

Introduction

This document provides guidance for updating Local Coastal Programs (LCPs). The California Coastal Act of 1976 ushered in an era of significant new land use planning in California. Based on the Coastal Act's requirements, local governments prepared and implemented LCPs to carry out the Act's mandate to protect coastal resources and maximize public access to the shoreline. LCPs established the kinds, locations, and intensities of new development allowed in the coastal zone, and identified other development standards necessary to achieve the objectives of the Coastal Act. Once an LCP was certified by the Coastal Commission as consistent with Coastal Act requirements local governments were then given the authority to, and responsibility for, issuing coastal permits for most new development, subject to the standards of their certified LCPs.

Who issues the permits?

As of 2012, about 72% of the 128 local coastal program segments of the 76 coastal jurisdictions were certified and the local jurisdictions were issuing coastal permits for most developments in those certified areas. In addition to areas that do not yet have a certified LCP, the Coastal Commission retains permitting jurisdiction below mean high tide, on public trust or tidelands, and may exercise permit authority within its appeal jurisdiction (see Coastal Act 30603, at: <http://www.coastal.ca.gov/coa/act.pdf>).

As a result, certified LCPs have become an important part of California's coastal zone management program. But due to changes in the amount, condition, and location of development and sensitive resources over time, the Commission and many local governments have also recognized that LCPs need to be updated over time in order to remain effective. Significant changes may have occurred since the last LCP certification that can directly impact efforts to protect California's coast. Population and development patterns may have changed, leading to new pressures on resources and public access. New nonpoint source pollution laws may be in place, and scientists have learned more about sensitive species, habitats and other coastal resources over time. Global climate change and sea level rise are also real concerns that must now be considered in land use decisions and planning.

Similarly, the Commission and local governments have over time encountered numerous procedural issues, for example concerning permit or appeal procedures that can undermine effective implementation of LCPs. Questions and disputes on implementation procedures can delay the development review process and require more staff resources to resolve. Although sometimes unavoidable, procedural conflicts also divert attention from the core LCP objective of coastal resource protection.

This LCP Update Guide is therefore intended to support LCP update efforts by providing information and guidance for addressing some of these emerging issues in the update of a certified LCP. It is not intended to cover every issue that should be considered in an update, but it does highlight some recent Coastal Commission decisions, and policy and procedural concerns, that most coastal communities may need to address. It thus serves as a good place to start.

If you do not yet have a certified LUP or IP, this LCP Update Guide can be consulted, but it is not intended to be a complete manual on how to prepare an LCP for initial certification. Contact Commission staff for information on regulations and methodology for completing a new LCP.

Updated Analyses Needed to Support LCP Amendments

The original LCPs developed by local governments included significant planning data and background analyses to support the proposed policies and ordinances. Because circumstances change over time, it may be necessary to update these background data and analyses. New information, such as updated buildout projections and analysis of available public services, is a key to supporting revised policies and procedures and to addressing consistency with the Coastal Act. Any LCP update amendment submittal must include appropriate documentation. Some examples of recommended analyses to perform and update are presented throughout this document.

LCP Amendment submittal procedures may be found at in Chapter 6 of the Coastal Act, at: <http://www.coastal.ca.gov/coactact.pdf> and in CCR Title 14, Div. 5.5 at Chapter 8 13500-13648, at: <http://government.westlan.com/linkedslice/default.asp?SP=CCR-1000>

Identifying the Components that Comprise the LCP

In many cases, different portions of LCPs have been certified at different times and undergone multiple revisions. This has sometimes led to confusion about what documents comprise the certified LCP. An LCP update provides an opportunity to clarify exactly what your LCP includes. You should specifically identify which documents, portion of documents, and maps are a part of the final certified program and thus intended to apply in the coastal zone. The relevant portions of any reference documents or sources cited should also be incorporated into the updated LCP submitted for certification. These steps will ensure that any changes to these documents are considered amendments to the LCP and thus will continue to apply in your coastal zone.

Local Context Matters

This LCP Update Guide is intended to highlight recent policy and procedural concerns in core Coastal Act issue areas. Please be aware that the information presented here is guidance only. It should be considered in conjunction with the legal requirements of the California Coastal Act and the California Code of Regulations. The Guide offers some examples of how certain issues have been addressed by the Commission (and local governments in other cases). While these examples may be useful, resource conditions and local circumstances may differ by community, some examples may not apply or you may need to address other topics beyond those presented in this document.

An LCP update will usually address all major policies groups in Chapter 3 of the Coastal Act. Specific questions about what should be addressed in an LCP should be discussed directly with the appropriate Commission District Office. Contact information can be found at: <http://www.coastal.ca.gov/address.html>