

1 **Exhibit A**

2 **LCP Amendment 20-6663**

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4 Existing Municipal Code language is shown in regular font, new text in **bold/underline** font and
5 deleted text in ~~striketrough~~ font.

6
7 Section 25.05.030 Conditional Use Permits

8 (K) Modifications. Additions, enlargements or modifications of uses or structures upon
9 property for which a conditional use permit has been granted shall not be allowed except
10 pursuant to a subsequent conditional use permit as might otherwise be required or granted
11 pursuant to the terms of this title. **Modifications to a conditional use permit associated with**
12 **a coastal development permit may be authorized in accordance with Section**
13 **25.07.016(C).**

14
15 25.05.040(B)(1) Design Review

16 (o) Fuel modification programs subject to the provisions of **sections** 25.05.040(C)(3) and (4);
17 provided, that once a program has received approval, subsequent approval for maintenance of
18 the fuel modification will be granted by the Director of Community Development, if that
19 maintenance is in conformance with the intent and objectives of the originally approved
20 program;

21
22 Section 25.07.008 Exemptions

23 (A) Certain types of development, described as follows, are considered to be without risk of
24 adverse environmental effect on coastal resources, including public access, and therefore do
25 not require a coastal development permit unless indicated otherwise.

26 (1) Improvements to Single-Family Dwellings. Improvements to single-family dwellings
27 and mobilehomes, including structures located on the same lot as the single-family
28 dwelling are normally associated with a single-family dwelling such as garages, swimming

1 pools, fences, storage sheds and landscaping, are exempt unless classified as one of the
2 following:

3 (a) Guest houses and self-contained accessory dwelling units **(excluding conversions**
4 **of space within the walls of the primary dwelling unit or an existing detached**
5 **structure)**;

6 (b) Improvements to any structure where the structure or the improvement is located on
7 a beach, in a wetland or stream, seaward of the mean high tide line within fifty feet of a
8 coastal bluff edge, in an environmentally sensitive ~~habitat~~ area, and/or in an area
9 designated as highly scenic in the certified Land Use Plan;

10
11 Section 25.07.008(6) Temporary Events on Beach Areas.

12 (c)(2) The event and its associated activities or access requirements will either directly or
13 indirectly impact environmentally sensitive habitat areas, rare or endangered species,
14 significant scenic resources, or other coastal resources as defined in this section.

15
16 (d)(5) "Coastal resources" include, but are not limited to, public access opportunities, visitor
17 and recreational facilities, water-oriented activities, marine resources, biological resources,
18 environmentally sensitive ~~habitat~~ areas, agricultural lands, and archaeological or
19 paleontological resources.

20
21 Section 25.07.012 (Procedures)

22 Each coastal development permit application ~~may~~ **shall** be ~~approved or conditionally approved~~
23 ~~only after the approving authority has reviewed the development project and made all of the~~
24 ~~following findings~~ **processed in accordance with the following requirements:**

25 (A) Determination of Applicable Category. At the time an application for development is
26 submitted, the community development director or his/her designee shall determine, based on
27 the provisions of this chapter, and all applicable maps, zoning regulations and specific plan
28 regulations, that the development project is one of the following:

1 (1) Within an area where the coastal commission continues to exercise original permit
2 jurisdiction an applicant must obtain a coastal development permit directly from the
3 coastal commission;

4 (2) Appealable to the coastal commission and requires a coastal development permit (3)
5 Nonappealable to the coastal commission and requires a coastal development permit:

6 (4) Categorically excluded or exempt and does not require a coastal development permit.

7 (B) Where an applicant, interested person, or a local government has a question as to the
8 appropriate designation for the development, the following procedures shall establish whether
9 a development is exempt, categorically excluded, non-appealable or appealable:

10 (1) The local government shall make its determination as to what type of development is
11 being proposed and shall inform the applicant of the notice and hearing requirements for
12 that particular development. The local determination may be made by any designated local
13 government employee(s) or any local body as provided in local government procedures.

14 (2) If the determination of the local government is challenged by the applicant or an
15 interested person, or if the local government wishes to have a Coastal Commission
16 determination as to the appropriate designation, the local government shall notify the
17 Commission by telephone of the dispute/question and shall request the executive director's
18 opinion;

19 (3) The executive director shall, within thirty (30) working days of the local government
20 request (or upon completion of a site inspection where such inspection is warranted),
21 transmit his or her determination as to whether the development is exempt, categorically
22 excluded, non-appealable or appealable.

23 **(4) Where, after the executive director's investigation, the executive director's**
24 **determination is not in accordance with the local government determination, the**
25 **Coastal Commission shall hold a hearing for purposes of determining the appropriate**
26 **designation for the area. The Commission shall schedule the hearing on the**
27 **determination for the next Commission meeting (in the appropriate geographic**
28 **region of the state) following the local government request.**

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Section 25.07.012(I) Effective Date of Coastal Development Permits

(4) For City-issued coastal development permits that are not appealed to the Coastal Commission, the approving authority may grant ~~an extension of time the permit is valid not to exceed an additional six month~~ **a two-year extension of time and, after that initial extension of time, a final one-year extension of time** ~~period for due cause~~. Such time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the **beginning two-year period approval period or any subsequently approved extensions of time**.

(a) Extension of Time Findings. An extension of time of the beginning two-year approval period may be granted by the approving authority, if each of the following findings can be made:

- (i) The zoning codes or standards applicable to the circumstances of the originally approved conditional use permit have not materially changed; and**
- (ii) The neighborhood character has not changed so as to be materially inconsistent with the findings made when the conditional use permit was originally approved.**

Section 25.07.016 Appeals for Coastal Development Permits

(C) Coastal Development Permits Approved by the Coastal Commission. The director of community development may administratively, and as a ministerial matter, authorize changes to design review, conditional use permits, and other entitlements associated with a coastal development permit approved by the Coastal Commission, on appeal, subject to the following:

- (1) The changes are consistent with the coastal development permit approved by the Coastal Commission;**
- (2) The changes do not result in an expansion or enlargement of the project, or a material change in fundamental operational characteristics of the use;**

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(3) The changes do not have the potential for new or more severe unmitigated adverse impacts on the surrounding neighborhood or community; and

(4) The changes are consistent with the City's Local Coastal Program, General Plan, the California Environmental Quality Act and the California Coastal Act.

In lieu of administratively authorizing changes, the director may refer any change approved by the Coastal Commission to the final decision-making body of the city for review and action.

IP Amendment Clean Text with Suggested Modifications

Part B

Provided below are the current Municipal Code sections with the City's proposed clerical corrections and the Commission's suggested modifications to Section 25.07.012:

Section 25.05.040(B)(I) Design Review

(o) Fuel modification programs subject to the provisions of sections 25.05.040(C)(3) and (4); provided, that once a program has received approval, subsequent approval for maintenance of the fuel modification will be granted by the Director of Community Development, if that maintenance is in conformance with the intent and objectives of the originally approved program;

Section 25.07.008 Exemptions

(A)(I)(b) Improvements to any structure where the structure or the improvement is located on a beach, in a wetland or stream, seaward of the mean high tide line within fifty feet of a coastal bluff edge, in an environmentally sensitive area, and/or in an area designated as highly scenic in the certified Land Use Plan;

(A)(6)(c)(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in this section.

(A)(6)(d)(5) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive areas, agricultural lands, and archaeological or paleontological resources.

Section 25.07.012 (Procedures)

Each coastal development permit application shall be processed in accordance with the following requirements:

(B) Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

(1) The determination of whether a proposed development is exempt

or categorically excluded, or whether a decision on the proposal would be appealable to the Coastal Commission, shall be made by the local government as soon as practicable after the application for development or the request for exemption or categorical exclusion within the coastal zone is submitted to the local government. This determination shall be made according to the provisions of the Coastal Act, the certified Local Coastal Program, and Coastal Commission Regulations Sections 13240-13253 and 13300 et seq., including based upon applicable maps, coastal resources existing at the time of the application or request, categorical exclusions, land use designations, and zoning ordinances.

(2) The local government shall inform the applicant and the Coastal Commission's South Coast district office in writing of its determination as soon as practicable and at a minimum prior to providing the required notice for any potential permit action and prior to allowing any activity without a permit (for exemptions and exclusions), with reference to any notice and hearing requirements.

(3) The Coastal Commission's executive director may review the local government determination independently, or at the request of the applicant or an interested person(s). If the executive director reviews the local government determination, he or she shall inform the local government of said review, and the local government shall supply, at a minimum, a copy of the application or request and a copy of its determination to the executive director. Within 30 working days, unless extended by the executive director for good cause, the executive director shall notify the local government, the applicant, and the interested person(s) who requested review, if any, in writing of his or her determination regarding whether the proposed development or request qualifies for exemption or categorical exclusion, or whether local government decisions on a permit for the proposed development would be appealable to the Coastal Commission.

(4) If the executive director's determination regarding the appropriate permitting process for the proposed development or request is the same as the local government's, then that determination shall apply to that proposed development or request, and there is no further challenge available. If the executive director's determination conflicts with the local government's determination, and the respective staffs are not able to resolve the conflict and reach agreement on the appropriate permitting process for the proposed development or request in a reasonable time, the executive director shall schedule a hearing as soon as practicable for the Commission to resolve the dispute. Only the local government, the applicant, and the interested person(s), if any, who

made the request for review may testify at the hearing. Any person may submit written comments. The Commission shall make findings to support its decision, which shall be provided to the local government.

CDP Exemption for Accessory Dwelling Unit: Provided below are the current Municipal Code sections, with proposed language for the exemption provision pertaining to accessory dwelling units to expressly exempt conversions of existing space within a residential structure from requiring a coastal development permit.

Section 25.07.008 Exemptions

(A)(l) Improvements to Single-Family Dwellings. Improvements to single-family dwellings and mobile homes, including structures located on the same lot as the single-family dwelling that are normally associated with a single-family dwelling such as garages, swimming pools, fences, storage sheds and landscaping, are exempt unless classified as one of the following:

(a) Guest houses and self-contained accessory dwelling units (excluding conversions of habitable area within the walls of the primary dwelling unit; where habitable area means an area that meets the requirements of the California Building Code (CBC) for sleeping, living, cooking, or dining purposes, excluding enclosed places (e.g., closets, bath or toilet rooms, hallways, laundries, pantries, storage spaces, utility rooms, etc.);

Part C

Time Extensions for Coastal Development Permits ("CDPs"): The current code allows the City to grant a two-year time extension followed by a final one-year extension for conditional use permits, variances, and design review applications. (This time extension is in addition to the initial two-year time period allowed from project approval, for a total time period of five years.) However, CDPs are only allowed a single six-month extension. Provided below are the current Municipal Code sections, with proposed language for CDP time extensions to now match time extensions for other entitlements.

Section 25.07.012(1) Effective Date of Coastal Development Permits

- (4) For City-issued coastal development permits that are not appealed to the Coastal Commission, the approving authority may grant a two-year extension of time and, after that initial extension of time, a final one-year extension of time. Such time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the beginning two-year period approval period or any subsequently approved extensions of time.
 - (a) Extension of Time Findings. An extension of time of the beginning

two-year approval period may be granted by the approving authority, if each of the following findings can be made:

- (i) The zoning codes or standards applicable to the circumstances of the originally approved conditional use permit have not materially changed; and
- (ii) The neighborhood character has not changed so as to be materially inconsistent with the findings made when the conditional use permit was originally approved.

Minor Changes to Coastal Commission-Approved Coastal Development Permits ("CDPs"): City Staff is proposing a new provision that would authorize the Community Development Director ("Director") to administratively approve minor changes to local entitlements (Design Review, Use Permit, etc.) that are associated with a CDP acted on by the Coastal Commission, as specified below. This would typically occur when a project is appealed to the Coastal Commission and modifications are made that reduce the scope of the project. The Director would also have the discretion to refer any changes directly to the final decision-making body for consideration, specifically when the amendment is not consistent with the four standards listed below.

Section 25.07.016 Appeals for Coastal Development Permits

(C) Coastal Development Permits Approved by the Coastal Commission. The director of community development may administratively, and as a ministerial matter, authorize changes to design review, conditional use permits, and other entitlements associated with a coastal development permit approved by the Coastal Commission, on appeal, subject to the following:

- (1) The changes are consistent with the coastal development permit approved by the Coastal Commission;
- (2) The changes do not result in an expansion or enlargement of the project, or a material change in fundamental operational characteristics of the use;
- (3) The changes do not have the potential for new or more severe unmitigated adverse impacts on the surrounding neighborhood or community; and
- (4) The changes are consistent with the City's Local Coastal Program, General Plan, the California Environmental Quality Act and the California Coastal Act.

In lieu of administratively authorizing changes, the director may refer any change approved by the Coastal Commission to the final decision-making body of the city

for review and action.

Section 25.05.030 Conditional Use Permit

(K) Modifications. Additions, enlargements or modifications of uses or structures upon property for which a conditional use permit has been granted shall not be allowed except pursuant to a subsequent conditional use permit as might otherwise be required or granted pursuant to the terms of this title. Modifications to a conditional use permit associated with a coastal development permit may be authorized in accordance with Section 25.07.016(C).