

## **CALIFORNIA COASTAL COMMISSION ENFORCEMENT PROGRAM OVERVIEW**



Belinda Point, Mendocino County. Photo taken after an unpermitted fence blocking public access was removed.

**The mission of the Commission's enforcement program is to protect coastal resources by: assuring that proposed development projects are consistent with the Coastal Act, which is accomplished via the permit review process required by the Coastal Act; that required coastal development permits (CDPs) are obtained for all development in the Coastal Zone; that all terms and conditions of CDPs are complied with; to generally deter and address violations of the Coastal Act; and to work with local governments to assist them in enforcing coastal protection policies.**

The enforcement provisions of the Coastal Act were strengthened in the 1990s, giving the Commission the power to issue cease and desist and restoration orders, and significantly increasing the Act's penalty provisions, in part to reflect the rise in land values, and to increase deterrence of would-be violators of the Coastal Act.

All non-exempt “development” in the coastal zone requires a permit under the Coastal Act. The Legislature established that permitting process as the mechanism through which the Coastal Commission and local governments review proposed projects to ensure that they will not have impacts inconsistent with the environmental protection policies of the Coastal Act and of the plans created by local governments to implement the Coastal Act, known as “Local Coastal Programs” (LCPs). “Development” is broadly defined under the Coastal Act, and includes both physical development and certain other actions which have the potential to affect coastal resources:

### **Section 30106 Development**

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with [Section 66410 of the Government Code](#)), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the [Z'berg-Nejedly Forest Practice Act of 1973](#) (commencing with [Section 4511](#)).

The enforcement program seeks to address both failure to apply for and obtain a Coastal Development Permit before commencing construction, and failure to comply with conditions of coastal development permit approval and, in certain cases, to remedy violations by requiring unpermitted development to be removed and sites to be restored to their “pre-violation” condition, as discussed below.

### **Legal Authorities**

**T**he Coastal Act provides a number of enforcement tools. Violations can be pursued either through administrative remedies or by filing suit against the responsible party (which could include the current owner of the property), for both injunctive relief such as restoration of the site, and for civil penalties.

The Commission generally uses Cease and Desist Orders (Section 30810, California Public Resources Code) to halt ongoing violations, to order removal of unpermitted development, and to obtain compliance with requirements of the Coastal Act or LCPs; Restoration Orders (Section 30811, California Public Resources Code) are generally used to bring

about the removal of unpermitted development and/or restoration of damaged coastal resources. The Executive Director of the Commission can also issue Cease and Desist Orders (Section 30809, California Public Resources Code) when someone has undertaken, or is threatening to undertake, development without a CDP or inconsistent with a CDP. These Executive Director orders stay in effect for 90 days and are followed by Commission-issued orders if needed. Where action is taken and orders have been issued, they have been quite effective in deterring, halting, and correction of illegal development activities in the coastal zone.

The Coastal Act also provides for “citizen suits.” Under section 30803 of the Public Resources Code, citizens can bring legal action to address violations of the Coastal Act, and to enforce orders issued by the Commission.

In addition, under the provisions of Section 30812 of the Public Resources Code, the Commission may record a “Notice of Violation” (NOVA) on title to property that has been developed in violation of the Coastal Act, including both by unpermitted development and by development conducted in a manner that involved violations of permit conditions. These NOVAs are intended to provide notice to potential purchasers of violations pending against the property and to avoid an innocent purchaser’s unnecessary involvement in violation cases.

### Enforcement Staff

The enforcement program includes district enforcement and statewide enforcement officers:

District enforcement officers, including two supervisors (one for northern California and one for southern California) conduct initial investigations of enforcement complaints and work with responsible parties, local governments, and other agencies to resolve violations without formal administrative action when possible. District staff also prepares enforcement cases for “elevation” to headquarters enforcement staff when resolution at the district level is not feasible.

Headquarters enforcement officers prepare proposed cease and desist orders and restoration orders for Commission action and support the Commission in litigation. The officers work with local governments, attend task force meetings and coordinate enforcement strategies for cases that involve multiple jurisdictions. The Enforcement Program is led by the Chief of Enforcement, who is responsible for managing both district and headquarters staff.

## Reporting Violations

Potential violations and concerns regarding Coastal Act resources may be reported to the Commission's enforcement staff in the geographic area where the development is located. Contact information is listed below.

### **PUBLICATION:**

[ENFORCEMENT PROGRAM REPORT 2004](#)

### **COASTAL ACT ENFORCEMENT PROVISIONS:**

[California Public Resources Code, Division 20 \(Coastal Act\)](#)

Chapter 9. Judicial Review, Enforcement, and Penalties

- General Provisions [§§30800-30824](#)
- Penalties [§§30820-30824](#)

To find the **California Coastal Commission Administrative Regulations**, go to the [California Code of Regulations](#).

Click on **Title 14, Natural Resources**, then select **Division 5.5, California Coastal Commission**

You must click down in the tree to go to the section you want.

Additionally, There is a search capability, but you must scroll up to the top of the page to get to it.

(The above link is provided by Office of Administrative Law on Westlaw's web site.)

### **For information on enforcement issues:**

#### Statewide Enforcement

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

(415) 904-5220, FAX (415) 904-5400

Lisa Haage, Chief of Enforcement

Aaron McLendon, Deputy Chief of Enforcement

Statewide Enforcement Officers: Peter Allen, Justin Buhr, John Del

Arroz, and Derek Schaible

#### North Coast

*Del Norte, Humboldt, Mendocino Counties*

1385 8th Street, Suite 130

Arcata, CA 95521

(707) 826-8950, FAX (707) 826-8960

Josh Levine, Enforcement Officer

Pat Veasart, Northern California Supervisor

North Central Coast and Energy/Ocean Resources

*San Mateo, San Francisco, Marin, Sonoma Counties*

45 Fremont Street, Suite 2000

San Francisco, CA 94105

(415) 904-5269, FAX (415) 904-5400

Jo Ginsberg, Enforcement Officer

Pat Veearart, Northern California Supervisor

Central Coast

*Santa Cruz, Monterey, San Luis Obispo Counties*

725 Front Street, Suite 300

Santa Cruz, CA 95060

(831) 427-4863, FAX (831) 427-4877

Sharif Traylor, Enforcement Officer

Nancy Cave, Northern California Supervisor

South Central Coast

*Ventura and Santa Barbara Counties,*

*and the Malibu portion of Los Angeles County*

89 South California Street, Suite 200

Ventura, CA 93001

(805) 585-1800, FAX (805) 641-1732

Andrew Willis, Southern California Supervisor

South Coast

*Los Angeles (except Malibu) and Orange Counties*

200 Oceangate, 10th Floor

Long Beach, CA 90802

(562) 590-5071, FAX (562) 590-5084

Andrew Willis, Southern California Supervisor

San Diego Coast

*San Diego County*

7575 Metropolitan Drive, Suite 103

San Diego, CA 92108

(619) 767-2370, FAX (619) 767-2384

Marsha Venegas, Enforcement Officer

Andrew Willis, Southern California Supervisor

**For more information on the California Coastal Commission,**  
including general information, legal authorities, public coastal access  
and other programs please refer to: [www.coastal.ca.gov](http://www.coastal.ca.gov).

### **Other State, Federal and Local jurisdictions:**

Most local governments in the coastal zone have “certified” local coastal programs (LCPs) whereby they take lead responsibility in reviewing proposed development projects, issuing coastal development permits, and, generally, in taking enforcement actions. In certain circumstances, the Coastal Commission may also take enforcement actions in these certified areas.

The following are links to other relevant agencies with whom the Coastal Commission often coordinates:

[San Francisco Bay Conservation and Development Commission](#)  
[California Environmental Protection Agency Enforcement](#)  
[Monterey Bay National Marine Sanctuary Enforcement Program](#)  
[National Oceanic and Atmospheric Administration Coastal Services Center](#)  
[California Department of Fish and Wildlife](#)  
[State Water Resources Control Board](#)  
[United States Army Corps of Engineers](#)  
[United States Fish and Wildlife](#)  
[Coastal Zone Management Act](#)