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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

RECORD PACKET COPY**Memorandum**

DATE: September 18, 1996

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHARLES DAMM, DEPUTY DIRECTOR
SOUTH COAST DISTRICT STAFF

SUBJECT: AMENDMENT TO CITY OF LOS ANGELES
LOCAL GOVERNMENT COASTAL
DEVELOPMENT PERMIT PROGRAM 1-96
TO PROVIDE FOR AMENDMENTS AND
EXTENSIONS.

SYNOPSIS

The City of Los Angeles issues coastal development permits according to the provisions of Coastal Act section 30600(b), which allows local government to review coastal development permits prior to the Commission's approval of its Local Coastal Program. The Coastal Act provides that when a city chooses this option, it shall submit its permit review ordinances for review by the Commission. Section 13304 of the California Code of Regulations further specifies that the staff shall analyze the ordinance within ten working days of the City's submittal of the notice to the Commission of the City's intent to adopt the ordinance. After consulting with local government staff, the staff shall report any proposed modifications to the Commission at its next regularly scheduled meeting.

In 1978, when the City adopted its locally issued coastal development permit ordinance, the ordinances did not include provisions for the extension of or amendments to locally issued permits. The City now proposes to remedy this omission and has submitted a notice of intent to adopt the enclosed ordinance revisions (Exhibit A).

Staff has reviewed the ordinance (Exhibit A attached), and as required, has forwarded the staff comments to the City in advance of Commission action. Staff is recommending two minor changes in the language of subsection N, that addresses extensions so that the ordinance will be consistent with section 13169 of the Code of Regulations. The motion is on page 3.

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Coastal Development Permit Program.
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STANDARD OF REVIEW

Precertification permit programs must be consistent with the Coastal Act and with section 13302 of the California Code of Regulations. Section 13302 (Exhibit B) specifies that the city must establish procedures including notice and appeal procedures, identify decision making bodies and incorporate the Commissions interpretive guidelines in its local government coastal development permit program. The program must meet the requirements of Coastal Act Sections 30602, 30604, 30620 and 30620.5.

PROCEDURAL REQUIREMENTS

Pursuant to Section 13304 of the California Code of Regulations, at least 30 days prior to the City's final adoption of a coastal development permit program authorized under Section 30600(b) of the Coastal Act, the City must file a notice of intent with the Commission. Within 10 working days of receiving a notice of intent, the Executive Director of the Commission shall prepare and distribute to the Commission, to the local government and to any person known or thought to be interested, an analysis of the local government's coast development permit program. The analysis shall specify any provisions or omissions in the program which, in the opinion the executive director, cause such program to be inconsistent with the requirements of the California Coastal Act or section 13302 of the California Code of Regulations. The report may include recommended modifications of the program to cure the legal defects. The Executive Director shall make every effort to consult with the local government and suggest modifications to the coastal development permit program in order to resolve any areas of disagreement between the local government and the Executive Director prior to the Commission's next regularly scheduled meeting. After giving notice in the manner prescribed in section 13059, the Commission shall review the Executive Director's report at its next regularly scheduled meeting and shall, following a public hearing on the report adopt a resolution setting forth modifications, if any in the local government coastal development permit program that it determines to be necessary to make such a program consistent with the requirements of the California Coastal Act and section 13302 of the Code of Regulations.

On September 5, 1996 the Commission offices received a copy of a letter of transmittal addressed to the Executive Director and the text of the proposed amendments to the local government coastal development permit program, Council Files 89-1450, 89-1450S1. On September 16, the staff provided verbal comments to the staff of the City of Los Angeles concerning two paragraphs in the ordinance

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which were worded in such a way that the procedure was unclear. On September 17, 1996, the staff provided the Office of the City Clerk with these comments in writing. The representatives of the local government had not responded by the time the staff report was prepared.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following modifications to the City of Los Angeles amendment to its local government coastal development permit program:

Motion

I move that the Commission adopt the modifications listed below to amendment I of the City of Los Angeles local government coastal development permit program

Staff Recommendation

Staff recommends a YES vote and the adoption the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution

The Commission adopts the findings stated below on the grounds that the amendment to the City of Los Angeles local government coastal development permit program, if modified, is consistent with the Coastal Act Sections 30602, 30604, 30620 and 30620.5, and Section 13302 of the California Code of Regulations.

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A. History and description:

As noted above, the City has been issuing coastal development permits throughout its jurisdiction under the provisions of Coastal Act section 30600(b), that allows local government to issue coastal development permits it in its jurisdiction before certification of a Local Coastal Program. The City's ordinance does not include a provision to amend or extend permits. On August 14, 1996, the City of Los Angeles City Council adopted two amendments to sections 12.20.2 and 19.06 of the Los Angeles Municipal Code that would enable the City to amend or extend locally issued coastal development permits.

B. Staff analysis

Subsection N addresses extensions. There are two apparent ambiguities in the language of subsection N.

1. Ambiguity of language:

Section 1. N. First paragraph, middle of paragraph, the proposed language states:

This request shall automatically extend the permit until the approving authority has acted upon the request and it becomes effective.
(Emphasis added.)

Comment:

It is not clear whether "it" refers to the permit authority's action or the permit extension request. This could result in confusion.

Suggested modification 1: The suggested changes are in bold type and the deleted language is in ~~strikeout~~ ~~strike-out~~. The sentence should be reworded to state:

This request shall automatically extend the permit until the approving authority has acted upon the request and **it the approving authority's action** becomes effective.

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Reasons for Suggested modifications:

As modified the ambiguity is resolved and it is clear that the permit does not expire while the approving authority is considering the extension request. Once the approving authority has acted, the project is either extended by the action, or if the approving authority denies the extension, the permit expires. This is consistent with the Coastal Act Sections 30620.5 and Section 13169 of the California Code of Regulations regarding permit extensions.

2. Missing phrase: Third paragraph of section N.

Description.

Submitted paragraphs describe the initial process followed by the approving authority (which can be the City Engineer, the Zoning Administrator, the Advisory Agency, the Planning Commission, or the City Council) when a request for extension is received.

Submitted Language:

Notice of the determination, including a summary of the procedures set forth in this Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.

Comment:

This paragraph is missing a critical phrase because the next paragraph says, "If there is no objection to the determination on the extension the extension shall be approved." The above paragraph simply says that the approving authority must make a determination. Therefore, if the approving authority determines that there are changed circumstances (for example a major landslide has occurred), based on the next paragraph, the extension is granted anyway.

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Suggested modification 2: The suggested changes are in bold type and the deleted language is in ~~strike-out~~. The paragraph should be reworded to read:

If the approving authority determines that there are no changed circumstance, nNotice of the determination, including a summary of the procedures set forth in these Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate city agency to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any person requested notice.

Reason for suggested modification:

As modified the procedure will be consistent with Coastal Act Sections 30620.5 and 30624, and Section 13169 of the California Code of Regulations that addresses permit extensions. By making all the steps explicit, confusion is avoided.

srsugmd

*Amendment I to City of Los Angeles locally government coastal development
permit program.*

Suggested Modifications

9/17/96 Page 4

A. History and description:

As noted above, the City has been issuing coastal development permits throughout its jurisdiction under the provisions of section 30600(b), that allows local government to issue coastal development permits it in its jurisdictions. the local ordinance does not include a provision to amend or extend permits. The city council on adopted a two amendments to ordinance 12.20.2 and 16.09 of the Los angles municipal code that would enable the city to amend or extend locally issued coastal development permits.

B. Staff analysis

There are two apparent ambiguities in section N that addresses extensions.

1. Ambiguity of language:

Section 1. N. First paragraph, middle of paragraph, the proposed language states:

This request shall automatically extend the permit until the approving authority has acted upon the request and it becomes effective.

Comment:

Does "it" refer to the permit authority's action or the permit extension request? This ambiguity could result in confusion.

Suggested modification 1: The sentence should be reworded to state:

This request shall automatically extend the permit until the approving authority has acted upon the request and **the approving authority's action** becomes effective.

***Amendment I to City of Los Angeles locally government coastal development
permit program.***

Suggested Modifications

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Reasons for Suggested modifications:

As modified the ambiguity is resolved and it is clear that the permit does not expire while the approving authority is considering the extension request. Once the approving authority has acted, the project is either extended by the action, or if the approving authority denies the extension, the permit expires. This is consistent with Coastal Act. Section 30333, 30620.5, 30620.6, and 30624, and Section 13169 of the California Code of Regulations regarding extensions.

- 2. Missing phrase: Third paragraph of section N.**

Description.

Submitted paragraphs describe the process initial process followed by the approving authority (which can be the zoning administrator, the city council or the planning Commission, when a request for extension is received.

Submitted Language:

Notice of the determination, including a summary of the procedures set forth in these Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate city agency to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any person requested notice.

Comment:

This paragraph is missing a critical phrase because the next paragraph says, "If there is no objection to the determination on the extension the extension become final." The above paragraph simply says that the approving authority must make a determination. Therefore, if the approving authority determines that there are changed circumstances

***Amendment I to City of Los Angeles locally government coastal development
permit program.***

Suggested Modifications

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(for example a major landslide has occurred), based on the next paragraph, the extension is granted anyway.

**Suggested modification 2: The paragraph should be reworded to read
(changes in bold):**

**If the approving authority determines that there are no changed
circumstance, nNotice of the determination, including a summary of
the procedures set forth in these Subsection, shall be posted on the
subject property by the applicant and shall be mailed, by first class
mail by the appropriate city agency to all persons who testified at any
public hearing on the original permit and left their names and
addresses, or submitted written testimony or to any person requested
notice.**

Reason for suggested modification:

**As modified the procedure will be consistent with Coastal Act. Section
30333, 30620.5, 30620.6, and 30624, and Section 13169 of the
California Code of Regulations regarding extensions that addresses
permit extensions. By making all the steps explicit, confusion is
avoided.**

Post-It™ brand fax transmittal memo 7671		P. 1
To <i>Pam Emerson</i>		From <i>Bill Landis</i>
Co. <i>Coastal Comm</i>		Co. <i>CPDO</i>
Dept.		Phone # <i>21485-5707</i>
Fax # <i>31590-5084</i>		Fax #

ORDINANCE NO. —

An ordinance amending Sections 12.20.2 and 19.06 of the Los Angeles Municipal Code to provide for the extension and amendment of Coastal Development Permits issued before certification of the Local Coastal Program by the State.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. A new Subsection N is hereby added to Section 12.20.2 of the Los Angeles Municipal Code to read:

N. Extensions of Permits. Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and it becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection E of this Section.

The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection G of this Section.

Notice of the determination, including a summary of the procedures set forth in this Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.

*Amendment to
Los Angeles
Local Government
Permit Program
Exhibit A01*

If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.

If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection G of this Section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of Subsection F of this Section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.

The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection G of this Section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be denied.

Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subdivision 3 of Subsection G of this Section.

Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection H of this Section in the same manner as an appeal of the original permit as set forth in Subsection H.

The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection I of this Section are applicable to applications for extensions of permits.

Sec. 2. A new Subsection O is hereby added to Section 12.20.2 of the Los Angeles Municipal Code to read:

O. Amendments To Permits.

1. The holder of a Coastal Development Permit may apply to amend the permit by filing a written application with the initial approving authority who approved the original permit. The application shall

contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or any other information as may be required by the approving authority, and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection E of this Section. If the application is deemed complete and accepted, the approving authority shall determine if the requested amendment constitutes an immaterial or material change to the permit.

2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this Subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:

(a) that the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection G of this Section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted; and

(b) that the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings

required by Subsection G of this Section; and

(c) that all of the findings required by Subsection G of this Section can still be made; and

(d) that the proposed amendment will not result in any increase in the density or intensity of the project; and

(e) that the proposed amendment will not cause any adverse impact on surrounding properties.

3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by California Public Resources Code Section 30604, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection F of this Section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2 of this Subsection, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.

4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subdivision 3 of Subsection G of this Section.

5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection H of this Section.

6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection I of this Section are applicable to applications for amendments to permits.

Sec. 3. Subdivision 11 of Subsection A of Section 19.06 of the Los Angeles Municipal Code is hereby amended to read:

11. A fee of \$135.00 for any amendment to a coastal development permit for a single dwelling unit, or \$802.00 for a multiple residential, commercial or industrial development requiring a public hearing.

The applicant may apply for a refund of fifty percent of the fee paid for an amendment to a coastal development permit for a multiple residential, commercial or industrial development if no public hearing is held.

Sec. 4. Subdivision 15 is hereby added to Subsection A of Section 19.06 of the Los Angeles Municipal Code to read:

15. A fee of \$125.00 for an extension of time for a coastal development permit.

(16153)



CITY COUNCIL OF THE
OFFICE OF

JOHN FERRARO
COUNCILMAN 4TH DISTRICT

Post-It™ brand fax transmittal memo 7671		P.1
To <i>Pam Emerson</i>		From <i>Bill Ferraro</i>
Co. <i>Coastal Comm</i>		Co. <i>LA</i>
Dept.		Phone # <i>(213) 485-5707</i>
Fax # <i>(213) 590-5084</i>		Fax #

M-30, CITY HALL
LOS ANGELES, CA 90012
(213) 485-3337
FAX (213) 624-7810

Mr. Peter Douglas
California Coastal Commission
45 S. Fremont, Suite 2000
San Francisco, CA 94105

DRAFT OF ORDINANCE AMENDING THE LOS ANGELES MUNICIPAL CODE TO PROVIDE FOR THE EXTENSION AND AMENDMENT OF COASTAL DEVELOPMENT PERMITS ISSUED BEFORE CERTIFICATION OF THE LOCAL COASTAL PROGRAM BY THE STATE (Council File Nos. 89-1450, 89-1450-S1)

Dear Mr. Douglas:

The City of Los Angeles has an existing pre-certification program for issuing Coastal Development Permits and intends to add provisions permitting extensions of time and amendments to these permits. Attached is a copy of the draft of ordinance for the review of the Coastal Commission pursuant to Commission regulations. At the end of the 30 day review period, the City will adopt the ordinance, after considering any modifications which the Commission wishes to make.

Very truly yours,

John Ferraro
JOHN FERRARO
President
Los Angeles City Council

cc: California Coastal Commission
P.O. Box 1450
Long Beach, CA 90402

*LA Permit Program
Exhibit A(2)
Letter of
transmittal*



CITY COUNCIL OF THE CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK

Post-it brand fax transmittal memo 7671		P.1
To: <i>Pam Emerson</i>		From: <i>Bill Handley</i>
Cc: <i>Coastal Comm</i>		Subject: <i>ep-10</i>
Fax: <i>3) 590-5084</i>		Phone: <i>2) 485-5707</i>

JOHN FERRARO
COUNCILMAN 4TH DISTRICT

W-30, CITY HALL
LOS ANGELES, CA 90012
(213) 485-3337
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Mr. Peter Douglas
California Coastal Commission
45 S. Fremont, Suite 2000
San Francisco, CA 94105

DRAFT OF ORDINANCE AMENDING THE LOS ANGELES MUNICIPAL CODE TO PROVIDE FOR THE EXTENSION AND AMENDMENT OF COASTAL DEVELOPMENT PERMITS ISSUED BEFORE CERTIFICATION OF THE LOCAL COASTAL PROGRAM BY THE STATE (Council File Nos. 89-1450, 89-1450-S1)

Dear Mr. Douglas:

The City of Los Angeles has an existing pre-certification program for issuing Coastal Development Permits and intends to add provisions permitting extensions of time and amendments to these permits. Attached is a copy of the draft of ordinance for the review of the Coastal Commission pursuant to Commission regulations. At the end of the 30 day review period, the City will adopt the ordinance, after considering any modifications which the Commission wishes to make.

Very truly yours,

John Ferraro
JOHN FERRARO
President
Los Angeles City Council

cc: California Coastal Commission
P.O. Box 1450
Long Beach, CA 90402

*LA Permit Program
Exhibit A(2)
Letter of
transmittal*

HISTORY

1. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

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.

HISTORY

1. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

§ 13259. Reapplication.

Following a final decision upon a request for a coastal zone boundary determination, no person previously requesting a boundary adjustment may resubmit to the commission a request for a boundary adjustment for the same parcel for a period of six months from the date of the previous final decision. The six-month waiting period provided in this section may be waived by the commission for good cause.

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

HISTORY

1. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

Chapter 7. Coastal Development—Permits Issued by Local Governments and Other Public Agencies

Subchapter 1. Coastal Development Permits Issued by Local Governments

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

This chapter shall govern the issuance by local governments of coastal development permits pursuant to Public Resources Code Section 30600(b) and shall be applicable to any person wishing to perform or undertake any development in the coastal zone except for the following:

- Any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled.
- Any development by a public agency for which a local government permit is not otherwise required.
- Any development subject to the provision of Section 30608, 30610, 30610.5, 30611 and 30624 of the Public Resources Code.

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

HISTORY

- New Chapter 7 (Sections 13300-13327, not consecutive) filed 2-11-77 as an emergency; effective upon filing (Register 77, No. 7).
- Certificate of Compliance filed 4-29-77 (Register 77, No. 18).
- Amendment of NOTE filed 4-20-83; effective thirtieth day thereafter (Register 83, No. 17).

Article 1. Local Government Coastal Development Permit Program

§ 13301. Coastal Development.

- Following the implementation of a coastal development permit program by a local government as provided in Section 13307, any person

wishing to perform a development within the affected jurisdiction except as specified in Section 13300 shall obtain a coastal development permit from the local government. If the development is one specified in Public Resources Code 30601, a permit must also be obtained from the commission in addition to the permit otherwise required from the local government; in such instances, an application shall not be made to the commission until a coastal development permit has been obtained from the appropriate local government.

- Where any proposed activity involves more than one action constituting a development under Public Resources Code, Section 30106, the sum of such actions may be incorporated into one coastal development permit application and into one coastal development permit for purposes of notification requirements of Section 13315; provided, however, that no individual development activity may be commenced or initiated in any way until the overall development has been reviewed pursuant to the provisions of Sections 13315-13325.

NOTE: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600 and 30601, Public Resources Code.

HISTORY

1. Amendment filed 4-20-83; effective thirtieth day thereafter (Register 83, No. 17).

Article 2. Requirements for the Local Government Coastal Development Permit System

§ 13302. Coastal Development Permit Program Content.

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

- Application forms that require, as a minimum, the same information required on the application forms adopted by the commission pursuant to Public Resources Code, Section 3060(a)(1).

- Designation of a discretionary body or bodies which will review applications for and issue coastal development permits pursuant to the requirements of Public Resources Code, Section 30604, 30620.5(a) and 30625(c).

- Procedures which incorporate in the permit review process the interpretive guidelines issued by the commission pursuant to Public Resources Code, Section 30620(a)(3).

- Procedures for providing notice to the public, including all persons who request notice of pending permit applications and of rights of appeal within the local government and to the commission at a minimum equivalent to the notice required by Sections 13054 and 13063.

- Procedures which specify:

- The method by which interested persons may communicate concerns to the designated discretionary body or bodies which will issue coastal development permits.

- The designation of a chain of permit appeals, if any, within the local government.

- The point in the local review process at which a coastal development permit is deemed issued.

- Procedures for notification to the commission and any person who in writing has requested such information of any coastal development which has been issued and of any coastal development permit which has been denied.

- The content of the notice to the commission and other interested persons shall include, but not be limited to, 1) a copy of the permit application and any subsequent modifications thereto, 2) a summary of the action taken by the local government including written findings and 3) a verbatim copy of any conditions attached to the local government permit approval and of the findings made at the time of the approval. The executive director of the commission may modify the reporting requirements

to eliminate technical matters that are not relevant to the requirements of the California Coastal Act of 1976.

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

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

History

1. Amendment filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

§ 13303. Alternative Procedures for Implementation of a Local Government Coastal Development Permit Program.

Consistent with the requirements of Section 13302, a local government may incorporate the coastal development permit review into any existing local permit procedure which provides for reviewing public comment, the taking of evidence and the adoption of findings on all permits at a duly noticed public hearing or it may establish a separate coastal development permit application review procedure. A local government wishing to establish a local government coastal development permit program shall meet the requirements of the California Coastal Act of 1976 either by submitting its proposed program pursuant to Section 13304 or by adopting an ordinance prepared by the commission.

NOTE: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Section 30600, Public Resources Code.

History

1. Amendment filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

§ 13304. Notice of Intent Alternative.

At least 30 days prior to the final adoption of a coastal development permit program a local government shall file a notice of intent with the commission. The notice of intent shall state the intent of the local government to adopt a coastal development permit program. Within 10 working days of receiving a notice of intent, the executive director of the commission shall prepare and distribute to the commission, to the local government and to any person known or thought to be interested an analysis of the local government's coastal development permit program. The analysis shall specify any provisions or omissions in the program which in the opinion of the executive director cause such program to be inconsistent with the requirements of the California Coastal Act or of Section 13302. The report may include recommended modifications of the program to cure the legal defects. The executive director shall make every effort to consult with the local government and suggest modifications to the coastal development permit program in order to resolve any areas of disagreement between the local government and the executive director prior to the commission's next regularly scheduled meeting. After giving notice in the manner prescribed in Section 13059, the commission shall review the executive director's report at its next regularly scheduled meeting and shall, following a public hearing on the report, adopt a resolution setting forth modifications, if any, in the local government coastal development permit program that it determines to be necessary to make such program consistent with the requirements of the California Coastal Act and Section 13302.

Following 30 days after filing with the commission a notice of intent the local government may adopt a coastal development permit program for the entire area of its jurisdiction within the coastal zone. If a coastal development permit program is adopted, the local government shall by resolution pursuant to Public Resources Code, Section 30620.5(b) notify the commission and all contiguous local governments within the coastal zone and shall publish the resolution in the same manner as it would publish a notice of a proposed general plan amendment; provided, however, that such notice shall also be published in the newspaper with the widest circulation in the portion of the local government jurisdiction lying with-

in the coastal zone. The notification to the commission shall include a specific statement as to whether or not any modifications determined by the commission to be necessary pursuant to this Section have been incorporated in the coastal development permit program.

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

History

1. Amendment filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

§ 13305. Local Government Ordinance Alternative.

History

1. Repealer filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

§ 13306. Coastal Development Fees.

Following certification of the local government's coastal development permit system, the local government may require fees from development applicants not exceeding those set forth in Section 13055 except for costs incurred above the fee schedule in complying with the requirements of these regulations and of the California Environmental Quality Act.

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

History

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Registar 77, No. 24).

2. New NOTE filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

§ 13307. Map of Areas Where Coastal Commission Permit Is Required.

Within 30 days of the receipt of a notice transmitted pursuant to Public Resources Code, Section 30620.5(b), the executive director of the commission shall publish a map of the coastal zone of the affected jurisdiction that delineates the areas where coastal commission permit applications will also be required pursuant to Public Resources Code, Section 30601(1) and (2).

NOTE: Authority cited: Sections 30333 and 30620, Public Resources Code. Reference: Sections 30600, 30601 and 30620.5, Public Resources Code.

History

1. New NOTE filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

Article 3. Local Government Issuance of a Coastal Development Permit

§ 13311. Issuance of a Coastal Development Permit.

A coastal development permit shall be deemed issued (a) when final review has occurred, (b) when, if applicable, all local rights of appeal have been exhausted and (c) when findings have been made that the interpretive guidelines have been reviewed and that the proposed development conforms with the requirements of Public Resources Code, Section 30604(a) and with any applicable decision set by the commission pursuant to Public Resources Code, Section 30625(c). If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the local government shall also make the specific findings required by Public Resources Code, Section 30604(c).

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

History

1. New NOTE filed 4-20-83; effective thirtieth day thereafter (Registar 83, No. 17).

§ 13313. Finality of Local Action.

The permit issued by the local government shall become final unless a valid appeal is filed with the commission of the notice specified in Public Resources Code 30620.5(c) or unless the permit application is subject to the requirements of Public Resources Code, Section 30601. Each local coastal development permit shall contain a statement that the permit shall not become effective until 20 working days have elapsed without an ap-

be interested in the matter. If the applicant or objector so requests, the commission shall make an independent determination as to whether the proposed amendment is material.

(4) Unless the proposed amendment has been found to be immaterial, the commission shall determine by a majority vote of the membership present whether the proposed development with the proposed amendment is consistent with the requirements of the California Coastal Act of 1976. The decision shall be accompanied by findings in accordance with Section 13096.

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

(c) The procedures specified in this section shall apply to applications for amendments of permits issued under the California Coastal Zone Conservation Act of 1972, except as specified in Public Resources Code Section 30609.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30609, Public Resources Code.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. New subsection (c) filed 6-10-77 as an emergency; effective upon filing (Register 77, No. 24).
3. Certificate of Compliance filed 9-16-77 (Register 77, No. 38).
4. Amendment of subsection (a) filed 4-27-78 as an emergency; effective upon filing (Register 78, No. 17).
5. Certificate of Compliance filed 8-10-78 (Register 78, No. 32).
6. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
7. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).
8. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

§ 13168. Application Fee.

All applications for amendments to permits shall be subject to a twenty-five (\$25) dollar fee. If the amendment is determined to be material, fees shall be charged in accord with Section 13035 as for a new application except that the executive director of the regional commission may reduce the fees in accord with the staff work involved.

Article 6. Extension of Permits

§ 13169. Extension of Permits.

(a) Prior to the time that commencement of construction under a permit granted by either the regional commission or the commission must occur under the terms of the permit or Section 13156, the applicant may, upon payment of a fifty dollar (\$50) fee (or a twenty-five dollar (\$25) fee in the case of extension of permits for single-family residences) apply to the executive director of the commission for an extension of time not to exceed an additional one year period. The application shall be accompanied by evidence of a valid, unexpired permit acknowledged pursuant to Section 13158 and of the applicant's continued legal interest in the property involved in the permit.

(1) For those applications accepted, the executive director shall determine whether or not there are changed circumstances that may affect the consistency with the California Coastal Act of 1976. If the executive director determines that the proposed development is consistent, 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 parties the executive director has reason to know may be interested in the application including all parties who participated in the initial permit hearing. If no written objection is received at the commission office within ten (10) working days of publishing notice, the determination of consistency shall be conclusive.

(2) If the executive director determines that due to changed circumstances the proposed development may not be consistent or if objection is made to the executive director's determination of consistency, the application shall be reported to the commission after notice to any person (i) the executive director has reason to know would be interested in the matter. The executive director shall include in such report a description of any pertinent changes in conditions or circumstances relating to each requested permit extension. If three (3) commissioners object to an extension on the grounds that the proposed development may not be consistent with the California Coastal Act of 1976, the application shall be set for a full hearing of the commission as though it were a new application. If no such objection is raised, the executive director shall issue the extension authorized by this section. Any extensions applied for prior to the expiration of the permit shall automatically extend the expiration date of the permit until such time as the commission has acted upon the extension request; provided, however, that if construction has not commenced at the time the application for extension is made, construction may not commence during the period of automatic extension provided in this section.

(b) The procedures specified in this section shall apply to extensions of permits which were previously approved on the consent calendar or as administrative permits unless the commission adopts expedited procedures for extensions to such permits.

NOTE: Authority cited: Section 30333, Public Utilities Code. Reference: Sections 30620.6 and 30624, Public Resources Code.

HISTORY

1. Amendment of subsection (a) filed 2-11-77 as an emergency; effective upon filing (Register 77, No. 7).
2. Certificate of Compliance filed 4-29-77 (Register 77, No. 18).
3. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
4. Amendment of subsection (a) filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
5. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

Article 7. Assignment of Permits

§ 13170. Assignment of Permits.

(a) Any person who has obtained, pursuant to the California Coastal Act of 1976 and these regulations, a permit to perform a development may assign such permit to another person subject to the following requirements:

- (1) submission of a \$25 application fee;
- (2) affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
- (3) evidence of the assignee'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
- (4) the original permittee's request to assign all rights to undertake the development to the assignee; and

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

(b) The applicant for assignment shall submit the above documents to the executive director of the commission together with a completed application form provided by the executive director. The assignment shall be effective upon the executive director's written approval of the documentation submitted. The executive director's review shall ordinarily be completed within ten (10) working days of the receipt of a completed application for assignment. The completed application form and supporting documentation shall become part of the project file maintained by the applicable commission.

(c) No person other than the permittee may perform or undertake development under the permit without assignment of the permit under this section.

NOTE: Authority and reference cited: Section 30333, Public Resources Code.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 580-6071



September 17, 1996

Councilman John Ferraro
President, Los Angeles City Council
Room M-30
City Hall
Los Angeles CA 90012

Dear Mr. Ferraro,

Thank you for forwarding the proposed amendments to the City's pre-certification program. These amendments will enable the City to approve extensions of time for the permits it issues, and establishes a procedure for review of amendments to those permits. Our staff has reviewed the proposed language and has two comments, enclosed. The proposed modifications are clarifications of the City's language, and, if adopted, would eliminate ambiguities in the language.

Very truly yours,

A handwritten signature in cursive script that reads "Charles Damm".

Charles Damm
Deputy Director

cc: Bill Speedie, Deputy City Clerk
Councilman Marvin Braude
Councilwoman Ruth Galanter
Councilman Rudy Svornich

c:/winword/amendo.doc

Exhibit D
L.A.C. Permit Program