

CALIFORNIA COASTAL COMMISSION

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LCP-3-SCO-21-0093-2-PART B (CDP WAIVERS) FEBRUARY 11, 2022 HEARING EXHIBITS

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Exhibit 1: Amendment Text

13.20.051 De Minimis Waiver of CDP.

The Planning Director has discretion to waive the requirement for a CDP through a De Minimis CDP Waiver in compliance with this section upon a written determination that the development meets all of the criteria and procedural requirements set forth in subsections A through G below:

- (A) No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.
- (B) LCP Consistency. The development is consistent with the LCP.
- (C) Not Appealable to the Coastal Commission. The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission.
- (D) Notice. Public notice of the proposed De Minimis CDP Waiver and opportunities for public comment shall be provided as required by SCCC 18.10, including notice to the Coastal Commission.
- (E) Executive Director Determination. The Planning Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a public hearing (see subsection F below). If the Executive Director notifies the Planning Director that a waiver should not be issued, the applicant shall be required to obtain a CDP if the applicant wishes to proceed with the development.
- (F) Review and Concurrence.
 - (1) The Planning Director's determination to issue a De Minimis CDP Waiver shall be subject to review and concurrence by the Zoning Administrator (ZA) as considered at a public meeting of the ZA.
 - (2) The Planning Director shall not issue a De Minimis CDP Waiver until the public comment period expires, which period shall include at a minimum the reporting and consideration of the waiver at a public meeting. At such public meeting of the ZA, the matter may be included as a consent calendar item, however it may be shifted to the regular agenda and the public shall have the opportunity to testify and otherwise participate in the consideration of the De Minimis CDP Waiver. If the ZA does not approve the waiver, the De Minimis CDP Waiver shall not be issued and, instead, an application for a CDP shall be required and processed in accordance with the provisions of this chapter. Otherwise, the De Minimis CDP Waiver shall be deemed approved, effective, and issued the day of the public meeting.
 - (3) In addition to the noticing requirements in Section (D) above, the Planning Director, within seven calendar days of the effective date of a De Minimis CDP Waiver, shall send a Final Local Action Notice (FLAN) via first class mail describing the issuance and effectiveness of the De Minimis CDP Waiver to the Coastal Commission and any persons who specifically requested notice of such action.
- (G) Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular CDP shall be required for the development and/or use.