

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse

For use by Secretary of State only

NONSUBSTANTIVE

STD. 400 (REV. 01-2013)

| | | | |
|---|--------------------------|---|-----------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER 2018-1226-02N | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | 2018 DEC 26 P 12:31 OFFICE OF ADMINISTRATIVE LAW | |
| NOTICE | | REGULATIONS | |
| AGENCY WITH RULEMAKING AUTHORITY California Coastal Commission | | | AGENCY FILE NUMBER (if any) |

ENDORSED - FILED

in the office of the Secretary of State
of the State of CaliforniaFEB 07 2019
3:34 PM

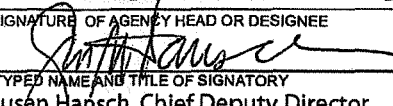
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

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 Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | |
|--|--|---|---|
| 1a. SUBJECT OF REGULATION(S) Coastal Commission permits, local coastal programs, procedures | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) N/A | |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | | | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | | ADOPT See Attached 8/11 per agency request 2/7/2019 | |
| TITLE(S) 14 | | AMEND see additional page | |
| 3. TYPE OF FILING | | REPEAL See Attached 8/11 per agency request 2/7/2019 | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ | | | |
| 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) | | | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> 5100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____ | | | |
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____ | | | |
| 7. CONTACT PERSON Robin Mayer (cell no. in fax no. slot) | | TELEPHONE NUMBER (415) 904-5238 | FAX NUMBER (Optional) (415) 505-5908 |
| E-MAIL ADDRESS (Optional) robin.mayer@coastal.ca.gov | | | |

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

SIGNATURE OF AGENCY HEAD OR DESIGNEE

 TYPED NAME AND TITLE OF SIGNATORY
 Susan Hansch, Chief Deputy Director

DATE
12/19/2018

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 07 2019

Office of Administrative Law

Affected Regulations. The Coastal Commission's regulations are contained in Division 5.5 of Title 14. The proposed changes affect the following sections:

ADD

§ 13008

AMEND

§§ 13012, 13015, 13018, 13019, 13040, 13050, 13071,

13104, 13105, 13113, 13116, 13136, 13137, 13138, 13144, 13158, 13173,

13204, 13205, 13214.7, 13216, 13217, 13218, 13219, 13221, 13222, 13223, 13224, 13231,
13234, 13238.1, 13241, 13242, 13243, 13244, 13245, 13247

13300, 13302, 13315, 13328.1, 13328.8, 13328.9, 13331, 13336, 13342, 13343, 13356, 13358,
13371,

13500, Subchapters 2 and 6, 13518, 13530, 13536, 13545, 13546, 13548, 13554, 13576, 13577,

13600, 13610, 13625, 13626, 13635, 13645, 13647, and 13648.

REPEAL

13214, 13214.1, 13214.2, 13214.3, 13214.4, 13214.5, and 13214.8.

TEXT

CHANGES WITHOUT REGULATORY EFFECT

California Coastal Commission regulations, Title 14, § 13001 et seq.

CHAPTER 1. GENERAL PROVISIONS

ARTICLE 2. DEFINITIONS

§ 13008. Coastal Act.

“The Coastal Act of 1976” or “Coastal Act” means the California Coastal Act, Public Resources Code, Division 20, as amended.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30000, Public Resources Code.

§ 13012. Major Public Works and Energy Facilities.

(a) “Major public works” and “Major energy facilities” mean facilities that cost more than ~~one hundred thousand dollars (\$100,000)~~ \$277,033 with an automatic annual increase in accordance with the Engineering News Record (ENR) Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30601 and 30603, Public Resources Code.

CHAPTER 2. MEETINGS

ARTICLE 2. REGULAR MEETINGS - NOTICE

§ 13015. Method of Notification.

Notice of regular meetings of the commission shall be by first class mail, electronic mail, or other reasonable means, dispatched not later than 10 days preceding the meeting and containing an agenda listing each item to be considered. The agenda item description shall conform to Section 13063 where the item is a development permit application.

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30315, Public Resources Code; and Section 11125, Government Code.

CHAPTER 2. MEETINGS
ARTICLE 3. SPECIAL MEETINGS

§ 13018. Time and How Called.

A special meeting of the commission may be called for any reasonable time, by resolution or by written petition of a majority of the appointed members of the commission, or by written call of the chairperson. A special meeting may be called for any of the purposes allowed by Government Code Section 11125.4.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30315, Public Resources Code.

CHAPTER 2. MEETINGS
ARTICLE 4. EMERGENCY MEETINGS

§ 13019. Time and Reason For.

The chairperson of the commission may call an emergency meeting to address a disruption or threatened disruption of public facilities, or other emergency situation as allowed by the Government Code Section 11125.5. At the start of the emergency meeting, the Commission by majority vote of the appointed membership shall determine that the emergency situation severely impairs public health or safety for any day and time when a situation may exist that poses danger to life, health, or property and when commission action is or may be needed in the situation.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30315, Public Resources Code.

§ 13040 [Conflict of Interest Code]

General Provisions

Appendix A Designated Positions

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

Appendix B Disclosure Categories

Note: Authority cited: Section 87300, Government Code. Reference: Sections 87300, 87302 and 87306, Government Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

§ 13050. Scope of Chapter.

Except as specifically provided by any subdivision hereof the provisions of this chapter shall govern all coastal development permit applications required under Public Resources Code, Section 30601, and under Public Resources Code, Section 30600 where a local government has not exercised its option to administer permits as provided in Sections ~~13301-13327~~ 13300-13325 of these regulations.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600 and 30601, Public Resources Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

SUBCHAPTER 1. REGULAR PERMITS

ARTICLE 11. ADDITIONAL HEARINGS, WITHDRAWAL
AND OFF-CALENDAR ITEMS, AMENDED APPLICATIONS

§ 13071. Withdrawal of Application.

(a) At any time before the ~~chair~~commission commences calling the roll for a vote on an application, an applicant may withdraw the application.

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30333 and 30620, Public Resources Code.

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

SUBCHAPTER 1. REGULAR PERMITS

ARTICLE 16. REVOCATION OF PERMITS

§ 13104. Scope of Article.

The provisions of this article shall govern proceedings for revocation of a coastal development permit previously granted by a regional commission or the commission.

Note: Authority cited: Sections 30331 and 30333, Public Resources Code. Reference: Sections 30331 and 30620 ~~30519 and 30600~~, Public Resources Code.

§ 13105. Grounds for Revocation.

Grounds for revocation of a permit shall be:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application; or

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION
SUBCHAPTER 2. APPEALS TO STATE COMMISSION

§ 13113. Grounds of Appeal.

The grounds of appeal for any development appealable under Public Resources Code Section 30603(a) shall be limited to those specified in Public Resources Code Section 30603(b) ~~and (e)~~.

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Sections 30603 and 30623, Public Resources Code.

§ 13116. Withdrawal of Appeal.

At any time before the Commission commences the final vote on an appeal, ~~an~~the appellant may withdraw the associated appeal. The withdrawal must be in writing or stated on the record and does not require Commission concurrence. On withdrawal of all appeals on a matter~~If the appellant withdraws the appeal~~, the action of the local government shall automatically become final unless the appeal period of Public Resources Code ~~Section 30622~~ Section 30603 has not run.

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Sections ~~30602 and 30603~~ 30620.6, Public Resources Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION
SUBCHAPTER 4. PERMITS FOR AN APPROVAL OF EMERGENCY WORK
ARTICLE 1. GENERAL

§ 13136. Scope of Subchapter.

This Subchapter governs procedures for processing applications for permits or waivers to perform work to resolve problems resulting from a situation falling within the definition of "emergency" in Section 13009 and pursuant to the provisions of Public Resources Code Sections 30611 and 30624, for which the Commission has jurisdiction pursuant to Section 30519(b).

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Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30611 and 30624, Public Resources Code.

§ 13137. Immediate Action Required.

It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services, before the provisions of the Subchapter can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to Public Resources Code, Section 30611, they shall comply with the requirements of Public Resources Code Section 30611 and to the maximum extent feasible, with the provisions of this Subchapter.

Note: Authority cited: Sections 30333 and 30624, Public Resources Code. Reference: Sections 30611, Public Resources Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION
SUBCHAPTER 4. PERMITS FOR AN APPROVAL OF EMERGENCY WORK
ARTICLE 2. APPLICATIONS

§ 13138. Method of Application.

Applications in cases of emergencies shall be made to the executive director of the commission in writing ~~by letter or facsimile~~ during business hours if time allows, and by telephone or in person if times does not allow.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30624, Public Resources Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION
SUBCHAPTER 4. PERMITS FOR AN APPROVAL OF EMERGENCY WORK
ARTICLE 4. EMERGENCY ACTIONS WITHOUT A PERMIT

§ 13144. Waiver of Emergency Permit Requirements.

(a) Any person wishing to take an emergency action pursuant to the requirements of Public Resources Code Section 30611 shall notify the executive director of the

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Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

commission in writing ~~by facsimile~~ or by telephone during business hours of the type and location of the emergency action taken, within three (3) days of the disaster or the discovery of the danger. Within seven (7) days of taking ~~such~~ the emergency action, the person who notified the executive director shall send a written statement of the reasons why the action was taken, the information specified in Section 13139, and verification that the action complied with the expenditure limits set forth in Public Resources Code Section 30611.

- (b) At the next commission meeting following the receipt of the written report, the executive director shall summarize all emergency actions taken, and shall report to the commission any emergency action that, in his or her opinion, does not comply with the requirements of Public Resources Code Section 30611 and shall recommend appropriate action.
- (c) For the purposes of this section, any immediate, temporary actions taken by the California Department of Fish and Game which are required to protect the nesting areas of the California least tern, an endangered species under the California Fish and Game Code, Sections 2050-2055 and Title 14 of the California Code of Regulations, Section 670.5, and the Federal Endangered Species Act of 1973, shall be deemed to be in compliance with Public Resources Code Section 30611.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30611, Public Resources Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS
SUBCHAPTER 6. PERMITS
ARTICLE 2. NOTICE OF RECEIPT AND ACKNOWLEDGEMENT

§ 13158. Notice of Receipt and Acknowledgment.

- (a) Development shall not commence until an approved permit becomes effective.
- (b) No approved permit shall become effective until a copy of the permit has been returned to the commission, upon which copy all permittees or agent(s) authorized pursuant to section ~~13053(e)~~ 13053.5(c) have acknowledged that they have received a copy of the permit and have accepted its contents.
- (c) Each permit approved by the commission shall be issued to the applicant with a blank acknowledgment to be signed by each permittee.

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Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

...

(e) A permit shall not be issued pursuant to section 13158(c) until and unless the applicant has satisfied all prior to issuance conditions. Prior to issuance conditions are those conditions that are identified in the permit as conditions that must be complied with prior to issuance of the permit. After approval of a permit, the executive director shall notify the permit applicant of those conditions that have been designated as prior to issuance conditions.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600 and 30607, Public Resources Code.

CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS
SUBCHAPTER 7. ENFORCEMENT AND VIOLATION OF PERMITS
ARTICLE 1. ENFORCEMENT RESPONSIBILITIES

§ 13173. Enforcement of the Coastal Act.

Whenever the executive director of the commission determines that any violation of the provisions of the California Coastal Act of 1976 has occurred or is threatened, the Attorney General may file an action in the name of the commission for equitable relief to enjoin such violation, or for civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the California Coastal Act of 1976.

Note: Authority cited: Sections 30331 and 30333, Public Resources Code. Reference: Sections 30803, 30804, 30805, and 30808 ~~Chapters 1, 2, 4 and 7 of Division 20,~~ Public Resources Code.

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 1. CLAIMS OF VESTED RIGHTS
ARTICLE 1. REVIEW PROVISIONS

§ 13204. Notice.

Notice of the recommendation and the date of the public hearing on the claim shall be made in the manner prescribed by Section 13059.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608, Public Resources Code.

§ 13205. Acknowledgment Hearing Procedure.

...

(c) All other claims shall be processed in the manner provided by Sections ~~13080-13073~~, 13074, and 13090-13096.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608, Public Resources Code.

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 3. 5. DEVELOPMENT ON PARCELS ADDED TO THE COASTAL ZONE
ON JANUARY 1, 1980

ARTICLE 1. REVIEW PROVISIONS

~~§ 13214. Scope.~~

~~Any person claiming a development to be exempt from the permit requirements of the Act pursuant to Public Resources Code Section 30608.5 must substantiate the claim in a proceeding under this subchapter. In such a proceeding the claimant shall assume the burden of proof.~~

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

~~§ 13214.1. Obligation to File.~~

~~Any person who claims that a development is exempt from the permit requirements of the Public Resources Code, Section 30600 or 30601 pursuant to Public Resources Code, Section 30608.5 must file a claim with the commission and obtain approval under this subchapter.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

~~§ 13214.2. Claim Forms.~~

~~Claim forms shall be published by the commission. The executive director of the commission shall revise the form as necessary to assist claimants in providing the information necessary to substantiate a claim, provided, however, that any significant change in the type of information requested must be approved by the commission. A claim shall be filed only after the claimant has provided the commission with all the information called for by the form, as well as any other information which the executive director of the commission deems necessary to review the claim.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

~~§ 13214.3. Initial Determination.~~

~~As soon as practicable after the filing of a claim, and in no event later than 30 days from the filing date, the executive director of the commission shall make an initial determination whether the claim appears to be substantiated; notice of the initial determination shall be transmitted to the claimant and to any person(s) requesting notice or known by the executive director to be interested. Based on the initial determination, the executive director shall make a written recommendation to the commission for consideration at the hearing on the claim application at the next succeeding regularly scheduled meeting. At such hearing the executive director shall introduce into evidence all information submitted by the applicant or other interested parties either supporting or in opposition to the application up to the deadline for submission of evidence established by the commission.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

~~§ 13214.4. Notice.~~

~~Notice of the recommendation and the date the public hearing on the claim shall be made in the manner prescribed by Section 13059.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

~~§ 13214.5. Acknowledgment Hearing Procedure.~~

~~(a) Commission action on a claim shall be supported by written finding of facts. If the commission finds that a claim is substantiated, it shall acknowledge the claim. If it finds that a claim is not substantiated, it shall deny the claim. However, if the circumstances suggest that a claimant may be able to provide additional information to substantiate the claim or that other evidence is pertinent to the claim, the matter may be continued for the purpose of submitting further information and for action at the next succeeding meeting following the receipt and review of the information.~~

~~(b) Claims which the executive director recommends be acknowledged may be placed on a consent calendar and processed in the manner provided by Sections 13101 and 13103.~~

~~(c) All other claims shall be processed in the manner provided by Sections 13080-13096.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 3. 5. DEVELOPMENT ON PARCELS ADDED TO THE COASTAL ZONE
ON JANUARY 1, 1980
ARTICLE 2. GRANT OF CLAIM

~~§ 13214.7. Effect of Acknowledged Claim.~~

A final determination of the commission that recognized ~~recognizing~~ a claim pursuant to repealed Public Resources Code Section 30608.5 ~~exists~~ existed shall continue to constitute acknowledgment that the development does not require a coastal development permit under Public Resources Code, Section 30600 or 30601, provided that this shall only apply to developments actually completed prior to July 1, 1981 or where substantial work was ~~has been~~ undertaken prior to July 1, 1981.

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30608 and 30608.5, Public Resources Code.~~

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

~~§ 13214.8. Notification to Local Government.~~

~~As soon as practicable after final action on a claim by the commission, the executive director shall transmit a notice of the action taken to the local government having jurisdiction over the area in which the development is located, the claimant, and to any person known by the executive director to be interested in the matter.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30608.5, Public Resources Code.~~

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 4. URBAN LAND EXCLUSION
ARTICLE 1. COMMISSION REVIEW PROCEDURES

§ 13216. Local Government Request.

A local government may request, in writing, that an urban land area be excluded by the commission from the permit provisions of the California Coastal Act of 1976. The request for exclusion shall include, or be accompanied by the following:

- (a) A description specifically identifying the land area for which the exclusion is requested.
- (b) Information describing the zoning in effect on January 1, 1977.
- (c) A description or statement as to the density of the development existing on or before January 1, 1977.
- (d) A description of any existing or proposed regulatory or other controls on development within the area which will insure that any future development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community and that any locally permitted development will have no potential for significant adverse effects, either individually or cumulatively on public access to the coast or on coastal resources.

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Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

(e) Information as to the number of lots within the area requested for exclusion and the number of lots which are built upon to the same general density or intensity of use.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

§ 13217. Material Supporting Request for Exclusion.

The request for exclusion shall contain or be accompanied by the following supporting material:

(a) The precise language of existing regulatory or other controls on development within the area requested for exclusion that would insure that any development within said area, either individually or cumulatively, would meet the criteria of Public Resources Code Section 30610.5; or proposed regulatory or other controls on development within the area requested for exclusion that the local government intends to adopt and enforce in order to assure that any development within said area, either individually or cumulatively, would meet the criteria of Public Resources Code 30610.5; or any combination of the above. The description of regulatory controls may include any land use controls such as height limits or open space requirements that could affect allowable density, height or nature of uses.

(b) A general description of existing development within the area to be excluded, the amount of privately-owned net acreage to be excluded, and the resulting density (units per acre).

(c) A reasonable estimate of the most intense development that could occur, based on the regulatory controls of the proposed exclusion. This estimate may utilize any combination of geographic units deemed appropriate by the local government and may include an analysis of the likely effects of regulatory controls such as height limits, off-street parking requirements, floor area ratio, etc.

(d) An analysis of the effects of the development projected in subdivision (c) above on public access to the coast and on coastal resources.

(e) Any other information as may from time to time be requested by the executive director of the commission or by the commission to determine whether and on what terms and conditions, if any, such area may be excluded pursuant to Public Resources Code, Section 30610.5.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

TEXT
Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

§ 13218. Preliminary Review of Exclusion Request.

Any local government desiring the exclusion of any urban land area within its jurisdiction, pursuant to Public Resources Code Section 30610.5, may request a preliminary advisory review of the proposed exclusion by the commission. Because the purpose of the preliminary review is to provide sufficiently detailed information to make the determinations required in Public Resources Code Section 30610.5, the exclusion request need not be in the final language required of an adopted ordinance. The commission will grant a request for a preliminary advisory review as time allows, provided such review will not adversely limit commission time required for the review of other agenda items. Any such advisory review shall be conducted at a properly noticed public hearing of the commission. The chairperson shall establish predetermined time limits for testimony by the local government and interested persons. Individual members of the commission may ask questions and make statements but no vote shall be taken.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

§ 13219. Submission and Filing of Requests and Supporting Material.

The executive director of the commission shall determine whether the request and supporting materials provide sufficient information to permit evaluation of the request pursuant to Public Resources Code Section 30610.5. These determinations shall be made by the executive director within five (5) working days after the material is received. If it is determined that the material is legally sufficient and technically complete, the request for exclusion shall be filed and the requesting local government shall be informed of the filing. If the executive director determines that the material is not sufficient, the executive director shall provide the requesting local government with a statement of the reasons why the request was not filed. Upon curing any defects, the requesting local government may resubmit the request for exclusion. Any local government submitting an application for exclusion may also request a determination from the commission as to the adequacy of the material that it has submitted for purposes of conducting the review of the urban exclusion request pursuant to Public Resources Code, Section 30610.5.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

§ 13221. Commission Action on Request.

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Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

(a) If the staff report contained an initial staff recommendation, the commission may, at its discretion, vote on the request at the same meeting following the conclusion of the public hearing in the same manner as provided in Sections 13081-13083.

(b) If the staff report did not contain an initial recommendation, the executive director shall prepare a written recommendation on the request for exclusion after the close of the public hearing. The executive director's staff recommendation shall be prepared and distributed as provided in Sections 13075 and 13076 but the proposed action, findings, and conditions shall be stated only in terms of the requirements of Public Resources Code, Section 30610.5. The commission shall act on the request for exclusion, approving or denying it in whole or in part, at the next regularly scheduled meeting following completion of the public hearing, unless the commission finds that good cause exists for continuing its action to a later time.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

§ 13222. Effective Date of Urban Exclusion.

No urban exclusion approved by the commission shall be effective until the following occur:

(a) The requesting local government, by action of its governing body, acknowledges receipt of the commission's resolution of approval including any conditions which may have been required pursuant to Public Resources Code, Section 30610.5, and

(b) The requesting local government, by appropriate action of its governing body, accepts and agrees to the terms and conditions, if any, to which the urban exclusion has been made subject and takes final action to implement all such conditions.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

§ 13223. Denial of Request for Exclusion.

If the commission denies a request for exclusion it shall adopt a resolution indicating the reasons for such denial, and shall transmit the resolution to the requesting local government. Following such denial, a new request for exclusion of the same area may be filed with the commission after the expiration of three (3) months from the date of the commission's action, provided that the local government submits information indicating the reasons for denial have been overcome in the new request.

TEXT
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to Coastal Commission Regulations, Title 14, § 13001 et seq.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

§ 13224. Termination of Final Request.

The local government may at any time terminate the request for exclusion and such termination shall void the order granting the exclusion and reinstate the development controls of the California Coastal Act of 1976. Upon termination of the request, no new request for an exclusion of the same area may be filed with the commission for three (3) months from the date of termination.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 4. URBAN LAND EXCLUSION
ARTICLE 3. IMPLEMENTATION OF AN URBAN EXCLUSION ORDER

§ 13231. Interpretation of Exclusion.

Any person may request an interpretation of the order granting an exclusion from the executive director of the commission. The executive director shall, as soon as time and resources allow, make such interpretation; such interpretation shall be reviewed by the commission at its next regularly scheduled meeting for which notice can be provided pursuant to Section 13220. The decision of the executive director shall be conclusive unless three (3) or more members of the commission request to review the interpretation, in which case the commission shall make the interpretation by majority vote of the appointed membership. The affected local government shall be notified of any such interpretation. The commission will review any interpretation of the executive director if requested by the affected local government.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

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§ 13234. Termination upon Adoption of Local Coastal Program.

Upon the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code, Section 30519, an urban exclusion order shall automatically be deemed terminated for that portion of the urban exclusion land area included in the approved local coastal program. Any permit granted pursuant to an exclusion order shall remain in effect, provided that no substantial change is made in the development plan previously approved and all necessary governmental approvals remain in effect.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610.5, Public Resources Code.

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 4.5. WAIVER OF PERMIT REQUIREMENTS FOR DE MINIMIS DEVELOPMENT

§ 13238.1. Application.

The executive director may issue a waiver from permit requirements after review of a completed permit application. If, upon review of the application, the executive director determines that the permit requirements may be waived, the applicant shall post public notice as required by Section 13054(b)(d), and shall provide any additional notice to the public that the executive director deems appropriate. The executive director shall notify any person known to be interested in the proposed development of the proposed waiver.

Note: Authority cited: Sections 30333 and 30624.7, Public Resources Code. Reference: Section 30624.7, Public Resources Code.

CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS
SUBCHAPTER 5. CATEGORICAL EXCLUSIONS
ARTICLE 1. COMMISSION REVIEW PROCEDURES

§ 13241. Request for Exclusion.

(a) In the case of a local government or other public agency requesting that a category of development, or categories of development within a specific geographic area, be

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excluded from the coastal development permit requirements of Chapter 7 of the California Coastal Act of 1976 (commencing with Public Resources Code, Section 30600), such agency shall provide the executive director of the commission with materials and information that the executive director deems necessary to make the findings required by Public Resources Code, Section 30610(e) and 30610.5(b) and the California Environmental Quality Act (commencing with Public Resources Code Section 21000). The executive director shall cause a public hearing on such a request to be scheduled within a reasonable time of the receipt of materials and information, sufficient to allow ~~him to evaluate~~ evaluation of whether the request for exclusion meets the requirements of Public Resources Code, Sections 30610(e) and 30610.5(b).

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610(e) and 30610.5, Public Resources Code.

§ 13242. Hearing Procedures.

The executive director of the commission, after consultation with the public agency that approves development activity for the particular category of development proposed for exclusion with any affected local government and with any persons known to be interested in the development activity, shall prepare and distribute a report in the same manner provided in Section 13220. If the commission determines after the public hearing is closed that the proposed categorical exclusion warrants commission action, the executive director shall prepare a recommendation in the same manner as provided in Section 13221.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610, and 30610.5, Public Resources Code.

§ 13243. Commission Action on Order Granting Exclusion.

The commission shall, by a two-thirds (2/3) vote of its appointed members, exclude those categories of development or categories of development within specific geographic areas that it finds meet the criteria of Public Resources Code, Section 30610(e); the commission shall require such terms and conditions as it deems necessary pursuant to Public Resources Code, Section 30610.5(b). The commission's order granting the exclusion shall contain the following:

(a) A precise description of the category of development or category of development within a specific geographic area that is the subject of the exclusion in sufficient detail to permit any person to know precisely which category of development within a specific

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geographic area does not require a coastal development permit pursuant to Chapter 7 of the California Coastal Act of 1976.

(b) Specific findings supporting such determination to grant the exclusion as required by Public Resources Code Section 30610(e).

(c) Any terms and conditions necessary to comply with the requirements of Section 30610.5(b). Such terms and conditions may also specify that certain categories of development or categories of development within a specific geographic area may be excluded only on a condition that local government development approvals are reviewable by the commission in the same manner as provided in Sections 13318-13323.

(d) Any category of development for which the commission shall receive notice of public agency approval.

(e) A declaration that the exclusion may be rescinded at any time, in whole or in part, if the commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code, Section 30610(e) and that the order may be revoked at any time that the terms and conditions of the order are violated as provided in Public Resources Code, Section 30610.5.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610(e) and 30610.5, Public Resources Code.

§ 13244. Order Granting Exclusion.

Upon adoption of an order granting an exclusion pursuant to this article, the commission shall transmit copies of such order to each applicable local government or other public agency affected by the exclusion order. No categorical exclusion approved by the commission shall be effective until the following occur:

(a) The public agency which issues the permit for the category of development that is the subject of the categorical exclusion order, by action of its governing body, acknowledges receipt of the commission's resolution of approval, including any conditions which may have been required pursuant to Public Resources Code Section 30610.5;

(b) The agency described in subsection (a) above, by appropriate action of its governing body, accepts and agrees to the terms and conditions to which the categorical exclusion has been made subject; and

(c) The executive director of the commission determines in writing that the public agency's resolution is legally adequate to carry out the exclusion order and that the notification procedures satisfy the requirements of the exclusion order. The approval of any category of development excluded on condition that the commission shall have the right to review any such development shall be conditioned on the requirement that the

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public agency permit shall not become effective for twenty (20) working days following commission receipt of notification as provided in Section 13243.(c) and (d).

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610(e) and 30610.5, Public Resources Code.

§ 13245. Interpretation, Amendment or Termination of Exclusion Order.

An interpretation of a categorical exclusion order may be requested in the same manner provided in Section 13231. A request for amendment to a categorical exclusion order shall be reviewed in the same manner provided in Section 13225, provided that approval of a proposed amendment shall be by two-thirds (2/3) vote of the appointed membership. A public agency may request that a categorical exclusion order be terminated in the manner provided in Section 13224.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610, and 30610.5, Public Resources Code.

§ 13247. Effect of a Categorical Exclusion Order.

An order granting an exclusion for a category of development removes that category of development from the permit requirements of Chapter 7 of the California Coastal Act of 1976 to the extent and in the manner specifically provided in the exclusion order. No development inconsistent with such order may take place unless the order is amended or terminated as provided in this subchapter or a final coastal development permit is issued.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30610, and 30610.5, Public Resources Code.

CHAPTER 7. COASTAL DEVELOPMENT -PERMITS ISSUED BY LOCAL GOVERNMENTS
AND OTHER PUBLIC AGENCIES
SUBCHAPTER 1. COASTAL DEVELOPMENT PERMITS ISSUED BY LOCAL GOVERNMENTS

§ 13300. Applicability of Subchapter ~~Chapter~~ to Developments Within the Coastal Zone.

This subchapter shall govern the issuance by local governments of coastal development permits pursuant to Public Resources Code Section 30600(b) and shall be applicable to

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any person wishing to perform or undertake any development in the coastal zone except for the following:

...

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600(b) and 30601, Public Resources Code.

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SUBCHAPTER 1. COASTAL DEVELOPMENT PERMITS ISSUED BY LOCAL GOVERNMENTS
ARTICLE 2. REQUIREMENTS FOR THE LOCAL GOVERNMENT
COASTAL DEVELOPMENT PERMIT SYSTEM

§ 13302. Coastal Development Permit Program Content.

In order to meet the requirements of the California Coastal Act including Public Resources Code, Sections 30602(a), 30604, 30620 and 30620.5 a local government coastal development permit program shall include, but not be limited to, the following:

...

(h) Provisions for specific language that will be set forth in each coastal development permit making the permit effective only upon the expiration of the 20 working days from the time of the receipt of the notice by the executive director of the commission unless a valid appeal is filed within that time pursuant to Public Resources Code, Section 30602(a).

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600, 30602, 30604, 30620, 30620.5 and 30625, Public Resources Code.

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SUBCHAPTER 1. COASTAL DEVELOPMENT PERMITS ISSUED BY LOCAL GOVERNMENTS
ARTICLE 4. COASTAL COMMISSION REVIEW OF LOCAL COASTAL DEVELOPMENT PERMIT

§ 13315. Notice by Local Government.

Within five (5) working days of the issuance of a permit in conformity with Section 13311, the local government shall provide notification of such issuance on a form prescribed by the commission to the appropriate district office of the commission and

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any persons who in writing requested such notice. Unless the local government provides such notification to the commission, the permit issued by the local government shall be of no force and effect.

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600, 30602 and 30620.5, Public Resources Code.

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ARTICLE 1. PROCEDURES FOR THE ISSUANCE OF ADMINISTRATIVE PERMITS
BY A LOCAL OFFICIAL

§ 13328.1. Applicant's Statement.

(a)... For purposes of this section the term "significant adverse impact on the environment" shall be defined as in Public Resources Code Section 21068 (California Environmental Quality Act) and Title 1415 California Code of Regulations, ~~Administrative Code~~ Section 15002(g).

...
Note: Authority cited: Sections 30333 and 30624, Public Resources Code. Reference: Sections 30600.5 and 30624, Public Resources Code.

§ 13328.8. Appeal of Administrative Permit.

...
(b) Processing of an appeal shall be governed by the provisions of Public Resources Code Section 30600.5 and ~~California Administrative Code~~ California Code of Regulations Sections 13330-13343, and shall be scheduled, heard and processed as priority items where time limits permit.

Note: Authority cited: Sections 30333 and 30624, Public Resources Code. Reference: Sections 30600.5 and 30602, Public Resources Code.

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§ 13328.9. Amendments to Administrative Permits.

...

(b) If any amendment would, in the opinion of the appropriate local official, increase the cost of the proposed development to an amount that exceeds that specified in PRC Public Resources Code Section 30624, the applicant shall thereafter be treated in the manner prescribed by the local governments implementing procedures adopted pursuant to PRC Public Resources Code Section 30600.5 dealing with amendments to permits other than administrative permits.

Note: Authority cited: Sections 30333 and 30624, Public Resources Code. Reference: Sections 30600.5 and 30624, Public Resources Code.

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ARTICLE 3. APPEALS TO STATE COMMISSION
PRIOR TO CERTIFICATION OF A LOCAL COASTAL PROGRAM

§ 13331. Notice of Final Local Action.

Within five (5) working days of the approval or denial of a coastal development permit, or within five (5) working days of its failure to act within any specified time limits contained in PRC Public Resources Code Sections 30621 and Government Code Sections 65950-65957.1, a local government shall notify the commission and any person requesting such notification in writing of the final local action.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5 and 30620.5, Public Resources Code.

§ 13336. De Novo Review.

Where the appellant has exhausted local appeals, a de novo review of the project by the commission shall occur only after the local decision has become final.

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30600.5, Public Resources Code.

§ 13342. Standard of Review.

The standard of review shall be whether the proposed development is in conformity with the certified land use plan portion of the local coastal program and ~~PRC~~Public Resources Code Section 30604(c).

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5 and 30604, Public Resources Code.

§ 13343. Commission Notification of Final Action.

Within five (5) working days of a final commission action on an appeal from a local government decision, the commission shall transmit notice of the action taken to the local government, the applicant, the appellant and persons~~parties~~ who testified ~~or~~ orally before, or in writing to, the commission.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5 and 30604, Public Resources Code.

CHAPTER 7. COASTAL DEVELOPMENT -PERMITS ISSUED BY LOCAL GOVERNMENTS
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SUBCHAPTER 2. PUBLIC WORKS PLANS
ARTICLE 3. PLAN REVIEW, PROCEDURES AND FINDINGS

§ 13356. Procedures for Plan Review Prior to Certification of Local Coastal Program(s) in the Affected Area.

(a) Except as provided below, for that portion or aspect of a plan submitted pursuant to this subchapter that affects a geographic area for which a local coastal program has not yet been certified by the Commission, all hearing requirements and procedures shall be

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the same as provided for the review of a long-range development plan as set forth in Sections ~~13523, 13524, 13525, and 13526~~~~13518 to 13528~~.

...

(c) The executive director of the Commission shall set the plan filed for public hearing no later than the 60th day following the date on which the application was filed. All dates for public hearing shall be set with a view toward allowing adequate public dissemination of the information and toward allowing public participation and attendance at the hearing while affording the applicants expeditious consideration of the plan.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30605, Public Resources Code.

CHAPTER 7. COASTAL DEVELOPMENT -PERMITS ISSUED BY LOCAL GOVERNMENTS
AND OTHER PUBLIC AGENCIES
SUBCHAPTER 2. PUBLIC WORKS PLANS
ARTICLE 4. PROJECT REVIEW

§ 13358. Coastal Development Permit Review Concurrent with Public Works Plan Review.

(a) If a proposed project intended to be undertaken pursuant to a public works plan is submitted to the Commission for a development permit concurrent with the submittal of a public works plan, the Commission shall review the project and the plan concurrently, and shall, if the project meets the requirements of the Coastal Act, approve the project as an integral component of the public works plan. The Commission shall require conditions, where necessary, to bring the project into conformance with the Coastal Act.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30605, Public Resources Code.

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ARTICLE 6. AMENDMENT OF PUBLIC WORKS PLAN

§ 13371. Procedure for Review of Public Works Plan Amendment.

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The hearing requirements and procedures for review of a public works plan amendment shall be the same as provided for the review of public works plans as provided in Section 13356, provided however, that where a public works plan amendment is submitted for a public works plan that was approved prior to the certification of a local coastal program, the following procedures shall apply:

~~(1)~~(a) At least ...

~~(2)~~(b) At least five (5) working days...

~~(3)~~(c) The affected local government may...

~~(4)~~(d) Approval of a...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30605, Public Resources Code.

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER 2. LOCAL COASTAL PROGRAMS (LCPs)
AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs)
ARTICLE 1. SCOPE AND DEFINITIONS

§ 13500. Scope.

Pursuant to Public Resources Code Sections ~~30550~~30501, 30605 and 30606, this subchapter shall govern the submission, review, certification and amendment of local coastal programs (LCPs) and state university or college long range land use development plans (LRDPs) and the procedures for review of developments in accordance with such plans and programs.

Note: Authority cited: Sections 30333, 30501 and 30605, Public Resources Code. Reference: Sections 30605 and 30606, Public Resources Code.

[NUMBERING CHANGES]

Chapter 8. Implementation Plans

[Affecting §§ 13500- 13648]

Subchapter ~~12~~. Local Coastal Programs (LCPs) and State University or College Long Range Development Plans (LRDPs)

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[Affecting §§ 13500- 13577]

Subchapter ~~26~~. Ports

[Affecting §§ 13600-13648]

[INDIVIDUAL REGULATION CHANGES]

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER ~~12~~. LOCAL COASTAL PROGRAMS (LCPs)
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ARTICLE 7. SUBMISSION OF LCPs AND LRDPs

§ 13518. Resolution for Submittal.

(a) The LCP or LRDP shall be accepted for filing by the Commission only if it is submitted pursuant to a resolution adopted by the local government or the governing authority ~~Board of Regents or the Board of Trustees~~ in accordance with the provisions of Public Resources Code Section 30510(a).

...

(b) A local government or governing authority may submit its proposed LCP or LRDP either:

(1) as a program that will take effect automatically upon coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519 for LCPs, or Public Resources Code Section 30605 for LRDPs, or

(2) as a program that will require formal local government or governing authority adoption after commission approval.

[separated from (2), without indent] Under either of the alternative procedures, the requirements of Section 13544 ~~shall~~must be fulfilled following Commission approval of the LCP or LRDP.

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30510 and 30605, Public Resources Code.

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ARTICLE 9. GENERAL REVIEW PROCEDURES FOR LCPs AND LRDPs

§ 13530. Additional Hearing on Land Use Plans.

Unless the Commission finds no substantial issue is raised by the land use plan, it shall conduct a public hearing on the specific provisions of the land use plan that it has determined raise a substantial issue as to conformity with the policies of Chapter 3 of the California Coastal Act of 1976. The hearing may be conducted at the same meeting at which substantial issue is determined or at a later meeting. Notice and hearing procedures shall be the same as those set forth in Article 9. Final action shall be within ninety (90) days after submittal of the land use plan, pursuant to Public Resources Code Section 30512.

Note: Authority cited: Section 30501, Public Resources Code. Reference: Section 30512, Public Resources Code.

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ARTICLE 11. COMMISSION ACTION ON LAND USE PLANS AND LRDPs

§ 13536. Amendment Prior to Commission Action.

If the local government or governing authority amends its land use plan or LRDP after submission and prior to the commencement of the calling of the roll for a vote on the land use plan or LRDP as submitted, the Commission shall determine whether or not such amendment is material and includes changes that have not been the subject of public review and comment before the Commission....

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Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30503 and 30512, Public Resources Code.

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ARTICLE 13. CONFIRMATION OF LCP CERTIFICATION

§ 13545. Effect of Final Certification of LCP.

Certification of a local coastal program pursuant to Section 13544 results in the delegation to the local government of a coastal development permit authority over those developments specified in Public Resources Code Section 30519 for the area of the coastal zone governed by the certified local coastal program. No development inconsistent with the certification order may take place unless the order is amended. Appealable developments under Public Resources Code Section 30603, ~~that are proposed for the area governed by the certified local coastal program~~ shall be subject to the requirements of Article 17, of these regulations.

Note: Authority cited: Section 30501, Public Resources Code. Reference: Section 30600, Public Resources Code.

§ 13546. Final Certification and Incomplete Permit Review.

At the time of delegation of coastal development permit authority there may be permit applications that have received local government approval and have not been voted upon by the Commission. The permit applicant may:

- (a) return the application to the local government for review under the certified local coastal program pursuant to Article 17, ~~(Section 2)~~, or
- (b) proceed with Commission review ...

Note: Authority cited: Section 30501, Public Resources Code. Reference: Section 30600(a), Public Resources Code.

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ARTICLE 14. CONFIRMATION OF FINAL AND EFFECTIVE LRDP CERTIFICATION AND
SUBSEQUENT REVIEW OF DEVELOPMENT PROJECTS

§ 13548. Effect of Final Certification of LRDP.

After certification of the LRDP for an educational facility has become final, the governing authority may undertake or authorize any development project for such educational facility within the coastal zone without a coastal development permit ~~obtained pursuant to Sections 13050 to 13173~~ if:

- (1) the governing authority provides timely notice of the impending development as provided in Section 13549, and
- (2) the proposed development is found to be consistent with the certified LRDP pursuant to Section 13550.

If the Commission fails to act upon the notice of the impending development within thirty (30) days after the notice is filed in the office of the Commission, the development is deemed consistent with the certified LRDP.

Note: Authority cited: Section 30605, Public Resources Code. Reference: Sections 30605, 30606, Public Resources Code.

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs)
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ARTICLE 15. AMENDMENTS TO CERTIFIED LCPs AND LRDPs

§ 13554. Minor Amendment, Definition.

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Pursuant to Public Resources Code Section 30514(c) and for purposes of this Article, a minor amendment to an LCP or LRDP includes but is not limited to, the following:

...

(b) for annexed or detached areas, certification of zoning ordinances, zoning district maps or other implementing actions where either:

- (1) the certified land use plan and zoning designations of the city and county jurisdictions of ~~to~~ the geographic area are equivalent; or
- (2) the Commission has certified proposed pre-annexation zoning for the annexing jurisdiction.

...

Note: Authority cited: Section 30501, Public Resources Code. Reference: Section 30514, Public Resources Code.

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER ~~12~~. LOCAL COASTAL PROGRAMS (LCPs)
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ARTICLE 18. MAP REQUIREMENT AND BOUNDARY DETERMINATION CRITERIA

§ 13576. Map(s) of Areas of Commission Permit and Appeal Jurisdiction.

...

~~(b) In the case of local governments which have received Commission approval of their Phase III (implementation) Work Program and Budget prior to January 1, 1980, the permit and appeal area maps shall be adopted by the Commission prior to the certification becoming effective pursuant to Section 13547 of the Commission's regulations.~~

...

Note: Authority cited: Sections 30333, 30501 and 30620.6, Public Resources Code.
Reference: Sections 30519 and 30603, Public Resources Code.

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§ 13577. Criteria for Permit and Appeal Jurisdiction Boundary Determinations.

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....

For purposes of this section, the upland limit of a wetland shall be defined as:

[indent] (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

(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:

[indent] (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) 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.

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(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.

(1) 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.

...

(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.

[separate] 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 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.

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to Coastal Commission Regulations, Title 14, § 13001 et seq.

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

[indent] (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)(E)(v), the effect of designating the first public road paralleling the sea shall be limited to the following:

[indent] (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.

(3) Where the Commission determines that the designation of the "first public road paralleling the sea" results in the inclusion of areas within the permit and appeal jurisdiction where the grounds for an appeal set forth in Public Resources Code Section 30603(b) are not an issue, the Commission may take action to limit the geographic area where developments approved by a local government may be appealed to the Commission, to that area where any such grounds are, in fact, an issue.

Note: Authority cited: Sections 30501 and 30620.6, Public Resources Code. Reference: Sections 30519 and 30603, Public Resources Code.

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CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER ~~26~~. PORTS
ARTICLE 1. SCOPE AND JURISDICTION

§ 13600. Ports Covered by This Subchapter.

The provisions of this subchapter are promulgated pursuant to Chapter 8 of the California Coastal Act of 1976. That Chapter and the organizational and procedural provisions of Chapters 1, 2, 3, and 5 of these regulations as applicable shall govern any development, the issuance of any coastal development permit, and the certification of any port master plan within the legal geographical boundaries of those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District within the coastal zone except as provided herein.

Note: Authority cited: ~~For Subchapter 6 (Sections 13600-13648, not consecutive)~~
~~Sections 30605, 30501 and Section 30333, Public Resources Code. Reference: Sections~~
~~30605 and 30606, Section 30700, Public Resources Code.~~

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER ~~26~~. PORTS
ARTICLE 2. DELINEATION AS A WETLAND, ESTUARY, OR EXISTING RECREATION AREA

§ 13610. Effect of Delineation as a Wetland, Estuary, or Existing Recreation Area.

(a) Until such time as the commission certifies a plan for an area identified as a wetland, estuary, or existing recreation area pursuant to Public Resources Code, Section 30710, any development proposed to be undertaken in such an area shall require a coastal development permit as provided in Chapter 7 of the California Coastal Act of 1976 and these regulations.

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(b) A port governing body with jurisdiction over an area identified as a wetland, estuary, or existing recreation area pursuant to Public Resources Code, Section 30710 may choose to either (1) submit a plan for such area to the commission in conjunction with the proposed port master plan pursuant to Public Resources Code, Section 30711, and the procedures for reviewing a port master plan set forth in Article 4 of this subchapter; or (2) submit a plan for such area for inclusion in a local government's local coastal program pursuant to Public Resources Code, Section 30519(b), and the procedures for reviewing a local coastal program set forth in these regulations. Certification of a plan for a wetland, estuary, or existing recreation area identified pursuant to Public Resources Code, Section 30710 shall be governed by policies of Chapter 3 of the California Coastal Act. After final certification of a plan for such an area, any proposed development in the area governed by the plan shall be subject to the procedures governing review of development following certification of a local coastal program as set forth in Public Resources Code, Section 30603 and these regulations.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30710 and 30711, Public Resources Code.

§ 13625. Contents of a Master Plan.

In order for the commission to be able to certify a port master plan, the plan shall include the following:

(a) Where a port governing body elects, pursuant to Section 13610(b), to include an area identified as a wetland, estuary, or existing recreation area in a port master plan, rather than submit the plan for such an area for inclusion in a local coastal program, the plan for such an area shall indicate how it conforms with the policies of Chapter 3 of the California Coastal Act of 1976 and its adequacy to carry out said policies.

(b) Pursuant to Public Resources Code, Section 30711(a)(4), all proposed developments listed as appealable under Public Resources Code, Section 30715 shall be described in sufficient detail to allow the commission to determine their consistency with the policies of Chapter 3 of the California Coastal Act of 1976. Provided, however, that in the event a proposed development has not reached the stage where it is in sufficient detail to meet this requirement, the port governing body may submit a plan that is comparable to a public works plan under Public Resources Code, Section 30605 and that meets the requirements of Public Resources Code, Section 30605 and these regulations; any project undertaken pursuant to a plan approved in this manner shall meet the requirements of Public Resources Code, Sections 30605, 30606, 30607, and 30607.1.

(c) All other requirements set forth in Chapter 8 of the California Coastal Act of 1976. Where a proposed development described in the master plan has not reached a stage of project definition that would allow the commission to determine consistency with the

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requirements of Chapter 8 of the California Coastal Act of 1976, the port governing body may request that the commission employ the public works plan procedure set forth in subsection (b) above but subject to the policies of Chapter 8 of the California Coastal Act of 1976 rather than the policies of Chapter 3.

(d) Copies of written comments on the master plan received from any person any responses thereto and a detailed summary of oral testimony given at any hearing on the master plan.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30711, 30712, 30714, 30715, and 30716, Public Resources Code.

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER 26. PORTS
ARTICLE 4. PREPARATION AND REVIEW OF PORT MASTER PLANS

§ 13626. Notice of Completion.

After completion of a draft Master Plan or an amendment of a Master Plan, the Port governing body shall issue a notice of completion ~~that~~^{which} contains information which, in the judgment of the executive director of the commission, is of sufficient detail to allow the commission to determine the port governing body's compliance with the provisions of Public Resources Code, Section 30712 ~~and 30713~~. The notice of completion shall include a listing of the members of the public, organizations, and governmental agencies contacted for comment on the Port Master Plans, along with copies of their comments, if any. As used in these regulations, notice of completion means that notice pursuant to Public Resources Code, Sections 30712 ~~and 30713~~.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30712, Public Resources Code.

§ 13635. Effect of Rejection.

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to Coastal Commission Regulations, Title 14, § 13001 et seq.

If the commission rejects the submitted master plan in whole or in part, it shall make findings on all portions of the plan deemed insufficient. Those portions that are rejected shall not be resubmitted to the commission pursuant to Public Resources Code, Section 30714 for 90 days following such rejection unless the executive director finds that there is a substantial change in the portion of the master plan that was rejected.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30714, Public Resources Code.

CHAPTER 8. IMPLEMENTATION PLANS
SUBCHAPTER 26. PORTS
ARTICLE 6. ENVIRONMENTAL IMPACT REVIEW -PORT MASTER PLANS
AND DEVELOPMENT UNDERTAKEN IN PORT AREAS

§ 13645. Review and Comments on Environmental Documents.

(a) The port governing body shall submit any initial studies, draft Environmental Impact Report, draft Negative Declaration, or draft Environmental Impact Statement concerning the port master plan or, after certification of the port master plan, concerning any development which may be appealed to the Commission pursuant to Public Resources Code Section 30715, to the executive director of the Commission as soon as practicable after such are prepared. For purposes of this subchapter the proposed port master plan and appropriate environmental documents may be submitted as a single combined document, when such document meets the substantive and procedural requirements of both the California Environmental Quality Act and the California Coastal Act of 1976.

(b) The executive director shall:

- (1) Review any Initial Environmental Study sent to him or her for consultation purposes, determine what comments should be made on behalf of the commission, and forward such comments to the port governing body; and
- (2) Review any draft environmental documents, received either through the State Clearinghouse review process or through other review procedures, determine what comments should be made on behalf of the commission, and forward such comments to the port governing body and the State Clearinghouse.

(c) The commission, in its discretion, may hold a public hearing on any environmental document submitted and direct the staff to make whatever comments, or to obtain whatever additional information, the commission deems appropriate.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30711, 30714, and 30715, Public Resources Code.

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Changes without Regulatory Effect
to Coastal Commission Regulations, Title 14, § 13001 et seq.

§ 13647. Notification of Non-Appealable Developments After Certification.

For developments approved by the commission in a certified master plan, but not appealable, the port governing body shall forward any draft environmental impact report(s) and negative declaration(s) prepared pursuant to the California Environmental Quality Act of 1970 or any draft environmental impact statement(s) prepared pursuant to the National Environmental Policy Act of 1969 to the commission in a timely manner to ensure sufficient time for the commission to comment on such developments prior to approval by the port governing body.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 21080.5 and 30718, Public Resources Code.

§ 13648. Effects of Comments.

Comments on environmental documents submitted by the commission or the executive director are intended to aid the port governing body in preparing adequate environmental documents. They do not indicate what action the commission may take with regard to certification of the port master plan or appealable development when submitted to the commission for review, nor do they preclude the commission from requiring additional environmental information in the course of any review process or from taking any action with respect to any development authorized by the California Coastal Act of 1976.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30714, 30717, and 30718, Public Resources Code.

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