

**State of California
Office of Administrative Law**

In re:
California Coastal Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 13012, 13055

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2023-0714-03

OAL Matter Type: Nonsubstantive (N)

This action by the California Coastal Commission adjusts the threshold amount to qualify as a major public works or energy project and the fees for permit applications and other filings.

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

Date: August 23, 2023



**Kevin D. Hull
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: John Ainsworth , Executive
Director**

Copy: Claire Wilkens

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0714-03N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
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 California

AUG 23 2023
2:00 PM

OFFICE OF ADMIN. LAW
2023 JUL 14 PM4:36

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Annual increases to permit fees & major public works threshold		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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	
TITLE(S) 14		AMEND 13012; 13055	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Claire Wilkens		TELEPHONE NUMBER (415) 904-5225	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) claire.wilkens@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.

Documented by:
SIGNATURE OF AGENCY HEAD OR DESIGNEE

Louise Warren

DATE

7/14/2023

22FRC1653 AND TITLE OF SIGNATORY

Louise Warren, Chief Counsel

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 23 2023

Office of Administrative Law

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TEXT OF CHANGES
Coastal Commission Regulations,
Title 14, Section 13012

§ 13012. Major Public Works and Energy Facilities.

(a) "Major public works" and "Major energy facilities" mean facilities that cost more than ~~\$329,691~~ \$336,564 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](#).

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Note: Authority cited: [Section 30333, Public Resources Code](#). Reference: [Sections 30601 and 30603, Public Resources Code](#).

TEXT OF CHANGES
Coastal Commission Regulations,
Title 14, Section 13055

§ 13055. Fees.

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

(1) ~~\$3,530~~\$3,678 for any development qualifying for an administrative permit.

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

<i>Square Footage of Proposed Residence</i>	<i>Fee</i>
1500 or less	\$4,236 <u>\$4,413</u>
1501 to 5000	\$6,354 <u>\$6,620</u>
5001 to 10,000	\$8,472 <u>\$8,826</u>
10,001 or more	\$10,590 <u>\$11,033</u>

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

1. For residences of 1500 square feet or less, the fee shall be ~~\$21,180~~\$22,065 or ~~\$1,412~~\$1,471 per residence, whichever is greater, but not to exceed ~~\$141,200~~\$147,100;
2. For residences of 1501 to 5000 square feet, the fee shall be ~~\$31,770~~\$33,098 or ~~\$2,118~~\$2,207 per residence, whichever is greater, but not to exceed ~~\$141,200~~\$147,100;

3. For residences of 5001 to 10,000 square feet, the fee shall be ~~\$42,360~~\$44,130 or ~~\$2,824~~\$2,942 per residence, whichever is greater, but not to exceed ~~\$141,200~~\$147,100;
4. For residences of 10,001 or more square feet, the fee shall be ~~\$52,950~~\$55,163 or ~~\$3,530~~\$3,678 per residence, whichever is greater, but not to exceed ~~\$141,200~~\$147,100.

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

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

(3) (A) For up to 4 attached residential units the fee shall be ~~\$10,590~~\$11,033.

(B) For more than 4 attached residential units, the fee shall be ~~\$14,120~~\$14,710 or ~~\$1,059~~\$1,103 per unit, whichever is greater, but not to exceed ~~\$70,600~~\$73,550.

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

<i>Cubic Yards of Grading</i>	<i>Fee</i>
51 to 100	\$706 <u>\$736</u>
101 to 1000	\$1,412 <u>\$1,471</u>
1001 to 10,000	\$2,824 <u>\$2,942</u>
10,001 to 100,000	\$4,236 <u>\$4,413</u>
100,001 to 200,000	\$7,060 <u>\$7,355</u>
200,001 or more	\$14,120 <u>\$14,710</u>

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

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

PER AGENCY
REQUEST
KDH

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

<i>Square Footage of Proposed Development</i>	<i>Fee</i>
1000 or less	\$7,060 <u>\$7,355</u>
1001 to 10,000	\$14,120 <u>\$14,710</u>
10,001 to 25,000	\$21,180 <u>\$22,065</u>
25,001 to 50,000	\$28,240 <u>\$29,420</u>
50,001 to 100,000	\$42,360 <u>\$44,130</u>
100,001 or more	\$70,600 <u>\$73,550</u>

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

<i>Development Cost</i>	<i>Fee</i>
\$100,000 or less	\$4,236 <u>\$4,413</u>
\$100,001 to \$500,000	\$8,472 <u>\$8,826</u>
\$500,001 to \$2,000,000	\$14,120 <u>\$14,710</u>
\$2,000,001 to \$5,000,000	\$28,240 <u>\$29,420</u>
\$5,000,001 to \$10,000,000	\$35,300 <u>\$36,775</u>
\$10,000,001 to \$25,000,000	\$42,360 <u>\$44,130</u>
\$25,000,001 to \$50,000,000	\$70,600 <u>\$73,550</u>
\$50,000,001 to \$100,000,000	\$141,200 <u>\$147,100</u>
\$100,000,001 or more	\$353,000 <u>\$367,750</u>

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

(6) ~~\$1,412~~\$1,471 for immaterial amendments to coastal development permits, and fifty percent (50%) of the permit fee that would currently apply to the permitted development for material amendments to coastal development permits.

(7) ~~\$1,412~~\$1,471 for emergency permits. A fee paid for an emergency permit shall be credited toward the fee charged for the follow-up coastal development permit.

(8) ~~\$3,530~~\$3,678 for temporary events that require a permit, unless the application is scheduled on the administrative calendar, in which case the fee shall be ~~\$1,412~~\$1,471.

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

(1) (A) ~~\$706~~\$736 for either an extension or reconsideration of coastal development permit for a single-family dwellings.

(B) ~~\$1,412~~\$1,471 for an extension or reconsideration of any other coastal development permit.

(2) ~~\$706~~\$736 for a "de minimis" waiver of a coastal development permit application pursuant to [Public Resources Code section 30624.7](#) and for a waiver pursuant to sections 13250(c) and 13253(c) of this title.

(3) ~~\$353~~\$368 for any written confirmation of exemption from permit requirements of [Public Resources Code section 30600](#).

(4) ~~\$1,412~~\$1,471 for any continuance requested by the applicant, except the first continuance.

(5) The filing fee for:

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

(B) any appeal to the Commission pursuant to [Public Resources Code sections](#)

[30602](#) or [30603\(a\)\(5\)](#) by an applicant of a denial of a coastal development permit application shall be determined in accordance with the provisions of subsection (a).

(6) The request for a boundary determination pursuant to either section 13255.1 or 13576(c) shall be accompanied by a filing and processing fee of ~~\$353~~\$368. For a request for a boundary determination pursuant to section 13255.1 or 13576(c)(2) that pertains to two or more parcels, the fee shall be paid on a per parcel basis.

(7) The request for a boundary adjustment pursuant to section 13255.2 shall be accompanied by a filing and processing fee of ~~\$7,060~~\$7,355.

...

(e) Where a development consists of a land division including, but not limited to, lot line adjustments or issuance of a conditional certificate of compliance pursuant to [Government Code section 66499.35\(b\)](#), the fee shall be ~~\$4,236~~\$4,413 for each of the first four lots, plus ~~\$1,412~~\$1,471 for each additional lot. Conversion to condominiums shall be considered a division of the land.

(f) If different types of developments are included in one permit application, the fee shall be the sum of the fees that would apply if each development was proposed in a separate application. However, in no case shall the fee for residential development exceed ~~\$141,200~~\$147,100 and in no case shall the fee for all other development exceed ~~\$353,000~~\$367,750.

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