

**CALIFORNIA COASTAL COMMISSION**

Legal Division  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
(415) 904-5220



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DATE: January 31, 2020  
TO: Coastal Commission and Interested Persons  
FROM: Louise Warren, Chief Counsel  
Robin M. Mayer, Senior Attorney  
SUBJECT: Briefing on Commission Regulations Effective 1/1/2020  
California Code of Regulations, Title 14, Section 13001 et seq.

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## SUMMARY

This briefing is meant to inform Commissioners and the public of important changes in the Commission's regulations that became effective on January 1, and to answer any questions. No action is required.

The Commission adopted two sets of amendments in July and October of 2019, both of which OAL approved and which became effective simultaneously with the new year. Generally, the purpose of the amendments has been to update provisions and streamline procedures where feasible.

The major changes are 1) allow any types of item to be proposed for the consent calendar, 2) allow appellants to e-mail appeals with associated procedures, 3) clarify requirements for defense of enforcement matters, 4) establish a more consistent and transparent set of procedures for dispute resolution where there are unresolvable conflicts between staff and local government, 5) minimize post-certification procedures when a local coastal program amendment is approved as submitted, and 6) streamline or clarify hearing procedures (for example, explicitly expressing that the Chair may check for a unanimous vote rather than conducting a roll call), along with minor changes to accommodate electronic communication and make a variety of corrections.

The "Proposed Amendments by Type" section below provides a more detailed summary of the types of changes that have become effective. **Exhibit 1** expresses both sets of changes in ~~strikeout~~/ underline format. The updated regulations were published in mid-December.

## ADDITIONAL INFORMATION

All regulations may be accessed via the Commission's [Laws and Regulations](#) page. Rulemaking documents remain available on the Commission's page at <https://coastal.ca.gov/rulemaking>. Questions and comments may be addressed to [rulemaking@coastal.ca.gov](mailto:rulemaking@coastal.ca.gov), or sent to Rulemaking, Legal Division, 45 Fremont St., San Francisco, California 94105.

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## EXHIBITS

[Exhibit 1-Combined Changes in ~~strikeout~~/ underline format](#)

### **I. BACKGROUND**

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 for considerations 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 of the amendments help expedite review of Commission matters.

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, the California Environmental Quality Act (CEQA), and the Government Code (chiefly, the Bagley-Keene Open Meeting Act and the Permit Streamlining Act). Regulatory provisions are to be construed liberally to accomplish the purposes and carry out the objectives of the Coastal Act. (§ 13003.)

In 2019, the Office of Administrative Law (OAL) approved two sets of “regular” rulemaking changes, that is, changes subject to a 45-day notice and comment period. Extensive outreach was conducted to publicize the notices. A few dozen interested persons submitted written comments and participated in the adoption hearings. As required by the Government Code, all comments were responded to as part of the record submitted to OAL. OAL approved both sets of proposed amendments, and in an effort to coordinate, all the changes became effective with the new year.

### **II. AMENDMENTS BY TYPE**

A summary of the amendments is provided as follows:

- Allow appellants to file an appeal via e-mail, according to certain procedures. (§§ 13111, 13333.)
- Generalize the options for dispute resolution to include exemptions, provide additional notice of requirements, allow for interested persons to request review and the Executive Director to independently review local government determinations, allow for staff resolution before scheduling a hearing, and provide hearing procedures. (§ 13569.)

- Clarify enforcement deadlines and procedures. (§§ 13180, 13181, 13183, 13185, 13190, 13191, and 13193.)
- Overhaul the requirements for staff reports to match existing practice, delete surplusage, and simplify convoluted provisions. (§ 13057.)
- Provide additional notice of existing requirements for emergency development. (§ 13137.)
- Allow for e-mail communication. (§§ 13111, 13015, 13016, 13020, 13054, 13056, 13059, 13060, 13063, 13107, 13110, 13111, 13112, 13143, 13151, 13153, 13169, 13181, 13182, 13191, 13192, 13318, 13320, 13329.1, 13333, 13368, 13515, 13519, 13524, 13532, 13550, 13552, 13555, and 13565.)
- Codify the current practice of website posting, including posting of the agenda with staff reports, exhibits, and timely comments, as well as non-agenda material such as local notices of final action. (§§ 13016, 13018.5, 13020, Ch. 4 note, 13059, 13060, 13063, 13102, 13110, 13143, 13153, 13183, 13193, 13238.2, 13317, 13332, 13355, 13515, 13523, 13524, 13525, 13532, 13544, 13544.5, 13547, 13550, 13627, and 13631.)
- Streamline procedures generally, such as allowing any type of noncontroversial matter to be placed on the consent calendar. (§§ 13024.5, 13056, 13066, 13094, 13111, 13156, 13165, 13170, 13258, 13329.1, 13318, 13333, 13515, 13535, 13542, 13544, 13547, 13633, and 13634.)
- Streamline local coastal program procedures, including that an LCP amendment approved as submitted, generally becomes effective immediately, and clarify requirements for local resolutions. (§§ 13544, 13544.5, 13518, 13547, and 13551.)
- Conform provisions to existing statutes or regulations, and directly cite statutes or incorporate statutory language as supplemental notice. (§§ 13018.5, 13020, 13025, 13053.5, 13066, 13073, 13111, 13172, 13181, 13256.2, 13320, 13329.3, 13353, 13502, 13511, 13549, 13559, 13565, 13566, 13571, and 13630.)
- Specify vague provisions to provide clear standards. (§§ 13012.1, 13053.5, 13060, 13110, 13111, 13115, 13139, 13142, 13153, 13163, 13169, 13172, 13181, 13184, 13185, 13256.1, 13318, 13320, 13329.1, 13337, 13502, 13525, 13544, 13547, 13552, 13627, and 13632.)
- Correct misstatements and obsolete or inaccurate cross-references; clarify to prevent or remove ambiguities; and make minor corrections to grammar, spelling, and syntax. (§§ 13050.5, 13052, 13053.5, 13054, 13055, 13066, 13067, 13094, 13096, 13107, 13108, 13111, 13112, 13115, 13117, 13142, 13150, 13156, 13163, 13166, 13181, 13185, Appendix A, 13191, 13250, 13253, 13255.2, 13256.1, 13302, 13329.1, 13333, 13337, 13340, 13353, 13355, 13359, 13502, 13511, 13515, 13519, 13531, 13537, 13544, 13544.5, 13547, 13550, 13553, 13555, 13565, 13571, 13627, 13628, and 13632.)

- Repeals of regulation sections or provisions that are no longer supported by statute, or have proven to be impracticable or unnecessary after decades of practice. (§§ 13013.5, 13025, 13032, 13053, 13066, 13359, 13549, 13550, 13559, 13573, and 13630.)
- Add missing authority and reference notes; amend notes to make the citations more accurate, complete, or precise; and conform notes to current OAL practice. (§§ 13018.5, 13020, 13050.5, 13052, 13053, 13053.5, 13056.1, 13060, 13066, 13067, 13073, 13107, 13108, 13111, 13112, 13115, 13117, 13139, 13149, 13153, 13163, 13165, 13166, 13169, 13172, 13183, 13193, 13248, 13255.2, 13256.2, 13320, 13337, 13359, 13511, 13525, 13544, 13544.5, 13547, 13531, 13551, 13565, 13566, 13569, 13571, 13573, 13627, 13628, 13631, and 13637.)