

# COUNTY OF SANTA BARBARA

## LEGISLATIVE ANALYSIS FORM

*This form is required for the Legislative Program Committee to consider taking an advocacy position on an issue or legislative item*

<b>BILL NUMBER:</b> AB 2616	<b>AUTHOR:</b> Burke
<b>INTRO/AMEND DATE:</b> 2.19.16 / 6.1.16	<b>AUTHOR'S POLITICAL PARTY:</b> Democrat
<b>BILL STATUS:</b> Active - Assembly Floor	

**1) BILL SUBJECT:**

increase the Coastal Commission membership by three non-elected members

**2) FROM DEPARTMENT:**

CEO

**3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?**

No

**4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?**

Coastal Commission oversight

**5) HOW WOULD THIS BILL IMPACT THE COUNTY? (*Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.*)**

Impacts are not clear as it would depend on issues the Commission would review. Summary states that the new members would be required to work directly with communities in the state that are most burdened by, and vulnerable to, high levels of pollution and issues of environmental justice.

**6) IMPACT ON COUNTY PROGRAM:**

Major

Minor

None

**SANTA BARBARA COUNTY IMPACT:**

Major

Minor

None

**STATEWIDE IMPACT:**

Major

Minor

None

*Explanation of Impacts:*

Impacts appear minor at this time, but environmental justice concerns could have large impacts for such things as the recent oil spill. To what degree the commission would impact such issues is not clear.

**7) WOULD THIS BILL IMPACT (*Legislative Principles*):**

a. Job growth and Economic Vitality?

YES

NO

b. Efficient service delivery and operations?

YES

NO

c. Fiscal stability?

YES

NO

d. Inter-agency cooperation?

YES

NO

e. Local control?

YES

NO

f. Health and human services?

YES

NO

g. Community sustainability and environmental protection?

YES

NO

*Additional Comments:*

Coastal Commission would address environmental justice concerns.



# COUNTY OF SANTA BARBARA

## LEGISLATIVE ANALYSIS FORM

**8) FISCAL IMPACT ON THE COUNTY:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Revenue Increase | <input type="checkbox"/> Revenue Decrease | <input type="checkbox"/> Unfunded Mandate |
| <input type="checkbox"/> Cost Increase    | <input type="checkbox"/> Cost Decrease    | <input type="checkbox"/> Undetermined     |
| <input checked="" type="checkbox"/> None  |   |   |

*Additional Comments:*

**9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:**

**10) CSAC POSITION ON BILL:**

- |  |                                 |   |
|--|---------------------------------|---|
| <input type="checkbox"/> Support               | <input type="checkbox"/> Oppose | <input type="checkbox"/> Support if Amended           |
| <input type="checkbox"/> Oppose unless Amended | <input type="checkbox"/> Watch  | <input checked="" type="checkbox"/> No position taken |

**11) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:**

*(Indicate support or opposition for each)*

**12) PROPOSED AMENDMENTS: (Attach separate sheet)**

**13) RECOMMENDATION:**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Support | <input type="checkbox"/> Recommend Support to Board*     | <input type="checkbox"/> Support if Amended    |
| <input type="checkbox"/> Oppose             | <input type="checkbox"/> Recommend Opposition to Board*  | <input type="checkbox"/> Oppose unless Amended |
| <input type="checkbox"/> Watch              | <input type="checkbox"/> Send to Board with No Position* | <input type="checkbox"/> No Position (Why?)    |

\* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill

*Additional Comments:*

Staff recommends support on the basis that this falls under the 2016 Platform principle of Community sustainability and environmental protection.

**14) LEGISLATIVE ANALYSIS FORM PREPARED BY:**

Telephone extension: x2060

E-mail address: [jtoney@countyofsb.org](mailto:jtoney@countyofsb.org)



## ASSEMBLY THIRD READING

AB 2616 (Burke)

As Amended May 31, 2016

Majority vote

<b>Committee</b>	<b>Votes</b>	<b>Ayes</b>	<b>Noes</b>
<b>Natural Resources</b>	6-2	Williams, Cristina Garcia, Gomez, McCarty, Mark Stone, Wood	Jones, Harper
<b>Appropriations</b>	13-6	Gonzalez, Bloom, Bonilla, Bonta, Calderon, Eggman, Eduardo Garcia, Roger Hernández, Holden, Quirk, Santiago, Weber, Wood	Bigelow, Chang, Gallagher, Jones, Obernolte, Wagner

**SUMMARY:** Increases the Coastal Commission (Commission) membership by three members who are required to work directly with communities in the state that are most burdened by, and vulnerable to, high levels of pollution and issues of environmental justice. Allows the Commission to address environmental justice concerns.

**EXISTING LAW:**

- 1) Pursuant to the Coastal Act,
  - a) Establishes the Commission in the Natural Resources Agency and requires the Commission to consist of 15 members (3 non-voting and 12 voting).
  - b) Requires the membership of the Commission to include six members of the public at large and six local government representatives from six coastal regions.
  - c) Provides that the Governor, the Speaker of the Assembly, and Senate Rules Committee each appoint four of the members.
  - d) Requires the Governor, the Senate Committee on Rules, and the Speaker of the Assembly to make good faith efforts to assure that their appointments, as a whole, reflect, to the greatest extent feasible, the economic, social, and geographic diversity of the state.
  - e) Requires a person planning to perform or undertake any development in the coastal zone to obtain a coastal development permit (CDP) from the Commission or local government enforcing a Local Coastal Program (LCP).
- 2) Defines "environmental justice" to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

**FISCAL EFFECT:** According to the Assembly Appropriations Committee, ongoing, minor annual costs of \$45,000 (General Fund or special fund) resulting from the increase in membership.

**COMMENTS:**

- 1) **Coastal Commission.** The Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. In partnership with coastal cities and counties, the Commission plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters generally require a CDP from either the Commission or the local government with a certified LCP. The Commission is an independent, quasi-judicial state agency. Currently, the Commission voting members are evenly divided between local governments and public at large members.
  
- 2) **Environmental justice.** According to the Office of Environmental Health Hazard Assessment, approximately 8 million Californians (21%) live in zip codes that are considered "highly impacted" by environmental, public health, and socioeconomic stressors. Nearly half of all Californians live within six miles of a facility that is a significant greenhouse gas emitter (46%), and they are disproportionately people of color (62%). Throughout California, people of color face a 50% higher risk of cancer from ambient concentrations of air pollutants listed under the Clean Air Act. These impacts are felt by all Californians. The Air Resources Board estimates that air pollution exposure accounts for 19,000 premature deaths, 280,000 cases of asthma, and 1.9 million lost work days every year.

**Analysis Prepared by:** Michael Jarred / NAT. RES. / (916) 319-2092

FN: 0003334

AMENDED IN ASSEMBLY MAY 31, 2016  
 AMENDED IN ASSEMBLY APRIL 12, 2016  
 california legislature—2015–16 regular session

**ASSEMBLY BILL**

**No. 2616**

**Introduced by Assembly Member Burke  
 (Coauthor: Assembly Member Mark Stone)**

February 19, 2016

An act to amend Sections ~~30213, 30301, 30301~~ and 30604 of, and to repeal Section 30500.1 of, of the Public Resources Code, relating to coastal resources.

**legislative counsel's digest**

AB 2616, as amended, Burke. California Coastal Commission: environmental justice.

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and prescribes the membership and functions and duties of the commission. Existing law provides that the commission consists of 15 members.

This bill would increase the membership of the commission to 18 ~~and would require~~ by requiring 3 additional members to be appointed, one each by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, who represent and work directly with communities in the state that are most burdened by, and vulnerable to, high levels of pollution and ~~issue~~ *issues* of environmental justice, as defined.

~~Existing law requires maximum access and recreational opportunities to be provided to the public in the state's coastal areas and, in that~~

~~regard, requires lower cost visitor and recreational facilities to be protected, encouraged, and, where feasible, provided.~~

~~This bill would additionally require housing opportunities for persons of low and moderate income to be protected, encouraged, and, where feasible, provided in coastal areas.~~

~~Existing law provides that no local coastal program is required to include housing policies and programs.~~

~~This bill would repeal that provision.~~

Existing law requires any person, as defined, wishing to perform or undertake any development, as defined, in the coastal zone to obtain a permit, except as provided. Existing law prescribes a process for the certification of local coastal programs in the state and ~~requires that, requires,~~ after certification of the *local* coastal program, a coastal development permit *to* be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the certified local coastal program.

This bill would authorize the issuing agency, or the commission on appeal, to consider environmental justice, as defined, or the equitable distribution of environmental benefits in communities throughout the state, when acting on a coastal development permit.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 30213 of the Public Resources Code is~~  
2     ~~amended to read:~~

3     ~~30213. Lower cost visitor and recreational facilities and housing~~  
4     ~~opportunities for persons of low and moderate income shall be~~  
5     ~~protected, encouraged, and, where feasible, provided.~~  
6     ~~Developments providing public recreational opportunities are~~  
7     ~~preferred.~~

8     ~~The commission shall not do either of the following:~~

9     ~~(a) Require that overnight room rentals be fixed at an amount~~  
10    ~~certain for any privately owned and operated hotel, motel, or other~~  
11    ~~similar visitor serving facility located on either public or private~~  
12    ~~lands.~~

13    ~~(b) Establish or approve any method for the identification of~~  
14    ~~low or moderate income persons for the purpose of determining~~  
15    ~~eligibility for overnight room rentals in any of those facilities.~~

1 ~~SEC. 2.~~

2 *SECTION 1.* Section 30301 of the Public Resources Code is  
3 amended to read:

4 30301. The commission shall consist of the following 18  
5 members:

6 (a) The Secretary of the Natural Resources Agency.

7 (b) The Secretary of Transportation.

8 (c) The Chairperson of the State Lands Commission.

9 (d) Six representatives of the public from the state at large. The  
10 Governor, the Senate Committee on Rules, and the Speaker of the  
11 Assembly shall each appoint two of these members.

12 (e) Six representatives selected from six coastal regions. The  
13 Governor shall select one member from the north coast region and  
14 one member from the south central coast region. The Speaker of  
15 the Assembly shall select one member from the central coast region  
16 and one member from the San Diego coast region. The Senate  
17 Committee on Rules shall select one member from the north central  
18 coast region and one member from the south coast region. For  
19 purposes of this division, these regions are defined as follows:

20 (1) The north coast region consists of the Counties of Del Norte,  
21 Humboldt, and Mendocino.

22 (2) The north central coast region consists of the Counties of  
23 Sonoma and Marin and the City and County of San Francisco.

24 (3) The central coast region consists of the Counties of San  
25 Mateo, Santa Cruz, and Monterey.

26 (4) The south central coast region consists of the Counties of  
27 San Luis Obispo, Santa Barbara, and Ventura.

28 (5) The south coast region consists of the Counties of Los  
29 Angeles and Orange.

30 (6) The San Diego coast region consists of the County of San  
31 Diego.

32 (f) Three representatives of, and who work directly with,  
33 communities in the state that are most burdened by, and vulnerable  
34 to, high levels of pollution and issues of environmental justice, as  
35 defined in subdivision (e) of Section 65040.12 of the Government  
36 Code, including, but not limited to, communities with diverse  
37 racial and ethnic populations and communities with low-income  
38 populations. The Governor, the Senate Committee on Rules, and  
39 the Speaker of the Assembly shall each appoint one of these  
40 members.

1 ~~SEC. 3. Section 30500.1 of the Public Resources Code is~~  
2 ~~repealed.~~

3 ~~SEC. 4.~~

4 *SEC. 2.* Section 30604 of the Public Resources Code is  
5 amended to read:

6 30604. (a) Prior to certification of the local coastal program,  
7 a coastal development permit shall be issued if the issuing agency,  
8 or the commission on appeal, finds that the proposed development  
9 is in conformity with Chapter 3 (commencing with Section 30200)  
10 and that the permitted development will not prejudice the ability  
11 of the local government to prepare a local coastal program that is  
12 in conformity with Chapter 3 (commencing with Section 30200).  
13 A denial of a coastal development permit on grounds it would  
14 prejudice the ability of the local government to prepare a local  
15 coastal program that is in conformity with Chapter 3 (commencing  
16 with Section 30200) shall be accompanied by a specific finding  
17 that sets forth the basis for that conclusion.

18 (b) After certification of the local coastal program, a coastal  
19 development permit shall be issued if the issuing agency, or the  
20 commission on appeal, finds that the proposed development is in  
21 conformity with the certified local coastal program.

22 (c) Every coastal development permit issued for any  
23 development between the nearest public road and the sea or the  
24 shoreline of any body of water located within the coastal zone  
25 shall include a specific finding that the development is in  
26 conformity with the public access and public recreation policies  
27 of Chapter 3 (commencing with Section 30200).

28 (d) No development or any portion thereof that is outside the  
29 coastal zone shall be subject to the coastal development permit  
30 requirements of this division, nor shall anything in this division  
31 authorize the denial of a coastal development permit by the  
32 commission on the grounds the proposed development within the  
33 coastal zone will have an adverse environmental effect outside the  
34 coastal zone.

35 (e) No coastal development permit may be denied under this  
36 division on the grounds that a public agency is planning or  
37 contemplating to acquire the property, or property adjacent to the  
38 property, on which the proposed development is to be located,  
39 unless the public agency has been specifically authorized to acquire  
40 the property and there are funds available, or funds that could

1 reasonably be expected to be made available within one year, for  
2 the acquisition. If a permit has been denied for that reason and the  
3 property has not been acquired by a public agency within a  
4 reasonable period of time, a permit may not be denied for the  
5 development on grounds that the property, or adjacent property,  
6 is to be acquired by a public agency when the application for such  
7 a development is resubmitted.

8 (f) The commission shall encourage housing opportunities for  
9 persons of low and moderate income. In reviewing residential  
10 development applications for low- and moderate-income housing,  
11 as defined in paragraph (3) of subdivision (h) of Section 65589.5  
12 of the Government Code, the issuing agency, or the commission  
13 on appeal, may not require measures that reduce residential  
14 densities below the density sought by an applicant if the density  
15 sought is within the permitted density or range of density  
16 established by local zoning plus the additional density permitted  
17 under Section 65915 of the Government Code, unless the issuing  
18 agency or the commission on appeal makes a finding, based on  
19 substantial evidence in the record, that the density sought by the  
20 applicant cannot feasibly be accommodated on the site in a manner  
21 that is in conformity with Chapter 3 (commencing with Section  
22 30200) or the certified local coastal program.

23 (g) The Legislature finds and declares that it is important for  
24 the commission to encourage the protection of existing and the  
25 provision of new affordable housing opportunities for persons of  
26 low and moderate income in the coastal zone.

27 (h) When acting on a coastal development permit, the issuing  
28 agency, or the commission on appeal, may consider environmental  
29 justice, as defined in subdivision (e) of Section 65040.12 of the  
30 Government Code, or the equitable distribution of environmental  
31 benefits throughout the state.