

AMENDED IN ASSEMBLY MAY 9, 2013
AMENDED IN ASSEMBLY MARCH 11, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 203

**Introduced by Assembly Member Stone
(Coauthor: Assembly Member Ting)**

January 30, 2013

An act to add Section 30825 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 203, as amended, Stone. Coastal resources: coastal development permits: penalties.

The California Coastal Act of 1976 requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the California Coastal Commission in accordance with prescribed procedures. The act authorizes civil liability to be imposed on any person who performs or undertakes development that is in violation of the act or that is inconsistent with any previously issued coastal development permit, subject to specified maximum and minimum amounts, varying according to whether the violation is intentional and knowing.

The bill would prohibit the commission, with exceptions, from filing as complete, or acting upon, an application for a coastal development permit for a project on property that is subject to an existing violation case for which a violation notification letter has been sent *by the commission*, or a cease and desist order, restoration order, or notice of violation has been issued or recorded until the violation has been

resolved. The bill would authorize the commission to resolve any unresolved dispute between the executive director and an applicant regarding the implementation of the above provision at a noticed hearing. This bill would authorize the commission to file as complete an application for a coastal development permit for development on such a property if the violation is de minimis, as defined. This bill would prohibit the commission from taking action on the application until the de minimis violation has been resolved, as determined by the executive director. The bill would specify that those provisions shall not apply to a new development application for a development in a harbor, port, or marina for a project that is individually owned or leased by a separate party that is unaffiliated with an open, existing violation case, as described.

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 30825 is added to the Public Resources
2 Code, to read:
3 30825. (a) Except as provided in subdivision (d), the
4 commission shall not file as complete or act upon an application
5 for a coastal development permit for a project on property that is
6 subject to an open, existing violation case for which a violation
7 notification letter has been sent *by the commission*, or a cease and
8 desist order, restoration order, or notice of violation has been issued
9 or recorded pursuant to Section 30809, 30810, 30811, or 30812
10 until the violation has been resolved, as determined by the
11 executive director and consistent with this division. *This section*
12 *shall not require or preclude resolution of any new violation that*
13 *is identified during the permit application process.*
14 (b) Subdivision (a) does not apply if the executive director
15 determines that the application includes a provision that would
16 fully resolve the violation consistent with this division.
17 (c) Any unresolved dispute between the executive director and
18 an applicant regarding the implementation of this section may be
19 resolved by the commission at a noticed hearing pursuant to
20 subdivision (d) of Section 13056 of Title 14 of the California Code
21 of Regulations.

1 (d) (1) Notwithstanding subdivision (a), the commission may
2 file as complete an application for a coastal development permit
3 for development on a property described in subdivision (a) if the
4 violation is a de minimis violation. If the commission accepts an
5 application to which this subdivision applies, the commission may
6 not take action on the application until the violation has been fully
7 resolved, as determined by the executive director.

8 (2) For purposes of this subdivision, “de minimis violation”
9 means a violation that is so minor in nature that it may be easily
10 resolved through voluntary actions on the part of the property
11 owner.

12 (e) Subdivision (a) does not apply to an action by a local agency
13 that is associated with processing, submitting, certifying, or
14 implementing an amendment to, or original submission of, a local
15 coastal program, public works plan, or component of a local coastal
16 program or public works plan.

17 (f) This section shall not apply to a new development application
18 for a development in a harbor, port, or marina for a project that is
19 individually owned or leased by a separate party that is unaffiliated
20 with an open, existing violation case, as described in subdivision
21 (a).