

## CHAPTER 12 - CALIFORNIA COASTAL ACT

**Knowledge Statement 31 – Knowledge of methods and processes for complying with the California Coastal Act related to design and construction.**

**Knowledge Statement 49 – Knowledge of methods and procedures for demonstrating design compliance with State regulatory requirements for environmental quality: CEQA, Coastal Act, Clean Air Act, water quality regulations, etc.**

The California Coastal Act was enacted to protect public and private properties, wildlife, marine fisheries, other ocean resources, and the natural environment of the California coast. The State finds that it is necessary to protect the ecological balance of the Coastal Zone and prevent its deterioration and destruction. The Coastal Zone is the area of the state which extends seaward to the state's outer limit of jurisdiction and generally about 1,000 yds. inland. In particularly important and generally undeveloped areas, where there can be considerable impact on the coastline from inland development, the Coastal Zone extends to five miles maximum inland from mean high tide line. In urban areas, the Coastal Zone extends substantially less than 1,000 yds. inland.

### Public Access

The Coastal Act recognizes that all Californians have the right to enjoy the scenic qualities and take advantage of recreation opportunities along the coast. The Act requires that development cannot interfere with the public's right of access to the sea. Public access from the nearest public roadway to the shoreline are required to be provided in new developments except when:

- The provision of access is inconsistent with public safety, military security and needs or the protection of fragile coastal resources
- Access exists nearby
- Agriculture will be adversely affected

Access is not required to be provide between every lot along the coast but within reasonable distances and not too far from each other.

### Developments

The Act requires that new residential, commercial and industrial developments can only be located within or close to existing developed areas. Land divisions outside developed areas shall be permitted where 50% of the usable parcels in the area have been developed. Visitor-serving facilities that cannot feasibly be located in existing developed areas are allowed to be located in existing isolated developments or at selected points of attraction for visitors. Where feasible, new hazardous industrial developments shall be located away from existing developed areas. Coastal-dependent industrial facilities are to be located or expanded within existing sites, they can be located in the coastal areas, only as a last resort.

### Local Coastal Program

The Act requires each local government along the coast of the state to prepare a Local Coastal Program for the part of the Coastal Zone under its jurisdiction. Each Local Coastal Program is required to contain a public access component to assure that public access to the coast is provided. The precise content of each Local Coastal Program is to be determined by each local government but it needs to, at a minimum, address how land is to be used, what type of developments is allowed and how coastal resources are to be protected. The Local Coastal Program is basically a Community Plan for the Coastal Zone with the local jurisdiction.

### **Coastal Development Permit**

A Coastal Development Permit is a permit for development within any coastal zone and it can be obtained from the Coastal Commission for any of the following:

- Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or mean high tide.
- Developments within 100 feet of any wetland, estuary stream or located on tidelands, submerged lands or public trust lands.
- Any development that is a major public works project or a major energy facility.

No permit is required for any of the following developments:

- Improvements to existing single-family residences.
- Improvements to any structure that do not adversely affect the environment, public access or involve a change of use not allowed by the Act.
- Maintenance dredging of existing navigational channels under a permit by the U.S. Army Corps of Engineers.
- Repair or maintenance activities that have no adverse effect on the environment.
- Any category of developments that the commission, after a public hearing, finds to have no adverse effect on the environment.
- The replacement of any structure destroyed by disaster.
- Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project.
- Any proposed development which is a temporary event.

The Act requires that every person receiving a Coastal Development Permit or a certificate of exemption for development on any vacant lot, prior to commencement of construction, pay to the commission an in-lieu public access fee.

### **Single Family Residences**

Single family residences are not required to have a Coastal Development Permit if:

- It is not located between the first public road and the sea.
- It is a legal lot and is in conformance with the minimum lot size per zoning ordinance and general plan.
- It is not located in a geological hazard area or flood hazard area.
- Is no more than 250 feet from an existing improved road adequate for use throughout the year.
- Can be served by adequate water supply.

### **Port Master Plan**

Most ports along the coast are subjected to the requirements of the Act. However, due to the complexity of uses in terms of transportation and commerce, separate coastal programs, called Port Master Plans, are required, and they should include:

- The proposed uses of land and water areas.

- The projected design and location of port land areas, water areas, berthing etc.
- An estimate of the effect of development on habitat areas and the marine environment.
- Proposed projects.
- Provision for adequate public hearing and public participation.

The Act specifies that no development within the area under a certified Port Master Plan can be approved by the port's governing body unless the proposed development conforms with the Port Master Plan.