

CALIFORNIA COASTAL COMMISSION

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TO: Coastal Commissioners and Interested Persons
FROM: Legal Division and Legislative Unit
SUBJECT: **2006 Chaptered Legislation**

The 2006 California Legislative session produced two pieces of chaptered legislation that directly amended the Coastal Act (SB 1843 and SB 201), and a few new statutes that may require the participation of Coastal Commission staff, have an affect on California's coastal management program, or be of interest to coastal managers.

A. COASTAL ACT AMENDMENTS

1) SB 1843 (Committee on Natural Resources and Water) Chapter 294

This bill repeals the following Public Resources Code (PRC) Sections:

- 30233(a)(3), pertaining to the provision of expanded boating facilities in degraded wetlands;
- 30265(2), Legislative findings pertaining to expected offshore oil production levels;
- 30342, pertaining to the preparation of a semi-annual report to the Legislature;
- 30343, pertaining to the establishment of a central storage and clearing house facility for studies and data;
- 30608.5, deleting obsolete language pertaining to pre-coastal act development approvals
- 30713, deleting obsolete language pertaining to the preparation of Port Master Plans

The bill makes technical, non-substantive and conforming amendments to the following sections: 30333.1, 30333.2.

The bill also adds Section 30601.3, which authorizes the Commission to process a consolidated coastal development permit, when requested by the local government and the applicant and approved by the Executive Director, for projects that would otherwise require coastal development permits from both the Commission and a local government with a certified LCP. The full text of Section 30601.3 is included below.

Section 30601.3

30601.3. (a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:

- (1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section 30200), with the appropriate local coastal program used as guidance.

(c) The application fee for a consolidated coastal development permit shall be determined by reference to the commission's permit fee schedule.

(d) To implement this section, the commission may adopt guidelines, in the same manner as interpretive guidelines adopted pursuant to paragraph (3) of subdivision (a) of Section 30620.

Implementation: No Action required to comply with repealed sections. When considering projects that fall under split jurisdiction, staff will advise applicants and local governments of the option to apply for a consolidated permit. The Commission may prepare and adopt interpretive guidelines to implement this section.

2) SB 201 (Simitian) Sustainable Oceans Act: Chapter 36

This bill repeals Public Resources Code (PRC) Sections 30411(c), deleting language which required the Department of Fish and Game to prepare a programmatic EIR for existing and potential commercial aquaculture operations, and incorporates that requirement into the new standards contained in the bill.

Implementation: No Action required. The Commission retains permitting jurisdiction over commercial aquaculture projects, and the Coastal Act remains the standard of review.

B. COASTAL ACT-RELATED LEGISLATION

1) SB 1627 (Kehoe) Wireless Telecommunication Facilities; Chapter 676

This bill amends Government Code Sections 65850.6 and 65964 to require any local government to administratively approve an application for a collocation facility on or immediately adjacent to a wireless telecommunications collocation facility through the issuance of a nondiscretionary permit, if the original facility was approved pursuant to a discretionary permit in compliance with CEQA, and the proposed addition is consistent with the permit conditions for the original facility, including any mitigation required pursuant to CEQA..

Implementation: This statute applies to local governments only, and does not - govern Commission review of collocation facilities. However, the bill may affect local review of appealable collocation facilities in some instances.

2) AB 1881 (Laird) Water Conservation; Chapter 559

This bill requires the Department of Water Resources to update its model local water efficient landscape ordinance. Once updated, the bill requires local agencies to adopt the DWR ordinance, or a similar ordinance which is at least as effective as the DWR version. If a local jurisdiction has not adopted an ordinance by January 1, 2010, the DWR version will be deemed applicable, and have the force and effect of law.

Implementation: To achieve compliance, all local governments must adopt water-efficient landscaping ordinances prior to January 1, 2010. These ordinances may require LCP amendments. Commission staff will work with DWR on the ordinance update to ensure Coastal Act compliance.