

**TEXT OF PROPOSED CHANGES TO THE
CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 5.5, CALIFORNIA COASTAL COMMISSION
CHAPTERS 5 AND 6 COASTAL DEVELOPMENT PERMITS ISSUED BY
COASTAL COMMISSION**

(Note: The following regulations are proposed for amendment and repeal. Additions are shown in underline and deletions are shown in ~~strikeout~~.)

CHAPTER 5.

1) Amend § 13052, tit. 14, Ch. 5, subch. 1, art. 1 of the California Code of Regulations:

§ 13052. When Required.

When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a permit from one or more cities or counties or other state or local governmental agencies, a permit application shall not be accepted for filing by the Executive Director unless all such governmental agencies have granted at a minimum their preliminary approvals for said development, except as provided in section 13053. An applicant shall have been deemed to have complied with the requirements of this Section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

.....

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections ~~30333 and~~ 30620, Public Resources Code; Section 65941, Government Code.

2) Amend § 13053, tit. 14, Ch. 5, subch. 1, art. 2 of the California Code of Regulations:

§ 13053. Where Preliminary Approvals Are Not Required.

....

(e) The executive director shall waive the requirement for preliminary approval when required pursuant to Government Code section 65941.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections ~~30305 and~~ 30620, Public Resources Code; Section 65941, Government Code.

3) Amend § 13053.4, tit. 14, Ch. 5, subch. 1, art. 2 of the California Code of Regulations:

§ 13053.4. Single Permit Application.

....

~~(b) The executive director shall not accept for filing an application for an amendment to a permit until such permit becomes final.~~

(e**b**) The executive director shall not accept for filing an application for development on a lot or parcel or portion thereof which is the subject of a pending proposal for an adjustment to the boundary of the coastal zone pursuant to Public Resources Code Section 30103(b).

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

4) Amend § 13053.5, tit. 14, Ch. 5, subch. 1, art. 2 of the California Code of Regulations:

§ 13053.5. Application Form and Information Requirements.

The permit application form shall require at least the following items:

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~~(d) In addition to full size drawings, maps, photographs, and other exhibits drawn to scaleThe applicant shall furnish to the Commission, at the time of submission of the application, either one (1) copy of each drawing, map, photograph, or other exhibit approximately 8 1/2 in. by 11 in., or if the applicant desires to distributesubmit exhibits of a larger size, enough copies reasonably required for distribution to those persons on the Commission's mailing lists and for inspection by the public in the Commission office. A reasonable number of additional copies may, at the discretion of the Executive Director, be required.~~

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Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30601.5 and 30620, Public Resources Code.

5) Amend § 13054, tit. 14, Ch. 5, subch. 1, art. 3 of the California Code of Regulations:

Article 3. Applicant's Notice Requirements

§ 13054. Identification of Interested Persons/Submission of Envelopes/Posting of Site. Notification Requirements.

(a) For applications filed after the effective date of this subsection, the applicant shall provide names and addresses of, and stamped envelopes for notice to adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of:

(1) the addresses of all residences, including each residence within an apartments or condominium and each residence within a condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed,

(2) the addresses of all owners of and all parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel on which the development is proposed, based upon the most recent equalized assessment roll, and

(3) the names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s), the owner of record on the date on which the application is submitted, of any such parcel which does not have an address or is uninhabited.

___ This list shall be part of the public record maintained by the commission for the application.

(b) The applicant shall also provide the commission with stamped envelopes for all addresses on the list prepared pursuant to subsection (a) above, parcels described above. Separate stamped envelopes shall be addressed to "owner," ~~and to~~ "occupant," or the name of the interested person, as applicable, except that for parcels which do not have addresses or are not occupied, the envelopes shall include the name and address of the owner of record of the parcel. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important Public Hearing Notice." The executive director shall provide an appropriate stamp for the use of applicants in the commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The executive director may waive this requirement and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to section 13063(b) of these regulations, upon a showing that this requirement would be unduly burdensome; a statement of the reasons for the waiver shall be placed in the project file.

(c) If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of section 13054(b). The additional set of stamped, addressed envelopes shall be submitted within ten days of the commission's decision to postpone or continue the hearing.

(bd) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public ~~which is also~~ and as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to ~~so post the completed notice form and sign the declaration of posting,~~ the executive director of the commission shall refuse to file the application, ~~or shall withdraw the application from filing if it has already been filed when he or she learns of such failure.~~

(ee) Pursuant to Sections 13104 through 13108.5, the commission shall revoke a permit if it determines that the permit was granted without proper notice having been given.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

6) Amend § 13055, tit. 14, Ch. 5, subch. 1, art. 4 of the California Code of Regulations:

§ 13055. Fees.

(a) Permit filing and processing fees, ~~to be paid by check or money order at the time of the filing of the permit application,~~ shall be as follows:

(1) Two hundred dollars (\$200) for any development qualifying for an administrative ~~or emergency permit,~~ except single family residences.

(2) Two hundred fifty dollars (\$250) for a single-family residence that is 1500 square feet or less, ~~or for any development of a type or in a location such that it would ordinarily be scheduled for the consent calendar;~~ provided, however, that the fee shall be five hundred dollars (\$500) for a single family residence that is between 150~~0~~ square feet and 5000 square feet, ~~and provided further that the fee shall be one thousand dollars (\$1,000) for a single family residence over 5000 square feet.~~ Any residential project which includes more than 75 cubic yards of grading shall also be subject to an additional two hundred dollars (\$200) fee, plus five dollars (\$5) per 1000 cubic yards for grading in excess of 75 cubic yards.

(3) Six hundred dollars (\$600) for lot line adjustments, or for divisions of land where there are single-family residences already built and only one new lot is created by the division or for multi-family units up to four (4) units, ~~or for any other development not otherwise covered herein with a development cost of less than one hundred thousand dollars (\$100,000).~~

(4) Two thousand dollars (\$2,000) or one hundred twenty dollars (\$120) per unit, whichever is greater, but not to exceed twenty thousand dollars (\$20,000) for multi-unit residential development greater than four (4) units, ~~or for any other development not otherwise covered herein with a development cost of more than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000).~~

(5) All residential projects (whether single or multi-unit) that include more than 75 cubic yards of grading shall be subject to an additional fee of two hundred dollars (\$200). This fee does not apply to residential projects that qualify for an administrative permits.

(6) For office, commercial, convention, or industrial development:

(i) Five hundred dollars (\$500) for development of 1000 gross square feet or less.

(ii) Two thousand dollars (\$2,000) for ~~office, commercial, convention or industrial~~ development of ~~less than~~ more than 1000 but less than 10,001 gross ~~10,000~~ gross square feet.

(~~5~~iii) Four thousand dollars (\$4,000) for ~~office, commercial, convention or industrial~~ development of more than 10,000 but less than 25,000 1 gross square feet, ~~or for any other development not otherwise covered herein with a development cost of more than five hundred thousand dollars (\$500,000) but less than one million two hundred fifty thousand dollars (\$1,250,000).~~

(~~6~~iv) Eight thousand dollars (\$8,000) for ~~office, commercial, convention or industrial~~ development of more than 25,000 but less than 50,000 1 gross square feet, ~~or for any other development not otherwise covered herein with a development cost of more than one million two hundred fifty thousand dollars (\$1,250,000) but less than two million five hundred thousand dollars (\$2,500,000).~~

(7v) Twelve thousand dollars (\$12,000) for ~~office, commercial, convention or industrial~~ development of more than 50,000 but less than 100,000 1 gross square feet, ~~or for any other development not covered otherwise herein with a development cost of more than two million five hundred thousand dollars (\$2,500,000) but less than five million dollars (\$5,000,000).~~

(~~8~~vi) Twenty thousand dollars (\$20,000) for ~~office, commercial, convention or industrial~~ development of ~~more than~~ 100,000 1 gross square feet or more, ~~for any other development cost of more than five million dollars (\$5,000,000) and for any~~

(7) Twenty thousand dollars (\$20,000) for major energy production and fuel processing facilities, including but not limited to, the construction or major modification of offshore petroleum production facilities, tanker terminals and mooring facilities, generating plants, petroleum refineries, LNG gassification facilities and the like.

(8) For changes in intensity of use; for office, commercial, convention or industrial development that does not have a quantifiable square footage; and for all other development not identified above, the fee shall be:

(i) Six hundred dollars (\$600) if the development cost is up to and including \$100,000,

(ii) Two thousand dollars (\$2,000) if the development cost is more than \$100,000 but less than \$500,001,

(iii) Four thousand dollars (\$4,000) if the development cost is more than \$500,000 but less than \$1,250,001,

(iv) Eight thousand dollars (\$8,000) if the development cost is more than \$1,250,000 but less than \$2,500,001,

(v) Twelve thousand dollars (\$12,000) if the development cost is more than \$2,500,000 but less than \$5,000,001, and

(vi) Twenty thousand dollars (\$20,000) if the development cost is \$5,000,001 or more.

(99) Two hundred dollars (\$200) for ~~immaterial~~~~minor~~ amendments to coastal development permits, and fifty percent (50%) of the ~~original~~ permit fee that would currently apply to the permitted development for development for material ~~for~~ amendments to coastal development permits.

(10) Two hundred dollars (\$200) for emergency permits. A fee paid for an emergency permit shall be credited toward the fee charged for the follow-up coastal development permit.

(101) Two hundred dollars (\$200) for extensions and reconsiderations of coastal development permits for single family dwellings.

(112) Four hundred dollars (\$400) for extensions and reconsiderations of all other coastal development permits.

(123) Two hundred dollars (\$200) for a “~~de minimis~~” waiver of a coastal development permit application pursuant to section 30624.7 of the Coastal Act and for a “standard” waiver pursuant to sections 13250(c) and 13253(c) of these regulations.

~~(13) Two hundred (\$200) for assignments of coastal development permits.~~

(14) One hundred dollars (\$100) for a second continuance and any subsequent continuance requested by the applicant and approved by the ~~C~~commission. There is no fee charged for the first continuance requested by the applicant.

(15) Five hundred dollars (\$500) for temporary events that require a permit, unless the application is scheduled on the administrative calendar, in which case the fee shall be two hundred dollars (\$200).

(b) Fees for after-the-fact permits shall be doubled unless such added increases are waived by the Executive Director when it is determined that the permit could be processed by staff without significant additional review time resulting from the processing of the violation.

(c) Where a development consists of land division, each lot shall be considered as one single-family residence for the purpose of calculating the application fee. ~~If an~~ Such application may include both subdivision and the construction of a single family residences, at no additional fee, if proposed together with the land division the fee shall be based upon the construction of the proposed residences with no additional fee for the subdivision. Conversion to condominiums shall be considered a division of the land.

(d) Except as provided in subsection (c) above, if different types of developments are included in one permit application, the fee shall be the sum of the fees that would apply if each development was proposed in a separate application. However, in no case shall the fee for such application exceed twenty thousand dollars (\$20,000).

~~(d) The application fee shall be determined from the type and size of the proposed development, except that where there is conflict over the applicable fee, the executive director may use the project cost to determine the fee.~~

(e) In addition to the above fees, the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.

(f) The executive director shall waive the application fee where requested by resolution of the commission.

(g) The required fee shall be paid in full at the time an application is filed. However, if an application is filed as an administrative calendar application but subsequently scheduled for another calendar by the executive director or removed from the administrative calendar by the commission, the applicant shall pay the difference between the administrative calendar fee and the regular fee. Such additional fee shall be paid before the permit application is scheduled for hearing by the commission. If the fee is not paid prior to commission action on the application, the commission shall impose a special condition of approval of the permit that requires payment of the fee prior to issuance of the permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

7) Amend § 13056, tit. 14, Ch. 5, subch. 1, art. 5 of the California Code of Regulations:

§ 13056. Filing.

(a) A permit application shall be submitted on the form or format issued pursuant to Sections 13053.5 and 13053.6, together with all necessary attachments and exhibits, and a filing fee pursuant to Section 13055, shall be deemed 'filed' after having been received and found in proper order by the executive director of the commission. The executive director shall file the application only after reviewing it and finding it complete. The executive director shall cause to be affixed to all applications for permits:

(1) A date of receipt reflecting the date they are or were received; and

(2) A date of filing reflecting the date it is or was filed.

(b) Said review shall be completed within a reasonable time, but unless there are unusual circumstances, no later than five (5) The executive director shall make the filing determination in writing within ten working days, if feasible, but in no event later than thirty (30) calendar working days after the date it is received in the offices of the commission during the its normal working hours of said office. The executive director shall mail the filing determination to the applicant.

(c) If the executive director finds the application incomplete, he or she shall specify those parts of the application which are incomplete, and describe the specific materials needed to complete the application. Not later than 30 calendar days after receipt of the requested materials, the executive director shall determine whether the submittal of the requested materials is complete and transmit that determination in writing to the applicant.

(d) An applicant may appeal to the commission A a determination by the executive director that an application form is incomplete may be appealed to the commission for its determination as to whether the permit application may be filed. The appeal shall be submitted in writing. The executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable but in no event later than sixty (60) days and shall prepare a written recommendation to the commission on the issues raised by the appeal of the filing determination. The commission may overturn the executive director's determination and/or direct the executive director to prepare a different determination reflecting the commission's decision. Otherwise, the executive director's determination shall stand. The executive director shall issue any such different determination that the commission may direct no later than sixty (60) calendar days after receipt of the appeal of the filing determination. The executive director shall cause a date of receipt stamp to be affixed to all applications for permits on the date they are so received and a stamp of the date of filing on the date they are so filed.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30505 and 30620, Public Resources Code; Section 65943, Government Code.

8) Amend and Renumber § 13109, tit. 14, Ch. 5, subch. 1, art. 17 of the California Code of Regulations:

§ ~~13109~~ 13056.1. Reapplication

(a) Following a withdrawal of or a final decision upon an application for a coastal development permit, no applicant or the applicant's successor in interest to an applicant may reapply to the commission for a development permit for substantially the same development for a period of six (6) months from the date of the prior withdrawal or final decision. The executive director shall decide ~~Whether an application is for "substantially the same" development as that which was withdrawn or upon which a final determination has been rendered shall be decided by the executive director of the commission~~ within (5) working days from receipt of such application the filing determination period set forth in section 13056. ~~Where the executive director is unable to make such decision, the executive director may refer the re-application to the commission for its decision as to whether the application is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change for purposes of determining whether an application is substantially the same. Until such a determination is made, the reapplication shall not be deemed "filed" within the meaning of Public Resources Code, Section 30621. Any project which has been denied by a regional commission or the commission and which may be submitted as a new permit application under the guidelines set forth above, may be considered by the commission without requiring that the revised project has received preliminary approval under Section 13052 from the local government entity or entities which originally approved the project. The commission may require that the revised project be subjected to informal review by appropriate local government entities prior to commission review. The six-month waiting period provided in this section may be waived by the commission for good cause.~~

(b) The executive director shall reject the application for filing when the executive director has determined that an application is for "substantially the same" development as that which was withdrawn or upon which the commission has rendered a final decision within the previous six months.

(c) Where the executive director has determined that the application is not for substantially the same development as that which was withdrawn or upon which the commission has rendered a final decision within the previous six months, the application shall be treated as a new application.

(d) The applicant or the successor in interest to an applicant may appeal to the commission the determination of the executive director in the manner provided in section 13056. The commission may vote to overturn the determination of the executive director. Otherwise the executive director's determination shall stand.

(e) The commission or the executive director may waive the six-month waiting period provided in this section for good cause.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

9) Amend § 13057, tit. 14, Ch. 5, subch. 1, art. 6 of the California Code of Regulations:

§ 13057. ~~Contents~~ Preparation of Staff Reports

~~(a) The executive director shall prepare and reproduce a summary of each application officially filed except as provided for administrative permits in Section 13153. The summary shall be brief and understandable, and shall fairly present a description of the significant features of the proposed development, using the applicant's words wherever appropriate. The application summary shall be illustrated with the maps or drawings and shall contain either the Environmental Impact Report or the Environmental Impact Statement prepared for the development, if such a report was prepared, or a summary of the Environmental Impact Report or Environmental Impact Statement as it relates to the issues of concern to the commission. Staff comments shall also be included in the summary concerning (1) questions of fact, (2) the applicable policies of the California Coastal Act of 1976, (3) related previous application, (4) any issues of the legal adequacy of the application to comply with the requirements of the California Coastal Act of 1976, (5) public comment on the application, (6) written response to significant environmental points raised by members of the public or other public agencies, (7) prior decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625(e) may be a precedent(s) for the issues raised by the application and (8) other relevant matters. The staff comments shall be clearly labeled to distinguish them from the comments of the applicant and interested persons. The summary may include a tentative staff recommendation as to whether a permit should be granted or denied. If a tentative staff recommendation is included in the application summary, it shall conform to the requirements of Sections 13073-13077.~~

(a) The executive director shall prepare a staff report for each application filed pursuant to section 13056, except as provided for in section 13058 (consolidated staff reports), section 13150 (administrative permits) and section 13238.1 (waivers of permit application). The staff report shall include the following:

(1) An adequate description, including legible and reproducible maps, plans, photographs, etc. of the proposed development, project site and vicinity sufficient to determine whether the proposed project complies with all relevant policies of the California Coastal Act of 1976;

(2) A summary of significant questions of fact;

(3) A summary of the applicable policies of the California Coastal Act of 1976;

(4) A copy or summary of public comments on the application;

(5) A summary of any issues of the legal adequacy of the application to comply with the requirements of the California Coastal Act of 1976;

(6) Staff's recommendation, including specific written findings, prepared in accordance with subsection (c).

(b) The staff report shall also include as applicable:

(1) A copy or summary of the Environmental Impact Report or Environmental Impact Statement as it relates to the issues of concern to the commission, or if no such report was prepared, any negative declaration or finding of no significant impact;

(2) A discussion of related previous applications;

(c) The staff's recommendation required by subsection (a)(6) above shall contain:

(1) Specific written findings, including a statement of facts, analysis, and legal conclusions as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976 including, but not limited to, the requirements of Public Resources Code section 30604.

(2) Specific written findings evaluating the conformity of the development with the requirements of section 21080.5(d)(2)(i) of the Public Resources Code.

(3) Written responses to significant environmental points raised during the evaluation of the proposed development as required by the California Environmental Quality Act.

(4) A recommendation as to whether the commission should grant the application, with or without conditions, or deny the application.

(5) In the case of a recommendation of approval with conditions, identification of the specific conditions recommended by the executive director and a discussion of why the identified conditions are necessary to ensure that development will be in accordance with the Coastal Act.

(d) Notwithstanding the requirement of subsection (a)(6) hereof, with respect to any application, the executive director may elect to prepare first a partial staff report that does not contain the recommendation required by subsection (c)(4) and (c)(5) where he or she determines that public comment and commission discussion would facilitate preparation of such recommendation. The executive director shall comply with all other procedures applicable to staff reports including procedures for the distribution of staff reports and for the noticing of hearings.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 21080.5, 30604, 30607, and 30620, Public Resources Code.

10) Amend § 13058, tit. 14, Ch. 5, subch. 1, art. 6 of the California Code of Regulations:

§ 13058. Consolidation of Staff Reports; Consolidation of Public Hearings.

Where two or more applications are legally or factually related, ~~The executive director may prepare a consolidated staff report. Either the commission or the executive director may consolidate a public hearing where such consolidation would facilitate or enhance the commission's ability to review the developments for consistency with the requirements of the California Coastal Act of 1976.~~ two or more applications which are legally or factually related for purposes of preparation of staff documents and/or public hearing unless a party thereto makes a sufficient showing to the commission that the consolidation would restrict or otherwise inhibit the commission's ability to review the developments for consistency with the requirements of the California Coastal Act of 1976. ~~Any such consolidation of permit applications shall conform to the requirements of Public Resources Code, Section 30621.~~ A separate vote shall be taken for each application if requested by the applicant.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620 30621, Public Resources Code.

11) Amend § 13059, tit. 14, Ch. 5, subch. 1, art. 6 of the California Code of Regulations:

§ 13059. Distribution of Staff Reports.

~~The application summary, executive director shall distribute the staff report by mail to all members of the commission, to the applicants, to all affected cities and counties, to all public agencies which have jurisdiction, by law, with respect to the proposed development, and to all persons who specifically requested it. and With respect to all other persons known or thought by the executive director to have a particular interest in the application, including those specified in section 13054(a), the executive director shall provide notice pursuant to section 13063 or 13015 that the staff report shall be distributed only to those persons who request it. Staff reports shall be distributed within a reasonable time to assure adequate notification to all interested parties prior to the scheduled public hearing. The application summary staff report may either accompany the meeting notice required by Section 13015 or may be distributed separately. The commission may require any person who desires copies of application summaries staff reports to provide a self-addressed stamped envelope for each desired mailing; where extensive duplicating or mailing costs are involved, the commission may also require that interested persons provide reimbursement for such duplicating costs.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006, 30620 and 30621, Public Resources Code; Section 6257, Government Code.

12) Amend § 13060, tit. 14, Ch. 5, subch. 1, art. 7 of the California Code of Regulations:

§ 13060. ~~Distribution of~~ Written Comments on Applications and Staff Reports.

~~The executive director shall reproduce and distribute to all commission members, the text or summary of all relevant communications concerning applications that are received in the commission offices prior to the commission's public hearing and thereafter at any time prior to the vote. Such communications shall be available at the commission office for review by any person during normal working hours.~~

Written communications on applications and staff reports shall be distributed in accordance with the following procedures:

(a) Except as stated in subsection (c) below, the executive director shall distribute to all commission members the text or a summary of all relevant communications which are received prior to the close of the public testimony portion of the public hearing.

(b) Written communications must be received by the executive director in the appropriate district office prior to the day of the hearing or in the hearing room on the day of the public hearing. The executive director does not accept responsibility for the cost or delivery of written communications to the hearing room.

(c) The executive director may summarize communications orally rather than distribute the communications to each commission member if the executive director receives lengthy communications, a sizable number of similar communications, or communications received too late to provide copies to the commission.

(d) Written communications shall be available at the commission office for review by any person during normal working hours.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006, 30620 and 30621, Public Resources Code, Section 6257, Government Code.

13) Repeal § 13061, tit. 14, Ch. 5, subch. 1, art. 7 of the California Code of Regulations:

§ 13061. ~~Treatment of Similar Communications.~~

~~When a sizable number of similar communications is received, the texts need not be reproduced but the commission shall be informed of the substance of the communications; such communications shall be made available at the commission office for inspection by any person during normal working hours.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.~~

14) Amend § 13063, tit. 14, Ch. 5, subch. 1, art. 8 of the California Code of Regulations:

§ 13063. Distribution of Notice.

(a) At least 10 calendar days prior to the date on which the application will be heard by the commission, the executive director shall provide mail written notice to each applicant, to all affected cities and counties, to all public agencies which have jurisdiction, by law, with respect to a proposed development, and to all persons who have requested it, and to all persons known or thought by the executive director to have a particular interest in the application, including those specified in Section 13054(a). The notice shall contain the following elements:

~~(1) the filing of the application pursuant to Section 13056;~~ (2) The number assigned to the application;

~~(3) a~~ A description of the development and its proposed location;

~~(4) The date, time and place at which the application will be heard by the commission;~~

~~(5) The general procedure of the commission concerning hearings and action on applications and;~~

~~(6) The direction to persons wishing to participate in the public hearing that testimony should be related to the regional and statewide issues addressed by the California Coastal Act of 1976; and that testimony relating solely to neighborhood and local concerns is not relevant and will not be permitted by the chairperson.~~

(6) A statement that staff reports will be distributed as set forth in section 13059.

(b) At least 10 calendar days prior to the date on which the application will be heard by the commission, the executive director shall also mail the written notice identified in subsection (a) to all other persons known to have a particular interest in the application, including those specified in section 13054(a). The executive director may instead direct the applicant to substitute notice in one or more newspapers of general circulation in the area of the project for the written notice required by this subsection if the executive director determines:

(1) It is reasonable to expect adequate or better notice to interested parties through publication; and

(2) Written notice to individuals would be unreasonably burdensome to the applicant in view of the overall cost and type of project involved.

A statement of reasons supporting the executive director's determination to direct the applicant to substitute newspaper notice shall be placed in the file.

(c) Where a public agency or other person identified in this section receives the notice required by sections 13015-13017, a separate notice is not required pursuant to this section.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006, 30620 and 30621, Public Resources Code.

15) Amend § 13066, tit. 14, Ch. 5, subch. 1, art. 9 of the California Code of Regulations:

§ 13066. Order of Proceedings.

The commission's public hearing on a permit application shall ~~ordinarily~~, unless the chairperson directs otherwise, proceed in the following order:

~~(1) Identification of the application; a summary of the application, its accompanying documents and other documents and materials submitted at the request of the applicant, interested persons or the staff, and staff comments thereon, and a summary of the correspondence received by the executive director, relating to the application;~~

~~(2) Presentation by or on behalf of the applicant, if the applicant wishes to expand upon material contained in the application summary;~~

~~(3) Other speakers for the application;~~

~~(4) Speakers against the application;~~

~~(5) Other speakers concerning the application;~~

~~(6) Rebuttal by applicant and appellant subject to the discretion of the commission pursuant to Section 30333.1 or if the vote is not to be scheduled for a subsequent meeting permitting time for rebuttal in writing;~~

~~(7) Motion to close the public hearing (or to continue it to a subsequent meeting).~~

~~(b) Questions by commissioners will be in order at any time following any party's presentation, subject to time limitation.~~

~~(c) All proceedings with regard to permits shall be recorded as provided in Sections 13026 and 13027.~~

(a) The executive director shall make a presentation to the commission identifying the application, describing the project, and summarizing the staff recommendation, including the proposed findings, proposed conditions, and written correspondence received prior to the public hearing.

(b) The public testimony portion of the public hearing shall proceed in the following order:

(1) Persons or their representatives desiring to state their views on the application shall have the opportunity to do so as follows:

(A) The applicant;

(B) Other persons supporting the application;

(C) Persons opposing the application;

(D) Other persons.

(2) The chairperson may allow rebuttal testimony by the applicant in accordance with Public Resources Code section 30333.1(a).

(3) The executive director may respond to and comment, as appropriate, on the testimony presented by any previous speaker.

(4) The chairperson may close the public testimony portion of the public hearing when a reasonable opportunity to present all questions and points of view has been allowed.

(c) Questions by commissioners will be in order at any time following any person's presentation.

(d) At the conclusion of the public testimony portion of the public hearing, the executive director may propose to change the staff recommendation or the commission may propose to add, delete, or modify the conditions contained in the staff recommendation. The applicant and the executive director shall have an opportunity to comment briefly and specifically on any proposed change.

(e) The commission shall vote on a permit application in accordance with section 13090.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30333 and 30333.1, Public Resources Code.

16) Amend § 13067, tit. 14, Ch. 5, subch. 1, art. 9 of the California Code of Regulations:

§ 13067. Speaker's Presentations.

~~Speakers' presentations shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate. The commission may establish reasonable time limits for presentation(s); such time limits shall be made known to all affected parties prior to any hearing. Where speakers use or submit to the commission visual or other materials, such materials shall become part of the application file and identified and maintained as such. Speakers may substitute reproductions of models or other large materials but shall agree to make the originals available upon request of the executive director.~~

(a) Speakers' presentations shall be to the point and shall be as brief as possible. The commission may establish reasonable time limits for presentations. The time limits shall be made known to all speakers prior to any hearing. The chairperson may require individuals to consolidate their comments to avoid repetition.

(b) In order for audio, visual or audio-visual materials to be considered by the commission, they must be submitted to staff in the course of review of the application or shown in full at the public hearing. The presentation of these materials shall occur within the time limit allocated to speakers.

(c) The speaker must submit all materials presented at the public hearing to the staff for inclusion in the record of the proceeding. Any speaker who, as part of his or her presentation, exhibits models or other large materials may satisfy this requirement by submitting accurate reproductions or photographs of the models or other large materials and by agreeing in writing to make such materials available to the commission if necessary for any administrative or judicial proceeding.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

17) Repeal § 13068, tit. 14, Ch. 5, subch. 1, art. 9 of the California Code of Regulations:

~~§ 13068. Other Speakers.~~

~~(a) Subject to paragraph (b) of this section, and to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak on an application shall be heard.~~

~~(b) Remarks shall be brief and to the point, and shall not duplicate those of previous speakers.~~

~~—Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.~~

18) Amend § 13070, tit. 14, Ch. 5, subch. 1, art. 10 of the California Code of Regulations:

§ 13070. Continued Hearings.

A public hearing on an application may be completed in one commission meeting. However, the commission may vote to continue the hearing to a subsequent meeting. Notice of the subsequent hearing shall be distributed to the persons and in the manner provided for in section 13063.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006 and 30621, Public Resources Code.

19) Amend § 13071, tit. 14, Ch. 5, subch. 1, art. 10 of the California Code of Regulations:

§ 13071. Withdrawal of Application.

(a) At any time before the commission commences calling the roll for a vote on an application, an applicant may withdraw the application.

(b) Withdrawal must be in writing or stated on the record and does not require commission concurrence. Withdrawal shall be permanent except that the applicant may file a new application for the same development subject to the requirements of ~~§~~sections 13056 and ~~13109~~ 13056.1.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30333 and ~~30621~~30620, Public Resources Code.

20) Amend § 13072, tit. 14, Ch. 5, subch. 1, art. 10 of the California Code of Regulations:

§ 13072. Procedures for Amended Application.

~~(a) If an application for a permit for a proposed project is amended in any material manner, a public hearing must be held on the amended application, unless the executive director determines that the subject matter of the proposed amendment was reviewed adequately at a prior public hearing.~~

~~(b) If prior to a the public hearing at which on an application, is scheduled to be heard an applicant wishes to amend its permit the application in a manner which the executive director determines is material, the executive director shall prepare a staff report pursuant to section 13057 and the commission shall vote on the amended application only if:~~

~~(1) †The applicant shall agree in writing to extend the final date for public hearing not more than 49 days from the date of such amendment or~~

~~(2) If the applicant does not agree to such an extension, the commission shall vote on the application as originally filed. The executive director determines that staff does not need additional time to prepare the staff report or provide notice to the public.~~

~~(b) If at a public hearing on an application, an applicant wishes to amend the application in a manner the executive director determines is material, the commission may vote on the amended application at that public hearing where:~~

~~(1) Adequate public notice has already been provided and~~

~~(2) The proposed amended project was adequately reviewed during a public hearing.~~

~~(c) Conditions recommended by the executive director or imposed by previous commission action shall not be considered an amendment to the application.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30621, Public Resources Code.~~

21) Repeal § 13073, tit. 14, Ch. 5, subch. 1, art. 12 of the California Code of Regulations:

~~Article 12. Preparation of Staff Recommendation~~

~~§ 13073. Staff Analysis.~~

~~(a) If the vote on an application is scheduled for a later meeting that the oral hearing on the application, the executive director shall promptly perform whatever inquiries, investigations, research, conferences, and discussions are required to resolve issues presented by the application and to enable preparation of a staff recommendation for the vote. If further evidence is taken or received by the executive director, such evidences shall be made available in the administrative record of the application at the commission's office and all affected parties shall be given a reasonable opportunity to respond prior to the deadline for preparation and mailing of the staff recommendation.~~

~~(b) The executive director may request of the applicant any additional information necessary to perform the responsibilities set forth in subsection (a), and may report to the commission any failure to comply with such request, including the relationship of the requested information to the findings required by the California Coastal Act of 1976.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.~~

22) Repeal § 13074, tit. 14, Ch. 5, subch. 1, art. 12 of the California Code of Regulations:

~~§ 13074. Submission of Additional Written Evidence.~~

~~At any point before or after the oral hearing on a permit application, up until the time the public hearing is closed by the commission, any interested party may submit written evidence including rebuttal arguments, to the commission. Rebuttal information shall ordinarily be submitted to the executive director prior to the deadline for preparing staff recommendations.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.~~

23) Repeal § 13075, tit. 14, Ch. 5, subch. 1, art. 12 of the California Code of Regulations:

~~§ 13075. Final Staff Recommendation.~~

~~The executive director's final recommendation shall include specific written findings, including a statement of facts and legal conclusions, as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976, including, but not limited to, the requirements of Public Resources Code, Section 30604.~~

~~The staff recommendation shall include any questions that have not been answered by the applicant or by interested parties and may include a recommendation that the commission take a field trip to the site of any proposed project when the executive director judges that this would materially assist in understanding and voting on the application. The staff recommendation shall be written except as provided in Section 13082.~~

~~The staff recommendation shall contain recommended written responses to significant environmental points raised during the evaluation in a manner consistent with the requirements of the California Environmental Quality Act. The staff recommendation shall also relate the proposed findings to prior decisions of the commission in order to assure consistency of the recommendation with decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625(c) are precedents for the issues raised by the application.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30604 & 30625, Public Resources Code.~~

24) Repeal § 13076, tit. 14, Ch. 5, subch. 1, art. 12 of the California Code of Regulations:

~~§ 13076. Distribution of Final Staff Recommendation.~~

~~The staff recommendation shall be distributed to the persons and in the manner provided in Section 13059 for application summaries.~~

~~Note: Authority and reference cited: Section 30333, Public Resources Code.~~

25) Repeal § 13077, tit. 14, Ch. 5, subch. 1, art. 12 of the California Code of Regulations:

~~§ 13077. Written Response to Staff Recommendation.~~

~~Any person may respond in writing to the staff recommendation subject to the requirements of Sections 13074 and 13084.~~

~~Note: Authority and reference cited: Section 30333, Public Resources Code.~~

26) Repeal § 13080, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

~~Article 13~~
~~Commission Review of Staff Recommendation~~

~~§ 13080. Alternatives for Review of Staff Recommendation.~~

~~Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of the three alternatives set forth in Sections 13081-13083.~~

~~Note: Authority and reference cited: Section 30333, Public Resources Code.~~

27) Repeal § 13081, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

~~§ 13081. Staff Recommendation Included in Application Summary.~~

~~If the staff report and tentative recommendation described in Section 13057 is complete and has been distributed prior to the public hearing, and if adequate public notice has been given, the commission may vote upon an application at the same meeting during which the public hearing on the application is held. The parties shall be afforded the opportunity for rebuttal to any information presented at the public hearing in the manner set forth in Section 13084 before the commission proceeds to vote on the application.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.~~

28) Repeal § 13082, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

~~§ 13082. Verbal Staff Recommendation upon Conclusion of Public Hearing.~~

~~(a) If the application summary does not include a staff recommendation, but the commission is prepared to vote immediately upon conclusion of the public hearing, the executive director shall provide a verbal recommendation and summary of proposed findings and the applicant and interested parties shall be afforded an opportunity to respond to the recommendation in the manner set forth in Section 13084 before the commission proceeds to vote on the application.~~

~~Note: Authority and reference cited: Sections 30331 & 30333, Public Resources Code.~~

29) Repeal § 13083, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

~~§ 13083. Consideration of Staff Recommendation at a Meeting Subsequent to the Oral Hearing~~

~~Upon conclusion of the oral hearing, the commission may put the vote on the application over to a subsequent meeting, but no later than 21 days following the conclusion of the public hearing unless the applicant in writing waives any right to a decision within that time limit. Notice of such hearing shall be given in the manner and to the persons provided in Section 13059 except that those persons notified pursuant to Section 13054(a) need not be notified under this section unless they specifically request such notice.~~

~~Note: Authority and reference cited: Section 30333, Public Resources Code.~~

30) Repeal § 13084, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

~~§ 13084. Procedures for Presentation of Staff Recommendation and Responses of Interested Parties.~~

~~(a) The executive director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for application summaries in Section 13066.~~

~~(b) Immediately following the presentation of the executive director's recommendation, the parties who testified at the hearing conducted pursuant to Section 13066 or their representative(s) shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the same as that provided for in Section 13066.~~

~~(c) At the discretion of the chairperson, the applicant or other parties may present rebuttal materials prior to the vote if the chairperson determines that the materials are primarily visual in nature, or, if the materials are in written form, that the written materials are merely rebuttal arguments and do not constitute new evidence.~~

~~(d) Where the commission moves to vote on an application with conditions different from those proposed by the applicant in the application or by the staff recommendation pursuant to subsection (a) above, the parties who responded to the staff recommendation under subsection (b) above, shall have an opportunity to state their views on the conditions briefly and specifically. The order of presentation shall be as provided in subsection (b).~~

~~Note: Authority and reference cited: Section 30333, Public Resources Code.~~

31) Amend and Renumber § 13085, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

§ ~~13085~~ 13073. Applicant's Postponement.

(a) ~~In addition to the procedures set forth in Section 13071 the applicant may request the commission to postpone consideration of the application pursuant to this section. Where the an applicant for a coastal development permit determines that he or she is not prepared to respond to the staff recommendation at the meeting for which the vote on the application is scheduled, the applicant shall have one right, pursuant to this section, to postpone the vote to a subsequent meeting. The applicant's right to postpone shall be exercised prior to commencement of the public testimony portion of the public hearing. Such a request shall be in writing or stated on the record in a commission meeting and shall include a waiver of any applicable time limits for commission action on the application.~~

(b) An applicant's request for postponement, not made as a matter of right pursuant to ~~Section 13085 13073~~(a), shall be granted at the commission's discretion. ~~The request may be made in writing or in person at the commission meeting prior to the presentation provided for in Section 13084(b).~~ The executive director shall ~~establish procedures for notification,~~ to the extent feasible, ~~to~~ notify all persons the executive director knows to be interested in the application of the postponement. The commission shall not grant a request for postponement under this subdivision unless it determines that sufficient time remains under applicable deadlines for its action on the application.

(c) Any request for postponement pursuant to subsections (a) or (b) shall be in writing or stated on the record in a commission meeting and shall include a waiver of any applicable time limits for commission action on the application. Where a request for postponement is granted pursuant to subsections (a) or (b), the applicant shall provide another set of stamped, addressed envelopes consistent with the requirements of section 13054.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30620 and 30621, Public Resources Code.

32) Amend and Renumber § 13087, tit. 14, Ch. 5, subch. 1, art. 13 of the California Code of Regulations:

§ ~~13087~~ 13074. Rescheduling

Where consideration of an application is postponed ~~at the request of the applicant,~~ the executive director shall, to the extent feasible, schedule further consideration of the application by the commission at a time and location convenient to all persons interested in the application. Notice of the rescheduled hearing shall be distributed to the persons and in the manner provided for in section 13063.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006 and 30621, Public Resources Code.

33) Amend § 13090, tit. 14, Ch. 5, subch. 1, art. 14 of the California Code of Regulations:

§ 13090. Voting--After Recommendation.

~~The commission shall not vote upon an application until it has received a staff recommendation under one of the three alternative procedures set forth in Section 13081-13083.~~

(a) A vote on an application may be taken only at a properly noticed public hearing after commission received the final staff recommendation identified in section 13057 and obtained public testimony, if any, in accordance with section 13066.

(b) Where the executive director has distributed a staff report containing all of the elements described in section 13057(a), (b) and (c), the commission may vote upon the application after conclusion of the public testimony portion of the public hearing.

(c) Where, in accordance with the provisions of section 13057(d), the executive director has prepared a partial staff report that does not contain the parts of the staff recommendation identified in sections 13057(c)(4) and (5), the commission shall proceed in accordance with one of the following alternative procedures:

(1) If the commission is prepared to vote immediately upon conclusion of the public hearing, the executive director shall provide a verbal recommendation and summary of proposed findings.

(2) Upon conclusion of the public testimony portion of the public hearing, the commission may put the vote on the application over to a subsequent meeting. Prior to the subsequent meeting the executive director shall prepare a final staff report that shall:

(A) contain a staff recommendation as described in section 13057(c) and

(B) give due consideration to

(1) testimony and other evidence presented at the public hearing, and

(2) comments on the application by members of the commission. The executive director may also supplement the analysis of the application contained in the preliminary staff report. At the subsequent meeting, the executive director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for staff reports in section 13066.

(d) Under either of the two alternative procedures described in subsection (c), immediately following the presentation of the staff recommendation, the persons who testified at the hearing conducted pursuant to section 13066 or their representatives shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the same as that provided for in section 13066.

(d)(e) Where the commission moves to vote on an application with terms different from those proposed by the applicant in the application or conditions different than those proposed by the

staff in the staff recommendation, the applicant, appellant, and the executive director shall have an opportunity to state briefly and specifically their views on the conditions.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30315, 30333, 30333.1, and 30622, Public Resources Code.

34) Repeal § 13091, tit. 14, Ch. 5, subch. 1, art. 14 of the California Code of Regulations:

~~§ 13091. Voting Time and Manner.~~

~~The commission should normally vote on a permit application at the next regular commission meeting following the public hearing concerning the permit application unless the commission elects to follow one of the two procedures set forth in Sections 13081-13082.~~

~~Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.~~

35) Amend § 13092, tit. 14, Ch. 5, subch. 1, art. 14 of the California Code of Regulations:

§ 13092. Effect of Vote Under Various Conditions.

(a) Votes by a the commission shall only be on the affirmative question of whether the permit should be granted; i.e., a "yes" vote shall be to grant a permit ~~(with or without conditions)~~ and a "no" vote to deny. Unless a motion is adopted pursuant to subsection (b), a motion to grant the permit shall be deemed to include the terms proposed in the project description as modified by the applicant at the hearing and the conditions and findings proposed in the staff report as modified by staff at the hearing.

(b) Any ~~condition to a permit proposed by a commissioner~~ may move to add, delete or modify proposed terms, conditions or findings. Such a motion shall be voted upon only by made in the affirmative vote.

~~(c) A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.~~

~~(d) Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the commission shall be deemed to adopt the findings and conclusions recommended by the staff.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30315, Public Resources Code.

36) Amend § 13095, tit. 14, Ch. 5, subch. 1, art. 14 of the California Code of Regulations:

§ 13095. Voting by Members Absent from Hearing.

A member, or ~~his or her~~ alternate, who has been absent from all or part of the hearing may vote on any application; provided ~~he or she~~ the member or alternate has familiarized himself or herself with the ~~presentation~~ evidence presented at the hearing ~~where on~~ the application was considered, and with pertinent materials relating to the application submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member, or ~~his or her~~ alternate.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30315, Public Resources Code.

37) Amend § 13096, tit. 14, Ch. 5, subch. 1, art. 14 of the California Code of Regulations:

§ 13096. Commission Findings.

(a) All decisions of the commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources Code, ~~§~~section 30604, and Public Resources Code ~~§~~section 21000 and following, and findings of fact and reasoning supporting the decision. The findings shall include all elements identified in section 13057(c).

(b) Unless otherwise specified at the time of the vote, an action taken consistent with the staff recommendation shall be deemed to have been taken on the basis of, and to have adopted, the reasons, findings and conclusions set forth in the staff report as modified by staff at the hearing. If the commission action is substantially different than that recommended in the staff report, the prevailing commissioners shall state the basis for their action in sufficient detail to allow staff to prepare a revised staff report with proposed revised findings that reflect the action of the commission. Such report shall contain the names of commissioners entitled to vote pursuant to Public Resources Code section 30315.1.

(c) The commission vote taken on proposed revised findings pursuant to Public Resources Code section 30315.1 shall occur after a public hearing. Notice of such hearing shall be distributed to the persons and in the manner provided for in section 13063. The public hearing shall solely address whether the proposed revised findings reflect the action of the commission.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 21080.5, 30006, 30315.1, and 30333, 30604, and 30621, Public Resources Code.

38) Amend § 13100, tit. 14, Ch. 5, subch. 1, art. 15 of the California Code of Regulations:

§ 13100. Consent Calendar.

~~New p~~Permit applications which, as submitted or as recommended to be conditioned, in the opinion of the executive director ~~of a commission, are de minimis~~ do not raise significant issues with respect to the purposes and objectives of the California Coastal Act of 1976, may be scheduled for one public hearing during which all such items will be taken up as a single matter. This procedure shall be known as the Consent Calendar.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section ~~30620~~ 30621, Public Resources Code.

39) Amend § 13101, tit. 14, Ch. 5, subch. 1, art. 15 of the California Code of Regulations:

§ 13101. Procedures for Consent Calendar.

Unless otherwise provided in this Article, ~~The procedures prescribed set forth in Chapter 5 of~~ these regulations pertaining to permit applications, including ~~application summaries staff reports,~~ staff recommendations, resolutions, and voting, etc., shall apply to the ~~Consent Calendar~~ procedure, ~~except that a~~ All included items shall be considered by the commission as if they constituted a single permit application. The public shall have the right to present testimony and evidence concerning any item on the ~~Consent Calendar~~. ~~Application summaries and tentative staff recommendations for applications placed on the consent calendar may be comprised of a brief but fair and accurate description of the proposed development and its location and a description of any proposed conditions. A factual finding may be made for similar projects located in the same geographic area and may be incorporated by reference in each application summary governed by the findings.~~

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section ~~30620~~ 30621, Public Resources Code.

40) Amend § 13102, tit. 14, Ch. 5, subch. 1, art. 15 of the California Code of Regulations:

§ 13102. Conditions ~~to~~ of Consent Calendar Items.

The executive director may include recommended conditions ~~in agenda descriptions of staff reports for~~ consent calendar items which shall then be deemed approved by the commission if the item is not removed by the commission from the consent calendar. No condition of approval of any consent calendar item may be added, deleted or substantially modified after the staff report

has been mailed to the public unless the commission removes the item to the regular calendar or schedules the revised item for a subsequent consent calendar.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30607 and 30621 ~~30620~~, Public Resources Code.

41) Amend § 13103, tit. 14, Ch. 5, subch. 1, art. 15 of the California Code of Regulations:

§ 13103. Public Hearings on Consent Calendar.

At the public hearing on the consent calendar items, any person may ask for the removal of any item from the consent calendar and shall briefly state the reasons for so requesting. If any three (3) commissioners ~~object to any item on the consent calendar and~~ request that such an item be ~~processed individually as a separate application,~~ scheduled for public hearing on the regular permit calendar, ~~such the~~ item shall be removed from the consent calendar ~~and shall thenceforth be processed as a single application.~~ If any item is removed from the consent calendar, the public hearing ~~on said item shall ordinarily be deemed~~ continued until it can be scheduled for ~~an individual~~ public hearing on the regular permit calendar.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section ~~30620~~ 30621, Public Resources Code.

42) Amend § 13109.2, tit. 14, Ch. 5, subch. 1, art. 18 of the California Code of Regulations:

§ 13109.2. Initiation of Proceedings.

(a) Any time within 30 days following a final vote upon an application for a coastal development permit, the applicant of record may request the ~~regional~~ commission to grant reconsideration of the denial of an application for a coastal development permit or of any term or condition of a coastal development permit which has been granted. This request shall be in writing and shall be received by the ~~executive director of the commission~~ appropriate district office within 30 days of the final vote.

(b) The executive director shall prepare a staff report with a recommendation on the merits of the request for reconsideration. The staff report shall analyze whether the request satisfies the grounds for reconsideration provided in Public Resources Code section 30627. The staff report shall be distributed to the persons in the manner provided for in section 13059.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30627, Public Resources Code.

43) Amend § 13109.5, tit. 14, Ch. 5, subch. 1, art. 18 of the California Code of Regulations:

§ 13109.5. Hearing on Reconsideration.

(a) ~~The executive director shall schedule a hearing on the reconsideration request~~ At the next regularly scheduled meeting or as soon as practicable after the executive director distributes notice of the hearing consistent with the provisions of section 13063. ~~to the applicant and all persons the executive director has reason to know would be interested in the permit reconsideration.~~ ~~The executive director shall report the request for reconsideration to the commission with a preliminary recommendation on the grounds for reconsideration.~~

(b) The applicant and all aggrieved parties to the original ~~regional commission or~~ commission decision shall be afforded a reasonable time to address the merits of the request.

(c) ~~The commission shall vote on the request at the same meeting.~~

(d) Reconsideration shall be granted by a majority vote of the commissioners present. If reconsideration is granted, ~~it shall be considered a new permit application and the application shall be processed as a new application~~ in accordance with ~~Sections 13050-13120 and Sections 13156~~13145-13168 of these regulations, as applicable. However, no new fee shall be charged to process the new application.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30006 30621 and 30627, Public Resources Code.

44) Amend § 13138, tit. 14, Ch. 5, subch. 4, art. 2 of the California Code of Regulations:

§ 13138. Method of Application.

Applications in cases of emergencies shall be made to the executive director of the commission by letter or facsimile during business hours if time allows, and by telephone or in person if times does not allow.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30624, Public Resources Code.

45) Amend § 13144, tit. 14, Ch. 5, subch. 4, art. 4 of the California Code of Regulations:

§ 13144. Waiver of Emergency Permit Requirements.

Any person wishing to take an emergency action pursuant to the requirements of Public Resources Code Section 30611 shall notify the executive director of the commission by facsimile or telephone during business hours ~~telegram~~ of the type and location of the emergency action taken within three (3) days of the disaster or the discovery of the danger. Within seven (7) days of taking such action, the person who notified the executive director shall send a written statement of the reasons why the action was taken and verification that the action complied with the expenditure limits set forth in Public Resources Code Section 30611. At the next commission

meeting following the receipt of the written report, the executive director shall summarize all emergency actions taken and shall report to the commission any emergency action that, in his or her opinion, does not comply with the requirements of Public Resources Code Section 30611 and shall recommend appropriate action. For the purposes of this section, any immediate, temporary actions taken by the California Department of Fish and Game which are required to protect the nesting areas of the California least tern, an endangered species under the California Fish and Game Code, Sections 2050-2055 and Title 14 of the California Administrative Code, Section 670.5, and the Federal Endangered Species Act of 1973, shall be deemed to be in compliance with Public Resources Code Section 30611.

Note: Authority cited: Sections ~~30331 and~~ 30333, Public Resources Code. Reference: ~~Division 20, Section 30611,~~ Public Resources Code.

46) Amend § 13156, tit. 14, Ch. 5, subch. 6, art. 1 of the California Code of Regulations:

§ 13156. Contents of Permits.

Permits shall be issued in a form signed by the executive director, and shall include:

....

(e) A statement that the permit runs with the land and binds all future owners of the property ~~may not be assigned except as provided in Section 13170;~~

(f) A statement that the permit shall not become effective until the commission receipt of acknowledgment as provided in Section 13158;

(g) The time for commencement of the approved development project ~~project~~ except that where the commission on original hearing or on appeal has not imposed any specific time for commencement of development construction ~~development construction~~ pursuant to a permit, the time for commencement shall be two years from the date of the commission vote upon the application. Each permit shall contain a statement that any request for an extension of the time of commencement must be applied for prior to expiration of the permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 306200, Public Resources Code.

47) Amend § 13158, tit. 14, Ch. 5, subch. 6, art. 2 of the California Code of Regulations:

§ 13158. Notice of Receipt and Acknowledgment.

(a) Development shall not commence until an approved permit becomes effective.

(~~a~~b) No approved permit shall become effective until a copy of the permit has been returned to the commission, upon which copy all permittees or agent(s) authorized pursuant to Section 13053(c) have acknowledged that they have received a copy of the permit and have accepted its contents.

~~(bc)~~ Each permit approved by the commission shall be issued to the applicant with contain a blank acknowledgment to be signed by each permittee.

~~(ed)~~ The acknowledgment should be returned within ten (10) working days following issuance of the permit, ~~but in any case prior to commencement of construction. If the acknowledgment has not been returned within the time for commencement of construction under Section 13156(g), the executive director shall not accept any application for extension of the permit.~~

~~(e)~~ No permit containing conditions that must be satisfied prior to issuance shall be issued for acknowledgment until all such conditions have been satisfied. Following commission approval of a permit that contains prior to issuance conditions, the executive director shall send the permit applicant a notice of commission approval that identifies those conditions that must be satisfied before the permit can be issued for acknowledgment.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 306200 and 30607, Public Resources Code.

48) Amend § 13162, tit. 14, Ch. 5, subch. 6, art. 3 of the California Code of Regulations:

§ 13162. Notice of Permits.

Notice of the commission approvalissuance of a permit shall ~~also~~ be filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5~~(bd)~~(v).

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 21080.5, Public Resources Code.

49) Amend § 13164, tit. 14, Ch. 5, subch. 6, art. 5 of the California Code of Regulations:

§ 13164. Applications for Amendments.

Applications for amendments to permits shall be made in writing. Such applications are subject to the requirements for filing and processing permit applications set forth in Subchapter 1 of these regulations. and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600 and 30620, Public Resources Code.

50) Amend § 13166, tit. 14, Ch. 5, subch. 6, art. 5 of the California Code of Regulations:

§ 13166. Amendments to Permits Other Than Administrative Permits.

(a) ~~Applications for amendments to previously approved developments shall be filed with the commission.~~ (1) The executive director shall reject aAn application for an amendment to an approved permit shall be rejected if he or she determines that in the opinion of the executive director, the proposed amendment would lessen or avoid the intended effect of an partially approved or conditionally approveded permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

(1) An applicant may appeal the executive director's determination to the commission. The appeal must be submitted in writing and must set forth the basis for appeal. The appeal must be submitted within 10 working days after the executive director's rejection of the amendment application. The executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable and shall provide notice of the hearing to all persons the executive director has reason to know may be interested in the application.

(2) If the commission overturns the executive director's determination, the application shall be accepted for processing in accordance with subsection (c) below.

(2b) For those applications accepted, if the executive director shall determines that whether or not a proposed amendment has the potential for adverse impacts, either individually or cumulatively, on coastal resources and public access to and along the shoreline, the amendment shall be deemed is a material amendment tochange to the permit.permit. Material amendments shall be processed in accordance with subsection (c) below. If the executive director determines that the proposed amendment is immaterial, notice of such determination including a summary of the procedures set forth in this section shall be posted at the project site and mailed to all personsarties the executive director has reason to know may be interested in the application.

(1) If no written objection to a notice of immaterial amendment is received at the commission office within ten (10) working days of mailingpublishing notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

(2) If a written objection to notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the commission at its next regularly scheduled meeting. The executive director shall include a copy of the letter(s) of object to the commission with the report. If any three (3) commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the commission for action as set forth in subsection (c) below. Otherwise, the immaterial amendment shall become effective.

(3) If a written objection to notice of an immaterial amendment is received within ten (10)

working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the commission for action as set forth in subsection (c) below.

~~(3c) If the executive director determines that the proposed amendment is a material, change or if objection is made to the executive director's determination of immateriality or if the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Public Resources Code, Section 30604, the application shall be referred to the commission in accordance with the procedures of Subchapter 1, after notice to any person(s) the executive director has reason to know would be interested in the matter. If the applicant or objector so requests, the commission shall make an independent determination as to whether the proposed amendment is material.~~

~~(4) Unless the proposed amendment has been found to be immaterial, t~~The commission shall determine by a majority vote of the membership present whether the proposed ~~development with the proposed amendment is consistent with the requirements policies of Chapter 3 of the California Coastal Act or a certified local coastal program if applicable. of 1976.~~ The commission shall approve the amendment if it finds that the development as amended conforms with the policies of Chapter 3 of the Coastal Act or with a certified local coastal program if applicable. The commission may approve the amendment subject to reasonable conditions. The decision shall be accompanied by findings in accordance with Section 13096.

~~(bd)~~ The procedures specified in this section shall apply to amendments of permits which were previously approved on the consent calendar unless the commission adopts expedited procedures for amendments to such permits.

~~(ee)~~ The procedures specified in this section shall apply to applications for amendments of permits issued under the California Coastal Zone Conservation Act of 1972, except as specified in Public Resources Code Section 30609.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600, 30604, 30609, and 30620, Public Resources Code.

51) Amend § 13168, tit. 14, Ch. 5, subch. 6, art. 5 of the California Code of Regulations:

§ 13168. Application Fee.

All applications for amendments to permits shall be accompanied by the fee specified in section 13055 of these regulations, subject to a twenty five (\$25) dollar fee. ~~If the amendment is determined to be material, fees shall be charged in accord with Section 13055 as for a new~~

application except that the executive director of the regional commission may reduce the fees in accord with the staff work involved.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

52) Amend § 13169, tit. 14, Ch. 5, subch. 6, art. 6 of the California Code of Regulations:

§ 13169. Extension of Permits.

(a) Prior to the time that commencement of ~~development~~~~construction~~ under a permit granted by either the regional commission or the commission must occur under the terms of the permit or Section 13156, the applicant may, ~~upon payment of a fifty dollar (\$50) fee (or a twenty five dollar (\$25) fee in the case of extension of permits for single family residences)~~ apply to the executive director of the commission for an extension of time not to exceed an additional one year period. The executive director shall not accept the application unless it is shall be accompanied by all of the following:

(1) evidence of an approved, valid, unexpired permit, acknowledged pursuant to Section 13158 and

(2) evidence of the applicant's continued legal interest in the property involved in the permit,;

(3) the fee specified in section 13055 of these regulations, and

(4) stamped envelopes addressed to each person specified in section 13054 of these regulations and each person who testified, orally or in writing at prior permit hearing(s).

(4b) For those applications accepted, the executive director shall determine whether ~~or not~~ there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the California Coastal Act or with a certified local coastal program, if applicable. ~~of 1976.~~ If the executive director determines that there are no changed circumstances that may affect consistency of the proposed development, he or she shall mail-is consistent, notice of such determination including a summary of the procedures set forth in this section shall be posted at the project site and mailed to all parties the executive director has reason to know may be interested in the application including all persons identified in section 13054 of these regulations and all persons parties who participated in the initial previous permit hearings. The applicant shall post such notice at the project site within three (3) days of the executive director's mailing of the notice to interested parties. The executive director shall also report the determination to the commission to provide the commission with an opportunity to object to the executive director's determination. If no written objection is received at the commission office within ten (10) working days of publishing notice, ~~t~~The time for commencement of development determination of consistency shall be extended for one year from the expiration date of the permit if both of the following occur:

(1) no written objection to the executive director's determination is received within 10

working days after mailing notice, and

(2) three commissioners do not object to the executive director's determination. conclusive.

(c) If the executive director receives a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

(2d) If the executive director receives an objection to his or her determination and concludes that the objection identifies changed circumstances that may affect the consistency of the development or if the executive director determines that due to changed circumstances the proposed development may not be consistent or if objection is made to the executive director's determination of consistency, the application shall be scheduled for a hearing on whether there are changed circumstances that affect consistency. reported to the commission. The executive director shall provide notice of such hearing after notice to any person(s) the executive director has reason to know would be interested in the matter. The executive director shall prepare a include in such report for the hearing that describes a description of any pertinent changes in conditions or circumstances relating to each requested permit extension.

(1) If three (3) commissioners determine that there are changed circumstances that affect consistency of the development object to an extension on the grounds that the proposed development may not be consistent with Chapter 3 policies of the California Coastal Act or with a certified local coastal program if applicable, of 1976, the extension shall be denied and the development application shall be set for a full hearing of the commission pursuant to Subchapter 1 of these regulations as though it were a new application. However, the applicant shall not be required to file a new permit application but instead, shall submit any information that the executive director determines is necessary to evaluate the effect of the changed circumstances.

(2) If no such determination is made by three commissioners objection is raised, the time for commencement of development shall be extended for one year from the expiration date of the permit. executive director shall issue the extension authorized by this section.

(e) Any extensions applied for prior to the expiration of the permit shall automatically extend the time for commencement of development expiration date of the permit until such time as the commission has acted upon the extension request; provided, however, that the applicant shall not undertake development during if construction has not commenced at the time the application for extension is made, construction may not commence during the period of automatic extension provided in this section.

~~(b) The procedures specified in this section shall apply to extensions of all permits which were previously approved by the commission, including those approved on appeal, on the consent calendar and or as administrative permits, unless the commission adopts expedited procedures for extensions to such permits.~~

Note: Authority cited: Section 30333, Public Utilities Resources Code. Reference: Sections 30620.6, ~~and 3062400,~~ and 30604, Public Resources Code.

53) Amend § 13170, tit. 14, Ch. 5, subch. 6, art. 7 of the California Code of Regulations:

Article 7. TransferAssignment of Permits

§ 13170. TransferAssignment of Permits.

~~(a) Any person may request that the commission records be revised to reflect that he or she has assumed the rights and obligations of a coastal development permit by acquiring property on which development has been approved, initiated, or completed pursuant to a permit by submission of who has obtained, pursuant to the California Coastal Act of 1976 and these regulations, a permit to perform a development may assign such permit to another person subject to the following requirements:~~

~~(1) submission of a \$25 application fee;~~

~~(2) an affidavit executed by the landowner assignee attesting to the landowner's assignee's acknowledgment of agreement to comply with the terms and conditions of the permit;~~

~~(3) evidence of the landowner's assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and~~

~~(4) the original permittee's request to assign all rights to undertake the development to the assignee, and~~

~~(5) a copy of the original permit showing that it has not expired.~~

~~(b) The applicant for assignment shall submit the above documents to the executive director of the commission together with a completed application form provided by the executive director. The assignment shall be effective uUpon the executive director's written approval of the documentation submitted, the. The executive director's review shall ordinarily be completed within ten (10) working days of the receipt of a completed application for assignment. The completed application form and supporting documentation shall become part of the project file maintained by the applicable commission.~~

~~(c) No person other than the permittee may perform or undertake development under the permit without assignment of the permit under this section.~~

Note: ~~Authority and reference cited: Section 30333, Public Resources Code. Authority cited: Section 30333, Public Resources Code. Reference: Section 30600, Public Resources Code.~~

54) Amend § 13250, tit. 14, Ch. 6, subch. 6 of the California Code of Regulations:

§ 13250. Improvements~~Additions~~ to Existing Single-Family Residences.

....

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, or seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or in an area designated for protection as a small scale neighborhood by resolution of the commission or a regional commission after public hearing; where the residence or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas; of natural vegetation designated by resolution of the commission or regional commission after public hearing as significant natural habitat;

....

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

....

(6) Any improvement addition to a single-family residence where the development permit issued for the original structure by the commission, ~~or regional commission,~~ or local government indicated that any future improvements additions would require a development permit.

(c) In any particular case, even though ~~an repair or~~ improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit filing an application; provided, however, that any such waiver

shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed no repair or improvement shall not may be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(a), Public Resources Code.

55) Amend § 13252, tit. 14, Ch. 6, subch. 7 of the California Code of Regulations:

§ 13252. Repair and Maintenance of Activities Requiring a Permit.

(a) For purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

....

(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, ~~or bluff,~~ or environmentally sensitive habitat area, -or within 20 feet of coastal waters or streams.

....

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the California Coastal Act of 1976, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structures similar protective work under one ownership is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

....

(e) In any particular case, even though a method of repair and maintenance is identified in subsection (a) above, the executive director may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided however, that any such waiver shall not be effective until it is reported to the

commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed repair and maintenance shall not be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(d), Public Resources Code.

56) Amend § 13253, tit. 14, Ch. 6, subch. 7.5 of the California Code of Regulations:

§ 13253. Improvements That Require Permits.

....

(b) Pursuant to Public Resources Code Section 30610(b), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the Public Resources Code:

(1) Improvements to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or where the structure or proposed improvement would encroach within 50 feet of the edge of a coastal bluff;

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland ~~wetland~~ or stream; ~~sand dune,~~ or within 100 feet of the edge of a coastal bluff; in a highly scenic area, or in an environmentally sensitive habitat area; ~~or stream or in areas of natural vegetation designated by resolution of the commission or regional commission as significant natural habitat;~~

....

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

....

(6) Any improvement to a structure where the coastal development permit issued for the original structure by the commission, ~~or regional commission,~~ or local government indicated that any future improvements would require a development permit;

....

(c) In any particular case, even though ~~the proposed a repair or~~ improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of ~~a permit filing an application~~; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, ~~the proposed no repair or~~ improvement ~~shall not may~~ be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(b), Public Resources Code.