

# W6d

## CHANGES TO COMMISSION REGULATIONS

California Code of Regulations, Title 14, Section 13001 et seq.

May 31, 2019

### EXHIBITS

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**NOTICE OF PROPOSED APA RULEMAKING**  
**CALIFORNIA COASTAL COMMISSION**

**Title 14, Division 5.5, California Code of Regulations**

**NOTICE IS HEREBY GIVEN** that the California Coastal Commission (Commission), as authorized by Section 30333 of the Public Resources Code, proposes to make changes to its regulations as described below after considering all comments, objections, and recommendations regarding the proposed action (Proposal).

**A PUBLIC HEARING IS SCHEDULED FOR JUNE 12, 2019.** The hearing will be part of the Commission's regularly scheduled meeting at the Best Western Plus Island Palms Hotel, 2051 Shelter Island Dr., San Diego, California 92106. Any interested person may present comments regarding the Proposal at this hearing. Any interested person may also present written comments regarding the Proposal to the attention of the agency contact as listed in this Notice no later than Monday, June 10, 2019. More information is available at the end of this Notice.

#### INTRODUCTION

The Proposal would implement minor changes to the Commission's regulations in order to streamline procedures, conform to changes in the law, and generally update the provisions. The Proposal will help further the Commission's mission to protect coastal resources and public access in the coastal zone.

#### AUTHORITY AND REFERENCE

**Authority:** Section 30333 of the Public Resources Code generally provides that the Commission may adopt or amend rules and regulations to carry out the purposes and provisions of the Coastal Act (Div. 20, Section 30000 et seq.), as well as to govern procedures of the Commission. Rules and regulations shall be consistent with the Coastal Act and other applicable law.

**Reference:** The proposed changes are procedural in nature and seek to update and correct for current practices and existing law. As such the proposed changes implement, interpret, and make specific numerous statutes, including those in the Coastal Act, the Bagley- Keene Open Meeting Act (Gov. Code, § 11120 et seq.), the Permit Streamlining Act (Gov. Code, § 65920 et seq.), the Public Records Act (Gov. Code, § 6250 et seq.), and the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), among others, as well as expressing law promulgated in two published appellate court opinions.

For specific Authority and Reference Notes (and proposed changes to Notes) for each section of the regulations, see the Express Terms (proposed amendments in ~~strikeout~~/ underline), available on the Commission's rulemaking page, <https://coastal.ca.gov/rulemaking/>, or request a copy of the Express Terms from the agency contact listed in this Notice.

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**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law: The Legislature enacted the California Coastal Act in 1976, following the passage of Proposition 20, a referendum expressing the desire of the people of California to protect its most valuable resource: 1100 miles of coastline. Division 20 of the Public Resources Code, Section 30000 et seq. (the Coastal Act) established a comprehensive coastal protection program and made permanent the California Coastal Commission as a state agency. The first goal of the Coastal Act is to “[p]rotect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.” (§ 30001.5, subd. (a).)

Responsibilities: Because the Proposal would implement largely procedural changes, it is important to understand the main responsibilities of the Commission. The Commission considers applications for coastal development permits in its jurisdiction; certifies long term plans, including local coastal programs that allow local governments to issue coastal development permits; considers appeals of certain local approvals; sets policy in coastal matters; conducts enforcement, from negotiations for the settlement of violations to the imposition of fines and litigation; and ensures the consistency of federally-approved development in the Coastal Zone. The Proposal does not affect federal consistency regulations.

Existing Regulations: Existing regulations are located in Title 14, Division 5.5, Section 13001 et seq. Shortly after passage of the Coastal Act, the Commission adopted a full set of procedural regulations. Several rulemakings thereafter improved and expanded the original set, but the Commission has not conducted a regular rulemaking for decades. The Commission now has more than forty years’ experience to draw on and has a better understanding of what should (and should not) be regulated.

The Proposal: The Proposal seeks to update, correct, and modernize the Commission’s regulations. The amendments would 1) generalize options for notices and other communication, chiefly to allow for electronic mail; 2) require posting of key documents to the Commission website; 3) make regulatory provisions consistent with a changed California statute; 4) streamline procedures, including hearing procedures; 5) clarify to remove or prevent ambiguities; 6) specify vague provisions; 7) correct, such as updating cross-references or aligning regulatory language to the applicable statute; 8) revise structure, syntax, grammar, spelling, or punctuation; 9) repeal provisions that have lost statutory authority; and 10) revise or add authority and reference citations.

For the specific changes proposed to all sections of the regulations, see the Express Terms (proposed amendments in ~~strikeout~~ underline), available on the Commission’s rulemaking page, <https://coastal.ca.gov/rulemaking/>, or request a copy of the Express Terms from the agency contact listed in this Notice.

**ANTICIPATED BENEFITS**

The Proposal is anticipated to create several benefits, primarily efficiency, consistency, accuracy, and transparency. First and foremost is the benefit of efficiency. Communication methods are

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proposed generically (“transmit,” “reasonable means”), to allow for e-mail communication for almost every form of contact between applicants, local government, organizations, interested persons, Commission staff, the Executive Director, and Commissioners. Second, although the Executive Director already posts most items of interest to the Commission’s website, including staff reports for agenda items, the Proposal would make those postings a requirement. Accessing posted material is a considerably more convenient and precise way for the public to find particular information, at any time, and from any place. Thus, the ability to send and receive information is far easier, and the ability to retrieve documents is greatly enhanced. The Proposal enables the Commission to catch up to the 21st century.

The Proposal also promotes consistency and accuracy. Many governing statutes have been passed, many repealed, and many more amended. Published appellate case law has resolved some important conflicts in interpretation and supported the use of Commission-developed guidance in certain decisions. The Proposal seeks to update regulation text that is obsolete due to statutory changes or interpretations by the courts; for other regulations, the Proposal implements the statutory language more precisely than the existing text; and for a few provisions, the Proposal corrects clear errors.

Finally, the Proposal makes Commission and staff practices more transparent to the public, by clarifying confusing language, especially the role of the chair during meetings; acknowledging the use of digital communication and documents; and removing redundant and obsolete provisions.

#### **EXISTING STATE REGULATIONS**

Within the Commission’s own regulations at Division 5.5, Title 14, language and cross-references have been checked and proposed to be changed, where necessary, in alignment with the Proposal. The Proposal affects only Commission procedures, and therefore does not affect regulations under the authority of other agencies. Therefore, the Proposal is neither inconsistent nor incompatible with existing state regulations.

#### **FORMS INCORPORATED BY REFERENCE**

The Proposal does not incorporate any forms by reference.

#### **MANDATED BY FEDERAL LAW OR REGULATIONS**

The Proposal is not mandated by federal law or regulations.

#### **OTHER STATUTORY REQUIREMENTS**

No other requirements are specific to the Commission, to any specific regulation, or class of regulations.

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**LOCAL MANDATE**

The Commission has determined that the proposed changes do not impose a mandate on local agencies or school districts.

**FISCAL IMPACT**

There is no cost to any local agency or school district requiring reimbursement pursuant to Government Code, Section 17500 et seq.

The Proposal is projected to cost the Commission approximately \$380 a year and save approximately \$5380 a year in postage costs, for a net savings of \$5,000 a year. The Proposal does not affect costs or savings to any other state agency.

The Proposal will not impose any other non-discretionary costs or savings to local agencies.

The Proposal will not affect any cost or savings in federal funding to the State.

**HOUSING COSTS**

The Proposal will not affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE**

The Commission has made an initial determination that the Proposal will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The Commission has determined, pursuant to Government Code Section 11346.3(b)(1)(A)–(D), that the proposed changes will not have an effect on: the creation or elimination of jobs within the state; the creation or elimination of businesses within the state; or the expansion of business currently doing business within the state.

The anticipated benefits, as described above, include greater efficiency, consistency, accuracy, and transparency. In turn, the Proposal may also indirectly increase protection of the environment, via a greater ability to focus on important matters affecting the state's coastal resources, as well as the promotion of fairness and social equity as required by the Commission's Environmental Justice policy.

**COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

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The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**BUSINESS REPORT**

No business reports are required.

**SMALL BUSINESS**

The Commission has determined the Proposal does not affect small business. Small businesses chiefly interact with the Commission as applicants for coastal development permits. The Proposal would implement largely procedural changes that streamline application requirements and hearings considering those applications. If there is any effect on small business, it would be more efficient communication and consideration of applications.

**ALTERNATIVES STATEMENT**

In accordance with Government Code Section 11346.5(a)(13), the Commission must determine: that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be:

- more effective in carrying out the purpose for which the action is proposed;
- as effective and less burdensome to affected private persons than the proposed action; or
- more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements with respect to alternatives to the Proposal during the written comment period.

**CONTACT PERSON**

Written comments and any inquiries regarding the Proposal may be submitted to [rulemaking@coastal.ca.gov](mailto:rulemaking@coastal.ca.gov), or directed to:

Ms. Robin M. Mayer  
Staff Attorney  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105  
(415) 904-5220  
[robin.mayer@coastal.ca.gov](mailto:robin.mayer@coastal.ca.gov)

BACKUP ONLY, contact:  
Ms. Louise Warren  
Acting Chief Counsel  
California Coastal Commission

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45 Fremont St., Suite 2000  
San Francisco, CA 94105  
(415) 904-5220  
[louise.warren@coastal.ca.gov](mailto:louise.warren@coastal.ca.gov)

#### AVAILABILITY STATEMENTS

The Commission has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Commission's office at 45 Fremont St., Suite 2000, San Francisco, California, during normal business hours.

As of the date this Notice is published, the rulemaking file consists of the Notice, the Express Terms (proposed amendments in ~~strikeout~~/underline), the Initial Statement of Reasons, and all information upon which the proposed rulemaking is based. The Express Terms, Initial Statement of Reasons, and supporting materials may be downloaded from the Commission's rulemaking page at <https://coastal.ca.gov/rulemaking/>, and are available on request from the agency contact listed in this Notice.

#### AVAILABILITY OF SUBSTANTIAL (15-DAY) CHANGES

After the written comment period ends and following the close of the June 12, 2019 hearing, the Commission may adopt the Proposal as described in this Notice, without further notice of nonsubstantive changes. However, the Commission may modify the Proposal prior to the vote, if substantial changes are sufficiently related to the original Express Terms (the text of the proposed changes to the regulations). While not anticipated at this time, if sufficiently-related changes to are proposed for Commission consideration, the Express Terms with the additional changes in double-underline and ~~double-strikeout~~ will be posted to the commission's rulemaking page, transmitted to interested persons, and made available from the agency contact listed in this Notice. The changes will be made available at least 15 days in advance of the hearing. (See Cal. Code of Regs., tit. 1, § 44.)

#### MORE INFORMATION ON THE PUBLIC HEARING

A public hearing regarding the Proposal is scheduled for 9AM, Wednesday, June 12, 2019 as part of the Executive Director's Report at the Commission's regular meeting at the Best Western Plus Island Palms Hotel, 2051 Shelter Island Dr., San Diego, CA 92106.

**NOTE: Only in-person testimony (either or oral or written) will be accepted at the hearing.** The Commission does not accept live comments by telephone or electronic media.

#### MORE INFORMATION ON WRITTEN COMMENTS

Any interested person may submit written comments relevant to the Proposal to the Commission. Send written comments to [rulemaking@coastal.ca.gov](mailto:rulemaking@coastal.ca.gov), preferably as a .pdf attachment; however,

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no particular format is necessary for e-mailed comments. Alternatively, mail comments to: Rulemaking, Legal Division, 45 Fremont St., #2000, San Francisco, CA 94105.

To be considered by the Commission during the public hearing on June 12, 2019, written comments should be received by Monday, June 10, 2019. Late comments will not be posted to the Commission website in time for Commission consideration. However, comments (written or oral) will still be accepted at the hearing. It is requested that commenters who submit comments at the hearing bring 20 paper copies of the comment to be distributed at the hearing, or request that copies be distributed and if feasible, staff will do so. Additionally, staff will summarize any late comments during its oral presentation.

**FINAL STATEMENT OF REASONS**

The Commission is required to prepare a Final Statement of Reasons before submitting the Proposal to the Office of Administrative Law. Once prepared, the Final Statement of Reasons will be made available to anyone who requests a copy and will be available on the Commission's rulemaking page, at <https://coastal.ca.gov/rulemaking/>. Written requests for copies should be addressed to the agency contact identified in this Notice.

**INTERNET ACCESS**

All rulemaking documents and materials may be viewed and downloaded from the Commission's rulemaking page at <https://coastal.ca.gov/rulemaking/>.

**EXPRESS TERMS****REGULAR RULEMAKING**

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

**CHAPTER 1. GENERAL PROVISIONS****ARTICLE 2. DEFINITIONS****§ 13012.1 Working Day**

“Working day” means a day that is not a Saturday, Sunday, California state holiday, or federal holiday.

Note: Authority cited, Section 30333, Public Resources Code. Reference: Sections 6700, 6702, Government Code; Sections 30312, 30313, 30315, 30514, 30602, 30603, 30606, 30610.2, 30620, 30620.5, 30621, 30624.9, 30716, 30717, 30802, Public Resources Code.

**CHAPTER 1. GENERAL PROVISIONS****ARTICLE 3. OFFICIAL RECORDS****~~§ 13013.5. Copies and Certification.~~**

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

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

**§ 13016. Who Shall Receive Notice.**

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

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

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

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

#### § 13018.5. Notice.

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

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

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

#### § 13020. Notice.

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

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

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

### CHAPTER 2. MEETINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

-

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

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

#### SUBCHAPTER 1. REGULAR PERMITS

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

~~§ 13052. When Local Approvals Required.~~

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

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the requirements of this Section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

...

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

...

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

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

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

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 2. APPLICATION FOR PERMIT

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

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

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

(b) A description and documentation of the applicant’s legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership,

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leasehold, enforceable option, authority to acquire the specific property by eminent domain; and if a business entity, proof of the applicant's authority to conduct business in California. The application shall also include proof that all holders or owners of any interests of record in the affected property have been notified in writing of the permit application and each invited to join as a co-applicant.

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 3. APPLICANT'S NOTICE REQUIREMENTS

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

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

- (1) the addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed,
- (2) the addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll, and
- (3) the names and addresses or e-mail addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).

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

...

(d) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public, and which is also as close as possible to the site of the proposed development, notice that an application for a permit for the

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proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the executive director of the commission shall refuse to file the application.

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 5. DETERMINATION CONCERNING FILING

#### § 13056. Filing.

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

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

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

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

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

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

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 6. STAFF REPORTS

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

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

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

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

#### SUBCHAPTER 1. REGULAR PERMITS

#### ARTICLE 7. PUBLIC COMMENTS ON APPLICATIONS

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

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

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

(b) Written communications ~~must~~shall be received by the executive director in the appropriate district office by the close of business on the last working day of the week

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prior to the day of the hearing or in the hearing room on the day of the public hearing. The executive director does not accept responsibility for the cost or delivery of written communications to the hearing room.

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

...

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 8. HEARING DATES

#### § 13063. Distribution of Notice.

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

...

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

...

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

...

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 9. ORAL HEARING PROCEDURES

#### § 13066. Order of Proceedings.

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

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

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

-

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

-

~~(2A) The applicant;~~

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

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

~~(4D) Other persons.~~

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

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

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

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

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

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

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

### § 13067. Speaker's Presentations.

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

....

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

## CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS SUBCHAPTER 1. REGULAR PERMITS ARTICLE 12. PREPARATION OF STAFF RECOMMENDATION

### § 13073. Applicant's Postponement.

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

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

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 14. VOTING PROCEDURE

#### § 13094. Voting Procedure.

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

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

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

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

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

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

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

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

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

### **CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 1. REGULAR PERMITS ARTICLE 16. REVOCATION OF PERMITS**

#### **§ 13107. Suspension of Permit.**

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

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

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

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

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

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

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

#### § 13111. Filing of Appeal.

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

...

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

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

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

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

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

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~~(9)10~~ a summary of ~~the significant question~~ each substantial issue raised by the appeal.

...

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

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

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

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

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

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

§ 13112. Effect of Appeal.

~~(a)~~ Upon receipt in the Commission office of a timely appeal by a qualified appellant, the executive director shall notify the permit applicant, all persons identified by the

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

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

### § 13115. Substantial Issue Determination.

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

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

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

- i. the degree of factual and legal support for the local government's decision;
- ii. the extent and scope of the development as approved or denied by the local government;
- iii. the significance of the coastal resources affected by the decision;

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- iv. the precedential value of the local government's decision for future interpretations of its LCP; and
- v. whether the appeal raises only local issues as opposed to those of regional or statewide significance.

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

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

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

§ 13117. Qualifications to Testify Before Commission.

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

Note: Authority cited: Sections 30333, 30620.6, Public Resources Code. Reference: Section ~~30625~~30620.6, Public Resources Code.

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

§ 13139. Necessary Information.

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

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

...

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

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

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

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

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

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

(a) An emergency exists ...

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

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

#### § 13143. Report to the Commission.

(a) The executive director shall report in writing to the local government having jurisdiction over the project site and to the commission at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting if time permits, and shall be posted to the commission's website and have been

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

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

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 5. PROCEDURES FOR ADMINISTRATIVE PERMITS ARTICLE 3. CRITERIA FOR GRANTING ADMINISTRATIVE PERMITS

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

....

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

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

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

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

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

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### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSION SUBCHAPTER 5. PROCEDURES FOR ADMINISTRATIVE PERMITS ARTICLE 4. REPORTS ON ADMINISTRATIVE PERMITS

#### § 13153. Reports on Administrative Permits.

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

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

### CHAPTER 5. COASTAL DEVELOPMENT PERMITS ISSUED BY COASTAL COMMISSIONS SUBCHAPTER 6. PERMITS ARTICLE 1. FORMAT OF PERMITS

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

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

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

...

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

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

...

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

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

#### SUBCHAPTER 6. PERMITS

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

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

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

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

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

#### SUBCHAPTER 6. PERMITS

##### ARTICLE 5. AMENDMENTS TO PERMITS

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

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

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

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

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

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

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

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

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

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

...

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

...

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

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

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 6. EXTENSION OF PERMITS

#### § 13169. Extension of Permits.

...

(b) For those applications accepted, the executive director shall determine whether there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act or with a certified local coastal program, if applicable. If the executive director determines that there are no changed circumstances that may affect consistency of the development, he or she shall transmit ~~mail~~-notice of such determination, including a summary of the procedures set forth in this section, to all parties the executive director has reason to know may be interested in the application, including all persons identified in section 13054 of these regulations and all persons who participated in previous permit hearings. The applicant shall post such notice at the project site within three (3) days of the executive director's transmittal~~mailing~~-of the notice to interested parties. The executive director shall also report the determination to the commission to provide the commission with an opportunity to object to the executive director's determination. The time for commencement of development shall be extended for one year from the expiration date of the permit if both of the following occur:

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

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

...

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

(~~h~~i) If three (3) commissioners determine that there are changed circumstances that affect consistency of the development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable, the extension shall be denied and upon payment of the filing fee specified in section 13055(a) of these regulations for

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an application for a coastal development permit the development shall be set for a full hearing of the commission pursuant to Subchapter 1 of Chapter 5 these regulations. However, other than payment of the applicable fees except as otherwise provided in the preceding sentence, the applicant shall not be required to file a new permit application, but instead shall submit any information that the executive director determines is necessary to evaluate the effect of the changed circumstances.

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

...

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

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

#### SUBCHAPTER 6. PERMITS

#### ARTICLE 7. TRANSFER OF PERMITS

#### § 13170. Transfer of Permits.

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

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

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

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

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

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

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

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

#### § 13172. Violation of Permits.

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

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

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

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

(a) If the executive director believes that the results of an enforcement investigation so warrant, he or she ~~shall~~ may commence a cease and desist order proceeding before the commission. The executive director shall formally commence such a proceeding by providing any person whom he or she believes to be engaging in development activity as described in have acted or failed to act in such a manner as to trigger the application of section 30810(a) of the Public Resources Code, or who is threatening to so act, with notice of his or her intent to do so, unless the person waives the right to such notice. Such notice of intent ~~shall~~ may be given either as a provision of a cease and desist order issued pursuant to section 30809 of the Public Resources Code or by separate written communication delivered either (1) by certified mail, (2) by regular mail or electronic mail, receipt of which is confirmed by subsequent oral ~~communication (either in person or by telephone)~~ or written communication, or (3) by hand, and shall include, at minimum, the information specified in sections 13187(a)(4), (5), and (6) together with

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an explanation of the basis of the executive director's belief that the specified activity, threat, or failure to act meets the criteria of section 30810(a). The notice of intent shall be accompanied by a "statement of defense form" that conforms to the format attached to these regulations as Appendix A with an indication of when the completed form is due back to the Commission. The person(s) to whom such notice is given shall complete and return the statement of defense form to the Commission by the date specified therein, which date shall be no earlier than 20 days from transmittal of the notice of intent.

....

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section\_30810, Public Resources Code.

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

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

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

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

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

...

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

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

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

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

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

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

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

...

(d) each alleged violator ~~or its representative~~ may present its position(s) on the matter(s) relevant to the alleged violation or proposed order with particular attention to those issue(s) where an actual controversy exists between the staff and the party(ies). Presentation of evidence that which could not have been but was not set forth in a statement of defense form pursuant to section 13181 at the time of submittal may shall be grounds for a determination by the commission, in its discretion, (1) to trail the matter to later in the same day;~~or~~ (2) to a later day of the same meeting; or (3)~~(2)~~ to continue the matter to a subsequent meeting ~~to give the staff an opportunity to review and respond to the new evidence;~~

...

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

...

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

## Appendix A

### Statement of Defense Form

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ~~(FURTHER)~~ ADMINISTRATIVE OR ~~LEGAL~~ JUDICIAL

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

ENFORCEMENT PROCEEDINGS MAY ~~PROCEED NEVERTHELESS BE INITIALED~~ AGAINST YOU. IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

...

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

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

(a) If the executive director believes that the results of an enforcement investigation so warrant, he or she ~~may~~ shall commence a restoration order proceeding before the commission. The executive director shall formally commence such a proceeding by providing any person whom he or she believes to have engaged in development activity as described in section 30811 of the Public Resources Code with notice of his or her intent to do so, unless the person waives the right to such notice. Such notice of intent ~~may~~ shall be given either as a provision of a staff report prepared pursuant to sections 13057 ~~and/or 13075~~ of these regulations or by separate written communication delivered either (1) by certified mail, (2) by regular mail or electronic mail, receipt of which is confirmed by subsequent oral or written communication ~~either in person or by telephone~~, or (3) by hand, and shall include, at minimum, the information specified in sections 13196(a), (b), and (c) together with an explanation of the basis of the executive director's belief that the specified activity meets the criteria of section 30811. The notice of intent shall be accompanied by a "statement of defense form" that conforms to the format attached as Appendix A to Subchapter 8 of these regulations with an indication of when the completed form is due back to the Commission. The person(s) to whom such notice is given shall complete and return the statement of defense form to the Commission by the date specified therein, which date shall be no earlier than 20 days from transmittal of the notice of intent.

...

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

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

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

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~~already received notice of the hearing in a staff report prepared by the executive director.~~ This written notice may be transmitted by regular mail to the last known address of each recipient, or by electronic mail to any person who has agreed to receive notice in that manner.

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

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

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

...

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

§ 13238.2. Report to the Commission.

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

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

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

### CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS

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

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

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

...

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

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

...

- (5) A map of suitable scale to show the present and proposed location of the coastal zone boundary, all lots or parcels within 100 feet of the affected lot or parcel, and the existence and location of all readily identifiable natural and ~~artificial~~ manmade features;
- (6) A description of the existing use of the affected lot or parcel and the nearby lands~~;~~ and
- (7) A discussion of the reasons ~~is~~for the request that the coastal zone boundary adjusted.

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

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

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

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

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

#### **§ 13256.1. Staff Review.**

(a) Within five (5) days of receipt of a request for a boundary adjustment, the executive director of the commission shall make a preliminary review of the request. If the request does not conform to the provisions of Section ~~13255.1~~13255.2 or if the proposed adjustment patently fails to conform to the requirements of Public Resources Code Section 30103(b), the executive director of the commission shall reject the request and shall notify the person requesting the adjustment of his or her determination.

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

...

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

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

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

- (a) The adjustment conforms... to the requirements of Section 30103(b) of the Coastal Act; and
- (b) The adjustment will not interfere ...

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

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

### **CHAPTER 6. EXCLUSIONS FROM PERMIT REQUIREMENTS SUBCHAPTER 8. MINOR ADJUSTMENTS TO THE COASTAL ZONE BOUNDARY ARTICLE 4. WITHDRAWAL AND REAPPLICATION**

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

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

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

### **CHAPTER 7. COASTAL DEVELOPMENT -PERMITS ISSUED BY LOCAL GOVERNMENTS AND OTHER PUBLIC AGENCIES SUBCHAPTER 1. COASTAL DEVELOPMENT PERMITS ISSUED BY LOCAL GOVERNMENTS ARTICLE 4. COASTAL COMMISSION REVIEW OF LOCAL COASTAL DEVELOPMENT PERMIT**

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

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

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

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

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

An appeal of a local government's issuance of a coastal development permit may be filed by any person qualified under Public Resources Code Section 30602. The appeal shall

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~~must~~ contain ~~substantially~~ the information required by Section 13111. ~~must~~ The appeal shall be received in the appropriate commission district office before or on the 20th working day after receipt of the notice of permit issuance by the executive director of the commission ~~and~~. An appeal of a denial shall ~~must~~ comply with the requirements of Section ~~13119-13319~~.

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

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

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

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

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

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

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

### § 13329.1. Applications.

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

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

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

...

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

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

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

### § 13329.3. Criteria for Granting Permit.

...

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

...

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

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

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

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CHAPTER 7. COASTAL DEVELOPMENT -PERMITS ISSUED BY LOCAL GOVERNMENTS  
AND OTHER PUBLIC AGENCIES  
SUBCHAPTER 1.5. PERMITS ISSUED AND REVIEWED BY LOCAL GOVERNMENTS AND THE  
COMMISSION PURSUANT TO CERTIFIED LAND USE PLANS  
ARTICLE 3. APPEALS TO STATE COMMISSION  
PRIOR TO CERTIFICATION OF A LOCAL COASTAL PROGRAM

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

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

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

### § 13333. Filing an Appeal.

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

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

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

(e) ~~The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such~~

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~~means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the commission.~~

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

### § 13337. Substantial Issue Determination.

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

...

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

- i. the degree of factual and legal support for the local government's decision;
- ii. the extent and scope of the development as approved or denied by the local government;
- iii. the significance of the coastal resources affected by the decision;
- iv. the precedential value of the local government's decision for future interpretations of its LCP; and
- v. whether the appeal raises only local issues as opposed to those of regional or statewide significance.

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

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

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

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

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

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

## CHAPTER 7. COASTAL DEVELOPMENT -PERMITS ISSUED BY LOCAL GOVERNMENTS AND OTHER PUBLIC AGENCIES SUBCHAPTER 2. PUBLIC WORKS PLANS ARTICLE 2. APPLICATION REQUIREMENTS

### § 13353. Information Requirements.

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

...

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

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

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

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### § 13355. Environmental Information.

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

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

...

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

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

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

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

...

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

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~~provisions of Public Resources Code Sections 30605-30607.1 shall be approved by a majority of the members present with a quorum present.~~ If the Commission is unable to agree, by a majority of its members present, upon conditions, the project shall be deemed approved as proposed.

...

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

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

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

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

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

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

#### § 13502. Definitions.

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

(b) “Long Range Development Plan” hereinafter referred to as “LRDP” means the ~~relevant~~ portions of the land use plans and policies applicable to the coastal zone for the physical development of campuses and educational facilities of the University of California, or the California State University and Colleges, or private universities, which are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of other implementing actions.

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

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

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

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

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

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### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 4. METHODOLOGY

#### § 13511. Common Methodology.

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

(a) The policies of Chapter 3 of the California Coastal Act of 1976 concerning specific coastal resources, hazard areas, coastal access concerns, and use priorities, including consideration of public access and recommended uses of more than local importance and relating to the area governed by the LCP or LRDP, shall be applied to determine the kind, location and intensity of land and water uses that would be in conformity with the policies of the Act. This determination shall include an analysis of the potential significant adverse cumulative impacts on coastal resources and on public access to or along the coast, due to existing and potentially allowable development proposed in the LCP or LRDP.

...

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

...

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

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

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

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

(g) With regard to LRDPs, the governing authority may propose a categorical exclusion order pursuant to Public Resources Code Section 30610(e) for in the LRDP those categories of development, ~~for which no coastal development permit is required pursuant to Public Resources Code Section 30610, and those~~ or categories of development within specifically defined geographic areas, for which there is no potential for adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast. Any proposed categorical exclusion order shall be subject to the requirements of Sections 13240-13249. After certification of the LRDP and adoption of the categorical exclusion order, categories of development defined pursuant to this subsection will not be subject to the procedures specified in Sections 13549 and 13550 requiring notice of the impending development and allowing Commission review of such proposed development projects.

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

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### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPS) ARTICLE 5. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 7. SUBMISSION OF LCPs AND LRDPs

#### § 13519. Contents of Submittal.

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

...

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

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...

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

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

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPS) ARTICLE 9. GENERAL REVIEW PROCEDURES FOR LCPs AND LRDPs

§ 13523. Summary of the LCP or LRDP.

...

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

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

§ 13524. Written Notice.

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

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

In order to assure adequate notification, the notice shall be posted to the Commission's website and distributed by any reasonable means~~mail~~ to all members of the Commission, to the local government or governing authority, to all affected cities and counties, and to all other agencies, individuals and organizations who have so requested

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or who are known by the executive director to have a particular interest in the LCP or LRDP, within a reasonable time but in no event less than 10 calendar days prior to the scheduled public hearing. The executive director may provide notice by newspaper when the requirements of section 13063(b) are satisfied.

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

### § 13525. Distribution of Public Comments.

The executive director shall ~~reproduce and distribute to all members of the Commission and to the affected local government or governing authority post to the Commission's website~~ the text or summary of all relevant communications concerning the LCP or LRDP that are received in the Commission office by the close of business on the last working day of the week prior to the Commission's public hearing ~~and thereafter at any time prior to the vote~~. When a sizable number of similar communications is received, the texts need not be reproduced but the Commission shall be informed of the substance of the communications; such communications shall be made available at the appropriate Commission office for inspection by any persons during normal working hours.

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

## CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 9. GENERAL REVIEW PROCEDURES FOR LCPs AND LRDPs

### § 13531. Staff Analysis.

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

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

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

### **§ 13532. Staff Recommendation.**

(a) The executive director shall prepare a staff recommendation which shall set forth specific findings, including a statement of facts and legal conclusions as to whether or not the proposed land use plan or LRDP conforms to the requirements of the California Coastal Act of 1976 and of these regulations. The proposed findings shall include any suggested modifications necessary to bring the land use plan or LRDP into compliance with the California Coastal Act of 1976, unless the local government has requested that such modifications not be part of the Commission's action. The proposed findings shall also include any additional documentation, governmental actions, or other activity necessary to carry out the requirements of the Coastal Act.

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

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

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### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 11. COMMISSION ACTION ON LAND USE PLANS AND LRDPs

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

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

(b) The Commission may postpone action on the land use plan or LRDP at any time prior to commencement of ~~the calling of the roll for~~ a vote on any portion of the land use plan or LRDP if it finds that such postponement will not unduly hinder the participation of the public in the deliberations of the Commission and would not result in the action of the Commission taking place after the 90-day time limit specified in Public Resources Code Section 30512 unless the local government or governing authority waives in writing its right to action within that 90-day limit.

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

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

....

(b) Except as provided in Public Resources Code Section 30512(a)(3), a decision to certify a land use plan or LRDP shall require a majority vote of the appointed membership of the Commission. Where no modifications are proposed, the final motion is on the affirmative question of whether the land use plan or LRDP as submitted should be certified. Where modifications are proposed, the final motions shall be on (1) the affirmative question of whether the land use plan or LRDP, as submitted, should be certified and (2) the affirmative question of whether the land use plan or LRDP, as modified, should be certified. ~~Modifications to the land use plan or LRDP shall be proposed in the staff recommendation.~~ Any vote on the addition or deletion of modifications, including the specific terms or wording of a modification, may be carried by a majority of the commissioners present. Any suggested modifications adopted by the Commission shall be specific and susceptible to objective review and verification by the executive director of the Commission, by the local government or governing authority

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and by any interested person or public agency. The Commission's certification with suggested modifications shall expire on January 1, 1983 or six months from the date of Commission action, whichever is ~~longer~~later. If the local government, pursuant to Public Resources Code Section 30512, requests the Commission not recommend modifications, the Commission may discuss alternatives in the findings for denial of the land use plan or LRDP as submitted.

....

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

### § 13542 Commission Review and Action

...

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

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

## CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 13. CONFIRMATION OF LCP CERTIFICATION

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

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

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...

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

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

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

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

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

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

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

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

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

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

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 14. CONFIRMATION OF FINAL AND EFFECTIVE LRDP CERTIFICATION AND SUBSEQUENT REVIEW OF DEVELOPMENT PROJECTS

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

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

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

(b) The executive director of the Commission determines in writing that the action of the governing authority, ~~or the Board of Regents or Board of Trustees where appropriate,~~ and the notification procedures of the LRDP for development projects required pursuant to Section 13511(~~e~~)(f) are legally adequate to satisfy any specific requirements set forth in the Commission's certification order. If the executive director determines that the governing authority's action and notification procedures do not

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conform to the provisions of the Commission's action to certify the LRDP, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal; and

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

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

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

....

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

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

(d) Within thirty (30) days of the filing of the notice and after a public hearing the Commission shall, by a majority of its membership present, determine whether the proposed development is consistent with the certified LRDP and whether conditions are required in accordance with the provisions of Public Resources Code Sections 30605-30607 and 30607.1. ~~If the Commission determines that conditions are required to render the proposed development consistent with the certified LRDP, the Commission~~

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~~shall schedule a public hearing on the proposed conditions no later than twenty one (21) days after the close of the hearing that determined consistency with the LRDP.~~ No construction shall commence until after the Commission votes to impose any condition necessary to render the proposed development consistent with the certified LRDP. The hearing procedures governing the Commission's determinations pursuant to this subsection shall be in conformance with Section 13064-13096.

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

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER 12. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 15. AMENDMENTS TO CERTIFIED LCPs AND LRDPs

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

The LCP or LRDP amendment submittal shall include:

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

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

...

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

...

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

§ 13555. Designation of Amendment as Minor.

(a) The executive director of the Commission ~~or the Commission~~ may determine whether or not a proposed amendment is minor in nature. If the executive director determines the proposed amendment is minor, notice of such determination including a summary of procedures set forth in this Article shall be ~~transmitted~~ mailed to all ~~persons~~ parties the executive director has reason to know may be interested in the amendment to the LCP or LRDP. The executive director shall report in writing to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within ten (10) working days of the posting of notice. The report shall include sufficient description of the proposed amendment to allow the Commission to understand the proposal. If one-third of the appointed members of the Commission requests, the determination of a minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555 (b). Proposed amendments that are designated as minor amendments by the executive director with concurrence by the Commission ~~or the Commission~~ shall take effect ~~upon completion of the requirements of Section 13547~~ on the tenth working day after Commission concurrence.

...

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

### CHAPTER 8. IMPLEMENTATION PLANS SUBCHAPTER ~~12~~. LOCAL COASTAL PROGRAMS (LCPs) AND STATE UNIVERSITY OR COLLEGE LONG RANGE DEVELOPMENT PLANS (LRDPs) ARTICLE 17. LOCAL COASTAL PROGRAM IMPLEMENTATION REGULATIONS

§ 13565. Notice of Appealable Developments.

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

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to the Commission. Property owners and residents shall receive mailed notice. The notice shall contain the following information: ...

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

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

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

At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 13565. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The local government may waive the public hearing requirement where authorized pursuant to Public Resources Code section 30624.9.

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

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

...

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

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

(2) Notification by Local Government: When a local government or a court determines that an application has been approved by operation of law, ~~the time limits established pursuant to Government Code Sections 65950-65957.1 have~~

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

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

### CHAPTER 8. IMPLEMENTATION PLANS

#### SUBCHAPTER ~~26~~. PORTS

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

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

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

Upon the publication or submission of the notice of completion, the port governing body shall submit copies of the plans to the commission; if the port governing body so desires, such plans may be combined with the draft environmental review documents as provided in Section ~~1364513640~~. Public hearings required pursuant to Public Resources Code, Section 30712 ~~and 30713~~ may be combined with any applicable hearings on draft Environmental Impact Reports held pursuant to the California Environmental Quality Act.

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

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

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

...

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

...

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

### § 13630. Public Hearings.

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

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

### § 13631. Staff Reports.

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

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

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

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

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

...

(e) The certification of a port master plan shall not become effective until the port governing body takes formal action adopting such plan as certified by the commission and the commission has received notice of such action, including the final CEQA document/EIR adopted for such action and the ~~commission~~ executive director has accepted the formal action as consistent with its certification. The executive director shall report the governing body's adoption of the plan to the commission at the next regularly scheduled meeting.

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

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

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

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

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

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

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

## INITIAL STATEMENT OF REASONS

### REGULAR RULEMAKING

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

### PROBLEM STATEMENT

The Commission has not conducted a regular rulemaking in more than twenty years. As a result, the regulations are out of date for a variety of reasons, the most important of which is Internet technology, but also because of the additional experience gained in planning and permitting development in the Coastal Zone.

The Legislature enacted the California Coastal Act in 1976 (Pub. Resources Code, Division 20) following the passage of Proposition 20, a referendum expressing the desire of the people of California to protect its most valuable resource: 1100 miles of coastline. The Coastal Act established a comprehensive coastal protection program and made permanent the California Coastal Commission as a state agency. The first goal of the Coastal Act is to “[p]rotect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.” (§ 30001.5, subd. (a).)

The Commission’s main responsibilities consist of considering applications for coastal development; certifying local coastal programs in order to delegate authority for local governments to issue coastal development permits; setting policy in coastal matters; conducting enforcement, from negotiations for the settlement of violations to the imposition of fines and litigation; and ensuring the consistency of federally-approved development in the Coastal Zone.

Shortly after passage of the Coastal Act, the Commission adopted a full set of procedural regulations. Several rulemakings thereafter improved and expanded the original set, but the Commission has not conducted a regular rulemaking for decades. The Commission now has forty-three years’ experience to draw on and has a better understanding of what should (and should not) be regulated. The proposed changes (“Proposal”) seek to update, correct, and modernize the Commission’s regulations and procedures. Some 90 regulation sections are proposed to be amended, two added, and one repealed.

### PURPOSE -General

The Commission’s regulations are found in Division 5.5 of Title 14 of the California Code of Regulations. As a whole, the regulations implement, interpret, and make specific provisions of the Coastal Act. (Pub. Resources Code, Div. 20), as well as the Government Code (chiefly, the Bagley-Keene Open Meeting Act and the Permit Streamlining Act), and the California Environmental Quality Act (CEQA). Regulatory provisions are to be construed liberally to accomplish the purposes and carry out the objectives of the Coastal Act. (§ 13003.)

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Section 30333 of the Public Resources Code authorizes the Commission to adopt regulations to carry out the purposes and provisions of the Act and to govern procedures for matters under the Commission’s jurisdiction. Section 30333.1 further encourages periodic review of the regulations in order to make revisions “necessary and appropriate to simplify and expedite the review of any matter that is before the commission.” Many proposed changes aim to accomplish more expeditious review of the Commission’s matters, which number in the hundreds every year.

Generally the purpose of the Proposal is to specify, update, and correct procedures that are needed so that the Commission and staff can efficiently and effectively enforce and administer the Coastal Act and regulations. Briefly by type, the proposed changes 1) generalize communication to allow for electronic notification; 2) require website posting of key documents; 3) make regulatory provisions consistent with changed California statutes, including repeals of provisions that have lost their statutory basis; 4) streamline procedures; 5) clarify to remove or prevent ambiguities, make vague provisions clear and specific, and express current statutory language more precisely; and 6) revise structure, syntax, grammar, spelling, or punctuation as needed either for existing language or as a result of the Proposal.

See “Purpose and Necessity for Specific Regulations” below for the specific purpose of each adoption, amendment, or repeal, organized by section number.

### **NECESSITY – General**

The Commission’s regulations are long overdue for an update. Many regulations date from the 1980’s or earlier, and the last major rulemaking took place in 1999. This proposal seeks to modernize, clarify, correct, provide for electronic notification and website posting, and align the regulations more precisely to current provisions of the Coastal Act, as amended. (Pub. Resources Code, § 30001 et seq.). Several regulations are proposed to be updated to follow current provisions in the Government Code and CEQA, and others provide additional notice of statutory language. The amendments would broaden communication options for the Commission, applicants, and the public. The proposal will help fulfill the Commission’s current Strategic Plan and its anticipated update. Above all, the Proposal seeks to make the regulations easier to understand and use by the Commission, staff, and the public.

See “Purpose and Necessity for Specific Regulations” below for the specific rationale for the necessity and effectiveness of each adoption, amendment, or repeal, organized by section number.

### **Authority and Reference Notes -General**

The Proposal would add an Authority and Reference Note to new regulations or existing regulations that lack a Note, and amend other Notes where the cited statute is repealed, no longer applies, or could be made more precise.

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**Purpose:** The purpose of all additions of or changes to Notes is to help the public, applicants, interested persons, Commissioners, and staff to find the statutory authority and provisions that the regulation implements, interprets, or makes specific.

**Necessity:** An authority and reference note is required for each regulation. (Gov. Code, § 11349.1(a)(2), (a)(5).) Changes to notes do not have regulatory effect (Tit. 1, §100); however, complete and correct reference notes help the public find and understand the statutory framework for the regulation.

Authority Note additions: Section 30333 of the Public Resources Code authorizes the Commission to adopt or amend regulations to “carry out the purposes and provisions” of the Coastal Act and to govern procedures of the Commission. This general power applies to all regulations. In the “Purpose and Necessity for Specific Regulations” discussion below, Section 30333 is added, where necessary, without further explanation; other additions to Authority Notes are described according to the section.

For Reference Note additions or repeals: Citation amendments vary according to section. Each change is described under the “Purpose and Necessity for Specific Regulations.”

## **ECONOMIC IMPACT ANALYSIS**

The Commission has determined, pursuant to Government Code Section 11346.3(b)(1)(A)–(D), that the Proposal will not have an effect on: the creation or elimination of jobs within the state; the creation or elimination of businesses within the state; or the expansion of business currently doing business within the state. The Proposal would create many benefits.

As explained in the “Purposes – General” section above, the Proposal is a general update of Commission procedures chiefly to modernize communication, streamline procedures, conform to existing law, and clarify existing requirements. The Proposal creates minor savings for the Commission, estimated at \$5,000 a year, due to the replacement of mailed communication with e-mail or by making the same information available on the Commission website. The sole other impact is relief for outside appellants (by and large, individuals) who would no longer be required to notify the applicant, local government, and other interested persons of a pending appeal. That responsibility is explicitly shifted to the Executive Director. Depending on the circumstances, that would save an appellant anywhere from two mailed letters to dozens; however, the typical appeal involves less than ten interested persons, so as a proxy, ten first-class letters would not have to be sent by the appellant. (See Exhibit D, Costs/Savings.)

### Creation or Elimination of Jobs within the State of California

The chief way in which businesses interact with the Commission are as applicants for coastal development permits. For example, many homeowners apply as LLC’s. It is assumed, from examining a sample of 2018 agendas, that most of these businesses would meet the definition of

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a small business detailed by Gov. Code, Section 11346.3(b)(4)(B), such as employing fewer than 100 people. By that definition, small businesses are estimated to make up 26% of applicants. Four percent of applicants are estimated to be large businesses. (See Exhibit D, Actors.)

Regardless of size, business applicants may realize some minor savings due to more efficient communication with staff and more efficient consideration of their applications during the Commission hearing. However, the savings would not rise to the level of staffing a position. Likewise, the Commission's projected savings of approximately \$5,000 a year would not create enough funds to staff a position. (See Exhibit D, Costs-Savings.) Therefore, no jobs in California will be created or eliminated.

Creation of New or Elimination of Existing Businesses within the State

Likewise, the Proposal primarily streamlines Commission procedures. Commission staff would implement the vast majority of the changes, followed by Commission members who would implement the more efficient hearing procedures. As explained above, business applicants may realize very minor savings due to the increased efficiency. No costs are imposed. Therefore, the Proposal does not create enough economic impact to stimulate creation of a new business or eliminate an existing business within the state.

Expansion of Businesses Currently Doing Business within the State

Likewise, the Proposal primarily streamlines Commission procedures. Commission staff would implement the vast majority of the changes, followed by Commission members who would implement the more efficient hearing procedures. As explained above, business applicants may realize very minor savings due to the increased efficiency. No costs are imposed. Therefore, the Proposal does not create enough economic impact to stimulate expansion of businesses doing business within the state.

Benefits of the Proposal to Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Proposal does not benefit worker safety. It may indirectly affect the health and welfare of California residents due to the main benefits of greater efficiency, consistency, accuracy, and transparency of Commission regulations, practices, and interaction with stakeholders. (Those direct benefits are described in further detail below.) The resulting efficiency may indirectly increase protection of the environment, via staff's greater ability to focus on important matters affecting the state's coastal resources.

**STUDIES, REPORTS, AND DOCUMENTS**

The Commission relied on two internally-produced documents for this rulemaking. **Exhibit A**, attached to this Statement of Reasons, shows the number of Final Local Action Notices (FLANs) posted on a single day (August 9, 2018), to support the proposed change to Sections 13010 and 13318. As explained in the "Purpose and Necessity for Specific Regulations," the receipt of

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FLANs initiates the appeal period during which an interested person may file an appeal; posting makes the receipt of all currently appealable FLANs transparent to the public and Commissioners.

**Exhibit B** presents excerpts from Rulemaking No. 92-0623-01 that are important for understanding a proposed change to Section 13185. As explained in the “Purpose and Necessity for Specific Regulations,” the original intent of the 1992 provision was for an accused violator to present as much information as possible in the Statement of Defense form, in order for enforcement staff to consider the evidence presented and evaluate the best path forward regarding the alleged violation. However, the language instead created a loophole and acts as a *disincentive* for a violator to give as much information as possible at that point. The proposed change would correct this loophole.

The Commission also relies on an external reference work, Robert’s Rules of Order, for this Proposal and generally to conduct meetings (§ 13023.) **Exhibit C** contains relevant excerpts from the latest edition.

## **BENEFITS**

The Proposal is anticipated to create a number of benefits: primarily efficiency, consistency, accuracy, and transparency. First and foremost is the benefit of efficiency. Methods of communication are generalized, in particular to allow electronic communication where appropriate, for almost every form of contact between applicants, local government, organizations, interested persons, Commission staff, the Executive Director, and Commissioners. Second, although the Executive Director already posts most items of interest to the Commission’s website, including staff reports for agenda items, the Proposal would make those postings a requirement. Accessing posted material is a considerably more precise way for the public to find particular information, at any time, and from any place. Thus, the ability to send and receive information is far easier, and the ability to retrieve documents is greatly enhanced. The Proposal enables the Commission to catch up to the 21st century.

The Proposal also promotes consistency and accuracy. Many governing statutes have been passed, many repealed, and many more amended. Published appellate case law has resolved some important conflicts in interpretation and supported the use of Commission-developed guidance in certain decisions. The Proposal seeks to update regulation text that is obsolete due to statutory changes or interpretations by the courts; for other regulations, the Proposal implements the statutory language more precisely than the existing text; and for a few provisions, the Proposal corrects clear errors.

Finally, the Proposal makes Commission and staff practices more transparent to the public. Many provisions are clarified or made specific, especially concerning the role of the chair during meetings and Executive Director duties. The Proposal also acknowledges the use of digital communication and documents, and makes the regulations easier to understand by removing redundant and obsolete provisions.

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To the extent that procedures become more efficient and staff is freer to concentrate on matters of importance, the Commission anticipates greater protection of the environment and the promotion of fairness and social equity.

**REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No reasonable alternatives have been proposed or considered. The Proposal simplifies practices for the Commission and in turn for applicants, interested persons, and the public. The Proposal does not adversely impact small business.

**PERFORMANCE & PRESCRIPTIVE STANDARDS**

By and large, the Proposal is not prescriptive; it offers more flexibility, not less.

Technology: With the exception of posting to the Commission website, at <https://coastal.ca.gov/>, no specific technologies or equipment is required to be used. Obviously, there is no reasonable alternative to publishing on the agency's own website; it is the primary and most efficient way for the Commission to offer information to the public.

Procedures: Where the Proposal requires new actions or procedures, they often implement or express statutory language. For example, changes to sections 13018.5 and 13020 incorporate Government Code requirements for special and emergency meetings; changes to section 13073(c) express an immovable deadline from the Permit Streamlining Act. Where statutory language is expressed, that is noted under the Necessity rationale under each section number. No alternative is proposed for these requirements as the Commission has no discretion to change the statutorily-based requirements.

However, the Proposal does add several new requirements not specifically required by statute. To explain why each requirement is the only reasonable alternative, a "Prescriptive Note" is added to the Necessity rationale under the following sections: 13024.5, 13053.5, 13112, 13320, 13333, 13519, 13552, 13565, and 13632.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Commission determines the proposed changes will not have a significant adverse economic impact on business. The primary way in which business entities interact with the Commission are as applicants for coastal development permits. The proposed changes may result in a slight lowering of costs because of the greater ability to communicate by e-mail, and the ability to readily see information, agendas, and documents on the Commission website.

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Other entities, such as nonprofit environmental groups, frequently comment on Commission actions. They may also see a slight lowering of costs because of the greater ability to communicate by e-mail, and the ability to readily see information, agendas, and documents on the Commission website.

## **DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS**

The Commission is a regulatory agency under the California Resources Agency. The proposed changes focus on streamlining Commission procedures and generally updating the regulations. As applicable only to Commission matters, the changes do not duplicate or conflict with federal regulations.

## **PURPOSE and NECESSITY for Specific Regulations**

UNLESS OTHERWISE NOTED, statutory citations are to the Coastal Act, Public Resources Code, Division 20, Section 30000 et seq. Regulatory citations are to the California Code of Regulations, Title 14, Division 5.5, Section 13001 et seq.

### **Section 13012.1 (Add)**

**Purpose:** To implement recent legislative amendments that express “working day” instead of “day” in the Coastal Act (§§ 30512, 30513, 30315(a) and 30621(a)), as well as clarify the term “working day” in existing sections of the Act and these regulations.

**Necessity:** For transparency. The Government Code does not define “working day” in a straightforward way; for a pertinent example, it does not exclude Saturday mornings, and the Commission does not conduct any business on Saturdays.

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Sections 6700 and 6702 of the Government Code [holidays include Sundays and Saturdays from noon to midnight]. Add Sections [30312, 30313, etc.] of the Public Resources Code that refer to working days.

### **Section 13013.5 (Repeal)**

**Purpose:** To remove a regulation that lacks statutory authority and delete a procedure that is no longer necessary.

**Necessity:** The Commission no longer certifies records. Section 6257 of the Government Code is repealed, and nothing in the current version of the Public Records Act requires an agency to certify ordinary records. On a practical basis, digital documents are more easily copied and less

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prone to error. The Commission complies with, and the public may request records, according to the current procedures of the Public Records Act. (Gov. Code, § 6250 et seq.).

**Section 13016**

**Purpose:** To update for current practices that publicize meeting agendas, including posting agendas to the commission website and generalizing notification methods.

**Necessity:** For efficiency and convenience, and to implement the requirement to post meeting agendas. (Gov. Code, § 11125(a).)

A Commission agenda normally encompasses two to three days of meetings with dozens of items each day. The online agenda provides links to staff reports, exhibits, and correspondence for each agenda item. Items proposed for Commission action offer a button so that an interested person may instantly send a comment. Agendas also provide complete procedural information, including specific rules for very controversial items generating wide interest. The agenda is easy to find on the Commission website and easy to share. The posted agenda is by far the most convenient way for Commissioners, applicants, appellants, interested persons, and the public to receive information and to comment on their items of interest. Deleting the requirement to mail to libraries, building departments, and city halls removes an obsolete method that is better served by posting the agenda and sending notices directly to interested persons for each particular matter.

Regarding active notifications, sending them electronically incorporates much of the same convenience; for example, an attached document contains links to specific items and is searchable. By contrast, the existing requirement to send paper copies produces an inconvenient flurry of paper that is hard to search and cannot be linked to other web pages. However, those requesting mailed agendas may nevertheless receive a paper document. The substitution of “mailed” for “such” in the sentence about requesting self-addressed, stamped envelopes is a clarification to help implement that request.

**Section 13018.5**

**Purpose:** To correctly identify procedures for a special meeting.

**Necessity:** Existing language cites to Commission regulations; however, the Government Code now describes the circumstances and sets requirements for a special meeting. (Gov. Code, § 11125.4.) The incorporation of the key statutory requirements into the regulation is somewhat duplicative, but meant to provide convenient notice of those requirements for Commissioners, staff, and the interested public. Deletion of the cross-referenced regulations helps ensure the correct standards are used.

**Reference Note:** Add Section 11125.4 of the Government Code [special meetings].

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**Section 13020**

**Purpose:** To correctly identify procedures for an emergency meeting.

**Necessity:** Existing language cites to Commission regulations; however, the Government Code now describes the circumstances and sets requirements for an emergency meeting. (Gov. Code, § 11125.5.) The incorporation of the key statutory requirements into the regulation is somewhat duplicative, but meant to provide convenient notice of those requirements for Commissioners, staff, and the public. The allowance for electronic notification and website publication is necessary to communicate quickly and effectively in a time of crisis. Deletion of the cross-referenced regulation helps ensure the correct standards are used.

**Reference Note:** Add Section 11125.5 of the Government Code [emergency meetings].

**Section 13024.5 (New)**

**Purpose, Subdivision (a):** To allow any noncontroversial matter to be moved to the consent calendar.

**Necessity, Subdivision (a):** To increase efficiency of meetings and consistency in how matters are treated. Current regulations allow for certain items to be considered by consent, most prominently coastal development permit applications (§§ 13100 -13103), de minimis development governed by a long range development plan (§ 13550(c)), and certain federal consistency determinations (§ 13660.7). However, it is not the type of matter that is important for determining what should be on the consent calendar, but whether there is general agreement that the matter is not controversial and can be dealt with in an expeditious manner. A common example, occurring at almost every Commission meeting, is the extension of time allowed for the Commission to consider amendments to local coastal programs. Commission meetings can run long – even to midnight on more than one occasion – and it is a burden to require a vote on each routine matter. As a safeguard, in the unusual case where the Executive Director may not be aware of controversy, any one Commissioner can object and restore the item to the regular calendar.

**Prescriptive Note:** Subdivision (a) would require that a consent calendar item shall be reinstated on the regular calendar at the request of any commissioner. Where it emerges that a matter is unexpectedly controversial, a procedure is needed to “undo,” and put the matter back on the regular calendar, so it can be discussed and deliberated. The proposed procedure is for a Commissioner to object at the same time the matter is brought up. No alternative is proposed as no other procedure would be as simple or timely. It is important that individual Commissioners have the flexibility to object at the last minute, as they may learn of controversy anytime up until the matter is heard. The same provision also describes the scope of the motion to approve the consent calendar as including all matters on the calendar. This matches other consent calendar approaches. A united vote ensures that consent calendars are effective.

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**Purpose, Subdivision (b):** Identify the proponent for each type of matter.

**Necessity:** To clarify who must agree. As a threshold to placing on the consent calendar, the proponent must agree with the staff recommendation and all associated conditions.

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Section 30333.1 [encouragement for regulations to expedite the review of “any matter” that is before the Commission for action].

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

**Purpose:** To notify the public that the full text of the conflict of interest code is available on the Commission’s website.

**Necessity:** To increase transparency and convenience. The full text provides important detail of Commission positions and how each position must report any potential conflicting interests. Instead of having to mail a request to the Commission or the Fair Political Practices Commission, interested persons may view the full text with a few clicks.

**Section 13050.5, Title, Subdivisions (a) and (b), Reference Note**

**Purpose, General:** To implement a variety of clarifications and corrections, in accordance with a California Supreme Court opinion, and to re-organize the remaining text.

**Necessity, General:** Existing language is confusing and inaccurate. In *Sierra Club v. California Coastal Commission* ((2005) 35 Cal.4th 839), the California Supreme Court interpreted Section 30604(d) to hold that the Commission has no coastal development permit jurisdiction outside the coastal zone. The Commission may not address impacts that reach outside the zone through a coastal development permit, even if the impacts arise from development inside the zone.

**Purpose, Title:** To correct a mischaracterization of the law.

**Necessity, Title:** To remove any implication that the Commission has coastal development permit jurisdiction outside the coastal zone.

**Purpose, Subdivision (a) (new):** To accurately and clearly describe what is required when a proposed development straddles the coastal zone.

**Necessity, Subdivision (a) (new):** To correct existing language and clarify that a coastal development permit is required for only those portions inside the zone. Syntactical changes

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further clarify the existing language. Moving “only” corrects for usage, and deleting “actually” removes an unnecessary word.

**Purpose, Subdivision (b) (reorganization):** To aid understanding of a confusing subject.

**Necessity, Subdivision (b) (reorganization):** Construction that straddles the coastal zone and lot line adjustments are distinct types of development that merit separation into different subdivisions. A nonsubstantive amendment corrects punctuation.

**Purpose, Subdivision (b) (repeal):** To remove an incorrect provision and align with proposed new subdivision (a).

**Necessity, Subdivision (b) (repeal):** For clarity and accuracy. The Commission lacks authority to impose requirements on a coastal development permit application that would address impacts outside the zone, even for a single building, and suitable corrections would make the provision redundant to proposed subdivision (a).

**Reference Note:** Delete “Division 20” as too general. Add Section 30604(d) [bars requiring a coastal development permit for development or portions of development located outside the coastal zone]. Add citation to *Sierra Club v. California Coastal Commission* ((2005) 35 Cal.4th 839) [no jurisdiction created from impacts arising outside the coastal zone].

**Section 13052, Title, Subdivisions (g) and (j), Reference Note**

**Purpose, Title:** To prevent a misunderstanding that local approvals are required only for certain applications.

**Necessity, Title:** To ensure that applicants do not misunderstand a crucial requirement as they file an application. The existing title creates the impression that local approvals are not necessarily required before staff files an application as complete. Only the Executive Director may excuse the proof of local approval requirements, pursuant to the next regulation, Section 13053. Filing applications without the necessary requirements wastes time and money for the applicant, and unnecessarily takes up Commission staff time.

**Purpose, Leading Clause:** To qualify the type of local permit that must be approved prior to applying to the Commission for a coastal development permit.

**Necessity, Leading Clause:** To clarify that the local approvals that must be included are discretionary. It is not necessary for the applicant to supply ministerial approvals at the time of application.

**Purpose, Subdivision (g):** To clarify that a final Environmental Impact Report or negative declaration, if available, is required as part of the application, regardless of whether the CEQA document addresses grading, alternatives, or public comments.

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**Necessity, Subdivision (g):** The existing qualifications (e.g., grading) are irrelevant and may hamper the Commission’s ultimate compliance with CEQA under its certified program, and also make it harder to determine the proposed development’s compliance with the Coastal Act. The local government retains authority to specify which (if any) documents it produces to comply with CEQA.

**Purpose, Subdivision (j):** To clarify a geographical determination isn’t necessary for staff to inquire about the ability of new development to receive public services.

**Necessity, Subdivision (j):** Evidence of public services would be required for any proposed development where services are absent or may be an issue (such as a subdivision of land or development on a vacant lot), regardless of whether the Executive Director has made a previous determination about the locale. New public services in any area may create impacts to coastal resources that are protected by the Coastal Act (see, e.g., § 30231 regarding water quality). CEQA further requires consideration of services for any project (See e.g., Cal. Code of Regs., tit. 14, Appendix G checklists XV [public services], XIX [water supplies].)

**Reference Note:** Add 21080.5 of the Public Resources Code [requirements for CEQA-certified programs].

**Section 13053.5, Title, Subdivisions (a) and (b), Reference Note**

**Purpose, Title:** To clarify the regulation consists of the minimum requirements for a coastal development permit application.

**Necessity, Title:** To help applicants understand more information may be required. The regulation sets basic requirements for all applications, but often more information is required for staff to file the application as complete.

**Purpose Subdivision (a):** To specify important documents that should be submitted with the application.

**Necessity, Subdivision (a):** To establish the potential for the development’s compliance with the Coastal Act and to ensure the Commission’s compliance with the California Environmental Quality Act (CEQA). Surveys of the site are helpful for determining, for example, onsite or adjacent environmental impacts and whether the Commission should impose any development restrictions as part of a recommended approval. CEQA materials are vital for evaluating potential environmental impacts and comments given at the local level. The Commission’s CEQA certified program responsibilities, as well as regulations such as Section 13057 concerning staff reports, require that the Commission be informed of all environmental issues and respond to all significant points raised.

**Purpose, Subdivision (b):** To 1) receive proof that a business entity applicant may conduct business in California, and 2) provide supplemental notice that the applicant must inform and invite all other holders of legal interest in the land proposed for development.

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**Necessity, Subdivision (b):** 1) To ensure the entity's ability to accept a permit as a legally binding document and that it has the power to execute all associated conditions. The Corporations Code requires entities conducting business in California to file organization papers with the Secretary of State. Recently, a petitioner against the Commission based a challenge partly on the applicant's expiration of its LLC status and its alleged inability to accept the permit. Staff and Commission time were wasted as a result. The proposed amendment ensures that staff is aware of a business entity's status from the start.

2) To provide supplemental notice of statutory requirements. The Coastal Act requires an applicant to notify all holders of legal interests in the land proposed for development of the application, and invite each to become a co-applicant. (§ 30601.5). Not complying can create problems much later in the process, and even after an approval, may establish a basis to revoke a permit.

**Prescriptive Note:** The amendments to subdivision (a) would require submittal of surveys and CEQA materials, as available. There is no other reasonable alternative, as the applicant is the only person or entity aware of any surveys on the development site, and is the person or entity most knowledgeable about which CEQA materials are relevant to the application.

The second amendment to subdivision (a) is the only reasonable alternative as the applicant is the entity responsible for ensuring its business is organized in a legal manner and has the best access to organizational documents.

**Reference Note:** Add 21080.5 of the Public Resources Code [requirements for CEQA-certified programs]. Add Section 110, 2105, etc. of the Corporations Code [requirements to file business formation papers with the Secretary of State].

**Section 13054, Subdivisions (a), (d), and (e)**

**Purpose, Subdivision (a):** To make a minor correction and to allow the option of e-mail addresses for the list of interested persons supplied by the applicant

**Necessity, Subdivision (a):** The addition of a comma is a grammatical correction. Allowing the applicant to supply e-mail addresses is necessary because interested persons often communicate their comments solely by e-mail. The Executive Director is required by numerous regulations (e.g., § 13016) to notify all known interested persons of an upcoming hearing affecting their matters. The amendment would help ensure the list of interested persons is as complete as feasible.

**Purpose, Subdivision (d):** To clearly express the three requirements for onsite posting of notices.

**Necessity, Subdivision (d):** To help ensure compliance.

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**Purpose, Subdivision (e):** To cross-reference the specific regulation and to correct the mischaracterization of revocation action.

**Necessity, Subdivision (e):** To accurately reflect that the Commission has discretion regarding whether to revoke the permit for lack of proper notice. The Commission *may* revoke on the grounds of improper notice, instead of shall revoke, on the finding of improper notice. (See § 13108(d) [allowing the Commission to revoke a permit if “any” of the grounds in section 13105 exist].) Specifying the precise regulation in the cross-reference helps guide the public to the correct provision.

**Section 13056, Subdivisions (a) and (b)**

**Purpose, Subdivision (a):** To update filing procedures for current practices and re-organize the resulting language.

**Necessity, Subdivision (a):** Deleting the requirement to fix (stamp) the date of filing to the paper application is necessary because it is no longer done. In current practice, the date of receipt is stamped, the paper application (physically) filed, and the application information put into the Commission’s permit database. Once the application is filed as complete, a process that can take months, staff transmits to the applicant that the application is filed, enters the date of filing as complete in to the database, and publishes the date in the staff report. The proposed deletion removes the unnecessary second stamping as the process has become digital. Reorganizing the result by placing the initial stamp into the main clause avoids listing a single item.

**Purpose, Subdivision (b):** To generalize methods of communication.

**Necessity, Subdivision (a):** To efficiently inform the applicant that the application is filed as complete. Filing begins the limited period of review under the Permit Streamlining Act. (Gov. Code, § 65920 et. seq.)

**Section 13059**

**Purpose:** To generalize methods of distributing the staff report, to express the practice of posting the full report to the website, and to communicate it is available on the website.

**Necessity:** To increase efficiency. Currently staff reports are posted at least ten days before the meeting as part of the agenda. The website is a much more convenient source for retrieving the report than receiving a mailed copy. Reports are lengthy; they often run fifty pages or more. Additionally, exhibits and public correspondence are posted at the same time as the report. Exhibits are often important for understanding the project and its impacts, and public comments are of particular interest to Commissioners, many of whom serve local constituents as well as the state.

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**Section 13060, Subdivisions (a) and (b)**

**Purpose, Subdivision (a):** To allow the posting of comments to the commission website in lieu of sending directly to Commissioners.

**Necessity, Subdivision (a):** To increase the efficiency and convenience of access to public comments. The number of comments received on a given matter may be (and often is) voluminous. On the other hand, summaries can be too short, and it takes up staff time to create them. It is far easier for an individual Commission to find their material of interest on the website than to receive paper copies of comments or summaries for every item.

**Purpose, Subdivision (b):** To set a clear deadline for staff distribution of written comments on an agenda item.

**Necessity, Subdivision (b):** To aid transparency and certainty. Currently staff communicates a similar deadline based on feasibility. Staff needs time to post the comment, and if it is not feasible to do so, may distribute the comment by hand at the meeting or request that the commenter do so. Establishing a clear deadline in the regulation will help ensure that late commenters take responsibility for distribution without argument. To ensure all comments are communicated, the Executive Director also reports on late comments. (Subd. (c).)

**Reference Note:** Add Section 30325 [written comments be submitted by mail or delivered to a commission office, with the option of delivering to the hearing].

**Section 13063, Subdivision (a), (a)(4), and (a)(6)**

**Purpose, Subdivision (a), (a)(4), and (a)(6):** To generalize methods of notice of a permit hearing and communicate that staff reports are available on the commission website.

**Necessity, Subdivision (a), (a)(4), and (a)(6):** To increase efficiency in reaching those affected by a hearing on a matter. For example, assuming an applicant supplies an e-mail address, the applicant would receive the notice of the application hearing more quickly. Some interested persons may only have supplied an e-mail address and are not otherwise reachable. The proposed amendment to (a)(4) is necessary because the procedures for hearings are lengthy, complicated, and subject to change according to the particular item. It is simpler and more effective to send the link to the particular agenda item. The proposed amendment to (a)(6) is necessary to provide where the recipient can find the related staff report.

**Section 13066, Subdivisions (a) and (b), (b)-(g), and Reference Note**

**Purpose, Subdivision (a):** To conform to current practice, set a logical order of speakers without ascribing positions in advance, and reorganize accordingly.

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**Necessity, Subdivision (a):** The deletion of the lead clauses in (b) and (b)(1) is necessary to clarify there is one proceeding and it is all public. Adding elected officials and allowing them to speak ahead of public commenters is necessary to include a routine courtesy that acknowledges their special expertise or concern on a matter affecting their constituents. Deleting the presumed stances is necessary for accuracy. For example, the applicant may or may not support the staff recommendation, a public official may or may not support the project, there may or may not be clear opponents, and an interested person may propose other views, such as altering the conditions of approval.

**Purpose, [proposed] Subdivision (b):** To remove an obsolete reference.

**Necessity, [proposed] Subdivision (b):** For accuracy. The referenced provision has been repealed. In 1991, Section 30333.1 was amended to remove the original language to establish rebuttal procedures via regulation (Sher, AB 1270). In 2006, the statute was further amended to simplify and remove the subdivisions (Comm. on Natural Res. & Water, SB 1843). As allowed by Robert's Rules of Order, adopted by the Commission for its procedures (see § 13023), the chair has discretion to decide to allow rebuttal testimony as she or he sees fit. See Exhibit C, Robert's Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, p. 42 [chair's main duties].)

**Subdivisions (a)-(g), Organizational:** Subdivisions (a) and (b)(1) are combined to make one ordered list of speakers. All subdivisions are re-lettered in accordance with the usual format (1)(a)(i)(A), (2)(b)(ii)(B), etc. A "who" is added to proposed (a)(1) to set off the clause describing the Executive Director presentation. Organizational and syntactical changes are nonsubstantive.

**Reference Note:** Delete Section 30333 [general rulemaking.powers], as no provision is implemented, interpreted, or made specific. Add Section 30325 [acceptance of written comments] and Section 11125.7 of the Government Code [receipt of public comment at hearings].

**Section 13067 and Reference Note**

**Purpose:** To add the chairperson's authority to establish time limits for speakers.

**Necessity:** To clarify existing practice. The chair may independently set time limits for speakers, without the need of majority vote or concurrence by Commission members. Regulation section 13023 prescribes that hearings be conducted according to Robert's Rules of Order. Those procedures support that the chair, as presiding officer, runs the meeting. See Exhibit C, Robert's Rules of Order Newly Revised (11th ed. 2011) ch. 4, § 9, pp. 96-97 [chair may set time and relevancy limits on public comment].)

**Reference Note:** Delete Section 30333 [general rulemaking.powers], as no provision is implemented, interpreted, or made specific. Add Section 30320 [reasonable restrictions on public comment are allowed as long as procedures are fair].

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**Section 13073 and Reference Note**

**Purpose:** To establish that the Permit Streamlining Act may affect an applicant's ability to postpone a hearing on a coastal development permit.

**Necessity:** To notify applicants and the public of statutory authority that can override the Commission regulation. Deadlines in the Permit Streamlining Act (PSA) (Gov. Code, § 65920 et. seq.) take precedence over the applicant's right to postpone under the regulation. The PSA generally sets a 180-day deadline for Commission approval or denial once an application for a permit is filed, and allows one 90-day extension by mutual agreement between the Commission and the applicant. No further extensions are allowed. Therefore, the Commission cannot grant a postponement beyond expiration of the particular PSA deadline.

**Reference Note:** Add Section 65952 of the Government Code [180 days to consider an application] and Section 65957 of the Government Code [deadline may be extended once by mutual agreement].

**Section 13094, Subdivisions (a) and (c)**

**Purpose, Subdivision (a):** To establish a common procedure consistently across the regulations.

**Necessity, Subdivision (a):** To clarify existing practice and add notice to the public of a common, but quick-moving, procedure. In practice, the chair checks for consent by asking if there are any objections to unanimous concurrence, briefly allowing a Commissioner or Commissioners to object. If there is an objection, the chair then proceeds to a roll call vote. Section 30333.1 encourages that procedures in regulations be as simple and expeditious as practicable. Additionally, the Commission relies on Robert's Rules of Order. (§ 13023.) The rules support that the chair, as presiding officer, runs the meeting, and also support efficient vehicles for securing a non-controversial vote. See Exhibit C, Robert's Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, p. 42 [chair puts the question to a vote ] *ibid.*, pp. 54-56 [adoption of a motion by unanimous consent].)

**Purpose, Subdivision (c):** To establish when an action is final.

**Necessity, Subdivision (c):** To clarify the moment of finality more generally than not being able to change a vote. Understanding finality is important to the parties and the public; for example, no further deliberations or objections would be entertained, and the action becomes final for purposes of litigation. See Exhibit C, Robert's Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, p. 42 [chair announces result of the vote].)

**Section 13102**

**Purpose:** To correct for current practice and align with other regulations.

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**Necessity:** For accuracy. Staff reports are not mailed to the public, unless an individual requests a staff report to be mailed and supplies postage. This is an unusual request, given the availability of staff reports on the commission website, and that interested persons receive separate notice of the hearing. (See §§ 13059, 13063 and accompanying proposed changes.) Thus, publication of the staff report is a more certain and clear deadline to allow substantial changes to conditions without having to remove the item from consent.

**Section 13107 and Reference Note**

**Purpose:** To generalize methods of communication to the permittee and to correct a cross-reference.

**Necessity:** To increase efficiency and efficacy. Suspension due to a credible revocation request is an extremely serious matter, and the permittee should be informed of the suspension as soon as feasible, especially given that a revocation request can be made months or even years after issuance of the permit. The addition is also necessary for alternative communication should mailing to the address in the permit application fail. Deletion of Section 30823 from the cross reference to penalty provisions is necessary as the statute does not apply. Section 30823 does not address the imposition of penalties but sets how penalty funds may be used.

**Reference Note:** Delete Section 30333 [general rulemaking powers]. Add Section 30620 [refers to revocation generally]. Sections 30620 through 30622 [penalties may be imposed for certain violations].

**Section 13110, Subdivisions (a) and (b)**

**Purpose, Subdivision (a) (new):** To describe the scope of the subchapter.

**Necessity, Subdivision (a)(new):** To clarify which matters are affected by the subsequent regulations. Sections in the subchapter solely address appeals made after a local coastal program is certified. (§ 30603.) Other kinds of appeals (pre-certification, administrative) are addressed in other parts of the regulations.

**Purpose, Subdivision (b) (reorganized):** To clarify that the Executive Director finds a Final Local Action Notice (FLAN) to be legally adequate before accepting it, to notify the public that FLANs are posted to the Commission website, and delete the requirement for physical posting.

**Necessity, Subdivision (b) (reorganized):** The amendments are necessary to establish the actions that set up an appeals period for certain local coastal development approvals. First, adding the cross-reference to Section 13571 is necessary because it increases notice to local government and the public of the requirements for the Executive Director to accept a FLAN. For example, the content must include the conditions of approval. Adding the requirement to post FLANs to the Commission website is necessary to express a current practice and help provide

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notice that the public may access FLANs in a convenient manner. Adding that (paper) FLANs shall be made available on request, regardless of the location of the local approval, is necessary to align with practices in the Public Records Act. The Commission may direct particular requests to certain staff, but all offices accept requests. The additions in combination render physical posting redundant. The deletion of physical posting is necessary to relieve staff from an exercise that is not effective in reaching anyone except the most curious members of the public.

The deletion of mailing all FLANs to all Commissioners is necessary because posting makes it redundant, and because mailing is a slow process that shortens the limited time available for deciding whether to appeal a local action. Additionally it has become impracticable to mail notice of every appealable action to all Commissioners. For example, on August 9, 2018, twenty-nine local approvals were eligible for appeal. (See Exhibit A.) The posting of FLANs is organized by district, further enabling a Commissioner or an interested person to see approvals issued by his or her local government.

The addition of “legally adequate” in the last sentence is necessary to clarify an appeal period does not begin until the Executive Director finds a FLAN to be legally adequate. (See § 13572 [when local actions become effective].) While it is rare for the Executive Director to reject a FLAN as inadequate, it has happened, and it is important for interested persons to be aware that rejection is possibility. Rejection delays the opportunity to appeal, perhaps indefinitely.

**Section 13111, Subdivisions (a), (c), and (d) and Reference Note**

**Purpose, Subdivision (a), generally:** To specify, correct, and add important information requirements to appeals so that appellants file appeals that are valid.

**Necessity, Subdivision (a), generally:** For efficiency and transparency. Significant staff resources can be expended on appeals where the grounds are not valid, or where it is not clear that the appellant has exhausted appeals at the local level. Although few appeals qualify as “frivolous,” (§ 30620(d)), the amendment makes it easier for staff to have the information necessary to make that assessment. Staff still has the burden of demonstrating to the appellant that while an appeal may be seriously intended and detailed, it lacks the proper grounds; or in the situation of unknown exhaustion, staff must investigate whether each appellant has raised objections at the local level.

**Purpose, Subdivision (a)(6):** To maximize notice of an appeal hearing by allowing the appellant to list e-mail addresses of interested persons.

**Necessity, Subdivision (a)(6):** To ensure the appellant’s list of interested persons is as complete as possible. The Executive Director has a responsibility to notify all interested persons of the relevant hearing. (§ 13063.) Many persons do not supply mailing addresses but may nevertheless send a written comment on appealable development to the local government.

**Purpose, Subdivision (a)(7) (new):** to require information on appeal forms of how the appellant and any co-appellants qualify as aggrieved persons.

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**Necessity Subdivision (a)(7) (new):** The Coastal Act allows appeals by the applicant, “any aggrieved person,” and two Commissioners. (§ 30625(a).) An aggrieved person must either appear at a local hearing, supply written comments or otherwise inform the local government, or provide good cause on why comments were not communicated. (§ 30801, ¶ 2.) The amendment is necessary because although the current regulation describes an aggrieved person as one who has exhausted local appeals, it does not require potential appellants to explain how they participated at the local hearing, and appellants often fail to do so. The lack of information often means staff must engage in a separate inquiry, and when discovering the appellant has failed to exhaust, must reject the appeal.

**Existing Subdivisions (a)(7) – (a)(9)** to be renumbered as (a)(8)-(a)(10) to reflect the above addition. Renumbering is a nonsubstantive change.

**Purpose, Subdivision (a)(8) (reorganized):** To refer potential appellants to the allowed grounds for appeal set by the Coastal Act. (§ 30603(b).)

**Necessity, Subdivision (a)(8) (reorganized):** To ensure appellants appeal based on proper grounds. Potential appellants frequently seek to protest a local action on grounds irrelevant to the Coastal Act or beyond the Commission’s jurisdiction, such as an alleged lack of CEQA or Mello Act compliance on the part of the local government. Referencing the Public Resources Code provision will help ensure potential appellants are aware of the grounds and may help prevent improper or frivolous appeals.

**Purpose, Subdivision (a)(9) (reorganized):** To clarify all requirements listed in (a)(1) – (a)(10) must be met.

**Necessity, Subdivision (a)(9) (reorganized):** To ensure applicants fill out the form completely and allow staff to process the appeal efficiently.

**Purpose, Subdivision (a)(10) (reorganized):** To correct terminology and clarify each issue must be summarized.

**Necessity, Subdivision (a)(10) (reorganized):** For accuracy and consistency, and to ensure appeals are complete. The phrase “significant question” does not appear in the Coastal Act. The standard of review for these appeals as whether a “substantial issue” exists in regards to the applicable local coastal plan. (§ 30625(b)(2).) Adding “each” is a syntactical change that clarifies each issue should be summarized.

**Purpose, Subdivision (c):** To specify the close of business, accurately specify when an appeal begins, and allow e-mail communication of an appeal as a backup to mailing.

**Necessity, Subdivision (c):** To make clear the beginning and end of the appeals period, and prevent a harsh result in which an appellant has mailed the appeal on time but it has not been received. Stating 5 p.m. as the close of business makes the governing statute specific (§ 30603(c)) and is necessary to establish a clear and firm deadline. Replacing “of the permit decision” with a cross-reference is necessary because the existing provision is vague and

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inaccurate. The Executive Director not making a permit decision, but a decision whether the Final Local Action Notice (FLAN) is adequate to launch the appeals period. (See proposed § 13110.)

The addition of the e-mail option is necessary to prevent rejection of an otherwise valid appeal based on a technicality-- the receipt of the paper document after the ten working day period has expired, although it is postmarked within the period. Electronic notification further aids the district office to quickly address the appeal, which is often a matter of importance and in itself is subject to strict deadlines.

**Purpose, Subdivision (d) (repeal):** To relieve the appellant of a task that he or she may not have the full knowledge to carry out and statutorily does not have the responsibility to carry out.

**Necessity, Subdivision (d) (repeal):** For efficacy and certainty, and to conform to current practice. A core Commission duty is providing notice of Commission actions (e.g., § 30339(b)), and that duty is one of the many delegated to the Executive Director (see § 30335). Existing regulations require the Executive Director to provide notice of meetings, hearings, and the effect of the appeal. (§§ 13015, 13063, 13112.) While the appellant is responsible for supplying contact information for interested persons on a given matter (via Subdivision (a)); the Executive Director likely knows of a wider scope of interested persons in a given geographical area. The existing requirement for appellants to provide notice is largely redundant. In practice, the Executive Director provides notices of a valid appeal to the applicant, local government, and interested persons. (See also proposed changes, § 13112.) Executive Director notice also ensures maximum public participation by ensuring the creation and use of a single, complete list of interested persons. (§ 30006).

The clause allowing dismissal of the appeal for the appellant's unwarranted failure to notify is necessary to repeal as it is unreasonably harsh. There is no statutory authority to support dismissal of the appeal on those grounds. Further, "unwarranted" is vague, requiring an inquiry into the state of mind of the appellant.

**Purpose, Subdivision (d) (new):** To describe all procedures that may take place when an appeal is received, including when valid appeals are filed.

**Necessity, Subdivision (d) (new):** To aid transparency and understanding of the appeals process. Absent a waiver by the applicant, filing an appeal begins a 49-working day period during which the Commission must determine if the appeal raises a substantial issue. (§ 30621(a); see also *Coronado Yacht Club v. California Coastal Com.* (1993) 13 Cal.App.4th 860, 871 [where substantial issue is found, the de novo hearing may be continued beyond the [then] 49 day period].) Adding subdivisions (d)(1) and (d)(2) provides supplemental notice of statutory language. The Executive Director may reject a frivolous appeal (§ 30620(d)), and has time to consider that determination, after which a valid appeal will be filed or a rejected appellant may pay the required fee. (§ 30621(b).) Supplemental notice ensures that all potential treatment of appeals is easily found in the regulations, especially as statutory language is scattered in the

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Coastal Act. The addition of subdivision (d)(iii) is necessary to make explicit that Commission or agency appeals are filed on receipt without need for a frivolous determination.

**Reference Note:** Add Sections 30339 [notice the responsibility of the Commission], 30621 [procedures for filing appeals], and 30801[definition of an aggrieved person]. Substitute subdivision (d) of Section 30620 for (e). Subdivision (d) addresses the frivolous appeal process, and subdivision (e) no longer exists.

**Section 13112**

**Purpose:** To establish that the Executive Director sends one consistent notice of an appeal and its effect to all parties, specify contact information among the materials the local government must supply, specify it is a coastal development permit approval being suspended, and make nonsubstantive format and syntactical changes.

**Necessity:** For efficiency, efficacy, and consistency. Existing language requires the Executive Director to notify the applicant and the local government that the permit action is stayed. Adding interested persons to those notified completes the shifting of that notice of the appeal from the appellant to the Executive Director. (See proposed repeal of § 13111(d) and discussion.) Interested persons should receive the same content at the same time as the local government and the applicant. Additionally, recipients will likely pay more attention to a notice from the Commission than a notice from an appellant that has no particular requirements.

Describing the methods of notice is necessary to provide options for e-mail, especially where interested persons are known only by their e-mail addresses. Adding “coastal” to “development applications” is necessary to specify the exact permit being stayed, and the addition of “the” clarifies there is only one permit at issue at a given time.

The amendment specifying contact information for interested persons be received from the local government is necessary to emphasize that the information is an essential part of the submission of all relevant materials, as currently required. Contact information helps ensure the Executive Director’s list of interested persons is as accurate and complete as feasible, creating the “widest opportunity” for public participation in coastal planning. (See § 30006.)

The deletion of the subdivision mark (a) is an organizational change that is nonsubstantive.

**Reference Note:** Add Section 30006 [encouraging the widest opportunity for public participation in Coastal Act matters].

**Prescriptive Note**

The amendments would consolidate notices of appeals, and require that the Executive Director notify interested persons of the appeal, shifting that task from the appellant to the Executive Director. No alternatives were considered, as no feasible alternatives would be as effective.

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**Section 13115, Subdivisions (a) and (b), (c), and (d), and Reference Note**

**Purpose, Subdivisions (a) and (b):** To correct terminology.

**Necessity, Subdivisions (a) and (b):** For accuracy and consistency. The phrase “significant question” does not appear in the Coastal Act. The standard of review for these appeals as whether a “substantial issue” exists in regards to the applicable local coastal plan. (§ 30625(b)(2).)

**Purpose, Subdivision (c)(new):** To express considerations commonly used by staff in recommending, and by the Commission in deciding, whether an appeal raises a substantial issue.

**Necessity, Subdivision (c)(new):** To provide notice of what the Commission considers at the first stage of the appeal. Case law supports use of the factors. (See *Hines v. California Coastal Commission* (2010) 186 Cal.App.4th 830.)

The addition of Commission discretion in assigning weight to particular factors is necessary to express that factors’ usefulness varies with the circumstances. For example, it is not uncommon for a mixed array of factors to support a finding of substantial issue, as the Coastal Act creates a presumption that the Commission will take the appeal. (§ 30625(b) [Commission “shall” hear an appeal except where no substantial issue exists].) On the other hand, a single factor such as the lack of impacts to coastal resources or lack of regional effect may overwhelmingly support a finding of no substantial issue.

**Existing subdivision (c) is relabeled as (d),** a nonsubstantive format adjustment.

**Reference Note:** Delete Section 30621, which addresses the de novo hearing (the second stage of the appeal) and is not relevant. Add the citation for *Hines*, the case that upheld the Commission’s use of the five factors to help determine whether no substantial issue exists regarding the appeal.

**Section 13117 and Reference Note.**

**Purpose:** To clarify who may testify at the substantial issue stage of an appeal, specify the correct stage of the appeal, and make other minor corrections.

**Necessity:** For accuracy and to express current practice. Including the appellant as a distinct party is necessary because not everyone who opposed the application at the local level becomes an appellant. The parenthetical “(or their representatives)” is necessary to delete because any party, such as the applicant, may and often does rely on a representative to testify. Not only is it unnecessary to express the law of agency in a regulation, the existing qualification can be interpreted to mean that only those in opposition may use representatives, which is inaccurate.

Replacing “the substantial issue” stage for “any” stage is necessary to correct the implication that only certain persons may testify at both stages. During the substantial issue hearing, the

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Commission may only consider those issues raised on appeal. (See § 30625(b).) As a result, testimony is limited. However, once the Commission has found a substantial issue exists, it takes jurisdiction over the application and the de novo hearing may take place. As a new hearing on an application, anyone may testify on any aspect of the proposed development. (See § 13115(b), referring to regular application procedures for de novo hearings.)

Deleting the cross-reference to Section 13061 is necessary because the regulation is repealed.

**Reference Note:** Delete Section 30620.6 [no provision to implement]. Add Section 30625 [“substantial issue” phase of an appeal is limited to issues raised by appellants].

**Section 13139, Subdivisions (a) and (d), Authority and Reference Note.**

**Purpose, Subdivisions (a) and (d):** To provide robust information in emergency permit applications.

**Necessity, Subdivisions (a) and (d):** To help demonstrate the existence and scope of the emergency that the development is proposed to address. Commission staff must exercise judgment under pressure when deciding if an emergency permit or waiver is appropriate to issue. Emergency work frequently creates considerable impacts on coastal resources, impacts that may become permanent via the follow-up permit, or if no permit is pursued, impacts that become unpermitted and subject to enforcement action. Generally, the more information offered in an emergency permit application, the better. Photographs supply visual evidence that enables a quick grasp of the situation on the ground. Development plans (architectural, engineering, or other plans as appropriate) are crucial for ensuring that the scale of the work matches what is immediately necessary to resolve the emergency. Plans also help demonstrate the scale of approved development in comparison to what was completed, for a follow-up permit or potential enforcement action.

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Section 30611 [requirements for waiver in cases of emergency.]

**Section 13142, Subdivision (c)**

**Purpose, Leading Clause:** To correct the characterization of the governing statute.

**Necessity:** For accuracy. Section 30624 allows, rather than requires, the issuance of an emergency permit according to regulatory provisions. Issuance is a matter of discretion by the Executive Director.

**Purpose, Subdivision (c):** To make explicit the scope of the allowed work.

**Necessity, Subdivision (c):** To express approval is granted only for what is truly needed to address the emergency. An emergency is defined as a “sudden ” “unexpected” occurrence requiring immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. (§ 13009; see also § 13329 [local government emergency].) The

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Coastal Act does not define “emergency” but uses similar, customary terms. (See, e.g., §§ 30600(e) [immediate work necessary to protect life and property] and 30611 [protect life and public property from imminent danger].) Making the scope explicit supports the Executive Director’s discretion to limit work to what is necessary, and to the extent feasible, ensuring that the work avoids and minimizes impacts to coastal resources.

**Section 13143, Subdivisions (a), (b), and (c)**

**Purpose, Subdivision (a):** To conform to current practice and to generalize notification to interested persons.

**Necessity, Subdivision (a):** To accurately describe the timing of reports regarding emergency permits and to maximize notice. Emergency permits (as well as waivers) are reported by each district’s deputy director as part of that director’s report, which is posted and otherwise distributed at least a day before the meeting begins. The Commission concurs or objects to each report. The amendments are necessary to reflect the more timely communication of emergency actions, which is of value to the Commission as emergency work is done quickly. The addition of “as time allows” for the distribution of paper copies of the report is necessary because it may not be feasible to make paper copies in time, and it is simpler and more effective to update any information orally when the deputy director gives the report. Adding the requirement to post the reports is necessary to reflect current practice and encourage the widest possible distribution of the information. Generalizing the method of sending the reports to interested persons is necessary to help faster communication and helps ensure that interested persons receive the information (for example, when a neighbor is out of town but nonetheless receives an e-mail of the report).

Deleting the provision that the emergency permit reports be sent at the same time as regular permit staff reports is necessary because staff reports (which contain the described application summaries and staff recommendations) are sent and published at least ten days in advance of the meeting. (See § 13059.) Emergency permit announcements are part of deputy director reports, and to provide the latest information, those reports are not sent and published until just before the meeting.

**Purpose, Subdivision (b)(repeal):** To delete an obsolete provision.

**Necessity, Subdivision (b) (repeal):** Subdivision (b) is redundant in practice and will be redundant to proposed subdivision (a). A clause in subdivision (a) requires publication of all emergency permit reports since the last report to the Commission. All emergency permits to date are published and briefly described at the hearing, whether issued before or after the agenda mailing.

**Subdivision (c):** The replacement of (b) for (c) in subdivision formatting is an organizational change that is nonsubstantive.

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**Section 13150, Title and Subdivision (b).**

**Purpose, Title:** To specify the scope of the regulation.

**Necessity, Title:** To clarify the regulation is for administrative permits, not regular coastal development permits that are subject to wider requirements.

**Purpose, Subdivision (b):** To delete an unnecessary and confusing qualification.

**Necessity, Subdivision (b):** For accuracy and simplicity. The reference to regulation section 13158 is not effective, as the word “resolution” does not currently appear in the text. Section 13156 does contain the word “resolution” but the effect of the cross-reference is not accurate. Subdivision (d) of section 13156 includes among permit contents “standard provisions as shall have been approved by resolution of the commission[.]” The current provision in section 13150 implies that the Executive Director determines standard conditions (provisions) in lieu of the Commission, which is incorrect. While the Executive Director may adjust standard conditions for a particular permit if necessary, the Commission adopts the default language. Additionally, the Commission concurs with all standard and special conditions for each administrative permit.

**Section 13151.**

**Purpose:** To generalize methods of communication to the applicant.

**Necessity:** To enable the Executive Director to reach the applicant more quickly and more effectively via e-mail or other reasonable means for an important notification. Rejecting a permit application as administrative means the applicant may proceed only with a regular permit application, which is more expensive and requires more intensive review.

**Section 13153.**

**Purpose:** To express the posting of executive director reports for administrative permits, to generalize how the reports are sent to interested persons, and to clarify the deadline for notification.

**Necessity:** To provide notice that administrative permit reports are available on the Commission website, which is a convenient way to access the report. Allowing for other methods of notification to interested persons maximizes their opportunity to participate. Substituting “at least ten days before” for “the time of regular mailing” is necessary for clarity and to avoid the use of jargon. “Regular mailing” is a staff term, and particular dates are not apparent without staff

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production schedules.

**Reference Note:** Add Section 11125 of the Government Code [agenda items must be posted at least ten days in advance of the meeting].

**Section 13156, Title, Subdivisions (a), (c), and (d).**

**Purpose, Title and Subdivision (a):** To specify which type of permit and describe the content of coastal development permits according to current practice.

**Necessity, Title and Subdivision (a):** For efficiency and accuracy. Existing language requiring the rationale is impracticable and unnecessary. Findings and related material for an individual permit are contained in staff reports that usually run dozens of pages and may run hundreds of pages long. The rationale is freely available to interested persons (and the applicant likely cares much more that the permit was approved than why). Staff reports, as well as exhibits and potentially relevant correspondence, are available on the commission website permanently once published with the agenda, and all public records are available as required by the Public Records Act. Additionally, video recordings of the permit hearing are available through the commission website. Where the Commission makes major changes that differ from the staff's initial recommendation, staff also publishes revised findings in a subsequent report.

The substitution of a brief project description (as approved), the permit number, and date of approval are necessary as a quick reference and to separate the particular permit from the hundreds issued every year. Adding the date of expiration is necessary to prevent a common problem. Ordinarily, in order for the permit to vest, development must occur within two years from the date of Commission approval. Unfortunately, holders of permits frequently misunderstand and underestimate when the permit will expire, for example, assuming the two year period starts with issuance of the permit, rather than with Commission approval. As a result a permittee may miss the deadline to apply for an extension. Including the exact date of expiration clearly on the permit would help prevent unintended expiration and the associated costs of re-application and processing.

**Purpose, Subdivisions (c) and (d):** Use clear, unequivocal language.

**Necessity, Subdivision (c) and (d):** Substituting “all” rather than the looser terms “any” and “such” in subdivisions (c) and (d) are necessary to help ensure the permit expresses all applicable conditions, and to prevent misinterpretations later if a condition is inadvertently left out.

**Section 13163.**

**Purpose:** To make minor corrections and to require that a dispute over the contents of permits be supported by evidence in writing.

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**Necessity:** To more concretely describe what is already necessary for the Executive Director, and perhaps in turn the Commission, to resolve the dispute: namely, a good faith belief by the applicant with supporting evidence that can be readily shared. A “feeling” or a bald disagreement is not sufficient to inform the Executive Director of the basis for the dispute, causing delay and the consumption of staff resources as the details are sought.

Requiring supporting facts and documentation is necessary to supply substantial evidence. All Commission decisions, controversial or not, require substantial evidence. (See § 13065 [relevant evidence accepted]; Cal. Code of Civil Proc., § 1094.5 [administrative mandate based on the record].)

The deletion of (a) in the formatting is an organizational correction that is nonsubstantive.

**Reference Note:** Specify Section 30607 [Commission may set reasonable terms and conditions for permits] to replace Section 30333 [general rulemaking powers], and change the format accordingly.

**Section 13165, Subdivision (a), Authority and Reference Note**

**Purpose:** To establish that immaterial amendments are available for administrative permits.

**Necessity:** To expedite approval of very minor development. Although administrative permits have fewer processes than regular permits, immaterial amendments are far simpler. They are allowed for regular permits when there is no potential for adverse impacts on coastal resources or on public access. (See § 13166(b), available in Express Terms.) Without the expression of immaterial amendments as an option, existing subdivision (a) in Section 13165 implies the Executive Director should always use the full administrative permit process to approve an amendment (or leaves the question ambiguous due to the “may” language). However, the Coastal Act is silent about amendments to administrative permits, leaving it as a regulatory decision. (See § 30624 [calling for regulations to permit certain non-emergency development].) Rather than a rigid scheme, administrative permits should align with the more flexible approaches offered for amendments to regular permits, so when merited, a more efficient process may be used. The cross-reference is necessary to incorporate the requirements for an immaterial amendment.

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Section 30600 [general requirements for a coastal development permit] and Section 30624 [“certain nonemergency developments” that qualify for an administrative permit].

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**Section 13166.**

**Purpose:** Section 13166 is proposed to be amended for a gender-neutral term and a make a grammatical correction.

**Necessity:** The amendment changing from “he” to “applicant” in subdivision (a) is necessary for accuracy. The term “applicant” is not only gender-neutral but encompasses all types of applicants, including couples, multiple landowners, or business entities; thus the term “applicant” is more accurate and simpler than he/she/they/it. The replacement of “that” for “which” in subdivision (b) is necessary to correct a grammatical error. Syntactical corrections are nonsubstantive.

**Reference Note:** Add Section 30607 [Commission to impose reasonable terms and conditions on permits in order to ensure compliance with the Coastal Act]. The statute supports existing language in subdivision (a), requiring the Executive Director to reject proposed amendments that would lessen or avoid a permit’s approval or conditions, except when information was not available at the time of approval.

**Section 13169, Subdivisions (b) and (d)(i).**

**Purpose, Subdivision (b):** To generalize methods of notice to interested persons.

**Necessity, Subdivision (b):** To increase efficiency and efficacy. Interested persons may communicate only by e-mail or may not be available at their mailing addresses. The second amendment to substitute “transmittal” for “mailing” is necessary to be consistent with the first change.

**Purpose, Subdivision (d)(i):** Complete the reference to Subchapter 1, and replace a vague provision with the precise requirement.

**Necessity, Subdivision (d)(i):** To clarify the subchapter is part of Chapter 5 [permit hearing procedures], given there are multiple Subchapter 1’s in the regulations. The next amendment is necessary to avoid arguments about its meaning. The intent of the provision is to provide relief to an applicant where the Commission has denied an extension due to changed circumstances—in other words, the originally-permitted development has new or newly discovered impacts that must be evaluated before the permit may be extended. The relief consists of skipping the formal application process and its potential delays. However, “otherwise provided in the preceding sentence” is susceptible to arguments. It necessarily refers to the payment of the application fee for the changed development, as that is the only duty for the applicant described in the previous sentence, but given the expense, applicants have argued that no fee is required and that the clause

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must mean something else. Whether a formal application or “information necessary” to evaluate changed development, the Commission is entitled to reimbursement of reasonable costs. (See § 30620(c).) All evaluations require a fee for processing. (See § 13055 [fee schedule].)

**Reference Note:** Add Section 30620 [reasonable application expenses to be reimbursed]..

**Section 13170, Subdivision (a) and (a)(3).**

**Purpose, Subdivision (a):** To provide options for formally transferring a permit to a new landowner, and to delete a requirement to supply the original permit to staff.

**Necessity, Subdivision (a):** To encourage a process that is largely ignored but important to the Commission by making it simpler and easier to execute. Unless the new landowner desires a permit amendment, there is little motivation to correct the Commission’s permit record. A more convenient process would encourage the new permit holder to communicate the fact of the transfer to the Commission in a timely manner. Notaries are widely available, inexpensive, and perform the main task of affirming identity without requiring the new owner to undergo the formalities, such as swearing under oath, of an affidavit.

**Purpose, Subdivision (a)(3) (repeal):** To remove a redundant provision that may be difficult for the new permittee to execute.

**Necessity, Subdivision (a)(3) (repeal):** To expedite the process of communicating a transfer. Although a new permittee ideally has the coastal development permit in hand, the previous owner may not have supplied it for a whole host of reasons, including that many permits are decades old and exist only on paper. Staff not only has access to permits but must retrieve the permit file from Commission records in order to update the landowner/ permittee information. In the case of historical permits or other complications, the deletion does not affect staff’s ability ask the new permittee for more information or conduct other research.

**Section 13172, Authority and Reference Note.**

**Purpose:** To clarify a violation of a term, condition or provision of a permit is equivalent to violating the permit as a whole, and that a violation may occur through active or passive means. A further amendment would replace “shall” with “may” regarding case referrals to the Attorney General.

**Necessity:** To express a clear, unequivocal standard for enforcement actions, which by nature are contentious and often litigious. Violations include activities “inconsistent” with a permit. (§§ 30809, 30810.) Many permit conditions require affirmative duties, such as the submission of monitoring reports to the Executive Director, so that failure to comply with those requirements constitutes a violation. It is nonsensical to argue such conditions are not enforceable, but alleged

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violators sometimes try to make that argument in hopes of somehow convincing staff that an enforcement action should not be initiated.

Changing “shall” to “may” is necessary to conform to current practice. Commission staff investigates hundreds of claims a year, and even when a violation is determined, most are resolved by staff or the Commission without need for litigation. Referring all potential violations to the Attorney General is a remnant from the early years of the Commission. This regulation was last amended in 1977, before the Legislature authorized the Commission to take administrative enforcement action with the passage of Sections 30809, 30810, and 30811. (Stats. 1991, Ch. 761; *ibid*; Ch. 955, Stats. 1992; respectively.)

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Sections 30809 and 30810 [Executive Director and Commission cease and desist orders].

**Section 13181, Subdivision (a).**

**Purpose, Subdivision (a):** To ensure the provision accurately reflects the law and existing practice, and functions as comprehensive notice to an alleged violator of the process.

**Necessity, Subdivision (a):** The first amendment is necessary to correct that the initiation of a cease and desist order proceeding is discretionary, not mandatory. Under the statutes, the Executive Director or the Commission “may” issue an order. (§§ 30809, 30810.) It follows that the decision to launch a proceeding is also discretionary. Thus, “shall” is inappropriate in the regulation, and moreover, “shall” cuts off the opportunity to resolve the violation informally before issuance of an order. Most alleged violations are resolved without the issuance of a formal cease and desist order.

The next amendments are necessary because they clarify when the formal process begins, and clarify that failures to act and threats to violate may constitute an “activity” under the Coastal Act that can result in a violation. (See §§ 30809 and 30810 [activity that is inconsistent with a permit may constitute a violation].)

The next amendment is necessary to allow staff to proceed when the alleged violator has waived the right to receive the notice of intent. Many investigations are lengthy and involve sophisticated parties; hence the waiver may be convenient. Specifying the “person” is necessary to emphasize that only the alleged violator may waive the right.

The next amendment is necessary to clarify that the Executive Director may include the notice of intent to issue an order within an order or separately. “May” is simply more accurate, as the Executive Director has choices for transmission of the notice of intent. The next amendments regarding methods of notice are necessary for efficiency and efficacy. Alleged violators have been known to simply not open the mail or refuse to accept certified mail, requiring follow-up efforts that can be wasteful of staff resources.

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Requiring that the deadline for return of the Statement of Defense be stated in the notice is necessary to help ensure the alleged violator understands the deadline and that staff receives the statement in a timely manner.

**Section 13182.**

**Purpose:** To ensure efficient and effective distribution of notices for cease and desist order hearings.

**Necessity:** To allow the option of electronic communication, adding speed and certainty to the communication process; to clarify that mailed notice is sent to the last known address of both the alleged violators and interested persons; and to require that recipients, including the alleged violator, consent to electronic communication for an adjudicatory matter. The deletion of “initial” before “hearing” is necessary to correct the impression that more than one hearing is necessary for the Commission to decide whether to issue a cease and desist order. The clause dates from when the Commission held meetings twice a month.

Deleting the clause allowing staff to skip sending a possibly redundant notice of the hearing to the alleged violator is necessary to ensure due process. Notice of the hearing may be issued months after the notice of intent is sent. Given the sensitivity of the matter involved and the relatively low expense of noticing, redundancy is a poor reason to not issue a second notice. The second notice would help ensure the alleged violator is in fact aware the hearing is taking place, and encourage the alleged violator’s presence at the hearing that may affect development rights.

**Section 13183 and Reference Note.**

**Purpose:** To ensure publication of a proposed cease and desist order to the commission website at the same time the agenda item is posted.

**Necessity:** To express current practice, support due process, and maximize participation by the alleged violator and interested persons. In essence, a proposed order is a staff recommendation presented for the Commission’s consideration and potential adoption. An order can be lengthy and filled with legal terms. Publication with the agenda item for the hearing ensures there is ample time to understand the contents. Because it is a quasi-adjudicative proceeding that may result in large fines, the Commission’s duty to ensure fairness and due process is of special importance. (See, e.g., § 30320(b) [due process an essential element of good government].)

**Reference Note:** Add Section 11125 of the Government Code [agendas to be posted to agency websites at least ten days before the meeting].

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**Section 13184.**

**Purpose:** To correct syntax, conform to current practice, and make the provision consistent with Section 13059 (existing or as proposed).

**Necessity:** Pluralizing “person” is necessary to reflect there may be more than one interested person for the matter. Deleting the reference to “application summaries” is necessary because application summaries are no longer distributed separately. Staff reports, which are distributed according Section 13059, contain an executive summary of the report, as well as detailed project descriptions as proposed by the applicant. The resulting reference to Section 13059 by itself is sufficient.

**Section 13185, Subdivisions (d) and (f).**

**Purpose, Subdivision (d):** To remove unnecessary qualifications and restrictions, fix an inadvertent loophole, and correct for organization, syntax, and grammar. Removing the loophole is meant to prevent an alleged violator from adding information at the hearing that was available at the time of submitting the Statement of Defense.

**Necessity, Subdivision (d):** Deleting “or its representative” is necessary because any person at the hearing may use a representative. It is not necessary to express the law of agency in the regulation and potentially creates arguments that only the alleged violator may do so. Changing “which” to “that” is a nonsubstantive grammatical correction.

Amending the provision regarding the presentation of evidence is necessary to correct a drafting error that alleged violators have exploited. The existing clause “presentation of evidence which could have been but was not set forth” in the form creates a loophole. In the initial (and adopted) statement of reasons for Rulemaking 92-0623-01, the purpose for the provision was stated as being “to provide an incentive to an alleged violator to provide full disclosure of all relevant information” in the Statement of Defense. (See Exhibit B.) However, the effect has been the reverse. Many alleged violators perceive (rightly or wrongly) that the Commission may be more open to compromise than staff, especially under the intense time pressure of a hearing, and thus they prefer to air information in the formal proceeding rather than offer full information on the Statement. As a result, the existing provision inappropriately favors a perfunctory response to staff and provides the proverbial “second bite at the apple” – motivating the alleged violator to wait for the Commission hearing to present “new” information. The stated consequence that was intended to incentivize full disclosure up front (giving the Commission the option to trail or continue the matter) does not actually provide a disincentive, and in fact the additional time may benefit the alleged violator and prejudice the result. The existing language is also an anomaly. By comparison, for example, Section 30627(b)(3) allows an applicant who applies for reconsideration of a permit decision to include relevant new evidence only when, in the exercise of due diligence, such information could not have been presented at the original hearing. Applications for amendments to existing permits are similarly subject to the applicant’s responsibility to supply all available information at the first opportunity (see § 13166(a)).

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Neither of these types of applicants should be subject to a stricter standard than an alleged violator.

Amending the provision regarding Commission actions after new information is presented is necessary to update for existing practice and remove a unnecessary procedure. Section 30810 does not require delay on the receipt of new information. It further does not make sense to use “shall” [be grounds] when the verb is followed by “in [the Commission’s] discretion.” Thus, “may” is proposed instead. Further edits are necessary to clarify the Commission has three options for continuance and to correct syntax. The deletion of “give staff an opportunity to review and respond” is to remove inappropriately narrow grounds for continuance. It may well be advantageous to give staff extra time, but the Commission may continue the matter to the next hearing at its discretion and for a variety of reasons, such as a sudden loss of a quorum. (See, e.g., § 30315(b) [action requires a quorum].)

**Purpose, Subdivision (f):** To ensure that the Commission may hear rebuttal points at a time when the assertions are fresh.

**Necessity, Subdivision (f):** To reflect current practice, which allows for timely rebuttal. Generally staff is given the opportunity to offer final comments before testimony is closed. (See § 13066(b)(3) [existing] or (c) [proposed].)

**Appendix A - Statement of Defense Form (Warning)**

**Note:** Appendix A, the Statement of Defense form, is appended to Subchapter 8 (cease and desist orders) but is also used for restoration orders (see § 13191(a)).

**Purpose:** To correct characterizations of the process, and better inform an alleged violator of potential consequences if the Statement is not offered.

**Necessity:** The amendments are necessary to prevent needless confusion and arguments. If an alleged violator fully understands the rights and consequences on receiving a Notice of Intent to issue an order, staff has a better chance of communicating the merits of the case and negotiating a settlement, avoiding the need for a Commission hearing or litigation.

Specifically, deleting “the” from “enforcement staff” is necessary as a correction. There are multiple staffs; enforcement officers serve in every district office. The second amendment to delete “(FURTHER)” is necessary as it is a clutter word and inaccurate. Whether from the Executive Director or from the Commission, the notice constitutes an administrative action – all subsequent actions are further actions. “Judicial” is necessary to replace “legal.” Enforcement actions are a type of legal action, regardless of whether they reach court. “Nevertheless be initialed [sic]” is necessary to delete because it inaccurate and potentially confusing. The notice

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itself initiates action against the alleged violator.

Additionally, although the proposed changes would strike it out, “INITIATED” is misprinted as “INITIALED.” The text for Rulemaking 92-0623-01 stated “INITIATED.” (Exhibit B.)

**Section 13191, Subdivision (a).**

**Purpose:** To ensure the provision accurately reflects the law and existing practice, and functions as comprehensive notice to an alleged violator of the process.

**Necessity:** The first amendment is necessary to correct that the initiation of a cease and desist order proceeding is discretionary, not mandatory. Under the statute, the Commission “may” issue an order. (§ 30811.) It follows that the decision to launch a proceeding is also discretionary. Thus, “shall” is inappropriate in the regulation, and moreover, “shall” cuts off the opportunity to resolve the violation informally before the hearing. Although (or because of) the power to initiate a proceeding, staff is able to resolve most restoration issues without a hearing.

The next amendments are necessary because they clarify when the formal process begins, and specify that the alleged violator may waive the right of a notice of the order. Many investigations are lengthy and involve sophisticated parties; hence the waiver may be convenient. Specifying the “person” is necessary to emphasize that only the alleged violator may waive the right to the hearing notice.

The next amendments are necessary to clarify that the Executive Director may include the notice of intent to issue an order within an order or separately. “May” is simply more accurate, as the Executive Director has choices for transmission of the notice of intent. The deletion of the reference to regulation Section 13075 is necessary because it is repealed. Further amendments allow for electronic transmittal of the notice or order containing the notice, and that the alleged violator’s acknowledgement of receipt of the notice or order may be communicated by any convenient means. The amendments are necessary for efficiency and efficacy. Alleged violators have been known to simply not open the mail or refuse to accept certified mail, requiring follow-up efforts that can be wasteful of staff resources. It should not be easy to avoid the notice of intent.

A final proposed amendment requires that the notice shall contain a certain date (deadline) for return of the completed Statement of Defense form to Commission staff. It is necessary to help ensure the alleged violator adequately protects his or her rights and that staff receives the statement in a timely manner.

**Section 13192.**

**Purpose:** To ensure efficient and effective distribution of notices for restoration order hearings.

**Necessity:** To allow the option of electronic communication, adding speed and certainty to the

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communication process; to clarify that mailed notice is sent to the last known address of both the alleged violators and interested persons; and to allow the recipients, including the alleged violator, to consent to electronic communication for an adjudicatory matter. The deletion of “initial” before “hearing” is necessary to correct the impression that more than one hearing is necessary for the Commission to decide whether to issue a cease and desist order. The clause dates from when the Commission held meetings twice a month.

Deleting the clause allowing staff to skip sending a possibly redundant notice of the hearing to the alleged violator is necessary to ensure due process. Notice of the hearing may be issued months after the notice of intent is sent. Given the sensitivity of the matter involved and the relatively low expense of noticing, redundancy is a poor reason to not issue a second notice. The second notice would help ensure the alleged violator is in fact aware the hearing is taking place, and encourage the alleged violator’s presence at the hearing that may affect development rights.

**Section 13193 and Reference Note.**

**Purpose:** To ensure publication of a proposed restoration order to the commission website at the same time the agenda item is posted.

**Necessity:** To express current practice, support due process, and maximize participation by the alleged violator and interested persons. In essence, a proposed order is a staff recommendation presented for the Commission’s consideration and potential adoption. An order can be lengthy and filled with legal terms. Publication with the agenda item for the hearing ensures there is ample time to understand the contents. Because it is a quasi-adjudicative proceeding that may result in large fines, the Commission’s duty to ensure fairness and due process is of special importance. (See, e.g., § 30320(b) [due process an essential element of good government].)

**Reference Note:** Add Section 11125 of the Government Code [agendas to be posted to agency websites at least ten days before the meeting].

**Section 13238.2.**

**Purpose:** To update the reporting of waivers to reflect current practice, and make minor clarifications.

**Necessity:** For efficiency and convenience. Waivers are posted on the commission website as part of each deputy director’s report, so it is no longer necessary to produce a paper list or copies at the meeting. Additionally, each deputy director orally reports on issued waivers. Because by nature waived development does not create impacts, the procedure is simple: no vote is taken; the Commissioners concur, unless at least four Commissioners object. (See § 30624.7, second paragraph). Adding “subsequently” and replacing “a” for “the” are syntactical clarifications.

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**Section 13255.2, Subdivisions (b), (c), and (e)**

**Purpose, Subdivision (b):** To make minor corrections.

**Necessity, Subdivision (a):** To substitute “manmade” with a gender-neutral term that has the same meaning; the punctuation changes and the addition of “and” are necessary to clarify that all items in the list are required to be submitted for adequate evaluation; and to correct a typo.

**Purpose, Subdivision (c):** To correct a cross-reference.

**Necessity, Subdivision (c):** For accuracy. The existing reference to 13054(b) is incorrect as the subdivision describes applicant duties regarding notice, not requirements for the Executive Director. Those are described by subdivision (d) of section 13054.

**Purpose, Subdivision (e):** To clarify when boundary adjustment fees may be waived.

**Necessity, Subdivision (e):** To resolve an ambiguous clause, and remove an unnecessary one. Existing language allows the Executive Director to waive a fee due to previous considerations of the same parcel “where no substantial staff work is required,” but the “and” is implied rather than expressed. The amendment would supply the “and.” Regarding the deletion of the local government request, no request is necessary as no fee would be imposed. Government Code Section 6103 bars the Commission, as a state agency, from collecting application fees from a local government. It is not necessary that a local government request a waiver of fee.

**Reference Note:** Add Section 6103 of the Government Code [local governments need not pay application fees].

**Section 13256.1.**

**Purpose:** To correct a cross-reference and replace a vague provision.

**Necessity:** For accuracy and clarity. The requirements for submission of a boundary adjustment request are currently contained in Section 11355.2, which was renumbered from Section 13355.1. Replacing “following the preliminary review” with “if the request is accepted” specifies what happens as a result of preliminary review. The Executive Director may reject the request if it does not meet submittal requirements, or accept the request if it does.

**Section 13256.2 and Reference Note.**

**Purpose:** To express the review period as 45 working days instead of 45 calendar days.

**Necessity:** To accommodate a legislative change that affects the review period. Section 30315, as amended (Stats. 2016, Ch. 546, § 29 (SB 1473)), allows the Commission to meet 11 times a year rather than every month, with the maximum period between meetings set at 45 working

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days. Depending on the filing date and the Commission's meeting schedule, it may not be possible to bring a boundary adjustment request to hearing with 45 calendar days. The proposed amendment ensures that compliance with the regulation is feasible.

**Reference Note:** Add Section 30315 [Commission meeting schedule].

**Section 13258.**

**Purpose:** To delete the reference to a roll call vote.

**Necessity:** For accuracy and consistency. (See § 13094, as proposed, and discussion.) The chair may conduct business by checking for objections to concurrence rather than taking a roll call vote. The amendments are necessary because they accurately express the deadline for withdrawal as voting generally.

**Section 13317, Subdivisions (a) and (b).**

**Purpose, Subdivision (a):** To substitute posting to the Commission website in lieu of physically posting the description of the locally-approved development.

**Necessity, Subdivision (a):** To update for current practice and maximize notice. The website posting provides a faster and widely available way for interested persons to read the description of development and helps ensure a potential appellant acts within the appeals period. Website publication helps maximize public participation. (§ 30006.) The deletion of creating a document that describes the development and the deleting of the physical posting are necessary to relieve staff from an exercise that is not effective in reaching anyone except the most curious members of the public.

**Purpose, Subdivision (b):** To delete the obligation to forward to all Commissioners notice of every local development.

**Necessity, Subdivision (b):** For efficiency. Posting is proposed in subdivision (a), access that is more organized and efficient than receiving mail. Additionally it has become impracticable to mail notice of every appealable action to all Commissioners. For example, on August 9, 2018, twenty-nine local approvals were eligible for appeal. (See Exhibit A.) The posting of FLANs is organized by district, further enabling a Commissioner or an interested person to see approvals issued by his or her local government.

**Section 13318.**

**Purpose:** To make minor corrections.

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**Necessity:** For accuracy, clarity, and consistency. The use of “shall” to impose a duty instead of “must” is a syntactical choice that should be consistent throughout the regulations; the addition of “appropriate” and “district” clarify which office should receive the appeal; and the substituting Section 13319 for Section 13119 corrects a typo, so that the reference is to the correct Section regarding appeal of denials. The deletion of “substantially” is to clarify that compliance with Section 13111 (information necessary to file an appeal) is strictly required, as it is for post-certification appeals. The status of the local government’s certification of a Local Coastal Program is irrelevant to information needed for appeal; thus potential appellants who seek further action under pre- and post-certification requirements should be subject to the same informational requirements without equivocation. (This proposed amendment would apply to Section 13111 either as existing or as proposed to be revised.) Changes to punctuation are generally nonmaterial, and as proposed here to separate the clauses with periods instead of commas, they help reinforce that each clause is a separate, applicable standard.

**Section 13320 and Reference Note.**

**Purpose:** To establish that the Executive Director sends one consistent notice of an appeal and its effect to all parties, specify contact information among the materials the local government must supply, specify it is a coastal development permit approval being suspended, and make nonsubstantive format and syntactical changes.

**Necessity:** For efficiency, efficacy, and consistency. Existing language requires the Executive Director to notify the applicant and the local government that the permit action is stayed. Adding interested persons to those notified completes the shifting of that notice of the appeal from the appellant to the Executive Director. (See also proposed repeal of § 13111(d), proposed § 13112 and discussion.) Deleting “of the commission” removes an unnecessary qualification not expressed elsewhere. “Executive Director” means the executive director of the Commission throughout the regulations.

Interested persons should receive the same content at the same time as the local government and the applicant. Additionally, recipients will likely pay more attention to a notice from the Commission than a notice from an appellant that has no particular requirements.

Describing the methods of notice is necessary to provide options for e-mail, especially where interested persons are known only by their e-mail addresses.

The amendment specifying contact information for interested persons be received from the local government is necessary to emphasize that the information is an essential part of the submission of all relevant materials, as currently required. Contact information helps ensure the Executive Director’s list of interested persons is as accurate and complete as feasible, creating the “widest opportunity” for public participation in coastal planning. (See § 30006.)

**Reference Note:** Add Section 30006 [encouraging the widest possible public participation in Coastal Act matters].

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**Prescriptive Note**

The amendments would consolidate notices of appeals, and require that the Executive Director notify interested persons of the appeal, shifting that task from the appellant to the Executive Director. No alternatives were considered, as no feasible alternatives would be as effective.

**Section 13329.1, Subdivisions (a) and (b).**

**Purpose, Subdivision (a):** To express that any writing is acceptable for an application for an emergency permit, including an application attached to an e-mail or an email message, and to revise the syntax for clarity.

**Necessity, Subdivision (a):** For clarity and to update for e-mail. Generally an application is preferred to be made in writing so that staff receives sufficient details in a clear manner; however, formality is not necessary and may delay the communication. The amendment is necessary to provide a convenient option for applicants already under stress. The placement of “if time does not allow” is necessary to clarify either a phone call or an in person application would be acceptable if oral communication is the more expedient choice.

**Purpose, Subdivision (b):** To receive important documentation of the emergency situation and the proposed work, and make a minor correction.

**Necessity, Subdivision (b):** To help staff establish that an emergency exists according to the definition (see § 13009, see parallel proposal in § 13139), and to help demonstrate the scope of the emergency that the development is proposed to address. Commission staff must exercise judgment under pressure when deciding if an emergency permit or waiver is appropriate to issue. Emergency work frequently creates considerable impacts on coastal resources, impacts that may become permanent via the follow-up permit, or if no permit is pursued, impacts that become unpermitted and subject to enforcement action. Generally, the more information offered in an emergency permit application, the better. Photographs supply visual evidence that enables a quick grasp of the situation on the ground. Development plans (architectural, engineering, or other plans as appropriate) are crucial for ensuring that the scale of the work matches what is immediately necessary to resolve the emergency. Plans also help demonstrate the scale of approved development in comparison to what was completed, for a follow-up permit or potential enforcement action.

The proposed amendments are also necessary because they specify documentation to support what is already encouraged in the regulation by the use of “should”; additionally, the submittal of documents and plans is subject to availability.

The final amendment would change “causes of action” to “courses of action,” to correct a misprint or possibly a misdrafting that refers to a term of art in litigation. (*Cf.* § 13139(e), “course(s) of action.”)

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**Section 13329.3, Subdivisions (b)(3) and (c).**

**Purpose, Subdivision (b)(3):** To make explicit the scope of the proposed work must address only the emergency.

**Necessity, Subdivision (b)(3):** For clarity and to aid applicant understanding of the limits of emergency work. A robust description of the proposed work supports the Executive Director’s discretion to limit work to what is necessary, and to the extent feasible, ensuring the work avoids and minimizes impacts to coastal resources. (See § 13009 [emergency defined as a “sudden” occurrence requiring “immediate action” to prevent or mitigate loss or damage to life, health, property, or essential public services; see also §§ 30600(e) [immediate work necessary to protect life and property]; 30611 [protect life and public property from imminent danger].)

**Purpose, Subdivision (c):** To delete an unnecessary qualification.

**Necessity, Subdivision (c):** For accuracy and avoid unnecessary and potentially confusing duplication. The statutory references in Subdivision (c) incorporate the jurisdictional limits. A local official may not issue an emergency permit in the Commission’s original jurisdiction (tidelands, submerged lands, and public trust lands), nor for lands under the jurisdiction of a Port or university. (§ 30519.) Further limits prevent a local government from issuing certain permits where the local coastal program is not fully certified. (§ 30601.) A local official should be referring proposed emergency work in those locations to Commission staff for resolution. The Commission would have an opportunity to review the matter when the emergency permit, if any, is reported by the Executive Director. (See § 13143.)

**Section 13332.**

**Purpose:** To replace physical posting and separate notices with website posting, and make a minor correction.

**Necessity:** To supply more convenient access to appealable development. The website posting provides a faster and widely available way for interested persons to read the description of development and helps ensure a potential appellant acts within the appeals period. Website publication helps maximize public participation. (§ 30006.)

The deletion of physical posting is necessary to relieve staff from an exercise that is not effective in reaching anyone except the most curious members of the public. The deletion of mailing the local notice to all Commissioners is necessary because posting makes it redundant, and because mailing is a slow process that shortens the limited time available for deciding whether to appeal a local action. Additionally it has become impracticable to mail notice of every appealable action to all Commissioners. For example, on August 9, 2018, twenty-nine local approvals were eligible for appeal. (See Exhibit A.) The posting of notices is organized by district, further enabling a Commissioner or an interested person to see approvals issued by his or her local government.

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Adding “or she” is necessary for accuracy. A woman may serve as Executive Director. Syntactical changes are nonmaterial.

**Section 13333. Subdivisions (a) and (b); (c) (new), and (c) (repealed).**

**Purpose, Subdivision (a):** To remove the unnecessary clause “of the commission.”

**Necessity, Subdivision (a):** For consistency across the regulations; there is only one Executive Director addressed.

**Purpose, Subdivision (b):** To pinpoint the deadline for appeals to be received, and prevent a harsh result beyond the appellant’s control.

**Necessity, Subdivision (b):** Adding “5 p.m.” is necessary to clarify the Commission’s close of business for the day. The addition of the e-mail option is necessary to prevent rejection of an otherwise valid appeal based on a technicality-- the receipt of the paper document after the twenty working day period has expired, although it is postmarked within the period. Electronic notification further aids the district office to quickly address the appeal, which is often a matter of importance and in itself is subject to strict deadlines. (See parallel provision and discussion, § 13111(d)(new).)

**Purpose, Subdivision (c)(new):** To reference all procedures that may take place when an appeal is received, including when valid appeals are filed

**Necessity, Subdivision (c)(new):** To aid transparency and understanding of the appeals process. (See proposed § 13111(d)(new).) The Executive Director may reject a frivolous appeal (§ 30620(d)), and has time to consider that determination, after which a valid appeal will be filed or a rejected appellant may pay the required fee. (§ 30621(b).) Supplemental notice of the statutory language ensures that all potential treatment of appeals is easily found in the regulations, especially as statutory language is scattered in the Coastal Act. Proposed Section 13111(d)(iii), included in the cross-reference, is necessary to make explicit that Commission or agency appeals are filed on receipt without need for a frivolous determination.

**Purpose, Subdivision (c)(repeal):** To relieve the appellant of a task that he or she may not have the full knowledge to carry out and statutorily does not have the responsibility to carry out.

**Necessity, Subdivision (c)(repeal):** For efficacy and certainty, and to conform to current practice. A core Commission duty is providing notice of Commission actions (e.g., § 30339(b)), and that duty is one of the many delegated to the Executive Director (see § 30335). Existing regulations require the Executive Director to provide notice of meetings, hearings, and the effect of the appeal. (§§ 13015, 13063, 13112.) While the appellant is responsible for supplying contact information for interested persons on a given matter, the Executive Director likely knows of a wider scope of interested persons in a given geographical area. The existing requirement for

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appellants to provide notice is largely redundant. In practice, the Executive Director provides notices of a valid appeal to the applicant, local government, and interested persons. Executive Director notice also ensures maximum public participation by ensuring the creation and use of a single, complete list of interested persons. (§ 30006).

The clause allowing dismissal of the appeal for the appellant's "unwarranted" failure to notify is necessary for repeal as it is unreasonably harsh. There is no statutory authority to support dismissal of the appeal on those grounds. Further, "unwarranted" is vague, requiring an inquiry into the state of mind of the appellant.

**Prescriptive Note**

The amendments would consolidate notices of appeals, and require that the Executive Director notify interested persons of the appeal, shifting that task from the appellant to the Executive Director. No alternatives were considered, as no feasible alternatives would be as effective.

**Section 13337, Subdivisions (a), (c)(new), and (d), and Reference Note.**

**Purpose, Subdivision (a):** To make minor corrections.

**Necessity, Subdivision (a):** For clarity and accuracy. Replacing "Public Resources Code" for "PRC" is necessary to clarify an abbreviation (initialism) that is not ordinarily recognized by the public. Correcting the cross-reference from subdivision (b) to subdivision (d) of Section 30600.5 is necessary as the latter sets the standard for taking appeals.

**Purpose, Subdivision (c)(new):** To express considerations commonly used by staff in recommending, and by the Commission in deciding, whether an appeal raises a substantial issue.

**Necessity, Subdivision (c)(new):** To provide notice of what the Commission considers at the first stage of the appeal. Case law supports use of the factors. (See *Hines v. California Coastal Commission* (2010) 186 Cal.App.4th 830.) (See also parallel provision, proposed § 13115(c) and discussion.)

The addition of Commission discretion in assigning weight to particular factors is necessary to express that factors' usefulness varies with the circumstances. For example, it is not uncommon for a mixed array of factors to support a finding of substantial issue, as the Coastal Act creates a presumption that the Commission will take the appeal. (§ 30625(b) [Commission "shall" hear an appeal except where no substantial issue exists].) On the other hand, a single factor such as the lack of impacts to coastal resources or lack of regional effect may overwhelmingly support a finding of no substantial issue.

**Existing subdivision (c) is reformatted as (d),** a nonsubstantive format adjustment.

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**Reference Note:** Add the citation for *Hines*, the case that endorsed the Commission’s use of the five factors to help determine whether no substantial issue exists regarding the appeal.

**Section 13340.**

**Purpose:** To clarify who may testify at the substantial issue stage of an appeal, specify the correct stage of the appeal, and make a minor correction.

**Necessity:** For accuracy and to express current practice. The parenthetical “(or their representatives)” is necessary to delete because any party, such as the applicant, may and often does rely on a representative to testify. Not only is it unnecessary to express the law of agency in a regulation, the existing qualification can be interpreted to mean that only interested persons may use representatives, which is inaccurate.

Replacing “the substantial issue” stage for “any” stage is necessary to correct the implication that only certain persons may testify at both stages. During the substantial issue hearing, the Commission may only consider those issues raised on appeal. (See § 30625(b).) As a result, testimony is limited. However, once the Commission has found a substantial issue exists, it takes jurisdiction over the application and the de novo hearing may take place. As a new hearing on an application, anyone may testify on any aspect of the proposed development. (See § 13115(b), referring to regular application procedures for de novo hearings.) (See also, parallel provisions proposed for § 13117.)

Deleting the cross-reference to regulation section 13061 is necessary because the regulation is repealed.

**Section 13353, Subdivisions (6) and (7)(new).**

**Purpose, Leading Clause:** To express that local coastal program standards are considered for the review of public works plans.

**Necessity, Leading Clause:** To ensure adequate review. If a local government with a certified local coastal program may be affected by the public works plan, the Commission must consult with the local government, and find the plan is consistent with the applicable local coastal program. (§ 30605.)

**Purpose, Subdivisions (6) and (7):** To separate different requirements and make associated minor changes.

**Necessity, Subdivisions (6) and (7):** To prevent ambiguity. Existing language could suggest the additional information requested is solely about the location. Separating the clauses clarifies any kind of information may be requested. Adding “and” is necessary to stress all items on the list

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are necessary. Deleting “The Executive Director...” etc. is necessary to remove an extraneous clause, conform to the syntax of the list, and avoid the impression that the Executive Director must formally require more information following submission.

**Section 13355, Subdivisions (a) and (b).**

**Purpose, Subdivision (a):** To make environmental information about a public works plan fully available and to remove unnecessary procedures.

**Necessity, Subdivision (a):** For convenience and efficiency, especially for long documents. An Environmental Impact Report, for example, often runs into hundreds of pages. Posting not only provides simple access, the public can download a copy or conduct a search to find information of particular importance, or both. It is necessary to delete the clause about making copies available, as it would be redundant. Persons nevertheless wanting to inspect a hard copy can make a Public Records Act request.

**Subdivision (b)** is proposed to be amended to substitute “that” for “which.” Grammatical corrections are nonsubstantive.

**Section 13359, Subdivision (b) and Reference Note.**

**Purpose:** Remove an unnecessary qualification and an obsolete provision.

**Necessity:** For accuracy, clarity, and to ensure a vote on project is not separate from any conditions imposed. The clause “with a quorum being present” is redundant; the Commission may not take any action without a quorum present. (§ 30315(b).) The deletion of the 21 days separation between approval and conditions consideration is necessary for two reasons. The Commission no longer meets twice a month, and may use the maximum of 45 working days between meetings. (§ 30315(a).) Further, existing language implies two votes are possible, one on the project and one on the conditions (in contrast to the hearing procedures referenced in existing Subdivision (c)). However, two votes are not possible; conditions are inextricably bound to the project approval. Conditions are imposed to bring the project into consistency with the certified public works plan, and are subject to reasonableness, substantial evidence, and other legal standards. (E.g., Cal. Code of Civil Proc., § 1094.5 [administrative mandate based on the record].) Furthermore, changing a condition may mean a Commissioner would change his or her vote. Adding that the vote is on “the project according to” the conditions helps clarify only one vote happens.

**Reference Note:** Add Section 30607 [Commission may impose reasonable terms and conditions for a permit, and by the cross-reference in Section 30605, for a project under the approved public works plan].

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**Section 13368**

**Purpose:** To generalize methods of communication and make a minor correction.

**Necessity:** For efficiency and efficacy. As the determination is subject to a deadline for objection, and there may be no intervening Commission meeting, e-mailing Commissioners and interested persons gives a potential objector more time to consider the matter. Additionally, interested persons may only be known by their e-mail addresses or not otherwise available for a mailed notice.

**Section 13502, Subdivisions (a), (b), (c), (d)(new), and (e)(new), and (f)**

**Purpose, Subdivisions (a)-(c):** To include private universities in the definitions.

**Necessity, Subdivisions (a)-(c):** To express the accurate scope. As amended, Section 30605 allows private universities, as well as public ones, to submit, have certified, and develop according to long range development plans. (Ch. 600, Stats. 1983.)

**Purpose, Subdivision (b):** To replace the vague expression “relevant” with reference to the coastal zone.

**Necessity, Subdivision (b):** For accuracy. The Commission may not review plans affecting areas outside the coastal zone as it lacks jurisdiction. (See discussion of proposed § 13050.5.)

**Purpose, Subdivision (c):** To make minor clarifications.

**Necessity, Subdivision (c):** For clarity and consistency. “This shall not include” is better expressed as “This definition does not include,” in order to avoid the ambiguity of “this” alone and because there is no mandatory duty prescribed by a definition. A serial comma is necessary after “recreational” to express the list of terms without ambiguity.

**Purpose, Subdivisions (d)(new):** To bring together different provisions in the Coastal Act to create a cohesive definition, and express the commonly-used abbreviation.

**Necessity, Subdivision (d)(new):** To aid public understanding of an important term. The Coastal Act does not separately provide a definition of an Implementation Program, but incorporates it in the definition of a local coastal program (§ 30108.6) and the description of the submittal (§ 30513). The proposed definition is also necessary to specify the program implements not only the Coastal Act, but the local land use plan. The land use plan provides the standard of review. (*Id.* [Commission may only reject the implementation plan if does not conform to, or is inadequate to carry out, the land use plan].) Including the initialism “IP” (where each letter is pronounced) is necessary to help the public understand quick references in reports and during hearings.

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**Purpose, Subdivision (e)(new):** To provide supplemental notice of the Coastal Act definition, and express the commonly-used abbreviation.

**Necessity, Subdivision (e)(new):** To aid public understanding. While duplicative of the statutory definition (§ 30108.5), including “land use plan” in the regulation definitions provides all three terms (implementation program, land use plan, and local coastal program) in one place. Including the initialism LUP (where each letter is pronounced) is necessary to help the public understand quick references in reports and during hearings.

**Purpose, Subdivision (f):** To specify the two main parts of a local coastal program, express the commonly-used abbreviation, and reformat the subdivision lettering.

**Necessity, Subdivision (f):** To clarify the statutory definition of local coastal program, and to tie together the three regulation definitions in a logical way. Frequently, the terms “local coastal program,” “land use plan,” and “implementation program” are used interchangeably, and sometimes they are confused. In particular, land use plans and implementation programs have different content and are subject to different standards of review. (*Cf.* §§ 30512, 30513.) Additionally, each part must be certified, which is not apparent from the Coastal Act definition (See § 30108.6 [listing four elements of a local coastal program].) Ordinarily when both parts are certified, the local coastal program as a whole is certified and permit authority delegated. (§ 30519(a).) Including the initialism LCP (where each letter is pronounced) is necessary to help the public understand quick references in reports and during hearings.

**Section 13511, Subdivisions (a), (c)(2), (d) and (e), (f), (g), and Reference Note.**

**Purpose, Subdivision (a):** To specify that access includes both vertical (to the beach or water) and horizontal (along the beach or land by the water) and add a clarification.

**Necessity, Subdivision (a):** To ensure complete analysis is offered in the submittal. Adding “public” clarifies access is to be provided for the public (e.g., § 30210), and adding “to or along” ensures that both types of access are analyzed for cumulative impacts.

**Purpose, Subdivision (c)(2):** To remove potential ambiguities created by “and/or.”

**Necessity, Subdivision (c)(2):** To clarify the analysis must include every applicable element. In all three uses, “or” is inappropriate and may create arguments that a preceding or subsequent clause does not apply.

**Purpose, Subdivision (d) and (e):** To correct the grammar from “which” to “that.”

**Necessity, Subdivision (d) and (e):** For interpretive clarity – “which” ordinarily requires a comma, and is often interpreted to govern only the immediately preceding clause.

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**Purpose, Subdivision (f):** To clarify noticing procedures should be done (developed) and offered as part of the submittal.

**Necessity, Subdivision (f):** To prevent a result that the Coastal Act did not intend. Existing language suggests the local government (or governing authority) may delay developing noticing procedures until after certification. Noticing procedures must be developed, or at least proposed in sufficient detail, to allow the Commission to review the submittal. The procedures must be in place by the time permit authority is delegated. (See §§ 30519 [local coastal programs], 30605 [long range development plans] and e.g., § 13544(b) [Executive Director to find notification procedures of appealable projects are adequate before delegating authority].) Due to the extensive noticing required for the submittal itself (§ 30503), the local government effectively has these procedures in place.

**Purpose, Subdivision (g):** To separate procedures for a categorical exclusion order from those for a long range development plan, and express the procedures accurately.

**Necessity, Subdivision (g):** For clarity and accuracy. Existing language mixes apples and oranges. A long range development plan (LRDP) must be separately considered from a categorical exclusion because they are subject to different standards and most importantly, are subject to different votes. A majority of those present may certify the plan (§ 30315(b), applicable due to no differing provision in § 30605), but two-thirds of the appointed membership must adopt a categorical exclusion (§ 30610(e)).

**Reference Note:** Add Section 30530 [intent to maximize access to and along the coast], Section 30605 [requirements for long range development plans] and Section 30610(e) [procedures for categorical exemptions]. Delete Government Code Section 65944 [timing of permit review] as it is no longer relevant.

**Section 13515, Subdivisions (a), (a)(4)-(a)(6), (b), (c), and (d).**

**Purpose, Leading Clause:** To delete an inapplicable cross-reference.

**Necessity, Leading Clause:** For accuracy. Section 30504 addresses plans submitted by special districts to local governments and does not specify separate noticing procedures. Due to a statutory cross-reference in Section 30605, Section 30503 governs noticing for both local coastal programs and long range development plans.

**Purpose, Subdivision (a):** To require local government website posting, generalize notification, delete an obsolete reference, and make other clarifications and minor corrections.

**Necessity, Subdivision (a):** For clarity, accuracy, and to provide convenient access to documents during the preparation of a local coastal program or long range development plan. Adding “the” before “availability” and a comma after “documents” are necessary to clarify three types of

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notices are included at a minimum. Posting to the local government website is necessary for convenient access by the public and to maximize opportunities for public participation. (§ 30503.) “Transmit” is necessary to allow e-mailed notice, where that is more effective.

**Purpose, Subdivisions (a)(4), (a)(5), and (a)(6):** To remove an obsolete reference and adjust the language and formatting accordingly.

**Necessity, Subdivision (a)(4) and (a)(6):** For accuracy and clarity. Local governments and governing authorities are in the best position to decide which agencies to notify during the preparation of the plans. Forty years after the Coastal Act and with the availability of Internet sources, they need not consult a Commission document to figure out which agencies should be noticed. Additionally, Appendix A is not updated and is no longer comprehensive. Thus, subdivision (a)(6) is incorporated into subdivision (a)(4) and expressed to include all agencies to be notified in a single provision. The “and” is moved to make (a)(5) the last item on the list.

**Purpose, Subdivision (a), Last Clause:** To express who is interested more generically.

**Necessity, Subdivision (a):** For accuracy and so that the preceding list consistently applies across the subchapter. Generally, not all interested persons are “parties;” also, plan review is more legislative than adjudicatory; there may be no parties.

**Purpose, Subdivision (b):** To substitute posting of review drafts in lieu of copying and transmitting.

**Necessity, Subdivision (b):** To provide the drafts in a simple and convenient manner. The provisions regarding costs are necessary to delete because downloading will be free, and the work program referred to no longer exists. Those wishing to inspect documents at offices may nevertheless send a request under the Public Records Act.

**Purpose, Subdivision (c):** To specify the most likely office that may be requested to make paper copies available.

**Necessity, Subdivision (c):** For efficiency. The other offices are much less likely to be asked for review drafts and need not produce a paper copy. Nevertheless, interested persons who wish to view a paper copy of a draft in a different office may make a Public Records Act request with that office.

**Purpose, Subdivision (d):** To provide for website posting as the method of general publication, to directly incorporate the subdivision (a) list, and to express hearings should be held in the coastal zone.

**Necessity, Subdivision (d):** For efficiency, clarity, and to reverse the existing presumption that a determination is necessary to hold the hearing in the coastal zone. No such determination is necessary and runs counter to Coastal Act policy. The public and all affected agencies are to be provided the maximum opportunity to participate in local coastal program review. (§ 30503.)

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To maximize public participation, the hearing should be held in the coastal zone whenever feasible or in a place convenient to residents of the coastal zone.

**Section 13519, Subdivisions (b) and (e).**

**Section 13519, Leading Provision** is proposed to be amended to add “Section” to “Public Resources Code,” to fill in the missing word.

**Purpose, Subdivision (b):** To require all material to be reproducible, whether written or not, and submitted electronically in digital formats.

**Necessity, Subdivision (b):** For efficiency. Adding electronic copies speeds the process of staff review, research, posting, and other requirements.

**Prescriptive Note:** There is no feasible alternative to submitting electronically. However, the amendment deliberately does not require a particular format for digital versions, given the submission may include word-processed documents, “.pdfs,” and visual formats such as .jpg, .tiff, and others, including video, and that the popularity of particular formats can change.

**Purpose, Subdivision (e):** To remove unnecessary parentheses.

**Necessity, Subdivision (e):** To express that the clauses have equal import. Parentheses suggest the interior language is subsidiary.

**Section 13523, Subdivision (b)**

**Purpose, Subdivision (b):** To unite requirements for posting and provide for website posting of plan material in lieu of copying.

**Necessity, Subdivision (b):** To update for current practice, to maximize notice, and for clarity. The subchapter also regulates local governments, so that adding “commission” to staff ensures no confusion about the duty. Commission staff posts all materials, including exhibits and comments, to the Commission website at the same time the staff report is published. Deleting copying costs clarifies that no charge would be made. All material may be downloaded and no longer requires physical copying to be available to the public. An interested person may nonetheless request to inspect or to copy materials under the Public Records Act.

**Section 13524, Subdivision (d) and Ending Clause**

**Purpose, Subdivision (d):** To remove an obsolete procedure.

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**Necessity, Subdivision (d):** For efficiency and accuracy. Every staff report contains an executive summary; however, it may still run more than a page and sometimes multiple pages. Notices of hearings instead contain a brief, agenda-like blurb that suffices to inform recipients of the matter being considered, and refer to the website for further information.

**Purpose, Ending Clause:** To express notice of hearings (agenda items) are posted to the commission website, to generalize methods of direct notification, and to allow newspaper publication when warranted.

**Necessity, Ending Clause:** To update for current practice and to maximize notice. Posting and e-mail help provide notice in a convenient manner. Adding newspaper notice is necessary because the same circumstances may occur for planning matters as for permits: publication would be more effective and individual notice would be unreasonably burdensome. (See § 13063(b).) Occasionally, the Commission reviews a planning matter so controversial that the list of interested persons runs into the hundreds or even thousands. Individual notice would be burdensome. The Coastal Act supports a similar procedure for certain local coastal program amendments. (See § 30514(d)(1)(A)(i) [allowing for newspaper notice of de minimis amendments].)

**Section 13525.**

**Purpose:** To post public comments in lieu of distributing paper copies and to clarify a reasonable deadline for staff to review and post the comments.

**Necessity:** To update for current practice and set a specific deadline. Timely comments are given the widest possible distribution with posting, and the deadline clarifies the timing for staff to feasibly process the comments. Staff may advise a late commenter to bring a sufficient number of paper copies to the meeting. (*Cf.* § 13060(c).) Regardless of timing, all comments are published, distributed, or orally summarized by the Executive Director.

**Reference Note:** Add Section 30503 [public be given maximum opportunity to participate in the review of local coastal programs].

**Section 13531, Subdivisions (a) and (b).**

**Purpose, Subdivision (a):** To correct “research conferences” to “research.”

**Necessity, Subdivision (a):** For accuracy. The Executive Director is not required to “perform” a conference by any statutory provision and ordinarily it would not be necessary or given the statutory deadlines, feasible, to hold a conference.

**Purpose and Necessity, Subdivision (b):** Add “to” in order to fix a typo.

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**Reference Note:** Delete Government Code Section 65944 [timing of permit review] as it is no longer relevant.

**Section 13532, Subdivisions (a) and (b).**

**Purpose and Necessity, Subdivisions (a) and (b):** Reformat to break up a long paragraph into content and communication duties.

**Purpose, Subdivision (b):** To require website posting and generalize methods of communication.

**Necessity, Subdivision (b):** To update for current practice, to maximize notice, and for clarity. Currently, recommendations are included in staff reports. Staff reports are posted at least ten days in advance of the hearing as part of the agenda. Sending direct notices by e-mail or other means is a convenient and effective way to reach agencies and interested persons, where the e-mail is available.

**Section 13535, Subdivisions (a) and (b)**

**Purpose, Subdivisions (a) and (b): [same amendment]:** To remove the reference to a roll call vote.

**Necessity, Subdivision (a): and (b): [same amendment]** For accuracy and consistency. (See with proposed reg. § 13094(a).) Commission business is conducted by Robert's Rules of Order (see § 13023), which allows for the more convenient and speedier method when the chair anticipates a unanimous vote. The rules support that the chair, as presiding officer, runs the meeting, and also support efficient vehicles for securing a non-controversial vote. See Robert's Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, p. 42 [chair puts the question to a vote] *ibid.*, pp. 54-56 [adoption of a motion by unanimous consent].)

**Section 13537.**

**Purpose:** To delete a potentially confusing provision, and make a minor correction.

**Necessity:** For accuracy. Where staff proposes modifications, they are delineated in the staff report and supported by findings. However, the Commission may add, delete, or alter modifications, and commonly do during the deliberations that follow the close of testimony. (See §§ 30512(b), 30513, third paragraph.) The deletion is necessary to prevent a potential misunderstanding that all modifications are published in advance. Staff may or may not recommend modifications in the staff report, and the Commission may add, delete, or change modifications according to its discretion, regardless of the recommendation. Substituting "later" for "longer" is a more accurate expression of time.

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**Section 13542, Subdivision (f).**

**Purpose, Subdivision (f):** To express a ministerial duty as ministerial, without need for Commission action.

**Necessity, Subdivision (f):** For efficiency and to promote certainty. The Executive Director “checkoff” procedure for local coastal programs after certification is kept ministerial as the Coastal Act implies. When the Commission approves certification with modifications (essentially, a conditional certification), the local government has six months to complete local action for acceptance of the modifications (§§ 13537, 13542). Commission concurrence or any action following certification is not required. (See § 30513.) The statute requires only that conditional certification be delayed until the modifications are accepted by the Executive Director. Existing language in the regulation requires the Executive Director report the acceptance of modifications to the Commission. The amendments are also necessary to make the regulations consistent. (See the more recent expression of the same determination at Section 13544.5(b) and (c), included in the Express Terms for reference.)

**Section 13544, Leading Clause, Subdivisions (b), (c), and (d)**

**Purpose, Leading Clause:** To require posting of the final suggested modifications and associated findings to the Commission website in lieu of directly sending to interested persons or agencies.

**Necessity, Leading Clause:** For convenience, efficiency, and to maximize notice. In addition to the posting, the public additionally can access the hearing video, which is posted within a few days of the hearing in the agenda archives section of the Commission website. Where there is sufficient disagreement with the published staff recommendation, staff will also prepare revised findings to support Commission action. (See § 30315.1 and reg. § 13096(b).) Revised findings are published in a staff report and subject to a separate hearing.

**Purpose, Subdivision (b):** To express that the Executive Director makes the determination of whether a local government actions after certification do not conform to the Commission’s certification order, and to make a minor correction.

**Necessity, Subdivision (b):** Moving the provision from Subdivision (c) to (b) is necessary to clarify the Executive Director makes the determination, as the “checkoff” procedure is ministerial (see Subdivision (c) discussion below). “Section 2” is necessary to delete as Article 17 no longer contains such a reference. Article 17 remains the accurate set of regulations for certification of plans.

**Purpose, Subdivision (c):** To express a ministerial duty as ministerial, without need for Commission action.

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**Necessity, Subdivision (c):** For efficiency and to promote certainty. (See also, proposed § 13542(f), and for the more recent expression of the same duty, § 13544.5(b) and (c).) The Executive Director “checkoff” procedure for local coastal programs after certification is kept ministerial as the Coastal Act implies. When the Commission approves certification with modifications (essentially, a conditional certification), the local government has six months to complete local action for acceptance of the modifications (§§ 13537, 13542). Commission concurrence or any action following certification is not required. (See § 30513.) The statute requires only that conditional certification be delayed until the modifications are accepted by the Executive Director. Existing language in the regulation requires the Executive Director report the acceptance of modifications to the Commission.

**Purpose and Necessity, Subdivision (d):** Replacing “v” with “E” is necessary to correct the citation.

**Section 13544.5, Leading Clause and Subdivision (d).**

**Purpose, Leading Clause:** To require posting of the final suggested modifications and associated findings to the Commission website in lieu of directly sending to interested persons or agencies.

**Necessity, Leading Clause:** For convenience, efficiency, and to maximize notice. The public additionally can access the hearing video, which is posted within a few days of the hearing in the agenda archives section of the Commission website. Where there is sufficient disagreement with the published staff recommendation, staff will also prepare revised findings to support Commission action. (See § 30315.1 and reg. § 13096(b).) Revised findings are published in a staff report and subject to a separate hearing.

**Purpose and Necessity, Subdivision (d):** Replacing “v” with “E” is necessary to correct the citation.

**Section 13547, Leading Clause, Subdivisios (a), (b), and (c).**

**Purpose, Leading Clause:** To require posting of the final suggested modifications and associated findings to the Commission website in lieu of directly sending to interested persons or agencies.

**Necessity, Leading Clause:** For convenience, efficiency, and to maximize notice. The public additionally can access the hearing video, which is posted within a few days of the hearing in the agenda archives section of the Commission website. Where there is sufficient disagreement with the published staff recommendation, staff will also prepare revised findings to support

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Commission action. (See § 30315.1 and reg. § 13096(b).) Revised findings are published in a staff report and subject to a separate hearing.

**Purpose, Subdivision (a):** To substitute “governing authority” for the public university Boards.

**Necessity, Subdivision (a):** To correctly express private universities also author long range development plans (§ 30605) and for consistency with the amended definition (§ 13502(a)).

**Purpose, Subdivision (b):** To delete references to the public university boards, correct a cross-reference, and clarify the Executive Director makes the determination the governing authority’s action is legally adequate.

**Necessity, Subdivision (b):** For accuracy. The term “governing authority” includes the Boards. (See proposed § 13502(a). Subdivision (f), not (e), of Section 13511, is the subdivision that addresses notification procedures.

Moving the determination provision is necessary for efficiency and to promote certainty. (See also, proposed §§ 13542(f), 13544(c) and for the more recent expression of the same duty, § 13544.5(b) and (c).) The Executive Director “checkoff” procedure for long range development plans after certification is kept ministerial as the Coastal Act implies. When the Commission approves certification with modifications (essentially, a conditional certification), the governing authority has six months to complete local action for acceptance of the modifications (§ 13537). Commission concurrence or any action following certification is not required. (See § 30605 [silent on Commission action following certification of a long range development plan.]) The statute requires only that conditional certification be delayed until the modifications are accepted by the Executive Director. Existing language in the regulation requires the Executive Director report the acceptance of modifications to the Commission.

**Section 13550. Subdivisions (b), (c), and (d).**

**Purpose, Subdivision (b):** To post reports of impending developments under long range development plans to the commission website, in lieu of sending directly to Commissioners, and to send a link to the report to the governing authority and interested persons.

**Necessity, Subdivision (b):** For convenience, efficiency, and certainty. The intent of long range development plans is to allow for expeditious processing of specific projects. (See § 30505, leading clause.) Posting the report and timely transmitting its availability is especially important, given that Commission review ideally occurs within 30 working days of the governing authority notice, the statutory timeframe during which development may not take place. (§ 30606.)

**Purpose and Necessity, Subdivision (c):** To correct the spelling for “de minimis.”

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**Purpose, Subdivision (d):** Remove reference to the twice-monthly meeting schedule, and to correct that approval of the project and conditions takes place with a single vote.

**Necessity, Subdivision (d):** The deletion of the 21 days separation between approval and conditions consideration is necessary for two reasons. The Commission no longer meets twice a month, and may use the maximum of 45 working days between meetings. (§ 30315(a).) Further, existing language implies two votes are possible, one on the project and one on the conditions (in contrast to the hearing procedures referenced in existing subdivision (c)). However, two votes are not possible; conditions are inextricably bound to the project approval. Conditions are imposed to bring the project into consistency with the long range development plan, and are subject to reasonableness, substantial evidence, and other legal standards. (See, e.g, Cal. Code of Civil Proc., § 1094.5 [administrative mandate based on the record].) Furthermore, changing a condition may mean a Commissioner would change his or her vote.

**Section 13552, Subdivisions (a), (b), and (e).**

**Purpose, Subdivision (a):** To allow interested persons to be reached by e-mail.

**Necessity, Subdivision (a):** For convenience and to maximize notice. Contact information in the submittal is used to help create mailing lists for Commission hearings on the matter, and the option of e-mail addresses is added as many interested persons prefer e-mail or do not supply mailing addresses.

**Purpose, Subdivision (b):** To require all material to be reproducible, whether written or not, and submitted electronically in digital formats.

**Necessity, Subdivision (b):** For efficiency. Adding electronic copies speeds the process of staff review, research, posting, and other requirements.

**Prescriptive Note:** There is no feasible alternative to submitting electronically. However, the regulation deliberately does not require a particular format for digital versions, given the submission may include word-processed documents, “.pdfs,” and visual formats such as .jpg, .tiff, and others, including video, and that the popularity of particular formats changes with time.

**Purpose, Subdivision (e):** To remove the qualification of CEQA-generated documents.

**Necessity, Subdivision (e):** To receive all environmental information available. Although many local governments do prepare CEQA documents, they are not obligated to comply with CEQA in order to submit a local coastal program amendment, and public universities are also exempted for their long range development plan submittals. (See Pub. Resources Code, § 21080.9.) Additionally, the authority may determine an exemption applies. Nevertheless, the Commission needs sufficient environmental impact information to conduct analysis of the submittal. (See, e.g., § 30510(b), requiring sufficient materials for review.)

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**Section 13555, Subdivision (a).**

**Purpose:** To generalize methods of notification, make minor corrections, and accurately express the procedure for minor amendments.

**Necessity:** For clarity and accuracy, and to maximize notice. Allowing e-mail notification is more effective where only those addresses are available. Changing “parties” to “persons” is more accurate, especially as planning amendments are not adjudicatory. Adding “a” fixes a typo.

Amendments to the last provision implement the relevant Coastal Act provision in a more direct manner. In pertinent part, Section 30514(c) states:

*The commission, by regulation, shall establish a procedure whereby proposed amendments to a certified local coastal program may be reviewed and designated by the executive director of the commission as being minor in nature or as requiring rapid and expeditious action. That procedure shall include provisions authorizing local governments to propose amendments to the executive director for that review and designation. Proposed amendments that are designated as being minor in nature or as requiring rapid and expeditious action shall not be subject to [major amendment requirements] and shall take effect on the 10th working day after designation. [Emphasis added.]*

As existing language in the regulation further describes, the Executive Director reviews a proposed minor amendment, informs interested persons of a designation if made, and reports on the minor amendment along with any objections to the Commission for concurrence. The Commission does not ordinarily see a proposed amendment outside this context and thus would not designate an amendment as minor, although if enough Commissioners request, they may reverse the Executive Director’s determination and require processing the matter as a major amendment.

Cross-referencing the post-certification procedures from Section 13547 is inappropriate for minor amendments. (For example, there is no opportunity to modify proposed language, thus there is no need for modifications to be approved by the local government.) Section 30514, quoted above, plainly states that a minor amendment takes effect ten working days after the designation without further formalities. As the Executive Director designation of a minor amendment cannot be final until concurrence, concurrence is the latest time for the ten working day period to begin. That time frame also ensures the maximum opportunity for public objection, on the chance that an interested person does not become aware of the amendment until the Commission hears of it.

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**Section 13565, Subdivisions (a) and (b)(new).**

**Purpose, Subdivision (a):** To encourage local governments to label coastal development permits with that term, generalize methods of notification, specify neighbors must nevertheless receive mailed notice, make a minor correction, and revise formatting for the new provision.

**Necessity, Subdivision (a):** For consistency, efficiency, and to maximize notice. To avoid considerable confusion, all local governments should describe fully considered permits with the same label. Local governments may employ administrative permits, for example, or minor amendments, as the certified program allows, but appealable matters should not change nomenclature when they reach the Commission. Generalizing methods of notice is necessary for efficiency and efficacy in reaching interested persons. The “a” is added before “pending” to correct syntax. Adding that mailed notice is nevertheless required for property owners and nearby residents is necessary because they may only be known by their mailing addresses.

**Purpose, Subdivision (b):** To implement the waiver of a local hearing for minor development, when the applicant requests it.

**Necessity, Subdivision (b):** To provide supplemental notice of the Coastal Act option and requirements when a proposed development qualifies as minor. (See § 30624.9.) The statute is addressed to local government, but the applicant may nevertheless request a waiver of the local hearing and should be made aware of the requirements.

**Prescriptive Note**

There is no alternative procedure. Depending on what the local government allows, an applicant may request the waiver and draft and send the notice, but regardless of the source, the same requirements would apply to ensure that an interested person may request the hearing.

**Reference Note:** Add Section 30624.9 [minor developments that qualify for waiver of the public hearing] and adjust the syntax accordingly.

**Section 13566.**

**Purpose:** To provide supplemental notice of the Coastal Act procedures to waive a local hearing, when development qualifies as minor.

**Necessity:** To ensure the local government is aware of the requirements. (See § 30624.9.)

**Reference Note:** Add Section 30624.9 [minor developments that qualify for waiver of the public hearing] and adjust the syntax accordingly.

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**Section 13571, Subdivision (b)**

**Purpose, Subdivision (b):** To update procedures from, improve cross-references to, and provide the common name for the Permit Streamlining Act. (See Gov. Code, § 65920(a).)

**Necessity, Subdivision (b):** For clarity, accuracy, consistency with current provisions of the Permit Streamlining Act (PSA), and to ensure the Commission receives notification of a deemed approval under both sets of circumstances.

The Permit Streamlining Act (PSA), as amended, sets particular requirements for a development to be deemed approved, even if the local government has failed to act by the statutory deadlines. Most pertinently, an applicant may “force” the public hearing with proper notice (Gov. Code, § 65956(b)); or the local government may conduct a late hearing on its own notice (§ 65956(d)), before development may be deemed approved.

The proposed amendments to subdivision (b)(1) initially broaden the reference to the entire PSA rather than an isolated portion, for clarity and long term accuracy. The PSA is subject to frequent litigation and revised legislation. Further amendments are necessary to clarify the applicant would be the person claiming a right to proceed with development, as no one else would have that right, and thus it is the applicant who is responsible for notifying the Commission and the local government of a potential deemed approval. Second, the right to proceed is necessary to clarify the right is to proceed with development generally, as allowed by the PSA, rather than “pursuant” to a cross-reference that lacks newer provisions. A last amendment corrects grammar.

Proposed amendments to subdivision (b)(2) would add “a court” to the first sentence to clarify that the subdivision requirement to provide notice of deemed approvals applies regardless of whether the determination derives from the local government or is issued from a court. The next amendment to delete the reference to Government Code provisions is necessary as a correction. The existing language suggests deemed approval is automatic when that is no longer the case. A proposed addition would replace the expiration of time limits with an actual deemed approval as the trigger requiring notification. The amendment is also necessary to make the provision internally consistent, as it is the “determination” (of deemed approval) that is notified, not the bare expiration of deadlines in the Permit Streamlining Act. Further changes would require the local government to inform the Commission, along with interested persons, of a deemed approval, with a citation to the exact provision relied on rather than the entire article in the Permit Streamlining Act. The addition is necessary as the Commission is to be informed of all appealable development approvals. (See, e.g., § 13571.) The parenthetical at the end of the provision is proposed to be deleted, as the initial change to add “a court” clarifies the subdivision applies regardless of the source of the determination.

**Reference Note:** Add Section 65956 of the Government Code [procedures for deemed approval].

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**Section 13627.**

**Purpose:** To make three corrections, and to require posting of an adopted port master plan to the port’s website in lieu of making the plan available for inspection.

**Necessity:** The deletions of “and [Public Resources Code, Section] 30713” is necessary because the statute is repealed. Adding posting to the port’s website is necessary to incorporate a current practice that makes the plans available to the public at no cost and in a convenient manner. The deletion of the inspection provision is necessary because it is redundant (and with posting, largely unexploited). The port’s adopted plan is a public record, and anyone may inspect it via a Public Records Act request. Replacing the reference to Section 13640 [notification of appealable developments] with Section 13645 [ability to combine environmental documents and the plan] is necessary as a correction. The clause preceding the cross-reference concerns the ability to combine environmental and plan documents.

**Reference Note:** Delete Section 30713 [repealed].

**Section 13628.**

**Purpose:** To clarify any document created for CEQA compliance, such as a mitigated negative declaration, is acceptable for submission of related comments and responses.

**Necessity:** Deleting “draft” is necessary because a draft EIR (published but not adopted, for example) would be acceptable under the next proposed amendment as a type of “other document.” The deletion supports that a final EIR is acceptable. In fact, final documents are preferred, since comments on drafts may not be of continuing relevance by the time of the plan’s submittal. The grammar is adjusted accordingly.

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Section 30711 [minimum content for plan submittals], and Section 30712 [encouraging public comments on the proposed plan].

**Section 13630.**

**Purpose:** To remove an obsolete limit on the timing of the hearing.

**Necessity:** No statutory provision requires a minimum number of days *before* the hearing may take place. The 21 day minimum in the regulation arose from when the Commission met twice a

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month. Currently the Commission meets at least eleven times a year, with a maximum of 45 working days between meetings. (§ 30315.) Generally the Commission has 90 days to bring the proposed plan to hearing. (§ 30714; see also reg. § 13628 [acceptance of submittal].)

**Section 13631.**

**Purpose:** To require posting the staff report for a port master plan in lieu of sending directly to commissioners and interested persons.

**Necessity:** For efficiency and efficacy. All staff reports are published as part of the agenda at least ten days in advance of Commission meetings. Posting is a convenient and effective way to present the project description and associated issues.

**Authority Note:** Add Section 30333 [general rulemaking powers].

**Reference Note:** Add Section 30714 [Commission review of port master plans].

**Section 13632, Subdivisions (a) and (e).**

**Purpose, Subdivision (a):** To clarify when the staff recommendation on a proposed port master plan is published.

**Necessity, Subdivision (a):** For accuracy and to update for current practice. Staff recommendations are published as part of the staff report for the agenda item at least ten days before the hearing.

**Purpose, Subdivision (e):** To generalize the CEQA document at hand, to clarify the Executive Director, rather than the Commission, receives notice of the port's adoption of the certified plan and may accept it, and to express that it is the Executive Director who reports the port's adoption of the plan back to the Commission.

**Necessity, Subdivision (e):** For accuracy, transparency, and to maximize notice. A port may adopt other documents to comply with CEQA, such as a mitigated negative declaration, or find an exemption. Post-certification procedures are corrected as ministerial functions, as with local coastal programs. (See, e.g., proposed § 13544.) Port master plans may not be modified (§ 30714), thus the existing formalities are always redundant. However, the report to the Commission is necessary in order that interested persons, as well as Commissioners, receive notice that certification is complete and the plan effective.

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**Prescriptive Note**

The Executive Director report to the Commission is the most effective way to provide notice to the Commission and interested persons that the port master plan has been accepted.

**Section 13633.**

**Purpose:** To clarify the chair calls for the vote, not the Commission, and to delete the reference to a roll call vote.

**Necessity:** For accuracy and consistency. (See proposed § 13094(a).) Substituting “chair” for “Commission” is necessary because the Commission as a body does not initiate a roll call or any type of vote. A Commissioner makes the initial motion, another Commissioner seconds the motion, and the chair ends deliberations after checking that Commissioners have nothing further to say. Under Robert’s Rules of Order, the default procedures (§ 13023), the chair calls for a vote. (See Exhibit C, Robert’s Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, p. 42 [chair puts the question to a vote].)

Deleting “roll call” is necessary to express that any type of vote ends the opportunity to withdraw the port master plan under consideration. The rules support efficient vehicles for securing a non-controversial vote. See Exhibit C, Robert’s Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, pp. 54-56 [adoption of a motion by unanimous consent].)

**Section 13634.**

**Purpose:** To delete the reference to a roll call vote.

**Necessity:** For accuracy and consistency. (See proposed § 13094(a).) Any type of vote ends the opportunity to amend the port master plan under consideration. The Commission relies on Robert’s Rules of Order as default procedures. (§ 13023.) The Rules support efficient vehicles for securing a non-controversial vote. See Exhibit C, Robert’s Rules of Order Newly Revised (11th ed. 2011) ch. II, § 4, pp. 54-56 [adoption of a motion by unanimous consent].)

###

INITIAL STATEMENT OF REASONS

REGULAR RULEMAKING

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

Exhibit A

Re: proposed change to § 13110

Appealable Projects (posted 8/9/2018)

Appealable Projects (posted 4/8/2019)

**CALIFORNIA COASTAL COMMISSION**

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## CURRENTLY APPEALABLE LOCAL PERMITS

The local government coastal development permit (CDP) decisions listed below are currently appealable to the California Coastal Commission. **Note: An appeal of the below actions must be filed in the relevant Coastal Commission District office by 5:00 pm on the end date of the appeal period (shown in bold).** For each of the following local government decisions, a brief description has been provided with Commission (CCC Post-Cert No.) and local government reference numbers. This notification is provided pursuant to Title 14, California Code of Regulations Section 13110. Additional information is available at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>

To see Frequently Asked Questions about the appeal process: <http://www.coastal.ca.gov/cdp/appeals-faq.pdf>

### Local Government CDP Actions Appealable as of: **August 09, 2018**

#### North Coast District covering Del Norte, Humboldt, and Mendocino Counties

Local Application No.	<b>CDP18-020, CUP18-018</b>		
CCC Post-Cert No.	<b>1-HUM-18-0521</b>	<i>Dates</i>	
Local Jurisdiction	Humboldt County	<i>Local Action</i>	7/19/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/7/18
Applicant(s)	Tim Callison	<i>Appeal Period Starts</i>	8/7/2018
		<i>Appeal Period Ends</i>	<b>8/21/2018</b>
Project Location	1904 Gass St, Samoa, Ca 95564 Humboldt County Apn:06023-40130105		
Project Description	<p>A Coastal Development Permit and Conditional Use Permit to allow non-coastal dependent industrial interim uses for a maximum permit term of seven (7) years within existing facilities, as defined in Chapter 3, Section 311-3.4 of the Humboldt County Zoning Code. The existing facilities were formerly the site of the Simpson Pulp Mill which operated from 1955 to 1992. All existing on-site infrastructure, including storage and distribution warehouse, processing and industrial equipment, administrative buildings, employee facilities, paved and unpaved lease areas, and roads were developed during this time. At the height of operations, the pulp mill process nearly 1,000 tons of paper pulp per day and employed close to 300 people. The facilities vacated by Simpson are located in the Coastal Dependent Industrial zone and are now proposed to be permitted for interim uses. Interim uses will be required to meet the performance standards outlined in HCC Chapter 3, Section 313-104.1. Interim uses will include the following: Fax Farm Fertilizer (207,133 s.f.); Humboldt Bay Packers (12,000 s.f.); Jim Groeling Architecture (43,500 s.f. outdoor reclaimed wood storage and carpentry); 101 Net Link (40 s.f. internet antenna atop building 4); Aaron Newman Storage (1480 s.f.); Cunhas Creations (1,825 s.f.); Greg Lysander Pottery (880 s.f.); McBurn Firewood (1,890 s.f.); Sunlight Supply (44,800 s.f. warehousing, storage and distribution); Frazel &amp; McLean (1,870 s.f. warehousing, storage and distribution); Sequoia Investments X (no s.f. given, warehousing, storage and distribution). All uses will be located in existing facilities and utilize existing on-site wastewater system(s) and domestic water connections. All uses will be conducted solely within the jurisdictional area of the County for Coastal Development permitting.</p>		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## North Central Coast District covering Sonoma, Marin, San Francisco, and San Mateo Counties

Local Application No.	<b>PLN2000-00031</b>		
CCC Post-Cert No.	<b>2-SMC-18-0828</b>	<i>Dates</i>	
Local Jurisdiction	San Mateo County	<i>Local Action</i>	7/11/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/3/18
Applicant(s)	Kerry Burke	<i>Appeal Period Starts</i>	8/3/2018
		<i>Appeal Period Ends</i>	<b>8/17/2018</b>
Project Location	12511 San Mateo Rd, Half Moon Bay, Ca 94019 San Mateo County Apn:06081-056321040		
Project Description	for the construction of six (6) new Farm Labor Housing units and a new septic and the renewal of a Planned Agricultural District Permit for three (3) existing Farm Labor Housing units.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Application No.	<b>141097</b>		
CCC Post-Cert No.	<b>3-SCO-18-0795</b>	<i>Dates</i>	
Local Jurisdiction	Santa Cruz County	<i>Local Action</i>	7/6/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/26/18
Applicant(s)	Steven & Angela Sohl	<i>Appeal Period Starts</i>	7/26/2018
		<i>Appeal Period Ends</i>	<b>8/9/2018</b>
Project Location	North Side Of Alta Road Approximately 1,960 Feet West Of The Intersection With Martin Road (No Situs) In The Bonny Doon Zayante Sandhills, Santa Cruz County, Santa Cruz County Apn:06087-063-061-28		
Project Description	Sohl Residence--Construct a 1,538 square foot single-family dwelling with an attached 400 square foot garage and associated improvements.		
Local Application No.	<b>COAL 18-0056</b>		
CCC Post-Cert No.	<b>3-SLO-18-0808</b>	<i>Dates</i>	
Local Jurisdiction	San Luis Obispo County	<i>Local Action</i>	7/9/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	Paul Pimentel	<i>Appeal Period Starts</i>	7/30/2018
		<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	474 Pacific Ave, Cayucos, Ca 93430 San Luis Obispo County Apn:06079-064-148-010		
Project Description	A request for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between two parcels of 18,441 and 18,447 square feet each resulting in two parcels of 16,909.5 and 19,978.5 square feet each. The project will not result in the creation of any additional parcels.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Application No.	<b>DRC2014-00031</b>		
CCC Post-Cert No.	<b>3-SLO-18-0846</b>	<i>Dates</i>	
Local Jurisdiction	San Luis Obispo County	<i>Local Action</i>	7/20/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/8/18
Applicant(s)	Philip & Pam Rothman	<i>Appeal Period Starts</i>	8/8/2018
		<i>Appeal Period Ends</i>	<b>8/22/2018</b>
Project Location	212 Madera St., Los Osos, San Luis Obispo County Apn:06079-074-483-012		
Project Description	A request for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 2,863 square foot single family residence, attached 1,354 square foot garage/workshop, a 700 square foot terrace and 401 square foot deck. The parcel is located at 212 Madera Street, 300 feet southwest of Rodman Drive, in the Cabrillo Estates neighborhood of Los Osos. The project will result in site disturbance of approximately 12,850 square feet including 203 cubic yards of cut and 160 cy of fill of a 20,068-square foot parcel. The project site is within the Residential Single-Family land use category and is within the Estero planning area.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Central Coast District covering Santa Barbara, Ventura, and North Los Angeles Counties

Local Application No.	<b>18CDH-00000-00003</b>		
CCC Post-Cert No.	<b>4-STB-18-0796</b>	<i>Dates</i>	
Local Jurisdiction	Santa Barbara County	<i>Local Action</i>	7/10/18
Final Local Action	Approved	<i>Local Action Notice Received</i>	7/26/18
Applicant(s)	Calprop II, LLC	<i>Appeal Period Starts</i>	7/26/2018
		<i>Appeal Period Ends</i>	<b>8/9/2018</b>
Project Location	2779 Padaro Lane, Carpinteria, Ca Santa Barbara County Apn:06083-005-260-012		
Project Description	Construction of a new pool, 499 gross square foot cabana, and pond water feature. Grading to include 215 cubic yards of cut and 0 cubic yards of fill. The parcel would continue to be served by the Montecito Water District, the Carpinteria Sanitary District, and the Carpinteria-Summerland Fire Protection District.		
Local Application No.	<b>2018-000100-(3)</b>		
CCC Post-Cert No.	<b>4-MMT-18-0798</b>	<i>Dates</i>	
Local Jurisdiction	LA Co./Malibu Mtns	<i>Local Action</i>	6/18/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/27/18
Applicant(s)	Edith Dume	<i>Appeal Period Starts</i>	7/27/2018
		<i>Appeal Period Ends</i>	<b>8/10/2018</b>
Project Location	231 Loma Metisse Road, Malibu, Ca 90265 Los Angeles County Apn:06037-4453018056		
Project Description	To authorize the construction of a 654 square foot first floor addition, a 731 square foot second floor addition, two roof decks, retaining walls, and a pool. All improvements are associated with an existing single-family residence on an approximately three acre parcel, Condition No. 3 of Coastal Development Permit No. SF-80-6499, issued by the California Coastal Commission on June 24, 1980, for the development of the existing residence, requires that any future additions or improvements obtain a new Coastal Development Permit. Thus, the applicant has applied for an Administrative Coastal Development Permit, per Los Angeles County Code section 22.44.940.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Central Coast District covering Santa Barbara, Ventura, and North Los Angeles Counties

Local Application No.	<b>CDP No. 16-070</b>		
CCC Post-Cert No.	<b>4-MAL-18-0805</b>	<i>Dates</i>	
Local Jurisdiction	City of Malibu	<i>Local Action</i>	7/16/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	Salvatore & Joan Casola	<i>Appeal Period Starts</i>	7/30/2018
		<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	24538 Malibu Road, Malibu, Ca Los Angeles County Apn:06037-4458012011		
Project Description	An application for a new one-car, addition, interior and exterior remodel, trellis, deck extension, and fencing.		
Local Application No.	<b>CDP No. 16-019 &amp; Variance No. 16-021</b>		
CCC Post-Cert No.	<b>4-MAL-18-0806</b>	<i>Dates</i>	
Local Jurisdiction	City of Malibu	<i>Local Action</i>	7/16/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	California Dept of Parks & Recreation	<i>Appeal Period Starts</i>	7/30/2018
		<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	20516 Pacific Coast Highway, Malibu, Ca Los Angeles County		
Project Description	An application for the removal of an existing unpermitted site fence, staircase, and viewing platforms and the construction of a new vertical public accessway, permeable pathway, fence, gate, and guardrail, including a variance for construction on slopes, located in the public right of way.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Central Coast District covering Santa Barbara, Ventura, and North Los Angeles Counties

Local Application No.	<b>16CDH-00000-00006</b>		
CCC Post-Cert No.	<b>4-STB-18-0820</b>	<i>Dates</i>	
Local Jurisdiction	Santa Barbara County	<i>Local Action</i>	7/16/18
Final Local Action	Approved	<i>Local Action Notice Received</i>	8/2/18
Applicant(s)	OK WAVE LLC	<i>Appeal Period Starts</i>	8/2/2018
		<i>Appeal Period Ends</i>	<b>8/16/2018</b>
Project Location	3333 Padaro Ln, Carpinteria, Ca 93013 Santa Barbara County Apn:06083-005-400-026		
Project Description	<p>The project is for a Coastal Development Permit to allow partial demolition of an existing single-family dwelling and several additions. The existing single-family dwelling is 5,226 square feet, with a 193 square foot basement and an attached 800 square foot garage. The project would allow for the partial demolition and remodel of approximately 942 square feet; 1,880 square feet of additions to the first and second floors, a 2,210 square foot expansion of the existing basement as well as the demolition of the existing garage of a new 853 square foot attached garage; a new 286 square foot lanai with a half bathroom of 69 square feet; a new 325 square foot pool and a new 50 square foot in-ground spa.</p> <p>Approximately 19 square feet of the proposed lanai would encroach into the sideyard setback by 2 feet. The lanai would require a variable side yard setback of 5.5 feet along the western property boundary.</p> <p>Approximately 970 cubic yards of cut would be exported and no fill would be required. Two carrotwood trees are proposed for removal. The parcel would continue to be served by the Carpinteria Valley Water District, the Carpinteria Sanitary District, and the Carpinteria-Summerland Fire District. Access would continue to be provided off of Padaro Lane. The property is a 0.55-acre parcel zoned 8-R-1 and shown as Assessor's Parcel Number 005-400-026, located a 3333 Padaro Lane in the Toro Canyon Plan Area, 1st Supervisorial District.</p>		
Local Application No.	<b>PROJ-12389/ACDP-4-18-44702</b>		
CCC Post-Cert No.	<b>4-SBV-18-0827</b>	<i>Dates</i>	
Local Jurisdiction	City of San Buenaventura	<i>Local Action</i>	7/17/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/3/18
Applicant(s)	David Alleman & Preetha Kalathil	<i>Appeal Period Starts</i>	8/3/2018
		<i>Appeal Period Ends</i>	<b>8/17/2018</b>
Project Location	2924 Surfriider Avenue, Ventura, Ca 93003 Ventura County Apn:06111-0800284195		
Project Description	<p>Request for an Administrative Coastal Development permit to construct a 38-square foot addition by enclosing the foot addition by enclosing the existing 38 square foot covered entry on an existing 1,787 square foot two-story single family residence (first floor) 1,115 square foot; second floor 672 square foot) with a 488 square foot two-car garage and 307 square foot covered patio in the rear and a 38 square foot covered entry on a 5,600 square foot lot located at 2924 Surfriider Avenue, in the Single Family (R-1-6) zone with a land use designation of Existing Urban.</p>		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Central Coast District covering Santa Barbara, Ventura, and North Los Angeles Counties

Local Application No.	<b>18CDH-00000-00012</b>		
CCC Post-Cert No.	<b>4-STB-18-0840</b>	<i>Dates</i>	
Local Jurisdiction	Santa Barbara County	<i>Local Action</i>	7/10/18
Final Local Action	Approved	<i>Local Action Notice Received</i>	8/7/18
Applicant(s)	Land Trust for Santa Barbara County	<i>Appeal Period Starts</i>	8/7/2018
		<i>Appeal Period Ends</i>	<b>8/21/2018</b>
Project Location	100 Sandyland Cove Rd, Carpinteria, Ca 93013 Santa Barbara County Apn:06083-004-031-005		
Project Description	Demolition of an existing speed bump, concrete curbs and removal of existing entry gate system. Construction and installation of a new 8'4" wide, 6' high entry gates and extension of existing electrical system to new gate controller and intercom system.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>LCDP18-010</b>		
CCC Post-Cert No.	<b>5-LOB-18-0807</b>	<i>Dates</i>	
Local Jurisdiction	City of Long Beach	<i>Local Action</i>	7/19/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/26/18
Applicant(s)	Mark Wheeler	<i>Appeal Period Starts</i>	7/26/2018
		<i>Appeal Period Ends</i>	<b>8/9/2018</b>
Project Location	5719 E. Seaside Walk, Long Beach, Ca 90803 Los Angeles County		
Project Description	Demolition of existing, and construction of a 3-story, 3,512 sq.ft. single-family residence with attached 2-car garage, swimming pool and spa		
Local Application No.	<b>2013-08-CDP-010-A</b>		
CCC Post-Cert No.	<b>5-RDB-18-0812</b>	<i>Dates</i>	
Local Jurisdiction	City of Redondo Beach	<i>Local Action</i>	7/25/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/27/18
Applicant(s)	Savoir Faire Language Institute, Inc	<i>Appeal Period Starts</i>	7/27/2018
		<i>Appeal Period Ends</i>	<b>8/10/2018</b>
Project Location	117 W. Torrance Blvd, Redondo Beach, Ca 90277 Los Angeles County		
Project Description	Request to increase the number of occupants in an existing school		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>18-1096</b>		
CCC Post-Cert No.	<b>5-LGB-18-0813</b>	<i>Dates</i>	
Local Jurisdiction	City of Laguna Beach	<i>Local Action</i>	6/26/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	Morris Skenderian	<i>Appeal Period Starts</i>	7/30/2018
		<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	8 Rockledge Rd, Laguna Beach, Ca 92651 Orange County Apn:06059-656-151-08		
Project Description	Remodel of a single-family residence on a blufftop lot, including removal of a swimming pool from the blufftop setback		
Local Application No.	<b>CD2017-083</b>		
CCC Post-Cert No.	<b>5-NPB-18-0809</b>	<i>Dates</i>	
Local Jurisdiction	City of Newport Beach	<i>Local Action</i>	5/25/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	Joel Stone	<i>Appeal Period Starts</i>	7/30/2018
	Iren Stone	<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	3702 Park Ln, Newport Beach, Ca 92663 Orange County Apn:06059-423-361-06		
Project Description	Demolition of a single-family residence and construction of a 3-story, 29-ft. high, 2,234 sq.ft. single-family residence with an attached 2-car garage		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>CD2018-047</b>		
CCC Post-Cert No.	<b>5-NPB-18-0811</b>	<i>Dates</i>	
Local Jurisdiction	City of Newport Beach	<i>Local Action</i>	7/27/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	Ryan Oldham Architects	<i>Appeal Period Starts</i>	7/30/2018
		<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	1801 E. Balboa Blvd, Newport Beach, Ca 92661 Orange County Apn:06059-048-221-06		
Project Description	Demolition of a single-family residence and construction of a 3-story, 29-ft. high, 3,489 sq.ft. duplex with an attached garage and two carports		
Local Application No.	<b>DIR-2016-4371-CDP-SPP-MEL</b>		
CCC Post-Cert No.	<b>5-VEN-18-0077</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	7/11/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/18/18
Applicant(s)	Crescent Place LLC	<i>Appeal Period Starts</i>	7/18/2018
		<i>Appeal Period Ends</i>	<b>8/15/2018</b>
Project Location	1630 S. Crescent Pl, Venice, Ca 90291 Los Angeles County Apn:06037-4241014011		
Project Description	Demolition of a single-family residence, and construction of a 2-story (above basement), 28-ft. high, 4,132 sq.ft. single-family residence with a detached 3-car garage		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>DIR-2016-3033-CDP-MEL</b>		
CCC Post-Cert No.	<b>5-VEN-18-0078</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	7/16/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/18/18
Applicant(s)	836 Cali, LLC	<i>Appeal Period Starts</i>	7/18/2018
		<i>Appeal Period Ends</i>	<b>8/15/2018</b>
Project Location	836 California Ave, Venice, Ca 90291 Los Angeles County Apn:06037-4241007007		
Project Description	Demolition of a duplex and single-family residence on two lots, subdivision of the two lots into three lots, and construction of three (one on each new lot) 3-story, single-family residences (each 30-ft. high with approx. 3,500 sq.ft. of floor area, including an attached 2-car garage)		
Local Application No.	<b>DIR-2017-2670-CDP-MEL-1A</b>		
CCC Post-Cert No.	<b>5-PPL-18-0079</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Pacific Palisades	<i>Local Action</i>	7/19/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/20/18
Applicant(s)	Saied Kashani	<i>Appeal Period Starts</i>	7/20/2018
		<i>Appeal Period Ends</i>	<b>8/17/2018</b>
Project Location	17642 W. Tramonto Dr, Pacific Palisades, Ca 90272 Los Angeles County Apn:06037-4416020009		
Project Description	Construction of a 2-story, 5,607 sq.ft. single-family residence with attached garage, above a 3,467 sq.ft. basement, including a detached accessory building, swimming pool, retaining walls, decks, and grading with approximately 4,000 cq.yds. of exported material		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>LDCP18-012, -013, -014, -015, -016, -017, -018, -019, &amp; -020</b>		
CCC Post-Cert No.	<b>5-LOB-18-0843</b>	<i>Dates</i>	
Local Jurisdiction	City of Long Beach	<i>Local Action</i>	7/19/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/6/18
Applicant(s)	Michael Johnston	<i>Appeal Period Starts</i>	8/6/2018
		<i>Appeal Period Ends</i>	<b>8/20/2018</b>
Project Location	City Beach Parking Lots Including: Alamitos, Junipero, Belmont Pier, Granada, La Verne, 54Th Place, 72Nd Place, Mother'S Beach, Colorado Lagoon, City Of Long Beach, Los Angeles County, Los Angeles County		
Project Description	Related to proposed changes to the City's regulation of select beach parking lots		
Local Application No.	<b>DIR-2017-2654-CDP-MEL</b>		
CCC Post-Cert No.	<b>5-PPL-18-0080</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Pacific Palisades	<i>Local Action</i>	7/16/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/25/18
Applicant(s)	Louis Magur	<i>Appeal Period Starts</i>	7/26/2018
		<i>Appeal Period Ends</i>	<b>8/22/2018</b>
Project Location	15232 W. De Pauw St, Pacific Palisades, Ca 90272 Los Angeles County Apn:06037-4412020030		
Project Description	Demolition of a 1-story single-family residence and construction of a 2-story (above 1,828 sq.ft. basement), 4,671 sq.ft. single-family residence with attached 2-car garage and swimming pool		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>DIR-2017-1973-CDP-MEL</b>		
CCC Post-Cert No.	<b>5-VEN-18-0081</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	7/20/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	705 Broadway, LLC	<i>Appeal Period Starts</i>	7/30/2018
		<i>Appeal Period Ends</i>	<b>8/27/2018</b>
Project Location	705 E. Broadway St, Venice, Ca 90291 Los Angeles County Apn:06037-4239013002		
Project Description	Demolition of a duplex, subdivision of the lot into two small lots, and construction of a 3-level, 30-ft. high, 3,030 sq.ft. single-family residence on each lot		
Local Application No.	<b>DIR-2017-2769-CDP</b>		
CCC Post-Cert No.	<b>5-PPL-18-0083</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Pacific Palisades	<i>Local Action</i>	7/27/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/1/18
Applicant(s)	Pavel Blyumkin	<i>Appeal Period Starts</i>	8/1/2018
	Marina Blyumkin	<i>Appeal Period Ends</i>	<b>8/29/2018</b>
Project Location	16606 Merivale Ln, Pacific Palisades, Ca 90272 Los Angeles County		
Project Description	Remodel and 702 sq.ft. addition to a 2-story single-family residence, resulting in a 2-story, 5,042 sq.ft. single-family residence with attached 2-car garage and new swimming pool		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>DIR-2017-3396-CDP-MEL</b>		
CCC Post-Cert No.	<b>5-VEN-18-0082</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	7/26/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	8/1/18
Applicant(s)	Sergeant Sophie, LLC	<i>Appeal Period Starts</i>	8/1/2018
		<i>Appeal Period Ends</i>	<b>8/29/2018</b>
Project Location	629 E. Sunset Ave, Venice, Ca 90291 Los Angeles County Apn:06037-4240012030		
Project Description	Demolition of a single-family residence, and construction of a 2-story, 30-ft. high, 5,100 sq.ft. duplex with an attached 5-car garage		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## San Diego District covering San Diego County

Local Application No.	<b>RC17-00013</b>		
CCC Post-Cert No.	<b>6-OCN-18-0774</b>	<i>Dates</i>	
Local Jurisdiction	City of Oceanside	<i>Local Action</i>	7/9/18
Final Local Action		<i>Local Action Notice Received</i>	7/26/18
Applicant(s)	Rock Hollow Trust	<i>Appeal Period Starts</i>	7/26/2018
		<i>Appeal Period Ends</i>	<b>8/9/2018</b>
Project Location	40 Saint Malo Beach, San Diego County Apn:06073-1551034900		
Project Description	The construction of a detached two-story, 1,193 sq. ft. accessory dwelling unit including a 998 sq. ft. garage and storage area on a 0.71-acre ocean-front lot. The site is currently developed with a two-story 2,833 sq. ft. home. Both the existing and new structure are located inland of the rear-yard "stringline" setback.		
Local Application No.			
CCC Post-Cert No.	<b>6-MBE-18-0814</b>	<i>Dates</i>	
Local Jurisdiction	City of San Diego - Mission Beach	<i>Local Action</i>	7/19/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/30/18
Applicant(s)	SDDP 2016 Limited	<i>Appeal Period Starts</i>	7/31/2018
		<i>Appeal Period Ends</i>	<b>8/13/2018</b>
Project Location	2695 Mission Blvd, San Diego, Ca 92109 San Diego County Apn:06073-4237470800		
Project Description	Demolition of two existing swelling units and construction of a three-story, thirty-foot tall, approximately 4,000 sq. ft. condominium structure with two dwelling units (Unit A is 1,985 sq. ft. and Unit B is 2,005 sq. ft.), each with attached two-car garage on a 0.09-acre lot.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **August 09, 2018**

## San Diego District covering San Diego County

Local Application No.	<b>ACP 180015</b>		
CCC Post-Cert No.	<b>6-IMB-18-0830</b>	<i>Dates</i>	
Local Jurisdiction	City of Imperial Beach	<i>Local Action</i>	7/31/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	7/31/18
Applicant(s)	Ronnie Swaine	<i>Appeal Period Starts</i>	7/31/2018
		<i>Appeal Period Ends</i>	<b>8/14/2018</b>
Project Location	1320 Seacoast Dr A, Imperial Beach, Ca 91932 San Diego County Apn:06073-6320201511		
Project Description	Repair and maintenance of an existing rock revetment consisting of the repositioning of existing rock; no new importation of rock is proposed.		
Local Application No.	<b>1992324, 2145621, 214561, 1390732</b>		
CCC Post-Cert No.	<b>6-NOC-18-0845</b>	<i>Dates</i>	
Local Jurisdiction	City of San Diego - North City	<i>Local Action</i>	8/1/18
Final Local Action		<i>Local Action Notice Received</i>	8/3/18
Applicant(s)	Kimberly Elliott	<i>Appeal Period Starts</i>	8/3/2018
		<i>Appeal Period Ends</i>	<b>8/17/2018</b>
Project Location	3115 Merryfield Row, San Diego, Ca 92121A San Diego County		
Project Description	The project will revise a previously approved Coastal Development Permit issued by the City of San Diego authorizing the demolition of two existing research and development buildings and construction of a 57,372 sq. ft. structure. As amended, through the transfer of development rights from two locations (3050 Callan Road and 3013-3033 Science Park Road), the proposed structure would be increased in size from a 57, 372 sq. ft. two story with two levels of subterranean parking to a 118,931 sq. ft. three story structure with three levels of subterranean parking and 40 surface parking spaces. The building will also be relocated so that the building is located further away from the adjacent canyon. The project is located on a 13.77 acre site that contains steep slopes and sensitive habitat.		

**CALIFORNIA COASTAL COMMISSION**

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## CURRENTLY APPEALABLE LOCAL PERMITS

The local government coastal development permit (CDP) decisions listed below are currently appealable to the California Coastal Commission. **Note: An appeal of the below actions must be filed in the relevant Coastal Commission District office by 5:00 pm on the end date of the appeal period (shown in bold).** For each of the following local government decisions, a brief description has been provided with Commission (CCC Post-Cert No.) and local government reference numbers. This notification is provided pursuant to Title 14, California Code of Regulations Section 13110. Additional information is available at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>

To see Frequently Asked Questions about the appeal process: <https://documents.coastal.ca.gov/assets/cdp/appeals-faq.pdf>

### Local Government CDP Actions Appealable as of: **April 08, 2019**

#### North Coast District covering Del Norte, Humboldt, and Mendocino Counties

Local Application No.	<b>CDP18-031, LLA18-019</b>		
CCC Post-Cert No.	<b>1-HUM-18-0818</b>	<i>Dates</i>	
Local Jurisdiction	Humboldt County	<i>Local Action</i>	3/7/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/27/19
Applicant(s)	Kathleen Pelley	<i>Appeal Period Starts</i>	3/27/2019
		<i>Appeal Period Ends</i>	<b>4/11/2019</b>
Project Location	3970 Pennsylvania Ave, Eureka, Ca 95501 Humboldt County Apn:06023-01607114		
Project Description	A Lot Line Adjustment (LLA) between three parcels resulting in two parcels of approximately 31,140 square feet and 138,068 square feet. The purpose of the LLA is to plan for the sale of the westerly parcel (Parcel 1), leaving as many trees as possible on the easterly parcel (Parcel 2). Both parcels are developed with a single family residence and served with community water provided by Humboldt Community Services District (HCSD). Parcel 1 is served with an on-site wastewater system and Parcel 2 is served with community sewer provided by HCSD. The parcels are located within the Coastal Zone, therefore, a Coastal Development Permit (CDP) is also required.		
Local Application No.	<b>PLN-2018-15149</b>		
CCC Post-Cert No.	<b>1-HUM-19-0082</b>	<i>Dates</i>	
Local Jurisdiction	Humboldt County	<i>Local Action</i>	3/7/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/27/19
Applicant(s)	Bryan Norkunas	<i>Appeal Period Starts</i>	3/27/2019
		<i>Appeal Period Ends</i>	<b>4/11/2019</b>
Project Location	2400 Waddington Rd, Ferndale, Ca 95536 Humboldt County Apn:06023-10606126		
Project Description	A follow up Coastal Development Permit to the approved Emergency Coastal Development Permit with authorized the installation of a new well to serve an existing residence. The existing well is 26 feet deep and has failed. The residence is currently without water due to the failure of the existing well, as it was the exclusive source of water for the parcel. The new well location has been determined by Fisch Drilling, who also completed the drilling of the new well. No grading, vegetation removal, or other development is proposed at this time.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## North Coast District covering Del Norte, Humboldt, and Mendocino Counties

Local Application No.	<b>UR_2016-0008</b>		
CCC Post-Cert No.	<b>1-MEN-17-0352</b>	<i>Dates</i>	
Local Jurisdiction	Mendocino County	<i>Local Action</i>	5/18/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	4/2/19
Applicant(s)	Ronelle McMahon	<i>Appeal Period Starts</i>	4/2/2019
		<i>Appeal Period Ends</i>	<b>4/16/2019</b>
Project Location	33051 Highway 1, Fort Bragg, Ca 95437 Mendocino County Apn:06045-01507040		
Project Description	Coastal Development Use Permit and Reclamation Plan Renewal to extend an existing hillside quarry mining operation for an additional 5 years. Extraction of up to 42,000 cubic yards (cy) of material (average 8,400 cy/yr) with up to 15,000 cubic yards in any one year.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## North Central Coast District covering Sonoma, Marin, San Francisco, and San Mateo Counties

Local Application No.	<b>PDP-19-015</b>		
CCC Post-Cert No.	<b>2-HMB-19-0452</b>	<i>Dates</i>	
Local Jurisdiction	City of Half Moon Bay	<i>Local Action</i>	3/15/19
Final Local Action	Approved	<i>Local Action Notice Received</i>	4/4/19
Applicant(s)	Terri DuFore	<i>Appeal Period Starts</i>	4/4/2019
		<i>Appeal Period Ends</i>	<b>4/18/2019</b>
Project Location	309 Washington Blvd, Half Moon Bay, Ca 94019 San Mateo County Apn:06081-048114070		
Project Description	for the construction of a 217 square-foot addition to establish a new attached 697 square-foot accessory dwelling unit at an existing single-family residence on a 10,000 square-foot site		
Local Application No.	<b>P 2010</b>		
CCC Post-Cert No.	<b>2-MAR-19-0487</b>	<i>Dates</i>	
Local Jurisdiction	Marin County	<i>Local Action</i>	3/25/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	4/5/19
Applicant(s)	Michael Mitchell	<i>Appeal Period Starts</i>	4/5/2019
		<i>Appeal Period Ends</i>	<b>4/19/2019</b>
Project Location	228 Seadrift Rd, Stinson Beach, Ca 94970 Marin County Apn:06041-195-331-12		
Project Description	to demolish an existing house and construct a new 2,583 square foot house and 286 square foot garage on a developed lot in Seadrift/Stinson Beach		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Application No.	<b>PLN180385</b>		
CCC Post-Cert No.	<b>3-MCO-19-0311</b>	<i>Dates</i>	
Local Jurisdiction	Monterey County	<i>Local Action</i>	2/28/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Bay View Trust	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	2361 Bay View Ave, Carmel, Ca 93923 Monterey County Apn:06053-009422006000		
Project Description	Coastal Development Permit and Design Approval to allow repairs and minor alterations to an existing 2,886 square foot two-story single family dwelling and an existing 354 square foot guesthouse including maintaining legal nonconforming structure height, floor area ration and setback.		
Local Application No.	<b>PLN180305</b>		
CCC Post-Cert No.	<b>3-MCO-19-0313</b>	<i>Dates</i>	
Local Jurisdiction	Monterey County	<i>Local Action</i>	2/27/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Lezlie Gunn	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	905 Ripple Ave, Pacific Grove, Ca 93950 Monterey County Apn:06053-006061008000		
Project Description	Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 3,1146 square foot two-story single family dwelling, 578 square foot attached two-car garage, 38 square foot mechanical room, 85 square foot covered entry and 413 square foot covered terrace; and 2) Coastal Development Permit to allow the removal of 12 Monterey Pine and 1 Coast Live Oak trees.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Application No.	<b>DRC2018-00175</b>		
CCC Post-Cert No.	<b>3-SLO-19-0310</b>	<i>Dates</i>	
Local Jurisdiction	San Luis Obispo County	<i>Local Action</i>	3/15/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Bruce Ferrante	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	51 8Th St, Cayucos, Ca 93430 San Luis Obispo County Apn:06079-064-146-009		
Project Description	A request for a Minor Use Permit/Coastal Development Permit to allow for the demolition of an existing 1,160-square-foot single-family residence and the construction of a new two-story 2,200-square-foot single family residence with an attached single-car garage. The project will result in the disturbance of the entire 4,000-square-foot parcel. The proposed project is with in the residential Single-Family land use category and is located at 51 8th Street, approximately 300 feet south of Ocean Avenue intersection, within the community of Cayucos.		
Local Application No.	<b>#19-0017</b>		
CCC Post-Cert No.	<b>3-CAP-19-0314</b>	<i>Dates</i>	
Local Jurisdiction	City of Capitola	<i>Local Action</i>	3/22/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/25/19
Applicant(s)	John McEnery III	<i>Appeal Period Starts</i>	3/25/2019
		<i>Appeal Period Ends</i>	<b>4/9/2019</b>
Project Location	510 El Salto Dr, Capitola, Ca 95010 Santa Cruz County Apn:06087-036-125-16		
Project Description	Permit time extension for a Design permit for a single-story addition to an existing single-family home located within the R-1 (Single-Family Residential) zoning district.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Application No.	<b>PLN180481</b>		
CCC Post-Cert No.	<b>3-MCO-19-0322</b>	<i>Dates</i>	
Local Jurisdiction	Monterey County	<i>Local Action</i>	3/8/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/25/19
Applicant(s)	Lounibos Thomas Michael & Perry Tracey Leigh Trs	<i>Appeal Period Starts</i>	3/25/2019
		<i>Appeal Period Ends</i>	<b>4/9/2019</b>
Project Location	1419 Viscaino Rd, Pebble Beach, Ca Monterey County Apn:06053-008031023000		
Project Description	Coastal Administrative Permit and Design Approval for a 6,264 square foot two-story single family dwelling with 946 square foot attached garage and the removal of 37 Monterey Pine trees and one (1) Oak tree. Grading of approximately 260 cubic yards of cut and 260 cubic yards of fill.		
Local Application No.	<b>COAL 18-0112 &amp; SUB2018-00065</b>		
CCC Post-Cert No.	<b>3-SLO-19-0316</b>	<i>Dates</i>	
Local Jurisdiction	San Luis Obispo County	<i>Local Action</i>	3/4/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/25/19
Applicant(s)	Lon Moskowitz	<i>Appeal Period Starts</i>	3/25/2019
		<i>Appeal Period Ends</i>	<b>4/9/2019</b>
Project Location	1372 Pasadena Dr, Los Osos, Ca 93402 San Luis Obispo County Apn:06079-038-733-010		
Project Description	A request for a Lot Line Adjustment/Coastal Development Permit to allow an adjustment of Land area between three existing parcels of 7,745 square feet (lot 8), 7,750 square feet (lot 9), and 10,075 square feet (lot 10), resulting in tow parcels of 11,620 square feet and 13,950 square feet, respectively. Each of the two resulting lots will absorb half of vacant lot 9, transferring approximately 3,875 square feet to lot 8 and lot 10. The adjustment will not result in the creation of any new parcels. The property proposed for adjustment is within the Residential Single-Family land use category and is located at 1372 and 1398 Pasadena Drive, on the corner of 1st street and Pasadena Drive, in the community of Los Osos.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## Central Coast District covering Santa Cruz, Monterey, and San Luis Obispo Counties

Local Application No.	<b>COAL 18-0082 &amp; SUB2018-00055</b>		
CCC Post-Cert No.	<b>3-SLO-19-0320</b>	<i>Dates</i>	
Local Jurisdiction	San Luis Obispo County	<i>Local Action</i>	3/4/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/25/19
Applicant(s)	Dave Williams	<i>Appeal Period Starts</i>	3/25/2019
		<i>Appeal Period Ends</i>	<b>4/9/2019</b>
Project Location	199 H St, Cayucos, Ca 93430 San Luis Obispo County Apn:06079-064-126-010		
Project Description	A request for a Lot Line Adjustment/Coastal Development Permit to allow an adjustment of land area between two existing vacant parcels of 4,005 and 6,009 square feet, resulting in two parcels of 6,009 and 4,005 square feet, respectively. The adjustment will transfer approximately 2,000 square feet from a relatively level parcel to a parcel with greater slope, thereby reducing average slope and improving development potential. the property proposed for adjustment is within the Residential Single-Family land use category and is located at 199 H Street, approximately 50 feet from the northwestern corner of Fresno Avenue, in the community of Cayucos.		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>2681</b>		
CCC Post-Cert No.	<b>5-AVA-19-0319</b>	<i>Dates</i>	
Local Jurisdiction	City of Avalon	<i>Local Action</i>	12/8/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Karl Schmeck	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	523 Crescent, Catalina Island, Ca Los Angeles County		
Project Description	To renovate the interior of a former restaurant at 523 Crescent into two retail, non food and beverage enterprise		
<hr/>			
Local Application No.	<b>2680</b>		
CCC Post-Cert No.	<b>5-AVA-19-0345</b>	<i>Dates</i>	
Local Jurisdiction	City of Avalon	<i>Local Action</i>	12/5/18
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Karl Schmeck	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	505/507 Crescent Ave Avalon, Ca 90704, Los Angeles County Apn:06037-7480015001		
Project Description	Addition to a shade structure over the staging area at the Golf Cart pavilion		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>2673</b>		
CCC Post-Cert No.	<b>5-AVA-19-0351</b>	<i>Dates</i>	
Local Jurisdiction	City of Avalon	<i>Local Action</i>	10/17/18
Final Local Action	Denied	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Peter Savage	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	157 Olive, Avalon, Ca Los Angeles County Apn:06037-7480022067		
Project Description	To allow the renting or leasing of a room or room with or without table board in one unit within a duplex condominium dwelling for periods of fewers		
Local Application No.	<b>2681</b>		
CCC Post-Cert No.	<b>5-AVA-19-0352</b>	<i>Dates</i>	
Local Jurisdiction	City of Avalon	<i>Local Action</i>	1/16/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Karl Schmeck	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	625 Crescent Ave ., Catalina Island, Ca 90704, Los Angeles County		
Project Description	Add a shade structure over the staging area at the Golf Cart Pavilion		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>2682</b>		
CCC Post-Cert No.	<b>5-AVA-19-0353</b>	<i>Dates</i>	
Local Jurisdiction	City of Avalon	<i>Local Action</i>	1/16/19
Final Local Action	Approved	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Peter Savage	<i>Appeal Period Starts</i>	3/28/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	Adjacent To Building 11 On Gaviota, Los Angeles County		
Project Description	A placement of a concrete golf cart parking pad within 100 coastal bluff within the Hamilton Cove Condominium Community		
Local Application No.	<b>2673</b>		
CCC Post-Cert No.	<b>5-AVA-19-0354</b>	<i>Dates</i>	
Local Jurisdiction	City of Avalon	<i>Local Action</i>	9/18/18
Final Local Action	Denied	<i>Local Action Notice Received</i>	3/22/19
Applicant(s)	Peter Savage	<i>Appeal Period Starts</i>	3/22/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	155 Olive Street., Avalon, Ca 90704, Los Angeles County Apn:06037-7480022067		
Project Description	To allow the renting or leasing of a room or rooms with or without table board in one unit within a duplex condominium dwelling unit		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>DIR-2018-5418-CDP-MEL</b>		
CCC Post-Cert No.	<b>5-PPL-19-0023</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Pacific Palisades	<i>Local Action</i>	2/27/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/8/19
Applicant(s)	Thomas Jayne	<i>Appeal Period Starts</i>	3/8/2019
		<i>Appeal Period Ends</i>	<b>4/8/2019</b>
Project Location	15324 W De Pauw St, Pacific Palisades, Ca 90272 Los Angeles County Apn:06037-4412019013		
Project Description	Demolition of an 824 sq.ft., detached, 2 car garage, and construction of a 2 story, 1,196 sq.ft. Accessory Dwelling Unit (ADU)		
Local Application No.	<b>DIR-2018-3239-CDP</b>		
CCC Post-Cert No.	<b>5-VEN-19-0024</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	3/7/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/11/19
Applicant(s)	Jay Gigandet	<i>Appeal Period Starts</i>	3/11/2019
	Kim Gigandet	<i>Appeal Period Ends</i>	<b>4/9/2019</b>
Project Location	2815 S Ocean Ave, Venice, Ca 90291 Los Angeles County Apn:06037-4227023005		
Project Description	Remodel and addition to a 1-story, single-family dwelling, resulting in a 1,850 sq.ft., 2-story, single-family dwelling with a detached 2-car garage		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>18-039</b>		
CCC Post-Cert No.	<b>5-HNB-19-0312</b>	<i>Dates</i>	
Local Jurisdiction	City of Huntington Beach	<i>Local Action</i>	3/20/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/26/19
Applicant(s)	Quong TRAN	<i>Appeal Period Starts</i>	3/27/2019
		<i>Appeal Period Ends</i>	<b>4/11/2019</b>
Project Location	16962 Coral Cay Ln, Huntington Beach, Ca 92649 Orange County Apn:06059-178-654-23		
Project Description	TO DEMOLISH AN EXISTING 3,411SQ.FT SINGLEFAMILY RESIDENCE AND CONSTRUCT A TWO-STORY 5,187 SQ.FT SINGLE FAMILY RESIDENCE AND 640 SQ.FT GARAGE TO AN OVERALL HEIGHT OF 27.5 SQ.FT		
Local Application No.	<b>18-040</b>		
CCC Post-Cert No.	<b>5-HNB-19-0315</b>	<i>Dates</i>	
Local Jurisdiction	City of Huntington Beach	<i>Local Action</i>	3/20/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/26/19
Applicant(s)	Quong Tran	<i>Appeal Period Starts</i>	3/27/2019
		<i>Appeal Period Ends</i>	<b>4/11/2019</b>
Project Location	17091 Edgewater Ln, Huntington Beach, Ca 92649 Orange County Apn:06059-178-291-17		
Project Description	To demolish an existing 3,881 sq.ft., single family residence and construct a two- story, 4,497 sq.ft., single family residence and 440 sq.ft., garage at an overall height of 30 sq.ft .		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>DIR-2015-2823-CDP-2A</b>		
CCC Post-Cert No.	<b>5-VEN-19-0025</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	3/6/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/13/19
Applicant(s)	Martin Meeks	<i>Appeal Period Starts</i>	3/13/2019
		<i>Appeal Period Ends</i>	<b>4/11/2019</b>
Project Location	583 E Venice Blvd, Venice, Ca 90291 Los Angeles County Apn:06037-4238017036		
Project Description	Reversion of Acreage of 5,133 sq.ft. along Abbot Kinney Blvd. and Venice Blvd.		
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Local Application No.	<b>CDP-18-0013</b>		
CCC Post-Cert No.	<b>5-DPT-19-0407</b>	<i>Dates</i>	
Local Jurisdiction	City of Dana Point	<i>Local Action</i>	3/26/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/29/19
Applicant(s)	Morris Skenderian	<i>Appeal Period Starts</i>	3/29/2019
		<i>Appeal Period Ends</i>	<b>4/15/2019</b>
Project Location	87 Monarch Bay Dr, Dana Point, Ca 92629 Orange County Apn:06059-670-121-58		
Project Description	Convert existing crawl space to construct a 146 sq.ft., elevator addition install two new windows on exiting, nonconforming wall located within the 25' coastal bluff edge		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>CPC-2018-2140-CU-DB-CDP-SPP-MEL</b>		
CCC Post-Cert No.	<b>5-VEN-19-0026</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	2/28/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/15/19
Applicant(s)	Rebecca Dennison	<i>Appeal Period Starts</i>	3/15/2019
		<i>Appeal Period Ends</i>	<b>4/15/2019</b>
Project Location	720 E Rose Ave, Venice, Ca 90291 Los Angeles County Apn:06037-4240018044		
Project Description	Demolition of commercial office and institutional uses, and the construction of a 4-story, mixed-use, 35-unit permanent supportive housing development with 1,885 sq.ft. of administrative and program offices and a max. building height of 43-ft. 8-in.		
Local Application No.	<b>DIR-2018-3071-CDP-SPP-MEL</b>		
CCC Post-Cert No.	<b>5-VEN-19-0027</b>	<i>Dates</i>	
Local Jurisdiction	City of LA - Venice	<i>Local Action</i>	3/14/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	3/18/19
Applicant(s)	Marius Markevicius	<i>Appeal Period Starts</i>	3/18/2019
		<i>Appeal Period Ends</i>	<b>4/16/2019</b>
Project Location	21 E 29Th Ave, Venice, Ca 90291 Los Angeles County Apn:06037-4226021019		
Project Description	Demolition of 1,856 sq.ft. duplex, and construction of a 3-story, 28-ft. high, 3,932 sq.ft., single-family dwelling, with attached 2-car garage on a 2,641 sq.ft. walkstreet lot		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>18-2175</b>		
CCC Post-Cert No.	<b>5-LGB-19-0461</b>	<i>Dates</i>	
Local Jurisdiction	City of Laguna Beach	<i>Local Action</i>	3/29/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	4/3/19
Applicant(s)	Carlton Graham	<i>Appeal Period Starts</i>	4/3/2019
		<i>Appeal Period Ends</i>	<b>4/17/2019</b>
Project Location	31861 Coast Hwy, Laguna Beach, Ca 92651 Orange County Apn:06059-658-113-06		
Project Description	A new single family residence 5,194 sq.ft., with a detached garage 686 sq.ft., elevated decks 810 Sq.ft., skylight two air condition units, pool, spa, grading, retaining walls, landscaping and construction within an environmentally sensitive area		
Local Application No.	<b>19-3086</b>		
CCC Post-Cert No.	<b>5-LGB-19-0467</b>	<i>Dates</i>	
Local Jurisdiction	City of Laguna Beach	<i>Local Action</i>	3/28/19
Final Local Action	Approved	<i>Local Action Notice Received</i>	4/3/19
Applicant(s)	Sian Poeschl	<i>Appeal Period Starts</i>	4/3/2019
		<i>Appeal Period Ends</i>	<b>4/17/2019</b>
Project Location	Thalia Street Beach Accessway , Laguna Beach, Ca 92651, Orange County		
Project Description	Installation of an artwork piece on the lower landing on the Thalia street Beach accessway within the public right of way .		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## South Coast District covering South Los Angeles and Orange Counties

Local Application No.	<b>CA-18-18</b>		
CCC Post-Cert No.	<b>5-MNB-19-0448</b>	<i>Dates</i>	
Local Jurisdiction	City of Manhattan Beach	<i>Local Action</i>	12/7/18
Final Local Action	Approved	<i>Local Action Notice Received</i>	4/2/19
Applicant(s)	Heriberto Gonzalez	<i>Appeal Period Starts</i>	4/4/2019
		<i>Appeal Period Ends</i>	<b>4/18/2019</b>
Project Location	124 39Th St, Manhattan Beach, Ca 90266 Los Angeles County Apn:06037-4137011080		
Project Description	Demolition of an existing duplex and the development of a new three story, single family residence with a two car- garage		
Local Application No.	<b>CD2018-106</b>		
CCC Post-Cert No.	<b>5-NPB-19-0449</b>	<i>Dates</i>	
Local Jurisdiction	City of Newport Beach	<i>Local Action</i>	3/29/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	4/2/19
Applicant(s)	Eric Fulsang	<i>Appeal Period Starts</i>	4/4/2019
		<i>Appeal Period Ends</i>	<b>4/18/2019</b>
Project Location	4700 Lido Sands Drive, Newport Beach, Ca 92663 Orange County Apn:06059-114-211-46		
Project Description	Demolition of an existing 311 Sq.ft., clubhouse the construction of a new 1,150 sq.ft single story clubhouse and the modification of an existing swimming pool to serve the Lido Sands Community Association		

# CURRENTLY APPEALABLE LOCAL PERMITS

Local Government CDP Actions Appealable as of: **April 08, 2019**

## San Diego District covering San Diego County

Local Application No.	<b>CDP 18-0004</b>		
CCC Post-Cert No.	<b>6-DMR-19-0429</b>	<i>Dates</i>	
Local Jurisdiction	City of Del Mar	<i>Local Action</i>	4/12/19
Final Local Action	Approved With Conditions	<i>Local Action Notice Received</i>	4/2/19
Applicant(s)	Kimberly Schnell	<i>Appeal Period Starts</i>	4/2/2019
		<i>Appeal Period Ends</i>	<b>4/16/2019</b>
Project Location	107 Via De La Valle, Del Mar, Ca 92014 San Diego County Apn:06073-2984211200		
Project Description	Allow landscaping, hardscaping, and minor grading improvements with the 20-foot setback of a substantially steep slope in the Bluff, Slope, and Canyon Overlay Zone. Proposed improvements include the installation of concrete patios, stairs, a fire-pit, built-in barbeque, retaining wall, and drainage storage and conveyance improvements.		

INITIAL STATEMENT OF REASONS

REGULAR RULEMAKING

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

Exhibit B

Re: proposed changes to § 13185, Appendix A

Excerpts from Rulemaking 92-0623-01

OFFICE OF ADMINISTRATIVE LAW  
555 Capitol Mall, Suite 1290  
Sacramento, Ca 95814  
(916) 323-6813

08/15/92

State Agency:  
COASTAL COMMISSION  
45 Fremont Street, #2000  
San Francisco, CA 94105

TITLE  
14  
DATE FILED  
08/04/92  
DATE  
EFFECTIVE  
09/03/92  
EXPIRATION  
DATE

SECTIONS  
Adopt sections 13180 through  
13188 (consecutive) of Title  
14, California Code of  
Regulations

RE: 92-0623-01 S

REGISTER #

A copy of the above-entitled regulations as filed with the Secretary of State is enclosed along with the rule-making file your agency submitted to OAL for this regulatory action.

Please note that emergency files will be retained by OAL until they can be returned with the certificate of compliance filing or until the regulations expire and are removed from the California Code of Regulations.

**REGULAR**  
**NOTICE PUBLICATION REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

CALIFORNIA COASTAL COMMISSION

**APPROVED**

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z92-0219-01	92-0623-018		

For use by Office of Administrative Law (OAL) only

1992 JUN 23 AM 9 30

OFFICE OF ADMINISTRATIVE LAW

ENDORSED APPROVED FOR FILING

AUG 4 1992

Office of Administrative Law REGULATIONS

NOTICE

ENDORSED FILED IN THE OFFICE OF SECRETARY OF STATE  
 92 AUG -4 PM 4:

MARCH FONG EU SECRETARY OF STATE OF CALIFORNIA

ENDORSED FILED IN THE OFFICE OF SECRETARY OF STATE  
 92 AUG -4 PM 4:02

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

1. TOPIC OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	
	92 #102	3-6-92	

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

**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

TITLE(S)	ADOPT
14	13180-13188
<b>SECTIONS AFFECTED</b>	AMEND
	REPEAL

**2. TYPE OF FILING**

Regular Rulemaking (Gov. Code, § 11346)    
 Resubmittal    
 Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)    
 Emergency (Gov. Code, § 11346.1(b))

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

Print Only      Other (specify)

**3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE** (Cal. Code Regs. title 1, §§ 44 and 45)

May 19, 1992 - June 10, 1992

**4. EFFECTIVE DATE OF REGULATORY CHANGES** (Gov. Code § 11346.2)

Effective 30th day after filing with Secretary of State    
 Effective on filing with Secretary of State    
 Effective other (Specify)

**5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

Department of Finance (Form STD. 399)    
 Fair Political Practices Commission    
 State Fire Marshal

Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
JOHN BOWERS, Staff Counsel	(415) 904-5220

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

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
<i>James W. Burns</i>	6/22/92
TYPED NAME AND TITLE OF SIGNATORY	
JAMES W. BURNS, Chief Deputy Director	

## INITIAL STATEMENT OF REASONS

The California Coastal Commission is proposing to implement the new authority granted by sections 30809 and 30810 of the Public Resources Code by adopting the attached sections 13180 - 13188 to be added as a new Subchapter 8 to Chapter 5 of Division 5.5 of Title 14 of the California Code of Regulations.

Section 30809(b) of the Public Resources Code provides that the Executive Director of the Commission may issue a cease and desist order only if the person or agency to whom the order is directed has failed to respond in a satisfactory manner to a notice informing that person or agency of the alleged violation of the Coastal Act. Section 30809(b) is silent with respect to what will or will not constitute a satisfactory response to such a notice. Thus, the Commission is proposing to adopt section 13180 of the proposed regulations for the purpose of describing the circumstances in which a response to a notice provided pursuant to section 30809(b) will be considered to be "satisfactory."

Section 30810(a) of the Public Resources Code provides that the Commission may issue a cease and desist order "after public hearing." The Commission proposes to adopt as regulations the attached sections 13181 - 13186 for the purpose of providing procedures to govern the public hearings required by section 30810(a).

Section 13181 of the proposed regulations provides that the Executive Director of the Commission may commence a cease and desist order proceeding before the Commission by providing notice of his intent to do so to any person whom he believes to be engaging in activity in violation of the Coastal Act or of a permit issued thereunder. The proposed regulation 1) describes the information that such a notice is required to include and 2) requires a "Statement of Defense Form" in the form attached as Appendix A to the proposed regulations to be included therewith. The purpose of this "Statement of Defense Form" is to give the alleged violator(s) an opportunity to respond to the allegations of the staff's violation investigation. A secondary purpose of this "Statement" is to generate information that will help ensure that any action the Commission decides to take under section 30810 is based on a correct understanding of all attendant facts and circumstances. The time that an alleged violator is given for completing and returning the "Statement" must be at least 20 days.

Section 13182 of the proposed regulations provides for notice of the hearing on a proposed Commission cease and desist order to be given to the alleged violator(s) and to other members of the public who have submitted a written request for such notice in the same manner (regular mail) and within

COASTAL COMMISSION  
FILE

Section 13184 of the proposed regulations provides for the Executive Director's recommendation to be distributed to the same persons and agencies and in the same manner as section 13059 of the Commission's regulations provides for distribution of a permit application summary.

Section 13185 of the proposed regulations promulgates procedures for a hearing on a proposed Commission cease and desist order that substantially conform to those the Commission employs for its permit hearings. (14 CCR sections 13066, 13067.) There are, however, two departures from the procedures the Commission follows in the latter type of hearings. First, proposed sections 13185(a) and (g) authorize any speaker at a hearing on a proposed cease order to propose to the Commission any question(s) for any Commissioner, in his or her discretion, to pose to any other speaker. The purpose of these provisions is to provide an alternative means for the elicitation of factual information that any speaker may feel cannot be adequately presented through his or her direct testimony or that of other speakers. Second, proposed section 13185(d) provides that the Commission, in its discretion, may either trail or continue a hearing to allow adequate staff consideration of new information which could have been but was not included in a "Statement of Defense Form." The purpose of this provision is to provide an incentive to an alleged violator to provide full disclosure of all relevant information in his or her "Statement of Defense."

Section 13186 of the proposed regulations provides that the rules of evidence at a hearing on a proposed cease and desist order will be the same as those applicable to a Commission permit proceeding, as stated in 14 CCR section 13065.

Section 13187 of the proposed regulations specifies the information that a cease and desist order must contain, including 1) information confirming compliance with the prior notice requirement of section 30809(b) in the case of an order issued by the Commission's Executive Director (proposed section 13187(a)(3)(A)), and 2) as appropriate, information concerning the basis for issuance of an order pertaining to activity located in an area governed by a certified local coastal program or port master plan (proposed sections 13187(a)(2) and (a)(3)(B)). Proposed section 13187(a)(9) provides clarification that a condition to a Commission cease and desist order that requires removal of any development or material shall be for the purpose of restoring the property affected by the violation to the condition it was in before the violation occurred. Proposed section 13187(b) requires the Executive Director of the Commission to report to the Commission at its next regularly scheduled meeting any cease and desist order he or she may issue.

NOTE: Authority: Section 30333, Public Resources Code

Reference: Sections 30809, 30810, Public Resources Code

Appendix A

Statement of Defense Form

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

YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE COMMISSION ENFORCEMENT STAFF.

This form is accompanied by either a cease and desist order issued by the executive director or a notice of intent to initiate cease and desist order proceedings before the commission. This document indicates that you are or may be responsible for or in some way involved in either a violation of the commission's laws or a commission permit. The document summarizes what the (possible) violation involves, who is or may be responsible for it, where and when it (may have) occurred, and other pertinent information concerning the (possible) violation.

INITIAL STATEMENT OF REASONS

REGULAR RULEMAKING

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

Exhibit C

Re: proposed changes to §§ 13066, 13067, 13094, 13633, 13634

Excerpts from Robert's Rules of Order, 11th ed.

- 1 to see that this privilege is not abused or allowed to run into  
debate. The chair can frequently maintain the necessary con-  
trol over such informal consultation by standing while it takes  
place (in contrast to the rule that he should normally be  
5 seated during debate unless it would obstruct his view of the  
members; see p. 451).

#### The Consideration of a Main Motion: Basic Steps

- 10 Once a main motion has been brought before the assem-  
bly through the three steps described above, there are three  
further basic steps by which the motion is considered in the  
ordinary and simplest case (unless it is adopted by *unanimous*  
*consent*, as explained on pp. 54–56). These normal steps are  
15 as follows:
- 1) Members *debate* the motion (unless no member claims  
the floor for that purpose).
  - 2) The chair *puts the question* (that is, puts it to a vote).
  - 20 3) The chair *announces the result* of the vote.

- In addition, while the motion is open to debate, the as-  
sembly may wish to take a number of actions as a part of the  
motion's consideration—which can themselves be the subject  
25 of certain parliamentary motions, as explained in 5 and 6. In  
the following description of the three principal steps in the  
consideration of a main motion, it is assumed that none of  
these other motions are introduced.

- 30 **DEBATE ON THE QUESTION.** Immediately after  
stating the question, the chair should turn toward the maker  
of the motion to see if he wishes to be assigned the floor first  
in debate—to which the maker has the right if he claims it

1 chair can vote in the affirmative, and such a vote adopts the  
 motion; but if the chair abstains from voting, the motion is  
 lost. When there is one more in the affirmative than in the  
 negative without the chair's vote, the motion is adopted if  
 5 the chair abstains; but if he votes in the negative, the result is  
 thereby tied and the motion is lost.

(For additional information regarding the procedures  
 used in voting, see 44 and 45.)

#### 10 Adoption of a Motion or Action Without a Motion, by Unanimous Consent

In cases where there seems to be no opposition in routine  
 business or on questions of little importance, time can often  
 15 be saved by the procedure of *unanimous consent*, or as it was  
 formerly also called, *general consent*. Action in this manner is  
 in accord with the principle that rules are designed for the  
 protection of the minority and generally need not be strictly  
 enforced when there is no minority to protect. Under these  
 20 conditions, the method of unanimous consent can be used  
 either to adopt a motion without the steps of stating the ques-  
 tion and putting the motion to a formal vote, or it can be used  
 to take action without even the formality of a motion. To ob-  
 tain unanimous consent in either case, the chair states that "If  
 25 there is no objection ... [or, "Without objection ..."]," the  
 action that he mentions will be taken; or he may ask, "Is there  
 any objection to ... ?" He then pauses, and if no member calls  
 out, "I object," the chair announces that, "Since there is no  
 objection ...," the action is decided upon. If any member ob-  
 30 jects, the chair must state the question on the motion, allow  
 any desired debate (unless it is an "undebatable" parlia-  
 mentary motion—see 6 and tinted pp. 42–43), and put the  
 question in the regular manner. Or—if no motion has been

reasonable promptness, even though the chair may have al-  
 ready announced the result as one of "no objection," he must  
 disregard such an announcement and proceed to state the  
 question in the usual manner. 1

"Unanimous consent" does not necessarily imply that 5  
 every member present is in favor of the proposed action; it  
 may only mean that the opposition, feeling that it is useless  
 to oppose or discuss the matter, simply acquiesces. Similarly,  
 when a member responds to the chair's inquiry, "Is there any  
 objection ... ?" with "I object," he may not necessarily op- 10  
 pose the motion itself, but may believe that it is wise to take  
 a formal vote under the circumstances. In other words, the  
 objection is raised, not to the proposed action, but to the ac-  
 tion's being taken without a formal vote. No member should  
 hesitate to object if he feels it is desirable to do so, but he 15  
 should not object merely for dilatory purposes. If a member  
 is uncertain of the effect of an action proposed for unanimous  
 consent, he can call out, "I reserve the right to object," or,  
 "Reserving the right to object, ..." After brief consultation  
 he can then object or withdraw his reservation. 20

The correction and approval of minutes (pp. 354–55) is an  
 example of business that is normally handled by unanimous  
 consent. As a second example, assume that a speaker whose  
 time has expired in debate on a motion asks for two additional  
 25 minutes. If the chair thinks that all members will approve, he  
 may handle the matter as follows:

CHAIR: If there is no objection, the member's time will be extended  
 two minutes... [pause]. Since there is no objection, the member's time  
 is extended two minutes. 30

Or:

7 Or, particularly if no objection is anticipated:

CHAIR: Without objection, the member's time is extended two  
minutes.

5

In cases where unanimous consent is already apparent, the  
chair may sometimes assume it. For example, if everyone is  
obviously absorbed in listening to a speaker who seems near  
the end of his remarks, the chair may allow him to conclude  
without interruption, although his time has expired.

10

Whenever it is stated in this book that a certain action or  
the adoption of a certain motion "requires a two-thirds vote,"  
the same action can, in principle, also be taken by unanimous  
consent. If much hinges on the outcome, however, it is usu-  
ally better to take a formal vote. Action by unanimous con-  
sent requires the presence of a quorum, just as for the  
transaction of business by any other method.

15

20

#### Relation of Other Motions to the Main Motion

As already noted, the foregoing initial description of the  
handling of motions refers principally to the *main motion*—  
the basic form of motion by which business is brought up and  
by which the assembly takes substantive action. As also stated  
above, the consideration of a main motion can involve a num-  
ber of other procedures not yet described—which are never-  
theless in the nature of action by the assembly and are  
themselves properly the subject of motions. In the same way  
there are a number of "privileged" motions, which are not  
associated with the main question but can nevertheless be  
introduced while it is pending because they relate to certain  
urgent matters that may arise and warrant immediate deter-  
mination at such a time. Except for interrupting consideration

25

30

1 held in executive session, all persons—whether or not they  
 are members of the organization—who are not members of  
 the board or committee (and who are not otherwise specifi-  
 cally invited or entitled to attend) are excluded from the  
 5 meeting.

A member of a society can be punished under disciplinary  
 procedure if he violates the secrecy of an executive session.  
 Anyone else permitted to be present is honor-bound not to  
 divulge anything that occurred. The minutes, or record of pro-  
 ceedings, of an executive session must be read and acted upon  
 10 only in executive session, unless that which would be reported  
 in the minutes—that is, the action taken, as distinct from that  
 which was said in debate—was not secret, or secrecy has been  
 lifted by the assembly. When the minutes of an executive ses-  
 sion must be considered for approval at an executive session  
 15 held solely for that purpose, the brief minutes of the latter  
 meeting are, or are assumed to be, approved by that meeting.

#### 20 Public Session

A deliberative assembly or committee is normally entitled  
 to determine whether nonmembers may attend or be ex-  
 cluded from its meetings (even when not in executive ses-  
 sion). Many public and semipublic bodies, however, are  
 25 governed by sunshine laws—that is, their meetings must be  
 open to the public. Normally, such laws have no application  
 to private, nongovernmental bodies.

In meetings of many public bodies, such as school boards,  
 the public may attend. Similarly, in some private organizations  
 30 such as church councils, parishioners may be permitted to at-  
 tend. These attendees are not members of the meeting body  
 and ordinarily have no right to participate. Some bodies,  
 especially public ones, may invite nonmembers to express

officer subject to any relevant rules adopted by the body and  
 subject to appeal by a member. Often, by rule or practice,  
 time limits are placed on speakers and relevance is closely  
 monitored.

#### Electronic Meetings

EXTENSION OF PARLIAMENTARY LAW TO ELEC-  
 TRONIC MEETINGS. Except as authorized *in the bylaws*,  
 the business of an organization or board can be validly trans-  
 acted only at a regular or properly called *meeting*—that is, as  
 10 defined on pages 81–82, a single official gathering in one  
 room or area—of the assembly of its members at which a quo-  
 rum is present.

Among some organizations, there is an increasing prefer-  
 ence, especially in the case of a relatively small board or other  
 assembly, to transact business at *electronic meetings*—that is,  
 at meetings at which, rather than all participating members  
 being physically present in one room or area as in traditional  
 (or “face-to-face”) meetings, some or all of them communi-  
 cate with the others through electronic means such as the  
 Internet or by telephone. A group that holds such alternative  
 meetings does not lose its character as a deliberative assembly  
 (see pp. 1–2) so long as the meetings provide, at a minimum,  
 25 conditions of opportunity for simultaneous aural communi-  
 cation among all participating members equivalent to those  
 of meetings held in one room or area. Under such conditions,  
 an electronic meeting that is properly authorized in the by-  
 laws is treated as though it were a meeting at which all the  
 members who are participating are actually present.

If electronic meetings are to be authorized, it is advisable  
 to adopt additional rules pertaining to their conduct (see  
 30 *Additional Rules for the Conduct of Electronic Meetings*)

INITIAL STATEMENT OF REASONS

REGULAR RULEMAKING

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

Exhibit D

Actors/ Costs-Savings Calculations

	A	B	C	D	E	F	G	H	I	J	K
1	<b>ACTORS, 2018</b>										
2											
3	<b>Types of Applicants (Sampled Agendas)</b>										
4											
5											
6		February									
7			Individual	Small Biz	Large Biz	Agencies	Orgs	Total			
8	Applicants, CDP		12	3	1	4	1	21			
9	Applicants, Other		28	16	0	7	2	53			
10											
11		June									
12			Individual	Small Biz	Large Biz	Agencies	Orgs				
13	Applicants, CDP		10	12	1	2	0	25			
14	Applicants, Other		14	6	1	17	0	38			
15											
16		Sept.									
17			Individual	Small Biz	Large Biz	Agencies	Orgs				
18	Applicants, CDP		8	4	2	6	0	20			
19	Applicants, Other		9	6	5	6	2	28			
20											
21		Dec.									
22			Individual	Small Biz	Large Biz	Agencies	Orgs				
23	Applicants, CDP		14	6	1	7	0	28			
24	Applicants, Other		10	10		14	0	34			
25											
26	Total		105	63	11	63	5	247			
27											
28			<b>Individual</b>	<b>Small Biz</b>	<b>Large Biz</b>	<b>Agencies</b>	<b>Orgs</b>				
29	Percent		<b>43%</b>	<b>26%</b>	<b>4%</b>	<b>26%</b>	<b>2%</b>	<b>100%</b>			

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

Reg §	Impact	Notes	SAVINGS- COSTS			
			# Actors	Postage	#/year	Total
<b>C=Commissioners, D=Executive Director, L=Local Gov't, A=Applicant, I=Interested Person, P=Public, V=Alleged Violator</b>						
13016	D	Post in lieu of mailing	100	\$ 0.50	11	\$ 550.00
13317	D	Post in lieu of mailing	25	\$ 0.50	52	\$ 650.00
13332	D	Post in lieu of mailing (included in 13317)				
13525	D	Post in lieu of mailing	26	\$ 0.50	110	\$ 1,430.00
13544	D	Post in lieu of mailing	50	\$ 0.50	110	\$ 2,750.00
13544.5	D	Post in lieu of mailing (included in 13544)				
13547	D	Post in lieu of mailing (included in 13544)				
Year 1		<b>TOTAL SAVINGS (CCC via Executive Director)</b>				<b>\$ 5,380.00</b>
Year 2						<b>\$ 5,541.40</b>
Year 3						<b>\$ 5,649.00</b>
13112	D	Add notification of interested persons	10	\$ 0.50	75	\$ 375.00
13320	D	Add notification of interested persons (included in 13112)				
13182	D	Send hearing notice	1	\$ 0.50	10	\$ 5.00
13192	D	Send hearing notice (included in 13182)				
Year 1		<b>TOTAL COSTS (CCC via Executive Director)</b>				<b>\$ 380.00</b>
Year 2						<b>\$ 391.40</b>
Year 3						<b>\$ 399.00</b>
		<b>Offset (CCC Savings- Costs)</b>				
Year 1						<b>\$ 5,000.00</b>
Year 2						\$ 5,150.00
Year 3						\$ 5,250.00
13111(d) repe		Repeal appellant notification	10	\$ 0.55	75	\$ 412.50

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

13333(c)	I	Repeal appellant notification (included in 13111)				
		<b>Savings per Person</b>				
Year 1			10	\$ 0.55		<b>\$ 5.50</b>
Year 2						\$ 5.67
Year 3						\$ 5.78
Year 1		<b>TOTAL SAVINGS (Interested Persons)</b>				<b>\$ 412.50</b>
Year 2						<b>\$ 424.88</b>
Year 3						<b>\$ 433.13</b>
<b>All years (rounded)</b>						
CCC savings						\$ 16,570
CCC costs						\$ 1,170
Offset						<b>\$ 15,400</b>
Interested savings						\$ 1,271

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2019-0416-04</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	For use by Office of Administrative Law (OAL) only		
RECEIVED DATE <b>APR 16 '19</b>		PUBLICATION DATE <b>APR 26 '19</b>	
Office of Administrative Law			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Coastal Commission			AGENCY FILE NUMBER (if any)

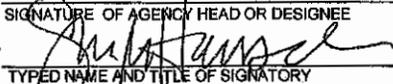
**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE General update of Coastal Com. regulations	TITLE(S) 14	FIRST SECTION AFFECTED 13012.1	2. REQUESTED PUBLICATION DATE 4/26/2019
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Robin Mayer	TELEPHONE NUMBER 415-904-5220	FAX NUMBER (Optional) cell (415) 505-5908
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

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

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
TITLE(S)	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
	<input type="checkbox"/> File & Print
	<input type="checkbox"/> Other (Specify) _____
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> \$100 Changes Without Regulatory Effect
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective other (Specify)
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON	TELEPHONE NUMBER
	FAX NUMBER (Optional)
	E-MAIL ADDRESS (Optional)

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

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/16/2019
TYPED NAME AND TITLE OF SIGNATORY Susan Hansch, Chief Deputy Director	

For use by Office of Administrative Law (OAL) only

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 389 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME <b>California Coastal Commission</b>	CONTACT PERSON <b>Robin Mayer</b>	EMAIL ADDRESS <b>robin.mayer@coastal.ca.gov</b>	TELEPHONE NUMBER <b>(415) 904-0220</b>
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Minor Changes to Commission Regulations</b>			NOTICE FILE NUMBER <b>Z</b>

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance
- g. Impacts individuals
- h. None of the above (Explain below):

The Proposal does not add costs to individuals or business. It streamlines agency procedures and generalize options for communication.

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.  
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:

(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: \_\_\_\_\_

Describe the types of businesses (include nonprofits): \_\_\_\_\_

Enter the number or percentage of total businesses impacted that are small businesses: \_\_\_\_\_

4. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

5. Indicate the geographic extent of impacts:  Statewide  
 Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: \_\_\_\_\_ and eliminated: \_\_\_\_\_

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?  YES  NO

If YES, explain briefly: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0

a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

d. Describe other economic costs that may occur: \_\_\_\_\_

2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ \_\_\_\_\_

4. Will this regulation directly impact housing costs?  YES  NO

If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_

Number of units: \_\_\_\_\_

5. Are there comparable Federal regulations?  YES  NO

Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_

2. Are the benefits the result of:  specific statutory requirements, or  goals developed by the agency based on broad statutory authority?

Explain: \_\_\_\_\_

3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: \_\_\_\_\_

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT**

**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  YES  NO

Explain: \_\_\_\_\_

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.*

*California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million?  YES  NO

*If YES, complete E2. and E3  
If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost: \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES  NO

*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT**

**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

a. Funding provided in \_\_\_\_\_

Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

a. Implements the Federal mandate contained in \_\_\_\_\_

b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_

e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

3. Annual Savings. (approximate)

\$ \_\_\_\_\_

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT**

**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT (CONTINUED)**

**B. FISCAL EFFECT ON STATE GOVERNMENT** Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ 380

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ 5380

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain Note that the Proposal would not be in effect this Fiscal Year. Year 1 would start July 1, 2019.

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

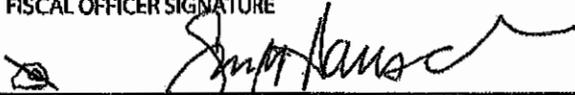
2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE



DATE

4/8/2019

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



DATE

4/12/19

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



# **COST ESTIMATING METHODOLOGY**

## **REGULAR RULEMAKING**

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

### **STATEMENT OF THE MANDATE**

The proposed changes (“Proposal”) will not require local entities to undertake a new program or to provide an increased level of service in an existing program.

### **BACKGROUND**

Section 30333 of the Public Resources Code generally provides that the Commission may adopt or amend rules and regulations to carry out the purposes and provisions of the Coastal Act (Division 20, Pub. Resources Code), as well as to govern procedures of the Commission. Rules and regulations shall be consistent with the Coastal Act and other applicable law.

The Proposal is procedural in nature and seeks to update and correct for current practices and existing law. As such the Proposal implements, interprets, and makes specific numerous statutes, including those in the Coastal Act (Pub. Resources Code, § 30000 et seq.), the Bagley- Keene Open Meeting Act (Gov. Code, § 11120 et seq.), the Permit Streamlining Act (Gov. Code, § 65920 et seq.), the Public Records Act (Gov. Code, § 6250 et seq.), and the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), among others, as well as expressing law promulgated in two published appellate court opinions.

The Commission’s main responsibilities consist of considering applications for coastal development permits; certifying local coastal programs in order to delegate authority for local governments to issue coastal development permits; considering appeals of local permits; setting policy in coastal matters; conducting enforcement, from negotiations for the settlement of violations to the imposition of fines and litigation; and ensuring the consistency of federally-approved development in the Coastal Zone. Federal consistency regulations are not affected by this rulemaking.

### **WORKING DATA**

#### **Actors**

The Proposal affects the following actors: The Commission (the 12 appointed Commissioners, their alternates, and non-voting Commissioners); the Executive Director (staff); local governments, ports, and (educational) governing authorities in the Coastal Zone; applicants who seek to develop in the Coastal Zone; interested persons (appellants, commenters), and the general public. No other state agencies are affected by the Proposal.

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

Local Governments, Ports, and Governing Authorities (Education)

There are 76 local governments (cities and counties) in the Coastal Zone. Most have certified local coastal programs (LCPs); some do not; and some have certified programs with particular geographic areas of deferred certification that are still subject to the Coastal Commission’s direct permitting. (See Exhibit 1, 2017-2018 LCP activity.) However, whether proposing new or amended LCPs, all local governments in the Coastal Zone are subject to the same set of regulations – chiefly, Section 13500 et seq. (Title 14, Cal. Code of Regs.)<sup>1</sup> Additionally, many approvals of local coastal development permits are subject to appeal (e.g., where the proposed development is between the first road and the sea). Thus, any impacts of the Proposal that affect local governments are assumed to affect all local governments in the Coastal Zone. For purposes of this analysis, the five governing authorities of universities and colleges that have long term development plans (UC Santa Cruz, UC Santa Barbara, UC San Diego, Pepperdine University, and San Diego State University)<sup>2</sup> are also assumed to be impacted in roughly the same manner as local governments. Four port authorities are included as they can propose port master plans that regulate development in their jurisdictions. (See Pub. Resources Code, § 30700). An estimate of 15 entities is added to the previous 85 entities to include governing authorities that could, but have not yet, proposed a long range development plan, and public works applicants who may not already be counted, that could propose a public works plan. (See Pub. Resources Code, § 30605.) Therefore, an estimated 100 proponents of long term plans are potentially affected by the Proposal.

Applicants

Applicants for coastal development permits consist of individuals, businesses (most of which are small businesses, including LLC’s formed by homeowners), public agencies, and nonprofit organizations. The number of applicants in a given year is unpredictable; however, the Executive Director reported that in 2018, the Commission acted on a total of 593 permit and appeal actions. (See Exhibit 4, Figure 5.)

A sampling of four agendas from 2018 provides a representative look at the types of applicants: 43% were individuals, 26% small business entities, 4% large business entities, 26% public agencies, and 2% organizations. (See Exhibit 2 [Feb. 2018, June 2018, September 2018, and December 2018 meeting minutes and excerpts from Deputy Director reports]; Exhibit 3, spreadsheet page “Actors.”)

Interested Persons

Interested persons chiefly consist of individuals and neighborhood groups, as well as environmental organizations such as Surfrider and the Sierra Club. The number of interested persons varies widely, from none for most matters to hundreds or even thousands who comment

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<sup>1</sup> Unless otherwise indicated, all further citations are to Title 14.

<sup>2</sup> See <https://www.coastal.ca.gov/howweare.html> [“Key Statutory Responsibilities,” 3rd paragraph].

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

on matters of controversy. For example, in February 2018, compliance review for a permit that allows off-roading in Oceano dunes drew approximately 490 pages of comments.<sup>3</sup>

Perhaps the most interested of interested persons are appellants. (Two Commissioners may appeal a matter, but any interested person may also appeal, subject to certain requirements.) Outside appellants likewise vary in number from a single neighbor to dozens of concerned citizens on a given matter. For example, in February 2018, the Commission heard an appeal by 68 persons object to the modest redevelopment of a home in Venice.<sup>4</sup> A conservative estimate of interested persons would number at least 1,000 a year, and a high estimate, 3,000.

Interested persons may speak on non-hearing matters during the general public comment periods of Commission meetings. However, except to clarify the chair may set time limits on speakers (§ 13067), those commenters are not affected by the Proposal.

### Public

Members of the public who do not participate at a meeting chiefly interact with the Commission by making Public Record Act (PRA) requests. They may be individuals, their representatives (often, small business consultancies or legal firms) and on occasion, environmental organizations. The Legal Division tracks PRA requests where a Commission attorney is involved. In 2018, attorneys helped respond to 106 PRA requests, of which 86 were from individuals, 12 from small business (attorneys and consultants), and eight from organizations. For the purpose of this analysis, this number is doubled to include requests solely handled by staff. (See Exhibit 3, spreadsheet page “PRA requests.”)

### Alleged Violators

As of December 31, 2018, the Commission had approximately 2,500 open violation cases.<sup>5</sup> The vast majority of violations are settled at the staff level. During 2018, the Commission took action on nine proposed consent orders affecting seven alleged violators, four of which were individuals, one a small business entity, and two organizations.<sup>6</sup>

### Actions

The spreadsheet page “Actions” (Exhibit 3) reviews each regulation in the Proposal for changes to requirements and lists the actors potentially affected by the provision. The types of Actions and their economic and fiscal impacts, if any, are described below.

### None

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<sup>3</sup> See <https://documents.coastal.ca.gov/reports/2018/2/w18a/w18a-2-2018-corresp.pdf>

<sup>4</sup> See <https://documents.coastal.ca.gov/reports/2018/2/f13b/f13b-2-2018-report.pdf>.

<sup>5</sup> See p. 1, Executive Summary, <https://documents.coastal.ca.gov/reports/2019/2/W8/W8-2-2019.pdf>.

<sup>6</sup> Oceanaire Apartments (April); Jeffrey & Tracy Katz & 11 Lagunita, LLC (August); Victor H. & Susan R. Knipe (September); Rosalena Owners’ Association (October).

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

Proposed changes do not add or change any requirements, and thus, have no effect on costs or savings.

*Specify*

Proposed changes specify existing requirements, and have no new effect on costs or savings.

*Statutorily required.*

The proposed changes provide additional notice of a statutory requirement, and thus, have no additional effect on costs or savings.

*Optional requirements/ generalizing choices.*

The proposed changes supply an option, or generalize existing choices. The most frequent change is to allow for electronic notification where appropriate (the recipient has supplied an e-mail address and there is no other option to inform them, or they consent to electronic notification). Where that is not possible (e.g., neighbors to a site proposed for development), mailing requirements are nevertheless left intact or repeated as necessary. Because the changes offer an option, they are not analyzed further for economic or fiscal impact.

*Posting to website.*

The proposed changes require the Executive Director to post agendas and key documents to the Commission website and require long term plan proponents (local governments, ports, and educational authorities) to post proposed plans to their respective websites.

The requirement to post is assumed to have no or negligible effect on costs or savings, because the Proposal codifies routine practices. Commission and local government websites are fully developed, staffs are in place, and posting new material a matter of clicks. For agenda-related materials, especially, such as staff reports, exhibits, and comments, posting is an outgrowth of the statutory requirement to post agendas. (Gov. Code, § 11125(a).) Additionally, the Executive Director posts many other materials, such as notices of final action for appealable development, not specifically required to be posted, in order to provide important information in a convenient manner and to maximize notice. (See Pub. Resources Code, § 30006.) The public understandably expects to see information made available on the Commission website, especially when a vote on the matter is forthcoming.

Local governments, to satisfy and simplify their own notification requirements, also routinely post their materials. For example, the City of Del Mar is beginning the process to consider a local coastal program amendment that concentrates on the effects of sea level rise.<sup>7</sup>

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<sup>7</sup> See <http://www.delmar.ca.us/498/Sea-Level-Rise-Local-Coastal-Program-Ame>

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

No Impacts

The proposed changes add requirements (other than posting), but the requirements incur no costs or savings.

Costs or Savings

Posting in lieu of mailing §§ 13016, 13317, 13332, 13525, 13544, 13544.5, 13547

Section 13016 posting in lieu of mailing agenda to libraries, building departments, etc.: Estimated to save a maximum of 100 mailings (metered postage of .50 per mailing, plus negligible administrative costs) for each meeting (11 a year), saving \$550 per year.

Sections 13317 and 13332 posting final local action notices (FLANs) in lieu of mailing to Commissioners: Estimated to save 25 mailings a week (the full roster of Commissioners, alternates, and non-voting members) with metered postage, saving \$650.00 per year.

Section 13525 posting local coastal program comments in lieu of distribution to Commissioners and the applicant local government: Estimated to save 110 mailings<sup>8</sup> to 26 recipients (Commission roster, plus the local government applicant) with metered postage. to save \$1,430.00 a year.

Sections 13544, 13544.5, and 13547 posting in lieu of mailing findings and where necessary, modifications, to interested persons and agencies: Estimated to save 110 mailings<sup>9</sup> a year to an unknown number recipients with metered postage. The number of interested persons and agencies could range from none to hundreds, but using a reasonable estimate of 50 per matter, the savings would amount to \$2,750 per year.

Shift notification from appellant to Executive Director §§ 13111, 13112, 13320, 13333

--Repeal appellant notification

Sections 13111 and 13333 repeal of requirement of appellant to notify interested persons of the appeal: As discussed above in “Actors/Interested Persons” the number outside appellants (e.g., neighbors) are unpredictable. However, in 2018, the Commissioner considered 50 appeals and in 2017, the Commission considered 65 appeals. (See Exhibit 4, Figure 5.) Using 75 as a generous maximum of “lead” appellants who compile the appeal and would notice interested persons, and 10 as a conservative proxy for the number of interested persons, savings to appellants would amount to an estimated \$412.50 per year.

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<sup>8</sup> In 2018, the Commission took 109 actions on local coastal programs, slightly more than in 2017. (See Exhibit 4, Figure 5.)

<sup>9</sup> *Ibid.*

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

--Add notification of interested persons

Section 13112, 13320 (and by reference, existing Section 13334) adding Executive Director to notify interested persons of the appeal: Using the same proxies as immediately above, and conservatively assuming mailed notice at the metered rate, estimated costs would amount to \$375 per year.

Send hearing notice §§ 13182, 13192

Sections 13182 and 13192 potential “extra” mailing of hearing notice to alleged violator: As discussed above in “Actors/Alleged Violators,” seven individuals and entities were involved in consent order hearings in 2018. Rounding up, an estimated addition of 10 mailings a year with metered postage would cost \$5 per year.

Submit digital version §§ 13519, 13552

Sections 13519 and 13552 requirement to submit a digital version of the submittal: It is presumed that the vast majority, if not all documents, photographs, and other submitted material are produced in digital formats and that any costs associated with scanning or reproducing would be negligible, and easily absorbed into the operations of local governments and governing authorities. However, the Commission welcomes comments from plan proponents that would explain any costs.

**ASSUMPTIONS**

**Subsequent Years (Years 2 and 3)**

Year 2 costs and savings are calculated to increase by 3%, due to potential increase in the number of matters brought to the Commission, and likely increases in postage costs.

Year 3 costs and savings are calculated to increase by 5% for the same reasons.

**Applicants**

The Proposal does not affect application fees. It is otherwise assumed that any costs or savings to applicants apply according to the development, with no other different impact according to whether an applicant is an individual, small business, large business, or organization.

Similarly, public agencies do not pay application fees. (Gov. Code, § 6103.) It is similarly assumed any costs or savings are proportional to the development proposed.

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

**Long Term Plan Proponents**

It is assumed any costs or savings are proportional to the plan proposed.

**Interested Persons**

Interested persons are estimated at 1,000 to 3,000 per year.

**Posting**

As discussed above in “Actions,” posting/website costs are negligible, due to staffs and technology in place.

**Digital Submittals**

As discussed above in “Costs/Savings” most if not all material is produced in digital format, and any additional costs associated with scanning or reproducing would be negligible.

**CALCULATIONS AND RESULTS**

Total savings and costs are expressed in Exhibit 3 “Costs/Savings” page. Incorporating those figures and the discussions above, the results are as follows:

**Remaining Fiscal Year**

None. These regulations would not be implemented until the next fiscal year.

**Year 1**

Commission (Commissioners): No impact.

Commission (Executive Director, staff): Savings of \$5,380 and costs of \$380.

Interested Persons: Savings of \$412.50

Applicants: No impact.

Local government: No impact.

Other state government: No impact.

Federal government: No impact.

**COST ESTIMATING METHODOLOGY**  
**REGULAR RULEMAKING**  
California Coastal Commission Regulations, Title 14, § 13001 et seq.

Year 2

Minor increases of 3% applied to both savings and costs due to an assumed increase in the number of matters and likely increases in postage costs. Totals rounded to the nearest dollar.

Commission (Executive Director, staff): Savings of \$5,541 and costs of \$391.

Interested Persons: Savings of \$425.

Year 3

Minor increases of 5% applied to both savings and costs due to an assumed increase in the number of matters and likely increases in postage costs. Totals rounded to the nearest dollar.

Commission (Executive Director, staff): Savings of \$5,649 and costs of \$399.

Interested Persons: Savings of \$433.

**CONCLUSION**

Over the three years, the Proposal would save the Commission approximately \$16,570 and cost \$1,170, for a net savings of \$15,400.

Over the three years, the Proposal would save interested persons (appellants) approximately \$1,271.

The Proposal does not create savings or costs to Commissioners, applicants, local government, other state government, or the federal government.

The Proposal does not impose a reimbursable mandate on local government nor require any non-reimbursable costs.

COST ESTIMATING METHODOLOGY

REGULAR RULEMAKING

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

Exhibit 1

Local Coastal Program Activity & Entities  
FY 2017-2018

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5200  
 FAX (415) 904-5400  
 TDD (415) 597-5885



August 23, 2018

**SUMMARY OF LCP PROGRAM ACTIVITY IN FY 17-18**

- The Commission acted on a total of 90 planning items
- The Commission certified a Hazards Update to San Francisco's Land Use Plan, portions of Marin County's LCP Update, the Mendocino Town Plan Update and the City of San Diego's San Ysidro Community Plan Update
- The Commission certified the Eastern Goleta Valley Community Plan in Santa Barbara County
- The Commission approved with modifications the comprehensive LUP Update for San Clemente
- The Commission certified a Post LCP Certification Permit and Appeal Jurisdiction Map for the City of Santa Barbara

*Status of Total LCP Certification (as of 6/30/18)*

LCP Segments	LCPs Effectively Certified and Issuing Permits <sup>1</sup>	Estimated Geographic Area Covered by certified LCPs <sup>2</sup>	Segments where there is no certified LCP	Areas of Deferred Certification (ADCs)/Uncertified Areas <sup>3</sup>
126	93	1,104,439	33	52
	73%	87.5%	26%	

**Annual Post-Certification Local Permit Activity for Fiscal Year (7/1/17--6/30/18)**

Local Permits Reported during fiscal year	Number Appealable to Commission	Number Appealed to Commission this Fiscal Year
1362	857	77
	63% of local permits	9% of appealable local permits

<sup>1</sup> This number is based on certified segments and will change as the number of segments change.

<sup>2</sup> The percentage reported differs from prior higher estimates due to the use of more accurate mapping tools and corrections in the acreages previously reported for Areas of Deferred Certification (ADC). Excludes Non-LCP areas such as federal lands, tribal lands, UC LRDP areas and Chapter 8 Port districts.

<sup>3</sup> Area of Deferred Certification (ADC): Refers to a geographic area that has not been officially segmented for purposes of LCP preparation and during certification review of the LCP, was not certified. An Uncertified Area may be an area that was created through annexation or was subsequently identified but may not have been included in any LCP segment. The Commission retains permit authority until an LCP is effectively certified for these areas.

**33 LCP segments where there is no certified LCP<sup>4</sup>**

Pt. St. George segment of Del Norte County	City of Santa Monica**
City of Fortuna	City of Hermosa Beach**
Pygmy Forest segment of Mendocino County	City of Torrance
Olympic Club segment of San Francisco City/County	Bolsa Chica segment of Orange County
City of Monterey *:	Santa Ana River segment of Orange County
o Laguna Grande segment	Santa Ana Heights segment of Orange County
o Del Monte Beach segment	City of Seal Beach*
o Harbor segment	Sunset Beach segment of the City of Huntington Beach
o Cannery Row segment	City of Costa Mesa
o Skyline segment	City of Aliso Viejo
City of Pacific Grove*	City of San Clemente**
City of Goleta*	San Diego County*
Playa Vista A segment of Los Angeles County	Agua Hedionda segment of City of Carlsbad*
City of Los Angeles:	City of Solana Beach*
o Pacific Palisades segment	Mission Bay segment of City of San Diego
o Venice segment **	
o Playa Vista segment	
o Del Rey Lagoon segment	
o Airport/El Segundo Dunes segment	
o San Pedro segment	

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<sup>4</sup> \* Notes LCP Planning Assistance Grant awarded. Multiple \* means multiple grants.

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
<b>NORTH COAST DISTRICT</b>								
<b>Del Norte County</b>			Pacific Shores Subdivision ADC					
	County segment	1983						
	Harbor segment	1987						
	Lopez Creek segment	1987						
	Pt. St. George segment							
<b>City of Crescent City</b>								
	Crescent City segment	1983						
	McNamara-Gillespie segment	1984						
<b>Humboldt County</b>								
	Northcoast segment	1986	Big Lagoon Estates Subdivision ADC	Stagecoach Hill ADC				
	Trinidad Area segment	1986	Trinidad Area Shoreline Lots ADC					
	McKinleyville segment	1986						
	Humboldt Bay segment	1986						
	Eel River segment	1986						
	Southcoast segment	1986						
<b>City of Trinidad</b>		1980	Trinidad Harbor and Upland Support Area ADC					
<b>City of Arcata</b>		1989						

<b>LCP JURISDICTION</b>	<b>SEGMENTS</b>	<b>YEAR EFFECTIVELY CERTIFIED</b>	<b>UNCERTIFIED AREAS (ADCs AND OTHERS)</b>					
<b>City of Eureka</b>		1984						
<b>City of Fortuna</b>								
<b>Mendocino County</b>								
	County Balance segment	1992						
	Town segment	1996						
	Pygmy Forest segment							
<b>City of Ft. Bragg</b>		1983						
<b>City of Pt. Arena</b>		1981						
<b>NORTH CENTRAL COAST DISTRICT</b>								
<b>Sonoma County</b>		1982						
<b>Marin County</b>		1981/82	Calle del Arroyo lots					
<b>City/County of San Francisco</b>		1986						
	Olympic Club segment							
<b>City of Daly City</b>		1984						
<b>City of Pacifica</b>		1994	Quarry Area ADC	Shell Dance Nursery ADC				
<b>City of Half Moon Bay</b>		1996						
<b>San Mateo County.</b>		1981						
<b>CENTRAL COAST DISTRICT</b>								
<b>Santa Cruz County</b>		1983						
<b>City of Santa Cruz</b>		1985	Westside Agricultural Lands (Remainder) ADC					

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
City of Capitola		1990						
City of Watsonville		1988						
Monterey County								
	North segment	1988	Fort Ord Transfer Area					
	Del Monte Forest segment	1988						
	Carmel Area segment	1988	Malpaso Beach Area ADC	Yankee Beach Area ADC				
	Big Sur segment	1988						
City of Marina		1982	Fort Ord Transfer Area					
City of Sand City		1984	South of Bay Avenue ADC					
City of Seaside		2013						
City of Monterey								
	Laguna Grande segment							
	Del Monte Beach segment							
	Harbor segment							
	Cannery Row segment							
	Skyline segment							
City of Pacific Grove			Hayward Lumber site ADC					
City of Carmel		2004						

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
San Luis Obispo County		1987	Sweet Springs Marsh ADC	Otto Property/South Bay ADC				
City of Morro Bay		1984						
City of Pismo Beach		1984						
City of Grover Beach		1982						
<b>SOUTH CENTRAL COAST DISTRICT</b>								
County of Santa Barbara		1982	Channel Islands ADC					
City of Guadalupe		1991						
City of Goleta								
City of Santa Barbara								
	City segment	1986						
	Airport segment	1991						
City of Carpinteria		1982						
Ventura County		1983						
City of Ventura		1983						
City of Oxnard		1985						
City of Port Hueneme		1984						
City of Malibu		2002						
Los Angeles County								
	Malibu Santa Monica Mountains segment	2014						

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
<b>SOUTH COAST DISTRICT</b>								
<b>Los Angeles County</b>								
	Marina del Rey segment	1990						
	Playa Vista A segment							
	Santa Catalina Island segment	1990						
<b>City of Los Angeles</b>			Palms Mar Vista uncertified Area	Wilmington Uncertified Area				
	Pacific Palisades segment							
	Venice segment							
	Playa Vista segment							
	Del Rey Lagoon segment		Playa Del Rey/Vista del Mar Uncertified Area	Westchester Bluffs Uncertified Area				
	Airport/Dunes segment							
	San Pedro segment		White Point Transfer Uncertified Area					
<b>City of Santa Monica</b>			Beach/Beach Overlay Zone LUP ADC	Civic Center LUP ADC				
<b>City of El Segundo</b>		1982						
<b>City of Manhattan Beach</b>		1994						

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
City of Hermosa Beach								
City of Redondo Beach		2010						
City of Torrance								
City of Palos Verdes Estates		1991						
City of Rancho Palos Verdes		1983						
City of Long Beach		1980	SEADIP (Cerritos Wetlands) ADC					
City of Avalon		1981	Pebble Beach ADC	Upper Avalon Canyon				
Orange County								
	Bolsa Chica segment							
	Santa Ana River segment							
	Santa Ana Heights segment							
	Newport Coast segment	1988						
	Emerald Bay segment	1989						
	Aliso Viejo	1983						
City of Seal Beach								
City of Huntington Beach		1985	Hearthside/Brightwater Annexation area					
	Sunset Beach							
City of Costa Mesa								
City of Newport Beach		2017	Newport Banning Ranch ADC					

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
City of Irvine		1982	Map Error Area (Omitted at Time of certification)					
City of Laguna Beach		1993	Hobo Canyon ADC	Three Arch Bay ADC	Blue Lagoon ADC	Irvine Cove ADC		
City of Aliso Viejo								
City of Laguna Niguel		1990						
City of Dana Point		1989						
City of San Clemente			Marblehead Coastal LUP ADC					
<b>SAN DIEGO COAST DISTRICT</b>								
San Diego County								
City of Oceanside		1986						
City of Carlsbad								
	Agua Hedionda segment							
	Mello I segment	1996						
	Mello II segment	1996	Tamarack Street 1 ADC	Tamarack Street 2 ADC	Tamarack Street 3 ADC	Palomar Airport/Avenida Encinas ADC	Interstate 5/Poinsettia Lane ADC	
	West Batiqitos/Sammis segment	1996						

LCP JURISDICTION	SEGMENTS	YEAR EFFECTIVELY CERTIFIED	UNCERTIFIED AREAS (ADCs AND OTHERS)					
	East Batiquitos/Hunt segment	1996						
	Village Redevelopment Area segment	1987						
<b>City of Encinitas</b>		1995						
<b>City of Solana Beach</b>								
<b>City of Del Mar</b>		2001						
<b>City of San Diego</b>			State Hwy 8 & I-5 ROW Uncertified Area					
	North City segment	1988	Via de la Valle Specific Plan ADC	South Slopes ADC	Carmel Valley ADC	Los Penasquitos Regional Park ADC	Torrey Pines City Park ADC	Cal Sorrento Property ADC
	La Jolla segment	1988						
	Pacific Beach segment	1988						
	Mission Beach segment	1988						
	Mission Bay segment							
	Ocean Beach segment	1988						
	Peninsula segment	1988	Famosa Slough ADC					
	Centre City segment	1988	County Administration Center ADC					
	Barrio Logan segment	1988						

<b>LCP JURISDICTION</b>	<b>SEGMENTS</b>	<b>YEAR EFFECTIVELY CERTIFIED</b>	<b>UNCERTIFIED AREAS (ADCs AND OTHERS)</b>					
	Otay Mesa/Nestor segment	1988	Otay River Valley and South Bay Study Area ADC					
	Tijuana River segment	1988						
	Border Highlands segment	1988						
<b>City of Coronado</b>		1984						
<b>City of National City</b>		1991						
<b>City of Chula Vista</b>		1985	South Bay Islands					
<b>City of Imperial Beach</b>		1984						

COST ESTIMATING METHODOLOGY

REGULAR RULEMAKING

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

Exhibit 2

Minutes & Deputy Director Reports  
Feb., June, Sept., Dec. 2018

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
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TDD (415) 597-5885

**W25**

DATE: May 25, 2018  
TO: Coastal Commissioners  
FROM: John Ainsworth, Executive Director  
SUBJECT: MINUTES of MEETING of **February 7-9, 2018**  
Cambria Pines Lodge  
2905 Burton Drive  
Cambria, CA 93428

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**WEDNESDAY, FEBRUARY 7, 2018**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to by Chair Bochco at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Turnbull-Sanders, Aminzadeh, Brownsey, Groom, Howell, Luevano, Padilla, Peskin, Sundberg, Uranga, Vargas. Non-voting present: Gibson, Ketchum, Lucchesi
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** None.

**STATEWIDE**

6. **EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Executive Director's Report.**
  - b. **Commission Correspondence.** Staff recommended approval of letter from Commission to federal Bureau of Ocean Energy Management requesting removal of any proposed OCS oil and gas leasing off the coast of California. Howell moved to approve pursuant to the staff recommendation, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**
  - c. **Legislative Report.** Review of enacted legislation from 2017 session, and update on 2018 session. Information only.

- d. **Public Education Grant Program.** Public hearing and Commission action on proposed awarding of WHALE TAIL competitive grants. Staff recommended approval.

**Motion & vote:** Aminzadeh moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## **ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY**

7. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. Included briefings regarding the federal government's proposed OCS leasing plan and the natural gas storage facility in Playa del Rey, Los Angeles. Information only.
8. **CONSENT CALENDAR (removed from Regular Calendar).** None.

**Closed Session Report.** The Commission received litigation information and advice and provided direction regarding a matter of potential litigation. (*Howell and Vargas recused.*)

*[A combined hearing was held on items 9a, 10a, and 11a]*

9. **NEW APPEALS.**
  - a. **Appeal No. A-5-DRL-17-0071 (Tyco Electronics Subsea Communications, Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-DRL-17-0071** raised substantial issue on the grounds on which the appeal was filed and approval with conditions on de novo review. There being no objection, Chair Bochco ruled that the Commission **found substantial issue** and opened the de novo hearing.
10. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 9-17-0389/A-5-DRL-17-0071 (Tyco Electronics Subsea Communications, Los Angeles)** Staff recommended approval with conditions.  
  
**Motion & vote:** Brownsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**
11. **FEDERAL CONSISTENCY.**
  - a. **CC-0004-17 (Tyco Electronics Subsea Communications, Los Angeles)** Staff recommended conditional concurrence.

**Motion & vote:** Brownsey moved to conditionally concur and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **CD-0006-17 (U.S. Army Corps of Engineers, Los Angeles Co.) [POSTPONED]**
- c. **CD-0009-17 (U.S. Customs and Border Protection, San Diego) [POSTPONED]**

## **NORTH COAST DISTRICT**

- 12. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.
- 13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [15a] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Sundberg moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- 14. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Eureka LCP Amendment No. LCP-1-EUR-16-0047-3 (Permit Processing Procedures) Certification Review.** Concurrence with the Executive Director's determination that the action by City of Eureka accepting the Commission's certification of LCP-1-EUR-16-0047-3 with modifications is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.
  - b. **City of Eureka LCP Amendment No. LCP-1-EUR-17-0007-1 (Part A: Minor Use Permits) Certification Review.** Concurrence with the Executive Director's determination that the action by City of Eureka accepting the Commission's certification of LCP-1-EUR-17-0007-1 with modifications is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.
  - c. **City of Eureka LCP Amendment No. LCP-1-EUR-16-0046-2 (Vacation Dwelling Units & Mobile Vendors) Certification Review.** Concurrence with the Executive Director's determination that the action by City of Eureka accepting the Commission's certification of LCP-1-EUR-16-0046-2 with modifications is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.
- 15. **PERMIT AMENDMENTS.**
  - a. **Permit No. NCR-76-CC-720-A1 (Geider, Humboldt Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## CENTRAL COAST DISTRICT

16. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Chair Bochco ruled that the Commission concurred.
17. **CONSENT CALENDAR (removed from Regular Calendar).** None.
18. **CONDITION COMPLIANCE.**
  - a. **Condition Compliance for CDP No. 3-12-050 (ODSVRA Dust Control, San Luis Obispo Co.)** Review of the status of DPR's dust control efforts at Oceano Dunes State Vehicular Recreation Area that are associated with CDP No. 3-12-050 and potential action regarding the Annual Work Plan required by Special Condition 2. Staff recommended concurrence.

**Motion & vote:** Howell moved to concur and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion.  
**Approved.**

19. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **Monterey County LCP Amendment No. LCP-3-MCO-16-0070-2 (Monterey Cypress Habitat Development Standards). Certification Review.** Concurrence with the Executive Director's determination that the action by Monterey County accepting certification of LCP-3-MCO-16-0070-2 with modifications (to amend the Del Monte Forest LCP's standards for development within native Monterey cypress habitat) is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.
  - b. **City of Carmel-by-the-Sea LCP Amendment No. LCP-3-CML-17-0058-1 (Cannabis Regulations).** Concurrence with the Executive Director's determination that the request by City of Carmel-by-the-Sea to modify the LCP's cannabis regulations is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.
  - c. **City of Carmel-by-the-Sea LCP Amendment No. LCP-3-CML-17-0059-2 (Accessory Dwelling Units).** Concurrence with the Executive Director's determination that the request by City of Carmel-by-the-Sea to modify the LCP's Implementation Plan regarding Accessory Dwelling Unit regulations is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.

- d. **City of Santa Cruz LCP Amendment No. LCP-3-STC-17-0073-2-Part C (Cannabis Regulations)**. Concurrence with the Executive Director's determination that the request by the City of Santa Cruz to regulate cannabis dispensaries is de minimis. There being no objection, Chair Bocheo ruled that the Commission concurred.
  
- e. **City of Capitola LCP Amendment No. LCP-3-CAP-17-0085-3 (Subdivision Regulations)**. Concurrence with the Executive Director's determination that the request by the City of Capitola to modify the LCP's subdivision regulations is de minimis. There being no objection, Chair Bocheo ruled that the Commission concurred.
  
- f. **City of Grover Beach LCP Amendment No LCP-3-GRB-18-0005-1 (Cannabis Regulations)**. Concurrence with the Executive Director's determination that the request by City of Grover Beach to modify the LCP's cannabis regulations is de minimis. There being no objection, Chair Bocheo ruled that the Commission concurred.
  
- g. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-15-0013-1-Part B (Resource Management System)**. Public hearing and action on request by San Luis Obispo County to amend the LCP Land Use Plan's Resource Management System. Staff recommended approval if modified as suggested.

**Motion & vote:** Howell moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Uranga. Chair Bocheo ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Howell moved to certify the Land Use Plan if modified as suggested by staff and recommended a yes vote, seconded by Uranga. Chair Bocheo ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- h. **Monterey County LCP Amendment No. LCP-3-MCO-18-0004-1 (Cannabis Regulations)**. Staff recommended approval with conditions.

**Motion & vote:** Groom moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by Peskin. Chair Bocheo ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Peskin. Chair Bocheo ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

20. **NEW APPEALS.**

- a. **Appeal No. A-3-SLO-09-032 (Kolb Subdivision, Los Osos, San Luis Obispo Co.)** Staff recommended that the Commission determine **Appeal No. A-3-SLO-09-032** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the de novo hearing. **Substantial Issue found. Continued.**
  
- b. **Appeal No. A-3-SLO-09-033 (Cefalu Subdivision, Los Osos, San Luis Obispo Co.)** Staff recommended that the Commission determine **Appeal No. A-3-SLO-09-033** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the de novo hearing. **Substantial Issue found. Continued.**
  
- c. **Appeal No. A-3-MCO-17-0068 (Monterey Bay Aquarium Research Institute Storage/ Parking Lot Project, Moss Landing, No. Monterey Co.)** Staff recommended that the Commission determine **Appeal No. A-3-SLO-17-0068** raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the de novo hearing. **Substantial Issue found. Continued.**

21. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-SLO-09-058 (DeCicco, Cayucos, San Luis Obispo Co.)** Staff recommended approval with conditions.

**Motion & vote:** Peskin moved to approve pursuant to the staff recommendation and recommended a no vote, seconded by Aminzadeh. The roll call vote was 2 in favor (Padilla, Sundberg) and 10 opposed (Aminzadeh, Brownsey, Groom, Howell, Luevano, Peskin, Turnbull-Sanders, Uranga, Vargas, Bochco). **Denied.**

- b. **Application No. A-3-SCO-12-046 (Fambrini, Santa Cruz Co.)** Staff recommended denial.

**Motion & vote:** Brownsey moved to approve and recommended a no vote, seconded by Uranga. Chair Bocheo ruled that the vote was unanimous in opposition to the motion. **Denied.**

- c. **Application No. 3-15-2114 (San Simeon Community Services District Armoring and Outfall, San Simeon, San Luis Obispo Co.) [POSTPONED]**
  
- d. **Application No. A-3-SLO-17-0053 (Clemence-Lucas Vacation Rental, Cambria, San Luis Obispo Co.) [POSTPONED]**

**STATEWIDE** [*Items 22-27 continued until Thursday, February 8, 2018*]

22. **APPROVAL OF MINUTES.**
23. **COMMISSIONERS' REPORTS.**
24. **CONSERVANCY REPORT.**
25. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.**
26. **SANTA MONICA BAY RESTORATION REPORT.**
27. **DEPUTY ATTORNEY GENERAL'S REPORT.**

## THURSDAY, FEBRUARY 8, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Vice Chair Turnbull-Sanders.
2. **ROLL CALL.** Present: Vice Chair Turnbull-Sanders, Aminzadeh, Brownsey, Groom, Howell, Luevano, Padilla, Peskin, Sundberg. Vargas arrived at 9:15 a.m. Absent: Bochco, Uranga. Non-voting present: Ketchum, Lucchesi
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### NORTH CENTRAL COAST DISTRICT

5. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
6. **CONSENT CALENDAR (removed from Regular Calendar).** None.
7. **NEW APPEALS.**
  - a. **Appeal No. A-2-MAR-17-0074 (Stinson Beach County Water District, Marin Co.)**  
Staff recommended that the Commission determine that **Appeal No. A-2-MAR-17-0074** raised no substantial issue on the grounds on which the appeal was filed. (*Peskin recused*)  
  
**Motion & vote:** Groom moved to determine that **Appeal No. A-2-MAR-17-0074** raised no substantial issue and recommended a yes vote, seconded by Howell. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**
8. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 2-16-1131 (Three Captains Sea Products, Inc., San Mateo Co.)**  
[POSTPONED]
  - b. **Application No. 2-17-0184 (San Francisco Public Utilities Commission, San Francisco Co.)** [POSTPONED]

## ENFORCEMENT

9. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program.

## SOUTH COAST DISTRICT (ORANGE COUNTY)

10. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
11. **CONSENT CALENDAR (removed from Regular Calendar).** None.

**CLOSED SESSION REPORT.** The Commission received litigation information and advice regarding the following matters:

*Friends, Artists and Neighbors of Elkhorn Slough et al. v. CCC (Heritage/Western Communities Ltd. et al., RPI)*  
*Friends of Oceano Dunes et al. v. CCC et al.*  
*Friends of Oceano Dunes et al. v. CCC et al. (Cal. Dept. of Parks & Recreation et al., RPI)*  
*Friends of Oceano Dunes et al. v. CCC et al. (San Luis Obispo County APCD et al., RPI)*  
*Friends of Oceano Dunes et al. v. CCC et al. (San Luis Obispo County APCD et al., RPI)*  
*Friends of the Canyon v. CCC (Longi et al., RPI)*  
*Friends of the Canyon v. CCC (Longi et al., RPI)*  
*Martins Beach I LLC et al. v. Turnbull Sanders et al.)*  
*Mountainlands Conservancy LLC et al. v. CCC (County of Los Angeles, RPI)*  
*Ramirez Canyon Preservation Fund v. CCC (County of Los Angeles, RPI)*  
*Rudisill et al. v. CCC (City of Los Angeles et al., RPI)*

The Commission received litigation information and advice and provided direction regarding the following matters:

*Lindstrom v. CCC*  
*Redondo Beach Waterfront LLC v. City of Redondo Beach*  
*Two matters of potential litigation.*

12. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of San Clemente LCP Amendment No. 1-16 (LCP-5-SCL-16-0012-1) Comprehensive LUP Update.**

**Motion & vote:** Brownsey moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Aminzadch. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Brownsey moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Aminzadeh.

**Amending motion & vote:** Padilla moved to strike the definitions of “existing structure” and to address the definition of “existing structure” in the implementation plan and recommended a yes vote, seconded by Howell. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved.**

**Vote on main motion:** Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of motion. **Approved with modifications as amended.**

13. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-17-0073 (Ryan, Laguna Beach)** Staff recommended that the Commission determine that Appeal No. A-5-LGB-17-0073 raised substantial issue on the grounds on which the appeal was filed. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission **found substantial issue** and continued the de novo hearing. **Substantial issue found.**

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-17-0371 (Walsh, Laguna Beach) [WITHDRAWN]**

**SAN DIEGO COAST DISTRICT**

15. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
16. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [18a, 19a] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Howell moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

17. LOCAL COASTAL PROGRAMS (LCPs).

- a. **City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0082-3 (Auto Repair and Auto Storage) Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **City of Encinitas LCP Amendment No. LCP-6-ENC-17-0068-1 (Omnibus Code Cleanup) Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved.**

- c. **City of Encinitas LCP Amendment No. LCP-6-ENC-17-0069-2 (Grading Permit Exemption).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certified as submitted.**

- d. **City of Encinitas LCP Amendment No. LCP-6-ENC-17-0070-3 (Density Bonus Amendment).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certified as submitted.**

- e. **City of Del Mar LCP Amendment No. LCP-6-DMR-17-0062-2 (Accessory Dwelling Units).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certified as submitted.**

- f. **City of Del Mar LCP Amendment No. LCP-6-DMR-17-0083-3 (Short Term Rentals) Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Groom moved to grant the time extension for up to one year and recommended a yes vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved.**

- g. **City of San Diego LCP Amendment No. LCP-6-SAN-17-0078-3 (Accessory Dwelling Units).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certified as submitted.**

- h. **City of San Diego LCP Amendment No. LCP-6-SAN-17-0080-4 (Affordable Housing, Infill and Sustainable Development).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certified as submitted.**

- i. **City of San Diego LCP Amendment No. LCP-6-SAN-17-0081-5 (Marijuana Testing Facilities and Production).** Staff recommended approval as submitted.

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in opposition to the motion. **Certified as submitted.**

18. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-17-0613 (Viola, Carlsbad)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

19. **PERMIT AMENDMENTS.**

- a. **Permit No. 6-16-0248-A1 (San Elijo Lagoon Conservancy/California Department of Parks and Recreation Sand Placement)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**STATEWIDE** [*Items 22-27 continued from Wednesday, February 7, 2018*]

- 22. **APPROVAL OF MINUTES.** The minutes of December 2017 were approved as written. Peskin moved approval, Luevano seconded.
- 23. **COMMISSIONERS' REPORTS.** None.
- 24. **CONSERVANCY REPORT.** None.
- 25. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
- 26. **SANTA MONICA BAY RESTORATION REPORT.** None.
- 27. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Commission recessed for the day at 4:35 p.m.

## FRIDAY, FEBRUARY 9, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Vice Chair Turnbull-Sanders at 9:00 a.m.
2. **ROLL CALL.** Present: Vice Chair Turnbull-Sanders, Aminzadeh, Brownsey, Groom, Howell, Peskin, Sundberg. Padilla and Vargas arrived at 9:35 a.m. Absent: Bochco, Luevano, Uranga. Non-voting present: Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection. Vice Chair Turnbull-Sanders ruled that the Commission concurred.

- a. **Application No. 5-17-0821 (Lyon & Golison, Long Beach)**
- b. **Application No. 5-17-0927 (2034 5<sup>th</sup>, LLC, Santa Monica, Los Angeles)**

6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

**Motion & vote:** Brownsey moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Aminzadeh. **Approved with conditions.**

- a. **Application No. 5-17-0598 (210 E. Linnie Canal, LLC, Venice, Los Angeles)**

### SOUTH CENTRAL COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [10a] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Howell moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

9. **LOCAL COASTAL PROGRAM (LCPs).**
  - a. **County of Los Angeles Santa Monica Mountains LCP Amendment No. LCP-4-MMT-17-0038-1. Certification Review.** Staff recommended concurrence with the Executive Director's determination that action by the County of Los Angeles, accepting the Commission's certification of amendment No. LCP-4-MMT-17-0038-1 with modifications, is legally adequate. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
10. **NOTICE OF IMPENDING DEVELOPMENT.**
  - a. **UCSB Notice of Impending Development No. UCS-NOID-0005-17 (University of California at Santa Barbara, Henley Hall).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **SOUTH COAST DISTRICT (LOS ANGELES COUNTY)**

11. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. There being no objection, Vice Chair Turnbull-Sanders ruled that the Commission concurred.
12. **CONSENT CALENDAR (removed from Regular Calendar).** None.
13. **NEW APPEALS.**
  - a. **Appeal No. A-5-PPL-17-0065 (Kerns, Pacific Palisades, Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-PPL-17-0065** raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Brownsey moved to determine that **Appeal No. A-5-PPL-17-0065** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Sundberg. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**
  - b. **Appeal No. A-5-VEN-17-0072 (NYE, LLC, Venice, Los Angeles)** Staff recommended that the Commission determine that **Appeal No. A-5-VEN-17-0072** raised no substantial issue on the grounds on which the appeal was filed. *(Howell out of room)*

**Motion & vote:** Vargas moved to determine that **Appeal No. A-5-PPL-17-0065** raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Padilla. The roll call vote was 3 in favor (Padilla, Sundberg, Vargas) and 5 opposed (Aminzadeh, Brownsey, Groom, Peskin, Turnbull-Sanders). **Substantial Issue found. Continued.**

14. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-16-1095 (Joe Phelps/Palisades Builders, LLC, Pacific Palisades, Los Angeles)** Staff recommended approval with conditions.

**Motion & vote:** Aminzadeh moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. A-5-PPL-17-0002 & 5-17-0135 (Marlin Prager / 15000 Corona del Mar Trust, Pacific Palisades, Los Angeles)** [POSTPONED]

- c. **Application No. A-5-VEN-17-0034 & 5-17-0695 (Feige, Venice, Los Angeles)** Staff recommended approval with conditions.

**Motion & vote:** Peskin moved to approve **Application No. A-5-VEN-17-0034** pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

**Motion & vote:** Peskin moved to approve **Application No. 5-17-0695** pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

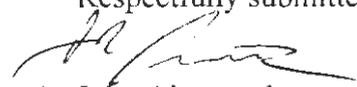
[Brownsey & Sundberg departed]

- d. **Application No. 5-17-0809 (Sanitation District No. 2 of Los Angeles County)** Staff recommended approval with conditions.

**Motion & vote:** Vargas moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. Vice Chair Turnbull-Sanders ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

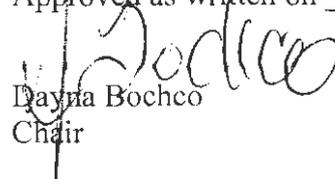
There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:15 a.m.

Respectfully submitted,



John Ainsworth  
Executive Director

Approved as written on



Dayna Bocheo  
Chair

6/7/18

**CALIFORNIA COASTAL COMMISSION**

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# W12

**Prepared February 1, 2018 (for the February 07, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for February 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on February 07, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 7th.

With respect to the February 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 07, 2018 (see attached)**

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**Waivers**

- 1-18-0061-W, Caltrans - Dune Restoration (Albion River Bridge, On State Route 1, Albion, Mendocino County)

**Immaterial Amendments**

- 1-17-0631-A1, Del Norte County - Pacific Shores Temporary Watchman's Station (Pacific Shores Subdivision, Adjacent To Lake Earle, Del Norte County)
- 1-82-264-A1, Conaway – After-The-Fact Second Dwelling Unit (Mckinleyville, Humboldt County)

**Immaterial Extensions**

- A-1-DNC-06-037-E7, Bay Meadows Project LLC - Bay Meadows Subdivision - Extension (North Of Crescent City, Del Norte County)
- A-1-MEN-01-051-A1-E5, Tan - Single Family Residence - Extension (South Of Fort Bragg, Mendocino County)

**Emergency Permits**

- G-1-18-0003, Del Norte County – Breaching Of Sandbar Between Lakes Earl/Tolowa And Ocean (Del Norte County)
- G-1-18-0001, Trinidad Civic Club – Relocation Of Trinidad Memorial Lighthouse (Trinidad, Humboldt County)



**CALIFORNIA COASTAL COMMISSION**

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# Th5

**Prepared January 26, 2018 (for February 8, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons  
**From:** Dan Carl, North Central Coast District Director  
**Subject:** North Central Coast District Director's Report for February 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Central Coast District Office are being reported to the Commission on February 8, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Central Coast District Office in San Francisco. Staff is asking for the Commission's concurrence on the items in the North Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on February 8th at the Cambria Pines Lodge in Cambria.

With respect to the February 8th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 8, 2018 (see attached)**

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**Waivers**

- None

**Immaterial Amendments**

- None

**Immaterial Extensions**

- A-2-PAC-15-0046-E1, Blackman and O'Connell Apartments (Pacifica)

**Emergency CDPs**

- None

**CALIFORNIA COASTAL COMMISSION**

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# Th10

**Prepared January 30, 2018 (for the February 08, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** South Coast District Deputy Director's Report for Orange County for February 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on February 08, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 8th.

With respect to the February 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 08, 2018 (see attached)**

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**Waivers**

- 5-17-0909-W, Tony & Erin Spriggs (San Clemente)
- 5-17-0913-W, Delt Properties (Laguna Beach)
- 5-17-1020-W, Gretchen Manoogian (Laguna Beach)
- 5-17-1038-W, 208 7th Street (Seal Beach)

**Immaterial Amendments**

- 5-98-251-A3, Yossi Yosef Cohen (Laguna Beach)

**Immaterial Extensions**

- 5-15-0807-E1, Grace Martin (San Clemente)

**CALIFORNIA COASTAL COMMISSION**

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# TH15

**Prepared February 2, 2018 (for the February 8, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** San Diego Coast District Deputy Director's Report for February 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on February 08, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 8th.

With respect to the February 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 8, 2018 (see attached)**

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**Waivers**

- 6-17-1028-W, Nelson Detached ADU (Solana Beach)
- 6-17-1030-W, Stewart SFR Demo & Reconstruction (Solana Beach)
- 6-18-0017, Solana Circle Residence (Solana Beach)
- 6-18-0033-W, Voorhies-Ellis ADU (Solana Beach)
- 6-18-0036-W, Reza SFR Addition (Solana Beach)
- 6-18-0047-W, Detrani Addition (Solana Beach)
- 6-18-0048-W, Farrell SFR (Solana Beach)

**Immaterial Amendments**

- A-6-PSD-08-004-A4, Electronic Art Installation (North of Broadway Street between Pacific Highway and Harbor Drive, San Diego (San Diego County))

**Immaterial Extensions**

- 6-15-0142-E1, St. John Garabed Armenian Apostolic Church (San Diego)
- 6-15-1975-E1, West Mission Bay Drive Bridge Replacement (San Diego)

**CALIFORNIA COASTAL COMMISSION**

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# F7

**Prepared February 2, 2018 (for February 09, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Central Coast District Deputy Director  
**Subject:** South Central Coast District Deputy Director's Report for February 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extension, and emergency CDPs for the South Central Coast District Office are being reported to the Commission on February 9, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 9<sup>th</sup>.

With respect to the February 9<sup>th</sup> hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 9, 2018 (see attached)**

**Waivers**

- 4-17-0781-W, Wooley Road, LLC (Oxnard)
- 4-17-0866-W, Rancho Estates MHP (Goleta)

**Immaterial Amendments**

- 4-04-132-A3, Hopkins (Topanga)

**Immaterial Extensions**

- 4-06-109-E8, Bauer/Van Deman (Topanga)
- 4-07-035-E8, Love (Calabasas)
- 4-07-066-E8, Halbriech (Malibu)
- 4-08-040-E5, Grisanti (Topanga)

- 4-12-019-E4, A J Roberts Industrial Inc (Malibu)
- 4-13-002-E3, Larsson (Topanga)
- 4-13-1397-E2, Eucalyptus Ranch, LP (Malibu)
- 4-14-0100-E2, Hacienda Robles, LP (Malibu)
- 4-14-0201-E2, Pepper Creek, LP (Malibu)
- 4-14-0202-E2, Canary Island Palm, LP (Malibu)
- 4-14-0621-E2, Rancho Tecolote, LP (Malibu)

**CALIFORNIA COASTAL COMMISSION**

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# F11

**Prepared January 30, 2018 (for the February 09, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Coast District Deputy Director  
**Subject:** South Coast District Deputy Director's Report for Los Angeles County for February 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on February 09, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 9th.

With respect to the February 9th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 09, 2018 (see attached)**

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**Waivers**

- 5-17-0841-W, Brenda & Richard Anderson (Hermosa Beach)
- 5-17-0882-W, Randolph Hillebrand & Stefanie Gelinis (Santa Monica)
- 5-17-0891-W, 1501 Monterey, LLC (Hermosa Beach)
- 5-17-0978-W, Edmond & Kathlene Wang (Santa Monica)
- 5-17-1042-W, Klitsch Residence (Hermosa Beach)

**Immaterial Amendments**

- 5-16-0934-A1, Stein Residence (Venice)

**Immaterial Extensions**

- 5-14-1387-E2, Eli Cohen, Walter Coppenrath, & Joseph Beauchamp (Pacific Palisades)
- 5-90-789-E25, Broadwalk Sunset, LLC (Venice)

**CALIFORNIA COASTAL COMMISSION**

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**W29**

DATE: July 6, 2018  
TO: Coastal Commissioners  
FROM: John Ainsworth, Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of **June 6-8, 2018**  
Chula Vista City Council Chambers  
276 Fourth Avenue  
Chula Vista, CA 91910

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**WEDNESDAY, JUNE 6, 2018**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Aminzadeh, Brownsey, Groom, Howell, Luevano, Padilla, Peskin, Vargas. Uranga arrived at 2 p.m. Absent: Sundberg, Turnbull-Sanders. Non-voting present: Baker, Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** None.

**STATEWIDE**

6. **EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Executive Director's Report.** Information only.
  - b. **Commission Correspondence.** None.
  - c. **Legislative Report.** Information only.
  - d. **LCP Grant Program.** Commission discussion and possible action on recommended updates to priorities and evaluation criteria for Local Coastal Program (LCP) Grant Program.

**Motion & vote:** Aminzadeh moved to adopt the updates pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## **CENTRAL COAST DISTRICT**

7. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.
  - a. **Application No. 3-18-0318 (Fourth of July Fireworks, Cambria, San Luis Obispo Co.)**

## **ENFORCEMENT**

8. **ENFORCEMENT REPORT.** Informational report by Chief of Enforcement on Statewide Enforcement Program. **No action taken.**

## **NORTH COAST DISTRICT**

9. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.
11. **NEW APPEALS.**
  - a. **Appeal No. A-1-FTB-18-0021 (Georgia-Pacific LLC, Fort Bragg)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

**Motion & vote:** Brownsey moved to determine that Appeal No. A-1-FTB-18-0021 raised no substantial issue and recommended a no vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Substantial Issue found.**  
**Continued.**

**CLOSED SESSION REPORT.** The Commission received litigation information and advice regarding the following matters:

*Coastal Rights Coalition v. CCC*  
*Lent et al. v. CCC (State Coastal Conservancy et al., RPI)*  
*Martins Beach 1 LLC et al. v. Turnbull Sanders et al.*  
*Spotlight on Coastal Corruption v. Kinsey et al.*  
Two matters of potential litigation.

Commissioners Howell and Vargas were recused from the discussion of *Spotlight on Coastal Corruption v. Kinsey et al.*

The Commission received litigation information and advice and provided direction regarding the following matters:

*Fudge v. CCC (Dmitry, RPI)*  
*In re Border Infrastructure Environmental Litigation*

## **ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY**

12. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Bochco ruled that the Commission concurred.

[*Aminzadeh, Uranga, Vargas out of room*]

13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [14a] to the expanded consent calendar and recommended approval.

**Motion & vote:** Howell moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

14. **FEDERAL CONSISTENCY.**

- a. **CC-0001-18 (SANDAG, Oceanside)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

[*Aminzadeh, Uranga returned*]

- b. **CD-0001-18 (US Navy, Southern California)** Staff recommended conditional concurrence to the Consistency Determination.

**Motion & vote:** Brownsey moved to object to the consistency determination CD-0001-18 by concluding that the project is not fully consistent with the enforceable policies of the CCMP and recommended a yes vote, seconded by Padilla. The roll call vote was 9 in favor (Aminzadeh, Brownsey, Groom, Howell, Luevano, Padilla, Peskin, Uranga, Bochco) and none opposed. **Objection.**

## **NORTH CENTRAL COAST DISTRICT**

15. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. No actions to report.
16. **CONSENT CALENDAR (removed from Regular Calendar).**
17. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **Marin County LCP Amendment No.LCP-2-MAR-15-0029-1 (Marin LCP Update) Certification Review.** Staff recommended concurrence with Executive Director's determination that the action by Marin County, accepting the Commission's certification of No. LCP-2-MAR-15-0029-1 with modifications of amendments 1, 2 and 6, is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

## **CENTRAL COAST DISTRICT**

18. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
19. **CONSENT CALENDAR (removed from Regular Calendar).** None.
20. **CONDITION COMPLIANCE.**
  - a. **Condition Compliance for CDP No. 3-12-050 (ODSVRA Dust Control, San Luis Obispo Co.)** Staff recommended concurrence with the Executive Director's approval and the Annual Work Plan as amended.

**Motion & vote:** Brownsey moved to concur with the Executive Director's determination and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

21. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-18-0020-1 (Cannabis Regulations).** Staff recommended approval with modifications. Staff modified its suggested modifications to allow a reduction in the 600-foot minimum distance requirement between cannabis nurseries and dispensaries and any library, park, playground, or other specified facility through a Development Plan approval per Section 23.08.12.

**Motion & vote:** Howell moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Howell moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

**Motion & vote:** Howell moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Howell moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- b. **Santa Cruz County LCP Amendment No. 3-SCO-18-0032-2-Part B (Hosted Short-Term Rentals).** Concurrence with the Executive Director's determination that the request by Santa Cruz County to amend LCP provisions related to hosted short-term rentals is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.

*[Items W22a-e were heard through a combined hearing]*

22. **NEW APPEALS**

- a. **Appeal No. A-3-STC-18-0024 (Bike Share Hub adjacent to Lighthouse Surfing Museum, Santa Cruz)**
- b. **Appeal No. A-3-STC-18-0025 (Bike Share Hub adjacent to 400 Beach Street, Santa Cruz)**

- c. **Appeal No. A-3-STC-18-0026 (Bike Share Hub at Mike Fox Skate Park, Santa Cruz)**
- d. **Appeal No. A-3-STC-18-0027 (Bike Share Hub adjacent to 204 Swanton Boulevard, Santa Cruz)**
- e. **Appeal No. A-3-STC-18-0028 (Bike Share Hub adjacent to 25 Beach Street, Santa Cruz)**

Staff recommended that the Commission determine that Appeal No. A-3-STC-18-0024, Appeal No. A-3-STC-18-0025, Appeal No. A-3-STC-18-0026, Appeal No. A-3-STC-18-0027, & Appeal No. A-3-STC-18-0028 raised no substantial issue on the grounds on which the appeals were filed.

**Motion & vote:** Groom moved to determine that **Appeal No. A-3-STC-18-0024, Appeal No. A-3-STC-18-0025, Appeal No. A-3-STC-18-0026, Appeal No. A-3-STC-18-0027, & Appeal No. A-3-STC-18-0028** raised no substantial issue on the grounds on which the appeals were filed and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

23. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-3-STC-16-0016 (Honjo, Santa Cruz) [POSTPONED]**
- b. **Application No. 3-16-0345 (Honjo Revetment, Santa Cruz) [POSTPONED]**
- c. **Application No. 3-18-0286 (Smith, Pacific Grove) [POSTPONED]**

24. **REVISED FINDINGS.**

- a. **Application No. A-3-SLO-17-0053 (Clemence-Lucas Vacation Rental, Cambria, San Luis Obispo Co.)** Staff recommended approval of the proposed revised findings.

**Motion & vote:** Howell moved to adopt the revised findings pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote of the prevailing side (Aminzadeh, Howell, Peskin, Uranga) was unanimous in favor of the motion. **Approved.**

**STATEWIDE**

- 25. **APPROVAL OF MINUTES.** Brownsey moved to approve the minutes of February 2018 and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved as written.**
- 26. **COMMISSIONERS' REPORTS.** None.
- 27. **CONSERVANCY REPORT.** None.
- 28. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
- 29. **SANTA MONICA BAY RESTORATION REPORT.** None.
- 30. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

The meeting of the California Coastal Commission recessed at 5:40 p.m.

## THURSDAY, JUNE 7, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Aminzadeh, Brownsey, Groom, Luevano, Peskin, Sundberg, Uranga, Vargas. Howell arrived at 9:30 a.m.; Padilla arrived at 9:45 a.m. Absent: Turnbull-Sanders. Non-voting present: Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### SAN DIEGO COAST DISTRICT

5. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

**Motion & vote:** Padilla moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 6-17-0744 (Bristol Cove Homeowners Association, Carlsbad)**
- b. **Application No. 6-18-0222 (439 Cedros, LLC, Solana Beach)**
- c. **Application No. 6-18-0282 (Port Navy Pier Repairs, San Diego)**

### SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

6. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [10d] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Groom moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

8. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Long Beach Local Coastal Program Amendment No. 1-18 (LCP-5-LOB-18-0026-1 SEADIP Oil Production Uses and Oil Code Amendment). Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Uranga moved to grant the time extension for up to one year and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

9. **NEW APPEALS.**

- a. **Appeal No. A-5-VEN-18-0017 (Targon, Venice, Los Angeles)** Staff recommended that the Commission determine that Appeal No. A-5-VEN-18-0017 raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission **found** substantial issue and continued the denovo hearing. **Substantial Issue found.**
- b. **Appeal No. A-5-MNB-18-0023 (City of Manhattan Beach 2018 Manhattan Beach Open Volleyball Tournament) [POSTPONED]**
- c. **Appeal No. A-5-SNP-18-0031 (Wakita, San Pedro, Los Angeles) [POSTPONED]**

*[Howell and Vargas out of room]*

10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. A-5-VEN-17-0052 (AK Lofts 5, LLC, Venice, Los Angeles)** Staff recommended approval with conditions.

**Motion & vote:** Luevano moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

*[Howell and Vargas returned]*

- b. **Application No. 5-18-0142 (Live Nation Worldwide, Diversified Production Services, and City of Long Beach Special Events & Filming, Long Beach)** Staff recommended approval with conditions.

**Motion & vote:** Uranga moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- c. **Application No. 5-18-0162 (Guirguis, Pacific Palisades, Los Angeles) [POSTPONED]**

- d. **Application No. 5-17-0892 & A-5-VEN-17-0051 (305 Ocean Front Walk, LLC/Blake Fogel, Venice, Los Angeles)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

*[Items Th10e and Th10f were heard as a combined public hearing.]*

- e. **Application No. A-5-VEN-17-0042 (Western Development LLC, Venice, Los Angeles)** Staff recommended approval with conditions.

**Motion & vote:** Luevano moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- f. **Application No. A-5-VEN-17-0044 (Western Development LLC, Venice, Los Angeles)** Staff recommended approval with conditions.

**Motion & vote:** Luevano moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- g. **Application No. 5-17-1005 (1830 The Strand-JA, LLC, Hermosa Beach)**  
**[POSTPONED]**

## 11. **REVISED FINDINGS.**

- a. **Application No. A-5-PVE-17-0069 (Rainville Design Studio, Palos Verdes Estates)**  
Staff recommended approval of the proposed revised findings.

**Motion & vote:** Peskin moved to adopt the findings pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. The vote of the prevailing side (Aminzadeh, Howell, Luevano, Peskin, Uranga, Vargas) was unanimous. **Approved.**

## **SAN DIEGO COAST DISTRICT**

12. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

13. **CONSENT CALENDAR (removed from Regular Calendar).** None.

*[Aminzadeh, Howell out of room]*

14. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Oceanside LCP Amendment No. LCP-6-OCN-17-0065-4 (Subdistrict 13).**  
Staff recommended approval as submitted.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

*[Aminzadeh, Howell returned]*

- b. **City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0054-2 (Prohibited Uses).**  
Staff recommended approval with modifications.

**Motion & vote:** Padilla moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Padilla moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. Certification denied as submitted.

**Motion & vote:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Approved with modifications.**

- c. **City of Encinitas LCP Amendment No. LCP-6-ENC-17-0068-1 (Omnibus Code Cleanup).** Staff recommended denial as submitted and approval with modifications.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- d. **City of Del Mar LCP Amendment No. LCP-6-DMR-17-0083-3 (Short Term Rentals).** Staff recommended denial as submitted and approval with modifications.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Brownsey.

**Amending motion & vote:** Padilla moved to change the maximum stay to 100 days and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Passed.**

**Vote on main motion:** Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- e. **City of Chula Vista LCP Amendment No. LCP-6-CHV-18-0029-1 (Parcel 1a) Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## 15. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-17-0819 (Solana Beach and Tennis Club, Solana Beach)**  
**[POSTPONED]**

The meeting of the California Coastal Commission recessed at 4:40 p.m.

## FRIDAY, JUNE 8, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Aminzadeh, Brownsey, Groom, Luevano, Peskin, Sundberg, Uranga. Padilla arrived at 9:10. Absent: Howell, Turnbull-Sanders, Vargas. Non-voting present: Baker, Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** None.

### SOUTH COAST DISTRICT (ORANGE COUNTY)

5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.
  - a. **Application No. 5-18-0082 (Silverman, Huntington Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval with conditions.

**Motion & vote:** Peskin moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

  - a. **Application No. 5-17-0612 (Alvey, San Clemente) [POSTPONED]**
  - b. **Application No. 5-18-0164 (Johnson, Huntington Beach)**

### SOUTH COAST DISTRICT (ORANGE COUNTY)

7. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).** None.
9. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Newport Beach LCP Amendment No. 4-17 (LCP-5-NPB-17-0084-1 Beach Encroachments, Shoreline Height Limit, ADUs, and Map Setback). Time extension.** Staff recommended approval of the time extension.

**Motion & vote:** Brownsey moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## **SOUTH CENTRAL COAST DISTRICT**

10. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

11. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [12b] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Peskin moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

12. **NOTICE OF IMPENDING DEVELOPMENT.**

a. **Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development CIH-NOID-0002-18 (Demolition of the Casa Sirena Hotel and Lobster Trap Restaurant and Construction of a New Hotel and Restaurant).** Staff recommended approval.

**Motion & vote:** Luevano moved to determine that the **Notice of Impending Development CIH-NOID-0002-18** was consistent and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

b. **University of California Santa Barbara Notice of Impending Development No. UCS-NOID-003-18 (Solar Photovoltaic Power Purchase Agreement Project Phase 3).** Moved by staff to the expanded consent calendar. **Approved with conditions.**

13. **NEW APPEAL.**

a. **Appeal No. A-4-SBV-18-0032 (Wallace, City of San Buenaventura)** Staff recommended that the Commission determine that Appeal No. A-4-SBV-18-0032 raised no substantial issue.

**Motion & vote:** Groom moved to determine that Appeal No. A-4-SBV-18-0032 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

At the conclusion of the hearing, the Commission went into Closed Session.

**Report of Closed Session.** The Commission received litigation information and advice and provided direction regarding *Friends of the Children's Pool v. City of San Diego et al.*

There being no old or new business, the meeting of the California Coastal Commission adjourned at 9:55 a.m.

Respectfully submitted,

John Ainsworth  
Executive Director

**CALIFORNIA COASTAL COMMISSION**

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# W9

**Prepared May 29, 2018 (for the June 06, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for June 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on June 06, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 6th.

With respect to the June 6th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 06, 2018 (see attached)**

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**Waivers**

- 1-18-0450-W, Humboldt County Department of Public Works - Bay Trail South Geotechnical Investigation (Humboldt County)

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION  
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# W12

**Prepared May 30, 2018 (for the June 06, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, Deputy Director  
**Subject:** **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for June 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on June 06, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 6th.

With respect to the June 6th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 06, 2018 (see attached)**

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## Waivers

- 9-18-0246-W, Abalone Barge Mooring (Mooring 168, Monterey Bay Outer Harbor, Monterey)

## CALIFORNIA COASTAL COMMISSION

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# W15

**Prepared June 4, 2018 (for June 6, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, North Central Coast District Director

**Subject:** North Central Coast District Director's Report for June 2018

There were no waivers, emergency permits, immaterial amendments or extensions issued by the North Central Coast District Office for the **June 6, 2018** Coastal Commission hearing.

**CALIFORNIA COASTAL COMMISSION**

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# W18

**Prepared May 22, 2018 (for June 6, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for June 6, 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on June 6, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on June 6, 2018 at the Chula Vista City Council Chambers in Chula Vista.

With respect to the June 6, 2018 hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 6, 2018 (see attached)**

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**Waivers**

- 3-17-1003-W, California State Parks Guiton Trail Improvements (Oceano)
- 3-18-0231-W, Monterey Harbor Waterfront Facilities Maintenance Program (Monterey)
- 3-18-0259-W, Pacific Grove Golf Links 18th Hole Improvements (Pacific Grove)

**Emergency CDPs**

- G-3-18-0010, Oceano Lagoon Waterline Replacement (Oceano)

**CALIFORNIA COASTAL COMMISSION**

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# Th6

**Prepared May 31, 2018 (for the June 07, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Coast District Deputy Director  
**Subject:** **South Coast District Deputy Director's Report for Los Angeles County for June 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on June 07, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 7th.

With respect to the June 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 07, 2018 (see attached)**

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### Waivers

- 5-18-0118-W, Tim Wheeler SFR demo/SFR construction (Hermosa Beach)
- 5-18-0155-W, 2 new apartments buildings (Torrance)
- 5-18-0180-W, 2102 5th LP Duplex Construction (Santa Monica)
- 5-18-0203-W, 210 Marguerita Ave LLC demo/construct SFR (Santa Monica)
- 5-18-0208-W, Venice Beach Mobile Restroom Project- City of LA and Hunters Pt Family (Los Angeles)
- 5-18-0291-W, Los Cerritos Wetlands Authority (LCWA) (Long Beach)

### Immaterial Amendments

- A-5-RPV-12-350-A1, Ravi Khosla (Rancho Palos Verdes)

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
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# TH12

**Prepared May 30, 2018 (for the June 7, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** San Diego Coast District Deputy Director's Report for June 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on June 07, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 7th.

With respect to the June 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 7, 2018 (see attached)**

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## Waivers

- 6-18-0345-W, Carlsbad Municipal Water District Phase III Recycled Water Project (Cannon Road, Between Avenida Encinas And Carlsbad Boulevard, Carlsbad)
- 6-18-0403-W, UCSD modular building (Northernmost End of The UC San Diego West Campus on N. Point Lane, South of Alex G. Spanos Athletic Facility.)
- 6-18-0423-W, Beck SFR Addition (Solana Beach)
- 6-18-0439-W, AT&T Communications Facility (Solana Beach)

**CALIFORNIA COASTAL COMMISSION**

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# F7

**Prepared May 31, 2018 (for the June 08, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** **South Coast District Deputy Director's Report for Orange County for June 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on June 08, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 8th.

With respect to the June 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 08, 2018 (see attached)**

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**Waivers**

- 5-18-0232-W, utility pole (On Electric Ave., Across From 1632 Ocean Ave.), Seal Beach, Orange County)

**Immaterial Amendments**

- 5-95-219-A3, Fletcher Jones (Newport Beach)

**CALIFORNIA COASTAL COMMISSION**

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# F10

**Prepared June 04, 2018 (for the June 08, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Central Coast District Deputy Director  
**Subject:** **South Central Coast District Deputy Director's Report for June 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Central Coast District Office are being reported to the Commission on June 08, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Central Coast District Office in Ventura. Staff is asking for the Commission's concurrence on the items in the South Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 8th.

With respect to the June 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on June 08, 2018 (see attached)**

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**Immaterial Extensions**

- 4-04-120-E4, Wallis Extension (Calabasas)
- 4-12-026-E4, Goldin (Malibu)

**CALIFORNIA COASTAL COMMISSION**

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**W17**

DATE: October 22, 2018  
TO: Coastal Commissioners  
FROM: John Ainsworth, Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of **September 12-14, 2018**  
Fort Bragg Town Hall  
363 North Main Street  
Fort Bragg, CA 95437

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**WEDNESDAY, SEPTEMBER 12, 2018**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Bochco at 9:00 a.m. Commissioner Brian Pendleton was sworn in as alternate for Luevano.
2. **ROLL CALL.** Present: Chair Bochco, Aminzadeh, Brownsey, Groom, Howell, Pendleton (alternate), Padilla, Peskin, Sundberg. Vargas arrived at 9:15 a.m. Absent: Turnbull-Sanders, Uranga. Non-voting present: Baker, Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **CHAIR'S REPORT.** None.

**STATEWIDE**

6. **EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Executive Director's Report.** Information only.
  - b. **Environmental Justice Draft Policy.** Informational presentation by staff on the Commission's draft Environmental Justice policy. **No Commission action.**
  - c. **Barriers to Coastal Access.** Informational presentations by nonprofit groups regarding challenges for under-served/under-represented people accessing the coast. **No action taken.**
  - d. **Commission Correspondence.** Consideration and potential action on Commission correspondence. **None.**

e. **Legislative Report.** Discussion and possible action on coastal-related legislation.

**Motion & vote:** Peskin moved to support A.B. 2534, seconded by Aminzadeh. Chair Bochco ruled that the vote was unanimous in favor of the motion.

f. **Interagency Agreement.** Public hearing and Commission authorization to enter into Interagency Agreements with the San Francisco Bay Conservation and Development Commission (BCDC) and the State Coastal Conservancy (SCC). Approval of transfer of federal funds to BCDC and SCC for implementation of California Coastal Management Program for Fiscal Year 2018-2019. Staff recommended approval.

**Motion & vote:** Groom moved to authorize the Interagency Agreement with the San Francisco Bay Conservation and Development Commission and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

**Motion & vote:** Groom moved to authorize the interagency agreement with the State Coastal Conservancy and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

g. **Sea Level Rise Policy Guidance.** Informational presentation on draft updates to the Commission's Sea Level Rise Policy Guidance to reflect new scientific information and recommendations from the Ocean Protection Council. **Information only.**

h. **Public Education Grants.** Staff recommended approval.

**Motion & vote:** Brownsey moved to approve the proposed targeted grants and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

i. **Public Education Grant Guidelines.** Staff recommended minor modifications to guidelines for WHALE TAIL competitive grants.

**Motion & vote:** Groom moved to authorize the modifications pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## **NORTH COAST DISTRICT**

7. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. Staff removed waiver 1-18-0500-W (Salmon Creek Lead Remediation) from the report. There being no objection, Chair Bochco ruled that the Commission concurred with the report as modified.

8. **CONSENT CALENDAR (removed from Regular Calendar).** None.
9. **LOCAL COASTAL PROGRAMS (LCPs).**

**[Items W9a and W9b below will share a combined public hearing.]**

- a. **City of Fort Bragg Mill Site Comprehensive Plan.** Briefing by Commission staff and City of Fort Bragg staff on the City of Fort Bragg’s comprehensive planning efforts for redevelopment of the approx. 400-ac. former Georgia Pacific mill site, along the Pacific Ocean, west of Highway One, adjacent to downtown Fort Bragg, Mendocino County.
- b. **City of Fort Bragg LCP Amendment No. LCP-1-FTB-17-0077-1 (Mill Site Planning Process).** Staff recommended approval as submitted.

**Motion & vote:** Brownsey moved to certify the Land Use Plan as submitted pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

**Motion & vote:** Brownsey moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

- c. **City of Eureka LCP Amendment No. LCP-1-EUR-18-0057-1 (Cannabis Retail).** Concurrence with the Executive Director’s determination that the request by the City of Eureka to amend certified Implementation Plan to remove an existing limit on the on the number of use permits that can be issued in a six month period for cannabis retail facilities is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.

*(Aminzadeh out of room)*

- d. **City of Trinidad LCP Amendment No. LCP-1-TRN-17-0072-1 (CalFire).** Staff recommended approval with modifications. Staff orally modified recommended findings on page 14 to remove reference to “off-reservation” trust lands.

**Motion & vote:** Sundberg moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Sundberg moved to certify the Land Use Plan if modified as suggested by staff and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- e. **County of Humboldt LCP Amendment No. LCP-1-HUM-17-0066-1 (CalFire).** Staff recommended approval with modifications. Staff orally modified recommended findings on page 12 to remove reference to “off-reservation” trust lands.

**Motion & vote:** Sundberg moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Sundberg moved to certify the Land Use Plan if modified as suggested by staff and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

*(Aminzadeh returned)*

- f. **City of Fort Bragg LCP Amendment No. LCP-1-FTB-18-0031-1 (Riverview Building LLC).** Staff recommended approval as submitted.

**Motion & vote:** Brownsey moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by Sundberg. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

**Motion & vote:** Brownsey moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Sundberg. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

#### 10. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-16-0899 (California Department of Transportation (Caltrans), Mendocino Co.)** Staff recommended approval with conditions.

**Motion & vote:** Brownsey moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Sundberg. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

#### 11. **PERMIT AMENDMENTS.**

- a. **Permit No. A-1-MEN-07-28-A6 (Jackson-Grube Family, Inc., Mendocino Co.)**  
**[POSTPONED]**

### **ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY**

12. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Bochco ruled that the Commission concurred.

- a. Status Report, U.S. Navy Response to Commission objection to Consistency Determination CD-0001-18, Navy Military Readiness Training and Testing Activities in the California portion of Hawaii-Southern California Training and Testing (HSTT) Study Area, southern California. **Information only.**
13. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [**14a, 14b**] to the expanded consent calendar and recommended approval with conditions.  
**Motion & vote:** Howell moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**
14. **PERMIT AMENDMENTS.**
  - a. **Permit No. 3-89-40-A4 (Monterey Bay Aquarium, Monterey Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
  - b. **Permit No. E-98-029-A3 (AT&T Corporation, San Luis Obispo Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **STATEWIDE**

15. **APPROVAL OF MINUTES.** None.
16. **COMMISSIONERS' REPORTS.** None.
17. **CONSERVANCY REPORT.** None.
18. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** None.
19. **SANTA MONICA BAY RESTORATION REPORT.** None.
20. **DEPUTY ATTORNEY GENERAL'S REPORT.** Information only.

The Commission recessed at 4:55 p.m.

## THURSDAY, SEPTEMBER 13, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Bochco at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Bochco, Aminzadeh, Brownsey, Groom, Howell, Pendleton (alternate), Padilla, Peskin, Sundberg. Vargas arrived during the lunch break. Absent: Turnbull-Sanders, Uranga. Non-voting present: Baker, Gibson, Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.**

### SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

5. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.  
(*Aminzadeh out of room*)

**Motion & vote:** Peskin moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 5-17-1043 (Avalon Ferry Terminal, Los Angeles)**
- b. **Application No. 5-18-0512 (437 Howland Canal Silicon Bay, LLC, Venice, Los Angeles)**
- c. **Application No. 5-18-0620 (Shapiro, Venice, Los Angeles)**

(*Aminzadeh returned*)

6. **ENFORCEMENT.** Enforcement items were trailed and heard after item **14a**.

### NORTH CENTRAL COAST DISTRICT

7. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
8. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 8.1. **PERMIT AMENDMENTS.** (*trailed and heard after the trailed Enforcement items 6.1 and 6.2*)

## CENTRAL COAST DISTRICT

9. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
10. **CONSENT CALENDAR (removed from Regular Calendar).** None.
11. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **San Luis Obispo County LCP Amendment No. LCP-3-SLO-18-0020-1 (Cannabis Regulations). Certification Review.** Staff recommended concurrence with the Executive Director's determination that the action by San Luis Obispo County accepting certification of LCP-3-SLO-18-0020-1 (to add cannabis related provisions to the LCP) with modifications (to ensure public view protection, to clarify various habitat setback requirements, and to correct minor typographical errors) is legally adequate.

**Motion & vote:** Howell moved to concur with the Executive Director's determination and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Concurred.**

*[Items 12, 13a, & 13b were trailed and heard after the trailed North Central Coast item 8.1a]*

14. **REVISED FINDINGS.**
  - a. **A-3-MCO-09-009 (Rancho Los Robles Subdivision, North Monterey Co.)** Staff recommended approval of the revised findings.

**Motion:** Howell moved to adopt the revised findings and recommended a yes vote, seconded by Padilla.

**Amending motion & vote:** Howell moved to include the applicant's suggested modifications and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote of the prevailing side (Howell, Padilla, Sundberg) was unanimous in favor of the motion.

**Vote on main motion as amended:** Chair Bochco ruled that the vote of the prevailing side (Howell, Padilla, Sundberg) was unanimous in favor of the motion. **Approved as amended.**

*(The Commission recessed for lunch. Vargas arrived during the lunch break)*

## ENFORCEMENT

6. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. **Information only.**

**Report of Closed Session.** The Commission received litigation information and advice regarding:

*11 Lagunita LLC v. CCC*

*11 Lagunita LLC v. CCC*

*Martins Beach 1 LLC et al. v. Turnbull Sanders et al.*

The Commission received litigation information and advice and provided direction regarding

*Dunes Development LLC v. CCC*

*Lent et al. v. CCC (State Coastal Conservancy et al., RPI)*

*Spotlight on Coastal Corruption v. Kinsey et al.*

The Commission received information regarding one personnel matter.

Commissioners Howell and Vargas were recused from discussion of Spotlight on Coastal Corruption v. Kinsey et al.

- 6.1. **Consent Cease and Desist Order No. CCC-18-CD-03 (Knipe, Santa Monica Mountains, Los Angeles Co.)** Staff recommended approval of the Consent Cease and Desist Order.

**Motion & vote:** Vargas moved to issue Consent Cease and Desist Order No. CCC-18-CD-03 pursuant to the staff recommendation and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion.  
**Approved.**

- 6.2. **Consent Restoration Order No. CCC-18-RO-02 (Knipe, Santa Monica Mountains, Los Angeles Co.)** Staff recommended approval of the consent restoration order.

**Motion & vote:** **Motion & vote:** Vargas moved to issue Consent Restoration Order No. CCC-18-RO-02 pursuant to the staff recommendation and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## NORTH CENTRAL COAST DISTRICT

### 8.1. PERMIT AMENDMENTS. *(Trailed and heard after the trailed Enforcement items)*

- a. **Permit No. P-77-0579-A3 (La Costañera Restaurant, San Mateo Co.)** Staff recommended approval with conditions.

**Motion:** Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey.

**Amending motion & vote:** Groom moved to amend Special Condition No. 8 to require the off-site parking lot to be built within two years, to allow the restaurant to use the patio area while construction of the parking lot is under way, to require the applicant to immediately provide a performance bond or letter of credit to San Mateo County, to allow the Executive Director to extend the two-year deadline for completing the parking lot for good cause, to provide that San Mateo County will monitor progress on construction of the parking lot, and to allow use of the off-site parking lot by restaurant patrons after 5 p.m. The roll call vote was 9 in favor (Aminzadeh, Brownsey, Groom, Howell, Padilla, Peskin, Sundberg, Vargas, Bochco) and one opposed (Pendleton). **Passed.**

**Vote on main motion:** The roll call vote was 9 in favor (Brownsey, Groom, Howell, Padilla, Peskin, Sundberg, Vargas, Aminzadeh, Bochco) and one opposed (Pendleton). **Approved with conditions.**

## CENTRAL COAST DISTRICT

### 12. NOTICE OF IMPENDING DEVELOPMENT.

- a. **University of California Santa Cruz Notice of Impending Development SCZ-NOID-0004-18 (Younger Lagoon Reserve Beach Public Access Plan, Santa Cruz)** Staff recommended approval of the Notice of Impending Development.

**Motion & vote:** Peskin moved to determine that SCZ-NOID-0004-18 is consistent with the Long Range Development Plan and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

### 13. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 3-18-0286 (Smith, Pacific Grove)** Staff recommended approval with conditions.

**Motion & vote:** Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Vargas. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. 3-18-0777 (San Lorenzo River Trestle Bridge Pedestrian Walkway, Santa Cruz)** Staff recommended approval with conditions.

**Motion & vote:** Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

## **SOUTH COAST DISTRICT (LOS ANGELES COUNTY)**

- 15. **DEPUTY DIRECTOR’S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
- 16. **CONSENT CALENDAR (removed from Regular Calendar).** None.
- 17. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Manhattan Beach LCP Amendment No. 1-18 (LCP-5-MNB-18-0056-1 Cannabis and Condominium Standards).** Concurrence with Executive Director's determination that the request by the City of Manhattan Beach to amend the LCP Implementation Plan’s (IP) zoning code standards is a minor LCP amendment. The proposed zoning code changes affect condominium standards, prohibit commercial cannabis but allow limited indoor cultivation, and refine medical-related land use classifications, and off-street parking requirements for Urgent Care Offices. There being no objection, Chair Bochco ruled that the Commission concurred.
- 18. **PORT MASTER PLAN.**
  - a. **Port Master Plan Amendment No. 29 (PMP-5-PLA-18-0002-1) (Port of Los Angeles, Los Angeles)** Staff recommended approval.  
  
**Motion & vote:** Howell moved to accept the adoption of the Port Master Plan Amendment No. 29 pursuant to the staff recommendation and recommended a yes vote, seconded by Vargas. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**
- 19. **NEW APPEALS.**
  - a. **Appeal No. A-5-VEN-18-0049 (Mobile Park Investments, Venice, Los Angeles) [POSTPONED]**
- 20. **COASTAL PERMIT APPLICATIONS.**
  - a. **Application No. 5-17-0630 (Burke and Joyce Family Trusts, Torrance)** Staff recommended approval with conditions.

**Motion & vote:** Howell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

## **SOUTH CENTRAL COAST DISTRICT**

21. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

22. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item (24a) to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Howell moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

23. **LOCAL COASTAL PROGRAM (LCPs).**

a. **County of Ventura LCP Amendment No. LCP-4-VNT-18-0058-1 (Temporary Rental Unit) Time Extension.** Staff recommended approval.

**Motion & vote:** Howell moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

b. **Santa Barbara County LCP Amendment No. LCP-4-STB-18-0039-1-Part A (Like-for-Like Rebuild Ordinance) Certification Review.** Concurrence with the Executive Director's determination that action by the County of Santa Barbara, accepting the Commission's certification of amendment No. LCP-4-STB-18-0039-1-Part A with modifications, is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

24. **COASTAL PERMIT APPLICATIONS.**

a. **Application No. 4-18-0498 (Los Angeles County Department of Beaches and Harbors, Malibu)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

25. **REVISED FINDINGS.**

a. **County of Santa Barbara LCP Amendment No. LCP-4-STB-18-0039-1-Part B (Gaviota Coast Plan) Revised Findings.** Staff recommended adoption of the revised findings.

**Motion & vote:** Howell moved to adopt the revised findings and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote of the prevailing side was unanimous. (Groom, Howell, Padilla, Sundberg). **Approved.**

**Report of Closed Session.** The Commission received litigation information and advice and provided direction regarding *Spotlight on Coastal Corruption v. Kinsey et al.* Commissioners Howell and Vargas were recused from discussion of this item.

The Commission recessed for the day at 4:45 p.m.

## FRIDAY, SEPTEMBER 14, 2018

1. **CALL TO ORDER.**
2. **ROLL CALL.** Present: Chair Bochco, Brownsey, Groom, Howell, Pendleton(alternate), Peskin, Sundberg, Vargas. Padilla arrived at 9:30 a.m. Absent: Aminzadeh, Turnbull-Sanders, Uranga. Non-voting present: Baker, Gibson, Ketchum.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### STATEWIDE

- 4.5. **Budget Update.** Information only.

### SAN DIEGO COAST DISTRICT

5. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar.

**Motion & vote:** Peskin moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Brownsey. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 6-18-0103 (Piech, San Diego)**
- b. **Application No. 6-18-0532 (Ujihara, San Diego)**
- c. **Application No. 6-18-0664 (Jaswal, San Diego)**

### SOUTH COAST DISTRICT (ORANGE COUNTY)

6. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 2 items [9a, 10a] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Brownsey moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Vargas. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

7.1. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Newport Beach LCP Amendment No. 4-17 Part A (LCP-5-NPB-17-0084-1)** Revision to Setback Maps S-3A and S-3B. Public hearing and action on request by City of Newport Beach to amend the certified Implementation Plan (IP) correcting mapping errors to Setback Maps S-3A and S-3B for eight inland residential properties on Lido Isle, Newport Beach, County of Orange. There being no objection, Chair Bochco ruled that the Commission concurred.

8. **NEW APPEALS.**

- a. **Appeal No. A-5-LGB-18-0051 (Leckey, Laguna Beach)** Staff recommended that the Commission determine that Appeal No. A-5-LGB-18-0051 raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the de novo phase of the hearing. **Substantial Issued found. Continued.**

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-17-0272 (Metropolitan Water District, Newport Beach)** Moved by staff to the expanded consent calendar. Staff orally modified the end of the last sentence of Special Condition 5.C to state, “except for those specific areas where the plants are permitted to be removed pursuant to CDP 5-17-0272.” **Approved with conditions.**

10. **PERMIT AMENDMENTS.**

- a. **Permit No. 5-14-1221-A1 (OC Dana Point Harbor, Dana Point)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**SAN DIEGO COAST DISTRICT**

11. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

12. **CONSENT CALENDAR (removed from Regular Calendar).** None.

13. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Oceanside LCP Amendment LCP-6-OCN-18-0053-1 (Nonconforming Uses and Structure) Time Extension.** Staff recommended approval.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- b. **City of Oceanside LCP Amendment LCP-6-OCN-18-0054-1 (Wireless Telecommunication Facilities) Time Extension.** Staff recommended approval.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- c. **City of Oceanside LCP Amendment No. LCP-6-OCN-18-0055-1 (Accessory Dwelling Units).** Staff recommended denial as submitted and approval with suggested modifications.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- d. **City of Carlsbad LCP Amendment LCP-6-CAR-17-0054-2 (Prohibited Uses) Certification Review.** Staff recommended concurrence with Executive Director's determination that action by the City of Carlsbad accepting the Commission's certification with suggested modifications to LCP Amendment No. LCP-6-CAR-17-0054-2 is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

- e. **City of Encinitas LCP Amendment LCP-6-ENC-18-0034-1 (North Coast Highway 101 Streetscape Project) Time Extension.** Staff recommended approval.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Peskin. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- f. **City of Encinitas LCP Amendment No. LCP-6-ENC-18-0035-1 (Accessory Dwelling Units).** Staff recommended denial as submitted and approval with suggested modifications.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- g. **City of San Diego LCP Amendment No. LCP-6-SAN-18-0047-1 (11<sup>th</sup> LDC Update).** Staff recommended denial as submitted and approval with suggested modifications.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

14. **PERMIT AMENDMENTS.**

- a. **Permit No. A-133-79-A6/F6761-A7 (Kretowicz, San Diego) [POSTPONED]**
- b. **Permit No. 6-09-015-A1 (San Diego County Regional Airport Authority Terminal 2/FIS Addition, San Diego)** Staff recommended approval with conditions.

**Motion & vote:** Padilla moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Pendleton. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

**Report of Closed Session.** The Commission received litigation information and advice regarding the following matters:

*Alford v. CCC (Bardis, RPI)*  
*Anthem Sales & Management LLC et al. v. City of San Clemente et al. (CCC, RPI)*  
*City of Del Mar v. CCC*  
*Friends, Artists and Neighbors of Elkhorn Slough et al. v. CCC (Heritage/Western Communities Ltd. et al., RPI)*  
*Friends of the Children's Pool v. City of San Diego et al.*  
*Fudge v. CCC et al. (Laguna Beach Golf & Bungalow Villate LLC, RPI)*  
*Greene v. CCC*  
*In re Border Infrastructure Environmental Litigation*  
*Kohn v. CCC*  
*Mission Beach Citizens for Responsible Development v. CCC (City of San Diego et al., RPI)*  
*Pacific Palisades Residents Assn., Inc. v. City of Los Angeles et al. (Shram et al., RPI)*  
*Pappas et al. v. State Coastal Conservancy et al. (Rancho Cuarta, RPI)*

The Commission received litigation information and advice and provided direction regarding *San Diego Unified Port District v. CCC (Sunroad Marina Partners LP, RPI)*.

There being no old or new business, the meeting of the California Coastal Commission adjourned at 11:10 a.m.

Respectfully submitted,

John Ainsworth  
Executive Director

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# W7

**Prepared September 07, 2018 (for the September 12, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for September 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on September 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 12th.

With respect to the September 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 12, 2018 (see attached)**

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**Waivers**

- 1-18-0500-W, Caltrans - Salmon Creek Lead Remediation (Albion, Mendocino County)
- 1-18-0829-W, Caltrans - Humboldt Bay Bridge Cleanup and Repair (Within The Caltrans Right-Of-Way At Six Bridge Embankment/Abutment Sites Of Eureka Slough Bridge (Highway 101) And Samoa Bridges (Highway 255), Humboldt County.
- 1-18-0882-W, City of Arcata - Service Roads (Arcata, Humboldt County)

**CALIFORNIA COASTAL COMMISSION**

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# W12

**Prepared September 06, 2018 (for the September 12, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, Deputy Director  
**Subject:** **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for September 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on September 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 12th.

With respect to the September 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 12, 2018 (see attached)**

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### **Waivers**

- 9-18-0377-W, UC Santa Barbara Kelp Experiment Project (Big Fisherman'S Cove,Offshore Of Wrigley Marine Science Center, Valon, Los Angeles Coounty)
- 9-18-0813-W, Wilmington Refinery Coke Drum Replacement (2402 East Anaheim Street, Wilmington, Los Angeles County)

### **Negative Determinations and No Effect Letters**

Administrative Items for Federal Consistency Matters

- **ND-0024-18, Corps of Engineers, Los Angeles District, Action: Concur, 8/23/2018**  
Six-year maintenance dredging program (2018-2023) at Channel Islands Harbor and Port Hueneme, with sediment disposal on Hueneme Beach and Silver Strand Beach, Ventura County.

- **ND-0025-18, Department of the Air Force, Action: Concur, 8/21/2018**  
Restore eroded areas, natural drainage patterns, and natural habitat at Pillar Point Air Force Station, San Mateo County.
- **ND-0028-18, Department of the Army, Action: Concur, 8/14/2018**  
Dept. of the Army, Presidio of Monterey (POM), Emergency Access connection by improving an existing road and gate on the east side of POM, Monterey, Monterey County

**CALIFORNIA COASTAL COMMISSION**

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# Th7

**Prepared August 31, 2018 (for September 13, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, North Central Coast District Director *DM*

**Subject:** North Central Coast District Director's Report for September 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Central Coast District Office are being reported to the Commission on September 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Central Coast District Office in San Francisco. Staff is asking for the Commission's concurrence on the items in the North Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on September 13th at the Fort Bragg Town Hall (363 North Main Street) in Fort Bragg.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 13, 2018 (see attached)**

**CDP Waivers**

- 2-18-0185-W, Horizon Cable Underground Cable Installation (Bollinas)
- 2-18-0426-W, Sonoma County Regional Parks Fuel Infrastructure Removal (Bodega Bay)
- 2-18-0704-W, Sonoma County Regional Parks Fueling Station Repair (Bodega Bay)

**CDP Extensions**

- A-2-HMB-15-0040-E2, Jack Hamilton Subdivision (Half Moon Bay)

**CDP Amendments – None**

**Emergency CDPs – None**

**CALIFORNIA COASTAL COMMISSION**

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# Th9

**Prepared September 4, 2018 (for September 13, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for September 13, 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on September 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on September 13, 2018 at the Fort Bragg Town Hall in Fort Bragg.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 13, 2018 (see attached)**

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**Waivers**

- 3-18-0685-W, Virg's Landing Kiosk (Morro Bay)
- 3-18-0741-W, Hill Short-Term Vacation Rental (Oceano)
- 3-18-0831-W, Pletz Deck Replacement (Pacific Grove)

**CDP Amendments**

- 3-13-012-A6, Caltrans Piedras Blancas Highway 1 Realignment Condition Timing Changes (North San Luis Obispo County)
- 3-07-022-A2, Monterey Tides Hotel Seawall Maintenance Provisions (Monterey)

**CDP Extensions**

None.

**Emergency CDPs**

- G-9-18-0018, Pacific Quest Vessel Salvage (Santa Cruz)

**CALIFORNIA COASTAL COMMISSION**

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# Th15

**Prepared September 04, 2018 (for the September 13, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Coast District Deputy Director  
**Subject:** South Coast District Deputy Director's Report for Los Angeles County for September 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on September 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 13th.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 13, 2018 (see attached)**

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**Waivers**

- 5-18-0652-W, 411 29th St HB, LLC, SFR demo/SFR construction (Hermosa Beach)
- 5-18-0653-W, Fishman, SFR Demo/SFR construction (Hermosa Beach)
- 5-18-0811-W, 4 Jems Restaurants Santa Monica LLC (Santa Monica)

**Immaterial Amendments**

- A-5-RPV-02-324-A13, Long Point Development dba Terranea Resort (Rancho Palos Verdes)

**Immaterial Extensions**

- 5-16-0066-E1, Hospitality Industry Management Group (Santa Monica)
- 5-16-0305-E1, Javier Hall SFR Renovation (Venice)

**CALIFORNIA COASTAL COMMISSION**

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# Th21

**Prepared August 31, 2018 (for the September 13, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Central Coast District Deputy Director  
**Subject:** **South Central Coast District Deputy Director's Report for September 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Central Coast District Office are being reported to the Commission on September 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Central Coast District Office in Ventura. Staff is asking for the Commission's concurrence on the items in the South Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 13th.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 13, 2018 (see attached)**

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**Waivers**

- 4-18-0379-W, University of California, Santa Barbara (Goleta)

**Immaterial Extensions**

- 4-03-017-E14, Watanabe (Malibu)
- 4-13-0401-E4, Rydings (Topanga)
- 4-06-138-E10, Kibbe (Topanga)

**CALIFORNIA COASTAL COMMISSION**

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# F6

**Prepared September 05, 2018 (for the September 14, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** South Coast District Deputy Director's Report for Orange County for September 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on September 14, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 14th.

With respect to the September 14th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 14, 2018 (see attached)**

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## Waivers

- 5-18-0850-W, OCTA (NW Edge Adjacent To Barracuda Way & Loretta Drive; SE edge adjacent to The Ranch At Laguna Beach, Laguna Beach, Ca 92651, Orange County)

**CALIFORNIA COASTAL COMMISSION**

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# F11

**Prepared September 6, 2018 (for the September 14, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** San Diego Coast District Deputy Director's Report for September 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on September 14, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 14th.

With respect to the September 14th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 14, 2018 (see attached)**

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**Waivers**

- 6-18-0771-W, Orville Power SFR (Del Mar)
- 6-18-0787-W, City of San Diego Pump Station 1 Trailers (San Diego)
- 6-18-0795-W, SDGE Security Fencing & Vehicle Gate Upgrades (Carlsbad)

**Immaterial Amendments**

- 6-13-0228-A1, City of Carlsbad Manhole Maintenance (Carlsbad)

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**W17**

DATE: January 14, 2019  
TO: Coastal Commissioners  
FROM: John Ainsworth, Executive Director  
SUBJECT: **DRAFT MINUTES** of MEETING of **December 12-14, 2018**  
Newport Beach Civic Center  
100 Civic Center Drive  
Newport Beach, CA 92660

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**WEDNESDAY, DECEMBER 12, 2018**

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Bochco.
2. **ROLL CALL.** Present: Chair Bochco, Groom, Padilla, Escalante (alternate), Turnbull-Sanders, Uranga, Vargas. Howell and Luevano arrived at 9:10 a.m. Sundberg arrived at ? Absent: Aminzadeh, Brownsey. Non-voting present: Jones. Absent: Gibson, Ketchum.
3. **ELECTION OF OFFICERS.** Groom moved to nominate Dayna Bochco as chair, seconded by Padilla. The vote was unanimous in favor of the motion. Turnbull-Sanders moved to nominate Steve Padilla as vice chair, seconded by Groom. The vote was unanimous in favor of the motion. Chair Bochco nominated Roberto Uranga as the Santa Monica Bay Restoration Commission representative with the unanimous consent of the Commission. Chair Bochco nominated Mary Luevano as the Santa Monica Mountains Conservancy representative with the unanimous consent of the Commission.
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
  - 4.1 **PUBLIC AGENCY PRESENTATIONS.** Information only.
5. **CHAIR'S REPORT.** None.

**STATEWIDE**

6. **EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Executive Director's Report.** Information only.

- b. **Commission Correspondence.** Consideration and potential action on Commission correspondence. None.

## **SOUTH COAST DISTRICT (LOS ANGELES COUNTY)**

- 7. **ADMINISTRATIVE CALENDAR..** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.
  - a. **Application No. 5-18-0556 (Von Hemert, Long Beach)**
- 8. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

Chair Bochco announced the Commission's unanimous consent to approval of the consent calendar.

- a. **Application No. 5-17-1045 (Bohbot, Santa Monica)**
- b. **Application No. 5-17-1046 (Bohbot, Santa Monica)**
- c. **Application No. 5-18-1000 (City of Long Beach, Belmont Pier Aqualink Landing)**

## **SOUTH COAST DISTRICT (ORANGE COUNTY)**

- 9. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Bochco ruled that the Commission concurred.
  - a. **Application No. 5-18-0703 (Naehring, Newport Beach)**
  - b. **Application No. 5-18-0912 (Kruse, Newport Beach)**
- 10. **CONSENT CALENDAR.**
  - a. **Application No. 5-18-0057 (Davis, Newport Beach)** Staff recommended that the Commission approve the consent calendar with conditions.

**Motion & vote:** Padilla moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

## **NORTH CENTRAL COAST DISTRICT**

- 11. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

12. **CONSENT CALENDAR (removed from Regular Calendar) None.**
13. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Pacifica LCP Amendment No. LCP-2-PAC-18-0075-2 (Short Term Rentals).** Staff recommended concurrence with the Executive Director's determination that the request by the City of Pacifica to amend the LCP Implementation Plan to codify short term rental provisions is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.
  - b. **City of Half Moon Bay LCP Amendment No. LCP-2-HMB-18-0080-1 (Accessory Dwelling Units).** Staff concurrence with the Executive Director's determination that the request by the City of Half Moon Bay to amend the LCP Implementation Plan to update accessory dwelling unit regulations is minor. There being no objection, Chair Bochco ruled that the Commission concurred.
  - c. **City of Half Moon Bay LCP Amendment No. LCP-2-HMB-18-0081-2 (Stoloski/Gonzalez Planned Development District).** Concurrence with the Executive Director's determination that the request by the City of Half Moon Bay to amend the LCP to establish the Stoloski/Gonzalez Planned Development District (PDD) and to add specific development standards for the PDD is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.

## **CENTRAL COAST DISTRICT**

14. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
15. **CONSENT CALENDAR (removed from Regular Calendar).** None.
16. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Pismo Beach LCP Amendment No. LCP-3-PSB-18-0076-2-Part B (Circulation Element).** Staff recommended denial as submitted and approval with suggested modifications.

**Motion & vote:** Howell moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Howell moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

17. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 3-16-0325 (Moss Landing Harbor Dredging, Monterey Co.)** Staff recommended approval with conditions.

**Motion:** Groom moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano.

**Motion & vote:** Vargas moved to continue and recommended a yes vote, seconded by Luevano. The roll call vote was 8 in favor (Howell, Luevano, Padilla, Escalante, Turnbull-Sanders, Uranga, Vargas, Bochco) and one opposed (Groom). **Continued.**

**SOUTH COAST DISTRICT (LOS ANGELES COUNTY)**

18. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

**CLOSED SESSION REPORT.** The Commission received litigation information and advice regarding the following matters:

*Dunes Development LLC v. CCC*

*Encinitas Residents Coalition v. CCC (City of Encinitas, RPI)*

*Fudge v. CCC et al. (Laguna Beach Golf & Bungalow Village LLC, RPI)*

*In re Border Infrastructure Environmental Litigation*

*Kohn v. CCC*

*Martins Beach 1 LLC et al. v. Turnbull Sanders et al.*

*Pappas et al. v. State Coastal Conservancy et al. (Rancho Cuarta, RPI)*

*Ramirez Canyon Preservation Fund v. CCC (County of Los Angeles, RPI)*

The Commission received litigation information and advice and provided direction regarding the following matters:

*Rudisill et al. v. CCC (Lighthouse Brooks LLC, RPI)*

*Spotlight on Coastal Corruption v. Kinsey et al.*

*Spotlight on Coastal Corruption v. CCC et al.*

*Commissioners Howell and Vargas were recused from discussion of the two Spotlight on Coastal Corruption lawsuits.*

*The Commission also discussed one personnel matter.*

19. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [21c] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Padilla moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

#### 19.1 LOCAL COASTAL PROGRAMS (LCPS).

- a. **City of Redondo Beach LCP Amendment No. 2-17 (LCP-5-RDB-17-0046-1) Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Uranga moved to grant the time extension for up to one year and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

#### 20. NEW APPEALS.

- a. **Appeal No. A-5-VEN-18-0064 (Thomas James Capital, Venice, Los Angeles)** Staff recommended that the Commission determine that Appeal No. A-5-VEN-18-0064 raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Sundberg moved to determine that Appeal No. A-5-VEN-18-0064 raised no substantial issue and recommended a yes vote, seconded by Vargas. The roll call vote was five in favor (Escalante, Luevano, Sundberg, Vargas, Bochco) and five opposed (Groom, Howell, Padilla, Turnbull-Sanders, Uranga). **Substantial issue found, de novo phase of hearing continued.**

- b. **Appeal No. A-5-VEN-18-0066 (Ding-Tayag Family Trust, Venice, Los Angeles)** Staff recommended that the Commission determine that Appeal No. A-5-VEN-18-0066 raised no substantial issue on the grounds on which the appeal was filed.

**Motion & vote:** Uranga moved to determine that Appeal No. A-5-VEN-18-0066 raised no substantial issue and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **No substantial issue found.**

#### 21. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-17-1009 (Bel Air Bay Club, Pacific Palisades, Los Angeles)** Staff recommended approval with conditions.

**Motion & vote:** Padilla moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- b. **Application No. 5-18-0119 (MCL Marina Corp., Redondo Beach)** Staff recommended approval with conditions.

**Motion & vote:** Uranga moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- c. **Application No. 5-18-0382 (Los Angeles County Public Works Department, Marina del Rey)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

## **SOUTH COAST DISTRICT (ORANGE COUNTY)**

- 22. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
- 23. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved one item [26b] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Groom moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- 24. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **City of Huntington Beach LCP Amendment No. 1-18 (LCP-5-HNB-18-0046-1).** Staff recommended approval of the Land Use Plan and the Implementation Plan as submitted.

**Motion & vote:** Uranga moved to certify the Land Use Plan as submitted and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved as submitted.**

**Motion & vote:** Uranga moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

- b. **City of Newport Beach LCP Amendment No. 4-18 Part C (LCP-5-NPB-17-0084-1).** Staff recommended denial as submitted and approval with modifications.

**Motion & vote:** Vargas moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Certification denied as submitted.**

**Motion & vote:** Vargas moved to certify the Land Use Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. The roll call vote was 7 in favor (Luevano, Padilla, Sundberg, Turnbull-Sanders, Uranga, Vargas, Bochco) and 3 opposed (Escalante, Groom, Howell). **Approved with modifications.**

**Motion & vote:** Vargas moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Vargas moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Padilla. The roll call vote was 7 in favor (Padilla, Sundberg, Turnbull-Sanders, Uranga, Vargas, Luevano, Bochco) and 3 opposed (Escalante, Groom, Howell). **Approved with modifications.**

- c. **City of Newport Beach LCP Amendment No. 3-17 (LCP-5-NPB-17-0084-1)** Staff recommended concurrence with the Executive Director's determination that the action by the City of Newport Beach accepting certification of LCP Amendment No. 3-17, approved with suggested modifications on July 11, 2018, is legally adequate. The LCP amendment corrects a number of inconsistencies and clarifies ambiguities in the IP, add a new planned community (PC-59 Lido Villas), and adds a regulation to clarify the public notification hearing procedures for minor development. There being no objection, Chair Bochco ruled that the Commission concurred.

## 25. **NEW APPEALS.**

- a. **Appeal No. A-5-HNB-18-0067 (Pendulum Properties Partners, Huntington Beach)** Staff recommended that the Commission determine that Appeal No. A-5-HNB-18-0067 raised substantial issue on the grounds on which the appeal was filed. There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the de novo hearing. **Substantial issue Found.**
- b. **Appeal No. A-5-LGB-18-0069 (City of Laguna Beach Village Storage Building) [POSTPONED]**
- c. **Appeal No. A-5-LGB-18-0071 (Hale, Laguna Beach)** Staff recommended that the Commission determine that Appeal No. A-5-LGB-18-0069 raised substantial issue on the grounds on which the appeal was filed, There being no objection, Chair Bochco ruled that the Commission found substantial issue and continued the de novo hearing. **Substantial issue Found**

## 26. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 5-18-0221 (Wong, Newport Beach) [WITHDRAWN]**

- b. **Application No. 5-18-0094 (Pickup, Newport Beach)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 5-18-0241 (Poulis, Sunset Beach, Huntington Beach)**  
**[POSTPONED]**
- d. **Application No. 5-18-0295 (Senn, Sunset Beach, Huntington Beach)** **[POSTPONED]**
- e. **Application No. 5-18-0304 (City of San Clemente Seawall)** Staff recommended approval with conditions and orally modified the recommendation to change the term of the permit to 10 years with authority to the Executive Director to extend it by an additional 5 years.

**Motion & vote:** Vargas moved to approve pursuant to the staff recommendation as amended and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

## **STATEWIDE**

- 27. **APPROVAL OF MINUTES.** Padilla moved to approve the minutes of October 2018 and November 2018 as written, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**
- 28. **COMMISSIONERS' REPORTS.** None.
- 29. **CONSERVANCY REPORT.** None.
- 30. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.** Information only.
- 31. **SANTA MONICA BAY RESTORATION REPORT.** None.
- 32. **DEPUTY ATTORNEY GENERAL'S REPORT.** None.

## THURSDAY, DECEMBER 13, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Bochco at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Bochco, Groom, Howell, Luevano, Escalante (alternate), Turnbull-Sanders, Uranga, Vargas. Padilla arrived at 9:10 a.m; Sundberg arrived at ?. Absent: Aminzadeh, Brownsey. Non-voting present: Baker. Absent: Gibson, Ketchum.
3. **AGENDA CHANGES. Items 9a, 10a moved to consent**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### SAN DIEGO COAST DISTRICT

5. **CONSENT CALENDAR.** Staff recommended that the Commission approve the consent calendar with conditions.

**Motion & vote:** Padilla moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

- a. **Application No. 6-18-0004 (Berg, San Diego)**

### NORTH COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved two items [9a, 10a] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Howell moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Sundberg. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

8. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **County of Del Norte LCP Amendment No. LCP-1-DNC-18-0079-2 (Timberland Rezoning).** Staff recommended concurrence with the Executive Director's determination that the request by the County of Del Norte to amend the certified Implementation Plan to rezone approximately 47 acre property east of Steeps Lane, off of Elk Valley Road, approximately ¾ miles northeast of Crescent City, from Coastal

Timber (CT) to Timberland Preserve Zone (TPZ) is de minimis. There being no objection, Chair Bochco ruled that the Commission concurred.

9. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 1-17-0926 (City of Eureka Elk River Estuary Intertidal Wetlands Enhancement Project)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

10. **PERMIT AMENDMENTS.**

- a. **Permit No. A-1-MEN-07-28-A5 (Jackson-Grube Family, Inc., Mendocino Co.)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY**

11. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Bochco ruled that the Commission concurred.

12. **CONSENT CALENDAR (removed from Regular Calendar).** None.

13. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Long Beach LCP Amendment No. 1-18 (LCP-5-LOB-18-0026-1) (SEADIP).** Staff recommended concurrence with the Executive Director's determination that the action by the City of Long Beach accepting certification with suggested modifications to the Land Use Plan and Implementation Plan portions of the LCP specifically related to the Southeast Area Development and Improvement Plan (SEADIP) is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

**CLOSED SESSION REPORT.** The Commission met in closed session to discuss a personnel matter.

14. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 9-18-0395 (Beach Oil Minerals (BOM), Long Beach)** Staff recommended approval with conditions.

*[Commissioner Padilla recused.]*

**Motion:** Uranga moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Sundberg.

**Motion & vote:** Escalante moved to continue and recommended a yes vote, seconded by Turnbull-Sanders. The roll call vote was 2 in favor (Escalante, Turnbull-Sanders) and 7 opposed (Groom, Howell, Luevano, Sundberg, Uranga, Vargas, Bochco). **Failed.**

**Vote on main motion:** The roll call vote was 6 in favor (Howell, Sundberg, Uranga, Vargas, Turnbull-Sanders, Bochco) and 3 opposed (Luevano, Escalante, Groom). **Approved with conditions.**

- b. **Application No. 9-18-1038 (Southern California Edison, San Diego Co.)**  
**[POSTPONED]**

*[Padilla returned]*

15. **FEDERAL CONSISTENCY.**

- a. **CD-0002-18 (Navy, Seal Beach)** Staff recommended concurrence.

**Motion & vote:** Padilla moved to concur that the project is consistent with the policies of the Coastal Management Program and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

## **ENFORCEMENT**

16. **ENFORCEMENT REPORT.** Information only.

## **SAN DIEGO COAST DISTRICT**

17. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.

18. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 3 items [21a, 21b, 21c] to the expanded consent calendar and recommended approval with conditions.

**Motion & vote:** Padilla moved to approve the consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Turnbull-Sanders. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with conditions.**

19. **LOCAL COASTAL PROGRAMS (LCPs).**

- a. **City of Oceanside LCP Amendment No. LCP-6-OCN-18-0053-1 (Nonconforming Uses and Structures).** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested.

**Motion & vote:** Padilla moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certification denied as submitted.**

**Motion & vote:** Padilla moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Luevano. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

- b. **City of Carlsbad LCP Amendment No. LCP-6-CVR-18-0070-1 (Village & Barrio Master Plan). Time Extension.** Staff recommended approval.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- c. **City of Encinitas LCP Amendment No. LCP-6-ENC-17-0068-1 (Omnibus Code Cleanup) Certification Review.** Staff recommended concurrence with Executive Director's determination that the action by the City of Encinitas, accepting the Commission's certification with suggested modifications, is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

- d. **City of Encinitas LCP Amendment No. LCP-6-ENC-18-0068-2 (Inclusionary Housing Ordinance). Time Extension.** Staff recommended approval.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- e. **County of San Diego LCP Amendment No. LCP-6-SDC-17-0015-1 (County of San Diego Land Use Plan). Certification Review.** Staff recommended concurrence with Executive Director's determination that the action by the County of San Diego, accepting the Commission's certification with suggested modifications, is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

- f. **City of Del Mar LCP Amendment No. LCP-6-DMR-17-0083-3 (Short Term Rentals) Adoption of Suggested Modifications. Time Extension.** Staff recommended approval.

**Motion & vote:** Padilla moved to grant the time extension for up to one year and recommended a yes vote, seconded by Groom. The roll call vote was 6 in favor (Padilla, Turnbull-Sanders, Uranga, Vargas, Groom, Bochco) and 4 opposed (Sundberg, Howell, Luevano, Escalante). **Approved.**

- g. **City of San Diego LCP Amendment No. LCP-6-SAN-18-0064-2 (Placemaking).** Public hearing and action on request by the City of San Diego to amend its certified

LCP Implementation Plan to introduce a new use – Placemaking – and provide for streamlined permit review for such activities. [POSTPONED]

- h. **City of Encinitas LCP Amendment No. LCP-6-ENC-18-0035-1 (ADUs) Certification Review.** Staff recommended concurrence with the Executive Director's determination that the action by the City of Encinitas, accepting the Commission's certification with suggested modifications is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.
- i. **City of Solana Beach LCP Amendment No. LCP-6-SOL-16-0020-1 (Public Recreation Fee) Certification Review.** Staff recommended concurrence with the Executive Director's determination that the action by the City of Solana Beach, accepting the Commission's certification with suggested modifications is legally adequate. There being no objection, Chair Bochco ruled that the Commission concurred.

20. **NEW APPEALS.**

21. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-18-0121 (Naftzger, Del Mar)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- b. **Application No. 6-18-0648 (California Department of Parks & Recreation (DPR) Torrey Pines Comfort Station, San Diego)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- c. **Application No. 6-18-0986 (City of Imperial Beach Road Realignment)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
- d. **Application No. A-6-ENC-16-0068 (Hurst, Encinitas)** [POSTPONED]

## FRIDAY, DECEMBER 14, 2018

1. **CALL TO ORDER.** The meeting of the California Coastal Commission was called to order by Chair Bochco at 9:00 a.m.
2. **ROLL CALL.** Present: Chair Bochco, Vice Chair Padilla, Groom, Howell, Luevano, Mann (alternate), Uranga, Vargas.
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.

### STATEWIDE

5. **Informational Report on 1982 Hollister Ranch Public Access Program.** Information only. No Commission action taken.

### SOUTH CENTRAL COAST DISTRICT

6. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Bochco ruled that the Commission concurred.
7. **CONSENT CALENDAR (removed from Regular Calendar).** None.
8. **LOCAL COASTAL PROGRAMS (LCPs).**
  - a. **County of Los Angeles LUP Amendment No. LCP-4-LAC-14-0108-4 and LIP No. LCP-4-LAC-14-0109-4 (Resource Dependent Uses).** Staff recommended approval with modifications.

**Motion & vote:** Groom moved to certify the Land Use Plan with suggested modifications pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certified with suggested modifications.**

**Motion & vote.** Groom moved to certify the Implementation Program with suggested modifications pursuant to the staff recommendation and recommended a yes vote, seconded by Padilla. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Certified with suggested modifications.**

- b. **County of Santa Barbara LCP Amendment No. LCP-4-STB-18-0071-2-Part A (Highway 101 HOV: Carpinteria to Santa Barbara).** Staff recommended denial of the Land Use Plan as submitted and approval with modifications and approval of the Implementation Plan as submitted.

**Motion & vote:** Groom moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in opposition to the motion. Certification denied as submitted.

**Motion & vote:** Groom moved to certify the Land Use Plan if modified as suggested pursuant to the staff recommendation and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved with modifications.**

**Motion & vote:** Groom moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in opposition to the motion. **Approved as submitted.**

- c. **City of Santa Barbara LCP Amendment No. LCP-4-SBC-18-0062-1 (LUP Update) Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Groom moved to grant the time extension for up to one year and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

- d. **City of Malibu LCP Amendment No. LCP-4-MAL-18-0083-2 (Malibu Public Access Map Update). Time Extension.** Staff recommended approval of the time extension.

**Motion & vote:** Groom moved to grant the time extension for up to one year and recommended a yes vote, seconded by Howell. Chair Bochco ruled that the vote was unanimous in favor of the motion. **Approved.**

**CLOSED SESSION REPORT.** The Commission met in closed session to discuss a personnel matter.

Meeting Minutes  
December 12-14, 2018

**CALIFORNIA COASTAL COMMISSION**

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# W11

**Prepared December 3, 2018 (for December 12, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, North Central Coast District Director

**Subject:** North Central Coast District Director's Report for December 2018 *DM*

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Central Coast District Office are being reported to the Commission on December 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Central Coast District Office in San Francisco. Staff is asking for the Commission's concurrence on the items in the North Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on December 12<sup>th</sup> at the Newport Beach Civic City Council Chambers (100 Civic Center Drive) in Newport Beach.

With respect to December 12<sup>th</sup> hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 12, 2018 (see attached)**

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**CDP Waivers**

- 2-18-0289-W, Olympic Club Parking Lot Reconstruction (San Francisco)
- 2-18-1010-W, McCarthy Single-Family Residence (Stinson Beach)
- 2-18-1079-W, City of Pacifica Temporary Storage Tanks (Pacifica)
- 2-18-1080-W, San Mateo County Harbor District Office Improvements (Pillar Point Harbor)

**CDP Amendments – None**

**CDP Extensions – None**

**Emergency CDPs – None**

**CALIFORNIA COASTAL COMMISSION**

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# W14

**Prepared November 30, 2018 (for December 12, 2018 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for December 12, 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on December 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on December 12, 2018 at the Newport Beach Civic Center in Newport Beach. With respect to the December 12th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 12, 2018 (see attached)**

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**CDP Waivers**

- 3-18-0511-W, San Luis Obispo County 1st Street beach access stairway (Cayucos)
- 3-18-0721-W, City of Capitola Soquel Creek flume replacement (Capitola)

**CDP Amendments**

None

**CDP Extensions**

None

**Emergency CDPs**

- G-3-18-0021, Monterey County Carmel River lagoon sandbar management (Carmel)

**CALIFORNIA COASTAL COMMISSION**

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# W18

**Prepared December 06, 2018 (for the December 12, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Coast District Deputy Director  
**Subject:** **South Coast District Deputy Director's Report for Los Angeles County for December 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on December 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 12th.

With respect to the December 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 12, 2018 (see attached)**

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**Waivers**

- 5-18-0366-W, James V. Coane & Associates (Santa Monica)
- 5-18-1012-W, Gerald Seiner, Jr. (Santa Monica)
- 5-18-1160-W, Venice Bridge Housing Project (Venice)
- 5-18-1162-W, City of Los Angeles/Metro (Venice)

**Immaterial Amendments**

- 5-16-0305-A1, Hall Residence - Demo & New SFR (Venice)

**Immaterial Extensions**

- 5-15-1029-E2, Los Angeles County Flood Control District (Rustic Creek Canyon Soft-Bottom Channel (Sbc) Reach 118, Starting At The Rustic Road Bridge And Extending Upstream For 200 Feet, Pacific Palisades, City Of Los Angeles (Los Angeles County))
- 5-15-1065-E2, Los Angeles County Flood Control District (Ballona Creek Soft-Bottom Channel (Sbc) Reach 112, Marina Freeway (Ca-90) To Pacific Avenue, City Of Los Angeles (Los Angeles County))
- 5-15-1760-E2, Los Angeles County Flood Control District (Lower Section Of Dominguez Soft-Bottom Channel Reach 113, Los Angeles , Los Angeles County)
- 5-16-0778-E1, 1633 Ocean Front Walk (Santa Monica)
- 5-90-789-E26, Boardwalk Sunset, LLC (Venice)

**CALIFORNIA COASTAL COMMISSION**

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# W22

**Prepared December 05, 2018 (for the December 12, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** South Coast District Deputy Director's Report for Orange County for December 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on December 12, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 12th.

With respect to the December 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 12, 2018 (see attached)**

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**Waivers**

- 5-18-0910-W, Micheal Matt (Seal Beach)
- 5-18-0992-W, Home Town America LLC (Laguna Beach)
- 5-18-1127-W, Calvin Nguyen (San Clemente)

**Immaterial Amendments**

- 5-16-0113-A1, Lido Peninsula Company, LLC (Newport Beach)

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION  
45 FREMONT STREET  
SUITE 2000  
SAN FRANCISCO, CALIFORNIA 94105-2219  
(415) 904-5200 FAX (415) 904-5400  
WWW.COASTAL.CA.GOV



# Th11

**Prepared December 06, 2018 (for the December 13, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, Deputy Director  
**Subject:** **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for December 2018**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on December 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 13th.

With respect to the December 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 13, 2018 (see attached)**

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## Waivers

- 9-18-1075-W, Soil Sampling (Long Beach)
- 9-18-1168-W, Temporary Beach Closure (Haskell'S Beach, Goleta)
- 9-18-1181-W, Shark Detector (500 Yd. Transect Of Near Coastal Waters From Wu=Ithwer Side Of The Balboa Pier, Newport Beach)

## Immaterial Amendments

- 9-16-0464-A1, Phillips 66 L354 Maintenance Work- Excavation & Removal of Exposed Underground Pipeline (Guadalupe-Nipomo Dunes National Wildlife Refuge)
- 9-17-0656-A1, Marine Protected Area Statewide Signage Project (Crystal Cove State Park 8471 N. Coast Hwy, Laguna Beach, Orange Co.)

**Negative Determinations and No Effect Letters**

Administrative Items for Federal Consistency Matters

- **ND-0037-18, Corps of Engineers, Los Angeles District, Action: Concur, 11/20/2018**  
Six-year maintenance dredging program of federal navigation channels at Ventura Harbor from September 2018 to September 2024, with between 0.5 and 1.0 million cubic yards of material dredged annually, and with disposal occurring on South Jetty Beach, South Beach, McGrath State Beach, and in the nearshore off McGrath State Beach.
- **ND-0038-18, Department of the Air Force, Action: Concur, 11/14/2018**  
Replacement of existing overhead and underground electrical distribution feeder line D1 on north Vandenberg Air Force Base, Santa Barbara County.
- **ND-0039-18, U.S. Coast Guard, Action: Concur, 11/14/2018**  
Pile removal and replacement, and pile and sheet pile corrosion control at Coast Guard Base Los Angeles-Long Beach, Los Angeles County
- **ND-0040-18, U.S. Coast Guard, Action: Concur, 12/4/2018**  
US Coast Guard, 10-Year authorization for Maintenance Dredging at Ballast Point, with initial dredging proposed of 25,000 cu. yds., and beach and nearshore disposal, at Coast Guard Mooring Ballast Point, Naval Base Point Loma, San Diego
- **ND-0041-18, U.S. Customs and Border Protection, Action: Concur, 12/5/2018**  
Removal of two modular buildings and installation of one new modular building at the Imperial Border Patrol Station/San Diego Sector Horse Patrol Unit, Imperial Beach, San Diego County
- **ND-0042-18, Department of the Navy, Action: Concur, 12/4/2018**  
Uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the U.S., the territorial seas, and the contiguous zone.

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
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# TH17

**Prepared December 7, 2018 (for the December 13, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** San Diego Coast District Deputy Director's Report for December 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on December 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 13th.

With respect to the December 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 13, 2018 (see attached)**

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**Waivers**

- 6-18-1015-W, Becker demo SFR & construct 3 SFRs (Imperial Beach)
- 6-18-1141-W, Caccavo New Solar Panels (Solana Beach)
- 6-18-1166-W, Ward Condominium Remodel (Solana Beach)

**Immaterial Amendments**

- 6-16-0500-A1, Szekeres Pool Addition (Solana Beach)

**Immaterial Extensions**

- 6-14-1033-E3, Hitzke Affordable Housing (Solana Beach)
- 6-16-0132-E1, Oceanus GHAD Seawall (San Diego)

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CALIFORNIA 93001-2801  
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**Revised Copy****F6****Prepared December 10, 2018 (for the December 14, 2018 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Steve Hudson, South Central Coast District Deputy Director  
**Subject:** South Central Coast District Deputy Director's Report for December 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Central Coast District Office are being reported to the Commission on December 14, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Central Coast District Office in Ventura. Staff is asking for the Commission's concurrence on the items in the South Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 14th.

With respect to the December 14th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on December 14, 2018 (see attached)**

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**Waivers**

- 4-18-1172-W, California Department of Parks & Recreation (Malibu)

**Emergency Permits**

- G-4-18-0024, Carpinteria Sanitary District (Carpinteria)

COST ESTIMATING METHODOLOGY

REGULAR RULEMAKING

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

Exhibit 3

Calculations

	A	B	C	D	E	F	G	H	I	J	K
1	<b>ACTORS, 2018</b>										
2											
3	<b>ED report</b>	Total	Appeals	Regular	Emergency						
4	(Exhibit 4)	593	50	525	18						
5											
6											
7	<b>Types of Applicants (Sampled Agendas)</b>										
8	(Exhibit 2)										
9											
10		February									
11			Individual	Small Biz	Large Biz	Agencies	Orgs	Total			
12	Applicants, CDP		12	3	1	4	1	21			
13	Applicants, Other		28	16	0	7	2	53			
14											
15		June									
16			Individual	Small Biz	Large Biz	Agencies	Orgs				
17	Applicants, CDP		10	12	1	2	0	25			
18	Applicants, Other		14	6	1	17	0	38			
19											
20		Sept.									
21			Individual	Small Biz	Large Biz	Agencies	Orgs				
22	Applicants, CDP		8	4	2	6	0	20			
23	Applicants, Other		9	6	5	6	2	28			
24											
25		Dec.									
26			Individual	Small Biz	Large Biz	Agencies	Orgs				
27	Applicants, CDP		14	6	1	7	0	28			
28	Applicants, Other		10	10		14	0	34			
29											
30	Total		105	63	11	63	5	247			
31											
32			Individual	Small Biz	Large Biz	Agencies	Orgs				
33	Percent		43%	26%	4%	26%	2%	100%			

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

Reg §	Action							Notes
	None	Specify	Statutory	Optional	Posting	No Impacts	Costs/Savings	
<b>C=Commissioners, D=Executive Director, L=Local Gov't, A=Applicant, I=Interested Person, P=Public, V=Alleged Violator</b>								
13012.1	x							
13013.5						D, P		Repeal of obsolete and unused practice
13016				D	D		D	Post in lieu of mailing
13018.5			C		D			
13020			C	D	D			
13024.5(a)				D		C		Streamline hearing procedures
13024.5(b)	x							
Ch. 4 note				P				
13050.5		A						
13052(g)						A		Information required as available
13052(j)			A			A		Where applicable, other law requires same information
13053.5(a)						A		Information required as available
13053.5(b)			A			A		Where applicable, other law requires same information
13054(a)(3)				A				
13054(d)		A						
13054(e)	x							
13056(a)						D		Repeal of obsolete and unused practice
13056(b)				D				
13059				D	D	D		Add information to notice
13060(a)				D				
13060(b)		I						
13063				D		D		Add information to notice
13066	x							
13067	x							
13073(c)			D, A					
13094(a)				C				
13094(c)		C, P						
13102					D	P		Repeal of obsolete and unused practice
13107				D, A				
13110(a)	x							
13110(b)		D			D			
13111(a)			I	I				
13111(c)		I		I				

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

13111(d) repeal		D				I	Repeal appellant notification
13111(d) new		D	D, I				
13112		L		D		D	Add notification of interested persons
13115(a),(b) x							
13115(c)				C			
13117	x						
13139(a)						A	Information required as available
13139(d)						A	Information required as available
13142	x						
13142(c)			A, D				
13143				D	D		
13150	x						
13151				D			
13153		D		D	D		
13156(a)		D				D	Repeal of obsolete and unnecessary practice
13163			A				
13165				D, A			
13166	x						
13169(b)				D			
13169(d)		A					
13170				A			
13172		V		D			
13181(a)		D		D		D	Add information to notice
13182		D		D		D	Send hearing notice
13183(a)					D		
13184	x						
13185(d)	x						
13185(f)				C			
App A	x						
13191		D		D		D	Add information to notice
13192		D		D		D	Send hearing notice
13193(a)					D		
13238.2					D		
13255.2(b),(c) x							
13255.2(e)		D, A					
13256.1		D, A					
13256.2			D				
13258	x						
13317				D		D	Post in lieu of mailing

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

13318		I						
13320		L		D			D	Add notification of interested persons
13329.1(a)				A				
13329.1(b)						A		Information required as available
13329.3(b)			L, A					
13329.3(c)	x							
13332					D		D	Post in lieu of mailing
13333(b)		I	D	I				
13333(c)			D				I	Repeal appellant notification
13337(c)				C				
13340		I, A, C						
13353			L					
13355					D			
13359		C	C					
13368				D				
13502	x							
13511(a),(c)		L						
13511(f)		L						
13511(g)			L					
13515(a)			L	L	L	L, D		Repeal of obsolete and unnecessary practice
13515(b)					L			
13515(c)	x							
13515(d)		L		L	L			
13519(b)							L	Submit digital version
13523					D	P		Repeal of obsolete and unnecessary practice
13524				D	D	D		Add information to notice
13525		I			D		D	Post in lieu of mailing
13531		D						
13532(b)				D	D			
13535(a),(b)	x							
13537(b)		D						
13542(f)						C		Streamline hearing procedure
13544					D		D	Post in lieu of mailing
13544(b)		D						
13544(c)		D						
13544.5					D		D	Post in lieu of mailing
13547					D		D	Post in lieu of mailing
13547(b)		D						
13547(c)		D						

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

13550(b)					D	C, L, I		Transmit link in lieu of report	
13550(d)		D							
13552(a)		L							
13552(b)							L	Submit digital version	
13552(e)	x								
13555		D	D	D					
13565(a)		I		L					
13565(b)			A						
13566			L						
13571			A, L						
13627					L				
13628		L							
13630	x								
13631					D	C, I		Repeal of obsolete and unnecessary practice	
13632(a)			D						
13632(e)		D				D		Streamline hearing procedure	
13633(a)			C	C					
13634	x								

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

Reg §	Impact	Notes	SAVINGS- COSTS			
			# Actors	Postage	#/year	Total
<b>C=Commissioners, D=Executive Director, L=Local Gov't, A=Applicant, I=Interested Person, P=Public, V=Alleged Violator</b>						
13016	D	Post in lieu of mailing	100	\$ 0.50	11	\$ 550.00
13317	D	Post in lieu of mailing	25	\$ 0.50	52	\$ 650.00
13332	D	Post in lieu of mailing (included in 13317)				
13525	D	Post in lieu of mailing	26	\$ 0.50	110	\$ 1,430.00
13544	D	Post in lieu of mailing	50	\$ 0.50	110	\$ 2,750.00
13544.5	D	Post in lieu of mailing (included in 13544)				
13547	D	Post in lieu of mailing (included in 13544)				
Year 1		<b>TOTAL SAVINGS (CCC via Executive Director)</b>				<b>\$ 5,380.00</b>
Year 2						<b>\$ 5,541.40</b>
Year 3						<b>\$ 5,649.00</b>
13112	D	Add notification of interested persons	10	\$ 0.50	75	\$ 375.00
13320	D	Add notification of interested persons (included in 13112)				
13182	D	Send hearing notice	1	\$ 0.50	10	\$ 5.00
13192	D	Send hearing notice (included in 13182)				
Year 1		<b>TOTAL COSTS (CCC via Executive Director)</b>				<b>\$ 380.00</b>
Year 2						<b>\$ 391.40</b>
Year 3						<b>\$ 399.00</b>
13111(d) repeal		Repeal appellant notification	10	\$ 0.55	75	\$ 412.50
13333(c)	I	Repeal appellant notification (included in 13111)				
Year 1		<b>TOTAL SAVINGS (Interested Persons)</b>				<b>\$ 412.50</b>
Year 2						<b>\$ 424.88</b>
Year 3						<b>\$ 433.13</b>

**REGULATION IMPACTS**

Actor: D (Executive Director), C (Commission), L (Local gov't) A (Applicants), I (Interested Person), P (Public)

<b>All years (rounded)</b>						
CCC savings						\$ 16,570
CCC costs						\$ 1,170
Offset						<b>\$ 15,400</b>
Interested savings						\$ 1,271

	A	B
1		
2	<b>PRA Requestors, 2018</b>	
3		
4	Individuals	86
5	*2	172
6		
7	Business	12
8	*2	24
9		
10	Organizations	8
11	*2	16
12		
13	Total	106
14		*2
15	Estimated	212

COST ESTIMATING METHODOLOGY

REGULAR RULEMAKING

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

Exhibit 4

Excerpt, Executive Director Report  
2018 Actions

## 2018 Workload Review (SP 6.1.6)

### Regulatory and Planning Work

The Commission and local government planning and permit activity for the year is reported below, as provided by the Commission’s Coastal Data Management System (CDMS). As shown in the chart below (Figure 5), in 2018, the Commission processed a total 760 total actions. The Commission acted on 50 appeals; 525 coastal development permits (CDPs); 18 emergency permits; 109 LCP amendments; and 58 federal consistency items. Of the 525 CDPs the Commission acted on in 2018, 516 were approved, 4 (.08%) were denied and 5 were withdrawn. The chart includes 2017 total Commission actions by District for comparison.

**Figure 5. 2018 Commission Actions**

2018 Commission Actions						
District	Appeals	Coastal Dev. Permits	Emergency Permits	Local Coastal Plans	Fed. Consistency	Total
North Coast	2	31	2	12	0	47
North Central Coast	2	22	2	9	0	35
Central Coast	11	74	5	20	0	110
South Central Coast	2	66	3	15	0	86
South Coast	26	213	2	21	0	262
San Diego	6	90	3	31	0	130
Energy, Res & Fed	1	29	1	1	58	90
<b>Total</b>	<b>50</b>	<b>525</b>	<b>18</b>	<b>109</b>	<b>58</b>	<b>760</b>
<b>2017 Totals</b>	<b>65</b>	<b>622</b>	<b>36</b>	<b>101</b>	<b>49</b>	<b>873</b>

The chart below (Figure 6) illustrates the total 2018 Commission actions by district office. The large number of actions out of the South Coast District Office is due to the significant number of uncertified jurisdictions in this district (7 uncertified jurisdictions). The Commission retains permit authority in these jurisdictions which is why there is such a large number CDPs actions out of the South Coast District. However, this year the south coast office had a reduction in the total number of CDP actions from 297 in 2017 to 213 in 2018. This reduction was due in part to the certification of the City of Newport Beach Local Coastal Program.