

State of California
Office of Administrative Law

RECEIVED
JUL 17 2017

In re:
California Coastal Commission

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

Regulatory Action:

California Code of Regulations, Title 1,
Section 100

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 13055

Repeal sections:


OAL Matter Number: 2017-0531-03

OAL Matter Type: Nonsubstantive (N)

The California Coastal Commission submitted this action amending section 13055 of Title 14, to adjust the fees for permit applications and other filings as prescribed in section 13055(c). The Consumer Price Index for Urban Consumers base year for calculations is 2008. For the 2017 - 2018 fiscal year increase, the change is 16.7%, as determined by the State of California, Office of the Director - Research Unit, Consumer Price Index Calculator.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: July 13, 2017


Beverly J. Johnson
Deputy Director

For: Debra M. Cornez
Director

Original: Peter Douglas
Copy: Robin Mayer

NONSUBSTANTIVE

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|-------------------------|---------------------------------|--|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER 2017-0531-03N | EMERGENCY NUMBER |
|-------------------------|---------------------------------|--|------------------|

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUL 13 2017

1:48 PM

2017 MAY 31 P 3:17
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

| | |
|--|-----------------------------|
| AGENCY WITH RULEMAKING AUTHORITY California Coastal Commission | AGENCY FILE NUMBER (if any) |
|--|-----------------------------|

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|--|---------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | ACTION ON PROPOSED NOTICE | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|--|
| 1a. SUBJECT OF REGULATION(S) Permit application fee, annual increase | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-0613-03, 2015-0629-01 |
|---|--|

| | |
|---|-------------------------------|
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 13055(a),(b),(e),(f) |
| TITLE(S) 14 | REPEAL |

| | | | |
|--|--|---|--|
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input type="checkbox"/> Other (Specify) _____ | | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

| | | | |
|---|--|--|--|
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) | | | |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input type="checkbox"/> Effective on filing with Secretary of State | <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) _____ |

| | | | |
|--|--|---|--|
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY | | | |
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal | |
| <input type="checkbox"/> Other (Specify) _____ | | | |

| | | | |
|----------------------------------|------------------------------------|-----------------------|---|
| 7. CONTACT PERSON Robin Mayer | TELEPHONE NUMBER (415) 904-5220 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) robin.mayer@coastal.ca.gov |
|----------------------------------|------------------------------------|-----------------------|---|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|----------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE | DATE May 26, 2017 |
| TYPED NAME AND TITLE OF SIGNATORY Susan Hansch, Chief Deputy Director | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 13 2017

Office of Administrative Law

| |
|---|
| Barclays Official California Code of Regulations <small>Currentness</small> |
| Title 14. Natural Resources |
| Division 5.5 California Coastal Commission [FNA1] |
| Chapter 5. Coastal Development Permits Issued by Coastal Commissions |
| Subchapter 1. Regular Permits |
| Article 4. Schedule of Filing Fees for Processing Permit Applications and Other Filings |

14 CCR § 13055

§ 13055. Fees.

(a) Filing fees for processing coastal development permit applications shall be as follows:

(1) ~~\$2,833~~\$2,918 for any development qualifying for an administrative permit.

(2) (A) For up to 4 detached, single-family residences the fee for each residence shall be based on the square footage of the proposed residence as shown in the following table:

| <i>Square Footage of Proposed Residence</i> | <i>Fee</i> |
|---|-----------------------------------|
| 1500 or less | \$3,399 <u>\$3,501</u> |
| 1501 to 5000 | \$5,099 <u>\$5,252</u> |
| 5001 to 10,000 | \$6,798 <u>\$7,002</u> |
| 10,001 or more | \$8,498 <u>\$8,753</u> |

(B) For more than 4 detached, single-family residences, the fee shall be as follows:

1. For residences of 1500 square feet or less, the fee shall be ~~\$16,995~~\$17,505 or ~~\$1,133~~\$1,167 per residence, whichever is greater, but not to exceed ~~\$113,300~~\$116,700;

2. For residences of 1501 to 5000 square feet, the fee shall be ~~\$25,493~~\$26,258 or ~~\$1,700~~\$1,751 per residence, whichever is greater, but not to exceed ~~\$113,300~~\$116,700;

3. For residences of 5001 to 10,000 square feet, the fee shall be ~~\$33,990~~\$35,010 or ~~\$2,266~~\$2,334 per residence, whichever is greater, but not to exceed ~~\$113,300~~\$116,700;

4. For residences of 10,001 or more square feet, the fee shall be ~~\$42,488~~\$43,763 or ~~\$2,833~~\$2,918 per residence, whichever is greater, but not to exceed ~~\$113,300~~\$116,700.

For developments that include residences of different sizes, the fee shall be based upon the average square footage of all the residences.

(C) As used herein, the term "square footage" includes gross internal floor space of the main house and attached garage(s), plus any detached structures (e.g., guest houses, detached bedrooms, in-law units, garages, barns, art studios, tool sheds, and other outbuildings.)

(3) (A) For up to 4 attached residential units the fee shall be ~~\$8,498~~\$8,753.

(B) For more than 4 attached residential units, the fee shall be ~~\$11,330~~\$11,670 or ~~\$850~~\$875 per unit, whichever is greater, but not to exceed ~~\$56,650~~\$58,350.

(4) All projects that include more than 50 cubic yards of grading shall be subject to an additional fee as shown on the following table:

| <i>Cubic Yards of Grading</i> | <i>Fee</i> |
|-------------------------------|-------------------------------------|
| 51 to 100 | \$567 <u>\$584</u> |
| 101 to 1000 | \$1,133 <u>\$1,167</u> |
| 1001 to 10,000 | \$2,266 <u>\$2,334</u> |
| 10,001 to 100,000 | \$3,399 <u>\$3,501</u> |
| 100,001 to 200,000 | \$5,665 <u>\$5,835</u> |
| 200,001 or more | \$11,330 <u>\$11,670</u> |

This fee does not apply to residential projects that qualify for administrative permits.

(5) For office, commercial, convention, or industrial (including energy facilities as defined in Public Resources Code section 30107) development, and for all other development not otherwise identified in this section, the fee shall be based upon either the gross square footage as shown in (5)(A) or the development cost as shown in (5)(B) whichever is greater.

(A) Fees based upon gross square footage shall be as follows:

\$100,000,001 or more

~~\$283,250~~\$291,750

2. As used herein, the term "development cost" includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

(6) ~~\$1,133~~\$1,167 for immaterial amendments to coastal development permits, and fifty percent (50%) of the permit fee that would currently apply to the permitted development for material amendments to coastal development permits.

(7) ~~\$1,133~~\$1,167 for emergency permits. A fee paid for an emergency permit shall be credited toward the fee charged for the follow-up coastal development permit.

(8) ~~\$2,833~~\$2,918 for temporary events that require a permit, unless the application is scheduled on the administrative calendar, in which case the fee shall be ~~\$1,133~~\$1,167.

(b) Filing fees for filings other than coastal development permit applications shall be as follows:

(1) (A) ~~\$567~~\$584 for either an extension or reconsideration of coastal development permit for a single-family dwellings.

(B) ~~\$1,133~~\$1,167 for an extension or reconsideration of any other coastal development permit.

(2) ~~\$567~~\$584 for a "de minimis" waiver of a coastal development permit application pursuant to Public Resources Code section 30624.7 and for a waiver pursuant to sections 13250(c) and 13253(c) of this title.

(3) ~~\$283~~\$292 for any written confirmation of exemption from permit requirements of Public Resources Code section 30600.

(4) ~~\$1,133~~\$1,167 for any continuance requested by the applicant, except the first continuance.

(5) The filing fee for:

(A) any certification of consistency that is submitted to the Commission pursuant to sections 307(c)(3)(A) or (B) of the Coastal Zone Management Act of 1972 (16 USC section 1456(c)(3)(A), (B)), or

(B) any appeal to the Commission pursuant to Public Resources Code sections 30602 or 30603(a)(5) by an applicant of a denial of a coastal development permit application shall be determined in accordance with the provisions of subsection (a).

(6) The request for a boundary determination pursuant to either section 13255.1 or 13576(c) shall be accompanied by a filing and processing fee of ~~\$283~~\$292. For a request for a boundary determination pursuant to section 13255.1 or

| <i>Square Footage of Proposed Development</i> | <i>Fee</i> |
|---|-------------------------------------|
| 1000 or less | \$5,665 <u>\$5,835</u> |
| 1001 to 10,000 | \$11,330 <u>\$11,670</u> |
| 10,001 to 25,000 | \$16,995 <u>\$17,505</u> |
| 25,001 to 50,000 | \$22,660 <u>\$23,340</u> |
| 50,001 to 100,000 | \$33,990 <u>\$35,010</u> |
| 100,001 or more | \$56,650 <u>\$58,350</u> |

(B)1. Fees based upon development cost shall be as follows:

| <i>Development Cost</i> | <i>Fee</i> |
|-------------------------------|---------------------------------------|
| \$100,000 or less | \$3,399 <u>\$3,501</u> |
| \$100,001 to \$500,000 | \$6,798 <u>\$7,002</u> |
| \$500,001 to \$2,000,000 | \$11,330 <u>\$11,670</u> |
| \$2,000,001 to \$5,000,000 | \$22,660 <u>\$23,340</u> |
| \$5,000,001 to \$10,000,000 | \$28,325 <u>\$29,175</u> |
| \$10,000,001 to \$25,000,000 | \$33,990 <u>\$35,010</u> |
| \$25,000,001 to \$50,000,000 | \$56,650 <u>\$58,350</u> |
| \$50,000,001 to \$100,000,000 | \$113,300 <u>\$116,700</u> |

13576(c)(2) that pertains to two or more parcels, the fee shall be paid on a per parcel basis.

(7) The request for a boundary adjustment pursuant to section 13255.2 shall be accompanied by a filing and processing fee of ~~\$5,665~~\$5,835.

(c) The fees established in this section shall be increased annually by an amount calculated on the basis of the percentage change from the year in which this provision becomes effective in the California Consumer Price Index for Urban Consumers as determined by the Department of Industrial Relations pursuant to Revenue and Taxation Code Section 2212. The increased fee amounts shall become effective on July 1 of each year. The new fee amounts shall be rounded to the nearest dollar.

(d) Fees for an after-the-fact (ATF) permit application shall be five times the amount specified in section (a) unless such added increase is reduced by the Executive Director when it is determined that either:

(1) the ATF permit application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or

(2) the owner did not undertake the development for which the owner is seeking the ATF permit,

but in no case shall such reduced fees be less than double the amount specified in section (a) above. For applications that include both ATF development and development that has not yet occurred, the ATF fee shall apply only to the ATF development. In addition, payment of an ATF fee shall not relieve any persons from fully complying with the requirements of Division 20 of the Public Resources Code or of any permit granted thereunder or from any penalties imposed pursuant to Chapter 9 of Division 20 of the Public Resources Code.

(e) Where a development consists of a land division including, but not limited to, lot line adjustments or issuance of a conditional certificate of compliance pursuant to Government Code section 66499.35(b), the fee shall be ~~\$3,399~~\$3,501 for each of the first four lots, plus ~~\$1,133~~\$1,167 for each additional lot. Conversion to condominiums shall be considered a division of the land.

(f) If different types of developments are included in one permit application, the fee shall be the sum of the fees that would apply if each development was proposed in a separate application. However, in no case shall the fee for residential development exceed ~~\$113,300~~\$116,700 and in no case shall the fee for all other development exceed ~~\$283,250~~\$291,750.

(g) In addition to the above fees, the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in processing the permit application, including the costs of providing public notice. Notwithstanding the foregoing, the commission shall not require an applicant for a permit for one single-family dwelling to reimburse it for litigation costs or fees that the commission may incur in defending a judicial challenge to the commission's approval of the permit.

(h) The fees specified in sections (a) and (b) may be modified under the following circumstances:

(1) The executive director shall waive the application fee where requested by resolution of the commission.

(2) The executive director of the commission shall waive the filing and processing fee in full or in part for an application

for a housing development that contains housing units the occupancy of which by persons of low or moderate income as defined in Health and Safety Code section 50093 is assured for the period of time specified in Government Code section 65915(c)(1). Applications for projects that will create a greater public benefit will have a larger portion of the fee waived than applications for projects that will create a lesser public benefit. The executive director will determine the degree of public benefit based on a variety of factors, including, but not limited to (A) the total number of affordable units, (B) the proportion of affordable units in the development, (C) the degree of affordability, and (D) the availability of, and demand for, affordable units in the area. Applications for projects that will exceed current requirements for affordable housing under the law will receive a larger fee waiver than applications for projects which do not.

(3) For applications received prior to January 1, 2015, the executive director of the Commission shall reduce the filing fee for projects that are certified at a minimum of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Gold standard or equivalent. The executive director shall determine if an alternative certification is equivalent to the LEED Gold standard based on a comprehensive review of the certification program's ability to ensure an equivalent or greater environmental benefit. After registering a project with an approved third-party certification program, applicants expecting to obtain a certification that qualifies for the above-mentioned fee reduction must submit 60% of the filing fee required pursuant to section 13055 and a letter of credit or other cash substitute approved by the executive director in the amount of the remainder of the required filing fee. After submitting proof of certification at a minimum of LEED Gold or equivalent, the letter of credit or other cash substitute will be released by the Commission to the applicant. If the applicant does not receive a minimum of LEED Gold certification or equivalent within three years of the date of permit issuance, the Commission will cash the letter of credit or other cash substitute. The executive director may grant an extension of the three year deadline for good cause. Request for extension must be submitted to the executive director in writing at least 60 days prior to the deadline, outlining the reason for the request and the expected completion date. The extension shall not exceed one year.

(i) The required fee shall be paid in full at the time an application is filed. However, applicants for an administrative permit shall pay an additional fee after filing if the executive director or the commission determines that the application cannot be processed as an administrative permit. The additional fee shall be the amount necessary to increase the total fee paid to the regular fee. The regular fee is the fee determined pursuant to this section. In addition, if the executive director or the commission determines that changes in the nature or description of the project that occur after the initial filing result in a change in the amount of the fee required pursuant to this section, the applicant shall pay the amount necessary to change the total fee paid to the fee so determined. If the change results in a decreased fee, a refund will be due only if no significant staff review time has been expended on the original application. If the change results in an increased fee, the additional fee shall be paid before the permit application is scheduled for hearing by the commission. If the fee is not paid prior to commission action on the application, the commission shall impose a special condition of approval of the permit. Such special condition shall require payment of the additional fee prior to issuance of the permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30620(c) and ~~30253~~, Public Resources Code.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment of subsections (a) and (b) filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
3. Amendment of subsection (d) filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).
4. Amendment filed 5-30-91 as an emergency; operative 5-30-91 (Register 91, No. 31). A Certificate of Compliance must be transmitted to OAL by 9-27-91 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 5-30-91 order transmitted to OAL 9-18-92 and filed 10-21-92 (Register 92, No. 43).

6. Amendment filed 9-20-99; operative 10-20-99 (Register 99, No. 39).
7. Amendment of article heading, section and Note filed 3-14-2008; operative 3-14-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 11).
8. Editorial correction of subsection (a)(5)(B)(1) (Register 2008, No. 18).
9. Change without regulatory effect amending section filed 8-14-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 33).
10. Change without regulatory effect amending section filed 8-6-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 32).
11. Change without regulatory effect amending section filed 8-7-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 32).
12. Change without regulatory effect amending section filed 8-4-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 32).
13. Change without regulatory effect amending section filed 7-25-2016 pursuant to section 100, title 1, California Code of Regulations (Register 2016, No. 31).

This database is current through 5/5/17 Register 2017, No. 18

14 CCR § 13055, 14 CA ADC § 13055

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