

A Citizen's Guide to the California Coastal Act of 1976

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People, Access, Coastal Environment

A CITIZEN'S GUIDE TO THE
CALIFORNIA COASTAL ACT
OF 1976

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Part of the production costs of this guide have been supplied by U.S.C. Sea Grant Marine Advisory Services under NOAA Grant 04-6-158-4418, and the Coastal Heritage Foundation.

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PREFACE

Section 30006 of the Coastal Act of 1976 reads, "The Legislature declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." This guide is compiled to give you the information needed to exercise this right.

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INTRODUCTION

Local government planning power and "home rule" are historically very important in California. In keeping with this tradition, the Coastal Act returns much of the planning responsibility to the coastal communities. While recognizing the right of the private property owner, the Act also recognizes that the coast is a distinct and valuable resource of interest to all the people.

Part I of this guide tells how to be involved in the permit process of the state and regional coastal commissions. It describes the way the permit authority of the Coastal Act works and explains what you can expect from the commissions and local governments and what they expect from you. The commissions have temporary authority to control development in the coastal zone by issuing (or not issuing) permits, and to exclude areas and categories of development from the permit process.

The commission permit authority is temporary because the Act calls for local governments to prepare local coastal programs (LCP's) which will determine the future development of the coast. The LCP's will affect where urbanization will occur, public access, the placement of industrial facilities, the protection of wildlife, open space and recreational areas. Once a local coastal program is certified by the commission, most of the development control reverts to the local jurisdiction. The state commission will retain permit authority for developments in tidelands and offshore, and appeal authority for certain major projects. Part II of this guide explains what local coastal programs are, what planning must take place, and how the public may play a significant role in this planning.

Part III provides a summary of the Coastal Act. It is intended to be used as a helpful reference, not as a substitute for the Act. Part IV contains references to facilitate community involvement.

I ADDRESSING YOUR REGIONAL OR STATE COMMISSIONS - PERMITS

The Coastal Act, in spite of the complex definitions and details, is reasonably straightforward. Until an LCP for an area within the coastal zone has been certified by the state coastal commission, any development in the coastal zone with very limited exceptions requires a coastal development permit. "Development", as defined in the Act, includes the placement or erection of any solid material or structure. It includes the discharge or disposal of dredged material or of any gaseous, liquid, solid, or thermal waste. Grading, removing, dredging, mining or extraction of any material is also considered development. Change in density or intensity of use of land, subdivision of land, lot splits (except in some cases), changes in intensity of use of water or access to water are also included. See Section 30106 of the Act for the complete definition. There are provisions for categorical and urban exclusion from permit requirements, as explained on pages 9-11.

The commissions must issue a permit if it is found that the proposed development is in conformity with the provisions of Chapter 3 of the Act and that it will not prejudice the ability of the local government to prepare a local coastal program in conformity with the provisions of Chapter 3. To find out whether a specific area is in the coastal zone or not, contact the nearest regional commission office. The coastal zone in general runs the length of the state from the sea inland about 1,000 yards, with wider spots in coastal estuarine, habitat and recreational areas and includes about 1,800 square miles.

INFORMATION - WHERE TO START

The public participation clauses in the Coastal Act are the key to the equitable application of the law. They allow people who do not have a direct financial interest in the matters before the commissions to review and influence the decision making process. If the commissions are to reflect the public interest, they must have the focus of attention provided by public presence at meetings

and public comment on matters before the commissions. Those who present the most carefully thought-out arguments supported by facts are likely to have the greatest influence on the decision making process.

In order to have the information you need, start by getting a copy of the Coastal Act. Although Part III is a rather detailed summary of the Act, it is never wise to rely on a summary of a law. Copies of the Act may be obtained from the commissions or from PACE.

Other materials at the commissions' offices are subject to the Freedom of Information Act, and are, therefore, generally open to public inspection. Current documents are often provided free of charge, while duplication of file materials is done at cost.

Ask to be put on the mailing list for the agenda of your regional commission. When you get the agenda, review it for items of concern and call or visit the commission office to obtain the staff summary of the agenda item. You will then generally have the same information on the item as the commissioners and will be in an excellent position to speak at the public hearing, particularly if you are personally familiar with the area affected by the permit.

THE PERMIT PROCESS

Here briefly are the steps involved in the coastal permit process:

1. Applicant, normally with local government approvals, in hand applies to the regional commission for a coastal development permit.
2. Applicant provides regional commission with a list of property owners within 100 feet of the development site; commission mails "Notice of Intent" to these property owners in envelopes supplied by the applicant.
3. Regional commission gives applicant a "Notice of Intent" sign which must be posted conspicuously on the property.
4. Regional commission staff decides whether permit category is Administrative, Consent or Regular Calendar. Regular Calendar items require a public hearing.

5. The permit is assigned to a staff permit analyst who prepares a staff summary. If the staff analyst finds no other research is needed, a recommendation for approval, denial or approval with conditions may be made.
6. Permit is placed on agenda and distributed.
7. Regional commission conducts public hearings on regular calendar items and may vote after the public hearing. If the vote is not taken at this meeting the project is scheduled for a vote at a later meeting. Applicant can request a delay on the final decision up to the time of the vote of the commission.
8. If approved, the permit is issued 10 working days after the vote, unless it is appealed to the state commission. An appeal must be received at the state commission office within 10 working days after the regional commission vote.

HOW TO PARTICIPATE IN THE PERMIT PROCESS - REGIONAL COMMISSION LEVEL

When you find an agenda item or see or receive the written "Notice of Intent" for a permit that concerns you, call the regional commission office to get more detailed information. Try to have the permit number from the "Notice" or agenda. Ask for the staff planner who is working on the permit and get the application summary. If possible, be ready to give reasons why you oppose or support the permit. Staff members are interested in your views - particularly if you see issues related to the Coastal Act not apparent to someone less familiar with the area.

If you are not on the regular mailing list, request a copy of the agenda on which the specific permit will appear. Write to the regional commission as soon as possible expressing your concerns. Include any conditions which might make the development acceptable in terms of the requirements of the Coastal Act. Permits can be approved with "conditions" such as reducing building size, providing public access, increasing parking, or providing buffer areas for lagoon and wetlands. Your letter, as well as whatever remarks you intend to make before the regional commission, should be based to the greatest extent possible on the Coastal Act, and especially the Sections in Chapter 3. It strengthens

your argument to cite applicable sections of the law. You must either speak at the public hearing or have written to the regional commission prior to the public hearing if you wish to speak before a final vote is taken or to appeal the decision to the state commission. A letter to the regional commission, therefore, keeps your options open.

When you receive the agenda you will find that basically it's divided into sections: administrative permits, consent calendar permits, final vote items and public hearing permit applications. The consent calendar items are permits which the executive director has determined do not require a full public hearing. You will, however, have the opportunity to speak to the regional commission to convince them that an item on the consent calendar should have conditions imposed or that it should be scheduled for a public hearing. You must indicate your intention to speak by following instructions of the chairperson of the regional commission given at the beginning of the consent calendar section of the agenda.

If you ask that a consent calendar item be given a public hearing, stick to why the permit deserves a public hearing rather than arguing the merits or lack of them of the project itself. In order to gain the hearing, three commissioners must vote in favor of it. Think in terms of the difference between this and other permits, of the precedent this item might represent, or of facts the staff or commission is not aware of. If there are a number of people concerned, try to get them to attend the meeting and give their views. The commission is sensitive to the opinions of the community.

Public hearing items require a full, written staff summary which includes statements about the coastal issues involved and consistency with the Coastal Act. Findings and a recommendation may be included with the initial analysis, in which case a final vote may take place the day of the public hearing. The staff may recommend one of three actions to the commission: approval, approval with conditions, or denial. It takes a majority of the total voting members of the commission to approve a project or an appeal.

You should review the staff analysis to familiarize yourself with the issues staff feels are relevant to the permit. Careful study of the staff summary and recommendation should assist you in preparing an oral presentation. Whether you agree with staff or not, your oral presentation should rely on factual material and the policies of Chapter 3 of the Coastal Act. Your strongest points may be based on your knowledge of the project area, but be sure to indicate the relationship to specific aspects of the Act. Organize your points ahead of time, be brief, and avoid repetition. If several community members represent the same position, consider dividing the points to be made rather than repeating the same points over and over. Consider the use of graphics (photos, films, slides, maps) where appropriate. Remember, your right to participate is guaranteed by the Act.

APPEALING THE DECISION OF THE REGIONAL COMMISSION

Any "aggrieved" person may appeal a regional commission decision to the state commission. The "substantial issue" mechanism works well in preventing "frivolous" appeals from being heard that may cause an applicant hardship by undue delay in the issuing of a coastal permit. Many precedent setting decisions by the state commission have originated from appeals filed by members of the public. The role of the public in monitoring permits to assure that the Coastal Act policies are being implemented is crucial.

Obtain an appeal form from the regional commission as soon as possible after the decision. See Appendix B for complete filing instructions and a copy of the form. Remember that only people who wrote letters or who testified before the regional commission at the public hearing have the right of appeal or who, for good cause, were unable to do so.

Read the entire form carefully, fill it out, and get it to the state commission no later than 10 working days from the date of the regional commission decision. Since the appeal is invalid if it gets there even a day late, send it early by

registered or certified mail and request a return receipt. Also send copies to the applicant(s) or opponent(s). Failure to provide this notice may also invalidate the appeal.

Be prepared to offer additional information and to travel to another part of the state for the state commission hearing. Meetings are held every two weeks, once in the North and once in the South. One of the difficulties, of course, of public involvement at the state commission level is the financial burden imposed on individuals. Community groups may need to organize to send a spokesperson to the commission. You may request of the state commission that your appeal be heard in your section of the state.

THE APPEALS PROCESS

1. Appellant files appeal, which must be received by the state commission within 10 working days of the regional commission decision. Appellant mails copies of the appeal to applicant(s) or opponent(s).
2. Staff prepares an analysis of the permit appeal and a recommendation on "substantial issue," i.e. whether or not there is sufficient reason for the state commission to hold another public hearing on the permit. In any case, the appeal is placed on the state commission agenda and both agenda and analysis are mailed to all parties involved in the appeal.
3. The state commission first votes to decide whether or not there is a "substantial issue." Present procedures allow 3 minutes to each side to argue this question. If the commission decides that no "substantial issue" exists, the decision of the regional commission stands.
4. If the state commission votes there is a "substantial issue," a public hearing is held following the vote. Both sides have 10 minutes to make a presentation. The state commission generally does not vote on an appeal at the same meeting as the public hearing.
5. Staff will prepare an analysis stating the issues, determining consistency with the Coastal Act, and making a recommendation for approval, approval with conditions, or denial.
6. The appeal is again placed on the agenda for voting. Both sides are mailed the agenda and staff recommendation.
7. At the voting meeting, both sides have 5 minutes to rebut or defend the staff recommendation. The commission votes and, as with the regional commission, a majority of the voting members is needed for a decision to approve a permit.

HOW TO PARTICIPATE IN THE APPEAL PROCESS

You must convince the state commission that your appeal raises a "substantial issue" to gain a new hearing. Section IV of the appeal form explains the factors that must be present to demonstrate a "substantial issue" exists. Focus on the general significance of the issues rather than on the merits, or lack of them, of a permit. Point out the issues raised by the permit, e.g. conversion of agricultural land, impacts on lagoons, wetlands, or wildlife habitat, public access, low and moderate income housing opportunities in the coastal zone, inconsistency with previous decisions of the state commission, public view blockage, etc. View blockage is a "substantial issue" when it pertains to public views, not blockage of views from private residences. Review the policies in Chapter 3 of the Act and make a list of the sections that apply to your appeal. If you believe there is more than one "substantial issue" involved, list them all.

At the meeting the coastal commission staff will give an oral summary of the permit and recommend to the state commission that the permit does or does not raise a "substantial issue." This oral summary and recommendation is usually quite similar to the written analysis. Listen carefully to what staff says and respond to the points they raise in your 3 minute presentation.

If you are successful, and the state commission votes to hear your appeal, you will have 10 minutes to present a statement of fact which will probably be similar to your presentation at the regional commission. A critical review of that presentation will help you to cover points more effectively or to clarify or emphasize certain issues. Visual aids (slides, maps, charts, etc.) can be used effectively to strengthen and illustrate your presentation. If possible try to submit information from other sources which relate to the permit, e.g. traffic reports, geology reports, water quality reports. It is preferable to submit this information to the commission before staff prepares their written analysis. Contact the staff person in charge of the appeal to determine what information is needed. In many cases the state staff will contact all parties to an appeal by phone to get more information or to give a status report on the appeal.

At the meeting the commission votes on your appeal you will have 5 minutes to make a presentation. Again, your presentation should be a response to the staff recommendation. This recommendation will be sent to all parties in the appeal. Give factual evidence as to why you support or disagree with the staff recommendation.

The state commission is interested in hearing from the public on issues that affect their communities, and are interested in encouraging public participation in the decision making process. You can help them by presenting your testimony in a carefully organized manner and staying within the time limits.

INTERPRETIVE GUIDELINES

The Act directs the state commission to prepare "interpretive guidelines" designed to assist in determining how the policies of the Act will be applied prior to the certification of the local coastal program. The commission has drafted two types of guidelines: (1) general, which are to be applied statewide; and (2) area-specific, which suggest treatment of various sites. The guidelines will be most useful in permit decisions to support a particular interpretation of the Act. Copies will be available from the regional commissions or state commission offices. Public hearings will be held before adoption of the guidelines at both the regional and state commission levels. These hearings will be noticed in the agenda and public participation is encouraged.

EXCLUSIONS FROM PERMIT REQUIREMENTS

Certain minor developments are excluded by the Act from coastal permit requirements, for example, maintenance and minor repairs, utility hook-ups, etc. Certain other areas or types of development may be excluded from permits by regulation, adopted after public hearings by the commission. The two types of exclusion are (1) categorical exclusions and (2) urban exclusions.

Categories of development (single family homes, farm buildings, developments in a particular area, etc.) may be exempted from the permit process by a two-thirds vote of the state commission. There will be regional commission hearings before an exemption category goes to the state commission for hearings and a decision.

Requests for these exemptions may originate with local governments, or any person. In general it must be shown that the proposed exclusion will not have an adverse effect on coastal resources and not impair the ability of local government to prepare a local coastal program. Terms and conditions may be attached to such an exclusion. Categorical exclusions are also subject to revocation for violations of any terms and conditions which have been established. The public should monitor and evaluate local government to assure that the terms and conditions are not violated.

Urban area exclusions, on the other hand, may be originated only upon the request of the local government and require only a majority vote to be approved by the commission. Upon the request of a local government, an urban land area shall, after public hearing, be excluded by the state commission from the permit provisions of the Act, where the following conditions are met:

- (1) The area to be excluded is either a residential area zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area so zoned and developed on or before January 1, 1977.
- (2) The commission finds both of the following:
 - (i) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.
 - (ii) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted development. No area may be excluded unless more than 50 percent of the lots are built upon, to the same general density and intensity of use.

For information concerning proposed or enacted urban and categorical exclusions,

contact your local government representative (city council member or county supervisor), your planning department, or the regional coastal commission. You may have to check both at the city and county levels, since both of these bodies may initiate requests. If you are on the mailing list for the regional coastal commission agenda, you will see exclusion requests listed there. However, the requests will most likely be initiated in the planning department and will need approval from the local jurisdictions. For early notice contact your city and/or county planning department.

For both types of exclusions, the public interest is best protected by participation in the public hearing. Request a copy of the exclusion proposal, and hearing dates. Also get the present zoning for the proposed exclusion areas. Compare the proposal with the criteria listed above, and make an on-site inspection if possible. If the zoning is such that it will allow large scale development (or a great deal of small development) that would have an impact on coastal resources, such as reduced public access, traffic congestion, etc., be ready to point this out at the public hearings. As a local resident you may be more readily aware of cumulative effects on such things as recreational facilities than those less familiar with the area. Discuss your concerns with the regional commission staff and get a copy of the regulations on these exclusions. Voice your opinions before the commission.

II LOCAL COASTAL PROGRAMS

The local coastal programs (LCP's) are the heart of the Coastal Act. Although Chapter 3 of the Act leaves much to be determined locally, the LCP, once adopted becomes legally binding on local governments and provides a permanent program for coastal protection. The LCP includes a local government's land use plans, zoning ordinances, zoning district maps, and other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act.

As in the permit process, your right to participate is guaranteed by the Act. Section 30503 states: "During the preparation, approval, certification and amendment of any local coastal program, the public, as well as all affected government agencies...shall be provided maximum opportunities to participate." A whole program is, of course, much more complicated than a single permit, but the basic pattern for approval is the same.

INFORMATION - WHERE TO START

Request your area's current general plan(s) from your planning department(s) and inquire about any community plans and groups working on plans. Specifically request to be on the list of interested persons to receive notice of all actions, availability of review drafts, hearings, etc., regarding the LCP. Make initial inquiries by telephone and follow up with a written request to avoid misunderstandings. Ask about progress toward submittal of the LCP or component of it, and acquire the first draft available. Keep copies of any written request you submit.

Familiarize yourself with your area's issues by reviewing the general plan, community plan, meeting in discussion groups, or interviewing planning staff. Once you have, you will be in a good position to review your jurisdiction's work on the proposed LCP.

Review the components of the LCP for compliance with the policies in Chapter 3 of the Coastal Act. You may wish to obtain a copy of the LCP manual from the state commission.

The main point of the Coastal Act is to insure that the land use proposed by local jurisdictions do not interfere with coastal resource values. The 14 basic resource values which are discussed in detail in the LCP manual are:

1. Shoreline Access
2. Recreation and Visitor-Serving Facilities
3. Housing
4. Water and Marine Resources
5. Diking, Dredging, Filling and Shoreline Structures
6. Commercial Fishing and Recreational Boating
7. Environmentally Sensitive Habitat Areas
8. Agriculture
9. Hazards
10. Forestry and Soils Resources
11. Locating and Planning New Development
12. Coastal Visual Resources and Special Communities
13. Public Works
14. Industrial and Energy Development

Check the land use plan for access provisions, recreational amenities, low and moderate income housing and recreation provisions, and determine the permitted land uses, parcel sizes, etc., of the areas open to future development. Agricultural land designations are a very important aspect in most coastal counties and may not reflect existing use. What you consider "reasonable long term growth" may not agree with what your local government is proposing. Is a proposed development dependent on the availability of water or sewage capacity from a yet to be constructed project or developed service? Compare the proposed development areas with existing services actually available to the region. How will the proposed development affect existing roads, recreation areas, and other services? If new services will be needed to support the development, how will they be funded?

The form of citizen participation in local coastal program development will depend to a certain extent on the procedures that local governments adopt for their

particular jurisdiction. But whatever the form, the earlier the involvement, the greater the opportunity for influencing the final program.

Local government may appoint citizen "advisory committees" to meet the public participation requirements. In many areas citizen advisory planning groups or community planning groups have prepared plans that may be used as the basis of an LCP. Some of these plans have supporting Environmental Impact Reports (EIR's) which are now available. Advisory committees are an efficient use of planning staff time because the staff can learn the concerns of a representative group of the community. While it is desirable to be included on such a committee, such committees may be limited to giving their "advice" on staff proposals after the staff has completed considerable work. Staff, in their presentation to the committee, may try to smooth over differences among various interests, and sometimes tend to gloss over points of major contention. These meetings are informative, good for discussion, and may be a valuable asset to the community. They should not, however, replace direct contact by the citizen participant with the planning department, city council, board of supervisors, or coastal commissions when the decisions are being made particularly if there are any remaining points of conflict.

PROCESSING LOCAL COASTAL PROGRAMS

The commission may not require any local government to submit an LCP before July 1, 1978. The deadline for submittal of LCP's is January 1, 1980; one year extensions are possible. Some jurisdictions have already started work on them. Local governments have the option of submitting the entire LCP at one time or in components. The two basic components are the land use plan and the implementing ordinances. Local governments may request that they be allowed to submit their local coastal programs in separate geographic units. The commission staff will prepare a written recommendation to the state commission that the request can meet the findings required by the Coastal Act. The commission must be able to find the area or areas proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access inde-

pendently of the remainder of the affected jurisdiction. A public hearing will be held before the vote of the state commission.

The land use plan must be in direct compliance with the policies of Chapter 3 of the Coastal Act. Once the land use plan is certified, however, the zoning ordinances and other implementing actions need only conform to the land use plan. Since the land use plan is the only direct means of applying the policies of the Coastal Act in a comprehensive manner, it is very important for citizens to be actively involved in the formulation of the land use plan.

ISSUE IDENTIFICATION

Issue identification, the first step in the preparation of LCP's, will occur long before local governments formally submit the LCP to the commissions. Some local governments are already starting work on issue identification. For issue identification, local governments will (1) determine what policies in Chapter 3 of the Act apply in their jurisdictions, (2) determine the extent to which existing local plans are adequate to meet Coastal Act requirements and, (3) delineate any potential conflicts between existing plans and development proposals and the policies of Chapter 3 of the Act. If state funding for coastal planning is sought, these coastal planning issues will then be described in a work program that will be submitted to the commission for approval. A public hearing will be held before the commission votes. At this printing 41 of the 68 jurisdictions had requested funds for preparation of a work program.

If funding is not involved the issue identification must be submitted for review and comment. The commission will hold a public hearing within 60 days of receiving the local government's issue identification, and shall send the combined regional and state commission comments to the local government, interested persons and public agencies.

The identification of coastal planning issues will determine the kinds of analysis needed to determine compliance with the Act. This in turn will govern the form

the LCP will take. Because of the limited budget for coastal planning, much of the burden may be on the residents of the coastal communities to research existing analyses and plans to determine the impacts of proposed development at the issue identification stage.

Work with your local planning commission to help see that realistic determinations are made. Draw from your experience of the impact of comparable development to evaluate development in terms of Chapter 3 of the Act. Inquire whether your council of governments or Local Agency Formation Commission (LAFCO) has undertaken any growth management studies for your area and review special district (water and sewer) plans at your planning department office.

PUBLIC SERVICES ANALYSES (COMMON METHODOLOGY)

If the issue identification shows limits or conditions on public works facilities are required to achieve compliance with Coastal Act policies, analyses are required to determine:

1. Existing and proposed capacities of relevant public works systems including water supply systems, sewage treatment systems, utilities, public recreation facilities and transportation facilities such as roads, parking lots, railroads and airports;
2. The key governmental approval decision points for stages of facilities expansions;
3. What portion of public works and recreation capacity is to be reserved for public use and what portion is to be allocated to new development.

From this information and the policies of Chapter 3 of the Act, each local government is to determine the kind, location, and intensity of land and water uses that would be in conformity with the Act. Rather than looking at each element in isolation, this determination must take into consideration an analysis of the potential significant adverse cumulative impacts on coastal resources and

access of existing and potentially allowable development. In other words, the total impact of all present and future development must be considered together. In addition, if creation of public service or recreational facilities is required at certain phases in coastal development, the proposed measures for implementation of such phasing are to be specifically identified.

OPTIONAL PRELIMINARY REVIEW

In addition to any commission review of the issue identification or work program, each local government is entitled to at least one preliminary review of its LCP before the regional and state commission prior to formal submittal. This review must be at a "properly noticed" public meeting of the commissions and where practicable, be held within a reasonable distance of the affected area. For notice of these meetings, contact the commission. They may or may not appear in the local news media.

FORMAL SUBMITTAL

To formally submit the LCP, the local governing body (board of supervisors or city council) must, after public hearing, adopt a resolution certifying that it intends to carry out the LCP in full conformity with the Coastal Act. Local government must have made available to any interested party review copies of its proposed LCP, including a common methodology analysis (See page 16), at least 6 weeks before its final adoption. Notice of public hearings for the local government consideration must occur at least 10 working days before such hearings.

LCP PROCESSING BY THE REGIONAL COMMISSION

Basically, the processing of the LCP parallels the processing of a permit. After the local government resolution, the LCP may be submitted to the regional commission for approval. (In most cases it is expected that the land use plan component of the LCP will be submitted initially). At its discretion, the state

commission may "pull up" the LCP for direct review. After the appropriate commission accepts the LCP or component thereof for consideration, the staff will prepare a summary of the LCP and schedule the matter for a hearing.

Ordinarily the taking of oral testimony will be completed in one meeting, with additional time specified for the submission of written statements. Staff will then prepare a written final recommendation to be presented at a subsequent hearing. Immediately following staff's presentation of the final recommendation, local government representatives and members of the public will have an opportunity to comment on the recommendation. The local government representatives may request a continuance of the matter in order to prepare a reply to the staff recommendation.

As with permits, a majority of the appointed members is required for approval. If the regional commission does not approve, local government may either submit a modified LCP or it may appeal the decision to the state commission. The regional commission must act within 90 days of filing on the LCP. If the regional commission approves the LCP, it forwards it to the state commission for certification.

LCP PROCESSING BY THE STATE COMMISSION

When a land use plan is submitted or appealed to the state commission, the staff prepares a report and sets the matter for public hearing. As with appeals of permits, the commission first determines whether any part of the LCP as submitted raises a substantial issue as to the conformity with the policies of Chapter 3 of the Act. If it is determined that a substantial issue does exist, the public hearing on the merits of the case will then be heard, and a decision rendered within 60 days of the receipt of the LCP.

ZONING PORTION OF THE LCP

If the zoning ordinances are submitted at the same time as the land use plan, the hearings will consider both portions at once and the regional commission will

have 90 days to act on both portions. If the zoning ordinances are submitted separately, following certification of the land use plan, the procedure repeats that for the land use plan, except that the regional commission must act within 60 days instead of 90, the zoning is considered certified unless a majority vote specifically rejects the zoning, and state commission review is not automatic (i.e. the regional commission action will stand unless appealed to the state commission.) Any aggrieved person may appeal the decision within 10 days.

Because the zoning ordinances need only be in conformity with the land use plan, arguments about whether the ordinances are in conformity with the policies of Chapter 3 of the Act will then be irrelevant. Arguments should be directed to whether the ordinances proposed are adequate to carry out the land use plan.

LOCAL ACKNOWLEDGEMENT OF COMMISSION ACTION AND COMMISSION SIGN OFF

By resolution, the local governing body must agree to any terms and conditions imposed by the commission and, if not already included, provide for permit and other procedures necessary to implement its LCP.

The executive director determines if local action is adequate to carry out the LCP. The commission may object to this determination at the next meeting. The LCP becomes effective on the date of that meeting if no such objection is raised. Continued public participation through the monitoring of local government is essential to the successful implementation of the local coastal programs.

SENSITIVE COASTAL RESOURCE AREAS

"Sensitive coastal resource areas" as defined in Section 30116 of the Act, are "... those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity." "Sensitive coastal resource

areas' include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the Coastal Plan
- (b) Areas possessing significant recreational value
- (c) Highly scenic areas
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historical Preservation Officer
- (e) Special communities or neighborhoods which are significant visitor destination areas
- (f) Areas that provide existing coastal housing or recreation opportunities for low and moderate-income persons
- (g) Areas where divisions of land could substantially impair or restrict coastal access."

The definition is broad and could include virtually the entire coastal zone. Section 30503 of the Act directs the commission to designate "sensitive coastal resource areas" where the protection of coastal resources and access requires, in addition to the land use plan and zoning ordinances, "other implementing actions." The state coastal commission must submit designated "sensitive coastal resource areas" to the legislature by September 1, 1977. The legislature would then have to ratify these designations within two years.

The coastal commission staff has questioned the feasibility of gaining legislative ratification and, at this writing, has recommended to the commission that general plan and zoning law provide ample protection of coastal resources.

For the individual concerned with protection of coastal resources, a major importance of the "sensitive coastal resource area" designation is that the right of appeal is retained in these areas for developments approved by local governments after certification of the local coastal program. A recent attorney

general's opinion has stated that the right of appeal exists in any "sensitive coastal resource area" whether or not it has been designated according to Section 30503 as needing "other implementing actions." If the commissions proceed by this opinion, citizens will have the opportunity to apply the definition of Section 30116 to specific areas in their communities during local coastal program processing. It would be wise for the individual or group interested in local coastal planning to identify those areas in their community that fit the definition of "sensitive coastal resource areas."

STATE COASTAL CONSERVANCY

When the state legislature passed the Coastal Act of 1976, it also passed a companion bill to create a State Coastal Conservancy to provide a mechanism for land acquisition. The Coastal Conservancy has the power to purchase and re-assemble lots to protect agricultural lands; establish buffer areas for resource protection; award grants to local public agencies for coastal restoration and enhancement projects; and condemn lands for public accessways.

The mechanism provided by the Conservancy are intended, for the most part, to be an integral part of local coastal program formulation, and lands intended to be acquired through the Conservancy are to be identified in certified local coastal programs. This state agency is expected to have a continuing role in coastal resource protection.

III SUMMARY OF THE CALIFORNIA COASTAL ACT OF 1976

INTRODUCTION

The California Coastal Zone Conservation Act of 1972 (Proposition 20) was a temporary measure passed by the voters of the state as a ballot initiative. It set up temporary coastal commissions with permit authority and a directive to prepare a comprehensive coastal plan. The coastal commissions under Proposition 20 lacked the authority to implement the Coastal Plan but were required to submit the Plan to the legislature for "adoption and implementation."

The California Coastal Act of 1976 is the permanent enacting law approved by the State Legislature. The Coastal Act has a different set of policies, a different boundary line, and a different permit procedure than Proposition 20. Further, it directs the transfer of most of the authority to local governments through adoption and certification of "local coastal programs." This transfer of authority process is the key to the success or failure of the Coastal Act.

The Coastal Act is a package of bills. SB 1277 (Smith, Chapter 1330, California Statutes, 1976) is the main piece of legislation; AB 2948 (Hart, Ch. 1331) is a trailer bill that adds amendments to SB 1277; and AB 400 (McCarthy, Ch. 1440) adds appropriations (funding) and further amendments.

In addition to the Coastal Act, the 1976 Legislature passed two other coastal related bills. SB 1321 (Nejedly) became the successful bond measure, Proposition 2, on the November ballot, and authorized the sale of bonds for some of the coastal land acquisitions recommended by the coastal commissions. AB 3544 (Wornum, Ch. 1441) established the State Coastal Conservancy, a land trust agency for the coastal zone.

CHAPTER 1

Chapter 1 contains general legislative and intent provisions and states that:

- a) to promote the public safety, health and welfare, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction;
- b) to protect, maintain, and, where feasible, enhance and restore the overall quality of the environment and man-made resources.
- c) to assure orderly, balanced utilization and conservation of coastal zone resources taking into account social and economic needs.
- d) to maximize public access to and along the coast consistent with sound resources conservation principles and private property rights.

- e) to give priority to coastal dependent development
- f) to encourage state and local cooperation to implement planning and development for mutually beneficial uses, including educational.

The Act also directs all state and federal agencies to comply with its provisions to the extent possible. The Act states that it is necessary to rely heavily on local governments' planning procedures and enforcement; and that it is necessary to provide for a continued state coastal commission.

Section 30006 states that the public has the right to participate fully in decisions affecting coastal planning and management and that achievement of sound coastal conservation and development is dependent upon public understanding and support, and that the continuing planning and implementation of coastal programs should include the widest opportunity for public participation.

The Act also states that where conflicts occur among the policies of the Act, such conflicts are to be resolved in a manner which on balance is most protective of significant coastal resources.

The Act does not authorize granting or denying of a permit in a manner which will take or damage private property without just compensation; however, this section is not intended to increase or decrease the rights of any property owner under the Constitution of the State of California or the United States.

CHAPTER 2

Chapter 2 provides definitions of various terms used in the Act such as the "coastal zone," i.e. the jurisdiction of the Act. "Coastal zone" is generally described in this chapter and specifically defined as to what is mapped and on file with the Secretary of State.

CHAPTER 3

Chapter 3 contains the policies which constitute the standards by which adequacy of local coastal programs and of proposed developments are determined. It is important to note, however, that with respect to local coastal programs, the applicability of the Chapter 3 policies is limited to the land use plans of the local coastal programs, and will not be regarded in discussing the adequacy of the ordinances and other implementing actions required for the local coastal programs. (See Part II, page 15 for further discussion of this point).

Article 2, Public Access, in summary, states maximum access, conspicuously posted, and recreational opportunities shall be provided, consistent with public safety needs,

and the need to protect public rights, private property rights, and natural resource areas from overuse. Development shall not interfere with the public's right to access to the sea where acquired through use or legislative authorization.

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new developments except where: (1) it is inconsistent with public safety, military security, or protection of fragile coastal resources; (2) adequate access exists nearby, or (3) agriculture could be adversely affected. [The term "adequate" is not defined in the Act, and is open to interpretation. This is an important point that will rely on precedent established in permit hearings and commission review of local coastal programs.]

Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Article 3, Recreation, in summary, states that coastal areas suited for water-oriented recreational activities that cannot readily be provided inland shall be protected for such use and development, as shall upland areas, where feasible. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public recreational activities shall have priority over private residential, general industrial, or general commercial development, but not over agricultural or coastal dependent industry.

Increased recreational boating use of coastal waters shall be encouraged by developing dry storage areas, launching facilities, berthing, and harbors of refuge, in accordance with the Act.

Article 4, Marine Environment, in summary, says marine resources shall be maintained, enhanced, and, where feasible, restored. Biological productivity and water quality shall be maintained, and, where feasible, restored through minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing ground water depletion, etc. Protection against spillage of petroleum products or hazardous substances shall be provided for, and effective containment and cleanup measures shall be provided for accidental spills that do occur. Diking, filling, or dredging shall be limited to new or expanded port, energy, and coastal dependent industrial facilities; maintaining ship channels and entrance channels for new or expanded boating facilities in wetlands; mineral extraction; and restoration. Mitigation measures to minimize adverse environmental impacts are generally required. Revetments, breakwaters, groins, etc., are permitted when required for coastal dependent uses or to protect existing structures or beaches from erosion.

Article 5, Land Resources, in summary, states that environmentally sensitive habitat areas shall be protected, and development near them sited and designed as to be compatible with the continuance of such areas. The maximum amount of prime agricultural land shall be maintained in agricultural production by establishing stable boundaries separating urban and rural areas, including buffer areas if necessary; by limiting

conversions of agricultural lands surrounding urban areas; by developing lands not suited for agriculture prior to the conversion of agricultural lands; by assuring that other development does not impair agricultural viability. Non-prime agricultural lands shall also generally be protected. The long term productivity of soils and timberlands shall be protected, and mitigation measures shall be required where development would adversely impact archaeological or paleontological resources.

Article 6, Development, in summary, states that new development shall be located within, contiguous to, or in close proximity to existing developed areas or in areas with adequate public services where it will not have significant adverse effects either individually or cumulatively, on coastal resources. Land divisions outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. New development shall be designed and sited to protect views; maintain and enhance public access; minimize risks in geologic, flood or fire hazard areas, including special controls in bluff and cliff erosion areas where appropriate; protect special communities and neighborhoods which are popular visitor destination points; and be consistent with air pollution requirements. Special districts shall be limited to those where the service would not induce development inconsistent with the Act; and new development shall be consistent with public service system constraints. Coastal dependent developments shall have priority over other developments on or near the shoreline.

Article 7, Industrial Development, in summary, states that coastal dependent facilities shall generally be encouraged to locate or expand within existing sites and shall be permitted reasonable long term growth. Multicompany use of existing and new tanker facilities shall be encouraged where feasible. Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk or until dependence on liquefied natural gas is substantial enough that an interruption of service from a single facility would cause substantial public harm. Oil and gas development must be performed under environmental safety criteria and must be consistent with geologic conditions. New or expanded refineries or petrochemical facilities will be allowed under certain conditions. New or expanded power plants may be constructed in the coastal zone if the State Energy Commission determines that such siting would have greater relative merit. (In Chapter 5 of the Act, the commission is empowered to designate specific sites where power plants would generally not be permitted. Such designations will be subject to public hearings later in 1977, with action by the commission by January 1, 1978.

CHAPTER 4

Chapter 4 outlines the creation, membership, and powers of the coastal commissions. It establishes the California Coastal Commission and, until no later than June 30, 1979, six regional commissions.

The state commission consists of 15 members; three non-voting members consisting of

the Secretary of the Resources Agency, the Secretary of the Business and Transportation Agency, and the Chairperson of the State Lands Commission; six at large public members not on any regional commission, appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly, each appointing two; and six regional commission representatives. Upon the termination of the regional commissions, local governments shall nominate supervisors or city council members from which the Governor, Rules Committee, or Speaker will appoint replacement members on a rotating basis. Public members shall serve for two terms at the pleasure of their appointing power. Local government officials serve at the pleasure of their appointing power but not beyond their term of office. Only the state commission can apply for and accept grants, appropriations and contributions, and shall be responsible for management and budgeting.

The commissions are to advise and assist the public in participating in the commissions' work, including ensuring full and adequate participation by all interested parties in the commissions' work programs; ensuring timely and complete notice; advising all interested parties as to effective ways of participating; and recommending to any local government additional measures to assure open consideration and more effective public participation.

CHAPTER 5

This chapter attempts to minimize duplication and conflicts between the coastal commission and existing state agencies. The commission shall not set standards or adopt regulations that duplicate regulatory controls established by any existing state agency. The commission can periodically submit recommendations to any other state agency to encourage it to carry out its functions in a manner consistent with the Coastal Act. Agencies receiving such recommendations shall, if they do not implement them, report to the Governor and Legislature their actions and reasons therefore.

The coastal permit authority over sewage treatment works shall be limited to considering the siting and visual appearance; the geographic limits of service areas; and development projections which determine the sizing of such works. The decisions of the State Water Resources Control Board on other aspects of proposed treatment works shall be final.

The commission shall designate locations within the coastal zone where siting of an energy facility would prevent the achievement of the objectives of the Act. Also, the commission shall participate fully in proposals for power plants and transmission lines within the coastal zone when such proposals are before the Energy Resources and Conservation Commission.

The State Lands Commission shall review and may comment on local coastal programs and port master plans prior to coastal commission certification.

The commission shall forward to the State Board of Forestry maps of special treatment areas and recommendations designed to assist the Board of Forestry in adopting rules and regulations which protect the natural and scenic qualities of such areas.

CHAPTER 6

Chapter 6 describes how the Coastal Act is to be implemented. Each local government lying, in whole or part, within the coastal zone shall prepare a local coastal program, or may request the commission to prepare the local coastal program. See Part II of this manual for a full discussion of this chapter of the Act.

CHAPTER 7

This chapter explains the development controls in the Act. Prior to certification of a local coastal program, any person wishing to undertake any development in the coastal zone must obtain a coastal development permit, with the exception of energy facilities as defined in Public Resources Code Section 25500. Local governments may, after developing approved procedures, assume the coastal permit authority. If they do so, a permit shall still be required from the commissions for any of the following: (1) developments between the sea and the first public road or within 300 feet of the inland extent of any beach or of the mean high tide line, whichever is greater; (2) developments located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff; or (3) any development which constitutes a major public works project or a major energy facility.

Prior to certification of its local coastal program, any action taken by a local government on a permit may be appealed to the regional commission. After certification of its local coastal program, an action taken by a local government on a permit may be appealed to the commission for any of the following: (1) approved developments between the sea and the first public road or within 300 feet of the inland extent of any beach or of the mean high tide line, whichever is greater; (2) developments that have been approved sited on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) any approved development in a sensitive coastal resource area (on certain grounds); (4) any approved development that is not designated as the principal permitted use; or (5) any approved development which constitutes a major public works or major energy facility.

No person who obtained a vested right in a development prior to the effective date of the Act (1-1-77) or who has obtained a permit pursuant to Proposition 20 shall be required to obtain a permit under this Act, provided, however, that no substantial change in any such development shall be made without prior approval under this Act.

A coastal development permit shall not be required for the following: (1) certain improvements to a single family home; (2) maintenance dredging; (3) certain repair or maintenance activities; (4) any category of development within a specifically

defined geographic area that the commission, by two-thirds vote, finds that there is no potential for significant adverse effects on coastal resources; (5) utility connections between existing service facilities and developments approved pursuant to this Act.

CHAPTER 8

Ports are treated separately in Chapter 8, providing for development of port master plans similar to local coastal programs. After certification of the master plans, port projects do not require permits from the commission. Policies for ports include: the needs of the commercial fishing industry; diking, filling, and dredging; and new and expanded tanker facilities.

Port master plans shall include (1) proposed uses of land and water areas; (2) the projected design and location of port land areas, water areas, berthing, and navigation ways and commercial traffic systems; (3) an estimate of the effect of development on habitat areas and the marine environment, including proposals to mitigate adverse impact; (4) proposed projects appealable under Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3; and (5) provisions for adequate public hearings and public participation. Note that certain developments (listed in Section 30715) must be in conformance with the policies of Chapter 3 of the Act and, after certification, are appealable to the state commission. Any interested person may request to receive notice of such development from the port governing bodies.

If the application of any port master plan or part thereof is prohibited or stayed in court, the permit authority of the coastal commissions shall be reinstated.

CHAPTER 9

This chapter covers judicial review, enforcement, and penalties. It protects the rights of individuals to obtain judicial review or to sue, if their rights guaranteed in the Coastal Act are violated.

Any aggrieved person shall have a right to judicial review of any decision or action of the commissions by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedures, within 60 days after such decision or action has become final. "Aggrieved person" is defined as one who, in person or through a representative, appeared at a public hearing relative to the matter, informed the appropriate entity of the nature of his concerns, or for good cause was unable to do either. Any applicant or local government seeking approval may also be an aggrieved person.

Any person may sue for declaratory and equitable relief, e.g. injunction, temporary restraining order, to restrain any violation of the Act. Any person may sue to enforce the duties specifically imposed upon the commissions, any governmental agency, special district, or local government by the Act. No Bond is required. See the Act for a full discussion of the subject.

IV APPENDICES

APPENDIX A - ANNOTATED BIBLIOGRAPHY

1. Office of Coastal Zone Management, National Oceanographic and Atmospheric Administration; and the California Coastal Commission, Revised Draft Environmental Impact Statement on the California Coastal Management Program, 1977.

This document contains the Coastal Act, the State Coastal Conservancy Act, the drafts of the "Local Coastal Program Manual," "Local Coastal Program Regulations," "Interpretive Guidelines," an explanation and comment on the Act, useful tables, indexes and summaries. A limited number of copies are available from the state coastal commission office. For the Final EIS write to OCZM, NOAA, 3300 Whitehaven St. N.W., Washington D.C. 20235.

2. California Public Resources Code, Division 20, Sections 30000 et seq., California Coastal Act of 1976. Also cited as Chapters 1330, 1331, and 1440 of the California Statutes of 1976.

The Coastal Act is available from the coastal commission offices, or from your legislators. Also found in public libraries in West's California Public Resources Code.

3. California Coastal Commission, "Permit and Port Planning Regulations," California Administrative Code Sections 13001 et seq.

These are available from the coastal commission offices or may be purchased from Documents and Publications Branch, P.O. Box 20191, Sacramento, CA 95820. The price is \$2.00. They cover the procedures used by the commissions for permits and port planning.

4. California Coastal Commission, "Local Coastal Program Regulations."

These regulations cover the procedures for local coastal programs, and are presently available at no charge from the coastal commission.

5. California Public Resources Code, Division 21, Secs. 3100 et seq., State Coastal Conservancy. Also cited as Chapter 1441 of the California Statutes of 1976.

Same availability as the Coastal Act.

6. Office of Planning and Research, and the California Coastal Commission; Local Coastal Program Manual, 1977.

This is a working guide to the preparation of LCP's. It includes a detailed discussion of the policies of Chapter 3 of the Act, and describes in full LCP processing and content requirements. Available from the coastal commission offices.

7. Office of Planning and Research, Growth Management Policies in California - A Survey of Selected City and County Systems, 1976.

This includes a summary of growth management techniques, a discussion of California case law for growth management controls, and 10 local government case studies. Available from the Office of Planning and Research, 1400 Tenth Street, Sacramento, CA 95814.

8. California Coastal Zone Conservation Commissions; California Coastal Plan, December 1975.

This document is the plan the coastal commission submitted to the state legislature as mandated by Proposition 20. It is an illustrated, detailed plan for the California coastal zone. It is available from Documents and Publications Branch, P.O. Box 20191, Sacramento, CA 95820. The price is \$4.50.

9. West's Annotated California Government Code, Sections 65300 et seq.

These government code sections cover general plan law, and zoning ordinance scope and procedures. Available at public libraries.

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 - (415) 557-1001

INSTRUCTIONS FOR FILING AN APPEAL

1. Complete the Entire Appeal Form and Sign It. Failure to provide full and complete information may invalidate the appeal.
2. File Notice of Appeal with the State Commission. Written notice of your appeal must be received in the State Commission office, at the address above, by 5:00 p.m. on the 10th working day after the date of the Regional Commission decision being appealed. Failure to meet this deadline will, under the law, render the appeal invalid. You may meet this notice requirement (1) by a completed, signed Notice of Appeal (the attached form), or (2) by a telegram, mailgram, etc., stating the names and addresses of the applicant for the permit, a description of the development, the governing body of each county, city, or other governmental agency having jurisdiction over the project area, all persons who spoke and left their names and addresses at the public hearing on the project before the Regional Commission, all other persons known by the appellant to have an interest in the matter appealed, and the specific grounds for appeal. If a telegram or other such method of notice is used, the completed, formal Notice of Appeal must be sent to the Commission office within 5 additional calendar days. Failure to observe these time deadlines will result in the appeal being declared void.
3. Give Notice to Other Parties. Immediately upon filing an appeal, the appellant must notify the applicant and any persons known to be interested in the application, as well as the Regional Commission, of the appeal. Such notification must be by delivering a copy of the completed Appeal, including any attachments, to said parties at the addresses provided to the Regional Commission. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal.
4. Standing to Appeal. In order to have standing to appeal, an appellant other than an applicant or a State Commissioner must have participated in the Regional Commission proceedings or have good cause for not doing so. Participation may be by giving testimony at the public hearing, submitting a letter, or by any other means communicating to the Regional Commission the appellant's objections to the proposed development or proposed conditions to a permit. If you failed to make your objections known to the Regional Commission, but believe that you had good cause for not doing so, your reasons should be set forth in detail and attached to the Appeal.

APPEAL FROM PERMIT DECISION OF REGIONAL COMMISSION

Section I. Appellant

1. Name, address and telephone number of appellant:

Zip (Area Code)(Telephone No.)

2. Name, address and telephone number of appellant's representative, if any:

Zip (Area Code)(Telephone No.)

Section II. Decision of Regional Commission Being Appealed

1. Name of Regional Commission: _____
2. Date of Regional Commission's decision: _____
3. Regional Commission File Number: _____
4. Brief description of development being appealed: _____

5. Brief description of development location (city or county, nearest roads, etc.): _____

6. Describe decision of the Regional Commission (e.g. approval, denial, approval with conditions, etc.): _____

Section III. Identification and Notification of Other Interested Parties

1. State the names and addresses of the following parties. Use additional paper if necessary:

- a. The name and address of the permit applicant:

- b. The governing body of each county, city and other local government agencies having jurisdiction of the project area:

- c. Names and addresses of all persons who expressed support or opposition to the development and provided their names and addresses to the Regional Commission or are otherwise known by the appellant to have an interest in the matter appealed:

TO BE COMPLETED BY COMMISSION:

Appeal No. _____

Date Filed: _____

Section IV. Statement of Facts to Demonstrate Substantial Issue

The appellant must demonstrate to the State Commission that a substantial issue is raised by the appeal, an issue of such concern that it warrants a new hearing of the application by the Commission. The appellant's failure to set forth in sufficient detail the facts upon which the appeal is based, and the reasons the appellant believes the decision of the Regional Commission to be inconsistent with the requirements of the Coastal Act, may result in rejection of the appeal on grounds that the presence of a substantial issue has not been demonstrated. Due to the short deadlines provided in the Coastal Act, review of your appeal will not be possible unless a complete and fully-substantiated appeal is submitted at this time.

Check applicable reason(s) why you believe the State Commission should hear the appeal. (In general, the Commission has not found that an appeal presents a substantial issue that warrants hearing unless one of the following factors is present.)

_____ 1. The development presents a statewide planning issue on which guidance of the State Commission is required and the matter is of statewide significance.

_____ 2. The decision of the Regional Commission adversely affects coastal resources or the proper public use of resources, contrary to specific provisions of the Coastal Act of 1976.

_____ 3. The decision of the Regional Commission is inconsistent with previous decisions of the State Commission or did not adequately address issues covered by the interpretive guidelines adopted by the State Commission.

_____ 4. The proceedings of the Regional Commission were materially affected by inaccurate factual information or procedural error and therefore resulted in a decision contrary to the policies of the Coastal Act of 1976.

_____ 5. The decision of the Regional Commission should be changed because of new factual information, relating to coastal issues, and this information could not reasonably have been presented to the Regional Commission.

_____ 6. Other (Specify in detail) _____

Attach a complete, concise statement of facts substantiating the alleged reasons warranting hearing of the appeal by the State Commission and reversal or modification of the decision of the Regional Commission.

Section V. Certification

I declare that the foregoing is true and correct to the best of my knowledge and I understand that any misstatement or omission of the information requested may be grounds for rejection of this appeal.

DATED _____

Signature of appellant or representative

APPENDIX C

MAILING LISTS OF CONTACTS - ORGANIZATIONS

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David Shulman

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