

**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.