

## CALIFORNIA COASTAL COMMISSION

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# Appendix B: Examples and Citations for Some Recommendations and Suggestions

## Section I. Local Coastal Permit Requirements

### *A. Determine if a Proposed Project Is Within Local Permitting Jurisdiction*

#### 1. Recommendation: Clarify Permit Jurisdiction

**Update the IP to include a basic statement of responsibility to issue coastal permits, if not already included.**

***EXAMPLE:*** *Certified IP text:*

#### *13.1. PURPOSE AND INTENT*

*The purpose and intent of this Chapter is to establish the process for the review of all development within the coastal zone of the City of Malibu to ensure that it will be consistent with the provisions of the City of Malibu Local Coastal Program, the California Coastal Act and the California Code of Regulations Title 14 Division 5.5.*

#### *13.2. APPLICABILITY*

*All properties within the City of Malibu are located within the coastal zone as defined in the California Coastal Act and are subject to the provisions of this Chapter. Where the standards or procedures described in this Chapter for issuing Coastal Development Permits conflict with any other permit procedures in the City's General Plan or other City-adopted plan, resolution or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and other plans, resolutions or ordinances, the standards or procedures described herein shall take precedence.*

#### *13.3. PERMIT REQUIRED.*

*A. Except as otherwise provided in this Chapter, any person wishing to perform or undertake any development in the coastal zone... shall*

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>, click on Chapter 13.*

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*obtain a coastal development permit in accordance with the provisions of this Chapter. Development undertaken pursuant to a coastal development permit shall conform to the plans, specification, terms and conditions of the permit. The requirements for obtaining a coastal development permit shall be in addition to requirements to obtain any other permits or approvals required by other city ordinances or codes or from any state, regional or local agency. Subsequent to the certification of the LCP, the City shall immediately assume coastal development permitting authority....*

**2. Additional Updates, Procedures and Practices to Consider**

**a. Clarify the process for determining whether a proposed project is within the area of the coastal zone where coastal permit authority has been delegated to a local government.**

**Reference or quote Coastal Act § 30519 and corresponding Code of Regulations § 13577.**

**CITATION:** *Coastal Act § 30519:*

*(a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the [Coastal] commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.*

*(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.*

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CITATION: Code of Regulations § 13577, excluding last subsection (i)(c) which applies to the Coastal Commission, not local government:

*For purposes of Public Resources Code Sections 30519, 30600.5, 30601, 30603, and all other applicable provisions of the Coastal Act of 1976, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:*

(a) *Streams. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. For purposes of this section, channelized streams not having significant habitat value should not be considered.*

(b) *Wetlands.*

(1) *Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:*

(A) *the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*

(B) *the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*

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(C) *in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.*

(2) *For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:*

(A) *the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and*

(B) *there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.*

(c) *Estuaries. Measure 300 feet landward from the mean high tide line of the estuary. For purposes of this section, an estuary shall be defined as a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.*

(d) *Tidelands. Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.*

(e) *Submerged Lands. Submerged lands shall be defined as lands which lie below the line of mean low tide.*

(f) *Public Trust Lands. Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable*

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*lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time.*

(g) *Beaches. Measure 300 feet landward from the inland extent of the beach. The back beach, or dry beach, if it exists, shall be included. The inland extent of the beach shall be determined as follows:*

(1) *from a distinct linear feature (e.g., a seawall, road, or bluff, etc.);*

(2) *from the inland edge of the further inland beach berm as determined from historical surveys, aerial photographs, and other records or geological evidence; or*

(3) *where a beach berm does not exist, from the further point separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence.*

(h) *Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:*

(1) *those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and*

(2) *those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).*

*Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line*

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*along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.*

*(i) First Public Road Paralleling the Sea.*

*(1) The "first public road paralleling the sea" means that road nearest to the sea, as defined in Public Resources Code Section 30115, which:*

*(A) is lawfully open to uninterrupted public use and is suitable for such use;*

*(B) is publicly maintained;*

*(C) is an improved, all-weather road open to motor vehicle traffic in at least one direction;*

*(D) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and*

*(E) does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.*

*When based on a road designated pursuant to this section, the precise boundary of the permit and appeal jurisdiction shall be located along the inland right-of-way of such road.*

*(2) Whenever no public road can be designated which conforms to all provisions of (i)(1) above, and a public road does exist, which conforms to all provisions of (i)(1) except (i)(1)(v), the effect of designating the first public road paralleling the sea shall be limited to the following:*

*(A) all parcels between the Pacific Ocean and such other public road; and*

*(B) those parcels immediately adjacent of the sea inland of such other public road.*

**Include a reference to and a procedure for consulting the post-certification maps.**

**Include a procedure to ensure an accurate determination is made in cases where it is unclear where the precise boundaries fall on the ground.**

**b. Add an option to have the Coastal Commission act on coastal permits when the proposed project straddles the boundary between your jurisdiction and the Commission's.**

**c. Explain how to process a coastal permit when the Coastal Commission also has some jurisdiction over the same proposed development project.**

**d. Clarify the process for addressing subsequent projects on sites where the Coastal Commission has previously issued a coastal permit.**

**e. Address situations where local coastal permit authority is preempted.**

## ***B. Determine if a Proposed Project Is "Development"***

### **1. Recommendation: Clarify What Is Development**

**Update the IP to incorporate the Coastal Act § 30106 definition of development, if not already included:**

***CITATION:*** *Coastal Act § 30106:*

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes,*

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*kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).*

*As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.*

**2. Additional Updates, Procedures and Practices to Consider**

- a. Illustrate the definition of development with established determinations of what activities are development.**
- b. Specify a process for determining whether a proposed project is “development.”**
- c. Affirm that the definition of development applies to activities of other governmental agencies.**

***C. Determine if a Development Proposal is Exempt from Permit Requirements***

**1. Recommendation: Clarify Exemptions from Coastal Permits**

**Update the IP to incorporate Coastal Act §§30600(e) and 30610 lists of exemptions and requirements of corresponding California Code of Regulations §§ 13250-53 that are applicable to your jurisdiction, if not already included.**

***EXAMPLE:** Citations of Code of Regulations §§ 13250- 53 and Coastal Act §§ 30610 melded together, excluding §§13250(c) 13252(a)(3)(B) second part, 13252(c) and 13253(c) that apply to the Coastal Commission, not local government, with sources shown in brackets.*

*[Coastal Act § 30610] Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:*

*(a) **Improvements to existing single-family residences;** provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental*



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*effect and shall require that a coastal development permit be obtained pursuant to this chapter.*

*[referenced Code of Regulations§ 13250]. Improvements to Existing Single-Family Residences.*

*(a) For purposes of Public Resources Code section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:*

*(1) All fixtures and other structures directly attached to a residence;*

*(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and*

*(3) Landscaping on the lot.*

*(b) Pursuant to Public Resources Code section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:*

*(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.*

*(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;*

*(3) The expansion or construction of water wells or septic systems;*

*(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken*

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*pursuant to Public Resources Code section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.*

*(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.*

*(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.*

*[Coastal Act § 30610] (b) **Improvements to any structure other than a single-family residence** or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.*

*[referenced Code of Regulations§ 13253]. Improvements That Require Permits.*

*(a) For purposes of to Public Resources Code section 30610(b) where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:*

- (1) All fixtures and other structures directly attached to the structure.*
- (2) Landscaping on the lot.*

*(b) Pursuant to Public Resources Code section 30610(b), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect,*

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*adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:*

*(1) Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff;*

*(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area;*

*(3) The expansion or construction of water wells or septic systems;*

*(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code section 30610(b), and/or increase in height by more than 10 percent of an existing structure;*

*(5) In areas which the commission or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;*

*(6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit;*

*(7) Any improvement to a structure which changes the intensity of use of the structure;*

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*(8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.*

*[Coastal Act § 30610] (c) **Maintenance dredging of existing navigation channels** or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.*

*[Coastal Act § 30610] (d) **Repair or maintenance activities** that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.*

*[referenced Code of Regulations § 13252]. Repair and Maintenance of Activities Requiring a Permit.*

*(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:*

*(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:*

*(A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;*

*(B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;*

*(C) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or*

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*(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.*

*(2) Any method of routine maintenance dredging that involves:*

*(A) The dredging of 100,000 cubic yards or more within a twelve (12) month period;*

*(B) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or*

*(C) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.*

*(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*

*(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*

*(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials...*

*(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

*[Coastal Act Section 30610](g) (1) The **replacement of any structure**, other than a public works facility, **destroyed by a disaster**. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed*

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*structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.*

*(2) As used in this subdivision:*

*(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.*

*(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.*

*(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.*

*(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

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*(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).*

*[Coastal Act §30006(e)—no coastal permit is required for] .., except that notification by the agency or public utility performing any of the following projects shall be made to the [Coastal] commission within 14 days from the date of the commencement of the project:*

*(1) Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.*

*(2) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.*

## **2. Additional Updates, Procedures, and Practices to Consider**

**a. Include, define or reference specific statutory exemptions from coastal permit requirements for structural additions and repair and maintenance activities.**

**b. Explain which temporary events are exempt from coastal permit requirements.**

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**Include the text of or reference to the Coastal Commission's temporary events guidelines.**

*CITATION: Relevant excerpts from Coastal Commission's Temporary Events Guidelines:*

*For the context of this example, please see Coastal Commission memorandum "Regulation of Temporary Events in the Coastal Zone" at:*

*[http://www.coastal.ca.gov/la/docs/temp\\_events\\_guidelines.pdf](http://www.coastal.ca.gov/la/docs/temp_events_guidelines.pdf)*

*I.D.7 **Temporary event** which does not have any significant adverse impact upon coastal resources are excluded from permit requirements*

*II: Criteria for Exclusion from Permit Requirements*

*Except as provided in Section III below, the Executive Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria:*

- a) Are held between Memorial Day weekend and Labor Day; and*
- b) Occupy all or a portion of a sandy beach area; and*
- c) Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).*

*Only temporary events meeting all of the above criteria shall require coastal development permit review, however, the Executive Director may also exclude from permit requirements temporary events meeting all of the above criteria when:*

- d) The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or*
- e) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or*
- f) The event is less than one day in duration; or*
- g) The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.*

*III Executive Director or Commission Discretion to Require a Permit*

*The Executive Director, or the Commission through direction to the Executive Director, may determine that a temporary event shall be*



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*subject to coastal development permit review, even if the criteria in Section II are not met if the Executive Director or the Commission determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following:*

- a) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time.*
- b) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in Section V of these guidelines;*
- c) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;*
- d) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.*

*V. Definitions*

*For purposes of these guidelines, the following definitions shall apply:*

- a) “Temporary event(s)” means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use;*
- b) “limited duration” means a period time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis;*
- c) “Non-permanent structures” include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailer, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation*

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d) “exclusive use” means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through event itself.

e) “Coastal resources” include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

f) “Sandy beach area” includes publicly owned and privately owned sandy areas front on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

**Indicate how a “significant adverse impact upon coastal resources” would be determined.**

**Include a procedure for consulting with the Coastal Commission staff.**

**c. Define “replacement” for purposes of implementing the exemption due to disasters pursuant to Coastal Act § 30610(g).**

**d. Describe which emergency work is exempt from coastal permits pursuant to Coastal Act § 30006(e).**

**Include Code of Regulations § 13329 definition of the term “emergency.”**

***CITATION:*** Code of Regulations § 13329:

*“Emergency,” as used in Public Resources Code Section 30624, and in this article, means: a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.*

**Define the terms “immediate” and “necessary.”**

**e. Include or reference categorical exclusions from coastal permit requirements.**

**f. Include a limited exemption for abating nuisances.**

***D. Determine if a Proposed Project is Appealable to the Coastal Commission***

**1. Recommendation: Clarify if a Project Is Appealable**

**Update the IP to incorporate the Coastal Act § 30603(a) list of the**

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**categories for appealing a local decision to the Coastal Commission, if not already included:**

CITATION: Coastal Act § 30603 (a):

*After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:*

*(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.*

*(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

*(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.*

*(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map....*

*(5) Any development which constitutes a major public works project or a major energy facility.*

**For counties, update the IP to show only one principal permitted use in each zoning district.**

EXAMPLE: *Commission suggested modifications to excerpt from county's agricultural zoning district [see especially text in bold]:*

*For the purposes of Section 21.52.020(A)(3) and Public Resources Code 30603(a)(4), **the agriculture exclusive district uses listed under the principal permitted use section herein shall be considered as the principal permitted use in the California Coastal Zone. Variances and adjustments to the district's requirements and standards shall not be considered a principal permitted use for purposes of Section 21.52.020(A)(3) and Public Resources Code 30603(a)(4).***

*For the context of this example, please see the Commission staff reports at: <http://documents.coastal.ca.gov/reports/2009/10/W17b-10-2009.pdf> and <http://documents.coastal.ca.gov/reports/2009/10/W17b-10-2009-a2.pdf>*

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*The following regulations shall apply in all AE districts, subject to the provisions of Chapters 21.02 through 21.60. (Ord. 83-03 (part))*

**21.08.020 *The principal permitted use.***

***The principal permitted agriculture exclusive use entails all agricultural uses including horticulture, crop and tree farming, livestock farming and animal husbandry, including dairies, public and private stables, but excepting feed lots and accessory buildings and uses including barns, stables, greenhouses constructed without a slab or perimeter foundation, and other agricultural buildings. These respective uses are not appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4), but may be so appealed pursuant to other provisions of Section of PRC Section 30603.***

**21.08.025 *Other principally permitted uses.***

***Other principally permitted uses not requiring securement of a conditional use permit but which are appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) entail:***

*A. A farm dwelling with appurtenant uses including home occupations, and appurtenant accessory structures. A manufactured farm dwelling may be placed in lieu of a conventional farm dwelling; and*

*B. Farm quarters for up to five farm laborers employed full-time on the premises. Manufactured farm quarters may be placed in lieu of conventional farm dwelling units. (Ord. 2009-\_\_\_ § \_ (part))*

**21.08.030 *Uses permitted with a use permit.***

***Uses permitted with a use permit and appealable to the California Coastal Commission pursuant to Section 21.52.020(A) (3) and Public Resources Code (PRC) Section 30603(a)(4) shall be as follows:***

*A. Feed lots for the intensive raising of animals for commercial purposes;*

*B. Hog farming;*

*C. Produce sales stands, providing that the majority of the produce sold or offered for sale is grown on the premises;*

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*D. Farm quarters for six or more farm laborers employed full-time on the premises;*

*E. Animal husbandry services including veterinary clinics;*

*F. Greenhouses which are constructed with a slab or other foundation which will preclude the use of the underlying soil(s);*

*G. Home enterprises which are agricultural in nature.*

**2. Additional Updates, Procedures, and Practices to Consider**

**a. Clarify the process for determining if a proposed project is within your locality's geographic appeal jurisdiction.**

**b. Include a reference to or quote the definition of and procedure for determining what is a major public works or major energy facility.**

CITATION: *Coastal Act §30114 defines "public works" as:*

*(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.*

*(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities...*

*(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.*

*(d) All community college facilities.*

CITATION: *Coastal Act § 30107:*

*"Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.*

CITATION: *Code of Regulations § 13012:*

*(a) "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News*

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*Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. [Please note that these sections address emergency situations.]*

*(b)Notwithstanding the criteria in (a), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.*

**c. Clarify whether a coastal permit amendment or extension request is appealable.**

**d. Include a procedure for revising appeal determinations.**

***E. Resolve Disputes over Whether Permits Are Required or Appealable***

**1. Recommendation: Clarify How to Resolve Disputes over Whether Permits Are Required or Appealable**

**Update the IP to include a procedure for resolving disputes consistent with Code of Regulation §13569, if not already included.**

**CITATION: Code of Regulations § 13569:**

*Determination of Applicable Notice and Hearing Procedures.*

*The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the local government at the time the application for development within the coastal zone is submitted. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:*

*(a) The local government shall make its determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular*

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*development. The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.*

*(b) If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion;*

*(c) The executive director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable:*

*(d) Where, after the executive director's investigation, the executive director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request.*

## **2. Additional Updates, Procedures, and Practices to Consider**

- a. Include procedures to ensure that any dispute resolutions can commence as soon as practical.**
- b. Expand procedures to facilitate information exchange.**
- c. Include procedures to accept a permit determination change as a result of dispute resolution.**

## **Section II: Local Coastal Permitting Procedures**

### ***A. Specify Application Contents***

#### **1. Recommendation: Require a Coastal Permit Application**

**Update the IP to incorporate a requirement for a coastal permit application if it is not already included.**

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## Examples and Citations for Some Recommendations and Suggestions

For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>, click on Chapter 13.

**EXAMPLE:** certified IP text:

*13.6.1 Filing Procedures. A. Application for a coastal development permit and amendments to coastal development permits shall be made to the Planning or Building Department on an application form provided by the Department, together with all required plans, maps, elevations, reports and any such supporting information deemed necessary by the Planning Department or any other ordinance contained in the certified LCP to adequately assess and evaluate the proposed project for consistency with the LCP. Application for a coastal development permit may be submitted concurrently with other city permits required by the City Municipal Code. The application may include a fee set by the City Council.*

## 2. Additional Updates, Procedures, and Practices to Consider

### a. Include categories of information that the application should address.

**EXAMPLE:** suggested filing requirements for subdivisions where landform alteration (grading) is involved:

#### 6. Necessary Submittal Contents

*6.A. All technical reports must be clear and precise. Many technical studies are written by experts and are addressed to a professional audience. These reports must remain useful to the experts who will use the technical information to make design recommendations, site restoration or possible mitigation plans and must be presented in the technical vernacular that is expected from the profession. Nevertheless, technical experts must also recognize that their reports will be used by planners to identify locations or resources on the parcel which must be avoided, protected, or treated in some special manner. Land use planners are not required to be experts in any of the technical areas which they review to make informed land use decisions, and it would be impossible for any one person to achieve broad expertise in all the technical areas which may have some bearing on land use decisions. Technical reports must provide overviews or summaries that any reasonable intelligent lay person can understand. If the reports contain information on areas where sensitive or important resources have been located or where some geologic hazard may exist, the reports must state these conclusions*

For the context of this example, please see source: California Coastal Commission, Land Form Alteration Policy Guidance at: <http://www.coastal.ca.gov/landform/sec4.html>



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*plainly, show clearly where the locations are and indicate, if possible, what activities can and cannot be undertaken on or proximity to these resources or hazards. For example, it is not enough to provide a map of surface geology and assume that a planner can and will find all the indicators of landslides of surface instability; these must be highlighted in some manner so that the average person can understand that there are, or are not, stability problems on the parcel.*

*6.B. A subdivision plan, complete with all relevant requirements, must be provided All elements of the subdivision must be provided and mapped in a fashion that shows how they will or will not affect the identified resources and hazard areas. The subdivision elements would not just be lot lines, but access roads that will meet fire access requirements, lot areas that meet minimum zoning requirements, driveways and building areas that meet minimum lot line set back requirements, the areas that would have to be cleared of vegetation for fire safety, utility corridors, septic areas, well sites, and open space areas. Whenever there is a law, regulation, code or standard which dictates any element of this subdivision plan, the supporting report must provide a complete reference for this code, current for the time the subdivision is being considered. If the planner does not have copies of these codes, standards, requirements, etc., the developer can be asked to provide a copy with the application. If the design is affected by undocumented professional "standards of practice", the applicant should provide the names or at least three professionals working in the area who can and will substantiate the use of these "standards of practice" for the parcel which is being reviewed.*

*6.C. Subdivision plans should specify appropriate foundation styles for building pads Once building areas are established, the style of building foundation can affect how the individual lot development may alter the existing land forms. In attempting to fit the development to the general characteristics of the site, every portion of the development must be adapted to the site. For a building this starts with the foundation. In a flood prone area, elevation of the building may be necessary, either through elevating the site or siting the building on pilings. A flat slab foundation may reduce the visual profile of the building, but may require extensive cut and fill if the building area is steep. Different foundation designs will affect the property differently and for many areas it is appropriate to consider*

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*various foundation designs, rather than fix the site to accommodate a chosen foundation design.*

*7.A. Types Of Information For Subdivision Planning Decisions*

<i>TYPE OF INFORMATION</i>	<i>USES FOR INFORMATION</i>
<i>Aerial Photographs</i>	<i>Put site in regional setting  Show large land forms which may be difficult to identify on the ground, such as large landslides and drainage patterns</i>
<i>Topographic Maps, with contour intervals suitable for site layout. If grading or drainage plans are prepared, some topo maps should be provided at a scale similar to these plans.</i>	<i>Show areas of steep slope, 10, 20 and 30% slope (or other slopes required by local government)  Show drainage characteristics  Show prominent land features  Use as a base map to identify site constraints, habitat areas, setbacks, etc.  Use to quantify grading and disturbed areas</i>
<i>Geologic Studies  Soils Surveys</i>	<i>Identify geologic constraints such as landslides, or slide prone areas; faults; expansive, erosive or unstable soils  Identify locations with stable, septic-compatible soils</i>
<i>Hydrologic studies</i>	<i>Identify perennial and intermittent streams, natural drainage patterns and flows</i>

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	<i>for extreme events</i>
	<i>Identify areas of high runoff potential</i>
	<i>Locate groundwater and directions of flow</i>
	<i>Use for developing on-site flood and drainage controls</i>
<i>Hazards Assessment (for high hazard areas)</i>	<i>Use with geologic and hydrologic studies for risk due to geologic instability, flooding, erosion, fire, etc.</i>
<i>Vegetation and Wildlife Surveys</i>	<i>Identify sensitive habitat and wildlife corridors</i>
	<i>Identify riparian and wetland areas</i>
	<i>Identify rare, threatened and endangered species</i>
	<i>Identify highly combustible vegetation</i>
<i>Cultural Features, Circulation Patterns</i>	<i>Existing and past land uses; zoning, easements, covenants, off-site nuisances</i>
	<i>Historic buildings, landmarks, archeological sites</i>
	<i>Traffic and circulation patterns, vehicular, pedestrian and equestrian</i>
	<i>Major vehicle access points, parking and access requirements</i>
<i>Utilities and Public Services</i>	<i>Existing utilities, storm</i>

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*drains, sediment basins*

*Available fire fighting  
facilities and equipment*

*Visual surveys*

*Identify critical view sheds,  
vistas, etc.*

*Determine site visibility from  
major viewing areas*

*Regulatory Setting*

*Land Use Plans and Zoning  
Ordinances*

*Community Housing Plans,  
Transit Plans, Management  
and Growth Plans*

*Special Assessment Districts*

*For the context of this  
example, please see Monterey  
County Coastal  
Implementation Plan Part II  
Regulations for North County  
at*

*[http://www.co.monterey.ca.us/  
planning/docs/ordinances/Title20/  
20.02%20General%20Provisions.htm](http://www.co.monterey.ca.us/planning/docs/ordinances/Title20/20.02%20General%20Provisions.htm)*

**EXAMPLE:** *certified IP's filing requirements for biological survey:*

*[20.144.040.A] 4. The biological survey shall contain the following elements:*

*a. identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site(s):*

*b. describe the method of survey:*

*c. identify the type(s) of plant and animal habitats found on the site (and/or on adjacent properties where development is adjacent to the habitat), with an accompanying map delineating habitat location(s);*

*d. identify the plant and animal species, including rare and endangered species, found on the site (or on adjacent properties, where development is adjacent to the habitat) with a map showing their habitat locations:*

*e. in areas of potential public access, determine the maximum amount and type(s) of public use which will allow for the long-term maintenance of the habitat;*

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- f. describe and assess potential impacts of the development on the environmentally sensitive habitat(s) found on the site and/or on neighboring properties;*
- g. recommend mitigation measures, such as setbacks from the habitat, building envelopes, and modifications to proposed siting, location, size, design, vegetation removal, and grading, which will reduce impacts to on-site or neighboring habitats and allow for the habitat's long-term maintenance;*
- h. assess whether the mitigation measures will reduce the development's impact to an insignificant level, which is the level at which the long-term maintenance of the habitat is assured; and,*
- i. other information or assessment as necessary to determine or assure compliance with resource protection standards of the North County Land Use Plan and of this ordinance.*

**EXAMPLE:** *certified IP's filing requirements for hydrological reports:*

*For the context of this example, please see Monterey County Coastal Implementation Plan Part II Regulations for North County at <http://www.co.monterey.ca.us/planning/docs/ordinances/Title20/20.02%20General%20Provisions.htm>*

- [2 0.144 .070.D] 5. The hydrologic report shall contain, at a minimum, the following elements:*
- a. location map;*
  - b. to-scale site plan showing the entire parcel and proposed and existing structures, roads, land use, landscaping, wells, and water lines, and hydrologic and drainage features;:*
  - c. description of how water is currently supplied and how it will be supplied to the proposed development;*
  - d. assessment of existing and proposed water usage, including water usage for landscaped and other vegetated areas;*
  - e. description of hydrologic setting and features on the parcel and in the area, and for areas presently cultivated or proposed for cultivation;*
  - f. description of investigation methods, including review of well logs, (subject to owner's permission) on-site and off-site testing, and contacts with Health Department and Flood Control District staff;*
  - g. description of other development activity in the area, both proposed and under construction:*

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*h. assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer, specifically addressing nitrates, TDS, and toxic chemicals;*

*i. assessment of the proposed development's individual and cumulative impact on the aquifer's safe long-term yield level, saltwater intrusion, and long-term maintenance of local coastal-priority agricultural water supplies:*

*j. description and assessment of project alternatives, including reduced density, if needed to mitigate the proposed development's adverse impacts as identified above: and, recommendations for water conservation measures, addressing siting, construction, and landscaping and including retention of water on site to maximize groundwater recharge and reclamation of water.*

**EXAMPLE:** *certified IP's filing requirements for geological reports:*

*[20.144.100.B.1.] i. The report shall be consistent with "Guidelines for Geologic/Seismic Reports" of the California Division of Mines and Geology (CDMG Notes No. 37) and shall include, at a minimum, the following elements, as applicable to the site:*

*1) regional geologic setting;*

*2) geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features such as bedding, joints and faults;*

*3) evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity both on-site and offsite:*

*4) ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage);*

*5) potential effects of seismic forces resulting from a maximum credible earthquake;*

*6) effect of the proposed development including siting and design of structures, septic system, landscaping, drainage, and grading, and*

*For the context of this example, please see Monterey County Coastal Implementation Plan Part II Regulations for North County at <http://www.co.monterey.ca.us/planning/docs/ordinances/Title20/20.02%20General%20Provisions.htm>*

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*impacts of construction activity on the stability of the site and the adjacent area;*

*7) any other factors that might affect slope stability:*

*8) potential erodability of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design); and,*

*9) any other recommended mitigation measures. (Ref. Policy 2.8.3.A.5)*

*10) and for development of shoreline structures, the following elements shall be included:*

*a) design wave height*

*b) maximum expected wave height*

*c) frequency of overtopping*

*d) normal and maximum tidal ranges*

*e) erosion rate with/without protection device*

*f) effect of structure on adjoining property*

*g) potential/effect of scouring at base*

*h) design life of structure/maintenance provisions*

*i) alternatives to the chosen design including "no project"*

*j) maintenance provisions including methods and materials.*

*For the context of this example, please see the Board's Guidelines at <http://www.geology.ca.gov/for-ms-pubs/guide-reports.shtml>*

**EXAMPLE:** *suggested filing requirements for geological reports from the California State Board for Geologists and Geophysicists:*

**II. REPORT CONTENTS FOR EARTHQUAKE AND/OR FAULT HAZARD REPORTS**

**A. Purpose and Scope of the Investigation**

*Includes a brief description of proposed or existing site use; may also include a description of limitations of the work and authorization to perform the work. The design lifespan of the proposed project should be implicitly stated.*

**B. Regional Geologic Setting**

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*May include reference to geologic province and location with respect to major structural features.*

*C. Site Description and Conditions*

*Includes information on geologic units, landforms, graded and filled areas, vegetation, existing structures, etc., that may affect the choice of investigative methods and the interpretation of data.*

*D. Description of the Investigation*

*1. Review of the region's seismic or earthquake history, based primarily on existing maps and technical literature.*

*a. Significant earthquakes during historic time and epicenter locations and magnitudes in the vicinity of the site.*

*b. Location of fault traces that may affect the site, including maps of fault breaks and a discussion of the tectonics and other relationships of significance to the proposed construction.*

*c. Location and chronology of other earthquake-induced features such as landsliding, lurching, settlement and liquefaction, accompanied by:*

*(1) Map showing the location of these features relative to the proposed project.*

*(2) Description of the disturbed zone for each feature.*

*(3) Estimate of the amount of disturbance relative to bedrock and surficial materials.*

*2. Interpretation of aerial photographs and other remotely sensed images relative to fault-related topography, vegetation, and soil contrasts, and other lineaments of possible fault origin.*

*3. Surface investigation.*

*a. Mapping of geologic units and structures, topographic features, deformation of man made structures, etc., both on and beyond the site (sag ponds, spring alignments, offset bedding and man made features, disrupted drainage systems, offset ridges, faceted spurs, dissected alluvial fans, scarps, landslide alignments, vegetation patterns).*

*b. Review of local groundwater data (water-level fluctuations, groundwater impediments, water quality variations, or anomalies indicating possible faults).*



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*c. Description of the distribution, depth, thickness, and nature of the various earth materials, including subsurface water, which may affect the seismic response and damage potential at the site.*

*4. Subsurface investigation*

*a. Trenching and any other excavation (with appropriate logging and documentation, including method of cleaning wall) to permit the detailed and direct observation of continuously exposed geologic units and features. This would include trenching done across any known active faults and suspicious zones to determine the location and recency of movement, the width of disturbance, the physical condition of fault zone materials, the type of displacement, the geometry of fault features, and recurrence interval, if known.*

*b. Borings drilled and test pits excavated to permit the collection of data needed to evaluate the depth and types of materials and groundwater and to verify fault-plane geometry. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations.*

*c. Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions, and fault displacements, including a description of the types of equipment and techniques used, such as seismic refraction, magnetic, electrical resistivity, seismic reflection, magnetic, electrical resistivity, seismic reflection, and gravity.*

*5. Other special methods (used when special conditions permit or critical structures demand a more intensive investigation).*

*a. Aerial reconnaissance overflights, including special photography.*

*b. Geodetic and strain measurements, microseismicity monitoring, or other monitoring techniques.*

*c. Radiometric analysis (e.g., C14, K-Ar), stratigraphic correlation (fossils, mineralogy), soil profile development, paleomagnetism, or other age-dating techniques to identify the age of faulted or unfaulted units or surfaces.*

*E. Conclusions*

*1. Regarding areas of high risk and potential hazards relative to the intended land use or development (made in conjunction with the*

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*geotechnical engineering study) and a statement of the degree of confidence in, and limitations of, the data and conclusions.*

*a. Presence or absence (including location and age) of active or potentially active faults on or adjacent to the site or in the region of the site if they could affect it (through ground shaking).*

*b. Types and probability of, or relative potential for, future surface displacement within or immediately adjacent to the site, including the direction of relative displacement and the maximum possible displacement.*

*c. Secondary effects, such as: liquefaction of sediments and soils, shallow ground rupture, settlement of soils, earthquake-induced landslides, and lurching.*

*d. Estimates of maximum earthquake, upper bound earthquake, or other definitions of earthquakes if required by statute or regulation for the specific type of project.*

*F. Recommendations*

*1. Mitigative measures that provide appropriate protection of the health, safety and welfare of the public.*

*2. Effect of fault locations on proposed structures at the site. Federal, state and local law may dictate minimum standards.*

*3. Risk evaluations, if appropriate, relative to the proposed development.*

*4. Other recommendations as appropriate for the proposed project.*

*G. References*

*1. Literature and records cited and reviewed.*

*2. Aerial photographs or images interpreted, listing the type, scale, source, index numbers, etc.*

*3. Compiled data, maps, or plates included or referenced.*

*4. Other sources of information, including well records, personal communications, or other data sources.*

*H. Illustrations*

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- 1. Location map to identify the site locality, significant faults, fault strain and/or creep, geographic features, seismic epicenters, and other pertinent data.*
- 2. Site development map, at an appropriate scale, to show the site boundaries, existing and proposed structures, graded areas, streets, exploratory trenches, borings, geophysical traverses, and other data.*
- 3. Geologic map to show the distribution of geologic units (if more than one), faults and other structures, geomorphic features, aerial photo lineaments, and springs. The geologic map may be combined with the location and site development maps. A clear distinction should be made on the map and within the report between observed and inferred geologic features and relationships.*
- 4. Geologic cross-sections illustrating displacement and/or rupture, if needed to provide a three-dimensional picture.*
- 5. Logs of exploratory trenches and borings to show the details of observed features and conditions.*
- 6. Geophysical data and the geologic interpretations of those data.*

*I. Supporting data not already provided*

*1. Water well data.*

*J. Signature and registration number of the responsible professional(s)*

*1. Registered Geologist, Certified Engineering Geologist.*

**II. REPORT CONTENT FOR ENGINEERING GEOLOGIC REPORTS**

**A. Purpose and Scope of the Investigation**

*Includes a brief description of proposed or existing site use; may also include a description of limitations of the work and authorization to perform the work. The design lifespan of the proposed project should be implicitly stated.*

**B. Regional Geologic Setting**

*May include reference to geologic province and location with respect to major structural features.*

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*C. Site Description and Conditions*

*Includes information on geologic units, landforms, graded and filled areas, vegetation, existing structures, etc., that may affect the choice of investigative methods and the interpretation of data.*

*D. Description of the Investigation*

*1. Review of the regional and site geology, and land-use history, based primarily on existing maps and technical literature.*

*a. Geologic hazards that could affect the planned use of the site.*

*(1) Significant historic earthquakes in the region.*

*(2) Fault traces that may affect the site. Is the site within an earthquake fault zone?*

*(3) Secondary earthquake effects, such as ground breakage in the vicinity of the site, seismically-induced landslides, differential tilting and liquefaction.*

*(4) Regional effects, such as subsidence, uplift, etc.*

*(5) Landslides or other earth movements at the site and vicinity.*

*(6) Soil and rock properties such as high moisture content, low density, swelling, cementation, weathering, fracturing, etc.*

*b. Other geologic conditions that could affect the planned use of the site.*

*(1) Soil thickness, types, and relationship to bedrock.*

*(2) Excavatability of rock materials.*

*(3) Depth to and characteristics of subsurface water.*

*c. Conditions imposed on the site by past uses, such as buried objects, contaminated soils, groundwater, or adjacent structures, etc.*

*2. Interpretation of aerial photographs and other remotely sensed images relative to topography, vegetation, or any other features related to geologic hazards and past site use.*

*3. Surface investigation.*

*a. Mapping of the site geology and vicinity; identification and description of geologic units, soil and rock types, and features that could be related to geologic hazards and the proposed use and*

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*constructability of the site. A clear distinction should be made on the map and within the report between observed and inferred geologic features and relationships.*

*b. Evaluation of surface-water conditions, including quality, flood potential in relation to site conditions, geomorphology and drainage within or affecting the subject area.*

*4. Subsurface investigation.*

*a. Trenching and any other excavation (with appropriate logging and documentation) to permit detailed and direct observation of continuously exposed geologic units and features.*

*b. Borings drilled, test pits excavated, and groundwater monitoring wells installed to permit the collection of data needed to evaluate the depth and types of materials and subsurface water. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations.*

*c. Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions and any other pertinent site conditions. The types of equipment and techniques used, such as seismic refraction, magnetic, electric resistivity, seismic reflection and gravity, and the name of the geophysicist responsible for the work.*

*5. Special methods (used when special conditions permit or critical structures demand a more intensive investigation).*

*a. Aerial reconnaissance overflights, including special photography.*

*b. Geodetic measurements, radiometric analysis, age dating, etc.*

*E. Results of Investigation*

*Describes the results of the investigation outlined in Section IV above. The actual data or processed data upon which interpretations are based should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation.*

*F. Conclusion*

*Relative to the intended land use or development (made in conjunction with the geotechnical engineering study). Includes a statement concerning the degree of confidence in and limitations of*

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*the data and conclusions, as well as disclosure of known or suspected potentially hazardous geologic processes affecting the project area.*

- 1. Presence or absence of active or potentially active faulting at the site or in the vicinity, and the potential for renewed fault activity.*
- 2. Effects on the site from ground shaking.*
- 3. Potential for secondary effects from earthquakes, such as ground cracking, landsliding, and liquefaction.*
- 4. Potential for subsidence or other regional effects.*
- 5. The presence of creep or landsliding; and possible future mass movements.*
- 6. Soil and rock conditions, such as swelling soils that could affect site use.*
- 7. The presence of and possible effects from any other soil and rock defects.*
- 8. Excavation methods.*
- 9. Presence of contamination or any other man-imposed condition.*
- 10. Potential for earthquake-induced flooding, including tsunamis and seiches.*
- 11. Potential for volcanic hazards.*
- 12. Conformance with local, state and federal statutory and regulatory requirements.*

*G. Recommendations*

- 1. Effect of fault locations on proposed structures at the site. Federal, state, or local law may dictate minimum standards.*
- 2. Placement of structures to best take advantage of geologic conditions.*
- 3. Methodology for excavating and moving materials.*
- 4. Means of correcting site defects, such as buttressing landslides, installing special drainage devices, etc.*
- 5. Correcting contamination or other man-induced site defects.*
- 6. Other recommendations as appropriate for the proposed project.*

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*H. References*

- 1. Literature and records cited and reviewed.*
- 2. Aerial photographs or images interpreted, listing the type, scale, source, and index numbers, etc.*
- 3. Compiled data, maps, or plates included or referenced.*
- 4. Other sources of information, including well records, personal communications, or other data sources.*

*I. Illustrations*

- 1. Location map to identify the site locality, geographic features, or major regional geologic features.*
- 2. Site development map, at an appropriate scale, to show the site boundaries, existing and proposed structures, graded areas, streets, and locations of exploratory trenches, borings, wells, geophysical traverses, and other data.*
- 3. Geologic map to show the areal distribution of geologic units, faults and other structures, geomorphic features, aerial photo features noted, along with surface water bodies and springs. The geologic map may be combined with the location and site development maps.*
- 4. Geologic cross sections illustrating significant or appropriate geologic features.*
- 5. Logs of exploratory trenches and borings to show the details of observed features and conditions.*
- 6. Geophysical data and the geologic interpretations of those data.*
- 7. Other, as appropriate.*

*J. Supporting Data Not Already Provided*

- 1. Non-confidential water well data (including bore-hole logs).*

*K. Signature and Registration Number of the Responsible Professional(s)*

- 1. Registered Geologist, Certified Engineering Geologist.*

**b. Tailor applications or application questions to correspond to different types of permit review.**

**c. Establish methods to ensure that the stated applicant has legal authority to carry out the approved project.**

***B. Specify Noticing to Perform***

**1. Recommendation: Specify Noticing Requirements**

**Update the IP to incorporate California Code of Regulations §§ 13565, 13567 and 13568(a) and (b) if they are not already included.**

*CITATION: California Code of Regulations §§ 13565, 13567 and 13568(a) and (b):*

*§ 13565. Notice of Appealable Developments.*

*Within ten (10) calendar days of accepting an application for an appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the first public hearing on the development proposal, the local government shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed and to the Commission. The notice shall contain the following information:*

- (1) a statement that the development is within the coastal zone;*
- (2) the date of filing of the application and the name of the applicant;*
- (3) the number assigned to the application;*
- (4) a description of the development and its proposed location;*
- (5) the date, time and place at which the application will be heard by the local governing body or hearing officer;*
- (6) a brief description of the general procedure of local government concerning the conduct of hearing and local actions;*
- (7) the system for local and Coastal Commission appeals, including any local fees required.*



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*§ 13567. Notice of Local Government Action When Hearing Continued.*

*If a decision on a development permit is continued by the local government to a time which is neither (a) previously stated in the notice provided pursuant to Section [13565](#), nor (b) announced at the hearing as being continued to a time certain, the local government shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section [13565](#).*

*§ 13568. Notice of Non-Appealable Developments.*

*(a) Notice of developments within the coastal zone that require a public hearing under local ordinance, but which are not appealable pursuant to [Public Resources Code Section 30603](#) (and which are not categorically excluded) shall be provided in accordance with existing local government notice requirements which shall provide at a minimum:*

*Notice of developments shall be given at least ten (10) calendar days before a hearing in the following manner:*

*(1) if the matter is heard by the Planning Commission (city or county) notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction;*

*(2) notice by first class mail to any person who has filed a written request therefore,*

*(3) notice by first class mail to property owners within 300 feet.*

*(4) notice by first class mail to residents within 100 feet of the proposed project.*

*(5) notice by first class mail to the Commission.*

*(6) the notice shall contain a statement that the proposed development is within the coastal zone.*

*The local government may, instead, elect to provide notice in accordance with Section [13565](#).*

*(b) Notice of developments within the coastal zone which are not appealable pursuant to [Public Resources Code Section 30603](#) and*

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*which do not require a public hearing under local ordinance (and which are not categorically excluded) shall be provided as follows:*

*Within ten (10) calendar days of accepting an application for a non-appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the local decision on the application, the local government shall provide notice, by first class mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Commission. The notice shall contain the following information:*

- (1) a statement that the development is within the coastal zone;*
- (2) the date of filing of the application and the name of the applicant;*
- (3) the number assigned to the application;*
- (4) a description of development and its proposed location;*
- (5) the date the application will be acted upon by the local governing body or decision-maker;*
- (6) the general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;*
- (7) a statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.*

## **2. Additional Updates, Procedures and Practices to Consider**

### **a. Standardize notice forms.**

**EXAMPLE:** *Items included in Coastal Commission sample notice of a public hearing on a coastal permit:*

- *Date*
- *Filing date*

*For the context of this example, please see Coastal Commission's Local Coastal Program Post-Certification Guide for Coastal Cities and Counties at <http://www.coastal.ca.gov/la/docs/post-cert-lcp-guide.pdf>. Sample form is Appendix C-2.*

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- *File number*
- *Jurisdiction*
- *Applicant*
- *APN*
- *Project location*
- *Proposed development*
- *Public hearing time, date, place*
- *Hearing body*
- *Date appeal must be filed*
- *Whether appealable to Coastal Commission*

**EXAMPLE:** *Items included in Coastal Commission sample notice of action to occur on a coastal permit without a hearing:*

*For the context of this example, please see Coastal Commission's Local Coastal Program Post-Certification Guide for Coastal Cities and Counties at <http://www.coastal.ca.gov/la/docs/post-cert-lcp-guide.pdf>. Sample form is Appendix C-3.*

- *Date*
- *Filing date*
- *File number*
- *Jurisdiction*
- *Applicant*
- *APN*
- *Project location*
- *Proposed development*
- *Date application will be acted upon*
- *Responsible local official*
- *Date comments due*

**b. Adopt procedures for additional noticing.**

**c. Provide for some advanced noticing.**

### ***C. Decide on Coastal Permit Application***

#### **1. Recommendation: Specify Who Decides on a Coastal Permit Application**

**Update the IP to describe which of your local bodies acts on coastal permits and the consideration procedure that each follows, if this is not already included.**

***EXAMPLE:*** *compendium of excerpted provisions from a certified IP that establish three bodies that can act on coastal permits:*

*Permits issued under Section 13.13 of the Malibu LIP (Administrative Permits), and any subsequent changes to the administrative permit that are consistent with Section 13.3 of the Malibu LIP, and permits issued under Section 13.14 of the Malibu LIP (Emergency Permits) may be decided upon by the **Planning Manager**.*

*The Planning Manager may process consistent with the procedures in this Chapter any coastal development permit application for the specific uses identified below, except a proposed coastal development permit that is appealable or is within the Commission's continuing jurisdiction as defined in Chapter 2 of the Malibu LIP (Definitions).*

- a. Improvements to any existing structure;*
- b. Any single-family dwelling;*
- c. Lot mergers;*
- d. Any development of four dwelling units or less that does not require demolition, and any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land.*

*All other coastal development permits shall be decided upon by the **Planning Commission** subject to appeal provisions in Section 13.20 of the Malibu LIP (Appeals).*

*A decision or any portion of the decision made by the Planning Manager under the provisions of this Chapter may be appealed to the Planning Commission by an aggrieved person as defined in Chapter 2 of the Malibu LIP (Definitions). Any decision made by the Planning Commission may be appealed by an aggrieved person to the **City Council**.*

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>, click on Chapter 13.*

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*The Planning Commission and City Council, respectively, may, upon the affirmative vote of a majority of its members, appeal a decision made by the Manager or Planning Commission under the provisions of this Chapter.*

**2. Additional Updates, Procedures, and Practices to Consider**

- a. Expand use of the consent calendar.**
- b. Have an administrative officer hear and act on some coastal permits.**
- c. Use an alternative process for some coastal permits not needing public hearings.**
- d. Consolidate some permit processes.**
- e. Have a distinct process for emergency permits.**

**EXAMPLE:** *certified IP text:*

**13.14. EMERGENCY PERMITS**

*In the event of an emergency as defined in Chapter 2 of the Malibu LIP (Definitions), an application for an Emergency Coastal Development Permit (“emergency permit”) shall be made to the Planning Manager. The Planning Manager may issue an emergency permit in accordance with Coastal Act Section 30624 and the following: (Resolution No. 07-04 (LCPA No. 05-001))*

*A. Applications in cases of emergencies shall be made to the Planning Manager by letter or facsimile during business hours if time allows, by telephone or in person if time does not allow. (Resolution No. 07-04 (LCPA No. 05-001))*

*B. The information to be included in the application shall include the following:*

- 1. The nature of the emergency;*
- 2. The cause of the emergency, insofar as this can be established;*
- 3. The location of the emergency;*
- 4. The remedial, protective or preventative work required to deal with the emergency; and*

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>, click on Chapter 13.*

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5. *The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.*

C. *The Planning Manager shall verify the facts, including the existence and nature of the emergency, insofar as time allows. (Resolution No. 07-04 (LCPA No. 05-001))*

D. *Prior to issuance of an emergency coastal development permit, when feasible, the Planning Manager shall notify, and coordinate with, the South Central Coast District office of the California Coastal Commission as to the nature of the emergency and the scope of the work to be performed. This notification shall be in person or by telephone. (Resolution No. 07-04 (LCPA No. 05-001))*

E. *The Planning Manager shall provide public notice of the proposed emergency, with the extent and type of notice determined on the basis of the nature of the emergency itself. The Planning Manager may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Planning Manager finds that: (Resolution No. 07-04 (LCPA No. 05-001))*

1. *An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for regular permits administered pursuant to the provisions of this chapter and Public Resources Code Section 30600.5 and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;*

2. *Public comment on the proposed emergency action has been reviewed if time allows; and*

3. *The work proposed would be temporary and consistent with the requirements of the City's certified LCP.*

4. *The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.*

5. *The Planning Manager shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code Section 30519(b) since a coastal development permit application must*

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*be reviewed by the California Coastal Commission pursuant to provisions of Public Resources Code Section 30600.5. (Resolution No. 07-04 (LCPA No. 05-001))*

*F. The emergency permit shall be a written document that includes the following information:*

- 1. The date of issuance;*
- 2. An expiration date;*
- 3. The scope of work to be performed;*
- 4. Terms and conditions of the permit;*
- 5. A provision stating that within 90 days of issuance of the emergency permit, a regular coastal development permit application shall be submitted and properly filed consistent with the requirements of this Chapter;*
- 6. A provision stating that any development or structures constructed pursuant to an emergency permit shall be considered temporary until authorized by a follow-up regular coastal development permit and that issuance of an emergency coastal development permit shall not constitute an entitlement to the erection of permanent development or structures;*
- 7. A provision that states that: The development authorized in the emergency permit must be removed unless a complete application for a regular coastal development permit is filed within 90 days of approval of the emergency permit and said regular permit is approved. If a regular coastal development permit authorizing permanent retention of the development is denied, then the development that was authorized in the emergency permit, or the denied portion of the development, must be removed.*

*G. The emergency permit may contain conditions for removal of development or structures if they are not authorized in a regular coastal development permit, or the emergency permit may require that a subsequent permit must be obtained to authorize the removal.*

*13.14.1 Reporting of Emergency Permit*

*A. The Planning Manager shall report in writing to the City Council and to the California Coastal Commission at each meeting the emergency permits applied for or issued since the last report, with*

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*a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. (Resolution No. 07-04 (LCPA No. 05-001))*

*B. All emergency permits issued after completion of the agenda for the meeting shall be briefly described by the Planning Manager at the meetings and the written report required by Section 13.14.1 (A) of the Malibu LIP shall be distributed prior to the next succeeding meeting. C. The report of the Planning Manager shall be informational only; the decision to issue the emergency permit is solely at the discretion of the Planning Manager.*

**EXAMPLE:** *certified IP text:*

*For the context of this example, please see City of Carmel-by-the-Sea Municipal Code, at <http://www.codepublishing.com/CA/carmel.html> click on Title 17, then on Chapter 17.52)*

*17.52.180 Emergency Coastal Permits.*

*A. Purpose. This section provides procedures for the issuance of emergency permits in compliance with the Coastal Act.*

*B. Applicability. In the event of an emergency, the Director may issue a permit to authorize emergency work in compliance with this section, the Shoreline Management Plan, Section 30624 of the Coastal Act and California Code of Regulations Section 13329. The Director shall not issue an emergency permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission.*

*C. Application. An application for an emergency permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.*

*D. Required Information. The applicant shall report to the Director the following information, either during or as soon after the emergency as possible:*

- 1. The nature and location of the emergency;*
- 2. The cause of the emergency, insofar as this can be established;*
- 3. The remedial, protective, or preventative work required to deal with the emergency; and*



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*4. The circumstances during the emergency that appeared to justify the courses of action taken, including the probable consequences of failing to take action.*

*E. Verification of Emergency. The Director shall verify the facts, including the existence and nature of the emergency, as time allows.*

*F. Notice. The Director shall provide public notice of the proposed emergency work. The extent and type of notice shall be determined by the Director based on the nature of the emergency and the work proposed.*

*G. Emergency Permit Approval. The decision to issue an emergency permit is at the sole discretion of the Director; provided, that subsequent land use, building, and grading permits required for the project shall comply with all applicable provisions of these regulations. The Director may grant an emergency permit if an emergency exists as defined in Chapter 17.70 CMC, and if the Director first finds that:*

*1. An emergency exists that requires action more quickly than would occur following normal permit procedures, and the emergency work can and will be completed within 30 days unless otherwise specified by the emergency permit;*

*2. Public comment on the proposed emergency action has been reviewed, if time allows; and*

*3. The work proposed would be consistent with the requirements of the certified Local Coastal Program or would not impede attainment of these requirements following completion of the emergency work.*

*H. Emergency Permit Contents. If granted, the permit shall state the basis for the findings made by the Director and shall be subject to reasonable terms and conditions, including:*

*1. Language indicating that the work accomplished under an emergency permit is considered temporary unless a regular permit is subsequently issued for the work;*

*2. An expiration date for the emergency permit; and*

*3. A condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit.*

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*I. Expiration. An emergency permit shall expire and become void within seven days of issuance if it is not exercised, or if the emergency ceases to exist.*

*J. Report to Council. For information only, the Director shall provide the Council with a written report describing the nature of the emergency and the work involved at the Council's first regularly scheduled meeting after the emergency permit has been issued. Copies of the permit and the report shall be available at the meeting and shall be mailed to the Executive Director of the Coastal Commission and to all persons who have requested this notification in writing.*

*K. Normal Permits Required. Within 30 days of the date of issuance of the emergency permit, the applicant shall apply for all permits required by these regulations, and any other permits required by the municipal code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 17.66 CMC, Enforcement.*

**f. Include permit amendment procedures.**

**g. Include permit extension procedures.**

EXAMPLE: *certified IP text:*

*23.02.050 - Extensions of Time for Land Use Permits.*

*When substantial site work (Section 23.02.042) on a project authorized by an approved land use permit has not occurred within the time limits set by Section 23.02.040, a maximum of three, 12-month extensions (except as provided by Section 23.02.042 a of this Title) to the initial time limit may be granted as provided by this section. Extension requests shall be in writing and shall be filed with the Planning Department on or before the date of expiration of the land use permit or previous extension, together with the required filing fee. When an extension request has been filed, the permit shall be automatically extended until such time as the Review Authority has acted upon the extension request, provided that no construction shall take place and no construction permits shall be issued for a proposed project pursuant to Title 19 of this code until the extension has been approved. Notice of the application for extension shall be provided to the California Coastal Commission.*

*For the context of this example, please see County of San Luis Obispo Coastal Zone Land Use Ordinance: <http://www.slocounty.ca.gov/Assets/PL/Land+Use+Ordinances/Title+23+-+Coastal+Zone+Land+Use+Ordinance/Title+23+Coastal+Zone+Land+Use+Ordinance.pdf>*

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*a. Initial extensions: The Planning Director may grant two 12-month extensions to the time limit for any land use permit. The Planning Director shall grant an extension only after finding that the land use permit does not contain conditions prohibiting extension, and that:*

*(1) There have been no changes to the provisions of the Land Use Element or Land Use Ordinance applicable to the project since the approval of the land use permit; or*

*(2) There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element or Land Use Ordinance apply to the project; or*

*(3) There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.*

*If the Review Authority determines that changed circumstances exist that may affect the consistency of the development with the Local Coastal Program, then the extension request shall be denied. Action on a requested extension by the Planning Director may be appealed to the Planning Commission as set forth in Section 23.01.042 (Appeal) and to the California Coastal Commission as set forth in Section 23.01.043 (Appeals to the Coastal Commission).*

***Third and final extension:*** *The Planning Commission (or Board of Supervisors on appeal) may grant one additional 12-month extension to an approved land use permit after the two initial extensions in accordance with the notice, hearing, and appeal procedures required for a new development application, subject to the same findings and standards required by Section 23.02.050a. provided that the Planning Commission makes the following additional findings:*

*(1) That substantial site work could not be completed as set forth in Section 23.02.042 because of circumstances beyond the control of the applicant; and*

*(2) The findings specified in Sections 23.02.050a(1), (2) and (3) above; and*

*(3) The findings that were required by Section 23.02.034c(4) to enable initial approval of the permit.*

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*An approved land use permit shall become void after the expiration of the third extension (or after the expiration of any previous extension when a request for further extension has not been filed before expiration) where substantial site work has not first occurred pursuant to Section 23.02.042. No more than three extensions pursuant to this section shall be granted.*

***c. Land use permit required with a land division.*** *For land use permits that are required in conjunction with a land division application, the advisory agency (the Planning Commission or Subdivision Review Board) may grant five 12-month time extensions to the time limit in accordance with the standards and procedures established by this Section. The planning department shall make a written recommendation in its staff report to the advisory agency concerning the extension request.*

***d. Time extensions on permits issued by the Coastal Commission.*** *A time extension on a coastal development permit issued by the Coastal Commission shall only be granted by the Coastal Commission.*

***e. Notice of Final County Action.*** *After all county rights of appeal have been exhausted as set forth in Section 23.01.043b. (Exhaustion of Local Appeals required), the County shall provide notice of its action on the third and final extension...*

*For those cases where an extension would not be possible, applicants could always apply for a new coastal permit for their projects. In all cases, any extension requests would need to be received before the permit expires; otherwise, the proper procedure would be for the applicant to reapply.*

## ***D. Address Potential Conflicting Code Provisions***

### **1. Recommendation: Include Provisions that Affect Coastal Permits**

**Update the IP to incorporate any variance, non-conforming or similar procedures in your County or Municipal Code that can affect coastal permits, if they are not already part of the certified IP.**

### **2. Additional Updates, Procedures, and Practices to Consider**

#### **a. Coordinate any variance allowances with coastal resource protection.**

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For the context of this example, please see the Commission staff reports at: <http://documents.coastal.ca.gov/reports/2009/10/W17b-10-2009.pdf> and <http://documents.coastal.ca.gov/reports/2009/10/W17b-10-2009-a2.pdf>

**EXAMPLE:** Commission suggested modifications to a certified IP variance section proposed for amendment (see especially text in bold):

**21.50D.010 Definition.**

A variance is an entitlement to deviate from those requirements of Chapters 21.08 through 21.48 which do not address land use because of special circumstances applicable to the property, including size, shape, topography, location or surroundings when the strict application of said chapters deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. (Ord. 83-03 (part))

**21.50D.020 Application review.**

**A. Content.** Application for a variance shall be made to the county planning office on a form provided by said office and shall be accompanied by:

- 1.** Verification of the applicant's interest in the property such as a copy of the grant deed signed or certified escrow instructions, title report or owner's letter of authorization;
- 2.** An assessor's office plant map;
- 3.** A plot plan of sufficient detail to illustrate the request and to determine compliance with other county regulations (yards, setbacks, grading, General Plan compliance, etc.);
- 4.** Any building plans, elevations or supplemental data as may be requested to adequately illustrate the proposal and/or its impacts;
- 5.** A filing fee, as prescribed in the current fee schedule resolution of the board of supervisors.

**B. Environmental Review Committee** (See Title 16 of the Del Norte County Code).

The environmental review committee shall review an application at its next regular meeting after submission of the application packet to the department of planning and building. Review shall include:

- 1.** A determination of completeness of the application and, where necessary, notification of any additional information required;
- 2.** A recommendation for action on an environmental document pursuant to the California Environmental Quality Act.

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*C. Planning Staff Report. Project applications shall be reviewed by the environmental review committee, scheduled for planning commission/harbor commission hearings and shall be accompanied by a report from the staff of the department of planning and building. The report shall include a description of the project, its location, any applicable regulations and/or policies, any responses to comments submitted regarding the project and a recommendation for findings and/or conditions, if any. (Ord. 83-03 (part))*

*21.50D.030 Appeal status; Notification.*

*A. The county shall provide notice of pending application which contains the following information:*

- 1. A statement that the development is within the coastal zone;*
- 2. The date of filing of the application and the name of the application;*
- 3. The number assigned to the application;*
- 4. A description of the development and its pro-posed location;*
- 5. The date(s), time and place(s) at which the application will be considered by the local governing body;*
- 6. A brief description of the general procedure of local government concerning the conduct of any hearing and/ or issuance action;*
- 7. The system for local and Coastal Commission appeals, including any local fees required.*

***B. Variances represent a deviation from the recognized and intended types, forms and scales of development within a given zoning district. Therefore, for purposes of appeal pursuant to sections 21.51.030, and/or 21.52.020 and Coastal Act section 30603(a)(4), a development for which a variance has been granted does not constitute a principal permitted use.***

*C. When a project which is appealable to the Coastal Commission required a local public hearing, notice shall be provided as set forth in section 21.51.xxx and 21.52.xxx.:*

*21.50D.040 Hearings.*

*A. Variances shall be heard by the planning commission at the date, time and place set forth in the required public notice.*

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*B. Before any variance may be granted, all of the following must be shown:*

- 1. That there are exceptional or extraordinary circumstances, or conditions applying to the land referred to in the application, which circumstances or conditions do not apply to other lands, in the same district;*
- 2. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
- 3. That the granting of such variance will not, under the circumstances of the particular case, affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood;*
- 4. That the issuance of such variance is consistent with policies and standards of the local coastal program which are applicable to the subject parcel and the intent of the zoning district in which it is located.***

*C. Variances shall be granted solely for deviations from the prescriptive standards of development site zoning district (i.e., building height, minimum lot area except for land divisions and lot line adjustments, front, side and rear yard areas, special yards and distances between buildings). **Variances shall not be granted for deviation from the requirements for buffer around environmentally sensitive habitat area or for development setbacks from geologically unstable areas, or other procedural provisions or exactions relating to the protection of coastal resources.***

*D. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.*

*E. Following the public hearing for a variance the commission shall make a written report to the board of supervisors summarizing any issues, addressing specific findings, and setting forth the commission's recommendation including any conditions.*

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*F. The board of supervisors shall consider the report of the commission regarding any variance and, if the board of supervisors finds that the requirements of subsection B of this section do in fact apply to the land and that such variance is in harmony with the purposes of Chapters 21.02 through 21.60, the board shall by resolution grant such variance. The board of supervisors may designate conditions and guarantees in connection with the variance to secure the purposes of Chapters 21.02 through 21.60.*

*21.50D.050 Revocation/expiration.*

*A. In any case where the conditions of granting of a variance have not, or are not complied with, the board of supervisors shall give notice to the permittee of intention to revoke such variance at least ten days prior to a hearing hereon by the planning commission/harbor commission. After conclusion of the hearing, the planning commission/harbor commission may revoke such variance. Such revocation shall be subject to confirmation by the board of supervisors.*

*B. In any case where a variance has not been used within one year after the date of granting thereof, then, without further action by the planning commission or board of supervisors, the variance granted shall be null and void. (Ord. 83-03 (part))*

**b. Coordinate any non-conforming use and structure allowances with coastal resource protection.**

**c. Coordinate other local reviews with coastal permit procedures.**

**d. Explain how to use map depictions.**

**e. Ensure internal consistency in the LCP**

EXAMPLE: *proposed IP text certified by the Coastal Commission:*

*Where conflicts exist between the provisions of this [Design Review] Section and the policies of the LUP, the policies of the LUP shall control.*

EXAMPLE: *certified IP ordinance text:*

*20.02.060.D In the event of a conflict or inconsistency between this Title and any County land use regulation the terms of the regulations listed highest on the following ladder shall prevail:*

*1. Coastal Act*

*For the context of this example, please see the Commission staff reports at: <http://documents.coastal.ca.gov/reports/2009/12/Tb18b-12-2009.pdf>*

*For the context of this example, please see Monterey County Coastal Implementation Plan at <http://www.co.monterey.ca.us/planning/docs/ordinances/Title20/20.02%20General%20Provisions.htm>*



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2. *Applicable Area Land Use Plan*
3. *Regulations For Development (Parts 2 through 6 of the Coastal Implementation Plan)*
4. *Title 20 (Part 1 of the Coastal Implementation Plan)*
5. *Any other regulation in the County*

***E. Address Some Other State Laws***

**1. Recommendation: Accommodate Second Unit Law**

**Update the IP to eliminate any requirement for public hearings for qualified second units, if they are still in your LCP.**

***EXAMPLE:*** *certified IP ordinance text:*

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>, click on*

*13.13.1.B Notwithstanding any other provisions of the LCP, attached or detached second dwelling units shall be processed as administrative permits, except that the approval of such permits shall be appealable to the Coastal Commission if the project is located in the appealable zone.*

**2. Additional Updates, Procedures, and Practices to Consider**

**a. Ensure coastal permit process is preserved when addressing other state law provisions.**

***F. Memorialize Action Taken on a Coastal Permit***

**1. Recommendation: Memorialize the Action Taken on a Coastal Permit**

**Update the IP with provisions regarding how coastal permits are prepared and transmitted pursuant to Code of Regulations §§ 13570 - 13572, if not already included.**

***EXAMPLE:*** *certified IP text:*

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>, click on Chapter 13.*

*13.15. FINALITY OF CITY ACTION.*

*A City decision on an application for a coastal development permit shall not be deemed complete until (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity*

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*with the certified Local Coastal Program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted.*

**13.16. NOTICE OF FINAL LOCAL GOVERNMENT ACTION.**

*A. Notice after Final City Action. Within seven (7) calendar days of a local government completing its review and meeting the requirements of Section 13.15 of the Malibu LIP, the City shall notify by first class mail the South Central Coast District Office of the Coastal Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission.*

*B. Pursuant to Public Resources Code Section 30166.5, notwithstanding the requirements of Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, once the City assumes coastal development permitting authority pursuant to Public Resources Code Section 30166.5, no application for a coastal development permit shall be deemed approved if the city fails to take timely action to approve or deny the application.*

**13.17. EFFECTIVE DATE OF CITY ACTION.**

*The City's final decision on an application for a coastal development permit that is appealable to the Coastal Commission shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless either of the following occur:*

*A. An appeal is filed in accordance with Section 13.20 of the Malibu LIP (Appeals);*

*B. The notice of final local government action does not meet the requirements of Section 13.16 of the Malibu LIP.*

*When either of the circumstances in (a) or (b) occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.*

## **2. Additional Updates, Procedures, and Practices to Consider**

### **a. Add guidance for preparing permit findings and conditions.**

#### **Elaborate On Required Findings**

#### **Elaborate On Required Conditions**

*EXAMPLE: Items included in a County's final local action notice chart of permit conditions:*

- *permit condition number*
- *permit condition text and responsible County department*
- *compliance or monitoring actions to be performed*
- *responsible party for compliance, timing, and verification of compliance*

### **b. Add guidance for addressing Coastal Act public access and recreation policies and required legal documents.**

**Cite or quote the Coastal Act sections that need consideration, such as §§ 30210, 30211, 30212, 30212.5, 30213, 30214, 30220, 30221, 30222, 30223, 30224 and 30252.**

*CITATION: Coastal Act §§ 30210 - 14:*

*Section 30210 Access; recreational opportunities; posting*

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*Section 30211 Development not to interfere with access*

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*Section 30212 New development projects*

*For the context of this example, please see coastal permit issued by Monterey County at: [http://www.co.monterey.ca.us/planning/docs/resolutions/za\\_2008/res\\_PLN080316.pdf](http://www.co.monterey.ca.us/planning/docs/resolutions/za_2008/res_PLN080316.pdf), condition chart begins on page 5.*

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*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

*(b) For purposes of this section, "new development" does not include:*

*(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*

*(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*

*(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*

*(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.*

*(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

*As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

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*Section 30212.5 Public facilities; distribution*

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

*Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals*

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The commission shall not: (1) 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; or (2) 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 such facilities.*

*Section 30214 Implementation of public access policies; legislative intent*

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

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*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

CITATION: Coastal Act §§ 30220 – 30224:

*Section 30220 Protection of certain water-oriented activities*

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*Section 30221 Oceanfront land; protection for recreational use and development*

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*Section 30222 Private lands; priority of development purposes*

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

*Section 30222.5 Oceanfront lands; aquaculture facilities; priority*

*Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture*

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*facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

*Section 30223 Upland areas*

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

*Section 30224 Recreational boating use; encouragement; facilities*

*Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

**CITATION:** *Coastal Act § 30252:*

*Section 30252 Maintenance and enhancement of public access*

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

**Elaborate On Required Findings for Public Access:**

**EXAMPLE:** *certified IP ordinance text:*

**12.7. REQUIRED FINDINGS AND SUPPORTING ANALYSIS FOR PUBLIC ACCESS DEDICATIONS**

**12.7.1 Required Overall Findings**

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/> click on Chapter 12.*

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A. *Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea (whether development or new development). Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of projects (whether development or new development) where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 12.7.2 of the Malibu LIP and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:*

1. *A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 12.7.2 of the Malibu LIP. The type of affected public access and recreation opportunities shall be clearly described.*

2. *An analysis based on applicable factors identified in Section 12.8.1 of the Malibu LIP of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.*

3. *A description of the legitimate governmental interest furthered by any access condition required.*

4. *An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.*

*12.7.2 Required Project-Specific Findings*

*In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections A through E, to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, “cumulative effect”*



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*means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.*

*A. Project effects on demand for access and recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.*

*B. Shoreline processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development, Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project — alone or in combination with*

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*other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.*

*C. Historic public use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal).*

*Evidence of the type and character of use made by the public (vertical, Lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts.*

*Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).*

*D. Physical obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.*

*E. Other adverse impacts on access and recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.*

### *12.7.3 Required Findings for Public Access Exceptions*

*Any determination that one of the exceptions of Section 12.5 of the Malibu LIP applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:*

*A. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the*

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*fragile coastal resource to be protected, the public safety concern, or the military facility which is the basis for the exception, as applicable.*

*B. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.*

*C. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.*

**EXAMPLE:** *certified IP ordinance text:*

*18.25.100 Public access to the shoreline.*

*(7)Required Findings and Supporting Analysis for Public Access Dedications.*

*(a)Required Overall Findings. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea (whether development or new development). Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of projects (whether development or new development) where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by subsection (7)(b) and shall reflect the specific level of detail specified, as applicable.*

*Findings supporting all such decisions shall include:*

*(i) A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (7)(b). The type of affected public access and recreation opportunities shall be clearly described;*

*(ii) An analysis based on applicable factors identified in subsection (7)(b) of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;*

*(iii) A description of the legitimate governmental interest furthered by any access condition required;*

*For the context of this example, please see City of Point Arena Municipal Code at <http://www.cityofpointarena.com/> click on Title 18, Chapter 18.25.*

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(iv) *An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.*

*(b) Required Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (b)(i) through (b)(v), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.*

*(i) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.*

*(ii) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand,*

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*wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development, description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas.*

(iii) *Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including, but not limited to, creation of physical or psychological impediments to public use).*

(iv) *Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.*

(v) *Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation.*

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*Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.*

*(c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (5) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:*

*(i) The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the public safety concern, or the military facility which is the basis for the exception, as applicable.*

*(ii) Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.*

*(iii) Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.*

**Elaborate on Permit Conditions for Recorded Legal Documents**

**c. Elaborate on the contents of Final Local Action Notices.**

**Elaborate on form and content**

EXAMPLE: *Items included in Coastal Commission suggested sample cover letter:*

- *Indication it is a final action notice*
- *Date*
- *To whom sent*
- *Application number*
- *Project applicant*
- *Applicant's representative*
- *Project location*
- *Project description*

*For the context of this example, please see Coastal Commission's Local Coastal Program Post-Certification Guide for Coastal Cities and Counties at <http://www.coastal.ca.gov/la/docs/post-cert-lcp-guide.pdf>. Sample form is Appendix C-4.*

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- *Which local body gave final local action*
- *Checklist of supporting materials enclosed or date previously sent*
- *Indication whether or not appealable to Coastal Commission*
- *Where to file an appeal*

**Elaborate on applicant contact information, project description, expiration dates, attachments and exhibits**

**d. Establish procedures for transmitting Final Local Action Notices.**

**e. Establish procedures to respond to notices of deficient Final Local Action Notices.**

### **Section III. Local Responsibilities in the Appeal Process**

#### ***A. State Any Fees to Appeal Local Coastal Permit Decisions***

##### **1. Recommendation: State If There Is a Fee for an Appeal**

**Update the IP to specify whether a fee is charged to a party that appeals a coastal permit decision, if not already clearly stated.**

##### **2. Additional Updates, Procedures, and Practices to Consider**

- a. Ensure that fee schedules accurately reflect any appeal fee.**
- b. Ensure the public understands the effect of charging an appeal fee.**

#### ***B. Transmit Complete Files for Appealed Projects***

##### **1. Recommendation: Ensure Files Are Transmitted for Appealed Coastal Permits**

**Include a provision in your IP to incorporate requirement of Code of Regulations § 13112 to promptly transmit permit files to the Coastal Commission after an appeal.**

##### **2. Additional Updates, Procedures, and Practices to Consider**

- a. Designate staff to respond to file requests.**

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**b. Outline procedures to assemble materials to transmit.**

***C. Complete Local Process in Coordination with the Coastal Commission Action on Appeals***

**1. Recommendation: Accept Coastal Commission Appeal Decisions**

**Update the IP to have an acceptance of Commission action on the coastal permit on appeal, if not already included.**

***EXAMPLE:*** *certified IP text:*

*The coastal development permit is not effective until all appeals, including those to the Coastal Commission, have been exhausted. In the event that the Coastal Commission denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.*

***EXAMPLE:*** *certified IP text:*

*Where an appeal has been filed with the Coastal Commission in compliance with Section 35-182 (Appeals) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit is final. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically amended to conform to the Coastal Commission's approved Coastal Development Permit for the project or automatically terminated to conform to the Coastal Commission's disapproval of the Coastal Development Permit.*

**2. Additional Updates, Procedures, and Practices to Consider**

**a. Establish a procedure for holding an additional hearing on a local permit that has been appealed to the Coastal Commission by Coastal Commissioners under Code of Regulations § 13573.**

***EXAMPLE:*** *Certified IP text:*

*B. Where a project is appealed by any two members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals; provided, however, that the Coastal Commission shall transmit a "Notice of Commissioners' Appeal" to the City Council.*

*For the context of this example, please see City of Malibu Local Implementation Plan at: <http://www.qcode.us/codes/malibu-coastal/>. Click on CHAPTER 13— COASTAL DEVELOPMENT PERMITS, then 13.20 -- APPEALS.*

*For the context of this example, please see Santa Barbara Coastal Zoning Ordinance, in particular Sec. 35-169. Coastal Development Permits, found at: <http://www.sbcountyplanning.org/PDF/A/Article%20II.pdf>.*

*For the context of this example, please see Section 17.54.050 of Carmel-by-the-Sea's Municipal Code, found at: <http://www.codepublishing.com/CA/carmel.html>*



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*Upon receipt of such notice, the Coastal Commissioners' appeal may be suspended by the City Council pending a decision on the merits of the appeal by the Council. The City Administrator or any two Council members may request a review of the appeal by notifying the City Clerk and the City Administrator shall then notify the Coastal Commission that a suspension is in effect. The council shall review the matter within 45 days of said notice to the Coastal Commission. If the decision of the City Council is to modify or reverse the previous decision the Coastal Commissioners shall be required to file, if necessary, a new appeal of that decision.*

**b. Establish a procedure to address project changes after an appeal is filed.**

**c. Reconcile any remaining local responsibilities with Coastal Commission action on the appeal.**