No. S284378

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SHEAR DEVELOPMENT CO., LLC,

Plaintiff and Appellant,

v.

CALIFORNIA COASTAL COMMISSION,

Defendant and Respondent.

Court of Appeal of the State of California
Second Appellate District, Division Six, Case No. B319895

Superior Court of California
County of San Luis Obispo
The Honorable Rita Federman
Civil Case No. 20CV-0431

APPELLANT'S SUPPLEMENTAL REPLY BRIEF

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INTRODUCTION

The Commission's supplemental brief argues that Public Resources Code section 30603(a)(4) provides it with appellate jurisdiction over every coastal development permit in San Luis Obispo County—and indeed, in every coastal county that designates more than one principal permitted use within a land use category. This interpretation is foreclosed by the text, structure, and history of the Coastal Act, and contradicts the Commission's own prior certification findings.

When the Commission certified the County's LCP in 1988, it explicitly approved the County's methodology for designating principal permitted uses through Coastal Table O, as well as its language limiting appealability to conditional uses. The Commission's own certification findings stated that the County's designation method "clearly identif[ies] principal permitted uses" and was "consistent with Coastal Act requirements." County Supp. Am. Br. 9 (Cal. Coastal Comm'n, *Revised Findings – County of San Luis Obispo: LCP Implementation Program (Land Use Ordinance)* (Jan. 14, 1987) pp. 12-13 ("Revised Findings")). The Commission cannot now disavow its own certification by invoking general Coastal Act language to override the specific terms of the certified LCP it approved.

The Commission's interpretation also contradicts the statutory text. Section 30603(a)(4) asks whether a development is "designated as the

principal permitted use"—not whether it is the "only" or "singular" principal permitted use. Single-family dwellings are expressly designated with a "P" (for principal permitted use) in the Residential Single-Family category under Coastal Table O. That other uses may also be so designated does not change the fact that Shear's proposed single-family dwellings qualify as a principal permitted use under the LCP.

The Commission's interpretation would lead to absurd results. Under the Commission's reading, every coastal development permit in San Luis Obispo County would be appealable because every land use category in Coastal Table O designates multiple uses with a "P."[1] This would render the detailed appealability provisions in County Code section 23.01.043 entirely superfluous and defeat the express purpose of LCP certification, which is to transfer final permit authority to local governments.

The Commission's current position is also difficult to reconcile with its prior representations to this Court. At oral argument, the Attorney General told this Court that the December 2024 LCP amendments "govern[] the question of the commission's appellate jurisdiction in this case." Oral Argument before the Supreme Court of California 27:37 (Dec. 3, 2025). But if the Commission's supplemental brief is correct that every permit in the County is appealable under section 30603(a)(4)

[1] As the Commission concedes in its supplemental brief, this is not limited to San Luis Obispo County.

regardless of the sensitive coastal resource area designation, then those amendments do not resolve the jurisdictional question at all. The Commission's shifting positions underscore the importance of this Court providing definitive guidance on the proper interaction between certified LCPs and the Coastal Act, and resolving the important questions of statutory interpretation and construction under the Coastal Act upon which it has granted review.

I. The Certified LCP's Specific Language Controls Over Any Broader Reading of the General Coastal Act Provision

A. The Commission Certified the County's Principal Permitted Use Designation Methodology in 1988

The Commission's interpretation of § 30603(a)(4) as an independent hook for Commission jurisdiction is foreclosed by the Commission's own prior words and actions. In 1988, the Commission certified the San Luis Obispo County LCP, including the specific provisions that define which developments are appealable to the Commission. As part of this certification, the Commission explicitly approved the County's methodology for designating multiple principal permitted uses through Coastal Table O.

When the Commission certifies an LCP, it makes a binding determination that the LCP's provisions are consistent with the policies of the Coastal Act and adequate to protect coastal resources. Pub. Res. Code §§ 30512, 30513. This determination necessarily includes the LCP's

provisions regarding which developments are subject to Commission appellate review.

The County's LCP includes two key provisions governing appealability under the principal permitted use exception. First, County Code § 23.01.043(c)(4) provides that appealable development includes "[a]ny approved development not listed in Coastal Table O, Part I of the Land Use Element as a Principal Permitted (P) Use." Second, Coastal Table O itself designates multiple uses as principal permitted uses within each land use category, marking these uses with a "P." AR 1865-1871. The Commission reviewed and approved both of these provisions when it certified the LCP.

The County's supplemental amicus brief confirms the inconsistency in the Commission's position. The County explains that the Commission's interpretation "would expand the scope of its appellate jurisdiction to encompass, not only the entirety of Los Osos, but every single development project within the County's coastal zone." County Supp. Am. Br. 6. Not only would the Commission's position "render[] Title 23 of the County Code, section 23.01.043, subdivision (c)(4), a nullity"—*see* Amended Order Denying Petition for Writ of Mandate, *Shear Development Company, LLC v. California Coastal Commission*, Case No. 20CV-0431, at 14 (Super. Ct. Mar. 10, 2022)—but it would leave the newly adopted language on appealability for sensitive coastal resource areas a nullity from the start.

The County also documents that the Commission's current interpretation contradicts the Commission's own longstanding practice, as well as the *express language of its findings at the time of adoption of the LCP*. When the Commission certified the County's LCP in 1988, the Commission approved the County's methodology for designating multiple principal permitted uses through Coastal Table O. County Supp. Am. Br. 8-9. The Commission's certification findings made in support of that certification stated that the County's designation method "clearly identif[ies] principal permitted uses" and that the County's approach was "consistent with Coastal Act requirements." County Supp. Am. Br. 9 (quoting Revised Findings 12-13). Most critically, those findings unambiguously confirm that the LCP provisions are intended to limit appealability to development that is *not* listed as a principal permitted use in Table O, that the County could identify multiple principal permitted *uses* (plural), and that only "other uses" would be appealable:

> In coastal counties, all development *which is not identified as* ***a*** *principal permitted use* in the zone district where it is proposed, is appealable to the Coastal Commission. It is therefore very important to clearly identify *principal permitted* ***uses*** and *indicate that* ***all other uses*** *allowed in a particular zone district are appealable*.
>
> The San Luis Obispo ordinance provides for the appeal of conditional uses in Section 23.01.043(c)([4]) and identifies principal permitted and conditional uses by reference to Table "O" of the Land Use Element which is part of the LCP. Principal Permitted Uses and

> the various "allowable" uses (conditional) are defined in the definition section of the ordinance (Section 23.11.030 et seq.).

County Supp. Am. Br. 8-9 (quoting Revised Findings 12-13) (emphasis added). Finally, the Commission explicitly found at that time that "[t]hese sections which refer to Principal Permitted and Conditional Uses *are consistent with Coastal Act requirements*." *Id.* (emphasis added).

Indeed, the Commission's 1988 certification findings remove all doubt as to the understanding reached between the County and Commission *at the time the LCP was drafted and certified*. The Commission acknowledged that the San Luis Obispo ordinance identifies principal permitted and conditional uses by reference to Table O of the Land Use Element. It further acknowledged that the Table could contain multiple principal permitted uses, and that those uses would not be appealable, and that it was instead "all other uses" that would be appealable to the Commission. The Commission concluded that these provisions are consistent with all Coastal Act requirements. *See* County Supp. Am. Br. 9 (quoting Revised Findings 12-13).

It is unsurprising, then, that the Superior Court in *Crowther v. California Coastal Commission*—the first instance in which a court considered the Commission's new assertion of jurisdiction over San Luis Obispo County—rejected precisely the interpretation the Commission now advances. The trial court held that reading § 30603(a)(4) to make virtually

all County approvals appealable would contravene the purpose of the County LCP, since virtually every developmental approval would be appealable, thereby defeating the transfer of final approval authority to local jurisdictions following adoption (and certification) of Local Coastal Plans. Appellant's Am. Supp. Mot. for Jud. Notice (Am. Supp. MJN), Ex. 6 (*Crowther v. Cal. Coastal Comm'n*, No. CV 050453 (San Luis Obispo Superior Ct.), Statement of Decision at 2). The Commission did not appeal that decision, and the judgment became final.

Finally, the County's express position provides significant evidence as to the correct interpretation of its own LCP. The County has consistently interpreted section 23.01.043(c)(4) to mean that developments designated as principal permitted uses in Coastal Table O are not appealable. County Supp. Am. Br. 10, 12-13. This longstanding interpretation by the local government that drafted the provision is entitled to significant weight. *See Yamaha Corp. of America v. State Bd. of Equalization*, 19 Cal. 4th 1, 12 (1998); *Anderson First Coal. v. City of Anderson*, 130 Cal. App. 4th 1173, 1193 (2005). The Commission's contrary interpretation, adopted long after certification and inconsistent with both the County's understanding and the Commission's own prior practice, should be rejected.

B. The Commission's Position Violates the Primacy of Certified LCPs Under the Coastal Act

The Commission's interpretation violates the fundamental principle that certified LCPs, not general Coastal Act provisions applied independently of the LCP, define the scope of the Commission's appellate jurisdiction. Once an LCP is certified, the Commission's appellate authority is limited to reviewing whether local permit decisions conform to the standards in the certified LCP. Pub. Res. Code § 30603(b)(1).

This principle was clearly explained in *Security National Guaranty, Inc. v. California Coastal Commission*, 159 Cal. App. 4th 402 (2008). In that case, the Commission attempted to apply environmentally sensitive habitat area restrictions to property that was not designated as ESHA in Sand City's certified LCP. The Court of Appeal rejected this effort, holding that the Commission exceeded its authority and improperly assumed powers reserved to the local government by attempting to enforce standards not found in Sand City's LCP. *Id.* at 422-23.

The same principle applies with equal force here. The County's certified LCP specifically provides that developments listed in Coastal Table O, Part I of the Land Use Element as a Principal Permitted (P) Use are non-appealable. County Code § 23.01.043(c)(4). Single-family dwellings are expressly listed with a "P" designation in the Residential Single-Family category. AR 1866, 1868. The Commission cannot invoke

general language in § 30603(a)(4) to override this specific certified LCP provision and assert jurisdiction over developments that the LCP explicitly makes non-appealable.

The Commission argues that § 30603(a)(4) of the Coastal Act provides an independent basis for jurisdiction that supersedes contrary LCP provisions. Comm'n Supp. Br. 22-23. But this argument contradicts the fundamental structure of the Coastal Act. Section 30603(b)(1) specifically limits the grounds for appeal to whether the development does not conform to the standards set forth in the certified local coastal program. This language makes clear that the certified LCP, not general Coastal Act provisions, defines the scope of Commission review.

This principle is particularly important because it preserves the allocation of authority between state and local governments that the LCP certification regime was designed to establish. As this Court explained in *Yost v. Thomas*, the Commission's role in the LCP certification process is to approve or disapprove but it cannot itself draft any part of the coastal plan. 36 Cal. 3d 561, 572 (1984). Once the Commission certifies an LCP, it has determined that the local government's land use regulations adequately protect coastal resources. The Commission cannot then expand its own authority by reinterpreting general Coastal Act provisions to override specific certified LCP terms.

II. The Commission's Interpretation of Section 30603(a)(4) Contradicts the Coastal Act's Text, Structure, and Legislative History

A. The Commission's Reading Frustrates the Structure and Intent of the Coastal Act

The Commission argues that the definite article "the" in the phrase "the principal permitted use" requires that there be only a single principal permitted use per land use category. Comm'n Supp. Br. 12. But this reading requires a strict reading of the language that frustrates the structure and purpose of the Coastal Act.

The relevant statutory language provides that the Commission may exercise appellate jurisdiction over "[a]ny development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map." Pub. Res. Code § 30603(a)(4)(A). The key phrase is "designated as the principal permitted use"—not "designated as the only principal permitted use" or "designated as the singular principal permitted use." The statute asks whether the proposed development is designated as the principal permitted use, not whether it is the only use so designated.

The Commission's interpretation would require this Court to read words into the statute that the Legislature did not include, and construe the existing language strictly in ways that undermines other language of the Coastal Act. The statute simply asks whether the development at issue is

designated as a principal permitted use. If it is so designated—as single-family dwellings clearly are in the Residential Single-Family category—then it is not appealable under § 30603(a)(4). That a local government might also designate other uses as principal permitted uses in the same category is irrelevant to whether the development at issue qualifies as a principal permitted use.

The question under § 30603(a)(4) is whether Shear's proposed single-family dwellings are designated as the principal permitted use under the LCP. They are—Coastal Table O expressly designates "Single Family Dwelling" with a "P" in the Residential Single-Family category. AR 1866, 1868. That the LCP also designates coastal accessways and passive recreation as principal permitted uses in the same category does not change the fact that single-family dwellings are designated as a principal permitted use and are therefore non-appealable under the statute's plain terms.

And even if this Court believes that the Commission's reading of the provision is correct, it would be correct to reject such a literal reading. "[A] fundamental principle of statutory construction is that the language of a statute should not be given a literal meaning if doing so would result in absurd consequences which the Legislature did not intend." *People v. Cook*, 60 Cal. 4th 922, 927 (2015). The goal of the Coastal Act is to provide "maximum responsiveness" to local conditions by "rely[ing] heavily on local government and local land use planning procedures and enforcement."

Pub. Res. Code § 30004. Once an LCP is certified, development is intended to primarily be non-appealable, with Commission appellate oversight for "only" a limited list of discretely defined types of developments. Pub. Res. Code § 30603(a).

Multiple courts have rejected the Commission's interpretation. In *DeCicco v. California Coastal Commission*, 199 Cal. App. 4th 947 (2011), the Second District Court of Appeal reviewed a coastal development permit appeal within a jurisdiction that contained multiple principal permitted uses, holding that the Commission could assert jurisdiction only on other grounds, because permits for "*a* principal permitted use . . . would not be appealable." *Id.* at 951 (emphasis added). Similarly, the superior court below rejected the Commission's "recent" interpretation, noting that it would defeat the purpose and intent of section 30603 and render Commission-certified section 23.01.043(c)(4) of the County Code a "nullity." Amended Order Denying Petition for Writ of Mandate, *Shear Development Company, LLC v. California Coastal Commission*, Case No. 20CV-0431, at 13-14 (Super. Ct. Mar. 10, 2022). And as discussed above, the superior court in *Crowther* also rejected Commission appellate jurisdiction on the same grounds. Appellant's Am. Supp. Mot. for Jud. Notice (Am. Supp. MJN), Ex. 6 (*Crowther v. Cal. Coastal Comm'n*, No. CV 050453 (San Luis Obispo Superior Ct.), Statement of Decision at 2).

Courts must give effect to every word of a statute and avoid interpretations that render language superfluous. *State Dep't of Pub. Health v. Superior Ct.*, 60 Cal. 4th 940, 955 (2015); *Fontana Unified Sch. Dist. v. Burman*, 45 Cal. 3d 208, 218 (1988). The Commission's interpretation fails this basic test. The Coastal Act is transformed to give maximal state control over county permits, retroactively limiting those counties to a single principal permitted use or leaving every single permit subject to Commission oversight. This is not what the Legislature intended.

B. Recent Statutory Amendments Do Not Support the Commission's Position

The Commission argues that the Legislature's 2024 amendments to exempt San Francisco from § 30603(a)(4) review ratify the Commission's interpretation. Comm'n Supp. Br. 14-16. But this argument fails. The 2024 amendments do not expressly endorse the Commission's interpretation. The amendments simply exclude San Francisco from the Commission's appellate jurisdiction under § 30603(a)(4) and add an exemption for certain multifamily housing. Pub. Res. Code § 30603(a)(4)(B)-(C).

Though the Legislature initially considered a version of the bill that would have conclusively foreclosed the Commission's position on 30603(a)(4), that version was not ultimately voted on by the Legislature or adopted. "Unpassed bills, as evidences of legislative intent, have little value." *Dyna-Med, Inc. v. Fair Emp't & Hous. Comm'n*, 43 Cal. 3d 1379,

1396 (1987). California courts have frequently noted that "very limited guidance that can generally be drawn from the fact that the Legislature has not enacted a particular proposed amendment to an existing statutory scheme." *Dep't of Corr. & Rehab. v. State Pers. Bd.*, 227 Cal. App. 4th 1250, 1261 (2014) (quoting *Marina Point, Ltd. v. Wolfson*, 30 Cal. 3d 721, 735 n.7 (1982)).

The amendments ultimately enacted by the Legislature do not directly address or resolve the question of whether it originally intended to prohibit coastal counties from designating multiple principal permitted uses within a land use category. That the legislature considered—but ultimately did not enact—provisions that would have explicitly rejected the Commission's current proffered interpretation is not determinative, and indeed, offers little probative value. *See Dyna-Med, Inc.*, 43 Cal. 3d at 1396 (noting that subsequent activity of the legislature is of little value in discerning the original meaning of unchanged provisions, and noting specifically that "[t]he Legislature's failure to modify the statute so as to require an interpretation contrary to the commission's construction is not determinative" in statutory interpretation).

C. The Commission's Interpretation Would Transform Limited Appellate Jurisdiction into Plenary Review Authority

The Coastal Act establishes a carefully calibrated division of authority between state and local governments. Before an LCP is certified,

the Commission exercises original permitting jurisdiction. Once an LCP is certified, primary permitting authority transfers to the local government, and the Commission's role is reduced to limited appellate oversight in specific enumerated circumstances. The Commission's interpretation would eviscerate this allocation of authority.

Section 30603(a) carefully enumerates the circumstances in which the Commission retains appellate jurisdiction after LCP certification. These enumerated exceptions are meant to be limited. As this Court recognized in *Pacific Palisades Bowl*, once an LCP is certified, state-delegated authority over permitting decisions rests with local governments. *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles*, 55 Cal. 4th 783, 792 (2012).

The Commission's interpretation would effectively nullify this allocation of authority in every coastal county. Under the Commission's reading, if a county designates more than one principal permitted use in any land use category, then all developments in that category are subject to Commission review. Since it is common and sensible for local governments to designate multiple principal permitted uses within categories, the Commission's interpretation would subject virtually all county-approved developments to potential Commission review.

The Commission's interpretation would also undermine the policy objectives articulated in the Coastal Act itself. The Coastal Act expressly

states that one of its purposes is to achieve maximum responsiveness to local conditions, accountability, and public accessibility by relying heavily on local government and local land use planning procedures. Pub. Res. Code § 30004(a).[2] The Commission's interpretation is fundamentally inconsistent with this principle.

III. The Commission's Supplemental Brief Is Fundamentally Inconsistent with Its Prior Representations

The Commission's supplemental brief reveals an about-face from the position it maintained throughout oral argument and in its Answer Brief on the Merits. Previously, the Commission argued that Shear's permits would become non-appealable under the amended LCP's sensitive coastal resource area provisions, thus resolving conclusively the issues before this Court. Now the Commission asserts that every permit in the County—including Shear's—remains appealable under the principal permitted use exception, even following LCP amendments that purport to limit the Commission's appellate jurisdiction. These positions cannot be reconciled.

[2] Notably, the two principal permitted uses other than Single-Family Residential (and which are most likely to be removed if the County wishes to insulate its decisions from Commission appellate jurisdiction under this new "single principal permitted use" requirement) are uses that strongly *support* other Coastal Act policies and goals: coastal accessways and passive recreational use. AR 1866-1868; *see* Pub. Res. Code § 30001.5(c) (legislative findings that a legislative goal of the Act is to maximize public access and recreational opportunities).

In the Commission's Answer Brief on the Merits, the Commission devoted substantial attention to the December 2024 LCP amendments. ABM 29-32. The Commission explained that these amendments "narrowed the scope of the 'sensitive coastal resource area' in Los Osos that is appealable to the Commission." Comm'n Supp. Br. 26. (citing ABM 29). The Commission emphasized that under these amendments, "undeveloped lots like Shear's properties can now connect to the new wastewater project, facilitating the responsible development of new housing in Los Osos." Comm'n Supp. Br. 27; ABM 30. The Commission explicitly represented to this Court that if the case were remanded for application of the revised LCP, "the Commission sees no reason that Shear would be denied a development permit." Comm'n Supp. Br. at 27-28; ABM 30.[3]

The clear implication of these representations was that Shear's permits would no longer be appealable on sensitive coastal resource area grounds under Public Resources Code § 30603(a)(3), and thus *no longer appealable to the Commission*. The entire thrust of the Commission's

[3] One notable admission at Oral Argument, however, was that the Commission believed that the Court would be bound to apply later amendments *prohibiting* otherwise wrongfully-denied development permits in the same way it is urging the Court to apply more favorable later amendments. Oral Argument before the Supreme Court of California 33:50 (Dec. 3, 2025). As Justice Groban noted at oral argument, forcing courts to apply amended laws long after agencies have rendered decisions under earlier regulations could lead to "Kafka-esque" judicial review for permit applicants. *Id.* at 39:35.

argument was that the LCP amendments had resolved the jurisdictional question by excluding Shear's property from the sensitive coastal resource area designation.[4]

At oral argument, the Attorney General made this position even more explicit. She stated that "a recently amended version of the local coastal program unambiguously removes Shear's properties from the sensitive coastal resource area designation." Oral Argument before the Supreme Court of California 27:25 (Dec. 3, 2025). Most significantly, the Attorney General explicitly told this Court that "Because this intervening change in law *governs the question of the commission's appellate jurisdiction in this case*, the Court should remand to the Court of Appeal to apply the newly revised LCP in the first instance." *Id.* at 27:36 (emphasis added). When asked why this Court should not look back to when the Commission asserted jurisdiction, the Attorney General responded that "the

[4] Contradictorily, the Commission suggested in its answering brief that this Court should "assume without deciding" that the Commission *had* jurisdiction, and urged remand to allow *the Commission* to review in the first instance and decide whether to *perhaps* issue a permit *in some form* and with unknown conditions under new and unexamined LCP provisions. ABM 32. But the questions upon which this Court granted review were *not* as to whether Shear could be issued a permit in some form, but whether the Commission was correct in exercising jurisdiction *at all* over the County-issued permits.

court need not reach that question" because the amended LCP now definitively excluded Shear's property from appealability. *Id.* at 27:23.[5]

The Commission's supplemental brief takes a contradictory position. According to the Commission's current argument, every single coastal development permit in San Luis Obispo County was—and remains—appealable under § 30603(a)(4) because the County's LCP designates multiple principal permitted uses rather than one single use for each land use category. Comm'n Supp. Br. 7-8, 25-26. Under this interpretation, the Commission retains appellate jurisdiction over Shear's permits *regardless* of whether they fall within a sensitive coastal resource area. The Commission expressly states that it "maintains appellate jurisdiction over Shear's permit under the amended LCP" on principal permitted use grounds. Comm'n Supp. Br. 26.

These positions are difficult to reconcile. The Attorney General explicitly told this Court that the "intervening change in law governs the

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[5] Further, the Attorney General suggested that the basis for applying the later amendments was that "while an administrative proceeding is still ongoing, the permit never issued . . . ." Oral Argument before the Supreme Court of California 27:58 (Dec. 3, 2025). But under section 1094.5, a court is not reviewing an *ongoing* administrative proceeding, but the final decision of the administrative agency, using a closed administrative record of findings made on the basis of the facts and law before that agency at that time. *City of Walnut Creek v. Cnty. of Contra Costa*, 101 Cal. App. 3d 1012, 1019 (1980) ("It is fundamental that the review of administrative proceedings provided by section 1094.5 of the Code of Civil Procedure is confined to the *issues* appearing in the record of that body as made out by the parties to the proceedings . . . ." (citation omitted)).

question of the commission's appellate jurisdiction." Oral Argument before the Supreme Court of California 27:35 (Dec. 3, 2025). But if the Commission's supplemental brief is correct that every permit in the County is appealable under § 30603(a)(4), then the intervening change in law does not govern the question of appellate jurisdiction at all. Rather, in the Commission's eyes, the sensitive coastal resource area amendments merely inserted surplusage. The 2024 LCP amendments purport to resolve a jurisdictional question while in practical effect do no such thing.

Finally, the Commission suggests that the Commission's asserted power to re-review Shear's permit under later-adopted amendments would have "no practical effect on Shear's ability to secure a permit." Comm'n Supp. Br. 26. Of course, this is far from the simple process that the Commission suggests. The Commission conceded at oral argument that Shear will have to comply with any and all changed conditions and requirements under the new LCP amendments, including mitigation fees that could total tens of thousands of dollars. Oral Argument before the Supreme Court of California 38:10 (Dec. 3, 2025). This highlights the inequity—and practical difficulty—of suggesting that courts must revisit an administrative decision under section 1094.5 judicial review by applying new and unexamined law. Shear is entitled to have the Commission's decision reviewed under the laws that were in effect at the time its permit was denied (as Shear contends, wrongly and without jurisdiction).

CONCLUSION

For all the foregoing reasons, this Court should answer both questions posed in its supplemental briefing order in the negative. Under both the LCP in effect at the time the Commission exercised appellate jurisdiction and the LCP currently in effect, the Commission did not properly exercise appellate jurisdiction over Shear's coastal development permit on the ground that single-family residential development is not designated as the principal permitted use.

The Commission's substantive interpretation contradicts the Coastal Act's text and structure, violates the primacy of certified LCPs, would render its own 1988 certification meaningless, and leads to absurd results. Further, its supplemental brief reveals fundamental inconsistencies with its prior positions and would render recent amendments to the LCP meaningless. This Court should properly analyze the Commission's exercise of jurisdiction under the LCP as it existed at the time of said exercise and reverse the judgment of the Court of Appeal.

DATED: February 4, 2026.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The text of this brief consists of 4,613 words according to the word count feature of the computer program used to prepare this brief.

DATED: February 4, 2026. /s/ Jeremy Talcott
JEREMY TALCOTT

DECLARATION OF SERVICE

I, Tawnda Dyer, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to this action. My business address is 555 Capitol Mall, Suite 1290, Sacramento, California 95814.

On February 4, 2026, I caused a true copy of Appellant's Supplemental Reply Brief to be electronically delivered via Truefiling upon the following:

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 4, 2026, at Roseville, California.

TAWNDA DYER