

**CALIFORNIA COASTAL COMMISSION**

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May 9, 2001

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director  
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR MAY 2001

## CONTENTS:

This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

## Note:

This information can be accessed through the Commission's World Wide Web Homepage at  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

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

### **IMPORTANT LEGISLATIVE DATES**

The California State Legislature re-convened on January 3, 2001. The California Coastal Commission is not sponsoring any bills this session.

May 11; Last day for policy committees to meet and report, non-fiscal bills

June 1; Last day for fiscal committees to report to Floor

June 8; Last day for bills to report out of house of origin

June 15; Budget must be passed by midnight

July 20-Aug 20; Summer Recess

Sept 14; Last day for each house to pass bills

Oct. 14; Last day for Governor to sign or veto bills

## PRIORITY LEGISLATION

### AB 62 (Migden) Sudden Oak Death Syndrome

This bill would appropriate \$10.265 million to the Department of Forestry and Fire Protection for the purpose of developing and implementing procedures for the control and management of Sudden Oak Death Syndrome (Phytopthera fungus). The Department would be required to assist local governments and property owners in identifying, removal and disposal of trees dying as a result of SODS. This bill tracks funding in SB 31.

Introduced 12/04/00  
Last Amended 2/27/01  
Status Passed Assm. Natural Resources Com; Assm. Appropriations Suspense File  
**Commission Position Support**

### AB 104 (Nation) Coastal Conservancy, Motor Vehicle Mitigation Fund

This bill would authorize the Coastal Conservancy This bill would authorize the conservancy to establish the Motor Vehicle Mitigation Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$4, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

Introduced 01/12/01  
Last Amended 03/20/01  
Status Passed Assm. Natural Resources, Passed Assm. Transportation; Referred to Assm. Appropriations

### AB 107 (Nation) Wrecks and Wrecked Property

This bill would amend the Harbors and Navigations Code to reduce by half the amount of time required to elapse before an abandoned or derelict vessel on public lands or tidelands within municipal or corporate jurisdiction may be sold. This bill would also triple the allowable amount of fee that can be against owners of derelict or abandoned vessels by a municipality or corporation. This bill would authorize removal of any vessel illegally moored for more than 72 hours when the vessel is docked without valid registration and deemed to be in an unseaworthy condition.

Introduced 01/16/01  
Last Amended 04/16/01  
Status Passed Assm. Transportation; Assm. Appropriations

### AB 388 (Strom-Martin) Oil Spill Prevention and Response: Marine Mammals

This bill would continuously appropriate \$125,000 per year for the purpose of training OSPR personnel and staff to respond to oil spills requiring the rescue of wildlife, and an additional \$135,000 for grants to the Marine Mammal Center for research into the effects of toxic materials on marine mammals. The funds would be generated by fees already collected by the state from the sale of crude oil.

Introduced 02/20/01  
Last Amended 04/16/01  
Status Assm. Natural Resources

### AB 556 (Jackson) Oil and Gas Development: Pipelines

AB 556 would amend Section 30262 of the Coastal Act to require that any new or expanded oil production extracted off the coast of California be transported by pipeline, rather than tanker or barge, to onshore processing and refining facilities, and that all pipelines used to transport this oil utilize the best achievable technology to ensure maximum protection of public health and safety and productivity of terrestrial and marine ecosystems. In cases where overland transport by pipeline is infeasible, shipment of crude oil may be permitted by other modes of environmentally sound onshore transportation such as trains and trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

Introduced 02/22/01  
Last Amended 03/29/01  
Status Passed Assm. Natural Resources Committee; Referred to Assm. Appropriations  
Commission Position Support

AB 639 (Nakano) Stormwater Mitigation

AB 639 would direct the State Water Board to conduct pilot programs at three public beaches with high closure rates for the purpose of identifying best management practices for the control and management of polluted runoff.

Introduced 02/22/01  
Last Amended 03/29/01  
Status Assm. ES & TM Committee

AB 640 (Jackson) Coastal Resources: Certified Local Programs

This bill would amend Section 30519.5 of the Coastal Act, relating to Periodic Reviews of Local Coastal Programs. The legislative findings related to changed circumstances and out-dated LCPs direct the Commission and local governments to undertake, as expeditiously as possible, the review of previously certified LCPs and take corrective measures as necessary to ensure that implementation meets the goals and policies of the Coastal Act. The bill provides that if, after public hearings and notifications as prescribed in the bill, a local government elects not to amend its LCP as recommended by the Commission, the Commission may vote to:

- a) Not process any further amendments to the affected local coastal program until the local government takes the actions recommended by the Commission;
- b) Review on appeal any permits issued by the local Government;
- c) Review all appeals using the Chapter 3 policies of the Coastal Act, not the LCP as the standard of review.

The bill also requires the Commission to adopt non-regulatory guidelines no later than January 1, 2003, for purposes of implementation.

Introduced 02/22/01  
Last Amended 04/23/01  
Status Passed Assm. Natural Resources Committee, Referred to Assm. Appropriations  
Commission Position Support

AB 560 (Jackson) Storm Water

This bill would amend the state Water Code, to allow grant funds to local public agencies for the purpose of acquiring, installing and maintaining devices for the removal of debris and pollutants from storm water drains, and direct the California Conservation Corps to assist with installation, where feasible.

Introduced 02/22/01  
Last Amended 04/23/01  
Status Assm. ES&TM Committee

AB 759 (Shelley) Personal Watercraft: bans

This bill would allow any city or county to adopt an ordinance banning the use of personal watercrafts (jetskis) in any navigable waterway within the jurisdiction of the city or county. The bill would authorize fines of \$500 to \$1,500 for violation of the ordinance.

Introduced 02/22/01  
Status Assm. Transportation

AB 949 (Kehoe) Natural Community Conservation Plans

This bill would allow Natural Community Conservation Plans to provide for the conservation of wetlands and wetland-dependent species that are not subject to federal jurisdiction. With respect to coastal wetlands, as defined in Section 30121 of the Public Resources Code, this bill requires NCCPs to meet the requirements of the California Coastal Act.

Introduced 02/23/01  
Last Amended 04/18/01  
Status Assm. Water Parks & Wildlife

AB 960 (Keely) Crime Prevention

This bill would appropriate \$900,000 from the General Fund to continue funding the California District Attorneys Association's Environmental Circuit Prosecution Project, and to perform an evaluation of the project. The project has convened two multi-agency enforcement task forces on the North Coast, in which Coastal Commission participates.

Introduced 02/23/01  
Status Passed Assm. Public Safety Committee; Referred to Assm. Appropriations Suspense File

**Commission Position Support**

AB 1011 (Pavley) County Records

This bill would require the county clerks and/or recorders to transmit a copy of any conservation easement to the county assessor, once the easement has been recorded, after January 1, 2002. Conservation easements are defined in the bill as including any easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to that easement and is binding upon successive owners of the land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.

Introduced 02/23/01  
Last Amended 04/16/01  
Status Passed Assm. Local Government Committee; Referred to Assm. Appropriations

AB 1108 (Pavley) Santa Monica Mountains: transfer of land

This bill would allow the Resources Secretary to directly acquire lands held by the State Controller, that have been identified by the Secretary as having significant statewide resource value, without an appropriation of state funds. The bill is limited to lands within the Santa Monica Mountains zone.

Introduced 02/23/01  
Status Passed Assm. Natural Resources Committee, Referred to Assm. Appropriations

AB 1414 (Dickerson) Public Lands

This bill would require any state agency that holds public lands to prepare a management plan for any properties acquired after January 1, 2001, and designates the Office of Planning and Research as the agency charged with coordinating all state agencies that fund, acquire or manage lands for conservation or wildlife purposes. The management plans would be finalized within 9 months from recordation of the property, and departments would be required to submit annual reports on the status of said lands to the appropriate legislative budget committees. (Bill Text Attached)

Introduced 02/23/01  
Last Amended 04/17/01  
Status Passed Assm. Natural Resources, Referred to Assm. Appropriations

AB 1145 (Jackson) Regional Open Space District: County of Ventura

This bill would allow the Ventura County Board of Supervisors to form a regional open space district by way of resolution, and to place the formation of the district on a ballot within the county of Ventura.

Introduced 02/23/01  
Status Assm. Local Government Committee

AB 1172 (Keeley) Natural Community Conservation Planning

This bill would require the Department of Fish and Game, in three year intervals, to prepare and submit to the Legislature a report on the functioning and effectiveness of the NCCP Act. The report would include an evaluation of the functioning and effectiveness of the program, an inventory of NCCP plans underway or in the process of review, and the science being utilized in the preparation of those plans.

Introduced 02/23/01  
Status Water Parks and Wildlife Committee

AB 1192 (Pavley) Water Quality and Watershed Protection Act of 2002

This bill would enact the Water Quality and Watershed Protection Act, authorizing the financing of the program through the sale of general issue bonds of an unspecified amount. The money would be used for grants and loans to local agencies to implement pilot projects for storm water quality improvement, water conservation and recycling, watershed restoration, nonpoint source pollution control and other specified water quality projects.

Introduced 02/23/01  
Last Amended 04/16/01  
Status Environmental Safety and Toxic Materials Committee

AB 1256 (Harman) Bolsa Chica

This bill would require the Department of Parks and Recreation to study options for the future purchase of the Bolsa Chica Mesa, including a consideration of its public recreational uses, and report back to the Legislature by January 1, 2002.

Introduced 02/23/01  
Last Amended 04/23/01  
Status Assm. Water Parks and Wildlife Committee

AB 1602 (Keely) Oak Woodlands

This bill would enact the Oak Conservation Act of 2001, administered by the Department of Forestry and Fire Protection. The Act would require the Department to do a status report on the health of California's oak woodlands, and to establish the Oak Conservation Advisory Committee. The Committee would make policy recommendations for the conservation of oak woodlands, and submit its recommendations to the director.

Introduced 02/23/01  
Last Amended 04/23/01  
Status Passed Assm. Natural Resources; Referred to Assm. Appropriations

SB 1 (Alpert) California Endowment for Marine Preservation

This bill would create the California Endowment for Marine Preservation, and the California Marine Resources Trust Fund, to be administered as proscribed by the bill. Both funds would receive a portion of the savings afforded to owner/operators of offshore oil and gas platforms, in the event they choose to participate in a "Rigs to Reefs" program, to be administered by the Department of Fish and Game, in consultation with the Commission, State Lands Commission, BCDC and Minerals Management Service.

Introduced 01/04/00  
Last Amended 03/08/01  
Status Passed N.R.&W. Committee

SB 31 (Chesbro) Sudden Oak Death Syndrome: Funding

This bill would appropriate \$10.265 million to the Department of Forestry and Fire Protection for the purpose of developing and implementing procedures for the control and management of Sudden Oak Death Syndrome (Phytopthera fungus). The Department would be required to assist local governments and property owners in identifying, remove and dispose of trees ding as a result of SODS. The bill would take effect immediately as an Urgency statute. This bill makes the same appropriation as AB 64.

Introduced 12/04/00  
Last Amended 02/22/01  
Status Passed N.R.&W. Com; Referred to Senate Appropriations  
**Commission Position Support**

SB 55 (Kuehl) City of Malibu Local Coastal Program

This bill would authorize the Commission to re-direct \$100,000 of Local Government Assistance Grant funds to reimburse the agency for costs associated with the preparation and certification of the city of Malibu's Local Coastal Program, consistent with the provisions of AB 988 (Hertzberg).

Introduced 12/21/00  
Last Amended 02/22/01  
Status Passed N.R.&W. Com., Passed Appropriations Com., Passed Senate Floor, Passed Assm. Natural Resources Committee, Passed Assm. Appropriations  
**Commission Position Support**

SB 107 (Sher) Natural Community Conservation Planning

This bill would repeal the Natural Community Conservation Planning Act of 1982, and replace it with the new Act. This bill would authorize the Department of Fish and Game to enter into agreements with local governments and private property owners for the purpose of allowing 'take' of species covered by the plan, subject to certain standards relating to collection of data, application of scientifically sound principles, and a process for public participation.

Introduced 01/22/01  
Last Amended 04/24/01  
Status Passed N.R.&W. Committee, Referred to Senate Appropriations

SB 116 (Kuehl) State Parks: roads, construction and improvement

This bill would prohibit the construction of roads by any state or local agency

Introduced 01/24/01  
Last Amended 03/20/01  
Status Passed N.R. & W. Committee, Passed Senate Appropriations, Second Reading

SB 124 (Johnson) Property Transfer

This bill would require the Department of Transportation to transfer a 15-acre parcel of open space from the Department of Transportation to the Department of Parks and Recreation, for a sum equal to the cost of acquisition, contingent upon the city's agreement to manage and improve the parcel as a public park. The parcel is located in the coastal zone adjacent to Pacific Coast Highway in the City of Newport Beach.

Introduced 01/25/01  
Last Amended 03/14/01  
Status Passed Governmental Organization Comm., Referred to Senate Appropriations

SB 196 (Chesbro) Coastal and Historic Bond Act

This bill would authorize the submission of a bond act in the amount of \$2,275,000,000 to the voters at the primary election to be held March 5, 2002, for financing the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, coastal, and historical resources, as specified.

Introduced 02/08/01  
Last Amended 03/27/01  
Status Passed Senate NR&W Committee, Referred to Senate Appropriations Committee

SB 142 (Haynes) Religious Practices

This bill would prohibit any city or county from enacting regulations in residential land use categories which would impose a burden on religious practices, including but not limited to Bible studies and prayer meetings in private residences.

Introduced 01/29/01  
Last Amended 04/25/01  
Status Senate Local Government

SB 516 (Johnson) Local Coastal Programs

This bill would allow the County of Orange to continue to implement the Irvine Coast LCP for that portion of the Irvine Coast which will be annexed by the City of Newport Beach, and require the city to submit for certification a Local Coastal Program within 36 months from the effective date of annexation. (Analysis attached)

Introduced                    02/22/01  
Last Amended                03/27/01  
Status                         Senate Local Government  
**Commission Position    Staff recommends a Neutral position**

SB 908 (Chesbro) California Coastal Trail

This bill would require the Coastal Conservancy, in consultation with the Coastal Commission and the Department of Parks and Recreation, to develop a plan designating the primary hiking route and alternate routes for the California Coastal Trail, to estimate of costs of acquiring and developing the trail, and a description of where the trail might connect with existing, inland trail routes. (Analysis attached)

Introduced                    02/23/01  
Status                         Passed N.R.&W. Committee, Referred to Senate Appropriations  
**Commission Position    Staff recommends Support if Amended**

SB 1164 (Sher) Local Coastal Programs: Costs

This bill would amend Section 30353 of the Public Resources Code to allow local governments to recover from the state costs incurred as a result of defending local actions pursuant to local coastal programs prior to the rendering of judgement if the Attorney General has intervened in support of the local government's position and the amount paid does not exceed \$500,000. Local governments would repay the state from any costs recovered as a result of final judgement. The bill would require the Director of the Commission, in consultation with the Attorney General, to establish procedures for the payment of litigation costs.

Introduced                    02/23/01  
Status                         N.R.&W. Committee



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**BILL ANALYSIS; SB 908 (Chesbro)****SUMMARY**

S.B. 908 requires the California Coastal Conservancy to prepare a plan to develop the Coastal Trail, including linkage to inland trails where feasible; to provide assistance to local agencies and non-profit organizations for establishment and expansion of inland trail systems that may connect to the coast; and to develop a network of public trails to and along the California Coast.

**PURPOSE OF THE BILL**

The purpose of the bill is to:

- Give direction to the California Coastal Conservancy to develop a plan for the development of the Coastal Trail by January 31, 2001
- Require coordination between the Conservancy, Department of Parks and Recreation and the Coastal Commission in the planning effort
- Give direction to all state agencies with property or regulatory interests in coastal areas to cooperate in the completion and management of the trail

**ANALYSIS**

S.B. 908 calls for the completion of the California Coastal Trail in a timely manner, and requires that it be constructed to the extent feasible along the state's coastline as a network of multiuser trails. This would allow for the trail to become a loosely connected web of existing trails not necessarily in close proximity to the coast, rather than a single, distinct trail designated and constructed along the coast. For instance, it may not be considered 'feasible' to purchase coastal properties or accept OTDs to accommodate the Coastal Trail along or near the ocean if existing trails several miles inland can be designated instead.

The bill would declare that the Coastal Trail should be a network of multiuser trails. The controversy over multi-use trails has escalated in recent years due to the rise in popularity of mountain bikes, which are incompatible in many cases with hikers. The conflict has become so sharp in some areas that public parks have taken steps to designate certain trails as off-limits to bicycles. The term "multiuser" is not defined in the bill, and could be construed in some localities to include motorcycles, all-terrain vehicles and/or automobiles. While the Coastal Act does not discriminate between forms of coastal access and recreation, and while certain sections of the trail may be appropriate for the inclusion of bikepaths and equestrian trails, legislative designation of the entire trail as a multi-use trail in advance of the report may be premature.

Requiring the Conservancy to link the Coastal Trail to inland trail systems and provide assistance to agencies and organizations to establish and expand inland trail systems that may be linked to the trail could divert substantial time and resources away from the completion of the Coastal Trail itself, and authorize funding for trail projects miles from the coastal zone, if it is determined that a linkage may be feasible.

Requiring the Conservancy to coordinate with the Commission and State Parks in the preparation of the report, and requiring that all other state agencies with regulatory and/or property interests in the coastal zone cooperate with the planning, implementation and management of the Trail will insure broad participation and improve efficiency.

The report would include: determination of primary, alternate, interim and permanent trail alignments where possible; a description of lands currently under public ownership; designation of alternative routes to encourage broad use of the trail while reducing conflicts; and a logo and signing program. While the bill imposes deadlines for the Conservancy to produce a report on the alignment and cost of construction, including a cost estimate for completing the trail by January 31, 2001, it does not require a mandate for completion by that date.

#### **LEGISLATIVE HISTORY**

None.

#### **PROGRAM BACKGROUND**

The California Coastal Trail has been included in the Coastal Commission's Action Plan and the Department of Parks and Recreation State Recreational Trail Plan. The trail has been designated a National Millennium Trail by the Clinton administration. The Coastal Conservancy has awarded a \$600,000 grant to Coastwalk to complete the statewide Coastal Trail Plan.

#### **ECONOMIC IMPACT**

Exact economic benefits of public trails to the state or local governments cannot be calculated with assurance, but reports have shown that public recreation is generally beneficial to local economies.

#### **SUPPORT/OPPOSITION**

Support:

Coastwalk

Sierra Club

Opposition:

None on file

#### **RECOMMENDED POSITION**

Staff recommends the Commission **Support** SB 908 if amended to address concerns.

#### **ARGUMENTS**

Completion and designation of the California Coastal Trail is a high priority for the Commission. A legislative mandate will increase the likelihood that the trail may get completed in a timely manner. Direction to the Conservancy to lead the planning effort in consultation with the Commission and State Parks will ensure that planning efforts are coordinated between interested agencies.

**Introduced by Senator Chesbro and Karnette**  
(Principal coauthor: Assembly Member Pavley)

February 23, 2001

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An act to add Section 31408 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 908, as introduced, Chesbro. State Coastal Conservancy: California Coastal Trail.

Existing law requires the State Coastal Conservancy to implement various coastal protection and preservation programs in coastal areas of the state.

This bill would require the conservancy, to the extent feasible, to take action to link the California Coastal Trail to inland trail systems, particularly in urban areas that do not have significant open space and parklands, and to develop a system of public accessways to, and along, the state's coastline, provide assistance to public agencies and nonprofit organizations to establish and expand inland trail systems that may be linked to the California Coastal Trail. The bill would require the conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail, and would require each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, to the extent feasible, and consistent with their individual mandate, to cooperate with the conservancy with respect to planning and making lands available for completion of the trail. The bill would also require the conservancy, not later than January 31, 2003, in consultation with the California Coastal

Commissioner and the Department of Parks and Recreation, to complete a plan for the development of the California Coastal Trail.

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

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The California Coastal Trail, which has been designated a  
4 Millennium Trail by the Governor of California, should be  
5 completed in a timely manner.

6 (b) To the extent feasible, the trail should be constructed along  
7 the state's coastline and, consistent with protection of coastal  
8 resources, it should be a network of multiuser trails.

9 SEC. 2. Section 31408 is added to the Public Resources Code,  
10 to read:

11 31408. (a) To the extent feasible, the conservancy shall take  
12 action to link the California Coastal Trail to inland trail systems,  
13 particularly in urban areas that do not have significant open space  
14 and parklands. The conservancy shall also develop a system of  
15 public accessways to, and along, the state's coastline, provide  
16 assistance to public agencies and nonprofit organizations to  
17 establish and expand inland trail systems that may be linked to the  
18 California Coastal Trail.

19 (b) The conservancy shall, in consultation with the Department  
20 of Parks and Recreation, and the California Coastal Commission,  
21 coordinate the development of the California Coastal Trail.

22 (c) To the extent feasible, and consistent with their individual  
23 mandates, each agency, board, department, or commission of the  
24 state with property interests or regulatory authority in coastal areas  
25 shall cooperate with the conservancy with respect to planning and  
26 making lands available for completion of the trail, including  
27 constructing trail links, placing signs and managing the trail.

28 SEC. 3. The conservancy shall, not later than January 31,  
29 2003, in consultation with the California Coastal Commission and  
30 the Department of Parks and Recreation, complete a plan for the  
31 development of the California Coastal Trail that includes all of the  
32 following elements:

- 1 (1) Determination of a primary hiking route for the trail,  
2 including interim and permanent trail alignments where possible.
- 3 (2) Description of lands now under public or conservation  
4 ownership on which the trail is, or may be, constructed.
- 5 (3) A designation of various alternative routes for the trail,  
6 where necessary, that would encourage broad support and use of  
7 the trail, while protecting coastal resources and reducing conflicts  
8 among various users.
- 9 (4) A logo and signing program for the trail.
- 10 (5) An estimate of the costs for acquisition and construction of  
11 missing trail segments.
- 12 (6) A description of areas where the trail should connect to  
13 inland trail routes, especially where those connections can be  
14 utilized by underserved communities as an alternative means of  
15 accessing the coast. The plan shall include an estimate of the  
16 support and capital outlay costs for completing the trail by January  
17 31, 2008.





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**BILL ANALYSIS; SB 516 (Johnson)****SUMMARY**

This bill would allow the County of Orange to continue to implement the certified LCP for the Irvine/Newport Coast following the area's annexation by the City of Newport Beach, and require the City to prepare and submit a Local Coastal Program within 36 months from the date of annexation. This bill would take effect immediately as an Urgency statute.

**PURPOSE OF THE BILL**

The purpose of this bill is to allow the City of Newport Beach to annex a portion of the Irvine/Newport Coast and provide services to existing and planned new development, while continuing to allow the County to implement the certified LCP for the purpose of permitting, enforcement, amendment, etc.

**EXISTING LAW**

The Coastal Act currently requires local governments with certified LCPs to assume primary permitting authority for development in the coastal zone, as specified. The Coastal Act makes no reference to allowing or disallowing the land use designations and policies of a certified LCP to "run with the land" if the area is annexed by another jurisdiction.

**PROGRAM BACKGROUND**

The Irvine/Newport Coast segment of Orange County's LCP was certified by the Commission in 1988. A subsequent amendment to the LCP was certified in 1996. A periodic review of the LCP, due in 1993, has not yet been conducted. The Irvine/Newport Coast includes about 10,000 acres of land between Newport Beach and Laguna Beach. The LCP allows for a maximum of 2,600 residential dwelling units, 2,150 overnight accommodation rooms, 300,000 sf of visitor serving/commercial space and recreation or conservation easements over approximately 6,500 acres.

The City of Newport Beach intends to annex a portion of the area included in the Irvine/Newport Coast LCP, as well as additional land outside the coastal zone (Newport Ridge). The area to be annexed by the city is included in the City of Newport Beach's sphere of influence (future city limit boundary) which divides the LCP area roughly in half.

The City does not have a certified LCP, however the City Council passed a resolution on 3/28/01 stating its intent to prepare for an LCP for certification by the Commission. City representatives state that the city does not currently have the personnel nor the expertise to administer the Irvine Coast LCP, which includes a portion of the County's NCCP.

The City will still be required to process an annexation application through the Orange County LAFCO. The City has agreed to reimburse the County for administrative costs associated with LCP implementation.

**ANALYSIS**

While the Coastal Act is silent on the issue of annexation, this bill should only be considered in the context of this unique circumstance, and not used as a template for annexations elsewhere in the state. The likelihood of other cities choosing to relinquish coastal land use authority to another local government while providing urban services is slight.

This model of LCP implementation could create ambiguities for the public, applicants and the Commission. Future amendments to the LCP, initiated by the County, may not necessarily be supported by the City. Likewise, the City may desire future amendments that may not be acceptable to the County. When the Commission undertakes its periodic review of the LCP, its recommendations will be considered and acted upon by the county, even though the impacts of those recommended changes will be borne out in the city.

However, this bill will also allow for the entire planning area to remain intact under a single LCP, administered by a single entity (the County of Orange). The city can better provide public services than the county, such as water, sewer and emergency services appropriate to the area's buildout. The City and County have reached agreement on how to coordinate planning and permitting activities.

While this proposed bill does not address the Coastal Act goal of requiring local governments to implement their own LCPs, it does allow a previously certified LCP to remain in place.

**SUPPORT/OPPOSITION**

Support:

City of Newport Beach

Opposition:

None on file

**RECOMMENDED POSITION**

Staff recommends the Commission adopt a **Neutral** position on SB 55.

**LEGISLATIVE STAFF CONTACT**

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AMENDED IN SENATE APRIL 17, 2001  
AMENDED IN SENATE MARCH 27, 2001

**SENATE BILL**

**No. 516**

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**Introduced by Senator Johnson**  
(Coauthor: Assembly Member John Campbell)

February 22, 2001

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An act to add Section 30519.2 to the Public Resources Code, relating to coastal planning, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, Johnson. Local coastal programs.

(1) The California Coastal Act of 1976 requires that, after a local coastal program is certified and all implementing actions within the area affected become effective, the California Coastal Commission ceases to exercise any development review authority over any new development proposed within the area affected and delegates that authority to the local government that is implementing the local coastal program.

This bill would require the County of Orange to exercise all development review authority pursuant to the certified local coastal program over those parcels and areas within the county, generally known as the "Annexed Area," upon the effective date of any reorganization or annexation by the City of Newport Beach that includes all or part of the Annexed Area.

The bill would authorize the City of Newport Beach, at any time after the effective date of the bill, if it elects to assume coastal management responsibility for the Annexed Area, to begin preparation of a local

coastal program for that area, and to adopt provisions of the County of Orange's certified local coastal program that would apply to the Annexed Area. The bill would require that specified statutes and regulations governing procedures for the preparation, approval, and certification of a local coastal program by the California Coastal Commission be applicable to the city's adoption of a local coastal program for the Annexed Area. The bill would require the City of Newport Beach, if it decides to apply for certification of a local coastal program for the Annexed Area pursuant to those provisions, upon the effective date of that certification, to exercise all of the authority under the act granted to a local government with a certified local coastal program, and would provide that the aforementioned provisions requiring the County of Orange to exercise all development review authority pursuant to the certified local coastal program over those parcels and areas within the county defined as the Annexed Area shall become inoperative. *The bill would require the City of Newport Beach to provide for a certified local coastal program for all of the territory located in the coastal zone that lies inside the city limits within 36 months of the effective date of the annexation of all or part of the Annexed Area. By requiring the City of Newport Beach to provide for a certified local coastal program for specified territory that lies inside the city limits within a specified time period, the bill would impose a state-mandated local program.*

(2) The bill would state the findings and declarations of the Legislature that, due to unique circumstances applicable to the County of Orange, a statute of general applicability cannot be made applicable.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: ~~no~~—yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 30519.2 is added to the Public  
2 Resources Code, to read:  
3 30519.2. (a) (1) This section shall only apply to territory  
4 located within the County of Orange generally known as the  
5 "Annexed Area." ~~For~~  
6 (2) For purposes of this section, "Annexed Area" means the  
7 territory consisting of approximately 5,450 acres bounded to the  
8 north by the inland boundary of the coastal zone, to the east by the  
9 western boundary of Crystal Cove State Park, to the south by the  
10 state's outer limit of jurisdiction over the Pacific Ocean, and to the  
11 west by the city limits of the City of Newport Beach.  
12 (b) This section shall take effect upon the effective date of the  
13 annexation of all or part of the Annexed Area by the City of  
14 Newport Beach.  
15 (c) Upon the recordation of a certificate of completion of any  
16 reorganization or change of organization that results in the  
17 annexation of all or part of the Annexed Area by the City of  
18 Newport Beach, both of the following shall occur:  
19 (1) The local coastal program applicable to any part of the  
20 Annexed Area shall continue to be the certified local coastal  
21 program for the County of Orange.  
22 (2) The County of Orange shall continue to exercise all  
23 development review authority described in Section 30519, as  
24 delegated to it by the commission pursuant to the certified local  
25 coastal program for the County of Orange for the Annexed Area.  
26 (d) (1) If, at any time after the effective date of this section  
27 enacted during the 2001 portion of the 2001-02 Regular Session,  
28 the City of Newport Beach elects to assume coastal management  
29 responsibility for the Annexed Area, the city may begin  
30 preparation of a local coastal program for that area. The City of  
31 Newport Beach may adopt provisions of the County of Orange's  
32 certified local coastal program that shall apply to the Annexed  
33 Area. All of the procedures for the preparation, approval, and  
34 certification of a local coastal program set forth in this chapter, and  
35 any applicable regulations adopted by the commission, shall apply  
36 to the city's adoption of a local coastal program for the Annexed  
37 Area.

1 (2) If the City of Newport Beach decides to apply for  
2 certification of a local coastal program for the Annexed Area  
3 pursuant to paragraph (1), upon the effective date of that  
4 certification, the city shall exercise all of the authority under this  
5 division granted to a local government with a certified local coastal  
6 program, and as of the date of that certification, subdivisions (b)  
7 and (c) shall become inoperative.

8 (e) *Notwithstanding the limitations imposed by paragraph (1)*  
9 *of subdivision (a), the City of Newport Beach shall provide for a*  
10 *certified local coastal program for all of the territory located in the*  
11 *coastal zone that lies inside the city limits within 36 months of the*  
12 *effective date of the annexation of all or part of the Annexed Area.*

13 SEC. 2. The Legislature finds and declares that, due to the  
14 unique circumstances applicable to the territory generally known  
15 as the Annexed Area within the County of Orange relating to the  
16 certified local coastal program for the county, a statute of general  
17 applicability cannot be made applicable within the meaning of  
18 subdivision (b) of Section 16 of Article IV of the California  
19 Constitution.

20 SEC. 3. *No reimbursement is required by this act pursuant to*  
21 *Section 6 of Article XIII B of the California Constitution because*  
22 *a local agency or school district has the authority to levy service*  
23 *charges, fees, or assessments sufficient to pay for the program or*  
24 *level of service mandated by this act, within the meaning of Section*  
25 *17556 of the Government Code.*

26 SEC. 4. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety  
28 within the meaning of Article IV of the Constitution and shall go  
29 into immediate effect. The facts constituting the necessity are: In  
30 deciding to annex territory in the coastal zone, as defined in  
31 Section 30103 of the Public Resources Code, generally known as  
32 the "Annexed Area", the City of Newport Beach seeks to preserve  
33 the open-space dedications and entitlements protected by an  
34 existing certified local coastal program. At the same time, in order  
35 to effectively fund police and fire protection services among  
36 municipal services to the area, the city needs the property tax  
37 revenues from the Annexed Area to be allocated to the city for the  
38 2002-03 fiscal year.

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AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1414**

**Introduced by Assembly Members Dickerson and Florez**  
(Principal coauthor: Senator Oller)  
(Coauthor: Assembly Member Aanestad)

February 23, 2001

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An act to add Section 1019 to the Fish and Game Code, to add Section 65040.7 to the Government Code, and to add Section 515 to the Public Resources Code, relating to public land, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, Dickerson. Public lands.

(1) Existing law establishes the Department of Fish and Game and the Department of Parks and Recreation in the Resources Agency.

This bill would require those departments to prepare land management plans for all of their existing properties, which would describe their goals and strategies for managing the land and would identify and describe both ongoing and any necessary restoration, rehabilitation, and improvement projects for the land. The bill would require those departments to prepare and complete land management plans for all existing properties before they acquire additional property for the purpose of ecosystem restoration and wildlife habitat preservation. *The bill would require these departments to complete management plans for land acquired on or after January 1, 2002, within 9 months of the recordation date. The bill would require those*

departments to report, on or before February 1 of each year, to the appropriate legislative budget subcommittees regarding the plans.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the Department of Fish and Game to carry out the Fish and Game Code. Because this bill would impose duties on the department, the bill would make an appropriation.

(3) Existing law establishes the Office of Planning and Research in the Governor's office to serve the Governor and his or her Cabinet as staff for long-range planning and research and to constitute the comprehensive state planning agency.

This bill would provide that the office is the coordinating agency for all state agencies, boards, and programs with authority either to acquire or fund the acquisition of land for ecosystem restoration and wildlife habitat preservation and would impose duties on the office in that regard.

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

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares that the  
2 State Auditor determined the following in a report entitled  
3 "California's Wildlife Habitat and Ecosystem: The State Needs to  
4 Improve Its Land Acquisition Planning and Oversight":

5 (a)

6 (1) The two departments that are acquiring the most land for  
7 wildlife and habitat and ecosystem purposes have not performed  
8 key tasks for managing these properties. Specifically, the  
9 Department of Fish and Game and the Department of Parks and  
10 Recreation have not prepared management plans for at least  
11 one-third of their properties, use outdated management plans for  
12 many properties, inadequately manage some land because they  
13 have not achieved certain management objectives or undertaken  
14 specific projects, and insufficiently document their management  
15 efforts.

16 (b)

17 (2) The state needs to improve its land acquisition planning and  
18 oversight.

19 (c)

1 (3) These departments should prepare final plans for all of their  
2 properties and parks that describe goals and strategies for  
3 managing the land, update their older land management or general  
4 plans, perform restoration, rehabilitation, and improvement  
5 projects, as well as periodic inspections of all land, in accordance  
6 with their land management or general plans.

7 (b) *It is the intent of the Legislature to encourage the use of*  
8 *cooperative agreements and to accomplish ecosystem restoration*  
9 *or habitat preservation goals on private land.*

10 SEC. 2. It is the intent of the Legislature in enacting this act  
11 to ensure that the Department of Fish and Game and the  
12 Department of Parks and Recreation correct the deficiencies  
13 identified by the State Auditor described in Section 1 and to  
14 establish a uniform statewide process for acquiring lands with  
15 oversight by the Office of Planning and Research.

16 SEC. 3. Section 1019 is added to the Fish and Game Code, to  
17 read:

18 ~~1019. (a) The department shall prepare land management~~  
19 ~~plans for all of its existing properties. The land management plans~~  
20 ~~shall describe the department's goals and strategies for managing~~  
21 ~~the land and shall identify and describe both ongoing and any other~~  
22 ~~necessary restoration, rehabilitation, and improvement projects~~  
23 ~~for the land.~~

24 ~~(b) The department shall prepare and complete up-to-date land~~  
25 ~~management plans for all of its existing properties before it~~  
26 ~~acquires additional property for the purpose of ecosystem~~  
27 ~~restoration and wildlife habitat preservation.~~

28 1019. (a) *The department shall, wherever feasible, seek to*  
29 *achieve ecosystem restoration and habitat preservation goals*  
30 *through cooperative agreements or easements with the landowner.*

31 (b) *The department shall prepare land management plans for*  
32 *all of its properties, whether in existence on the effective date of the*  
33 *act adding this section, or acquired in the future. The land*  
34 *management plans shall describe the department's goals and*  
35 *strategies for managing the land and public access opportunities,*  
36 *such as hiking, hunting, fishing, camping, or environmental or*  
37 *historical education, in a matter that is compatible with the*  
38 *primary goal of the plan, and shall identify and describe both*  
39 *ongoing and any other necessary restoration, rehabilitation, and*  
40 *improvement projects and related costs.*

1 (c) For land acquired on or after January 1, 2002, the  
2 department shall complete management plans within nine months  
3 of the recordation date. The department shall submit, on or before  
4 February 1 of each year, to the appropriate budget subcommittee  
5 of each house of the Legislature, a list of plans for lands acquired  
6 during the past year and a list of lands acquired during the last  
7 year for which plans are not yet complete. The subcommittee shall  
8 consider these lists in its budget decisions for the department.

9 SEC. 4. Section 65040.7 is added to the Government Code, to  
10 read:

11 65040.7. (a) The Office of Planning and Research is the  
12 coordinating agency under existing law for all state agencies,  
13 boards, and programs with authority either to acquire or fund the  
14 acquisition of land for ecosystem restoration and wildlife habitat  
15 preservation.

16 (b) To carry out the duties and responsibilities required by  
17 subdivision (a), the director shall do all of the following:

18 (1) On or before September 1, 2002, and each year thereafter,  
19 request that all state agencies or boards provide the office with  
20 information, including a description of the land and the purpose for  
21 which the land was acquired, of any acquisitions of land or funding  
22 that was directed to the acquisition of land, undertaken by the  
23 board or agency.

24 (2) On or before October 1, 2002, and each year thereafter,  
25 require that all state agencies or boards provide the office with  
26 information, including a description of the land, the purpose for  
27 which the land is to be acquired during the next fiscal year, the  
28 projected annual cost and funding source for the proposed  
29 acquisition, restoration, management, and monitoring of these  
30 lands.

31 (3) Review and evaluate any available information from  
32 federal agencies pertaining to their land acquisition activities to  
33 coordinate and better understand their impact on California state  
34 proposals.

35 (4) Compile the information provided in paragraphs (1) to (3),  
36 inclusive, and provide a report to the Governor and the Legislature  
37 on or before December 31, 2002, and each year thereafter, that  
38 does all of the following:

1 (A) Describes the amount of land acquired by each state agency  
2 or board during the past year and the amount of money spent for  
3 the acquisition.

4 (B) Projects the amount of land that will be acquired by each  
5 agency or board during the following year.

6 (C) Determines whether the acquisitions described in  
7 subparagraphs (A) and (B) are consistent with the current  
8 comprehensive state environmental goals and policy report  
9 prepared pursuant to Section 65041.

10 (5) Provide the report described in paragraph (4) to the  
11 Secretary of Food and Agriculture, the Secretary of the Resources  
12 Agency, and the Director of Conservation.

13 (6) Establish a representative public process to ensure that  
14 local, state, and federal agencies, water suppliers, landowners, and  
15 other interested parties are given notice of proposed land  
16 acquisitions throughout the state.

17 SEC. 5. Section 515 is added to the Public Resources Code,  
18 to read:

19 ~~515. (a) The department shall prepare land management~~  
20 ~~plans for all of its existing properties. The land management plans~~  
21 ~~shall describe the department's goals and strategies for managing~~  
22 ~~the land and shall identify and describe both ongoing and any other~~  
23 ~~necessary restoration, rehabilitation, and improvement projects~~  
24 ~~for the land.~~

25 ~~(b) The department shall prepare and complete up-to-date land~~  
26 ~~management plans for all of its existing properties before it~~  
27 ~~acquires additional property for the purpose of ecosystem~~  
28 ~~restoration and wildlife habitat preservation.~~

29 *515. (a) The department shall prepare land management*  
30 *plans for all of its properties, whether in existence on the effective*  
31 *date of the act adding this section, or acquired in the future. The*  
32 *land management plans shall describe the department's goals and*  
33 *strategies for managing the land and public access opportunities*  
34 *in a manner that is compatible with the primary goal of the plan,*  
35 *and shall identify and describe both ongoing and any other*  
36 *necessary restoration, rehabilitation, and improvement projects*  
37 *and related costs.*

38 *(b) For land acquired on or after January 1, 2002, the*  
39 *department shall complete management plans within nine months*  
40 *of the recordation date. The department shall submit, on or before*

- 1 *February 1 of each year, to the appropriate budget subcommittee*
- 2 *of each house of the Legislature, a list of plans for lands acquired*
- 3 *during the past year and a list of lands acquired during the last*
- 4 *year for which plans are not yet complete. The subcommittee shall*
- 5 *consider these lists in its budget decisions for the department.*

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