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Los Angeles Planning and Zoning

SEC. 12.20.2.1. COASTAL DEVELOPMENT PERMIT PROCEDURES AFTER CERTIFICATION OF THE LOCAL COASTAL PROGRAM.**(Amended by Ord. No. 175,691, Eff. 1/19/04.)**

A. Requirement of a Coastal Development Permit. A Coastal Development Permit issued by the City in conformance with the provisions of this section is required for all Coastal Development located within an area of the City covered by a certified local coastal program, unless the Coastal Development is exempted under Section 12.20.1 C., or the proposed project site lies completely within the Coastal Commission Permit jurisdiction, or the Coastal Commission previously issued a Coastal Development Permit for the Coastal Development. Coastal Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved in the Permit. Amendments to these procedures are not effective until certified by the Coastal Commission.

B. Definitions. The following definitions shall apply to the Coastal Zone of the City within areas subject to certified Local Coastal Programs. Words and phrases not defined here shall be construed as defined in Section 12.03 or the California Coastal Commission regulations, if defined there.

Appealable Area shall mean the area identified in Public Resources Code Section 30603. The area that meets this criteria includes, but is not limited to, the area shown on the "Post-LCP Certification Permit and Appeals Jurisdiction Map" certified by the Coastal Commission in accordance with the provisions of California Code of Regulations Title 14 Section 13576 and attached as an exhibit in each certified coastal specific plan.

Appealable Development shall mean, in accordance with Public Resources Code Section 30603(a), any development that constitutes a major public works project or a major energy facility, or any development located in the Appealable Area.

Applicant shall mean the person, partnership, corporation, or other entity or State or local government agency applying for the Coastal Development Permit.

Approving Authority shall mean the initial decision-maker and appeal body, including the Director of Planning, City Engineer, Zoning Administrator, City Planning Commission, Area Planning Commission, Board of Public Works, City Council or other applicable decision-making person or body within the City of Los Angeles, which has the authority to approve a Coastal Development Permit pursuant to this section or by reason of jurisdiction over other permits and approvals sought in conjunction with an application for a Coastal Development Permit.

Categorically Excluded Development shall mean a development, which is excluded from the Coastal Development Permit requirements pursuant to a categorical exclusion order adopted by the Coastal Commission that sets forth the specific categories of development that qualify for the exclusion within a specific geographic area, and which establishes that those categories of development in the specified geographic areas will have

no potential for significant adverse effects, either individually or cumulatively on coastal resources or on public access to or along the coastline.

Coastal Bluff shall mean the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

Coastal Development shall mean any of the following on land, in or under water: the placement or erection of any solid material or structure; the discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; the grading, removing, dredging, mining or extraction of any materials; any change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Government Code Section 66410), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; any change in the intensity of use of water or of access to the water; 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 Public Resources Code Section 4511).

Coastal Zone shall mean that land and water area specified on the maps cited in Section 30103 of the Public Resources Code, extending seaward to the State's outer limit of jurisdiction, including all offshore islands, but with some additional criteria for special areas as specified in Public Resources Code Sections 30103.5 and 30166.

Disaster shall mean fire, flood, wind, earthquake, or other natural or man-made disaster.

Emergency shall mean a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Environmentally Sensitive Habitat Area shall mean any officially mapped area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments, and any area identified as a wetland, an environmentally sensitive habitat or as a Sensitive Coastal Resource Area, in a certified Local Coastal Program, a certified land use plan or a certified specific plan.

First Public Road Paralleling the Sea shall mean that road nearest to the sea, as

defined in Public Resources Code Section 30115, which:

- (a) is lawfully open to uninterrupted public use and is suitable for that use;
- (b) is publicly maintained;
- (c) is an improved, all-weather road open to motor vehicle traffic in at least one direction;
- (d) is not subject to any restrictions on use by the public except when closed due to an Emergency or when closed temporarily for military purposes; and
- (e) does, in fact, connect with other public roads, providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features, such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward from the generally continuous coastline.

Public Project shall mean 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 of Los Angeles, and any development initiated or to be carried out by any other governmental agency that is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City of Los Angeles or any other governmental entity that 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 of Los Angeles 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.

Wetland shall mean lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

C. Exemptions. The following types of Coastal Development are exempt from the requirement to obtain a Coastal Development Permit in accordance with the provisions of this section:

1. Improvements to Existing Structures.

(a) Improvements to any existing structure are exempt. For purposes of this section, in order to qualify as an improvement, the Coastal Development shall retain 50% or more of the existing exterior walls of the building or structure. In addition, the following shall be considered a part of an existing structure:

- (1) all fixtures and other structures directly attached to the existing structure and landscaping on the lot;
- (2) for single-family residences, in addition to (1) above, structures on

the property normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds, but not including guest houses or self-contained dwelling units, shall also be considered part of that structure.

(b) Notwithstanding the exemption provided in Section C.1. above, the following improvements require a Coastal Development Permit:

(1) improvements to any structure on a beach, Wetland, stream or lake, seaward of the mean high tide line, where the structure or proposed improvement would encroach within 50 feet of the edge of a Coastal Bluff, stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat, or identified in a certified local coastal plan or specific plan as a significant natural habitat; or within 100 feet of the edge of a Coastal Bluff if the structure is a single family dwelling;

(2) any significant alteration of land forms, including the removal or placement of vegetation, on a beach, Wetland or sand dune, or within 100 feet of the edge of a Coastal Bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission or in a certified specific plan as a significant natural habitat; or within 50 feet of the edge of a Coastal Bluff if the structure is a single family dwelling;

(3) the expansion or construction of water wells or septic systems;

(4) improvements to any structure on property located in the Appealable Area that would result in (i) an increase of ten percent or more of internal floor area of the existing structure, or (ii) an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or (iii) an increase in height by more than ten percent of an existing structure;

(5) improvements to any structure on property in the non-appealable area that would result in an increase of ten percent or more of internal floor area of the existing structure;

(6) improvements to any structure in significant scenic resource areas as designated by the Coastal Commission or in a certified specific plan that would result in (i) an increase of ten percent or more of internal floor area of the existing structure, or (ii) an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b), and/or (iii) an increase in height by more than ten percent of an existing structure;

(7) in areas the Coastal Commission has previously declared, by resolution after public hearing, to have a critically short water supply that must be maintained for the protection of coastal resources or public

recreational use, the construction of any specific major water-using Coastal Development including, but not limited to, swimming pools, or the construction or extension of any landscaping irrigation system;

(8) any improvement to a structure where the development permit issued for the original structure by the Coastal Commission indicated that any future improvements would require a Coastal Development Permit;

(9) any improvement to a structure that results in a Change in the Intensity of Use of the structure; and

(10) any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including, but not limited to, a condominium conversion, stock cooperative conversion or hotel/motel timesharing conversion.

2. Repair and Maintenance Activities of Public Utilities. Repair and maintenance activities of public utilities as specified in the repair, maintenance and utility hook-up exclusion adopted by the Coastal Commission on September 5, 1978.

3. Other Repair and Maintenance. Repair and maintenance activities that do not result in a material addition to or an enlargement or expansion of the object of those activities, except as otherwise specified by the Coastal Commission in California Code of Regulations, Title 14, Section 13252, and any amendments subsequently adopted, except if the repairs or maintenance involve any of the following:

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

(1) repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(2) the placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, Wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(3) the replacement of 20 percent or more of the materials in an existing structure with materials of a different kind; or

(4) the presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.

(b) Any method of maintenance dredging that involves:

(1) the dredging of 100,000 cubic yards or more within a 12 month period;

(2) the placement of dredge spoils of any quantity within an Environmentally Sensitive Habitat Area, on any sand area, within 50 feet of the edge of a Coastal Bluff or Environmentally Sensitive Habitat Area or within 20 feet of coastal waters or streams; or

(3) the removal, sale or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area that the Coastal Commission has declared by resolution, or has been identified in a certified Local Coastal Program, to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

(c) Any repair or maintenance to facilities or structures or work located in an Environmentally Sensitive Habitat Area, any sand area, within 50 feet of the edge of a Coastal Bluff or Environmentally Sensitive Habitat Area or within 20 feet of coastal waters or streams that includes:

(1) the placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

(2) the presence, whether temporary or permanent, of mechanized equipment or construction materials.

(d) Unless destroyed by Disaster, the replacement of 50 percent or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under Public Resources Code Section 30610(d), but instead constitutes a replacement structure requiring a Coastal Development Permit.

4. Replacement Structures. The replacement of any structure destroyed by a Disaster if the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent and is sited in the same location on the affected property as the destroyed structure.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this subdivision, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the Disaster.

5. Categorically Excluded Development. Any Coastal Development that has been

categorically excluded pursuant to a categorical exclusion approved by the Coastal Commission.

6. Geologic Testing. Geologic testing that does not require other City permits, does not involve cutting access roads and does not remove significant vegetation.

7. Temporary Events.

(a) A temporary event that meets all of the following criteria:

(1) does not involve a charge for general public admission or seating; and

(2) will not restrict public access or use of roadways, parking areas, or recreational areas; and

(3) will not either directly or indirectly impact Environmentally Sensitive Habitat Areas, rare or endangered species, significant scenic resources, or other coastal resources, such as water-oriented activities, visitor facilities, marine resources, biological resources, agricultural lands, and archaeological or paleontological resources.

(b) Any temporary event which has previously received a Coastal Development Permit, will be in the same location, during the same time period, will be operated in the same manner, and was not the subject of previous complaints.

D. General Procedures for Appealable and Non-Appealable Coastal Development Permits.

1. Application for a Coastal Development Permit. An application for a Coastal Development Permit shall be filed with either the Department of City Planning or the City Engineer on a form provided by the Department and include all information required by the instructions on the application and any applicable adopted guidelines.

2. Jurisdiction.

(a) An application for a Coastal Development Permit for a Public Project, or for a private project where the approval of the underlying permit is within the jurisdiction of the City Engineer, shall be filed in the office of the City Engineer.

(b) All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

3. Preliminary Notice of Jurisdiction.

(a) At the time an application for Coastal Development is submitted, the Director of Planning (Director) or City Engineer, whichever has jurisdiction, shall determine whether:

(1) the development is within the Coastal Commission's jurisdiction or

the City's jurisdiction; and

(2) the development is located within the appealable or non-appealable jurisdiction of the Coastal Zone; and

(3) the development is within an area designated by a certified Local Coastal Program or within the area subject to the provisions of Section 12.20.1 of this Code; and

(4) the development is exempt or categorically excluded according to the criteria of Subsection C. of this section.

(b) The Director or City Engineer shall use the following criteria: the certified Local Coastal Program, including any maps, the Post LCP Certification Permit and Appeals Jurisdiction Map certified by the California Coastal Commission, land use designations, special programs and zoning ordinances that are certified as part of the Local Coastal Program and categorical exclusion orders granted by the Coastal Commission.

(c) If the preliminary notice of jurisdiction of the Director or City Engineer is challenged by the Applicant or an interested person within 15 days after the determination is made, the Director or City Engineer may request an opinion of the Coastal Commission Executive Director. The decision of the Executive Director or the Coastal Commission pursuant to California Code of Regulations, Title 14, Section 13569 shall apply.

4. Notice of Exemption.

(a) After jurisdiction has been established and the Director or City Engineer has determined that the Coastal Development is exempt pursuant to Subsection C. of this section, the Director or the City Engineer, whichever has jurisdiction, shall issue a notice of exemption for a Coastal Development which is exempt from the Coastal Development Permit requirements. The Director or City Engineer shall mail a copy of the notice of exemption to the Applicant and the Coastal Commission.

(b) The City shall maintain a record of all notices issued for exempt Coastal Developments, including Categorically Excluded Developments, which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of a list of issued permits or approvals currently maintained by the City, provided that the record includes the Applicant's name, the location of the Coastal Development, and a brief description of the Coastal Development.

5. Deeming an Application Complete.

(a) Within 30 days of the submittal of the application and the payment of fees, the Director or City Engineer, whichever has jurisdiction, shall determine whether

the application is complete.

(b) Prior to deeming an application complete, the Director or City Engineer shall determine, and if necessary, advise the Applicant, of the processes to be followed, any additional information required, and the fees to be paid. The Director or City Engineer shall adopt guidelines and use them to determine when an application is deemed complete.

6. Concurrent Processing With Other Permits or Approvals.

(a) When a proposed Coastal Development is required to obtain a Coastal Development Permit and is also required to obtain other quasi-judicial or legislative approvals, the application for a Coastal Development Permit shall be filed and processed concurrently with the other permits or approvals. The action of the Approving Authority shall be considered one consolidated action.

(b) An appeal of the initial decision on a Coastal Development Permit application shall automatically constitute an appeal of the decision on the application for the other discretionary permits and approvals. Any appeal of the other permits and approvals shall also constitute an appeal of the Coastal Development Permit unless the appeal of the Coastal Development Permit would violate Charter Section 563. The time for appeal of the Coastal Development Permit to the Coastal Commission shall commence after action on the other permits and approvals becomes final.

(c) If a condition of the Coastal Development Permit varies from a condition contained in the other permits and approvals, the more restrictive condition shall control.

(d) No additional fees shall be charged for appeal of a Coastal Development Permit that is combined with an appeal for the other permits and approvals.

7. Time Limit for Initial Decision.

(a) The initial Approving Authority shall make a written decision approving, disapproving or approving with conditions a Coastal Development Permit within 75 days after:



(1) the date the application is deemed complete; or

(2) when an environmental impact report (EIR) is required, the date the EIR is certified as complete consistent with State law.

(b) The time limit may be extended by mutual consent of the Director and the Applicant.

E. Notice.

1. Notice of Coastal Development Permit Application. The City, at the Applicant's expense, shall provide a Notice of Coastal Development Permit Application by first class mail at least ten calendar days prior to the initial decision. This notice shall be provided to each Applicant, to the Certified Neighborhood Council, to all persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone, to all property owners and residents within 100 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets, and to the Coastal Commission. The notice shall contain the following information:

- (a) a statement that the Coastal Development is within the Coastal Zone;
- (b) the date of filing of the application and the name of the Applicant;
- (c) the case number assigned to the application;
- (d) a description of the Coastal Development and its proposed location;

2. Notice of Waiver of Public Hearing.

(a) For Coastal Development in the Appealable Area where the requirement for a public hearing is proposed to be waived, the City shall provide the following statement in the manner provided in Subdivision 1. above: "the public hearing will be waived unless a hearing is requested by any person within ten working days of the date of this notice. The failure to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission the City's action on the Coastal Development Permit."

(b) For a Coastal Development that does not require a public hearing pursuant to this section, the notice shall contain the date the application will be acted upon by the Approving Authority and the general procedure for submitting public comments in writing to the Approving Authority prior to the decision date.

3. Notice of Public Hearing. For a Coastal Development that requires a public hearing pursuant to this section, the City, at the Applicant's expense, shall provide a Notice of Public Hearing by first class mail at least ten calendar days prior to the first public hearing. This Notice may be combined with the Notice of Coastal Development Permit Application for applications that require a Public Hearing.

This notice shall be provided to each Applicant, to all persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone, to all property owners and residents within 100 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets, and to the Coastal Commission. The notice shall contain the following information:

- (a) a statement that the Coastal Development is within the Coastal Zone;
- (b) the date of filing of the application and the name of the Applicant;

- (c) the case number assigned to the application;
- (d) a description of the Coastal Development and its proposed location;
- (e) the date, time, and place at which the public hearing on the application will be heard;
- (f) a brief description of the general procedure concerning the conduct of the public hearing and City actions;
- (g) the procedure for City and Coastal Commission appeals, if any, including any required fees;
- (h) If applicable, the criteria for eligibility to appeal to the Coastal Commission; and
- (i) a statement that an interested person must request to be on the mailing list for the particular Coastal Development in order to receive notice of the written determination and in order to appeal to the City.

4. **Continuation of Public Hearing – Notice.** If a decision on a Coastal Development Permit is continued to a time which is neither (a) previously stated in the notice of public hearing provided pursuant to this subsection, nor (b) announced at the hearing as being continued to a time certain, notice of the further hearings or action on the proposed Coastal Development shall be provided in the same manner, and within the same time limits, as established in this subsection.

5. **Posted Notice.** At the time the application is submitted for filing, the Applicant must post, in a conspicuous place, and as close as possible to the proposed Coastal Development, the City's notice that an application has been filed for a Coastal Development Permit. The notice shall contain specific information as to the nature of the proposed Coastal Development and be in a form as required by the approving department for that purpose.

F. Decision Process for Coastal Development Permits.

1. **Public Hearing.** The Approving Authority shall hold a public hearing on any application for a Coastal Development Permit for an Appealable Development except as waived in Subdivision 2. It shall hold the hearing at least ten calendar days following the mailing of the notice required in Section E.2. and shall consolidate the hearing with any other public hearing required for any other approvals required by the Los Angeles Municipal Code or other City ordinance.

2. **Waiver of Public Hearing.** The Approving Authority may waive the public hearing for Coastal Development in the non-appealable area and may propose to waive the requirement for a public hearing for Coastal Development in the Appealable Area if it determines that the Coastal Development meets the following criteria:

(a) The Coastal Development is consistent with the Certified Local Coastal Program;

(b) The Coastal Development requires no discretionary approvals other than a Coastal Development Permit; and

(c) The Coastal Development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

3. **Initial Decision.** If an application for a Coastal Development Permit is submitted to the City and there is no application for another quasi-judicial or legislative approval, the initial decision shall be made by the Director or City Engineer, whichever has jurisdiction. The Director or City Engineer may approve, conditionally approve or deny a Coastal Development Permit.

4. **Findings.**

(a) An application for a Coastal Development Permit shall be approved if the Approving Authority, based on information obtained during an investigation and/or public hearing, if applicable, makes specific written findings justifying the City's action, including any conditions imposed in order to bring the Coastal Development into conformity with the certified Local Coastal Program. These findings shall include the following:

(1) that the proposed Coastal Development is in conformity with the certified Local Coastal Program;

(2) that the Coastal Development is in conformity with all applicable provisions of any adopted community plan and specific plan for the area; and

(3) where applicable, that any Coastal Development located between the First Public Road Paralleling the Sea and the sea or shoreline of any body of water located within the Coastal Zone is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

(b) The Approving Authority, in approving an application for a Coastal Development Permit, shall impose any conditions considered necessary to insure that the proposed use will be consistent with the above findings.

(c) An application for a Coastal Development Permit shall be denied when the evidence submitted by the Applicant and/or presented at a public hearing fails to support the findings above to the satisfaction of the Approving Authority.

5. **Transmittal of Written Decision.** Upon making a written decision, the Approving Authority shall transmit a copy by first class mail to each Applicant, to all persons who

have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone, to all property owners and residents within 100 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets, and to the Coastal Commission.

G. Effective Date of City Action. The City shall issue a Coastal Development Permit only:

1. For a non-appealable development, fifteen days after the final City action, provided no appeal has been filed, or provided the Coastal Commission has not asserted jurisdiction.
2. For an Appealable Development, only after receiving the final City action and notification that the ten working day appeal period to the Coastal Commission established by California Code of Regulations has ended and no appeal was filed; or an appeal was filed and the Coastal Commission made a determination of no substantial issue with the City's decision.
3. If a decision on a Coastal Development Permit is appealed to the Coastal Commission and the Coastal Commission determines that a substantial issue exists, the issuance of the permit will be regulated by the Coastal Commission.

H. Procedures for Appeals of a Coastal Development Permit.

1. Filing of an Appeal.

(a) An Applicant or any other person aggrieved by the initial decision on a Coastal Development Permit may appeal the decision to the Area Planning Commission or to the Board of Public Works for a Public Project or for a private project where the approval of the underlying permit is within the jurisdiction of the City Engineer. The appeal on an Appealable Development and non-appealable development shall be filed within 15 days of the date of mailing of the decision.

(b) The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the decision-maker. Any appeal not filed within the 15-day filing period shall not be considered by the Area Planning Commission or Board of Public Works. The filing of an appeal stays proceedings in the matter until the Commission or Board has made a decision. Once an appeal is filed, the initial decision-maker shall transmit the appeal and the file to the Commission or Board, together with any reports responding to the allegations made in the appeal.

2. Notice of Appellate Decision. Before acting on any appeal of a Coastal Development Permit, the Area Planning Commission or Board of Public Works shall set the matter for hearing, with written notice of the hearing sent at least 15 days prior to the meeting to each Applicant, the appellant(s), all persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone, to all property owners and residents within 100 feet of the parcel on which the Coastal Development is proposed, exclusive of streets, and the Coastal Commission.

3. **Time for Appellate Decision.** The Area Planning Commission or Board of Public Works 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 Commission or Board.

4. **Appellate Decision.** The Area Planning Commission or Board of Public Works may reverse or modify the initial decision, in whole or in part. In reversing or modifying the initial decision, the Commission or Board shall make the same findings required to be made by the initial decision-maker and shall indicate why the initial decision-maker erred or abused its discretion.

I. Recordation of the Coastal Development Permit. Within 14 days of the issuance of the Coastal Development Permit for a Coastal Development subject to the jurisdiction of the Director, the Applicant shall record the Permit with the Los Angeles County Recorder's Office and provide a certified copy to the City Planning Department.

J. Notice of Final City Action. Within seven calendar days of a final decision on an application for any Coastal Development, the Approving Authority shall provide notice of its action, at the expense of the Applicant, by first class mail to the Coastal Commission and to any persons who specifically requested notice of the final action by submitting a self-addressed, stamped envelope to the Approving Authority. The notice shall include conditions of approval, written findings, and, if applicable, the procedures for appeal to the Coastal Commission.

K. Notification of Failure to Act and Approval by Operation of Law.

1. **Notification by Applicant.** If the Approving Authority has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, the person claiming a right to proceed pursuant to those Code sections shall notify, in writing, the Approving Authority and the Coastal Commission and all persons entitled to receive notice pursuant to Subdivision 2. of Subsection H. of this section that the Coastal Development has been approved by operation of law. The notice shall specify the application which is claimed to have been approved.

2. **Notification by Approving Authority.** When the Approving Authority determines that the time limits established pursuant to Government Code Sections 65950- 65957.1 have expired, and that the notice required pursuant to Subdivision 2. of Subsection H. of this section has occurred, the Approving Authority shall, within seven calendar days of its determination, notify any person entitled to receive notice pursuant to Subdivision 2. of Subsection H. of this section that it has taken final action by operation of law pursuant to Government Code Sections 65950-65957.1, and that the application, if it is for an Appealable Development, may be appealed to the Coastal Commission pursuant to California Code of Regulations, Title 14, Section 13110, et seq.

L. Appeal Procedures for Multiple Applications Including a Coastal Development Permit. The Approving Authority for multiple applications for a Coastal Development Permit and other quasi-judicial or legislative approvals shall be as established in Section 12.36 A. through E. However, the appeal procedures for the consolidated action shall follow the procedural requirements for notice, public hearing and final action of an initial decision on a Coastal Development Permit in accordance with Subsections D., E. and F. of this section.

M. Duration of Permits.

1. **Validity.** A Coastal Development Permit that was granted pursuant to the provisions of this section shall run with the land and continue to be valid upon any changes of ownership of the land or any changes to the existing building or structure on the land.

→ 2. **Termination.** A permit which has not been used within the time specified in the permit, or, if no time is specified, within two years after the granting of the permit, shall become void. The Director or City Engineer, whichever has jurisdiction, may grant extensions of time for the utilization of the permit, provided the extension is requested prior to the expiration date, under the provisions of Subsection O. of this section. In cases where other approvals are granted concurrently with the Coastal Development Permit, the time limits and extensions shall be the same as those for the other approvals. However, the Coastal Development Permit shall become void after six years.

3. **Utilization of Permit.** A Coastal Development Permit shall be considered used when construction or other development authorized by that permit, which would be prohibited in that location if no Coastal Development Permit had been issued, has commenced. A Coastal Development Permit shall automatically cease to be in effect if the use for which the permit was granted has ceased or has been suspended for a consecutive period of two or more years.

N. Revocation.

1. **Failure to Comply with Conditions.** If the Director or City Engineer, whichever has jurisdiction, determines that the conditions of any Coastal Development Permit granted pursuant to this section have not been complied with, the Director or City Engineer may give notice to the record owner or lessee of the real property to appear at a time and place fixed by the Director or City Engineer and show cause why the determination of the Approving Authority granting the Coastal Development Permit should not be rescinded. An appeal from a revocation action may be taken in the same manner prescribed in Subsection H. of this section.

2. **Request by Aggrieved Person.** Any aggrieved person may request revocation of a permit by application to the Director or City Engineer, whichever has jurisdiction, specifying with particularity the grounds for revocation. The Director or City Engineer shall review the stated grounds for revocation and shall determine whether to initiate revocation proceedings. An appeal from a revocation action may be taken in the same manner prescribed in Subsection H of this section.

O. Extensions of Time.

1. **Application.** Prior to the expiration of a Coastal Development Permit, an Applicant may apply for a one year extension of the permit. Prior to the expiration of any extension, the Applicant may apply for another one year extension of the permit. An application for an extension of time shall automatically keep the permit in effect until the Approving Authority has acted upon the request. However, if construction has not commenced at the

time the application is made, construction may not commence after the initial expiration date until the Approving Authority has acted upon the request. 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 property interest.

2. **Procedures.** The procedures for applying for an extension of time shall be in accordance with Subsections D., E., and F. of this section.

3. **Findings.** The Approving Authority shall only grant an extension if the Approving Authority can make the same findings as were required for the original permit, with no new conditions, and must make an additional finding that there are no changed circumstances which would affect the Coastal Development's consistency with the Local Coastal Program.

4. **Appeal.** An extension of time for a Coastal Development Permit may be appealed in accordance with Subsection H. of this section. However, in addition to the notice provisions required in that subsection, the Approving Authority shall also notify any persons who objected to the Approving Authority's approval of an extension.

P. Immaterial Changes to a Coastal Development Permit.

1. **Application.** An application for an immaterial change to a Coastal Development Permit shall be filed with the Approving Authority that approved the existing permit.

2. **Approval.** If the Approving Authority finds that the proposed change conforms to the original findings and conditions required for the Coastal Development Permit and is in substantial conformance with that Permit, then the Approving Authority may approve the proposed change.

Q. Permit Amendments.

1. **Application.** If the Approving Authority that originally granted the Coastal Development Permit finds that a proposed change is not in substantial conformance with the original Coastal Development Permit, the holder of the Permit may apply for an amendment to the Permit in the same manner as an application for a new Coastal Development Permit. This application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or other material appropriate to the request, and shall be accompanied by evidence of a valid, unexpired permit and of the Applicant's continued legal ownership or interest in the property.

2. **Procedures.** The procedures for an amendment shall be the same as would be required of a new application at the same location in accordance with Sections D., E. and F. of this section.

3. **Appeals.** Appeals of decisions on amendment applications may be made in the same manner as appeals of decisions on the original Coastal Development Permit in Subsection H. above.

R. Emergency Permits. An Emergency permit shall only be issued in cases where an Emergency necessitates immediate action that would normally require a Coastal Development Permit, and where the worth of any permanent structures erected does not exceed \$25,000.

1. **Applications.** An application for an Emergency Coastal Development Permit shall be made to the Director or the City Engineer, whichever has jurisdiction, within three days of the Emergency or discovery of the danger. The following information shall be included in the request:

- (a) nature of the Emergency;
- (b) cause of the Emergency, if this can be determined;
- (c) location of the Emergency;
- (d) the remedial, protective or preventive work required to deal with the Emergency; and
- (e) the circumstances during the Emergency that justify the proposed course of action, including the probable consequences of failing to take action.

2. **Verification of Emergency.** The Director or City Engineer shall verify the facts, including the existence and the nature of the Emergency, insofar as time permits.

3. **Procedure.** The Director or City Engineer shall provide public notice of the Emergency work, with the extent and type of notice determined on the basis of the nature of the Emergency. The Director or City Engineer shall not issue an Emergency permit for any work that falls within the provisions of Public Resources Code Sections 30519(b) and 30601. The Director or City Engineer may grant an Emergency permit upon reasonable terms and conditions, if the Director or City Engineer finds that:

- (a) an Emergency exists that requires action more quickly than the regular permit process would allow, and the work can or will be completed within 30 days, unless otherwise specified by the terms of the permit;
- (b) public comment on the proposed Emergency action has been reviewed, if time allows; and
- (c) the work proposed would be consistent with the certified Local Coastal Program and any adopted, relevant community or specific plans.

4. **Compliance.** An Emergency permit shall be valid for not more than 60 days from the date of issuance. Prior to expiration of the Emergency permit, the permittee must submit a Coastal Development Permit application for the Coastal Development or else remove the Coastal Development undertaken pursuant to the Emergency permit in its entirety and restore the site to its previous condition. Failure to comply with the provisions of this subsection or failure by the permittee to properly notice and report any Emergency actions may result in the revocation of the Emergency permit.

5. **Reporting.** The Director or City Engineer shall notify the Coastal Commission of the issuance of an Emergency permit by phone or letter as soon as possible, but in any event within three days of the issuance of the Emergency permit.