

# SB 1090: Protecting the Public in Coastal Hazard Zones

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Senator Patricia C. Bates

## IN BRIEF

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SB 1090 requires the Coastal Commission to grant permits to cities, counties, state agencies, and existing oceanfront homeowners in San Diego and Orange Counties enabling the installation of drainage systems, erosion resistant landscaping, retaining walls, notch infills and/or seawalls in coastal hazard zones to mitigate coastal erosion and prevent future fatalities on public beaches.

## Background

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Coastal erosion has wreaked havoc on communities along California's coastline as increasing amounts of coastal bluffs are collapsing onto our beaches. This issue has risen to a critical level in the Counties of Orange and San Diego.

Millions of people visit the beaches in this region each year but are forced to sit at the base of collapsing bluffs due to the lack of sand replenishment and minimal beach area during mid to high tides. The current status quo will not suffice. There needs to be an effective and constructive path for locals to mitigate erosion of vertical bluff faces in these densely populated coastal hazard zones in order to alleviate further fatalities, injuries, infrastructure destruction, and emergency repair costs and litigation.

In August of 2019 at Grandview Beach in Encinitas, California, an oceanfront bluff suddenly collapsed and killed three members of the Davis family who had gathered to celebrate Mrs. Elizabeth Cox's victory over breast cancer.<sup>1</sup> This San Diego-area tragedy followed similar preventable bluff collapse fatalities in 1995, 2000, 2002, and 2008.

In October of 2018, a concrete beach walkway near the back of Capistrano Beach collapsed as a result of ocean driven erosion.<sup>2</sup> In November of 2019, a major bluff collapse in Del Mar put the entire coastal rail-line in jeopardy and will now cost \$100 million to fully repair after the fact. The unchecked erosion of the bluffs on California's highly populated beaches is becoming an even more critical threat to public safety, public infrastructure, and private property. California has a responsibility to protect the public's right to access and use these spaces, while also ensuring their safety. All costs associated with the permitting, construction, and beach sand replenishment will be paid for by the applicants.

## CURRENT LAW

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The California Coastal Act of 1976 requires any construction that alters natural shoreline processes to be

permitted by the California Coastal Commission or a local government with an approved local coastal program.

## THE SOLUTION

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SB 1090 requires the California Coastal Commission to approve a public agency's or homeowner's application for erosion mitigation efforts for planting, drainage and seawall or shoreline protective device installation if they meet certain streamlined requirements for coastal mitigation. This process would be specific to Orange and San Diego Counties, which are designated as the coastal hazard zones in the bill. If an applicant is granted a permit, they must also pay for a specified amount of sand replenishment and permit processing costs.

The Coastal Commission would be required to respond to such a request within 30 days. Unless an application constitutes a substantial threat to public safety, coastal erosion mitigation projects would move forward under specific regulations. If a project is denied, the Coastal Commission would need to respond within 30 days with the reason and documentation for the denial.

This bill also requires the Coastal Commission to identify plant species native to Orange and San Diego Counties, and specifies that a property owner would not be required to obtain approval from the Coastal Commission or a local government for the planting of those identified species, which will also mitigate against coastal erosion.

SB 1090 will provide for a critical avenue to prevent further bluff-related tragedies from recurring. The addition of erosion mitigation strategies on the coastal bluffs will increase the amount of safe and secure coastal access on our beaches. SB 1090 will also require for our local beaches to receive sand replenishment that they desperately need.

## FOR MORE INFORMATION

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Bill text and status can be found at:  
<http://leginfo.legislature.ca.gov/>

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<sup>1</sup> <https://www.sandiegouniontribune.com/news/public-safety/story/2019-08-02/at-least-one-killed-in-encinitas-beach-bluff-collapse>

<sup>2</sup> <https://www.ocregister.com/2018/10/08/capo-beach-walkway-collapses-a-tragic-victim-of-big-surf/>