

CALIFORNIA COASTAL COMMISSION

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TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
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SUBJECT: Discussion of Potential Legislative Initiatives for 1999

Staff is seeking Commission direction concerning the following proposed legislative initiatives for the 1999 Legislative session. Note that some of these proposals were previously supported by the Commission. Some were vetoed.

1. Public Access

- a) Require the Attorney General to represent the Coastal Conservancy in litigation that involves a dispute concerning the protection or provision of public access to, or along, the coast. (AB 93, vetoed by Governor).
- b) Amend the Civil Code to require the State Board of Control to allow a claim for reasonable attorney's fees incurred by a nonprofit organization or local government in a successful defense of civil actions brought by a person or organization seeking to restrict, prevent, or delay the opening of a public accessway. (AB 93, vetoed by Governor).
- c) Clarify an ambiguity in the Coastal Act to make clear that Chapter 3 public access/recreation policies apply in all appeals rather than just those between the sea and the first public road. Additionally, require a similar finding in cases involving environmentally sensitive habitat areas.

2. Coastal Act Enforcement

Amend the Coastal Act to permit the executive director of the Commission to file notice of a violation of the California Coastal Act if the executive director has determined that real property has been developed in violation of the Act. (AB 1956, vetoed by Governor).

3. Coastal License Plate

Amend Section 5067 of the Vehicle Code to direct the portion of the coastal license plate funds currently deposited in the ELPF to be deposited in the Coastal Conservancy's Coastal Access Account for grants to local governments and non-profit organizations for maintenance and operation costs associated with public access projects and for maintenance and operation costs for managing environmentally sensitive habitat areas.

4. Coastal Development Permits

a) Amend the Coastal Act to streamline the coastal permitting process by allowing the Commission, upon request of a local government with a certified Local Coastal Program (LCP) and a project applicant, to process one permit for a project that lies both in the Commission's retained permit jurisdiction and in the local government's jurisdiction under a certified LCP.

b) Amend the Coastal Act to clarify the Legislature's intent when it created the "Calvo" exclusion areas that only single family dwellings were to be exempted from coastal permit requirements on the portion of the property within the mapped Calvo exclusion area.

5. Expert Testimony

Amend the Coastal Act to authorize the Commission, if there is determined to be conflicting scientific or technical information regarding a proposed coastal development, to require a project applicant to contract with an independent expert to conduct a review of the proposed development. (AB 1962, vetoed by Governor).

6. Public Education

Amend the Coastal Act to clarify that the Commission's public education and outreach program may be carried out throughout the state to educate and encourage involvement of all Californians in coastal and ocean stewardship, not only those who live in the coastal zone.

7. Nonpoint Source Pollution

Amend the Coastal Act to clarify the Commission's role in the prevention of nonpoint source pollution. (SB 1453, vetoed by Governor).

8. Coastal Act Appeals

Amend the Coastal Act to allow the Executive Director, under limited circumstances, to appeal coastal development projects when logistics preclude two Commissioners from filing an appeal within the applicable time limits.

9. Local Coastal Program Periodic Review

Amend the Coastal Act to require the Commission to conduct periodic reviews of certified local coastal programs every five years and provide incentives for local government to act on Commission adopted recommendations for LCP revisions.