

CALIFORNIA COASTAL COMMISSION

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December 15, 2014

Jonathan C. Corn
Axelson & Corn, P.C.
160 Chesterfield Drive, Suite 201
Cardiff by the Sea, CA 92007

Damien M. Schiff
Pacific Legal Foundation
930 G Street
Sacramento, CA 95814

RE: Denial of Petition for Repeal of After-the-Fact Fee Regulation

Dear Messrs. Corn and Schiff:

On December 12, 2014, the Coastal Commission denied the Beach & Bluff Conservancy's Petition for Repeal of After-the-Fact Fee Regulation.

Government Code section 11340.6 authorizes any interested person to file a petition requesting the Commission to repeal a regulation. Public Resources Code section 30333 authorizes the Commission to amend its regulations and Public Resources Code section 30620, subdivision (c) authorizes the Commission to establish reasonable filing fees and to require the reimbursement of expenses.

The Commission's after-the-fact (ATF) filing fee regulation provides that the filing fee for coastal development permit applications for ATF development is normally five times the otherwise applicable filing fee. (Cal. Code. Regs., tit. 14, § 13055, subd. (d).) The Commission's Executive Director may reduce the filing fee to as low as two times the otherwise applicable fee if the application can be processed without significant additional review time or if the owner did not undertake the development. (*Id.*)

The Commission found that the ATF filing fee is an appropriate and proportionate fee that reflects the additional staff time and expense involved in the review of ATF applications and that it does not constitute an impermissible penalty. A copy of the memorandum with the Commission's complete analysis is available on the Commission's website, as is a copy of the Petition: <http://documents.coastal.ca.gov/reports/2014/12/F14-12-2014.pdf>. Copies of these

documents may also be obtained either by mailing a request to Legal Division, California Coastal Commission, 45 Fremont St. Ste. 2000, San Francisco, CA 94105, or by calling (415) 904-5220.

Sincerely,

A handwritten signature in black ink, appearing to read "Hope Schmeltzer", written in a cursive style.

HOPE SCHMELTZER
Chief Counsel

cc: Office of Administrative Law

RECEIVED

DEC 17 2014

PACIFIC LEGAL FOUNDATION