

California Coastal Act Overview

CALIFORNIA COASTAL COMMISSION

June 30, 2021

This slide presentation is intended to provide general information only and is not intended to provide any particular guidance for consideration of individual permits

Photo: Cresting Wave, by David Orias



CALIFORNIA COASTAL COMMISSION
STATEWIDE PLANNING UNIT

California Coastal Act - Overview - Slide # 1

Acknowledgement

This slide presentation was prepared by the California Coastal Commission using Federal funds under award NA17NOS4190057 from the Office for Coastal Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

The statements, findings, conclusions, and recommendations are those of the author and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration or the U.S. Department of Commerce.

Photo: Max Balchowsky – "Just Fishin – Newport Beach"



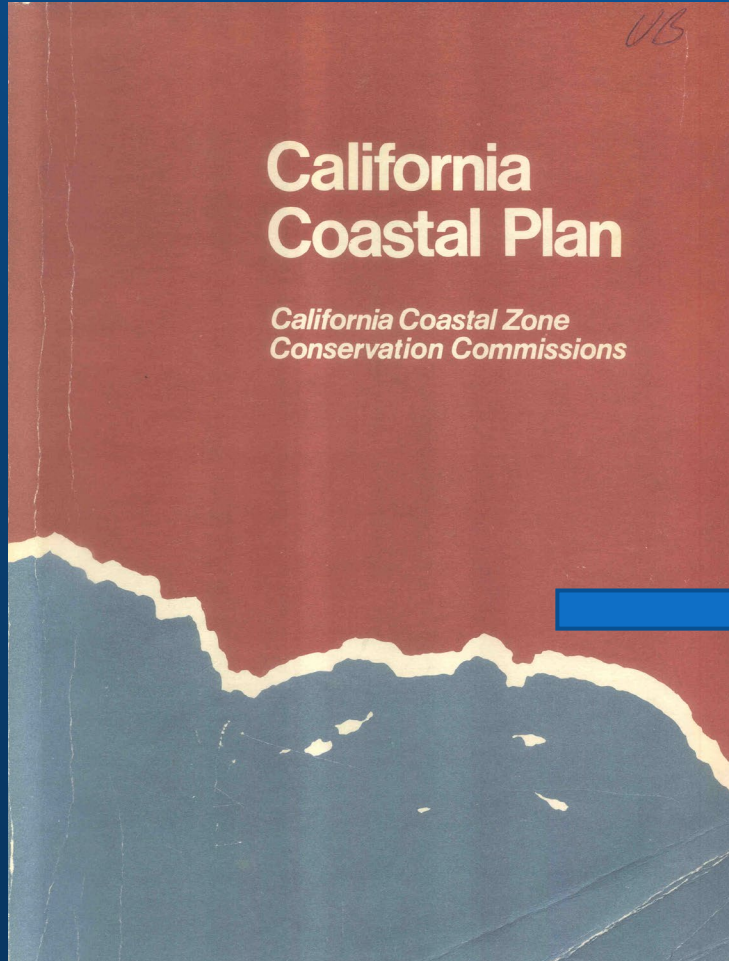
What is the California Coastal Commission?



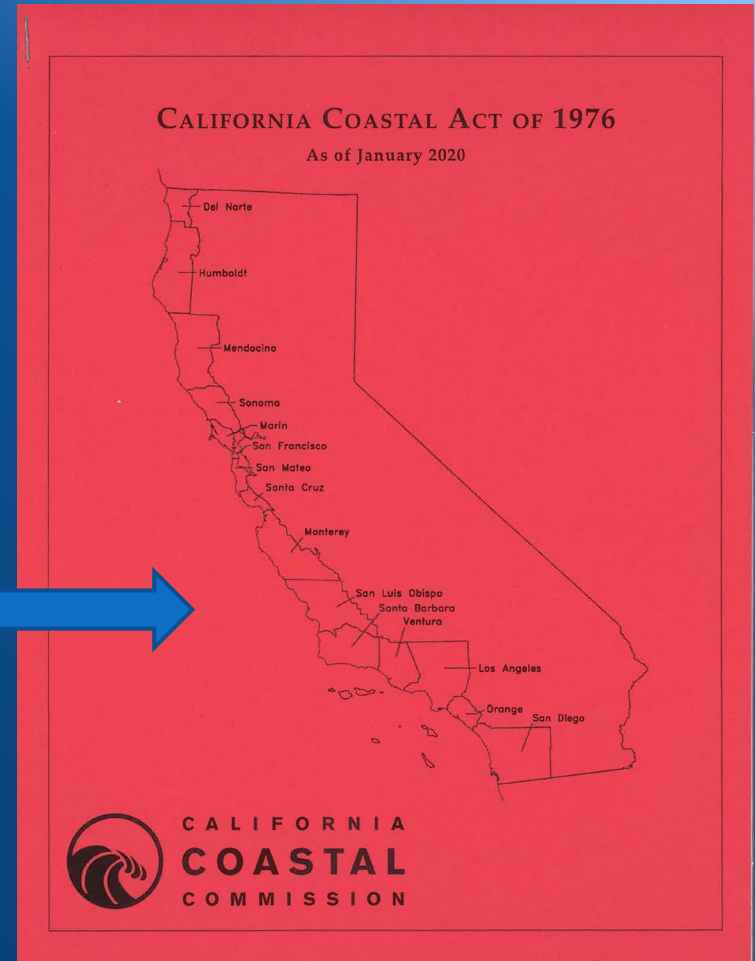
- The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976.
- The Coastal Commission is an independent, quasi-judicial state agency.
- The California Coastal Commission is the state's coastal zone planning and management agency, responsible for regulating development in the coastal zone.
- In partnership with coastal cities and counties, the Coastal Commission plans and regulates the use of land and water in the coastal zone.



Proposition 20, "The Coastal Initiative," led to development of the California Coastal Plan in 1975, with 162 policy recommendations.



The Coastal Plan was submitted to the State Legislature in 1975 and formed the basis for the Legislature's adoption of the California Coastal Act of 1976.



Who is on the Commission and how are they selected?



Coastal Commissioners at hearing, circa 2015

- The Commission is composed of twelve voting members, and three ex officio (non-voting) members.
- The 12 voting members are appointed equally (four each) by the Governor, the Senate Rules Committee, and the Speaker of the Assembly.
- Each appoint 2 locally elected officials and 2 from the public at large. Each voting member can appoint an alternate to serve during their absence.
- The three non-voting members include: the Secretaries of the Natural Resources Agency and the State Transportation Agency, and the Chair of the State Lands Commission; each non-voting member can appoint a designee to represent their agency to serve on the Commission.
- A current listing of the Commissioners can be found on our public website: [Roster of Commissioners \(ca.gov\)](http://www.calcoast.gov).





Coastal Commissioners at hearing, circa 2015.



Commission staff Alison Dettmer and Bob Merrill at Commission hearing 9/14/2012;



Public members at Coastal Commission meeting.



Former Executive Director Charles Lester, Deputy Chief Director Susan Hansch, current Executive Director Jack Ainsworth, former Chief Counsel Chris Pederson and Deputy Attorney General Jennifer Rosenfeld at staff table.



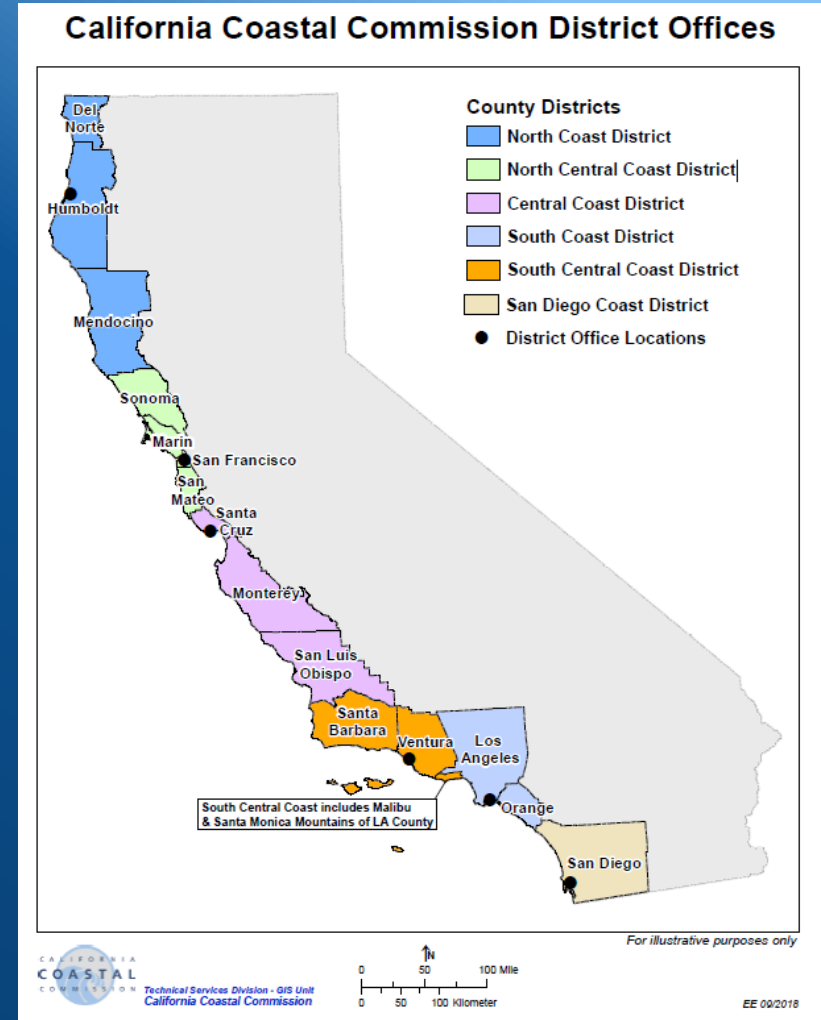
View of Commission meeting from ABC7 website



California Coastal Commission Districts

Commission staff work out of 6 District offices that cover the jurisdictions within the following coastal counties:

District Office	Geographic Area Covered
North Coast	Del Norte, Humboldt, and Mendocino Counties
North Central Coast	Sonoma, Marin, and San Mateo Counties, and the City and County of San Francisco
Central Coast	Santa Cruz, Monterey and San Luis Obispo Counties
South Central Coast	Santa Barbara and Ventura Counties, and the Santa Monica Mountains portion of Los Angeles County
South Coast	Los Angeles County (excluding the Santa Monica Mountains) and Orange County
San Diego Coast	County of San Diego



What is the Coastal Act?



Photo: Front yard and beach cottage at Crystal Cove State Park, by Chris Launi.

- The Coastal Act is a land use planning law that applies a specific set of land use planning principles and resource protection provisions within the Coastal Zone.
- The Coastal Act includes specific policies (see Division 20 of the Public Resources Code) that address issues such as:
 - shoreline public access and recreation · lower-cost visitor accommodations · terrestrial and marine habitat protection · visual resources · landform alteration · agricultural lands · commercial fisheries · industrial uses · water quality · offshore oil and gas development · transportation · development design · power plants · ports · and public works.
- The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the Commission and by local governments, pursuant to the Coastal Act.



Why is the Coastal Act important?



Photo: Humpback Whale breaching, Moss Landing, by Shane Keena

- The California Coastal Act of 1976 (Coastal Act) is an essential component of California's Coastal Management Program.
- The Coastal Act defines the Commission's coastal management goals and policies, establishes the boundaries of the Coastal Zone, and creates governmental mechanisms for carrying out the management program.
- The California Coastal Act of 1976 became effective January 1, 1977 and is codified under Division 20 of the California Public Resources Code in Sections 30000 - 30900.





Goals of the California Coastal Act

The Coastal Act specifies basic goals for coastal conservation and development aimed at...

- protecting, enhancing and restoring coastal environmental quality and resources,
- giving priority to "coastal dependent" development, and
- maximizing public access to the coast.



What is the Coastal Zone?

The Coastal Zone is a legislatively-defined geographic region that establishes the area regulated under the Coastal Act, encompassing both land and water areas along the length of the California coastline from the Oregon border to the Mexico border.



California “Coastal Zone” Defined

Per Coastal Act Section 30103, the “**Coastal zone**” is defined as...

“... the land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on maps [adopted by the State legislature]..., extending seaward to the state’s outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea.

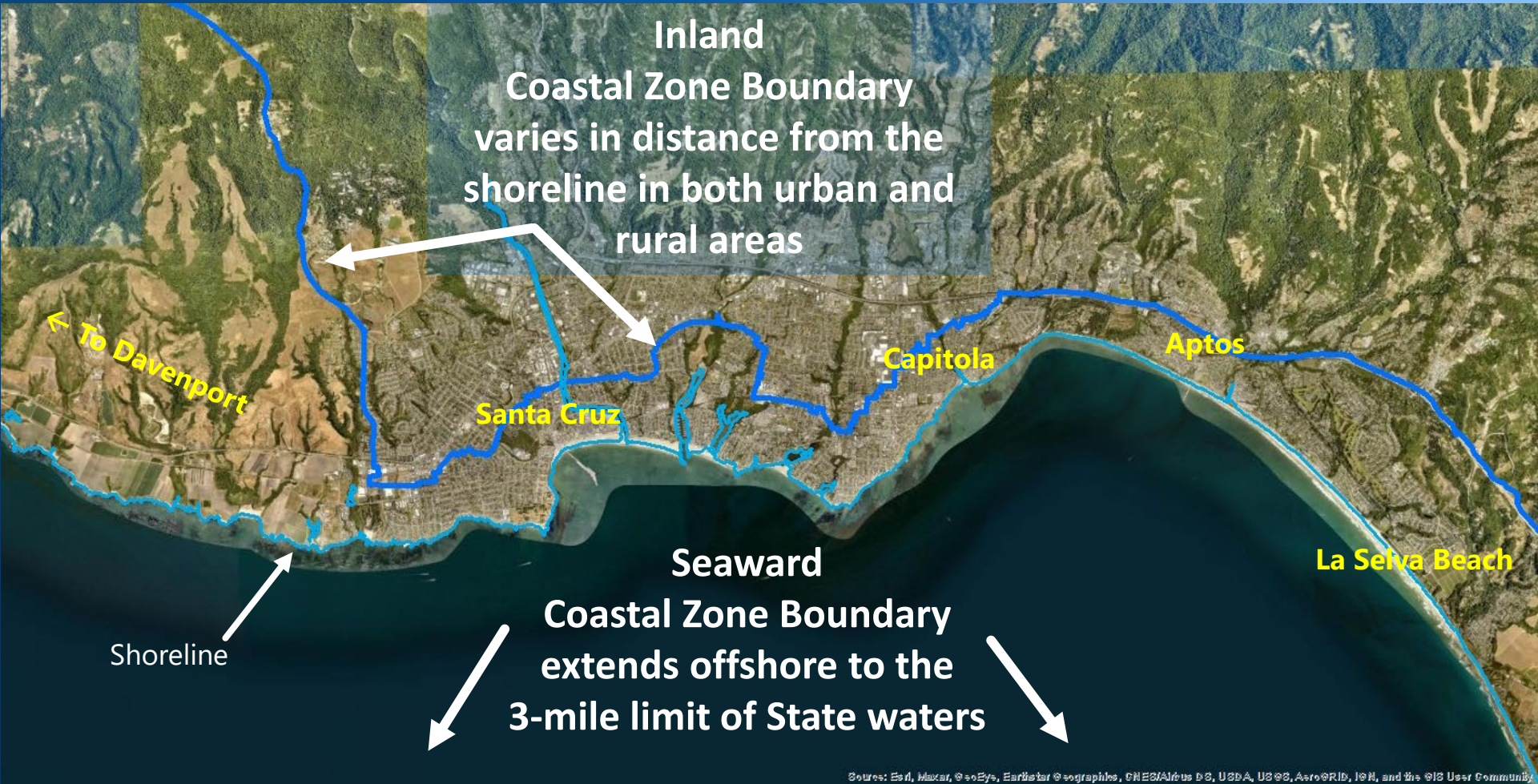
In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and

in developed urban areas the zone generally extends inland less than 1,000 yards.

The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission..., nor any area contiguous thereto..., including any [waterways] flowing into such area.”

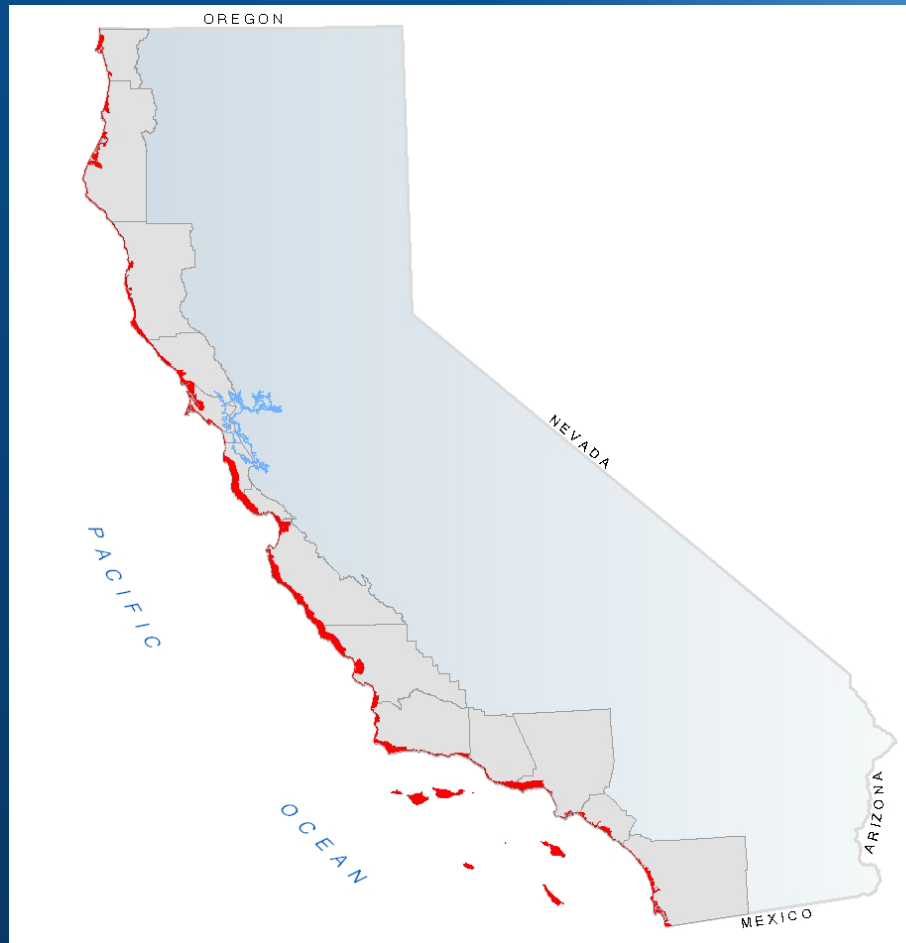


Where is the Coastal Zone?



Land Portion of Coastal Zone Statewide

Land
portion of
Coastal
Zone
shown in
red in the
15 coastal
counties



Coastal Counties
Del Norte
Humboldt
Mendocino
Sonoma
Marin
City/Co of San Francisco
San Mateo
Santa Cruz
Monterey
San Luis Obispo
Santa Barbara
Ventura
Los Angeles
Orange
San Diego

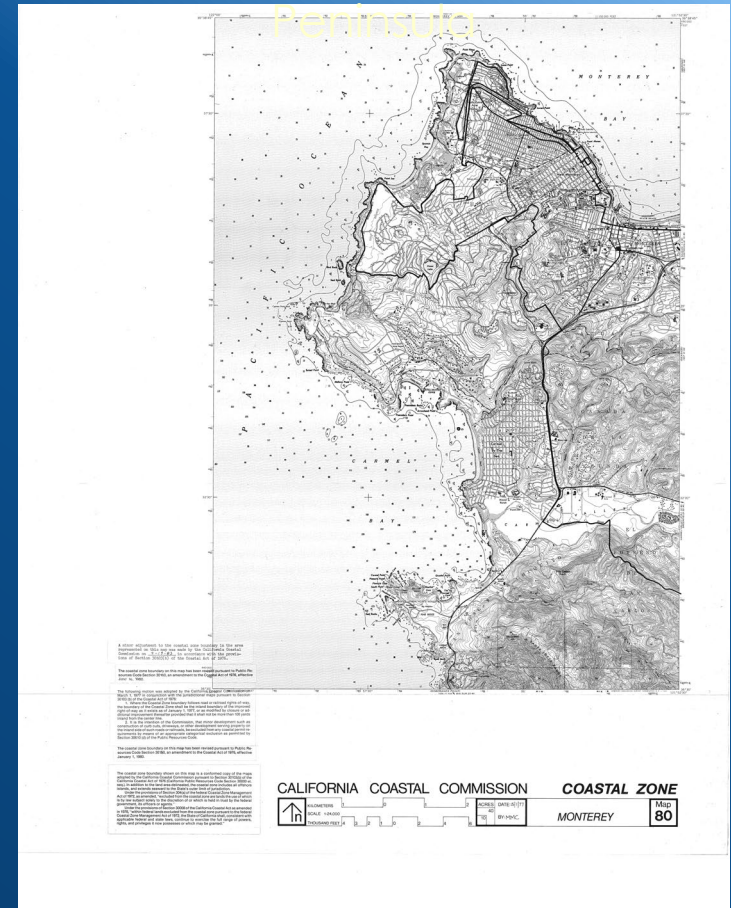


Official Coastal Zone Boundary Maps

As required by Coastal Act section 30103(b), in March 1977 the Coastal Commission adopted a set of one hundred sixty-one 1: 24,000 scale maps (1 inch = 2,000 feet) that serve as the authoritative maps of the landward portion of the Coastal Zone.

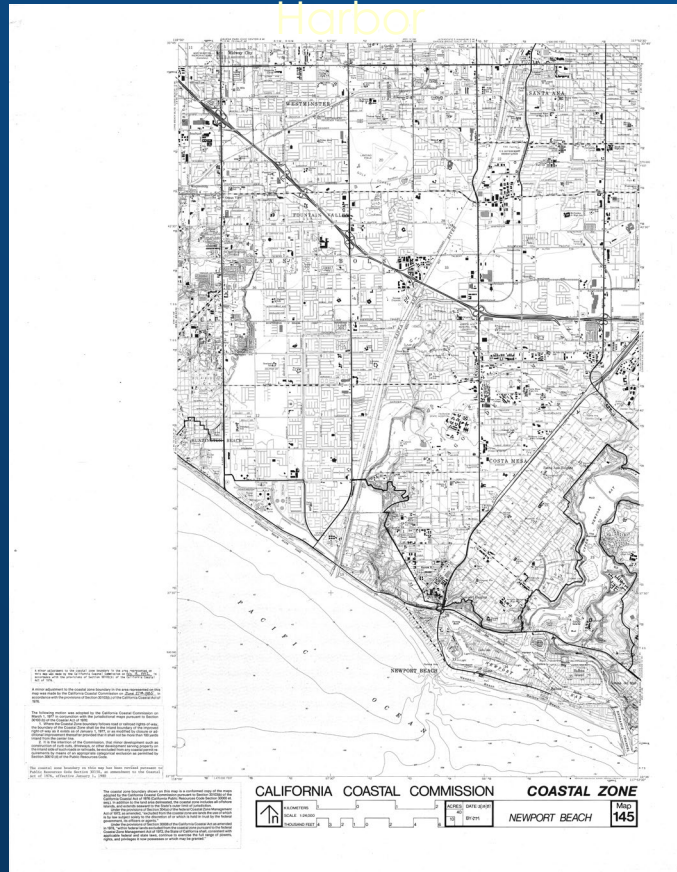
Attorney General opinion 79-1108 (63 Ops.Cal.Atty.Gen.107) confirmed that the set of 161 maps as amended, rather than the generalized language in the Coastal Act, defines the geographic extent of the Coastal Zone.

Example of Official CZB Maps
CZB Map #80 – Monterey

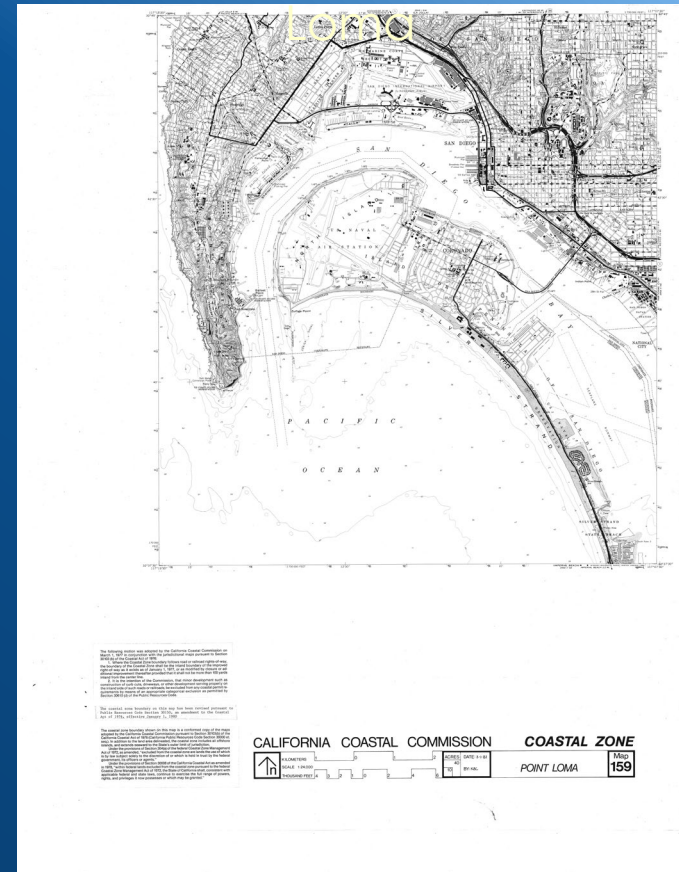


More Examples of Official CZB Maps

CZB Map #145 – Newport Harbor

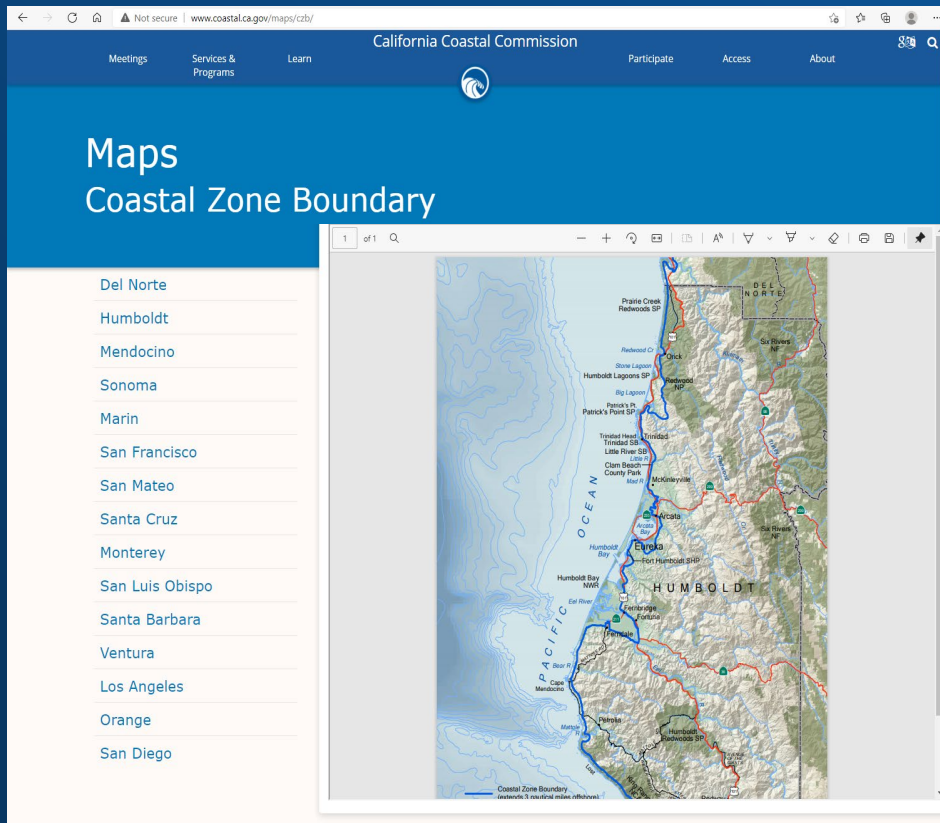


CZB Map #159 – Point Loma



Digital Coastal Zone Maps

Digital maps showing the generalized coastal zone boundary can be found on the Commission's website, at: <http://www.coastal.ca.gov/maps/czb/>



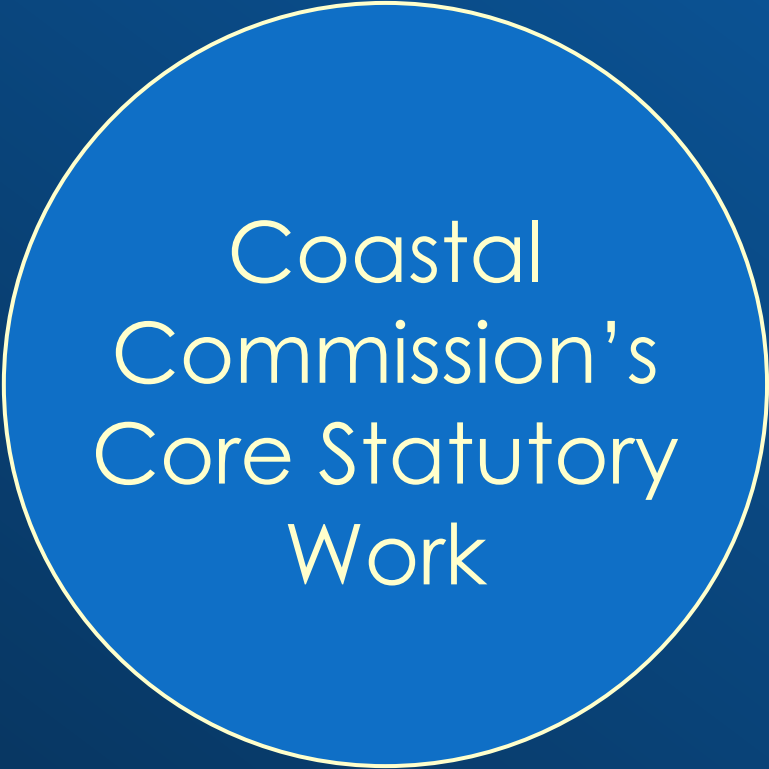
Limitations of Use:

The boundary depicted on these digital maps was digitized from the official 1:24,000 scale Coastal Zone Boundary maps, however, the digital maps have not been adopted by the Commission, and do not supersede the official version of the CZB maps adopted in March 1977 and subsequently amended from time to time.

The data on these online digital maps does not represent "survey" accuracy information and may not eliminate the need for a formal boundary determination.

For boundary determination inquiries, please contact the Commission's Mapping Unit or the District planner for your area of interest.





Coastal
Commission's
Core Statutory
Work

The Commission has 3 core statutory responsibilities:

1. Coastal Plans and Certification
2. Permitting
3. Federal Consistency Review



1. Coastal Plans and Certification

- The Coastal Act delegates the task of developing plans that specify how development will occur along the coast to local governments, port districts, colleges and universities, and proponents of public works projects.
- Coastal Act chapter 6 deals with Implementation of Local Coastal Programs, long-range development plans used by colleges and universities and public works plans, while chapter 8 deals with ports and port master plans.



1A

Coastal Plans and Certification – Local Coastal Programs (LCPs)

Local Government Partnerships through Certified LCPs

The Coastal Act creates a unique partnership between the state (acting through the California Coastal Commission)

and local governments (61 cities and 15 counties located in whole or in part in the coastal zone)

to manage shoreline public access, recreation, terrestrial and marine habitats, views of the coast and scenic coastal areas, agricultural lands, and more,

by regulating proposed development within the Coastal Zone through a comprehensive planning and regulatory program.



LOCAL COASTAL PROGRAMS

- The Coastal Act requires that “each local government [i.e., city or county government] lying, in whole or in part within the coastal zone shall prepare a local coastal program (LCP) for that portion of the coastal zone within its jurisdiction” (PRC §30500).
- LCP submittals are reviewed by the Commission and certified only when found consistent with the coastal resource protection and public access policies found in Chapter 3 (PRC §§30200-30265.5) and the LCP Implementation policies found in Chapter 6 (PRC §§30500-30534) of the Coastal Act.
- Land Use Plans (LUPs) can be submitted and certified separately from the Local Implementation Plan (LIP or IP); however, the LCP cannot be certified until both the LUP and IP have been certified.
- A certified LCP and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission. (PRC §30514(a)).



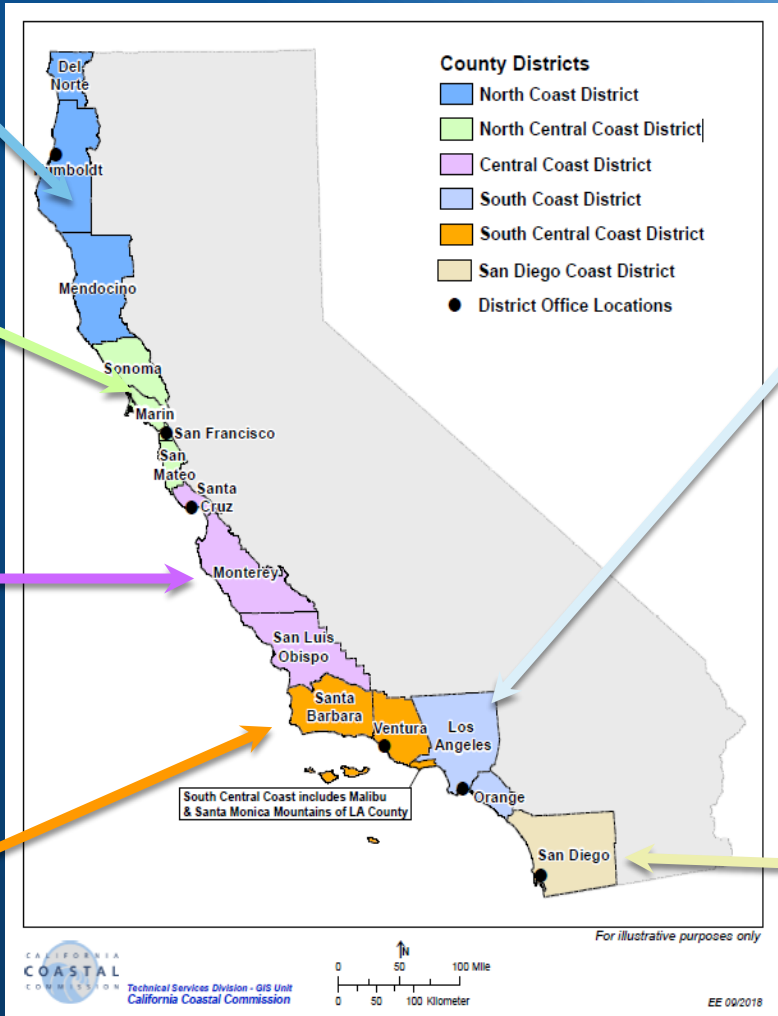
LOCAL COASTAL PROGRAMS – cont'd

- There are currently 76 local governments (15 counties and 61 cities) located in whole or in part in the coastal zone.
- Many of the local governments have elected to divide their coastal zone jurisdictions into separate geographic segments, resulting in some 126 separate LCP segments.
- As of June 30, 2020, approximately 75% (94) of the LCP segments have been effectively certified, representing about 88% of the geographic area of the coastal zone, and local governments are issuing coastal permits in these areas.

To determine the status of an LCP in any given geographic area, contact the appropriate district office of the Coastal Commission.



County	Cities/Area
Del Norte County	City of Crescent City
Humboldt County	City of Trinidad City of Arcata City of Eureka City of Fortuna
Mendocino County	City of Fort Bragg City of Point Arena
Sonoma County	-
Marin County	-
San Francisco City/Co.	City of San Francisco
San Mateo County	City of Daly City City of Pacifica City of Half Moon Bay
Santa Cruz County	City of Santa Cruz City of Capitola City of Watsonville
Monterey County	City of Marina City of Sand City City of Seaside City of Monterey City of Pacific Grove City of Carmel
San Luis Obispo County	City of Morro Bay City of Pismo Beach City of Grover Beach
Santa Barbara County	City of Guadalupe City of Santa Barbara City of Goleta City of Carpinteria
Ventura County	City of San Buenaventura City of Oxnard City of Port Hueneme
Los Angeles County	Santa Monica Mountains Portion of Los Angeles County



Los Angeles County	City of Malibu City of Los Angeles City of Santa Monica City of El Segundo City of Manhattan Beach City of Hermosa Beach City of Redondo Beach City of Torrance City of Palos Verdes Estates City of Rancho Palos Verdes City of Long Beach City of Avalon
Orange County	City of Seal Beach City of Huntington Beach City of Costa Mesa City of Newport Beach City of Irvine City of Laguna Beach City of Laguna Niguel City of Aliso Viejo City of Dana Point City of San Clemente
San Diego County	City of Oceanside City of Carlsbad City of Encinitas City of Solana Beach City of Del Mar City of San Diego City of Coronado City of National City City of Chula Vista City of Imperial Beach



LOCAL COASTAL PROGRAMS - examples



1B

Coastal Plans and Certification – Port Master Plans

PORT MASTER PLANS

The Coastal Act similarly allows for port districts, colleges and universities, and public works project proponents to develop plans for development that can occur along the coast within their jurisdictions.

- Port District **port master plans (PMPs)** must comply with Chapter 3 resource protection policies and Chapter 8 policies related to Ports and the development and implementation of Port Master Plans (PRC §§30700-30721).
- Like LCPs, port master plans also include both planning documents and procedures to implement the plans.
- A certified port master plan may be amended by the port governing body, but the amendment does not take effect until it has been certified by the commission (PRC §30716).



All four applicable port districts (Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District) have port master plans certified by the Coastal Commission.



1C

Coastal Plans and Certification – Long Range Development and Public Works Plans

Colleges and universities
may prepare

**long-range development plans
(LRDPs),**

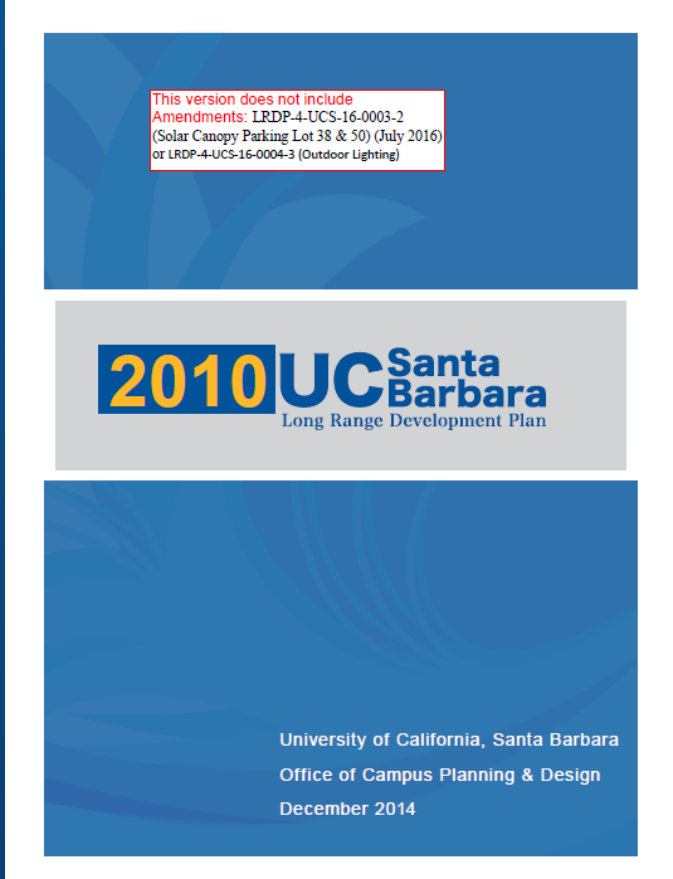
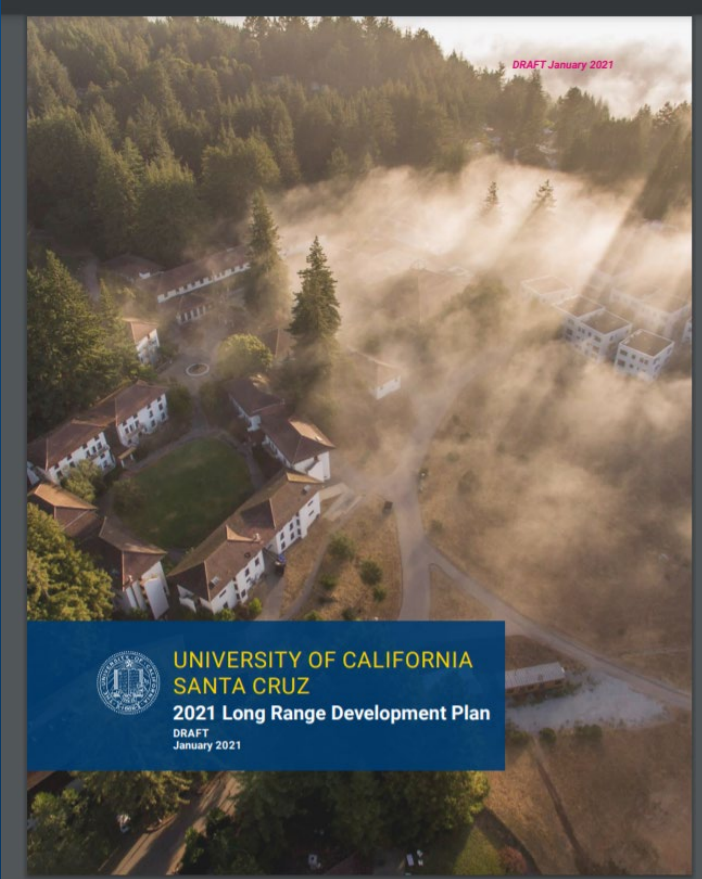
and public works proponents
may prepare

public works plans (PWPs), both
of which are reviewed by the
Commission
(PRC §30605).

- If the college or university LRDP or public works proponent PWP is prepared prior to certification of an LCP, it must conform to the Chapter 3 policies of the Coastal Act.
- If an LRDP or PWP is prepared after certification of an LCP, it must conform to the policies of the certified LCP.
- A certified LRDP may be amended by the college or university, but the amendment does not take effect until it has been certified by the Commission (PRC §30605).
- Similarly, a certified PWP may be amended by an authorized entity, but the amendment does not take effect until it has been certified by the Commission. Procedures for review of PWP amendments are described in Reg 13371.




Examples of LRDPs. Colleges and universities located in part or whole within the coastal zone with a certified LRDP include UC Santa Cruz, UC Santa Barbara, and Pepperdine University.



Examples of Public Works Plans:

FINAL PWP DRAFT - CERTIFIED by the COASTAL COMMISSION on July 8, 2021



RESOURCE
CONSERVATION DISTRICT
OF SANTA CRUZ COUNTY

-Final Draft-
Revised June 16, 2021

Santa Cruz County Forest Health and Fire Resilience
Public Works Plan (PWP)

Project Proponent: Resource Conservation District of Santa Cruz County

Date of Public Review Draft PWP: April 28, 2021
Date of Proposed RCD Public Hearing: June 9, 2021




North Coast Corridor Program
Public Works Plan/Transportation and Resource Enhancement
Program Draft Amendment
January 26, 2016



North Coast Corridor
A better environment for the future

Logos: Caltrans, SANDAG, TransNet

Excerpted from RCD Introduction: PWPs are meant to provide a single document that establishes a framework for comprehensive planning, reviewing, and permitting, allowing a suite of related activities that would otherwise trigger the need for individual Coastal Development Permits (CDPs) to instead be analyzed as an integrated and coordinated system, thus expediting the permitting process and saving money through use of a comprehensive permit vehicle.



Montara Water and Sanitary District
2017 Water System Master Plan Update
SRT Consultants

“Public works” facilities

are defined broadly by Coastal Act (PRC §30114) to include:

- “all production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities”;
- “all public transportation facilities” except for any developments within port districts”;
- “all publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district”; and
- “all community college facilities.” (PRC §30114).



2. Permitting

- The Commission regulates coastal development in the Commission's original and retained jurisdiction through project review; it reviews staff report recommendations at Commission hearings and then approves, conditionally approves, or denies development projects.
- With certain limited exceptions, a permit is required for anything defined as "development" under the Coastal Act (PRC §30600).
- After an LCP has been certified by the Commission, the coastal permitting authority over most new development in the coastal zone is transferred to the local government (PRC §30519(a)).
- The Commission retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands (PRC §30519(b)).



Additionally, after LCP certification, local government actions on the following types of development are generally appealable to the Coastal Commission (PRC §30603(a)):

- (1) approval of development located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;
- (2) approval of development located on any tidelands, submerged lands, 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;
- (3) any development approval not listed in (1) or (2) located in a sensitive coastal resource area;
- (4) any development approved by a coastal county that is not listed as the principal permitted use under the zoning ordinance or zoning district map; and
- (5) Approval or denial of any development that constitutes a major public works project or major energy facility.



2
B Permitting – AFTER CERTIFICATION OF A PORT MASTER PLAN (PMP)

- Similarly, once the Commission has certified a port master plan, coastal development permitting authority is “delegated to the appropriate port governing body” (PRC §30715).
- Certain permitting decisions approved by the port governing body are subject to appeal to the Commission under the Coastal Act.
- Port governing body approvals appealable to the Commission include:
 - (1) certain developments for the storage, transmission, and processing of liquified natural gas and crude oil;
 - (2) certain wastewater treatment facilities;
 - (3) certain roads and highways within the port boundaries;
 - (4) certain offices and residential buildings;
 - (5) certain hotels, motels and shopping areas ;
 - (6) commercial fishing facilities;
 - (7) recreational small craft marina facilities;
 - (8) oil refineries; and
 - (9) petrochemical production plants (PRC §30715).

[See Coastal Act for complete list of appealable actions.]



Permitting – AFTER CERTIFICATION OF A LONG RANGE DEVELOPMENT PLAN (LRDP) OR PUBLIC WORKS PLAN (PWP)

- Permit procedures for public works projects governed by a public works plan (PWP) and college or university projects governed by long-range development plans (LRDPs) are processed slightly differently from projects governed by LCPs and port master plans.
- “the public agency proposing the public works project, or state university or college or private university, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after the notice” (PRC §30606).
- The Commission has 30 days to review and process the Notice of Impending Development (NOID).
- NOIDs are not valid unless the project site has been posted and until the NOID has been reported to the Coastal Commission at a Commission hearing.



3. Federal Consistency Review

- Activities authorized, funded by, or carried out by the Federal Government that affect coastal zone resources - even if the activities do not occur within the coastal zone - must be reviewed by the Commission for consistency with the federally approved California Coastal Management Program, including the Coastal Act (PRC §§ 30330, and 30400).
- As approved by the Federal Government in 1977, and with only one significant exception (for projects with effects in S.F. Bay, which are reviewed by BCDC) the Commission is the only State agency which can conduct this review of federal projects and activities.



- Federal Consistency Review involves four types of federal actions:

1. Federal agency activities

Include any function performed by or on behalf of a federal agency in the exercise of its statutory responsibilities. This encompasses a wide range of federal agency activities that initiate an event or series of events where coastal effects are reasonably foreseeable, e.g., rule-making, planning, physical alteration, and exclusion uses. Federal agency activities include issuance of regional or nationwide permits, such as the Army Corps of Engineers' nationwide permits. Federal agency activities generally encompass federal actions that do not fall under other the other categories such as those that require a federal permit or license or provide federal assistance to state or local governments.

2. Federally issued licenses and permits

Include any authorization, certification, approval or other form of permission that any federal agency is empowered to issue to an applicant (including any individual, organization, or other entity who files an application for federal license or permit).



3. Outer Continental Shelf (OCS) activities

Include plans for exploration or development and production of oil and gas from any area that has been leased under the Outer Continental Shelf (OCS) Lands Act.

4. Federally funded activities

Include assistance provided under a federal program to state or local governments (applicant agencies) through grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other forms of financial aid.

- “Consistency determinations” are submitted for federal agency activities, whereas “consistency certifications” are submitted for federally issued licenses and permits, OCS activities, and federally funded activities.



- The policy analysis (consistency with Coastal Act Chapter 3 policies) is the same for both Consistency Certifications and Consistency Determinations.
- However, consistency determinations and consistency certifications differ in that federally permitted projects (Consistency Certifications) must be "consistent" with the CCMP, whereas federal agency activities (Consistency Determinations) must be "consistent to the maximum extent practicable," which is defined in 15 CFR § 930.32 as:
 - "(a)(1) The term 'consistent to the maximum extent practicable' means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency."

For more information about the Commission's Federal Consistency Review Program, go to the Commission's website:

<https://www.coastal.ca.gov/fedcd/fedcndx.html>



Other Permanent Functions Mandated by the Coastal Act

- **Public Access**

The implementation of a public coastal access program for the length of California's coastline, including maintaining and updating an access inventory, keeping records of easements and dedications, and expediting the opening of new accessways for public use are continuing responsibilities of the Commission (PRC § 30530–30534).

- **Access Guide**

The Commission has published and periodically revised the popular Coastal Access Guide (Ch. 868, Stats, 1979).

- **Public Participation**

The Commission makes recommendations to state and local agencies to ensure effective public participation in their coastal resource management decisions (PRC §§ 30006 and 30339).

- **Oil Spill Program**

Under the California Oil Spill Prevention and Response Act, the Commission was given additional duties to assist in the implementation of a statewide oil spill prevention and response program for providing the best achievable protection for the state's coastal and marine resources (in coordination with other federal and state agencies).

- **Federal Pass-Through Grants**

The Commission is designated, under the federally approved California Coastal Management Program, as the state agency to receive and pass-through federal grants to the San Francisco Bay Conservation and Development Commission and State Coastal Conservancy.



OTHER PERMANENT FUNCTIONS (continued):

- **Enforcement**

The Commission enforces its permits and other provisions of the Coastal Act (PRC §§30800-30824).

- **Offshore Energy Projects**

All offshore oil and gas exploration, including any development on the federal outer continental shelf, are reviewed by the Commission. Projects in federal waters are reviewed for consistency with California's federally-approved Coastal Management Program (primarily the California Coastal Act). Marine terminals, refineries, oil and gas pipelines, and other energy development in the coastal zone are also regulated by the Commission (PRC §§ 30260–30263).

- **Wastewater Treatment Works**

The Commission must review coastal wastewater treatment works (PRC §30412(c)).

- **Energy Projects and Public Works**

Upon request by a person authorized to undertake a public works project or proposing an energy facility development, the Commission may amend a certified LCP to accommodate energy and public works projects even where the local government is not proposing to amend its LCP (PRC §30515).

- **Power Plant Sites**

The Commission participates in Energy Commission decisions relative to other coastal power plant sites (PRC §30413).





Looking for
more
Resources ?

Photo: "Fluid Motion," San Diego, by Ed Campbell





Resources



[Coastal Act Policies online](#) on California Legislative Information website



[California Coastal Commission Regs - online](#) on Westlaw California Code of Regulations



For law links provided on Coastal Commission website:
<https://www.coastal.ca.gov/laws/>



[Coastal Zone Conservation Act of 1972:](#)
<https://www.coastal.ca.gov/legal/proposition-20.pdf>



For more information on the
California Coastal Commission,
go to:
<https://www.coastal.ca.gov/>



Point Reyes National Seashore
Photo: Thomas H. Mikkelsen

