters: reconstruction of destroyed or damaged structures**
As amended, this bill would establish a streamlined, ministerial review process for applications to redevelop on properties damaged or destroyed by a disaster for which there is a local, state, or federal emergency declaration. The bill would require local governments to administratively approve a qualifying redevelopment project within 90 days of receiving an application if it finds that the proposed project is consistent with all objective local development standards.

Introduced	02/20/25
Last Amended	03/26/25
Status	Senate Housing Committee

SB 677 (Wiener) Housing development: streamlined approvals
This bill would amend Planning and Zoning Law make various adjustments to scope and affordability requirements in the ministerial approval processes for construction of duplexes and lot splits (enacted by SB 9) and the ministerial approval process for construction of certain multifamily housing projects (enacted by SB 35 and SB 423). Relevant to the Coastal Act, the bill would revise the Coastal Act savings clause in the ministerial approval processes for duplexes and lot splits to state that qualifying projects are required to obtain a Coastal Development Permit and must be permitted pursuant to the ministerial approval process provided the project would not result in significant adverse impacts to coastal resources and public coastal access. The bill would also amend Coastal Action Section 30500.1, which currently prevents local governments from being required to include housing policies in their LCPs, to instead require local governments to amend their LCPs to add language harmonizing the policies of the LCP with the requirements of the ministerial processes described above. The bill provides a pathway for the Coastal Commission to approve these LCP amendments administratively as de minimis amendments. *Amendments of 04/01/25 remove the proposed Coastal Act amendment.*

Introduced	02/21/25
Last Amended	04/01/25
Status	Senate Housing Committee

ENERGY

AB 35 (Alvarez) California Environmental Quality Act: clean hydrogen transportation projects

This bill would require an application for any discretionary permit for a "clean hydrogen transportation project" to be reviewed through an alternative environmental assessment process, established by the bill, unless the applicant requests otherwise. The bill would, require the CEQA lead agency to determine whether to approve the environmental assessment and issue a discretionary permit or authorization for the project no later than 270 days after the application for the project is deemed complete. The bill would also provide for limited state judicial review of legal challenges to an environmental assessment. The bill would sunset on January 1, 2036.

Introduced	12/02/24
Status	Assembly Natural Resources Committee

AB 472 (Rogers) Energy: offshore wind generation

This bill would expand the definition of "infrastructure" for purposes of the Governor's Five-Year Infrastructure Plan to explicitly include port infrastructure for offshore wind energy development, and would require (contingent upon an appropriation by the Legislature) 5-year infrastructure plans going forward to include an assessment of funding needs for port infrastructure for offshore wind energy development, as specified. The bill would also require the Governor to assess federal, state, and local funding opportunities that can help build port infrastructure for offshore wind energy development.

Introduced	02/06/25
Status	Assembly Natural Resources Committee

SB 298 (Caballero) State Energy Resources and Conservation and Development Commission: seaports: plan: alternative fuels

This bill would require the California Energy Commission, in coordination with the Transportation Agency and Air Resources Board, to develop a plan by December 31, 2030 for the use and deployment of alternative fuels at California's public seaports. The report would include, among other contents, a description of how the state will facilitate permitting and construction of infrastructure to support alternative fuels. The bill would require the Energy Commission to convene a working group of private, agency, and advocate entities to advise the Energy Commission as it develops the plan.

Introduced	02/10/25
Status	Senate Energy, Utilities, and Communications Committee (4/7)

ADMINISTRATIVE

AB 733 (Tangipa) Agency reports
This bill would require every state agency that is required to submit one or more reports to the Legislature to submit, by April 1 of each year, a list of all reports the agency has not yet submitted to the Legislature along with a status summary for each report, including a statement explaining why any overdue report has not yet been submitted and a plan for achieving compliance. The bill would also provide that the Legislature may withhold appropriations for an agency that fails to submit timely reports.

Introduced	02/18/25
Status	Assembly Governmental Organization Committee

AB 734 (Schultz) Environmental protection: biological resources data: reporting
This bill would require any biological resources data submitted to a regional, local, or state public agency to be posted on that agency's website and made publicly available within 2 weeks of submission to the public agency.

Introduced	02/18/25
Status	Assembly Water, Parks, and Wildlife Committee

AB 880 (Bennett) State governments grants and contracts: payment of claims and grantees' indirect costs
This bill would establish that existing statutory penalty for late payment of a grant by a state agency also apply to grant agreements between a state agency and a non-profit organization. This bill would require a state agency administering a grant program to reimburse a grantee's indirect costs at one of several specified rates as requested by the grantee in their grant program application, unless prohibited by any other state or federal law.

Introduced	02/19/25
Status	Assembly Appropriations Committee

AB 1039 (Hart) State-funded assistance grants and contracts: advance payments
The bill would require any state agency that administers a grant program to advance a payment to a qualifying recipient entity for all grants advertised after January 1, 2026. The bill would require the solicitation for the grant or contract to state the percentage of the grant or contract funds that may be distributed as an advance payment.

Introduced	02/20/25
Status	Assembly Governmental Organization Committee

SB 470 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
This bill would remove the statutory sunset on the provisions of the Bagley-Keen Open Meeting Act that currently allow state bodies to conduct public meetings in a hybrid format.

Introduced	02/19/25
Status	Senate Judiciary Committee (4/8)

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BILL ANALYSIS
AB 439 (Rogers)
As Introduced 2/6/25

SUMMARY
AB 439 would streamline the implementation of de minimis amendments to local coastal programs (LCPs) and port master plans (PMPs) approved by the Coastal Commission, by providing that approved de minimis amendments shall take effect immediately upon adjournment of the Commission meeting rather than 10 days later. This bill would also standardize the contents and timetable on which the Commission periodically reports to the Legislature about its Coastal Act enforcement activities.

RECOMMENDED MOTION
I move that the Commission **SUPPORT** AB 439, and I recommend a **YES** vote.

PURPOSE OF THE BILL
The reason for the bill is to provide for more efficient implementation of the Coastal Act while maintaining its resource protection policies and public participation procedures.

EXISTING AND RELATED LAW
Coastal Act Sections 30514 and 30716 establish processes for the submittal and approval of amendments to a local governments' certified LCPs and ports' certified PMPs, respectively. These processes are described in greater detail below.

Coastal Act Section 30821, enacted in 2014, authorized the Commission to impose administrative penalties for violations of the Coastal Act policies protecting public coastal access, and required the Commission to submit a one-time report to the Legislature in 2019 evaluating the first four years of implementing this authority.

Coastal Act Section 30821.3, enacted in 2021, authorized the Commission to impose penalties for non-access-related violations of the Coastal Act, and requires the Commission to submit a report to the Legislature annually on implementation of this authority.

PROGRAM BACKGROUND
This bill contains two parts, one focused on de minimis LCP and PMP amendments and another focused on enforcement reporting. For clarity, the Program Background and Analysis sections of this report discuss these parts separately.

1. De Minimis LCP/PMP Amendments

Under the Coastal Act, new development in the coastal zone generally must receive a coastal development permit (CDP) to ensure projects and activities are carried out

consistent with Coastal Act policies. The Coastal Commission is responsible for issuing CDPs for new development until and unless coastal a local government prepares and submits a Local Coastal Program (LCP) that is certified by the Commission. An LCP contains land use policies and implementing ordinances to guide development consistent with the policies of the Coastal Act. Once a local government's LCP is certified by the Coastal Commission, the local government assumes responsibility for permitting most new development within its coastal zone pursuant to the policies of its LCP. Currently, local governments with certified LCPs are responsible for issuing CDPs in 90% of the geographic land area of the coastal zone.

The Coastal Act also allows for the development and certification of Port Master Plans (PMPs), which function similarly to LCPs but are specifically for California's deepwater coastal ports. A PMP is a long-term planning document that contains goals and policies regulating development within a port district, describes the proposed uses of land and water, and identifies projects likely to be developed within the specified planning horizon. Once a port's PMP is certified by the Coastal Commission as being consistent with the Coastal Act, the Commission transfers its permitting responsibility to the port authority for development within the port's jurisdiction. The Commission has approved PMPs for all four of California's deepwater coastal ports: San Diego, Long Beach, Los Angeles, and Hueneme.

In local jurisdictions with a certified LCP, and in ports within a certified PMP, the Commission has the ongoing statutory responsibility to assist the local governments and ports with periodic amendments to their plans. The Coastal Act specifies processes whereby local governments and ports submit proposed amendments to the Commission for processing and Commission action. There are three classes of amendments: major, minor, and de minimis. These classes are distinguished by the scope of the amendment. Major and minor LCP amendments and PMP amendments are recognized as having the potential to result in impacts to coastal resources and public coastal access, albeit to different degrees. As a result, each of these processes includes robust public participation and Commission analysis that includes agency staff review timelines, a noticed public hearing, and a vote of the full Commission on whether to approve or deny the amendment.

By contrast, "de minimis" amendments to an LCP or PMP are amendments which are determined by the Commission to have no impact on coastal resources or public coastal access. This frequently includes zoning changes or changes to building standards, such as height limits, density requirements, etc. Because de minimis amendments have no potential to impact coastal resources, the Coastal Act process for approving these amendments is expedited. The determination that an amendment is de minimis is made administratively by the Commission's Executive Director within 10 working days of receiving the proposed amendment from the local government or port. Once that determination has been made, the amendment is noticed in the agenda of the next meeting of the Commission. At that meeting the Executive Director reports the amendment to the Commission. If two or fewer Commissioners object to the de minimis determination, then the amendment is deemed approved. (If three or more Commissioners object, then the amendment is re-processed as either a minor or major

amendment.) In 2023, the Commission approved approximately 19 de minimis LCP amendments for various coastal jurisdictions. These amendments advanced multiple policy priorities including promoting more flexible and affordable housing options, allowing for denser residential development, encouraging accessory dwelling units, and clarifying residential setbacks from sensitive habitat areas.

Importantly, the de minimis amendment process, while expedited, still contains public engagement. In order for a proposed LCP or PMP amendment to be eligible for de minimis approval, the local government or port authority must have provided notice of the amendment in the newspaper, onsite, and by direct mailing to surrounding property owners at least 21 days prior to submitting the amendment to the Commission. Any comments that the local government or port authority receives during this noticing period must be included in its submittal to the Commission so that the Executive Director can consider the comments when determining whether the amendment is de minimis. Additionally, as mentioned above, when an amendment is determined to be de minimis, it is still noticed by the Commission in the agenda of its next public meeting, where it is reported by the Executive Director and the public has the opportunity to provide comment. Only at that point does the Commission decide whether to approve the de minimis amendment or to object to the de minimis determination.

Relevant to this bill, once a de minimis LCP or PMP amendment has been approved. It does not take legal effect for 10 days. No additional procedural steps occur during this 10-day waiting period.

2. Enforcement Reporting

As part of its mandate to protect coastal resources and public coastal access, the Commission enforces against violations of the Coastal Act. The Commission has the authority to issue Cease and Desist Orders to stop unpermitted development in the coastal zone, and to approve Enforcement Orders (either in collaboration with a violator or unilaterally) mandating the restoration of impacted coastal areas and mitigation for unpermitted impacts. Unfortunately, new violations of the Coastal Act are reported more quickly than the Commission's limited Enforcement staff have the capacity to resolve them. As a result, the Commission has a backlog of approximately 3,000 reported Coastal Act violations in need of investigation and resolution.

In recent years, the Legislature has further strengthened the Commission's ability to enforce against violations of the Coastal Act by giving the Commission the option to impose administrative civil penalties on violators. This authority, which is held by most state regulatory agencies in California, was codified through a series of two bills. In 2014, SB 861 (Ch. 35, Stats. 2014) authorized the Commission to impose administrative penalties for violations of the Coastal Act policies protecting public access to the coast. In 2021, the Legislature passed and the Governor signed SB 433 (Ch. 643, Stats. 2021), which authorized the Commission to impose penalties for non-access-related violations of the Coastal Act. Taken together, these two pieces of legislation authorize the Commission to impose administrative civil penalties for any violations of the Coastal Act. By statute, all penalty monies are deposited into the

Violation Remediation Account of the Coastal Conservancy Fund and expended by the Conservancy for coastal resource protection and public access purposes.

Both of these legislative measures included reporting requirements to ensure that the Commission's administrative penalty authority was operating effectively. SB 861 required the Commission to submit a one-time report to the Legislature in 2019 evaluating the first four years of implementing administrative penalty authority for public access-related violations. The Commission submitted that report by the statutory deadline. By contrast, SB 433 imposed an ongoing, annual requirement for the Commission to submit a report to the Legislature on implementation of its administrative penalty authority for non-access related violations. The Commission provided its most recent annual report to the Legislature in February 2025. These uneven reporting requirements are an unintended result of the fact that administrative penalty authority was granted to the Commission in a piecemeal, two-bill approach.

ANALYSIS

1. De Minimis LCP/PMP Amendments

As described above, the Coastal Act contains expedited processes for the Commission to approve amendments to a local government's LCP or a port's PMP that the Executive Director has determined to be "de minimis" in scope. However, whenever the Commission uses this expedited process to approve a de minimis amendment, that approval does not take legal effect for 10 days. This waiting period does not serve a legal purpose, as no other procedural steps occur during this time. Thus, the 10-day waiting period arguably creates a minor, unnecessary delay in how quickly a local government or a port authority can use its amended LCP or PMP to approve development projects within its permitting jurisdiction.

This bill would remove the 10-day waiting period for de minimis amendments from the Coastal Act and, instead, would specify that de minimis amendments to a local government's LCP or a port's PMP are legally effective as soon as the Coastal Commission approves the amendment and adjourns. This legislative change would maintain the current process and legal standards by which the Commission reviews and approves de minimis LCP amendments and PMP amendments, including all existing opportunities for public participation, but would simply remove the delay for approved amendments to take legal effect. This would provide a modest but legitimate time savings to local governments and ports by allowing them to implement their amended LCP or PMP policies immediately to permit development within their jurisdiction. As a result, permits for all types of development in the coastal zone—including housing, multimodal transportation facilities, habitat restoration, renewable energy facilities, etc.—could be issued sooner rather than having to wait for any prerequisite amendments to the relevant LCP or PMP to take effect. In an economic circumstance where every delay carries a cost, this modest, time-saving change would have a beneficial effect.

As California grapples with climate change, the housing crisis, and other pressing issues, urgent action is needed to modernize our communities to be sustainable, inclusive, and affordable. All parts of the state, including the coast, have a role to play in making this vision a reality. While land use regulatory statutes such as the Coastal Act serve an important function in ensuring that land use planning is thoughtful and transparent, given the urgency to solve the challenges facing our state, it is also important to identify and address any unnecessary delays that exist in regulatory processes. The 10-day waiting period for de minimis LCP and PMP amendments to take effect is one such small delay. This bill would remove this waiting period, allowing approved de minimis amendments to a local government's LCP or a port's PMP to take effect immediately. This modest but meaningful change will allow local governments and ports to move more quickly in permitting development projects in their jurisdictions that will advance California's goals on climate, housing, and multiple other fronts.

2. Enforcement Reporting

Since it was originally granted the authority in 2014 to impose administrative penalties, the Commission has exercised restraint in doing so, approving only 23 penalties over a period of 10 years. Yet the motivation to avoid penalties acts as a powerful deterrent against potential violations and also motivates confirmed violators to work collaboratively with the Commission to resolve violations, establishing administrative penalty authority as an effective and efficient tool.

However, the requirements around how the Commission reports on this enforcement work to the Legislature are disjointed and can be clumsy to carry out. This is an artifact of the piecemeal approach taken by the Legislature to authorize the Commission's administrative penalty authority in two separate bills. As a result, the Commission was required to provide just a one-time report in 2019 regarding its administrative penalty activities for public access-related violations of the Coastal Act, but *remains* required to submit an annual report on its administrative penalty activities for non-access-related violations of the Act. This bifurcated annual reporting requirement places an uneven emphasis on non-access violations of the Coastal Act at the expense of violations that may significantly infringe on the public access the coast. To complicate matters further, many Coastal Act violations affect both public access and non-access-related coastal resources, making it difficult to parse out whether or not certain violations are within the scope of the ongoing reporting requirement. The requirement that the report be submitted annually also places a workload burden on Commission enforcement staff that limits their capacity to work on resolving violations efficiently.

This bill would standardize and streamline the Coastal Act's enforcement reporting requirements by directing the Commission to submit one comprehensive report to the Legislature every five years covering all types of Coastal Act violations. The bill would add several additional metrics to the list of required components of the report, resulting in a more useful report, while relaxing the reporting frequency. These changes would make the reporting process more efficient overall and allow the Commission's enforcement staff to maximize time spent resolving Coastal Act violations.

CONCLUSION
AB 439 would make several amendments to the Coastal Act's processes for de minimis LCP and PMP amendments and for the Commission's periodic reporting on its enforcement activities. These amendments would provide modest regulatory streamlining benefits without weakening Coastal Act policies protecting coastal resources or public coastal access.

SUPPORT
None on file.

OPPOSITION
None on file.

RECOMMENDED POSITION
Staff recommends that the Commission **SUPPORT** AB 439.

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BILL ANALYSIS
AB 462 (Lowenthal)
As Amended 2/27/25

SUMMARY
This bill would exempt the construction of accessory dwelling units (ADUs) in the coastal zone of Los Angeles County from the requirements of the Coastal Act. The bill would also, going forward, exempt ADU construction in the coastal zone of any county that is subject to a Governor's state of emergency for an emergency that damaged or destroyed housing.

PURPOSE OF THE BILL
The purpose of the bill is to alleviate housing stressors caused by natural disasters by expediting ADU construction in times of emergency by ensuring that ADUs in the coastal zone can be permitted as quickly as ADUs in other parts of the state.

EXISTING AND RELATED LAW
The Coastal Act "savings clause" in State ADU Law (Government Code Section 66329) states, "Nothing in this article shall be construed to 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), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units."

PROGRAM BACKGROUND
The coastal zone covers approximately 1% of the land in California. Under the Coastal Act, all new development in the coastal zone must receive a coastal development permit (CDP) or similar approval to ensure projects are carried out consistent with Coastal Act policies. The Coastal Commission is responsible for issuing CDPs for all new development in a local government's coastal zone until and unless the local government prepares a Local Coastal Program (LCP) that is certified by the Commission. An LCP contains land use policies, zoning maps, and implementing ordinances to guide development consistent with the policies of the Coastal Act. Once a local government's LCP is certified, the local government assumes responsibility for permitting most new development within its coastal zone pursuant to the policies of its LCP. Currently, local governments with certified LCPs are responsible for issuing CDPs in approximately 90% of the land in the coastal zone.

California's ongoing housing crisis continues to exacerbate housing inequity and unaffordability, especially in coastal regions both in and out of the coastal zone. In the past five years, the Legislature has passed more than 150 bills intended to increase the speed and scale at which new housing stock is permitted and built. One of these statutes is ADU law, which establishes statewide requirements and procedures by

which local governments must permit accessory dwelling units and junior accessory dwelling units (JADUs). The law does not require that ADUs be used for housing; however, the intention of the statue is to facilitate the production of ADUs in the hope that some property owners will offer them as housing that may be more affordable than other forms of market-rate housing.

Several bills over the last few legislative sessions have significantly transformed the permitting approach for what used to be known as "granny flats." Whereas ADU law originally simply authorized local governments to adopt ordinances allowing for administrative approval of ADUs in designated areas (AB 1866, Wright, 2002), local governments are now required to ministerially approve ADUs, with or without an enabling ordinance, consistent with specific streamlining, siting, and design criteria, within 60 days of receiving a completed application (AB 68, Ting, 2019). The permissible size of ADUs has also increased. Today, ministerially approved ADUs can be up to 50% the square footage of the principal residence (if attached to the residence) or up to 1,200 square feet (if detached from the residence). In many situations, multiple ADUs can be constructed on a single urban parcel. As the scale and number of ADUs allowed under state law has continued to expand, the potential for ADU construction to impact public coastal access, sensitive coastal resources, or climate adaptation efforts has also increased.

Like many state housing statutes, ADU law contains a Coastal Act "savings clause" (Government Code Section 66329), which states that the requirements of ADU law do not supersede or lessen the applicability of the Coastal Act, but also relieves local governments of the requirement to hold public hearings for ADU permits. This ensures that ADUs in the coastal zone are sited and designed to be consistent with the state's policies for public coastal access, coastal resource protection, and climate change adaptation, while also benefitting from an expedited administrative review process.

The Coastal Commission has long held that housing production and coastal resource protection are not mutually exclusive, and has strongly encouraged local governments to update their LCPs to reflect these changes in state law in a manner that is also consistent with Coastal Act policies. The Commission has circulated four guidance memos to that effect and is currently collaborating with HCD to develop a fifth. Pursuant to SB 1077 (Ch. 454, Stats. 2024), this fifth memo will include approaches for streamlining the ADU permitting process and also will provide examples of ADU-related LCP amendments that have successfully harmonized Coastal Act policies with ADU law. To date, approximately 25 of California's 76 coastal local governments have amended their LCPs to incorporate ADU policies, and another 20 local governments are currently in the process of developing such amendments. The forthcoming joint Commission/HCD guidance will focus on encouraging the remaining local governments to initiate LCP amendments.

As a result of legislative incentives, Commission guidance, and local governments' work to align their LCPs with new housing law, ADU construction in the coastal zone has proliferated. Between 2021 and 2024, local governments approved 1,299 Coastal Development Permits (CDPs) for new ADUs, about one third of which were new single-

family housing projects that included one of more ADUs or junior ADUs. Only 24 of those local CDPs (less than 2%) were appealed to the Coastal Commission. Of those 24 appeals, 10 were dismissed by the Commission within 49 days (the statutory time period for the Commission to evaluate the significance of appeals), meaning the local approval was upheld. Thirteen permits were approved with design changes to avoid impacts to public resources. Only one appealed ADU project was denied by the Commission over that four-year period, and this was a project would not have increased the number of existing housing units on the project site.

In the few uncertified jurisdictions where the Commission is still the primary permitting authority, the Commission expedites ADU approvals through a streamlined process. In 2024, the Commission approved 60 of the 66 CDP applications it received for ADUs through administrative permit waivers. Waivers are a common tool for expediting proposed projects that will not have any impact on coastal resources. The Commission's average processing time from receiving a completed ADU application to issuing the waiver was 23 days. The six ADU applications processed through regular CDPs were approved by the Commission with additional conditions to address sea level rise, sensitive habitat buffers, tribal cultural resources, water quality, or public coastal access. Most of those conditions had to do with impacts associated with the primary residence, not the ADU.

In sum, while most ADU projects raise no Coastal Act issues, on those rare occasions when Commission's oversight is warranted, Coastal Act compliance ensures that the new development avoids hazards, for the safety of the residents, and is built in a manner that doesn't infringe on protected resources or public accessways.

ANALYSIS

As with other types of housing in the coastal zone, building ADUs and protecting sensitive coastal resources and public coastal access are not mutually exclusive. The Coastal Commission and local governments have demonstrated this by creating streamlined processes for permitting ADUs consistent with the Coastal Act and using these policies to approve ADUs smoothly and administratively. The Legislature affirmed this approach last year through the passage of SB 1077 (Blakespear), which requires the Commission and HCD to collaborate on a coastal ADU permitting guidance document for applicants and local governments. The Coastal Act appeal process is a valuable backstop for the rare occasion when an ADU would result in significant impacts to coastal resources or public coastal access.

This bill would exempt ADUs from the requirement to obtain a CDP or otherwise comply with Coastal Act requirements. This exemption would apply immediately in Los Angeles County, and would take effect in other coastal counties in a piecemeal fashion following a state declaration of emergency. Any emergency declared after February 1, 2025, that damaged housing would trigger the exemption. Thus, the bill would also immediately take effect in Santa Cruz County, as the Governor declared a state of emergency for Santa Cruz County on February 14 related to winter storm flooding that occurred in December 2024.

The Coastal Act exemption in this bill is not tailored to damaged properties in the coastal zone; rather, the proposed exemption could be triggered by disasters in inland regions as well. For example, a wildfire in rural Ukiah could trigger a permanent exemption for ADU construction in coastal Fort Bragg 70 miles away. ADUs in Belmont Shores in southern Los Angeles County would become exempt from coastal permitting requirements under this bill, but ADUs in neighboring Sunset Beach would still be subject to the Coastal Act until such time as Orange County experiences a natural disaster warranting an emergency declaration.

This county-by-county patchwork of areas where ADUs are exempt would render land use planning documents for ADUs obsolete, likely leading to confusion and uneven implementation. Local governments that have invested significant funding and staff hours into updating their LCP policies to keep up with state ADU law would see their planning efforts nullified. Certified jurisdictions currently in the process of amending their LCPs will likely reconsider whether they should proceed. And the value of the joint effort currently underway between HCD and the Commission to facilitate LCP updates for ADUs pursuant to SB 1077 would gradually diminish as ADUs in more coastal counties become exempt.

As an additional practical consideration, it is unclear who would determine whether a given emergency has affected enough housing to trigger the exemption proposed by the bill. For example, if an emergency was declared for flooding in a rural area that primarily impacted public roads and agricultural lands but also flooded a small number of low-lying houses, it is not apparent whether that emergency would trigger the proposed Coastal Act exemption. In such a circumstance, there would be room for disagreement among local and state agencies, property owners, and developers about whether ADUs county-wide had become exempt, further complicating ADU production.

Removing consideration of Coastal Act policies will result in less carefully planned development, with some new ADUs located in areas that are vulnerable to sea level rise, negatively impact wetlands and habitat, or encroach on public access easements. Moreover, this approach would not seek to accelerate ADU production until after disaster strikes, nor is it assured to provide housing where the needs are most acute. While the Commission has consistently supported the development of ADUs in the coastal zone, these considerations raise the question of whether the proposed approach is the most effective way to further expedite ADU construction.

Finally, the proposed legislation would also set a negative precedent of exempting a class of development (i.e., ADUs) from the Coastal Act. In its almost 50-year history, the Coastal Act has never been amended in this way, largely due to the collective recognition that coastal protection does not run counter to the State's other priorities. AB 462 risks sending the opposite message. Furthermore, the Coastal Act savings clause is a common feature of multiple other statutes streamlining various types of development such as Density Bonus Law projects, congestion management, lot splits, etc. This bill would signal that future legislation similarly exempting these and other types of development from the Coastal Act would be viable.

CONCLUSION
ADUs are a vital tool in California's efforts to address the housing crisis. They can add "gentle density" to established neighborhoods with less disruption and without over-burdening public infrastructure at a cost that is realistic for many homeowners. The Commission and many coastal local governments have worked to update LCPs to expedite the approval of ADUs while ensuring that ADUs are safe from coastal hazards and do not impact sensitive resources or public coastal access. As described above, permanently exempting ADUs from the Coastal Act through an emergency-based approach is an inefficient way to increase the construction of ADUs in the coastal zone, and it also risks unintended consequences.

There are more effective ways the state could achieve the author's goal to streamline ADU approvals in the coastal zone while also maintaining climate, sensitive resources, and coastal access considerations. For example, the Commission's waiver process provides for significantly expedited ADU approvals which take less than a month on average. However, not all certified local governments have waiver provisions in their LCPs. Relatedly, while many coastal local governments have either already updated or are currently updating their LCPs to streamline ADU permits, approximately one-third of local governments in the coastal zone have not done so, either because they lack the funding or political will or because they don't yet have a certified LCP. If local governments were required to include ADU streamlining policies in their LCPs, this would ensure ADUs were expedited in all parts of the coastal zone. Additionally, outside of the coastal zone, ADUs are issued ministerially within 60 days. This timeframe could be required in the coastal zone as well. As local governments are responsible for issuing approximately 80% of all CDPs, this would have a significant, immediate effect on almost the entire coastal zone. The result of these alternative approaches would be more ADUs built sooner and more quickly in more areas than the proposed approach of waiting until an exemption is triggered by a disaster declaration. These approaches would also safeguard coastal resources and public coastal access for the long-term benefit of the public as a whole.

SUPPORT
AARP
American Planning Association California Chapter
California Apartment Association
East Bay Leadership Council

OPPOSITION
None on file.

RECOMMENDED POSITION
Staff is not recommending that the Commission take a position on AB 462 at this time. This analysis for is for informational purposes only.

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BILL ANALYSIS
AB 357 (Alvarez)
As Introduced 1/30/25

SUMMARY
This bill would exempt housing projects for university or college students, faculty, or staff, and all associated facilities, from the Coastal Act.

PURPOSE OF THE BILL
The purpose of the bill is to reduce regulatory review of university and college housing projects in the coastal zone, in an attempt to facilitate the production of such projects.

EXISTING AND RELATED LAW
Coastal Act Section 30519 concerns the transfer of permitting authority from the Coastal Commission to a local government once the Commission has certified a local coastal program for that local government's jurisdiction. This section does not apply to several areas of statewide significance, including state tidelands, deepwater coastal ports, and, relevant to this bill, "within any state university or college within the coastal zone." Thus, the Commission retains permitting jurisdiction within these areas, even if the relevant local government has a certified LCP.

Coastal Act Section 30605 provides an alternative permitting process for development on university and college campuses through the development of long-range development plans (LRDPs) by universities, and public works plans (PWPs) by community colleges. Similar to LCPs, LRDPs and PWPs facilitate efficient long-range planning and a streamlined development process for projects on university and college properties. The function of these plans is described in greater detail below.

Education Code Section 67329.2(i) defines "student housing project" to include "housing facilities to be occupied by students of one or more campuses and owned by a participating college or university or participating nonprofit entity. These facilities are determined to be educational facilities, which also may include dining, academic and student support service spaces, and other necessary and usual attendant and related facilities and equipment."

PROGRAM BACKGROUND
Under the Coastal Act, all new development in the coastal zone must receive a coastal development permit (CDP) or other similar approval to ensure projects and activities are carried out consistent with Coastal Act policies. The Coastal Commission is responsible for issuing CDPs for all new development until and unless coastal local governments prepare and submit a Local Coastal Program (LCP) that is certified by the Commission. An LCP contains land use policies and implementing zoning maps and ordinances to guide development consistent with the policies of the Coastal Act. Once a local

government's LCP is certified by the Coastal Commission, the local government assumes responsibility for permitting most new development within its coastal zone pursuant to the policies of its LCP.

The Coastal Act provides that in certain parts of the coastal zone, the Commission retains permitting jurisdiction even if the applicable local government has a certified LCP. These areas of retained jurisdiction generally include state tidelands, California's four deepwater coastal ports, and, relevant to this bill, lands owned by a university or college (hereinafter abbreviated as "university"). In these areas, where development generally has broader, statewide significance, proposed development is reviewed by the Commission directly until and unless a port adopts a Port Master Plan (PMP), a University adopts and Long-Range Development Plan (LRDP), or a community college or other public agency adopts a Public Works Plan (PWP).

In California, universities plan for and evaluate future development on their campuses by preparing long-range development plans. A long-range development plan (LRDP) is a comprehensive plan that guides physical development, such as the location of buildings, open space, circulation, and other land uses, on a university or college campus. In addition to identifying and evaluating proposed development on a campus, the LRDP serves as a key reference document for the campus, the university or college, and the general public regarding future development. LRDPs are prepared by universities statewide, both within and outside of the coastal zone.

To promote comprehensive planning and efficient development on university and college campuses in the coastal zone, the Coastal Act includes a process whereby a university or college may submit its LRDP to the Coastal Commission for certification. Once the Commission certifies an LRDP as being consistent with the public access and resource protection policies of the Coastal Act, future development on the campus becomes subject to an expedited approval process under the Act. Specifically, when a university with a certified LRDP wants to undertake development on its property, rather than applying to the Commission for a coastal development permit authorizing the development, the university submits a Notice of Impending Development (NOID) to the Commission. Upon receiving a complete NOID submittal, the Commission has 30 days to approve the NOID, or else it is approved as submitted. Importantly, while the Commission may add conditions to a NOID approval to ensure consistency with the policies of the certified LRDP, it cannot not deny a NOID.[1]

There are four universities whose main campus is located fully or partly in the coastal zone: the University of California at Santa Barbara (UCSB); Pepperdine University, whose campus is in unincorporated Los Angeles County; Point Loma Nazarene University, in the City of San Diego; and the University of California at San Diego

[1] The Coastal Act similarly provides a process for community colleges in the coastal zone to develop public works plans (PWPs), which function identically to LRDPs, to programmatically plan for future development on their campuses. Santa Barbara City College is the only community college with a certified PWP. While this bill would apply to community college housing in the same way that it applies to university housing, this analysis refers primarily to university LRDPs, as only a small number of community colleges in the state offer housing.

(UCSD). Two of these four schools, UCSB and Pepperdine, have an LRDP that was certified by the Commission. These certified LRDPs cover all aspects of development on the campuses, including university housing facilities. Several other universities, while located outside of the coastal zone, maintain marine lab facilities or other properties in the coastal zone. Two of these, the University of California at Santa Cruz (UCSC) and the University of California at Davis, have a certified LRDP for their marine lab facilities. Some of these lab facilities contain small quantities of ancillary housing for facility managers and visitors, while others have no housing.[2] There are also a small number of community colleges in the coastal zone, including College of the Redwoods, College of Marin, Cuesta College, and Santa Barbara City College. While community colleges traditionally have not offered student housing, a small number (approximately 14 of the 116 community colleges in California) do have housing facilities, including community colleges in and out of the coastal zone.

ANALYSIS

AB 357 would exempt university housing from needing to comply with the requirements of the Coastal Act. This exemption would apply to any project containing housing for university or college students, faculty, or staff, including housing proposed by a college or university or by a non-profit organization regardless of whether that housing is located on a university campus. As "student housing" is defined in the bill by reference to Education Code Section 67329.2(i), this bill would also exempt other types of development associated with university student life, including dining facilities, academic and student support service spaces, and other facilities. Under this exemption, on lands not subject to a certified LRDP, qualifying university housing projects would no longer be required to obtain a coastal development permit. For universities with a certified LRDP, housing and associated facilities would no longer be subject to the LRDP policies developed by the university and certified by the Commission, and would no longer require submittal of a NOID to the Commission.

The Commission has consistently supported and approved the construction of university housing in the coastal zone. While the Commission supports the author's goal of continuing to facilitate the construction of housing for university and college students, faculty, and staff, the proposed exemption does raise several policy concerns. First, exempting university housing projects from the Coastal Act can be expected to result in the construction of projects that are not consistent with state and university coastal resource and planning policies within certified LRDPS. These policies are vital for ensuring that proposed university development does not result in unnecessary impacts to sensitive coastal resources such as wetlands and sensitive habitat, which are present on a number of coastal campuses including UCSC, UCSB, and Pepperdine, among

[2] A number of universities with campuses outside of the coastal zone operate marine lab facilities (that do not contain housing) in the coastal zone, including Humboldt State Polytechnic University, California State University Monterey Bay, and the University of Southern California. These universities do not have certified LRDPs for their marine labs.

others.[3] Coastal Act and LRDP policies also ensure that proposed university housing projects align with and do not negatively impact public coastal access, and that proposed projects are designed to avoid vulnerabilities to sea level rise and associated flooding and erosion. Consideration of public coastal access and coastal hazards enhances university housing projects by integrating housing into the campus setting in a manner and location that connects residents with nearby coastal areas and avoids subjecting them to displacement due to flooding or other hazards. The Coastal Act is the only law that requires consideration of these key coastal policy priorities. Thus, exempting university housing projects from the Coastal Act would result in negative impacts both to coastal resources and to the housing itself as a result of incomplete environmental review.

It should be noted that the LRDP process in the Coastal Act is designed to, in the words of the Legislature, "promote greater efficiency for the planning of any… state university or college or private university development projects and as an alternative to project-by-project review…." In other words, the coastal LRDP process was established precisely to expedite the development of university projects in the coastal zone, including university housing. The time savings provided by the process is evident in its mechanics. Complete NOIDs submitted by a university must be acted on by the Commission within 30 days, as opposed to 180 days for a CDP. The Commission also cannot reject a NOID; it can only impose conditions necessary to make the proposed project consistent with the provisions of the university's own LRDP. Moreover, unlike a CDP issued by a local government, a NOID approved by the Commission cannot be appealed; the only way to challenge a NOID is through litigation. In this way, the Legislature established a means for universities in the coastal zone to submit their LRDPs—a plan which universities already prepare irrespective of the Coastal Act—to the Commission as a blueprint for the campus-wide pre-approval of future development. Once certified, LRDPs provide for the expedited construction of university projects while also ensuring consistency with California's bedrock coastal resource policies.

LRDPs also provide a vehicle for universities and colleges to plan comprehensively, for the benefit of campus facilities and resources alike. Considering future development on the scale of an entire university campus promotes strategic planning that evaluates how projects in different parts of a campus could be developed to operate in concert to best serve students, faculty, and staff. This holistic view of future campus development necessarily leads to similar consideration of how to manage campus open space, outdoor recreation areas, and resources. As a result, LRDPs promote a development vision wherein all parts of campus, developed and not, operate synergistically with one another to serve the campus community. Thus, a university could develop student dormitories while decreasing the flood vulnerability of that housing by restoring a nearby wetland system, or could design a new campus building to connect to the regional

[3] In fact, some coastal properties have been acquired by universities specifically because they contain or are proximate to sensitive coastal resources, such as the UCSC Coastal Science Campus property in Santa Cruz, which is managed by UCSC. The university's successful development of facilities on the property pursuant to its LRDP, which constructed valuable research facilities while minimizing impacts to the sensitive coastal resources on site, are described in greater detail below.

coastal trail network to provide transportation and recreation options for students and faculty. LRDPs promote the comprehensive planning that results in these sorts of multi-benefit projects that advance multiple policy priorities at once, and then provide for the expedited approval of such projects.

Coastal universities and the Commission have a strong track record of leveraging LRDPs to achieve such multi-benefit projects in a timely manner. The following are several past examples:

- In 1999, UCSC purchased approximately 55 acres of degraded wetlands and fallow agricultural fields adjacent to the University's Younger Lagoon Natural Reserve, which is part of the UC Reserve System. The Reserve is home to the University's Long Marine Lab, and UC Santa Cruz wanted to develop the newly acquired property into a Marine Science Center. A previous development plan championed by Wells Fargo would have covered most of the property and destroyed many acres of wetlands. Working collaboratively on the development of an LRDP for the new campus, the Coastal Commission and UCSC designed a more environmentally sustainable plan that preserved the majority of wetlands, with clustered development nodes on the least sensitive sites separated by protected habitat, open space, and trails. This resulting site plan was not only consistent with the Coastal Act, it also provided for the restoration of the degraded wetlands which have since been fully restored and incorporated into the Younger Lagoon Natural Reserve. The Commission certified the LRDP in 2009, and the expanded Reserve is now 72 acres which serves as an outdoor classroom for environmental research and the many field courses offered for students in marine biology and other environmental majors.

- In 2006, the Commission approved a 174-acre expansion of UCSB's LRDP area along the resource-rich Ellwood-Devereaux Coast area of Santa Barbara. The University and local governments sought to develop a mixture of student housing and other university facilities while conserving valuable open space and recreational areas. The University recognized that, without comprehensive planning, there was potential for future development to occur in sensitive habitat areas and the most valued recreational lands, while less valuable lands for both habitat and public access could remain vacant or undeveloped. Through the LRDP process, the University, local government partners, and the Commission planned a project that would construct 323 new housing units (in two buildings), road improvements, campus paths and trails, and a new recreation facility, as well as the designation of a new 69-acre open space area that included sensitive habitat restoration and coastal bluff trail improvements. The Commission approved the NOID for this project at the same time as the LRDP amendment authorizing the expansion.

- In 1999, the Commission approved an LRDP amendment and NOID for the construction of 17 buildings, including 800 student beds, at UCSB. The University's original project proposal would have eliminated 3 wetland basins, which provided valuable habitat as well as flood risk mitigation for the campus.

> The Commission worked with UCSB to modify the project design to relocate the proposed housing outside of the wetlands and to restore several degraded habitat areas as part of the project. This modified design allowed the housing to be constructed while increasing its resilience to flooding. The project went on to win several environmental and design awards.

Over the years, the Commission has approved numerous NOIDs for university housing projects at UCSB and Pepperdine, totaling thousands of new housing units. The Commission has also worked with universities in the coastal zone that do not have certified LRDPs to approve CDPs for new university housing. The one major university that fits this profile is UCSD, whose campus straddles the coastal zone boundary. In the past two decades, the Commission has authorized the construction of over five thousand new student housing units in the coastal zone portion of that campus.[4]

The multi-benefit projects described above were made possible through the LRDP process. While it can take time to develop comprehensive campus plans and to design projects consistent with those plans, this time spent is inherent to all land use planning and is not unique to the Coastal Act. The result of this planning, in the context of LRDPs and elsewhere, is coordinated development that meets all community needs more effectively because discrete development projects operate together with one another. For LRDPs, the whole campus becomes greater than the sum of its parts.

AB 357 would undermine comprehensive planning in the coastal zone by removing student housing from Coastal Act considerations. This raises a practical question of how universities will develop and maintain LRDPs, which are by definition comprehensive plans, while omitting one type of campus development (i.e., housing) from those plans. This issue may be exacerbated by the broad yet vague definition of "student housing project" referenced in the bill, which includes other associated student facilities such as dining halls, academic spaces, and "other necessary and usual attendant and related facilities." It is unclear based on this definition which specific campus structures would no longer require approval under the Coastal Act and thus would no longer be part of a certified LRDP. Any structure exempt from the Coastal Act by this bill would become a void in the LRDP's planning area. This will diminish the utility of LRDPs, as their function as a comprehensive plan for coordinated campus land use would be lost.

The lack of affordable student housing at California colleges and universities is an urgent problem. As the state continues to grapple with a housing crisis, it is vital that universities and colleges provide adequate housing for their students, faculty, and staff. In the coastal zone, the Coastal Act contains a process designed to leverage university LRDPs to provide programmatic approval of all campus development. This process also provides for the expedited review of individual campus projects to ensure they are consistent with the policies the university adopted for itself and, as such, advance other coastal policy priorities that turn a single-benefit project into a multi-benefit project. As it were, advancing these other coastal policy priorities, such as avoiding sea level rise

[4] See, e.g., CDPs 6-22-1034 (Ridge Walk Neighborhood), 6-17-0929 (North Torrey Pines Neighborhood), 6-09-23 (Muir College Housing Project), and 6-06-146 (North Campus Housing Project).

vulnerability, promoting public coastal access, or protecting sensitive habitats, help make university and college campuses resilient, livable, and sustainable for the benefit of all who live and learn there. While there may be ways that the Legislature could continue to enhance the efficacy of the LRDP process in the Coastal Act, exempting university housing projects from this process and from the Coastal Act altogether would unnecessarily sacrifice the many benefits of LRDPs, including their very purpose to expedite effectively planned projects.

CONCLUSION

AB 357 would exempt university housing from the Coastal Act with no evidence that the statute is to blame for the state's student housing shortage, which is not confined to the coastal zone. The Coastal Act already contains a mechanism, through long-range development plans, that is specifically designed for efficient development on college campuses. While there may be ways to enhance the LRDP process to further facilitate the production of university housing, maintaining the applicability of the Coastal Act to university housing projects will preserve the benefits of comprehensive planning for university campuses, including ensuring that university housing safely avoid coastal hazards and do not impact sensitive coastal resources and public coastal access.

SUPPORT

Student HOMES Coalition (sponsor)
UC Student Association (sponsor)

OPPOSITION

California Coastal Protection Network

RECOMMENDED POSITION

Staff is not recommending that the Commission take a position on AB 357 at this time. This analysis for is for informational purposes only.