

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2648

Introduced by Assembly Member Jones

February 19, 2016

An act to ~~amend Section 30301~~ add Chapter 6.5 (commencing with Section 30550) to Division 20 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2648, as amended, Jones. California Coastal ~~Commission~~. ~~Commission~~: delegation of authority.

Existing law, the California Coastal Act of 1976, requires any person wishing to perform or undertake any development in the coastal zone, as defined, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit. The act further provides for the certification of local coastal programs by the California Coastal Commission. The act prohibits the commission, except with respect to appeals to the commission, from exercising its coastal development permit review authority, as specified, over any new development within the area to which the certified local coastal program, or any portion thereof, applies. The act specifies that any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any 2 members of the commission, except as provided.

This bill would, notwithstanding any other law, and to the extent permitted under federal law, authorize a county containing any portion

of the coastal zone to petition a superior court of competent jurisdiction to obtain a writ of mandate requiring the authority of the commission over coastal permitting in the county to be delegated to the county and the county to be the exclusive agent for the purpose of enforcing state and federal coastal laws, as specified. This bill would authorize the delegation of authority to a county to be reversed by an appellate court if it finds that the county abused its discretion in exercising the authority in a manner sufficient to warrant a rescission. This bill would authorize an applicant for a coastal development permit, or any aggrieved person, as defined, to file an appeal of any appealable action on a coastal development permit or claim for exemption for any development proposed to be located in county with delegated authority or a city within a county with delegated authority directly to a superior court of competent jurisdiction, in lieu of filing an appeal with the commission.

~~The California Coastal Act of 1976 establishes the California Coastal Commission and prescribes the membership and functions and duties of the commission with regard to the administration and implementation of the act.~~

~~This bill would make nonsubstantive changes in those provisions prescribing the membership of the commission.~~

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

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

1 SECTION 1. Chapter 6.5 (commencing with Section 30550)
2 is added to Division 20 of the Public Resources Code, to read:

3
4 CHAPTER 6.5. DELEGATION OF AUTHORITY TO A COUNTY
5

6 30550. (a) Notwithstanding any other law, a county containing
7 any portion of the coastal zone may petition a superior court of
8 competent jurisdiction to obtain a writ of mandate requiring the
9 authority of the commission over coastal permitting in the county
10 to be delegated to the county and the county to be the exclusive
11 agent for the purpose of enforcing state and federal coastal laws.
12 To obtain the writ, the county shall prove that it has the expertise,
13 financial capability, and experience to satisfactorily and fairly
14 execute this authority.

1 (b) A delegation of authority to a county pursuant to subdivision
2 (a) may be reversed by an appellate court if the appellate court
3 finds that the county has abused its discretion in exercising the
4 authority provided in subdivision (a) in a manner sufficient to
5 warrant a rescission.

6 30552. (a) Notwithstanding any other law, an applicant, or
7 any aggrieved person, as defined in Section 30801, may file an
8 appeal of any appealable action on a coastal development permit
9 or claim for exemption directly to a superior court of competent
10 jurisdiction, in lieu of filing an appeal with the commission
11 pursuant to Section 30625, for any development proposed to be
12 located in either of the following:

13 (1) A county with delegated commission authority pursuant to
14 Section 30550.

15 (2) A city within a county with delegated commission authority
16 pursuant to Section 30550.

17 (b) Section 30802 shall not apply to an appeal filed pursuant
18 to this section.

19 30554. The provisions of this chapter apply only to the extent
20 permitted under federal law.

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

23 30301. ~~The commission shall consist of the following 15~~
24 ~~members:~~

25 ~~(a) The Secretary of the Natural Resources Agency.~~

26 ~~(b) The Secretary of Transportation.~~

27 ~~(c) The Chairperson of the State Lands Commission.~~

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

31 ~~(e) Six representatives selected from six coastal regions. The~~
32 ~~Governor shall select one member who is from the north coast~~
33 ~~region and one member who is from the south central coast region.~~
34 ~~The Speaker of the Assembly shall select one member who is from~~
35 ~~the central coast region and one member who is from the San Diego~~
36 ~~coast region. The Senate Committee on Rules shall select one~~
37 ~~member who is from the north central coast region and one member~~
38 ~~who is from the south coast region. For purposes of this division,~~
39 ~~these regions are defined as follows:~~

- 1 ~~(1) The north coast region consists of the Counties of Del Norte,~~
2 ~~Humboldt, and Mendocino.~~
- 3 ~~(2) The north central coast region consists of the Counties of~~
4 ~~Sonoma and Marin and the City and County of San Francisco.~~
- 5 ~~(3) The central coast region consists of the Counties of San~~
6 ~~Mateo, Santa Cruz, and Monterey.~~
- 7 ~~(4) The south central coast region consists of the Counties of~~
8 ~~San Luis Obispo, Santa Barbara, and Ventura.~~
- 9 ~~(5) The south coast region consists of the Counties of Los~~
10 ~~Angeles and Orange.~~
- 11 ~~(6) The San Diego coast region consists of the County of San~~
12 ~~Diego.~~