

**CALIFORNIA COASTAL COMMISSION**

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**15-DAY NOTICE OF REVISIONS TO  
PROPOSED REGULATIONS**

**(Prepared for comment period commencing  
January 23, 2008 and ending February 7, 2008)**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the California Coastal Commission is providing notice of changes made to proposed regulation amendments regarding filing fees. The Notice of Proposed Rulemaking for the originally proposed amendments was published in the Office of Administrative Law's California Notice Register on September 14, 2007 (See Register 2007, No. 37-Z). The 45-day comment period for the amendments began on September 14, 2007 and ended on October 29, 2007. The Commission first revised the amendments for a comment period beginning October 30, 2007 and ending November 13, 2007.

Commission staff is now proposing a second set of revisions to the regulations. These include revisions to the text of subsection 13055(h)(2) and 13055(h)(3), as well as revisions to the Statement of Reasons. These revisions will be considered by the Commission, and may be adopted, at its February 8, 2008 meeting. The revisions are substantially related to the originally proposed text, and are therefore being provided for public comment for 15 days, prior to the adoption of the amendments. **The public comment period for these revisions begins on January 23, 2008 and will end on February 7, 2008.**

**Written comments must be received by the Commission no later than 5 p.m. on February 7, 2008. Comments should be addressed to: CALIFORNIA COASTAL COMMISSION, 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA 95060-4508, ATTN: Madeline Cavalieri. Comments may also be submitted by fax to (831) 427-4877 or by e-mail to [mcavalieri@coastal.ca.gov](mailto:mcavalieri@coastal.ca.gov). For further information please contact Madeline Cavalieri at (831) 427-4863.**

All written comments received by February 7, 2008, which pertain to the indicated changes will be reviewed and responded to by the Commission's staff as part of the compilation of the rulemaking file. **Please limit your comments to the revisions.**

The revisions to the text of section 13055 are described in detail below. The entire text of the proposed regulations is attached as Exhibits A through E. **Originally proposed amendments are shown in strikeout and underline, the first revisions are shown in double strikeout and double underline, and the second revisions are shown in double strikeout and italics and double underline and italics.**

Revisions to the Statement of Reasons are described below, and attached as Exhibit F. **Revisions are shown in strikeout and underline.**

## *15-Day Notice of Revisions to Text of Proposed Regulations*

### **Revisions to 13055(h)(2)**

Commission staff has revised section 13055(h)(2) to increase clarity. Commission staff has replaced the word “may” with “shall” in the first sentence. This reflects the Commission’s intent to offer the discount to all qualifying applicants. Commission staff has also added the following language about the types of criteria that the executive director will use to determine the portion of the fee to be waived:

“Applications for projects that will create a greater public benefit will have a larger portion of the fee waived than applications for projects that will create a lesser public benefit. The executive director will determine the degree of public benefit based on a variety of factors, including, but not limited to (A) the total number of affordable units, (B) the proportion of affordable units in the development, (C) the degree of affordability, and (D) the availability of, and demand for, affordable units in the area. Applications for projects that will exceed current requirements for affordable housing under the law will receive a larger fee waiver than applications for projects which do not.”

These criteria are not exclusive; the executive director may use additional criteria to determine the portion of the fee to be waived.

### **Revisions to 13055(h)(3)**

Commission staff has revised section 13055(h)(3) to increase clarity. Commission staff has replaced the word “may” with “shall” in the first sentence. This reflects the Commission’s intent to offer the discount to all qualifying applicants. Commission staff has also added the following language to clarify how the executive director will determine if an alternative green building certification is equivalent to the LEED Gold standard:

“The executive director shall determine if an alternative certification is equivalent to the LEED Gold standard based on a comprehensive review of the certification program’s ability to ensure an equivalent or greater environmental benefit.”

### **Revisions to the Statement of Reasons**

Commission staff has revised the Statement of Reasons to include a more detailed description of the analysis used to determine the appropriate fee amounts for each category. The revision also adds an exhibit displaying the estimated filing fee revenue. This exhibit illustrates the relationship between the individual fees and the sum of the filing fee revenue. The revisions are shown in strikeout and underline.