

Chapter 9 Additional Information

9.1 Coastal Commission Hearing Procedures

The California Coastal Commission (CCC) has 12 voting members and 3 non-voting members. Six of the voting members are “public members,” and six are local elected officials who come from specific coastal districts; each commissioner may appoint an alternate to serve in his or her absence. The governor, the Senate Rules Committee, and the Speaker of the Assembly each appoint four commissioners—two public members, and two elected officials. The three non-voting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission; each may appoint a designee to serve in their place. CCC hearings are run by the chair of the Coastal Commission; a description of general meeting rules and procedures is available on the [CCC website](#).

The CCC holds [public meetings](#) of generally 3 days each month in different locations throughout the state, with the hearing locations usually rotated between southern, central, and northern California. If possible, project applications are scheduled for local hearings to assist in applicant and public participation. Hearing dates and locations are available on the CCC website. Prior to each meeting, CCC staff collects and analyzes information pertinent to meeting agenda items and prepares written staff reports with recommendations for CCC action. CCC staff reports are usually distributed 10 days before the hearing, but may be subject to a “late mail-out” and are available for public review on the CCC’s website through agenda links of the CCC’s [Meeting Notice](#), and by contacting the appropriate CCC district office. Often, CCC staff produce staff report addenda just days before the hearing in response to questions raised by the public, applicant, or the CCC. Coastal staff report addenda are also available for public review on the CCC’s website through agenda links of the CCC’s Meeting Notice, or by contacting the appropriate [CCC district office](#). Applicants and members of the public may participate in the CCC’s decision-making process by attending public hearings or by making their views known to the CCC in writing prior to public hearings.

CCC hearing procedures and practices can often result in a complicated and time-sensitive process that demands quick response and close coordination with CCC staff as issues arise leading up to and during the hearing. Timely review of staff reports, preparation of presentation materials, and written correspondence in response to public comment and/or CCC staff questions and recommendations will help secure the most successful results during the CCC’s review and consideration of Department project proposals.

Hearings are staffed by a number of CCC staff members available to assist in explaining meeting rules and procedures. The CCC staff analyst assigned to the project may not attend the hearing, in which case coordination opportunities with the district office manager or director will be available. A hearing table is set up (usually at the entrance) for each hearing and often has copies of updated agendas, staff reports, and last-minute addenda and written correspondence received

on that day's agenda items. CCC personnel staff the table and are available to direct you to the "Request to Speak" forms (speaker slips), other staff members, and resources to assist with the hearing process.

Written correspondence leading up to the hearing should be submitted to CCC staff no later than 3 working days before the hearing, if possible. However, written materials may be submitted up to and during the day of the hearing, if necessary. (This is not recommended, as commissioners may not be able to review materials if submitted the day of the hearing). The agenda item number should be marked in the upper right hand corner of the first page of the correspondence. Written correspondence sent to commissioners must be sent to CCC staff at the same time.

Hearing agendas are not time-certain and an applicant can never be sure of when the CCC will hear a particular item. Hearings start promptly at either 8:00, 8:30, or 9:00 a.m. and will last as long as necessary to complete the day's agenda. Item postponements, application withdrawals, and similar actions may cause the agenda to move quickly. Arrive an hour before the day's hearing begins to ensure you are present for the item, and to allow time for any necessary correspondence with CCC staff on last-minute issues that may arise, to provide presentation materials to CCC staff and/or to the audio-visual technician (and confirm they work), to complete speaker slips, and to confirm with the CCC chair the amount of time allotted for the applicant presentation.

CCC review and action on waivers, immaterial amendments, time extensions, and other non-controversial matters are completed with a single vote on the deputy director's report, which is usually reported to the CCC at the beginning of each district's agenda. These types of permit items are not subject to a separate hearing or action. However, project applicants and members of the public have the ability to address any item on the deputy director's report, and items can be removed from the deputy director's report by the CCC or staff if the public or commissioners raise substantive objections to the project, in which case the item is postponed and rescheduled for the next available CCC hearing.

Administrative and Consent permits are reported to the CCC during public hearing as a single calendar of permit items, referred to as the Administrative Calendar and Consent Calendar, respectively, and are not subject to a separate hearing or action as an individual item. However, if a person objects to an administrative permit item, they may address the CCC and request the item be removed from the Administrative Calendar. If four or more commissioners vote to do so, action on the permit item is postponed and the item is rescheduled for the next available CCC hearing. If a person objects to a consent permit item, the project applicant and opponent are each allowed 3 minutes to address the CCC. If three or more commissioners vote to remove the item from the Consent Calendar, action on the permit item is postponed and the item is rescheduled for the next available CCC hearing.

Regular Calendar items for which there are no significant objections or issues requiring public comment or CCC deliberation may be moved to the Consent Calendar and acted on accordingly. All other regular permit items are subject to an individual hearing and CCC action.

The hearing will open with a staff presentation that typically provides an overview of the project description and staff recommendation; a discussion of coastal policy issues addressed by the staff recommendation; and any correspondence received on the project and staff response, if any. Applicant presentations may be limited to from 3 to 20 minutes, depending on the type of agenda item; substantial issue determination presentations are often limited to only 3 minutes. A speaker slip must be filled out prior to addressing the CCC. It is important to confirm with CCC staff and the chair the amount of time allotted for the applicant presentation, and to determine if any of the allotted presentation time should be reserved to further address the CCC after public testimony. It is also advisable to coordinate with CCC staff regarding the staff and applicant presentations to minimize duplication and reserve the time to address other project or policy issues. PowerPoint presentations are the most common form of applicant presentation and must be accompanied by a USB flash drive, flash memory card, or compact disc. A projector and laptop are available from the CCC's audio-visual technician.

Preparation for the hearing is critical. The ability to describe the project and to address concerns and topics that are relevant to the CCC, staff, or the public in terms of the Coastal Act and its policies is key. Addressing "coastal" topics with "transportation" answers is usually ineffective and can result in the application being denied.

The applicant does not have additional opportunities outside of allotted presentation time (including the applicant presentation and rebuttal) to address the CCC unless called upon by the chair. However, an applicant's single right to request a postponement may be conveyed to the CCC at any time during the hearing (prior to a vote on the item and assuming time is remaining for permit action under the Permit Streamlining Act) to allow more time for discussion and resolution of any outstanding issues associated with the CCC staff, public, and CCC review of the application. In addition, at any time during the hearing prior to a vote on the item, an applicant may convey to the CCC its intent to withdraw an application. Withdrawing an application at a hearing is typically used to avoid a potential adverse CCC decision on the application. An applicant may also withdraw an application because the project review timeline has reached the Permit Streamlining Act deadline and additional time is necessary to resolve outstanding issues associated with the project, recognizing that the project will have to be re-filed and again subjected to the regular application review process. Additional opportunities to delay a hearing may exist if CCC staff and/or the CCC decide to continue the item and time is remaining for permit action under the Permit Streamlining Act. Any request for continuance should be conveyed to CCC staff and/or the CCC as soon as possible prior to the hearing date.

9.2 Ex Parte Communication Requirements

CCC regulations allow for direct or “ex parte” communication with commissioners prior to the date of the hearing, subject to stringent provisions. Historically, many commissioners have encouraged this process as it allows them to gain a greater understanding of the need and history of the project. Many commissioners expect to be “briefed” on a project, especially if it is controversial or raises complex questions.

All ex parte communications, including parties, dates, and general substance of the conversations are reported at the CCC meeting. Additionally, it is customary for the applicant to have the required documentation relating to the communications prepared in advance for the commissioner. No written materials should be sent to the commissioners unless the CCC staff receives copies of all the same material at the same time.

For additional information on the laws and regulations applicable to ex parte communications, see [Public Resources Code Sections 30319–30324](#), or if in doubt as to what is allowed, contact the appropriate CCC Legal Division staff.

9.3 Enforcement

The Coastal Act provides a number of tools to enforce development compliance with the resource protection policies of the Coastal Act (Coastal Act Chapter 3 policies). In addition, local governments and the CCC have certain responsibilities for enforcing certified LCPs. Once an LCP is certified, the CCC retains continuing authority to enforce provisions of the Coastal Act throughout the state's coastal zone. The local government also has authority to enforce the Coastal Act and LCP within its jurisdiction.

Enforcement actions may address failure to apply for and obtain a coastal development permit before commencing construction, failure to comply with conditions of a coastal development permit approval and, in some cases, resolution of existing violations by requiring unpermitted development to be removed and sites to be restored to their previous condition. The CCC may use a cease and desist order to halt ongoing violations, to order removal of unpermitted development, and to obtain compliance with requirements of the Coastal Act or LCPs. Restoration orders are generally used to bring about the removal of unpermitted development and/or restoration of damaged coastal resources.

In cases where unpermitted development does not result in significant resource impacts or the impacts can be appropriately addressed through remedial measures and permit conditions, an after-the-fact coastal development permit may be an administrative remedy to address the violation. After-the-fact permits are subject to standard application submittal, review, and hearing requirements, except that the applicant is requesting the CCC to effectively approve, potentially remove, and likely condition, development that has already taken place.