

# BILL ANALYSIS

RESOURCES AGENCY

DEPARTMENT California Coastal Commission	AUTHOR Wayne	BILL NUMBER AB 492
SPONSORED BY Sierra Club	RELATED BILLS	DATE LAST AMENDED

SUBJECT  
Coastal Access

## SUMMARY

AB 492 would prohibit any state agency, including the Coastal Commission, from taking any action to eliminate public access to the sea, unless, the Commission finds that the action was based on a clear, significant, and present risk to public safety.

**The Commission voted to support AB 492 on March 10, 1999.**

## ANALYSIS

**Existing Law:** Existing law requires the California Coastal Commission and the State Coastal Conservancy to implement and administer various programs related to coastal resources, including programs for coastal access.

**Changes Proposed by this Bill:** This bill would prohibit the Commission, the Conservancy, or any other state agency from taking any action that would extinguish public access to, or along the sea, unless, after a public hearing, the commission approves the action after finding that a clear, significant, and present risk to public safety exists that necessitates the proposed action.

**Discussion:** Recently the Commission denied a coastal development permit for a gate that would have excluded the public from a road adjacent to Pacific Coast Highway (Breakers Way) that has provided public access to the beach. When Commission staff analyzed this project, it was discovered that a parcel at the end of the street that had historically been used as an accessway to the sandy beach had been sold by the Department of Transportation to a private party.

Arguably, a sale of state property that provides either public access or has the potential to provide public access or recreational opportunities to a private party should be subject to coastal development permitting requirements because of a change in type or intensity of use. However, in this case, a coastal permit was not required nor was the Commission given any notice of the pending sale.

### DEPARTMENTS THAT MAY BE AFFECTED

California Coastal Commission, Coastal Conservancy, Parks and Recreation

STATE MANDATE

GOVERNOR'S APPOINTMENT

#### DEPARTMENT DIRECTOR

- S                       O  
 SA                       OUA  
 N                         NP  
 NA                       NAR  
 DEFER TO \_\_\_\_\_

#### AGENCY SECRETARY POSITION

- S                         O  
 SA                       OUA  
 N                         NP  
 NA                       NAR  
 DEFER TO \_\_\_\_\_

#### GOVERNOR'S OFFICE USE

- Position approved.....   
 Position disapproved .....   
 Position Noted .....

DEPARTMENT DIRECTOR

AGENCY SECRETARY

BY \_\_\_\_\_

DATE \_\_\_\_\_

It is bad public policy for a state agency to surplus property in the coastal zone that provides or could potentially provide public access or recreational opportunities. Given the high value of coastal property, the state cannot afford to give up its interest in these types of properties since it would likely be cost-prohibitive for other agencies or nonprofit entities to re-acquire these properties to develop or maintain coastal access or recreation in the future.

NOTE: At the request of the author, the Commission staff is developing amendments to this bill to prohibit such land transactions between a state agency and a private party in the coastal zone.

### **FISCAL IMPACT**

No fiscal impacts to the Commission.

### **POSITION**

The Commission voted to support AB 492 on March 10, 1999.

For more information contact Jeff Stump, Legislative Coordinator, at (415) 904-5266.