

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Tu 96

March 22, 1996

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
James W. Burns, Chief Deputy Director
Jeffrey Stump, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR APRIL 1996

CONTENTS:

This report is divided into two sections. **Section I** provides summaries and the status of bills that staff has identified as priority issues for the 1996 Legislative session. **Section II** provides summaries of bills which staff has identified as coastal related, or possibly affecting the Commission and coastal program. Copies of selected bills are attached.

Note: This information may also be found at the Commission's World Wide Web Homepage at <http://ceres.ca.gov/coastalcomm/web/>

Please contact Jeff Stump, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

SECTION I. PRIORITY LEGISLATION

AB 2291 (Knox) Real Property

AB 2291 would require the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity in a specified civil action in which the owner or public entity gives permission to the public to enter or use the property for recreational purposes, the owner or this public entity was a defendant in this civil action, and the court has dismissed the civil action upon a demurrer or motion for summary judgment made by this owner or public entity or the owner or public entity prevails in the civil action.

Introduced 02/14/96
Last Amend None
Status Referred to Assembly Judiciary Committee

AB 2445 (McPherson) Coastal Development Permit Fees: Coastal Access Grants

AB 2445 would require that coastal development permit fees collected by the Commission be deposited in the coastal access account, which would be created in the State Coastal Conservancy Fund, for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the shoreline of the sea. Any funds not expended for those purposes would revert to this account.

Introduced 02/20/96
Last Amend None
Status Referred to Assembly Natural Resources Committee

AB 2659 (Kaloogian) State Coastal Conservancy: Mitigation Fees: City of Carlsbad

AB 2659 would authorize the State Coastal Conservancy to establish a special account in the State Coastal Conservancy Fund for the deposit of mitigation fees. The bill would specify that any interest accruing on the money in the special account is required to be expended in accordance with those specified purposes and priorities.

Introduced 02/21/96
Last Amend None
Status Referred to Assembly Natural Resources Committee

AB 2683 (Kaloogian) Mitigation Fees: Local Coastal Program: City of Carlsbad

AB 2683 would specify that mitigation fees collected for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad and deposited in the State Coastal Conservancy Fund may be used for the purposes of enhancing the use of natural resources within the Coastal Zone in the City of Carlsbad

Introduced 02/22/96
Last Amend None
Status Referred to Assembly Natural Resources Committee

AB 2684 (Kaloogian) State Regulatory Agencies Created By Statute: Abolition and Review

AB 2684 would abolish all state regulatory agencies adopted by statute in existence on January 1, 1997, in accordance with the following schedule: all regulatory agencies within the Business, Transportation and Housing Agency, June 30, 1999; all regulatory agencies within the Resources Agency, June 30, 2000; all regulatory agencies within the Health and Welfare Agency, June 30, 2001; all regulatory agencies within the State and Consumer Services Agency, June 30, 2002; and all other regulatory agencies, June 30, 2003. This bill would authorize the Governor to submit to the Legislature a reorganization plan pursuant to specified procedures, providing for the orderly transfer of those functions, powers, and duties as determined by the Governor to be essential to the public health, safety, or welfare from an agency to a successor agency designated by the Governor.

Introduced 02/22/96
Last Amend None
Status Introduced

AB 2963 (Firestone) Environmental Quality

AB 2963 would the following from coastal development permits: emergency work necessary to protect life or property; emergency repairs to public service facilities necessary to maintain service; projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor; specific actions necessary to prevent or mitigate an emergency; and projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, substantially within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code.

Introduced 02/23/96
Last Amend None
Status Introduced

AB 3081 (Olberg) Real Property: Takings

AB 3081 would establish the California Real Property Rights Act and would provide legislative intent to reaffirm the right of Californians to own property, as well as ensure that just compensation is paid to those property owners who have had their property taken by government action.

Introduced 02/23/96
Last Amend None
Status Introduced

AB 3469 (Assembly Natural Resources Committee) California Coastal Commission : Review of Permit Regulations

AB 3469 would require the Commission, no later than July 1, 1997, to review its regulations and procedures and determine what revision are necessary and appropriate to simplify and expedite the review of any matter that is before the Commission. This bill would require the Commission to implement any such revisions no later that August 29, 1997. On or after January 1, 1998, the Commission would be required to conduct such reviews and implement appropriate revisions biannually.

Introduced 02/29/96
Last Amend None
Status Introduced

SB 1615 (Craven) Beach Replenishment

SB 1615 would appropriate \$3,300,000 from the Harbors and Watercraft Revolving Fund to the Department of Boating and Waterways for the 19996-97 fiscal year for a grant to the San Diego Association of Governments to pay for costs of beach replenishment associated with the United States Navy Aircraft Carrier Homeporting Project in San Diego Harbor.

Introduced 02/20/96
Last Amend None
Status Referred to Senate Natural Resources and Wildlife Committee

SB 1637 (Johnson) Coastal Zone Boundary: City of Newport Beach

This bill would revise the boundary of the coastal zone, as determined according to specified maps, to exclude coastal lands (approximately 945 acres in 22 parcels) within the City of Newport Beach.

Introduced 01/25/96
Last Amend None
Status Referred to Senate Natural Resources and Wildlife Committee

SECTION II. COASTAL RELATED LEGISLATION

AB 165 (Richter) Environmental quality: action or proceeding

This bill would prohibit a responsible agency or specified agency from maintaining an action or proceeding for noncompliance with the provisions of CEQA governing the preparation of an environmental impact report unless the responsible agency specified to the lead agency, within 30 days of receiving notice of the preparation of the EIR, the content of the environmental information that is germane to the statutory responsibilities of the responsible agency or specified public agency.

Introduced 01/19/95
Last Amend 01/24/96
Status Referred to Senate Judiciary Committee

AB 678 (Woods) Restoration of Land: Disasters: CEQA Exemption

AB 678 would create a new exemption from "any environmental review" for repairs and restoration to land and any appurtenant structures in need of repairs due to any natural or manmade disaster or an emergency. The bill would provide that the land and structures may be restored to the state that they were in immediately prior to the disaster or emergency.

Introduced 02/21/95
Last Amend None
Status Referred to Senate Governmental Organization and Natural Resources Committees

AB 771 (Aguiar) Subdivisions: Tentative Maps: Extensions

AB 771 would extend for 24 months the expiration date for all tentative and vesting tentative maps that have not expired on the date the bill becomes effective. The bill would also extend for a similar period all approvals by local and state agencies that pertain to development projects included in such maps.

Introduced 02/22/95
Last Amend 02/13/96
Status Referred to

AB 795 (Goldsmith) Environmental Quality: Natural Community Conservation Plan

AB 795 would provide that, if a local agency has adopted a natural community conservation plan, and the plan has been approved by the Department of Fish and Game, further analysis shall not be required for purposes of compliance with the California Environmental Quality Act, with regard to potential impacts of the proposed project on wildlife and their habitat.

Introduced 02/22/95
Last Amend 01/22/96
Status Referred to Senate Natural Resources and Wildlife Committee

AB 2080 (McPherson) Public Beaches: Contamination: Warning Signs

AB 2080 would require, when a public beach has failed to meet bacteriological standards, that warning signs be visible from all beach access points.

Introduced 01/18/96
Last Amend None
Status Referred to Assembly Local Government Committee

AB 2099 (Miller) Environmental Impact Reports

AB 2099 would make several changes to the California Environmental Quality Act with regards to environmental impact reports (EIR). Specifically, the bill would: (1) require an EIR to set forth three alternatives to a proposed project; (2) authorize previously prepared documents to be used in cumulative impact analysis in an EIR; (3) prohibit the consideration of economic and social factors in an EIR; (4) require a public agency to only consider comments that are germane to the specific project; (5) require environmental documents to be prepared by a project applicant, or its agent; (6) prohibit a court from invalidating the certification of an environmental impact report by a public agency, and allow a court to order the voiding of only those portions of an EIR that do not conform to CEQA; (7) allow a public agency to correct those non-conforming portions of the EIR and to re-certify the report as corrected.

Introduced 01/25/96
Last Amend None
Status Referred to Assembly Natural Resources Committee

AB 2130 (McPherson) California State Mussel Watch Program

AB 2130 would require the State Water Resources Control Board, in conjunction with the Department of Fish and Game, to continue to implement a long-term coastal monitoring program known as the California State Mussel Watch Program.

Introduced 02/5/96
Last Amend None
Status Referred to Assembly Water Parks and Wildlife Committee

AB 2152 (Mazzoni) Shellfish

AB 2152 would require the Department of Health Services to adopt regulations necessary to carry out certain provisions relating to the sanitary control of shellfish and requires those regulations to prescribe standards that are at least as stringent as those that are adopted in connection with the National Shellfish Sanitation program.

Introduced 02/06/96
Last Amend None
Status Referred to Assembly Water Parks and Wildlife Committee

AB 2485 (Firestone) Coastal Resources: City of Santa Barbara: Wilcox Property

AB 2485 would make legislative findings and declarations pertaining to the importance of protecting the coastal Wilcox property in the City of Santa Barbara due to its environmental values and would state the Legislature's intent that all appropriate public agencies cooperate with each other and provide assistance to each other with regard to efforts to protect the property.

Introduced 02/21/96
Last Amend None
Status Introduced

AB 2503 (Ackerman) State Civil Service: Career Executive Assignment

AB 2503 would remove the requirement that persons eligible to be appointed to career executive assignment positions have permanent status in civil service, and would permit the State Personnel Board, to authorize open examinations for career executive assignment positions.

Introduced 02/21/96
Last Amend None
Status Introduced

AB 2519 (Kaloogian) State Civil Service: Classification

AB 2519 would provide that allocation of a position to a civil service class shall be based on the principle that all positions meet the definition of a class shall be included in the same class. The bill would also authorize the State Personnel Board to establish "broadband" classes of employees for which the same general title may be used to designate each position allocated to the class and which may include more than one level or more than one specialty area within the same general field of work, and to determine the minimum qualifications for these classes.

Introduced 02/21/96
Last Amend None
Status Introduced

AB 2620 (Morrissey) Storm Water Discharges

AB 2620 would prohibit the State Water Resources Control Board and the Regional Water Quality Control Boards from prescribing or enforcing waste discharge requirements relating to storm water discharges that are more stringent than federal requirements under the Clean Water Act.

Introduced 02/21/96
Last Amend None
Status Introduced

AB 3428 (Katz) Tidelands and Submerged Lands: Costs of Services

AB 3428 would require the governing body of any agency responsible for the administration of tidelands and submerged lands subject to the public trust to determine, in good faith, the necessary direct and indirect costs of providing security and other services to the trust lands and permitted developments and activities on the trust lands and to seek full reimbursement of those costs from those persons who have benefited from the services.

Introduced 02/23/96
Last Amend None
Status Introduced

SB 1542 (Peace) San Diego Unified Port District

SB 1542 would make technical, non-substantive changes in the law governing the San Diego Port District.

Introduced 02/14/96
Last Amend None
Status Referred to Senate Rules Committee

SB 1635 (Maddy) Water Quality: Storm Water Discharges: Retail Gas

SB 1635 would prescribe certain best management practices to be undertaken by retail gasoline establishments for the purpose of minimizing or eliminating the discharge of pollutants into storm water drains and would impose certain additional requirements on retail gasoline establishments that are, commencing on or after January 1, 1997, constructed or remodeled. The bill would exempt those establishments that comply with these requirements from any storm water or other discharge requirements that may be prescribed by local, regional or state entities.

Introduced 02/20/96
Last Amend None
Status Referred to Senate Toxics and Public Safety Committee

SB 1748 (Committee on Housing and Land Use) Housing and Land Use Omnibus Act of 1996

SB 1748 would enact the Housing and Land Use Omnibus Act of 1996. The bill would state legislative intent to combine several minor statutory changes relating to housing, land use and related topics into a single measure, and would make related findings and declarations.

Introduced 02/22/96
Last Amend None
Status Introduced

SB 1803 (Ayala and Kopp) Open Meetings

SB 1803 would make various changes to the Bagley-Keene Open Meeting Act, which requires that the meetings of state bodies be conducted openly.

Introduced	02/22/96
Last Amend	None
Status	Introduced

BILL NUMBER: AB 3469
BILL TEXT

INTRODUCED 02/29/96

INTRODUCED BY Committee on Natural Resources (Assembly Members Olberg (Chairman), Ackerman, Baldwin, Boland, Miller, Poochigian, Richter, Rogan, Thompson, and Woods)

FEBRUARY 29, 1996

An act to amend Section 30333.1 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 3469, as introduced, Committee on Natural Resources. California Coastal Commission: review of permit regulations and procedures.

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and prescribes the membership and functions of the commission.

The act required the commission in 1977 to review its regulations and procedures and determine what revisions, if any, were necessary and appropriate to simplify and expedite the review of any matter before the commission for action pursuant to the act and to implement any such revisions that it determines to be appropriate, as specified.

The act further requires the commission, after that initial review to thereafter periodically conduct similar reviews so that its regulations and procedures may continue to be as simple and expeditious as practicable.

This bill would, instead, require the commission, on and after January 1, 1998, to biennially conduct similar reviews of its regulations and procedures and implement appropriate revisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 30333.1 of the Public Resources Code is amended to read:

30333.1. (a) The commission shall, ~~within six months of the effective date of this section not later than July 1, 1977,~~ review its regulations and procedures and determine what revisions, if any, are necessary and appropriate to simplify and expedite the review of any matter that is before the commission for action pursuant to this division. The commission shall, ~~within 60 days thereafter not later than August 29, 1977,~~ implement any such revisions ~~if that the commission~~ determines to be appropriate, including, but not limited to, a simplified application form for *the issuance of a coastal development pursuant to which a permit could be issued pursuant to Section 30624* and procedures that allow reasonable rebuttal time prior to the final vote for both applicants and appellants, if either so requests, in permit ~~matters-proceedings~~ where new factual material is brought up ~~presented~~ and where equity would not be served unless ~~such~~ *that* person is provided that rebuttal opportunity.

(b) ~~After the initial review required by this section has been completed~~ *On and after January 1, 1998,* the commission shall ~~thereafter periodically~~ *biennially* conduct ~~similar~~ reviews of *regulations and procedures that are similar to the review that was required pursuant to subdivision (a) and implement appropriate revisions* so that its regulations and procedures may continue to be as simple and expeditious as practicable.