



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

DATE:	July 27, 2023	CASE NO.:	CPC-2016-3182-CA-AMDT1
TIME:	After 8:30 AM*	CEQA NO.:	ENV-2023-4505-CE
PLACE:	Van Nuys City Hall Council Chamber, 2nd Fl. 14410 Sylvan Street Van Nuys, CA 91401	COUNCIL FILE NO.:	12-0460-S4
		LOCATION:	Citywide
		COUNCIL DISTRICT:	All; CD 11 & 15
		PLAN AREA:	All
		APPLICANT:	City of Los Angeles

PUBLIC HEARING:

July 27, 2023

SUMMARY:

An Ordinance amending the provisions of Ordinance 187,712 that regulate development applications and approvals in the City's coastal zones, namely Section 13B.9.1. of Chapter 1A of the Los Angeles Municipal Code (LAMC). Section 13B.9.1. was approved with amendments by the California Coastal Commission pursuant to the California Coastal Act, and must now be adopted by the City Council pursuant to the LAMC to be operative in alignment with Ordinance 187,712.

RECOMMENDED ACTIONS:

1. **Recommend** that the City Council determine, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15061(b)(3) and Section 15378(b)(5), and there is no

substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

2. **Approve** and **Recommend** that the City Council adopt the proposed Ordinance;
3. **Adopt** the Staff Recommendation Report as the Commission's Report on the subject; and
4. **Adopt** the Findings.

VINCENT P. BERTONI, AICP
Director of Planning

Hagerenesh Solomon-Cary

Hagu Solomon-Cary, AICP, Principal
City Planner

Bonnie Kim

Bonnie Kim, City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are submitted a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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PROJECT ANALYSIS

Project Summary

The proposed Coastal Development Permit Program Ordinance (CDP Ordinance) put forth by the Department of City Planning amends the provisions of Ordinance 187,712 that regulate development applications and approvals in the City's coastal zones, namely Section 13B.9.1. of Chapter 1A of the Los Angeles Municipal Code (LAMC). Section 13B.9.1. was approved with amendments by the California Coastal Commission (Coastal Commission) pursuant to the California Coastal Act, and must now be adopted by the City Council pursuant to the LAMC to be operative in alignment with Ordinance 187,712.

In keeping with the standardization changes adopted pursuant to Ordinance 187,712, the proposed Ordinance includes modifications to the City's Coastal Development Permit processes and procedures to standardize applicable timelines, notification requirements, and appellate standard of review. Additional amendments approved by the Coastal Commission generally consist of non-substantive formatting and organizational changes, as well as modifications to existing procedural language for added clarification and updates consistent with the most recent language of the California Coastal Act.

Background

The City's authority to issue Coastal Development Permits (CDP) was originally certified by the Coastal Commission, as required by the California Coastal Act, in 1978. Under Public Resources Code Sections 30600(b) and 30620.5, the Coastal Commission must certify amendments to the City's CDP processes and procedures.

On December 6, 2022, the City Council adopted Ordinance 187,712 (Council File 12-0460-S4), commonly referred to as the Processes and Procedures Ordinance, which established Chapter 1A of the Los Angeles Municipal Code to comprehensively reorganize and update the administrative processes and procedures related to zoning and land use entitlements. Ordinance 187,712 included provisions specific to CDP application and approval processes, namely Section 13B.9.1. of Chapter 1A of the LAMC. The provisions of Ordinance 187,712 are scheduled to be operative beginning January 22, 2024, as established in Ordinance 187,930.

On June 8, 2023, the Coastal Commission approved Section 13B.9.1. with amendments. As these amendments represent changes from the provisions of Section

13B.9.1. that were previously adopted by the City Council as part of Ordinance 187,712, the Coastal Commission-approved CDP processes and procedures of Section 13B.9.1. must be adopted by the City Council in compliance with the LAMC to be operative in alignment with the rest of Ordinance 187,712 by January 22, 2024 and avoid any lapse in the City's ability to process development applications in the City's coastal zones.

Proposed Ordinance

As previously described, the proposed CDP Ordinance includes modifications to the City's CDP processes and procedures to standardize applicable timelines, notification requirements, and appellate standard of review. Additional amendments approved by the Coastal Commission generally consist of non-substantive formatting and organizational changes, as well as modifications to existing procedural language for added clarification and/or updates consistent with the most recent language of the California Coastal Act. A summary of all the amendments, as approved by the California Coastal Commission, is listed below.

Summary of Coastal Development Permit Program Changes

- Relocating and reorganizing the CDP provisions from LAMC Section 12.20.2 to 13B.9.1;
- Increasing the public hearing notification from 10 days to 24 days;
- Increasing the public hearing notification radius from 100 feet to 300 feet;
- Including the applicable Certified Neighborhood Council in any required public hearing notification;
- Increasing the local appeal period from 10 working days to 15 calendar days;
- Removing the standard that "the lower appeal body erred in its action on the permit" and clarifying that any City appellate bodies are subject to the same requirements as the initial City permit granting authority for CDPs;
- Changes to the definition of development to more closely align with the definition of development in Coastal Act Section 30106;
- Updating all references to the "California Administrative Code" and "Regional Commission" to instead reference the "California Code of Regulations" and the "Coastal Commission," respectively;
- Clarifying that for CDPs combined with other hearings a 24 day noticing period is required consistent with the proposed noticing period for hearings on CDPs only;
- Removing the general decision procedures and the general appeal procedures in order to eliminate references to City documents that have not been reviewed or approved by the Coastal Commission and to avoid inconsistencies with existing CDP-specific decision and appeal procedures;

- Adding specificity to the Ordinance subsection title related to transmittal of the CDP Notice of Final Action to the Coastal Commission;
- Clarifying that any member of the public can appeal a City CDP approval to the Coastal Commission once the City has completed its review of the permit application, has taken final action, and has formally notified the Coastal Commission that the CDP is final;
- Adding language to identify the appellate bodies of the City for appeals to local CDPs;
- Clarifying the proposed 15 day appeal period is 15 calendar days and must include at least 10 working days;
- Clarifying the 30 day deadline for hearing appeals filed with the City Engineer or Area Planning Commission and the 10 day deadline for mailing notices of appeals to interested parties are calendar days; and
- Adding that no fees shall be charged for appeals of local CDPs.

Conclusion

The proposed CDP Ordinance put forth by the Department of City Planning constitutes the most updated version of the City's CDP processes and procedures with respect to the requirements of the California Coastal Commission and the California Coastal Act. It is important to note that any subsequent changes to the provisions of Section 13B.9.1. would require the proposed CDP Ordinance to be considered and approved again by the Coastal Commission. Therefore, the Department of City Planning recommends that the City Planning Commission approve and recommend the City Council adopt the proposed CDP Ordinance in its entirety without any further amendments to the CDP processes and procedures.

PUBLIC COMMUNICATIONS

Public Participation

Members of the public and interested parties were invited to attend the California Coastal Commission hearing on June 8, 2023 at which the proposed CDP Ordinance was considered and approved. All files related to the Coastal Commission's approval of the proposed CDP Ordinance are available for reference online by selecting the tab for Thursday, June 8 and navigating to Item 12a "Los Angeles Ordinance Amendment" at the following link - <https://www.coastal.ca.gov/meetings/agenda/#/2023/6>

Public correspondence submitted to the Coastal Commission included the following:

- Palisades Preservation Association
 - Letter submitted in support with requested changes
 - Coastal Commission declined to incorporate the requested changes
- Laddie Williams, Ingrid Mueller, Margaret Molloy
 - Email correspondence submitted with concerns regarding various City Ordinances and procedures
 - Coastal Commission determined the issues raised were not relevant to the CDP program amendment request

At the time of this report, the Department of City Planning has scheduled the following additional public outreach events to provide interested parties an opportunity to ask questions and provide comment on the proposed CDP Ordinance:

Virtual Office Hours - Thursday, July 18, 2023, 2:00 - 4:00 PM

Virtual Office Hours - Thursday, July 20, 2023, 2:00 - 4:00 PM

Digital Presence

On July 11, 2023, the Department of City Planning launched a project website for the Processes and Procedures Ordinance, which also contains information about the proposed CDP Ordinance at Planning4LA.org/project-review/processes-procedures. Additionally, the Department of City Planning collected email subscriptions from interested parties to receive regular email progress updates and invitations to public meetings and/or hearings. The following is a schedule of emails sent to notify interested parties of public participation opportunities:

- Processes and Procedures - New Operative Date, Office Hours and New Webpage - Sent July 11th, 2023

FINDINGS

Land Use Findings

Charter Finding 556 (General Plan). In accordance with City Charter Section 556, the proposed Ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would further accomplish the goals, objectives, and policies of the General Plan as outlined below:

Framework Element - Economic Development (Chapter 7)
<p>Objective 7.4 Improve the provision of governmental services, expedite the administrative processing of development applications, and minimize public and private development application costs.</p> <p>Key Policy Develop and maintain streamlined approval processes and reduce uncertainty for the developers and the community</p>
Framework Element - Housing (Chapter 4)
<p>Objective 4.4 Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.</p>

The proposed Ordinance supports and maintains the purpose of Ordinance 187,712 to comprehensively reorganize Zoning Code processes and procedures, with the intention of laying the groundwork for a more user-friendly, transparent, and predictable set of zoning regulations. The proposed Ordinance supports improvements to the provision of governmental services and processing of development applications by making it easier for both applicants and the public to clearly understand how the Department of City Planning considers land use and development proposals and how to navigate the decision-making process, specifically in the City's coastal zones. Further, the proposed Ordinance will ensure that the City's coastal development permit program will continue to be consistent with the requirements of the California Coastal Act and prevent any lapse in the ability to administer permits for development projects within the coastal zone, thereby reducing the potential for regulatory and procedural barriers to the production and preservation of housing and other development in the coastal zone.

For the reasons stated above, the proposed Ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.

City Charter Finding 558 and LAMC Section 12.32 (Public Necessity, Convenience, General Welfare, Good Zoning Practice).

In accordance with City Charter Section 558 (b)(2) and LAMC Section 12.32 C.2 and C.7, the proposed Ordinance is in substantial conformance with public necessity, convenience, general welfare, and good zoning practice.

The proposed Ordinance supports and maintains the purpose of Ordinance 187,712 to comprehensively reorganize Zoning Code processes and procedures, with the intention of laying the groundwork for a more user-friendly, transparent, and predictable set of zoning regulations. The proposed Ordinance continues to make it easier for both applicants and the public to clearly understand how the Department of City Planning considers land use and development proposals and how to navigate the decision-making process, specifically in the City's coastal zones. Further, the proposed Ordinance will ensure that the City's coastal development permit program will continue to be consistent with the requirements of the California Coastal Act and prevent any lapse in the ability to administer permits for development projects within the coastal zone, and further ensure that all updated zoning regulations are operative simultaneously throughout the City, thereby supporting public necessity, convenience, general welfare and good zoning practice.

Environmental Findings

The Department of City Planning has determined, based on the whole of the administrative record, that the proposed Ordinance is exempt from CEQA pursuant to CEQA Guidelines, Section 15061(b)(3) and Section 15378(b)(5), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The proposed Ordinance consists of administrative procedures for the processing of coastal development permit requests and appeals and has no effect on the physical environment. Pursuant to Section 15061(b)(3), the proposed Ordinance is not a project under CEQA, because "the activity is covered by the common sense exception that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed Ordinance is also not a project under CEQA pursuant to Section 15378(b)(5) because "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" are not considered a project. The proposed Ordinance does not change any discretionary actions into non-discretionary actions. Therefore, the proposed Ordinance will continue to ensure that projects meet all procedural requirements of CEQA, and that impacts are analyzed

and environmental mitigations are imposed where necessary and appropriate. Furthermore, the proposed Ordinance does not change the zoning of any properties and is limited to administrative provisions for processing coastal development permit requests and appeals. Therefore, the proposed Ordinance does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not considered a project under CEQA.

EXHIBITS:

- A. Proposed Ordinance
- B. Categorical Exemption ENV-2023-4505-CE
- C. California Coastal Commission Notice of Approval with Modifications

EXHIBIT A

Proposed Ordinance

ORDINANCE NO. _____

An ordinance amending Ordinance 187,712 to incorporate the California Coastal Commission's amendments to the City's Coastal Development Permit processes and procedures in Section 13B.9.1. of Chapter 1A of the Los Angeles Municipal Code to be operative in alignment with the rest of Ordinance 187,712.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Sec. 1. **OPERATIVE DATE.** The operative date for this ordinance shall be January 22, 2024.

Sec. 2. Section 13B.9.1. of Chapter 1A of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

DIV. 13B.9. COASTAL DEVELOPMENT

SEC. 13B.9.1. COASTAL DEVELOPMENT PERMIT (PRE-CERTIFICATION)

Purpose. It is the purpose of this Section to provide for the approval or denial of Coastal Development Permits, prior to the certification of the Local Coastal Program, in accordance with Sec. 30600(b) of the California Public Resources Code. In adopting the California Coastal Act of 1976 the State Legislature finds and declares:

- That the California Coastal Zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
- That the permanent protection of the State's natural and scenic resources is a paramount concern to present and future residents of the State and nation.
- That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and to prevent its deterioration and destruction.

A. Applicability

1. Definitions

For the purpose of this Section the following words and phrases are defined:

Aggrieved Person. Any person who, in person or through a representative, appeared at a hearing on the application for a Coastal Development Permit, or appeal hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the permit issuing authority, or appeal body of the nature of his or her concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a Coastal Development Permit.

Coastal Zone. That land and water area within the City as specified on maps prepared by the California

Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such “coastal zone” extends seaward to the City’s outer limit of jurisdiction, and generally extends inland 1000 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 extends inland 1000 yards.

Development. 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 the use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Sec. 66410 of the California Government Code), and any other division of land, including, but not limited to, parcel maps and private street divisions, lot splits, lot reconfigurations, and mergers, except where anythe 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 (commencing with Sec. 4511 of the California Public Resources Code). As used in this definition, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Local Coastal Program (LCP). The City’s land use plans and other applicable general plan elements, zoning ordinances, zoning district maps, and proposed implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.

Permit. Any license, certificate, approval, or other entitlement for use granted, conditionally granted, or denied by any public agency, which is subject to the provisions of this Section.

Public Project. Any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City, and any development initiated or to be carried out by any other governmental agency which is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City or any other governmental entity which otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Definition Amended by Ord. No. 173,268, eff. 7/1/00, Oper. 7/1/00.)

Sea. The Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non- estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

2. Use

No Development shall be undertaken in the Coastal Zone unless and until an application for such Development has been submitted to the City for a Coastal Development Permit and such Permit has been obtained from the appropriate City Department in conformance with the provisions of this Section and has become final. Where the particular coastal project requires a coastal development permit from the Commission in addition to the one obtained from the City, no development may be commenced until both such permits have been obtained, and both have become final.

Exception

The provisions of this Section shall not apply to developments which do not need locally issued coastal development permits under the Coastal Act of 1976 or Division 5.5 Title 14 California Coastal Commission Regulations, of the California ~~Administrative Code~~ Code of Regulations. A current copy of these regulations is on file with the Department of City Planning and the Office of City Engineer. This exception shall not relieve any person from obtaining from the proper authority a Coastal Development Permit for a Development within the Coastal Zone where such permit is required but can only be issued by the California Coastal Commission, ~~the Regional Commission~~, or the Executive Director. The provisions of this Section shall also not apply to any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled; any development by a public agency for which a local government permit is not otherwise required; any emergency repair authorized by Sec. 30611 of the Public Resources Code; any permits authorized to be issued by the Executive Director of the California Coastal Commission ~~or the Executive Director of the Regional Commission~~ pursuant to Sec. 30624 of the Public Resources Code; and any other permits over which the City is not authorized to exercise the option provided for in Subdivision (b) of Sec. 30600 of the Public Resources Code.

B. Initiation

Proceedings for a Permit shall be initiated by the filing of a verified application upon a form or forms prescribed for that purpose. An application for a Coastal Development Permit for a public project, or for a private project where the approval for the underlying permit is within the jurisdiction of the City Engineer shall be filed in the public office of the City Engineer. All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

1. All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following data:
 - a. An adequate description of the project including, but not limited to maps, plans, photographs, drawings, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976. Each application shall contain sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the permit issuing authority will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this Section the term "significant

adverse impact on the environment” shall be defined as in the California Environmental Quality Act and the State and City Guidelines adopted pursuant thereto.

- b. A description and documentation of the applicant’s legal interest in the property on which the Development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.)
- c. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant’s representative and to bind the applicant in all matters concerning the application.
- d. A statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.
- e. Any additional information as may be required by the permit granting authority.

2. Filing Exception

Despite any other provisions of this Section or Code, an applicant may file an application for a Permit at any point of the project approval process relating to his or her Development. However, upon initiation of the project approval process by the applicant, said applicant shall sign and notarize a form prescribed for this purpose which shall contain the following:

- a. A statement advising the applicant that no permits or permission for a Development in the Coastal Zone shall be issued unless and until a Permit has been approved in accordance with the provisions of this Section.
- b. A statement relieving the City of any legal or other responsibility in the event that failure to apply for a Permit results in, or contributes to, a violation of Sec. 65950, 65951, or 65952 of the California Government Code.

C. Notice

1. Notice of Application – Posting

At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development a notice that an application has been made for a Coastal Development Permit. Such notice shall contain specific information as to the nature of the proposed development and be in a form as prescribed for that purpose.

2. Notice of Public Hearing – Mailing

a. Hearing on Coastal Development Permit Combined with Other Hearing

The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within 300 feet from each boundary of the site of the proposed development. Where the hearing on the Coastal Development Permit is to be combined with a public hearing otherwise required by this Code for the proposed development, and the provisions of this Code require notification to persons

beyond 300 feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a Coastal Development Permit. Notice of such hearing, at least 24 days prior, shall also be sent to an occupant of all residences, including apartments within 300 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, the Certified Neighborhood Council representing the area in which the property is located, and all other persons requesting notice.

b. **Hearing on Coastal Development Permit Only**

For those projects for which no hearing would otherwise be required by law, the appropriate City agency shall notify by mail, at least 24 days prior to the hearing, the following:

- i. Those persons whose names appear on the list of property owners within 300 feet of the boundary of the site of the proposed development;
- ii. An occupant of all residences, including apartments, within 300 feet of the boundary of the site of the proposed development. This requirement can be met by mailing such notice to “occupant” of the subject residence;
- iii. Those persons known or thought to have a particular interest in the application;
- iv. The Certified Neighborhood Council representing the area in which the property is located; and
- v. All other persons requesting notice.

3. **Charges for Notification**

No person requesting notification of any application, hearing, or decision by any permit granting authority or any notification of hearing or decision on any appeal therefrom shall be required to bear the cost of any such notification.

D. **Decision**

~~1. **General Procedures**~~

- ~~a. Decisions must be made within the time period specified in this Article, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, this time limit may be extended by mutual consent of the decision maker and the applicant. The extension of time to act also applies to applications or initiations under the multiple approval provisions in Sec. 13A.2.10. (Multiple Approvals).~~
- ~~b. Where extensions on the City Council’s time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President’s councilmember designee may consent to a time extension on behalf of the City Council.~~
- ~~c. Each decision is subject to all applicable standards of this Code, including the applicable zone.~~
- ~~d. Each process described in Part B. (Processes & Procedures) of this Article includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.~~

- ~~e. The initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record.~~
- ~~f. Unless otherwise provided, an application may be approved or disapproved in whole or in part.~~
- ~~g. Unless otherwise provided, the decision maker may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.~~
- ~~h. The decision maker transmits a letter of determination that notifies the applicant, owner, and interested parties, as applicable, of the decision. The notification will indicate whether the application is approved, approved with conditions, or denied.~~
- ~~i. An initial decision or decision of the City Planning Commission or Area Planning Commission that is appealable to the City Council is final and effective upon the close of the appeal period if no appeal is filed.~~
- ~~j. An appellate agency's decision or decision of the City Planning Commission or Area Planning Commission that is not appealable to the City Council is final as provided in Charter Section 245.~~

1. Proceedings and Hearing

- a. To the extent possible, any Permit application for a Development within the Coastal Zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code.
- b. At the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.

2. Determination

a. Authority

A permit granting authority, including any appellate body, shall have the authority to approve, conditionally approve, or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California ~~Administrative Code~~Code of Regulations.

b. Conditions of Approval

In approving an application for a permit under the provisions of this Section, the City shall impose such reasonable terms and conditions as it deems necessary to assure a development that is in accordance with the provisions of the California Coastal Act of 1976 and those other criteria set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

3. Notification of Determination

A copy of the permit granting authority's action approving, conditionally approving, or disapproving any application for a Coastal Development Permit, along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant and to any person or persons who, in writing, request a copy of such action.

4. Transmittal of Notice of Final Action to the Coastal Commission

- a. After the decision of the last appeal body, or the time within which any appeal can be taken has expired, the permit granting authority, ~~or including~~ any appeal body whose action became final on the permit, shall transmit a copy, by mail, with return receipt requested, of the notice of permit issuance or permit denial to the Executive Director of the ~~Regional~~ Coastal Commission. Such notice shall include the requisite findings, a project description, and a verbatim copy of any conditions attached to the permit, all as required by Sec. 13302(g) of the California Coastal Commission Regulations. Notice shall also be mailed to the applicant, the appellant, and any persons who, in writing, requested such notice.
- b. The decision of the permit granting authority, or any appeal body to approve issuance of a permit shall not be deemed to be final and no Coastal Development Permit may be issued until 20 working days have expired from the date said notice of permit issuance is deemed received by said Executive Director and without an appeal having been taken to the ~~South Coast Regional~~Coastal Commission.
- c. If a timely, valid appeal is taken to the Coastal Commission, the operation and effect of the Coastal Development Permit is stayed pending final action on the appeal by the ~~Regional~~Coastal Commission, and the City shall within 5 working days of the receipt of such notice, deliver to the Executive Director copies of all relevant documents and materials used by the City in its consideration of the permit application.
- d. If no appeal is taken within 20 working days of the date of the notice of the City's decision to issue a permit is deemed received by the Executive Director, the applicant may commence utilization of the permit. If no timely appeal is taken from the City's decision to deny a permit, such decision is final.
- e. Neither an applicant nor any other ~~aggrieved~~ party may appeal the approval, conditional approval, or disapproval of any permit to the ~~Regional~~Coastal Commission unless and until the City has completed its review of the permit application, has taken final action, and has formally notified the Coastal Commission that the Coastal Development Permit is final all of the City's appeal procedures for such a permit have been taken, and a decision thereon has been made.

E. Standards for Review and Required Findings

The permit granting authority shall have the authority to approve, conditionally approve or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California ~~Administrative Code~~Code of Regulations. In making its determination under the provisions of this Section, the permit granting authority, including any appellate body, shall not approve, or conditionally approve a permit unless it makes written findings, including specific factual findings, supporting the following conclusions:

1. That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Sec. 30200 of the California Public Resources Code).
2. That the permitted development will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.
3. That the interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.

4. That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Sec. 30625(c) of the Public Resources Code.
5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
6. Any other finding or findings as may be required for the development by the California Environmental Quality Act.

F. Scope of Decision – Extension of Permits

1. Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and the approving authority's action becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C. (Notice) of this Section.
2. The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection E. (Standards for Review and Required Findings) of this Section.
3. If the approving authority determines that there are no changed circumstances that may affect the consistency of the project with the findings required under Subsection E. (Standards for Review and Required Findings) of this Section, notice of the determination, including a summary of the procedures set forth in this Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.
4. If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.
5. If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of Subsection C. (Notice) of this Section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.
6. The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be

denied.

7. Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subsection D.4 (Decision; Notification of Determination) of this Section.
8. Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection G. (Appeals) of this Section in the same manner as an appeal of the original permit as set forth in Subsection G. (Appeals) of this Section.
9. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection C. (Notice) of this Section are applicable to applications for extensions of permits.

G. Appeals

~~1. General Procedures~~

- ~~a. Appeals shall be in writing and filed on forms maintained by the Department.~~
- ~~b. An appeal shall specifically state the points at issue and the reasons why the decision should be overturned.~~
- ~~c. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.~~
- ~~d. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.~~
- ~~e. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director of Planning, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.~~
- ~~f. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director of Planning, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.~~
- ~~g. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.~~
- ~~h. After an appeal is filed, the initial decision maker will transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the points raised made in the appeal. The Department of City Planning will make investigations and furnish any reports requested by the body to which the matter is transferred.~~
- ~~i. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.~~
- ~~j. Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement to another date if there is cause to do so. No additional notice of continuance need be given if the continuance to a date certain is announced at the time of the~~

~~original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.~~

- ~~k. The appellate body will conduct a public hearing. After the public hearing, the appellate body will render a decision:
 - ~~i. Affirming the initial decision in whole or in part; or~~
 - ~~ii. Reversing the initial decision in whole or in part, after which it may render its own decision or remand the decision to the initial decision maker for further proceedings.~~~~
- ~~l. The appellate body may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.~~
- ~~m. Appellant(s) may withdraw an appeal of an initial determination if the withdrawal is filed with the Department at least 15 days prior to the public hearing by the appellate body on the appeal.~~
- ~~n. Withdrawal of an appeal shall be in writing and does not require the decision maker to concur. The withdrawal shall be filed with the Department.~~
- ~~o. If the withdrawal of the appeal is received by the Department after the close of the original appeal period, the Department shall notify the same persons who received notice of the decision that was appealed, that an appeal had been filed and was now withdrawn. The notice shall state that the appeal period is being reopened. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward. The appeal period shall only be reopened once.~~
- ~~p. If the withdrawal is received by the Department before any required public hearing notice is mailed, then the time for the appellate body to act is extended for 10 days.~~
- ~~q. If the withdrawal is received by the Department after the public hearing notice is mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice. No further notice of the appeal hearing is required.~~
- ~~r. If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:
 - ~~i. The withdrawal of the appeal is permanent; and~~
 - ~~ii. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.~~~~
- ~~s. The appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing.~~
- ~~t. Unless required otherwise by this Chapter or Chapter 1 (General Provisions and Zoning), in making a decision to grant a project approval, the appellate body shall make the same findings as required to~~

~~be made by the initial decision maker, supported by substantial evidence.~~

~~u. Unless otherwise required by a specific process, the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body.~~

~~v. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.~~

1. Appellate ~~Decision~~Procedures

Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this Section, may be taken by the applicant or any aggrieved person as follows:

- a. Where a Coastal Development Permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the Coastal Development Permit is likewise further appealable. The appellate body may be the Area Planning Commission, City Planning Commission, or City Council depending on the underlying project. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.
- b. Where a Coastal Development Permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within 15 calendar days (including at least 10 working days) of the mailing of the decision of the permit granting authority.
- c. Where a Coastal Development Permit (other than for a Public Project) involves an underlying activity, which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within 15 calendar days (including at least 10 working days) of the mailing of the decision of the permit-granting authority.
- d. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 calendar days of the filing of the appeal. Notice shall be mailed to the required parties at least 10 calendar days prior to the hearing.
- e. Action on any appeal shall be in writing. If the action of any appeal body is further appealable within the City's appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a Coastal Development Permit along with the any findings made and conditions imposed in connection therewith, as set forth in Subsection E. (Standards for Review and Required Findings) of this Section, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.
- f. No fee shall be charged for appeals of a Coastal Development Permit.

H. Amendments to Permits

1. The holder of a Coastal Development Permit may apply to amend the permit by filing a written

application with the initial approving authority who approved the original permit. The application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or any other information as may be required by the approving authority, and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C. (Notice) of this Section. If the application is deemed complete and accepted, the approving authority shall determine if the requested amendment constitutes an immaterial or material change to the permit.

2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this Subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:
 - a. That the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted;
 - b. That the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Subsection E. (Standards for Review and Required Findings) of this Section;
 - c. That all of the findings required by Subsection E. (Standards for Review and Required Findings) of this Section can still be made;
 - d. That the proposed amendment will not result in any increase in the density or intensity of the project; and
 - e. That the proposed amendment will not cause any adverse impact on surrounding properties.
3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by Sec. 30604 of the California Public Resources Code, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection C. (Notice) of this Section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2. above, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.
4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subsection D.4 (Decision; Notice of Determination) of this Section.

5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection G. (Appeals) of this Section.
6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection D.5 (Decision; Transmittal) of this Section are applicable to applications for amendments to permits.

I. Enforcement

1. Violations

Any violation of the provisions of this Section and Code relating to the processing of permits shall be subject to enforcement and penalties of Chapter 9 of the California Coastal Act of 1976 and subsequent amendments thereto.

2. Revocation

Any permit application filed or approved under the provisions of this Section or Code may be immediately terminated or revoked by the permit granting authority upon a finding that one or more of the following grounds exist:

- a. That inaccurate, erroneous or incomplete information was filed or presented in conjunction with said Permit application.
- b. That names and addresses of all property owners as shown on the records of the City Engineer or of the County Assessor, were not provided within the required radius of the involved property in conformity with the requirements of this Section and Code.
- c. That the addresses of all residential occupancies within 300 feet of each boundary of the site of the proposed development were not provided.
- d. That the applicant failed to post and maintain the required notice at the project site in accordance with Subsection C. (Notice) of this Section.

EXHIBIT B

Categorical Exemption ENV-2023-4505-CE

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

CPC-2016-3182-CA-AMDT1

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2023-4505-CE

PROJECT TITLE

Coastal Development Permit Program Ordinance (CDP Ordinance)

COUNCIL DISTRICT

All; CD 11 & 15

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

Citywide

Map attached.

PROJECT DESCRIPTION:

An Ordinance amending the provisions of Ord.187,712 that regulate development applications and approvals in the City's coastal zones, namely Section 13B.9.1. of Chapter 1A of the Los Angeles Municipal Code (LAMC). Section 13B.9.1. was approved with amendments by the California Coastal Commission pursuant to the California Coastal Act, and must now be adopted by the City Council pursuant to the LAMC to be operative in alignment with Ord. 187,712.

Additional page(s) attached.

NAME OF APPLICANT / OWNER:

CONTACT PERSON (If different from Applicant/Owner above)

Bonnie Kim

(AREA CODE) TELEPHONE NUMBER

(213) 978-1330

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) _____

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

State CEQA Guidelines Sec. 15061(b)(3) and/or Sec. 15378(b)(5)

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

See attached.

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

STAFF TITLE

ENTITLEMENTS APPROVED

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

JUSTIFICATION FOR CEQA EXEMPTION

The Department of City Planning has determined, based on the whole of the administrative record, that the proposed Ordinance is exempt from CEQA pursuant to CEQA Guidelines, Section 15061(b)(3) and Section 15378(b)(5), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The proposed Ordinance consists of administrative procedures for the processing of coastal development permit requests and appeals and has no effect on the physical environment. Pursuant to Section 15061(b)(3), the proposed Ordinance is not a project under CEQA, because “the activity is covered by the common sense exception that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The proposed Ordinance is also not a project under CEQA pursuant to Section 15378(b)(5) because “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” are not considered a project. The proposed Ordinance does not change any discretionary actions into non-discretionary actions. Therefore, the proposed Ordinance will continue to ensure that projects meet all procedural requirements of CEQA, and that impacts are analyzed and environmental mitigations are imposed where necessary and appropriate. Furthermore, the proposed Ordinance does not change the zoning of any properties and is limited to administrative provisions for processing coastal development permit requests and appeals. Therefore, the proposed Ordinance does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not considered a project under CEQA.

EXHIBIT C

California Coastal Commission Notice of Approval with Modifications

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071



June 16, 2023

SENT VIA EMAIL

Vincent P. Bertoni, AICP, Director of Planning
Department of City Planning
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: City of Los Angeles Coastal Development Permit Program Second Amendment

Dear Vincent Bertoni,

You are hereby notified that the California Coastal Commission, at its June 8, 2023 meeting, approved with modifications an amendment to the City of Los Angeles local government Coastal Development Permit (CDP) program. Generally, the amendment modifies the language of the existing CDP procedures including non-substantive formatting and organizational changes as well as procedural changes via Local Ordinance No. 187712. The amendment also incorporates the previous non-substantive changes to the CDP program made by the city's Local Ordinance Nos. 173,268 and 181,595. More specifically, the CDP program amendment with modifications includes the following changes:

- Relocating and reorganizing the CDP provisions from Municipal Code Section 12.20.2 to 13B.9.1;
- Increasing the public hearing notification from 10 days to 24 days;
- Increasing the public hearing notification radius from 100 feet to 300 feet;
- Including the applicable Certified Neighborhood Council in any required public hearing notification;
- Increasing the local appeal period from 10 working days to 15 calendar days;
- Removing the standard that "the lower appeal body erred in its action on the permit" and clarifying that any City appellate bodies are subject to the same requirements as the initial City permit granting authority for CDPs;
- Changes to the definition of development to more closely align with the definition of development in Coastal Act Section 30106;
- Updating all references to the "California Administrative Code" and "Regional Commission" to instead reference the "California Code of Regulations" and the "Coastal Commission," respectively;
- Clarifying that for CDPs combined with other hearings a 24 day noticing period is required consistent with the proposed noticing period for hearings on CDPs only;
- Removing the general decision procedures and the general appeal procedures in order to eliminate references to City documents that have not been reviewed or approved by the Commission and to avoid inconsistencies with existing CDP specific decision and appeal procedures;
- Adding specificity to the title of the section of the ordinance related to transmittal of the CDP Notice of Final Action to the Commission;
- Clarifying that any member of the public can appeal a City CDP approval to the Commission once the City has completed its review of the permit application, has taken

final action, and has formally notified the Coastal Commission that the CDP is final and that local appeal opportunities do not need to be exhausted prior to an appeal to the Commission;

- Adding language to identify the appellate bodies of the City for appeals to local CDPs;
- Clarifying the proposed 15 day appeal period is 15 calendar days and must include at least 10 working days;
- Clarifying the 30 day deadline for hearing appeals filed with the City Engineer or Area Planning Commission and the 10 day deadline for mailing notices of appeals to interested parties are calendar days; and
- Adding that no fees shall be charged for appeals of local CDPs.

The Commission approved the CDP program amendment with modifications. The modifications are shown in the attachment, Exhibit 6 – CCC Staff Modifications. The attachment shows the CDP program with the City's changes accepted per Local Ordinance No. 187712, the City's changes per Local Ordinance Nos. 173,268 and 181,595, and the Commission's modifications in red strike out and underline. Text that is struck out shall be removed from the CDP program and text that is underlined shall be added to the CDP program. The CDP program amendment must be implemented consistent with the Commission's modifications.

It is our understanding that the City Council has extended the operative date of July 22, 2023 for Local Ordinance No. 187712 by an additional 180 days to January 22, 2024 and a revised ordinance will be presented to the City Council during this time. We look forward to receiving a copy of the revised ordinance with the Commission's modifications adopted by City Council. Thank you in advance for providing the Commission with a copy of such ordinance.

Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact Jennifer Doyle at Jennifer.Doyle@coastal.ca.gov.

Sincerely,

DocuSigned by:

C337BF42CC61413...

Jennifer Doyle
Coastal Program Analyst

DIV. 13B.9. COASTAL DEVELOPMENT

SEC. 13B.9.1. COASTAL DEVELOPMENT PERMIT (PRE-CERTIFICATION)

Purpose. It is the purpose of this Section to provide for the approval or denial of Coastal Development Permits, prior to the certification of the Local Coastal Program, in accordance with Sec. 30600(b) of the California Public Resources Code. In adopting the California Coastal Act of 1976 the State Legislature finds and declares:

- That the California Coastal Zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
- That the permanent protection of the State's natural and scenic resources is a paramount concern to present and future residents of the State and nation.
- That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and to prevent its deterioration and destruction.

A. Applicability

1. Definitions

For the purpose of this Section the following words and phrases are defined:

Aggrieved Person. Any person who, in person or through a representative, appeared at a hearing on the application for a Coastal Development Permit, or appeal hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the permit issuing authority, or appeal body of the nature of his or her concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a Coastal Development Permit.

Coastal Zone. That land and water area within the City as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such "coastal zone" extends seaward to the City's outer limit of jurisdiction, and generally extends inland 1000 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 extends inland 1000 yards.

Development. 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 the use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Sec. 66410 of the California Government Code), and any other division of land, including, but not limited to, parcel maps and private street divisions, lot splits, lot reconfigurations, and mergers, except where anythe 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 (commencing with Sec. 4511 of the California Public Resources Code). As used in this definition,

“structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Local Coastal Program (LCP). The City’s land use plans and other applicable general plan elements, zoning ordinances, zoning district maps, and proposed implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.

Permit. Any license, certificate, approval, or other entitlement for use granted, conditionally granted, or denied by any public agency, which is subject to the provisions of this Section.

Public Project. Any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City, and any development initiated or to be carried out by any other governmental agency which is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City or any other governmental entity which otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Definition Amended by Ord. No. 173,268, eff. 7/1/00, Oper. 7/1/00.)

Sea. The Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non- estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

2. Use

No Development shall be undertaken in the Coastal Zone unless and until an application for such Development has been submitted to the City for a Coastal Development Permit and such Permit has been obtained from the appropriate City Department in conformance with the provisions of this Section and has become final. Where the particular coastal project requires a coastal development permit from the Commission in addition to the one obtained from the City, no development may be commenced until both such permits have been obtained, and both have become final.

Exception

The provisions of this Section shall not apply to developments which do not need locally issued coastal development permits under the Coastal Act of 1976 or Division 5.5 Title 14 California Coastal Commission Regulations, of the California ~~Administrative Code~~[Code of Regulations](#). A current copy of these regulations is on file with the Department of City Planning and the Office of City Engineer. This exception shall not relieve any person from obtaining from the proper authority a Coastal Development Permit for a Development within the Coastal Zone where such permit is required but can only be issued by the California Coastal Commission, ~~the Regional Commission~~, or the Executive Director. The provisions of this Section shall also not apply to any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled; any development by a public agency for which a local government permit is not otherwise required; any emergency repair authorized by Sec. 30611 of the Public Resources Code; any permits authorized to be issued by the Executive Director of the California Coastal Commission ~~or the Executive Director of the Regional~~

~~Commission~~ pursuant to Sec. 30624 of the Public Resources Code; and any other permits over which the City is not authorized to exercise the option provided for in Subdivision (b) of Sec. 30600 of the Public Resources Code.

B. Initiation

Proceedings for a Permit shall be initiated by the filing of a verified application upon a form or forms prescribed for that purpose. An application for a Coastal Development Permit for a public project, or for a private project where the approval for the underlying permit is within the jurisdiction of the City Engineer shall be filed in the public office of the City Engineer. All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

1. All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following data:
 - a. An adequate description of the project including, but not limited to maps, plans, photographs, drawings, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976. Each application shall contain sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the permit issuing authority will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this Section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the State and City Guidelines adopted pursuant thereto.
 - b. A description and documentation of the applicant's legal interest in the property on which the Development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.)
 - c. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.
 - d. A statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.
 - e. Any additional information as may be required by the permit granting authority.

2. Filing Exception

Despite any other provisions of this Section or Code, an applicant may file an application for a Permit at any point of the project approval process relating to his or her Development. However, upon initiation of the project approval process by the applicant, said applicant shall sign and notarize a form prescribed for this purpose which shall contain the following:

- a. A statement advising the applicant that no permits or permission for a Development in the Coastal Zone shall be issued unless and until a Permit has been approved in accordance with the provisions of this Section.
- b. A statement relieving the City of any legal or other responsibility in the event that failure to apply

for a Permit results in, or contributes to, a violation of Sec. 65950, 65951, or 65952 of the California Government Code.

C. Notice

1. Notice of Application – Posting

At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development a notice that an application has been made for a Coastal Development Permit. Such notice shall contain specific information as to the nature of the proposed development and be in a form as prescribed for that purpose.

2. Notice of Public Hearing – Mailing

a. Hearing on Coastal Development Permit Combined with Other Hearing

The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within 300 feet from each boundary of the site of the proposed development. Where the hearing on the Coastal Development Permit is to be combined with a public hearing otherwise required by this Code for the proposed development, and the provisions of this Code require notification to persons beyond 300 feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a Coastal Development Permit. Notice of such hearing, at least 24 days prior, shall also be sent to an occupant of all residences, including apartments within 300 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, the Certified Neighborhood Council representing the area in which the property is located, and all other persons requesting notice.

b. Hearing on Coastal Development Permit Only

For those projects for which no hearing would otherwise be required by law, the appropriate City agency shall notify by mail, at least 24 days prior to the hearing, the following:

- i. Those persons whose names appear on the list of property owners within 300 feet of the boundary of the site of the proposed development;
- ii. An occupant of all residences, including apartments, within 300 feet of the boundary of the site of the proposed development. This requirement can be met by mailing such notice to “occupant” of the subject residence;
- iii. Those persons known or thought to have a particular interest in the application;
- iv. The Certified Neighborhood Council representing the area in which the property is located; and
- v. All other persons requesting notice.

3. Charges for Notification

No person requesting notification of any application, hearing, or decision by any permit granting authority or any notification of hearing or decision on any appeal therefrom shall be required to bear the cost of any such notification.

D. Decision

~~1. General Procedures~~

- ~~a. Decisions must be made within the time period specified in this Article, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, this time limit may be extended by mutual consent of the decision maker and the applicant. The extension of time to act also applies to applications or initiations under the multiple approval provisions in Sec. 13A.2.10. (Multiple Approvals).~~
- ~~b. Where extensions on the City Council's time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President's councilmember designee may consent to a time extension on behalf of the City Council.~~
- ~~c. Each decision is subject to all applicable standards of this Code, including the applicable zone.~~
- ~~d. Each process described in Part B. (Processes & Procedures) of this Article includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.~~
- ~~e. The initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record.~~
- ~~f. Unless otherwise provided, an application may be approved or disapproved in whole or in part.~~
- ~~g. Unless otherwise provided, the decision maker may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.~~
- ~~h. The decision maker transmits a letter of determination that notifies the applicant, owner, and interested parties, as applicable, of the decision. The notification will indicate whether the application is approved, approved with conditions, or denied.~~
- ~~i. An initial decision or decision of the City Planning Commission or Area Planning Commission that is appealable to the City Council is final and effective upon the close of the appeal period if no appeal is filed.~~
- ~~j. An appellate agency's decision or decision of the City Planning Commission or Area Planning Commission that is not appealable to the City Council is final as provided in Charter Section 245.~~

1. Proceedings and Hearing

- a. To the extent possible, any Permit application for a Development within the Coastal Zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code.
- b. At the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.

2. Determination

a. Authority

A permit granting authority, ~~including any appellate body~~, shall have the authority to approve, conditionally approve, or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California ~~Administrative Code~~Code of Regulations.

b. Conditions of Approval

In approving an application for a permit under the provisions of this Section, the City shall impose such reasonable terms and conditions as it deems necessary to assure a development that is in accordance with the provisions of the California Coastal Act of 1976 and those other criteria set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

3. Notification of Determination

A copy of the permit granting authority's action approving, conditionally approving, or disapproving any application for a Coastal Development Permit, along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant and to any person or persons who, in writing, request a copy of such action.

4. Transmittal of Notice of Final Action to the Coastal Commission

a. After the decision of the last appeal body, or the time within which any appeal can be taken has expired, the permit granting authority, ~~or including~~ any appeal body whose action became final on the permit, shall transmit a copy, by mail, with return receipt requested, of the notice of permit issuance or permit denial to the Executive Director of the ~~Regional~~ Coastal Commission. Such notice shall include the requisite findings, a project description, and a verbatim copy of any conditions attached to the permit, all as required by Sec. 13302(g) of the California Coastal Commission Regulations.

Notice shall also be mailed to the applicant, the appellant, and any persons who, in writing, requested such notice.

b. The decision of the permit granting authority, or any appeal body to approve issuance of a permit shall not be deemed to be final and no Coastal Development Permit may be issued until 20 working days have expired from the date said notice of permit issuance is deemed received by said Executive Director and without an appeal having been taken to the ~~South Coast Regional Coastal~~ Commission.

c. If a timely, valid appeal is taken to the ~~Regional Coastal~~ Commission, the operation and effect of the Coastal Development Permit is stayed pending final action on the appeal by the ~~Regional Coastal~~ Commission ~~or the Commission~~, and the City shall within 5 working days of the receipt of such notice, deliver to the Executive Director copies of all relevant documents and materials used by the City in its consideration of the permit application.

d. If no appeal is taken within 20 working days of the date of the notice of the City's decision to issue a permit is deemed received by the Executive Director, the applicant may commence utilization of the permit. If no timely appeal is taken from the City's decision to deny a permit, such decision is final.

e. Neither an applicant nor any other ~~aggrieved~~ party may appeal the approval, conditional approval, or disapproval of any permit to the ~~Regional Coastal~~ Commission unless and until the City has completed its review of the permit application, has taken final action, and has formally notified the Coastal Commission that the Coastal Development Permit is final-all of the City's appeal procedures for such permit have been taken, and a decision thereon has been made.

E. Standards for Review and Required Findings

The permit granting authority shall have the authority to approve, conditionally approve or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California ~~Administrative Code~~ Code of Regulations. In making its determination under the provisions of this Section, the permit granting authority, including any appellate body, shall not approve, or conditionally approve a permit unless it makes written findings, including specific

factual findings, supporting the following conclusions:

1. That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Sec. 30200 of the California Public Resources Code).
2. That the permitted development will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.
3. That the interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.
4. That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Sec. 30625(c) of the Public Resources Code.
5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
6. Any other finding or findings as may be required for the development by the California Environmental Quality Act.

F. Scope of Decision – Extension of Permits

1. Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and the approving authority's action becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C. (Notice) of this Section.
2. The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection E. (Standards for Review and Required Findings) of this Section.
3. If the approving authority determines that there are no changed circumstances that may affect the consistency of the project with the findings required under Subsection E. (Standards for Review and Required Findings) of this Section, notice of the determination, including a summary of the procedures set forth in this Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.
4. If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.
5. If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of

Subsection C. (Notice) of this Section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.

6. The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be denied.
7. Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subsection D.4 (Decision; Notification of Determination) of this Section.
8. Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection G. (Appeals) of this Section in the same manner as an appeal of the original permit as set forth in Subsection G. (Appeals) of this Section.
9. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection C. (Notice) of this Section are applicable to applications for extensions of permits.

G. Appeals

~~1. General Procedures~~

- ~~a. Appeals shall be in writing and filed on forms maintained by the Department.~~
- ~~b. An appeal shall specifically state the points at issue and the reasons why the decision should be overturned.~~
- ~~c. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.~~
- ~~d. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.~~
- ~~e. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director of Planning, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.~~
- ~~f. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director of Planning, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.~~
- ~~g. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.~~
- ~~h. After an appeal is filed, the initial decision maker will transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the points raised made in the appeal. The Department of City Planning will make investigations and furnish any reports requested by the body to which the matter is transferred.~~
- ~~i. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.~~

- ~~j. Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement to another date if there is cause to do so. No additional notice of continuance need be given if the continuance to a date certain is announced at the time of the original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.~~
- ~~k. The appellate body will conduct a public hearing. After the public hearing, the appellate body will render a decision:
 - ~~i. Affirming the initial decision in whole or in part; or~~
 - ~~ii. Reversing the initial decision in whole or in part, after which it may render its own decision or remand the decision to the initial decision maker for further proceedings.~~~~
- ~~l. The appellate body may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.~~
- ~~m. Appellant(s) may withdraw an appeal of an initial determination if the withdrawal is filed with the Department at least 15 days prior to the public hearing by the appellate body on the appeal.~~
- ~~n. Withdrawal of an appeal shall be in writing and does not require the decision maker to concur. The withdrawal shall be filed with the Department.~~
- ~~o. If the withdrawal of the appeal is received by the Department after the close of the original appeal period, the Department shall notify the same persons who received notice of the decision that was appealed, that an appeal had been filed and was now withdrawn. The notice shall state that the appeal period is being reopened. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward. The appeal period shall only be reopened once.~~
- ~~p. If the withdrawal is received by the Department before any required public hearing notice is mailed, then the time for the appellate body to act is extended for 10 days.~~
- ~~q. If the withdrawal is received by the Department after the public hearing notice is mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice. No further notice of the appeal hearing is required.~~
- ~~r. If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:
 - ~~i. The withdrawal of the appeal is permanent; and~~
 - ~~ii. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.~~~~
- ~~s. The appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing.~~
- ~~t. Unless required otherwise by this Chapter or Chapter 1 (General Provisions and Zoning), in making a decision to grant a project approval, the appellate body shall make the same findings as required to~~

~~be made by the initial decision maker, supported by substantial evidence.~~

~~u. Unless otherwise required by a specific process, the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body.~~

~~v. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.~~

1. Appellate ~~Decision~~Procedures

Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this Section, may be taken by the applicant or any aggrieved person as follows:

- a. Where a Coastal Development Permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the Coastal Development Permit is likewise further appealable. The appellate body may be the Area Planning Commission, City Planning Commission, or City Council depending on the underlying project. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.
- b. Where a Coastal Development Permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within 15 calendar days (including at least 10 working days) of the mailing of the decision of the permit granting authority.
- c. Where a Coastal Development Permit (other than for a Public Project) involves an underlying activity, which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within 15 calendar days (including at least 10 working days) of the mailing of the decision of the permit-granting authority.
- d. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 calendar days of the filing of the appeal. Notice shall be mailed to the required parties at least 10 calendar days prior to the hearing.
- e. Action on any appeal shall be in writing. If the action of any appeal body is further appealable within the City's appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a Coastal Development Permit along with the any findings made and conditions imposed in connection therewith, as set forth in Subsection E. (Standards for Review and Required Findings) of this Section, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.
- f. No fee shall be charged for appeals of a Coastal Development Permit.

H. Amendments to Permits

1. The holder of a Coastal Development Permit may apply to amend the permit by filing a written application with the initial approving authority who approved the original permit. The application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or any other information as may be required by the approving authority, and shall be

accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C. (Notice) of this Section. If the application is deemed complete and accepted, the approving authority shall determine if the requested amendment constitutes an immaterial or material change to the permit.

2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this Subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:
 - a. That the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted;
 - b. That the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Subsection E. (Standards for Review and Required Findings) of this Section;
 - c. That all of the findings required by Subsection E. (Standards for Review and Required Findings) of this Section can still be made;
 - d. That the proposed amendment will not result in any increase in the density or intensity of the project; and
 - e. That the proposed amendment will not cause any adverse impact on surrounding properties.
3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by Sec. 30604 of the California Public Resources Code, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection C. (Notice) of this Section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2. above, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.
4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subsection D.4 (Decision; Notice of Determination) of this Section.

5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection G. (Appeals) of this Section.
6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection D.5 (Decision; Transmittal) of this Section are applicable to applications for amendments to permits.

I. Enforcement

1. Violations

Any violation of the provisions of this Section and Code relating to the processing of permits shall be subject to enforcement and penalties of Chapter 9 of the California Coastal Act of 1976 and subsequent amendments thereto.

2. Revocation

Any permit application filed or approved under the provisions of this Section or Code may be immediately terminated or revoked by the permit granting authority upon a finding that one or more of the following grounds exist:

- a. That inaccurate, erroneous or incomplete information was filed or presented in conjunction with said Permit application.
- b. That names and addresses of all property owners as shown on the records of the City Engineer or of the County Assessor, were not provided within the required radius of the involved property in conformity with the requirements of this Section and Code.
- c. That the addresses of all residential occupancies within 300 feet of each boundary of the site of the proposed development were not provided.
- d. That the applicant failed to post and maintain the required notice at the project site in accordance with Subsection C. (Notice) of this Section.