



1.1 THE COASTAL ACT

PHOTO: BEACH WAVE

COASTAL ACT BACKGROUND

Before the Coastal Act, land use in the Coastal Zone of California was exclusively regulated by local governments through the provisions of California Planning and Zoning Law. The California Planning and Zoning Law requires local governments to prepare general plans and designate zoning to ensure orderly physical growth and development within their jurisdictions and protect public health, safety, and welfare.

Local government control over land use regulation in the Coastal Zone was substantially altered with the passage of the California Coastal Zone Conservation Act (Proposition 20) by the voters of California in 1972. The forces leading to the passage of this landmark initiative were complex. The key factor, however, was the visible deterioration of areas of California's coastal environment due to increasing development pressures from a growing population. In 1976, the California legislature passed the Coastal Act, establishing a permanent statewide coastal management program. Administrative regulations enabling the California Coastal Commission to carry out the provisions of the Coastal Act were approved in 1977. These regulations are regularly revised and can be found in Division 5.5 of Title 14 of the California Code of Regulations (previously the California Administrative Code).

The Coastal Act creates a unique partnership between the state (acting through the California Coastal Commission) and local governments (61 cities and 15 counties) to manage shoreline public access, recreation, terrestrial and marine habitats, views of the coast and scenic coastal areas, agricultural lands, and other resources by regulating

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proposed development within the Coastal Zone through its comprehensive planning and regulatory program.

COASTAL ZONE GOALS & POLICIES

With the Coastal Act, the legislature established the following goals for future activity in the Coastal Zone (Coastal Act Section 30001.5):

- (1) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.*
- (2) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.*
- (3) Maximize public access to and along the coast and maximize recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.*
- (4) Assure priority for coastal-dependent and coastal-related development over other development on the coast.*
- (5) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*

The policies established by the Coastal Act focus on the protection of coastal resources and the regulation of development in the Coastal Zone. Topics covered by Coastal Act policies include: coastal access, recreation, marine environment, environmentally sensitive habitat areas, agriculture, visual resources, and coastal-dependent energy and industrial development, among other topics.

The Coastal Act establishes that the preservation and protection of natural resources (including environmentally sensitive habitats), agricultural production, public access to and along the coast, and development of coastal-dependent uses shall have priority over visitor serving, private residential, general industrial, and general commercial development.

LOCAL COASTAL PROGRAMS

The Coastal Act requires all local governments located within the Coastal Zone to prepare a Local Coastal Program (LCP). An LCP is defined as “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level” (Coastal Act Section 30108.6). LCPs regulate future development in the Coastal Zone and define where public access and urbanization will occur, where industrial facilities will be placed, and how sensitive species and habitats, open spaces, and recreational areas will be protected.

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An LCP consists of two parts: a Coastal Land Use Plan (LUP), which details the kinds, locations, and intensity of land uses, and resource protection and development policies in the Coastal Zone; and a Coastal Implementation Plan (IP), which includes land use zoning and other implementing ordinances that conform with and carry out LUP policies.

After Coastal Commission certification of an LCP, the review authority for new development in most areas of the Coastal Zone is transferred from the Coastal Commission to the local jurisdiction. The standard of review for new development, including state government proposals within a local government jurisdiction (city or county), is the LCP. However, the Coastal Commission retains sole permitting authority in specific geographic areas. The standard of review for issuance of a Coastal Development Permit (CDP) in the Commission's retained jurisdiction is Chapter 3 of the Coastal Act.

To approve a development with a CDP, local decision-makers must make written findings that a proposed development conforms to the LCP. Any proposed amendments to the LCP require review and approval by the Coastal Commission prior to becoming effective.

Coastal Development Permits for certain types of development and development within specific geographic areas approved by the City after certification of the LCP are appealable to the Coastal Commission as declared in Coastal Act Section 30603. These include:

- (1) *Developments approved by the local government between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;*
- (2) *Developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and 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) *Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area; ...*
- (4) *[Not applicable to City]... and*
- (5) *Any development which constitutes a major public works project or a major energy facility.*

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