



AB-250 State Coastal Conservancy: Lower Cost Coastal Accommodations Program. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Gonzalez Fletcher
(Coauthors: Assembly Members Chiu, Friedman, McCarty, and Mark Stone)
(Coauthors: Senators Atkins, Hertzberg, and Stern)

January 30, 2017

An act to amend Section 15853 of the Government Code, and to add [Section 30607.8 to, and to add Chapter 10](#) (commencing with Section 31411) to Division 21-~~of~~ *of*, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Gonzalez Fletcher. State Coastal Conservancy: Lower Cost Coastal Accommodations Program.

(1) Existing law establishes the State Coastal Conservancy in state government, and prescribes the membership and functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified coastal lands in the coastal zone, as defined. *Existing law establishes the California Coastal Commission, and prescribes the commission's duties with regard to, among other things, the review and issuance of coastal development permits for development within the coastal zone, as defined. Existing law authorizes the commission to charge various in-lieu fees to an applicant for a coastal development permit and use those fees for certain purposes related to coastal protection and preservation.*

This bill would require the conservancy to develop and implement a specified Lower Cost Coastal Accommodations Program intended to facilitate improvement of existing, and development of new, lower cost accommodations within 11/2 miles of the coast. The bill would require the conservancy to take specified actions to develop and implement the program, as prescribed. The bill would require the conservancy to prepare a lower cost coastal accommodations assessment containing specified information relating to specific opportunities to

improve existing, and generate new, lower cost coastal accommodations, and to update the assessment not less than every 5 years. The bill would also authorize the conservancy to develop and implement a pilot program for the purposes of identifying and testing measures that support development, improvement, maintenance, and the operation of lower cost coastal accommodations by nonprofit or for-profit private entities, and would require the conservancy to establish criteria for the selection of projects to be included in the pilot program. *The bill would authorize the commission to reclaim any in-lieu fee, as defined, that has not been expended within 7 years of its deposit with the appropriate entity, and reassign any such fee for use for one or more lower cost coastal accommodation and visitor-serving facilities projects, as described, if the executive director of the commission makes a specified written determination that the in-lieu fee will be better utilized by the reassignment to those projects, as specified.*

(2) Existing law authorizes the State Public Works Board to select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lesser right or interest in any real property necessary for any state purpose or function. Existing law requires that all land and other real property to be acquired by or for any state agency, except for specified state agencies including the State Coastal Conservancy with respect to acceptance of offers to dedicate public accessways made pursuant to the California Coastal Act of 1976, be acquired by the state board.

This bill would exempt land acquired by the conservancy for the purposes of the program from that requirement.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 15853 of the Government Code is amended to read:

15853. (a) The board may select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lesser right or interest in any real property necessary for any state purpose or function.

(b) If moneys are appropriated by the Budget Act for any fiscal year or by any other act for the acquisition of land or other real property, either (1) subject to this part or (2) for any state agency for whom property is acquired by the board, the moneys and acquisitions are subject to this part and the moneys shall be expended in accordance with this part, notwithstanding any other law.

(c) Notwithstanding any other law, all land and other real property to be acquired by or for any state agency, other than the Department of Transportation, the Department of Water Resources, the State Reclamation Board, the Department of Fish and Game, the Wildlife Conservation Board, the Public Employees' Retirement System, the State Teachers' Retirement System, the Department of Housing and Community Development, the State Lands Commission, except for property to be acquired for the State Lands Commission pursuant to an appropriation from the General Fund, and the State Coastal Conservancy with respect to acceptance of offers to dedicate public accessways made pursuant to Division 20 (commencing with Section 30000), and for the purposes of Chapter 10 (commencing with Section 31411) of, the Public Resources Code, shall be acquired by the State Public Works Board in accordance with this part.

(d) (1) Notwithstanding subdivision (a), the board shall acquire, on behalf of and for the Department of Parks and Recreation, in accordance with this part, any interests in real property, including options to purchase, which have been appraised, selected, and settled through purchase negotiations by the Department of Parks and Recreation pursuant to subdivision (b) of Section 5006 of the Public Resources Code. Out of moneys appropriated for the acquisition of options to purchase, no more than ten thousand dollars (\$10,000) may be expended for the acquisition of any single option unless otherwise provided by the Legislature.

(2) Notwithstanding Section 15854, purchase negotiations for interests in real property for the state park system pursuant to subdivision (d) of Section 5006 of the Public Resources Code shall be initiated within six months of the effective date of the act that appropriates funds for the acquisition. Purchase negotiations on all projects not proposed pursuant to subdivision (d) of Section 5006 of the Public Resources Code shall be initiated within 12 months of the effective date of the act appropriating funds for the acquisition. Either title shall be conveyed or a written agreement to transfer title shall be executed within the appropriate authorization period unless the Department of Parks and Recreation formally abandons the acquisition prior to the conclusion of the appropriate authorization period. For the purposes of this section, in order for the Department of Parks and Recreation to

"formally abandon" an acquisition, it shall transmit written notification to the board of its intent not to proceed with the acquisition.

(3) The board, at any time during the periods specified in paragraph (2), may commence condemnation proceedings if it finds it to be appropriate. However, if, during the appropriate authorization period, title is not conveyed or a written agreement to transfer title is not signed, the acquisition has not been formally abandoned, or condemnation proceedings have not been commenced, the Department of Parks and Recreation shall notify, by letter, the chair of the committee in each house of the Legislature that considers appropriations, the Chair of the Joint Legislative Budget Committee, and the Members of the Legislature within whose district any part of the land or other real property is located of the status of the acquisition. For the purpose of this paragraph, condemnation proceedings shall be deemed to be commenced as of the date the board authorizes acquisition by condemnation.

(4) The board may schedule special meetings as are necessary to expedite the acquisition of options to purchase real property for the state park system.

(e) The board may acquire furnishings that the owner thereof agrees to sell and that are contained within improvements acquired by the board. Cost of acquisition of furnishings shall be charged to the appropriation available for acquisition of the real property.

(f) This section shall not apply to the acquisition of conservation easements made pursuant to the California Forest Legacy Program Act of 2007 (Division 10.5 (commencing with Section 12200) of the Public Resources Code).

SEC. 2. *Section 30607.8 is added to the Public Resources Code, to read:*

30607.8. *(a) The commission shall, when assessing or directing the use of any reclaimed in-lieu fees for any coastal development project, consider the lower cost coastal accommodations assessment required to be prepared pursuant to subdivision (a) of Section 31413.*

(b) (1) The commission may reclaim any in-lieu fee assessed that has not been expended within seven years of the date of its deposit with the appropriate entity, and reassign any such fee for use for one or more projects that are consistent with Section 30213, including lower cost coastal accommodations funded under Chapter 10 (commencing with Section 31411), if the executive director makes a written determination that the original intent of the in-lieu fee will be better utilized by the reassignment to those projects.

(2) This subdivision is not intended, and shall not be construed, to authorize the commission to alter or abrogate coastal development permit conditions in a manner that would violate a provision of this division or any other law.

(c) For purposes of this section, "in-lieu fee" means any fee paid as a condition for issuance of a coastal development permit to mitigate impacts associated with the development of lower cost coastal visitor-serving projects.

SEC. 2. **SEC. 3.** Chapter 10 (commencing with Section 31411) is added to Division 21 of the Public Resources Code, to read:

CHAPTER 10. Lower Cost Coastal Accommodations Program

31411. The Legislature finds and declares all of the following:

(a) The right of access to the coast is guaranteed to the people of California by the California Constitution and the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)), which requires that coastal development be regulated, and public access rights to our state's beaches be protected.

(b) California's Parks Forward Commission has emphasized the need to expand access to parks and public lands throughout California to ensure that all Californians and visitors to the state, including those from low-income and underserved communities, are able to benefit from outdoor experiences.

(c) Lower cost accommodations, including hotels, motels, hostels, cabins, and camping opportunities, are essential elements of coastal and park access because they enable Californians and visitors from a variety of backgrounds, including those of low and moderate income, to enjoy California's beaches and parks and experience the full range of recreational, educational, spiritual, and other experiences offered.

(d) A lack of affordable accommodations remains a barrier to coastal access. California's historic supply of lower cost coastal accommodations has been reduced, and continues to be diminished, as a result of high coastal property values and economic pressures to develop new coastal accommodations that are too expensive to be affordable to most visitors.

(e) California should invest in new strategies and partnerships to improve the availability of lower cost accommodations along the coast, particularly for low-income and middle-income families. A strategic program to provide affordable accommodations in appropriate areas of our coastal parks and public lands can play an important role in improving public access to the coast. California should also support innovative pilot projects that enable the state to partner with nonprofit organizations and the private sector in order to provide coastal access.

31412. (a) The conservancy shall develop and implement a Lower Cost Coastal Accommodations Program to facilitate improvement of existing, and the development of new, lower cost accommodations within one and one-half miles of the coast. In implementing the program, the conservancy may undertake projects and award grants, and shall be guided by the lower cost accommodations assessment required to be developed pursuant to Section 31413.

(b) The program shall include both of the following:

(1) Clear and measurable objectives.

(2) Implementation measures designed to ensure that new or improved accommodation projects supported by the program will be affordable and available to low-income and middle-income families and to nonprofit organizations and public entities that provide young or at-risk populations with education, service learning, healthy living, recreational, or similar opportunities.

(c) The conservancy shall take all of the following actions to develop and implement the program:

(1) Consult with the Department of Parks and Recreation, the California Coastal Commission, local and regional park agencies, open-space districts, and other public agencies regarding development of the accommodations assessment and selection and funding of specific projects to improve existing and new lower cost coastal accommodations.

(2) Engage with parks, conservation, and community groups to ensure that program activities reflect and address community needs and interests.

(3) Provide the department, commission, and other interested agencies and organizations with copies of the completed assessment, as well as technical assistance upon request, for purposes of informing their potential investments in lower cost accommodations along the coast.

~~(d)(1) Any in lieu fees assessed for lower cost accommodations that were assessed but not expended for those accommodations by January 1, 2018, may be expended, upon appropriation by the Legislature or allocation to the conservancy by a local public agency, by the conservancy, to the extent feasible, for projects that meet the criteria for prioritizing investments developed pursuant to paragraph (4) of subdivision (a) of Section 31413.~~

~~(2) For purposes of this subdivision, "in lieu fee" means a fee paid to a state or local public agency as a condition for issuance of a coastal development permit.~~

31413. (a) The conservancy shall prepare a lower cost coastal accommodations assessment that includes, at a minimum, all of the following elements:

(1) (A) A description of specific opportunities to improve existing and develop new lower cost accommodations on coastal public lands and coastal lands owned or operated by nonprofit organizations, including a list of potentially suitable sites for the location of these accommodations.

(B) For purposes of the description required by this paragraph, all of the following shall apply:

(i) Lands may include, but are not limited to, state, regional, and local parks, lands held by harbor or open space districts, lands owned by the public but not yet designated as parks, lands owned by nonprofit organizations, and national parks and other federally managed lands.

(ii) Qualifying accommodations may include, but are not limited to, campgrounds, cabins, and hostels.

(iii) A site for potential lower cost accommodations shall not be included in the assessment without consultation from the agency or nonprofit organization that owns or operates the site. A site shall not be included in the assessment if so requested by the entity that owns or operates the site.

(2) An analysis of daily occupancy or rental rates, based on geographic location, seasonality, and other relevant factors, that the conservancy will consider for purposes of identifying existing lower cost accommodations as well as potential future projects for program support. Any analysis developed pursuant to this paragraph shall not be interpreted to conflict with any rights and responsibilities of the Department of Parks and Recreation to establish rental rates or fees for accommodations within its jurisdiction.

(3) Data and analysis regarding the existing supply of and need for lower cost coastal accommodations within the program area, ~~as well as an analysis of~~ *anticipated costs of new project development*, and the supply of lower cost accommodations relative to population within 150 miles of the California coast.

(4) Criteria for prioritizing investment of program funds in lower cost accommodation projects, such as any applicable legal requirements that may apply to those funds, geography, the vulnerability of potential projects to sea level rise or coastal hazards, existing disparities in park or coastal access, availability of public agency or nonprofit partners, adequacy of existing infrastructure and services, and financial feasibility.

(5) A description of needed and anticipated measures to ensure that accommodation projects that may be supported by the program will be consistent with the purposes described in paragraph (2) of subdivision (b) of Section 31412.

(6) A list of appropriate public and private funding sources and potential financing mechanisms to support development and operation of lower cost accommodation projects.

(b) (1) The conservancy shall update the assessment not less than every five years, and maintain a current list of potential lower cost accommodation projects that may be implemented, subject to available funding.

(2) Each five-year update of the assessment shall include an evaluation of the conservancy's implementation of the program over the preceding five years, and shall describe any recommended changes that may be needed to improve the program's effectiveness.

31414. (a) The conservancy may develop and implement a pilot program for the purposes of identifying and testing measures that support development, improvement, maintenance, and operation of lower cost accommodations by nonprofit or for-profit private entities. The conservancy shall establish criteria for selection of projects that are eligible to receive assistance under the pilot program.

(b) In carrying out a pilot program, the conservancy may do all of the following:

(1) Purchase existing lower cost accommodations from willing sellers and operate those accommodations through leases or operating agreements with qualified regional or local park agencies, concessionaires, or nonprofit organizations.

(2) Purchase existing accommodations from willing sellers and resell them to willing buyers, including private entities.

(3) Provide loans, grants, or other financial assistance to private entities for purposes of acquiring or improving accommodations.

(c) (1) Any project or transaction undertaken pursuant to this section shall be subject to terms and conditions prescribed by the conservancy to ensure that the project or transaction advances the purposes of the program, is based upon the economic soundness of the project itself, and provides a reasonable expectation that all financial obligations of the project can be met by participating parties.

(2) Any sale of real property to a private entity pursuant to this section shall be subject to deed restrictions or other legally enforceable instruments that require the property to be used for the provision of lower cost coastal accommodations for at least 30 years following the date of sale.

(3) Any purchase of property by the conservancy pursuant to this chapter shall not be subject to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

(d) For purposes of this section, accommodations may include, but are not limited to, campgrounds, cabins, hostels, limited stay recreational vehicle parks, motels, and hotels, but shall not include private residences.

