

SEC. 12.20.2. COASTAL DEVELOPMENT PERMITS (PRIOR TO CERTIFICATION OF THE LOCAL COASTAL PROGRAM.)

(Title Amended by Ord. No. 160,524, Eff. 12/27/85; Sec. Added by Ord. No. 151,603,* Eff. 11/25/78.)

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

“(a) That the California Coastal Zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

“(b) That the permanent protection of the state’s natural and scenic resources is a paramount concern to present and future residents of the state and nation.

“(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and to prevent its deterioration and destruction.”

B. Definitions. For the purpose of this section the following words and phrases are defined:

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

“**Coastal Zone**” shall mean that land and water area within the City of Los Angeles as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such “coastal zone” extends seaward to the City’s outer limit of jurisdiction, and generally extends inland 1000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone extends inland 1000 yards.

“**Development**” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including parcel maps and private street divisions, except where any land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the California Public Resources Code).

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

“**Feasible**” shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

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

“**Permit**” means any license, certificate, approval, or other entitlement for use granted, conditionally granted, or denied by any public agency which is subject to the provisions of this section.

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

“**Sea**” shall mean the Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks,

and flood control and drainage channels.

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

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

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

All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following data:

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

2. A description and documentation of the applicant's legal interest in the property on which the Development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.)

3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.

4. A statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.

5. Any additional information as may be required by the permit granting authority.

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

Notice – Mailing. The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within one hundred feet from each boundary of the site of the proposed development. Where the hearing on the Coastal Development Permit is to be combined with a public hearing otherwise required by this Code for the proposed development, and the provisions of this Code require notification to persons beyond one hundred feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a Coastal Development Permit. Notice of such hearing shall also be sent to an occupant of all residences, including apartments within 100 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, and all other persons requesting notice.

F. Proceedings and Hearing.

1. **Time Limit – Hearing – Notice.** To the extent possible, any Permit application for a Development within the Coastal Zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code. For those projects for which no hearing would otherwise be required by law, the appropriate City agency shall notify by mail, at least ten (10) days prior to the hearing, the following:

- (a) those persons whose names appear on the list of property owners within 100 feet of the boundary of the site of the proposed development;
- (b) an occupant of all residences, including apartments, within 100 feet of the boundary of the site of the proposed development. This requirement can be met by mailing such notice to “occupant” of the subject residence.
- (c) those persons known or thought to have a particular interest in the application and
- (d) all other persons requesting notice.

At the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.

G. Determination.

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

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

2. **Conditions of Approval** – In approving an application for a permit under the provisions of this section, the city shall impose such reasonable terms and conditions as it deems necessary to assure a development that is in accordance with the provisions of the California Coastal Act of 1976 and those other criteria set forth in the preceding paragraph.

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

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

1. Where a Coastal Development Permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the Coastal Development Permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.

2. Where a Coastal Development Permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within ten days of the mailing of the decision of the permit granting authority.

3. Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise

appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within ten days of the mailing of the decision of the permit-granting authority. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

4. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 days of the filing of the appeal. Notice shall be mailed to the required parties at least ten days prior to the hearing. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

Action on any appeal shall be in writing, and if the appeal is granted, in whole or in part, such decision shall set forth wherein the permit granting authority, or the lower appeal body erred in its action on the permit under the criteria set forth in Section 12.20.2G.1.(a) through (e). If the action of any appeal body is further appealable within the City of Los Angeles' appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a Coastal Development Permit along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.

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

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

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

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

Neither an applicant nor any other aggrieved party may appeal the approval, conditional approval, or disapproval of any permit to the Regional Commission unless and until all of the City's appeal procedures for such permit have been taken, and a decision thereon has been made.

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

1. That inaccurate, erroneous or incomplete information was filed or presented in conjunction with said Permit application.
2. That names and addresses of all property owners as shown on the records of the City Engineer or of the County Assessor, were not provided within the required radius of the involved property in conformity with the requirements of this section and Code. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**
3. That the addresses of all residential occupancies within one hundred feet of each boundary of the site of the proposed development were not provided.
4. That the applicant failed to post and maintain the required notice at the project site in accordance with Subsection E of this section.

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

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

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

M. Charges For Notification. No person requesting notification of any application, hearing or decision by any permit granting

authority or any notification of hearing or decision on any appeal therefrom shall be required to bear the cost of any such notification.

N. Extensions of Permits. (Added by Ord. No. 171,424 Eff. 1/4/97.) Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and the approving authority's action becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection E. of this section.

The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection G. of this section.

If the approving authority determines that there are no changed circumstances that may affect the consistency of the project with the findings required under Subsection G. of this section, notice of the determination, including a summary of the procedures set forth in this subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.

If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.

If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection G. of this section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of Subsection F. of this section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.

The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection G. of this section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be denied.

Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subdivision 3. of Subsection G. of this section.

Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection H. of this section in the same manner as an appeal of the original permit as set forth in Subsection H.

The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection I. of this section are applicable to applications for extensions of permits.

O. Amendments To Permits. (Added by Ord. No. 171,424 Eff. 1/4/97.)

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

2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:

(a) that the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection G. of this section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted; and

(b) that the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Subsection G. of this section; and

(c) that all of the findings required by Subsection G. of this section can still be made; and

(d) that the proposed amendment will not result in any increase in the density or intensity of the project; and

(e) that the proposed amendment will not cause any adverse impact on surrounding properties.

3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by California Public Resources Code Section 30604, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection F. of this section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2. of this subsection, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.

4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subdivision 3. of Subsection G. of this section.

5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection H. of this section.

6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection I. of this section are applicable to applications for amendments to permits.