

CALIFORNIA COASTAL COMMISSION

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



W6c

February 07, 2018

TO: Coastal Commission and Interested Persons

FROM: Legislative Unit and Legal Division

SUBJECT: **LEGISLATIVE REPORT: NEW LAWS MEMO: 2017 Chaptered Legislation**

The 2017 California Legislative session resulted in one piece of chaptered legislation that directly amends the Coastal Act (AB 250), one that places additional responsibilities on the Coastal Commission (AB 1282), and one that (SB 503), that affects the Commission by extending the authorization period for voluntary tax contributions to the Protect Our Coast And Ocean Fund until January 1, 2025. This memo discusses how the statutory changes affect Coastal Commission will implement and/or comply with the new statutory changes. Full text of each measure is available through the links below.

1) [AB 250 \(Gonzalez-Fletcher\) Lower-cost visitor serving accommodations - Chapter 838, Statutes of 2017](#)

The bill directs the State Coastal Conservancy to develop a lower-cost visitor serving program, and develop an assessment of specific opportunities to improve existing or provide new lower cost accommodations on coastal lands owned and operated by nonprofit organizations, national state, regional and local parks, or other public lands. Program development will include consultation with the Coastal Commission and State Parks, as well as other public agencies. The bill also authorizes the Conservancy to undertake a pilot project to identify and test measures that support the development, improvement, maintenance and operation of lower-cost visitor serving accommodations by nonprofit or for-profit private entities.

In addition, this bill added Section 30607.8 to the Public Resources Code, authorizing the Commission to reclaim and reassign an in-lieu fee which has not been expended within seven years of the date of deposit. In order to reassign an in-lieu fee, the executive director must make a written determination that the original intent of the fee will be better met by its reassignment to another project. The new Coastal Act section reads as follows:

SEC 2. Section 30607.8 of the Public Resources Code is added to read:

30607.8.

(a) The commission shall, when assessing or directing the use of any reclaimed in-lieu fees for any coastal development project, consider the lower cost coastal accommodations assessment required to be prepared pursuant to subdivision (a) of Section 31413.

(b)(1) The commission may reclaim any in-lieu fee assessed that has not been expended within seven years of the date of its deposit with the appropriate entity, and reassign any such fee for use for one or more projects that are consistent with Section 30213, including lower cost coastal accommodations funded under Chapter 10 (commencing with Section 31411), if the executive director makes a written determination that the original intent of the in-lieu fee will be better utilized by the reassignment to those projects.

(2) This subdivision is not intended, and shall not be construed, to authorize the commission to alter or abrogate coastal development permit conditions in a manner that would violate a provision of this division or any other law.

(c) For purposes of this section, “in-lieu fee” means any fee paid as a condition for issuance of a coastal development permit to mitigate impacts associated with the development of lower cost coastal visitor-serving projects.

- **Implementation:** The Commission staff will undertake a thorough review of the unspent in-lieu fees collected prior to 2010, contact the agencies and entities holding the fees, and determine which fees may be appropriate for reassignment. The Executive Director will make written findings to support any reassignment of fees, based on the original intent of the mitigation measures.
- The Commission has already begun discussions with the Conservancy regarding how best to coordinate and assist with their program development and site assessment. The Commission will continue to coordinate with the Conservancy throughout the process, share all relevant data and information, and keep the Conservancy informed of new opportunities that arise through the Commission’s planning, permitting and enforcement efforts.

2) [AB 1282 \(Mullin\) Transportation Permitting Task Force - Chapter 643, Statutes of 2017](#)

This bill adds Section 155.7 to the Streets and Highways Code, directing the Transportation Secretary, in consultation with the Resources Secretary, to establish a Transportation Permitting Task Force made up of representatives of numerous public agencies including the Coastal Commission. The taskforce is charged with developing a coordinated process for early review of transportation projects to streamline and reduce permit processing times and provide greater certainty for transportation project proponents.

- **Implementation:** Much of the coordination process requirement under this law has already been advanced by the Coastal Commission and Caltrans’ recent *Plan for Improved Agency Partnering*, along with the implementing Partnership Agreement. The Executive Director will

assign the appropriate staff as liaison to the Transportation Permitting Task Force. Staff participation will be determined by the Task Force schedule and existing workload.

3) **SB 503 (Newman) Personal income taxes; voluntary contribution funds**

This bill extends the expiration date for the Coastal Commission's voluntary tax contribution fund, the Protect Our Coast and Ocean Fund, until January 1, 2025. Contributions generated through this fund support Whale Tail grants to schools and other nonprofit organizations, promoting coastal and marine stewardship, education and direct experiences.

- Implementation: The Commission will continue to promote this voluntary tax contribution fund through the popular "Check the Coast" campaign, social media, and other proven methods. In 2024, the Commission will evaluate whether to pursue another legislative reauthorization.

###