

Chapter 1 Definitions

Coastal Zone (for purposes of California Coastal Act)

"Coastal zone" refers to land and water areas of the State of California from the Oregon border to the border of the Republic of Mexico extending seaward to the state's outer limit of jurisdiction (3 miles offshore) 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 (Coastal Act Section 30103). Reference the California Coastal Commission (CCC) website for general local coastal program (LCP) and coastal zone boundary maps; contact local jurisdictions for certified LCP maps; and/or contact the CCC local office to request a coastal zone boundary determination.

Conflict Resolution

The [California Coastal Act](#) (Coastal Act) recognizes, through Sections 30007.5 and 30200(b), that conflicts may occur among Chapter 3¹ policies, and provides that such conflicts may be resolved in a manner which on balance is the most protective of significant coastal resources (often referred to as “balancing” and/or “conflict resolution”).

The balancing/conflict resolution provisions of the Coastal Act may be invoked only when the CCC determines that denial of a project due to conflicts with a Chapter 3 policy would result in adverse impacts to other coastal resources and thus result in a conflict with another Chapter 3 policy that mandates protection of such resources. To establish a policy conflict and approve a project based on conflict resolution, the following findings are necessary:

- The project is inconsistent with at least one Chapter 3 policy of the Coastal Act (e.g., unpermitted impacts to environmentally sensitive habitat areas, wetlands, or agricultural resources).
- Denial or modification of the project to eliminate the policy inconsistency would adversely affect other coastal resources that the Coastal Act requires to be protected or enhanced.
- There are no feasible alternatives that could achieve project objectives without violating a Chapter 3 policy of the Coastal Act.
- The project’s adverse impacts are minimized and mitigated to the maximum extent feasible.

¹ [California Coastal Act, Chapter 3, “Coastal Resources Planning and Management Policies”](#)

De Novo

A “de novo” public hearing is held by the CCC on applications for coastal development permits that were approved by local governments and appealed to the CCC, when the CCC has found that the project raises substantial issues with respect to applicable coastal resource protection policies and has therefore asserted jurisdiction over the project (Coastal Act Section 30621). A de novo action on a coastal development permit supersedes the local government action on the application and effectively results in a new determination by the CCC. See also definition of “substantial issue determination.”

De Minimis

A proposed development is “*de minimis*” if the executive director of the CCC determines that it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the policies of Chapter 3 (commencing with Section 30200) (Coastal Act Section 30624.7).

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 CA Government Code Section 66410), 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 (Public Resources Code [PRC] Section 4511–4517).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line (Coastal Act Section 30106). See also “[Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements](#)” (CCC 1978) for a list of potentially applicable development exclusions.

Emergency

In cases of natural disasters and related emergencies, please refer to the Standard Environmental Reference (SER) “Other Guidance” for details on “[Environmental Compliance in Case of Emergency](#)” to determine the appropriate level of environmental and coastal permitting compliance required to commence with emergency repairs.

Environmentally Sensitive Habitat Area

"Environmentally sensitive habitat area" (ESHA) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5). The CCC is limited in its determination of the existence of ESHA to the definition contained within the certified LCP on an appeal.

Fill

"Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area (Coastal Act Section 30108.2).

Incidental Public Service

An "incidental public service," as noted in Coastal Act Section 30233(4), includes, but is not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

Land Use Plan

"Land use plan" means the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (Coastal Act Section 30108.5).

Local Coastal Program

"Local coastal program" (LCP) means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) 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 are the basic planning tools used to carry out the partnership between the state (CCC) and local government (cities/counties) as stewards for the protection of coastal resources. Each LCP includes a land use plan (see definition above) and its associated implementing measures such as zoning ordinances, regulatory policies, and sensitive habitat maps. LCPs must be in conformance with Coastal Act policies and goals. The CCC helps shape each LCP, as well as proposed LCP amendments, and formally reviews them for consistency with the Coastal Act prior to approving, certifying, or amending the LCP.

Original Permit Jurisdiction – Coastal Commission

Original permit jurisdiction refers to areas in which the CCC retains permit jurisdiction irrespective of the certification status of a local government's LCP. Such areas typically include any development proposed or undertaken on any tidelands, submerged lands, or on public trust

lands, whether filled or unfilled, lying within the coastal zone, excepting development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the legislature to a local government whose certified LCP includes the specific development plans for such district or authority (see Coastal Act Sections 30519 and 30601).

Prime Agricultural Land

"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of [Section 51201 of CA Government Code](#):

1. All land that qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications.
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

Public Access

"Public access," as typically defined in coastal policy mandates, refers to opportunities for all people to have access to and along the coast and to coastal and inland public recreational opportunities (trails, parklands, etc.) in the coastal zone. See the public access and recreation policies of Chapter 3 (Sections 30210–30255).

Public Works/Major Public Works

"Public works" means the following:

- a. 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.
- b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.
- c. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

- d. All community college facilities (Coastal Act Section 30114).

“Major public works” means the following:

Facilities that cost more than one hundred thousand dollars (\$100,000), year 1983, with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Coastal Act Sections 30610, 30610.5, 30611, or 30624. Based on these annual increases, the dollar amount in year 2008 was approximately two hundred eight thousand seven hundred dollars (\$208,700). Notwithstanding the criteria above, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities (California Code of Regulations [CCR] Title 14, Section 13012). The large majority of Department projects qualify as major public works.

Resource Dependent Use

"Resource dependent use" means any development or use which requires a site on, or adjacent to, the coastal resource to be able to function, such as a public access trail or nature center located within or adjacent to an estuary.

Special District

"Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area (Coastal Act Section 30118).

Substantial Issue Determination

If a local decision on a project is appealed, the CCC will hold a public hearing on the appeal, and determine whether it raises a “substantial issue” relative to conformance with the LCP or with Coastal Act public access policies, as applicable. If the CCC finds that an appeal does not raise a substantial issue, the local decision becomes final. If the CCC finds that a project raises a substantial issue, the CCC takes “de novo” jurisdiction over the coastal development permit. It is important to understand that while the “substantial issue” phase of an appeal hearing is limited to issues raised by the appeal, at the de novo hearing phase all issues relating to conformance with LCP and Coastal Act public access policies, as applicable and appropriate, would apply (see CCR, Title 14, Sections 13110-13120).

Waiver

As stated in Section 30624.7 of the Coastal Act, the CCC may, after a public hearing, by regulation, adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is *de minimis*. A waiver shall not take effect until it has been reported to the CCC at the regularly scheduled meeting following its issuance by the executive director.

Wetland

"Wetland" means lands within the coastal zone that may be covered periodically or permanently with shallow water, and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens (Coastal Act Section 30121). Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity, or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. See also "Guidance Documents" in Chapter 2 for further reference.

Zoning Ordinance

"Zoning ordinance" means an ordinance authorized by Section 65850 of the CA Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of the city charter (Coastal Act Section 30122).