

CALIFORNIA COASTAL COMMISSION

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APPEAL INFORMATION SHEET LOCAL COASTAL PROGRAM DEVELOPMENT PERMITS

Please read this information before completing the appeal application - Appeal from Coastal Development Permit Decision of Local Government with Certified Local Coastal Program.

Appeals to the Coastal Commission from local government decisions on coastal development permit applications are limited to certain types of decisions. The information below outlines the limitations and also describes the requirements for filing appeals. Please note, these procedures do not apply to appeals of decisions by the City of Los Angeles. (See 14 Cal. Code Regs. §§ 13315-13325 regarding appeals of decisions by the City of Los Angeles.)

Time Frame for Filing an Appeal. An appeal must be filed by 5:00 P.M. of the 10th working day after a sufficient local government notice of final action on the permit application was received by the Commission. (14 Cal. Code Regs § 13111(c).) The appeal must be filed in the Commission district office having jurisdiction over the affected local government. The final date for filing appeal is available from the local permit decision notices posted in the Commission's offices and may also be obtained by calling the local Commission district office.

Persons Eligible to Appeal. The applicant, any aggrieved person or any two members of the Commission may appeal. (Public Resources Code § 30625.) An "aggrieved person", is any person who, in person or through a representative, appeared at a public hearing of the local government in connection with the decision being appealed, or who, by other appropriate means prior to a hearing, informed the local government of the nature of his/her concerns or who for good cause was unable to do either. (Public Resources Code § 30801.)

Decisions Which May Be Appealed. (Public Resources Code § 30603)

- A. Within the geographical appeals area specified in Public Resources Code Section 30603, any approval decision is appealable. These areas are usually shown on Commission-adopted Permit and Appeal jurisdiction maps, although the maps may not necessarily be complete or up-to-date.
- B. In unincorporated areas of the Coastal Zone, an approval decision on a development that is not designated as the principal permitted use under the certified zoning ordinance, or zoning district map, is appealable.
- C. Any decision on a major works project or major energy facility is appealable.

Proper Grounds for an Appeal. (Public Resources Code § 30603)

- A. For appeals challenging a project approval, the grounds for an appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in the Coastal Act.
- B. For appeals challenging the denial of a permit for a major public works project or a major energy facility, the grounds for an appeal shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies of the Coastal Act.

Exhaustion of Local Appeals. Pursuant to 14 Cal. Code Regs. Sections 13111 and 13573, the process of appealing a local decision to the Commission cannot begin until all possible appeals to local appellate bodies first have been made and have been exhausted; except that exhaustion of local appeals is not required if any of the following occur:

- A. The local government requires an appellant to appeal to more local appellate bodies than have been certified in the implementation section of the local coastal program as appellate bodies for permits in the coastal zone.
- B. An appellant was denied the right of initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.
- C. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of 14 Cal. Code Regs. §§ 13560-13573.
- D. The local government charges a fee for the filing of processing of appeals.

Appellant Notification of Appeals. Section III of the appeal application form is for the identification of persons interested in the project being appealed. An additional important step is that the appellant notify these persons **and** the local government of the appeal filing, within one week of the filing. Notification must be by mailing or delivering a copy of the completed appeal application form, including any attachments, to all interested parties, at the addresses provided to the local government. Unwarranted failure to provide the required notification may be grounds for Commission dismissal of the appeal. (14 Cal. Code Regs. § 13111(d).)

Commission Review of an Appeal. If the Commission hears a coastal development permit on appeal, the Commission shall approve the permit if it finds that the proposed development is in conformity with the certified local coastal program (Public Resources Code § 30604(b).) Furthermore, 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 such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. (Public Resources Code § 30604(c).)