

**CALIFORNIA COASTAL COMMISSION**

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**MEMORANDUM**

December 23, 1997

TO: Coastal Commissioners

FROM: Ralph Faust, Chief Counsel  
Dorothy Dickey, Deputy Chief Counsel DD  
Ann Cheddar, Staff Counsel  
Amy Roach, Staff Counsel JMC

SUBJECT: **Commencement of Rulemaking Process for Portions of Chapters 5 and 6 of the Commission's Permit Regulations**

The staff proposes that the Commission commence the rulemaking process to amend the coastal development permit regulations (Chapters 5 and 6 of Title 14 of the California Code of Regulations). Staff has reviewed these regulations and drafted proposed amendments, which are described in and attached to this report. The amendments would affect staff processing of permit applications, Commission hearing and voting procedures, applicant and permittee requirements, and permit exclusions. If the Commission chooses to commence the rulemaking process, the staff recommends that the Commission provide feedback on the draft proposed amendments at this time. The rulemaking procedures and the draft proposed amendments are discussed in more detail below.

**RULEMAKING PROCEDURES**

If the Commission votes to commence a rulemaking process, the staff will initiate the procedures required under the Administrative Procedure Act (APA) that the Commission must follow before amending its regulations. (Government Code § 11340 *et. seq.*) Those procedures will take a number of months to complete. Before the Commission can vote to amend its regulations, the staff must publish notice of the Commission's intent to amend its regulations, prepare various documents required under the APA that must be made available concurrently with the notice, and allow public comment on the proposed amendments for a period of at least 45 days. When the Commission votes on the regulations following the public comment period, it can approve or reject the amendments. If the Commission wishes to approve amendments that are different from those circulated for public comment, it must notify the public and make the text of the modified amendments available for an additional public comment period of either 15 or 45 days, depending on the extent of the changes. (Prior to starting an additional public comment period, it may be necessary for the Commission to hold additional public hearings concerning the modifications to

identify the specific changes it wishes to propose.) If the Commission approves amendments to its regulations, the amendments must then be submitted to the Office of Administrative Law (OAL) for OAL's review and approval.<sup>1</sup> If the amendments are approved by OAL, they will become legally effective after they are filed with the Secretary of State. We recommend that the Commission vote to begin this process.

### **SUMMARY OF PROPOSED AMENDMENTS**

The proposed amendments consist largely of limited modifications to existing coastal development permit regulations. The amendments would reorganize sections governing procedures for staff processing of permits and for Commission action on permits in order to provide more understandable, streamlined processes. For example, sections covering treatment of written public comments that are currently scattered throughout the regulations would be combined into one section. Similarly, various sections addressing Commission review of staff recommendations would be combined into one section governing the Commission's vote on staff recommendations. In addition, redundant procedures would be eliminated. For example, the regulations regarding staff preparation of application summaries would be incorporated into the regulations regarding staff preparation of staff reports.

The majority of the regulations governing applicant and permittee requirements and permit exclusions would be amended to clarify a number of ambiguities that have become apparent during implementation of the regulations. For example, the revisions would clarify that permit amendments are subject to the same information filing requirements as permit applications, and that approved permits can be extended even if they have not been issued. Clarification of the ambiguities would make the regulations easier for applicants to understand and would save staff time. Several of the proposed revisions introduce new streamlining measures that would save time for applicants. For example, currently minor amendment and extension applications that qualify for administrative approval are required to be referred to the Commission for hearing if a member of the public objects to administrative approval of the application. The revisions would allow the Executive Director to approve such applications administratively despite receipt of an objection if the objection clearly does not raise valid Coastal Act issues.

We propose that the Commission **not** revise regulations governing: vested rights, urban land exclusions, administrative permits, de minimis waivers, categorical exclusions, and minor adjustments to the coastal zone boundary. We also propose that the permit regulations governing revocation of permits and appeal of locally issued coastal development permits be revised in a separate rulemaking proceeding that would occur some time in 1998.<sup>2</sup>

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<sup>1</sup>The Office of Administrative Law has 30-working days to review the amendments under the APA. If the Office of Administrative Law does not approve the amendments under the APA, it could return them for further Commission action, which could trigger additional public notice and comment periods.

<sup>2</sup>The Commission has already adopted amendments to portions of Chapter 5: Subchapter 8 (cease and desist orders) and Subchapter 9 (restoration orders); OAL is currently reviewing those changes. The Commission has also recently adopted amendments to portions of Chapters 1-3 (General Provisions, Meetings, and Officers and Staff) of the Commission's regulations. These amendments are being prepared for submittal to OAL for their review.

### **COMMISSION REVIEW AND ACTION**

As is indicated above, if the Commission wishes to make any changes to the proposed amendments after the rulemaking process begins, the APA requires that the Commission reopen the public comment period and may mandate that the Commission start the process again. (The attached rulemaking schedule provides further information on these requirements.) Thus, the best time for the Commission to provide staff with policy direction and identify language it wishes staff to circulate for public review is before the rulemaking process formally commences.

We recommend that the Commission consider two questions concerning the proposed amendments. First, we are requesting that the Commission determine whether it wishes to commence a rulemaking process to amend the permit regulations. The second question is whether the amendments as currently proposed reflect the policy direction that the Commission would like to take.

In order to assist your review of the proposed amendments, we have attached the following:

- 1) Possible Rulemaking Schedules
- 2) A revised table of contents reflecting proposed revisions to the regulations;
- 3) A table that lists each proposed regulation change and the reasons for each proposed amendment, and
- 4) Text of all Commission permit regulations, showing proposed additions in underline and deletion in ~~strikeout~~.

### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

#### **Resolution:**

The Commission hereby directs the staff to commence a process to revise Chapters 5 and 6 of the Commission's regulations.

## **ATTACHMENT 1**

## POSSIBLE RULEMAKING SCHEDULES <sup>1</sup>

1998 RULEMAKING SCHEDULE	OPTION 1  COMMISSION ADOPTS SOME OR ALL AMENDMENTS AS ORIGINALLY PROPOSED	OPTION 2  COMMISSION ADOPTS AMENDMENTS WITH "NONSUBSTANTIAL" "SOLELY GRAMMATICAL" OR "SUFFICIENTLY RELATED" ADDITIONAL CHANGES <sup>2</sup>	OPTION 3  COMMISSION ADOPTS AMENDMENTS WITH ANY OTHER CHANGES <sup>3</sup>
JANUARY	Commission discusses desired changes and text of proposed changes, votes to commence rulemaking	Same	Same
EARLY FEBRUARY	Notice published, public comment period begins	Same	Same
LATE FEBRUARY	Public comments submitted in writing		
MARCH	Public comments submitted in writing	Public comments submitted in writing	Public comments submitted in writing
APRIL	Commission holds public hearing and adopts some or all of amendments as proposed	Commission holds public hearing and votes to have staff circulate amendments with limited changes <sup>2</sup>	Commission holds public hearing and votes to have staff prepare text of amendments with substantial changes <sup>3</sup>
MAY	Staff prepares rulemaking record and submits amendments to OAL	Commission holds public hearing and adopts some or all of the amendments	Commission holds workshops to identify desired changes and may vote to commence new rulemaking
JUNE		Staff prepares rulemaking record and submits amendments to OAL	Commission holds workshops to identify desired changes, votes to commence new rulemaking
LATE JUNE			Notice published, public comment period begins
JULY	OAL reviews and approves or denies amendments (30 working days)		
AUGUST	If OAL approves regulations, it files them with Secretary of State and they become legally effective (30 days)	OAL reviews and approves or denies regulations (30 working days)	
SEPTEMBER		If OAL approves regulations, it files them with Secretary of State, and they become legally effective (30 days)	Commission holds public hearing and adopts some or all of the amendments
OCTOBER			Staff prepares rulemaking record and submits amendments to OAL
NOVEMBER			
DECEMBER			OAL reviews and approves or denies regulations (30 working days)
JANUARY 1999			If OAL approves regulations, it files them with Secretary of State, and they become legally effective (30 days)

<sup>1</sup> The schedules are based on the minimum timeframes established by the Administrative Procedure Act. The Commission generally cannot take the identified steps earlier than shown. If the Commission were to postpone any of the steps, the subsequent steps would also have to be postponed to meet the APA requirements.

<sup>2</sup> An additional comment period of 15 days is required for changes that are nonsubstantial, solely grammatical or "sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action." (Govt. Code, § 11346.8(c).) A change is "sufficiently related" to the original text "... if a reasonable member of the directly affected public could have determined from the notice that these changes to the regulation could have resulted." (Tit. 1, CCR, § 41.) "Nonsubstantial" changes "... clarify without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text." (Tit. 1, CCR, § 40.)

<sup>3</sup> A new rulemaking with an additional public comment period of 45 days is required for all changes other than those described in footnote 2.

## **ATTACHMENT 2**

**PROPOSED REVISED  
TABLE OF CONTENTS TO CHAPTERS 5 & 6 OF THE REGULATIONS**

**Chapter 5** Coastal Development Permits Issued by Coastal Commissions

Section	13050	Scope of Chapter (no change)
	13050.5	Permit Jurisdiction over Portions of a Development Not within the Coastal Zone (no change)
	13051	Reference to Regional Commission (no change)
	13051.5	Reference to Executive Director (no change)

**Subchapter 1** Regular Permits

**Article 1** When Local Applications Must Be Made First

Section	13052	When Required
	13053	Where Preliminary Approvals are not Required

**Article 2** Application for Permit

Section	13053.4	Single Permit Application
	13053.5	Application Form and Information Requirements
	13053.6	Amendment of Application Form (no change)

**Article 3** ~~Notice~~ Applicant's Notice Requirements

Section	13054	<del>Notification Requirements</del> <u>Identification of Interested Persons/Submission of Envelopes/Posting of Site</u>
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**Article 4** Schedule of Fees for Filing and Processing Permit Applications

Section	13055	Fees
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**Article 5** Determination Concerning Filing

Section	13056	Filing
	<u>13056.1</u>	<u>Reapplication</u> (Moved here and rewritten from section 13109 of Article 17)

**Article 6** ~~Application Summaries~~ Staff Reports

Section	13057	<del>Contents</del> <u>Preparation of Staff Reports</u> (Now combines 13057, 13073 & 13075)
	13058	<u>Consolidation of Staff Reports; Consolidation of Public Hearings</u>
	13059	<u>Distribution of Staff Reports</u> (Rewritten combining 13059 & 13076)

**Article 7** Public Comments on Applications

Section	13060	<del>Distribution of Written Comments on Applications</del> (Rewritten combining 13060, 13061, 13074, 13077)
	<del>13061</del>	<del>Treatment of Similar Communications</del> (Moved to new 13060)

Article 8 Hearing Dates

Section	13062	Scheduling (no change)
	13063	<u>Distribution of Notice</u>

Article 9 Oral Hearing Procedures

Section	13064	Conduct of Hearing (no change)
	13065	Evidence Rules (no change)
	13066	Order of Proceedings (Rewritten combining 13066, 13083, 13084)
	13067	Speaker's Presentations (Rewritten combining 13067 & 13068)
	<del>13068</del>	<del>Other Speakers</del> (Moved to new 13067)

Article 10 Field Trips

Section	13069	Field Trips--Procedures (no change)
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Article 11 Additional Hearings, Withdrawal and Off-Calendar Items, Amended Applications

Section	13070	Continued Hearings (Rewritten combining 13070 & 13083)
	13071	Withdrawal of Application
	13072	Procedures for Amended Application
	13073	<u>Applicant's Postponement</u> (Moved here from 13085)
	13074	<u>Rescheduling</u> (Moved here from 13087)

~~Article 12 Preparation of Staff Recommendation~~

Section	13073	Staff Analysis (Deleted by new 13057)
	13074	<del>Submission of Additional Written Evidence</del> (Moved to new 13060)
	13075	<del>Final Staff Recommendation</del> (Moved to new 13057)
	13076	<del>Distribution of Final Staff Recommendation</del> (Moved to new 13059)
	13077	<del>Written Response to Staff Recommendation</del> (Moved to new 13060)

~~Article 13 Commission Review of Staff Recommendation~~

Section	13080	<del>Alternatives for Review of Staff Recommendation</del> (Moved to new 13090)
	13081	<del>Staff Recommendation Included in Application Summary</del> (Moved to new 13090)
	13082	<del>Verbal Staff Recommendation Upon Conclusion of Public Hearing</del> (Moved to new 13090)
	13083	<del>Consolidation of Staff Recommendation at a Meeting Subsequent to the Oral Meeting</del> (Moved to new 13090)
	13084	<del>Procedures for Presentation of Staff Recommendation and Responses of Interested Parties</del> (Moved to new 13066)
	13085	<del>Applicant's Postponement</del> (Moved to new 13073)
	13087	<del>Rescheduling</del> (Moved to new 13074)



## Article 14 Voting Procedure

Section	13090	Voting--After Recommendation (Rewritten combining 13080, 13081, 13082, 13083, 13090 & 13091)
	<del>13091</del>	<del>Voting Time and Manner</del> (Moved to new 13090)
	13092	Effect of Vote Under Various Conditions
	13093	Straw Votes
	13094	Voting Procedure
	13095	Voting by Members Absent from Hearing
	13096	Commission Findings (Rewritten combining 13092)

## Article 15 Consent Calendar Procedures

Section	13100	Consent Calendar
	13101	Procedures for Consent Calendar
	13102	<u>Removal of Conditions to Consent Calendar Items to Regular Calendar</u>
	13103	Public Hearings on Consent Calendar

## Article 16 Revocation of Permits (Revisions to be Made Separately)

Section	13104	Scope of Article
	13105	Grounds for Revocation
	13106	Initiation of Proceedings
	13107	Suspension of Permit
	13108	Hearing on Revocation
	13108.5	Finality of Regional Commission Decision

## Article 17 Reapplication

Section	<del>13109</del>	<del>Reapplication</del> (Moved to new 13056.1)
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## Article 18 Reconsideration

Section	13109.1	Scope of Article
	13109.2	Initiation of Proceedings
	13109.3	Suspension of Appeal
	13109.4	Grounds for Reconsideration
	13109.5	Hearing on Reconsideration
	13109.6	Finality of Regional Commission Decision

## Subchapter 2 Appeals to State Commission (Revisions to be Made Separately)

Section	13110	Commission Procedures Upon Receipt of Notice of Final Local Action
	13111	Filing of Appeal
	13112	Effect of Appeal
	13113	Grounds of Appeal
	13114	De Novo Review
	13115	Substantial Issue Determination
	13116	Withdrawal of Appeal
	13117	Qualifications to Testify Before Commission
	13118	Evidence
	13119	Standard of Review
	13120	Commission Notification of Final Action

**Subchapter 3 Applications Filed Under the California Coastal Zone Conservation Act of 1972 (REPEALED)**

**Subchapter 4 Permits for an Approval of Emergency Work**

**Article 1 General**

Section	13136	Scope of Subchapter (no change)
	13137	Immediate Action Required (no change)

**Article 2 Applications**

Section	13138	Method of Application
	13139	Necessary Information (no change)

**Article 3 Procedures (no change)**

Section	13140	Verification of Emergency
	13141	Consultation with Executive Director of the Commission
	13142	Criteria for Granting Permit
	13143	Report to the Commission

**Article 4 Emergency Actions Without a Permit**

Section	13144	Waiver of Emergency Permit Requirements
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**Subchapter 5 Procedures for Administrative Permits (no change)**

**Article 1 General**

Section	13145	Scope of Subchapter
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**Article 2 Application for Administrative Permits**

Section	13146	Applicant's Statement
	13147	Applications not Thought to be Administrative
	13148	Copies of Application
	13149	Notice

**Article 3 Criteria for Granting Administrative Permits**

Section	13150	Criteria and Content of Permits
	13150.5	Criteria for Single Family Dwellings
	13151	Refusal to Grant - Notice to Applicant
	13152	Application to Commission

**Article 4 Reports on Administrative Permits**

Section	13153	Reports on Administrative Permits
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**Article 5 Appeals**

## **Subchapter 6 Permits**

### **Article 1 Format of Permits**

Section	13155	Reference to Regional Commission (no change)
	13156	Contents of Permits

### **Article 2 Notice of Receipt and Acknowledgment**

Section	13158	Notice of Receipt and Acknowledgment
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### **Article 3 Time for Issuing Permits and Distribution**

Section	13160	Issuance of Permits (no change)
	13161	Distribution of Permits Copies (no change)
	13162	Notice of Permits

### **Article 4 Disputes over Contents of Permits**

Section	13163	Disputes over Contents of Permits (no change)
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### **Article 5 Amendments to Permits**

Section	13164	Applications for Amendments
	13165	Amendments to Administrative Permits (no change)
	13166	Amendments to Permits Other Than Administrative Permits
	13168	Application Fee

### **Article 6 Extension of Permits**

Section	13169	Extension of Permits
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### **Article 7 Assignment of Permits**

Section	13170	<del>Assignment</del> <u>Transfer</u> of Permits
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## **Subchapter 7 Enforcement and Violation of Permits (Revisions be Made Separately)**

### **Article 1 Enforcement Responsibilities**

Section	13171	Staff Inspection
	13172	Violation of Permits
	13173	Enforcement of the Coastal Act
	13174	Lawsuits of Regional Commission

**Subchapter 8** Procedures for the Issuance of Commission Cease and Desist Orders  
(Revisions be Made Separately)

Section	13180	Definition
	13181	Commencement of Cease and Desist Order Proceeding Before the Commission
	13182	Distribution of Notice of Hearings on Proposed Cease and Desist Order
	13183	Contents of an Executive Director's Recommendation on Proposed Cease and Desist Order
	13184	Distribution of Executive Director's Recommendation
	13185	Procedure for Hearing on Proposed Cease and Desist Order
	13186	Evidence Rules
	13187	Contents and Reporting of Cease and Desist Orders
	13188	Rescission or Modification of Cease and Desist Orders

Appendix A

**Chapter 6** Exclusions from Permit Requirements

**Subchapter 1** Claims of Vested Rights (no change)

Section	13200	Scope
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Article 1 Review Provisions

Section	13201	Obligation to File
	13202	Claim Forms
	13203	Initial Determination
	13204	Notice
	13205	Acknowledgment Hearing Procedure
	13206	Appeal to the Commission

Article 2 Grant of Claim

Section	13207	Effect of Vested Right
	13208	Notification to Local Government

**Subchapter 2** Vested Rights Under the California Coastal Zone Conservation Act of 1972 (no change)

**Subchapter 3** Permits Approved by the California Coastal Zone Conservation Commission Prior to January 1, 1977 (no change)

Section	13211	Effect of Permit Granted Under the California Coastal Zone Conservation Act of 1972
	13212	Amendment of Recorded Conditions in 1972 Act Permits
	13213	Extension of Permits Granted Under the 1972 Act

**Subchapter 3.5** Development on Parcels added to the Coastal Zone on January 1, 1980 (no change)

**Article 1** Review Provisions

Section	13214	Scope
	13214.1	Obligation to File
	13214.2	Claim Forms
	13214.3	Initial Determination
	13214.4	Notice
	13214.5	Acknowledgment Hearing Procedure
	13214.6	Appeal to the Commission

**Article 2** Grant of Claim

Section	13214.7	Effect of Acknowledged Claim
	13214.8	Notification to Local Government

**Subchapter 4** Urban Land Exclusion (no change)

**Article 1** Commission Review Procedures

Section	13215	Urban Land Exclusion
	13216	Local Government Request
	13217	Material Supporting Request for Exclusion
	13218	Preliminary Review of Exclusion Request
	13219	Submission and Filing of Requests and Supporting Material
	13220	Commission Review of Request
	13221	Commission Action on Request
	13222	Effective Date of Urban Exclusion
	13223	Denial of Request for Exclusion
	13224	Termination of Final Request
	13225	Amendments to Order Granting Exclusion

**Article 2** Environmental Impact Review Pursuant to the California Environmental Quality Act

**Article 3** Implementation of Urban Exclusion Order

Section	13230	Effect of an Order Granting Exclusion
	13231	Interpretation of Exclusion

**Article 4** Relationship to Local Coastal Program

Section	13234	Termination upon Adoption of Local Coastal Program
	13235	Applicability of an Exclusion to the Local Coastal Program

**Subchapter 4.5** Waiver of Permit Requirements for De Minimis Development (no change)

Section	13238	Scope of Subchapter
	13238.1	Application
	13238.2	Report to the Commission

**Subchapter 5** Categorical Exclusions (no change)

Section 13240 Categorical Exclusions

**Article 1** Commission Review Procedures

Section 13241 Request for Exclusion  
13242 Hearing Procedures  
13243 Commission Action on Order Granting Exclusion  
13244 Order Granting Exclusion  
13244.1 Adopted Categorical Exclusions  
13245 Interpretation, Amendment or Termination of Exclusion Order

**Article 2** Implementation of Categorical Exclusion Order

Section 13247 Effect of a Categorical Exclusion Order  
13248 Notification of Development Approvals  
13249 Termination of Order Granting Exclusion

**Subchapter 6** Existing Single Family Residences

Section 13250 ~~Additions~~ Improvements to Existing Single Family Residences

**Subchapter 7** Repair and Maintenance Activities that Require a Permit

Section 13252 Repair and Maintenance of Activities Requiring a Permit

**Subchapter 7.5** Improvements to Structures, other than Single Family Residences and Public Work Facilities that Require Permits

Section 13253 Improvements that Require Permits

**Subchapter 8** Minor Adjustments to the Coastal Zone Boundary (no change)

**Article 1** Boundary Adjustment Requests

Section 13255.0 Scope  
13255.1 Request for Boundary Adjustment  
13255.2 Notification Requirements

**Article 2** Commission Action on Boundary Adjustment Request

Section 13256.0 Consideration by Regional Commission of Requests for Boundary Adjustments  
13256.1 Staff Review  
13256.2 Commission Action of Boundary Adjustment

Article 3 Commission Hearing and Voting Procedures

Section	13257.0	Commission Action upon receipt of Regional Commission Recommendation
	13257.1	State Commission Action Without De Novo Public Hearing
	13257.2	State Commission Action with a De Novo Public Hearing
	13257.3	Qualifications to Testify Before the Commission
	13257.4	Evidence
	13257.5	Adoption by State Commission

Article 4 Withdrawal and Reapplication

Section	13258	Withdrawal of Boundary Adjustment Request
	13259	Reapplication

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## **ATTACHMENT 3**



Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
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**When Local Applications Must Be Made First**

13052	This section prohibits the Executive Director from accepting a permit application unless all local and state agencies that are also required to approve the project have granted preliminary approval. This section also lists those documents that can be accepted as evidence of preliminary approval.	The proposed revision would indicate that there are exceptions to the preliminary approval requirement.	The purpose of the proposed revision is to indicate that the requirement for preliminary approval is not absolute because Govt. Code § 65941 (the Permit Streamlining Act) requires agencies to begin processing permit applications without approval of other agencies under certain narrow circumstances.	2
13053	This section allows the Executive Director to waive the requirement for preliminary state and local government approvals under four circumstances.	The proposed revision would require that the Executive Director accept an application without preliminary approvals when required to do so pursuant to Govt. Code § 65941.	The purpose of the proposed revision is to implement Govt. Code § 65941 (the Permit Streamlining Act), which requires agencies to begin processing permit applications without approval of other agencies under certain narrow circumstances.	4

**Application for Permit**

13053.4	This section requires applicants to combine functionally related development in a single permit application. This section also prevents the Commission from considering a permit amendment before a permit is "final."	The proposed revision would clarify the Commission's authority to consider permit amendments by eliminating the language that prohibits the Executive Director from accepting a permit amendment before the permit is "final."	The purpose of the proposed revision is to eliminate confusion over whether a permit becomes "final" at the time that it is approved or the time that it is issued. The revision would also eliminate redundancy in the regulations, since sections 13164-13166 address permit amendments (they allow consideration of permit amendments after a permit has been approved, regardless of whether the permit has been issued).	4
13053.5	This section lists the information that applicants must submit in a permit application.	The proposed revision would clarify that 8 x 11 inch copies of full size maps, photographs, and other exhibits are required in addition to full-size versions.	The purpose of the proposed revision is to insure applicants understand that the requirement for 8 x 11 inch versions is in addition to, not instead of, the requirement for full size (or scaled) versions (full size is needed for analysis, small versions are needed for distribution with staff reports).	5

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
<b>Applicant's Notice Requirements</b>				
13054	This section requires applicants to submit stamped, addressed envelopes for use by the Executive Director to provide notice of the permit application to people who live or own property within 100 feet of the parcel on which development is proposed. This section also requires applicants to post notice of their permit application at the site of the proposed development.	1) The proposed revision would clarify the subject of this section by changing the heading from "Notification Requirements" to "Identification of Interested Persons/Submission of Envelopes/Posting of Site."	1) The purpose of the proposed revision is to clarify the distinction between this section and § 13063. This section identifies the applicant's obligations with respect to noticing interested persons of a permit application. Section 13063 identifies the Executive Director's obligations. The applicant must identify interested persons, provide envelopes for those persons, and post the site, while the Executive Director must mail the notice to persons identified by the applicant as well as others known by the Executive Director to have an interest in the application.	6
		2) The proposed revision would require that applicants provide stamped, addressed envelopes for those persons who testified at local hearings on the proposed development.	2) The purpose of the proposed revision is to require that the applicant, not the Executive Director, identify those persons who testified at local hearings. The Executive Director is required to provide notice to interested persons pursuant to §13063 however, the applicant is in a better position to identify people who testified at the local hearing.	6
		3) The proposed revision would clarify that the term "parcel", in the requirement to identify persons residing and owning property within 100 feet of the parcel on which development will occur, means a parcel of real property of record (i.e., a legally subdivided lot).	3) The purpose of the proposed revision is to eliminate the ambiguity over whether the 100 feet is measured from the boundary of the subdivided lot on which development is proposed or from the boundary of the tax assessor's parcel on which development is proposed.	6
		4) The proposed revision would require that roads be excluded when identifying	4) The purpose of the proposed revision is to eliminate the reduction in notice that occurs when	6

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		property within 100 feet of the parcel on which development will occur.	a wide road separates the project from the nearby residences.	
		5) The proposed revision would require applicants to use the most recent equalized assessment role to identify persons who own land within 100 feet of the parcel on which development is proposed.	5) The purpose of the proposed revision is to reduce the possibility for inadequate notice by insuring that applicants use the most recent and most reliable data to develop the list of nearby land owners.	6
		6) The proposed revision would require applicants to provide an additional set of addressed, stamped envelopes if a hearing is postponed at an applicant's request after the Executive Director has mailed notice of the hearing to interested persons.	6) The purpose of the proposed revision is to reduce the burden to the Commission that results when an applicant requests postponement of a hearing. The Executive Director is required to mail notice of a hearing to interested persons, which include those residing or owning property within 100 feet of the parcel on which development is proposed. If the applicant requests postponement, the applicant should assume the cost of mailing another set of notices.	6
		7) The proposed revision would require that of the three factors to be considered in choosing a location for posting notice, the first two factors, conspicuousness and easily read by the public be given greater emphasis than the third factor, proximity to the site of the proposed development.	7) The purpose of the proposed revision is to reflect that the first two factors have a greater impact on the public's ability to read the posted notice than the third factor.	7

**Schedule of Fees for Filing and Processing Permit Applications**

13055	This section requires permit applicants to pay an application fee at the time of filing a permit application. The	1) The proposed revision would subject consent calendar permit applications to the same fee as regular calendar permit	1) The purpose of the proposed revision is to reflect that the permit applications heard on the consent calendar frequently involve a level of staff	7
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PROPOSED REVISIONS TO REGULATIONS

12/23/97

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Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
	application fees for residential development are based upon size of homes, number of homes, and amount of grading involved. The fees for office, commercial, convention, and industrial development vary depending upon the square footage or project cost of the proposed development. This section also establishes flat fees for permit applications that qualify for the administrative and consent calendars.	<p>applications.</p> <p>2) The proposed revision would clarify that the grading fee that applies to applications for residential development applies to all such applications (<u>i.e.</u>, multi-family, etc.), not just those for single family residences.</p> <p>3) The proposed revision would eliminate the requirement that the grading fee be increased by \$5 for each 1000 cubic yards of grading above 75 cubic yards.</p> <p>4) The proposed revision would clarify the distinction between those fees for office, commercial, convention, and industrial projects that are based on square footage of the proposed project and those fees based on the cost of the proposed project.</p>	<p>effort and time that is similar to that of regular calendar applications. The consent calendar provides a useful streamlining measure for complex, significant applications as well as applications for minor development. Therefore, instead of restricting the consent calendar to minor applications, the fee for consent calendar items should be raised to regular calendar levels. (The regular calendar fee for small office/commercial projects is proposed to be reduced, see below.)</p> <p>2) The purpose of the proposed revision is to eliminate the ambiguity in the current regulations over whether the grading fee applies only to single family residences.</p> <p>3) The purpose of the proposed revision is to eliminate confusion as to whether the \$5 fee is imposed for grading increments of less than 1000 cubic yards. Because the additional \$5 is nominal, the confusion is best eliminated by deletion of the requirement.</p> <p>4) The purpose of the proposed revision is to make the regulation easier for applicants to understand.</p>	<p>7-8</p> <p>7</p> <p>8-9</p>

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		5) The proposed revision would clarify the fees that would apply to projects that have a project cost or square footage that falls between the ranges currently specified.	5) The purpose of the proposed revision is to avoid ambiguity as to which fee applies to a project that has a square footage or project cost between the ranges currently specified.	8
		6) The proposed revision would require the fee for a project that consists of a change in intensity of use to be based upon project cost, not square footage.	6) The purpose of the proposed revision is to insure that fees for projects that consist of a change in intensity of use are calculated consistently. The fee is more appropriately based upon project cost.	9
		7) The proposed revision would require applicants for nonresidential projects that involve construction of 1000 square feet or less to pay a \$500 fee rather than the current \$1000 fee.	7) The purpose of the proposed revision is to account for elimination of the reduced fee for consent calendar permits. Many small commercial projects involve less staff time and effort than larger projects and are thus heard on the consent calendar and have therefore been charged a lesser fee.	8
		8) The proposed revision would subject material amendments to a fee of 50% of the fee that would apply if the underlying permit were applied for today (rather than the current fee of 50% of the original fee paid).	8) The purpose of the proposed revision is to eliminate the inequity that results from the current requirement that material amendments be subject to a fee of 50% of their original permit fee. Fees were increased in 1991, and thus permittees who obtained permits prior to 1991 pay much lower amendment fees than those who obtained permits after 1991. Further, charging a fee for processing an amendment scaled to the fee schedules in use up to 21 years ago results in some fees that do not reflect the level of staff time involved in reviewing a material amendment.	9

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		9) The proposed revision would establish a \$500 fee for temporary events that qualify for the consent or regular calendar and a \$200 fee for those that qualify for the administrative calendar.	9) The purpose of the proposed revision is to insure that fees for temporary events are calculated consistently. The fee for a temporary event can be difficult to determine since such events tend to lack an identifiable square footage yet the scope of costs to be considered in identifying the project costs is unclear.	10
		10) The proposed revision would clarify that the fee for an application that includes both subdivision and construction of homes is based upon the fee that would apply if the application consisted solely of an application for construction of homes, with no extra fee for subdivision.	10) The purpose of the proposed revision is to eliminate the current ambiguity over whether the fee for a joint subdivision/construction project is based on construction of just one home, and whether the fee includes the grading fee that applies to applications for residential development.	10
		11) The proposed revision would require that the fee for applications that propose different types of development ( <u>i.e.</u> , residential/ commercial or residential/office, etc.) be based upon the sum of fees that would be imposed if each development were applied for separately, with a total cap of \$20,000.	11) The purpose of the proposed revision is to eliminate the current ambiguity over how the application fee is calculated for those applications that propose both commercial and residential development. The fee should be based upon the sum of fees for each development because of the additional staff time and effort involved in processing the application. However, given that the maximum fee based upon project cost is \$20,000, the total maximum fee for these types of applications should also be \$20,000.	10
		12) The proposed revision would clarify that applications that are filed as administrative permits but are subsequently heard on the regular	12) The purpose of the proposed revision is to eliminate the inconsistency between the fee regulation and the administrative permit regulations by clarifying that although in general	10

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		calendar are subject to regular, not administrative fees. The proposed revision would authorize the Commission to collect the additional fee owed in such cases before scheduling the application for hearing or through a condition of approval of the permit.	fees must be paid at the time of filing, those applications that are filed as administrative but subsequently heard on the regular calendar are subject to a fee increase. The revision provides the Commission with means to collect the additional fee.	

**Determinations Concerning Filing**

13056	This section governs staff time limits on filing decisions and requires that such decisions are made no later than five working days after the date filing information is received.	1) The proposed revision would extend the time limit on filing decisions from 5 working days to 10 working days, if feasible, but in no event later than 30 calendar days after the date the filing information is received.	1) The purpose of the proposed revision is to require staff to determine whether an application is complete consistent with Permit Streamlining Act requirements but allow staff to make that determination earlier if feasible.	11
		2) The proposed revision would specify the actions that will be taken by the Executive Director when the Executive Director determines that an application is either complete or incomplete.	2) The purpose of the proposed revision is to clarify how filing determinations will proceed consistent with the provisions of the Permit Streamlining Act.	11
		3) The proposed revision would provide applicants with the ability to appeal the Executive Director's filing decisions to the Commission.	3) The purpose of the proposed revision is to provide a procedure for applicants to appeal the Executive Director's filing decision consistent with the Permit Streamlining Act.	11
13056.1	This section limits an applicant from reapplying for substantially the same development for a period of six months from the date of the prior final decision. (This section was moved from section 13109 to follow section 13056 because like section 13056, this section addresses the filing of applications.)	1) The proposed revision would add a limitation on reapplication following withdrawal as well as final decision.	1) The purpose of the proposed revision is to eliminate the potential for repeated attempts to receive approval for substantially the same development, thereby increasing the processing efficiency of the Commission and the Commission staff.	12
		2) The proposed revision would extend	2) The purpose of the proposed revision is to	12

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		the time period in which the Executive Director determines whether the application is "for substantially the same development" from 5 working days to 10 working days, if feasible, but in no event later than 30 calendar days and would specify how that determination affects the filing of the application.	ensure that the decision on reapplication is made within the same filing determination period set forth in revised section 13056 and consistent with the requirements of the Permit Streamlining Act.	
		3) The proposed revision would specify that the applicant's ability to appeal the Executive Director's determination on reapplication to the Commission shall proceed in the manner provided in section 13056.	3) The purpose of the proposed revision is to provide a procedure for applicants to appeal the Executive Director's determination on reapplication consistent with revised section 13056.	12
		4) The proposed revision would provide the Executive Director with the ability to waive limitations on reapplication for good cause.	4) The purpose of the proposed revision is to allow a waiver by the Executive Director of the reapplication limitation for good cause. In addition, allowing the Executive Director to waive the limitation would eliminate the need for an applicant to wait for such a determination by the Commission at a Commission hearing.	12
		5) The proposed revision would remove reference to provisions allowing the Executive Director to waive preliminary local approval that are also reflected in section 13053.	5) The purpose of the proposed revision is to eliminate unnecessary duplicative references.	12
		6) The proposed revision would delete the reference to Public Resources Code section 30621 within the text of the	6) The purpose of the proposed revision is to eliminate unnecessary statutory references and instead incorporate procedures which consistently	12



Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		regulation.	implement the statutory reference.	
<b>Staff Reports</b>				
13057	This section details the content of application summaries required to be prepared by the Executive Director as part of the application review process.	<p>1) The proposed revision would combine the contents of application summaries specified in this section with the analysis and contents of final staff recommendations contained in sections 13073 and 13075. The proposed revision would retain the ability of the Executive Director to first prepare a partial staff report rather than a final staff recommendation.</p> <p>2) The proposed revision would retitle the combined application summary and final staff recommendation as a "staff report".</p>	<p>1) The purpose of the proposed revision is to eliminate outdated procedures designed to implement a two-step hearing structure that previously existed when the Commission met twice a month; the proposed revision combining the contents of application summaries and final staff recommendations would more accurately reflect a hearing process in which the Commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in Commission permit proceedings. The proposed revision would retain the ability of the Executive Director to provide a staff recommendation after public comment and Commission discussion where such discussion would facilitate preparation of the staff recommendation.</p> <p>2) The purpose of the proposed revision is to utilize the term used by the Commission, the staff and the public to describe the combined application summary and final recommendation.</p>	<p>13-14</p> <p>13-14</p>
13058	This section governs consolidation of two or more legally or factually related applications by the Executive Director.	1) The proposed revision would allow the Commission as well as the Executive Director to consolidate a public hearing.	1) The purpose of the proposed revision is to increase administrative efficiency by providing the Commission with the express ability to consolidate hearings on its own rather than rule on whether consolidation of public hearings by the Executive Director is appropriate.	14-15

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		2) The proposed revision would eliminate the need for the applicant to demonstrate that consolidation would inhibit the Commission's review.	2) The purpose of the proposed revision is to allow either the Executive Director or the Commission to consolidate a public hearing where consolidation would enhance the Commission's review rather than unless the applicant demonstrates consolidation would inhibit the Commission's review.	14-15
		3) The proposed revision would delete the reference to Public Resources Code section 30621 within the text of the regulation.	3) The purpose of the proposed revision is to eliminate unnecessary statutory references and instead incorporate procedures which consistently implement the statutory reference.	14-15
13059	This section requires that the application summary (which is, effectively, contained within the staff report) be distributed to interested persons within a reasonable period of time.	1) The proposed revision would clarify that unlike the notice of application sent to all known interested parties, the staff report itself would be automatically mailed only to persons who specifically requested it.	1) The purpose of the proposed revision is to increase administrative efficiency by eliminating the need to distribute staff reports to persons who are not interested in receiving them.	15
		2) The proposed revision would provide a procedure to notify known interested persons of the need to request staff reports.	2) The purpose of the proposed revision is to ensure that staff reports are distributed to those who requested it.	15
		3) The proposed revision would combine the procedure for distribution of application summaries in section 13059 with the procedure for distribution of final staff recommendations in section 13076.	3) The purpose of the proposed revision is to eliminate outdated procedures that were designed to implement a two-step hearing structure that previously existed when the Commission met twice a month; the proposed revision combining the distribution of application summaries and final staff recommendations would more accurately reflect a hearing process in which the Commission meets once rather than twice a month. The	15

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			consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in Commission permit proceedings. The proposed revision would retain the ability of the Executive Director to provide a staff recommendation after public comment and Commission discussion where such discussion would facilitate preparation of the staff recommendation.	
		4) The proposed revision would retitle the combined application summary and final staff recommendation as a "staff report".	4) The purpose of the proposed revision is to utilize the term used by the Commission, the staff and the public to describe the combined application summary and staff recommendation.	15
		5) The proposed revision would allow the Commission to recover direct copying costs, regardless whether extensive duplicating costs are involved.	5) The purpose of the proposed revision is to conform the regulation to the Public Records Act.	15

**Public Comments on Applications**

13060	This section governs reproduction & distribution of relevant communications concerning applications received before the hearing and any time prior to the vote.	1) The proposed revision would combine the provisions of sections 13061, 13074, and 13077, also governing treatment of written public comments, into this section.	1) The purpose of the proposed revision is to improve the clarity of the regulations addressing the treatment of written communications by providing for the treatment of such communications in one regulation.	15-16
		2) The proposed revision would clarify the procedure applicable to the receipt of written communications on the day of the hearing.	2) The purpose of the proposed revision is to increase administrative efficiency and eliminate potential confusion.	15-16
13061	This section governs reproduction of sizable number of similar	The proposed revision would incorporate the provisions of this section into section	The purpose of the proposed revision is to eliminate confusion and redundancy by providing	15-16

**PROPOSED REVISIONS TO REGULATIONS**

12/23/97

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Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
	communications received.	13060.	for the treatment of written communications in one regulation.	

**Hearing Dates**

13062	This section governs the scheduling of applications for public hearing.	No change is proposed.		16
13063	This section relates to the notice of hearing to be provided by the Executive Director to applicants or interested persons.	<p>1) The proposed revision would require that hearing notice be mailed by first class mail no later than 10 calendar days prior to the date of the hearing.</p> <p>2) The proposed revision would specify all types of known interested persons who shall receive notice.</p> <p>3) The proposed revision would clarify that distribution of staff reports are governed by section 13059.</p> <p>4) The proposed revision would clarify that more than one hearing notice need not be provided.</p> <p>5) The proposed revision would provide the Executive Director with the ability, on a case by cases basis, to direct the applicant to substitute newspaper notice for written notice to each interested person other than those who have specifically requested notice.</p>	<p>1) The purpose of the proposed revision is to conform the regulation to Open Meetings Act requirements.</p> <p>2) The purpose of the proposed revision is to clarify who are considered known interested persons under the regulation.</p> <p>3) The purpose of the proposed revision is to assist the public in understanding the difference between the distribution of staff reports and the distribution of hearing notices.</p> <p>4) The purpose of the proposed revision is to eliminate duplicative hearing notice requirements.</p> <p>5) The purpose of the proposed revision is to provide a means to notify interested members of the public about Commission hearings on projects by newspaper when the administrative burdens of mailing individual notice are unreasonably burdensome. The purpose of the proposed revision is to increase administrative efficiency without affecting the notice to be provided to persons who specifically request notice and consistent with section 13054(a).</p>	<p>17</p> <p>17</p> <p>17</p> <p>17</p> <p>17</p>

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		6) The proposed revision would specify the factors that the Executive Director shall consider in determining whether to substitute newspaper notice.	6) The purpose of the proposed revision is to provide a process in which to determine whether to substitute newspaper notice so that adequate or better notice will be provided to interested parties.	17

**Oral Hearing Procedures**

13064	This section governs the conduct of hearings.	No change is proposed.		18
13065	This section governs evidence rules.	No change is proposed.		18
13066	This section governs the order of proceedings on a permit application.	1) The proposed revision would combine the provisions of sections 13066, governing the order of proceedings, and section 13084, governing the procedures for presentations, into one section 13066.  2) The proposed revision would clarify that public testimony is only one part of the public hearing and provide an order for all parts of the public hearing, including the public testimony portion.  3) The proposed revision would delete references to sections of the regulations which have been repealed.	1) The purpose of the proposed revision is to improve the clarity of the regulations governing proceedings and eliminate duplication.  2) The purpose of the proposed revision is to more clearly identify how each portion of the hearing relates to the other, thereby increasing the ability of members of the public to participate effectively.  3) The purpose of the proposed revision is to eliminate confusion caused by references to sections that no longer exist.	18-20  18-20  18-20
13067	This section addresses speaker's presentations.	The proposed revision would combine the provisions of sections 13067 and 13068 into this section.	The purpose of the proposed revision is to improve the clarity of the regulations addressing speaker's presentations by providing for the treatment of such presentations in one regulation, thereby making it easier for affected members of the public to identify and understand all procedures that affect them in making presentations to the Commission.	20-21

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13068	This section also addresses speaker's presentations.	The proposed revision would incorporate the provisions of this section into section 13067.	The purpose of the proposed revision is to improve the clarity of the regulations addressing speaker's presentations by providing for the treatment of such presentations in one regulation, thereby making it easier for members of the public to determine the requirements that apply to them in making their presentations to the Commission.	20-21

**Field Trips**

13069	This section relates to procedures for Commission field trips to a project site.	No change is proposed.		21
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**Additional Hearings, Withdrawal and Off-Calendar Items, Amended Applications**

13070	This section addresses the Commission's ability to continue public hearings to a subsequent meeting.	The proposed revision would add a provision which specifies the manner in which the Executive Director shall provide notice of the subsequent meeting.	The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner so as to maximize public participation.	21
13071	This section provides for the withdrawal of applications before Commission action on the application.	The proposed revision would revise a cross-reference from section 13109 to section 13056.1, the section number it is proposed to be revised to.	The purpose of the proposed revision is to maintain internal consistency between the regulations.	21-22
13072	This section provides hearing procedures for applications that are proposed to be amended in a material manner before Commission action.	1) The proposed revision would specify procedures for Commission consideration of proposed material amendments to an application made at a public hearing.	1) The purpose of the proposed revision is to clarify and distinguish procedures for proposed material amendments made at rather than prior to a public hearing.	22
		2) The proposed revision would eliminate the requirement for the Commission to vote on an application that is proposed to be amended in a material manner as originally filed if adequate review and public notice has been provided either prior to or at the	2) The purpose of the proposed revision is to improve administrative efficiency by authorizing the Commission to act on an application which had been amended either prior to or at the hearing where there is no need for additional review or public notice.	22

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		hearing.  3) The proposed revision would eliminate the requirement that an applicant agree to extend the final date for public hearing "not more than 49 days from the date of such amendment."	3) The purpose of the proposed revision is to eliminate a time constraint that would not be applicable to amended applications under either the Permit Streamlining Act or the Coastal Act, thereby avoiding confusion and ambiguity.	22

**Preparation of Staff Recommendation**

13073	This section governs staff analysis of staff recommendations.	The proposed revision would incorporate the provisions of this section into section 13057.	The purpose of the proposed revision is to eliminate outdated procedures that were designed to implement a two-step hearing structure that previously existed when the Commission met twice a month; the proposed revision combining the contents of application summaries and final staff recommendations would more accurately reflect a hearing process in which the Commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in Commission permit proceedings.	23-24; 13-14
13074	This section governs the submission of additional written evidence at the public hearing.	The proposed revision would incorporate the provisions of this section into section 13060.	The purpose of the proposed revision is to eliminate confusion and redundancy by providing for the treatment of written communications in one regulation, thereby increasing public awareness of procedures that affect them in submitting written comments to the Commission.	24; 15-16
13075	This section details the required content, pursuant to the Coastal Act and CEQA, of the Executive Director's final staff recommendation to the Commission on a permit application.	The proposed revision would incorporate the provisions of this section into section 13057.	The purpose of the proposed revision is to eliminate outdated procedures designed to implement a two-step hearing structure that previously existed when the Commission met twice a month; the proposed revision combining	24; 13-14

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
			the contents of application summaries and final staff recommendations would more accurately reflect a hearing process in which the Commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings thereby reducing the public costs of participating in Commission permit proceedings. The proposed revision would retain the ability of the Executive Director to provide a staff recommendation after public comment and Commission discussion where such discussion would facilitate preparation of the staff recommendation.	
13076	This section relates to the distribution of the final staff recommendation.	The proposed revision would incorporate the provisions of this section into section 13059.	The purpose of the proposed revision is to eliminate outdated procedures designed to implement a two-step hearing structure that previously existed when the Commission met twice a month; the proposed revision combining the distribution of application summaries and final staff recommendations would more accurately reflect a hearing process in which the Commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in Commission permit proceedings.	25; 15
13077	This section provides that any person may respond to the staff recommendation in writing to the Commission, subject to certain procedural limitations.	The proposed revision would incorporate the provisions of this section into section 13060.	The purpose of the proposed revision is to eliminate confusion and redundancy by providing for the treatment of written communications in one regulation, thereby making it easier for affected members of the public to identify and understand	25; 15



Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
			all procedures that affect them in submitting writing comments to the Commission.	
<b>Commission Review of Staff Recommendations</b>				
13080	This section specifies alternatives for Commission consideration of the staff recommendation.	The proposed revision would combine the alternatives for Commission consideration of staff reports contained in sections 13080-13082, and then incorporate those provisions into section 13090, governing Commission vote on staff reports.	The purpose of the proposed revision is to combine the procedures for Commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	25-28
13081	This section specifies applicable procedures if the staff recommendation is included in the application summary.	The proposed revision would combine the alternatives for Commission consideration of staff reports contained in sections 13080-13082, and then incorporate those provisions into section 13090, governing Commission vote on staff reports.	The purpose of the proposed revision is to combine the procedures for Commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	25-28
13082	This section specifies applicable procedures if a verbal staff recommendation is provided by the Executive Director upon conclusion of public hearing.	The proposed revision would combine the alternatives for Commission consideration of staff reports contained in sections 13080-13082, and then incorporate those provisions into section 13090, governing Commission vote on staff reports.	The purpose of the proposed revision is to combine the procedures for Commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	26-28
13083	This section addresses the ability of the Commission to consider staff recommendations at a meeting subsequent to the oral hearing.	The proposed revision would incorporate the provisions of this section into section 13090, governing the Commission's vote on staff reports, or section 13070 governing the Commission's ability to continue hearings.	The purpose of the proposed revision is to combine the procedures for Commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	26-28; 21
13084	This section addresses procedures for presentation of staff recommendation & responses of interested persons.	The proposed revision would incorporate the provisions of this section, governing the procedures for presentation, into	The purpose of the proposed revision is to improve clarity and eliminate duplication.	26-27; 18-20

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		section 13066, governing the order of proceedings.		
13085	This section addresses an applicant's request for postponement of the hearing on the coastal development permit.	1) The proposed revision would identify that an applicant for a coastal development permit must exercise their right for postponement prior to the public testimony portion of the public hearing but would eliminate this requirement for postponements granted at the Commission's discretion.	1) The purpose of the proposed revision is to improve the clarity of the regulation by identifying when an applicant's request for postponement as a matter of right must be exercised. The purpose of the proposed revision is to improve administrative efficiency by ensuring that postponements by the applicant as a matter of right occur prior to lengthy public testimony.	22-23
		2) The proposed revision would eliminate the requirement that a postponement be made in writing instead allowing for the postponement to be stated on the record in a Commission meeting.	2) The purpose of the proposed revision is to facilitate the ability of the applicant to request postponement.	22-23
		3) The proposed revision would require an applicant who requests a postponement granted at the Commission's discretion to include a waiver of any applicable time limits.	3) The purpose of the proposed revision is to improve the clarity and consistency of the regulation by requiring an applicant's request for postponement to be accompanied by a waiver of applicable time limits regardless if the request for postponement is as a matter of right or at the Commission's discretion.	22-23
		4) The proposed revision would require an applicant who requests postponement to provide another set of stamped envelopes.	4) The purpose of the proposed revision is to improve administrative efficiency by decreasing agency processing time and costs.	22-23
		5) The proposed revision would eliminate a reference to section 13071	5) The purpose of the proposed revision is to improve the clarity of the regulations by	22-23

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		governing withdrawals and renumber the regulation from 13085 to 13073 so that it is contained in article 11 rather than article 13.	eliminating an unnecessary cross-reference to withdrawals of applications and locating the regulation governing the postponements of hearings in the article governing additional hearings rather than the article governing the Commission's vote.	
13087	This section addresses rescheduling of a hearing that has been postponed at the request of the applicant.	<p>1) The proposed revision would extend the applicability of the rescheduling provision to all postponements, whether requested by the applicant or decided by the Commission.</p> <p>2) The proposed revision would add a provision which specifies the manner in which the Executive Director shall provide notice of the rescheduled hearing.</p> <p>3) The proposed revision would renumber the regulation from 13087 to 13074, so that the regulation would be contained in article 11, addressing additional hearings rather than in article 13, addressing the Commission's vote on a coastal development permit application.</p>	<p>1) The purpose of the proposed revision is to ensure that procedures applicable to the rescheduling of a hearing after a postponement are consistent, regardless whether the applicant or the Commission requested the postponement.</p> <p>2) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner.</p> <p>3) The purpose of the proposed revision is to improve the clarity of the regulations by locating the regulation governing the rescheduling of hearings in the article addressing additional hearings.</p>	<p>23</p> <p>23</p> <p>23</p>
<b>Voting Procedure</b>				
13090	This section addresses the Commission's vote.	The proposed revision would incorporate the provisions of sections 13080-13082, governing the Commission's consideration of staff reports, and the provisions of sections 13090-13091, governing the Commission's vote on	The purpose of the proposed revision is to combine, without change, the procedures for Commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	25-28

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		staff reports into one section 13090.		
13091	This section addresses voting time and manner.	The proposed revision would incorporate the provisions of this section into section 13090.	The purpose of the proposed revision is to eliminate ambiguity and duplication by integrating the regulations governing the Commission's vote in one section.	27-28
13092	This section addresses the effect of the Commission's vote under various conditions.	1) The proposed revision would make explicit that unless the Commission modifies proposed conditions, a motion to grant the permit will include the conditions proposed in the staff report as modified by staff at the hearing.	1) The purpose of the proposed revision is to clarify how the Commission may adopt or change the conditions contained in a staff report.	28-29
		2) The proposed revision would delete subsection (c) regarding the number of Commissioners needed to carry a motion.	2) The purpose of the proposed revision is to eliminate an unnecessary reference which is duplicative of section 13022.	28-29
		3) The proposed revision would relocate a portion of subsection (d) to section 13096 addressing the Commission's adoption of findings.	3) The purpose of the proposed revision is to improve clarity and reduce confusion by relocating a provision that addresses the Commission's basis for action to the section addressing Commission findings.	28-29
13093	This section previously addressed straw votes.	No change is proposed to this section which had previously been repealed.		29
13094	This section addresses how the vote is taken.	No change is proposed.		29
13095	This section addresses voting by members absent from a hearing.	The proposed revision would clarify that a member who has been absent from all or part of a hearing may vote on the application if they have familiarized themselves with the evidence presented rather than with the hearing presentation	The purpose of the proposed revision is to provide clarification and eliminate ambiguity.	29

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		itself.		
13096	This section addresses the Commission's findings in support of their action on permit applications.	1) The proposed revision would identify the mandatory elements of Commission's findings.  2) The proposed revision would identify a procedure for the adoption of revised findings. 3) The proposed revision would add a provision which specifies the manner in which the Executive Director shall provide notice of the public hearing for the adoption of the revised findings.	1) The purpose of the proposed revision is to improve the clarity of the regulation.  2) The purpose of the proposed revision is to improve the clarity of the regulation.  3) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner.	29-30  29-30  29-30

**Consent Calendar Procedures**

13100	This section addresses applications processed on the consent calendar.	The proposed revision would allow the consent calendar to be utilized for those applications which, as submitted or as recommended to be conditioned, do not raise significant issues rather than for those applications which are "de minimis".	The purpose of the proposed revision is to improve the clarity of the regulation and more precisely inform the public of the Commission's existing practice.	30
13101	This section addresses procedures for consent calendar.	The proposed revision would remove duplicative procedural references.	The purpose of the proposed revision is to eliminate duplication and ambiguity.	30-31
13102	This section addresses conditions in staff reports for consent calendar items.	The proposed revision would allow conditions in staff reports for consent calendar items to be modified after the staff report has been mailed if those changes are not substantial.	The purpose of the proposed revision is to increase administrative efficiency and reduce processing delay by allowing changes to conditions for consent calendar items after the staff report has been mailed if those changes are not substantial.	31
13103	This section addresses public hearings on consent calendar items.	The proposed revision would make explicit that items removed from the consent calendar will be scheduled for public hearing on the regular permit calendar.	The purpose of the proposed revision is to eliminate ambiguity and improve the clarity of the regulation.	31

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**Reapplication**

13109	This section limits an applicant from reapplying for substantially the same development for a period of six months from the date of the prior final decision. (This section was moved from section 13109 to follow section 13056 because like section 13056, this section addresses the filing of applications.)	The proposed revision would relocate this section to section 13056.1 so that this section, governing reapplication, would immediately follow the section governing staff processing of applications.	The purpose of the proposed revision is to improve the clarity of the regulations by providing the procedures for application and reapplication in the same article.	12
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**Reconsideration**

13109.1	This section addresses the articles that governs proceedings for reconsideration.	No change is proposed.		31
13109.2	This section addresses how reconsideration proceedings are initiated.	<p>1) The proposed revision would specify that the request should be provided to the appropriate area office rather than to the Executive Director.</p> <p>2) The proposed revision would add a provision which directs the Executive Director to prepare a staff report on the merits of the reconsideration request.</p> <p>3) The proposed revision would add a provision which prescribes the manner in which the Executive Director shall distribute the staff report addressing the merits of the reconsideration request.</p>	<p>1) The purpose of the proposed revision is to eliminate potential confusion and improve the clarity of the regulation.</p> <p>2) The purpose of the proposed revision is to more precisely reflect the existing practice of the Commission.</p> <p>3) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all staff reports are distributed in a consistent manner.</p>	<p>32</p> <p>32</p> <p>32</p>
13109.3	This section previously addressed the suspension of an appeal.	No change is proposed to this section which has previously been repealed.		32
13109.4	This section previously delineated the grounds for reconsideration.	No change is proposed to this section which has previously been repealed.		32
13109.5	This section addresses the hearing on	1) The proposed revision would add a	1) The purpose of the proposed revision is to	32-33

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	reconsiderations.	<p>provision that specifies the manner in which the Executive Director shall provide notice of the hearing on the reconsideration.</p> <p>2) The proposed revision would eliminate the requirement for the Commission to vote on the reconsideration at the same hearing.</p> <p>3) The proposed revision would delete a reference to the regional Commission.</p> <p>4) The proposed revision would correct a cross-reference to the regulations governing the processing of new applications.</p>	<p>improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner.</p> <p>2) The purpose of the proposed revision is to allow the Commission to continue the hearing to a subsequent meeting consistent with Commission continuances on the application pursuant to section 13070.</p> <p>3) The purpose of the proposed revision is to eliminate a reference to a regional Commission structure which no longer exists.</p> <p>4) The proposed revisions would improve internal consistency between the regulations.</p>	<p>32-33</p> <p>32-33</p> <p>32-33</p>
13109.6	This section previously addressed the finality of regional Commission decision.	No change is proposed to this regulation which has previously been repealed.		33

**Applications (for Emergency Permits)**

13138	This section specifies how to apply for a permit in an emergency situation.	The proposed revision would allow applications for emergency permits to be submitted by fax during business hours.	The purpose of the proposed revision is to allow application by fax in addition to the methods of application currently allowed, which are mail, telephone, and personal delivery. Faxes can provide a faster alternative to mail thereby assisting applicants who have emergency situations to submit an application as quickly as possible thereby decreasing their item for Commission action.	34
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**Emergency Actions Without a Permit**

13144	This section governs how the Executive Director is to be notified of those emergency actions that are authorized to occur without a permit pursuant to Coastal Act § 30611.	The proposed revision would allow notice of emergency actions without a permit by fax or telephone rather than by telegram.	The purpose of the proposed revision is to enable the public to use current technology to notify the Executive Director that development has been undertaken without a permit because of an emergency. Faxes and telephones are faster, more reliable, and more accessible than telegrams.	36
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**Contents of Permits**

13156	This section identifies several standard permits terms. This section provides that permits expire within 2 years unless development has commenced.	1) The proposed revision would clarify that permits run with the land, binding all future land owners.	1) The purpose of the proposed revision is to eliminate ambiguity created by the requirement that permit be assigned.	40
		2) The proposed revision would delete the word "construction", which is not defined in the Coastal Act and replace it with the word "development", which is defined. The change would clarify that a permit expires within 2 years of Commission approval unless development (not construction) has commenced.	2) The purpose of the proposed revision is to eliminate ambiguity resulting from the current provision that "construction" must be commenced within 2 years in order to vest a permit. The Coastal Act provides that the Commission has jurisdiction over development, which includes many activities that are not limited to construction. Permits can authorize actions that are development but either do not include construction (i.e., subdivision) or include many actions in addition to construction. Thus, the change will clarify that commencement of the activities defined as development and authorized under the permit (rather than commencement of the more limited set of activities related to construction) is sufficient to vest a permit.	40

**Notice of Receipt and Acknowledgment**

13158	This section provides that an approved permit becomes effective only after the applicant has signed and returned the permit with a statement acknowledging	1) The proposed revision would clarify that an approved permit cannot be issued to an applicant for purposes of acknowledgment until all "prior to	1) The purpose of the proposed revision is to ensure compliance with permit conditions by enabling the Commission to oversee compliance with certain conditions before the permit becomes	41
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	and accepting the permit and its contents.	issuance" conditions have been satisfied.	effective.	
		2) The proposed revision would clarify that an approved permit must be issued and acknowledged in order to become effective and that development cannot commence until the permit is effective.	2) The purpose of the proposed revision is to eliminate redundancy in the regulations and to clarify that after a permit is approved by the Commission, it does not become effective (and therefore development cannot commence) until the applicant has acknowledged the terms and conditions of the permit.	40
		3) The proposed revision would clarify the Commission's authority to consider extending permits that have been approved but not yet issued.	3) The purpose of the proposed revision is to make this section consistent with the section governing permit extensions. (That section allows extension of permits that have been approved by the Commission but not yet issued for acknowledgment, as well as extension of those permits that have been issued and acknowledged.)	41

**Time for Issuing Permits and Distribution**

13162	This section requires the Commission to send copies of issued permits to the Secretary of the Resources Agency for posting and inspection.	The proposed revision would clarify that the event triggering a requirement to send a copy of the permit to the Secretary of Resources is approval of the permit by the Commission, not issuance of the permit.	The purpose of the proposed revision is to reflect that it is the approval of a permit, not issuance, that triggers a time period for judicial review under the Coastal Act and CEQA.	41
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**Amendments to Permits**

13164	This section governs how applications to amend permits are made.	The proposed revision would clarify that amendment applications are subject to the same filing information requirements as permit applications.	The purpose of the proposed revision is to eliminate confusion over whether amendment applications are subject to the information filing requirements. Such applications must be subject to filing requirements in order for the Commission to evaluate whether the amendment is consistent with the Coastal Act.	42
13166	This section governs Commission	1) The proposed revision would clarify	1) The purpose of the proposed revision is to	42

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
	action on amendment applications. It provides for: Executive Director rejection of amendments that lessen or avoid the intended effect of a conditioned permit, designation of immaterial amendments that can be approved by the Executive Director without a hearing, and approval of material amendments by the Commission. This section requires public notice that a proposed amendment has been designated immaterial. Any written objections to the designation automatically trigger treatment of the amendment as material ( <i>i.e.</i> , and therefore subject to hearing requirements).	<p>the Executive Director's authority to reject amendments that lessen or avoid the intended effect of an approved permit by eliminating the reference to "partially approved" permits.</p> <p>2) The proposed revision would clarify that the Commission has authority to overrule the Executive Director's decision to reject a permit amendment application.</p> <p>3) The proposed revision would define "material" amendments as those amendments that have the potential for significant adverse impacts on coastal resources or public access.</p> <p>4) The proposed revision would allow an amendment to be designated immaterial even if it would change a permit condition.</p> <p>5) The proposed revision would allow the Executive Director to designate objections to immaterial amendments as invalid (<i>i.e.</i>, not raising an issue of conforming with the Coastal Act) and to</p>	<p>clarify that the Executive Director can reject a proposed amendment that does not change a condition of approval but would nevertheless lessen or avoid the intended effect of the permit.</p> <p>2) The purpose of the proposed revision is to inform permittees of the Commission's authority to overrule the Executive Director and to set forth the process for seeking Commission review of the Executive Director's determination.</p> <p>3) The purpose of the proposed revision is to provide guidance to the Executive Director and to the public as to what amendments are material and thus cannot be approved administratively by the Executive Director. Because immaterial amendments can be approved by the Executive Director without a Commission hearing, only those amendments that have no significant impacts on coastal resources or access should be designated as immaterial.</p> <p>4) The purpose of the proposed revision is to streamline the amendment process for permittees who are proposing a minor amendment to a permit condition.</p> <p>5) The purpose of the proposed revision is to reduce the delay that occurs as a result of receipt of an objection to the Executive Director's designation of an amendment as immaterial. Such delays are warranted only when the objection</p>	<p>42</p> <p>43</p> <p>43</p> <p>43</p>

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
		approve an immaterial amendment without a hearing, even if an objection has been received, if the objection is invalid. The amendment would not be effective until reported to the Commission.	raises Coastal Act issues. The revision gives the Commission the opportunity to review the Executive Director's determination of immateriality.	
		6) The proposed revision would clarify the standard for approval of amendments.	6) The purpose of the proposed revision is to eliminate the confusion inherent in the current standard, which suggests that the Commission can only amend permits for development that has not yet been initiated.	43
13168	This section establishes an application fee for permit amendments.	The proposed revision would clarify that the fee for amendment applications is no longer \$25.	The purpose of the proposed revision is to make this section consistent with the fee regulation (§ 13055), which was revised in 1991 to increase the fee for amendments (to 50% of the permit fee).	44

**Extension of Permits**

13169	This section authorizes the Commission to extend the expiration date of permits. It specifies what must be included in an application for an extension and provides for: automatic approval of extensions by the Executive Director when there are no changed circumstances, Commission hearings on whether there are changed circumstances, and Commission hearings on permits that are not extended because of changed circumstances. This section establishes a process for public notice of extension applications that the Executive Director proposes to approve administratively.	<p>1) The proposed revision would clarify that a permit expires within 2 years of Commission approval unless development, not construction, has commenced.</p> <p>2) The proposed revision would clarify that the fee for extension applications is no longer \$50.</p> <p>3) The proposed revision would clarify that a permit can be extended even if the</p>	<p>1) The purpose of the proposed revision is to eliminate ambiguity resulting from the current provision that construction must be commenced within 2 years in order to vest a permit. Permits can authorize actions that are development but not construction (i.e., subdivision) and therefore it is commencement of development, not commencement of construction that vests a permit.</p> <p>2) The purpose of the proposed revision is to make this section consistent with the fee regulation (§13055), which was revised in 1991 to increase the fee for extensions (to \$200-\$400).</p> <p>3) The purpose of the revision is to reflect that some "prior to issuance" conditions may require a</p>	<p>44</p> <p>44</p> <p>44</p>
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Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
	If a written objection is received, the extension is referred to the Commission for a hearing on whether there are changed circumstances that may affect consistency of the development with the Coastal Act.	permittee has not yet satisfied "prior to issuance" conditions.	significant amount of time to complete. The purposes of the Coastal Act are not furthered by forcing permittees to reapply for a new permit in two years simply because they have not satisfied all prior to issuance conditions.	
		4) The proposed revision would require permittees to provide the Commission with stamped envelopes addressed to persons known to be interested in an extension application, including those identified in § 13054 (i.e., people who live/own property within 100 feet).	4) The purpose of the proposed revision is to place the cost of mailing notice of an extension on the applicant rather than the Commission.	44
		5) The proposed revision would clarify that the applicant, not the Executive Director, has the obligation to post a notice of the proposed extension at the site of the development.	5) The purpose of the proposed revision is to eliminate confusion over who must post notice of the requested extension at the site.	45
		6) The proposed revision would require the Executive Director to report immaterial extensions (i.e., those extensions that can be approved administratively because there are no changed circumstances) to the Commission so that the Commissioners have an opportunity to object to the Executive Director's determination that there are no changed circumstances.	6) The purpose of the proposed revision is to insure that the Commission is informed of extension applications that the Executive Director proposes to approve administratively without a hearing.	45
		7) The proposed revision would establish a process for the Executive	7) The purpose of the proposed revision is to reduce delays that occur as a result of receipt of an	45

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		<p>Director to designate an objection to an immaterial extension as invalid, to report such designation to the Commission (at the time of reporting the extension) and to approve the extension administratively if the Commission does not object.</p> <p>8) The proposed revision would clarify that the standard for review of an extension application is whether there are changed circumstances that affect consistency of the proposed development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable.</p> <p>9) The proposed revision would clarify that when the Commission denies an extension and schedules the proposed development for a hearing, the applicant must submit information regarding how the changed circumstances affect the proposed development if such information is necessary for the Commission to evaluate the proposed development.</p> <p>10) The proposed revision would clarify that the prohibition on vesting a permit (by commencing development) after filing an extension request, applies only during the time that the permit would be</p>	<p>objection to an extension where the objection does not identify changed circumstances that could affect consistency of the development. The proposed revision would allow the Commission to review and overrule the Executive Director's determination that the objection is essentially invalid.</p> <p>8) The purpose of the proposed revision is to eliminate the current ambiguity over whether certification of a local coastal program after approval of the permit results in review of the consistency of the development with the certified LCP rather than Chapter 3 policies of the Coastal Act.</p> <p>9) The purpose of the proposed revision is to eliminate ambiguity over whether a denial of an extension request forces the Commission to schedule the proposed development for action without obtaining information needed to evaluate the development. Since the development had been previously found consistent with the Coastal Act, the only information necessary is that relating to whether the changed circumstances affect that prior determination of consistency.</p> <p>10) The purpose of the proposed revision is to eliminate any suggestion that filing an extension request prior to the expiration date of a permit causes the permittee to lose the ability to vest the permit prior to the expiration date.</p>	<p>45-46</p> <p>46</p> <p>46</p>

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		expired but for the submission of an extension application (which stays the expiration until Commission action).		

**Assignment of Permits**

13170	This section requires that a landowner who is not the original permittee obtain assignment of a permit before undertaking any development pursuant to the permit.	1) The proposed revision would allow new landowners to complete development approved under a permit obtained by the prior landowner without having to obtain an assignment of the permit from the prior permittee.	1) The purpose of the proposed revision is to eliminate obstacles for landowners who wish to undertake development pursuant to a permit obtained by the former landowner. An assignment may be impossible if the original permittee is uncooperative or cannot be located. Further, the revision would reflect the current legal status of permits, which is that they run with the land and bind all future landowners regardless of whether there has been an assignment.	46-47
		2) The proposed revision would allow landowners to reflect changes in ownership, and hence changes in permittees, by reporting a transfer of the permit to the Commission.	2) The purpose of the proposed revision is to improve the Commission's ability to oversee compliance with permit conditions by establishing a process for revising Commission permit files to reflect the change in landowner.	46
		3) The proposed revision would allow permittees to reflect changes in ownership without payment of a fee.	3) The purpose of the proposed revision is to encourage landowners to update the Commission's permit records.	46

**Existing Single-Family Residences**

13250	This section lists those types of improvements to single family residences that involve a risk of adverse environmental effect and therefore are not exempt from permit requirements under Coastal Act § 30610(a).	1) The proposed revision would clarify that a permit is required for improvements that are either in one of the sensitive areas identified in § 13250(b)(1) or to a structure located in one of these sensitive areas.	1) The purpose of the proposed revision is to eliminate the ambiguity in subsection (b)(1). Improvements to a residence that is located in one of the listed sensitive areas may have adverse effects even if the improvement itself is not directly in the sensitive area.	48
		2) The proposed revision would require	2) The purpose of the proposed revision is to	48

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		<p>a permit for improvements to residences where the improvement or residence is located in an ESHA or in an area designated as highly scenic in a certified land use plan.</p> <p>3) The proposed revision would clarify the distinction between § 13250(b)(1) and (b)(4) by specifying that the improvements identified in subsection (b)(4) are those that are not covered by subsection (b)(1).</p> <p>4) The proposed revision would require a permit for improvements that involve significant alteration of land forms in ESHAs.</p> <p>5) The proposed revision would give local governments the same authority as the Commission to approve development on condition that all future improvements are subject to permit requirements even if they would otherwise be exempt.</p>	<p>reflect that improvements to residences located in an ESHA or in an area that is designated in a land use plan as highly scenic area involve a risk of adverse environmental effect and therefore should be subject to permit requirements.</p> <p>3) The purpose of the proposed revision is to eliminate ambiguity by clarifying that subsection (b)(1) applies to improvements to structures located on a beach while subsection (b)(4) applies to improvements to residences that are not directly on the beach but between the beach and the first public road paralleling the beach.</p> <p>4) The purpose of the proposed revision is to reflect that improvements that involve land form alteration in an ESHA have a risk of adverse environmental effect and therefore should be subject to permit requirements.</p> <p>5) Even those improvements that are exempt from permit requirements can present a risk of adverse environmental effect as a result of unique circumstances pertaining to a particular residence. Local governments are governed by § 13250 and should have the same authority as the Commission to identify these types of improvements and require permits for them on a case by case basis.</p>	<p>48</p> <p>48</p> <p>48</p>
<b>Repair and Maintenance Activities that Require a Permit</b>				
13252	This section lists those methods of repair and maintenance that are extraordinary and therefore not exempt from permit requirements under Coastal	1) The proposed revision would clarify that the activities of public agencies and utilities listed in the Commission's 1978 guidelines are subject to the provisions	1) The purpose of the proposed revision is to eliminate ambiguity over whether the 1978 guidelines exempt repair and maintenance activities that will have adverse impacts on coastal	49

Section	Description of Regulation	Proposed Revision	Purpose of the Proposed Revision	Page No. In the Text
	Act § 30610(d).	<p>of § 13252 if the proposed repair and maintenance involves one of the identified extraordinary methods and will have significant adverse impacts on public access, ESHA, wetlands, or public views to the ocean.</p> <p>2) The proposed revision would clarify that replacement of 50% or more of a single family residence or any other structure is new development, not repair and maintenance of an existing structure.</p> <p>3) The proposed revision would authorize the Executive Director to waive the permit requirement for a repair and maintenance activity that involves one of the identified extraordinary methods.</p>	<p>resources.</p> <p>2) The purpose of the proposed revision is to clarify the definition of "repair and maintenance." Rebuilding a structure is not repair and maintenance. Unlike repair and maintenance, rebuilding affords an opportunity to incorporate new development standards.</p> <p>3) The purpose of the proposed revision is to reflect that even though those extraordinary methods of repair and maintenance usually involve a risk of adverse environmental impact, in some particular situations they may not and the Executive Director's ability to the waive the permit requirement in those situations should be clear.</p>	<p>50</p> <p>50</p>

**Improvements to Structures, other than Single-Family Residences and Public Work Facilities that Require Permits**

13253	This section lists those types of improvements to structures other than single family residences that involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policies of the Coastal Act and therefore are not exempt from permit requirements under Coastal Act § 30610(b).	<p>1) The proposed revision would clarify that a permit is required for improvements that are either in one of the sensitive areas identified in § 13253(b)(1) or to a structure located in one of these sensitive areas.</p> <p>2) The proposed revision would require a permit for improvements that involve significant alteration of land forms in</p>	<p>1) The purpose of the proposed revision is to eliminate the ambiguity in subsection (b)(1). Improvements to a structure that is located in one of the listed sensitive areas may have adverse effects even if the improvement itself is not directly in the sensitive area.</p> <p>2) The purpose of the proposed revision is to reflect that improvements that involve land form alteration in an ESHA or in a highly scenic area</p>	<p>51</p> <p>51</p>
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		<p>ESHAs or areas that are designated as highly scenic in a certified land use plan.</p> <p>3) The proposed revision would clarify the distinction between § 13253(b)(1) and (b)(4) by specifying that the improvements identified in subsection (b)(4) are those that are not covered by subsection (b)(1).</p> <p>4) The proposed revision would give local governments the same authority as the Commission to approve development on condition that all future improvements are subject to permit requirements even if they would otherwise be exempt.</p>	<p>have a risk of adverse environmental effect and therefore should be subject to permit requirements. The revision is, in part, a clarification since the current regulations require a permit for land form alteration in areas of natural vegetation that are designated by the Commission as significant natural habitat.</p> <p>3) The purpose of the proposed revision is to eliminate ambiguity by clarifying that subsection (b)(1) applies to improvements to structures located on a beach while subsection (b)(4) applies to improvements to structures that are not directly on the beach but are between the beach and the first public road paralleling the beach.</p> <p>4) Even those improvements that are exempt from permit requirements can present a risk of adverse environmental effect as a result of unique circumstances pertaining to a particular development. Local governments are governed by § 13250 and should have the same authority as the Commission to identify these types of improvements and to require permits for them on a case by case basis.</p>	<p>51</p> <p>52</p>

**ATTACHMENT 4**

## **Chapter 5. Coastal Development Permits Issued by Coastal Commissions**

### **§ 13050. Scope of Chapter.**

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

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

Except for the following circumstances a coastal development permit shall only be required for a development or those portions of a development actually located within the coastal zone:

- (a) 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: Public Resources Code § 30331 & 30333. Reference: Division 20, Public Resources Code.

### **§ 13051. Reference to Regional Commission.**

Note: Authority cited: Public Resources Code § 30331 & 30333.

**Repealed**

### **§ 13051.5. Reference to Executive Director.**

Note: Authority cited: Public Resources Code § 30331 & 30333.

**Repealed**

## **Subchapter 1. Regular Permits**

### **Article 1. When Local Applications Must Be Made First**

#### **§ 13052. When Required.**

When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a 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:

- (a) Tentative map approval;
- (b) Planned residential development approval;
- (c) Special or conditional use permit approval;
- (d) Zoning change approval;
- (e) All required variances, except minor variances for which a permit requirement could be established only upon a review of the detailed working drawings;
- (f) Approval of a general site plan including such matters as delineation of roads and public easement(s) for shoreline access;
- (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;
- (h) Approval of dredging and filling of any water areas;
- (i) Approval of general uses and intensity of use proposed for each part of the area covered by the application as permitted by the applicable local general plan, zoning requirements, height, setback or other land use ordinances;
- (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;

- (k) A local government coastal development permit issued pursuant to the requirements of Chapter 7 of these regulations.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30333 & 30620.

**§ 13053. Where Preliminary Approvals Are Not Required.**

(a) The executive director may waive the requirement for preliminary approval by other federal, state or local governmental agencies for good cause, including but not limited to:

- (1) The project is for a public purpose;
- (2) The impact upon coastal zone resources could be a major factor in the decision of that state or local agency to approve, disapprove, or modify the development;
- (3) Further action would be required by other state or local agencies if the coastal commission requires any substantial changes in the location or design of the development;
- (4) The state or local agency has specifically requested the coastal commission to consider the application before it makes a decision or, in a manner consistent with the applicable law, refuses to consider the development for approval until the coastal commission acts, or
- (5) A draft Environmental Impact Report upon the development has been completed by another state or local governmental agency and the time for any comments thereon has passed, and it, along with any comments received, has been submitted to the commission at the time of the application.

(b) Where a joint development permit application and public hearing procedure system has been adopted by the commission and another agency pursuant to Public Resources Code Section 30337, the requirements of Section 13052 shall be modified accordingly by the commission at the time of its approval of the joint application and hearing system.

(c) The executive director may waive the requirements of Section 13052 for developments governed by Public Resources Code, Section 30606.

(d) The executive director of the commission may waive the requirement for preliminary approval based on the criteria of Section 13053(a) for those developments involving uses of more than local importance as defined in Section 13513.

(e) The executive director shall waive the requirement for preliminary approval when required pursuant to Government Code section 65941.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30305 & 30620, Government Code § 65941.

## **Article 2. Application for Permit**

### **§ 13053.4. Single Permit Application.**

(a) To the maximum extent feasible, functionally related developments to be performed by the same applicant shall be the subject of a single permit application. The executive director shall not accept for filing a second application for development which is the subject of a permit application already pending before the commission. This section shall not limit the right of an applicant to amend a pending application for a permit in accordance with the provisions of Section 13072.

~~(b) The executive director shall not accept for filing an application for an amendment to a permit until such permit becomes final.~~

(eb) The executive director shall not accept for filing an application for development on a lot or parcel or portion thereof which is the subject of a pending proposal for an adjustment to the boundary of the coastal zone pursuant to Public Resources Code Section 30103(b).

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.

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

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

- (a) An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976, 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. 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.
- (c) A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.
- (d) ~~In addition to full size drawings, maps, photographs, and other exhibits drawn to scale. The applicant shall furnish to the Commission, at the time of submission of the application,~~ either one (1) copy of each drawing, map, photograph, or other exhibit approximately 8 1/2 inch by 11 inch, or if the applicant desires to ~~distributesubmit~~ submit exhibits of a larger size, enough copies reasonably required for distribution to those persons on the Commission's mailing lists and for inspection by the public in the Commission office. A reasonable number of additional copies may, at the discretion of the Executive Director, be required.
- (e) Any additional information deemed to be required by the commission or the commission's executive director for specific categories of development or for development proposed for specific geographic areas.
- (f) The form shall also provide notice to applicants that failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by these regulations may result in delay in processing the application or may constitute grounds for revocation of the permit.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30601.5 & 30620.

#### **§ 13053.6. Amendment of Application Form.**

The executive director of the commission may, from time to time, as he or she deems necessary, amend the format of the application form, provided, however, that any significant change in the type of information requested must be approved by the commission.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.

### Article 3. Applicant's Notice Requirements

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

(a) For applications filed after the effective date of this subsection, the applicant shall provide names and addresses of, and stamped envelopes for notice to 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 apartments or condominium and each residence within a 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 and all parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel on which the development is proposed, based upon the most recent equalized assessment roll, and

(3) the names and 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), the owner of record on the date on which the application is submitted, of any such parcel which does not have an address or is uninhabited.

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

(b) The applicant shall also provide the commission with stamped envelopes for all addresses on the list prepared pursuant to subsection (a) above, parcels described above. Separate stamped envelopes shall be addressed to "owner," and to "occupant," or the name of the interested person, as applicable, except that for parcels which do not have addresses or are not occupied, the envelopes shall include the name and address of the owner of record of the parcel. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The executive director shall provide an appropriate stamp for the use of applicants in the commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The executive director may waive this requirement and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to section 13063(b) of these regulations, upon a showing that this requirement would be unduly burdensome; a statement of the reasons for the waiver shall be placed in the project file.

(c) If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of section 13054(b). The additional set of stamped, addressed envelopes shall be submitted within ten days of the Commission's decision to postpone or continue the hearing.



(bd) ~~At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also~~ and 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 ~~so post the completed notice form and~~ sign the declaration of posting, the executive director of the commission shall refuse to file the application, ~~or shall withdraw the application from filing if it has already been filed when he or she learns of such failure.~~

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

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.

#### **Article 4. Schedule of Fees for Filing and Processing Permit Applications**

##### **§ 13055. Fees.**

(a) Permit filing and processing fees, ~~to be paid by check or money order at the time of the filing of the permit application,~~ shall be as follows:

- (1) Two hundred dollars (\$200) for any development qualifying for an administrative ~~or~~ emergency permit, ~~except single family residences.~~
- (2) Two hundred fifty dollars (\$250) for a single-family residence that is 1500 square feet or less, ~~or for any development of a type or in a location such that it would ordinarily be scheduled for the consent calendar; provided, however, that the fee shall be five hundred dollars (\$500) for a single family residence that is between 15010 square feet and 5000 square feet; and provided further that the fee shall be one thousand dollars (\$1,000) for a single family residence over 5000 square feet.~~

~~Any residential project which includes more than 75 cubic yards of grading shall also be subject to an additional two hundred dollars (\$200) fee, plus five dollars (\$5) per 1000 cubic yards for grading in excess of 75 cubic yards.~~

- (3) Six hundred dollars (\$600) for lot line adjustments, or for divisions of land where there are single-family residences already built and only one new lot is created by the division or for multi-family units up to four (4) units, ~~or for any other development not otherwise covered herein with a development cost of less than one hundred thousand dollars (\$100,000).~~

- (4) Two thousand dollars (\$2,000) or one hundred twenty dollars (\$120) per unit, whichever is greater, but not to exceed twenty thousand dollars (\$20,000) for multi-unit residential development greater than four (4) units, ~~or for any other development not otherwise covered herein with a development cost of more than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000).~~
- (5) All residential projects (whether single or multi-unit) that include more than 75 cubic yards of grading shall be subject to an additional fee of two hundred dollars (\$200). This fee does not apply to residential projects that qualify for an administrative permit.
- (6) For office, commercial, convention, or industrial development:
- (i) Five hundred dollars (\$500) for development of 1000 gross square feet or less.
- (ii) Two thousand dollars (\$2,000) for office, commercial, convention or industrial development of less than more than 1000 but less than 10,001 gross 10,000 gross square feet, or less.
- (iii) Four thousand dollars (\$4,000) for office, commercial, convention or industrial development of more than 10,000 but less than 25,000 gross square feet, or for any other development not otherwise covered herein with a development cost of more than five hundred thousand dollars (\$500,000) but less than one million two hundred fifty thousand dollars (\$1,250,000).
- (iv) Six thousand dollars (\$6,000) for office, commercial, convention or industrial development of more than 25,000 but less than 50,000 gross square feet, or for any other development not otherwise covered herein with a development cost of more than one million two hundred fifty thousand dollars (\$1,250,000) but less than two million five hundred thousand dollars (\$2,500,000).
- (v) Twelve thousand dollars (\$12,000) for office, commercial, convention or industrial development of more than 50,000 but less than 100,000 gross square feet or for any other development not covered otherwise herein with a development cost of more than two million five hundred thousand dollars (\$2,500,000) but less than five million dollars (\$5,000,000).
- (vi) Twenty thousand dollars (\$20,000) for office, commercial, convention or industrial development of more than 100,000 gross square feet or more for any other development cost of more than five million dollars (\$5,000,000) and for any
- (7) Twenty thousand dollars (\$20,000) for major energy production and fuel processing facilities, including but not limited to, the construction or major modification of offshore petroleum production facilities, tanker terminals and mooring facilities, generating plants, petroleum refineries, LNG gassification facilities and the like.

- (8) For changes in intensity of use: office, commercial, convention or industrial development that does not have a quantifiable square footage; and all other development not identified above, the fee shall be:
- (i) Six hundred dollars (\$600) if the development cost is up to and including \$100,000.
  - (ii) Two thousand dollars (\$2,000) if the development cost is more than \$100,000 but less than \$500,001.
  - (iii) Four thousand dollars (\$4,000) if the development cost is more than \$500,000 but less than \$1,250,001.
  - (iv) Eight thousand dollars (\$8,000) if the development cost is more than \$1,250,000 but less than \$2,500,001.
  - (v) Twelve thousand dollars (\$12,000) if the development cost is more than \$2,500,000 but less than \$5,000,001, and
  - (vi) Twenty thousand dollars (\$20,000) if the development cost is \$5,000,001 or more.
- (99) Two hundred dollars (\$200) for ~~immaterial~~<sup>minor</sup> amendments to coastal development permits, and fifty percent (50%) of the ~~original~~ permit fee that would currently apply to the permitted development for development for material<sup>for</sup> amendments to coastal development permits.
- (10) Two hundred dollars (\$200) for emergency permits. A fee paid for an emergency permit shall be credited toward the fee charged for the follow-up coastal development permit.
- (110) Two hundred dollars (\$200) for extensions and reconsiderations of coastal development permits for single family dwellings.
- (142) Four hundred dollars (\$400) for extensions and reconsiderations of all other coastal development permits.
- (123) Two hundred dollars (\$200) for a "de minimis" waiver of a coastal development permit application pursuant to section 30624.7 of the Coastal Act and for a "standard" waiver pursuant to sections 13250(c) and 13253(c) of these regulations.
- (13) ~~Two hundred (\$200) for assignments of coastal development permits.~~

- (14) One hundred dollars (\$100) for a second continuance and any subsequent continuance requested by the applicant and approved by the Commission. There is no fee charged for the first continuance requested by the applicant.
- (15) For temporary events that require a permit, five hundred dollars (\$500) unless the application is scheduled on the administrative calendar, in which case the fee shall be two hundred dollars (\$200).
- (b) Fees for after-the-fact permits shall be doubled unless such added increases are waived by the Executive Director when it is determined that the permit could be processed by staff without significant additional review time resulting from the processing of the violation.
- (c) Where a development consists of land division, each lot shall be considered as one single-family residence for the purpose of calculating the application fee. If an such application may includes both subdivision and the construction of a single-family residences, at no additional fee, if proposed together with the land division the fee shall be based upon the construction of the proposed residences with no additional fee for the subdivision. Conversion to condominiums shall be considered a division of the land.
- (d) Except as provided in subsection (c) above, if different types of developments are included in one permit application, the fee shall be the sum of the fees that would apply if each development was proposed in a separate application. However, in no case shall the fee for such application exceed twenty thousand dollars (\$20,000).
- ~~(d) The application fee shall be determined from the type and size of the proposed development, except that where there is conflict over the applicable fee, the executive director may use the project cost to determine the fee.~~
- (e) In addition to the above fees, the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.
- (f) The executive director shall waive the application fee where requested by resolution of the commission.
- (g) The required fee shall be paid in full at the time an application is filed. However, if an application is filed as an administrative calendar application but subsequently scheduled for another calendar by the executive director or removed from the administrative calendar by the commission, the applicant shall pay the difference between the administrative calendar fee and the regular fee. Such additional fee shall be paid before the permit application is scheduled for hearing by the commission. If the fee is not paid prior to commission action on the application, the commission shall impose a special condition of approval of the permit that requires payment of the fee prior to issuance of the permit.

## Article 5. Determination Concerning Filing

### Section 13056. Filing.

(a) A permit application shall be submitted on the form or format issued pursuant to Sections 13053.5 and 13053.6, together with all necessary attachments and exhibits, and a filing fee pursuant to Section 13055, shall be deemed 'filed' after having been received and found in proper order by the executive director of the commission. The executive director shall file the application only after reviewing it and finding it complete. The executive director shall cause to be affixed to all applications for permits:

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

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

(b) Said review shall be completed within a reasonable time, but unless there are unusual circumstances, no later than five (5) The executive director shall make the filing determination in writing within ten working days, if feasible, but in no event later than thirty (30) calendar working days after the date it is received in the offices of the commission during the its normal working hours of said office. The executive director shall mail the filing determination to the applicant.

(c) If the executive director finds the application incomplete, he or she shall specify those parts of the application which are incomplete, and describe the specific materials needed to complete the application. Not later than 30 calendar days after receipt of the requested materials, the executive director shall determine whether the submittal of the requested materials is complete and transmit that determination in writing to the applicant.

(d) An applicant may appeal to the commission A a determination by the executive director that an application form is incomplete may be appealed to the commission for its determination as to whether the permit application may be filed. The appeal shall be submitted in writing. The executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable but in no event later than sixty (60) days and shall prepare a written recommendation to the commission on the issues raised by the appeal of the filing determination. The commission may overturn the executive director's determination and/or direct the executive director to prepare a different determination reflecting the commission's decision. Otherwise, the executive director's determination shall stand. The executive director shall issue any such different determination that the commission may direct no later than sixty (60) calendar days after receipt of the appeal of the filing determination. The executive director shall cause a date of receipt stamp to be affixed to all applications for permits on the date they are so received and a stamp of the date of filing on the date they are so filed.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30505 & 30620, Public Resources Code; Section 65943, Government Code.

**Section ~~13109~~ 13056.1. Reapplication**

(a) Following a withdrawal of or a final decision upon an application for a coastal development permit, no applicant or the applicant's successor in interest to an applicant may reapply to the commission for a development permit for substantially the same development for a period of six (6) months from the date of the prior withdrawal or final decision. The executive director shall decide ~~Whether an application is for "substantially the same" development as that which was withdrawn or upon which a final determination has been rendered shall be decided by the executive director of the commission within (5) working days from receipt of such application the filing determination period set forth in section 13056. Where the executive director is unable to make such decision, the executive director may refer the re-application to the commission for its decision as to whether the application is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change for purposes of determining whether an application is substantially the same. Until such a determination is made, the reapplication shall not be deemed "filed" within the meaning of Public Resources Code, Section 30621. Any project which has been denied by a regional commission or the commission and which may be submitted as a new permit application under the guidelines set forth above, may be considered by the commission without requiring that the revised project has received preliminary approval under Section 13052 from the local government entity or entities which originally approved the project. The commission may require that the revised project be subjected to informal review by appropriate local government entities prior to commission review. The six-month waiting period provided in this section may be waived by the commission for good cause.~~

(b) The executive director shall reject the application for filing when the executive director has determined that an application is for "substantially the same" development as that which was withdrawn or upon which the commission has rendered a final decision within the previous six months.

(c) Where the executive director has determined that the application is not for substantially the same development as that which was withdrawn or upon which the commission has rendered a final decision within the previous six months, the application shall be treated as a new application.

(d) The applicant or the successor in interest to an applicant may appeal to the commission the determination of the executive director in the manner provided in section 13056. The commission may vote to overturn the determination of the executive director. Otherwise the executive director's determination shall stand.

(e) The commission or the executive director may waive the six-month waiting period provided in this section for good cause.

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

**Section 13057. Contents Preparation of Staff Reports**

~~(a) The executive director shall prepare and reproduce a summary of each application officially filed except as provided for administrative permits in Section 13153. The summary shall be brief and understandable, and shall fairly present a description of the significant features of the proposed development, using the applicant's words wherever appropriate. The application summary shall be illustrated with the maps or drawings and shall contain either the Environmental Impact Report or the Environmental Impact Statement prepared for the development, if such a report was prepared, or a summary of the Environmental Impact Report or Environmental Impact Statement as it relates to the issues of concern to the commission. Staff comments shall also be included in the summary concerning (1) questions of fact, (2) the applicable policies of the California Coastal Act of 1976, (3) related previous application, (4) any issues of the legal adequacy of the application to comply with the requirements of the California Coastal Act of 1976, (5) public comment on the application, (6) written response to significant environmental points raised by members of the public or other public agencies, (7) prior decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625(c) may be a precedent(s) for the issues raised by the application and (8) other relevant matters. The staff comments shall be clearly labeled to distinguish them from the comments of the applicant and interested persons. The summary may include a tentative staff recommendation as to whether a permit should be granted or denied. If a tentative staff recommendation is included in the application summary, it shall conform to the requirements of Sections 13073-13077.~~

(a) The executive director shall prepare a staff report for each application filed pursuant to section 13056, except as provided for in section 13058 (consolidated staff reports), section 13150 (administrative permits) and section 13238.1 (waivers of permit application). The staff report shall include the following:

(1) An adequate description, including legible and reproducible maps, plans, photographs, etc. of the proposed development, project site and vicinity sufficient to determine whether the proposed project complies with all relevant policies of the California Coastal Act of 1976;

(2) A summary of significant questions of fact;

(3) A summary of the applicable policies of the California Coastal Act of 1976;

(4) A copy or summary of public comments on the application;

(5) A summary of any issues of the legal adequacy of the application to comply with the requirements of the California Coastal Act of 1976;

(6) Staff's recommendation, including specific written findings, prepared in accordance with subsection (c).

(b) The staff report shall also include as applicable:

(1) A copy or summary of the Environmental Impact Report or Environmental Impact Statement as it relates to the issues of concern to the commission, or if no such report was prepared, any negative declaration or finding of no significant impact;

(2) A discussion of related previous applications;

(c) The staff's recommendation required by subsection (a)(6) above shall contain:

(1) Specific written findings, including a statement of facts, analysis, and legal conclusions as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976 including, but not limited to, the requirements of Public Resources Code section 30604.

(2) Specific written findings evaluating the conformity of the development with the requirements of section 21080.5(d)(2)(i) of the Public Resources Code.

(3) Written responses to significant environmental points raised during the evaluation of the proposed development as required by the California Environmental Quality Act.

(4) A recommendation as to whether the commission should grant the application, with or without conditions, or deny the application.

(5) In the case of a recommendation of approval with conditions, identification of the specific conditions recommended by the executive director and a discussion of why the identified conditions are necessary to ensure that development will be in accordance with the Coastal Act.

(d) Notwithstanding the requirement of subsection (a)(6) hereof, with respect to any application, the executive director may elect to prepare first a partial staff report that does not contain the recommendation required by subsection (c)(4) and (c)(5) where he or she determines that public comment and commission discussion would facilitate preparation of such recommendation. The executive director shall comply with all other procedures applicable to staff reports including procedures for the distribution of staff reports and for the noticing of hearings.

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

#### **Section 13058. Consolidation of Staff Reports; Consolidation of Public Hearings.**

Where two or more applications are legally or factually related, the executive director may prepare a consolidated staff report. Either the commission or the executive director may consolidate a public hearing where such consolidation would facilitate or enhance the commission's ability to review the developments for consistency with the requirements of the California Coastal Act of 1976. two or more applications which are legally or factually related for purposes of preparation of staff documents and/or public hearing unless a party thereto makes a sufficient showing to the commission that the consolidation would restrict or otherwise inhibit the



~~commission's ability to review the developments for consistency with the requirements of the California Coastal Act of 1976. Any such consolidation of permit applications shall conform to the requirements of Public Resources Code, Section 30621. A separate vote shall be taken for each application if requested by the applicant.~~

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

#### **Section 13059. Distribution of Staff Reports.**

~~The application summary, executive director shall distribute the staff report by mail to all members of the commission, to the applicants, 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, and With respect to all other persons known or thought by the executive director 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. Staff reports shall be distributed within a reasonable time to assure adequate notification to all interested parties prior to the scheduled public hearing. The application summary staff report may either accompany the meeting notice required by Section 13015 or may be distributed separately. The commission may require any person who desires copies of application summaries staff reports to provide a self-addressed stamped envelope for each desired mailing, where extensive duplicating or mailing costs are involved, The commission may also require that interested persons provide reimbursement for such costs.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code; Section 6257, Government Code.

### **Article 7. Public Comments on Applications**

#### **Section 13060. Distribution of Written Comments on Applications and Staff Reports.**

~~The executive director shall reproduce and distribute to all commission members, the text or summary of all relevant communications concerning applications that are received in the commission offices prior to the commission's public hearing and thereafter at any time prior to the vote. Such communications shall be available at the commission office for review by any person during normal working hours.~~

#### **Section 13061. Treatment of Similar Communications.**

~~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 commission office for inspection by any person during normal working hours.~~

Written communications on 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.

(b) Written communications must be received by the executive director in the appropriate district office 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.

(d) Written communications shall be available at the commission office for review by any person during normal working hours.

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Section 30620, Public Resources Code; Section 6257, Government Code.

## **Article 8. Hearing Dates**

### **Section 13062. Scheduling.**

The executive director of the commission shall set each application filed for public hearing no later than the 49th day following the date on which the application is filed. All dates for public hearing shall be set with a view toward allowing adequate public dissemination of the information contained in the application prior to the time of the hearing, and toward allowing public participation and attendance at the hearing while affording applicants expeditious consideration of their permit applications.

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

**Section 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 provide mail 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, and to all persons who have requested it, and to all persons known or thought by the executive director to have a particular interest in the application, including those specified in Section 13054(a). The notice of shall contain the following elements:

(1) ~~the filing of the application pursuant to Section 13056;~~ (2) ~~the number assigned to the application;~~

(32) ~~a~~ A description of the development and its proposed location;

(43) ~~the~~ The date, time and place at which the application will be heard by the commission;

(54) ~~the~~ The general procedure of the commission concerning hearings and action on applications and;

(65) ~~the direction to persons wishing to participate in the public hearing that testimony should be related to the regional and statewide issues addressed by the California Coastal Act of 1976; and that testimony relating solely to neighborhood and local concerns is not relevant and will not be permitted by the chairperson.~~

(6) A statement that staff reports will be distributed as set forth in section 13059.

(b) At least 10 calendar days prior to the date on which the application will be heard by the commission, the executive director shall also mail the written notice identified in subsection (a) to all other persons known to have a particular interest in the application, including those specified in section 13054(a). The executive director may instead direct the applicant to substitute notice in one or more newspapers of general circulation in the area of the project for the written notice required by this subsection if the executive director determines:

(1) It is reasonable to expect adequate or better notice to interested parties through publication; and

(2) Written notice to individuals would be unreasonably burdensome to the applicant in view of the overall cost and type of project involved.

A statement of reasons supporting the executive director's determination to direct the applicant to substitute newspaper notice shall be placed in the file.

(c) Where a public agency or other person identified in this section receives the notice required by sections 13015-13017, a separate notice is not required pursuant to this section.

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

## **Article 9. Oral Hearing Procedures**

### **Section 13064. Conduct of Hearing.**

The commission's public hearing on a permit matter shall be conducted in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay.

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

### **Section 13065. Evidence Rules.**

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Unduly repetitious or irrelevant evidence shall be excluded upon order by the chairperson of the commission.

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

### **Section 13066. Order of Proceedings.**

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

~~(1) Identification of the application; a summary of the application, its accompanying documents and other documents and materials submitted at the request of the applicant, interested persons or the staff, and staff comments thereon, and a summary of the correspondence received by the executive director, relating to the application;~~

~~(2) Presentation by or on behalf of the applicant, if the applicant wishes to expand upon material contained in the application summary;~~

~~(3) Other speakers for the application;~~

~~(4) Speakers against the application;~~

~~(5) Other speakers concerning the application;~~

~~(6) Rebuttal by applicant and appellant subject to the discretion of the commission pursuant to Section 30333.1 or if the vote is not to be scheduled for a subsequent meeting permitting time for rebuttal in writing;~~

~~(7) Motion to close the public hearing (or to continue it to a subsequent meeting);~~

~~(b) Questions by commissioners will be in order at any time following any party's presentation, subject to time limitation.~~

~~(c) All proceedings with regard to permits shall be recorded as provided in Sections 13026 and 13027.~~

(a) The executive director 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:

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

(A) The applicant;

(B) Other persons supporting the application;

(C) Persons opposing the application;

(D) Other persons.

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

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

(4) 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.

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

(d) 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.

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

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

#### **Section 13067. Speaker's Presentations.**

~~Speakers' presentations shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate. The commission may establish reasonable time limits for presentation(s); such time limits shall be made known to all affected parties prior to any hearing. Where speakers use or submit to the commission visual or other materials, such materials shall become part of the application file and identified and maintained as such. Speakers may substitute reproductions of models or other large materials but shall agree to make the originals available upon request of the executive director.~~

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

#### **Section 13068. Other Speakers.**

~~(a) Subject to paragraph (b) of this section, and to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak on an application shall be heard.~~

~~(b) Remarks shall be brief and to the point, and shall not duplicate those of previous speakers.~~

(a) Speakers' presentations shall be to the point and shall be as brief as possible. 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.

(b) In order for audio, visual or audio-visual materials to be considered by the commission, they must be submitted to staff in the course of review of the application or shown in full at the public hearing. The presentation of these materials shall occur within the time limit allocated to speakers.

(c) The speaker must submit all materials presented at the public hearing to the staff for inclusion in the record of the proceeding. Any speaker who, as part of his or her presentation, exhibits models or other large materials may satisfy this requirement by submitting accurate reproductions or photographs of the models or other large materials and by agreeing in writing to make such materials available to the commission if necessary for any administrative or judicial proceeding.

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

## **Article 10. Field Trips**

### **Section 13069. Field Trips--Procedures.**

Whenever the commission is to take a field trip to the site of any proposed project, the chairperson shall decide, and the executive director shall provide public notice of the time, location and intended scope of the field trip.

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

## **Article 11. Additional Hearings, Withdrawal and Off-Calendar Items, Amended Applications**

### **Section 13070. Continued Hearings.**

A public hearing on an application may be completed in one commission meeting. However, the commission may vote to continue the hearing to a subsequent meeting. Notice of the subsequent hearing shall be distributed to the persons and in the manner provided for in section 13063.

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

### **Section 13071. Withdrawal of Application.**

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

(b) Withdrawal must be in writing or stated on the record and does not require commission concurrence. Withdrawal shall be permanent except that the applicant may file a new application for the same development subject to the requirements of ~~Sections 13056 and 13109~~ 13056.1.

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

#### **Section 13072. Procedures for Amended Application.**

~~(a) If an application for a permit for a proposed project is amended in any material manner, a public hearing must be held on the amended application, unless the executive director determines that the subject matter of the proposed amendment was reviewed adequately at a prior public hearing.~~

~~(b) If prior to a the public hearing at which on an application, is scheduled to be heard an applicant wishes to amend its permit the application in a manner which the executive director determines is material, the executive director shall prepare a staff report pursuant to section 13057 and the commission shall vote on the amended application only if:~~

~~(1) The applicant shall agree in writing to extend the final date for public hearing not more than 49 days from the date of such amendment or~~

~~(2) If the applicant does not agree to such an extension, the commission shall vote on the application as originally filed. The executive director determines that staff does not need additional time to prepare the staff report or provide notice to the public.~~

~~(b) If at a public hearing on an application, an applicant wishes to amend the application in a manner the executive director determines is material, the commission may vote on the amended application at that public hearing where:~~

~~(1) Adequate notice has already been provided and~~

~~(2) The proposed amended project was adequately reviewed during a public hearing.~~

(c) Conditions recommended by the executive director or imposed by previous commission action shall not be considered an amendment to the application.

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

#### **Section ~~13085~~ 13073. Applicant's Postponement.**

~~(a) In addition to the procedures set forth in Section 13071 the applicant may request the commission to postpone consideration of the application pursuant to this section. Where the 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. Such a request 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.

(b) An applicant's request for postponement, not made as a matter of right pursuant to ~~Section 13085~~ 13073(a), shall be granted at the commission's discretion. ~~The request may be made in writing or in person at the commission meeting prior to the presentation provided for in Section 13084(b).~~ The executive director shall establish procedures for notification, to the extent feasible, to 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. 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: Section 30621, Public Resources Code.

#### **Section ~~13087~~ 13074. Rescheduling**

Where consideration of an application is postponed ~~at the request of the applicant~~, the executive director shall, to the extent feasible, schedule further consideration of the application by the commission at a time and location convenient to all persons interested in the application. Notice of the rescheduled hearing shall be distributed to the persons and in the manner provided for in section 13063.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30006, Public Resources Code.

### **~~Article 12. Preparation of Staff Recommendation~~**

#### **~~Section 13073. Staff Analysis.~~**

(a) ~~If the vote on an application is scheduled for a later meeting that the oral hearing on the application, the executive director shall promptly perform whatever inquiries, investigations, research, conferences, and discussions are required to resolve issues presented by the application~~

~~and to enable preparation of a staff recommendation for the vote. If further evidence is taken or received by the executive director, such evidences shall be made available in the administrative record of the application at the commission's office and all affected parties shall be given a reasonable opportunity to respond prior to the deadline for preparation and mailing of the staff recommendation.~~

~~(b) The executive director may request of the applicant any additional information necessary to perform the responsibilities 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 30333, Public Resources Code. Reference:  
Section 30620, Public Resources Code.~~

#### **~~Section 13074. Submission of Additional Written Evidence.~~**

~~At any point before or after the oral hearing on a permit application, up until the time the public hearing is closed by the commission, any interested party may submit written evidence including rebuttal arguments, to the commission. Rebuttal information shall ordinarily be submitted to the executive director prior to the deadline for preparing staff recommendations.~~

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

#### **~~Section 13075. Final Staff Recommendation.~~**

~~The executive director's final recommendation shall include specific written findings, including a statement of facts and legal conclusions, as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976, including, but not limited to, the requirements of Public Resources Code, Section 30604.~~

~~The staff recommendation shall include any questions that have not been answered by the applicant or by interested parties and may include a recommendation that the commission take a field trip to the site of any proposed project when the executive director judges that this would materially assist in understanding and voting on the application. The staff recommendation shall be written except as provided in Section 13082.~~

~~The staff recommendation shall contain recommended written responses to significant environmental points raised during the evaluation in a manner consistent with the requirements of the California Environmental Quality Act. The staff recommendation shall also relate the proposed findings to prior decisions of the commission in order to assure consistency of the recommendation with decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625(c) are precedents for the issues raised by the application.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Sections 30604 & 30625, Public Resources Code.~~

**~~Section 13076. Distribution of Final Staff Recommendation.~~**

~~The staff recommendation shall be distributed to the persons and in the manner provided in Section 13059 for application summaries.~~

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

**~~Section 13077. Written Response to Staff Recommendation.~~**

~~Any person may respond in writing to the staff recommendation subject to the requirements of Sections 13074 and 13084.~~

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

**~~Article 13  
Commission Review of Staff Recommendation~~**

**~~Section 13080. Alternatives for Review of Staff Recommendation.~~**

~~Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of the three alternatives set forth in Sections 13081-13083.~~

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

**~~Section 13081. Staff Recommendation Included in Application Summary.~~**

~~If the staff report and tentative recommendation described in Section 13057 is complete and has been distributed prior to the public hearing, and if adequate public notice has been given, the commission may vote upon an application at the same meeting during which the public hearing on the application is held. The parties shall be afforded the opportunity for rebuttal to any information presented at the public hearing in the manner set forth in Section 13084 before the commission proceeds to vote on the application.~~

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

**~~Section 13082. Verbal Staff Recommendation upon Conclusion of Public Hearing.~~**

~~(a) If the application summary does not include a staff recommendation, but the commission is prepared to vote immediately upon conclusion of the public hearing, the executive director shall provide a verbal recommendation and summary of proposed findings and the applicant and interested parties shall be afforded an opportunity to respond to the recommendation in the manner set forth in Section 13084 before the commission proceeds to vote on the application.~~

~~Note: Authority and reference cited: Sections 30331 & 30333, Public Resources Code.~~

**~~Section 13083. Consideration of Staff Recommendation at a Meeting Subsequent to the Oral Hearing~~**

~~Upon conclusion of the oral hearing, the commission may put the vote on the application over to a subsequent meeting, but no later than 21 days following the conclusion of the public hearing unless the applicant in writing waives any right to a decision within that time limit. Notice of such hearing shall be given in the manner and to the persons provided in Section 13059 except that those persons notified pursuant to Section 13054(a) need not be notified under this section unless they specifically request such notice.~~

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

**~~Section 13084. Procedures for Presentation of Staff Recommendation and Responses of Interested Parties.~~**

~~(a) The executive director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for application summaries in Section 13066.~~

~~(b) Immediately following the presentation of the executive director's recommendation, the parties who testified at the hearing conducted pursuant to Section 13066 or their representative(s) shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the same as that provided for in Section 13066.~~

~~(c) At the discretion of the chairperson, the applicant or other parties may present rebuttal materials prior to the vote if the chairperson determines that the materials are primarily visual in nature, or, if the materials are in written form, that the written materials are merely rebuttal arguments and do not constitute new evidence.~~

~~(d) Where the commission moves to vote on an application with conditions different from those proposed by the applicant in the application or by the staff recommendation pursuant to subsection (a) above, the parties who responded to the staff recommendation under subsection (b)~~

~~above, shall have an opportunity to state their views on the conditions briefly and specifically. The order of presentation shall be as provided in subsection (b).~~

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

## Article 14. Voting Procedure

### Section 13090. Voting--After Recommendation.

~~The commission shall not vote upon an application until it has received a staff recommendation under one of the three alternative procedures set forth in Section 13081-13083.~~

(a) A vote on an application may be taken only at a properly noticed public hearing after commission received the final staff recommendation identified in section 13057 and obtained public testimony, if any, in accordance with section 13066.

(b) Where the executive director has distributed a staff report containing all of the elements described in section 13057(a), (b) and (c), the commission may vote upon the application after conclusion of the public testimony portion of the public hearing.

(c) Where, in accordance with the provisions of section 13057(d), the executive director has prepared a partial staff report that does not contain the parts of the staff recommendation identified in sections 13057(c)(4) and (5), the commission shall proceed in accordance with one of the following alternative procedures:

(1) If the commission is prepared to vote immediately upon conclusion of the public hearing, the executive director shall provide a verbal recommendation and summary of proposed findings.

(2) Upon conclusion of the public testimony portion of the public hearing, the commission may put the vote on the application over to a subsequent meeting. Prior to the subsequent meeting the executive director shall prepare a final staff report that shall:

(A) contain a staff recommendation as described in section 13057(c) and

(B) give due consideration to

(1) testimony and other evidence presented at the public hearing, and

(2) comments on the application by members of the commission. The executive director may also supplement the analysis of the application contained in the preliminary staff report. At the subsequent meeting, the executive director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for staff reports in section 13066.

(d) Under either of the two alternative procedures described in subsection (c), immediately following the presentation of the staff recommendation, the persons who testified at the hearing conducted pursuant to section 13066 or their representatives shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the same as that provided for in section 13066.

(d)(e) Where the commission moves to vote on an application with terms different from those proposed by the applicant in the application or conditions different than those proposed by the staff in the staff recommendation, the applicant, appellant, and the executive director shall have an opportunity to state briefly and specifically their views on the conditions.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30315 and 30622, Public Resources Code.

#### **~~Section 13091. Voting Time and Manner.~~**

~~The commission should normally vote on a permit application at the next regular commission meeting following the public hearing concerning the permit application unless the commission elects to follow one of the two procedures set forth in Sections 13081-13082.~~

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

#### **Section 13092. Effect of Vote Under Various Conditions.**

(a) Votes by a the commission shall only be on the affirmative question of whether the permit should be granted; i.e., a "yes" vote shall be to grant a permit ~~(with or without conditions)~~ and a "no" vote to deny. Unless a motion is adopted pursuant to subsection (b), a motion to grant the permit shall be deemed to include the terms proposed in the project description as modified by the applicant at the hearing and the conditions and findings proposed in the staff report as modified by staff at the hearing.

(b) ~~Any condition to a permit proposed by a commissioner may move to add, delete or modify proposed terms, conditions or findings. Such a motion shall be voted upon only by made in the affirmative vote.~~

(c) ~~A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.~~

(d) ~~Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words,~~

~~if consistent with the staff recommendation and not otherwise modified, the vote of the commission shall be deemed to adopt the findings and conclusions recommended by the staff.~~

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

#### **Section 13093. Straw Votes.**

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

#### **Section 13094. Voting Procedures.**

(a) Voting upon permit applications shall be by roll call, with the chairperson being polled last.

(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.

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

#### **Section 13095. Voting by Members Absent from Hearing.**

A member, ~~or his or her alternate, who has been absent from all or part of the hearing~~ may vote on any application, ~~provided he or she~~ the member or alternate has familiarized himself or herself with the ~~presentation evidence presented~~ at the hearing where on the application was considered, ~~and with pertinent materials relating to the application submitted to the commission~~ and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member, ~~or his or her alternate.~~

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

#### **Section 13096. Commission Findings.**

(a) All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources Code, ~~Section~~

30604, and Public Resources Code Section 21000 and following, and findings of fact and reasoning supporting the decision. The findings shall include all elements identified in section 13057(c).

(b) Unless otherwise specified at the time of the vote, an action taken consistent with the staff recommendation shall be deemed to have been taken on the basis of, and to have adopted, the reasons, findings and conclusions set forth in the staff report as modified by staff at the hearing. If the commission action is substantially different than that recommended in the staff report, the prevailing commissioners shall state the basis for their action in sufficient detail to allow staff to prepare a revised staff report with proposed revised findings that reflect the action of the commission. Such report shall contain the names of commissioners entitled to vote pursuant to Public Resources Code section 30315.1.

(c) The commission vote taken on proposed revised findings pursuant to Public Resources Code section 30315.1 shall occur after a public hearing. Notice of such hearing shall be distributed to the persons and in the manner provided for in section 13063. The public hearing shall solely address whether the proposed revised findings reflect the action of the commission.

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Sections 30315.1 & 30333, Public Resources Code.

## **Article 15. Consent Calendar Procedures**

### **Section 13100. Consent Calendar.**

~~New p~~Permit applications which, as submitted or as recommended to be conditioned, in the opinion of the executive director of a commission, are de minimis do not raise significant issues with respect to the purposes and objectives of the California Coastal Act of 1976, may be scheduled for one public hearing during which all such items will be taken up as a single matter. This procedure shall be known as the Consent Calendar.

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

### **Section 13101. Procedures for Consent Calendar.**

Unless otherwise provided in this Article, the procedures prescribed set forth in Chapter 5 of these regulations pertaining to permit applications, including application summaries staff reports, staff recommendations, resolutions, and voting, etc., shall apply to the Consent Calendar procedure. ~~except that a~~ All included items shall be considered by the commission as if they constituted a single permit application. The public shall have the right to present testimony and evidence concerning any item on the Consent Calendar. ~~Application summaries and tentative staff recommendations for applications placed on the consent calendar may be comprised of a brief but fair and accurate description of the proposed development and its location and a~~



~~description of any proposed conditions. A factual finding may be made for similar projects located in the same geographic area and may be incorporated by reference in each application summary governed by the findings.~~

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

#### **Section 13102. Conditions ~~to~~ of Consent Calendar Items.**

The executive director may include recommended conditions in ~~agenda descriptions of 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 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: Section 30620, Public Resources Code.

#### **Section 13103. Public Hearings on Consent Calendar.**

At the public hearing on the consent calendar items, any person may ask for the removal of any item from the consent calendar and shall briefly state the reasons for so requesting. If any three (3) commissioners ~~object to any item on the consent calendar and request that such an item be processed individually as a separate application, scheduled for public hearing on the regular permit calendar, such the~~ item shall be removed from the consent calendar ~~and shall thenceforth be processed as a single application.~~ If any item is removed from the consent calendar, the public hearing ~~on said item shall ordinarily be deemed continued until it can be scheduled for an individual public hearing on the regular permit calendar.~~

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

### **Article 18. Reconsideration**

#### **Section 13109.1. Scope of Article.**

The provisions of this article shall govern proceedings for reconsideration of terms or conditions of a coastal development permit granted or of a denial of a coastal development permit by the commission.

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Sections 30305 & 30627, Public Resources Code.

#### **Section 13109.2. Initiation of Proceedings.**

(a) Any time within 30 days following a final vote upon an application for a coastal development permit, the applicant of record may request the ~~regional~~ commission to grant reconsideration of the denial of an application for a coastal development permit or of any term or condition of a coastal development permit which has been granted. This request shall be in writing and shall be received by the ~~executive director of the commission~~ appropriate district office within 30 days of the final vote.

(b) The executive director shall prepare a staff report with a recommendation on the merits of the request for reconsideration. The staff report shall analyze whether the request satisfies the grounds for reconsideration provided in Public Resources Code section 30627. The staff report shall be distributed to the persons in the manner provided for in section 13059.

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Section 30627, Public Resources Code.

#### **Section 13109.3. Suspension of Appeal.**

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Section 30627, Public Resources Code.

#### **Repealed**

#### **Section 13109.4. Grounds for Reconsideration.**

Grounds for reconsideration of a permit action shall be as provided in Public Resources Code Section 30627.

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Section 30627, Public Resources Code.

#### **Section 13109.5. Hearing on Reconsideration.**

(a) The executive director shall schedule a hearing on the reconsideration request ~~At the next regularly scheduled meeting or as soon as practicable after the executive director distributes notice of the hearing consistent with the provisions of section 13063. to the applicant and all persons the executive director has reason to know would be interested in the permit reconsideration,~~ The executive director shall report the request for reconsideration to the commission with a preliminary recommendation on the grounds for reconsideration.

(b) The applicant and all aggrieved parties to the original ~~regional commission or~~ commission decision shall be afforded a reasonable time to address the merits of the request.

(c) ~~The commission shall vote on the request at the same meeting.~~

(d) Reconsideration shall be granted by a majority vote of the commissioners present. If reconsideration is granted, ~~it shall be considered a new permit application and the application~~ shall be processed as a new application in accordance with ~~S~~sections 13050-13120 and ~~S~~sections ~~13156~~13145-13168 of these regulations, as applicable. However, no new fee shall be charged to process the new application.

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Section 30627, Public Resources Code.

#### **Section 13109.6. Finality of Regional commission Decision.**

Note: Authority cited: Section 30333, Public Resources Code. Reference:  
Section 30627, Public Resources Code.

**Repealed**

## **Subchapter 4. Permits for an Approval of Emergency Work**

### **Article 1. General**

#### **§ 13136. Scope of Subchapter.**

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

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

#### **§ 13137. Immediate Action Required.**

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

### **Article 2. Applications**

#### **§ 13138. Method of Application.**

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

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

#### **§ 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;
- (b) The cause of the emergency, insofar as this can be established;

- (c) The location of the emergency;
- (d) The remedial, protective, or preventive work required to deal with the emergency; 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: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

### **Article 3. Procedures**

#### **§ 13140. Verification of Emergency.**

The executive director of the commission shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

#### **§ 13141. Consultation with Executive Director of the Commission.**

Note: Authority cited: Public Resources Code § 30331 & 30333.

### **Repealed**

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

The executive director shall provide public notice of the proposed emergency action 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 and requires action more quickly than permitted by the procedures for administrative permits, or for ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) The work proposed would be consistent with the requirements of the California Coastal Act of 1976.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

**§ 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 and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.

(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.

(c) 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: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

**Article 4. Emergency Actions Without a Permit**

**§ 13144. Waiver of Emergency Permit Requirements.**

Any person wishing to take an emergency action pursuant to the requirements of Public Resources Code Section 30611 shall notify the executive director of the commission by facsimile or telephone during business hours ~~telegram~~ of the type and location of the emergency action taken within three (3) days of the disaster or the discovery of the danger. Within seven (7) days of taking such action, the person who notified the executive director shall send a written statement of the reasons why the action was taken and verification that the action complied with the expenditure limits set forth in Public Resources Code Section 30611. At the next commission meeting following the receipt of the written report, the executive director shall summarize all emergency actions taken and shall report to the commission any emergency action that, in his or her opinion, does not comply with the requirements of Public Resources Code Section 30611 and shall recommend appropriate action. For the purposes of this section, any immediate, temporary actions taken by the California Department of Fish and Game which are required to protect the nesting areas of the California least tern, an endangered species under the California Fish and Game Code, Sections 2050-2055 and Title 14 of the California Administrative Code, Section 670.5, and the Federal Endangered Species Act of 1973, shall be deemed to be in compliance with Public Resources Code Section 30611.

Note: Authority cited: Public Resources Code § 30331 & 303333. Reference: Division 20, Public Resources Code.

## **Subchapter 5. Procedures for Administrative Permits**

### **Article 1. General**

#### **§ 13145. Scope of Subchapter.**

This subchapter governs special procedures for processing applications for permits pursuant to the requirements of Public Resources Code Section 30624.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

### **Article 2. Application for Administrative Permits**

#### **§ 13146. Applicant's Statement.**

The permit application form provided for in Section 13053.5 shall allow the applicant an opportunity to state that in his or her opinion the work applied for falls within the criteria established by Public Resources Code, Section 30624.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620 & 30624.

#### **§ 13147. Applications Not Thought to Be Administrative.**

If the commission receives an application that is asserted to be for improvements or other development within the criteria established pursuant to Public Resources Code Section 30624 and by this subchapter and if the executive director finds that the application does not qualify as such, he or she shall notify the applicant that a regular permit application is required as provided in Subchapter 1 of this chapter. The executive director, with the concurrence of the applicant, may accept the application for filing as a regular permit pursuant to Section 13056 and shall adjust the application fees accordingly.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

#### **§ 13148. Copies of Application.**

An application asserted to be within the criteria established by Public Resources Code Section 30624 shall be furnished to the commission initially in one (1) copy, together with one copy of whatever maps and drawings are reasonably required to describe the proposal. A reasonable number of additional copies may, at the discretion of the executive director, be required.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

**§ 13149. Notice.**

The applicant shall post notice at the project site as required by Section 13054(b) and provide any additional notice to the public that the executive director deems appropriate. The executive director shall notify any persons known to be interested in the proposed development.

**Article 3. Criteria for Granting Administrative Permits**

**§ 13150. Criteria and Content of Permits.**

(a) The executive director may approve or modify an application for improvements or other development governed by this subchapter on the same grounds that the commission may approve an ordinary application and may include reasonable terms and conditions required for the development to conform with the policies of the California Coastal Act of 1976.

(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: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

**§ 13150.5. Criteria for Single Family Dwellings.**

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.

**Repealed**

**§ 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 written notice to this effect to the applicant with an explanation of the reasons for this determination.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30624.



**§ 13152. Application to Commission.**

In situations described in Sections 13147 and 13151 the applicant may proceed to file an application as provided in Section 13056.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30305 & 30624.

**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 mailed to the commission and to all those persons wishing to receive such notification at the time of the regular mailing for 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.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30333.

**Article 5. Appeals**

Note: Authority cited: Public Resources Code § 30331 & 30333.

**REPEALED**

**Subchapter 6. Permits**

**Article 1. Format of Permits**

**§ 13155. Reference to Regional Commission.**

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.

**Repealed**

**§ 13156. Contents of 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;
- (b) Any other language or drawings, in full or incorporated by reference, that are consistent with the decision, and required to clarify or facilitate carrying out the intent of the commission;
- (c) Any conditions approved by the commission;
- (d) Such standard provisions as shall have been approved by resolution of the commission;
- (e) A statement that the permit runs with the land and binds all future owners of the property.  
~~may not be assigned except as provided in Section 13170;~~
- (f) A statement that the permit shall not become effective until the commission receipt of acknowledgment as provided in Section 13158;
- (g) The time for commencement of the approved development project except that where the commission on original hearing or on appeal has not imposed any specific time for commencement of development~~construction~~ pursuant to a permit, the time for commencement shall be two years from the date of the commission vote upon the application. Each permit shall contain a statement that any request for an extension of the time of commencement must be applied for prior to expiration of the permit.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.

**Article 2. Notice of Receipt and Acknowledgment**

**§ 13158. Notice of Receipt and Acknowledgment.**

(a) Development shall not commence until an approved permit becomes effective.

~~(ab)~~ No approved permit shall become effective until a copy of the permit has been returned to the commission, upon which copy all permittees or agent(s) authorized pursuant to Section 13053(c) have acknowledged that they have received a copy of the permit and have accepted its contents.

~~(bc)~~ Each permit approved by the commission shall be issued to the applicant with ~~contain a~~ blank acknowledgment to be signed by each permittee.

~~(ed)~~ The acknowledgment should be returned within ten (10) working days following issuance of

the permit, but in any case prior to commencement of construction. If the acknowledgment has not been returned within the time for commencement of construction under Section 13156(g), the executive director shall not accept any application for extension of the permit.

(e) No permit containing conditions that must be satisfied prior to issuance shall be issued for acknowledgment until all such conditions have been satisfied. Following commission approval of a permit that contains prior to issuance conditions, the executive director shall send the permit applicant a notice of commission approval that identifies those conditions that must be satisfied before the permit can be issued for acknowledgment.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.

### **Article 3. Time for Issuing Permits and Distribution**

#### **§ 13160. Issuance of Permits.**

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30333.

#### **Repealed**

#### **§ 13161. Distribution of Permit Copies.**

Copies of permits shall be sent to the permittee(s), to the local government with jurisdiction over the area in which the proposed development is to be located and to any person who requires or would be interested in such a copy in the opinion of the executive director. Copies of relevant project plans shall be transmitted to the local government where feasible.

Note: Authority cited: Public Resources Code § 30333.

#### **§ 13162. Notice of Permits.**

Notice of the commission approvalissuance of a permit shall ~~also~~ be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(b)(v).

Note: Authority cited: Public Resources Code § 30333.

### **Article 4. Disputes over Contents of Permits**

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

(a) Any permittee who feels that the permit issued does not correctly embody the action of the commission shall immediately so inform the executive director. 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.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30333.

## **Article 5. Amendments to Permits**

### **§ 13164. Applications for Amendments.**

Applications for amendments to permits shall be made in writing. Such applications are subject to the requirements for filing and processing permit applications set forth in Subchapter 1 of these regulations, and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate.

### **§ 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.

(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.

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

~~(a) Applications for amendments to previously approved developments shall be filed with the commission.~~ (1) The executive director shall reject aAn application for an amendment to an approved permit shall be rejected if he or she determines that in the opinion of the executive director, the proposed amendment would lessen or avoid the intended effect of an partially approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

(1) An applicant may appeal the executive director's determination to the commission. The appeal must be submitted in writing and must set forth the basis for appeal. The appeal must be submitted within 10 working days after the executive director's rejection of the amendment application. The executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable and shall provide notice of the hearing to all persons the executive director has reason to know may be interested in the application.

(2) If the commission overturns the executive director's determination, the application shall be accepted for processing in accordance with subsection (c) below.

(2b) For those applications accepted, ~~if the executive director shall determine that whether or not a proposed amendment has the potential to have significant adverse impacts on coastal resources and public access to and along the shoreline, the amendment shall be deemed is a material amendment to change to the permit.~~ Material amendments shall be processed in accordance with subsection (c) below. 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~~ parties 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 publishing notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

(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. 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.

~~(3c) If the executive director determines that the proposed amendment is a material change or if objection is made to the executive director's determination of immateriality or if the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Public Resources Code, Section 30604, the application shall be referred to the commission in accordance with the procedures of Subchapter 1, after notice to any person(s) the executive director has reason to know would 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 policies of Chapter 3 - of the California Coastal Act or a certified local coastal program if applicable, - of 1976. The commission shall approve the amendment if it finds that the development as amended conforms with the policies of Chapter 3 of the Coastal Act or with a certified local coastal program if applicable. The commission may approve the amendment subject to reasonable conditions. The~~

decision shall be accompanied by findings in accordance with Section 13096.

(bd) 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.

(ee) 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: Public Resources Code § 30333. Reference: Public Resources Code § 30609.

### § 13168. Application Fee.

All applications for amendments to permits shall be accompanied by the fee specified in section 13055 of these regulations. ~~subject to a twenty five (\$25) dollar fee. If the amendment is determined to be material, fees shall be charged in accord with Section 13055 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 ~~development~~ 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 executive director shall not accept the application unless it is shall be accompanied by all of the following:

\_\_\_\_\_ (1) evidence of an approved, valid, unexpired permit, acknowledged pursuant to Section 13158 and

\_\_\_\_\_ (2) evidence of the applicant's continued legal interest in the property involved in the permit,

\_\_\_\_\_ (3) the fee specified in section 13055 of these regulations, and

\_\_\_\_\_ (4) stamped envelopes addressed to each person specified in section 13054 of these regulations and each person who testified, orally or in writing at prior permit hearing(s).

(4b) For those applications accepted, the executive director shall determine whether ~~or not~~ there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the California Coastal Act or with a certified local coastal program, if applicable, of 1976. If the executive director determines that there are no changed circumstances that may affect consistency of the proposed development, he or she shall ~~mail~~ 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 persons identified in section 13054 of these regulations and all persons parties who participated in the initial previous permit hearings.~~ The applicant shall post such notice at the project site within three (3) days of the executive director's 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. If no written objection is received at the commission office within ten (10) working days of publishing notice, the time for commencement of development determination of consistency 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 conclusive.

(c) If the executive director receives a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

(2d) If the executive director receives an objection to his or her determination and concludes that the objection identifies changed circumstances that may affect the consistency of the development or 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 scheduled for a hearing on whether there are changed circumstances that affect consistency. reported to the commission The executive director shall provide notice of such hearing after notice to any person(s) the executive director has reason to know would be interested in the matter. The executive director shall prepare a include in such report for the hearing that describes a description of 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 object to an extension on the grounds that the proposed development may not be consistent with Chapter 3 policies of the California Coastal Act or with a certified local coastal program if applicable, of 1976, the extension shall be denied and the development application shall be set for a full hearing of the commission pursuant to Subchapter 1 of these regulations as though it were a new application. However, 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 objection is raised, the time for commencement of development shall be extended for one year from the expiration date of the permit, executive director shall issue the extension authorized by this section.

(e) Any extensions applied for prior to the expiration of the permit shall automatically extend the time for commencement of development ~~expiration date of the permit~~ until such time as the commission has acted upon the extension request; provided, however, that the applicant shall not undertake development during ~~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 all permits which were previously approved by the commission, including those approved on appeal, on the consent calendar, and or as administrative permits, unless the commission adopts expedited procedures for extensions to such permits.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30620.6 & 30624.

## **Article 7. Transfer Assignment of Permits**

### **§ 13170. Transfer Assignment 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 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) an affidavit executed by the landowner assignee attesting to the landowner's assignee's acknowledgment of agreement to comply with the terms and



conditions of the permit;

~~\_\_\_\_\_~~(32) evidence of the landowner's 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~~

(53) 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 u~~Upon the executive director's written approval of the documentation submitted, the. ~~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 cited: Public Resources Code § 30333. Reference: Public Resources Code § 30333.

## **Chapter 6. Exclusions from Permit Requirements**

### **Subchapter 6. Existing Single-Family Residences**

#### **§ 13250. ImprovementsAdditions to Existing Single-Family Residences.**

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

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

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

(3) Landscaping on the lot.

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

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, or seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or in an area designated for protection as a small scale neighborhood by resolution of the commission or a regional commission after public hearing; where the residence or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas; of natural vegetation designated by resolution of the commission or regional commission after public hearing as significant natural habitat;

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

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

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

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

(c) In any particular case, even though an ~~repair or~~ improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she

finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of ~~a permit filing an application~~; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, ~~the proposed no repair or improvement shall not be~~ may be undertaken without a permit.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30610(a).

## **Subchapter 7. Repair and Maintenance Activities That Require a Permit**

### **§ 13252. Repair and Maintenance of Activities Requiring a Permit.**

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

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

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

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

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

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

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

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

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

(C) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to

have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

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

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

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

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the California Coastal Act of 1976, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a significant adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

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

(c) Notwithstanding the above provisions, the executive director of the commission shall have the discretion to exempt from this section ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation road ways.

(d) Pursuant to this section, the commission may issue a permit for on-going maintenance activities for a term in excess of the two year term provided by these regulations.

(e) In any particular case, even though a method of repair and maintenance is identified in subsection (a) above, the executive director may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed repair and maintenance shall not be undertaken without a permit.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30610(d).

## **Subchapter 7.5. Improvements to Structures, Other than Single-Family Residences and Public Works Facilities That Require Permits**

### **§ 13253. Improvements That Require Permits.**

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

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

(b) Pursuant to Public Resources Code Section 30610(b), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:

- (1) Improvements to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or where the structure or proposed improvement would encroach within 50 feet of the edge of a coastal bluff;
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland, wetland or stream; sand dune, or within 100 feet of the edge of a coastal bluff; in a highly scenic area, or in an environmentally sensitive habitat area; or stream or in areas of natural vegetation designated by resolution of the commission or regional commission as significant natural habitat;
- (3) The expansion or construction of water wells or septic systems;
- (4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

- (5) In areas which the commission or regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;
  - (6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, ~~or regional commission, or local government~~ indicated that any future improvements would require a development permit;
  - (7) Any improvement to a structure which changes the intensity of use of the structure;
  - (8) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.
- (c) In any particular case, even though ~~the proposed a repair or~~ improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of ~~a permit filing an application~~; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, ~~the proposed no repair or~~ improvement shall not may be undertaken without a permit.

Note: Authority cited: Public Resources Code § 30333. Reference: Public Resources Code § 30610(b).