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

<table>
<thead>
<tr>
<th>BILL NUMBER:</th>
<th>AB 2616</th>
<th>AUTHOR:</th>
<th>Burke</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRO/AMEND DATE:</td>
<td>2.19.16 / 6.1.16</td>
<td>AUTHOR’S POLITICAL PARTY:</td>
<td>Democrat</td>
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<td>BILL STATUS:</td>
<td>Active - Assembly Floor</td>
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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.
8) FISCAL IMPACT ON THE COUNTY:

☐ Revenue Increase
☐ Revenue Decrease
☐ Cost Increase
☐ Cost Decrease
☐ Unfunded Mandate
☐ Undetermined

Additional Comments:

9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:

10) CSAC POSITION ON BILL:

☐ Support
☐ Oppose
☐ Support if Amended
☐ Oppose unless Amended
☐ Watch
☐ 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:

☐ Support
☐ Oppose
☐ Watch
☐ Recommend Support to Board*
☐ Recommend Opposition to Board*
☐ Send to Board with No Position* 
☐ Support if Amended
☐ Oppose unless Amended
☐ 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: jtony@countyofsb.org
ASSEMBLY THIRD READING
AB 2616 (Burke)
As Amended May 31, 2016
Majority vote

<table>
<thead>
<tr>
<th>Committee</th>
<th>Votes</th>
<th>Ayes</th>
<th>Noes</th>
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<tbody>
<tr>
<td>Natural Resources</td>
<td>6-2</td>
<td>Williams, Cristina Garcia,</td>
<td>Jones, Harper</td>
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<td></td>
<td></td>
<td>Gomez, McCarty, Mark Stone,</td>
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<td></td>
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<td>Wood</td>
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<td>Appropriations</td>
<td>13-6</td>
<td>Gonzalez, Bloom, Bonilla,</td>
<td>Bigelow, Chang, Gallagher,</td>
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<td>Bonta, Calderon, Eggman,</td>
<td>Jones, Obernolte, Wagner</td>
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<td>Eduardo Garcia, Roger</td>
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<td>Hernández, Holden, Quirk,</td>
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<td>Santiago, Weber, Wood</td>
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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
An act to amend Sections 30213, 30301, 30301, and 30604 of, and to repeal Section 30500.1 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.

State-mandated local program: no.

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

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

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

The commission shall not do either of the following:

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

(b) Establish or approve any method for the identification of 
low or moderate-income persons for the purpose of determining 
eligibility for overnight room rentals in any of those facilities.
SEC. 2.

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

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

(a) The Secretary of the Natural Resources Agency.

(b) The Secretary of Transportation.

(c) The Chairperson of the State Lands Commission.

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

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

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

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

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

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

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

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

(f) Three representatives of, and who work directly with, communities in the state that are most burdened by, and vulnerable to, high levels of pollution and issues of environmental justice, as defined in subdivision (e) of Section 65040.12 of the Government Code, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint one of these members.
SEC. 3. Section 30500.1 of the Public Resources Code is repealed.

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

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

(b) After certification of the local coastal program, a coastal development permit shall 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.

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

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

(e) No coastal development permit may be denied under this division on the grounds that a public agency is planning or contemplating to acquire the property, or property adjacent to the property, on which the proposed development is to be located, unless the public agency has been specifically authorized to acquire the property and there are funds available, or funds that could
reasonably be expected to be made available within one year, for
the acquisition. If a permit has been denied for that reason and the
property has not been acquired by a public agency within a
reasonable period of time, a permit may not be denied for the
development on grounds that the property, or adjacent property,
is to be acquired by a public agency when the application for such
a development is resubmitted.

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

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

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