

CITY OF OCEANSIDE

COASTAL PERMIT HANDBOOK

Local Coastal Program

Approved by City Council  
Ordinance No. 85-11  
Adopted: May 8, 1985

STAFF MANUAL

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## I. INTRODUCTION

The City of Oceanside Local Coastal Program includes the entire geographic area called the "Coastal Zone". The Coastal Zone boundary, which is established in the Coastal Act, is depicted on the City of Oceanside Post LCP Certification Map on file in the Planning Division.

Under the Local Coastal Program, all projects in the Coastal Zone are divided into five categories:

- A. Exempt projects;
- B. Categorically excluded projects;
- C. Projects requiring an Administrative Coastal Permit from the City of Oceanside;
- D. Projects requiring a Regular Coastal Permit from the City of Oceanside;
- E. Projects requiring a Coastal Permit from the California Coastal Commission.

This manual describes "how to" process a Coastal Permit application. The basic steps involved in the process are:

- 1. Determining if a Coastal Permit is required;
- 2. Determining the type of Coastal Permit required;
- 3. Noticing a pending decision;
- 4. Acting on a Coastal Permit (making findings, setting conditions);
- 5. Noticing a final action.

This manual has been developed to help implement the Local Coastal Program. A flow chart has been devised in an effort to simplify the permit procedure. Regular Coastal Permit applications, Administrative Coastal Permit applications, and notice forms are included in the Appendices.

**II. PERMIT PROCESSING OVERVIEW**

Determination of Permit Category

A	B	C	D	E
<u>Exempt</u>	<u>Categorically Excluded</u>	Administrative Coastal Permit	Regular Coastal Permit	OCC Permit (Original Permit Jurisdiction)
<b>NO FURTHER ACTION REQUIRED</b>	Fill out log Send form to OCC <b>NO FURTHER ACTION REQUIRED</b>	Determine completeness of application including compliance with Coastal Using. reqmts.	Determine completeness of application including compliance with Coastal Using. reqmts.	Notify OCC. Applicant applies to OCC for Coastal Permit. Determine completeness of application.
		Mail notice within 10 days after accepting application.	Mail notice 10 days prior to PC hearing	Send through City Planning Process for Advisory recommendation.
		Allow 10 days for public comment.	Planning Commission Hearing	
		Decision by City Planner	If: 1) Decision accepted then Council approval not needed; and, 2) Not in original permit jurisdiction, then, <b>NO FURTHER ACTION.</b>	Final decision from Coastal Commission.
		If accepted: <b>NO FURTHER ACTION</b>		
		If appealed: 10 days Set PC hearing.	If appealed within 20 days, CC hears appeal and determines final Action.	
		If PC decision appealed within 10 days,	If CC decision accepted and project not in original permit jurisdiction, <b>NO FURTHER ACTION</b>	
		City Council hearing		
		Final Action: Notice of permit issuance sent to OCC and other interested parties.	If CC decision not accepted and project in appealable area, may be appealed to OCC within 10 days	If project is in Original Permit Jurisdiction

### III. PROJECT PERMIT CATEGORY DETERMINATION

All projects within the Coastal Zone will fall into one of the following five categories (A through E):

#### A. Exempt Projects:

The following projects are exempt from the requirements of a Regular or Administrative Coastal Permit:

1. Repair and Maintenance of Seawalls or similar shoreline work pursuant to Sections 19.B.21 (b) of the Seawall Ordinance. (See attached)
2. Maintenance Dredging of Existing Navigation Channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
3. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structures shall:
  - a. Conform to applicable existing zoning requirements;
  - b. Be the same use as the destroyed structure;
  - c. Not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and
  - d. Shall be sited in the same location on the affected property as the destroyed structure.

NOTE: "Natural Disaster" as used in this section means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

"Bulk" as used in this section means total interior cubic volume as measured from the exterior surface of the structure.

4. Improvements and additions to existing structures and buildings except where:
  - a. The structure or improvement would encroach within 50 feet of the edge of the coastal bluff; and
  - b. Where the improvement or addition is located within the appeal area as shown on the City of Oceanside Post LCP Certification Map on file in the Planning Division.

The following exclusions are allowed (except as provided for in subsections (a) and (b) above:

- a. All appurtenances and other structures, including decks, directly attached to the structure;
  - b. For residential uses, structures on the property normally associated with residences, such as garages, swimming pools, fences and storage sheds; but not including guest houses or self-contained residential units. NOTE: "Guest House" as used in this section shall mean any accessory structure having a floor area of more than 400 square feet, or any accessory structure which contains plumbing;
  - c. Landscaping on the lot;
  - d. Additions resulting in an increase of less than 10% of the internal floor area of an existing structure.
5. Tentative subdivision or tentative parcel maps brought about in conformance with the purchase or annexation of land by a public agency for recreational purposes which are consistent with Sections 30106 of the Coastal Act of 1976.
  6. Repair and maintenance activities other than the repair and maintenance of seawalls or other shore protection structures that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities.
  7. Activities of public utilities as specified in the Repair, Maintenance and Utility Hook-Up Exclusion adopted by the Coastal Commission on September 5, 1978. See Division 20, Chapter 7, Section 30610 (f) of the Public Resources Code.
  8. Issuance of business licenses.
  9. Approval of leases and subleases.

**IF A PROJECT IS EXEMPT, NO FURTHER COASTAL PERMIT PROCESSING IS REQUIRED.**

**B. Categorically Excluded Projects:**

The following is a list of categorical exclusions:

- a. Single family residences that are not part of a subdivision, variance or any other discretionary approval and not located within 50 feet of the edge of a coastal bluff.
- b. Sign permits.

ONCE A PROJECT HAS BEEN DETERMINED TO BE CATEGORICALLY EXCLUDED, THE FOLLOWING STEPS MUST BE TAKEN:

1. Enter the applicant's name, project description and location, and the date of determination on the Categorical Exclusion Log.
2. Fill out a categorical exclusion form. (See Appendix 5)
3. Have the applicant sign the categorical exclusion form.
4. Send a copy of the exclusion form to the Coastal Commission.

**C. Administrative Coastal Permit Projects:**

All projects located in the Coastal Zone, which are not exempt, categorically excluded or subject to the California Coastal Commission approval (original permit jurisdiction area) will require a coastal permit from the City of Oceanside. An administrative coastal permit may be granted by the City Planner when the City's Zoning Ordinance or other City code does not require a public hearing or other discretionary action by any board, commission, or if the project is "not appealable" to the California Coastal Commission. Examples include:

- a. Building permits for projects located outside of the appealable area; single family dwellings - exempt.
- b. Demolition permits for all residential, motel/hotel and RV space demolitions.
- c. 2 units (duplex). A fee of \$25 shall be paid at the time of application.

D. Projects Requiring a Regular Coastal Permit:

1. Public hearings will be required for Coastal Permits when the City Zoning Ordinance requires a hearing or discretionary action for the project such as:

Variances  
Conditional Use Permits  
Development Plans  
Specific Plans

Shoreline Structures  
Zone Changes  
General Plan Amendments  
Tentative Maps  
Harbor Permits

2. The project is defined as appealable on the Post LCP Certification Map.

ADMINISTRATIVE AND REGULAR COASTAL PERMITS SHALL BE PROCESSED CONCURRENTLY WITH ALL OTHER REQUIRED CITY PERMITS. AN ADDENDUM APPLICATION (BLUE) WILL BE REQUIRED TO BE SUBMITTED BY THE APPLICANT AND A FEE OF \$50.

E. California Coastal Commission Permit Projects:

City staff must determine whether the project is within the following areas, as indicated on the Post-LCP Certification Map:

Areas of "Original Permit Jurisdiction"

tidelands  
submerged lands  
public trust lands

If a project is located in any areas indicated above, the applicant must apply for a Coastal Permit at the:

California Coastal Commission  
San Diego District Office  
1333 Camino del Rio South, Suite 125  
San Diego, CA 92108-3520  
TEL: (619) 297-9740

If the project requires any type of approval from the City of Oceanside, the City will require that local processing be completed prior to a City advisory recommendation being provided to the Coastal Commission.

#### IV. NOTICING REQUIREMENTS

##### A. Administrative Permit:

Developments within the City's Coastal Zone which do not require a public hearing under the City's Zoning Ordinance shall be noticed as follows:

1. Within 10 calendar days of accepting an application for an administrative coastal permit, the City shall provide notice, by first class mail, of the pending development decision. This notice shall be provided to:
  - a. All property owners and tenants within 100 feet of the perimeter of the parcel on which the development is proposed. Property ownership and tenant mailing labels are to be provided by the applicant.
  - b. All persons who have requested to be on the mailing list for that development.
  - c. The Coastal Commission.
2. The notice shall contain the following information:
  - a. A statement that the development is within the Coastal Zone;
  - b. The date of filing of the application and the name of the applicant;
  - c. The number assigned to the application;
  - d. A description of the development and its proposed location;
  - e. The date the application will be acted upon by the City Planner;
  - f. The general procedures of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
  - g. A statement that a public comment period of 10 calendar days will be set to allow for the submission of comments by mail prior to the local decision. The 10 day comment period will commence on the date of the notice.

**B. Regular Coastal Permit:**

All Regular Coastal Permits to be processed by the City of Oceanside shall be noticed as follows:

1. Mail notices by first class mail at least 10 calendar days prior to hearing to the following people:
  - a. All property owners within 300 feet of project boundary and all tenants (including renters) within 100 feet of the project boundary. Property ownership and tenant mailing labels are to be provided by the applicant.
  - b. All interested groups and individuals which have requested notice.
  - c. California Coastal Commission.
2. Ten calendar days prior to the hearing date, publish a notice at least once in a newspaper of general circulation in the City.
3. If a project is continued to an unspecified date or time, re-noticing shall occur as in (1) above.
4. First-class mail notices shall contain the following information (as shown in the sample notice form, Appendix 3).
  - a. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a coastal project permit;
  - b. The date of filing of the application and the name of the applicant;
  - c. The number assigned to the application;
  - d. A description of the development and its proposed location;
  - e. The date, time and place at which the application will be heard by the local governing body;

- f. A brief description of the general procedures of the local government concerning the conduct of hearing and local actions; including advisement that persons wishing to be heard on such matter may attend and be heard;
- g. The system for City and Coastal Commission appeals, including any City fees required.

**V. ACTION ON PROJECTS**

**A. Required Findings:**

The following findings must be made before coastal permits are granted:

1. That the project conforms to the Local Coastal Plan, including the policies of that Plan; and
2. That all development within the appeal area conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. (See attached)

**B. Notice of Final Action - (See Appendix 4)**

Within 7 calendar days following a project decision, a notice shall be mailed to:

1. The California Coastal Commission;
2. Any person who requested notice and provided a self-addressed, stamped envelope or other mailing fee;
3. Applicant.

The notice shall include:

1. Conditions of approval;
2. Written findings;
3. Procedures for appeal to the California Coastal Commission.

C. Effective Date of Final Action:

The local government's final decision on an application located within the appeal area shall become effective after a 10 working day appeal period to the Coastal Commission has expired. This 10 working day appeal period commences from the local effective date. Final local action is deemed effective unless any of the following occurs:

1. An appeal is filed in accordance with the California Coastal Commission's appeal procedures. (See Section VI (E) following).
2. The notice of final local government action does not meet the requirements of Section 13571, Article 17, Local Coastal Program Implementation Regulations. (Section V, Action on Projects).

D. Notice of Failure to Act:

1. Notification by Applicant: If a local government fails to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed (pursuant to Government Code Section stated above) shall notify, in writing, the local government and the Coastal Commission of his/her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
2. Notification by Local Government: When a local government determines that the time limits established pursuant to Government Code Section 65950-65957.1 have expired, the local government shall, within 7 calendar days of such determination, notify the person entitled to receive a notice pursuant to Section 13571 (a) of Article 17, Local Coastal Program Implementation Regulations that it has taken final action by operation of law pursuant to Government Code Section 65950-65957.1. The Coastal Commission's appeal period for projects approved by operation of law shall begin to run only upon the receipt of the local government notice in the Commission office.

If any of the circumstances of 1-2 above occur, the Coastal Commission shall, within 5 calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

**E. Expiration Date and Extensions:**

The issuance of coastal permits is subject to the provisions of the California Environmental Quality Act (CEQA). In most cases, the required environmental review will be completed as part of the regular City process. For example, for all regular coastal permits in conjunction with Conditional Use Permits, Variances, Zone Changes, Tentative Maps, etc., environmental review will be completed as part of the regular City permit process. Where a project requires a coastal permit but no other City approval, environmental review will be completed as part of the coastal permit process. The regular rules and regulations pertaining to Categorical Exclusions, Negative Declarations, and Environmental Impact Reports will apply in the Coastal Zone.

**VI. APPEALS**

**A. Determination of Permit Category Appeal:**

The City Planner makes a determination as to what type of permit is applicable to the proposed development (i.e., categorically excluded, Administrative Coastal Permit or Regular Coastal Permit) and informs the applicant of the notice and hearing requirements for that particular permit procedure.

If the determination of the City Planner is challenged by the applicant or an interested person, or if the City Planner wishes to have a Coastal Commission determination as to the appropriate designation, the City Planner shall notify the Coastal Commission by telephone of the dispute/question and shall request a Coastal Commission Executive Director's opinion.

The Coastal Commission Executive Director shall, within two working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit a determination as to whether the development is categorically excluded, Administrative, or Regular Coastal Permit category.

Where, after the Coastal Commission Executive Director's investigation, the Executive Director's determination is not in accordance with the City Planner's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate permit category for the proposed project. The Coastal Commission shall schedule the hearing on the determination for the next Commission meeting, in the appropriate geographic region of the State, following the City's request.

**B. California Coastal Commission Appeals:**

The following appeal procedure to the California Coastal Commission shall apply to all projects within the appealable areas of the City's Coastal Zone, as delineated on the City's Post LCP Certification Permit and Appeal Jurisdiction Map on file in the Planning Division.

1. An appeal of the City's decision on a Regular Coastal Permit may be filed by:
  - a. Any applicant or aggrieved person who has exhausted local appeals pursuant to Section E below; or
  - b. Any two members of the California Coastal Commission.

The appeal must contain the following information:

- (1) The name and address of the permit applicant and appellant;
- (2) The date of the local government action;
- (3) A description of the development;
- (4) The name of the governing body having jurisdiction over the project area;
- (5) The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;
- (6) The names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;
- (7) The specific grounds for appeal;

- (8) A statement of facts upon which the appeal is based;
- (9) A summary of the substantial issues raised by the appeal.

The appeal must be received in the California Coastal Commission Office on or before the tenth (10th) working day after receipt of the Notice of Permit Issuance by the Executive Director of the California Coastal Commission. The appellant shall notify the applicant, any persons known to be interested in the application, and the local government of the filing of the appeal. The filing of the notice of appeal should also contain the information which the City has specifically requested or required. Notification shall be by delivering a copy of the completed Notice of Appeal to the domicile(s), office(s), or mailing address(es) of said parties. In the event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the California Coastal Commission.

2. Upon receipt of a Notice of Appeal the City shall refrain from issuing a Regular Coastal Permit for the proposed development and shall, within five (5) working days, deliver to the Executive Director of the California Coastal Commission all relevant documents and materials used by the City in its consideration of the coastal permit application. If the California Coastal Commission fails to receive the documents and materials, the California Coastal Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.
3.
  - a. The grounds of appeal for any development appealable under Public Resources Code Section 30603 (a) (1), shall be limited to the following:
    - (1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
    - (2) The development fails to protect public views from any public road or from a recreation area to, and along, the coast.

- (3) The development is not compatible with the established physical scale of the area.
  - (4) The development may significantly alter the existing natural landforms.
  - (5) The development does not comply with shoreline erosion and geologic setback requirements.
- b. The grounds for appeal of any development appealable under Sections (2), (3) and (4) of the definition of "appealable area" (see Appendix 1) shall be limited to whether development is in conformity with the certified local coastal program. (This Section shall not apply to public works plans which are governed by regulations, Title 14, California Administrative Code Sections 13350-13361).
  - c. The grounds of appeal for a development 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 line of the sea where there is no beach, whichever is the greater distance (as designated on the Post Local Coastal Plan Certification Permit and Appeal Jurisdiction Map), which is appealable under Public Resources Code Section 30604 (c) shall include a statement of whether the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act and/or how the development is or is not in conformity with the certified local coastal program.
4. Where the appellant has exhausted the City's appeals procedures pursuant to Section E of this Section a de novo review (re-review) of the project by the Commission shall occur only after the City's decision has become final.
  5. Unless the California Coastal Commission finds that the appeal raises no significant issue as to conformity with the certified local coastal program or, in the case of a permit application for a development 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 line of the sea where there is no beach, and that there is no significant question with regards to the public access and public recreation policies of Chapter 3 of the Coastal Act, the Commission

shall consider the application de novo in accordance with the procedures set forth in Sections 13057-13096 of the C.C. Regulations.

6. The standard of review for an appealable development shall be whether the development meets the requirements of Public Resources Code 30604 (b) and (c).
7. Within ten (10) working days of a final California Coastal Commission action on an appeal from a local government decision, the California Coastal Commission shall transmit notice of action taken by the local government to the applicant and the appellant.

C. Administrative Coastal Permit Appeal:

A decision on an Administrative Coastal Permit application may be appealed by the applicant or aggrieved person within 10 days to the Planning Commission, or if the project is located in the Redevelopment Area, to the Community Development Commission.

The Planning Commission's decision may be appealed within 20 days to the City Council as per the City's Zoning Ordinance.

Administrative Permit decisions are not appealable to the California Coastal Commission since they are not located within the "appealable area".

D. Regular Coastal Permit Appeal:

The Planning Commission's decision on a Regular Coastal Permit may be appealed by the applicant or aggrieved person within 20 days to the City Council as per City Zoning Ordinance, or if the project is located in the Redevelopment Area, to the Community Development Commission.

E. Exhaustion of Local Appeals:

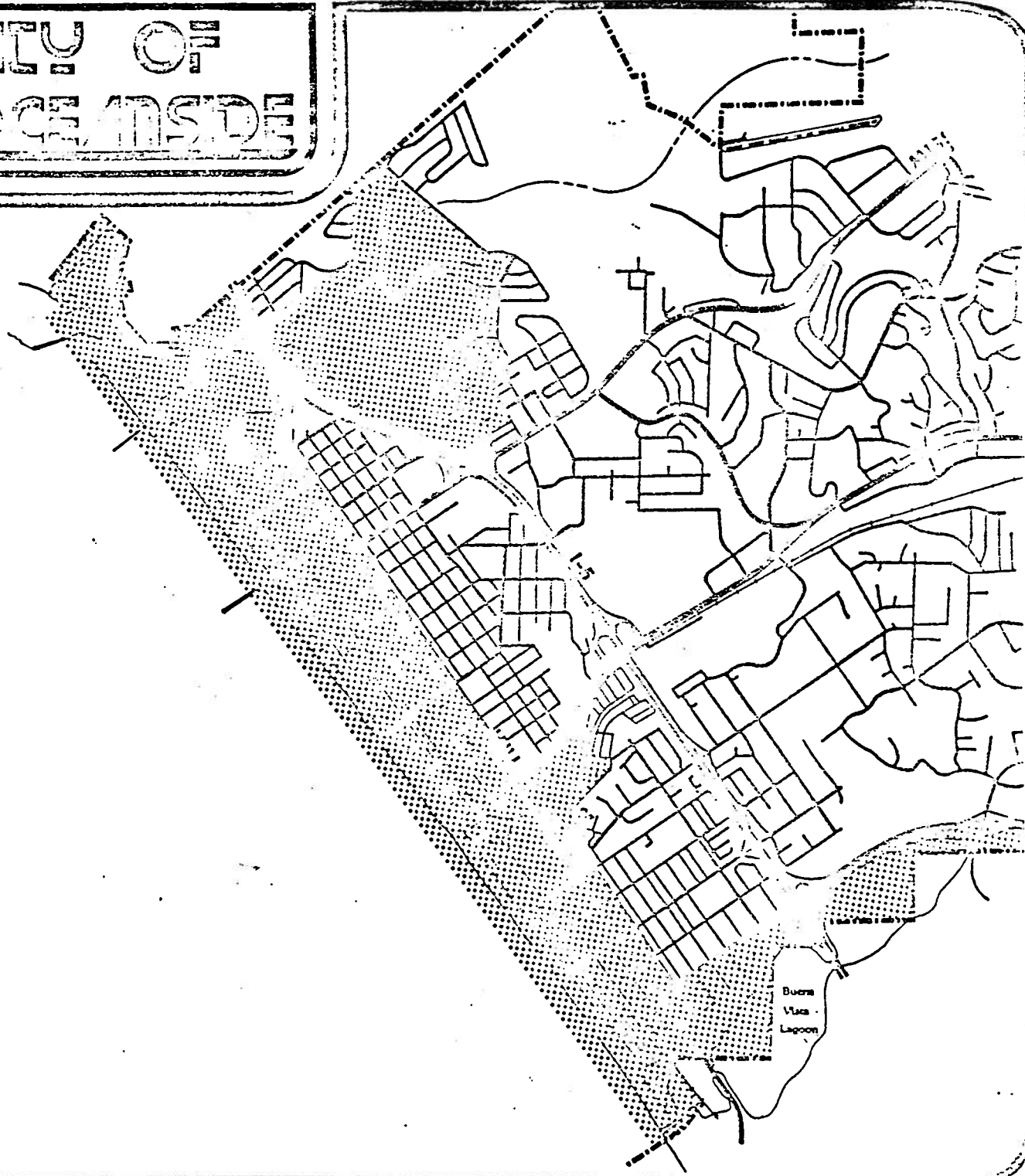
An appellant for a Regular Coastal Permit shall be deemed to have exhausted local appeals (for purposes of the California Coastal Commission Local Coastal Program Regulations, Chapter 14 of the California Administrative Code) and shall qualify as an aggrieved person when the appellant has pursued his or her appeal to the City as required by the City appeal procedures.

Where a project is appealed by any two members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. The notice of commissioner appeal shall be transmitted to the City Council and the appeal to the Coastal Commission may be suspended pending a decision on the merits on the appeal by the local appellate body. If the decision of the total appellate body modifies or reverses the previous decision, the Coastal Commission shall be required to file a new appeal from that decision.

F. Right to Direct Appeal to California Coastal Commission:

If the City of Oceanside determines to charge a fee for any appeal pursuant to Sections A, B, and C above, the appeal may be made directly to the California Coastal Commission, consistent with Administrative Regulations Section 13572 (a) (4).

CITY OF  
OCEANSIDE



North

Scale

COASTAL ZONE : LOCAL COASTAL PROGRAM BOUNDARY

## APPENDIX I

### DEFINITIONS

#### AGGRIEVED PERSON (Public Resources Code 30801)

An "Aggrieved Person" means any person who, in person or through a representative, appears at a public hearing or who, by other appropriate means prior to a hearing, informed the local government of the nature of his/her concerns or who for good cause was unable to do either.

#### APPEALABLE AREA (or Projects)

- (1) Developments approved by the local government 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 line of the sea where there is no beach, whichever is the greatest distance.
- (2) Developments approved by the local governments not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.
- (4) Any development which constitutes a major public works project or a major energy facility.

A major public works project or major energy facility as used in Public Resources Code Section 30603 (a) (5) and these regulations shall mean any proposed public works project, as defined by Section 13012 of the Coastal Commission Regulations, (Title 14, California Administrative Code, Division 5.5) or energy facility, as defined by Public Resources Code Section 30107 and exceeding an established cost of construction, as determined by the California Coastal Commission.

## COASTAL BLUFF

A scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, or excavation of land mass. The cliff or bluff may be simple planar or curved surface, or it may be step-like in section. For purposes of this manual, "cliff" is limited to those features having vertical relief of 10 feet or more.

## CATEGORICAL EXCLUSIONS

Those projects, which pursuant to California Public Resources Code Section 30610 (e) and implementing regulations, are designated as categorically excluded from the requirements of a coastal permit.

## COASTAL-RELATED DEVELOPMENT

Means any use that is dependent on a coastal-dependent development or use.

## COASTAL DEVELOPMENT PERMIT

Means either a Regular or Administrative Permit for any development within the Coastal Zone that is required pursuant to Article 21 of the City of Oceanside Zoning Ordinance.

## COASTAL POLICY CHECKLIST

Means a form prepared and completed by the Planning Division as a guide for reviewing a Coastal Development Permit application for conformance with the Coastal Land Use Plan. It shall list appropriate application information, all coastal land use policies, those policies with which the application does not comply and recommended conditions, if any, necessary to bring the application into compliance.

## DEVELOPMENT

"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 or any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the 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 alteration of the size of any structure, including any facility of any private, public, or municipal utility. 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.

ENERGY FACILITY

Means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

FEASIBLE

Means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

FILL

Means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

LAND USE PLAN

Means the relevant portions of the City's General Plan, or Local Coastal Plan which are sufficiently detailed to indicate the kinds, intensity, and location of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

LOCAL COASTAL PROGRAM

Means the City's (a) land use plan; (b) zoning ordinance, (c) zoning district maps, and other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the 1976 Coastal Act.

PERSON

Means any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or any agency thereof.

PUBLIC WORKS

- (a) All production, storage, transmission, and recovery facilities for water, sewage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities

and stations, bridges, trolley wires, and other related facilities.

- (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by special district.

#### PUBLIC TRUST LANDS

Public Trust Lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time.

#### SUBMERGED LANDS

Submerged Lands shall be defined as lands which lie below the line of mean low tide.

#### TIDELANDS

Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.

ACCEPTED BY

PLEASE PRINT OR TYPE ALL INFORMATION

HEARING

PART I - APPLICANT INFORMATION

1. NAME	2. STATUS
3. ADDRESS	4. PHONE
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING)	
6. ADDRESS	7. PHONE

VAR.	
C.U.P.	
DEV. PL.	
SP. PL.	
ZONE CH.	
G.P.A.	
PAR. MAP	
TENT. MAP	
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION	9. SIZE		
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PAR. NO.

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION				
15. PROPOSED GEN. PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. # UNITS	19. DENSITY
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPING	23. % LOT COVERAGE	

PART IV - ATTACHMENTS

ALL APPLICATIONS

DEV. PLANS, CUP'S & TENT. MAPS

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	30. FLOOR PLANS & ELEVATIONS
26. 100 FT. RADIUS MAP	27. PROPERTY OWNERS' LIST	31. CONSTRUCTION SCHEDULE
28. ENVIRONMENTAL ASSESSMENT	29. PLOT PLANS	32. OTHER

PART V - SIGNATURES

33. APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.		35. SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY.)	
34. APPLICANT OR REPRESENTATIVE	34. DATE		
36. I AM UNDER PENALTY OF PERJURY THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		37. OWNER	38. DATE
		39. OWNER	40. DATE
41. APPLICANT	36. DATE	41. OWNER	42. DATE

CITY OF OCEANSIDE PLANNING DIVISION  
ADMINISTRATIVE COASTAL PERMIT APPLICATION

TYPE or PRINT LEGIBLY

Name of owner of subject property \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_

Please furnish the following information that is pertinent to your proposed project: (1) plot plan (2) floor plans and elevations (3) construction schedule (4) any other information you feel is needed to evaluate the design of your project (5) 1 set of mailing labels for all property owners and residents within 100 feet of the perimeter of the project.

Name of applicant for proposed project \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_

Name of person preparing this form \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_

Proposed Project Title \_\_\_\_\_  
( ) Public ( ) Private

Street Address of Proposed Project \_\_\_\_\_

Property Location is on N. S. E. W. (circle one) side of \_\_\_\_\_  
between \_\_\_\_\_ and \_\_\_\_\_

Brief Legal Description of Property \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Assessor's Parcel No. \_\_\_\_\_

General Plan Designation \_\_\_\_\_

Briefly describe the project. Give information specifically detailing the needed authorizations checked below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

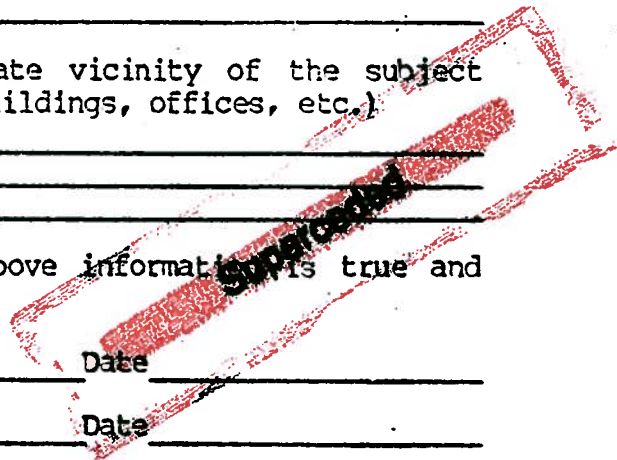
Describe the uses of the land in the immediate vicinity of the subject property (for example: vacant land, apartment buildings, offices, etc.)

\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_



APPLICATION NO. \_\_\_\_\_  
STAFF USE ONLY  
FEE: \$50.00

CITY OF OCEANSIDE  
PLANNING DIVISION

ADDENDUM TO CITY-WIDE APPLICATION FOR  
REGULAR COASTAL PERMITS

The following addendum is to be filed on any project or demolition of sound building located within the City's Coastal Zone. All coastal projects and demolitions must be in compliance with all applicable policies adopted in the City's Coastal Land Use Plan.

Please answer ALL questions. Where questions do not apply to your project, indicate "Not Applicable" or "N.A."

---

1. If residential, state:

- 1) number of units \_\_\_\_\_
- 2) number of bedrooms per unit \_\_\_\_\_
- 3) type of ownership proposed: ( ) rental  
( ) condominium  
( ) stock cooperative  
( ) time share  
( ) other

2. If land division, number of lots to be created and size:

---

---

3. Present use of property

a) Are there existing structures on the property?

( ) Yes ( ) No

If yes, describe (including number of residential units, occupancy status, monthly rental/lease rates for each unit for residential projects only. If there are existing motel/hotel/visitor accommodations on the property, please describe.

---

---

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b) Will any existing structure be demolished? ( ) Yes ( ) No

b) Will any existing structure be demolished? ( ) Yes ( ) No

Will any existing structures be removed? ( ) Yes ( ) No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

4. Estimated cost of development: Land \_\_\_\_\_ Improvements \_\_\_\_\_

5. Has any application for a development on this site been submitted previously to the California Coastal Commission?  
( ) Yes ( ) No

If yes, state previous application number \_\_\_\_\_

6. Project height: Maximum height of structure \_\_\_\_\_ ft.  
Maximum height of structure as measured from centerline of frontage road \_\_\_\_\_ ft.

7. Total number of floors in structure, including subterranean floors, lofts, and mezzanines \_\_\_\_\_

8. Gross floor area including covered parking and accessory buildings \_\_\_\_\_ sq. ft.

Gross floor area excluding parking \_\_\_\_\_ sq. ft.

9. Lot area (within property lines) \_\_\_\_\_ sq. ft. or acres

<u>Lot Coverages</u>	<u>Existing</u>	<u>New Proposed</u>	<u>Total</u>
Building coverage	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
Paved area	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
Landscaped area	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.
Unimproved area	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

10. Parking: number of existing spaces \_\_\_\_\_  
number of new spaces proposed \_\_\_\_\_  
TOTAL \_\_\_\_\_  
number of covered spaces \_\_\_\_\_  
number of uncovered spaces \_\_\_\_\_  
number of standard spaces \_\_\_\_\_ size \_\_\_\_\_  
number of compact spaces \_\_\_\_\_ size \_\_\_\_\_  
Is tandem parking existing and/or proposed ( ) Yes ( ) No  
If yes, how many tandem sites? \_\_\_\_\_ size \_\_\_\_\_



4. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? ( ) Yes ( ) No

For projects on State-owned lands, additional information may be required. Consult the staff representative in the Planning Division.

5. Will the development project existing lower-cost visitor and recreation facilities? ( ) Yes ( ) No

Will the development provide public or private recreational opportunities? ( ) Yes ( ) No

If yes, explain \_\_\_\_\_

6. Is the proposed development in or near:

a) a sensitive habitat area ( ) Yes ( ) No (biological survey may be required)

b) a 100-year floodplain ( ) Yes ( ) No (hydrologic mapping may be required)

c) a park or recreation area ( ) Yes ( ) No

7. Is the proposed development visible from:

a) any park, beach, or recreation area ( ) Yes ( ) No

b) harbor area ( ) Yes ( ) No

8. Does the site contain any:

a) historic resources ( ) Yes ( ) No

b) archaeological resources ( ) Yes ( ) No

c) paleontological resources ( ) Yes ( ) No

If yes to any of the above, please explain on an attached sheet.

9. Would the project in any way alter or divert a stream bed or drainage course?

If yes, please describe on a separate sheet of paper.

Under certain circumstances, additional material may be required prior to issuance of a Coastal Development Permit. For example, preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements may be required prior to issuance of the permit; and on the beachfront a wave-action report will be required.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent or Applicant

APPENDIX 3  
NOTICE FORMS

Administrative Coastal Permit  
Identification No. \_\_\_\_\_

PUBLIC NOTICE -- COASTAL PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Division received an application for a Coastal Permit from

\_\_\_\_\_ on \_\_\_\_\_.

The application is described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The property is located within the Coastal Zone, as defined by the Coastal Act of 1976. The address of the property is \_\_\_\_\_ Assessor's Parcel No. \_\_\_\_\_.

Pursuant to the City of Oceanside Zoning Ordinance, the City Planner has determined that no formal public hearing will be required on this application. This application will be processed as an Administrative Coastal Permit. A decision will be reached by the City Planner on \_\_\_\_\_.

If you have any questions or comments regarding this matter, or want to be notified of the decision, please contact \_\_\_\_\_ at the City of Oceanside Planning Division, 439-7272, stating you have a question or change with regards to Administrative Coastal Permit No. \_\_\_\_\_.

If you disagree with the decision of the City Planner regarding the outcome of this application, you may appeal the decision to the Planning Commission. The appeal, accompanied by a \$25.00 filing fee, must be filed in the Planning Division, 320 North Horne Street, Oceanside, CA 92054 no later than 4:30 p.m. on \_\_\_\_\_ (five calendar days from the date of action).

This project is not "appealable" to the California Coastal Commission under Section 30603 (a) of the California Public Resources Code.

**Superseded**

Date: \_\_\_\_\_

Public Hearing Coastal Permit  
Identification No. \_\_\_\_\_

NOTICE OF PUBLIC HEARING  
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of \_\_\_\_\_.  
This application was received on \_\_\_\_\_.  
The application is described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

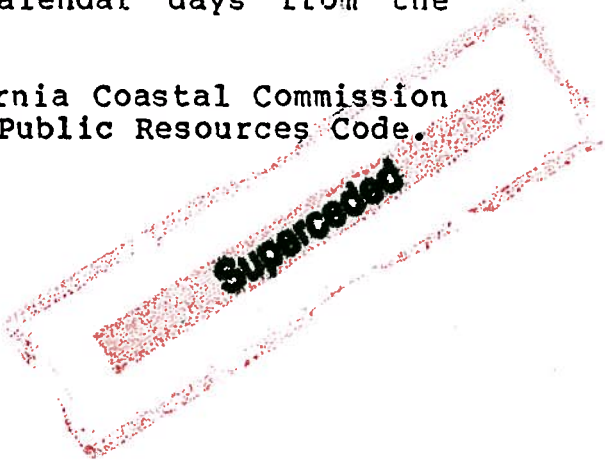
The property is located within the Coastal Zone as defined by the Coastal Act of 1976. The address of the property is \_\_\_\_\_ Assessor's Parcel No. \_\_\_\_\_.

Said hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ P. M. in the \_\_\_\_\_ Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at 439-7272 after \_\_\_\_\_ to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact \_\_\_\_\_ at (619) 439-7272, City of Oceanside Planning Division.

If you disagree with the decision of the Planning Commission regarding the outcome of this application, you may appeal the decision to the City Council. The appeal, accompanied by a \$25.00 filing fee, must be filed in the City Clerk's Office, 704 Third Street, Oceanside, California, no later than 4:30 P. M. on \_\_\_\_\_ (five calendar days from the date of action).

The project is "appealable" to the California Coastal Commission under Section 30603 (a) of the California Public Resources Code.



APPENDIX 4

NOTICE OF FINAL ACTION

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT  
NOTICE OF ACTION

DATE: \_\_\_\_\_

RE: Coastal Permit No. \_\_\_\_\_  
Assessor's Parcel No. \_\_\_\_\_

This is to inform you that on \_\_\_\_\_,  
the City Planner (APPROVED/DENIED) your application for Coastal  
Permit based on the following findings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Coastal Permit is subject to the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Coastal Permit expires one year from the date of approval  
unless a different expiration date is stipulated, or unless prior  
to the expiration date, the applicant applies for an extension  
and the City Planner approves such extension.

Appeal to the Planning Commission of this decision or any part of  
it may be made in writing, accompanied by a \$25.00 filing fee not  
later than \_\_\_\_\_ (five calendar days from date of  
action).

Sincerely,

\_\_\_\_\_



APPENDIX 5

NOTICE OF EXCLUSION

COASTAL PERMIT  
NOTICE OF EXCLUSION

On \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_  
(Date) (Applicant)

applied for a permit to \_\_\_\_\_  
(Project Description)

at \_\_\_\_\_, Application No. \_\_\_\_\_  
(Project Address)

in the City of Oceanside. This application is for a development that excluded from the Coastal Development Permit requirements under a Categorical Exclusion, adopted by the California Coastal Commission on \_\_\_\_\_.

(List out categorical exclusions approved by Coastal Commission when available.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore, the City of Oceanside Planning Division certifies that this development meets the requirements of Public Resources Code Section 30610 (e) and is thereby exempt from the Coastal Development Permit requirements of the Coastal Act of 1976.

Certified by:

\_\_\_\_\_ on \_\_\_\_\_  
(Planner's Signature) (Date)

\_\_\_\_\_  
(Planner's Printed Name)

\_\_\_\_\_ \_\_\_\_\_  
(Applicant's Signature) (Date)

Within five calendar days, the City of Oceanside shall send a copy of this notice to: California Coastal Commission.

APPENDIX 6

COASTAL POLICY CHECKLIST

COASTAL LAND USE PLAN POLICIES

This is an informational summary of findings and policies of the Land Use Plan requirements for development in Oceanside's Coastal Zone. It is intended to be utilized as a guide for staff's review and as a tool for the applicant in preparing an application for submittal to the City. Please use the Summary of Findings and Policies for the Coastal Land Use Plan as the major reference guide.

APPENDIX 7

CHAPTER 3 - COASTAL ACT

ARTICLE 1

GENERAL

Section 30200.

(a) Consistent with the coastal zone values cited in Section 30001 and the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

(Amended by Ch. 43, Stats. 1982.)

ARTICLE 2

PUBLIC ACCESS

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the regional commission or the commission determines that such

activity will have an adverse impact on lateral public access along the beach.

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

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1979.)

#### Section 30212.5.

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

#### Section 30213.

~~Lower cost visitor and recreational facilities and housing opportunities for persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (e) of Section 65302 of the Government Code.~~

Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate-income persons for the purpose of determining

eligibility for overnight room rentals in any such facilities.

(Amended by Ch. 1191, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 1007, Stats. 1981.)

Section 30214.

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private

organizations which would minimize management costs and encourage the use of volunteer programs.

(Amended by Ch. 919, Stats. 1979.)

### ARTICLE 3

### RECREATION

#### Section 30220.

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

#### Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

(Amended by Ch. 380, Stats. 1978.)

#### Section 30222.

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

#### Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

#### Section 30224.

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching

facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

#### ARTICLE 4

#### MARINE ENVIRONMENT

##### Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

##### Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

##### Section 30232.

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup

facilities and procedures shall be provided for accidental spills that do occur.

Section 30233.

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

(Amended by Ch. 673, Stats. 1978.)  
(Amended by Ch. 43, Stats. 1982.)

Section 30234.

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosions and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30236.

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

ARTICLE 5

LAND RESOURCES

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat

values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30241.

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses ~~and~~ or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

~~(c)~~ (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

~~(d)~~ (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

~~(e)~~ (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), ~~of this section~~ and all

development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

(Amended by Ch. 1066, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

Section 30242.

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30243.

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Section 30244.

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

ARTICLE 6

DEVELOPMENT

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or

cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

#### Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

#### Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the

recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253.

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254.

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public

services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30255.

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

(Amended by Ch. 1090, Stats. 1979.)

ARTICLE 7

INDUSTRIAL DEVELOPMENT

Section 30260.

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Section 30261.

(a) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals

outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(b) Because of the unique problems involved in the importation, transportation, and handling of liquefied natural gas, the location of terminal facilities therefore shall be determined solely and exclusively as provided in Chapter 10 (commencing with Section 5550) of Division 2 of the Public Utilities Code and the provisions of this division shall not apply unless expressly provided in such Chapter 10.

(Amended by Ch. 855, Stats. 1977.)

Section 30262.

Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the

facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

#### Section 30263.

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air

quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for one-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

Section 30264.

Notwithstanding any other provisions of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.