

REPAIR, MAINTENANCE AND UTILITY HOOK-UP EXCLUSIONS FROM PERMIT REQUIREMENTS

(Adopted by the California Coastal Commission on September 5, 1978)

NOTE: This guideline applies only to exclusions established in subsections (d) and (f) of section [30610](#). For other exceptions to the permit requirements, see [Section 13250](#) of the Commission Regulations (additions to existing single-family houses), Sections [13200 through 13210](#) (vested rights), Sections [13211-13213](#) (permits granted under the 1972 Coastal Act), Sections [13215-13235](#) (urban land), Sections [13240-13249](#) (categories of development), Sections [13136-13144](#) (emergency permits) and Sections [13145-13154.5](#) (administrative permits).

I. General Provisions.

Section 30610 of the Coastal Act states in part:

...no coastal development permit shall be required pursuant to this chapter for...

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

...

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.**

This guideline is intended to detail the types of development activities the Commission considers repair, maintenance or utility hook-ups related to the on-going work of various types of public and private agencies. Such lists obviously cannot be exhaustive and the exclusions also apply to activities comparable to those listed. Where a proposed activity is not included in this guideline, the Regional Commission Executive Director, after consultation with the State Commission Executive Director, if necessary, will determine whether a permit is required.

The standards for these exclusions are stated in [Section 30610](#) of the Coastal Act: they do not relate to the environmental impact of the proposed activity. The repair and maintenance exclusion is intended to allow continuation of existing developments and activities which began before the effective date of the Coastal Act. The utility hook-up exclusion exempts utilities from obtaining permits for work to serve developments because Commission review of such work is included in the review of the development itself.

**Minor changes have been made to the legal citations to the Coastal Act contained in this document to correspond to the current version of the cited Section.

II. Description of Activities Excluded.

The following construction activities comparable to those listed do not require a coastal development permit except as specified below:

A. Roads. No permit is required for repair and maintenance of existing public roads including landscaping, signalization, lighting, signing, resurfacing, installation or expansion of retaining walls, safety barriers and railings and other comparable development within the existing right-of-way as specified below. Maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including: construction of temporary detours, removal of slides and slip cuts, restoration and repair of drainage appurtenances, slope protection devices, installation of minor drainage facilities for preservation of the roadway or adjacent properties, restoration, repair and modifying for public safety bridges and other highway structures, restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism. The following maintenance and alteration programs of the State Department of Transportation, or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself, do not require a permit except as noted: (1) [Flexible Roadbed Program](#); (2) [Rigid Roadbed Program](#); (3) [Roadside Maintenance Program](#); (4) [Roadway Litter and Debris Program](#); (5) [Vegetation Control Program](#); (6) [Pavement Delineation Program](#); (7) [Sign Program](#); (8) [Electrical Program](#); (9) [Traffic Safety Devices Program](#); (10) [Public Service Facility Program](#) except that a permit is required for construction of new facilities; (11) [Landscape Program](#); (12) [Bridge and Pump Maintenance Program](#); (13) [Tubes, Tunnel and Ferry Maintenance Program](#); (14) [Bridge Painting Program](#); (15) [Miscellaneous safety projects](#), provided there is not expansion in the roadway or number of traffic lanes; (16) [Major damage maintenance, repair and restoration](#); (17) [Comparable Minor Alterations](#).

(NOTE: See [Appendix I](#) for more detailed description of activities included in these programs.)

B. Public Utilities.

1. Natural Gas, Chilled Water and Steam Facilities.

a. Service Connections. Install, test and place in service the necessary piping and related components to provide natural gas, chilled water and/or steam service to development either exempted or approved under the Coastal Act, including:

(1) Extend underground gas, chilled water and/or steam mains, except in marshes, streams or rivers, from terminus of existing main piping to proper location in front of customer's property. Break and remove pavement as necessary, open trench or bore, for installation of main piping, install mains and appurtenances, pressure test for leakage, back-fill open cuts, purge air from piping and introduce gas, chilled water and/or steam into newly installed piping. Restore pavement as necessary. Provide for cathodic protection as necessary.

(2) Extend underground gas, chilled water and/or steam service piping from the main locations, except, in marshes, streams or rivers, to the meter location on the customer's property. Construction activities are similar to those in Item (1) above.

(3) Construct and install the meter set assembly, generally above ground, on the customer's property, including installation of associated valves, pressure regulator, meter and necessary piping to connect the gas, chilled water and/or steam service to the customer's piping system.

(4) When necessary, install gas, chilled water and/or steam pressure regulation equipment and related components, to control pressure where the source of the supply is at a higher pressure than the pressure in the district distribution main system. Construction includes necessary excavation, installation of piping, valves, regulators, below ground vaults and related components.

(5) Install necessary cathodic protection facilities for main and service extensions to new and existing customers.

b. Distribution and Transmission Facilities.

(1) Operate, inspect and maintain distribution and transmission mains, services, meter set assemblies and district regulator stations. Conduct leakage surveys, repair leaks, handle emergency or hazardous incidents, maintain supply pressure, inspect and adjust pressure regulators, operate valves, locate and mark facilities to help prevent damage to them and to provide for public safety.

(2) Install, replace, alter, relocate or remove piping and cathodic protection facilities as necessary due to corrosion, interference with other underground or surface construction, franchise requirements, mechanical damage, reinforcement to existing distribution systems to provide for increased usage (provided such usage is to provide service to development either exempted or approved under the Coastal Act). Isolation of piping segments or systems to provide emergency control and the restoration of service to a customer.

c. Production and Storage Facilities. Perform necessary maintenance, replacement, repair, relocation, abandonment and removal work to gas storage facilities, chilled water and/or steam plant facilities, mechanical equipment including prime movers and pumping equipment, chilled water and/or steam production facilities, gas and oil processing facilities, pollution control facilities, cooling towers, electric equipment, controls, gas injection and withdrawal wells, and other miscellaneous plant and pipeline structures. Installation of any required new safety devices and pollution control facilities within existing structures or equipment or where land coverage, height, or bulk of existing structures will not be increased.

d. Miscellaneous. Perform necessary maintenance, repair, replacement, relocation, abandonment and removal work to pipeline roads, rights-of-way, fences and gates, sprinkler systems, landscaping, odorizing stations, telemetry equipment, lighting facilities, mechanical and electrical equipment, cathodic protection facilities and environmental control equipment.

e. Grading and Clearing. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500

sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation.

2. **Electric Utilities.**

a. Generation Stations, Substations, Fuel Handling, Transportation and Storage Facilities and Equivalent Facilities. A coastal permit is not required for repairs, maintenance, and minor alterations which do not increase the capacity of the facility or work required to supply increased demand of existing customer's facilities in order to maintain the existing standard of service. A coastal permit is not required for installation of any required new safety devices and pollution control facilities within existing structures of equipment or where land coverage, height or bulk of existing structures will not be increased.

b. Transmission and Distribution and Communication Facilities. A coastal permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A coastal permit is not required to install, test and place in service power line extension facilities and supply points specifically required to provide service to development permitted or exempted under the Coastal Act, or work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service.

A coastal permit is not required to install, test, place in service, maintain, replace, modify or relocate underground facilities or to convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements (P.U.E.).

c. Services. Electrical service and metering facilities may be installed and placed in service to any development permitted or exempted under the Coastal Act. A coastal permit is not required to maintain, replace, or relocate service or metering facilities for developments permitted or exempted under the Coastal Act.

d. Grading, Clearing and Removal of Vegetation. Excluded activities shall not extend to the construction of any new road to the site of the work. In cases involving removal of trees exceeding 12 inches dbh, grading of any undisturbed area of greater than 500 sq. ft. or clearing of more than 500 sq. ft. of brush or other vegetation, the utility shall consult with the Executive Director of the Regional Commission to determine whether the project involves removal of major vegetation such that a permit is required. A coastal permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.

e. Definitions.

(1) **Line Extension.** All facilities for permanent service excluding transformers, services and meters, required to extend electric service from the utility's existing permanent facilities to one or more supply points.

(2) **Service.** A single set of conductors and related facilities required to deliver electric energy from a supply point to the customer's facilities.

(3) **Supply Point.** Any transformer, pole, manhole, pull box or other such facilities at which the utility connects one or more sets of service conductors to the utility's permanent electric facilities.

3. **Telephone.** No permit or conditions are required for the activities of a telephone company that come within the following areas:

a. Repair and maintenance of existing damaged or faulty poles, wires, cables, terminals, load cases, guys and conduits, including the necessary related facilities, to restore service or prevent service outages.

b. Placement of existing telephone facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition.

c. Placement of additional aerial facilities on existing poles.

d. Removal of existing poles and facilities thereon, where new, replacing facilities have been placed underground.

e. Performance of work in connection with or placement of facilities to expand service to existing customers or to serve new customers, including placement of underground service connections or aerial service connections from existing poles with any necessary clearance poles.

f. Removal of minor vegetation for maintenance purposes (tree trimming, etc.).

g. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation.

4. **Others, including Water, Sewer, Flood Control, City and County Public Works, Cable TV.** No permit is required for repair or maintenance of existing facilities that do not alter the service capacity, installation of new or increased service to development permitted or exempted under the Coastal Act, placement of additional facilities on existing poles, or placement of existing facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition. A permit is required for installation of service to vacant parcels or installation of capacity beyond that needed to serve developments permitted or exempted under the Coastal Act.

Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal

of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation. No permit is required for removal of minor vegetation (e.g., tree trimming) where it interferes with service pipes or lines.

C. Parks. No permit is required for routine maintenance of existing public parks including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.

D. Industrial Facilities. No permit is required for routine repair, maintenance and minor alterations to existing facilities, necessary for on-going production that do not expand the area or operation of the existing plant. No permit is required for minor modifications of existing structures required by governmental safety and environmental regulations, where necessary to maintain existing production capacity, where located within existing structures, and where height or bulk of existing structures will not be altered.

E. Other Structures. For routine repair and maintenance of existing structures or facilities not specifically enumerated above, no permit is required provided that the level or type of use or size of the structure is not altered. (NOTE: See Section [13250](#) of the Commission Regulations for exclusions or additions to existing single-family houses.)

F. Dredging and Beach Alteration. (NOTE: Maintenance dredging of navigation channels is exempted by Section 30610 (b). Other dredging and sand movement projects, where part of an established program may be exempt from the permit requirements of the Coastal Act by reason of vested rights, where such rights have been reviewed and acknowledged by the Regional Commission. Contact the Regional Commission office for information and application forms.)

APPENDIX I

Detailed description of activities included in road maintenance programs for which no coastal development permit is required.

1. **Flexible Roadbed Program.** This program covers the restoration and repair of both surface and base within the previously paved portion of the roadway. This includes previously paved asphalt concrete shoulders two feet or greater in width where the shoulder is designated by traffic marking, pavement delineation or traffic use. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes.
2. **Roadbed, Rigid.** The Rigid Roadbed Program covers the restoration and repair of both surface and base within that paved portion of the roadway used for the movement of vehicles. This includes asphaltic concrete or oiled shoulders two feet or greater in width. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes. This program does not include roadbed widening projects.
3. **Roadside Maintenance Program.** This program includes the repair, replacement, and cleaning of ditches, culverts, underdrains, horizontal drains and miscellaneous headwalls and debris racks. Also included are fence repairs, roadside section restoration (e.g., drift removal, bench cleaning, slide removal, and fill slope replacement). In addition, repairs or replacement of retaining walls, installation of slope protection devices, minor drainage facilities, sidewalks and curbs, bins, cattle guards and other such structures where there is no increase in size (or adding to what exists) is included in this program. This program shall not include seawalls or other shoreline protective works, activities subject to review under Section 1601 of the Fish and Game Code, or excavation or disposal of fill outside of the roadway prism.
4. **Roadway Litter and Debris Program.** This program includes all work concerning roadbed and roadside cleanup operations to insure that the highway presents a neat, clean and attractive appearance.
5. **Vegetation Control Program.** Vegetation control refers to the maintenance treatment of all vegetative material growing native within the highway rights-of-way. Included is cutting and trimming by hand and mechanical means.
6. **Pavement Delineation Program.** The pavement delineation program involves all work necessary to place and maintain distinctive roadway markings on the traveled way. This includes layout, removal of old stripe, painting of new or existing stripe including striping for bike lanes, installation and/or removal of raised pavement markers including cleaning of such markers and the use of thermoplastic, tape or raised bars for pavement markings. Changing of striping for more lanes is not included in this program.
7. **Sign Program.** The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of manufacture, assembly and installation of new signs to replace existing signs and the repair, cleaning and painting of signs.

8. **Electrical Program.** This program includes all work performed on in-place highway electrical facilities used to control traffic with signal systems, provide safety and sign lighting, illuminate maintenance building and grounds, generate standby power, operate bridges, pumps and automatic watering systems. Certain navigational lighting installed on bridges and bridge fenders or piling are included in this program.
9. **Traffic Safety Devices Program.** Work performed under this program includes replacement of guide posts, markers, skid resistant grooves, and also replacement, cleaning and/or painting of guard rails. The repair of median barrier cable chain link fence and portland cement concrete walls; the repair and maintenance of energy dissipators such as water type bumpers, sand traps or other devices installed for the purpose of absorbing vehicle energy are included in this program.
10. **Public Service Facility Program.** Public Service Facilities consist of roadside rests, vista points, map stops, historical monuments, roadside fountain areas and vehicle inspection stops. Work to be performed under this program consists of a wide variety of custodial maintenance in connection with existing restrooms, fountains and picnic areas.
11. **Landscape Program.** This program refers to the treatment, maintenance and replacement of all vegetative material planted within the State Highway right-of-way. Work includes watering, fertilizing, plant replacement, weed control by hand and mechanical means and tree trimming.
12. **Bridge and Pump Maintenance Program.** The Bridge and Pump Maintenance Program includes work performed on all structures which provide for passage of highway traffic over, through or under obstacles and/or qualify for bridge numbers as assigned by the Division of Structures.
13. **Tubes, Tunnel and Ferry Maintenance Program.** The Tubes, Tunnel and Ferry Maintenance Program includes maintenance and repair of tunnels, tubes, ferries and docks or slips. Tunnel or tube maintenance includes washing, cleaning, tile repair and the maintenance of electro-mechanical equipment. Tunnel structural repairs will be performed under this program when covered by approved Division of Structures reports of work needed.
14. **Bridge Painting Program.** This program involves bridge maintenance painting performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction.
15. **Miscellaneous Safety Projects.** Elimination of hazards within the operating areas or the operating right-of-way or projects modifying existing features such as curbs, dikes, headwalls, slopes, ditches, drop inlets, signals and lighting, etc., within the right-of-way to improve roadside safety.
16. **Major Damage Maintenance, Repair and Restoration.** Provides temporary road openings and related maintenance and returns highway facilities to serviceable states as rapidly as possible following major damage from storms; earthquakes; tidal waves; ship, train or vehicle collisions; gasoline truck fires; aircraft crashes, and all other kinds of physical violence. (NOTE: These items may be developments rather than repair or maintenance activities, but would be subject to the emergency permit provisions of the Coastal Act. Inquiries should be

directed to the Regional Commission staff if at all possible prior to commencement of construction.)

17. **Miscellaneous Alterations.**

- a. Installation, modification or removal of regulatory, warning or informational signs, according to the standards of the State Department of Transportation Uniform Sign Chart.
- b. Traffic channelization - improvements to local service and safety by delineation of traffic routes through the use of curbs, dikes, striping, etc., including turn pockets, where construction is performed by State Department of Transportation Maintenance Department or equivalent activities by local road departments.
- c. Maintenance of existing bicycle facilities.
- d. Modification of traffic control systems and devices including addition of new elements such as signs, signals, controllers, and lighting.
- e. Devices such as glare screen, median barrier, fencing, guard-rail safety barriers, energy attenuators, guide posts, markers, safety cable, ladders, lighting, hoists, paving grooving.
- f. Alteration or widening of existing grade separation structure where the primary function and utility remains unaltered.
- g. Minor operational improvements such as median and side ditch drainage facilities, where not subject to review under Section 1601 of the Fish and Game Code or involving excavation or disposal of fill outside of the roadway prism.
- h. Modification, upgrading, alteration, relocation, or removal of railroad grade crossings, railroad grade crossing protection, and the construction of bus and truck stop lanes at railroad grade crossings.

Extracts from the California Code of Regulations

§ 13136. Scope of Subchapter.

This Subchapter governs procedures for processing applications for permits to perform work to resolve problems resulting from a situation falling within the definition of "emergency" in Section 13009 and pursuant to the provisions of Public Resources Code Section 30624 for which the Commission has jurisdiction pursuant to Section 30519(b).

§ 13137. Immediate Action Required.

It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services before the provisions of the Subchapter can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to Public Resources Code, Section 30611, they shall comply with the requirements of Public Resources Code Section 30611 and to the maximum extent feasible, with the provisions of this Subchapter.

§ 13138. Method of Application.

Applications in cases of emergencies shall be made to the executive director of the commission by letter or facsimile during business hours if time allows, and by telephone or in person if times does not allow.

§ 13139. Necessary Information.

The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency as required in Public Resources Code Section 30611, shall include the following:

- (a) The nature of the emergency;
- (b) The cause of the emergency, insofar as this can be established;
- (c) The location of the emergency;
- (d) The remedial, protective, or preventive work required to deal with the emergency; and
- (e) The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

§ 13140. Verification of Emergency.

The executive director of the commission shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

§ 13141. Repealed.

§ 13142. Criteria for Granting Permit.

The executive director shall provide public notice of the proposed emergency action required by Public Resources Code Section 30624, with the extent and type of notice determined on the basis of the nature of the emergency itself. The executive director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the executive director finds that:

(a) An emergency exists and requires action more quickly than permitted by the procedures for administrative permits, or for ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;

(b) Public comment on the proposed emergency action has been reviewed if time allows; and

(c) The work proposed would be consistent with the requirements of the California Coastal Act of 1976.

§ 13143. Report to the Commission.

(a) The executive director shall report in writing to the local government having jurisdiction over the project site and to the commission at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.

(b) All emergency permits issued after the mailing for the meeting shall be briefly described by the executive director at the meeting and the written report required by subparagraph (a) shall be distributed prior to the next succeeding meeting.

(c) The report of the executive director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the executive director of the commission.

§ 13144. Waiver of Emergency Permit Requirements.

Any person wishing to take an emergency action pursuant to the requirements of Public Resources Code Section 30611 shall notify the executive director of the commission by facsimile or telephone during business hours of the type and location of the emergency action taken within three (3) days of the disaster or the discovery of the danger. Within seven (7) days of taking such action, the person who notified the executive director shall send a written statement of the reasons why the action was taken and verification that the action complied with the expenditure limits set forth in Public Resources Code Section 30611. At the next commission meeting following the receipt of the written report, the executive director shall summarize all emergency actions taken and shall report to the commission any emergency action that, in his or her opinion, does not comply with the requirements of Public Resources Code Section 30611 and shall recommend appropriate action. For the purposes of this section, any immediate, temporary actions taken by the California Department of Fish and Game which are required to protect the nesting areas of the California least tern, an endangered species under the California Fish and Game Code, Sections 2050-2055 and Title 14 of the California Code of Regulations, Section 670.5, and the Federal Endangered Species Act of 1973, shall be deemed to be in compliance with Public Resources Code Section 30611.

§ 13145. Scope of Subchapter.

This subchapter governs special procedures for processing applications for permits pursuant to the requirements of Public Resources Code Section 30624.

§ 13146. Applicant's Statement.

The permit application form provided for in Section 13053.5 shall allow the applicant an opportunity to state that in his or her opinion the work applied for falls within the criteria established by Public Resources Code, Section 30624.

§13147. Applications Not Thought to Be Administrative.

If the commission receives an application that is asserted to be for improvements or other development within the criteria established pursuant to Public Resources Code Section 30624 and by this subchapter and if the executive director finds that the application does not qualify as such, he or she shall notify the applicant that a regular permit application is required as provided in Subchapter 1 of this chapter. The executive director, with the concurrence of the applicant, may accept the application for filing as a regular permit pursuant to Section 13056 and shall adjust the application fees accordingly.

§ 13148. Copies of Application.

An application asserted to be within the criteria established by Public Resources Code Section 30624 shall be furnished to the commission initially in one (1) copy, together with one copy of whatever maps and drawings are reasonably required to describe the proposal. A reasonable number of additional copies may, at the discretion of the executive director, be required.

§ 13149. Notice.

The applicant shall post notice at the project site as required by Section 13054(b) and provide any additional notice to the public that the executive director deems appropriate. The executive director shall notify any persons known to be interested in the proposed development.

§ 13150. Criteria and Content of Permits.

(a) The executive director may approve or modify an application for improvements or other development governed by this subchapter on the same grounds that the commission may approve an ordinary application and may include reasonable terms and conditions required for the development to conform with the policies of the California Coastal Act of 1976.

(b) Permits issued for such developments shall be governed by the provisions of Sections 13156 and 13158 concerning the format, receipt, and acknowledgment of permits, except that references to "Commission Resolution" shall be deemed to refer to the executive director's determination. A permit issued pursuant to Public Resources Code Section 30624 shall contain a statement that it will not become effective until completion of the commission review of the permit pursuant to Section 13153.

§ 13150.5. Repealed.

§13151. Refusal to Grant-Notice to Applicant.

If the executive director determines not to grant an administrative permit based on a properly filed application under this Subchapter, the executive director shall promptly mail written notice to this effect to the applicant with an explanation of the reasons for this determination.

§ 13152. Application to Commission.

In situations described in Sections 13147 and 13151 the applicant may proceed to file an application as provided in Section 13056.

§ 13153. Reports on Administrative Permits.

The executive director shall report in writing to the commission at each meeting the permits approved under this Subchapter up until the time of the mailing for the meeting, with sufficient description of the work authorized to allow the commission to understand the development proposed to be undertaken. Copies of this report shall be available at the meeting and shall have been mailed to the commission and to all those

persons wishing to receive such notification at the time of the regular mailing for the meeting. Any such permits approved following the deadline for the mailing shall be included in the report for the next succeeding meeting. If 1/3 of the appointed membership of the commission so request, the issuance of an administrative permit governed by Public Resources Code Section 30624 shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a permit application under Subchapter 1 of this chapter, subject to the provisions for hearing and appeal set forth in Subchapters 1 and 2 of the chapter.

§ 13250. Improvements to Existing Single-Family Residences.

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

(1) All fixtures and other structures directly attached to a residence;

(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and

(3) Landscaping on the lot.

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.

(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;

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

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.

(c) In any particular case, even though an improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

§ 13211. Repealed.

§ 13212. Repealed.

§ 13213. Extension of Permits Granted Under the 1972 Act.

(a) The time limits for commencement of construction under a permit granted under the California Coastal Zone Conservation Act of 1972 shall be determined from the regulations of the California Coastal Zone Conservation Commission in effect on December 31, 1976 or by any specific actions taken pursuant to the California Coastal Zone Conservation Act of 1972, if not expressly stated in the terms and conditions of the permit.

(b) Prior to the time that commencement of construction under a permit granted by either the regional commission or the commission must occur under the terms of subsection (a) the applicant may, upon payment of a \$50 fee (or a \$25 fee in the case of extension of permit for single-family residences) apply to the executive director of the commission for an extension of time not to exceed an additional one year period. The application shall be accompanied by evidence of a valid, unexpired permit, acknowledged pursuant to the requirements in effect at the time the permit was issued, and of the applicant's continued legal interest in the property involved in the permit. The application shall be processed in accordance with the procedures of Section 13169.

§ 13215. Urban Land Exclusion.

The provisions of this subchapter shall govern the exclusion of any urban land area from the provisions of Chapter 7 of the California Coastal Act of 1976 pursuant to Public Resources Code, Section 30610.5.

13216. Local Government Request.

A local government may request, in writing, that an urban land area be excluded by the commission from the permit provisions of the California Coastal Act of 1976. The request for exclusion shall include, or be accompanied by the following:

- (a) A description specifically identifying the land area for which the exclusion is requested.
- (b) Information describing the zoning in effect on January 1, 1977.
- (c) A description or statement as to the density of the development existing on or before January 1, 1977.
- (d) A description of any existing or proposed regulatory or other controls on development within the area which will insure that any future development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community and that any locally permitted development will have no potential for significant adverse effects, either individually or cumulatively on public access to the coast or on coastal resources.
- (e) Information as to the number of lots within the area requested for exclusion and the number of lots which are built upon to the same general density or intensity of use.

§13217. Material Supporting Request for Exclusion.

The request for exclusion shall contain or be accompanied by the following supporting material:

(a) The precise language of existing regulatory or other controls on development within the area requested for exclusion that would insure that any development within said area, either individually or cumulatively, would meet the criteria of Public Resources Code Section 30610.5; or proposed regulatory or other controls on development within the area requested for exclusion that the local government intends to adopt and enforce in order to assure that any development within said area, either individually or cumulatively, would meet the criteria of Public Resources Code 30610.5; or any combination of the above. The description of regulatory controls may include any land use controls such as height limits or open space requirements that could affect allowable density, height or nature of uses.

(b) A general description of existing development within the area to be excluded, the amount of privately-owned net acreage to be excluded, and the resulting density (units per acre).

(c) A reasonable estimate of the most intense development that could occur, based on the regulatory controls of the proposed exclusion. This estimate may utilize any combination of geographic units deemed appropriate by the local government and may include an analysis of the likely effects of regulatory controls such as height limits, off-street parking requirements, floor area ratio, etc.

(d) An analysis of the effects of the development projected in subdivision (c) above on public access to the coast and on coastal resources.

(e) Any other information as may from time to time be requested by the executive director of the commission or by the commission to determine whether and on what terms and conditions, if any, such area may be excluded pursuant to Public Resources Code, Section 30610.5.

§ 13218. Preliminary Review of Exclusion Request.

Any local government desiring the exclusion of any urban land area within its jurisdiction, pursuant to Public Resources Code Section 30610.5, may request a preliminary advisory review of the proposed exclusion by the commission. Because the purpose of the preliminary review is to provide sufficiently detailed information to make the determinations required in Public Resources Code Section 30610.5, the exclusion request need not be in the final language required of an adopted ordinance. The commission will grant a request for a preliminary advisory review as time allows, provided such review will not adversely limit commission time required for the review of other agenda items. Any such advisory review shall be conducted at a properly noticed public hearing of the commission. The chairperson shall establish predetermined time limits for testimony by the local government and interested persons. Individual members of the commission may ask questions and make statements but no vote shall be taken.

§ 13219. Submission and Filing of Requests and Supporting Material.

The executive director of the commission shall determine whether the request and supporting materials provide sufficient information to permit evaluation of the request pursuant to Public Resources Code Section 30610.5. These determinations shall be made by the executive director within five (5) working days after the material is received. If it is determined that the material is legally sufficient and technically complete, the request for exclusion shall be filed and the requesting local government shall be informed of the filing. If the executive director determines that the material is not sufficient, the executive director shall provide the requesting local government with a statement of the reasons why the request was not filed. Upon curing any defects, the requesting local government may resubmit the request for exclusion. Any local government submitting an application for exclusion may also request a determination from the commission as to the adequacy of the material that it has submitted for purposes of conducting the review of the urban exclusion request pursuant to Public Resources Code, Section 30610.5.

§ 13220. Commission Review of Request.

The request for exclusion shall be scheduled for public hearing before the commission no later than 49 days after being filed unless the local government requests the executive director's approval of additional time to supplement a request for exclusion. The executive director of the commission shall prepare a report for the commission summarizing the nature and effects of the request. The report shall be prepared and distributed in the same manner as an application summary, as provided in Sections 13057 and 13059 but shall deal only with those issues raised by the requirements of Public Resources Code, Section 30610.5. Notice of the hearing shall be provided in the manner set forth in Section 13016. Oral hearing procedures shall be those set forth in Sections 13064-13068.

§ 13221. Commission Action on Request.

(a) If the staff report contained an initial staff recommendation, the commission may, at its discretion, vote on the request at the same meeting following the conclusion of the public hearing in the same manner as provided in Sections 13081-13083.

(b) If the staff report did not contain an initial recommendation, the executive director shall prepare a written recommendation on the request for exclusion after the close of the public hearing. The executive director's staff recommendation shall be prepared and distributed as provided in Sections 13075 and 13076 but the proposed action, findings, and conditions shall be stated only in terms of the requirements of Public Resources Code, Section 30610.5. The commission shall act on the request for exclusion, approving or denying it in whole or in part, at the next regularly scheduled meeting following completion of the public hearing, unless the commission finds that good cause exists for continuing its action to a later time.

§ 13222. Effective Date of Urban Exclusion.

No urban exclusion approved by the commission shall be effective until the following occur:

(a) The requesting local government, by action of its governing body, acknowledges receipt of the commission's resolution of approval including any conditions which may have been required pursuant to Public Resources Code, Section 30610.5 and

(b) The requesting local government, by appropriate action of its governing body, accepts and agrees to the terms and conditions, if any, to which the urban exclusion has been made subject and takes final action to implement all such conditions.

§ 13223. Denial of Request for Exclusion.

If the commission denies a request for exclusion it shall adopt a resolution indicating the reasons for such denial, and shall transmit the resolution to the requesting local government. Following such denial, a new request for exclusion of the same area may be filed with the commission after the expiration of three (3) months from the date of the commission's action, provided that the local government submits information indicating the reasons for denial have been overcome in the new request.

§ 13224. Termination of Final Request

The local government may at any time terminate the request for exclusion and such termination shall void the order granting the exclusion and reinstate the development controls of the California Coastal Act of 1976. Upon termination of the request, no new request for an exclusion of the same area may be filed with the commission for three (3) months from the date of termination.

§ 13225. Amendments to Order Granting Exclusion.

The local government may request amendments to the order granting exclusion and shall file such requests with the commission. Amendments that do not result in a significant change affecting the requirements of Public Resources Code, Section 30610.5(b) may be approved by the executive director of the commission and shall be reported to the commission at the next regularly scheduled meeting of the commission for which notice can be provided pursuant to Section 13220. The findings of the executive director shall be conclusive unless three (3) or more commissioners, following any public comment on the proposed amendments request to review the determination of whether the proposed amendment would constitute a significant change. Upon such a request by three (3) or more commissioners, the commission shall determine whether the amendment would result in a significant change in density, height or nature of uses in the excluded area. If the amendment is determined not to be substantial, the amendment shall be deemed approved and shall immediately be incorporated in the original order granting the exclusion. An amendment found to be substantial shall, at the option of the local government, be treated in the same manner as a new request to exclude an urban area or as a request for a categorical exclusion pursuant to Sections 13240-13249.

§ 13230. Effect of an Order Granting Exclusion.

An order granting exclusion removes the area in question from the provisions of Chapter 7 of the California Coastal Act of 1976, from the effective date of the exclusion order until the certification of a local coastal program or January 1, 1981, whichever is earlier and therefore no permit application otherwise requiring a local government permit for the proposed development activity shall be filed for such an area with the commission. No development inconsistent with such order may take place unless the order is amended or terminated as provided in this Subchapter.

§ 13231. Interpretation of Exclusion.

Any person may request an interpretation of the order granting an exclusion from the executive director of the commission. The executive director shall, as soon as time and resources allow, make such interpretation; such interpretation shall be reviewed by the commission at its next regularly scheduled meeting for which notice can be provided pursuant to Section 13220. The decision of the executive director shall be conclusive unless three (3) or more members of the commission request to review the interpretation, in which case the commission shall make the interpretation by majority vote of the appointed membership. The affected local government shall be notified of any such interpretation. The commission will review any interpretation of the executive director if requested by the affected local government.

§ 13234. Termination upon Adoption of Local Coastal Program.

Upon the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code, Section 30519, an urban exclusion order shall automatically be deemed terminated for that portion of the urban exclusion land area included in the approved local coastal program. Any permit granted pursuant to an exclusion order shall remain in effect, provided that no substantial change is made in the development plan previously approved and all necessary governmental approvals remain in effect.

§ 13235. Applicability of an Exclusion to the Local Coastal Program.

The circumstances, provisions, terms conditions, etc., related to an urban exclusion shall not prejudice the certification or denial of certification of the Local Coastal Program by the commission.

§ 13240. Categorical Exclusions.

The provisions of this Subchapter shall govern the procedure of the commission in considering the exclusion of any category of development or any category of development within a specifically defined geographic

area from the coastal development permit requirements of Chapter 7 of the California Coastal Act of 1976 (commencing with Section 30600) pursuant to Public Resources Code, Section 30610(e).

§ 13241. Request for Exclusion.

(a) In the case of a local government or other public agency requesting that a category of development or categories of development within a specific geographic area be excluded from the coastal development permit requirements of Chapter 7 of the California Coastal Act of 1976 (commencing with Public Resources Code, Section 30600), such agency shall provide the executive director of the commission with materials and information that the executive director deems necessary to make the findings required by Public Resources Code, Section 30610(e) and 30610.5(b) and the California Environmental Quality Act (commencing with Public Resources Code Section 21000). The executive director shall cause a public hearing on such a request to be scheduled within a reasonable time of the receipt of materials and information sufficient to allow him to evaluate whether the request for exclusion meets the requirements of Public Resources Code, Sections 30610(e) and 30610.5(b).

(b) In the case of a request by a person not representing a public agency, the executive director shall review proposed requests for categorical exclusions and submit for commission review only those requests that appear to meet the requirements of Public Resources Code, Sections 30610(e) and 30610.5(b).

(c) Commission requests shall be reviewed in the same manner as provided in subsection (a) above.

§ 13242. Hearing Procedures.

The executive director of the commission, after consultation with the public agency that approves development activity for the particular category of development proposed for exclusion with any affected local government and with any persons known to be interested in the development activity, shall prepare and distribute a report in the same manner provided in Section 13220. If the commission determines after the public hearing is closed that the proposed categorical exclusion warrants commission action, the executive director shall prepare a recommendation in the same manner as provided in Section 13221.

§ 13243. Commission Action on Order Granting Exclusion.

The commission shall, by a two-thirds (2/3) vote of its appointed members, exclude those categories of development or categories of development within specific geographic areas that it finds meet the criteria of Public Resources Code, Section 30610(e); the commission shall require such terms and conditions as it deems necessary pursuant to Public Resources Code, Section 30610.5(b). The commission's order granting the exclusion shall contain the following:

(a) A precise description of the category of development or category of development within a specific geographic area that is the subject of the exclusion in sufficient detail to permit any person to know precisely which category of development within a specific geographic area does not require a coastal development permit pursuant to Chapter 7 of the California Coastal Act of 1976.

(b) Specific findings supporting such determination to grant the exclusion as required by Public Resources Code Section 30610(e).

(c) Any terms and conditions necessary to comply with the requirements of Section 30610.5(b). Such terms and conditions may also specify that certain categories of development or categories of development within a specific geographic area may be excluded only on a condition that local government development approvals are reviewable by the commission in the same manner as provided in Sections 13318-13323.

(d) Any category of development for which the commission shall receive notice of public agency approval.

(e) A declaration that the exclusion may be rescinded at any time, in whole or in part, if the commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code, Section 30610(e) and that the order may be revoked at any time that the terms and conditions of the order are violated as provided in Public Resources Code, Section 30610.5.

§ 13244. Order Granting Exclusion.

Upon adoption of an order granting an exclusion pursuant to this article, the commission shall transmit copies of such order to each applicable local government or other public agency affected by the exclusion order. No categorical exclusion approved by the commission shall be effective until the following occur:

(a) The public agency which issues the permit for the category of development that is the subject of the categorical exclusion order, by action of its governing body, acknowledges receipt of the commission's resolution of approval, including any conditions which may have been required pursuant to Public Resources Code Section 30610.5;

(b) The agency described in subsection (a) above, by appropriate action of its governing body, accepts and agrees to the terms and conditions to which the categorical exclusion has been made subject; and

(c) The executive director of the commission determines in writing that the public agency's resolution is legally adequate to carry out the exclusion order and that the notification procedures satisfy the requirements of the exclusion order.

The approval of any category of development excluded on condition that the commission shall have the right to review any such development shall be conditioned on the requirement that the public agency permit shall not become effective for twenty (20) working days following commission receipt of notification as provided in Section 13243 (c) and (d).

§ 13244.1. Repealed.

§13245. Interpretation, Amendment and Termination of Exclusion Order.

An interpretation of a categorical exclusion order may be requested in the same manner provided in Section 13231. A request for amendment to a categorical exclusion order shall be reviewed in the same manner provided in Section 13225, provided that approval of a proposed amendment shall be by two-thirds (2/3) vote of the appointed membership. A public agency may request that a categorical exclusion order be terminated in the manner provided in Section 13224.

§ 13247. Effect of a Categorical Exclusion Order.

An order granting an exclusion for a category of development removes that category of development from the permit requirements of Chapter 7 of the California Coastal Act of 1976 to the extent and in the manner specifically provided in the exclusion order. No development inconsistent with such order may take place unless the order is amended or terminated as provided in this subchapter or a final coastal development permit is issued.

§ 13248. Notification of Development Approvals.

Any public agency issuing a development permit for any excluded category of development or category of development within a specific geographic area for which notification requirements are specified in the

commission's exclusion order shall notify the commission of such development approval in the same manner as required in Section 13315.

§ 13249. Termination of Order Granting Exclusion.

The commission may revoke an order granting a categorical exclusion at any time after public hearing as set forth below:

(a) If the executive director or any two (2) members of the commission determine that development inconsistent with the exclusion order has been permitted and that corrective measures other than revocation have not been or may not be effective, the executive director shall cause to have scheduled a public hearing to be conducted in the manner provided in Section 13243. If the commission determines after public hearing at the conditions of exclusion have been violated, it may by a majority vote of its authorized membership, revoke the exclusion order and reinstate the permit requirements of the California Coastal Act of 1976 (commencing with Public Resources Code, Section 30600) as of the date of the commission's decision to revoke the exclusion order. The procedures for rescission of an exclusion order shall be the same except that the commission must find that the terms and conclusions of the exclusion order no longer support the findings required by Public Resources Code, Section 30610(e).

(b) Upon the effective date of the delegation of development review authority to a local government pursuant to Public Resources Code, Section 30519, a categorical exclusion order shall automatically be deemed terminated for any category of development included in the geographic area of the approved local coastal program.

(c) At the time of the termination of an exclusion order pursuant to subsection (a) above, the commission shall indicate any prior permits approved during the term of the exclusion order that will require coastal commission permit review pursuant to these regulations. Any permit approved prior to the termination of an exclusion order pursuant to subsection (b) above shall remain in effect, provided that no substantial change is made in the development plans previously approved and all necessary governmental approvals remain in effect.

§ 13200. Scope.

Any person claiming a vested right in a development and who wishes to be exempt from the permit requirements of the Act pursuant to Public Resources Code Section 30608 must substantiate the claim in a proceeding before the Commission under this subchapter. In such a proceeding the claimant shall assume the burden of proof.

§ 13201. Obligation to File.

Any person who claims that a development is exempt from the permit requirements of Public Resources Code, Section 30600 or 30601 by reason of a vested right under Public Resources Code, Section 30608 must file a claim of vested rights with the commission and obtain approval under this subchapter.

§ 13202. Claim Forms.

Claim of vested rights forms shall be published by the commission. The executive director of the commission shall revise the form as necessary to assist claimants in providing the information necessary to substantiate a claim, provided, however, that any significant change in the type of information requested must be approved by the commission. A claim of vested rights shall be filed only after the claimant has provided the commission with all the information called for by the form, as well as any other information which the executive director of the commission deems necessary to review the claim. In no event shall a claim of vested rights be deemed filed until after the passage of five (5) working days from the date it is received by the commission.

§ 13203. Initial Determination.

As soon as practicable after the filing of a claim, and in no event later than 30 days from the filing date, the executive director of the commission shall make an initial determination whether the claim of vested rights appears to be substantiated; notice of the initial determination shall be transmitted to the claimant and to any person(s) requesting notice or known by the executive director to be interested. Based on that initial determination, the executive director shall make a written recommendation to the commission for consideration at the hearing on the claim of vested rights application at the next succeeding regularly scheduled meeting. At such hearing, the executive director shall introduce into evidence all evidence submitted by the applicant and all evidence submitted either supporting or in opposition to the application up to the deadline for submission of evidence established by the commission.

§ 13204. Notice.

Notice of the recommendation and the date of the public hearing on the claim shall be made in the manner prescribed by Section 13059.

§ 13205. Acknowledgment Hearing Procedure.

(a) Commission action on a claim of vested rights shall be supported by written findings of fact. If the commission finds that a claim of vested rights is substantiated, it shall acknowledge the claim. If it finds that a claim is not substantiated, it shall deny the claim. However, if the circumstances suggest that a claimant may be able to provide additional information to substantiate the claim or that other evidence is pertinent to the claim, the matter may be continued for the purpose of submitting further evidence and for action at the next succeeding meeting following the receipt and review of the information.

(b) Claims which the executive director recommends be acknowledged may be placed on a consent calendar and processed in the manner provided by Sections 13101 and 13103.

(c) All other claims shall be processed in the manner provided by Sections 13080-13096.

§ 13206. Repealed.

§ 13207. Effect of Vested Right.

A final determination of the commission recognizing a claim of vested rights shall constitute acknowledgment that the development does not require a coastal development permit under Public Resources Code, Section 30600 or 30601 provided that no substantial change may be made in the development except in accordance with the permit requirements of the California Coastal Act of 1976. If the approvals upon which the acknowledgment is based lapse either by their own terms or pursuant to any provision of law, the acknowledgment made under this subchapter shall no longer be in effect and the development shall become subject to the permit requirements of the California Coastal Act of 1976.

§ 13208. Notification to Local Government.

As soon as practicable after final action on a claim of vested rights by the commission the executive director shall transmit a notice of the action taken to the local government having jurisdiction over the area in which the development is located, to the claimant and to any person known by the executive director to be interested in the matter.

California Coastal Act, Sections 30610 through 30610.8

Section 30610

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

Section 30610.1

(a) Prior to certification of the applicable local coastal program, no coastal development permit shall be required for the construction of a single-family residence on any vacant lot meeting the criteria set forth in subdivision (c) and located in a specified area designated by the commission pursuant to subdivision (b).

(b) Within 60 days from the effective date of this section, the commission shall designate specific areas in the coastal zone where the construction of a single-family residence on a vacant lot meeting the criteria set forth in subdivision (c) shall not require a coastal development permit. Areas shall be designated for the exclusion provided for in this section if construction of single-family residences within the area to be designated has no potential, either individually or

cumulatively, for significant adverse impacts on highly scenic resources of public importance, on environmentally sensitive areas, on prime agricultural land or on agricultural lands currently in production, or on public access to or along the coast.

In addition, if septic tanks will be required or used, an area identified as having septic tank problems by the appropriate regional water quality control board or the State Water Resources Control Board in an approved basin plan or by other formal action of such board may not be designated for exclusion pursuant to this section.

(c) Within areas designated pursuant to subdivision (b), no coastal development permit shall be required for the construction of a single-family residence on any vacant lot which meets all of the following criteria:

(1) It is not located between the first public road and the sea or immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach.

(2) Is a legal lot as of the effective date of this section and conforms with the minimum lot size and lot use designations of the applicable general plan and zoning ordinances.

(3) Is not located within an area known to the affected local government, or designated by any other public agency, as a geologic hazard area or as a flood hazard area, or, if located within such an area, it has been determined by the affected local government to be a safe site for the construction of a single-family residence.

(4) Is no more than 250 feet from an existing improved road adequate for use throughout the year.

(5) Can be served by an adequate water supply that is legally available for use either by means of a well or by means of a connection to a water system with sufficient capacity to serve such lot or lots; provided, that no such connection shall require the extension of an existing water main which would have the capacity of serving four or more additional single-family residential structures.

(d) The commission shall, within 120 days from the effective date of this section, specify uniform criteria that shall be used to determine the location of "the first public road" and the inland extent of any beach for purposes of paragraph (1) of subdivision (c).

(e) Within 30 days after the 120-day period specified in subdivision (b), the commission shall report the Legislature and the Governor what has been done to carry out the provisions of this section.

(f) The provisions of this section shall apply notwithstanding any other provision of this division to the contrary.

Section 30610.2

(a) Any person wishing to construct a single-family residence on a vacant lot within an area designated by the commission pursuant to subdivision (b) of Section 30610.1 shall, prior to the commencement of construction, secure from the local government with jurisdiction over the lot in

question a written certification or determination that the lot meets the criteria specified in subdivision (c) of Section 30610.1 and is therefore exempt from the coastal development permit requirements of this division. A copy of every certification of exemption shall be sent by the issuing local government to the commission within five working days after it is issued.

(b) If the commission does not designate the areas within the coastal zone as required by subdivision (b) of Section 30610.1 within the 60 days specified therein, a local government may make the certification authorized by subdivision (a) of this section without regard to the requirements of subdivision (b) of Section 30610.1.

Section 30610.3

(a) Whenever the commission determines (1) that public access opportunities through an existing subdivided area, which has less than 75 percent of the subdivided lots built upon, or an area proposed to be subdivided are not adequate to meet the public access requirements of this division and (2) that individual owners of vacant lots in such an area do not have the legal authority to comply with such public access requirements as a condition of securing a coastal development permit for the reason that some other person or persons has such legal authority, the commission shall implement such public access requirements as provided in this section.

(b) The commission, on its own motion or at the request of an affected property owner, shall identify an area as meeting the criteria specified in subdivision (a). After such an area has been identified, the commission shall, after appropriate public hearings adopt a specific public access program for such area and shall request that the State Coastal Conservancy, established pursuant to Division 21 (commencing with Section 31000), implement such program. Such access program shall include, but not be limited to, the identification of specific land areas and view corridors to be used for public access, any facilities or other development deemed appropriate, the commission's recommendations regarding the manner in which public access will be managed, and the types of permitted public uses. The State Coastal Conservancy shall, pursuant to its authority, implement such public access program.

(c) There is, in the General Fund, the Coastal Access Account. The State Coastal Conservancy shall be authorized to expend funds when appropriated from the Coastal Access Account for the purchase of lands and view easements and to pay for any development needed to carry out the public access program specified in subdivision (a). Not more than 5 percent of the amount of funds necessary to carry out each such public access program may be provided as a grant to the State Coastal Conservancy for its administrative costs incurred in carrying out the access program.

(d) The State Coastal Conservancy may enter into any agreement it deems necessary and appropriate with any state or local public agency or with a private association authorized to perform such functions for the operation and maintenance of any access facilities acquired or developed pursuant to this section.

(e) Every person receiving a coastal development permit or a certificate of exemption for development on any vacant lot within an area designated pursuant to this section shall, prior to the commencement of construction, pay to the commission, for deposit in the Coastal Access Account, an "in-lieu" public access fee. The amount of each such fee shall be determined by dividing the cost of acquiring the specified lands and view easements by the total number of lots within the

identified area. The proportion of acquisition cost that can be allocated to lots built upon pursuant to permits that were not subject to public access conditions under this division or the California Coastal Zone Conservation Act of 1972 (former Division 18 (commencing with Section 27000)) shall be paid from the Coastal Access Account. An "in-lieu" public access fee may be in the form of an appropriate dedication, in which event the lots to which such dedication can be credited shall not be counted toward the total number of lots used in arriving at the "in-lieu" public access fee share for each remaining lot.

(f) For purposes of determining the acquisition costs specified in subdivision (e), the State Coastal Conservancy may, in the absence of a fixed price agreed to by both the State Coastal Conservancy and the seller, specify an estimated cost based on a formal appraisal of the value of the interest proposed to be acquired. The appraisal shall be conducted by an independent appraiser under contract with the State Coastal Conservancy and shall be completed within 120 days of the adoption of the specific public access program by the commission pursuant to subdivision (b). Such appraisal shall be deemed suitable for all purposes of the Property Acquisition Law (Part II, (commencing with Section 15850 of the Government Code)). For every year following public acquisition of the interests in land specified as part of a public access program and prior to payment of the required "in-lieu" fee, a carrying cost factor equal to 5 percent of the share attributable to each lot shall be added to any unpaid "in-lieu" public access fee; provided, however, that a lot owner in such area may pay the "in-lieu" public access fee at any time after public acquisition in order to avoid payment of the carrying cost factor.

(g) No provision of this section may be applied within any portion of the unincorporated area in the County of Sonoma, commonly known as the Sea Ranch.

Section 30610.4

Upon establishment of an acquisition cost pursuant to subdivision (f) of Section 30610.3, the commission shall review the area in question to determine if all or some portion of that area meets the criteria specified in subdivision (b) of Section 30610.1 for areas within which no coastal development permit will be required from the commission for construction of single-family residences. Notwithstanding paragraph (1) of subdivision (c) of Section 30610.1, lots other than those immediately adjacent to any beach or to the mean high tide line where there is no beach can be included in such an exclusion area. If the commission determines an area designated pursuant to subdivision (b) of Section 30610.3 meets that criteria, the area shall be designated as one wherein no coastal development permit from the commission shall be required for the construction of single-family residences.

(b) Prior to the commencement of construction of any single-family residence within an area designated pursuant to this section, a certificate of exemption must be obtained pursuant to Section 30610.2 and the appropriate "in-lieu" public access fee shall be paid.

Section 30610.5

Urban land areas shall, pursuant to the provisions of this section, be excluded from the permit provisions of this chapter.

(a) Upon the request of a local government, an urban land area, as specifically identified by such local government, shall, after public hearing, be excluded by the commission from the permit provisions of this chapter where both of 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 zoned and developed for such use 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; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(b) Every exclusion granted under subdivision (a) of this section and subdivision of (e) Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section 30610.

Section 30610.6

(a) The Legislature hereby finds and declares that it is in the public interest to provide by statute for the resolution of the lengthy and bitter dispute involving development of existing legal lots within the unincorporated area of Sonoma County, commonly known as the Sea Ranch. The reasons for the need to finally resolve this dispute include:

(1) Acknowledgment by the responsible regulatory agencies that development of existing lots at Sea Ranch can proceed consistent with the provisions of this division and other applicable laws provided certain conditions have been met. Development has been prevented at considerable costs to property owners because these conditions have not been met.

(2) That it has been, and continues to be, costly to Sea Ranch property owners and the public because of, among other reasons, extensive and protracted litigation, continuing administrative proceedings, and escalating construction costs.

(3) The need to provide additional public access to and along portions of the coast at the Sea Ranch in order to meet the requirements of this division. The continuation of this dispute prevents the public from enjoying the use of such access opportunities.

(4) The commission is unable to refund 118 "environmental deposits" to property owners because coastal development permit conditions have not been met.

(5) It appears likely that this lengthy dispute will continue unless the Legislature provides a solution, and the failure to resolve the dispute will be unfair to property owners and the public.

(b) The Legislature further finds and declares that because of the unique circumstances of this situation, the provisions of this section constitute the most expeditious and equitable mechanism to ensure a timely solution that is in the best property owners and that is consistent with the requirements of this division.

(c) If the Sea Ranch Association and Oceanic California, Inc. desire to take advantage of the terms of this section, they shall, not sooner than April 1, 1981, and not later than July 1, 1981, deposit into escrow deeds and other necessary documents that have been determined by the State Coastal Conservancy prior to their deposit in escrow to be legally sufficient to convey to the State Coastal Conservancy enforceable and nonexclusive public use easements free and clear of liens and encumbrances for the easements specifically described in this subdivision. Upon deposit of five hundred thousand dollars (\$500,000) into the same escrow account by the State Coastal Conservancy, but in no event later than 30 days after such deeds and other necessary documents have been deposited in the escrow account, the escrow agent shall transmit the five hundred thousand dollars (\$500,000), less the escrow, title, and administrative costs of the State Coastal Conservancy, in an amount not to exceed twenty thousand dollars (\$20,000), to the Sea Ranch Association and shall convey such deeds and other necessary documents to the State Coastal Conservancy. The conservancy shall subsequently convey such deeds and other necessary documents to an appropriate public agency that is authorized and agrees to accept such easements. The deeds specified in this subdivision shall be for the following easements:

(1) In Unit 34A, a 30-foot wide vehicle and pedestrian access easement from a point on State Highway 1, 50 feet north of a mile post marker 56.75, a day parking area for 10 vehicles, a 15-foot wide pedestrian accessway from the parking area continuing west to the bluff-top trail, and a 15-foot wide bluff-top pedestrian easement beginning at the southern boundary of Gualala Point County Park and continuing for approximately three miles in a southerly direction to the sandy beach at the northern end of Unit 28 just north of Walk-on Beach together with a 15-foot wide pedestrian easement to provide a connection to Walk-on Beach to the south.

(2) In Unit 24, a day parking area west of State Highway 1, just south of Whalebone Reach, for six vehicles, and a 15-foot wide pedestrian accessway over Sea Ranch Association common areas crossing Pacific Reach and continuing westerly to the southern portion of Shell Beach with a 15-foot wide pedestrian easement to connect with the northern portion of Shell Beach.

(3) In Unit 36, a 30-foot wide vehicle and pedestrian accessway from State Highway 1, mile post marker 53.96, a day parking area for 10 vehicles, and a 15-foot wide pedestrian accessway from the parking area to the beach at the intersection of Units 21 and 36.

(4) In Unit 17, adjacent to the intersection of Navigator's Reach and State Highway 1, 75 feet north of mile post marker 52.21, enough land to provide day parking for four vehicles and a 15-foot wide pedestrian accessway from the parking area to Pebble Beach.

(5) In Unit 8, a 30-foot wide vehicle and pedestrian accessway from State Highway 1, mile post marker 50.85, a day parking area for 10 vehicles and a 15-foot wide pedestrian accessway from the parking area to Black Point Beach.

(6) With respect to each of the beaches to which access will be provided by the easements specified in this subdivision, an easement for public use of the area between the line of mean high tide and either the toe of the adjacent bluff or the first line of vegetation, whichever is nearer to the water.

(7) Scenic view easements for those areas specified by the executive director, as provided in subdivision (d), and which easements allow for the removal of trees in order to restore and preserve scenic views from State Highway 1.

(d) The executive director of the commission shall, within 30 days after the effective date of this section, specifically identify the areas along State Highway 1 for which the scenic view easements provided for in paragraph (7) of subdivision (c) will be required. In identifying the areas for which easements for the restoration and preservation of public scenic views will be required, the executive director shall take into account the effect of tree removal so as to avoid causing erosion problems. It is the intent of the Legislature that only those areas be identified where scenic views to or along the coast are unique or particularly beautiful or spectacular and which thereby take on public importance. The restoration and preservation of the scenic view areas specified pursuant to this subdivision shall be at public expense.

(e) Within 30 days after the effective date of this section, the executive director of the commission shall specify design criteria for the height, site, and bulk of any development visible from the scenic view areas provided for in subdivision (d). Such criteria shall be enforced by the County of Sonoma if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy. Such criteria shall be reasonable so as to enable affected property owners to build single-family residences of substantially similar overall size to those which property owners who are not affected by these criteria may build or have already built under the Sea Ranch Association's building design criteria. The purpose of such criteria is to ensure that development will not substantially detract from the specified scenic view areas.

(f) On and after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, no additional public access requirements shall be imposed at the Sea Ranch pursuant to this division by any regional commission, the commission, any other state agency, or any local government. The Legislature hereby finds and declares that the provisions of the access facilities specified in this subdivision shall be deemed adequate to meet the requirements of this division.

(g) The realignment of internal roads within the Sea Ranch shall not be required by any state or local agency acting pursuant to the provisions of this division; provided, however, that appropriate easements may be required by the County of Sonoma to provide for the expansion of State Highway 1 for the development of turnout and left-turn lanes and for the location of a bicycle path, when the funds are made available for such purposes. The Legislature finds and declares that the provisions of this subdivision are adequate to meet the requirements of this division to ensure that new development at the Sea Ranch will not overburden the capacity of State Highway 1 to the detriment of recreational users.

(h) No coastal development permit shall be required pursuant to this division for the development of supplemental water supply facilities determined by the State Water Resources Control Board to be necessary to meet the needs of legally permitted development within the Sea Ranch. The commission, through its executive director, shall participate in the proceedings before the State Water Resources Control Board relating to such facilities and may recommend terms and conditions that the commission deems necessary to protect against adverse impacts on coastal zone resources. The State Water Resources Control Board shall condition any permit or other authorization for the development of such facilities so as to carry out the commission's recommendation, unless the State Water Resources Control Board determines that any such recommended terms or conditions are unreasonable. This subdivision shall become operative if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy.

(i) Within 90 days after the effective date of this section, the commission, through its executive director, shall specify criteria for septic tank construction, operation, and monitoring within the Sea Ranch to ensure protection of coastal zone resources consistent with the policies of this division. The North Coast Regional Water Quality Control Board shall review such criteria and adopt it, unless it finds such criteria or a portion thereof is unreasonable. The regional board shall be responsible for the enforcement of any such adopted criteria if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy.

(j) Within 60 days after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, the commission shall refund every Sea Ranch "environmental deposit" together with any interest earned on such deposit to the person, or his or her designee, who paid such deposit.

(k) Notwithstanding any other provision of law, on and after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, a coastal development permit shall not be required pursuant to this division for the construction of any single-family residence dwelling on any vacant, legal lot existing at the Sea Ranch on the effective date of this section. With respect to any other development for which a coastal development permit is required within legally existing lots at the Sea Ranch, no conditions may be imposed pursuant to this division that impose additional public access requirements or that relate to supplemental water supply facilities, septic tank systems, or internal road realignment.

(l) Notwithstanding any other provision of law, if on July 1, 1981, deeds and other necessary documents that are legally sufficient to convey the easements specified in subdivision (c) have not been deposited in an escrow account, the provisions of this section shall no longer be operative and shall have no force or effect and thereafter all the provisions of this division in effect prior to enactment of this section shall again be applicable to any development within the Sea Ranch.

(m) The Legislature hereby finds and declares that the provisions for the settlement of this dispute, especially with respect to public access, as set forth in this section provide an alternative to and are equivalent to the provisions set forth in Section 30610.3. The Legislature further finds that the provisions of this section are not in lieu of the permit and planning requirements of this division

but rather provide for an alternative mechanism to Section 30610.3 for the resolution of outstanding issues at the Sea Ranch.

Section 30610.8

(a) The Legislature hereby finds and declares that a dispute exists at the Hollister Ranch in Santa Barbara County with respect to the implementation of public access policies of this division and that it is in the interest of the state and the property owners at the Hollister Ranch to resolve this dispute in an expeditious manner. The Legislature further finds and declares that public access should be provided in a timely manner and that in order to achieve this goal, while permitting property owners to commence construction, the provisions of this section are necessary to promote the public's welfare.

(b) For purposes of Section 30610.3 and with respect to the Hollister Ranch public access program, the in-lieu fee shall be five thousand dollars (\$5,000) for each permit. Upon payment by the applicant for a coastal development permit of this in-lieu fee to the State Coastal Conservancy for use in implementing the public access program, the applicant may immediately commence construction if the other conditions of the coastal development permit, if any, have been met. No condition may be added to a coastal development permit that was issued prior to the effective date of this section for any development at the Hollister Ranch.

(c) It is the intent of the Legislature that the State Coastal Conservancy and the State Public Works Board utilize their authority provided under law to implement, as expeditiously as possible, the public access policies and provisions of this division at the Hollister Ranch in Santa Barbara County.

(d) Notwithstanding provision 2 of category (2) of Item 3760-490-721 of the Budget Act of 1984, all in-lieu fees received pursuant to this section shall be deposited in the State Coastal Conservancy Fund and shall be available for appropriation to the conservancy for the purposes specified in subdivision (d) of Section 5096.151.