GUIDELINES FOR IMPLEMENTATION
OF THE
PORT OF LOS ANGELES
CERTIFIED PORT MASTER PLAN

City of Los Angeles
Board of Harbor Commissioners

Approved by the Board of Harbor Commissioners,
Port of Los Angeles, February 20, 1980.

Certified by the California Coastal Commission
as part of the Port of Los Angeles Certified
Port Master Plan, March 19, 1980.

Revised by the Board of Harbor Commissioners
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Port of Los Angeles Master Plan.

The revision was approved by the Coastal Commission

The revision covering the Port of Los Angeles Risk
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GUIDELINES FOR IMPLEMENTATION OF THE PORT
OF LOS ANGELES CERTIFIED PORT MASTER PLAN

I. PURPOSE

A. The purpose of these guidelines is to provide the Board with the necessary procedures, objectives and criteria for the implementation of the certified Port Master Plan in accordance with the provisions of the Coastal Act and related State Guidelines.

B. Incorporated herein by reference, to the extent applicable, and except as otherwise provided herein, are the interpretive guidelines issued by the California Coastal Commission pursuant to Public Resources Code, Section 30333, and which are contained in Division 5.5 of Title 14, California Administrative Code.

C. These Guidelines will apply where the Board has been delegated coastal development permit authority by the Coastal Act as a result of action of the California Coastal Commission certifying the Port Master Plan. In areas where certification was withheld, coastal development permit authority will be retained by the California Coastal Commission until such time as certification is granted.
II. DEFINITIONS

A. Applicant means a person who proposes to carry out a development in the Harbor District of the City of Los Angeles and is required by the Coastal Act to obtain a coastal development permit, and by these Guidelines to file an application for such permit with the Board.

B. Board means the Board of Harbor Commissioners of the City of Los Angeles.


D. Coastal Act means the California Coastal Act of 1976, as set forth in California Public Resources Code, Sections 30000 et seq., and the provisions of Division 5.5 of Title 14 of the California Administrative Code.

E. Coastal-dependent development or use means any development or use which requires a site on, or adjacent to, harbor waters to be able to function.

F. Coastal development permit means a permit for any development within the Harbor District that is required pursuant to subdivision (a) of Section 30600 of the California Coastal Act.

G. Coastal Commission means the California Coastal Commission responsible for administering the Coastal Act throughout the State of California.

H. 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 extracting of any materials; change in the density or intensity of use of land; change in the intensity of use of water, or of access thereto; and the construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility.

As used herein, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

I. Director means the Executive Director, or his designee, who is authorized to implement these guidelines.
J. **Emergency** means a sudden unexpected occurrence, involving imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes, but is not limited to, such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

K. **Harbor Department** means the Harbor Department of the City of Los Angeles.

L. **Harbor District** means the Harbor District of the City of Los Angeles as established in accordance with the provisions of the City Charter of the City of Los Angeles and within the boundary of the Coastal Zone as defined in the Coastal Act.

M. **Hazard Footprint** means an area around a hazardous facility within which unacceptable adverse impacts would occur should an incident happen at that facility. The boundary of the hazard footprint shall be determined by calculating the distance at which the impacts of the worst probable events will be reduced to levels which are not likely to cause injury or property damage, as calculated and mapped by the port. The following levels shall be employed in the calculations:

- **Radiant Heat:** not more than 1,600 BTU/square ft./hour for exposed personnel; not more than 3,700 BTU/square ft./hour for light gauge steel property; and not more than 7,300 BTU/square ft./hour for heavy gauge steel;

- **Hazardous Gas or Vapor Cloud:** not sufficient to cause injury or asphyxiation from 1/2 hour of exposure or less; concentration of gas not above its lower flammability limit;

- **Blast Overpressure:** not more than 5 psi;

- **Flying Debris:** 1,500 feet from any explosion source;

Other serious hazards to health or property from the particular material, as determined by the port.

N. **Hazardous Liquid Bulk Cargo** means any liquid material designated as such by the Fire Department, in accordance with the fire code, or for planning purposes having a National Fire Protection Association (NFPA) hazard rating of two or more with respect to
health hazard, flammability, reactivity, or presenting other special hazards determined by the port.

0. **Level I Permits** are required for developments occurring within the Harbor District that are emergency, administrative or minor and expected to have insignificant impacts on the port or surrounding environment and which conform to the following requirements:

1. Minimal resources are involved;

2. Estimated development costs are less than $250,000, and the development is not part of a larger phased development exceeding the $250,000 cost criteria;

3. Minimal changes in land and/or water use and in the density or intensity of the use of land and water area may occur;

4. There are no significant adverse environmental impacts; and

5. The development is not an appealable development as defined in Section 30715 of the Coastal Act.

Developments requiring Level I analysis or review include, but are not limited to, minor grading, paving, lighting and fencing, placement of structures such as modular offices and guard houses, emergency or disaster-related developments or projects (see Section VII - PERMITS FOR EMERGENCY WORK), conducting geotechnical or environmental sampling and testing programs for proposed future developments and minor developments in general. This type of development does not require public hearing, review and comment.

The decision whether similar or related types of projects may be designated under this category shall be determined by the Director, or his designee.

P. **Level II Permits** are required for developments occurring within the Harbor District that conform to the following requirements:

1. Estimated development costs are greater than $250,000;

2. Potential minor changes in land and/or water use and in the density or intensity of the use; and,

3. Minor environmental impacts which can be mitigated.

Developments of this type include, but are not limited to, warehouse and transit shed expansions, intra-harbor transportation corridor alterations, major grading, paving, lighting, and fencing, construction of truck scales, container freight stations, crane rails and ancillary port equipment. This type of development requires public hearing, review and comment.

Q. **Level III Permits** are required for developments which may involve:

1. Large capital expenditures;

2. The risk of substantial adverse environmental impacts that can be mitigated;

3. The potential for unavoidable adverse impacts that cannot be mitigated;

4. Potential major changes in land and/or water use; and,

5. A major increase in the density or intensity of land and/or water use.

These projects include development of new port facilities such as marine terminals, major structures for recreational purposes; creation of new upland or coastal water fills, major dredging of water areas whether or not they are presently used for navigation, maneuvering or berthing; and in general, major alterations in the use of existing land or water resources. This type of development requires public hearing, review and comment.

R. **Person** means any individual, organization, partnership, or other business association or corporation including any utility, any federal, state, local government, or special district of an agency thereof.
S. Staff means the officers and employees of the Los Angeles Harbor Department, other than the Board and Director.

T. Vulnerable Resource means a significant population or facility (in or near the port) which is susceptible to injury or damage by hazardous liquid bulk cargos within the port, including, but not limited to, the following:

- Permanent residential populations
- Recreational and visitor populations
- Working populations within the Port
- Critical regional activities
III. POLICY

A. The Board shall not approve or grant an application for any public or private development permit for a development within the Harbor District unless a determination has been made by the Board that said development conforms with the certified Port Master Plan; provided, however, the foregoing shall not be applicable if the development is exempt from the provisions of the Coastal Act and is not required to obtain such permit.

B. The Board shall not issue any development permit until one of the following environmental documents or findings, in conformance with the appropriate guidelines, has been adopted by the Board:

1. A finding that the development is exempt from the provisions of CEQA.

2. A categorical exemption under CEQA.

3. A Negative Declaration under CEQA.

4. An Environmental Impact Report under CEQA and an Environmental Impact Statement, if required, under NEPA.

C. To ensure required public participation in major port development projects, the Board shall hold a public hearing on all appealable development projects as defined in Section 30715 of the Coastal Act, and all Level II and III projects.

D. Whenever a public hearing on an EIR and EIS may be required under CEQA or NEPA, it shall, if possible, be combined with the public hearing required in C. above.
IV. DEVELOPMENT AUTHORIZED WITHOUT PERMIT

Under the provisions of the Coastal Act, no coastal development permit shall be required for certain types of development, including:

A. 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.

B. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, that if the Board determines that certain extraordinary methods of repair and maintenance will be used that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under these Guidelines and the Coastal Act.

C. The installation, testing, and placement in service or the placement of any necessary utility connection between an existing service facility and any development approved pursuant to the regulations; provided the Board may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

NOTE: For other developments which may be authorized without a permit, see Section 30610 of the California Coastal Act, Section 13250 et. seq., California Administrative Code, Title 14. (Coastal Commission Guidelines)
V. ASSIGNMENT OF DUTIES

The Board is the port governing body to whom the permit authority of the California Coastal Commission has been delegated by the provisions of the Coastal Act, and is the entity responsible for the implementation of the certified Port Master Plan in accordance with the Coastal Act, its interpretive guidelines (Division 5.5, Title 14, California Administrative Code), and these Guidelines, for all developments within the Harbor District, except for developments described in said Port Master Plan not certified by the California Coastal Commission, or as otherwise provided by law.

The Board designates the Director (as defined in Section II.I) as the person primarily responsible for such implementation, as is provided herein.
VI. PROCEDURES FOR LEVEL I, II AND III PERMITS

A. Application Procedures

1. An application for a Coastal Development Permit is required to be filed with the Board by any person wishing to perform or undertake any public or private development in the Harbor District where such permit is required by the Coastal Act. Such application shall be prepared using a form approved by the Board.

2. Application Form and Information Requirements

The permit application form shall contain at least the following information:

a. An adequate description of the proposed development including project site and vicinity maps, plans, photographs, detailed reports, etc., sufficient to determine whether the project complies with all relevant policies of the certified Port Master Plan and the Coastal Act of 1976. The description of the development shall also include any feasible alternatives or mitigation measures which would substantially lessen any "significant adverse impact on the environment" (as defined in CEQA) which the development may have.

b. A description and documentation of the applicant's interest in all the property upon which work would be performed, if the application were approved.

c. 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 a statement to the effect that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.

d. Names of any persons applicant knows to be interested in the proposed development.

e. Any additional information deemed to be required by the Director.
f. The application form shall provide notice to applicants that failure to provide truthful, complete and accurate information necessary to review the permit application or to provide public notice as required by these Guidelines may result in delay in processing the application or may constitute grounds for denial or revocation of the permit.

3. Amendment of Application Form

The Director may, from time to time as deemed necessary, amend the format of the application form, provided, however, that any significant change in the type of information requested must be approved by the Board.

4. Projects Received for Filing

A permit application submitted on a form approved by the Board, together with all necessary attachments and exhibits, shall be deemed "filed" after having been received, reviewed and found in proper order by the Director. The Director shall cause a date of receipt stamp to be placed on all applications for permits on the date they are received.

Review and filing of an application shall be completed within twenty (20) working days from the date of receipt of such application or returned to the applicant as incomplete. The date of filing shall be recorded on the application. A determination by the Director that an application form is incomplete may be appealed to the Board for its determination as to whether the permit application is complete and/or satisfactory, and may be filed.

5. Notification of Appealable Developments

The Director shall notify the Coastal Commission of any appealable development proposed within its jurisdiction during the review and filing period of the application or as soon as the Director becomes aware of such proposed development.

B. Application Summary Reports

1. Contents

The Director shall prepare a summary report of each application filed. The summary report shall
be brief and understandable, and shall present a description of the significant features of the proposed development using the applicant's words whenever possible. The report shall be illustrated with appropriate material such as maps, drawings, photographs and any other related material. If the development may involve the storage or transfer in liquid bulk form of any hazardous material, or if the development may place a vulnerable resource within an existing hazard footprint as described in the Risk Management Plan, then the report shall include a risk analysis as specified below. The summary report shall also include:

a. Questions of fact;

b. Any applicable policies of the Port Master Plan and California Coastal Act;

c. Related previous applications;

d. Any issues concerning the legal adequacy of the application to comply with the requirements of the Port Master Plan and the California Coastal Act;

e. Public comments on the application;

f. Written response to significant environmental issues raised by members of the public or other public agencies; and

g. Other relevant matters.

The summary may include a tentative staff recommendation as to whether a permit should be granted or denied, and it shall conform to the requirements of Section VI.I. The risk analysis, if required, shall include the following:

(1) Hazard footprints with supporting calculations. A diagram(s) showing the maximum extent of hazard footprint areas attributable to the development, if any. Footprint calculation methodology shall be in accordance with the Port Risk Management Plan.

(2) Vulnerability Map. A map showing the nature and extent of vulnerable resources lying within the hazard footprint(s) generated by the development, with indication of the kind
of hazard(s) involved and vulnerability levels considered.

(3) Specific case hazard assessment, considering the specific casualty or accident possibilities and the kinds of damage or injury which could occur, facility design features, procedures, and other risk mitigation measures by which the probability or severity of such damage or injury could be reduced.

(4) Written comments by the City of Los Angeles Fire Department, including a statement of whether the Department concurs, concurs with conditions or does not concur with the granting of the development permit.

(5) Written comments received from other public agencies regarding hazards or vulnerability of the development.

(6) Terms and conditions required to insure conformity of the development with the Port Master Plan or required by the Fire Department.

2. Distribution

The application summary report shall be made available to the Board, to the applicant(s), and to all public agencies which may have jurisdiction by law with respect to the proposed development, and to all other persons known or thought by the Director to have a particular interest in the application, within a reasonable time to assure adequate notification to all interested parties prior to the scheduled public hearing. The application summary report may either accompany the public hearing notice, or be distributed separately upon request, and shall be filed with the Executive Secretary of the Board.

C. Public Comments on Applications

The Director shall make available to the Board the text or summary of all relevant communications concerning applications that are received prior to the public hearing and thereafter at any time prior to the Board's vote on the application. Such communications shall be available at the Harbor Department offices for review by any person during normal working hours.
D. Public Hearing Dates

1. Scheduling

The Board, on the recommendation of the Director, shall schedule for public hearing, each application which has been filed and requires such hearing, no sooner than twenty-one (21) days, nor later than sixty (60) days following the date on which the application was accepted as complete and filed. All dates for public hearings shall be set with a view toward allowing adequate public dissemination of the information contained in the application prior to the time of the hearing, and toward allowing public participation and attendance at the hearing, while affording applicants expeditious consideration of their permit application.

2. Notices

a. The Director shall provide to each applicant and to all persons known or thought to have particular interest in the application notice of:

1) The filing of the application;

2) A description of the development and its proposed locations; and

3) The date, time and place at which the application will be heard by the Board.

b. Notices of public hearings on appealable development projects and on Level II and III permits shall be mailed and posted at least fifteen (15) days prior to the scheduled date of the hearing.

c. The method of notification for public hearings shall be as follows:

1) Published in one newspaper of general circulation, e.g. Long Beach Press Telegram, Los Angeles Times, or Herald Examiner, as well as the News-Pilot and the Wilmington Beacon.

2) Mailed to the Los Angeles Main and San Pedro and Wilmington Branch Libraries, San Pedro and Wilmington Chambers of Commerce offices, U.S. Customs House on Terminal
Island and appropriate Harbor Department bulletin boards for posting.

3) Mailed to known organizations, public agencies and individuals having or expressing an interest in harbor development.

4) Mailed to all known individuals and firms owning, leasing or using property within a radius of 300 feet from the perimeter of the development project.

5) Press release by Public Relations.

d. The envelopes for all notices to be mailed under 3) and 4) above shall be stamped "IMPORTANT - PUBLIC HEARING NOTICE".

E. Public Hearing Procedures

1. Conduct of Hearing

The Board's public hearing on a permit matter shall be conducted during a regularly scheduled or a specially convened meeting in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay.

2. Evidence Rules

The hearing need not be conducted according to technical rules relating to testimony. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

3. Order of Proceedings

The Board's public hearing on a permit application shall ordinarily proceed in the following order:

a. Identification of the application, a summary of the application and related material submitted at the request of the applicant, interested persons or the staff, and staff
comments thereon, and a summary of the correspondence received by the Director, relating to the application.

b. Presentation by or on behalf of the applicant, if the applicant wishes to expand upon material contained in the application summary.

c. Other speakers for the application.

d. Speakers against the application.

e. Other speakers concerning the application.

f. Rebuttal by the applicant subject to the discretion of the Board or if the vote is not to be scheduled for a subsequent meeting permitting time for rebuttal in writing.

g. Questions by Commissioners will be in order at any time, subject to time limitations.

h. Motions to close the public hearing, or to continue it.

4. Recordings of Meetings

Board hearings on applications shall be recorded electronically except when this is prevented by equipment failure. In the event of equipment failure, stenographic notes of the proceedings shall ordinarily be taken. The recording shall be made reasonably available for replaying at the Board offices. The recording or stenographic notes shall be retained for the period of time required by the applicable law for retention of public records.

5. Speaker's Presentation

Speaker's presentations shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate and shall become part of the application file. The Board may establish reasonable time limits for presentation(s); such time limits shall be made known to all affected parties prior to any hearing. Any person wishing to speak on an application shall be heard, subject to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed.
F. Continued Hearings

A public hearing on an application may be completed in one Board meeting, provided that the requirements of CEQA have been met so as to permit the Board to act upon the permit application within twenty-one (21) days after the conclusion of the hearing.

If the Director advises the Board at such hearing that the requirements of CEQA have not been met so as to permit Board action, the Board shall defer a hearing on the matter until such time as CEQA requirements are met, and the hearing shall then be concluded.

G. Withdrawal of Application and Removal From Active Consideration

1. At any time before the Board commences calling the roll for a vote on an application, an applicant may withdraw the application, or remove it from the Board's active consideration.

2. Withdrawal must be in writing or stated on the record and does not require Board concurrence. Withdrawal shall be permanent except that the applicant may file a new application for the same development subject to these Guidelines.

3. Removal from active consideration must be in writing or stated on the record and shall be subject to the condition that upon request by the applicant the matter shall be reset for hearing and that any time limits for Board action are waived by the applicant.

H. Procedures for Amended Applications

1. If an application for a permit for a proposed project is amended in any material manner, a public hearing must be held on the amended application.

2. If, prior to a public hearing at which an application is scheduled to be heard, an applicant wishes to amend his permit application in a manner which the Director determines is material, the applicant shall agree in writing to extend the final date for public hearing not more than sixty (60) days from the date of such amendment. If the applicant does not agree to such an extension, the Board shall vote on the application as originally filed.
3. Conditions recommended by the Director or imposed by the Board shall not be considered an amendment to the application.

I. Preparation of Staff Recommendation

1. Staff Analysis
   a. If a vote on an application is scheduled for a later meeting than the oral hearing on the application, the Director shall perform whatever inquiries, investigations, research and discussion are required to resolve issues presented by the application and to enable preparation of a staff recommendation for the vote. If further evidence is taken or received by the Director, such evidence shall be made available in the Harbor Department offices to interested persons or organizations, who shall be given a reasonable opportunity to respond prior to preparation and mailing of the staff recommendation.
   b. The Director may request of the applicant any additional information necessary to perform the responsibility set forth above.

2. Submission of Additional Written Evidence
   At any point before or after the public hearing on a permit application, up until the time the public hearing is closed by the Board, any interested party may submit written evidence, including rebuttal arguments, to the Board.

3. Final Staff Recommendation
   The Director's final recommendation shall include specific written findings as hereinafter referred to in Section VI.M, including a statement of facts and legal conclusions, as to whether the proposed development conforms to the requirements of the certified Port Master Plan.

   The staff recommendation shall include any questions that have not been answered by the applicant or by interested parties, and shall contain recommended written responses to significant environmental points raised during the evaluation in a manner consistent with the requirements of the CEQA. The staff recommendation shall be distributed to the persons and in the manner provided above for application summaries.
J. Alternatives for Review of Staff Recommendations

Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of the following three alternatives:

1. Staff Recommendation Included in Application Summary

If the staff report and tentative recommendation described in Section VI.B. is complete and has been distributed prior to the public hearing, and if adequate public notice has been given, the Board may vote upon an application at the same meeting during which the public hearing on the application is held, provided the requirements of CEQA have been met. The parties shall be afforded the opportunity for rebuttal to any information presented at the public hearing in the manner hereinafter set forth before the Board proceeds to vote on the application.

2. Verbal Staff Recommendation Upon Conclusion of Public Hearing

If the application summary does not include a staff recommendation, but the Board is prepared to vote immediately upon conclusion of the public hearing, the Director shall provide a verbal recommendation and summary of proposed findings. The applicant and interested parties shall be afforded an opportunity to respond to the recommendation in the manner hereinafter set forth before the Board proceeds to vote on the application.

3. Consideration of Staff Recommendation At A Meeting Subsequent To The Public Hearing

Upon conclusion of the public hearing, the Board may put the vote on the application over to a subsequent meeting, but no later than twenty-one (21) days following the conclusion of the public hearing unless the applicant in writing waives any right to a decision within that time limit. Notice of such subsequent hearing shall be given in the manner and to the persons provided in Section VI.D.2.
K. Procedures For Presentation of Staff Recommendation and Responses of Interested Parties

The Director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for application summaries.

1. Immediately following the presentation of the Director's recommendation, the parties who testified at the hearing, or their representative(s), shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the opponents and other concerned parties speaking first to be followed by the applicant.

2. At the discretion of the chairperson, the applicant or other parties may present rebuttal materials prior to the vote if the chairperson determines that the materials are primarily visual in nature, or, if the materials are in written form, that the written materials are merely rebuttal arguments and do not constitute new evidence.

3. Where the Board moves to vote on an application with conditions different from those proposed by the applicant in the application, or by the staff in the staff recommendation, pursuant to sub-paragraph 1. above, the matter shall be deferred until the conditions of CEQA and other applicable laws have been met.

L. Voting Procedure

1. Voting - After Recommendation

The Board shall not vote upon an application until it has received a staff recommendation.

2. Effects of Vote Under Various Conditions
   a. Any matter before the Board shall be decided on by either a "yes" or "no" vote.

   b. Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendations. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the Board shall be deemed to adopt the findings and conclusions recommended by the staff.
3. Voting Procedure
   
a. Voting upon permit applications shall be by roll call, with the chairperson being polled last.

b. Members may vote "yes" or "no", or may abstain from voting, but an abstention shall not be deemed a "yes" vote.

4. Voting By Members Absent From Hearing

A member who did not attend the hearing may vote on any application, provided he or she has considered the Director's recommendation and any summary, whether written or oral, of any matters presented at the public hearing which are inconsistent with the Director's recommendation.

M. Board Findings

1. All decisions of the Board relating to permit applications shall be accompanied by written conclusions about the consistency of the application with the certified Port Master Plan, and findings of fact and reasoning supporting the decision.

2. Approval of an application shall be accompanied by specific findings of fact supporting the following legal conclusions:

   a. That the development is in conformity with the certified Port Master Plan; and

   b. That either the development will have no significant adverse environmental impacts, or there are no feasible alternatives or mitigation measures as provided in CEQA, which would substantially lessen any significant adverse impact that the development, as finally proposed, may have on the environment. If feasible mitigation measures are not available, the Board can adopt a statement of overriding considerations.

3. Where written findings are not adopted at the time of the vote on the application, the Director shall, at the next subsequent meeting of the Board, recommend findings in conformity with the requirements of these Guidelines. Where findings are not adopted together with the vote on the application, a majority of the members of the
Board who prevailed shall be sufficient to adopt findings.

N. Revocation of Permits

1. Scope

The provisions of this subsection N. shall govern proceedings for revocation of a coastal development permit previously granted by the Board.

2. Grounds for Revocation

Grounds for revocation of a permit shall be:

a. Willful inclusion of inaccurate, erroneous or incomplete information in connection with an application, where the Board finds that accurate and complete information would have caused the Board to require additional or different conditions on a permit or deny an application; and/or

b. Failure to comply with the notice provisions of these Guidelines where the views of the person(s) not notified were not otherwise made known to the Board and could have caused the Board to require additional or different conditions on a permit or deny an application.

3. Initiation of Proceedings

a. Any person who did not have an opportunity to participate fully in the original permit proceeding by reason of the permit applicant's failure to provide information as required herein, may request revocation of a permit by application to the Director, specifying with particularity, the grounds for revocation. The Director shall dismiss requests which are patently frivolous and without merit. The Director may initiate revocation proceedings on his own motion on the basis of the grounds for revocation set forth in these Guidelines.

b. The Director may initiate proceedings by the Board to revoke a permit where the Director determines that there is good cause to do so and the Board has not reviewed any requests to revoke the permit.
4. **Suspension of Permit**

Where the Director determines that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the Board votes to deny the request for revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in these Guidelines to the address shown in the permit application. The Director shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the Port Master Plan, the California Coastal Act and subject to the penalties set forth in Sections 30820 through 30823, of that Act, and any applicable ordinances of the City of Los Angeles.

5. **Hearing on Revocation**

a. At the next regularly scheduled meeting of the Board, and after notice to the permittee and any interested persons, the Director shall report the request for revocation to the Board with preliminary recommendation on the merits of the request.

b. The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.

c. The Board shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Board wishes the Director to perform further analysis.

6. **Finality of Board Decision**

The determination of the Board on a request for revocation shall be final and not subject to appeal to the California Coastal Commission.
0. Reapplication

Following a final decision upon an application, no applicant nor the applicant's successor in interest, may reapply to the Board for a coastal development permit for substantially the same development for a period of six (6) months from the date of the prior final decision. Whether an application is "substantially the same" as that upon which a final determination has been rendered shall be decided by the Director within twenty (20) working days from receipt of such application.

Where the Director is unable to make such decision, he may refer the reapplication to the Board for its decision as to whether it is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change. Until such a determination is made, the reapplication shall not be deemed "filed" within the meaning of Public Resources Code, Section 30621.

Any project which has been denied by the Board and which may be submitted as a new permit application under the guidelines set forth above, may be considered by the Board without requiring that the revised project has received preliminary approval from the local government entity or entities which originally approved the project. The Board may require that the revised project be subject to informal review by appropriate local governmental entities prior to Board review. The six (6) month waiting period provided in this Section may be waived by the Board for good cause.
VII. PERMITS FOR EMERGENCY WORK

A. General

1. Scope

This Section governs procedures for processing applications for permits to perform work to resolve problems resulting from a situation falling within the definition of "emergency" as described in these Guidelines pursuant to the provisions of Public Resources Code, Sections 30611 and 30624.

2. Immediate Action Required

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

B. Applications

1. Method of Application

Applications in cases of emergencies shall be made to the Director by letter, if time allows, by telephone, or in person, if time does not allow.

2. Necessary Information

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

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

C. Procedures

1. Verification of Emergency

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

2. Criteria for Granting Permit

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

a. An emergency exists and requires action more quickly than permitted by the procedures for permits;

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

c. The work proposed would be consistent with the requirements of the certified Port Master Plan and Coastal Act.

3. Report to Board

a. The Director shall report in writing to the Board at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.

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

c. The report of the Director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the Director. The decision of the Director may not be appealed to the Coastal Commission.

D. Emergency Actions Without a Permit

1. Waiver of Emergency Permit Requirements

Any person wishing to take an emergency action pursuant to the requirements of Public Resources Code, Section 30611, shall notify the Director of the type and location of the emergency action taken within three (3) days of the disaster or the discovery of the danger. Within seven (7) days of taking such action, the person who notified the Director shall send a written statement of the reasons why the action was taken and verification that the action complied with the expenditure limits set forth in Public Resources Code, Section 30611. At the next Board meeting following the receipt of the written report, the Director shall summarize all emergency actions taken and shall report to the Board any emergency action that, in his opinion, does not comply with the requirements of Public Resources Code, Section 30611, and shall recommend appropriate action.
VIII. PERMITS

A. Format of Permits

Permits shall be issued in a form signed by the Director and shall include:

1. A statement setting out the reasons for the Board approval of the permit;

2. Any other language or drawings, in full or incorporated by reference, that are consistent with the decision, and required to clarify or facilitate carrying out the intent of the Board, including a statement defining the types of hazardous liquid bulk materials, if any, permitted to be shipped, stored, or transferred in connection with the development, and the maximum permitted design capabilities of facilities for such shipping, storage, or transfer;

3. Any conditions approved by the Board;

4. Such standard provisions as shall have been approved by the Board;

5. A statement that the permit may not be assigned except as provided in these Guidelines;

6. A statement that the permit shall not become effective until the receipt of acknowledgement as hereinafter described;

7. A statement that approval of an appealable development (as defined in Section 30715 of the Public Resources Code) shall become effective after the tenth (10th) working day after notification of its approval, unless an appeal is filed with the Coastal Commission within that time, subject to receipt of acknowledgement;

8. The time for commencement of the project, except that where the Board or the Coastal Commission, on appeal (where such permit is appealable), has not imposed any specific time for commencement of construction pursuant to a permit, shall be within two (2) years from the date of the Board or Coastal Commission vote upon the application. Each permit shall contain a statement that any request for an extension of the time of commencement must be submitted prior to the expiration date of the permit;
9. A statement that permittee shall not commence construction under the permit until all other permits required by applicable laws have been obtained from agencies having jurisdiction over any aspect of the development.

B. Notice of Receipt and Acknowledgement

1. No permit shall become effective until the original and the copies of the permit have been returned to the Director, upon which copies the permittee(s) or authorized agent(s) have acknowledged that they have received a copy of the permit and have accepted its contents.

2. Each permit shall contain a blank acknowledgement to be signed by the permittee(s) or authorized agent(s).

3. The acknowledgement should be returned within ten (10) working days following issuance of the permit, but in any case, prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under the provisions of Section VIII.A.8, the Director shall not accept any application for extension of the permit.

C. Time for Issuing Permits and Distribution

1. Issuance of Permits

A permit shall be issued by the Director as soon as practicable after approval by the Board; provided, however, that a permit for an appealable development shall not be issued by the Director until the expiration of the ten (10) working days for filing an appeal, and then only if no valid appeal is filed. The filing of an appeal shall suspend the effectiveness of the Board's approval until the Coastal Commission takes final action on the appeal.

2. Distribution of Permit Copies

Copies of permits shall be sent to the permittee(s), and to any person who, in the opinion of the Director, requires or would be interested in such a copy.
D. Disputes Over Contents of Permits

Any permittee who feels that the permit does not correctly embody the action of the Board shall immediately so inform the Director. Any such questions that cannot be resolved by consultation between the permittee and the Director, shall promptly be referred by the Director to the Board for decision.

E. Amendments to Permits

1. Applications for Amendments

Applications for amendments to permits shall be made in writing and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate.

2. Amendments to Level I Permits

a. Amendments to Level I permits may be approved by the Board upon the same criteria and subject to the same requirements, procedures and appeals as provided for the original issuance of such permits.

b. If any proposed amendment would, in the opinion of the Director, place the proposed development in a Level II or Level III category, the application shall thereafter be treated as prescribed by the following subparagraph.

3. Amendments to Level II and Level III Permits

Applications for amendments to previously approved developments shall be filed with the Board if it issued the permit.

An application for an amendment shall be rejected if, in the opinion of the Director, the proposed amendment would lessen or avoid the intended effect of a partially approved or conditioned permit unless the applicant presents newly discovered material or information which he could not, with reasonable diligence, have discovered and produced before the permit was granted. For those applications accepted, the Director shall determine whether or not a proposed amendment is a material change to the permit. If the Director determines that the proposed amendment is immaterial, notice of such determination, including a summary of the procedures set forth in
this Section, shall be mailed to all parties the Director has reason to know may be interested in the application. If no written objection is received at the Board's office within ten (10) working days of such mailing, the determination of immateriality shall be conclusive. If the Director determines that the proposed amendment is a material change or if objection is made to the Director's determination of immateriality or if the proposed amendment affects conditions required for the purpose of conformance with the certified Port Master Plan, the application shall be referred to the Board after notice to any person(s) the Director has reason to know would be interested in the matter. The Board shall determine by a majority vote of the appointed membership whether the proposed development with the proposed amendment is consistent with the requirements of the certified Port Master Plan. The decision shall be accompanied by findings in accordance with Section VI.M.

F. Extension of Permits

Prior to the time that commencement of construction under a permit granted by the Board must occur under the terms of the permit or Section IX.A., the applicant may apply to the Director for an extension of time not to exceed an additional one year period. The application shall be accompanied by evidence of a valid, unexpired permit, acknowledged as required of Section IX.B. and of the applicant's continued interest in the property involved in the permit. After notice has been given to all parties who participated in the initial permit hearing, to any other person(s) the Director has reason to know may be interested, the Director shall report all requests for extensions to the Board and shall include in such report a description of any pertinent changes in conditions or circumstances relating to each requested permit extension. If a majority of the Board object to an extension on the grounds that the proposed development may not be consistent with the certified Port Master Plan and the Coastal Act, the application shall be set for a full hearing as though it were a new application. If no such objection is raised, the Director shall issue the extension authorized by this Section. Any extensions applied for prior to the expiration date of the permit shall automatically extend the expiration date of the permit until such time as the board has acted upon the extension request; provided, however, that if construction has not commenced at the time the application for
extension is made, construction may not commence during the period of automatic extension provided in this Section.

G. Assignment of Permits

1. Any person who has obtained, pursuant to the certified Port Master Plan and these Guidelines, a permit to perform a development may assign such permit to another person subject to the following requirements:

a. Affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;

b. Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;

c. The original permittee's request to assign all rights to undertake the development to the assignee;

d. A copy of the original permit showing that it has not expired; and

e. Assignor shall remain liable for permit conditions.

2. The applicant for assignment shall permit a request for approval of assignment of the permit, together with the above documents to the Director. The assignment shall be effective upon the Director's written approval of the documentation submitted. The Director's review shall ordinarily be completed within twenty (20) working days of the receipt of a completed application for assignment. The completed application form and supporting documentation shall become part of the project file maintained by the Board.

3. Prior to completion of all development authorized by the permit and satisfaction of all permit conditions, no person other than the permittee may perform or undertake development under the permit without assignment of the permit under this Section.
IX. ENFORCEMENT RESPONSIBILITIES

A. Staff Inspection

The Director shall, within the limits of staff availability, periodically inspect all areas subject to Board jurisdiction to insure compliance with the terms of all permits approved pursuant to the certified Port Master Plan and the Coastal Act. The Director shall notify the Board of any observed violations of permit terms and conditions.

B. Violation of Permits

Violation of a permit or any term, condition, or provision of a permit is grounds for enforcement under this Section and under Chapter 9 of the Coastal Act and any applicable ordinances of the City of Los Angeles. Whenever the Director determines that a violation of a permit or term, condition, or provision of a permit has occurred, or is threatened, the Director shall refer the matter to the Los Angeles City Attorney for appropriate action. Where such violation has occurred or is threatened, the City Attorney may file an action in the name of the City of Los Angeles for equitable relief to enjoin such violation, or for civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the Coastal Act, and any applicable ordinances of the City of Los Angeles.

C. Enforcement of the Coastal Act

Whenever the Director determines that any violation of the provisions of the Coastal Act has occurred or is threatened, the City Attorney may file an action in the name of the City of Los Angeles for equitable relief to enjoin such violation, or for civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the Coastal Act and any applicable ordinances of the City of Los Angeles.
X. CLAIMS OF VESTED RIGHTS

Claims of vested rights and prior permits will not be determined by the Board. The provisions of Public Resources Code, Section 30608, and subchapters 1, 2 and 3 of Chapter 6, Division 5.5, Title 14, California Administrative Code, are applicable to such claims.
XI. POST CERTIFICATION PORT APPEALS PROCEDURE

A. Scope

The provisions of Public Resources Code, Section 30715, and guidelines adopted by the Coastal Commission relating thereto (Division 5.5, Title 14, California Administrative Code), shall govern the procedures of the Board and the Coastal Commission in reviewing appealable development projects. In the event that the provisions of this Section shall be inconsistent with the provisions of the guidelines adopted by the Coastal Commission, the latter provisions shall control.

B. Appealable Developments

In accordance with Public Resources Code, Section 30715, the approvals of any of the following categories of development by the Board, to the extent that it has authority to grant such approval under the certified Port Master Plan, may be appealed to the Coastal Commission. Where these categories of development have not been certified by the Coastal Commission in the Port Master Plan, the application shall be submitted directly to the California Coastal Commission.

1. Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have significant impact upon the oil and gas supply of the state or nation or both the state and nation.

2. Waste water treatment facilities, except for such facilities which process waste water discharged incidental to normal port activities or by vessels.

3. Roads or highways which are not principally for internal circulation within the port boundaries.

4. Office and residential buildings not principally devoted to administration of activities within the port; hotels, motels and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.

5. Oil refineries.

6. Petrochemical production plants.
C. Appellants

1. In accordance with Public Resources Code, Section 30625, an appeal to the California Coastal Commission pursuant to this Section may be taken by an applicant, any aggrieved person (as defined in Public Resources Code, Section 30801, and below), or any two members of the Coastal Commission. An "aggrieved person" is defined as any person who in person, or through a representative, appeared at a public hearing of the Board in connection with the decision or action appealed or who by other appropriate means prior to a hearing, informed the Board of the nature of his or her concerns or who for good cause was unable to do either.

2. Within twenty (20) working days of accepting an application or commencing review of a development, the Board shall give notice to the Executive Director of the Coastal Commission of any Level II or III development to be undertaken by any person (including the Board) within the Board's jurisdiction. Such notice shall provide sufficient information to allow the Executive Director of the Coastal Commission to determine for jurisdictional purposes whether the proposed development is appealable or not.

D. Notice and Hearing

1. In accordance with Public Resources Code, Section 30717, the Board shall inform and advise the Coastal Commission of any planning and design activities related to proposed appealable developments. Prior to approval of a proposed appealable development, the Board shall provide notice of the pending application to all persons requesting such notice and to the Coastal Commission. Such notice shall, at a minimum, conform to the standards of these Guidelines and Sections 13054 and 13063 of the Coastal Commission's guidelines.

2. At least one public hearing shall be held by the Board before approving an appealable development. Said hearing shall occur no earlier than fourteen (14) days following the receipt by the Coastal Commission of the notice as provided for above.
E. Approval

1. In accordance with Public Resources Code, Section 30717, after approval of a proposed appealable development, but prior to commencement of any work, the Board shall notify the Coastal Commission and other interested persons, organizations, and governmental agencies of the approval and indicate how it is consistent with the certified Port Master Plan and the Coastal Act. Such notice in addition to complying with Public Resources Code, Section 30717, shall conform to the standards of Section 13302(g) of the Coastal Commission's guidelines. Approval of an appealable development shall be deemed to have occurred:

   a. When final review of the project has occurred;

   b. When, if applicable, all local rights of appeal have been exhausted; and

   c. When all required findings have been made.

2. The Board shall not be deemed to have satisfied the "notification of approval" requirement of Public Resources Code, Section 30717, and thus, starting a ten (10) working day appeal period, until receipt by the Coastal Commission of the notice as required in these Guidelines. In accordance with Public Resources Code, Section 30717, an approval of the appealable development by the Board pursuant to the certified Port Master Plan shall become effective after the tenth (10th) working day after notification of its approval, unless an appeal is filed with the Coastal Commission within that time. No appealable development shall take place until the approval becomes effective or until final Coastal Commission action on appeal.

F. Receipt of Notice

Receipt of notice by the Executive Director of the Coastal Commission shall be deemed to have occurred as provided by the Coastal Commission's guidelines.
6. Appeals

1. Filing of Appeals

The guidelines of the Coastal Commission will provide the procedures and requirements for the filing and processing of appeals. The filing of an appeal shall suspend the effectiveness of the Board's approval until the Coastal Commission takes final action on the appeal.

2. Delivery of Documents by Board

The Board shall deliver to the Executive Director of the Coastal Commission, within the time prescribed by the Coastal Commission's guidelines after receipt by the Board of notice of appeal from the Coastal Commission, all relevant documents and materials used by the Board in its consideration of the appealable development.

H. Litigation

In any case, where no appeal has been filed from the approval by the Board, or where an appeal has been filed but the Coastal Commission has determined not to hear the appeal, and where litigation has subsequently been commenced against the Board concerning its approval, the Board and plaintiff or petitioner shall promptly forward a copy of the complaint or petition to the Executive Director of the Coastal Commission. At the request of the Board (with the concurrence of the Coastal Commission), or of the Executive Director of the Coastal Commission, or upon an order of the Coastal Commission, the Executive Director shall request the Attorney General to intervene in such litigation on behalf of the Coastal Commission. Administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided for by the Coastal Act and regulations relating thereto adopted by the Coastal Commission have been utilized.
XII. ENVIRONMENTAL IMPACT REVIEW

A. Review and Comment on Environmental Documents

1. The Board shall submit any initial studies (draft environmental impact report, draft negative declaration, or draft environmental impact statement) concerning any development which may be appealed to the Coastal Commission pursuant to Public Resources Code, Section 30715, to the Executive Director of the Coastal Commission as soon as practicable after such are prepared.

2. In accordance with the provisions of the Coastal Commission guidelines, the Executive Director of the Coastal Commission shall:

   a. Review an initial environmental study sent to him or her for consultation purposes, determine what comments should be made on behalf of the Coastal Commission, and forward such comments to the Board; and

   b. Review any draft environmental documents received either through the State Clearinghouse review process or through other review procedures, determine what comments should be made on behalf of the Coastal Commission, and forward such comments to the Board and the State Clearinghouse.

3. The Coastal Commission, in its discretion, may hold a public hearing on any environmental document submitted, and direct its staff to make whatever comments, or to obtain whatever additional information the Coastal Commission deems appropriate.

B. Submission of Final Environmental Impact Reports or Negative Declarations

After the Board has certified a final environmental impact report, environmental impact statement or negative declaration, it shall submit such to the Coastal Commission together with the notice required by Section 13641 of the Coastal Commission's guidelines in the case of an appealable development.
C. Notification of Non-Appealable Developments After Certification

For developments approved by the Coastal Commission in the certified Port Master Plan, but not appealable, the Board shall forward any draft environmental impact report(s) and negative declaration(s) prepared pursuant to CEQA or any draft environmental impact statement(s) prepared pursuant to the National Environmental Policy Act of 1969, to the Coastal Commission in a timely manner to ensure sufficient time for the Coastal Commission to comment on such development prior to approval by the Board.
XIII. APPROVAL OF DEVELOPMENT BY OPERATION OF LAW

Approval of a development shall be deemed to have occurred if the Board fails to act within the time limits set forth in Public Resources Code 65950-65957 as applicable, thereby approving the development by operation of law.