

Chapter 1 Definitions

Coastal Zone (for purposes of California Coastal Act)

"Coastal zone" refers to land and water areas of the State of California from the Oregon border to the border of the Republic of Mexico extending seaward to the state's outer limit of jurisdiction (3 miles offshore) including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas, it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards (Coastal Act Section 30103). Reference the California Coastal Commission (CCC) website for general local coastal program (LCP) and coastal zone boundary maps; contact local jurisdictions for certified LCP maps; and/or contact the CCC local office to request a coastal zone boundary determination.

Conflict Resolution

The [California Coastal Act](#) (Coastal Act) recognizes, through Sections 30007.5 and 30200(b), that conflicts may occur among Chapter 3¹ policies, and provides that such conflicts may be resolved in a manner which on balance is the most protective of significant coastal resources (often referred to as “balancing” and/or “conflict resolution”).

The balancing/conflict resolution provisions of the Coastal Act may be invoked only when the CCC determines that denial of a project due to conflicts with a Chapter 3 policy would result in adverse impacts to other coastal resources and thus result in a conflict with another Chapter 3 policy that mandates protection of such resources. To establish a policy conflict and approve a project based on conflict resolution, the following findings are necessary:

- The project is inconsistent with at least one Chapter 3 policy of the Coastal Act (e.g., unpermitted impacts to environmentally sensitive habitat areas, wetlands, or agricultural resources).
- Denial or modification of the project to eliminate the policy inconsistency would adversely affect other coastal resources that the Coastal Act requires to be protected or enhanced.
- There are no feasible alternatives that could achieve project objectives without violating a Chapter 3 policy of the Coastal Act.
- The project’s adverse impacts are minimized and mitigated to the maximum extent feasible.

¹ [California Coastal Act, Chapter 3, “Coastal Resources Planning and Management Policies”](#)

De Novo

A “de novo” public hearing is held by the CCC on applications for coastal development permits that were approved by local governments and appealed to the CCC, when the CCC has found that the project raises substantial issues with respect to applicable coastal resource protection policies and has therefore asserted jurisdiction over the project (Coastal Act Section 30621). A de novo action on a coastal development permit supersedes the local government action on the application and effectively results in a new determination by the CCC. See also definition of “substantial issue determination.”

De Minimis

A proposed development is “*de minimis*” if the executive director of the CCC determines that it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the policies of Chapter 3 (commencing with Section 30200) (Coastal Act Section 30624.7).

Development

"Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with CA Government Code Section 66410), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code [PRC] Section 4511–4517).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line (Coastal Act Section 30106). See also “[Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements](#)” (CCC 1978) for a list of potentially applicable development exclusions.

Emergency

In cases of natural disasters and related emergencies, please refer to the Standard Environmental Reference (SER) “Other Guidance” for details on “[Environmental Compliance in Case of Emergency](#)” to determine the appropriate level of environmental and coastal permitting compliance required to commence with emergency repairs.

Environmentally Sensitive Habitat Area

"Environmentally sensitive habitat area" (ESHA) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5). The CCC is limited in its determination of the existence of ESHA to the definition contained within the certified LCP on an appeal.

Fill

"Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area (Coastal Act Section 30108.2).

Incidental Public Service

An "incidental public service," as noted in Coastal Act Section 30233(4), includes, but is not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

Land Use Plan

"Land use plan" means the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Coastal Act Section 30108.5).

Local Coastal Program

"Local coastal program" (LCP) means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act, at the local level (Coastal Act Section 30108.6). LCPs are the basic planning tools used to carry out the partnership between the state (CCC) and local government (cities/counties) as stewards for the protection of coastal resources. Each LCP includes a land use plan (see definition above) and its associated implementing measures such as zoning ordinances, regulatory policies, and sensitive habitat maps. LCPs must be in conformance with Coastal Act policies and goals. The CCC helps shape each LCP, as well as proposed LCP amendments, and formally reviews them for consistency with the Coastal Act prior to approving, certifying, or amending the LCP.

Original Permit Jurisdiction – Coastal Commission

Original permit jurisdiction refers to areas in which the CCC retains permit jurisdiction irrespective of the certification status of a local government's LCP. Such areas typically include any development proposed or undertaken on any tidelands, submerged lands, or on public trust

lands, whether filled or unfilled, lying within the coastal zone, excepting development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the legislature to a local government whose certified LCP includes the specific development plans for such district or authority (see Coastal Act Sections 30519 and 30601).

Prime Agricultural Land

"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of [Section 51201 of CA Government Code](#):

1. All land that qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications.
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

Public Access

"Public access," as typically defined in coastal policy mandates, refers to opportunities for all people to have access to and along the coast and to coastal and inland public recreational opportunities (trails, parklands, etc.) in the coastal zone. See the public access and recreation policies of Chapter 3 (Sections 30210–30255).

Public Works/Major Public Works

"Public works" means the following:

- a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.
- c. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

- d. All community college facilities (Coastal Act Section 30114).

“Major public works” means the following:

Facilities that cost more than one hundred thousand dollars (\$100,000), year 1983, with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Coastal Act Sections 30610, 30610.5, 30611, or 30624. Based on these annual increases, the dollar amount in year 2008 was approximately two hundred eight thousand seven hundred dollars (\$208,700). Notwithstanding the criteria above, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities (California Code of Regulations [CCR] Title 14, Section 13012). The large majority of Department projects qualify as major public works.

Resource Dependent Use

"Resource dependent use" means any development or use which requires a site on, or adjacent to, the coastal resource to be able to function, such as a public access trail or nature center located within or adjacent to an estuary.

Special District

"Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area (Coastal Act Section 30118).

Substantial Issue Determination

If a local decision on a project is appealed, the CCC will hold a public hearing on the appeal, and determine whether it raises a “substantial issue” relative to conformance with the LCP or with Coastal Act public access policies, as applicable. If the CCC finds that an appeal does not raise a substantial issue, the local decision becomes final. If the CCC finds that a project raises a substantial issue, the CCC takes “de novo” jurisdiction over the coastal development permit. It is important to understand that while the “substantial issue” phase of an appeal hearing is limited to issues raised by the appeal, at the de novo hearing phase all issues relating to conformance with LCP and Coastal Act public access policies, as applicable and appropriate, would apply (see CCR, Title 14, Sections 13110-13120).

Waiver

As stated in Section 30624.7 of the Coastal Act, the CCC may, after a public hearing, by regulation, adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is *de minimis*. A waiver shall not take effect until it has been reported to the CCC at the regularly scheduled meeting following its issuance by the executive director.

Wetland

"Wetland" means lands within the coastal zone that may be covered periodically or permanently with shallow water, and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens (Coastal Act Section 30121). Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity, or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. See also "Guidance Documents" in Chapter 2 for further reference.

Zoning Ordinance

"Zoning ordinance" means an ordinance authorized by Section 65850 of the CA Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of the city charter (Coastal Act Section 30122).

Chapter 2 Laws, Regulations, and Guidance

2.1 Federal

- [Coastal Zone Management Act \(CZMA\) of 1972 as amended through the Coastal Zone Protection Act of 1996.](#)
- [Federal Consistency Regulations.](#)

2.2 State Laws

- California Coastal Commission ([CCC](#))—[California Coastal Act of 1976 as codified in California Public Resources Code Sections 30000-39000.](#)
- [CCC Implementing Regulations, California Code of Regulations, Title 14, Section 13001 through 13666.4 \(14 CCR §13001-13666.4\).](#)
- [Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements.](#)
- San Francisco Bay Conservation and Development Commission ([BCDC](#))—[McAteer-Petris Act as codified in CA Government Code Sections 66600–66694.](#) Note: The San Francisco BCDC, created prior to the California Coastal Act, retains oversight and planning responsibilities for development and conservation of coastal resources in the San Francisco Bay area. BCDC regulatory oversight and procedures are described separately in the SER.
- [BCDC—Suisun Marsh Protection Act as codified in California Public Resources Code \(PRC\) Sections 29000-29612.](#)
- [Emergency Projects Environmental Process and Requirements.](#)

2.3 Local, Port, and Special District Laws/Regulations

- [Local Coastal Programs](#)
- Port Master Plans and Long-Range Development Plans
- Public Works Plans

2.4 Guidance Documents

The CCC has published numerous procedural and coastal policy guidance documents to assist in preparing technical studies, evaluating potential project impacts on coastal resources, and understanding and interpreting coastal resource protection policies. These guidance documents are available on the Publications page of the CCC website by [title](#) and [subject matter](#).

2.5 Further Reference

- [California Coastal Commission \(CCC\)](#)
- [State Coastal Conservancy \(SCC\)](#)
- National Oceanic and Atmospheric Administration ([NOAA](#)), [Office of Ocean and Coastal Resource Management](#)

Chapter 3 Interagency Coordination

Agencies should be involved in coordination and information exchange as early as possible in the project development process in order to avoid delays, redesign, additional costs, lengthy appeals, and permit denials. If an Environmental Impact Statement (EIS) will be required for the project, then the California Coastal Commission (CCC) should be invited to be a participating agency under [Title 23, United States Code \(USC\), Section 139](#). In addition, if federal funds, permits, and/or approvals are required for a project, federal consistency certification review is likely necessary, making an early assessment of a proposed project's consistency with Chapter 3 policies of the Coastal Act even more critical. The need to demonstrate consistency with Coastal Act policies may come at different stages of the project development process; for example, CCC concurrence in a federal consistency certification may be required before a final approval, such as a Record of Decision or approval of a Finding of No Significant Impact can be issued. In some instances, such as with complex or highly controversial projects, it may be prudent to consult with the CCC's Caltrans liaison and management staff to request early coordination with CCC legal staff.

Initiate early coordination with CCC and local government local coastal program (LCP) staff any time that a transportation project is being considered within the coastal zone, or when a transportation project potentially affects coastal zone resources. Coordination should include identification of relevant Coastal Act and LCP policies to be factored into project planning, conception, and alternative evaluations; and in preparation of Project Initiation Documents and Project Study Reports. In addition, CCC staff and any local agency responsible for issuing a coastal approval should be invited (in writing) to join the Project Development Team (PDT), or, at a minimum, to comment and provide input as early as feasible in the PDT process and at critical decision junctures. Place copies of the written invitations and the responses in the project file and reference them in the "Coordination and Consultation" section of the environmental document.

Project fact sheets and initial environmental technical information, along with good mapping, usually provide adequate information for local government and CCC staff to make a determination on the type of permit or other approval action(s) required. Additionally, pre-application meetings to share information about a project and to review materials needed to complete a coastal development permit application can be very useful, particularly for complex projects. Permit applications must be prepared and submitted with supporting information before the permitting agency can determine if an application is complete, which is necessary for processing the permit request. Depending upon the location of the project and type of approval(s) required, hearings(s) for the project may be scheduled for action by the CCC and/or local jurisdiction. See Chapter 5, "Permits/Approvals Required" for further details.

Depending on the type of permit action required, the proposed project likely will be reviewed through an administrative and public hearing process. Local government officials or appointed CCC members will vote to approve the application as submitted or with conditions, or they may

outright deny the permit or other necessary approval if they find that the project is inconsistent with applicable Coastal Act and LCP policies. When applicable, the CCC may also concur, conditionally concur, or object to any required federal consistency certification. The majority of decisions on projects pursued by the Department within local government jurisdictions can be appealed to the CCC, which will review the proposal for consistency with the applicable LCP policies and the public access and recreation policies of Chapter 3 of the Coastal Act. See sections on coastal permitting and federal consistency for follow-up actions available in the event a permit is denied or the reviewing agency objects to a federal consistency certification.

3.1 Identification of Regulatory/Management Agencies

3.1.1 Federal

3.1.1.1 National Oceanic and Atmospheric Administration (NOAA)

Administration of the Coastal Zone Management Act (CZMA) at the federal level is handled by the [National Coastal Zone Management Program](#) within the [National Oceanic and Atmospheric Administration's Office for Coastal Management](#), which is responsible for advancing national coastal management objectives and maintaining and strengthening state and territorial coastal management capabilities. It approves the coastal states' management plans and supports states through financial assistance, mediation, technical services and information, and participation in priority state, regional, and local forums. The CZMA leaves day-to-day management decisions at the state level in the 34 states and territories with federally approved coastal management programs.

3.1.2 State

3.1.2.1 California Coastal Commission

The [CCC](#), in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act, generally require a coastal development permit from either the CCC or the local government if there is an approved LCP in place. The CCC is an independent, quasi-judicial¹ state agency.

3.1.3 Local Governments

If a local city or county government has a certified LCP consisting of a land use plan and implementing ordinances that have been approved by the CCC (a "certified LCP"), then coastal

¹ "Quasi-judicial" refers to the action taken and discretion exercised by public administrative agencies or bodies that are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions.

permitting authority over most new development is transferred to the local government. To find out if an area has an approved LCP, call the local [CCC District Office](#). A linear transportation project may traverse more than one LCP jurisdiction, as well as an area of retained CCC jurisdiction. Such projects may require several permits. If a project falls within both CCC and LCP jurisdictions, the Coastal Act allows the CCC to process one consolidated coastal development permit if requested by the local government and applicant and approved by the CCC executive director.

3.1.3.1 Local Government Preliminary Approvals/Approval-in-Concept

Most coastal development permits are issued by local governments according to procedures adopted as part of their certified LCP and, unless appealed to the CCC, the local government action on the permit is final. For projects located in areas where the CCC is responsible for issuing coastal development permits (areas of original or retained jurisdiction and areas where there is no certified LCP, including deferred certification areas), CCC staff will typically request information from the Department regarding alternatives analyses, any local discretionary approvals required by the certified LCP (such as land use permits, design review, conditional use permits, etc.), and the status of environmental review under the California Environmental Quality Act. This information will assist the CCC's review of the application by informing CCC staff of existing environmental documentation and analyses completed for the project, and of any conditions or avoidance, minimization, and/or mitigation measures proposed by the Department or imposed on the project by the local government.

3.1.4 Ports, Universities, and Special Districts

In addition to LCPs, other mechanisms to implement the provisions of the Coastal Act are available for ports, universities, and special districts. These include port master plans, long-range development plans (LRDPs) for state university/college or private university development projects, and public works plans (PWP) for public agencies, community colleges, or other special districts authorized to pursue public works projects.

The coastal review process is different for development in areas covered by port master plans, LRDPs, and PWPs. The CCC must review and approve these plans which, in most cases, then take the place of the Coastal Act and/or LCP as the standard of review for regulating development within the plan area and development that is described in the plan. In the case of port master plans, coastal development permit authority over most new development within the port is delegated to the Port Authority upon the CCC's certification of the plan. In the case of LRDPs and PWPs, no coastal development permit is required for development that is described in the plan; rather, the permittee prepares a notice of impending development (NOID), which the CCC reviews for consistency with the plan. If the CCC determines the NOID is consistent with the plan, the development may proceed. To find out if an area has an approved port master plan, LRDP, or PWP, call the local [CCC District Office](#).

Chapter 4 Information Needed for Project Delivery

The sections below describe initial considerations and technical information potentially needed for successful project delivery in the coastal zone.

4.1 Regional Transportation Plan

The Department encourages Metropolitan Planning Organizations and Regional Transportation Planning Associations to include the following information, as appropriate, in the environmental document for the Regional Transportation Plan (RTP):

- Transportation Concept Reports (TCR) should be reviewed to determine how the project fits within the vision of the corridor and to identify other corridor needs.
- Coastal zone designation, if applicable, within study area or corridor.
- Any known potential impacts to, and mitigation measures for, public access and environmental resources within the coastal zone.
- Provisions for the California Coastal Trail, as required by CA Government Code Section 65080.1.

4.2 Project Initiation Document

Include the following information in the Preliminary Environmental Analysis Report (PEAR) prepared as part of the Project Initiation Document (PID):

- Coastal zone designation, if applicable, within study area or corridor.
- Relevant state, regional, and local planning documents such as the California Transportation Plan (CTP), RTP, TCR, Public Works Plan (PWP), or Local Coastal Program (LCP).
- Any known or potential impacts to and avoidance, minimization, and/or mitigation measures for environmental resources, including all modes of public access, within the coastal zone.
- Preliminary determination of whether a coastal development permit or other necessary approval from the state's coastal program will be needed and, if so, from which agency.
- Preliminary identification of key Coastal Act and LCP policies applicable to the project area.

For projects off the State Highway System, complete the [Preliminary Environmental Study \(PES\)](#) form.

Also verify all information from the RTP stage.

4.3 Reporting

4.3.1 Determining the Need for a Separate Technical Report

Preparation of a separate technical report for coastal resources is not required, but detailed technical data that may not otherwise be required for California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA) reviews is often requested to support coastal policy consistency findings. The need and requirements for such data should be identified during development of the draft environmental document (see the [Caltrans Coastal Resource Policy Checklist](#)). For a proposed project located in the coastal zone, the necessary information may be incorporated by revising or adding to existing studies already under development.

4.3.1.1 Technical Information

As part of the permitting process, the following technical information is often used to support the permit application and may be instrumental in making coastal policy consistency findings for approval of a project:

- **Jurisdictional wetland delineations** meeting Coastal Act definitions and conducted consistent with California Coastal Commission (CCC) guidelines. These should include a current (typically less than 2 years old) detailed impact analysis of temporary and permanent project features. Wetland delineations are commonly required for any project located within 100 feet of a potential wetland resource, including isolated wetlands ([Public Resources Code \(PRC\) Section 30233](#); [California Code of Regulations \(CCR\) Title 14 Section 13577\(b\)](#)). Note that in many instances, wetland delineation criteria identified in CCR Title 14 Section 13577(b) will differ from criteria utilized by other resource agencies (e.g., U.S. Army Corps of Engineers) for identifying wetlands.
- **The Natural Environment Study (NES)**, with a discussion of existing physical and biological conditions, including natural communities of special concern and special-status plant and animal species as identified in the Coastal Act and LCP policies. A discussion of study methods, survey area, results, limitations that may influence results, project impacts, and avoidance, minimization, and/or mitigation efforts should be provided for each resource. In addition to information normally considered in the NES, during field work the project biologist should also gather information pertaining to coastal wetlands and environmentally sensitive habitat areas (ESHA) as defined by the Coastal Act in Section 30240. The additional data typically involves the following: mapped sensitive habitat areas, potential special-status species occurrence (including focused special-status species protocol

surveys/evaluations, as necessary), and detailed temporary and permanent project impact analysis. Biological analysis is typically required for any project located in a resource protection area, as identified in a certified LCP, or for a project located within 100 feet of a potential ESHA and/or where special-status species potentially occur (PRC Sections 30233 and 30240).

- **Agricultural resources impact evaluation** identifying potential project impacts to agricultural resources. An agricultural resources impact evaluation is typically required for any project located within a site designated and zoned for agricultural use and actively used for agricultural purposes, containing designated prime farmland and/or active agricultural uses, containing any other prime agricultural land identified by the Coastal Act. Note that PRC Section 30113 and referencing [Section 51201 of the CA Government Code](#) generally define these as:
 - Lands consisting of Class I or II soils as defined by the Natural Resources Conservation Service.
 - Soils with a Storie Index Rating of 80 through 100.
 - Lands with the ability to support livestock (at least one animal unit per acre as defined by the United States Department of Agriculture).
 - Lands planted with fruit- or nut-bearing trees, vines, bushes, or crops.
 - An agricultural viability analysis may also need to be provided, including, but not limited to consideration of an economic feasibility evaluation containing at least both of the following elements: 1) analysis of the gross revenue from the agricultural products grown in the area for five years, and 2) analysis of the operational expenses, excluding the cost of land, associated with the production of agricultural products grown in the area for five years.
 - Additionally, a current map and description of known agricultural lands (as defined by the Coastal Act and LCPs) and proposed development location may also need to be provided.
- **Water quality reports** describing how the project is designed to minimize grading, erosion and runoff, and to incorporate project Best Management Practices that will avoid or minimize hydrological alterations and minimize sedimentation and pollutant loads in stormwater runoff. The large majority of new construction projects will require preparation of a water quality report. The exception may be for projects that are minor in nature and qualify for a coastal development permit waiver (or equivalent staff-level review procedure) (PRC Sections 30230 and 30231).
- **Public access and recreation-related studies**, including traffic and parking demand studies, inventories, and maps of existing and planned public access and recreation areas. Give careful attention to non-motorized modes of transportation and maximizing public access to the shoreline. Public access- and recreation-related studies are typically required for any

project located along or near the shoreline or coastal recreation area (including beaches, parks, trails, and inland waterbodies). Studies are also required for projects that have the potential to temporarily or permanently affect access and recreation opportunities because they physically displace land or parking resources used for such uses, public pullouts, or viewing areas; or change traffic patterns along critical access corridors. Discuss the status of the Coastal Trail in the vicinity and factor it into the project planning process. Note any provisions in the applicable RTP and TCRs; any local bike, pedestrian plans, and parking facilities; and any other considerations for interconnecting trail systems and for providing appropriate, safe roadway crossings. The study may also need to address whether the impact is to “low-cost visitor and recreational facilities” (PRC Sections 30210-30224, 30234, 30234.5, and 30252).

- **Visual impact assessments** for coastal zone projects, including (among other considerations) line-of-site analyses; visual simulations; and sketches and photographic examples illustrating how project features—such as signage, bridge sections, railings, retaining and sound walls, and landscaping—potentially alter landforms or change the visual character of the project area. Illustrations should also show the project’s potential effects on public views to and along the shoreline, recreation and open-space areas, significant landforms, waterbodies, and inland mountains. The visual assessment should include views both to and from the proposed project. The alteration of natural landforms is to be minimized and project designs are to be visually compatible with the character of surrounding areas, including the natural contours and coastal resources of the site and architectural and historic features in the area. Changes in visual character and/or views to developed areas that consist of special communities, usually designated as such in LCPs, must also be considered. A visual impact assessment (along with visual simulations of the proposed project) is often prepared by a landscape architect and is required for any project located in a visual-protection overlay area that is identified in a certified LCP; or for a project located within an area adjacent to the shoreline or parkland, areas consisting of steep terrain and/or important vegetation; and for projects that have the potential to block public views to shoreline or inland scenic resources (PRC Section 30251).
- **Hazards assessments** for most new construction projects, requiring technical analysis and details specific to the project location. Components of a hazard assessment may include geotechnical and soils reports, watershed hydrological reports, floodplain impact analysis, estimates of 100-year shoreline erosion, wave run-up studies, evaluation of potential sea-level rise impacts, assessment of potential shoreline erosion issues during the useful life of the project, and analysis of structural and non-structural alternatives for responding to these potential hazard issues (PRC Sections 30235, 30236, and 30253).
- **Cultural resource assessments** for any project located within 100 feet of a known cultural resource or on sites not previously surveyed and considered sensitive for the occurrence of potential cultural resources (PRC Section 30244).
- **Comprehensive resource constraints mapping** with project overlay and detailed policy consistency analysis. The analysis should include an assessment of specific project features that may affect wetlands, ESHA, or agricultural resources, and should state whether those

project features are considered “permitted uses” in these resource areas consistent with Coastal Act or LCP resource protection policies, as applicable. Comprehensive resource constraints maps may also include scenic resources, hazardous areas, cultural resources (for confidential map products only), public access and recreation resources, and other resources as applicable. The purpose of the comprehensive resource constraints map and policy consistency analysis is to demonstrate that all coastal resources were considered in the location and design of a project and any potential competing resource protection needs for a project to support policy consistency findings.

4.3.2 Processing and Approval

The technical assessments are summarized in the project environmental document. For projects involving more than minor effects, each assessment is developed through coordination with the appropriate regulatory agencies to identify resource issues and options to avoid or minimize effects, and to develop appropriate avoidance, minimization, and/or mitigation measures for any unavoidable project impacts.

In order to provide adequate information to file a coastal development permit application, these technical reports may need to include project and environmental data that may not otherwise be required for CEQA or NEPA reviews. For example, under the CEQA, the baseline for environmental impact analysis consists of the existing site conditions at the time of the Notice of Preparation (NOP) or at the time environmental studies began. Under NEPA, the no-build alternative can be used as the baseline for comparing environmental impacts. However, for projects in the coastal zone, the baseline is not always considered to be the existing site conditions at the time of the NOP or at the time environmental studies began. Rather, the CCC may evaluate the baseline as the legally existing site conditions. If vegetation removal or development at the site occurred without a valid coastal development permit, for example, the CCC’s evaluation will be based on the site as if the vegetation had not been removed or if the development had not been constructed. Historic aerial photography, previous surveys, etc. are often used to determine baseline conditions.

The [Caltrans Coastal Resource Policy Checklist](#), identifies many of the coastal resource policy issues that often require technical documentation to support the application review process. The checklist also helps to identify common use restrictions, setback standards, policy concerns, and related considerations for each resource issue.

The permitting agencies (CCC or local government) will require a copy of the approved final environmental document as well as documentation of consultation with resource and regulatory agencies (e.g., U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, Regional Water Quality Control Boards), including permits and approvals from these agencies or, lacking that, copies of permit applications to the agencies.

4.4 Information for the Environmental Documentation

As required by the [Environmental Document Annotated Outlines](#), the environmental document must identify necessary permits and approvals, including permits or other determinations needed from the CCC or a local jurisdiction. The document also must summarize comments from and coordination with these coastal resource agencies. The coastal permit application process will be more efficient if the environmental document clearly identifies potential impacts to coastal resources; includes a thorough alternatives analysis addressing the feasibility of potential avoidance or minimization alternatives through project design features, siting options, and/or construction methods; and clearly identifies the proposed avoidance, minimization, and/or mitigation measures and any potential secondary impacts associated with implementing them.

4.4.1 Construction Impacts

Given the sensitivity of coastal resources, special planning may be required for construction activities. Potential construction impacts must be clearly identified and assessed as part of the environmental documentation and permit application processes. The CCC or local jurisdictions will often require project proponents to develop and implement measures to avoid or minimize these types of impacts. Some of the activities that should be evaluated for potential impacts include, but are not limited to, construction schedule (particularly during the summer and weekends); resource protection measures; staging areas; storage, vehicle/equipment maintenance and wash-out areas; access, excavation and disposal sites; false work; and traffic detours.

4.4.2 Timing the Studies with the Environmental Process

Generally, technical studies required for CCC reviews of the coastal development permit application must be current, meaning they are not more than 1 or 2 years old. Because the environmental review process may occur more than 1 or 2 years prior to the start of the CCC's review of a coastal development permit application (or review of a coastal development permit subject to an appeal), an updated letter/report is frequently required to ensure the most accurate data is available for CCC's review of the project.

4.4.3 Information Needed with the Draft and Final Environmental Document

The results of technical studies should be presented in the draft environmental document or used as supporting documentation for a categorical exemption, as appropriate. This is the stage of project development where all reporting should be complete. In addition, verify all information from the earlier RTP and PID stages (see above) and include:

- Description of the affected portion of the Coastal Zone Management Program
- Coastal Zone Management Program requirements for development that pertain to the project

- Potential impacts of the proposed project
- Evidence of coordination with the managing agencies

In addition to the information provided in the draft environmental document, the information below should be presented in the final environmental document:

- Include any comments received on coastal issues during the circulation of the draft environmental document, and the Department's responses.
- State coastal management agency's certification (preliminary) on the consistency of the project with the state Coastal Zone Management Program.

4.4.3.1 Activities That May Occur during Project Design

No construction activities are permitted in the coastal zone during the design phase. However, surveying, mapping, and other data gathering activities may be undertaken with no permits. For soil boring activities, subsurface geotechnical or archaeological investigations, or other activities requiring soil disturbance or that have the potential to impact sensitive coastal resources, the appropriate coastal zone permitting agency with jurisdiction over the project should be contacted for authorization or a determination that the activity is exempt from coastal development permit requirements.

The coastal development permit review process typically involves two primary steps: the first is review of and decision regarding the application; the second involves permit conditions with which the applicant must comply after the permit is approved but prior to the permit being issued. No construction activities are permitted until the applicant has complied with all conditions and the permitting agency has issued the permit. In some cases, condition compliance may take several months and should be considered when developing planning and construction schedules.

Note: Changes in the project design following approval of the environmental document may require revisions to the coastal permit application, or an amendment to the coastal permit if it has already been obtained. Such changes may also require that any applicable federal consistency review be re-opened. Significant design changes that result in new impacts, greater impacts, and/or substantial changes in the project description may require preparation of additional technical reports to support the coastal development permit and federal consistency review processes. See discussion under "Coastal Development Permit Amendment" section for additional information. Coordination with your local coastal liaison is also suggested.

4.4.3.2 Activities That May Occur during Construction

Copies of all coastal permits or determinations must be included in the Resident Engineer Pending File; Plans, Specifications, and Estimate; [Environmental Commitments Record](#); and the Resident Engineer's Book so that Construction is aware of all the conditions of the coastal

approval(s). The District’s environmental construction liaison or environmental coordinator actively monitors the construction activities to make sure that the permit conditions are being implemented in the field and to prepare and submit monitoring reports to the permitting agency when required.

Substantial deviations from permit requirements without prior authorization by the permitting agency may result in a stop-work order, additional conditions, avoidance, minimization, and mitigation measures, or permit revocation. See also discussion under “Enforcement.”

If the method of construction changes or a contract change order (CCO) is needed for a change in project design, then it may be necessary to obtain an amendment to the coastal permit or determination. The amendment must be approved before the CCO or other change is approved and implemented. See discussion under “Coastal Development Permit Amendment” section.

4.4.3.3 Considerations during Maintenance and Owner-Operator Activities

Generally, repair and maintenance activities that do not result in enlargement of the facility being serviced, and that will not have a risk of substantial adverse environmental impact, are excluded from a permit requirement. However, activities involving enlargement of the facility, excavation or fill outside the highway prism, or removal of sensitive vegetation and/or vegetation located close to a waterbody, coastal bluff/shoreline, or sensitive habitat area, will require a permit. Please see discussions under “Exemptions” and “Waivers,” including the 1978 [“Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements”](#) published by the CCC.

Chapter 5 **Permits and Approvals Required**

This chapter covers coastal permitting and required approvals, and the waiver and appeals processes. Unless otherwise specified, the information applies to permits needed from the California Coastal Commission (CCC). For general information regarding the processing, approval or denial, and appeal of a local coastal development permit, please see [Title 14, Division 5.5, Chapter 5, Section 13300 et seq. of the California Code of Regulations](#). Because the CCC must determine that implementing ordinances of local coastal programs (LCPs) are consistent with Coastal Act requirements for certification, the application requirements, noticing procedures, and review periods required for coastal development permits by local governments are similar to those for the CCC. However, each LCP is unique and may contain additional or different permit requirements and procedures. For specific information regarding an applicable LCP, contact the appropriate city or county staff.

5.1 Application

Development activities requiring a coastal development permit in the coastal zone are regulated by the CCC and local governments through their respective coastal development permit processes. The term “development” is broadly defined. Upon certification of an LCP by the CCC, local governments assume coastal development permit responsibility for most new development within their jurisdictions. However, the CCC retains original permit jurisdiction (also referred to as “retained permit jurisdiction”) over development proposed on tidelands, submerged lands, and public trust lands. The CCC also retains original permit jurisdiction in any areas of deferred LCP certification until such time as the LCP is certified for the local government. In addition, the CCC hears appeals from certain local government coastal permit decisions and must review and approve any amendments to previously certified LCPs.

5.2 Coastal Development Permits

Whenever a project proposes development within the coastal zone (California Code of Regulations [CCR], Title 14, Section 13050 et seq.), a coastal development permit or verification of an exemption or waiver will be required (see Exemptions and Waivers sections).

5.2.1 Determination of Permit Jurisdiction

5.2.1.1 Coastal Commission and Local Government Permit Jurisdictional Boundaries

Confirmation of coastal permit jurisdictional boundaries may affect the type of coastal development permit pursued for a project. Jurisdictional boundaries can usually be confirmed by first identifying if the project is located in an area covered by a certified LCP. If it is, review the post-certification LCP map at the local government or CCC district office to determine if the project falls within any area of CCC retained jurisdiction or deferred certification. Beware that in some cases, hard copies of these maps may be outdated; follow-up with local government and/or CCC District staff may be necessary to confirm jurisdiction. Additional assistance in making a precise boundary determination is available from the Mapping and GIS Unit at the CCC's headquarters office in San Francisco. See "Multiple Jurisdictions Coastal Development Permit Options" for more information on processing options when a project falls within both CCC and LCP jurisdictions.

5.2.1.2 Coastal Commission Appeal Jurisdiction

In most cases, determining if a project falls within the permit appeal jurisdiction of the CCC is not a significant concern for the coastal permitting process. The Department improves and maintains public transportation facilities of local, regional, state, and national significance utilizing public funds for implementation. Therefore, the large majority of projects meeting the definition of "development" under the Coastal Act are also considered "public works" within the meaning of [Public Resources Code \(PRC\) Section 30114](#). Therefore, a local government's decision to approve or deny a Caltrans coastal permit application is appealable to the CCC irrespective of the project's location in the permit appeal area of a certified LCP (PRC Section 30603).

5.2.1.3 Ports/Universities/Special Districts

Development proposed or undertaken in the ports, within any state university or community college in the coastal zone, or any development covered by a public works plan (PWP), generally remains subject to the CCC's review within its areas of original jurisdiction and through its oversight review of proposed projects' consistency with certified port master plans, long-range development plans (LRDPs) or PWPs, as applicable. Note that port authorities may also have permit jurisdiction through certified port master plans.

5.2.1.4 Coastal Development Permits Previously Issued by the Coastal Commission

The CCC typically retains authority over coastal development permits that it issues, including condition compliance. Whenever modifications to projects permitted by the CCC are being contemplated, CCC staff should be consulted for guidance on permit processing requirements for the specific situation, including the potential for an amendment to the CCC-issued coastal

development permit. In some instances, subsequent project applications in certified LCP areas may need to be filed with the local jurisdiction.

5.2.1.5 Multiple Jurisdictions Coastal Development Permit Options

A project that straddles jurisdictions of both the CCC and the local government would typically require coastal development permits from both the CCC (regulated by the Coastal Act) and from a local government (regulated by the certified LCP). However, Coastal Act Section 30601.3 authorizes the CCC to process a consolidated coastal development permit application when the local government, the applicant, and the CCC all agree to do so. As an alternative to separate coastal permits subject to different standards of review in multiple jurisdictions, the consolidated coastal permit is subject to review and approval only by the CCC; the Coastal Act is the regulating mechanism for the entire project, with the LCP providing guidance for review.

The consolidated coastal permit process may simplify the coastal permit review process by eliminating the need to prepare and process permit applications through multiple jurisdictions; excluding a potential appeal process associated with the local government action on the permit; and avoiding the need to process an LCP amendment in the event the project results in conflicts with LCP policies—which may be better addressed pursuant to Coastal Act policies. Consolidated development permits are subject to the same CCC review, noticing, and hearing procedures as standard permits.

A PWP is an alternate vehicle for obtaining approval of complex, multi-pronged, or phased public works projects, which remain under the authority of the CCC irrespective of coastal permit jurisdictional boundaries. In contrast to project-by-project approval through the coastal development process, the PWP process allows for faster and more efficient processing of public works projects by eliminating the need to coordinate individual coastal development permits separately through multiple jurisdictions. The PWP process is intended to provide consistency in review, analysis, processing, and implementation under the authority of the CCC.

A PWP must be sufficiently detailed regarding the size, kind, intensity, and location of development to allow the CCC to determine its consistency with the policies in Chapter 3 of the Coastal Act or the certified LCP, as applicable. Once the CCC approves a PWP, no coastal development permit for future project implementation is required if the development remains consistent with the PWP. Instead, the permittee provides a notice of impending development (NOID) to the CCC and other parties.

NOID submittals to the CCC must include data demonstrating the project is consistent with the previously approved PWP. Once CCC staff deems a NOID complete, it is scheduled for public hearing and the CCC determines whether the project is included in the certified PWP and whether conditions are required to bring the project into conformance. No construction is permitted until the CCC finds the proposed project is consistent with the approved PWP. The CCC's review of project NOIDs submitted pursuant to an approved PWP is limited to imposing conditions intended to ensure the projects are carried out consistent with the certified PWP. In

the event that a proposed project is found inconsistent, the agency proposing the public works project may choose to submit a coastal development permit application to the appropriate permitting agency or amend the PWP to include the specific project proposal.

Options for processing a consolidated coastal development permit or PWP should be discussed with the CCC and affected local jurisdiction(s) early in the project planning and design process (see Chapter 3, Interagency Coordination). If the coastal development permit review process cannot be combined for a project that straddles multiple jurisdictions, additional resources and time should be budgeted for project permitting and condition compliance.

5.2.2 Types of Coastal Development Permit Applications

The following sections describe the various CCC review procedures associated with coastal development applications. The CCC Processing Timelines Summary, includes a list of the review procedures described in this section and a summary of required review timelines associated with each process.

5.2.2.1 Exemptions

Best practices for any activity assumed to be exempt would include coordination with the local government and/or CCC office to verify if the proposed activity is exempt from coastal development permitting requirements, and documenting the response in the files prior to initiating the activity. Some CCC district offices will request submittal of an exemption application and will issue a letter of exemption. If the project is in an area covered by a certified LCP, pay particular attention to LCP exemption provisions.

For projects within CCC's jurisdiction, repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the facility are generally exempt from the CCC's coastal development permit requirements, provided that the activities do not involve a risk of substantial adverse environmental impact (PRC Section 30610(d); CCR Title 14, Section 13252). To implement Coastal Act and CCC regulations, the CCC has developed a detailed [list of road maintenance activities](#) that do not require a coastal development permit, provided that the proposed activity will not have a risk of substantial adverse environmental impact, contained in the "[Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements](#)" guideline document, dated September 5, 1978 (1978 Exclusions document). So long as there is no risk of causing substantial adverse impacts on public access, ESHAs, wetlands, or public views to the ocean, and there is no expansion of the roadway facility, no permit is required for repair and maintenance of existing public roads. Such projects include landscaping; signalization; lighting; signing; resurfacing; installing or expanding retaining walls, safety barriers, and railings; and other comparable development within the existing right-of-way. See the Section II.A of the [1978 Exclusions document](#).

As further stated in the 1978 Exclusions document, maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including constructing temporary detours; removing slides and slip outs; restoring and repairing drainage appurtenances; installing slope protection devices; installing minor drainage facilities for preservation of the roadway or adjacent properties; restoring, repairing, and modifying bridges and other highway structures for public safety; and restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism.

Additionally, the 1978 Exclusions document specifies that several Department maintenance and alteration programs (or their equivalent conducted by local road departments) *that do not result in an addition to or enlargement or expansion of the existing public road facility itself* may not require a permit.

Some local governments' certified LCPs include the 1978 Exclusions document; however, research is required to determine whether the individual LCP with jurisdiction over a project includes these applicable exemptions, or if alternative local exclusions and/or additional local constraints or conditions apply.

5.2.2.2 Waivers

An applicant, such as the Department, may apply to the executive director of the CCC for a waiver of permit requirements for projects that have no potential for adverse effects, either individually or cumulatively, on coastal resources, and therefore can be found consistent with the policies of the Coastal Act without the need to apply special conditions under a consent or regular coastal development permit. The waiver takes effect only after being reported to the CCC at the next regularly scheduled CCC meeting, provided there are no objections to the issuance of a waiver. Waivers from permit requirements are discussed in PRC Sections 30624.7 and 30624.9. See also CCR Title 14, Section 13238.

Coastal development permit waivers are an expeditious means of obtaining approval to commence development in the coastal zone because the type of development considered for waivers does not require extensive analysis or staff report preparation, and is typically not subject to a full CCC hearing. However, a complete coastal development permit application must still be submitted for review, specifically requesting that the project be considered for a waiver. Providing a complete project description and plans that include any avoidance, minimization, and mitigation measures as proposed project features to address potential project impacts will help facilitate review and consideration for a waiver of permit requirements.

Some local governments' certified LCPs include a coastal development permit waiver or similar process; however, research is required to determine whether the LCP with jurisdiction over a project includes these expedited processes.

For information on waivers issued during an emergency situation, see the “Emergency Authorizations” section.

5.2.2.3 Coastal Development Permit

If a proposed development is not exempt and does not qualify for a waiver of the coastal development permit, a coastal development permit must be approved for the project, and all conditions met prior to commencing project construction or development activities. Projects may be processed pursuant to an Administrative, Consent, or Regular Calendar coastal development permit, all of which must be accomplished through submittal of a complete coastal development permit application and CCC hearing. Administrative and Consent Calendar permits are typically utilized for noncontroversial projects that are reported to the CCC during public hearing, and are not subject to public hearing as an individual item. Regular Calendar permits are subject to a public hearing and vote. If the public or commissioners raise substantive objections to approval of development pursuant to an Administrative or Consent Calendar permit, the CCC’s decision on the permit may be postponed and the permit rescheduled for the next available CCC hearing as a Regular Calendar item.

5.2.2.4 Coastal Development Permit Amendment

The Department may apply to amend a project or the terms or conditions of a previously authorized permit by following the same procedures as for submitting regular coastal development permits. Project modifications that deviate from the scope and/or conditions documented in the originally approved coastal development permit, but that do not result in significant new impacts to coastal resources, may be processed as an Immaterial Amendment. If no written objection to the notice of Immaterial Amendment is received at the CCC office within 10 working days of mailing said notice, the amendment is deemed approved. In the event written objection to the notice is received within 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 LCP (if applicable), the Immaterial Amendment does not become effective until the amendment and objection are reported to the CCC at its next regularly scheduled meeting. If any three commissioners object to the executive director’s designation of immateriality, the amendment application is referred to the CCC for action as a Material Amendment and subject to regular hearing requirements. For additional details, see CCR Title 14, Section 13166(b).

5.2.2.5 Application Information Requirements and Submittal Methods

Because implementing ordinances of LCPs must be consistent with Coastal Act requirements for certification, the application requirements, noticing procedures, and review periods required for coastal development permits by local governments are generally the same as those for the CCC. However, each LCP is unique and may contain additional or different permit requirements and procedures. For specific information regarding local programs, contact the appropriate city or county staff.

The CCC will usually not accept an application for a coastal permit unless all government agencies have granted at minimum their preliminary approvals for the proposed project, or evidence is submitted with the application that other required permits are in the application review process. This includes, as appropriate: approval of the final environmental document; the U.S. Army Corps of Engineers Clean Water Act Section 404 permit and Clean Water Act Section 401 water quality certification; the U.S. Fish and Wildlife Service's Endangered Species Act Section 7 or Section 10 permit; local government coastal development permit(s); and the California Department of Fish and Wildlife's lake and streambed alteration agreement (California Fish and Game Code Section 1602).

The CCC permit application form is specific to each local CCC office and includes specific requirements that must be met when submitting the application. Applications for a coastal development permit are found on the CCC website. Deliver applications for a coastal development permit to the local [CCC office](#). Send or deliver federal consistency applications to the San Francisco office.

5.2.2.6 Noticing Requirements

As part of the CCC permit application submittal package, the applicant must provide a list of the addresses of all residences, property owners, and occupants located within 100 feet of the perimeter of the real property of record on which the development is proposed. The applicant must also provide a list of names and addresses of all persons known to be interested in the project. Along with the lists, the applicant is to provide addressed, stamped envelopes. At the time the application is filed with the CCC, a notice of application for the proposed development permit must be posted as close as possible to the proposed development site. A standardized form is available from the CCC.

5.2.2.7 Application Review Process

After the permit application is filed, the CCC has 30 days to determine if the application packet is complete, in accordance with the [Permit Streamlining Act](#), codified at [CA Government Code Section 65920](#). A filing determination is then sent to the applicant. If the application is incomplete, the filing determination must state what information is missing and what additional information is required to file a complete application, as determined necessary to review the project for consistency with applicable coastal policies (refer to the [Caltrans Coastal Resource Policy Checklist](#) for commonly requested resource-specific application information). For additional details, see CCR, Title 14, Section 13053.5. Once the application is re-filed with the required information, another 30-day filing determination period begins. In most cases, an application will be deemed incomplete upon its initial review by the permitting agency; depending on the complexity of the project and potential resource issues, multiple 30-day review cycles may be required before the application is deemed complete. In addition, most coastal permitting agencies will utilize the entire 30-day review period before providing notice of the application completeness determination. The long time frame often associated with the

application completeness review process emphasizes the need for quick and thorough response to application incompleteness determinations to avoid project delays.

After the application is deemed complete and filed, the staff of CCC will complete a staff report for the permit. The report contains the maps, plans, photographs, summary of technical reports and other descriptive materials for the proposed project, a summary of significant questions of fact, a summary of the project's consistency with applicable policies, a copy or summary of public comments, a summary of the legal adequacy of the application and the staff's recommendation for approval, conditional approval, or denial of the permit. For more specific information, please see CCR, Title 14, Section 13057.

In accordance with the [Permit Streamlining Act](#), a public hearing on the application must be scheduled within 180 days of the application being deemed complete. However, the applicant may grant a one-time, 90-day extension to allow more time for the CCC to consider and act on the application during public hearing. Within these time frames, the applicant has a right to a single postponement request to allow more time for discussion and resolution of any outstanding issues associated with the CCC staff, public, and CCC review of the application. The CCC may continue the public hearing on the application at any time, but must act on the application within the 180-day review period, unless a 90-day extension has been granted by the applicant.

5.2.2.8 Coastal Commission Denial Action and Reconsideration Request

Any time within 30 days following a final vote upon an application for a coastal development permit, the applicant may request, through the district office, the CCC to grant reconsideration of a denied application. The applicant must show that there is relevant new evidence which could not have reasonably been presented at the original hearing or that an error of fact or law occurred.

The CCC must schedule a hearing on the reconsideration request at the next regularly scheduled meeting or as soon as practicable after the executive director distributes the notice of the hearing. Only the applicant and persons who participated in the original proceedings are eligible to testify.

Reconsideration will be granted if a majority of the commissioners present vote to grant the request. If reconsideration is granted, the application is re-processed as a new application, except no new fee is required.

5.2.3 Permit Streamlining Act

The Permit Streamlining Act, codified at [CA Government Code Section 65920, et seq.](#), establishes the time limits for agencies to determine completeness and take action on a permit application after the environmental determination is made, as described under Section 5.2.2.7, "Application Review Process." If the agency fails to notify the applicant of completeness within

the 30-day review period, the application is automatically deemed to be complete and filed. The permitting agency may request an extension to the 30-day review period to allow for more time to review and respond to a permit application submittal.

Once deemed complete, action on a coastal development permit application must be taken within 180 days. An application can only be deemed approved as a result of failure to act if the requirements for public notice and review have been satisfied (CA Government Code Section 65956). Two options are available to an applicant to ensure that these requirements are met—CA Government Code Sections 65956 subds. (a) and (b):

- (a) the applicant may file an action pursuant to Section 1085 of the Code of Civil Procedure (civil mandamus) to force the agency to provide notice or hold a hearing, or both;
- (b) if the applicant has provided seven days advance notice to the permitting agency of intent to provide public notice, an applicant may provide public notice using the distribution information provided pursuant to CA Government Code Section 65941.5 no earlier than 60 days from the expiration of the time limits.

The notice must include the required contents as provided for by Section 65956(b) and a statement that the project will be deemed approved if the permitting agency has not acted within 60 days. Notice by the applicant extends the time limit for action by the permitting agency to 60 days after the public notice is sent out.

Early consultation with the appropriate office of the Legal Division is highly recommended, as authorization to file suit is a prerequisite.

5.3 Additional Coastal Commission Permit Review Procedures

5.3.1 Coastal Development Permit Extension

Coastal development permit extension requests must be filed with the CCC prior to the date of permit expiration. When an applicant timely submits an application for a time extension prior to expiration of the permit, the CCC's regulations provide for an automatic extension of time for commencement of development until the CCC has acted upon the extension request. However, no development may commence during the period of automatic extension until the CCC has formally approved the extension request.

Permit extension requests are reported to the CCC at a regularly scheduled hearing as follows:

1. There are no changed circumstances that affect the project's consistency with the Chapter 3 policies of the Coastal Act and the proposed development remains consistent with the Coastal Act.

2. An objection to that determination was received but does not identify changed circumstances.
3. There are changed circumstances. If the executive director determines there are potentially changed circumstances, the extension request is scheduled for a public hearing for the CCC to determine if there are changed circumstances.

If 3 commissioners determine that there are changed circumstances that affect the consistency of the development with the Chapter 3 policies of the Coastal Act, the extension request will be denied and the application set for a full public hearing as though it is a new application. If no such determination is made by 3 commissioners, the permit will be extended for an additional 1-year period from the most recent expiration date.

5.3.2 Coastal Development Permit Revocation

The Coastal Act and CCC regulations provide a mechanism for individuals or entities interested in a project to request that the CCC revoke a previously approved coastal development permit. The limited grounds for revocation of a permit are as follows:

- Intentional inclusion of inaccurate, erroneous, or incomplete information in connection with a coastal development permit application, where the CCC finds that accurate and complete information would have caused the CCC to require additional or different conditions on a permit or deny an application.
- Failure to comply with the notice provisions of CCR Title 14, Section 13054, where the views of the person(s) not notified were not otherwise made known to the CCC and could have caused the CCC to require additional or different conditions on a permit or deny an application.

Revocation of a permit by the CCC removes a previously granted permit, even if a permit is vested (i.e., the permittee has begun construction of the project). The permittee is required to stop work and, if wishing to continue, must reapply for a new permit for the project. If the executive director determines that evidence clearly shows grounds for revocation, the CCC's regulations provide that the permit be suspended. The revocation process does not allow the CCC to reconsider a previously issued permit based on information available only after the granting of a permit. In addition, a violation of the Coastal Act or the terms and conditions of a permit, or an allegation that a violation has occurred, are not grounds for revocation. The grounds for revocation are confined to information in existence at the time of the CCC's action.

5.3.3 Emergency Authorizations

Best practices for emergency work include earliest possible coordination with the local government and/or CCC office to verify what type of emergency authorization (emergency exemption, emergency waiver, or emergency coastal development permit) is required, provided time allows.

5.3.3.1 Exemptions for Public Agencies in Emergency Situations

The Coastal Act provides an exemption for work to protect life or property or to repair public services facilities. If the planned development is located *in a disaster-stricken area in which the Governor has declared a state of emergency* and immediate emergency work is necessary to protect life or property as a result of the disaster, or immediate emergency repairs to public service facilities are necessary to maintain service as a result of the disaster, then the development is exempt from Coastal Act permitting requirements. The appropriate CCC district office must be notified within 14 days of the commencement of the emergency project. See Public Resources Code Section 30600(e)(1).

An exemption may also be obtained if the planned development is an emergency project undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing public road if *all* of the following apply: the project is located within the existing right-of-way of the road; the road or highway was damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide; and the project is being carried out within 1 year of when the damage occurred.

Note that this type of exemption for emergency projects to maintain an existing public road *does not apply if the project is on an official state scenic highway or would expand or widen a road*. The appropriate CCC district office must be notified within 14 days of the commencement of the emergency project. See PRC Section 30600(e)(2).

The emergency project could potentially also be exempt pursuant to the CCC's "Repair, Maintenance, and Utility Hook-Up Exclusions from Permit Requirements" guideline document, dated September 5, 1978, described under Section 5.2.2.1, "Exemptions."

Even if the work qualifies for an emergency exemption, work may be subject to federal consistency review if federal funding or federal approvals are involved.

5.3.3.2 Emergency Waivers

The Coastal Act provides that coastal development permitting requirements may be waived for public agencies performing a public service in an emergency situation if either (1) immediate action is required to protect life or public property from imminent danger, or (2) immediate action is required to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or other emergency. However, this emergency waiver provision does not apply if the project includes the development of permanent structures valued at more than \$25,000.00. Within 3 days of the disaster or discovery of the danger, the appropriate CCC district office or local government must be notified of the type and location of the emergency action by telephone or facsimile. Additionally, within 7 days of taking the action, a written statement of why the action was taken and verification that permanent structures valued at more than \$25,000 were not constructed is required to be submitted (PRC Section 30611; CCR Title 14, Section 13144 and Sections 13136-13143).

If the development is located in an area subject to a certified LCP, the local government is usually responsible for reviewing emergency waivers. Note that some LCPs do not include a provision for the review and approval of emergency waivers. In those cases, the CCC retains the authority to review and approve emergency waivers.

5.3.3.3 Emergency Coastal Development Permits

If an emergency activity does not qualify for an emergency exemption or emergency waiver, it may qualify under Coastal Act and CCC regulations' provisions for issuing coastal development permits during emergencies. CCC's regulations define "emergency" as a "sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services" (CCR Title 14, Section 13009). Emergency permits are temporary authorizations (in most cases) designed to allow the least amount of temporary development with the least potential for adverse coastal resource impacts necessary to abate the identified emergency. An emergency permit application should be submitted to the executive director of the district office in writing, by fax, in person, or by telephone prior to commencing work, where time allows. Where immediate emergency action is required, notice of the action should be provided to the executive director within 3 days of discovery of the emergency, and a written statement for the emergency action submitted to the executive director within 7 days of taking such action. The emergency permit application form requires the following information and attachments, which must be submitted in writing in order to receive an emergency permit:

- Date and method of request (in person, fax, telephone, mail).
- Property owner and contact information.
- Location and description of emergency work.
- Evidence of applicant's interest in property on which emergency work is to be performed.
- Assessor's Parcel Number.
- Name, address, and phone number of the contractor, or person(s) who will do emergency work (if different from representative).
- Nature and cause of emergency (brief description).
- The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequence of failing to take action.
- Method and preventive work requested (e.g., rip-rap, bulkhead, etc.).
- Timing of emergency work (estimate as to when work will be performed, generally a period of 24 to 72 hours after the emergency occurs).
- If time permits, evidence of approval by local planning department.
- Site plan showing proposed and existing development on the subject parcel.

- Vicinity map (road map) with location of project site marked. For rural areas, please also provide a parcel map.
- Site photos and any relevant reports supporting the existence of an emergency and the proposed need for action.

Emergency actions are reported to the CCC at the next available hearing and, if approved, the project must usually be completed within 30 days, as required by the emergency permit. An emergency coastal development permit provides only temporary authorization for development. A follow-up regular coastal development permit application to retain, alter, or remove the emergency development must normally be submitted within 60 days of issuance of the emergency permit and will be specified in the emergency permit. The CCC or local government may authorize long-term or permanent retention of the emergency development or may require removal or alteration of emergency structures and/or restoration of site conditions (PRC Section 30624; CCR Title 14, Sections 13136-13143).

If the development is located in an area subject to a certified LCP, the local government is usually responsible for reviewing emergency coastal development permit applications. Note that some LCPs do not include a provision for issuance of emergency permits. In those cases, the CCC retains the authority over the issuance of emergency coastal development permits.

Chapter 6 **Federal Consistency Certification**

Under the federal [Coastal Zone Management Act](#) (CZMA), coastal states with an approved coastal management plan are able to review federal permits and activities to determine if they are consistent with the state’s management plan. They can either “concur” or “object” to the consistency certification. This regulatory obligation is in addition to the California regulations generally contained in the [California Coastal Act](#).

The California Coastal Management Program (CCMP) was developed by the California Coastal Commission (CCC) in 1976 and approved by the National Oceanic and Atmospheric Administration (NOAA) in 1977. This allows the CCC to review federal projects and activities to determine if they are consistent with California’s Coastal Management Program (16 United States Code [USC] Section 1456; 15 Code of Federal Regulations [CFR] part 930.30; Public Resources Code [PRC] Sections 30008 and 30330).

6.1 When Federal Consistency Review is Necessary

The CCC’s federal consistency authority applies to activities that are undertaken, funded, or permitted by federal agencies or if they occur on federal lands. Such activities, whether or not they occur inside or outside of the coastal zone, are subject to the federal consistency CZMA provisions if they have the potential to affect resources in the coastal zone. During such reviews, the CCC determines whether the proposed activities are consistent with the Chapter 3 policies of the Coastal Act and may refer to certified LCP policies as guidance for determining such consistency. Most of the Department’s projects have federal funding or require other federal approvals. Therefore, the Department’s projects with federal funding or approvals that may affect land or water uses or natural resources need federal consistency review. In cases of joint state/federal projects, a federal consistency certification is often conducted as part of the CCC coastal development permit review process; however, the consistency certification is still required if a local jurisdiction is issuing a coastal permit. The federal regulations relating to consistency certifications are at [15 CFR, part 930, et seq.](#)

In most cases, no federal consistency concurrence is required if the CCC has issued a coastal development permit, but formal documentation from the CCC federal consistency unit may still be needed for federal permitting agencies to comply with their federal consistency requirements. If a local government has issued a coastal development permit or an exemption determination, the CCC federal consistency certification and concurrence are typically still required.

6.2 Procedure for Consistency Certification Waiver Request

If it is determined that the project will not affect coastal uses or resources, a request for a waiver of the consistency certification requirement may be submitted to the CCC federal consistency

unit for confirmation. Coordination with the federal consistency unit prior to submittal will confirm whether a request for a waiver is appropriate. The consistency certification waiver request must contain a brief description of the proposed development or activity; the project or activity location; and the basis for the request, including an analysis of the proposed project's or activity's consistency with applicable Chapter 3 policies, sufficient for the CCC to evaluate whether the project or activity would affect coastal resources. Within 30 days of receiving the consistency certification waiver request and all applicable supporting information for a proposed development project, the executive director of the CCC will review the submittal and determine one of the following: (1) the subject consistency certification is waived, (2) additional information is necessary to adequately review the consistency certification waiver request, and request such information for review, or (3) the subject consistency certification is not waived and a consistency certification for the proposed project or activity must be submitted for review by the CCC. A waiver will not be issued, however, until after the final, local decision-maker hearing is held and the appeal period has closed.

6.3 Content and Submittal Materials for Consistency Certification

A federal consistency certification is prepared by the applicant and, in general, includes a brief evaluation of the relationship of the proposed activity and any reasonably foreseeable coastal effects to the enforceable policies of the management program and a statement indicating that the proposed action will be undertaken in a manner that is consistent with the CCMP (15 CFR, part 930.57). The consistency certification must evaluate the project relative to the enforceable policies of the CCMP. Policies contained in Chapter 3 of the Coastal Act provide the standard of review for the federal consistency review process.

There is no standard application form for a consistency certification. The applicant is required to submit the following information to the CCC (which is considered to be the consistency certification): the statement that “the proposed activity complies with California’s approved coastal zone management program and will be conducted in a manner consistent with such programs;” a copy of the federal permit application; a detailed project description, including any associated activities; an assessment of the potential effects on coastal resources; comprehensive data and information sufficient to support the consistency certification; and an evaluation of the consistency of the project and its associated facilities with the Chapter 3 policies of the Coastal Act (15 CFR Sections 930.57(a), 930.57 (b), and 930.58).

An LCP that the CCC has effectively certified and incorporated into the CCMP may provide guidance for analyzing project consistency with Chapter 3 policies where the LCP includes development standards applicable to the project area. In cases where the CCC has not incorporated a certified LCP into the CCMP, the LCP can be used to provide background information but is not used as guidance in analyzing project consistency with Chapter 3 policies. Only the Chapter 3 policies applicable to the project need to be analyzed. The comprehensive data requirement can be fulfilled by use of the technical studies developed during the environmental document process. In practice, documents prepared under the California

Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) have sometimes included chapters or appendices that contain specific federal consistency (i.e., Coastal Act Chapter 3) analyses, but any such federal consistency submittal needs a cover letter to the CCC clearly identifying that the CEQA/NEPA document contains such an analysis, and where in the document it can be found. Also, environmental analyses contained in CEQA/NEPA documents can be referenced in federal consistency submittals, where they can be used to supplement the analysis of a project's consistency with the applicable Coastal Act Chapter 3 policy. The [CCC's federal consistency webpage](#) contains several sample determinations. See also 15 CFR, Section 930.58.

The consistency certification must be sent to the CCC 90 days before final approval of the action; however, early communication with CCC staff prior to a submittal is highly recommended. It will be important to coordinate early with the local CCC office and the federal consistency unit prior to release of the draft environmental document to determine the appropriate time to process the federal consistency review. In most cases, consistency certification is required prior to finalizing the Finding of No Significant Impact or Record of Decision for environmental documents.

The CCC has 30 days from the day it receives the consistency certification and supporting documentation to respond. Once deemed complete, a staff report will be prepared and public notice provided for CCC action on the consistency certification within 6 months. CCC concurrence can be conclusively presumed if the CCC does not act within 6 months of the date the consistency certification is deemed complete. The CCC's hearing deadline may be extended ("stayed") if, on or before the hearing deadline, the Department and CCC agree to an extension ("stay") of the hearing deadline to allow CCC review to occur at a later hearing. A stay of the CCC's hearing deadline can be for no more than 180 days from the original hearing deadline as established by the date the consistency certification was deemed complete.

The CCC will hold a public hearing and may take action to concur with, conditionally concur with, or object to the consistency certification. Conditions must be based on the project or activity's consistency with Chapter 3 policies of the Coastal Act. If the Department does not agree with the conditions and/or does not modify the project or activity to incorporate the conditions, the CCC's conditional concurrence is treated as an objection.

An objection to a consistency certification may be based on findings that the information supplied is insufficient to enable the CCC to assess the activity for consistency with the Chapter 3 policies of the Coastal Act. In such cases, the CCC must identify the information and the reason it is necessary to assess consistency of the project or activity's consistency with applicable Chapter 3 policies of the Coastal Act. The CCC may also object to a consistency certification by finding the proposed project or activity is inconsistent with the Chapter 3 policies of the Coastal Act, in which case the CCC will identify alternative measures, where such measures exist, that would cause the CCC to concur with the consistency certification. A CCC objection to a consistency certification may be appealed to the Secretary of Commerce within 30 days from receipt of the objection.

6.4 Effect of an Objection

As is noted above, the CCC may either “concur” or “object” to the consistency certification. If the CCC objects, the project may not receive any federal approvals or funding unless the determination is overridden by the United States Secretary of Commerce after an appeal. On appeal, the Secretary of Commerce may override the CCC objection if he or she finds (1) the project is consistent with the objectives of the Coastal Zone Management Act, or (2) the project is otherwise in the interests of national security. The success rate of appeals to the Secretary is not high and it should not be assumed that an appeal will be successful.

More specific guidance on federal consistency is available at 16 USC Sections 1451–1464; 15 CFR Part 930 et seq.; and on the CCC’s federal consistency webpage. Please also refer to the [Federal Consistency Review Fact Sheet](#).

Chapter 7 Local Coastal Program Amendments

In cases where proposed development is inconsistent with an applicable local coastal program (LCP), the Coastal Act allows agencies authorized to undertake a public works project to request an LCP amendment to ensure consistency. The need for project-specific LCP amendments often arises when projects cannot meet policy requirements or development standards included in an LCP, such as permitted use limitations or setback standards for wetlands, environmentally sensitive habitat areas, and agricultural resources, or where a project creates a land use designation or zoning conflict. The Department may request traditional LCP amendments, but they must be initiated, written, and processed by the local government through both the local and California Coastal Commission (CCC) LCP review process. The exception to this procedure is an LCP amendment request made by an entity authorized to undertake a public works project, such as the Department, that is intended to meet public needs beyond the LCP area, and the project was not anticipated when the LCP was initially certified. In these cases, the local government may amend its LCP to accommodate the project according to traditional LCP procedures, or the requesting entity can petition the CCC to consider the amendment. The CCC, after a public hearing and after the local government explains its action, may certify the LCP amendment if it can make several specific findings regarding balancing of effects and public welfare.

LCP amendment requests must undergo application completeness review similar to permit applications but are subject to different timelines for CCC staff response and filing requirements. Refer to the [CCC Processing Timeline Summary](#).

Many local jurisdictions will conduct environmental review as part of any LCP amendment application, and some certified LCP implementing ordinances require that environmental review be conducted. However, Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from requiring preparation of an Environmental Impact Report (EIR) in connection with preparing LCPs. Rather, CEQA compliance responsibilities are assigned to the CCC's LCP review and approval process, which has been found by the Secretary of the Resources Agency to be functionally equivalent to the EIR process. As an agency with a certified regulatory program under CEQA Section 21080.5, the CCC must consider alternatives and avoidance, minimization, and/or mitigation measures that would substantially lessen any significant adverse environmental effects that a proposed project under its jurisdiction would have on the environment. This does not exempt a particular project from CEQA review; it only exempts the CCC from CEQA review for its actions.

7.1 Coastal Land Use Plan Amendment

Where a project necessitates an amendment to a certified LCP to incorporate map changes or revisions to land use designations or policies, the standard of review for the changes is the Chapter 3 policies of the Coastal Act. A land use plan amendment must be scheduled for CCC hearing and action within 90 days of the date of the application completeness determination; however, the CCC may grant a 1-year time extension for CCC review and action.

7.2 Coastal Implementation Plan Amendment

Where a project necessitates an amendment to a certified zoning ordinance (implementation plan), the standard of review for proposed changes to the implementation plan of a certified LCP (i.e., zoning map, zoning designation, and development standard amendments) is that the proposed amendment conforms with and is adequate to implement provisions of, the land use plan element of the LCP. Implementation plan amendments must be scheduled for CCC hearing and action within 60 days of the application completeness determination; however, the CCC may grant a 1-year time extension for CCC review and action. In addition, if an implementation plan amendment is submitted concurrent with a land use plan amendment, the time period for CCC review is determined according to the timelines required for the land use plan amendment.

Chapter 8 Local Coastal Development Permit Appeal Process

Certain local government actions on coastal development permit applications reviewed pursuant to a certified local coastal program (LCP) are appealable to the California Coastal Commission (CCC).

8.1 Application

A large majority of the Department's projects meeting the definition of "development" under the Coastal Act are also considered public works projects. Therefore, a local government's decision to approve or deny a coastal permit application on the Department's projects is appealable to the CCC irrespective of the project's location in the permit appeal area of a certified LCP.

8.2 Local Government Appeal Process

The coastal development appeals process begins with a local decision to approve a coastal development permit application or, in the case of public works projects, to approve or deny a coastal development permit. The initial decision-maker may be a planning director, zoning administrator, planning commission, or other entity, depending on the type of development proposed and the local review process. If the decision is appealable and an appeal is filed, the decision-making authority over the permit is elevated to a higher review body until: (1) there is no further local appeal of the decision (e.g., a decision by the planning commission on an appeal is not followed by an appeal to the city council or board of supervisors); or (2) there are no more local bodies to appeal to (e.g., the city council or board of supervisors renders a final decision on the application).

8.2.1 Final Local Action Notice and Appeal Period

Once a final decision is rendered on the permit application, the local government sends a notice of the final action to the appropriate CCC district office. If the local action is appealable to the CCC, then it is subject to a 10-working-day appeal period. However, if CCC staff does not receive a notice of final action or finds the notice of final action to be incomplete, the appeal period will not begin until the required information is received. CCC staff will notify the local government and applicant in writing of either the appeal period dates, or any deficiencies in the notice that require follow-up action to initiate the appeal period.

The 10-working-day CCC appeal period begins on the first working day following the day on which the CCC office receives the complete notice of the final action. An appeal must be submitted to the CCC office in writing by 5 p.m. of the tenth working day of the appeal period.

The appeal is typically made by completing a copy of the CCC's appeal application form, available on the [CCC's website](#) or from any of the CCC's offices, and may include additional information attached to that form.

8.2.2 Grounds for Appeal/Eligible Appellants

Grounds for appealing projects acted on pursuant to a certified LCP are limited under the Coastal Act. The grounds for appeal of the approval of most appealable projects are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, for projects located between the shoreline and the first public road parallel to the shoreline, the public access policies of the Coastal Act.

The grounds for an appeal of a denied permit for a public works project or energy facility are limited to whether the project conforms to the requirements of the LCP or, for projects located between the shoreline and the first public road parallel to the shoreline, the public access policies of the Coastal Act.

An appeal of a local decision on a coastal permit can be filed by the project applicant, an aggrieved person, or two coastal commissioners. An “aggrieved person” is someone who, in person or through a representative, expresses concerns about an application or local government action by appearing at the local public hearing, or otherwise communicating concerns to the local government by other appropriate means prior to a hearing; or who for good cause was unable to do neither ([California Public Resources Code \(PRC\) Section 30801](#)). To qualify as an aggrieved person with appeal rights, the appellant must have exhausted the local appeals process, except in the following instances, when appeals can be made directly to the CCC:

1. The local government requires an appellant to appeal to more local appellate bodies than have been certified, as appellate bodies for permits in the coastal zone in the LCP implementing ordinances.
2. An appellant was denied the right of the initial local appeal by a local ordinance that restricts the class of persons who may appeal a local decision.
3. An appellant was denied the right of local appeal because local notice and hearing procedures did not comply with the notice and hearing provisions of the CCC's regulations.
4. The local government charges an appeal fee for the filing or processing of appeals.
5. Two commissioners appeal the final local action.

When an appeal to the CCC is submitted, CCC staff will determine if the appeal is valid, determine if the appellant has standing to appeal, and determine if grounds cited for appeal are

valid. CCC staff may contact local government staff to determine if the person filing the appeal participated in the local hearing process, and therefore exhausted the appeal process at the local level. Also, within 5 working days of receiving an appeal from any person other than members of the CCC or any public agency, the executive director of the CCC determines whether the appeal is patently frivolous. If such a determination is made, the appeal is not filed until a \$300 fee is deposited with the CCC within 5 working days of the receipt of this determination.

8.2.3 Substantial Issue Determination

If the appeal is valid, CCC staff will immediately notify the local government and applicant in writing that issuance of the coastal permit is suspended pending resolution of the appeal. CCC staff will request the complete administrative record on the project from the local government, including environmental documents, staff reports, hearing minutes, and other supporting materials, to be sent to the CCC district office within 5 working days from the local government's receipt of the notice of appeal. If the CCC fails to receive the complete administrative record, it will set the matter for hearing and the hearing will be left open (no analysis on the appeal or project will be conducted and no action will be taken) until all relevant materials are received.

The CCC's review of the appeal is a two-step process. The CCC first determines whether the local action raises a "[substantial issue](#)" with respect only to the specific allowable grounds upon which the appeal was filed. That is, the CCC determines if the appellant's contentions that the project is consistent or inconsistent with applicable policies and processing procedures are valid. If the CCC finds "no substantial issue," the appeal is dismissed and the final action of the local government stands. The CCC will send written notice of the no substantial issue determination to the local government, and the local government may issue the permit.

8.2.4 De Novo Hearing Requirements and Procedures

If the CCC finds that the appeal does raise a substantial issue, the final action of the local government on the coastal development permit is no longer in effect. The CCC sets the appeal for a "[de novo](#)" hearing and will act upon the appeal as a new project, approving, denying, or conditionally approving the coastal permit application. The CCC's action supersedes the local government's final action for the coastal development permit only. (The CCC action has no effect on other locally-issued discretionary permits.) Both the substantial issue and de novo hearing require a public hearing, and the CCC may take both steps at the same hearing. In these instances, CCC staff may issue a combined staff report for the substantial issue determination that also addresses the project's consistency with applicable coastal policies, with a recommendation to approve or deny the permit.

Coastal Act Section 30604(b) provides that, "After certification of the local coastal program a coastal development permit shall be issued if the issuing agency or the CCC on appeal finds that the proposed development is in conformity with the certified local coastal program." Therefore, if the CCC finds substantial issue and conducts a de novo hearing on the appealed permit application, the legal standard of review for project consistency is the policies of the certified

LCP. At the de novo hearing the CCC can consider all issues regarding compliance with the certified LCP policies, not only those raised in the appeal.

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

Chapter 9 Additional Information

9.1 Coastal Commission Hearing Procedures

The California Coastal Commission (CCC) has 12 voting members and 3 non-voting members. Six of the voting members are “public members,” and six are local elected officials who come from specific coastal districts; each commissioner may appoint an alternate to serve in his or her absence. The governor, the Senate Rules Committee, and the Speaker of the Assembly each appoint four commissioners—two public members, and two elected officials. The three non-voting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission; each may appoint a designee to serve in their place. CCC hearings are run by the chair of the Coastal Commission; a description of general meeting rules and procedures is available on the [CCC website](#).

The CCC holds [public meetings](#) of generally 3 days each month in different locations throughout the state, with the hearing locations usually rotated between southern, central, and northern California. If possible, project applications are scheduled for local hearings to assist in applicant and public participation. Hearing dates and locations are available on the CCC website. Prior to each meeting, CCC staff collects and analyzes information pertinent to meeting agenda items and prepares written staff reports with recommendations for CCC action. CCC staff reports are usually distributed 10 days before the hearing, but may be subject to a “late mail-out” and are available for public review on the CCC’s website through agenda links of the CCC’s [Meeting Notice](#), and by contacting the appropriate CCC district office. Often, CCC staff produce staff report addenda just days before the hearing in response to questions raised by the public, applicant, or the CCC. Coastal staff report addenda are also available for public review on the CCC’s website through agenda links of the CCC’s Meeting Notice, or by contacting the appropriate [CCC district office](#). Applicants and members of the public may participate in the CCC’s decision-making process by attending public hearings or by making their views known to the CCC in writing prior to public hearings.

CCC hearing procedures and practices can often result in a complicated and time-sensitive process that demands quick response and close coordination with CCC staff as issues arise leading up to and during the hearing. Timely review of staff reports, preparation of presentation materials, and written correspondence in response to public comment and/or CCC staff questions and recommendations will help secure the most successful results during the CCC’s review and consideration of Department project proposals.

Hearings are staffed by a number of CCC staff members available to assist in explaining meeting rules and procedures. The CCC staff analyst assigned to the project may not attend the hearing, in which case coordination opportunities with the district office manager or director will be available. A hearing table is set up (usually at the entrance) for each hearing and often has copies of updated agendas, staff reports, and last-minute addenda and written correspondence received

on that day's agenda items. CCC personnel staff the table and are available to direct you to the "Request to Speak" forms (speaker slips), other staff members, and resources to assist with the hearing process.

Written correspondence leading up to the hearing should be submitted to CCC staff no later than 3 working days before the hearing, if possible. However, written materials may be submitted up to and during the day of the hearing, if necessary. (This is not recommended, as commissioners may not be able to review materials if submitted the day of the hearing). The agenda item number should be marked in the upper right hand corner of the first page of the correspondence. Written correspondence sent to commissioners must be sent to CCC staff at the same time.

Hearing agendas are not time-certain and an applicant can never be sure of when the CCC will hear a particular item. Hearings start promptly at either 8:00, 8:30, or 9:00 a.m. and will last as long as necessary to complete the day's agenda. Item postponements, application withdrawals, and similar actions may cause the agenda to move quickly. Arrive an hour before the day's hearing begins to ensure you are present for the item, and to allow time for any necessary correspondence with CCC staff on last-minute issues that may arise, to provide presentation materials to CCC staff and/or to the audio-visual technician (and confirm they work), to complete speaker slips, and to confirm with the CCC chair the amount of time allotted for the applicant presentation.

CCC review and action on waivers, immaterial amendments, time extensions, and other non-controversial matters are completed with a single vote on the deputy director's report, which is usually reported to the CCC at the beginning of each district's agenda. These types of permit items are not subject to a separate hearing or action. However, project applicants and members of the public have the ability to address any item on the deputy director's report, and items can be removed from the deputy director's report by the CCC or staff if the public or commissioners raise substantive objections to the project, in which case the item is postponed and rescheduled for the next available CCC hearing.

Administrative and Consent permits are reported to the CCC during public hearing as a single calendar of permit items, referred to as the Administrative Calendar and Consent Calendar, respectively, and are not subject to a separate hearing or action as an individual item. However, if a person objects to an administrative permit item, they may address the CCC and request the item be removed from the Administrative Calendar. If four or more commissioners vote to do so, action on the permit item is postponed and the item is rescheduled for the next available CCC hearing. If a person objects to a consent permit item, the project applicant and opponent are each allowed 3 minutes to address the CCC. If three or more commissioners vote to remove the item from the Consent Calendar, action on the permit item is postponed and the item is rescheduled for the next available CCC hearing.

Regular Calendar items for which there are no significant objections or issues requiring public comment or CCC deliberation may be moved to the Consent Calendar and acted on accordingly. All other regular permit items are subject to an individual hearing and CCC action.

The hearing will open with a staff presentation that typically provides an overview of the project description and staff recommendation; a discussion of coastal policy issues addressed by the staff recommendation; and any correspondence received on the project and staff response, if any. Applicant presentations may be limited to from 3 to 20 minutes, depending on the type of agenda item; substantial issue determination presentations are often limited to only 3 minutes. A speaker slip must be filled out prior to addressing the CCC. It is important to confirm with CCC staff and the chair the amount of time allotted for the applicant presentation, and to determine if any of the allotted presentation time should be reserved to further address the CCC after public testimony. It is also advisable to coordinate with CCC staff regarding the staff and applicant presentations to minimize duplication and reserve the time to address other project or policy issues. PowerPoint presentations are the most common form of applicant presentation and must be accompanied by a USB flash drive, flash memory card, or compact disc. A projector and laptop are available from the CCC's audio-visual technician.

Preparation for the hearing is critical. The ability to describe the project and to address concerns and topics that are relevant to the CCC, staff, or the public in terms of the Coastal Act and its policies is key. Addressing "coastal" topics with "transportation" answers is usually ineffective and can result in the application being denied.

The applicant does not have additional opportunities outside of allotted presentation time (including the applicant presentation and rebuttal) to address the CCC unless called upon by the chair. However, an applicant's single right to request a postponement may be conveyed to the CCC at any time during the hearing (prior to a vote on the item and assuming time is remaining for permit action under the Permit Streamlining Act) to allow more time for discussion and resolution of any outstanding issues associated with the CCC staff, public, and CCC review of the application. In addition, at any time during the hearing prior to a vote on the item, an applicant may convey to the CCC its intent to withdraw an application. Withdrawing an application at a hearing is typically used to avoid a potential adverse CCC decision on the application. An applicant may also withdraw an application because the project review timeline has reached the Permit Streamlining Act deadline and additional time is necessary to resolve outstanding issues associated with the project, recognizing that the project will have to be re-filed and again subjected to the regular application review process. Additional opportunities to delay a hearing may exist if CCC staff and/or the CCC decide to continue the item and time is remaining for permit action under the Permit Streamlining Act. Any request for continuance should be conveyed to CCC staff and/or the CCC as soon as possible prior to the hearing date.

9.2 Ex Parte Communication Requirements

CCC regulations allow for direct or “ex parte” communication with commissioners prior to the date of the hearing, subject to stringent provisions. Historically, many commissioners have encouraged this process as it allows them to gain a greater understanding of the need and history of the project. Many commissioners expect to be “briefed” on a project, especially if it is controversial or raises complex questions.

All ex parte communications, including parties, dates, and general substance of the conversations are reported at the CCC meeting. Additionally, it is customary for the applicant to have the required documentation relating to the communications prepared in advance for the commissioner. No written materials should be sent to the commissioners unless the CCC staff receives copies of all the same material at the same time.

For additional information on the laws and regulations applicable to ex parte communications, see [Public Resources Code Sections 30319–30324](#), or if in doubt as to what is allowed, contact the appropriate CCC Legal Division staff.

9.3 Enforcement

The Coastal Act provides a number of tools to enforce development compliance with the resource protection policies of the Coastal Act (Coastal Act Chapter 3 policies). In addition, local governments and the CCC have certain responsibilities for enforcing certified LCPs. Once an LCP is certified, the CCC retains continuing authority to enforce provisions of the Coastal Act throughout the state's coastal zone. The local government also has authority to enforce the Coastal Act and LCP within its jurisdiction.

Enforcement actions may address failure to apply for and obtain a coastal development permit before commencing construction, failure to comply with conditions of a coastal development permit approval and, in some cases, resolution of existing violations by requiring unpermitted development to be removed and sites to be restored to their previous condition. The CCC may use a cease and desist order to halt ongoing violations, to order removal of unpermitted development, and to obtain compliance with requirements of the Coastal Act or LCPs. Restoration orders are generally used to bring about the removal of unpermitted development and/or restoration of damaged coastal resources.

In cases where unpermitted development does not result in significant resource impacts or the impacts can be appropriately addressed through remedial measures and permit conditions, an after-the-fact coastal development permit may be an administrative remedy to address the violation. After-the-fact permits are subject to standard application submittal, review, and hearing requirements, except that the applicant is requesting the CCC to effectively approve, potentially remove, and likely condition, development that has already taken place.