

CALIFORNIA COASTAL COMMISSION

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INITIAL STATEMENT OF REASONS FOR PROPOSED AMENDMENT AND REPEAL OF PORTIONS OF THE CALIFORNIA COASTAL COMMISSION'S PERMIT REGULATIONS

**(Prepared for comment period commencing
February 20, 1998 and ending April 9, 1998)**

The California Coastal Commission is proposing to amend and repeal various sections of the Commission's regulations in Chapters 5 and 6 of Division 5.5 of Title 14 of the California Code of Regulations. These chapters encompass coastal development permit regulations and coastal development permit exclusions respectively.

The proposed regulatory action would affect staff processing of permit applications, Commission hearing and voting procedures, applicant and permittee requirements, and permit exclusions. The proposed regulatory action consists largely of limited modifications to existing coastal development permit regulations. The primary objectives of the proposed action are to clarify ambiguities, eliminate repetitive and outdated provisions, reorganize for clarity, streamline certain processes, and implement requirements of other statutes, such as the Permit Streamlining Act. The amendments would reorganize sections governing procedures for staff processing of permits and for Commission action on permits in order to provide more understandable, streamlined processes. For example, sections covering treatment of written public comments that are currently scattered throughout the regulations would be combined into one section. Similarly, various sections addressing Commission review of staff recommendations would be combined into one section governing the Commission's vote on staff recommendations. In addition, redundant procedures would be eliminated. For example, the regulations regarding staff preparation of application summaries would be incorporated into the regulations regarding staff preparation of staff reports.

The majority of the regulations governing applicant and permittee requirements and permit exclusions would be amended to clarify a number of ambiguities that have become apparent during implementation of the regulations. For example, the revisions would clarify that permit amendments are subject to the same information filing requirements as permit applications, and that approved permits can be extended even if they have not been issued. Clarification of the ambiguities would make the regulations easier for applicants to understand and would save staff time. Several of the proposed revisions introduce new streamlining measures that would save time for applicants. For example, currently minor amendment and extension applications that qualify for administrative approval are required to be referred to the Commission for hearing if a member of the public objects to administrative approval of the application. The revisions would allow such applications to be approved administratively despite receipt of an objection if the

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When Local Applications Must Be Made First - Ch. 5, Subch. 1, Art. 1				
AMEND 13052	This section prohibits the executive director from accepting a permit application unless all local and state agencies that are also required to approve the project have granted preliminary approval. This section also lists those documents that can be accepted as evidence of preliminary approval.	The proposed revision would indicate that there are exceptions to the preliminary approval requirement.	The purpose of the proposed revision is to indicate that the requirement for preliminary approval is not absolute because Govt. Code § 65941 (the Permit Streamlining Act) requires agencies to begin processing permit applications without approval of other agencies under certain narrow circumstances.	1
AMEND 13053	This section allows the executive director to waive the requirement for preliminary state and local government approvals under four circumstances.	The proposed revision would require that the executive director accept an application without preliminary approvals when required to do so pursuant to Govt. Code § 65941.	The purpose of the proposed revision is to implement Govt. Code § 65941 (the Permit Streamlining Act), which requires agencies to begin processing permit applications without approval of other agencies under certain narrow circumstances.	2
Application for Permit - Ch. 5, Subch. 1, Art. 2				
AMEND 13053.4	This section requires applicants to combine functionally related development in a single permit application. This section also prevents the commission from considering a permit amendment before a permit is “final.”	The proposed revision would clarify the commission’s authority to consider permit amendments by eliminating the language that prohibits the executive director from accepting a permit amendment before the permit is “final.”	The purpose of the proposed revision is to eliminate confusion over whether a permit becomes “final” at the time that it is approved or the time that it is issued. The revision would also eliminate redundancy in the regulations, since §§ 13164-13166 address permit amendments (they allow consideration of permit amendments after a permit has been approved, regardless of whether the permit has been issued).	2
AMEND 13053.5	This section lists the information that applicants must submit in a permit application.	The proposed revision would clarify that 8 x 11 inch copies of full size maps, photographs, and other exhibits are required in addition to full-size versions.	The purpose of the proposed revision is to insure applicants understand that the requirement for 8 x 11 inch versions is in addition to, not instead of, the requirement for full size (or scaled) versions (full size is needed for analysis, small versions are needed for distribution with staff reports).	2

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Applicant's Notice Requirements - Ch. 5, Subch. 1, Art. 3				
<p>AMEND 13054</p>	<p>This section requires applicants to submit stamped, addressed envelopes for use by the executive director to provide notice of the permit application to people who live or own property within 100 feet of the parcel on which development is proposed. This section also requires applicants to post notice of their permit application at the site of the proposed development.</p>	<p>1) The proposed revision would clarify the subject of this section by changing the heading from "Notification Requirements" to "Identification of Interested Persons/Submission of Envelopes/Posting of Site."</p>	<p>1) The purpose of the proposed revision is to clarify the distinction between this section and § 13063. This section identifies the applicant's obligations with respect to noticing interested persons of a permit application. Section 13063 identifies the executive director's obligations. The applicant must identify interested persons, provide envelopes for those persons, and post the site, while the executive director must mail the notice to persons identified by the applicant as well as others known by the executive director to have an interest in the application.</p>	<p>3-4</p>
		<p>2) The proposed revision would require that applicants provide stamped, addressed envelopes for those persons who testified at local hearings on the proposed development.</p>	<p>2) The purpose of the proposed revision is to require that the applicant, not the executive director, identify those persons who testified at local hearings. The executive director is required to provide notice of a hearing on a permit application to interested persons pursuant to § 13063. Interested persons include those who testified at local government hearings. The applicant is in a better position to identify people who testified at the local hearing and should bear the cost of notifying those people of the permit application.</p>	<p>3-4</p>
		<p>3) The proposed revision would clarify that the term "parcel", in the requirement to identify persons residing and owning property within 100 feet of the parcel on</p>	<p>3) The purpose of the proposed revision is to eliminate ambiguity over whether the 100 feet is measured from the boundary of the subdivided lot on which development is proposed or from the</p>	<p>3-4</p>

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		<p>which development will occur, means a parcel of real property of record (<u>i.e.</u>, a legally subdivided lot).</p> <p>4) The proposed revision would require that roads be excluded when identifying property within 100 feet of the parcel on which development will occur.</p> <p>5) The proposed revision would require applicants to use the most recent equalized assessment roll to identify persons who own land within 100 feet of the parcel on which development is proposed.</p> <p>6) The proposed revision would require applicants to provide an additional set of addressed, stamped envelopes if a hearing is postponed at an applicant's request after the executive director has mailed notice of the hearing to interested persons.</p>	<p>boundary of the tax assessor's parcel on which development is proposed. The 100 feet should be measured from the boundary of the subdivided lot because this would be consistent with other references to parcels of real property of record in § 13054.</p> <p>4) The purpose of the proposed revision is to eliminate the reduction in notice that occurs when a wide road separates the project from the nearby residences.</p> <p>5) The purpose of the proposed revision is to reduce the possibility for inadequate notice by insuring that applicants use the most recent and most reliable data to develop the list of nearby land owners.</p> <p>6) The purpose of the proposed revision is to reduce the burden to the commission that results when an applicant requests and obtains postponement of a hearing. The executive director is required to mail notice of a hearing to interested persons, which include those residing or owning property within 100 feet of the parcel on which development is proposed. If the applicant requests postponement, the applicant should assume the cost of mailing another set of notices.</p>	<p>3-4</p> <p>3-4</p> <p>3-4</p>

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		<p>7) The proposed revision would require that of the three factors to be considered in choosing a location for posting notice, the first two factors, conspicuousness and easily read by the public be given greater emphasis than the third factor, proximity to the site of the proposed development.</p>	<p>7) The purpose of the proposed revision is to reflect that the first two factors have a greater impact on the public’s ability to read the posted notice than the third factor.</p>	<p>3-4</p>
<p>Schedule of Fees for Filing and Processing Permit Applications - Ch. 5, Subch. 1, Art. 4</p>				
<p>AMEND 13055</p>	<p>This section requires permit applicants to pay an application fee at the time of filing a permit application. The application fees for residential development are based upon size of homes, number of homes, and amount of grading involved. The fees for office, commercial, convention, and industrial development vary depending upon the square footage or project cost of the proposed development. This section also establishes flat fees for permit applications that qualify for the administrative and consent calendars.</p>	<p>1) The proposed revision would subject consent calendar permit applications to the same fee as regular calendar permit applications.</p> <p>2) The proposed revision would clarify that the grading fee that applies to applications for residential development applies to all such applications (<i>i.e.</i>, multi-family, etc.), not just those for single family residences.</p>	<p>1) The purpose of the proposed revision is to reflect that the permit applications heard on the consent calendar frequently involve a level of staff effort and time that is similar to that of regular calendar applications. The consent calendar provides a useful streamlining measure for complex, significant applications as well as applications for minor development. Therefore, instead of restricting the consent calendar to minor applications, the fee for consent calendar items should be raised to regular calendar levels. (The regular calendar fee for small office/commercial projects is proposed to be reduced, see below.)</p> <p>2) The purpose of the proposed revision is to eliminate ambiguity in the current regulations over whether the grading fee applies only to single family residences. The regulations have been interpreted as requiring the grading fee for all residential projects. Grading increases the project</p>	<p>4-7</p> <p>4-7</p>

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		<p>3) The proposed revision would eliminate the requirement that the grading fee be increased by \$5 for each 1000 cubic yards of grading above 75 cubic yards.</p> <p>4) The proposed revision would separate the identification of those fees for office, commercial, convention, and industrial projects that are based on square footage of the proposed project from those fees for office, commercial, etc. that are based on the cost of the proposed project.</p> <p>5) The proposed revision would clarify the fees that would apply to projects that have a project cost or square footage that does not fall within the dollar ranges currently specified.</p> <p>6) The proposed revision would require the fee for a project that consists of a change in intensity of use to be based upon project cost, not square footage.</p>	<p>impacts that must be evaluated and therefore requires additional staff time for analysis.</p> <p>3) The purpose of the proposed revision is to eliminate confusion as to whether the \$5 fee is imposed for grading increments of less than 1000 cubic yards. Because the additional \$5 is nominal, the confusion is best eliminated by deletion of the requirement.</p> <p>4) The purpose of the proposed revision is to make the regulation easier for applicants to read and understand.</p> <p>5) The purpose of the proposed revision is to avoid ambiguity as to which fee applies to a project that has a square footage or project cost that does not fall within the dollar ranges currently specified.</p> <p>6) The purpose of the proposed revision is to eliminate ambiguity over whether the fee for a development consisting of a change in intensity of use (such as installing volleyball nets on the beach or converting retail space to restaurant) should be charged a fee based upon square footage or</p>	<p>4-7</p> <p>4-7</p> <p>4-7</p> <p>4-7</p>

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		<p>7) The proposed revision would require applicants for nonresidential projects that involve construction of 1000 square feet or less to pay a \$500 fee rather than the current \$1000 fee.</p> <p>8) The proposed revision would subject material amendments to a fee of 50% of the fee that would apply if the underlying permit were applied for today (rather than the current fee of 50% of the original fee paid).</p> <p>9) The proposed revision would establish a \$500 fee for temporary events that qualify for the consent or regular calendar and a \$200 fee for those that qualify for the administrative calendar.</p>	<p>project cost. The fee is more appropriately based upon project cost because there may be no <u>new</u> square footage and/or the actual square footage may be difficult to quantify.</p> <p>7) The purpose of the proposed revision is to account for elimination of the reduced fee for consent calendar permits. Non-residential projects involving construction of 1000 square feet or less are likely to require less staff time and effort than larger projects.</p> <p>8) The purpose of the proposed revision is to eliminate the inequity that results from the current requirement that material amendments be subject to a fee of 50% of their original permit fee. Fees were increased in 1991, and thus permittees who obtained permits prior to 1991 pay much lower amendment fees than those who obtained permits after 1991. Further, charging a fee for processing an amendment scaled to the fee schedules in use up to 21 years ago results in some fees that do not reflect the level of staff time involved in reviewing a material amendment.</p> <p>9) The purpose of the proposed revision is to insure that fees for temporary events are calculated consistently. The fee for a temporary event can be difficult to determine since such events tend to lack an identifiable square footage yet the scope of costs to be considered in</p>	<p>4-7</p> <p>4-7</p> <p>4-7</p>

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		<p>10) The proposed revision would clarify that the fee for an application that includes both subdivision and construction of homes is based upon the fee that would apply if the application consisted solely of an application for construction of homes, with no extra fee for subdivision.</p> <p>11) The proposed revision would require that the fee for applications that propose different types of development (<u>i.e.</u>, residential/ commercial or residential/office, etc.) be based upon the sum of fees that would be imposed if each development were applied for separately, with a total cap of \$20,000.</p> <p>12) The proposed revision would clarify that applications that are filed as administrative permits but are subsequently heard on the regular calendar are subject to regular, not</p>	<p>identifying the project costs is unclear.</p> <p>10) The purpose of the proposed revision is to eliminate the current ambiguity over whether the fee for a joint subdivision/construction project is based on construction of just one home, and whether the fee includes the grading fee that applies to applications for residential development. The fee would be based solely upon the residential fee because impacts of subdivision are likely to be closely related to impacts of residential development.</p> <p>11) The purpose of the proposed revision is to eliminate the current ambiguity over how the application fee is calculated for those applications that propose both commercial and residential development. The fee should be based upon the sum of fees for each development because of the additional staff time and effort involved in processing the application. However, given that the maximum fee based upon project cost is \$20,000, the total maximum fee for these types of applications should also be \$20,000.</p> <p>12) The purpose of the proposed revision is to conform the fee regulation to the administrative permit regulations, which provide that applications filed as administrative but subsequently heard on the regular calendar are subject to a fee increase. The revision provides</p>	<p>4-7</p> <p>4-7</p> <p>4-7</p>

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		administrative fees. The proposed revision would authorize the commission to collect the additional fee owed in such cases before scheduling the application for hearing or through a condition of approval of the permit.	the commission with means to collect the additional fee.	
Determinations Concerning Filing - Ch. 5, Subch. 1, Art. 5				
AMEND 13056	This section governs executive director time limits and action on filing decisions and requires that such decisions are made no later than five working days after the date filing information is received.	1) The proposed revision would extend the time limit on filing decisions from 5 working days to 10 working days, if feasible, but in no event later than 30 calendar days after the date the filing information is received.	1) The purpose of the proposed revision is to require the executive director to determine whether an application is complete consistent with Permit Streamlining Act requirements but allow the executive director to make that determination earlier if feasible.	8
		2) The proposed revision would specify the actions that will be taken by the executive director when the executive director determines that an application is either complete or incomplete.	2) The purpose of the proposed revision is to clarify how filing determinations will proceed consistent with the provisions of the Permit Streamlining Act.	8
		3) The proposed revision would provide applicants with the ability to appeal the executive director's filing decisions to the commission.	3) The purpose of the proposed revision is to provide a procedure for applicants to appeal the executive director's filing decision consistent with the Permit Streamlining Act.	8
Reapplication - Ch. 5, Subch. 1, Art. 17				
AMEND & RENUM. 13109	This section limits an applicant from reapplying for substantially the same development for a period of six months from the date of the prior final decision.	1) The proposed revision would renumber this section to § 13056.1 so that this section, governing reapplication, would immediately follow the section governing processing of applications.	1) The purpose of the proposed revision is to improve the clarity of the regulations by providing the procedures for application and reapplication in the same article. Section 13109 is proposed to be renumbered to follow § 13056 because like §	9

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to 13056.1		<p>2) The proposed revision would add a six-month limitation on reapplication following a withdrawal as well as a final decision.</p> <p>3) The proposed revision would extend the time period in which the executive director determines whether the application is “for substantially the same development” from 5 working days to 10 working days, if feasible, but in no event later than 30 calendar days and would specify how that determination affects the filing of the application.</p> <p>4) The proposed revision would specify the applicant’s ability to appeal the executive director’s determination on reapplication to the commission in the same manner provided in § 13056.</p> <p>5) The proposed revision would remove the reference allowing the executive director to waive preliminary local approval, a provision that is also reflected in § 13053.</p>	<p>13056, this section addresses the filing of applications</p> <p>2) The purpose of the proposed revision is to eliminate the potential for repeated attempts to receive approval for substantially the same development, thereby increasing the processing efficiency of the commission and the commission staff.</p> <p>3) The purpose of the proposed revision is to ensure that the decision on reapplication is made within the same filing determination period set forth in revised § 13056 and consistent with the requirements of the Permit Streamlining Act.</p> <p>4) The purpose of the proposed revision is to provide a procedure for applicants to appeal the executive director’s determination on reapplication consistent with the filing determination procedures provided in revised § 13056.</p> <p>5) The purpose of the proposed revision is to eliminate unnecessary duplicative references.</p>	<p>9</p> <p>9</p> <p>9</p> <p>9</p>

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		<p>6) The proposed revision would delete the reference to Public Resources Code § 30621 within the text of the regulation.</p> <p>7) The proposed revision would provide the executive director with the ability to waive limitations on reapplication for good cause.</p>	<p>6) The purpose of the proposed revision is to eliminate unnecessary statutory references and instead incorporate procedures which consistently implement the statutory reference.</p> <p>7) The purpose of the proposed revision is to allow a waiver by the executive director of the reapplication limitation for good cause. Allowing the executive director to waive the limitation would eliminate the need for an applicant to wait for such a determination by the commission at a monthly commission hearing.</p>	<p>9</p> <p>10</p>
Staff Reports - Ch. 5, Subch. 1, Art. 6				
<p>AMEND 13057</p>	<p>This section details the content of application summaries required to be prepared by the executive director as part of the application review process.</p>	<p>1) The proposed revision would incorporate into this section requirements currently found in §§ 13073 and 13075, which would be repealed. The proposed revision would combine the contents of application summaries specified in this section with the analysis and contents of final staff recommendations contained in §§ 13073 and 13075. The proposed revision would retain the ability of the executive director to first prepare a partial staff report rather than a final staff recommendation.</p>	<p>1) The purpose of the proposed revision is to eliminate outdated procedures designed to implement a two-step hearing structure that previously existed when the commission met twice a month; the proposed revision combining the contents of application summaries and final staff recommendations would more accurately reflect a hearing process in which the commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in commission permit proceedings.</p>	<p>10-11</p>

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		<p>2) The proposed revision would retitle the combined application summary and final staff recommendation as a “staff report”.</p>	<p>The proposed revision would retain the ability of the executive director to provide a staff recommendation after public comment and commission discussion where such discussion would facilitate preparation of the staff recommendation.</p> <p>2) The purpose of the proposed revision is to utilize the term used by the commission, the staff and the public to describe the combined application summary and final recommendation.</p>	<p>10-11</p>
<p>AMEND 13058</p>	<p>This section governs consolidation of two or more legally or factually related applications by the executive director.</p>	<p>1) The proposed revision would allow the commission as well as the executive director to consolidate a public hearing.</p> <p>2) The proposed revision would eliminate the need for the applicant to demonstrate that consolidation would inhibit the commission’s review.</p> <p>3) The proposed revision would delete the reference to Public Resources Code § 30621 within the text of the regulation.</p>	<p>1) The purpose of the proposed revision is to increase administrative efficiency by providing the commission with the express ability to consolidate hearings on its own rather than rule on whether consolidation of public hearings by the executive director is appropriate.</p> <p>2) The purpose of the proposed revision is to increase administrative efficiency by allowing a public hearing to be consolidated where consolidation would enhance the commission’s review, rather than unless the applicant demonstrates consolidation would inhibit the commission’s review.</p> <p>3) The purpose of the proposed revision is to eliminate unnecessary statutory references and instead incorporate procedures which consistently implement the statutory reference.</p>	<p>12</p> <p>12</p> <p>12</p>
<p>AMEND</p>	<p>This section requires that the application</p>	<p>1) The proposed revision would clarify</p>	<p>1) The purpose of the proposed revision is to</p>	<p>12</p>

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13059	summary (which is, effectively, contained within the staff report) be distributed to interested persons within a reasonable period of time.	that unlike the notice of application sent to all known interested parties, the staff report itself would be automatically mailed only to persons who specifically requested it.	increase administrative efficiency by eliminating the need to distribute staff reports to persons who are not interested in receiving them.	
		2) The proposed revision would provide a procedure to notify known interested persons of the need to request staff reports.	2) The purpose of the proposed revision is to ensure that staff reports are distributed to those who are interested in receiving them.	12
		3) The proposed revision would incorporate into this section requirements currently found in § 13076, which would be repealed. The proposed revision would combine the procedure for distribution of application summaries in § 13059 with the procedure for distribution of final staff recommendations in § 13076.	3) The purpose of the proposed revision is to eliminate outdated procedures that were designed to implement a two-step hearing structure that previously existed when the commission met twice a month; the proposed revision combining the distribution of application summaries and final staff recommendations would more accurately reflect a hearing process in which the commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in commission permit proceedings. The proposed revision would retain the ability of the executive director to provide a staff recommendation after public comment and commission discussion where such discussion would facilitate preparation of the staff recommendation.	12

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		<p>4) The proposed revision would retitle the combined application summary and final staff recommendation as a “staff report”.</p> <p>5) The proposed revision would eliminate the reference to “extensive duplicating costs.” The proposed revision would allow the commission to recover from interested persons direct copying costs, regardless whether extensive duplicating costs are involved.</p> <p>6) The proposed revision would eliminate the reference to “extensive mailing costs.” The proposed revision would no longer allow reimbursement of extensive mailing costs, instead relying on the existing ability to require self-addressed stamped envelopes.</p>	<p>4) The purpose of the proposed revision is to utilize the term used by the commission, the staff and the public to describe the combined application summary and staff recommendation.</p> <p>5) The purpose of the proposed revision allowing for reimbursement from interested persons of direct costs of duplication is to conform the regulation to the Coastal Act and the Public Records Act.</p> <p>6) The proposed revision would improve clarity by eliminating duplicative and ambiguous references regarding recovery of mailing costs.</p>	<p>12</p> <p>12</p> <p>12</p>
Public Comments on Applications - Ch. 5, Subch. 1, Art. 7				
<p>AMEND 13060</p>	<p>This section governs reproduction & distribution of relevant communications concerning applications which are received before the hearing and any time prior to the vote.</p>	<p>1) The proposed revision would incorporate the provisions of §§ 13074 and 13077, also governing treatment of written public comments, into this section. Sections 13074 and 13077 would then be proposed for repeal.</p>	<p>1) The purpose of the proposed revision is to improve the clarity of the regulations addressing the treatment of written communications by providing for the treatment of such communications in one regulation. The proposed revision would also eliminate duplication and ambiguity.</p>	<p>13</p>

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		2) The proposed revision would clarify the procedure applicable to the receipt of written communications on the day of the hearing.	2) The purpose of the proposed revision is to increase administrative efficiency and eliminate potential confusion.	13
REPEAL 13061	This section governs reproduction of sizable number of similar communications received.	The proposed revision would incorporate the provisions of this section into § 13060. This section would then be proposed for repeal.	The purpose of the proposed revision is to eliminate confusion and redundancy by providing for the treatment of written communications in one regulation.	13

Hearing Dates - Ch. 5, Subch. 1, Art. 8

AMEND 13063	This section relates to the notice of hearing to be provided by the executive director to applicants or interested persons.	1) The proposed revision would require that hearing notice be mailed by first class mail no later than 10 calendar days prior to the date of the hearing.	1) The purpose of the proposed revision is to conform the regulation to Open Meetings Act requirements.	14
		2) The proposed revision would specify all types of known interested persons who shall receive notice.	2) The purpose of the proposed revision is to clarify who are considered known interested persons under the regulation.	14
		3) The proposed revision would clarify that distribution of staff reports are governed by § 13059.	3) The purpose of the proposed revision is to assist the public in understanding the difference between the distribution of staff reports and the distribution of hearing notices.	14
		4) The proposed revision would provide the executive director with the ability, on a case by cases basis, to direct the applicant to substitute newspaper notice for written notice to each interested person other than those who have specifically requested notice.	4) The purpose of the proposed revision is to provide a means to notify interested members of the public about commission hearings on projects by newspaper when the administrative burdens of mailing individual notice are unreasonably burdensome. The purpose of the proposed revision is to increase administrative efficiency without affecting the notice to be provided to	14-15

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		<p>5) The proposed revision would specify the two factors that the executive director shall consider in determining whether to substitute newspaper notice: (1) adequate or better notice to interested person through publication and (2) written notice to individuals would be unreasonably burdensome given the project type and cost.</p> <p>6) The proposed revision would clarify that more than one hearing notice need not be provided.</p>	<p>persons who specifically request notice and consistent with § 13054(a). The proposed revision would also benefit applicants who, in situations in which newspaper notice is substituted, would no longer need to provide self-addressed stamped envelopes.</p> <p>5) The purpose of the proposed revision is to limit the substitution of newspaper notice to those circumstances in which adequate or better notice will be provided to interested persons <u>and</u> individual written notice would be costly. Limiting the substitution to these identified circumstances will increase administrative efficiency while ensuring that adequate or better notice will be provided to interested parties.</p> <p>6) The purpose of the proposed revision is to eliminate duplicative hearing notice requirements.</p>	<p>14-15</p> <p>15</p>
Oral Hearing Procedures - Ch. 5, Subch. 1, Art. 9				
<p>AMEND 13066</p>	<p>This section governs the order of proceedings on a permit application.</p>	<p>1) The proposed revision would incorporate the provisions of § 13084, governing the procedures for presentations, into § 13066, governing the order of proceedings. Section 13084 would then be proposed for repeal.</p> <p>2) The proposed revision would clarify that public testimony is only one part of the public hearing and provide an order</p>	<p>1) The purpose of the proposed revision is to improve the clarity of the regulations governing proceedings by providing for the treatment of all aspects of a proceeding in one regulation. The proposed revision would also eliminate duplication and ambiguity.</p> <p>2) The purpose of the proposed revision is to more clearly identify how each portion of the hearing relates to the other, thereby increasing the</p>	<p>15-16</p> <p>15-16</p>

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		<p>for all parts of the public hearing, including the public testimony portion.</p> <p>3) The proposed revision would delete references to sections of the regulations which have been repealed.</p>	<p>ability of members of the public to participate effectively.</p> <p>3) The purpose of the proposed revision is to eliminate confusion caused by references to sections that no longer exist.</p>	15-16
<p>AMEND 13067</p>	<p>This section addresses speaker’s presentations.</p>	<p>The proposed revision would incorporate the provisions of § 13068 into this section. Section 13068 would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to improve the clarity of the regulations addressing speaker’s presentations by providing for the treatment of such presentations in one regulation, thereby making it easier for affected members of the public to identify and understand all procedures that affect them in making presentations to the commission.</p>	17
<p>REPEAL 13068</p>	<p>This section also addresses speaker’s presentations.</p>	<p>The proposed revision would incorporate the provisions of this section into § 13067. This section would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to improve the clarity of the regulations addressing speaker’s presentations by providing for the treatment of such presentations in one regulation, thereby making it easier for members of the public to determine the requirements that apply to them in making their presentations to the commission.</p>	17
<p>Additional Hearings, Withdrawal and Off-Calendar Items, Amended Applications - Ch. 5, Subch. 1, Art. 11</p>				
<p>AMEND 13070</p>	<p>This section addresses the commission’s ability to continue public hearings to a subsequent meeting.</p>	<p>The proposed revision would add a provision which specifies that the executive director shall provide notice of a meeting that has been continued to a subsequent time consistent with the provisions of § 13063.</p>	<p>The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner so as to maximize public participation.</p>	18
<p>AMEND</p>	<p>This section provides for the withdrawal of applications before commission action</p>	<p>The proposed revision would revise a cross-reference from § 13109 to §</p>	<p>The purpose of the proposed revision is to maintain internal consistency between the</p>	18

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13071	on the application.	13056.1, the section number it is proposed to be revised to.	regulations.	
AMEND 13072	This section provides hearing procedures for applications that are proposed to be amended in a material manner before commission action.	<p>1) The proposed revision would clarify and distinguish procedures for commission consideration of proposed material amendments to a pending application made prior to and at a public hearing.</p> <p>2) The proposed revision would eliminate the requirement that an applicant agree to extend the final date for public hearing “not more than 49 days from the date of such amendment.”</p>	<p>1) The purpose of the proposed revision is to improve the clarity of the existing regulations by distinguishing material amendments made prior to rather than at a public hearing. It is necessary to clarify and distinguish these procedures because although adequate public notice is required in either case, no staff report may have been generated for a material amendment made prior to a public hearing. In addition, unlike a material amendment proposed at a public hearing, material amendments proposed prior to a public hearing require an applicant to agree to extend the final date for public hearing.</p> <p>2) The purpose of the proposed revision is to eliminate a 49-day time constraint that would not be applicable to amended applications under either the Permit Streamlining Act or the Coastal Act, thereby avoiding confusion and ambiguity.</p>	<p>18-19</p> <p>18-19</p>
Preparation of Staff Recommendation - Ch. 5, Subch. 1, Art. 12				
REPEAL 13073	This section governs staff analysis contained in staff recommendations.	The proposed revision would incorporate the provisions of this section into § 13057. This section would then be proposed for repeal.	The purpose of the proposed revision is to eliminate outdated procedures that were designed to implement a two-step hearing structure that previously existed when the commission met twice a month; the proposed revision combining the contents of application summaries and final staff recommendations into one section would more accurately reflect a hearing process in which the commission meets once rather than twice a	19; 10-11

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			month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in commission permit proceedings.	
<p>REPEAL 13074</p>	<p>This section governs the submission of additional written evidence at the public hearing.</p>	<p>The proposed revision would incorporate the provisions of this section into § 13060. This section would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to eliminate confusion and redundancy by providing for the treatment of written communications in one regulation, thereby increasing public awareness of procedures that affect them in submitting written comments to the commission.</p>	<p>20; 13</p>
<p>REPEAL 13075</p>	<p>This section details the required content, pursuant to the Coastal Act and CEQA, of the executive director’s final staff recommendation to the commission on a permit application.</p>	<p>The proposed revision would incorporate the provisions of this section into § 13057. This section would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to eliminate outdated procedures designed to implement a two-step hearing structure that previously existed when the commission met twice a month; the proposed revision combining the contents of application summaries and final staff recommendations would more accurately reflect a hearing process in which the commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings thereby reducing the public costs of participating in commission permit proceedings. The proposed revision would retain the required content listing, including the ability of the executive director to provide a staff recommendation after public comment and commission discussion where such discussion</p>	<p>20; 10-11</p>

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			would facilitate preparation of the staff recommendation.	
<p>REPEAL 13076</p>	<p>This section requires distribution of the final staff recommendation in accordance with § 13059.</p>	<p>The proposed revision would incorporate the provisions of this section into § 13059. This section would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to eliminate outdated procedures designed to implement a two-step hearing structure that previously existed when the commission met twice a month; the proposed revision combining the distribution of application summaries and final staff recommendations would more accurately reflect a hearing process in which the commission meets once rather than twice a month. The consolidation of the hearing process into 1 meeting has eliminated the need for applicants and other interested persons to attend two public hearings, thereby reducing the public costs of participating in commission permit proceedings.</p>	<p>20; 12</p>
<p>REPEAL 13077</p>	<p>This section provides that any person may respond to the staff recommendation in writing to the commission, subject to certain procedural limitations.</p>	<p>The proposed revision would incorporate the provisions of this section into § 13060. This section would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to eliminate confusion and redundancy by providing for the treatment of written communications in one regulation, thereby making it easier for affected members of the public to identify and understand all procedures that affect them in submitting written comments to the commission.</p>	<p>21; 13</p>
<p>Commission Review of Staff Recommendations - Ch. 5, Subch. 1, Art. 13</p>				
<p>REPEAL 13080</p>	<p>This section specifies alternatives for commission consideration of the staff recommendation.</p>	<p>The proposed revision would combine the alternatives for commission consideration of staff reports contained in §§ 13080-13082, and incorporate those provisions into § 13090, governing commission vote on staff reports. This section would then be proposed for repeal.</p>	<p>The purpose of the proposed revision is to combine the procedures for commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.</p>	<p>21; 24-25</p>

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REPEAL 13081	This section specifies applicable procedures if the staff recommendation is included in the application summary.	The proposed revision would combine the alternatives for commission consideration of staff reports contained in §§ 13080-13082, and then incorporate those provisions into § 13090, governing commission vote on staff reports.	The purpose of the proposed revision is to combine the procedures for commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	21; 24-25
REPEAL 13082	This section specifies applicable procedures if a verbal staff recommendation is provided by the executive director upon conclusion of public hearing.	The proposed revision would combine the alternatives for commission consideration of staff reports contained in §§ 13080-13082, and incorporate those provisions into § 13090, governing commission vote on staff reports. This section would then be proposed for repeal.	The purpose of the proposed revision is to combine the procedures for commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	21; 24-25
REPEAL 13083	This section addresses the ability of the commission to consider staff recommendations at a meeting subsequent to the oral hearing.	The proposed revision would incorporate the provisions of this section into § 13090, governing the commission’s vote on staff reports, or § 13070 governing the commission’s ability to continue hearings. This section would then be proposed for repeal.	The purpose of the proposed revision is to combine the procedures for commission review of and vote on staff reports into one section, eliminating ambiguity and duplication.	22; 18, 24-25
REPEAL 13084	This section addresses procedures for presentation of staff recommendation & responses of interested persons.	The proposed revision would incorporate the provisions of this section, governing the procedures for presentation, into § 13066, governing the order of proceedings. This section would then be proposed for repeal.	The purpose of the proposed revision is to improve clarity and eliminate duplication.	22; 15-16
AMEND & RENUM.	This section addresses an applicant’s automatic right to the first postponement of the hearing on the coastal development	1) The proposed revision would identify that an applicant for a coastal development permit must exercise their	1) The purpose of the proposed revision is to improve administrative efficiency by ensuring that postponements by the applicant as a matter of	23

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<p>13085 to 13073</p>	<p>permit and subsequent requests for postponements which are granted at the commission’s discretion.</p>	<p>automatic right for postponement prior to the public testimony portion of the public hearing but would eliminate this requirement for subsequent requests for postponements which are granted at the commission’s discretion.</p>	<p>right occur prior to lengthy public testimony. The proposed revision would also improve the clarity of the regulation by identifying when an applicant must exercise their right to postponement. The requirement to request subsequent postponements prior to staff’s presentation at the public hearing would be eliminated because unlike the first postponement made by the applicant as a matter of right, the decision on subsequent postponements granted at the commission’s discretion can be made by the commission at the hearing after assessing the numbers of persons who had traveled to testify at the public hearing and the ability of those persons to provide the commission with public comment at a subsequent hearing.</p>	
		<p>2) The proposed revision would eliminate the requirement that communications regarding postponement be made in writing, instead allowing for the postponement request to be stated on the record in a commission meeting.</p>	<p>2) The purpose of the proposed revision is to facilitate the ability of the applicant to obtain postponement.</p>	<p>23</p>
		<p>3) The proposed revision would require an applicant who requests a postponement to include a waiver of any applicable time limits not only if the postponement is requested as a matter of right but also if the postponement is granted at the commission’s discretion.</p>	<p>3) The purpose of the proposed revision is to improve the clarity and consistency of the regulation by requiring an applicant’s request for postponement to be accompanied by a waiver of applicable time limits regardless if the postponement is requested as a matter of right or</p>	<p>23</p>

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		<p>4) The proposed revision would require an applicant who requests postponement to provide another set of stamped envelopes.</p> <p>5) The proposed revision would eliminate a reference to § 13071 governing withdrawals.</p> <p>6) The proposed revision would renumber the regulation from § 13085 to 13073 so that it is contained in article 11, governing additional hearings, rather than article 13, governing commission review of staff reports.</p>	<p>granted at the commission’s discretion. It is necessary to include the requirement that a request for postponement be accompanied by a waiver of applicable time limits to ensure that a postponement is not granted inconsistent with either Coastal Act or Permit Streamlining Act time limits.</p> <p>4) The purpose of the proposed revision is to improve administrative efficiency by decreasing agency processing time and costs.</p> <p>5) The purpose of the proposed revision is to improve the clarity of the regulations by eliminating an unnecessary cross-reference to the applicant’s ability to withdraw a pending application because the withdrawal of applications is not affected by this section.</p> <p>6) The purpose of the proposed revision is to locate the regulation governing the postponements of hearings in the article governing additional hearings rather than the article governing the commission’s review of staff reports because postponements involve the conduct of hearings rather than the commission’s review of staff reports.</p>	<p>23</p> <p>23</p> <p>23</p>
AMEND &	This section addresses rescheduling of a hearing that has been postponed at the	1) The proposed revision would extend the applicability of the rescheduling	1) The purpose of the proposed revision is to ensure that procedures applicable to the	23

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<p>RENUM. 13087 to 13074</p>	<p>request of the applicant.</p>	<p>provision to all postponements, whether requested by the applicant as a matter of right or granted at the commission’s discretion.</p> <p>2) The proposed revision would add a provision which specifies the manner in which the executive director shall provide notice of the rescheduled hearing.</p> <p>3) The proposed revision would renumber the regulation from § 13087 to 13074, so that the regulation would be contained in article 11, addressing additional hearings rather than in article 13, addressing the commission’s review of staff reports.</p>	<p>rescheduling of a hearing after a postponement are consistent, regardless whether the postponement was exercised by the applicant as a matter of right or granted at the commission’s discretion.</p> <p>2) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner.</p> <p>3) The purpose of the proposed revision is to improve the clarity of the regulations by locating the regulation governing the rescheduling of hearings in the article addressing additional hearings.</p>	<p>23</p> <p>23</p>
Voting Procedure - Ch. 5, Subch. 1, Art. 14				
<p>AMEND 13090</p>	<p>This section addresses the commission’s vote.</p>	<p>The proposed revision would incorporate the provisions of §§ 13080-13082, governing the commission’s consideration of staff reports, and the provisions of §§ 13090-13091, governing the commission’s vote on staff reports, into one § 13090.</p>	<p>The purpose of the proposed revision is to improve clarity by combining, without change, the procedures for commission review of and vote on staff reports into one section, thereby eliminating ambiguity and duplication.</p>	<p>24-25</p>
<p>REPEAL 13091</p>	<p>This section addresses voting time and manner.</p>	<p>The proposed revision would incorporate the provisions of this section into § 13090. This section would then be postponed for repeal.</p>	<p>The purpose of the proposed revision is to improve clarity and eliminate ambiguity and duplication by integrating the regulations governing the commission’s vote in one section.</p>	<p>25</p>

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<p>AMEND 13092</p>	<p>This section addresses the effect of the commission’s vote under various conditions.</p>	<p>1) The proposed revision would make explicit that unless the commission modifies proposed conditions, a motion to grant the permit will include the conditions proposed in the staff report as modified by staff at the hearing.</p>	<p>1) The purpose of the proposed revision is to clarify how the commission may adopt or change the conditions contained in a staff report.</p>	<p>25</p>
		<p>2) The proposed revision would delete subsection (c) regarding the number of commissioners needed to carry a motion.</p>	<p>2) The purpose of the proposed revision is to eliminate an unnecessary reference which is duplicative of § 13022.</p>	<p>25</p>
		<p>3) The proposed revision would relocate a portion of subsection (d) to § 13096 addressing the commission’s adoption of findings.</p>	<p>3) The purpose of the proposed revision is to improve clarity and reduce confusion by relocating a provision that addresses the commission’s basis for action to the section addressing commission findings.</p>	<p>25</p>
<p>AMEND 13095</p>	<p>This section addresses voting by members absent from a hearing.</p>	<p>The proposed revision would clarify that a member who has been absent from all or part of a hearing may vote on the application if they have familiarized themselves with the evidence presented rather than with the hearing presentation itself.</p>	<p>The purpose of the proposed revision is to provide clarification and eliminate ambiguity. The proposed revision requiring a member to familiarize themselves with the evidence presented rather than with the hearing presentation is necessary since the regulation is intended to address a member who has been absent from all or part of the hearing presentation.</p>	<p>26</p>
<p>AMEND 13096</p>	<p>This section addresses the commission’s findings in support of their action on permit applications.</p>	<p>1) The proposed revision would cross reference, without reiterating, the mandatory elements of the commission’s findings identified in § 13057(c) governing preparation of the staff report.</p>	<p>1) The purpose of the proposed revision is to improve the clarity of the regulation and maintain internal consistency between regulations.</p>	<p>26</p>
		<p>2) The proposed revision would identify</p>	<p>2) The purpose of the proposed revision is to</p>	<p>26</p>

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		<p>a procedure for the adoption of revised findings.</p> <p>3) The proposed revision would add a provision which specifies the manner in which the executive director shall provide notice of the public hearing for the adoption of the revised findings.</p>	<p>improve the clarity of the regulation, thereby making it easier for affected members of the public to understand the procedures governing the commission’s adoption of findings.</p> <p>3) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner.</p>	26

Consent Calendar Procedures - Ch. 5, Subch. 1, Art. 15

<p>AMEND 13100</p>	<p>This section addresses applications processed on the consent calendar.</p>	<p>1) The proposed revision would replace the term “de minimis” with the term “significant”.</p> <p>2) The proposed revision would allow the consent calendar to be utilized for those applications which, as recommended to be conditioned, do not raise significant issues in addition to those applications which do not raise significant issues as submitted.</p>	<p>1) The proposed revision would improve the clarity of the regulation by utilizing a term that is more customarily used and universally understood by the regulated community.</p> <p>2) The purpose of the proposed revision is to expedite the processing of permit applications which do not raise significant issues either as submitted or as recommended to be conditioned.</p>	<p>27</p> <p>27</p>
<p>AMEND 13101</p>	<p>This section addresses procedures for consent calendar.</p>	<p>The proposed revision would remove duplicative references to procedures set forth in other sections.</p>	<p>The purpose of the proposed revision is to eliminate duplication and ambiguity.</p>	27
<p>AMEND 13102</p>	<p>This section addresses conditions in staff reports for consent calendar items.</p>	<p>The proposed revision would allow conditions in staff reports for consent calendar items to be modified after the staff report has been mailed if those changes are not substantial.</p>	<p>The purpose of the proposed revision is to increase administrative efficiency and reduce processing delay by allowing changes to conditions for consent calendar items after the staff report has been mailed if those changes are</p>	27-28

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AMEND 13103	This section addresses public hearings on consent calendar items.	The proposed revision would make explicit that items removed from the consent calendar will be scheduled for public hearing on the regular permit calendar.	not substantial. The purpose of the proposed revision is to eliminate ambiguity and improve the clarity of the regulation.	28

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Reconsideration - Ch. 5, Subch. 1, Art. 18				
<p>AMEND 13109.2</p>	<p>This section addresses how reconsideration proceedings are initiated.</p>	<p>1) The proposed revision would specify that the request should be provided to the appropriate area office rather than to the executive director.</p>	<p>1) The purpose of the proposed revision is to eliminate potential confusion and improve the clarity of the regulation.</p>	<p>28</p>
		<p>2) The proposed revision would add a provision which directs the executive director to prepare a staff report on the merits of the reconsideration request.</p>	<p>2) The purpose of the proposed revision is to more precisely reflect the existing practice of the commission.</p>	<p>28</p>
		<p>3) The proposed revision would add a provision which prescribes the manner in which the executive director shall distribute the staff report addressing the merits of the reconsideration request.</p>	<p>3) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all staff reports are distributed in a consistent manner.</p>	<p>28</p>
<p>AMEND 13109.5</p>	<p>This section addresses the hearing on reconsiderations.</p>	<p>1) The proposed revision would add a provision that specifies the manner in which the executive director shall provide notice of the hearing on the reconsideration.</p>	<p>1) The purpose of the proposed revision is to improve the clarity of the regulation and ensure that all hearing notices are provided in a consistent manner.</p>	<p>29</p>
		<p>2) The proposed revision would eliminate the requirement for the commission to vote on the reconsideration at the same hearing.</p>	<p>2) The purpose of the proposed revision is to allow the commission to continue the hearing to a subsequent meeting consistent with commission continuances on the application pursuant to § 13070.</p>	<p>29</p>
		<p>3) The proposed revision would delete a reference to the regional commission.</p>	<p>3) The purpose of the proposed revision is to eliminate a reference to a regional commission structure which no longer exists.</p>	<p>29</p>

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		4) The proposed revision would correct a cross-reference to the regulations governing the processing of new applications.	4) The purpose of proposed revision is to improve internal consistency between the regulations.	29
Applications for Emergency Permits - Ch. 5, Subch. 4, Art. 2				
AMEND 13138	This section specifies how to apply for a permit in an emergency situation. It allows for application by letter or by telephone.	The proposed revision would allow permit applications in an emergency to be submitted by fax during business hours in addition to letter and telephone.	The purpose of the proposed revision is to allow application by fax in addition to the methods of application currently allowed, which are mail, telephone, and personal delivery. Faxes can provide a faster alternative to mail thereby assisting applicants who have emergency situations to submit an application as quickly as possible thereby decreasing their time for commission action.	29
Emergency Actions Without a Permit - Ch. 5, Subch. 4, Art. 4				
AMEND 13144	This section requires the executive director to be notified by telegram of those emergency actions that are authorized to occur without a permit pursuant to Coastal Act § 30611.	The proposed revision would require notice of emergency actions without a permit by fax or telephone rather than by telegram.	The purpose of the proposed revision is to enable the public to use current technology to notify the executive director that development has been undertaken without a permit because of an emergency. Faxes and telephones are faster, more reliable, and more accessible than telegrams.	29-30
Contents of Permits - Ch. 5, Subch. 6, Art. 1				
AMEND 13156	This section identifies several standard permits terms. This section provides that permits expire within 2 years unless construction has commenced. It also provides that permits must be assigned in accordance with procedures in § 13170 and that permits do not become effective	1) The proposed revision would clarify that permits are not required to be assigned because they run with the land, binding all future land owners. 2) The proposed revision would delete the word “construction”, which is not	1) The purpose of the proposed revision is to eliminate ambiguity created by the requirement that a permit be assigned. 2) The purpose of the proposed revision is to eliminate ambiguity resulting from the current	30 30

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	until the commission has received a signed acknowledgment in accordance with § 13158.	defined in the Coastal Act and replace it with the word “development”, which is defined. The change would clarify that a permit expires within 2 years of commission approval unless development (not construction) has commenced.	provision that “construction” must be commenced within 2 years in order to vest a permit. The Coastal Act provides that the commission has jurisdiction over “development,” a term that is defined in the Coastal Act to include many activities that are not limited to construction. Permits can authorize actions that are development but either do not include construction (<u>i.e.</u> , subdivision) or include many actions in addition to construction. Thus, the change will clarify that commencement of the activities defined as development and authorized under the permit (rather than commencement of the more limited set of activities related to construction) is sufficient to vest a permit.	
Notice of Receipt and Acknowledgment - Ch. 5, Subch. 6, Art. 2				
AMEND 13158	This section provides that an approved permit becomes effective only after the applicant has signed and returned the permit with a statement acknowledging and accepting the permit and its contents.	<p>1) The proposed revision would clarify that an approved permit cannot be issued to an applicant for purposes of acknowledgment until all “prior to issuance” conditions have been satisfied.</p> <p>2) The proposed revision would clarify that an approved permit must be issued and acknowledged in order to become effective and that development cannot commence until the permit is effective.</p> <p>3) The proposed revision would confirm</p>	<p>1) The purpose of the proposed revision is to ensure compliance with permit conditions by enabling the commission to oversee compliance with certain conditions before the permit becomes effective.</p> <p>2) The purpose of the proposed revision is to eliminate redundancy in the regulations and to clarify that after a permit is approved by the commission, it does not become effective (and therefore development cannot commence) until the applicant has acknowledged the terms and conditions of the permit.</p> <p>3) The purpose of the proposed revision is to</p>	<p>30-31</p> <p>30-31</p> <p>30-31</p>

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		the proposed change, the impacts, and the alternatives.	by the information required of regular applications in order for the commission to satisfy the Coastal Act requirements for conformity with Chapter 3 policies and the CEQA requirements for analysis of impacts and alternatives.	
AMEND 13166	This section governs commission action on amendment applications. It provides for: executive director rejection of amendments that lessen or avoid the intended effect of a conditioned permit, designation of immaterial amendments that can be approved by the executive director without a hearing, and approval of material amendments by the commission. This section requires public notice that a proposed amendment has been designated immaterial. Any written objections to the designation automatically trigger treatment of the amendment as material (<i>i.e.</i> , and therefore subject to hearing requirements).	<p>1) The proposed revision would clarify the executive director’s authority to reject amendments that lessen or avoid the intended effect of an approved permit by eliminating the reference to “partially approved” permits.</p> <p>2) The proposed revision would clarify that the commission has authority to overrule the executive director’s decision to reject a permit amendment application.</p> <p>3) The proposed revision would define “material” amendments as those amendments that have the potential for adverse impacts on coastal resources or public access.</p>	<p>1) The purpose of the proposed revision is to reflect that the commission does not issue “partially approved” permits. The revision also confirms the executive director’s authority to reject an amendment that lessens or avoids the intended effect of the permit by changing an aspect of the project or proposed mitigation that was critical to the commission’s finding of conformity with Chapter 3.</p> <p>2) The purpose of the proposed revision is to inform permittees of the commission’s authority to overrule the executive director and to set forth the process for seeking commission review of the executive director’s determination.</p> <p>3) The purpose of the proposed revision is to provide guidance to the executive director and to the public as to which amendments cannot be approved administratively by the executive director. Immaterial amendments can be approved by the executive director without a commission hearing. Without a definition of materiality, it is unclear which amendments can</p>	<p>32-33</p> <p>32-33</p> <p>32-33</p>

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		<p>4) The proposed revision would allow an amendment to be designated immaterial even if it would change a permit condition.</p> <p>5) The proposed revision would allow the executive director to designate objections to immaterial amendments as invalid (<i>i.e.</i>, not raising an issue of conforming with the Coastal Act) and to approve an immaterial amendment without a hearing, even if an objection has been received, if the objection is invalid. The amendment would not be effective until reported to the commission.</p> <p>6) The proposed revision would clarify that the standard for approval of amendments is whether the development as amended is consistent with Chapter 3 policies of the Coastal Act, or a certified Local Coastal Program if applicable.</p>	<p>be approved administratively. The definition of materiality is based upon the Coastal Act standard for de minimis waivers of permit requirements, which are approved under a process similar to that of immaterial amendments.</p> <p>4) The purpose of the proposed revision is to streamline the amendment process for permittees who are proposing a minor amendment to a permit condition.</p> <p>5) The purpose of the proposed revision is to reduce the delay that occurs as a result of receipt of an objection to the executive director’s designation of an amendment as immaterial. Such delays are warranted only when the objection raises Coastal Act issues. The revision gives the commission the opportunity to review the executive director’s determination of immateriality.</p> <p>6) The purpose of the proposed revision is to eliminate the confusion inherent in the current standard, which suggests that the commission can only amend permits for development that has not yet been initiated and which does not identify the applicable standard for review of amendments in those cases when an LCP has been certified since the commission’s approval of the permit.</p>	<p>32-33</p> <p>32-33</p> <p>32-33</p>

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AMEND 13168	This section establishes an application fee for permit amendments.	The proposed revision would clarify that the fee for amendment applications is no longer \$25 and that the fee is identified in § 13055.	The purpose of the proposed revision is to make this section consistent with the fee regulation (§ 13055), which was revised in 1991 to increase the fee for amendments (to 50% of the permit fee).	33-34
Extension of Permits - Ch. 5, Subch. 6, Art. 6				
AMEND 13169	This section authorizes the commission to extend the expiration date of permits. It specifies what must be included in an application for an extension and provides for: automatic approval of extensions by the executive director when there are no changed circumstances, commission hearings on whether there are changed circumstances, and commission hearings on permits that are not extended because of changed circumstances. This section establishes a process for public notice of extension applications that the executive director proposes to approve administratively. If a written objection is received, the extension is referred to the commission for a hearing on whether there are changed circumstances that may affect consistency of the development with the Coastal Act.	<p>1) The proposed revision would clarify that it is development, not construction, that must commence within 2 years of commission approval in order to avoid expiration of the permit.</p> <p>2) The proposed revision would clarify that the fee for extension applications is no longer \$50 and that the fee is identified in § 13055.</p> <p>3) The proposed revision would clarify that a permit can be extended even if the permittee has not yet satisfied “prior to issuance” conditions.</p> <p>4) The proposed revision would require permittees to provide the commission</p>	<p>1) The purpose of the proposed revision is to eliminate ambiguity resulting from the current provision that “construction” must be commenced within 2 years in order to vest a permit. Permits can authorize actions that are development but not construction (<i>i.e.</i>, subdivision) and therefore it is commencement of development, not commencement of construction that vests a permit. (See comments concerning amendment of § 13156, note 2.)</p> <p>2) The purpose of the proposed revision is to make this section consistent with the fee regulation (§ 13055), which was revised in 1991 to increase the fee for extensions (to \$200-\$400).</p> <p>3) The purpose of the revision is to reflect that some “prior to issuance” conditions may require a significant amount of time to complete. The purposes of the Coastal Act are not furthered by forcing permittees to reapply for a new permit in two years simply because they have not satisfied all “prior to issuance” conditions.</p> <p>4) The purpose of the proposed revision is to place the cost of mailing notice of an extension on</p>	<p>34-36</p> <p>34-36</p> <p>34-36</p> <p>34-36</p>

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		<p>with stamped envelopes addressed to persons known to be interested in an extension application, including those identified in § 13054 (<u>i.e.</u>, people who live/own property within 100 feet of the property on which the development is proposed).</p> <p>5) The proposed revision would clarify that the applicant, not the executive director, has the obligation to post a notice of the proposed extension at the site of the development.</p> <p>6) The proposed revision would require the executive director to report immaterial extensions (<u>i.e.</u>, those extensions that can be approved administratively because there are no changed circumstances) to the commission so that the commissioners have an opportunity to object to the executive director’s determination that there are no changed circumstances.</p> <p>7) The proposed revision would establish a process for the executive director to designate an objection to an immaterial extension as invalid, to report such designation to the commission (at the time of reporting the extension) and to</p>	<p>the applicant rather than the commission.</p> <p>5) The purpose of the proposed revision is to eliminate confusion over who must post notice of the requested extension at the site.</p> <p>6) The purpose of the proposed revision is to insure that the commission is informed of extension applications that the executive director proposes to approve administratively without a hearing.</p> <p>7) The purpose of the proposed revision is to reduce delays that occur as a result of receipt of an objection to an extension where the objection does not identify changed circumstances that could affect consistency of the development. The proposed revision would allow the commission to</p>	<p></p> <p>34-36</p> <p>34-36</p> <p>34-36</p>

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		<p>approve the extension administratively if the commission does not object.</p> <p>8) The proposed revision would clarify that the standard for review of an extension application is whether there are changed circumstances that affect consistency of the proposed development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable.</p> <p>9) The proposed revision would clarify that when the commission denies an extension and schedules the proposed development for a hearing, the applicant must submit information regarding how the changed circumstances affect the proposed development if such information is necessary for the commission to evaluate the proposed development.</p> <p>10) The proposed revision would clarify that the prohibition on vesting a permit (by commencing development) after filing an extension request, applies only during the time that the permit would be expired but for the submission of an extension</p>	<p>review and overrule the executive director’s determination that the objection is essentially invalid.</p> <p>8) The purpose of the proposed revision is to eliminate the current ambiguity over whether certification of a local coastal program after approval of the permit results in review of the consistency of the development with the certified LCP rather than Chapter 3 policies of the Coastal Act.</p> <p>9) The purpose of the proposed revision is to eliminate ambiguity over whether a denial of an extension request forces the commission to schedule the proposed development for action without obtaining information needed to evaluate the development. Since the development had been previously found consistent with the Coastal Act, the only information necessary is that relating to whether the changed circumstances affect that prior determination of consistency.</p> <p>10) The purpose of the proposed revision is to eliminate any suggestion that filing an extension request prior to the expiration date of a permit causes the permittee to lose the ability to vest the permit prior to the expiration date.</p>	<p>34-36</p> <p>34-36</p> <p>34-36</p>

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		application (which stays the expiration until commission action).		
Assignment of Permits - Ch. 5, Subch. 6, Art. 7				
AMEND 13170	This section requires that a landowner who is not the original permittee obtain assignment of a permit before undertaking any development pursuant to the permit.	1) The proposed revision would allow new landowners to complete development approved under a permit obtained by the prior landowner without having to obtain an assignment of the permit from the prior permittee.	1) The purpose of the proposed revision is to eliminate obstacles for landowners who wish to undertake development pursuant to a permit obtained by the former landowner. An assignment may be impossible if the original permittee is uncooperative or cannot be located. Further, the revision would reflect the current legal status of permits, which is that they run with the land and bind all future landowners regardless of whether there has been an assignment.	36-37
		2) The proposed revision would allow landowners to reflect changes in ownership, and hence changes in permittees, by reporting a transfer of the permit to the commission.	2) The purpose of the proposed revision is to improve the commission’s ability to oversee compliance with permit conditions by establishing a process for revising commission permit files to reflect the change in landowner.	36-37
		3) The proposed revision would allow permittees to reflect changes in ownership without payment of a fee.	3) The purpose of the proposed revision is to encourage landowners to update the commission’s permit records.	36-37
Existing Single-Family Residences - Ch. 5, Subch. 6				
AMEND 13250	This section lists those types of improvements to single family residences that involve a risk of adverse environmental effect and therefore are not exempt from permit requirements under	1) The proposed revision would clarify that a permit is required for improvements that are either in one of the sensitive areas identified in § 13250(b)(1) or to a structure located in one of these	1) The purpose of the proposed revision is to eliminate the ambiguity in subsection (b)(1). Improvements to a residence that is located in one of the listed sensitive areas may have adverse effects even if the improvement itself is not	37-38

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	<p>Coastal Act § 30610(a).</p>	<p>sensitive areas.</p> <p>2) The proposed revision would require a permit for improvements to residences where the improvement or residence is located in an ESHA or in an area designated as highly scenic in a certified land use plan.</p> <p>3) The proposed revision would clarify the distinction between § 13250(b)(1) and (b)(4) by specifying that the improvements identified in subsection (b)(4) are those that are not covered by subsection (b)(1).</p> <p>4) The proposed revision would require a permit for improvements that involve significant alteration of land forms in ESHAs.</p>	<p>directly in the sensitive area.</p> <p>2) The purpose of the proposed revision is to reflect that improvements to residences located in an ESHA or in an area that is designated in a land use plan as highly scenic area involve a risk of adverse environmental effect and therefore should be subject to permit requirements.</p> <p>3) The purpose of the proposed revision is to eliminate ambiguity by clarifying that subsection (b)(1) applies to improvements to structures located on a beach while subsection (b)(4) applies to improvements to residences that are not directly on the beach but between the beach and the first public road paralleling the beach.</p> <p>4) The purpose of the proposed revision is to confirm that improvements that involve land form alteration in an ESHA are subject to permit requirements. The regulations currently require a permit for improvements that involve a significant alteration of land form in an area of natural vegetation designated by resolution of the commission as significant natural habitat. The commission no longer designates area of significant natural habitat. Instead areas of ESHA are determined through various means.</p> <p>5) Even those improvements that are exempt from permit requirements can present a risk of</p>	<p>37-38</p> <p>37-38</p> <p>37-38</p>

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		<p>that replacement of 50% or more of a single family residence or any other structure is new development, not repair and maintenance of an existing structure.</p> <p>3) The proposed revision would authorize the executive director to waive the permit requirement for a repair and maintenance activity that involves one of the identified extraordinary methods.</p>	<p>clarify the definition of “repair and maintenance.” Rebuilding a structure is new development, not repair and maintenance. Unlike repair and maintenance, rebuilding affords an opportunity to incorporate new development standards.</p> <p>3) The purpose of the proposed revision is to reflect that even though those extraordinary methods of repair and maintenance usually involve a risk of adverse environmental impact, in some particular situations they may not and the executive director’s ability to the waive the permit requirement in those situations should be clear.</p>	<p>38-39</p>
Improvements to Structures, other than Single-Family Residences and Public Work Facilities that Require Permits - Ch. 6, Subch. 7.5				
<p>AMEND 13253</p>	<p>This section lists those types of improvements to structures other than single family residences that involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policies of the Coastal Act and therefore are not exempt from permit requirements under Coastal Act § 30610(b).</p>	<p>1) The proposed revision would clarify that a permit is required for improvements that are either in one of the sensitive areas identified in § 13253(b)(1) or to a structure located in one of these sensitive areas.</p> <p>2) The proposed revision would require a permit for improvements that involve significant alteration of land forms in ESHAs or areas that are designated as highly scenic in a certified land use plan.</p>	<p>1) The purpose of the proposed revision is to eliminate the ambiguity in subsection (b)(1). Improvements to a structure that is located in one of the listed sensitive areas may have adverse effects even if the improvement itself is not directly in the sensitive area.</p> <p>2) The purpose of the proposed revision is to confirm that improvements that involve land form alteration in an ESHA are subject to permit requirements. The regulations currently require a permit for improvements that involve a significant alteration of land form in an area of natural vegetation designated by resolution of the commission as significant natural habitat. The</p>	<p>39-40</p> <p>39-40</p>

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		<p>3) The proposed revision would clarify the distinction between § 13253(b)(1) and (b)(4) by specifying that the improvements identified in subsection (b)(4) are those that are not covered by subsection (b)(1).</p> <p>4) The proposed revision would give local governments the same authority as the commission to approve development on condition that all future improvements are subject to permit requirements even if they would otherwise be exempt.</p>	<p>commission no longer designates area of significant natural habitat. Instead areas of ESHA are determined through various means.</p> <p>3) The purpose of the proposed revision is to eliminate ambiguity by clarifying that subsection (b)(1) applies to improvements to structures located on a beach while subsection (b)(4) applies to improvements to structures that are not directly on the beach but are between the beach and the first public road paralleling the beach.</p> <p>4) Even those improvements that are exempt from permit requirements can present a risk of adverse environmental effect as a result of unique circumstances pertaining to a particular development. Local governments are governed by § 13250 and should have the same authority as the commission to identify these types of improvements and to require permits for them on a case-by-case basis.</p>	<p>39-40</p> <p>39-40</p>

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USE OF SPECIFIC TECHNOLOGIES

The proposed amendment and repeal of the regulations will not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

The Commission has not considered any alternatives to the proposed regulatory action. Thus, no other alternative considered by the Commission would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation. Interested persons are invited to present information, statements or arguments with respect to alternatives to the proposed regulations at the hearing or during the written comment period.

SIGNIFICANT ADVERSE IMPACT ON BUSINESS

The proposed amendment and repeal of the regulations will not have a significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action will not have a significant adverse impact on business because the purpose and effect of the proposed regulatory action is to 1) expand the range of options for the Commission to fulfill its responsibilities under the Coastal Act and its implementing regulations, 2) provide needed clarifications to existing regulatory provisions, and 3) conform to existing statutes.

DOCUMENTS RELIED UPON

There is no study, report or similar document on which the Commission has relied in proposing the regulations described herein.

COMPARABLE FEDERAL REGULATIONS OR STATUTES

There are no existing comparable federal regulations or statutes.