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LOCAL COASTAL PROGRAM POST-CERTIFICATION GUIDE FOR COASTAL CITIES AND COUNTIES

Revised May 6, 2002

You may request appendices not already included online at (415) 904-5280.



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INTRODUCTION

Following LCP certification, the role of local governments and the Coastal Commission changes. Day-to-day management of the coastal zone becomes a shared responsibility, a partnership with the mutual goal of successful coastal protection. To achieve this post-certification partnership, local governments and the Commission take on new responsibilities.

This Post-Certification Guide is a handbook of these responsibilities as spelled-out in the Coastal Act and the Commission's Regulations. The Guide does not present any new requirements, but compiles and summarizes existing ones, and gives examples that can be adapted by local government. While this information is intended to serve as a convenient "how to" reference, the requirements of the Coastal Act and Code of Regulations are always determinative if questions arise. Specific post-certification questions can best be addressed by contacting the staff of the applicable District office.

Chapters in the Guide address post-certification activities to be conducted by coastal jurisdictions, including coastal permit processing, Commission appeals, permit monitoring and enforcement, and LCP amendments. With respect to coastal permit processing, the Guide discusses specific topics such as determining permit and appeal jurisdiction, providing notice, and compliance with public access and open space conditions.

The Post-Certification Guide can be modified and supplemented by additional materials as they become available. Suggestions of other matters that could be incorporated into the Guide are welcome, and should be directed to the Local Assistance staff of the Commission's San Francisco headquarters office.

CHAPTER I. SUMMARY OF POST-CERTIFICATION PROCEDURES

After LCP certification, a local government assumes responsibility for implementing its LCP. Implementation primarily is the processing of most coastal permit applications, but there are other implementation responsibilities such as enforcing permit requirements and responding to violations. This chapter *summarizes* procedures relating to these responsibilities that are discussed in detail in this guide. It also reviews the LCP amendment process and the Commission's limited permit role after LCP certification.

A. Local Coastal Permit Process

The coastal permit process is certified as part of the LCP implementing ordinances for each coastal jurisdiction. The process must be consistent with and adequate to carry out the minimum requirements of the Coastal Act and the Commission's Regulations.

There are four basic stages in the local coastal permit process following LCP Certification:

1. Permit Application,
2. Review and Action,
3. Appeals and Final Action, and
4. Follow-up.

Each of these four stages is summarized below.

1. At the **permit application** stage, an application for development is received and local staff must make several determinations. Is the development in the coastal zone? Does the applicant need a coastal permit? If a coastal permit is needed, does the local government or the Coastal Commission issue it? Is the local permit decision appealable to the Coastal Commission? The adopted "Post-LCP Certification Permit and Appeal Jurisdiction Map" can help make these determinations, but the controlling factor as to permit jurisdiction remains the Coastal Act language in Public Resources Code Sections 30519 and 30603. (See Appendix A for more information concerning use of these maps) If the

determination of a local government as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) is challenged, or if the local government wishes to have a Commission determination as to the appropriate designation, local staff should request a determination from the Coastal Commission's Executive Director (pursuant to Sec. 13569[b] of the Commission's Regulations, contained in Division 5.5 of Title 14 of the California Code of Regulations.

If a disagreement remains, the Commission itself will determine permit jurisdiction after a public hearing. The permit application stage is discussed in detail in Chapter II of this Guide.

Absent a permit application, questions concerning the boundary of the Commission's permit and appeal jurisdiction should be referred to the appropriate District Manager of the Commission for clarification and information.

2. At the **review and action** stage, local staff determines which local body will review and issue the coastal permit (e.g. planning Director, Board of Zoning Adjustment, Planning Commission, City Council, or Board of Supervisors). Local staff also provides notice of public hearing on the application or, if a hearing is not required, notice of the administrative review date. Notice must be provided to adjacent landowners and residents, persons who have expressed interest, and the Commission. The review and action stage is discussed in detail in Chapter III.

3. At the **appeals and final local action** stage, the initial action may be appealed to a local appellate body. A decision becomes a "final local action" when all required findings have been adopted and there is no further possibility of being appealed to a local appellate body. Local staff then transmits a notice of final local action (NOFA) to the Commission office and interested persons. The 10-day appeal period begins the day after receipt in the Commission office.

Certain local actions are appealable directly to the Commission. For these actions, the ten working day Commission appeal period is established from the date of receipt in the Commission office of the notice of final local action. Generally, the local and Commission appeal periods are not concurrent and all local appeals must be exhausted before the Commission will hear an appeal; exceptions are outlined in Chapter IV. When an appeal is made, the Commission will generally take one of the several actions: (i) for certain appeals, determine that the appeal is patently frivolous and

require a filing fee; (ii) dismiss the appeal on the basis of "no substantial issue" or (iii) accept the appeal and approve, deny, or conditionally approve the coastal permit application. The final action and appeals stages are discussed in detail in Chapters III and IV.

4. At the **follow-up** stage, for permits that have not been taken on appeal by the Commission, the local government staff determines if pre-issuance (i.e. prior to transmittal) permit conditions are met. When such conditions have been met, the coastal permit can be issued. Examples of other follow-up activities are: monitoring of coastal permit expiration; compliance monitoring; and processing extensions, revocation requests, and permit amendments. (Certified LCP ordinances should contain noticing and review procedures for processing coastal permit amendments.)

B. Violations and Enforcement

Although any person may maintain an action to enforce provisions of the Coastal Act (pursuant to Section 30804 of the Act), both local governments and the Commission have certain responsibilities in terms of enforcing certified LCPs. Once an LCP is certified, the Commission retains continuing authority to enforce provisions of the Coastal Act throughout the State's coastal zone. The local government also has authority to enforce the Coastal Act and LCP within its jurisdiction. Once the local governments assumes responsibility for issuing coastal development permits pursuant to a certified LCP, the Commission expects the local government to play a major role in enforcement within its jurisdiction. (Refer to Appendix E for more information).

Commission staff and the staff of the Attorney General's office are available to assist local government enforcement efforts. Please contact the Commission's Enforcement staff located in the applicable district office for information regarding enforcement assistance.

C. LCP Amendments

An LCP amendment is needed whenever any portion of a certified LCP is revised. The revision may affect the land use plan (LUP), the implementation program, or both. Substantial revisions will usually affect both LCP components (e.g. both revised land use and zoning designations).

There are five steps in processing LCP amendments: (i) the local government proposes an amendment and meets the minimum requirements for public participation during review; (ii) the local government adopts and submits the proposed amendment, along with necessary supporting materials; (iii) Commission staff reviews the submittal, filing it if complete and determining if it is a minor or de minimis amendment or requires a hearing; (iv) the Commission holds a hearing and votes to certify the amendment; and (v) the local government takes any necessary steps to implement the LCP amendment. An LCP amendment does not take effect until the Commission certifies it. Minor and de minimis amendments are approved administratively, unless the Commission objects to the Executive Director's determination of the nature of the amendment.

In any year a local government may make only three submittals of major amendments to its certified LCP taken as a whole, i.e., regardless of any segmentation which the Commission may have allowed in processing the LCP (upon final certification of a segmented LCP, reintegration of the segments into a single LCP occurs). Each separate submittal, however, may include many parts. LCP amendments are discussed in detail in Chapter VI.

D. Coastal Commission's Regulatory Role

Following LCP certification, the Commission's role in coastal development regulation is limited to a few well-defined responsibilities. The Commission:

- Retains permit jurisdiction in certain areas, such as state tidelands, submerged lands, public trust lands, and uncertified geographic areas (areas of deferred certification);
- Hears appeals from local actions on appealable developments;
- Determines jurisdiction in cases where a local determination is questioned or challenged (Regulations Section 13569);
- Enforces permits it issued before LCP certification or from an appeal (see above), or considers amendments or extensions of such permits; and
- Reviews certain federal activities or federally licensed or permitted projects for consistency with the state's coastal management program under provisions of the federal Coastal Zone Management Act.

The Commission also has an ongoing responsibility to monitor LCP implementation. Current post-certification monitoring activities include: reviewing notices of pending local hearings and pending non-hearing actions; reviewing notices of final local action; and providing notice of appealable development to the Commission. Additionally, Coastal Act Section 30519.5 requires the Commission to review each certified LCP at least once every five years after certification to determine if it is being implemented consistent with the policies of the Coastal Act.

E. Port, Public Works, and University/College Plans

In addition to LCPs, there are other mechanisms to implement provisions of the Coastal Act. These include port master plans, public works plans, and long-range development plans (LRDPs) for state university/college or private university development projects (Coastal Act Sections 30605-30606, 30700-30721).

The Post-Certification Guide, with its focus on the implementation of LCPs, does not discuss Coastal Act requirements regarding development and review of these types of plans. However, if such plans are included within a certified LCP, then coastal permitting may be affected in the area covered by these plans. Additional information on such plans is available from the Commission's offices.

CHAPTER II. COASTAL PERMIT APPLICATIONS

For each development application, an initial determination by local staff establishes if a coastal permit is needed, who issues the permit, and whether a locally-issued coastal permit is appealable to the Coastal Commission. Accurate determination of permit jurisdiction is crucial to the permit process. The type of jurisdiction determines what public notice must be provided prior to a local action, and may affect the type of information to be supplied by the applicant. This chapter is intended to assist local staffs in making these determinations. It also reviews the procedure to answer questions and resolve disputes over the initial determination process.

A. Determining Jurisdiction Type

The Coastal Act specifies which types of development (and development within certain geographic areas) remain within the Commission's permit jurisdiction after LCP certification (Coastal Act Section 30519). After LCP certification the Commission retains permit jurisdiction in tidelands, submerged lands, public trust lands (filled or unfilled), and areas of deferred certification (i.e. a geographic area where an LCP has not yet been certified by the Commission); however, Coastal Act Section 30613 provides that permit authority on submerged lands, public trust lands that are determined by the Commission to be filled and developed and located within an area committed to urban uses shall be delegated to local government.

CCC
Permit
Jurisdiction

Also, development proposed or undertaken in the Ports of Hueneme, Long Beach, Los Angeles or San Diego, within any state university or college in the coastal zone or any development covered by public works plans, remains subject to the Commission's jurisdiction either through coastal development permits or through certified port master plans, university long range development plans or certified public works plans, as applicable.

In addition, the Commission retains jurisdiction over permits that have been issued by the Commission prior to certification of the LCP and the transfer of permit authority for purposes of condition compliance, enforcement, amendment, reconsideration and revocation.

**CCC Appeal
Jurisdiction**

Where there is a certified LCP, the Commission has appeal jurisdiction over development approved in the following geographic areas: between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line where there is no beach, whichever is the greater distance; in areas not included within the foregoing and located within 300 feet of the top of the seaward face of any coastal bluff, or within 100 feet of any wetland, estuary, or stream; or approved development not included within any of these areas but which is located within a sensitive coastal resource area. (Coastal Act Section 30603 [a]).

In addition, specific types of development are appealable to the Commission without regard to geographic location within the coastal zone: an approval or denial decision of a major public works project or major energy facility (defined as costing more than \$100,000; (see Commission Regulations Section 13012); and, in coastal counties, the approval of a development that is not designated as "the principal permitted use" in the LCP (Coastal Act Section 30603 [a][4, 5]). The grounds for appeals are described in Chapter IV of this Guide.

To avoid confusion over the location of the geographic boundaries of appealable areas and the Commission's permit jurisdiction, the Commission has adopted criteria for further defining and interpreting these features. These criteria are outlined in Section 13577 of the Commission's Regulations.

**Post-LCP
Jurisdiction
Map**

At the time of LCP certification, the Commission adopts a map, the "Post-LCP Certification Permit and Appeals Jurisdiction Map", which portrays the jurisdiction's geographic appeals area features. While the Commission adopts this map to assist in determining applicable jurisdiction, it is important to emphasize that the requirements of the Coastal Act and Commission Regulations take precedence over the map. The map, illustrating the appealable areas as defined by Coastal Act Section 30603(a)(1) and (2), is useful for initial determinations; however, site visits by local staff may be necessary to make more precise determinations in cases of uncertainty (for example, a proposed project sited on the map's line depicting the edge of an appeals area based on 100 feet from a stream). (See Appendix A for more information).

Below is a series of steps for making an initial determination of coastal permit jurisdiction:

1. Does local government have permit jurisdiction? The Commission retains permit jurisdiction in specific areas, as identified above. Consult the LCP, and Post-Certification Map, make a site visit if necessary and check for any areas of deferred certification. For areas where there may be some question about jurisdiction, coordinate with Commission staff to assist in the determination. In cases where the Commission retains jurisdiction, local staff should refer the applicant to the appropriate Commission office.
2. Is a coastal permit required? A local coastal permit may not be required pursuant to provisions of an "exemptions and exclusions" section of a certified LCP ordinance. If no local coastal permit is needed for a proposed development, then the permit application would be subject only to the usual local permit process. If the proposed development needs a coastal permit, the next step is applicable. For coastal permits in the Commission's retained jurisdiction, the Commission determines if a coastal permit is required.
3. Can it be filed? When a local government has coastal permit jurisdiction, local staff should be sure the applicant has supplied sufficient project information to file the application and allow coastal permit review to commence. If local government is responsible for issuing the coastal permit, then the fourth step determinations are applicable.
4. Is the local action on the proposed development appealable to the Coastal Commission? Appealable development areas are defined by the Coastal Act and portrayed on the "Post-LCP Certification Permit and Appeals Jurisdiction Map," but some proposed development is appealable anywhere in the coastal zone (e.g. a major energy facility or, in the case of coastal counties, development which is not "the principal permitted use"). Other development may be appealable but not mapped on the Commission post-certification maps. In all cases the Coastal Act Section 30603 defines appealable development.
5. Is the project "in the pipeline" during LCP certification? During the time when an LCP is under review by the Commission, there may be projects that have received local approval, but that have not yet received a coastal permit from the Commission. Applications submitted to the Commission, but not yet complete and therefore not filed will be returned to the applicant and must be submitted to the

local government. Where the application has been found complete and has been filed, applicants have the option of either continuing Coastal Commission processing of their application or withdrawing the submittal and re-filing the application with the local jurisdiction to be heard and decided based on the certified LCP requirements. If the applicant elects to continue with Commission processing, the coastal permit remains under the Commission's jurisdiction and in this case the standard of review is the certified LCP. The Commission may determine that the application as filed may require additional review by the local government and, after consultation with and notice to the local government, remand the application for action consistent with the certified LCP. Upon effective certification of the LCP, the Commission will accept no applications for development within the certified area.

B. Projects Straddling Jurisdiction Boundaries

**Projects that
straddle
appeal
boundaries**

1. Projects that are bisected by appeal jurisdiction. If only a portion of the approved development is of the type or in a location that makes the local action appealable, the approval of the local coastal permit is appealable. But the grounds for appeal are limited to allegations that the appealable development is not consistent with the standards in the certified LCP or the public access policies of the Coastal Act. If those grounds are asserted and the Commission finds that the appeal raises a substantial issue, the Commission will hold a de novo hearing on the appeal. In the de novo hearing, the Commission has jurisdiction to address whether or not the action taken in the local coastal permit is consistent with the LCP and the public access policies of the Coastal Act. Thus the Commission's review at the de novo hearing is not limited to the appealable development.

**Projects that
straddle
jurisdictions**

2. Projects bisected by Commission and local government jurisdiction. The circumstance may arise wherein proposed development is located within both the Coastal Commission's and local government's coastal development permit jurisdictions. In such cases, coastal permits are required by both the Commission and the local government. In the case of any division of land, the permit is issued by the Commission only for lots or parcels created which require any new lot lines or portions of new lot lines within the area subject to the Commission's retained jurisdiction. In

such an instance the Commission's review is confined to those lots or portions of lots within its jurisdiction. In the case of any development involving a structure or similar integrated physical construction, the Commission issues a permit for any structure partially in the retained jurisdiction area. For example, a permit for a shoreline protective device (e.g. a seawall) that is located partially within the Commission's retained jurisdiction would be reviewed by the Commission.

3. Projects bisected by different local government jurisdictions.
If a project straddles the boundaries of two local governments, the applicant must obtain separate coastal permits from each jurisdiction. An exception is possible for public agencies that, pursuant to Coastal Act Section 30605, may obtain one "Public Works Plan" approval from the Coastal Commission, in lieu of locally-issued coastal permits.

C. Resolving Determination Disputes

Occasionally, disputes will arise as to the precise type of development being proposed (i.e. categorically excluded, appealable, non-appealable). If this happens, local staff should contact the Commission District staff and request an Executive Director's Determination. The Executive Director then would make a separate determination, within two working days of the request (or upon completion of a site inspection where such inspection is warranted), and transmit the determination to the local government. If the two determinations differ, then the Commission makes the final decision, after a public hearing (Commission Regulations Section 13569).

CHAPTER III. LOCAL COASTAL PERMIT REVIEW AND ACTION

Two types of notice are required by local government as part of the post-certification coastal permit process: (A) public notice of hearing or pending action to interested parties prior to a local decision; and (B) notice of final action to the Commission and those who have requested such notice after a local decision. Appendix B summarizes the notice requirements in table form.

Promptness in filing notices is important. For example, if a notice of final action on a project is received in the Commission office late or if it does not include the necessary information, a delay to the applicant can result, since the start of the Commission's appeal period would also be delayed. This chapter reviews the minimum requirements for each type of notice, as specified in the Commission's Regulations. Noticing of proposed amendments to locally issued coastal permits would follow the same procedures used for noticing the original permits, including noticing of final action.

In many cases, the existing local public notice procedures and forms can be adapted to meet coastal permit noticing requirements, rather than developing new ones. For example, a local government's notice for a Planning Commission hearing on a use permit often is shown on the meeting agenda. It would not normally warrant a separately mailed notice. By adding to the agenda a notation that the project is in the coastal zone, the minimum requirements for non-appealable hearing items are satisfied provided the agenda is mailed to owners and residents and all others identified for receiving notice. Other types of notice format can be adapted to provide the necessary information in a similar manner. The sample forms in Appendix 2B and 2C are geared toward coastal permit processing, independent of existing local procedures.

A. Notice of Hearing or Pending Action

If a coastal permit is needed for a proposed development, local government is required to provide public notice of local review prior to reaching a decision. The Commission's Regulations (Sections 13563-13568) specify the minimum requirements for such notice -- when provided, who receives notice, and notice contents. Typically, local ordinances already require some form of notice prior to local

action. The LCP implementing ordinances should specify how the two sets of requirements are combined for coastal permit applications.

**Determining
Type of Notice**

The Commission's minimum requirements differ for various permit applications. Local staff should first determine the type of permit application: (i) appealable developments, hearing required; (ii) nonappealable development where local ordinance requires a hearing (e.g. use permit); or (iii) non-appealable development where local ordinance does not require a hearing (e.g. building permit). This determination should be part of the permit application, since the applicant may be responsible for providing certain notice materials (e.g. list of nearby owners and residents). The notice requirements are reviewed below for the different application types.

**Appealable
Projects**

1. Notice of Hearing/Appealable Development (Regulations Section 13565): For development applications that are appealable to the Commission, a public hearing is required, and notice of such hearing must be provided at least 7 calendar days beforehand. Notice is to be provided by first class mail to: the applicant; any interested persons; owners and residents within 100 feet of the project parcel boundary; and the Coastal Commission district office.

The notice must include: a statement that the proposed development is in the coastal zone; the filing date and applicant's name; the number assigned to the application; a description of the proposed development and location; the hearing date, time and place; a summary of local hearing and review procedures; and procedures for local and Commission appeals. If the hearing is continued, the subsequent hearing must be noticed in the same manner (unless information about the new hearing is announced at the original hearing). See Appendix C-2 for a sample notice form.

**Projects Not
Appealable**

2. Notice of Hearing/Non-appealable Development (Regulations Section 13568[a]): Notice for hearings on non-appealable developments is similar to those for appealable projects. Notice of the hearing must be provided at least 10 calendar days beforehand. Those to receive notice by first class mail include owners within 300 feet of the project-parcel boundary as well as those described in 1 above. The only mandatory item in the notice is a statement that the proposed development is in the coastal zone. If the application is heard by a Planning Commission, the local government should also publish a notice in a general

circulation newspaper or, if there is none, post notice in at least three public places (e.g. public library). See Appendix C-2 for a sample notice form.

3. Notice of Pending Action/Non-appealable Development (Section 13568[b]): For non-appealable development applications where no local hearing is required (e.g. building permit), the minimum notice requirements are similar to those in A.1, above. Since a local official takes action instead of a discretionary review body, this notice must describe the procedure for submitting comments and indicate that sufficient time is allowed for receiving comments prior to the decision. See Appendix C-3 for a sample notice form.

**Ministerial
Projects**

B. Notice of Final Local Action

A "Final Local Action" means a decision where all required findings have been adopted and where there is no further possibility of being appealed to a local appellate body (Commission Regulations Section 13570). The decision may have been taken by a discretionary body such as the Planning Commission, following a hearing, or through administrative review, such as by the Zoning Administrator. Clearly, any decision taken by a City Council or Board of Supervisors is automatically a final action, since there is no possibility of appeal to a higher local appellate body. After a final local action, local government is obliged to provide notice of its decision to certain specified parties. Notice is also required if a development application is approved because the time limits for local action have expired. Section 13571 of the Commission's Regulations gives the minimum requirements for notices of final local action.

1. Notice of Final Action: Notice must be provided within 7 calendar days of the final local action. Notice is sent by first class mail to the Coastal Commission district office and to those persons who have requested to be informed of final local action on the proposed development. (Notices may not be sent by fax or email) To be complete, the notice must include: the action taken, conditions of approval (if any), written findings supporting the decision, and (if the local action is appealable) a description of the procedure for appeal to the Commission. The Commission also requests local governments to ensure that the notice contains the applicant's name and address so that the Commission can mail notice to the applicant that the final action has been received. See Appendix C-4 for a sample form.

**Notice
Required**

**Standard
for findings**

Required findings must meet the standards for issuance of a coastal development permit set forth in Coastal Act Section 30604(b). Specifically, Section 30604(b) provides that, after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency (or the Commission on appeal) finds that the proposed development is in conformity with the certified local coastal program. Section 30604(c) sets forth additional standards for the issuance of permits for proposed development between the nearest public road and the sea or the shoreline of any body of water (e.g. a lake) within the coastal zone. Permits for such development "shall include a specific, finding that such development is in conformity with the public access and public recreation policies of Chapter 3" of the Coastal Act (commencing with Section 30200).

**Appealable
Decisions**

For local actions that are appealable to the Commission, the notice of final local action has special significance. Pursuant to Regulations Section 13110, the ten working day appeal period starts with the first day after receipt of a complete final local action notice. (Thus, if a final action notice is received on a Friday the following Monday would be the first day of the appeal period.) Once the Commission's appeal period begins, the Commission must notify the local government and permit applicant of the appeal period dates. It is therefore important that the notice of final action include the applicant's name and address.

Even for projects that are denied or are not appealable, it is important for the Commission to receive timely final action notices. The Commission keeps records of locally issued coastal permits for a variety of purposes including for: the conduct of Periodic Reviews, budgeting, federal reporting requirements, responding to requests for information and other purposes. The Commission also needs to know which permits have recorded legal document requirements (See discussion in Chapter V.)

**Deficient
Notice**

An incomplete or late notice, or lack of receipt of a final local action notice, will delay the start of this appeal period. Because the local and Commission appeal periods run consecutively, one after the other, the effect of a delayed appeal period is to lengthen the applicant's wait between local action and permit issuance. See Chapter IV of this Guide for a more detailed discussion of appeals.

2. Notice of Failure to Act: If a local government fails to act on a coastal development permit within the time limits set forth in the Government Code sections 65950-65957.1, until and unless the public notice required by the Permit Streamlining Act has first been

provided, a development project is not automatically approved. When a local government determines that the prescribed time limits have expired and the required public notice has been provided, then the local government is considered to have approved the coastal permit. At this point, however, the local government must still comply with the appropriate post-certification public notice for the development approval in the same manner as with a Final Local Action Notice, whether the development is appealable or not appealable. (See Section III (B)). The 7 calendar day period for the required Final Local Action Notice begins the day the local government determines that the development has been approved pursuant to the Permit Streamlining Act. (Regulations Section 13571 [b][2]). When the Commission receives a Final Local Action Notice for a development approved by local government under the Permit Streamlining Act, the procedures for appeal to the Commission are the same as for other appealable development. (See Chapter IV).

CHAPTER IV. APPEALS OF LOCAL DECISIONS

After LCP certification, certain local actions on development applications are appealable to the Coastal Commission. Chapter II of this Guide discusses the types of development and local actions that are appealable. This chapter reviews the Commission appeals process and how it relates to local governments' existing appeals procedures. Commission consideration of appeals after LCP certification provides an additional level of review by a body with a broader perspective and the ability to give guidance on interpretation of policies for issues of statewide importance. At the same time, the Commission's Regulations require (with some exceptions) that local appeals be exhausted prior to any appeals before the Commission. This approach increases the likelihood that development controversies can be resolved at the local government level.

A. Appeal Limitations

Sections 30603(b) (1) and (2) of the Coastal Act limit the grounds for appealing projects acted on pursuant to a certified LCP. The grounds for appeal of the approval of most appealable projects are limited to an allegation that the development does not conform to the standards set forth in the certified LCP *or* the public access policies of the Coastal Act. However, the grounds for an appeal of a denial of a permit for a major public works project or a major energy facility are limited to an allegation that the development *conforms* to the standards set forth in the certified LCP and the public access policies of the Coastal Act.

**Grounds for
appeal**

In addition, Coastal Act Section 30625 restricts who can appeal a local decision on a coastal permit: only the applicant, an "aggrieved person", or two members of the Commission are eligible to appeal. An "aggrieved person" is one who, in person or through a representative, expresses concerns about an application or local action by appearing at the local public hearing, or otherwise communicating his or her concerns to the local government by other appropriate means prior to a hearing, or who for good cause could do neither (Regulations Section 13006 and Coastal Act Section 30801). An "Aggrieved person" includes the applicant for a permit. Also, to qualify as an aggrieved person with appeal rights, an appellant must have exhausted all local appeals unless one of the exceptions noted below exist. (Commission Regulations Section 13573[a])

**Eligible
Appellants**

**Exhausting
local appeals**

There are several exceptions to the requirement that local appeals must be exhausted in order to appeal a project to the Commission. In the following instances, appeals can be made directly to the Coastal Commission:

Exceptions

1. The local government requires an appellant to appeal to more local appellate bodies than have been certified, as appellate bodies for permits in the coastal zone in the LCP implementing ordinances,
2. An appellant was denied the right of the initial local -appeal by a local ordinance that restricts the class of persons who may appeal a local decision.
3. An appellant was denied the right of local appeal because local notice and hearing procedures did not comply with the notice and hearing provisions of the Commission's Regulations.
4. The local government charges an appeal fee for the filing or processing of appeals.
5. Two Commissioners, pursuant to Commission Regulations Section 13573(b), appeal the final local action. (However, the local government can provide, in its LCP ordinances, for a Commission appeal to be suspended pending review by the proper local appellate body. This option is discussed under C below.)

The Commission's experience has shown that a great many local governments charge an appeal fee for filing and processing a local appeal thus allowing appeals directly to the Commission.

B. Appeal Procedures

**Local
appeals**

The appeals process begins with an initial local decision on a coastal development application. The decision-maker may be a Zoning Administrator, Planning Commission, etc., depending on the type of development proposed and the local review process. This decision starts a local appeal period, as specified by ordinance. If the decision is appealed, then the process is repeated until either (i) there is no further local appeal of the decision (e.g., a decision by the Planning Commission on an appeal is not followed by an appeal to the City Council), or (ii) there are no more local bodies to appeal to (e.g. the City Council renders a decision on the

application). Whatever is the last action taken is the final local action.

Local officials then send a notice of the final action to the Commission and interested persons, as discussed in Chapter III of this Guide. If the local action is appealable to the Commission, then it is subject to a 10-working-day appeal period (Commission Regulations Sections 13110 and 13111). Please note that if Commission staff does not receive a notice of final action or finds the notice of final action incomplete, the appeal period will not begin until the required information is received. Depending on whether the final action notice is complete or incomplete, Commission staff will notify the local government and applicant in writing of either the appeal period dates or any deficiencies in the notice.

**Commission
Appeal Period**

The 10-working-day Commission appeal period begins on the first working day following the day on which the Commission office received the complete final local action notice; an appeal, to be accepted for Commission review, must be submitted in writing by 5 P.M. of the tenth working day from notice receipt. The appeal should be made by completing a copy of the Commission's appeal application form, available from any of the Commission's offices. The appeal should be submitted to the Commission office in the district that includes the affected local government.

**Filing an
Appeal**

When an appeal to the Commission is submitted, Commission staff will determine if the appeal is valid (e.g., determine if the appellant has standing to appeal, and determine if grounds cited for appeal are valid). Commission staff may contact local staff to determine if the person filing the appeal participated in the local hearing. Also, the Executive Director, within 5 working days of receipt of an appeal from any person other than members of the Commission or any public agency, determines whether the appeal is patently frivolous. If such a determination is made, the appeal is not filed until a \$300 fee is deposited with the Commission within 5 working days of the receipt of this determination. [PRC 30620 (d)].

**Frivolous
Appeals**

If the appeal is valid, Commission staff will immediately notify the local government and applicant in writing that issuance of the coastal permit is suspended, pending resolution of the appeal (Regulations Section 13112). Also, local staff will be requested to forward the complete administrative record, including environmental documents and other supporting materials, to the Commission within five working days from the local government's receipt of the notice of appeal. Section 13112 of the Commission's

**Transmittal of
local permit
file**

Regulations provides that 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.

To minimize the cost to the local government of preparing this administrative record, local staff may want to ask applicants for extra copies of application documents (e.g. consultant reports or EIRs) for controversial projects.

**Substantial
Issue Review**

Commission review of the appeal is a two-step process. First, the Commission determines, according to Coastal Act Section 30625(b)(2) provisions, whether the local action raises a substantial issue with respect only to the specific allowable grounds, on which the appeal was filed. [PRC Section 30603(b)]. If the Commission finds no substantial issue, the appeal is dismissed and the final action of the local government stands. The Commission will send written notice of such "No Substantial Issue" decisions to the local government. After a No Substantial Issue decision the local government can issue the local coastal permit.

**Commission
de novo
review**

If the Commission does find substantial issue, then the final action of the local government on the coastal development permit is no longer in effect. The Commission then will act upon the appeal as a new project - approving, denying, or conditionally approving the coastal permit application. This second step is referred to as a de novo review, and the Commission's action supersedes the local government's final action for the coastal development permit only (the Commission action has no affect on other locally-issued discretionary permits.) Both the substantial issue and de novo action steps require a public hearing, and the Commission may take both steps at the same meeting.

Coastal Act Section 30604(b) provides that, "After certification of the local coastal program a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program." Therefore, if the Commission finds substantial issue and conducts a de novo hearing on the appealed permit application, the applicable test for the Commission to consider is the certified Local Coastal Program. At the de novo hearing the Commission can consider all issues regarding compliance with the certified LCP and relevant Chapter 3 policies and not only those raised in the appeal.

In addition, for projects located between the first public, road and the sea or the shoreline of any body of water within the coastal zone, Section 30604(c) requires that a specific finding must be made by the approving agency (whether the local government or the Coastal Commission on appeal) that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access and recreation questions, the Commission is required to consider, in a de novo hearing of an appealed project, not only the certified LCP but certain Chapter 3 policies as well.

C. Appeals by Two Commissioners

As noted above, a local government may require, by LCP ordinance provisions, that an appeal by two Commissioners, before local appeals have been exhausted, be suspended pending review by the appropriate local appellate body (Commission Regulations Section 13573[b]). This feature provides greater opportunity to resolve development issues at the local government level. Otherwise, appeals by two Commissioners of ministerial actions (e.g. by the zoning administrator) would have to be brought directly to the Coastal Commission, bypassing appointed and elected local officials.

Where the action is modified or reversed by the local appellate body, then the Commissioners are required to file a new appeal. In the case where review by the local appellate body has left the originally appealed action unchanged, the Commissioners' appeal is no longer suspended and the appeal is then brought before the Commission.

CHAPTER V. COMPLIANCE WITH PUBLIC ACCESS AND OPEN SPACE CONDITIONS

A certified LCP usually specifies procedures for an applicant to comply with permit conditions, or the procedures are left to the administering agency. However, the Commission's regulations (Section 13574) govern the implementation of certain public access and open space conditions even after certification.

Conditions that mitigate impacts of development to coastal access and resources may require an applicant to either grant or offer an easement or record a deed restriction on the property for stated purposes to mitigate specific impacts. Such conditions may also (or instead) restrict the applicant's use of a portion of his or her property. To comply with such conditions, the applicant must complete and record certain legal documents.

Prior to LCP certification, Commission staff is responsible for reviewing completed legal documents and assuring that the legal documents are properly recorded. Following certification, Commission staff retains the reviewing function unless a local government requests the authority to process the recordation of the necessary legal documents (Commission Regulations Section 13574[b])

The Commission can delegate to a local government the authority to process the recordation of the necessary legal documents if the local government requests such authority and demonstrates the capability to process access offers (Section 13574[b] of the Commission's Regulations). The authority would include the ability of the local government or an identified public agency or private association to accept, open, operate, and maintain accessways and open space/conservation areas required as a permit condition. If a local government receives the recordation processing authority, then it must forward a copy of the recorded access or open space documents to the Executive Director following recordation for input into the Commission's Access Inventory and Other Recorded Documents Inventory.

In addition, the county recorders are required to maintain an index of all recorded easements provided appropriate documents are submitted at the time of recordation. (pursuant to Government Code 27255).

CHAPTER VI. LCP AMENDMENTS

Periodically there may be reasons for a certified LCP to be amended. This chapter explains different types of amendments, minimum requirements for local review of amendments, and how the Commission processes LCP amendments. The review process for local governments and the Commission is similar to that for original LCP submittals. As with original LCP submittals, an LCP amendment does not take effect until the Commission effectively certifies it.

A. Amendment Types

An LCP amendment is needed whenever any portion of the certified LCP is revised (e.g. coastal element of the general plan, LUP policies, access component, zoning ordinance, subdivision ordinance, specific plan, permit procedures or other ordinances certified as part of the LCP). Substantial revisions usually will involve both the LUP and the implementation program (e.g. both revised land use and zoning designation for a parcel or parcels). Below are some typical revisions to a jurisdiction's plans and regulations, and the consequent LCP amendments:

Revision Examples	LCP Amendment
Rezone parcel(s)	Revise zoning map (and maybe LUP map). May also affect site-specific standards in the LCP
Revise habitat protection standards (e.g. riparian setbacks)	Revise zoning district regulations and (if necessary) LUP policies and standards.
Revise list of uses in zoning district(s)	Revise LUP land use category and zoning district(s). May also affect District-specific standards.
Newly-annexed territory	New land use and zoning designations, other specific policies, standards, and regulations as necessary.

Please note that if a city annexes an area in the coastal zone that was previously under a certified LCP of another jurisdiction, upon

annexation the LCP for that area is no longer in effect and the permit authority reverts to the Coastal Commission until the City amends its LCP to cover the newly annexed area.

B. Minimum Requirements

The Coastal Act and the Commission's Regulations provide certain requirements for LCP amendments. These minimum requirements address the frequency of amendments, public participation during local review, contents of the amendment submittal, procedures for Commission review, and effective date.

Frequency and Types

Local governments may make no more than three submittals of proposed major LCP amendments per year, although there is no limit to the number of amendments included in each submittal (Coastal Act Section 30514[b]). The limit on the number of yearly submittals pertains to the LCP taken as a whole, regardless of any pre-certification LCP segmentation.

Since a proposed amendment is not deemed actually submitted until it is found to be in proper order and legally adequate to comply with Coastal Act Section 30510(b), a submittal will be counted toward a year's quota of three submittals only during the year in which it is found to be legally adequate (which is not necessarily the same year as when the proposed amendment is received in the Commission's offices).

Proposed LCP amendments that are determined to be "minor" or de minimis by the Executive Director (PRC Section 30514[c] and [d]) are not restricted to three submittals per year. Major, minor and de minimis LCP amendments are explained in C below.

Public Participation Standards

Jurisdictions must provide the same level of public participation during LCP amendment preparation and review as that for the original LCP (Commission Regulations Section 13552[a]). These participation standards are found in Regulations Section 13515. Notices of public hearings or availability of draft LCP amendments must be mailed to: (i) members of the public requesting such notices; (ii) contiguous and affected local governments- (iii) various regional, state and federal agencies; and (iv) local libraries and media. Copies of LCP amendment drafts and related documents are to be mailed to requesting persons; Section 13515(b) allows local governments to charge fees sufficient to cover the cost of duplicating and mailing these materials. Notices of public hearings must be given general publication and sent to interested persons and public agencies (above) at least 10 working days before the

hearing (Section 13515[d]). The local government cannot take any final action on the LCP amendment until six weeks after providing notice of availability of the draft LCP amendment (Section 13515[c]).

The LCP amendment must be submitted to the Coastal Commission pursuant to a resolution by the City Council or Board of Supervisors (Commission Regulations Section 13551). The resolution should state that the LCP amendment will be carried out in accordance with the Coastal Act (pursuant to Section 30510[a] of the Act). It should also specify whether the proposed LCP amendment will take effect automatically upon Commission approval or will require local adoption afterward. The first option is probably more suitable for amendments that do not involve rezonings (e.g., some amendments to LUP policy language); the latter option may be appropriate if extensive follow-up action is necessary (e.g., an ordinance that requires a first and second reading and a 30-day effective date period).

**Submittal
Resolution
Required**

An LCP amendment submittal to the Commission must include various supporting materials. These are listed in Section 13552 of the Commission's Regulations and include: (i) a summary of public participation measures; (ii) a list of interested persons contacted for comment; (iii) significant comments received and the local government's response; (iv) a full description of the LCP amendment (policies, standards, text with strike-outs and underlines, maps, and so forth); (v) a discussion of the amendment's relationship to and effect on the rest of the LCP including the access component; (vi) an analysis of how the amendment complies with the "common methodology" for LCP preparation (Commission Regulations Section 13511); (vii) any environmental documents required pursuant to CEQA (see Public Resources code Section 21080.9); and (viii) an indication of the zoning measures that will be used to carry out an LUP amendment. Appendix D provides a general checklist of these requirements.

**Supporting
Materials**

C. Commission Review

Following submittal of the LCP amendment, the Commission reviews it in basically the same way as it would an original LCP submittal. First, the Commission staff decides if the submittal is complete for filing (i.e., whether it meets the requirements of Commission Regulations Sections 13551 and 13552 summarized above). If so, staff files the amendment submittal, starting the Commission's review period. If not, staff notifies the local government in writing of the submittal's inadequacies.

**Filing
Procedures**

**Determining
Type of
Amendment**

Second, the Commission staff decides if the LCP amendment is "major", "minor" or "de minimis". This distinction is intended to speed up review of urgent or non-controversial LCP changes; if the amendment is deemed minor or de minimis the review process is much simpler. In a single submittal containing several LCP amendments, there may be a mix of major and minor items.

De Minimis amendments are those amendments that will have no individual or cumulative impact on coastal resources, will not propose changes in land or water use or change in allowable use of the property, and that comply with certain public noticing criteria as specified in PRC Section 30514 (d).

The term "minor" LCP amendment is not defined exhaustively, but the Commission's Regulations Section 13554 provides several examples such as:

1. Amendments to address newly-annexed or detached territory where the city's LCP proposal and county's LCP proposal for the territory are equivalent.
2. Wording changes in the implementation program which provide more specific guidance without changing the type, location or intensity of use.

In general, any other proposed change in the type of use would be reviewed as a major amendment.

**Amendment
Review
Procedures**

Third, the Commission reviews and acts upon the proposed LCP amendment. De Minimis and minor amendments are approved administratively. The Executive Director notifies interested persons of the proposed amendment and reports the determination and any objections to the Commission at its next meeting. Commission approval is automatic unless one-third of the appointed members object, in which case minor amendments are reviewed as a major amendment (Commission Regulations Section 13555[a]) and de minimis amendments are reviewed as either minor or major amendments or at the request of local government returned to the local government. (PRC 30514 (d)(3)(B)).

Pursuant to Regulations Section 13555(b), major amendments are reviewed in essentially the same fashion as original LCP submittals, which are governed by Coastal Act Sections 30512 and 30513 (and Commission Regulations Sections 13522-13542). The main difference is that the Commission does not make a

determination of whether the LCP amendment raises a substantial issue under the Coastal Act, as it does for the LUP portion of an LCP submittal (Coastal Act Section 30514[b]). The Commission must vote on the amendment within 90 days of filing in most cases; if the LCP amendment involves only the implementation program, the Commission has only 60 days (Regulations Sections 13522, 13530, and 13542[b]). For each LCP amendment, the Commission will vote either to deny or certify the proposed amendment; the Commission has the option of suggesting modifications following a denial action (unless the local government requests that it not do so). Notwithstanding the foregoing, the Commission has the authority under Coastal Act Section 30517 to extend the voting time limits for a period of time not exceeding one additional year.

Fourth, after Commission approval of an amendment the local government takes any necessary actions to implement the amendment. This might include ordinance adoption (if not already adopted), rezoning actions, or acceptance of suggested modifications. Also, as with original LCPs, an LCP amendment does not become effective until completion of the following three steps: (i) all necessary local government follow-up actions, including the acceptance of suggested modifications, are taken; (ii) the Executive Director determines that the follow-up actions are legally adequate; and (iii) the Commission concurs with the Executive Director's determination (Commission Regulations Sections 13551, 13544, and 13544.5). However, if -- in its resolution accompanying the proposed amendment submittal -- the local government had specified that the amendment would take effect automatically upon Commission approval, and if the Commission's approval did not include any follow-up terms or suggested modifications, then steps (i) through (iii) would not be necessary for the certified amendment to become effective.

**Local
Implementation**

D. Other Provisions

The primary initiative for LCP amendments will come from local governments administering LCPs, based on their experience, ongoing planning, and development patterns. However, the Coastal Act provides for the Commission or other agencies to suggest LCP amendments to the responsible local government under certain circumstances. The Commission must periodically review each certified LCP at least once every five years after certification to evaluate its effectiveness in implementing Coastal Act policies (Section 30519.5). If the Commission finds deficiencies, it is to recommend corrective actions (which may include LCP

**Amendments
suggested by
the
Commission**

amendments) to the local government. The Coastal Act also provides for the Commission to recommend LCP amendments to local governments in order to accommodate "uses of greater than local importance" which were not anticipated in the certified LCP (Section 30519[c]).

**Amendments
for
Energy/Public
Works**

The Commission itself is authorized to amend a Local Coastal Program in only very limited, specific instances. The Coastal Act provides that under certain circumstances persons authorized to undertake a public works project or proposing an energy facility development may request LCP amendments. (Coastal Act Section 30515). To qualify for consideration, the project must be intended to serve public needs beyond the LCP area and must not have been anticipated when the LCP was being certified initially. If the local government agrees with the proposed project, it would process the LCP amendment as discussed above. If the local government does not amend its LCP, the requesting party can petition the Commission to consider the amendment, explaining why the amendment is needed and how it conforms with Coastal Act policies. The Commission, after a public hearing and after the local government explains its action, may certify the LCP amendment if it can make several specific findings regarding balancing of effects and public welfare and need, alternatives and consistency with the Coastal Act.

CHAPTER VIII. LOCAL REVIEW OF OTHER COASTAL MANAGEMENT ACTIVITIES.

In addition to the Commission continuing regulatory responsibilities described elsewhere in this document, the Commission retains authority over other types of activities in the coastal zone, such as the federal consistency review authority, review of Coastal Conservancy projects, review of Public Works Plans and Long Range Development Plans. While regulation in these areas is not delegated to local government, nonetheless local governments have the ability to provide input into these decision-making processes.

A. Federal Consistency Authority: Review of Activities Approved, Funded or Carried Out By Federal Agencies

The federal Coastal Zone Management Act (CZMA) obligates the federal government to assure that it carries out its activities that affect coastal zone resources in a manner consistent with federally approved state coastal management programs. Three types of federal activities trigger this federal consistency review: 1) direct federal agency activities; 2) federal permits and licenses; and 3) federal support to state and local governments. To assure federal-state coordination, the CZMA requires that the federal agency or applicant proposing the activity prepare a statement of consistency with the state coastal management program. The federally designated state agency then reviews the statement and concurs with or objects to it.

In California, the Coastal Commission is the agency designated to undertake federal consistency reviews on activities that affect coastal uses or resources. The federal consistency review authority gives the state a voice it would not otherwise have in many federal activities. This authority is separate from the Commission's permit authority and it cannot not delegate this authority to local government after certification of its local coastal program. However, the Commission gives consideration to the views of affected local governments in the consistency decision process.

Relationship to LCP

Under provisions of the federal Coastal Zone Management Act, the Commission cannot delegate the federal consistency review authority to local governments. The Coastal Act, and not an LCP, is

the legal standard for the Commission's decisions. However, if the Commission has incorporated an LCP into the CCMP, it provides guidance for the Commission's review of federal consistency submittals. The LCPs interpret and refine Coastal Act policies as they apply to specific geographic areas, and thus provide valuable guidance to the Commission in its evaluation of federal activities. Local governments may participate in the decision-making process by taking part in the Commission's public hearings on consistency matters and by presenting a statement regarding the consistency of the proposed activity with the certified LCP. By active participation in the consistency process, the local government can assure that LCP policies are fully considered in the Commission's review and in possible modification of proposed federal actions.

Further Information

Additional information on federal consistency, including copies of the federal Coastal Zone Management Act (16 U.S.C. Sections 1456-1464), the implementing regulations (15 C.F.R. Part 930), and a guide to federal consistency are available upon request from the Commission's San Francisco office or on the Commission's webpage at <http://www.coastal.ca.gov/fedcd/fedcndx.html>.

B. Coastal Conservancy Projects

The Coastal Conservancy has the authority to fund restoration projects and resource enhancement projects in the coastal zone, pursuant to approved coastal restoration or resource enhancement plans, respectively. Such plans are submitted to the Coastal Commission for determination of consistency with the Coastal Act, or under certain circumstances, to local governments with certified LCPs for determination of consistency with certified LCP. (See Public Resources Code Sections 31251-31270.

C. Public Works Plans and Projects.

As noted previously, there are options for public agencies undertaking public works to prepare public works plans as an alternative to project by project review of coastal development permits. The approval of public works plans is not delegated to local government but if the local government has a certified LCP the Commission must consult with the jurisdiction before it approves the public works plan.

List of Appendices

A. Letter on CDP Jurisdiction and Interpretation of Maps

B. Table of Notice Requirements

C. Sample Forms

1. Samples of Coastal Permit Applications
2. Sample Notice of Public Hearing on Coastal Permit
3. Sample Notice of Pending Action on Coastal Permit
4. Sample Notice of Final Action

D. LCP Amendment Checklist

E. Focus on Enforcement Program

Appendix B: Table of Noticing Requirements for Locally Issued Coastal Permits

Notice Type	Example of Proposed Development	Mandatory Notice Requirements (Regulations Sections 13563-13568,13571):			
		When Notice Provided	How Notice Provided	Who Receives Notice	Notice Contents ¹
Prior to Decision: Notice of Hearing (appealable)	Project seaward of first public road	At least 7 calendar days before hearing	First Class Mail ²	? Applicant(s) ? Interested persons ³ ? Nearby owners and residents (100') ⁴ ? Commission	? In coastal zone ? Filing date and applicant ? Application Number ? Description of project, location ? Hearing date, time and place ? Local Hearing procedures ? Local and Commission appeals
Notice of Hearing (Not Appealable)	Use permit or variance in non-appealable area	At least 10 calendar days before hearing	First Class Mail ² and newspaper posting ⁵	? Interested persons ³ ? Nearby owners (300') and residents (100') ⁴ ? Commission	? Statement that proposed development is in coastal zone
Notice of Pending Action (No Hearing, Not Appealable)	Building permit in non-appealable area	At least 7 calendar days before decision	First Class Mail ²	? Interested persons ³ ? Nearby owners and residents (100') ⁴ ? Commission	? In coastal zone ? Filing date and applicant ? Application Number ? Description of project, location ? Pending action date ? Local review procedures ? Statement on public comment
After decision: Notice of Final Action	-----	Within 7 calendar days of decision ⁶	First Class Mail	? Requesting Persons ⁷ ? Commission	? Approval conditions (if any) ? Written findings ? Procedure for appeal to Commission
Notice of Failure to Act	-----	Within 7 calendar days of determination ⁸	First Class Mail	? Requesting Persons ⁷ ? Commission	? Procedure for appeal to Commission

Table Notes:

1. Notice Contents: List of contents if paraphrased: see Commission's Regulations for complete explanation of each item Sections 13565 – 13568, and 13571).
2. First Class Mail: The Commission has indicated a willingness to allow hand delivery of notice to residents within 100 feet of the project boundary in rural jurisdictions where it is often difficult to identify these residents. If the applicant delivers these notices, local governments would need an affidavit or other proof of delivery.
3. Interested Persons: All persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction.
4. Nearby owners and residents: Measure as distance from perimeter of parcel on which development is proposed.
5. Notice by posting or newspaper: Required in addition to notice by first class mail. If the Planning Commission conducts the hearing on a non-appealable development, notice must be published in a newspaper of general circulation; otherwise, notice must be posted in at least three public places in the jurisdiction.
6. Notice of Final Action: Notice is provided within 5 working days of action for interim permit authority decisions.
7. Requesting Persons: All persons who have requested notice of final local action on the proposed development. A local government can charge a fee for this service or require these persons to supply stamped, self-addressed envelopes.
8. Failure to Act: The 7-day notice period begins on the date that the local government determines (after required public notice) that the time limits established pursuant to the Permit Streamlining Act have expired.

**APPENDIX C-1:
SAMPLES OF COASTAL PERMIT APPLICATIONS**

**APPENDIX C-2:
SAMPLE NOTICE OF PUBLIC HEARING ON COASTAL PERMIT**

APPENDIX C-3:

SAMPLE NOTICE OF PENDING ACTION ON COASTAL PERMIT

**APPENDIX C-4:
SAMPLE NOTICE OF FINAL ACTION**

APPENDIX D: LCP AMENDMENT SUBMITTAL CHECK LIST

The California Code of Regulations (14 Cal. Admin. Code; Sections 13551 & 13552) and the Coastal Act (Public Resources Code) identify the required contents of an LCP Amendment submittal. The following checklist outlines general information but the requirements of the statute and regulations take precedence:

(1) A resolution adopted and dated by the Board of Supervisors or City Council after a public hearing (P.R.C. Section 30510(a)):

- Indicating that the local government intends to carry out the LCP in a manner fully consistent with the California Coastal Act.
- Indicating when it will take effect (automatically upon Commission approval or requiring formal local action after Commission approval).

(2) A clear, reproducible copy of adopted amendment(s). For example,

- If additional text, an indication of where it fits into the previously certified document (e.g. insert as p. 20a between pp. 20 and 21 as policy number ___).
- If revision to certified text, submit either with strikeouts and underlines or with indication of what policies, paragraph(s) or page(s) it replaces.
- If map changes, submit a new (replacement) map or submit a supplemental map with indication that previously adopted map is to be superseded by the supplement for the specific geographic area indicated (13552(b), (c)).

(3) Discussion of the amendment's relationship to and effect on other sections of the previously certified LCP, including the access component. (Amendments that affect areas between the first public road and the sea should pay particular attention to discussing the amendment's effect on the access component.) If the amendment to a certified LCP involves a land use plan (LUP) change only, an indication of which certified zoning provision(s) carries it out. If the amendment involves a zoning change only, an indication of which certified land use plan provision(s) it carries out (13552(c) and (f)).

(4) If the amendment is to the land use plan only (there is no certified Implementation Plan), an indication of the zoning measures that will be submitted to carry out the amendment.

(5) An analysis that meets the requirements of Section 13511 of the California Code of Regulations (Common Methodology) or an approved alternative pursuant to Section 13514(Alternative Methodology) and that demonstrates conformity with Chapter 6 of the Coastal Act (Implementation). For example: if the amendment involves a change in density or public service provision, an analysis of potentially significant adverse cumulative impacts on coastal resources and access, due to the change, and how the change can be found consistent with the policies of Chapter 3 and 6 of the California Coastal Act. The information provided in satisfaction of this requirement must be sufficient to allow the Commission to reasonably judge the amendment's consistency with Coastal Act resource protection policies.

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

(7) 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. For example this might include such things as biological studies, traffic studies, geotechnical reports, slope analyses and other documents.

(7) A summary of the measures taken to ensure public and agency participation.
Include:

- A list of hearing dates, sample notice, and mailing list.
- Evidence of noticing the amendment, at a minimum, to the following: any member of the public who has so requested; each local government contiguous to the jurisdiction that is proposing the amendment; local governments, special districts, or port and harbor districts that could be directly affected by, or whose development plans should be considered in, the amendment; regional, state and federal agencies that may have an interested in or be affected by the amendment; local libraries and media.
- Names and addresses of all hearing participants (written and verbal) and commenters.
- Copies or summaries of significant comments received at the local hearing and any response to comments by the local government.

(8) All local staff reports and other information addressing the LUP amendment request's consistency with the Coastal Act, and/or the adequacy of the implementation program, as amended, to conform with and to carry out the certified LUP. (P.R.C. Sections 30512 and 30513)

Appendix E: Focus on Enforcement Program

*Excerpt (revised) from Coastal Currents Issue #6
Volume 2, Issue #6
December 2001*

In 1981, the Commission's legal division established a statewide coastal development permit (CDP) enforcement program to address unpermitted development and development undertaken inconsistent with the terms and conditions of previously issued coastal permits. A full-time program coordinator was assigned to the program in 1985, along with several part-time district officers and a part-time staff counsel. However, due to lack of funding and available staff, the program languished through the 1980's, and it wasn't until 1991 that former Governor Wilson added more positions to the budget.

The legislature has strengthened the enforcement provisions of the Coastal Act during the past decade by giving the Commission the power to issue cease and desist and restoration orders, and has increased the act's penalty provisions significantly, reflecting the rise in land values and creating a disincentive to would-be violators of permit requirements. Cease and desist orders are used by the Commission to halt ongoing violations and to force developers to comply with the permit process; restoration orders are used to bring about the removal of unpermitted development and/or restoration of damaged coastal resources. Cease and desist and restoration orders are perhaps the most important enforcement tools available to the Commission. These orders are quasi-adjudicative matters before the Commission, and have been quite effective in deterring and stopping illegal development activities in the coastal zone.

Between 1996 and 1999, the Commission's open violation caseload increased by 96%, creating a critical need for additional staff. Last year's expansion brought the number of permanent enforcement staff up from five to 14. The new enforcement staff includes six district enforcement officers, who strive to resolve violations without formal administrative action, and four headquarters enforcement officers, who prepare cease and desist orders and restoration orders. The officers are tackling the existing backlog of open cases as well as responding to new violations. In addition, the officers work with local governments, attending local task force meetings and coordinating strategies on cases that span permit jurisdictions.

The mission of the Commission's enforcement program is to protect coastal resources by assuring that development is properly permitted, and that all terms and conditions of coastal development permits are satisfied. To achieve this mission, the enforcement program seeks to respond quickly and effectively to significant violations of the Coastal Act's permit requirements; to obtain timely restoration of coastal resources that have been damaged by violations; to reduce the incidence of significant Coastal Act violations through effective deterrence; and to establish a systematic inspection program. Expansion of the program has enabled the Commission to work toward these enforcement goals in a comprehensive fashion.