The California Coastal Commission Report Card offers a conservation-oriented summary and analysis of the commission’s voting record throughout the year. The report card does not include all votes, but focuses on high-priority, high-stakes coastal development projects and issues.

**COVID-19 Impact**

The 2020 Report Card reflects fewer votes than recent previous years – only 7 over the course of 10 meetings – due to the COVID-19 pandemic and the Commission’s necessary response. The agency canceled its April 2020 in-person meeting and limited agenda items at several subsequent meetings as the Commission transitioned to the virtual meeting format.

**Key Findings**

**Average conservation score for the Commission:** 65%, significantly down from 82% in 2019, and down from 88% in 2018. This is largely due to the reduction in number of votes tallied.

**Governor appointments:** Averaged a score of 75%, down from 80% in 2019.
- Commissioner Effie Turnbull-Sanders scored 100%, up from 86% in 2019.
- Commissioner Mike Wilson scored 86%, up from 80% in 2019.
- Commissioner Donne Brownsey scored 83%, equal to 83% in 2019.
- Commissioner Erik Howell scored 33%, significantly down from 71% in 2019.

**Senate Rules Committee appointments:** Averaged a score of 62%, down from 82% in 2019.
- Commissioner Sara Aminzadeh scored 83%, down from 85% in 2019.
- Commissioner Roberto Uranga scored 67%, down from 83% in 2019.
- Commissioner Dayna Bochco scored 57%, down from 88% in 2019.
- Commissioner Katie Rice scored 43%, down from 71% in 2019.

**Assembly Speaker appointments:** Averaged a score of 58%, down from 74% in 2019.
- Commissioner Linda Escalante scored 86%, up from 80% in 2019.
- Commissioner Carole Groom scored 57%, slightly down from 87% in 2019.
- Commissioner Caryl Hart scored 57%, slightly down from 60% in 2019.
- Commissioner Steve Padilla scored 33%, significantly down from 71% in 2019.
COVID 19 Pandemic Response

On March 4, 2020, Governor Newsom issued an Executive Order requiring all California residents to cease non-essential travel and stay at home with exceptions for essential workers to maintain critical infrastructure.

After cancelling the April 2020 meeting, the Commission initiated virtual meetings in May 2020. (The reality and risk of the COVID-19 pandemic became clear to the Commission early on when chair Steve Padilla was diagnosed with COVID-19 and then hospitalized with severe symptoms following the in-person March meeting.)

The virtual meeting format posed new problems and opportunities to ensure transparency and engage the public in decision making. The ban on in-person large gatherings posed unique challenges for Commissioners, who have become accustomed to hearing informative public testimony guide their decisions on controversial items such as the San Onofre Toll Road, the Cabrillo Port LNG terminal and the Banning Ranch development. Virtual meetings also required more time due to the additional administrative tasks required managing meetings online.

On the positive side, because virtual meetings removed the burden of travel, public participation increased; however, due to the additional number of speakers, the Commission reduced the amount of time provided to each individual speaker for public comment, thus reducing the potential for speakers to convey substantive, nuanced feedback that can improve decision making.

State agencies including the Coastal Commission are likely to continue virtual and/or hybrid meetings due to the cost savings compared with hosting in-person meetings throughout the state. This suggests that several lessons from 2020 should be incorporated into the Commission’s meeting format moving forward:

• The virtual format can be less efficient at incorporating a larger number of public participants, especially when those speakers do not know the speaking order. A speaker order list should be provided so participants can gauge when their turn to speak may take place.
• Efforts need to be increased to ensure members of the public are afforded sufficient time to provide meaningful comment on cases of interest.
• Elected officials or former elected officials should only be prioritized in the public comment speaking order when officially speaking on behalf of their jurisdiction.
• The special meeting format for controversial items helps to increase public participation by adding an extra day when necessary.
• More technology support for participants should be provided.
The Coastal Commission took one of its strongest votes to date in favor of beach preservation when it denied Orange County (OC) Parks’ proposed coastal development permit for the construction of a new 1,200+ foot-long rock revetment at Strands Beach in Dana Point. The revetment would have protected private homes at Niguel Shores Community Association at the expense of the public beach space and been paid for by Orange County taxpayers.

Commission staff recommended approval with a permit condition of a $14,792,933 mitigation fee, established by appropriate application of its real estate valuation method. However, the project applicant, OC Parks, would be on the hook to pay this mitigation fee with taxpayer dollars, because the Community Association refused to join the application, claiming the County has sole jurisdiction as a result of a 1971 settlement agreement. The Commission indicated that any future application should include the Community Association as a co-applicant; otherwise, the Commission has no way to require them to pay the mitigation fee nor impose deed restrictions to bar future reliance on shoreline armoring.

Commissioners expressed concern that the County’s proposed plan would cause the loss of a public beach to benefit the wealthy at taxpayer expense. Commissioner Donne Brownsey stated, “[This] is… a handful of homes compared to a large number of people who recreate on that beach and enjoy nature there. The public deserves better.” Further, Commissioners noted that the County failed to identify any appropriate potential mitigation project as no other beach in the area could be bought or restored with the mitigation fees, leaving the region with a net loss of beaches forever.
Worst of 2019 – Capistrano Beach Seawall

The Commission approved a permit request by OC Parks for the installation of new sandcube and riprap armoring to protect a parking lot and bike path at Capistrano Beach County Park in Dana Point. The application also sought after-the-fact permanent approval for work authorized under multiple temporary emergency permits that were previously granted in response to damage caused by winter storms and high tide events at Capistrano Beach. Between 2004 and 2020, the Commission issued eight such emergency permits to OC Parks for work at this location, including six within the last five years.

The Surfrider Foundation raised concerns with approval of the permit highlighting the history of misuse of the emergency permit system and the need for a comprehensive retreat and living shoreline approach rather than perpetuating the unsafe conditions that worsen beach erosion. Commissioners approved the permit for a one year duration, with the possibility of extension for another one year based on OC Parks' progress towards a long term shoreline management plan.

The County should have instead initiated a managed retreat process to restore the beach with a living shoreline. This would help improve beach access and restore coastal resources lost to decades of unpermitted shoreline revetments at Capistrano Beach. Instead of planning for and enacting long term solutions, the County instead chose to abuse the emergency permit system, and the Coastal Commission abetted this shortsighted approach. The rock revetments haven’t worked in the past to protect existing infrastructure, and won’t work moving forward. The County’s proposal to retain the seawalls and sand cubes for an additional two to five years only delays the inevitability of adaptation to sea level rise, and will worsen erosion and public safety at Capistrano Beach in the meantime.

Moving forward, the Commission must send a clearer message that emergency permits are not a substitute for long-term planning. Instead, Orange County and the Coastal Commission should approach Capistrano Beach as an opportunity to formulate creative solutions to restore the coast and ensure future access that the rest of the state can emulate. Our coastlines and beaches are central to the identity of Orange County, and the state at large. The relentless encroachment and armoring of the shoreline has already cost California many beaches that we won’t be able to recover.
Policy Issues
Two major policy issues dominated Commission discussions in 2020: coastal preservation and Coastal Act enforcement. Notably, the Commission continued to successfully leverage their administrative penalty authority, achieving resolution of several major Coastal Act violations.

Coastal Preservation
This year, five of the seven votes tracked for the vote chart addressed shoreline armoring decisions. Only one of those votes resulted in a “bad” conservation outcome. While the outcomes were favorable, many of the votes were split and several Commissioners’ scores reflect votes that undermine coastal preservation.

Among the lowest scoring were Commissioners Steve Padilla, Katie Rice, Dayna Bochco and Eric Howell, all with only 2 out of 5 votes supporting protection of the coast (Commissioners Padilla and Howell had one absent vote).

On the other hand, Commissioners Sara Aminzadeh, Effie Turnbull-Sanders and Linda Escalante had 5 out of 5 favorable coastal preservation votes (Commissioner Turnbull-Sanders had one absent vote).

A common sentiment voiced by Commissioners before casting unfavorable coastal preservation votes was that past precedents -- however harmful to the coast -- force them to make decisions that are incompatible with what the Coastal Act should mandate in light of the incontrovertible fact of sea level rise.

This conundrum suggests that preservation of coastal resources -- the original intent of the Coastal Act -- may require a legislative update that adds clarity and consistency to the law, to ensure the Coastal Commission can continue to uphold its duties and prevent public coastal spaces from being lost entirely between shoreline armoring and rising seas.

In addition to the Niguel Shores and Capistrano Beach votes described above, the Commission voted on three other coastal preservation issues.

Pacifica Condominiums on Beach Boulevar
In June, the Commission denied a City-approved project that would have allowed for the construction of two buildings containing a total of seven condominium units on a half-acre lot on Beach Boulevard in Pacifica. The property would have fronted an abandoned portion of Beach Boulevard to the seaward side. Coastal Commission staff -- and the applicant’s own coastal hazard expert -- concluded that the entire development would be subject to coastal hazards within its lifetime and would rely on the existing riprap seawall.

Staff recommended invoking a policy within Pacifica’s LCP that allows for minimum viable economic development in cases where an entire lot is subject to coastal hazards.

Thus, the staff recommendation included increasing the setback from the city’s permit that would allow space for 3-4 condominium units. The Surfrider Foundation and several local residents argued that approval as such would create a loophole in the Coastal Act, setting a precedent by which the prohibition against armoring new development could become meaningless. The Commission agreed and the entire proposal was denied in a 6-5 vote.
Solana Beach Joint Seawall
In September, three homeowners in Solana Beach applied jointly for a 150-foot seawall. One of the homeowners was denied a seawall due to his property being constructed after the 1976 enactment of the Coastal Act and having deed restrictions. Seawalls for the adjacent, pre-Coastal Act homes were approved and are now constructed, but the resultant gap in the armoring presents a structural issue. This issue was predicted and the applicants were instructed to explore a retainer wall strategy to mitigate this. That strategy has been explored and is now deemed unsafe, and the two applicants who gained approval last year returned requesting to fill in the gap with a seawall. However, the property that was denied the seawall (the “gap house”) was no longer on the application, and instead another neighbor was added to the application based on an argument that this third neighbor is also affected by the structural instability posed by the gap. The Commission denied the proposed seawall in a 7-5 vote.

Haskell’s Beach Managed Retreat
In November, the Commission approved an overdue managed retreat project at Haskell’s Beach in Goleta at the Ritz-Carlton hotel. The hotel had retained a seawall long after its emergency permit had expired four and half years ago, to protect a “Beach House” structure including restrooms and showers. The project will relocate the restroom structure inland, away from the coastal hazard sea level rise flood zone, and the property owner agreed to continue migrating inland, away from rising seas as needed. As mitigation for several years of damage to the beach, Commission staff recommended the hotel dedicate a public access deed restriction, additional visitor-serving amenities, and a $45,000 contribution for the restoration of Tecolote Creek.

The Surfrider Foundation asked the Commission to require more substantial mitigation for the years of damage to the beach and sediment supply at Haskell’s, and more direct mitigation that would help restore the beach such as a living shoreline project. Commissioners increased the contribution to $100,000 for restoration of Tecolote Canyon. Staff and the applicant agreed and the permit was approved with the increased contribution in a 10 to 1 vote. Commissioner Erik Howell was the sole dissenting vote.
Summary

Overall, the Commission is heading in the right direction when it comes to protecting the coast and coastal recreation from armoring and rising seas. Yet continued progress is likely to require significant additional work by advocates at the Coastal Commission, the state legislature, and in the courts.

Sea Level Rise and Local Coastal Planning

The Coastal Commission’s December Special Meeting featured a public hearing and joint workshop with the California League of Cities, the California State Association of Counties, and local government officials to discuss sea level rise and implementation of the Joint Statement on Adaptation Planning, which was adopted by the Coastal Commission and the local government groups in November.

During the workshop, Coastal Commissioners and local government representatives celebrated the progress towards productive sea level rise adaptation planning and cooperation accomplished with the Joint Statement. Commissioners and local governments made suggestions for actions to advance the commitments made in the Joint Statement, including a better public communication and education campaign, financing mechanisms, demonstration projects, regional coordination, and collaboration with regional sediment management groups. Suggestions from the workshop will be compiled into a 2021 work plan.

It is heartening to see local governments working cooperatively with the California Coastal Commission to coordinate a statewide approach for sea level rise adaptation. The Joint Statement includes an acknowledgment of basic sea level rise planning needs such as the use of best available science, policies on disclosure and assumption of risks related to sea level rise hazards, and policies to ensure appropriate siting of new development. Yet while the Joint Statement and special meeting represent important first steps, the reality of as much as 10 feet of sea level rise by 2100 means that the Commission and local governments must continue to strengthen their collaboration to respond and adapt with sufficient urgency.

Next Steps

Moving forward, local governments should adopt a firm commitment to avoid hard armoring – which will only exacerbate erosion and drown our beaches and public trust resources. Local governments must also proactively plan to relocate away from the immediate shoreline and work to preserve natural shoreline processes with living shoreline projects.
If we are to save our natural coastline, sandy beaches, rocky intertidal zones, precious remaining wetlands, and advance the Governor’s call for the conservation of 30 percent of state lands and waters by 2030, California must be prepared to commit to moving away from the immediate shoreline and allow the coast to migrate inland. If our only response to sea level rise is to armor the coast, we will lose what makes California unique, majestic and prosperous.

**Environmental Justice**

According to the Legislative Analyst Office report, *What Threat Does Sea-Level Rise Pose to California?*, “[w]hile many coastal communities contain affluent neighborhoods, many of those communities include more vulnerable populations who also face the risk of more frequent flooding and damage from erosion.” California’s low-income communities may be disproportionately impacted by sea level rise due to having fewer resources upon which to rely to prepare for, respond to, and recover from flood events.

A 2020 report by the City of Alameda identified groundwater rise associated with sea level rise as a looming, underappreciated hazard. Groundwater rise may contaminate groundwater supplies, undermine building foundations, and raise the risk of destructive urban flooding. Environmental justice communities in proximity to legacy contamination and industrial sites may especially be impacted, because rising groundwater can also mobilize legacy toxic waste. The Alameda report’s findings are likely applicable statewide; more research and action is needed to better understand and address this emerging hazard for all the state’s coastal communities.

Additionally, if space is not created for the coast to migrate inland as sea levels rise, many of California’s urban and parks-poor communities will lose vital, low- or no-cost outdoor open spaces that they rely on to escape increasing urban and inland heat, and enjoy the great outdoors. Local governments and the Coastal Commission must continue to consider how their management decisions for public coastal resources will affect all Californians, not just those fortunate enough to live in coastal communities or own homes on the beach front or blufftop. Local governments should consult with environmental justice communities and tribal leaders to ensure their coastal adaptation plans are just and equitable. Because the coast belongs to us all, all Californians should be heard in its management.

**Enforcement**

In 2014, SB 861 amended the Coastal Act by adding Public Resources Code Section 30821, conferring administrative penalty authority to the Coastal Commission as a tool for deterring and more quickly resolving Coastal Act violations related to public access. Since then Coastal Commission enforcement staff have successfully resolved several public access violations with unprecedented speed.

At the February 2019 hearing, enforcement staff shared their report and findings, *Report to California Legislature on Implementation of Coastal Commission Administrative Penalty Authority From 2015-2018* on the success and effectiveness of their new ability to leverage administrative fines. Historically, access cases took approximately 5 years to resolve, now the average is 3-to-5 months. The resolution success rate over the 137 cases pursued by enforcement staff since 2015 is currently at 74 percent, with 23.3 percent still in negotiation and only 2.2 percent that are unresolved and will end up in litigation.
In February, Commissioners approved restoration of a public accessway to Latigo Beach in Malibu and a nearly $1 million mitigation fee be paid after decades of blocked access by the Tivoli Cove homeowners association (HOA). In 1978, the Coastal Commission required a public pathway to be built up and over a shoreline rock revetment so the public could reach the beach on the other side of Latigo Beach where lateral access was otherwise blocked by the revetment. This pathway was provided for a time, but then one of the stairways was destroyed in 1986, and Tivoli Cove HOA failed to provide and maintain the staircase as required by the permit. Instead, the Tivoli Cove HOA posted signs deterring access, treated the remaining staircase and access path as private, and allowed boulders and other debris from their revetment and former access stairway to wash up on the public beach, further obstructing access. This particularly impacted the surfers who visit Latigo Point at the western end of the beach to enjoy the waves.

As part of the consent cease and desist orders, Tivoli Cove agreed to comply with their original permit and the Coastal Act to build the required eastern stairway, install required public access signs, remove unpermitted development obstructing the public pathway, and remove the boulders and other debris that block beach access. The HOA also agreed to provide additional public access amenities and pay an administrative penalty of $925,000 to address the loss of public access. Commissioners unanimously approved the orders and penalty.
Newport Beach Encroachment Enforcement Item

In June, as a result of a consent cease and desist order, private property owners found in violation of the Coastal Act were fined $1.7 million for blocking public access to Newport Beach for decades by creating illegal yard extensions of their beachfront properties as much as 80 feet onto the sandy, public beaches. The city of Newport Beach also agreed to cover at least $500,000 in costs to remove illegal landscaping, grassy lawns and walkways.

A total of 33 homeowners will pay the $1.7 million fine for the encroachment, which essentially sought to appropriate public beaches that should have been available for public access. As reported in Courthouse News, Jennifer Savage, the former California policy manager for the Surfrider Foundation, said during the meeting that the homeowners encroached on the public beach “with a sense of entitlement most of us would be hard-pressed to fathom.”

Additionally, the sand dunes affected by the encroachment are regarded as sensitive habitat that support endangered shorebirds and other wildlife. Sand dunes also provide beach stability and may provide important flood protection over the coming decades as sea levels rise. The orders were approved by the Commission unanimously.

About the Vote Chart

The ActCoastal Report Card is produced by the Surfrider Foundation, WiLDCOAST/ COSTASALVAjE, and Environment California, in consultation with California’s conservation community. The ActCoastal Report Card focuses on high-priority, high-stakes coastal development projects and issues. Such votes often pit the commercial interests of coastal developers – and their experienced and well-connected paid lobbyists – against public values and interests.

Given the intense political pressure Commissioners often face, transparency and public accountability are critical elements of good governance. The Coastal Vote Chart is designed to provide both. The 2020 Coastal Vote Chart reviews 7 votes on the most important projects and issues that came before the Commission last year. Votes were selected for review based on:

• potential impacts on coastal resources or well-established coastal values, such as public access;
• potential economic value and impacts with respect to project proponents and/or the communities that would be affected by the vote; and
• potential to set statewide precedent.

The above are detailed descriptions of the issues and resources affected by each individual 2020 vote. These voting records have been compared with the official records kept by the Commission; any errors are the sole responsibility of the preparers.