

CALIFORNIA COASTAL COMMISSION

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August 6, 2002

TO: Coastal Commissioners and Interested Public
FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator
SUBJECT: LEGISLATIVE REPORT FOR AUGUST 2002

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

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

PRIORITY LEGISLATION

AB 985 (Florez) Fully Protected Species

This is a spot bill relating to the Fully Protected Species Act. The author intends to hold public hearings and workshops this summer before submitting final language.

Introduced 02/23/01
Last Amended 01/07/02
Status Passed Assm. WP&W Committee, Passed Assm. Appropriations Committee, Passed Assembly Floor, Referred to Sen. NR&W

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. This bill was amended to set fees for timber harvesting. It failed to pass committee.

Introduced 02/23/01
Last Amended 06/17/02
Status Passed WP&W Committee, Passed Assm. Appropriations, Passed Assembly, Failed passage in Sen. NR&W Committee

AB 1866 (Wright) Housing Density Bonuses

This bill requires that the housing ordinance provide for ministerial approval without discretionary review of applications for 2nd units that meet the requirements of the ordinance, notwithstanding other laws that regulate the issuance of variance, special use, or conditional use permits. Adds criteria for continued affordability of housing in a common interest development. Specifies that the provisions would apply to counties/cities within the coastal zone. This bill has been amended to clarify that nothing in the bill would supercede the Coastal Act, with the exception of eliminating the local public hearing process for second units as specified in the bill.

Introduced 01/31/02
Last Amended 06/19/02
Status Passed Assm. Housing & Community Development, Passed Assm. Local Government, Referred to Assm. Appropriations/Suspense File

Commission Position Oppose-Staff recommends Neutral if amended

AB 1913 (Lowenthal) Notice of Violation Act

This bill permits the California Coastal Commission to file violation notice if determined that real property has been developed in violation of the Coastal Act. It requires public hearing if the owner submits timely objection, and requires issuance of clearance letter to owner if no violation occurred; requires timely notice of decision with county recorder if violation no longer valid.

Introduced 02/08/02
Last Amended 05/02/02
Status Passed Assm. Natural Resources; Passed Assm. Appropriations; Passed Assembly Floor, Passed Senate Natural Resources; Passed Senate Appropriations; On Senate Floor.

Commission Position Support

AB 1925 (Nakano) California Storm Water

This bill declares that it is the intent of the Legislature to enact subsequent legislation to make available \$30,000,000 of Proposition 40 funds to the California Ocean Trust, for the purpose of establishing a state-of-the-art water quality monitoring system that may be used by public entities.

Introduced 02/12/02
Last Amended 04/30/02
Status Passed Assm. ES&TM Committee; Referred to Assm. Appropriations Committee, Suspense File.

AB 1940 (Matthews) Land Use: Lot Line Adjustments

Current law limits lot line adjustments to four or fewer adjacent, adjoining parcels. This bill would eliminate the requirement that those parcels be adjoining, allowing for adjustments between non-contiguous lot.

Introduced 02/14/02
Status Referred to Local Government Committee
Commission Position Oppose

AB 1969 (Maddox) Waste Water Discharges: Orange County

This bill would require the Orange County Sanitation District to treat all wastewater discharged into the Pacific Ocean to the secondary level.

Introduced 02/14/02
Status Passed ES&TM Committee; Passed Assm. Appropriations Committee; Passed Assm. Floor, Passed Senate E.Q. Committee, Referred to Senate Appropriations.

AB 2083 (Jackson) Oil Spill Prevention and Response

This bill would require the State Lands Commission to develop a form that is to be completed by any operator engaged in the tankering of oil offshore California. The form would provide information, available to the public and state agencies, that would track the type of oil transported, its origin, destination, as well as the method, path and amount of emissions involved in the transport.

Introduced 02/19/02
Last Amended 06/17/02
Status Passed Assm. Natural Resources Committee; Passed Assm. Appropriations Committee; Passed Assembly Floor; Passed Senate NR&W; Referred to Senate Appropriations.

AB 2158 (Lowenthal) Coastal Development Permits: Housing

This bill would require the California Coastal Commission to take appropriate steps to ensure that all coastal development permit conditions relating to affordable housing are enforced and do not expire during the term of the permit.

Introduced 02/20/02
Last Amended 04/18/02
Status Passed Assm. Natural Resources Committee; Passed Assm. Appropriations; Passed Assembly Floor; Passed Senate N.R & W.; Passed Senate Appropriations; On Senate Floor.

Commission Position Support

AB 2162 (Negrete-McLeod) Vehicles: License Plates

This bill would eliminate the provision authorizing the appropriation of the balance of the Coastal Enhancement Account to the Coastal Conservancy, and specifies that the other half of the funds available from the Whale Tail license plates be deposited in the License Plate Coastal Access Account, for grants to local governments and non-profits to open and maintain public accessways to the coast.

Introduced 02/20/02
Last Amended 04/23/02
Status Passed Assm. Transportation Committee; Passed Assm. Natural Resources Committee,
Referred to Assm. Approps/Suspense File; Held in Committee

Commission Position Support

AB 2215 (Strom-Martin) Offshore Contaminants Task Force

This bill would create the Joint Agency Review of Offshore Contaminants Task Force to review studies relating to toxic sediments surrounding offshore oil and gas platforms, and initiate further studies to determine the current levels of contamination and associated risks to human health and the environment. Task force participants would be appointed by the administrators of the State Department of Health Services, Department of Fish and Game, State Lands Commission, California Coastal Commission, and the SWRCB.

Introduced 02/20/02
Last Amended 04/30/02
Status Passed ES&TM Committee; Passed WP&W Committee; Referred to Assm.
Appropriations/Suspense File, Held in Committee

Commission Position Recommend Neutral

AB 2631 (Matthews) Resources

Repeals the requirement for the Department of Parks and Recreation (DPR) to produce an annual report to the Governor and the Legislature, recommending acquisitions for the establishment of or additions to state seashores, hostel facilities and recreational trails.

Introduced 02/22/02
Last Amended 06/18/02
Status Passed Assm. Natural Resources Committee and WP&W Committee; Passed Assm.
Appropriations; Passed Assm. Floor; Passed Senate NR&W; Referred to Senate
Appropriations

AB 2727 (Keeley) State Coastal Conservancy

This bill would remove the restrictions on the percentage of funds that the Conservancy can contribute toward a coastal acquisition, and clarify that acquisitions can be made in connection with a public access project. Recent amendments delete the provision that would require the Department of General Services to consult with the Conservancy to determine the appropriate terms of disposal of properties that have not been transferred within 10 years of purchase, and reinserts existing law which allows DGS to dispose of lands at fair market value without restrictions on subsequent land uses.

Introduced 02/22/02
Last Amended 06/18/02
Status Passed Assm. Natural Resources Committee; Passed Assm. Appropriations; Passed
Assm. Floor; Passed Senate N.R. & W; Referred to Senate Appropriations

AB 2924 (Wiggins) Water Appropriations: Protected Areas

This bill would prohibit the State Water Resources Control Board from approving an application or issuing a permit to appropriate water within a protected area, if the water is proposed to be used outside that area, unless the board of supervisors of the county or counties within which the appropriation is to be made approves that application or the issuance of that permit.

Introduced 02/25/02
Last Amended 04/03/02
Status Passed Labor & Employment Committee; Referred to WP&W Committee. Hearing cancelled at request of author.

AB 2943 (Wiggins) Coastal Commission

This bill would give the Coastal Commission additional discretion in the permitting of sea walls by changing the word "shall" to "may" in Section 30235 of the Coastal Act.

Introduced 02/25/02
Last Amended 06/05/02
Status Passed Assm. Natural Resources Committee; Passed Assm. Appropriations; Passed Assm. Floor; Passed Senate NR&W; 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 through a state park, unless certain findings are made.

Introduced 01/24/01
Last Amended 03/02/01
Status Passed N.R. & W. Committee, Passed Senate Appropriations, Passed Senate Floor, Failed Passage in Assm. WP&W Committee.

SB 995 (Morrow) Vessels: Special-Use Areas

This bill would prohibit state or local entities relating to personal watercraft from adopting any ordinance, law, regulation, or rule that would allow special use areas to be used in a manner that interferes with boating access to channels, shipping lanes, or international waters.

Introduced 02/23/01
Status Failed to pass out of Senate

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 judgment 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 judgment. 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 Assm. Inactive file

SB 1508 (Scott) Santa Monica Mountains Conservancy: Members

This bill would increase the number of ex-officio nonvoting members of the Santa Monica Mountains Conservancy from 2 to 3, by including the Supervisor of Los Angeles National Forest among those members.

Introduced 02/19/02
Status Passed NR&W Committee; Passed Senate Appropriations Committee; Passed Senate Floor; Passed Assm. NR Committee; Passed Assm. Appropriations Committee; On Assm. Floor

SB 1525 (Sher) Transgenic Species

This bill would make it unlawful to import, transport, possess or release any live transgenic (genetically modified) fish or roe into the waters of California. The bill has been amended to allow GMO fish to be transported or possessed for purposes of research.

Introduced 02/20/02
Last Amended 05/20/02
Status Passed NR&W Committee; Passed Senate Appropriations Committee; Passed Senate Floor; Referred to Assm. W.P.&W. Committee, hearing postponed by committee.

SB 1573 (Karnette) Interagency Aquatic Invasive Species Council

This bill would establish the Interagency Invasive Species Council, using existing staff and funds within the Department of Fish and Game, and require the Council to establish a comprehensive plan for dealing with invasive species in California.

Introduced 02/22/02
Last Amended 06/11/02
Status Passed NR&W Committee; Passed Sen. Appropriations Committee; Passed Senate Floor; Passed Assm. N.R. Committee, Referred to Assm. Approps.

SB 1797 (Morrow) Coastal Zone Boundary: San Diego County

This bill would exclude additional areas in the City of Carlsbad from the coastal zone.

Introduced 02/22/02
Status Referred to NR&W Committee. Hearing cancelled at request of author.
Commission Position Oppose

SB 1916 (Figueroa) Local Coastal Programs: Nonpoint Source Pollution

This bill would require every local coastal government with a certified local coastal program, after consultation with the appropriate regional water quality control board, to prepare and adopt for certification by the California Coastal Commission, a nonpoint source pollution prevention element for inclusion in its certified local coastal program, when coming to the Commission for a major amendment.

Introduced 02/22/02
Last Amended 07/02/02
Status Passed NR&W Committee; Passed Appropriations Committee; Passed Senate Floor; Passed Assm. N.R. Committee; Referred to Assm. Approps.
Commission Position Support

SB 1962 (Polanco) State Coastal Conservation: Coastal Access

This bill would require the State Coastal Conservancy to accept any outstanding offers to dedicate public accessways that have not been accepted by a local government or nonprofit organization within 90 days of their expiration date. It would also require the conservancy to open at least 3 public accessways each year, and prepare an annual report to the Legislature pertaining to public access.

Introduced 02/22/02
Last Amended 06/25/02
Status Passed NR&W Committee; Passed Senate Appropriations Committee; Passed Senate Floor; Passed Assm. N.R. Committee; Referred to Assm. Appropriations.

Commission Position Support

SB 1966 (Murray) Development Projects

This bill would require any non-profit group or government agency to prepare a management plan addressing parking, public safety and emergency response issues prior to opening any offer to dedicate (OTD) real property for public access to the beach.

Introduced 02/22/02
Last Amended 06/06/02
Status Re-referred to NR&W Committee

Commission Position Oppose