
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

Bill No: SB 963 **Hearing Date:** April 14, 2026
Author: Laird
Version: March 9, 2026 Amended
Urgency: No **Fiscal:** Yes
Consultant: Katharine Moore

Subject: California Coastal Act of 1976: coastal development permits: appeal: de novo review

SUMMARY

This bill would set certain time limits for the California Coastal Commission (commission) to identify and review necessary data and hold a de novo and public hearing when a coastal development permit issued by a local jurisdiction is appealed to the commission and the commission determines a substantial issue exists, as provided.

BACKGROUND AND EXISTING LAW

The California Coastal Commission (commission)

The commission was established by voter initiative, Proposition 20, in 1972. The Legislature later made the commission permanent through the adoption of the California Coastal Act of 1976 (Coastal Act) (Public Resources Code (PRC) §§30000 *et seq.*). The commission plans for and regulates the use of land and water in the coastal zone (which excludes the San Francisco Bay).

The commission is an independent, quasi-judicial state agency, and its mission statement states that it “is committed to protecting and enhancing California’s coast and ocean for present and future generations.” The commission does so “through careful planning and regulation of environmentally sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.”

Development activities in the coastal zone generally require a coastal development permit (CDP) issued by the commission or by a local government with a local coastal program (LCP) certified by the commission. Coastal Act policies are the standards the commission uses to determine the permissibility of proposed developments subject to its jurisdiction.

CDP appeals

In certain limited circumstances, the decision of a local government to issue a CDP can be appealed to the commission. There are 10 working days after the commission has received notice of the local jurisdiction issued CDP for that CDP to be appealed. The commission then has 49 days to hold a public hearing on the appeal. If the commission, using the certified LCP or its public access policies to evaluate the CDP, determines there is a “substantial issue” with conformity to the certified LCP or public access policies on appeal, the commission will resume authority over permitting and hold a “de novo” appeal hearing for the project. The commission may then approve or deny the project.

For a “de novo” hearing, the commission has the authority to address how the project conforms to all Coastal Act policies, not just the applicable LCP. This may involve requests for additional information from the applicant and other efforts. An applicant may seek a postponement of the “de novo” hearing after the staff recommendation is published.

Data obtained from the commission for 2021 – 2025 indicate that there were 6,710 local jurisdiction CDPs issued, of which about 56% (3,781) were appealable. Of those appealable CDPs, 286 were appealed (about 4.6%). For 2024 – 2025,¹ there were 89 approved appeal applications of which 55 (about 62%) were determined to raise no substantial issue. Of the 34 referred for a “de novo” hearing by the commission, 22 projects were approved with conditions, 5 projects were withdrawn, 1 was denied, and 6 remained pending. The percentage of projects denied or withdrawn under appeal was 0.2% of the total CDPs issued by local jurisdictions.

It is worth noting that some appeals and subsequent “de novo” hearing are not completed within the same calendar year. In its appeals FAQs, the commission states:

The time required to process a Commission appeal depends in part on the complexity and significance of the issues raised. The average time for appeals that do not raise a substantial issue is 2 to 3 months. For appeals that raise a substantial issue, it takes approximately 6-8 months on average to reach a final decision. It may take longer to resolve more complicated appeals. The Commission does its best to process appeals as quickly as possible, generally in the order they are received. Information needs, complexity of issues, extent of public interest, applicant responsiveness, and staff workload all affect the timing of the appeal process.

Beyond the time periods already cited, the appeals process to the commission is not currently subject to statutory requirements. Appeals are outside of the Permit Streamlining Act.

Existing law, pursuant to the Coastal Act:

- 1) Establishes the commission in the California Natural Resources Agency (PRC §30004).
- 2) Includes legislative findings and declarations that:
 - a) The coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people, the permanent protection of the state’s natural and scenic resources is a paramount concern to present and future residents, and existing uses and future developments that are carefully planned and developed consistent with the Coastal Act are essential to the economic and social well-of the people of the state (PRC §30001).

¹ 2024 and 2025 data from the commission’s key metrics reports for those years.

- b) The basic goals of the state for the coastal zone include to:
 - i) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources,
 - ii) Ensure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state, and
 - iii) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners, among other things (PRC §30001.5).
- 3) Provides for the planning and regulation of development within the coastal zone, as defined.
 - a) A person planning to perform or undertake any development in the coastal zone is required to obtain a CDP from the Coastal Commission or local government enforcing a certified LCP (PRC §30600).
 - i) Development means, among other things, the placement or erection of any solid material or structure on land or in water. Structure means building, road, pipe, flume, conduit, and electrical power transmission and distribution lines, among other things (PRC §30106).
 - ii) The coastal zone means the coastal land and waters of California, and includes the lands that extend inland generally 1,000 yards from the mean high tide line, as specified, with various exceptions including the San Francisco Bay (PRC §30103).
- 4) Requires a local government in the coastal zone to prepare a LCP. Requires the precise content of the LCP to be determined by the local government in full consultation with the Coastal Commission and with full public participation. (PRC §30500). Provides for LCPs to be amended by the local government, but the amendment does not take effect until certified by the Coastal Commission (PRC §30514).
- 5) Prohibits the Coastal Commission from exercising its review authority over any new development within the area to which the certified LCP, or any portion thereof, applies (PRC §30519).
- 6) Authorizes an appeal to the Coastal Commission of only the following developments approved by a local government with a certified LCP:
 - a) Development between the sea and the first public road paralleling the sea or within 300 feet of the beach or mean high tideline, as provided.
 - b) Development on certain tidelands, submerged lands, or public trust lands within 100 feet of any wetland, estuary or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

- c) Developments in sensitive coastal areas other than those described in a) and b), as provided.
 - d) Development approved by a coastal county that is not designated as a principal permitted use, as provided.
 - e) Development that is a major public works or a major energy facility (PRC §30603).
- 7) Requires that the standard of review used by the Coastal Commission for the appeal of certain local CDPs is the applicable certified LCP or public access policies, as provided (PRC §30603).

PROPOSED LAW

This bill would:

- 1) Provide that an appeal of a local jurisdiction's CDP is properly submitted if the appealing party or parties submit it a signed completed form to the commission's executive director (executive director) within the established regulatory timeline. Requires the commission to provide the form to the public, as specified.
- 2) Require the appealing party or parties to provide in writing the specific grounds for the appeal. Require the identification of specific features of the proposed development and how they do not conform to the standards in the certified LCP and Coastal Act public access policies, as specified.
- 3) Authorize the executive director to reject an appeal that is not properly submitted, as specified.
- 4) In the event that a substantial issue exists with respect to the grounds on which an appeal has been filed and after the substantial issue hearing, require the commission to provide for de novo review and a public hearing on the CDP application that are consistent with the following:
 - a) Require the executive director within 30 calendar days after the commission determines that a substantial issue exists to provide the permit applicant with a complete description of the information needed for the commission to complete a de novo review and hold a public hearing on the CDP application.
 - b) Require the executive director to review an applicant submittal pursuant to (a) above and within 30 days notify the applicant that the submittal is complete or provide a complete description of any remaining information needed. Require subsequently provided information to be processed in the same manner.
 - c) Require the commission to hold a de novo public hearing and act on the CDP application within 180 calendar days once the executive director has received a complete submittal.
 - d) Authorize the time limits in (c) above to be extended once upon mutual written agreement for a period not to exceed 90 calendar days, as specified.

- 5) Authorizes the commission to conduct a de novo review and public hearing on the same day it determines a substantial issue exists if the executive director determines the commission has the information necessary to do so.

ARGUMENTS IN SUPPORT

According to the author, “Senate Bill 963 will provide more certainty to anyone navigating the Coastal Commission appeals process by establishing clear timelines and ensuring that appealed projects move through the process in a standardized and timely manner. If a local jurisdiction has a certified local coastal program, they are responsible for issuing a Coastal Development Permit (CDP) for a new development project in a coastal zone. In some cases, developers and other stakeholders may appeal the local agency’s decision on a CDP to the Coastal Commission. While the purpose of the appeals process is to ensure that projects in the most sensitive areas of the coast are in compliance with the local coastal program and the Coastal Act before they move forward, appeals can sometimes add delays in the permitting process, creating uncertainty for developers who are working to meet housing and infrastructure needs in coastal communities. Senate Bill 963 will reduce delays and uncertainty for developers while upholding our commitment to coastal protection and access.”

ARGUMENTS IN OPPOSITION

None received

COMMENTS

Providing a clock for the CDP appeals process. The commission has historically been criticized for the length of time the appeals process takes for certain CDPs where the commission determines that a substantial issue exists, despite, as noted above, that very few CDPs issued by local jurisdictions are appealed annually and fewer than half of those are found to have a substantial issue. This proposal, by instituting specific timelines for needed information to be provided and processed, should help to keep the process moving forward to resolution. It is possible that the commission may require additional resources to adhere to the new timelines should this bill become law.

The author may wish to consider, should this bill move forward, if it is possible to provide additional transparency the status of projects in the appeals process, either individually or in aggregate. This might include an online dashboard and could include data such as the number of CDPs being appealed at any given time, the grounds for the appeal, and the amount of time it takes to resolve the CDP, among others.

Recent related legislation

SB 1318 (Allen, 2026) would seek to limit non-owner-occupied short-term rentals in the coastal zone, as provided. (*This bill is pending before this Committee.*)

SB 1229 (Allen, 2026) would seek to limit the applicability of the CDP waiver for rebuilding a structure destroyed in a disaster to the property owner of record at the time of the disaster, as provided. (*This bill is pending before the Senate Appropriations Committee.*)

SCR 136 (Laird, 2026) would recognize 50 years of coastal protection and affirm the state’s longstanding commitment to protecting its coastal waters, as specified. (This resolution is pending on the Senate Floor.)

ACR 149 (Hart, 2026) would recognize 50 years of coastal protection and affirm the state's longstanding commitment to protecting its coastal waters, as specified. (*This resolution is pending before the Assembly Natural Resources Committee.*)

SB 484 (Laird, Chapter 416, Statutes of 2025) requires the commission to identify coastal zone infill areas in three jurisdictions where the commission retains coastal development permitting authority for a 10 year categorical exclusion from that permitting requirement for residential housing projects comprised entirely of very low, low, and moderate income housing units, as provided.

AB 462 (Lowenthal/Rivas, Chapter 491, Statutes of 2025) requires CDPs for accessory dwelling units to be approved or denied within 60 days, and eliminates the ability to appeal a local jurisdiction's CDP for an accessory dwelling unit to the commission, among other provisions, as provided.

AB 130 (Budget Committee, Chapter 22, Statutes of 2025), the housing budget trailer bill, exempts multifamily housing projects of four or more units that are exclusively residential from the commission's appeals jurisdiction in certain circumstances, as provided.

SB 1092 (Blakespear, 2024) would have required the commission to provide a report to the Legislature regarding appeals to the commission of local government decisions on coastal development permit (CDP) applications, as provided. (*This bill was held on suspense in the Assembly Appropriations Committee.*)

SB 951 (Wiener, Chapter 775, Statutes of 2024) would modify existing rezoning standards to add the requirement that jurisdictions within the coastal zone identify any necessary local coastal program updates, among other provisions.

SB 272 (Laird, Chapter 384, Statutes of 2023) requires a local government in the coastal zone or within the San Francisco Bay to develop a sea level rise plan as part of either a LCP or a shoreline resiliency plan that includes certain information, including sea level rise adaptation strategies and recommended projects, requires local governments to comply by January 1, 2034, as specified, and prioritizes funding for implementation of sea level rise adaptation strategies in approved plans, among other things.

SUGGESTED AMENDMENTS: none

SUPPORT

Bay Area Council
California Apartment Association
California Coastal Protection Network
Environmental Action Committee of West Marin
Surfrider Foundation

OPPOSITION

None received

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