

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

request

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2019-0416-04	REGULATORY ACTION NUMBER 2019-0619-055	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

JUL 30 2019  
1:38 PM

2019 JUN 19 P 3:56  
OFFICE OF  
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY  
California Coastal Commission

AGENCY FILE NUMBER (if any)  
Z2019-0416-04

**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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2019, 17-2	PUBLICATION DATE 4/26/2019

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) general update to add electronic communication, streamline procedures		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2018-1226-02-N	
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	
TITLE(S) 14		AMEND see attached	
		REPEAL see attached	
3. TYPE OF FILING			
<input checked="" 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
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) N/A			
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 type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2020</b> <del>request August 5, 2019</del>			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <b>per agency request</b> <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Robin Mayer		TELEPHONE NUMBER (415) 904-5220	FAX NUMBER (Optional) cell(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

DATE

TYPED NAME AND TITLE OF SIGNATORY

Susan M. Harisch, Chief Deputy Director

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ENDORSED APPROVED

JUL 30 2019

Office of Administrative Law

## LIST OF AFFECTED SECTIONS

### ADD

§§ 13012.1, 13024.5

### AMEND

§§ 13016, 13018.5, 13020, Ch. 4 Note, 13050.5, 13052, 13053.5, 13054, 13056, 13059, 13060, 13063, 13066, 13067, 13073, 13094;

13102, 13107, 13110, 13111, 13112, 13115, 13117, 13139, 13142, 13143, 13150, 13151, 13153, 13156, 13163, 13165, 13166, 13169, 13170, 13172, 13181, 13182, 13183, 13184, 13185, App. A., 13191, 13192, 13193;

13238.2, 13255.2, 13256.1, 13256.2, 13258;

13317, 13318, 13320, 13329.1, 13329.3, 13332, 13333, 13337, 13340, 13353, 13355, 13359, 13368;

13502, 13511, 13515, 13519, 13523, 13524, 13525, 13531, 13532, 13535, 13537, 13542, 13544, 13544.5, 13547, 13550, 13552, 13555, 13565, 13566, 13571;

13627, 13628, 13630, 13631, 13632, 13633, and 13634.

### REPEAL

§ 13013.5

## REGULATION TEXT

### REGULAR RULEMAKING

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

#### CHAPTER 1. GENERAL PROVISIONS

##### ARTICLE 2. DEFINITIONS

#### § 13012.1 Working Day

“Working day” means a day that is not a Saturday, Sunday, or California state holiday as specified by Government Code Section 19853.

Note: Authority cited, Section 30333, Public Resources Code. Reference: Section 19853, Government Code; Sections 30315, 30512, 30513, 30514, 30602, 30603, 30606, 30610.2, 30620, 30620.5, 30621, 30624.9, 30716, 30717, 30802, Public Resources Code.

#### CHAPTER 1. GENERAL PROVISIONS

##### ARTICLE 3. OFFICIAL RECORDS

#### ~~§ 13013.5. Copies and Certification.~~

~~Copies of official records may be made and certified by the commission, the expense thereof to be borne by the person or party requesting the same.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 6257, Government Code.~~

#### § 13016. Who Shall Receive Notice.

~~Such Meeting notices shall be transmitted~~mailed to commission members, to all parties to proceedings on the agenda, to others known to be interested in specific agenda items, and to any person who requests such notice in writing. The commission may require each person requesting such ~~mailed~~ notice to supply self-addressed stamped envelopes for the purpose of providing such notice. The Executive Director ~~commission~~ shall post the agenda to the commission website ~~also mail the notice and agenda of the~~

## REGULATION TEXT

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

~~commission hearings to public libraries, building departments and city halls throughout its coastal zone area with a request that they be regularly posted on public bulletin boards or other places readily accessible to the public and shall provide the agenda to newspapers of general circulation.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006 and 30315, Public Resources Code; and Section 11125, Government Code.

### CHAPTER 2. MEETINGS ARTICLE 3. SPECIAL MEETINGS

#### § 13018.5. Notice.

Notice of any special meetings shall be given as required by Government Code Section 11125.4 and at least 48 hours in advance of the meeting in the same manner provided in Sections 13015, 13016, and 13017. At the commencement of a special meeting, the Commission shall find that the delay necessitated by providing notice 10 days prior to the meeting would cause a substantial hardship on the Commission or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the Commission or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of the appointed membership, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall be made available on the Commission's website. Failure to adopt the finding terminates the meeting.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125.4, Government Code; and Sections 30006 and 30315, Public Resources Code.

### CHAPTER 2. MEETINGS ARTICLE 4. EMERGENCY MEETINGS

#### § 13020. Notice.

Notice of any emergency meeting shall must be provided by telegram transmitted to all persons entitled to receive notice pursuant to Government Code 11125.5Section 13016 and, shall be sent not less than 24 hours prior to the meeting, if possible. In addition, commission members shall be notified by telephone or other reasonable means prior to or immediately following placing of the telegraphic notice and a reasonable effort shall be made to notify the public of the meeting by posting to the commission website or other reasonable means. Any such notice shall contain a listing of the items to be

## REGULATION TEXT

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

considered at the emergency meeting. Roll call votes, action taken, and other information about the meeting shall be posted as required by Government Code Section 11125.5.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125.5, Government Code; and Sections 30006 and 30315, Public Resources Code.

### CHAPTER 2. MEETINGS

#### ARTICLE 5. MEETINGS – QUORUM AND PROCEDURES

##### § 13024.5. Moving Items from Regular Calendar to Consent Calendar

(a) When the proponent of a matter included on the regular calendar of an agenda is in agreement with the executive director's recommendation and the executive director is not aware of any significant controversy regarding that matter, the executive director may move that item onto the consent calendar. Any item moved to the consent calendar shall be reinstated on the regular calendar at the request of any commissioner. A motion and vote to approve the consent calendar shall be deemed to include the motions and votes recommended by the executive director for each item included on the consent calendar.

(b) For the purposes of this section, a proponent includes a permit applicant; a public agency that has submitted a local coastal program amendment, long range development plan amendment, public works plan amendment, port master plan amendment, or notice of impending development; a person who has submitted a federal consistency certification; a federal agency that has submitted a federal consistency determination; or, for matters initiated by the executive director, the executive director.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333.1, Public Resources Code.

### CHAPTER 4. CALIFORNIA COASTAL COMMISSION --CONFLICT OF INTEREST CODE

#### Chapter 4. California Coastal Commission --Conflict of Interest Code

NOTE: Pursuant to a regulation of the Fair Political Practices Commission (Title 2, CCR, section 18750(k)(2)), an agency adopting a conflict of interest code has the options of requesting that the code either be (1) printed in the CCR in its entirety or (2) incorporated by reference into the CCR. Here, the adopting agency has requested incorporation by reference. However, the full text of the regulations is available to the public for review on the commission's website or purchase at cost at the following locations:

## **REGULATION TEXT**

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

CALIFORNIA COASTAL COMMISSION  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105

FAIR POLITICAL PRACTICES COMMISSION  
428 "J" STREET, SUITE 800  
SACRAMENTO, CALIFORNIA 95814

SECRETARY OF STATE ARCHIVES  
1020 "O" STREET  
SACRAMENTO, CALIFORNIA 95814

The Conflict of Interest Code is designated as Chapter 4, Division 5.5 of Title 14 of the California Code of Regulations, and consists of sections numbered and titled as follows:

### Chapter 4. California Coastal Commission - Conflict of Interest Code

Section 13040.

General Provisions

Appendix A Designated Positions

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**

**§ 13050.5. Permit Jurisdiction over Portions of a Development Not Within the Coastal Zone.**

Except for the following circumstances (a) For a development located inside and outside the coastal zone, including any structure, similar integrated physical construction, or division of land, a coastal development permit shall only be required for a development or only those portions of a the development actually located within the coastal zone.

## REGULATION TEXT

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

~~(a)(b)~~ In the case of any division of land a permit shall be required only for any lots or parcels created which require any new lot lines or portions of new lot lines in the coastal zone; in such instance, commission review shall be confined to only those lots or portions of lots located within the coastal zone.

~~(b) In the case of any development involving a structure or similar integrated physical construction, a permit shall be required for any such structure or construction which is partially in and partially out of the coastal zone.~~

Note: Authority cited: Sections 30331 and 30333, Public Resources Code. Reference: ~~Division 20~~ Section 30604, Public Resources Code; and *Sierra Club v. California Coastal Commission* ((2005) 35 Cal.4th 839).

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 1. WHEN LOCAL APPLICATIONS MUST BE MADE FIRST

#### § 13052. When Local Approvals Required.

When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a discretionary permit from one or more cities or counties or other state or local governmental agencies, a permit application shall not be accepted for filing by the Executive Director unless all such governmental agencies have granted at a minimum their preliminary approvals for said development, except as provided in section 13053. An applicant shall have been deemed to have complied with the requirements of this Section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

...

~~(g) A final Environmental Impact Report or a negative declaration, as required, including (1) the explicit consideration of any proposed grading; and (2) explicit consideration of alternatives to the proposed development; and (3) all comments and supporting documentation submitted to the lead agency;~~

...

~~(j) In geographic areas specified by the Executive Director of the Commission, Evidence of a commitment by local government or other appropriate entity to serve the proposed development at the time of completion of the development, with any necessary municipal or utility services designated by the Executive Director of the Commission;~~

...

## REGULATION TEXT

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

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 21080.5 and 30620, Public Resources Code; and Section 65941, Government Code;

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 2. APPLICATION FOR PERMIT

#### § 13053.5. Application Form and Minimum Information Requirements.

The permit application form shall require at least the following items:

(a) An adequate description including maps, plans, surveys, photographs, etc., of the proposed development, project site, and vicinity sufficient to determine whether the project complies with all relevant policies of the Coastal Act, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project; (whether or not owned or controlled by the applicant), so that the Commission will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site, and a copy of any draft or final Negative Declaration, Environmental Impact Report, Environmental Assessment, or Environmental Impact Statement, to date, along with all comments and responses to comments. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.

(b) A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain, and, if a business entity, proof of the applicant's authority to conduct business in California. The application shall also include proof that all holders or owners of any interests of record in the affected property have been notified in writing of the permit application and each invited to join as a co-applicant.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 110, 2105, 15909.02, 16959, and 17708.02, Corporations Code; and Sections 21080.5, 30601.5, and 30620, Public Resources Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 3. APPLICANT'S NOTICE REQUIREMENTS

## REGULATION TEXT

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

### § 13054. Identification of Interested Persons/Submission of Envelopes/Posting of Site.

(a) For applications filed after the effective date of this subsection, the applicant shall provide names and addresses of, and stamped envelopes for, adjacent landowners and residents, and other interested persons, as provided in this section. The applicant shall provide the commission with a list of:

(1) the addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed,

(2) the addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll, and

(3) the names and addresses or e-mail addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).

This list shall be part of the public record maintained by the commission for the application.

...

(d) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public, and ~~which is also~~ as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the executive director of the commission shall refuse to file the application.

(e) Pursuant to Sections ~~13105(b) 13104 through 13108.5~~, the commission ~~shall~~may revoke a permit if it determines that the permit was granted without proper notice having been given.

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

## REGULATION TEXT

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 5. DETERMINATION CONCERNING FILING

##### § 13056. Filing.

(a) A permit application shall be submitted on the form issued pursuant to sections 13053.5 and 13053.6, together with all necessary attachments and exhibits, and a filing fee pursuant to section 13055. The executive director shall file the application only after reviewing it and finding it complete. The executive director shall cause the date of receipt to be affixed to all applications for permits.:

~~(1) A date of receipt reflecting the date they are received; and~~

~~(2) A date of filing reflecting the date it is filed.~~

(b) The executive director shall make the filing determination in writing within ten (10) working days, if feasible, but in no event later than thirty (30) calendar days after the date it is received in the offices of the commission during its normal working hours. The executive director shall mail or transmit by other reasonable means the filing determination to the applicant.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code; and Sections 65943 and 65952, Government Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 6. STAFF REPORTS

##### § 13059. Distribution of Staff Reports.

The executive director shall distribute the staff report by mail or by any reasonable means to all members of the commission, to the applicant(s), to all affected cities and counties, to all public agencies which have jurisdiction, by law, with respect to the proposed development and to all persons who specifically requested it. The executive director shall also post the staff report to the commission's website. With respect to all other persons known to have a particular interest in the application, including those specified in section 13054(a), the executive director shall provide notice pursuant to section 13063 or 13015 that the staff report shall be distributed only to those persons who request it and that the staff report is available on the commission's website. Staff reports shall be distributed within a reasonable time to assure adequate notification prior to the scheduled public hearing. The staff report may either accompany the

## REGULATION TEXT

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

meeting notice required by section 13015 or may be distributed separately. The commission may require any person who desires copies of staff reports to provide a self-addressed stamped envelope for each desired mailing. The commission may also require that interested persons provide reimbursement for duplicating costs.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006, 30620, and 30621, Public Resources Code; and Section 6253, Government Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 7. PUBLIC COMMENTS ON APPLICATIONS

#### § 13060. Written Comments on Applications and Staff Reports.

Written communications regarding applications and staff reports shall be distributed in accordance with the following procedures:

(a) Except as stated in subsection (c) below, the executive director shall distribute to all commission members the text or a summary of all relevant communications which are received prior to the close of the public testimony portion of the public hearing. In lieu of sending the text or summary, the executive director may post the communications to the commission's website.

(b) Written communications ~~must~~shall be received by the executive director in the appropriate district office by the close of business on the last working day of the week prior to the day of the hearing or in the hearing room on the day of the public hearing. The executive director does not accept responsibility for the cost or delivery of written communications to the hearing room.

(c) The executive director may summarize communications orally rather than distribute the communications to each commission member if the executive director receives lengthy communications, a sizable number of similar communications, or communications received too late to provide copies to the commission.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006, ~~30325~~, 30620, and 30621, Public Resources Code; and Section 6253, Government Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 8. HEARING DATES

## REGULATION TEXT

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

### § 13063. Distribution of Notice.

(a) At least 10 calendar days prior to the date on which the application will be heard by the commission, the executive director shall mail or transmit by other reasonable means written notice to each applicant, to all affected cities and counties, to all public agencies which have jurisdiction, by law, with respect to a proposed development, to all persons who have requested it, and to all persons known by the executive director to have a particular interest in the application, including those specified in section 13054(a). The notice shall contain the following elements:

...

(4) A link to the general procedure of the commission concerning hearings and action on applications;

...

(6) A statement that staff reports will be distributed as set forth in section 13059 and published on the commission's website.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006, 30620, and 30621, Public Resources Code.

## CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 9. ORAL HEARING PROCEDURES

### § 13066. Order of Proceedings.

(a) The commission's public hearing on a permit application shall, unless the chairperson directs otherwise, proceed in the following order:

(1a) The executive director, who shall make a presentation to the commission identifying the application, describing the project, and summarizing the staff recommendation, including the proposed findings, proposed conditions, and written correspondence received prior to the public hearing;

~~(b) The public testimony portion of the public hearing shall proceed in the following order:~~

## REGULATION TEXT

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

~~(1) Persons or their representatives desiring to state their views on the application shall have the opportunity to do so as follows:~~

(2A) The applicant;

~~(3B) Elected officials and representatives of public agencies; Other persons supporting the application;~~

~~(C) Persons opposing the application;~~

(4D) Other persons.

~~(b2) The chairperson may allow rebuttal testimony by the applicant in accordance with Public Resources Code section 30333.1(a).~~

~~(c3) The executive director may respond to and comment, as appropriate, on the testimony presented by any previous speaker.~~

~~(d4) The chairperson may close the public testimony portion of the public hearing when a reasonable opportunity to present all questions and points of view has been allowed.~~

~~(ee) Questions by commissioners will be in order at any time following any person's presentation.~~

~~(fd) At the conclusion of the public testimony portion of the public hearing, the executive director may propose to change the staff recommendation or the commission may propose to add, delete, or modify the conditions contained in the staff recommendation. The applicant and the executive director shall have an opportunity to comment briefly and specifically on any proposed change.~~

~~(ge) The commission shall vote on a permit application in accordance with section 13090.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125.7, Government Code; and Sections 30333 and 30325 and 30333.1, Public Resources Code.

### § 13067. Speaker's Presentations.

(a) Speakers' presentations shall be to the point and shall be as brief as possible. The chairperson or the commission may establish reasonable time limits for presentations. The time limits shall be made known to all speakers prior to any hearing. The chairperson may require individuals to consolidate their comments to avoid repetition.

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## REGULATION TEXT

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 12. PREPARATION OF STAFF RECOMMENDATION

#### § 13073. Applicant's Postponement.

(a) Where an applicant for a coastal development permit determines that he or she is not prepared to respond to the staff recommendation at the meeting for which the vote on the application is scheduled, the applicant shall have one right, pursuant to this section, to postpone the vote to a subsequent meeting. The applicant's right to postpone shall be exercised prior to commencement of the public testimony portion of the public hearing.

(b) An applicant's request for postponement, not made as a matter of right pursuant to section 13073(a), shall be granted at the commission's discretion. The executive director shall, to the extent feasible, notify all persons the executive director knows to be interested in the application of the postponement. The commission shall not grant a request for postponement under this subdivision unless it determines that sufficient time remains under applicable deadlines for its action on the application.

(c) Any request for postponement pursuant to subsections (a) or (b) shall be in writing or stated on the record in a commission meeting and shall include a waiver of any applicable time limits for commission action on the application. If an applicable time limit cannot be waived and the deadline for Commission action is before the subsequent regularly scheduled Commission meeting, the request for postponement shall be denied. Where a request for postponement is granted pursuant to subsections (a) or (b), the applicant shall provide another set of stamped, addressed envelopes consistent with the requirements of section 13054.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 65952 and 65957, Government Code; and Sections 30620 and 30623, Public Resources Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 14. VOTING PROCEDURE

#### § 13094. Voting Procedure.

## **REGULATION TEXT**

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

(a) Voting upon permit applications shall be by roll call, with the chairperson being polled last. The chairperson may waive the roll call vote with the unanimous consent of the commissioners present.

(b) Members may vote "yes" or "no" or may abstain from voting, but an abstention shall not be deemed a "yes" vote.

(c) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter. The commission's action is final upon the chairperson's announcement of the result.

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

### **CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 15. CONSENT CALENDAR PROCEDURES**

#### **§ 13102. Removal of Consent Calendar Items to Regular Calendar.**

The executive director may include recommended conditions in staff reports for consent calendar items, which shall then be deemed approved by the commission if the item is not removed by the commission from the consent calendar. No condition of approval of any consent calendar item may be added, deleted or substantially modified after the staff report has been posted to the commission's website, ~~mailed to the public~~ unless the commission removes the item to the regular calendar or schedules the revised item for a subsequent consent calendar.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30607 and 30621, Public Resources Code.

**REGULATION TEXT**  
California 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

§ 13107. Suspension of Permit.

Where the executive director determines in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the commission votes to deny the request for revocation. The executive director shall notify the permittee by mailing or transmitting by other reasonable means a copy of the request for revocation and a summary of the procedures set forth in this article, to the address shown in the permit application. The executive director shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act of 1976 and subject to the penalties set forth in Public Resources Code, Sections 30820 through ~~30822~~~~30823~~.

Note: Authority~~and reference~~ cited: Section 30333, Public Resources Code. Reference: Sections 30620, 30820, 30821, and 30822, Public Resources Code.

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

§ 13110. Commission Procedures upon Receipt of Notice of Final Local Action.

(a) This subchapter applies to appeals filed pursuant to Public Resources Code section 30603.

(b) Within three (3) working days of receipt of notice of final local decision that meets the requirements of Section 13571, the executive director of the Commission shall post a description of the development to the commission's website and make it available on request at commission offices in a conspicuous location in the Commission office and the appropriate district office. The executive director shall at the same time mail notice of the local action to the members of the Commission. The ten working day appeal period shall be established from the date of receipt of the legally adequate notice of the final local government action.

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

## REGULATION TEXT

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

### § 13111. Filing of Appeal.

(a) An appeal of a local government's decision on a coastal development permit application (or local government equivalent) may be filed by an applicant or any aggrieved person who exhausted local appeals, or any two (2) members of the Commission. The appeal must contain the following information:

...

(5) the names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;

(6) the names and addresses or e-mail addresses of all other persons known by the appellant to have an interest in the matter on appeal;

(7) information on how each appellant participated in the local government action or otherwise is qualified as an "aggrieved person" as defined by Public Resources Code Section 30801;

(78) the specific grounds for appeal as described in Public Resources Code, Section 30603;

(89) a statement of facts on which the appeal is based; and

(910) a summary of ~~the significant question~~ each substantial issue raised by the appeal.

...

(c) The appeal must be received in the Commission district office with jurisdiction over the local government on or before 5:00 p.m. on the tenth (10th) working day after receipt of the notice specified in Section 13110 of the permit decision by the executive director. For purposes of meeting the deadline, an appellant may e-mail the completed Notice of Appeal to the general email account of the appropriate district office, provided the appellant additionally mails the notice to the district office with a postmark no later than the close of the appeal period.

~~(d) The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Commission.~~

## REGULATION TEXT

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

(d)(1) The executive director shall, within five working days of receipt of a timely appeal from a person other than a member of the commission or a public agency, determine whether the appeal is patently frivolous. If the executive director determines that an appeal is patently frivolous, the appeal shall not be filed unless a filing fee in the amount of \$300 is deposited with the commission within five working days of the receipt of the executive director's determination. If the commission subsequently finds that the appeal raises a substantial issue, the filing fee shall be refunded.

(2) An appeal by a person other than a member of the Commission or a public agency is filed when (1) the executive director determines that the appeal is not patently frivolous, (2) the five working-day period for the executive director to determine whether an appeal is patently frivolous expires without that determination, or (3) the appellant pays the filing fee within the five working-day period set forth in subdivision (d)(1).

(3) An appeal by a member of the commission or a public agency is filed on the date received.

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Sections 30006, 30620(e), 30620.6, 30621, and 30625, and 30801, Public Resources Code.

### § 13112. Effect of Appeal.

(a) Upon receipt in the Commission office of a timely appeal by a qualified appellant, the executive director shall notify the permit applicant, all persons identified by the appellant pursuant to section 13111(a)(5)-(6), and the affected local government of the filing of the appeal. Notification shall be by mailing or, if the recipient consents, transmitting a copy of the completed Notice of Appeal to the applicant and the local government, and transmitting a copy of the completed Notice of Appeal by any reasonable means to other interested persons. The notice shall specify that the operation and effect of the coastal development permit has been stayed pending Commission action on the appeal by the Commission as required by Public Resources Code Section 30623. Upon receipt of a Notice of Appeal the local government shall refrain from issuing a the coastal development permit for the proposed development and shall, within five (5) working days, deliver to the executive director all relevant documents and materials used by the local government in its consideration of the coastal development permit application, including contact information for persons to whom the local government provided notice regarding the application or who participated in the local government's review of the application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Sections 30006 and 30623, Public Resources Code.

## REGULATION TEXT

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

### § 13115. Substantial Issue Determination.

(a) At the meeting next following the filing of an appeal with the Commission or as soon thereafter as practical, the executive director shall make a recommendation to the commission as to whether the appeal raises a substantial issue ~~significant question~~ within the meaning of Section 30625(b).

(b) Unless the Commission finds that the appeal raises no substantial issue ~~significant question~~ as to conformity with the certified local coastal program or, in the case of a permit application for a development between the sea and the first public road paralleling the sea (or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach) that there is no substantial issue ~~significant question~~ with regard to the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976, the Commission shall consider the application de novo in accordance with the procedures set forth in Sections 13057-13096.

(c) When determining whether the appeal raises a substantial issue, the Commission may consider factors, including but not limited to:

- (1) the degree of factual and legal support for the local government's decision;
- (2) the extent and scope of the development as approved or denied by the local government;
- (3) the significance of the coastal resources affected by the decision;
- (4) the precedential value of the local government's decision for future interpretations of its local coastal program; and
- (5) whether the appeal raises only local issues as opposed to those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

~~(e)~~(d) The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to hear an appeal. A majority vote of the members of the Commission present shall be required to determine that the Commission will not hear an appeal.

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Sections 30603 ~~and 30621~~, 30625, Public Resources Code; and Hines v. California Coastal Commission (2010) 186 Cal.App.4th 830.

### § 13117. Qualifications to Testify Before Commission.

## REGULATION TEXT

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

Only the applicant, the appellant, persons who opposed the application before the local government (~~or their representatives~~), and the local government shall be qualified to testify at the Commission hearings at the substantial issue~~any~~ stage of the appeal process. All other persons may submit comments in writing to the Commission or executive director, copies or summaries of which shall be provided to all Commissioners pursuant to Sections ~~13060-13061~~.

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Section ~~3062530620-6~~, Public Resources Code.

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

#### § 13139. Necessary Information.

The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency as required in Public Resources Code Section 30611, shall include the following:

(a) The nature of the emergency, including photographs and other documentation when available;

...

(d) The remedial, protective, or preventive work required to deal with the emergency, including plans depicting or describing the work when available; and

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 4. PERMITS FOR AN APPROVAL OF EMERGENCY WORK ARTICLE 3. PROCEDURES

#### § 13142. Criteria for Granting Permit.

## REGULATION TEXT

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

The executive director shall provide public notice of the proposed emergency action ~~allowed~~required by Public Resources Code Section 30624, with the extent and type of notice determined on the basis of the nature of the emergency itself. The executive director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the executive director finds that:

(a) An emergency exists ...

(c) The work proposed would be limited to what is necessary to address the emergency and consistent with the requirements of the Coastal Act of 1976.

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

### § 13143. Report to the Commission.

(a) The executive director shall report in writing to the local government having jurisdiction over the project site and to the commission at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting if time permits, and shall be posted to the commission's website and have been transmitted~~mailed at the time that application summaries and staff recommendations are normally distributed~~ to all persons who have requested such notification in writing.

~~(b) All emergency permits issued after the mailing for the meeting shall be briefly described by the executive director at the meeting and the written report required by subparagraph (a) shall be distributed prior to the next succeeding meeting.~~

~~(b)(e)~~ The report of the executive director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the executive director of the commission.

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

## CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

### SUBCHAPTER 5. PROCEDURES FOR ADMINISTRATIVE PERMITS

#### ARTICLE 3. CRITERIA FOR GRANTING ADMINISTRATIVE PERMITS

### § 13150. Criteria and Content of Administrative Permits.

....

## REGULATION TEXT

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

(b) Permits issued for such developments shall be governed by the provisions of Sections 13156 and 13158 concerning the format, receipt, and acknowledgment of permits, ~~except that references to "Commission Resolution" shall be deemed to refer to the executive director's determination.~~ A permit issued pursuant to Public Resources Code Section 30624 shall contain a statement that it will not become effective until completion of the commission review of the permit pursuant to Section 13153.

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

### § 13151. Refusal to Grant -Notice to Applicant.

If the executive director determines not to grant an administrative permit based on a properly filed application under this Subchapter, the executive director shall promptly ~~mail~~transmit written notice to this effect to the applicant with an explanation of the reasons for this determination.

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

## CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION

### SUBCHAPTER 5. PROCEDURES FOR ADMINISTRATIVE PERMITS

#### ARTICLE 4. REPORTS ON ADMINISTRATIVE PERMITS

### § 13153. Reports on Administrative Permits.

The executive director shall report in writing to the commission at each meeting the permits approved under this Subchapter up until the time of the mailing for the meeting, with sufficient description of the work authorized to allow the commission to understand the development proposed to be undertaken. Copies of this report shall be available at the meeting and shall have been posted to the commission's website and transmitted~~mailed to the commission and to all those persons wishing to receive who have requested such notification at the time of the regular mailing for least 10 days before~~ the meeting. Any such permits approved following the deadline for the mailing shall be included in the report for the next succeeding meeting. If 1/3 of the appointed membership of the commission so request, the issuance of an administrative permit governed by Public Resources Code Section 30624 shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a permit application under Subchapter 1 of this chapter, subject to the provisions for hearing and appeal set forth in Subchapters 1 and 2 of the chapter.

## REGULATION TEXT

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 1. FORMAT OF PERMITS

#### § 13156. Contents of Coastal Development Permits.

Permits shall be issued in a form signed by the executive director, and shall include:

(a) ~~A statement setting out the reasons for the commission approval of the permit~~ A brief description of the approved development, the coastal development permit number, the date of approval, and the date of expiration;

...

(c) ~~All~~Any conditions approved by the commission;

(d) ~~All~~Such standard provisions as shall have been approved by resolution of the commission;

...

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 4. DISPUTE OVER CONTENTS OF PERMITS

#### § 13163. Disputes over Contents of Permits.

~~(a)~~ Any permittee who ~~feels~~believes that the permit issued does not correctly embody the action of the commission shall immediately so inform the executive director in writing, with supporting facts and documentation. Any such questions that cannot be resolved by consultation between the permittee and the executive director shall promptly be referred by the executive director to the commission for decision.

## REGULATION TEXT

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

**Note:** Authority and reference cited: Sections 30333, Public Resources Code. Reference: Sections 30607, Public Resources Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 5. AMENDMENTS TO PERMITS

##### § 13165. Amendments to Administrative Permits.

(a) Amendments to administrative permits may be approved by the executive director upon the same criteria and subject to the same reporting requirement and procedures, including public notice and appeals to the commission, as provided for the original issuance of such administrative permits in Sections 13145-13153. Amendments that are immaterial may be processed pursuant to Section 13166(b).

(b) If any proposed amendment would, in the opinion of the executive director, increase the cost of the proposed development to an amount over the amounts specified by Public Resources Code, Section 30624 the application shall thereafter be treated in the manner prescribed by Section 13166.

Note: Authority cited: Sections 30333, Public Resources Code. Reference: Sections 30600 and 30624, Public Resources Code.

##### § 13166. Amendments to Permits Other Than Administrative Permits.

(a) The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which the applicant he could not, with reasonable diligence, have discovered and produced before the permit was granted.

(b) If the executive director determines that the proposed amendment is immaterial, notice of such determination including a summary of the procedures set forth in this section shall be posted at the project site and mailed to all persons the executive director has reason to know may be interested in the application.

(1) If no written objection to a notice of immaterial amendment is received at the commission office within ten (10) working days of mailing notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

## REGULATION TEXT

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

(2) If a written objection to notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the commission at its next regularly scheduled meeting. The executive director shall include a copy of the letter(s) of objection to the commission with the report. If any three (3) commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the commission for action as set forth in subsection (c) below. Otherwise, the immaterial amendment shall become effective.

(3) If a written objection to notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the commission for action as set forth in subsection (c) below.

...

(d) The procedures specified in this section shall apply to amendments of permits ~~that~~which were previously approved on the consent calendar, unless the commission adopts expedited procedures for amendments to such permits.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600, 30604, 30607, 30609 and 30620, Public Resources Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 6. EXTENSION OF PERMITS

#### § 13169. Extension of Permits.

...

(b) For those applications accepted, the executive director shall determine whether there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act or with a certified local coastal program, if applicable. If the executive director determines that there are no changed circumstances that may affect consistency of the development, he or she shall transmit ~~mail~~ notice of such determination, including a summary of the procedures set forth in this section, to all parties the executive director has reason to know may be interested in the application, including all persons identified in section 13054 of these regulations and all persons who participated in previous permit hearings. The applicant shall post such notice at the project site within three (3) days of the executive director's

## REGULATION TEXT

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

~~transmittal mailing~~ of the notice to interested parties. The executive director shall also report the determination to the commission to provide the commission with an opportunity to object to the executive director's determination. The time for commencement of development shall be extended for one year from the expiration date of the permit if both of the following occur:

(1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and

(2) three commissioners do not object to the executive director's determination.

...

(d).... The executive director shall prepare a report for the hearing that describes any pertinent changes in conditions or circumstances relating to each requested permit extension.

(1) If three (3) commissioners determine that there are changed circumstances that affect consistency of the development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable, the extension shall be denied and upon payment of the filing fee specified in section 13055(a) of these regulations for an application for a coastal development permit the development shall be set for a full hearing of the commission pursuant to Subchapter 1 of Chapter 5 these regulations. However, other than payment of the applicable fees except as otherwise provided in the preceding sentence, the applicant shall not be required to file a new permit application, but instead shall submit any information that the executive director determines is necessary to evaluate the effect of the changed circumstances.

(2) If no such determination is made by three commissioners, the time for commencement of development shall be extended for one year from the expiration date of the permit.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600, 30604, 30620, and 30620.6, Public Resources Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 7. TRANSFER OF PERMITS

## REGULATION TEXT

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

### § 13170. Transfer of Permits.

(a) Any person may request that the commission records be revised to reflect that he or she has assumed the rights and obligations of a coastal development permit by acquiring property on which development has been approved, initiated, or completed pursuant to a permit by submission of the following:

(1) an affidavit or notarized statement executed by the landowner attesting to the landowner's acknowledgment of the terms and conditions of the permit; and

(2) evidence of the landowner's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and

~~(3) a copy of the original permit showing that it has not expired.~~

(b) Upon the executive director's written approval of the documentation submitted, the documentation shall become part of the project file maintained by the commission.

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

## CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS

### SUBCHAPTER 7. ENFORCEMENT AND VIOLATION OF PERMITS

#### ARTICLE 1. ENFORCEMENT RESPONSIBILITIES

### § 13172. Violation of Permits.

Violation of a permit, ~~or~~ which includes any term, condition, or provision of a permit and which includes both actions in violation of a permit and failure to act as required by a permit, is grounds for enforcement under this Section and under Chapter 9 of the California Coastal Act of 1976. Whenever the executive director of the commission determines that a violation of a permit ~~or term, condition, or provision of a permit~~ has occurred or is threatened, the executive director ~~shall~~ may refer the matter to the Attorney General for appropriate action. Where such a violation 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 of, or for, civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the California Coastal Act of 1976.

## REGULATION TEXT

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

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30809 and 30810, Public Resources Code.

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS SUBCHAPTER 8. PROCEDURES FOR THE ISSUANCE OF COMMISSION CEASE AND DESIST ORDERS

#### § 13181. Commencement of Cease and Desist Order Proceeding Before the Commission.

(a) If the executive director believes that the results of an enforcement investigation so warrant, he or she shall may commence a cease and desist order proceeding before the commission. The executive director shall formally commence such a proceeding by providing any person whom he or she believes to be engaging in development activity as described in have acted or failed to act in such a manner as to trigger the application of section 30810(a) of the Public Resources Code, or who is threatening to so act, with notice of his or her intent to do so, unless the person waives the right to such notice. Such notice of intent shall may be given either as a provision of a cease and desist order issued pursuant to section 30809 of the Public Resources Code or by separate written communication delivered either (1) by certified mail, (2) by regular mail or electronic mail, receipt of which is confirmed by subsequent oral ~~communication either in person or by telephone~~ or written communication, or (3) by hand, and shall include, at minimum, the information specified in sections 13187(a)(4), (5), and (6) together with an explanation of the basis of the executive director's belief that the specified activity, threat, or failure to act meets the criteria of section 30810(a). The notice of intent shall be accompanied by a "statement of defense form" that conforms to the format attached to these regulations as Appendix A with an indication of when the completed form is due back to the Commission. The person(s) to whom such notice is given shall complete and return the statement of defense form to the Commission by the date specified therein, which date shall be no earlier than 20 days from transmittal of the notice of intent.

....

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30810, Public Resources Code.

#### § 13182. Distribution of Notice of Hearings on Proposed Cease and Desist Order.

At least ten (10) days prior to a hearing on a proposed commission cease and desist order, the executive director shall ~~mail by regular mail a~~ transmit written notice of the date, time, and place of the ~~initial~~ hearing to all alleged violators ~~at their last known address and~~ transmit to all members of the public who have requested in writing that they receive such notice, ~~provided that no notice need be mailed to the alleged violator if~~

## REGULATION TEXT

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

~~the alleged violator has already received notice of the hearing in a cease and desist order issued by the executive director.~~ This written notice may be transmitted by regular mail to the last known address of any recipient, or by electronic mail to any person who has agreed to receive notice in that manner.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30810, Public Resources Code.

### § 13183. Contents of an Executive Director's Recommendation on Proposed Cease and Desist Order.

(a) The executive director shall prepare a recommendation on a proposed commission cease and desist order, and shall post the recommendation to the commission's website at least ten days before the commission hearing on the proposed cease and desist order.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125, Government Code; and Section 30810, Public Resources Code.

### § 13184. Distribution of Executive Director's Recommendation.

The executive director's recommendation on a proposed cease and desist order shall be distributed to the alleged violator(s) and otherwise to the persons and in the manner provided in section 13059 ~~of these regulations for application summaries.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30810, Public Resources Code.

### § 13185. Procedure for Hearing on Proposed Cease and Desist Order.

A hearing on a proposed cease and desist order shall proceed in the following manner:

...

(d) each alleged violator ~~or its representative~~ may present its position(s) on the matter(s) relevant to the alleged violation or proposed order with particular attention to those issue(s) where an actual controversy exists between the staff and the party(ies). Presentation of evidence that which could not have been but was not set forth in a statement of defense form pursuant to section 13181 at the time of submittal ~~may shall~~ be grounds for a determination by the commission, in its discretion, (1) to trail the

## REGULATION TEXT

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

matter to later in the same day; ~~or (2) to a later day of the same meeting; or (3)(2) to~~ continue the matter to a subsequent meeting ~~to give the staff an opportunity to review and respond to the new evidence;~~

...

(f) the chair shall close the public hearing after the staff, all alleged violators, and the public have completed their presentations, except that the chair may allow staff to respond to particular points raised by other speakers;

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30810, Public Resources Code.

## Appendix A

### Statement of Defense Form

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ~~(FURTHER)~~ ADMINISTRATIVE OR LEGAL JUDICIAL ENFORCEMENT PROCEEDINGS MAY PROCEED NEVERTHELESS BE INITIALED AGAINST YOU. IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

...

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS SUBCHAPTER 9. PROCEDURES FOR THE ISSUANCE OF RESTORATION ORDERS

#### § 13191 Commencement of Restoration Order Proceeding Before the Commission.

(a) If the executive director believes that the results of an enforcement investigation so warrant, he or she may ~~shall~~ commence a restoration order proceeding before the commission. The executive director shall formally commence such a proceeding by providing any person whom he or she believes to have engaged in development activity as described in section 30811 of the Public Resources Code with notice of his or her intent to do so, unless the person waives the right to such notice. Such notice of intent may ~~shall~~ be given either as a provision of a staff report prepared pursuant to sections 13057 ~~and/or 13075~~ of these regulations or by separate written communication delivered either (1) by certified mail, (2) by regular mail or electronic mail, receipt of

## REGULATION TEXT

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

which is confirmed by subsequent oral ~~or written~~ communication ~~either in person or by telephone~~, or (3) by hand, and shall include, at minimum, the information specified in sections 13196(a), (b), and (c) together with an explanation of the basis of the executive director's belief that the specified activity meets the criteria of section 30811. The notice of intent shall be accompanied by a "statement of defense form" that conforms to the format attached as Appendix A to Subchapter 8 of these regulations with an indication of when the completed form is due back to the Commission. The person(s) to whom such notice is given shall complete and return the statement of defense form to the Commission by the date specified therein, which date shall be no earlier than 20 days from transmittal of the notice of intent.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30811, Public Resources Code.

### § 13192. Distribution of Notice of Hearings on Proposed Restoration Order.

At least ten (10) days prior to a hearing on a proposed restoration order, the executive director shall ~~mail by regular mail a~~ transmit written notice of the date, time, and place of the ~~initial~~ hearing to all alleged violators ~~at their last known address~~ and to all members of the public who have requested in writing that they receive such notice, ~~provided that no notice need be mailed to the alleged violator if the alleged violator has already received notice of the hearing in a staff report prepared by the executive director.~~ This written notice may be transmitted by regular mail to the last known address of each recipient, or by electronic mail to any person who has agreed to receive notice in that manner.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30811, Public Resources Code.

### § 13193. Contents of an Executive Director's Recommendation on Proposed Restoration Order.

(a) The executive director shall prepare a recommendation on a proposed restoration order, and shall post the recommendation to the commission's website at least ten days before the commission hearing on the proposed cease and desist order. per agency request

...

Note: Authority cited: Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 11125, Government Code; and Section 30811, Public Resources Code.

## **REGULATION TEXT**

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

### **§ 13238.2. Report to the Commission.**

The executive director shall report to the Commission those projects for which waivers have been issued under this subchapter, with sufficient description to give notice of the proposed development to the Commission. Reports of waivers shall be posted to the commission's website by the time of~~A list of waivers issued by the executive director shall be available for public inspection~~ at the meeting during which the waivers will be reported. Any waivers subsequently issued by the executive director shall be included in the report for the next meeting. If, pursuant to Public Resources Code Section 30624.7, the Commission requests that a ~~the~~ waiver not be effective, the applicant shall be advised that a coastal permit is required if the applicant wishes to proceed with the development.

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 8. MINOR ADJUSTMENTS TO THE COASTAL ZONE BOUNDARY**

#### **ARTICLE 1. BOUNDARY ADJUSTMENT AND BOUNDARY DETERMINATION REQUESTS**

### **§ 13255.2. Request for Boundary Adjustment.**

...

(b) The request for a boundary adjustment shall be accompanied by sufficient information to enable the commission to determine whether the proposed adjustment is consistent with Public Resources Code Section 30103(b). This information shall include:

- (1) Name and address of the owner of the affected lot or parcel;
- (2) Names and addresses of all occupants of the affected lot or parcel;
- (3) A description and documentation of the applicant's legal interest in the affected lot or parcel;

...

## REGULATION TEXT

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

(5) A map of suitable scale to show the present and proposed location of the coastal zone boundary, all lots or parcels within 100 feet of the affected lot or parcel, and the existence and location of all readily identifiable natural and artificial~~manmade~~ features;

(6) A description of the existing use of the affected lot or parcel and the nearby lands; and

(7) A discussion of the reasons ~~is for~~ the request that the coastal zone boundary adjusted.

(c) The person requesting the adjustment shall post a conspicuous notice of the proposed adjustment at the time the request is submitted to the commission. The form and location of the posted notice shall be similar to that required by Section 13054~~(b)~~(d) for permit matters.

(d) The request for a boundary adjustment shall be accompanied by a filing and processing fee as set forth in Section 13055~~(b)~~(7).

(e) The executive director of the commission may waive the filing and processing fee in full or in part where the request concerns the same lot or parcel considered for a previous boundary adjustment or permit application and where no substantial staff work is required ~~or where the request is made by the local government of jurisdiction.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 6103, Government Code; and Section 30103~~(b)~~, Public Resources Code.

### CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS SUBCHAPTER 8. MINOR ADJUSTMENTS TO THE COASTAL ZONE BOUNDARY ARTICLE 2. COMMISSION ACTION ON BOUNDARY ADJUSTMENT REQUEST

#### § 13256.1. Staff Review.

(a) Within five (5) days of receipt of a request for a boundary adjustment, the executive director of the commission shall make a preliminary review of the request. If the request does not conform to the provisions of Section ~~13255-13255.2~~ or if the proposed adjustment patently fails to conform to the requirements of Public Resources Code Section 30103(b), the executive director of the commission shall reject the request and shall notify the person requesting the adjustment of his or her determination.

## **REGULATION TEXT**

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

(b) ~~Following the preliminary review~~ If the request is accepted, the executive director of the commission shall further review the requested boundary adjustment and shall investigate:

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30103(b), Public Resources Code.

### **§ 13256.2. Commission Action on Boundary Adjustment.**

Within 49 working days of the filing of a request for a boundary adjustment the Commission shall conduct the public hearing and take action in substantially the same manner as provided in Sections 13057-13096. The Commission shall adopt a resolution regarding the request for an adjustment to the coastal zone boundary. The resolution shall be accompanied by specific factual findings to support the following legal conclusions:

(a) The adjustment conforms to the requirements of Section 30103(b) of the Coastal Act; and

(b) The adjustment will not interfere ...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30103 and 30315, Public Resources Code.

## **CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS**

### **SUBCHAPTER 8. MINOR ADJUSTMENTS TO THE COASTAL ZONE BOUNDARY**

#### **ARTICLE 4. WITHDRAWAL AND REAPPLICATION**

### **§ 13258. Withdrawal of Boundary Adjustment Request.**

At any time before the commission commences the ~~roll call~~ for a final vote on the boundary adjustment request, the person requesting the boundary adjustment may withdraw the request. The withdrawal must be in writing or stated on the record and does not require commission concurrence.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30103(b), Public Resources Code.

## **CHAPTER 7. COASTAL DEVELOPMENT - PERMITS ISSUED BY LOCAL GOVERNMENTS AND OTHER PUBLIC AGENCIES**

## REGULATION TEXT

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

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

#### § 13317. Notice by Executive Director.

(a) Within 5 working days of receipt of the notice of permit issuance, the executive director of the commission shall post a description of the development ~~, on a form prescribed by the executive director of the commission, at a conspicuous location in the office of the commission to the commission's website.~~

(b) Within 7 working days of receipt of the notice of permit issuance, the executive director of the commission shall forward to all known interested persons, ~~to the members of the commission,~~ a description of the development, on a form prescribed by the executive director of the commission, in a manner reasonably calculated to allow time for review of the development and filing of appeals.

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

#### § 13318. Filing of Appeal from the Issuance of a Coastal Development Permit.

An appeal of a local government's issuance of a coastal development permit may be filed by any person qualified under Public Resources Code Section 30602. The appeal shall ~~must~~ contain ~~substantially the information required by Section 13111, , must~~ The appeal shall be received in the appropriate commission district office before or on the 20th working day after receipt of the notice of permit issuance by the executive director of the commission ~~and, An appeal of a denial shall must~~ comply with the requirements of Section ~~13119~~ 13319.

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

#### § 13320. Effect of Appeal to the Commission.

Upon receipt in the commission office of a timely valid appeal by a qualified appellant, the executive director ~~of the commission~~ shall notify the applicant, all persons identified by the appellant pursuant to section 13111(a)(5)-(6), and the local government of the filing of the appeal. Notification shall be by mailing or if the recipient consents, transmitting a copy of the completed Notice of Appeal to the applicant and the local government, and transmitting a copy of the completed Notice of Appeal by any

## REGULATION TEXT

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

reasonable means to other interested persons. The notice shall specify shall notify the permit applicant and the affected local government that the operation and effect of the coastal development permit has been stayed pending final action on the appeal by the commission as required by Section 30623 of the Public Resources Code. Within five (5) working days of the receipt of a notice of appeal from the commission, the affected local government shall deliver to the executive director of the commission all relevant documents and materials used by the local government in its consideration of the coastal development permit application, including contact information for persons to whom the local government provided notice regarding the application or who participated in the local government's review of the application.

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30006, 30600, 30602 and 30623, Public Resources Code.

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

#### SUBCHAPTER 1.5. PERMITS ISSUED AND REVIEWED BY LOCAL GOVERNMENTS AND THE COMMISSION PURSUANT TO CERTIFIED LAND USE PLANS

#### ARTICLE 2. EMERGENCY PERMIT APPLICATIONS PROCESSED BY LOCAL OFFICIALS

##### § 13329.1. Applications.

(a) Applications in case of emergency shall be made by in writing letter to the appropriate local official designated by the local government or, if time does not allow, in person or by telephone, if time does not allow.

(b) The following information should be included in the request:

(1) Nature of the emergency, including photographs and other documentation when available;

...

(4) The remedial, protective, or preventive work required to deal with the emergency, including plans depicting or describing the work when available; and

(5) The circumstance during the emergency that appeared to justify the courses ~~cause(s)~~ of action taken, including the probable consequences of failing to take action.

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

##### § 13329.3. Criteria for Granting Permit.

## REGULATION TEXT

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

...

(b) The designated local official may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the local official finds that:

...

(3) The work proposed would be limited to what is necessary to address the emergency and consistent with the requirements of the certified land use plan portion of the local government's local coastal program.

(c) The designated local official shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code Sections 30519(b) and 30601 since ~~a coastal development permit application must be reviewed by the California Coastal Commission pursuant to the provisions of Public Resources Code Section 30600.5.~~

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

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

#### SUBCHAPTER 1.5. PERMITS ISSUED AND REVIEWED BY LOCAL GOVERNMENTS AND THE COMMISSION PURSUANT TO CERTIFIED LAND USE PLANS

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

#### § 13332. Commission Procedures upon Receipt of Notice of Final Local Action.

Within five (5) working days of receipt of notice of final local action, the executive director of the commission shall post a description of the coastal development permit action by the local government ~~in a conspicuous location in the commission's district office having jurisdiction of the development~~ to the commission website. ~~At the same time, the executive director shall mail notice of the local action to members of the commission.~~ The twenty (20) working day appeal period shall be established from the date of receipt of a notice of final local government action that contains sufficient information upon which to base an informed appeal including project description, conditions of approval, written findings and the procedures for appeal. If the executive

## REGULATION TEXT

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

director determines that the notice is insufficient, he or she shall notify the local government within five (5) working days and a sufficient notice shall be resubmitted in order to begin the twenty (20) working day appeal period.

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

### § 13333. Filing an Appeal.

(a) Any final action by the local government may be appealed by any person, the executive director ~~of the commission~~, or any two (2) members of the commission. The appeal must contain the information contained in Section 13111(a).

(b) The appeal must be received in the appropriate district office on or before 5:00 p.m. on the twentieth (20th) working day after receipt of the notice of the final local government action. For purposes of meeting the deadline, an appellant may e-mail the completed Notice of Appeal directly to the general email account of the appropriate district office, provided the appellant additionally mails the notice to the district office with a postmark no later than the close of the appeal period.

(c) The executive director shall determine whether to file the appeal in the manner specified in [proposed] Section 13111(d).

~~(e) The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the commission.~~

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

### § 13337. Substantial Issue Determination.

(a) At the next-practicable meeting following the filing of an appeal with the commission or as soon thereafter as practical, the executive director shall make a recommendation to the commission as to whether the local government action raises a substantial issue within the meaning of PRC Public Resources Code Section 30600.5(b)(d).

...

## REGULATION TEXT

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

(c) When determining whether the appeal raises a substantial issue, the Commission may consider factors that may include but are not limited to:

- (1) the degree of factual and legal support for the local government's decision;
- (2) the extent and scope of the development as approved or denied by the local government;
- (3) the significance of the coastal resources affected by the decision;
- (4) the precedential value of the local government's decision for future interpretations of its LCP; and
- (5) whether the appeal raises only local issues as opposed to those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

~~(e)~~(d) The commission may ask questions of the applicant, the appellant, any person who participated in the local government action, the Attorney General or the executive director prior to determining whether or not to hear an appeal. A majority vote of the members of the commission present shall be required to determine not to hear an appeal.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30600.5, Public Resources Code; and *Hines v. California Coastal Commission* (2010) 186 Cal.App.4th 830.

### § 13340. Qualifications to Testify Before Commission.

Only the applicant, appellant, persons who participated in the application before the local government ~~(or their representatives)~~, and the local government; shall be qualified to testify at the commission hearing at the substantial issue ~~any~~ stage of the appeal process. All other persons may submit comments in writing to the commission or executive director, copies or summaries of which shall be provided to all commissioners pursuant to Sections 13060-~~13061~~.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600.5, 30602 and 30620.5, Public Resources Code.

## REGULATION TEXT

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

### AND OTHER PUBLIC AGENCIES

#### SUBCHAPTER 2. PUBLIC WORKS PLANS

#### ARTICLE 2. APPLICATION REQUIREMENTS

##### § 13353. Information Requirements.

Any plan submitted pursuant to this subchapter shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan to determine consistency with the policies of Chapter 3 of the Coastal Act of 1976, and where applicable, the certified Local Coastal Program in jurisdictions affected by the proposed public works, including, but not limited to the following where applicable:

...

(6) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plans; and-

(7) The executive director of the Commission may require the submission of any additional information the executive director deems necessary pursuant to the requirements of Public Resources Code Section 30605.

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

##### § 13355. Environmental Information.

(a) The executive director shall post to the commission's website provide, make available to the public, or demonstrate that such information has been made available in accordance with these regulations, detailed environmental information on the plan sufficient to enable the Commission to determine the consistency of the plan with the policies of the Coastal Act.

(b) Where the executive director determines that it is not feasible to distribute environmental information due to the size or volume of the documents, or because of the costs of such distribution, the executive director shall provide notice to interested persons of the location of the environmental documents that ~~which~~ are available for review, and a list of those documents.

...

## REGULATION TEXT

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

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

#### § 13359. Specific Project Review Following Certification of Public Works Plan.

The following requirements shall govern projects submitted after a public works plan is approved:

...

(b) The Commission shall, within thirty (30) working days of filing of such notice, by a majority of the members present ~~with a quorum present~~ determine whether the proposed development is consistent with the certified public works plan. If the Commission determines that the project is not consistent with the approved plan and that conditions may be required in accordance with the provisions of Public Resources Code Sections 30605-30607.1, in order to bring the project into conformance with the approved plan, the Commission shall vote on the project according to the proposed conditions, at the next scheduled public hearing (generally no later than twenty-one (21) days after the close of the hearing that determined inconsistency with the approved public works plan.) ~~The conditions imposed upon a project in accordance with the provisions of Public Resources Code Sections 30605-30607.1 shall be approved by a majority of the members present with a quorum present.~~ If the Commission is unable to agree, by a majority of its members present, upon conditions, the project shall be deemed approved as proposed.

...

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30605 and 30607, Public Resources Code.

### CHAPTER 7. COASTAL DEVELOPMENT - PERMITS ISSUED BY LOCAL GOVERNMENTS AND OTHER PUBLIC AGENCIES SUBCHAPTER 2. PUBLIC WORKS PLANS ARTICLE 6. AMENDMENT OF PUBLIC WORKS PLAN

## REGULATION TEXT

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

### § 13368. Acceptance of Application for Amendment -Minor Amendment.

Where an application for an amendment to a public works plan is accepted, the Executive Director shall determine whether the proposed amendment is minor in nature. If the Executive Director determines that the proposed amendment is minor in nature, notice of such determination, including a summary of the procedures set forth in this Article shall be ~~transmitted~~mailed to the Commission and to all parties the Executive Director knows or has reason to know may be interested in the amendment. If no written objection to the proposed amendment is received in the Commission office within fifteen (15) working days of the published notice, the proposed amendment shall be deemed minor in nature, and shall be approved. The Executive Director shall notify the Commission of the approved minor amendment at the next regular meeting of the Commission.

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

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

### § 13502. Definitions.

(a) "Governing Authority" means the Board of Regents of the University of California, or the Board of Trustees of the California State University and Colleges, the equivalent of boards of regents for private universities, or their designated representatives.

(b) "Long Range Development Plan" hereinafter referred to as "LRDP" means the ~~relevant portions of the land use plans and policies~~ applicable to the coastal zone for the physical development of campuses and educational facilities of the University of

## REGULATION TEXT

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California, or the California State University and Colleges, or private universities, which are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of other implementing actions.

(c) "Educational Facility" means any real property owned or controlled by the University of California or the California State University and Colleges, or a private university, and used or contemplated for use for educational, residential, recreational, or research purposes related to the purposes of the University of California, ~~or the California State University and Colleges, or the private university~~. This ~~definition does shall not~~ include properties owned by the state university or college systems or private universities that are held for investment purposes only.

(d) "Implementation Program" (IP) means the zoning ordinances, zoning district maps, and within sensitive coastal resource areas, other implementing actions that implement the provisions of the certified land use plan.

(e) "Land Use Plan" (LUP) means the relevant portion of a local government's general plan or local coastal element that is sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

~~(d)~~(f) "Local Coastal Program" hereinafter referred to as "LCP" means a local government's program, consisting of its Land Use Plan and Implementation Program, as defined in Public Resources Code Section 30108.6.

Note: Authority cited: Sections 30333, 30501 and 30605, Public Resources Code.  
Reference: Sections 30500 and 30605, Public Resources Code.

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 4. METHODOLOGY

#### § 13511. Common Methodology.

Where an LCP or LRDP is to be submitted pursuant to this subchapter, the local government or governing authority shall include the following in the scope of the LCP or LRDP pursuant to Public Resources Code Section 30501(a):

(a) The policies of Chapter 3 of the California Coastal Act of 1976 concerning specific coastal resources, hazard areas, coastal access concerns, and use priorities, including consideration of public access and recommended uses of more than local importance and relating to the area governed by the LCP or LRDP, shall be applied to determine the

## REGULATION TEXT

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

kind, location and intensity of land and water uses that would be in conformity with the policies of the Act. This determination shall include an analysis of the potential significant adverse cumulative impacts on coastal resources and on public access to or along the coast, due to existing and potentially allowable development proposed in the LCP or LRDP.

...

(c) With regard to LCPs, the level and pattern of development selected by the local government shall be reflected in a land use plan, zoning ordinances and zoning district maps....

...

(2) The zoning ordinances and zoning district map shall conform with and be adequate to carry out the policies, objectives, principles, standards and plan proposals set forth in the land use plan. The scope of measures contained in the zoning ordinance and ~~or~~ district maps shall extend to the authority granted by the planning laws of California, including Government Code Sections 65850-65862 and 65910-65912. Where applicable and necessary to carry out the policies and provisions of an approved land use plan, these measures may include: exclusive use zones, overlay zones, conditionally permitted uses based on certain findings, sign and ~~or~~ design controls, landscaping and grading regulations, hazard and ~~or~~ geologic review requirements, open space and lot coverage standards, minimum lot sizes (including minimum acreages for agricultural and timberland conversion), density and timing of development standards based on public service capacities and recreational use needs, and any other similar ordinances within the scope of zoning measures.

(d) Where the application of the policies of Chapter 3 of the Coastal Act of 1976 requires limits or conditions as to the amount, timing, or location of public works facilities that ~~which~~ are owned or operated by the local government or governing authority, an analysis shall be made to determine:...

(e) If the level and pattern of development recommended for the LCP or LRDP require the phasing of public service or recreational facilities that ~~which~~ are owned or operated by the local government or governing authority in order to be consistent with the requirements of the California Coastal Act of 1976, the proposed measures for implementing public service and recreational facilities shall be specifically identified.

(f) A procedure ~~shall be developed~~ to insure adequate notice to interested persons and agencies of impending developments proposed after certification of the LCP or LRDP. For LRDPs, the procedures shall at a minimum conform to Section 13549.

## REGULATION TEXT

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

(g) With regard to LRDPs, the governing authority may propose a categorical exclusion order pursuant to Public Resources Code Section 30610(e) for ~~in the LRDP these~~ categories of development, ~~for which no coastal development permit is required pursuant to Public Resources Code Section 30610, and these or~~ categories of development within specifically defined geographic areas, for which there is no potential for adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast. After certification of the LRDP and adoption of the categorical exclusion order, categories of development defined pursuant to this subsection will not be subject to the procedures specified in Sections 13549 and 13550 requiring notice of the impending development and allowing Commission review of such proposed development projects.

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30501, 30530, 30605, and 30610, Public Resources Code; ~~and Section 65944, Government Code.~~

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 5. PUBLIC PARTICIPATION

#### § 13515. Public Participation and Agency Coordination Procedures.

Each local government and governing authority shall meet the requirements of Public Resources Code, Sections 30503 ~~and 30504~~ by establishing procedures providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the LCP or LRDP.

(a) At a minimum, all notices for public review sessions, the availability of review drafts, studies, or other relevant documents, or actions pertaining to the preparation of the LCP or LRDP, shall be posted to the local government or governing authority's website, and transmitted ~~mailed~~ to:

## REGULATION TEXT

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

- (1) any member of the public who has so requested;
- (2) each local government contiguous with the area that is the subject of the LCP or LRDP;
- (3) local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LRDP;
- (4) all of the regional, state, and federal agencies that may have an interest in or may be affected by the proposed LCP or LRDP listed in Appendix A of the Local Coastal Program Manual; and
- (5) local libraries and media; ~~and~~
- ~~(6) other regional or federal agencies that may have an interest in or be affected by the LCP.~~

Any reference in this subchapter to “interested persons ~~parties~~” or “public agency” shall include the aforementioned persons or groups.

(b) Proposed LCP and LRDP documents including review drafts shall be ~~made available at no cost to relevant state agencies and to other interested persons and agencies upon request; [space] For LCPs, the cost of duplicating and transmitting such materials shall be reimbursed under the public participation provisions of the work program. To the extent that request for materials exceed funding, materials shall be made available at cost.~~ posted to the local government’s or governing authority’s website in a format that can be downloaded.

(c) Notice of the availability of review drafts of LCP or LRDP materials and transmittal of said documents pursuant to paragraphs (a) and (b) shall be made as soon as such drafts are available, but at a minimum at least six (6) weeks prior to any final action on the documents by the local government or governing authority. Review drafts shall also be made readily available for public perusal in local libraries, in the administrative offices of the local government or educational facility and at the appropriate Commission district offices.

(d) Notice of the local government’s or governing authority’s hearings on LCP or LRDP documents shall be posted to the local government or governing authority’s website ~~given general publication~~ and shall be transmitted to all interested persons and public agencies, as listed in subdivision (a), not less than ten (10) working days before the hearing. The hearing required by Public Resources Code Section 30510(a) should be set for a time certain. ~~Where the local government or governing authority determines that it is legal, practical, and would increase public participation, the hearing should be held in the coastal zone or in a place easily accessible to residents of the coastal zone.~~ When feasible, the hearing should be held in the coastal zone or in a place easily accessible to residents of the coastal zone.

## **REGULATION TEXT**

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

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

### **CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 7. SUBMISSION OF LCPs AND LRDPs**

#### **§ 13519. Contents of Submittal.**

Pursuant to Public Resources Code Section 30510(b), the LCP or LRDP submittal shall include:

...

(b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data in accordance with guidelines established by the Commission, that are in sufficient detail to allow review for conformity with the requirements of the California Coastal Act of 1976. Written-All documents should be readily reproducible. All documents shall be submitted electronically as well as in hard copy. The land use plan or LRDP shall include a readily identifiable public access component as set forth in Section 13512. Land use maps shall be at a scale sufficiently detailed to show clearly the land use designations applicable to specific areas of the coastal zone and shall to the extent possible be correlated with and at a comparable scale to resource information and other mapped data.

...

(e) For LCPs, a general indication of the zoning measures that will be used to carry out the land use plan, (unless submitted at the same time as the land use plan).

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30503 and 30510, Public Resources Code.

### **CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 9. GENERAL REVIEW PROCEDURES FOR LCPs AND LRDPs**

#### **§ 13523. Summary of the LCP or LRDP.**

## REGULATION TEXT

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

...

(b) Copies of LCP or LRDP related documents, ~~not~~ including reports on the LCP or LRDP prepared by commission staff, shall be posted to the commission's website. ~~available to any interested party at the cost of 1 cent per page and at no cost to local governments and state agencies. There shall be no charge to any interested party, local governments or state agencies for staff reports.~~

Note: Authority cited: Sections 30501 and 30605, Public Resources Code; and Section 11125.1, Government Code. Reference: Sections 30512 and 30513, Public Resources Code.

### § 13524. Written Notice.

The executive director shall, prior to the public hearing, provide written notice of the public hearing which shall consist of the following:...

(d) information about how to obtain the staff summary prepared in accordance with Section 13523.

In order to assure adequate notification, the notice shall be posted to the Commission's website and distributed by any reasonable means mail to all members of the Commission, to the local government or governing authority, to all affected cities and counties, and to all other agencies, individuals and organizations who have so requested or who are known by the executive director to have a particular interest in the LCP or LRDP, within a reasonable time but in no event less than 10 calendar days prior to the scheduled public hearing. The executive director may provide notice by newspaper when the requirements of section 13063(b) are satisfied.

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Section 11125, Government Code; and Sections 30512 and 30513, Public Resources Code.

### § 13525. Distribution of Public Comments.

The executive director shall ~~reproduce and distribute to all members of the Commission and to the affected local government or governing authority~~ post to the Commission's website the text or summary of all relevant communications concerning the LCP or LRDP that are received in the Commission office by the close of business on the last

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~~working day of the week prior to the Commission's public hearing and thereafter at any time prior to the vote.~~ When a sizable number of similar communications is received, the texts need not be reproduced but the Commission shall be informed of the substance of the communications; such communications shall be made available at the appropriate Commission office for inspection by any persons during normal working hours.

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections 21080.5 and 30503, Public Resources Code.

### CHAPTER 8. IMPLEMENTATION PLANS

#### SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs)

#### AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs)

#### ARTICLE 9. GENERAL REVIEW PROCEDURES FOR LCPs AND LRDPs

##### § 13531. Staff Analysis.

(a) If the vote on the land use plan or LRDP is scheduled for a later meeting than the hearing at which oral testimony is received, the executive director shall promptly perform whatever inquiries, investigations, research ~~conferences~~, and discussions are required to resolve issues presented by the land use plan or LRDP and to enable preparation of a staff recommendation for the vote. If further information is taken or received by the executive director, it shall be made available in the administrative record of the submittal at the Commission's office and all affected parties shall be given a reasonable opportunity to respond prior to the deadline for the preparation and mailing of the staff recommendation.

(b) The executive director may request of the local government or governing authority any additional information necessary ~~eto~~ perform the tasks set forth in subsection (a), and may report to the Commission any failure to comply with such request, including the relationship of the requested information to the findings required by the California Coastal Act of 1976.

Note: Authority cited: Section 30501, Public Resources Code. Reference: Section 30512, Public Resources Code; ~~and Section 65944, Government Code.~~

##### § 13532. Staff Recommendation.

(a) The executive director shall prepare a staff recommendation which shall set forth specific findings, including a statement of facts and legal conclusions as to whether or not the proposed land use plan or LRDP conforms to the requirements of the California

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Coastal Act of 1976 and of these regulations. The proposed findings shall include any suggested modifications necessary to bring the land use plan or LRDP into compliance with the California Coastal Act of 1976, unless the local government has requested that such modifications not be part of the Commission's action. The proposed findings shall also include any additional documentation, governmental actions, or other activity necessary to carry out the requirements of the Coastal Act.

(b) In order to assure adequate notification, the final staff recommendation shall be posted to the commission's website and distributed by any reasonable means to all commissioners, to the governing authority, to all affected cities and counties, and to all other agencies, individuals and organizations who have so requested or who are known by the executive director to have a particular interest in the LCP or LRDP, within a reasonable time but in no event less than 7 calendar days prior to the scheduled public hearing.

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

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#### AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs)

#### ARTICLE 11. COMMISSION ACTION ON LAND USE PLANS AND LRDPs

#### § 13535. Withdrawal or Postponement of Action.

(a) The local government or governing authority may withdraw its submission of the land use plan or LRDP at any time up to the commencement of ~~the calling of the roll for~~ a vote on any portion of the land use plan or LRDP. Upon such a request, the submission shall be considered withdrawn and removed from Commission consideration. The local government or governing authority may resubmit the land use plan or LRDP. The Commission shall reschedule the resubmittal at a time when it can be reviewed without adversely affecting previously scheduled LCPs or LRDPs.

(b) The Commission may postpone action on the land use plan or LRDP at any time prior to commencement of ~~the calling of the roll for a vote~~ on any portion of the land use plan or LRDP if it finds that such postponement will not unduly hinder the

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participation of the public in the deliberations of the Commission and would not result in the action of the Commission taking place after the 90-day time limit specified in Public Resources Code Section 30512 unless the local government or governing authority waives in writing its right to action within that 90-day limit.

...

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30512, 30605, and 30517, Public Resources Code.

### § 13537. Commission Action on Land Use Plan or LRDP.

...

(b) Except as provided in Public Resources Code Section 30512(a)(3), a decision to certify a land use plan or LRDP shall require a majority vote of the appointed membership of the Commission. Where no modifications are proposed, the final motion is on the affirmative question of whether the land use plan or LRDP as submitted should be certified. Where modifications are proposed, the final motions shall be on (1) the affirmative question of whether the land use plan or LRDP, as submitted, should be certified and (2) the affirmative question of whether the land use plan or LRDP, as modified, should be certified. ~~Modifications to the land use plan or LRDP shall be proposed in the staff recommendation.~~ Any vote on the addition or deletion of modifications, including the specific terms or wording of a modification, may be carried by a majority of the commissioners present. Any suggested modifications adopted by the Commission shall be specific and susceptible to objective review and verification by the executive director of the Commission, by the local government or governing authority and by any interested person or public agency. The Commission's certification with suggested modifications shall expire on January 1, 1983 or six months from the date of Commission action, whichever is ~~longer~~later. If the local government, pursuant to Public Resources Code Section 30512, requests the Commission not recommend modifications, the Commission may discuss alternatives in the findings for denial of the land use plan or LRDP as submitted.

...

Note: Authority cited: Sections 30501 and 30605, Public Resources Code. Reference: Sections 30512 and 30600.5, Public Resources Code.

### § 13542 Commission Review and Action

...

## REGULATION TEXT

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(f) Any action of the Commission to certify or to refuse certification of any zoning ordinance, zoning district map or other implementing action as submitted by the local government shall be final on the day of the Commission vote, notwithstanding a subsequent action of the Commission to adopt findings in support of its decision. Any action of the Commission to certify any zoning ordinance, zoning district map or other implementing ordinance subject to suggested modifications shall be final on the day of the Commission vote with the executive director's report of the local government's acceptance of the suggested modifications pursuant to Section 13544.

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections, 30513, 30610, and 21080.5, Public Resources Code.

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPS) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPS) ARTICLE 13. CONFIRMATION OF LCP CERTIFICATION

#### § 13544. Effective Date of Certification of a Local Coastal Program.

After the certification or conditional certification of a local coastal program, the executive director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the local government that submitted the local coastal program, and to any interested person(s) or agencies. The findings and any suggested modifications shall be posted to the Commission's website. The certification of a local coastal program resulting in the transfer of coastal development review authority pursuant to Public Resources Code Section 30519 shall not be deemed final and effective until all of the following occur:

...

(b) The executive director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, ~~Section 2~~ are legally adequate to satisfy any specific requirements set forth in the Commission's certification order. If the executive director determines that the local government action and notification procedures do not conform to the provisions of the Commission's action to certify the LCP, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal;

(c) The executive director reports the determination that the local government's action and notification procedures are legally adequate to the Commission at its next regularly scheduled public meeting ~~and the Commission does not object to the executive director's determination. If a majority of the commissioners present object to the~~

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~~executive director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the LCP, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and~~

(d) Notice of the certification of a local coastal program shall be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(E)(v):

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections 30519 and 21080.5, Public Resources Code.

### § 13544.5. Effective Date of Certification of a Land Use Plan.

After the certification or conditional certification of a land use plan, the executive director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the local government that submitted the land use plan, ~~and to any interested persons or agencies. The findings and any suggested modifications shall be posted to the Commission's website.~~ The certification of a land use plan resulting in the transfer of coastal development review authority pursuant to Public Resources Code Section 30600.5 shall not be deemed final and effective until all of the following occur:

...

(b) The executive director of the Commission determines in writing that the local government's action is legally adequate to satisfy any specific requirements set forth in the Commission's certification order;

(c) The executive director of the Commission reports the determination to the Commission at its next regularly scheduled public meeting. If the executive director finds that the local government action does not conform to the provisions of the Commission's action to certify the land use plan, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and

(d) Notice of the certification of a land use plan shall be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(E)(v):

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections 30600.5 and 21080.5, Public Resources Code.

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### CHAPTER 8. IMPLEMENTATION PLANS

#### SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs)

#### AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs)

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

##### § 13547. Effective Date of Certification.

After the certification of the LRDP, the executive director of the Commission shall transmit copies of the resolution of certification and suggested modifications to the governing authority, ~~and to any interested persons or agencies. The findings and any suggested modifications shall be posted to the Commission's website.~~ The certification of the LRDP resulting in the abbreviated review procedure provided in Section 13550 pursuant to Public Resources Code Section 30606 shall not be deemed final and effective until all of the following occur:

(a) The governing authority acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been required for final certification; and the ~~governing authority Board of Regents or Board of Trustees~~ accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications.

(b) The executive director of the Commission determines in writing that the action of the governing authority, ~~or the Board of Regents or Board of Trustees where appropriate,~~ and the notification procedures of the LRDP for development projects required pursuant to Section 13511(e)(f) are legally adequate to satisfy any specific requirements set forth in the Commission's certification order. If the executive director determines that the governing authority's action and notification procedures do not conform to the provisions of the Commission's action to certify the LRDP, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and

(c) The executive director reports the determination that the governing authority's action and notification procedures are legally adequate to the Commission at its next regularly scheduled public meeting ~~and the Commission does not object to the executive director's determination. If a majority of the commissioners present object to the executive director's determination and finds that the governing authority's action does not conform to the provisions of the Commission's action to certify the LRDP, the Commission shall review the governing authority's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.~~

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

## REGULATION TEXT

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

### § 13550. Commission Review of Development Projects.

....

(b) Within thirty (30) days after the filing of the notice of the impending development, the executive director shall report in writing to the Commission the pendency of the proposed development. The report shall include a description sufficient to allow the Commission to understand the location, nature, and extent of the proposed development, and a discussion and recommendation regarding the consistency of the proposed development with the certified LRDP. ~~Copies of the~~ The report shall be ~~available at the meeting posted to the Commission's website, and, if possible within the time available, shall have been mailed to the Commission, and a link to the report~~ transmitted to the governing authority and those persons known by the executive director to be interested in receiving such notification.

(c) Proposed developments which in the opinion of the executive director of the Commission are de ~~minimis~~ minimus with respect to the purposes and provisions of the certified LRDP may be scheduled for Commission review at one public hearing during which all such items may be taken up as a single matter. This procedure shall be known as the Consent Calendar. The procedures governing such Consent Calendar shall be comparable to the procedures set forth in Sections 13101-13103.

(d) Within thirty (30) days of the filing of the notice and after a public hearing the Commission shall, by a majority of its membership present, determine whether the proposed development is consistent with the certified LRDP and whether conditions are required in accordance with the provisions of Public Resources Code Sections 30605-30607 and 30607.1. ~~If the Commission determines that conditions are required to render the proposed development consistent with the certified LRDP, the Commission shall schedule a public hearing on the proposed conditions no later than twenty-one (21) days after the close of the hearing that determined consistency with the LRDP. No construction shall commence until after the Commission votes to impose any condition necessary to render the proposed development consistent with the certified LRDP. The hearing procedures governing the Commission's determinations pursuant to this subsection shall be in conformance with Section 13064-13096.~~

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

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### ARTICLE 15. AMENDMENTS TO CERTIFIED LCPS AND LRDPs

#### § 13552. Contents of LCP or LRDP Amendment Submittal.

The LCP or LRDP amendment submittal shall include:

(a) A summary of the measure taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP or LRDP amendment process, pursuant to Section 13515 and Public Resources Code Section 30503; a listing of names and mail or email addresses of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP or LRDP amendment; and copies or summaries of significant comments received and of the local government or governing authority's response to the comments.

(b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. ~~Written~~All documents should be readily reproducible. All documents shall be submitted electronically as well as in hard copy. An amendment to a land use plan or LRDP shall include, where applicable, a readily identifiable public access component as set forth in Section 13512.

...

(e) Any environmental review documents, ~~pursuant to CEQA, required~~ prepared for all or any portion of the amendment to the LCP or LRDP.

...

Note: Authority cited: Section 30501, Public Resources Code. Reference: Sections 30510 and 30514, Public Resources Code.

#### § 13555. Designation of Amendment as Minor.

(a) The executive director of the Commission ~~or the Commission~~ may determine whether or not a proposed amendment is minor in nature. If the executive director determines the proposed amendment is minor, notice of such determination including a summary of procedures set forth in this Article shall be ~~transmitted~~mailed to all ~~persons parties~~ the executive director has reason to know may be interested in the amendment to the LCP or LRDP. The executive director shall report in writing to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within ten (10) working days of the posting of notice. The report shall include sufficient description of the proposed amendment to allow the Commission to understand the proposal. If one-third of the appointed members of the

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Commission requests, the determination of a minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555(b). Proposed amendments that are designated as minor amendments by the executive director with concurrence by the Commission ~~or the Commission~~ shall take effect ~~upon completion of the requirements of Section 13547~~ on the tenth working day after Commission concurrence.

...

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

### CHAPTER 8. IMPLEMENTATION PLANS

#### SUBCHAPTER 1. LOCAL COASTAL PROGRAMS (LCPs)

#### AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPS)

#### ARTICLE 17. LOCAL COASTAL PROGRAM IMPLEMENTATION REGULATIONS

#### § 13565. Notice of Appealable Developments.

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

(b) If an applicant requests a waiver of the public hearing requirement, the notice shall satisfy the requirements of Public Resources Code section 30624.9.

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30006, ~~and 30600,~~ and 30624.9, Public Resources Code.

#### § 13566. Public Hearing on Appealable Developments.

At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project.

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Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 13565. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The local government may waive the public hearing requirement where authorized pursuant to Public Resources Code section 30624.9.

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30006, and 30600, and 30624.9, Public Resources Code.

### § 13571. Final Local Government Action -Notice.

...

#### (b) Failure to Act -Notice.

(1) Notification by Applicant: If a local government has failed to act on an application within the time limits set forth in the Permit Streamlining Act (Government Code, Section 65920 et seq.) ~~Government Code Sections 65950-65957.1, thereby approving the development by operation of law, an applicant the person claiming a right to proceed with development pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the local government and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application that which is claimed to be approved.~~

(2) Notification by Local Government: When a local government or a court determines that an application has been approved by operation of law, the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the local government shall, within seven (7) calendar days of such determination, notify the Commission and any person entitled to receive notice pursuant to Section 13571(a) that the application has been approved by operation of law pursuant to Government Code, Section 65956(b) ~~Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to Section 13110 et seq. (This section shall equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)~~

Note: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Section 65956, Government Code; and Sections 30620 and 30625, Public Resources Code.

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### ARTICLE 4. PREPARATION AND REVIEW OF PORT MASTER PLANS

#### § 13627. Notice and Public Hearings.

After publication and submission of the notice of completion pursuant to Public Resources Code, Sections 30712 and ~~30713~~, the port governing body shall, after notice distributed in a manner comparable to that provided in Section 13059, hold a public hearing or hearings on a draft master plan adopted pursuant to Public Resources Code Section 30712, ~~as provided in Public Resources Code Section 30712~~. Upon the publication or submission of the notice of completion the governing body of the port shall make copies of such plans available upon request to other interested persons. When such master plans cannot be readily duplicated, a detailed summary shall be made available for public distribution and the port shall ~~make post complete~~ copies of such plans to its website ~~available for inspection in a reasonable manner by the public~~.

Upon the publication or submission of the notice of completion, the port governing body shall submit copies of the plans to the commission; if the port governing body so desires, such plans may be combined with the draft environmental review documents as provided in Section ~~13645~~ ~~13640~~. Public hearings required pursuant to Public Resources Code, Sections 30712 and ~~30713~~ may be combined with any applicable hearings on draft Environmental Impact Reports held pursuant to the California Environmental Quality Act.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30712 and ~~30713~~, Public Resources Code.

#### § 13628. Submission of Master Plan by Port.

(a) No master plan shall be deemed submitted to the commission for the purposes of Public Resources Code, Section 30714 until the executive director certifies that it contains or is accompanied by the following:

...

(6) An draft Environmental Impact Report or other document that contains the responses to public comments made during the period for public comment as provided in the California Environmental Quality Act.

...

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

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### § 13630. Public Hearings.

At least one public hearing shall be held by the commission after providing notice as provided in Section 13063 on any port master plan submitted pursuant to Public Resources Code, Section 30714 prior to taking final action. ~~No public hearing shall be held prior to the 21st day after submission of the plan.~~ Where practicable, public hearings on a port master plan should be held near the port involved.

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

### § 13631. Staff Reports.

Prior to the public hearing provided in Section 13630, the executive director shall provide post a summary of the port master plan and the issues presented by such plan to the commission's website to the commission and parties that the executive director has reason to know are interested in the plan. Such report may also contain an initial recommendation as to whether the master plan should be certified in whole or in part or rejected in whole or in part in its form as submitted.

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

### § 13632. Certification of Port Master Plan.

(a) ~~At least ten days before~~ After the close of the public hearing, the executive director shall make a written recommendation to the commission ~~as soon as practicable~~ as to whether the port master plan should be certified in whole or in part or rejected in whole or in part. Such recommendation shall be provided to parties that the executive director has reason to know are interested in the matter prior to the vote by the commission in the same manner as provided in Section 13059.

...

(e) The certification of a port master plan shall not become effective until the port governing body takes formal action adopting such plan as certified by the commission and the commission has received notice of such action, including the final CEQA

## REGULATION TEXT

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document~~EIR~~ adopted for such action and the ~~commission~~ executive director has accepted the formal action as consistent with its certification. The executive director shall report the governing body's adoption of the plan to the commission at the next regularly scheduled meeting.

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

### § 13633. Withdrawal of Master Plan or Postponement of Action on Master Plan.

(a) At any time before the ~~Commission~~chair commences the ~~calling the roll for a~~ vote on a port master plan, the port governing body may withdraw the plan from consideration. Withdrawal must be in writing or stated on the record and does not require Commission concurrence. Resubmission of the port master plan pursuant to Public Resources Code Section 30714 shall not take place for 45 days following the request to withdraw.

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

### § 13634. Amendment of Port Master Plan Prior to Commission Action.

If the governing body of a port amends its master plan after submission of its plan pursuant to Public Resources Code Section 30714 and prior to the commencement of ~~the calling of the roll for a~~ vote on any portion of the master plan, the executive director shall determine if such amendment is material and includes changes that have not been the subject of public review and comment before the Commission....

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30716, Public Resources Code.