



THE POWER OF PUNISHMENT:

How the California Coastal Commission's Increased Enforcement Power Affects Property Rights

Kyle Sweetland and Jeremy Talcott

THE CALIFORNIA COASTAL COMMISSION IS AN independent, quasi-judicial state agency that seeks to protect natural resources in the coastal zone—a 1.5 million acre strip of land that runs along the California coastline—and enhance public access to the beach. It does this by controlling the development and use of property in the zone through the California Coastal Act (the Coastal Act).¹ Because of the high-value properties and environmental assets in this area, the commission has been called “the single most powerful land use authority in the United States.”²

The commission has also gained significant enforcement power that allows it to severely punish those who violate the Coastal Act and refuse to comply. The commission issues restoration and cease-and-desist orders to property owners at hearings for perceived violations. These orders require property owners to dedicate land, remediate alleged damage, pay millions of dollars in noncompliance penalties, or build and improve public access features on their property.³

The commission serves as prosecutor, judge, and jury at these hearings. Legal experts argue that these orders

and hearings are a violation of property owners' rights to due process and to protection against excessive fines.⁴

This research in brief describes how the commission's enforcement process, history of enforcement

powers, and evolution have affected the resolution of violations. It also recounts some constitutional concerns that the commission's process creates.

STEPS IN THE ENFORCEMENT PROCESS

THE CALIFORNIA COASTAL COMMISSION'S enforcement process has four steps:

1. A community member's complaint or a commission investigation reveals a Coastal Act violation.
2. The commission sends the property owner a letter with a notice of violation and attempts to come to an informal agreement.
3. Commission staff and the property owner come to a public enforcement hearing and either:
 - a. Memorialize their informal agreement in a consent decree, or
 - b. Disagree and present evidence to commissioners, with one of two outcomes occurring:
 - i. The property owner wins after proving innocence, or
 - ii. The commission wins and levies a formal administrative action against the property owner.
4. If the property owner loses at the hearing, the property owner either:
 - a. Complies with the decree or action, including paying penalties, or
 - b. Seeks judicial review in state court.

The following sections describe these steps in greater detail.

Step 1. Complaint and Investigation

The enforcement process starts when a community member complains to the commission about property with a potential Coastal Act violation or when the commission sends its own investigator to monitor development within the zone.⁵ For example, improperly installing a gate or a no-parking sign on the property could be found to impair public access to the beach.⁶

Generally, violations fall into two main categories: undertaking development (1) without a coastal development permit (CDP) issued by the commission (unless exempt) or (2) that is prohibited or inconsistent with a previously issued CDP.⁷ Over time, the

commission has expanded its power to penalize a wide variety of activities.⁸

Step 2. Notice of Violation and Informal Resolution

If the investigator finds a violation, the commission may call the property owner to see if the violation can be resolved informally. However, if informal resolution fails or is impossible (some alleged violations automatically require formal administrative action), the commission mails a letter to the property owner with a notice that it intends to record a Coastal Act violation. This notice contains information on the property and alleged violations.

The property owner has 20 days from the post-mark date to write to the commission and object to the notice—otherwise, the owner cannot present evidence of innocence at the public enforcement hearing.⁹

Step 3. Public Enforcement Hearing

After it receives an objection, the commission typically schedules a public enforcement hearing at its next meeting. This commission-run hearing is where the property owner presents evidence of innocence and commission staff present evidence of a violation of the Coastal Act.¹⁰

If the commission finds the property owner innocent, the owner is not charged and is given a letter of clearance.¹¹ However, if the owner is found guilty, a notice of violation is issued and recorded on the property.¹²

If the property owner and commission came to an informal agreement beforehand, commission staff present this violation as a consent decree. If not, or if formal administrative action is taken or required because of the type of violation, the commission votes on and issues a restoration or cease-and-desist order.

Step 4. After the Hearing

When the commission gives property owners restoration orders, they are required to preserve ecosystems and wildlife on their property that were damaged by

the development, such as by planting native vegetation, installing wildlife-friendly fencing, or giving easements to land for conservation.¹³ Cease-and-desist orders require owners to halt and remove unpermitted development.

Also, after the hearing, the property owner is usually required to pay a significant penalty for their failure to comply sooner, accruing at up to \$11,250 per violation per day.¹⁴ Further failure to pay allows the commission to record a lien on the property in the amount of the penalty assessed.¹⁵

If the property owner came to an informal agreement with the commission prior to the hearing and a consent decree was issued, the owner must comply with the orders on the commission's terms and pay any penalties. If the owner did not agree and lost the hearing, they can try to bring their case to state court for judicial review to challenge the commission's decision.

The property owner's interactions with the commission may continue even after the matter is resolved. For example, with restoration orders, the commission often monitors the property through site visits for five years to ensure continued compliance.¹⁶

Enforcement Process Example

Warren and Henny Lent were issued a cease-and-desist order in 2007 to tear down stairs and a gate that were blocking a conservation authority from accessing the

beach through their property, even though the structures had been approved by the local land use agency and present for over 20 years prior to the commission's order.¹⁷ The Lents refused—arguing that the gate and stairs were essential for safety, keeping people from falling down a 20-foot drop—but did hand the commission keys to the gate to unlock it whenever they wanted.¹⁸

Once the commission received greater enforcement powers in 2014 that allowed it to directly penalize property owners for interfering with public access to the beach, it decided to issue another cease-and-desist order that retroactively fined the Lents \$4,185,000.¹⁹ This penalty was set at a hearing by the commission despite the commission's own staff recommending a much smaller penalty (\$950,000).²⁰

The commission imposed the higher penalty because it believed the violations were “egregious and long-standing and involved personal profits gained from the violations” because the Lents occasionally rented their property out.²¹

With no other recourse, the Lents sued the commission, arguing that the fines were excessive and that the informal hearings lacked due process protections. However, the Lents lost in litigation, and the Supreme Court of the United States declined to hear their case.²²

HISTORY OF THE COMMISSION'S ENFORCEMENT POWER AND ITS IMPACT ON COMPLIANCE

WHEN THE CALIFORNIA COASTAL COMMISSION WAS founded in 1972, it did not have the ability to fine property owners on its own. Instead, the commission had to bring the alleged violators to state court. This process required the commission to prove a violation under normal judicial procedures—namely, a presumption of the property owner's innocence and proof by a preponderance of the evidence. Taking the case to state court gave the property owner more protection, including rights to a fair and impartial trial, to cross-examine witnesses, and to issue subpoenas.

This process changed in 2014, when the commission first obtained the power to directly assess penalties of up to \$11,250 per day—totaling more than \$20 million—for violations of the “public access” provisions

of the Coastal Act.²³ This power was granted through statutory amendments to the Coastal Act by the state legislature. The high penalty came about because of the commission's frustration with property owners not agreeing to voluntary resolutions and waiting until the commission filed a lawsuit in court—which was an expensive and time-consuming action for the commission to pursue.²⁴ Such enforcement power is intended to make property owners quickly comply with the commission's demands.²⁵

Indeed, it has. The commission noted in a 2018 report that the penalty power had led to more cases being resolved informally and the average case time dropping from over 1,000 days to about 100 days.²⁶ While the commission has hailed this outcome as a success

due to increased compliance, it may chill property owners' willingness to assert their innocence—or to present any defense at all.

In 2021, the legislature increased the commission's powers even further, authorizing it to impose the \$11,250 per day penalty for any violation of the Coastal Act.²⁷ The

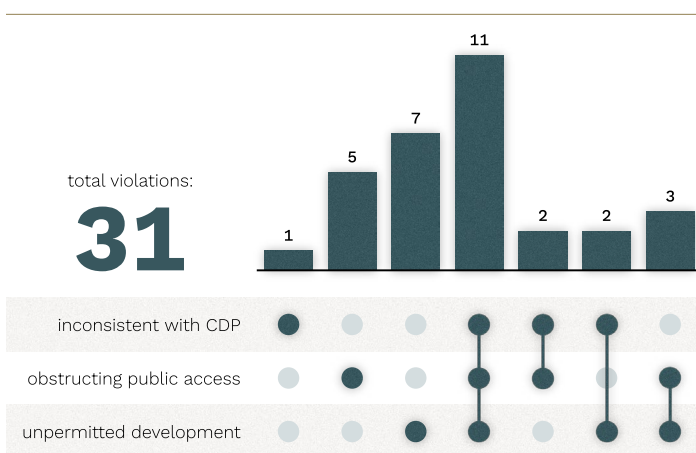
prospect of higher fines allows the commission to scare even more property owners into making informal concessions. In 2024, commission staff were able to resolve cases opened that year in only 43 days on average, with the commission itself noting that the threat of significantly higher fines was leading to faster compliance.²⁸

ANALYSIS OF CEASE-AND-DESIST ORDERS

ANALYSIS OF 31 CEASE-AND-DESIST ORDERS ISSUED from January 2016 to March 2024 uncovers the other types of concessions, in addition to fines, that the commission has demanded from property owners. We observed the orders from these dates because they were all we could obtain from the commission through our request at the time—older orders would have required manual extraction and could not be easily obtained.

As Figure 1 shows, property owners received violations in three general categories: (1) building in a manner inconsistent with their property's coastal development permit (CDP), (2) obstructing public access with the development, or (3) lacking a CDP for the development. While single-category violations comprised 42 percent of cease-and-desist orders (13 of 31 orders), multicategory violations presented more often—in 58 percent of orders (18 of 31 orders).

FIGURE 1. Violations Found in Cease-and-Desist Orders

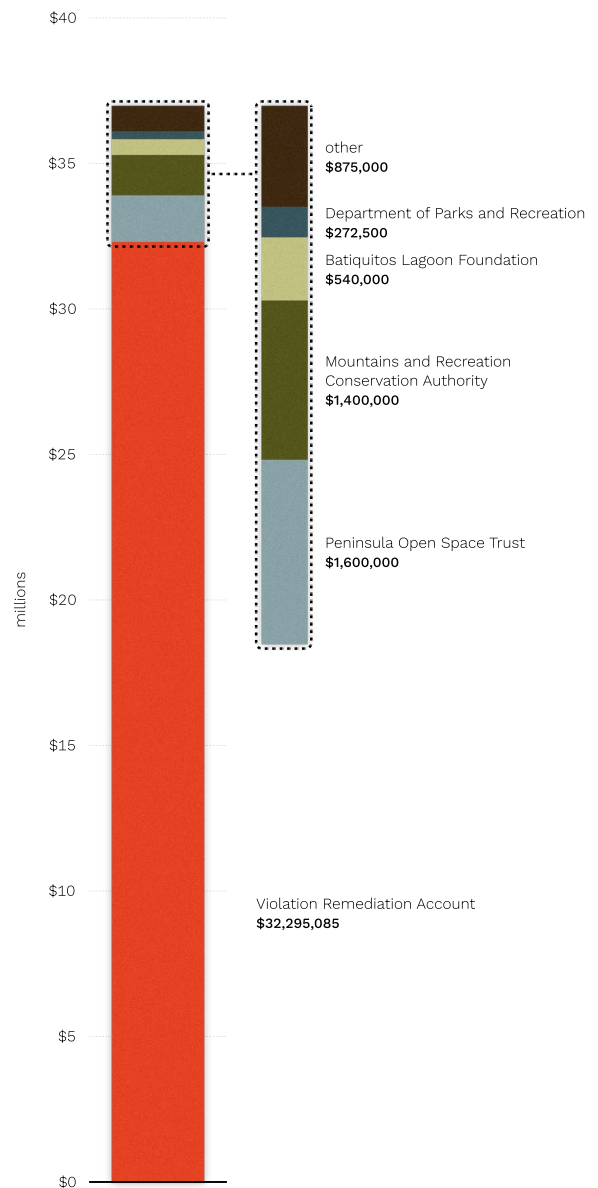


Source: FOIA request to the California Coastal Commission. Data are from January 2016–March 2024.

The commission required payment of almost \$40 million in penalties, which equates to almost \$1.3 million per order on average. Regardless of the nature of the violation—whether it was for an access or non-access violation—penalty payments are generally

required to go to the Violation Remediation Account (VRA) of the Coastal Conservancy Fund.²⁹

FIGURE 2. Penalties Paid by Account



Source: FOIA request to the California Coastal Commission. Data are from January 2016–March 2024.

As Figure 2 shows, most penalties have been placed in the VRA. VRA funds cannot be used right away, as they require legislative appropriation each year, leaving a considerable gap between when funds are received and used.³⁰

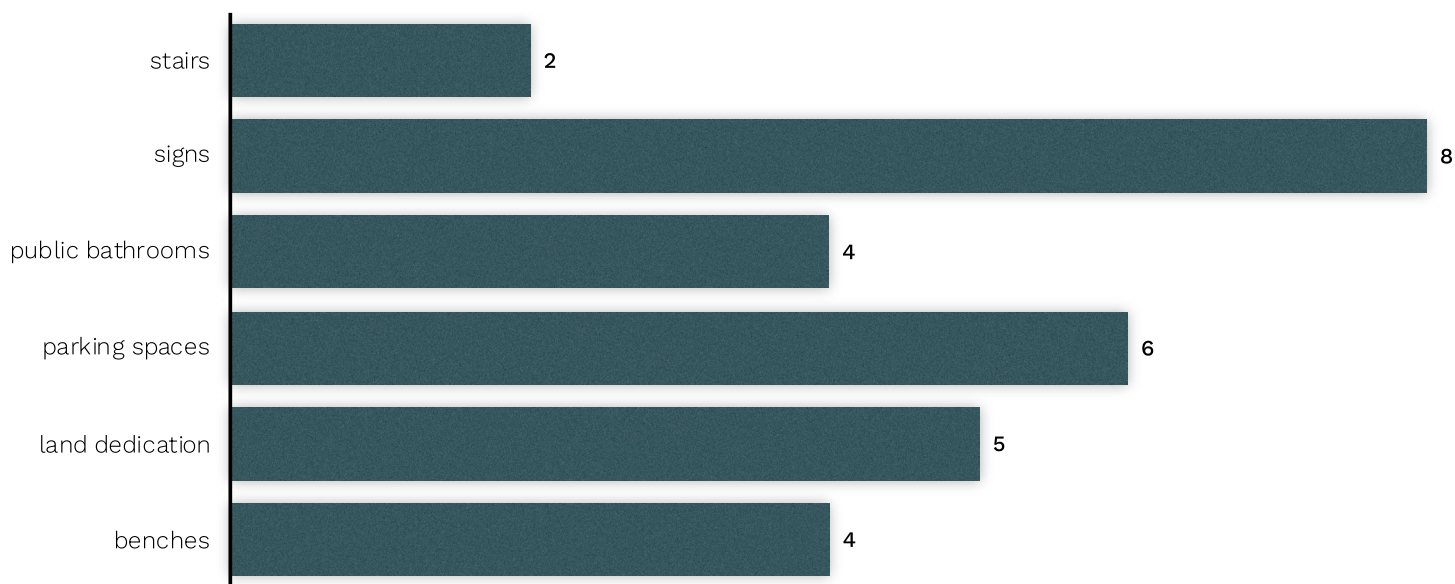
When VRA funds are disbursed, they can be used in various ways to carry out Coastal Act provisions. For example, they can fund projects near the violation that increase public coastal access.³¹ They can support planning, education, maintenance, and operations.³² VRA funds have also been used to finance the commission itself, including staff positions and database upgrades.³³

In addition to the VRA, Figure 2 shows that the commission has required property owners to pay penalties toward other accounts. This appears to be allowed when the dollar amounts of penalties are relatively

small.³⁴ Penalties have been used to help finance the California Department of Parks and Recreation (\$272,500), Peninsula Open Space Trust (\$1.6 million), the Mountains Recreation and Conservation Authority (\$1.4 million), and the Batiquitos Lagoon Foundation (\$540,000).³⁵ The other penalties (\$875,000) include instances where the commission required property owners to directly fund programs, such as camping and environmental justice education for students.³⁶

Further, the commission cumulatively required property owners to dedicate more than 50 acres of land principally for public recreation and to install dozens of public access features on their property. As Figure 3 shows, many property owners had to add parking spaces, install benches, or build public restrooms—projects that have little to do with fixing violations.

FIGURE 3. Additional Requirements Found in Cease-and-Desist Orders



Source: FOIA request to the California Coastal Commission. Data are from January 2016–March 2024.

The commission does not always calculate the approximate value of these non-monetary demands. To date, the cumulative known cost of some of these additional requirements is \$8.2 million. As a result,

the total amount of financial contributions—penalties and non-monetary demands—that property owners have given the commission is at least \$48.2 million, or approximately \$1.6 million per order on average.

CONCLUSION

THE CALIFORNIA COASTAL COMMISSION HAS AN enormous amount of power to punish violations of the Coastal Act along with serving as prosecutor, judge, and jury at violation hearings. Legal experts state that this

arrangement is a violation of property owners' protections against excessive fines and due process rights.

The data validate these concerns. Most property owners, under threat of high penalties and facing

a process that lacks clarity and predictability, do not challenge the commission. Those that do are levied with millions in penalties anyway.

However, there is hope for property owners in California's coastal zone. Pacific Legal Foundation (PLF) is challenging the commission's enforcement power and process in *John Levy v. California Coastal Commission*. PLF argues that a \$2.4 million fine given

to Carlsbad property owner John Levy by the commission for violations of the Coastal Act was not done with due process for Levy and is also financially ruinous.³⁷

While the case's outcome is yet to be determined, if Levy wins, he and other Californians will be given a fair trial for alleged violations and freedom from the excessive fines that are currently allowed to be imposed by the commission.



NOTES

1. California Coastal Commission, “Our Mission,” accessed February 6, 2026, <https://coastal.ca.gov/whoware.html>. For more information on how the commission controls land use and development, see Mitchell Scacchi, Keelyn Gallagher, and Jeremy Talcott, *Appealing to Itself: Land Use, Permitting, and the California Coastal Commission* (Sacramento, CA: Pacific Legal Foundation, January 2025).
2. Jennifer Steinhauer, “In California, Coastal Commission Wields Vast Power,” *New York Times*, February 23, 2008.
3. The commission calculates the penalty on the basis of the number of days the violation has been present, which is within its discretion. “Under the new authority, the Commission may issue administrative penalties of up to \$11,250 per day, for a maximum of five years, for each violation.” This equates to a maximum penalty of \$20,553,750. California Coastal Commission, “Enforcement: Coastal Act Violations,” accessed February 6, 2026, <https://www.coastal.ca.gov/enforcement/>.
4. Pacific Legal Foundation, “Massive—and Unconstitutional—Beach Access Fines Threaten Family Home,” accessed February 6, 2026, <https://pacificlegal.org/case/lent-v-california-coastal-commission/>.
5. The commission monitors a broad range of development activities, including physical structure changes, land modifications, waste disposal, land subdivision, water use intensity changes, and coastal access changes. See California Coastal Commission, “Enforcement: Coastal Act Violations.”
6. A fuller list of potential violations of the Coastal Act can be found in Kurt Holland, “An Introduction to the California Coastal Act,” in *California Coastal Voices*, ed. Annie Kohut Frankel and Christiane M. R. Parry (San Francisco, CA: California Coastal Commission, 2017).
7. A CDP is separate from any other government-issued permit and “ensures that development along the coast occurs in a way that conserves, sustains, and makes prudent use of California’s natural and recreational coastal resources.” California Coastal Commission, “Enforcement: Coastal Act Violations.” Exemptions from a CDP can be found under CA PUB. RES. CODE § 30610 (2005).
8. “As of July 1, 2014, the California Coastal Commission gained new authority to assess administrative penalties for violations that impact public access to the coast or in the coastal zone.” California Coastal Commission, “Enforcement: Coastal Act Violations.” In the future, the commission plans to expand what kinds of cases it takes on: “The Commission anticipates expanding the types and number of access cases addressed through Section 30821 in the future, as resources allow.” California Coastal Commission, *Report to California Legislature on Implementation of Coastal Commission Administrative Penalty Authority from 2015–2018*, January 2019, 8, <https://documents.coastal.ca.gov/reports/2018/Report-to-CA-Legislature/Coastal-Commission-Report-of-Administrative-Penalty-Authority-1.15.19.pdf>.
9. CA PUB. RES. CODE §§ 30812(a)–(b) (2004).
10. For an example of what a hearing is like, see California Coastal Commission, “Monthly Voting Reports,” accessed February 6, 2026, <https://www.actcoastal.org/monthly-voting-reports>.
11. CA PUB. RES. CODE § 30812(d) (2004). To date, the commission has never found a property owner innocent of a violation.
12. CA PUB. RES. CODE § 30812(d) (2004).
13. California Coastal Commission, “Enforcement: Coastal Act Violations.”
14. CA PUB. RES. CODE § 30821(a) (2026); CA PUB. RES. CODE § 30820(b) (1994).
15. CA PUB. RES. CODE § 30821(e) (2026).
16. “It should also be noted that once a violation has been resolved, staff’s work is not done. Staff monitors the remedial work and undertakes site visits to ensure continued resolution and compliance, and coordinates with local governments as necessary.” California Coastal Commission, *Report to California Legislature*, 18. “Enforcement actions with a restoration component often include a five-year monitoring period that runs after the initial restoration efforts are completed, to ensure that the habitat is properly restored and will be viable going forward.” California Coastal Commission, *Report on Implementation of Coastal Commission 30821.3 Penalty Authority in 2024*, February 2025, 4.
17. Appellant’s Opening Brief, *Lent et al. v. California Coastal Commission*, No. B292091 (Cal. Ct. App. Apr. 5, 2021); Pacific Legal Foundation, “Beach Access Fines Threaten Family Home.”
18. Pacific Legal Foundation, “Beach Access Fines Threaten Family Home.”
19. *Lent et al. v. California Coastal Commission*; California Coastal Commission, *Staff Report: Adoption of Revised Findings for Cease and Desist Order and Administrative Civil Penalty*, April 28, 2017.
20. *Lent et al. v. California Coastal Commission*.
21. California Coastal Commission, *Staff Report*, 2.
22. *Lent et al. v. California Coastal Commission*; Pacific Legal Foundation, “Beach Access Fines Threaten Family Home.”
23. “Under the new authority, the commission may issue administrative penalties of up to \$11,250 per day, for a maximum of five years, for each violation.” This equates to a maximum penalty of \$20,553,750. California Coastal Commission, “Enforcement: Coastal Act Violations.”
24. California Coastal Commission, *Report to California Legislature*.
25. “There are two main goals of administrative penalty authority, and therefore of Section 30821: 1) to provide an effective incentive and 2) to provide an effective deterrent, enabling the Commission to resolve cases more quickly and to reduce the number of future violations.” California Coastal Commission, *Report to California Legislature*, 6.
26. California Coastal Commission, *Report to California Legislature*.
27. S.B. 433, 2021–2022 Sess. (Cal. 2022).
28. “The potential application of Section 30821.3 to these cases greatly incentivized the violators to reach an agreement with Commission staff, as the majority of these violations occurred prior to the enactment of Section 30821.3.” California Coastal Commission, *Report on Implementation*.
29. CA PUB. RES. CODE §§ 30821(i), .3(k) (2025).
30. “There is often a considerable gap between the time funds are deposited in the VRA and when they can be authorized for disbursement because appropriation requests are contained in Capital Outlay Budget Change Proposals, which must be submitted one year in advance of the beginning of the next fiscal year. Adjustments may be requested through a Spring Finance Letter. Any VRA funds deposited after the Spring Finance Letter is submitted must be included in the next year’s Capital Outlay Budget Change Proposal.” California Coastal Commission, *Status Report on*

the Violation Remediation Account (VRA), July 1, 2011, 2, <https://documents.coastal.ca.gov/reports/2011/7/W16b-7-2011.pdf>.

31. "In 2012 the Conservancy and the Commission entered an updated Memorandum of Understanding Between the California Coastal Commission and the State Coastal Conservancy on the Use and Expenditure of Violation Remediation Account Funds (MOU) for the same purposes. The 2012 MOU modified the procedure for expenditure of VRA funds to clarify the priorities for expending funds. The first priority is to expend funds in locations in close proximity to the geographical location of the violation. When that is impractical, priority is given to projects in the following priority: 1) the county of the violation location, 2) the region of the violation, 3) for agreed upon Commission and Conservancy special projects, and 4) for statewide programmatic purposes." California Department of Finance, *Budget Change Proposal*, 2025, 2, https://bcp.dof.ca.gov/2526/FY2526_ORG3760_BCP8159.pdf.
32. For specific projects, see California Coastal Commission, *Status Report on the Violation Remediation Account (VRA)*, 6, exhibit B.
33. Coastal Conservancy, *Coastal Act Enforcement*, September 29, 2016, https://scc.ca.gov/webmaster/ftp/pdf/sccbb/2016/1609/20160929Board05_Coastal_Act_Enforcement_VRA_Grant.pdf, 1; California Coastal Commission, *Status Report on the Violation Remediation Account (VRA)*, 3.
34. "In addition, the agreement allows for relatively small dollar amounts of settlements arising from a violation to be applied to specific access and restoration projects and more general statewide programs designed to promote compliance with coastal development permits and to further principal goals of the Coastal Act, including increasing public access to and along the coast, protecting sensitive habitats and preserving open space." California Department of Finance, *Budget Change Proposal*, 2025, 2.
35. For more information on these entities, see California State Parks (website), accessed February 6, 2026, <https://www.parks.ca.gov/>; Peninsula Open Space Trust (website), accessed February 6, 2026, <https://openspacetrust.org/>; Mountains Recreation and Conservation Authority, "About," accessed February 6, 2026, <https://mrca.ca.gov/about/>; Batiquitos Lagoon Foundation (website), accessed February 6, 2026, <https://batiquitos-lagoon-foundation-142729.multiscreensite.com/>.
36. Camping program: Rob Modellmog, *Staff Report: Recommendations and Findings for Consent Cease and Desist Order No. CCC-21-CD-01 and Consent Administrative Penalty No. CCC-21-AP-01*, 2021, 5. Environmental justice education: Rob Modellmog, *Staff Report: Recommendations and Findings for Consent Cease and Desist Order and Consent Administrative Penalty Action*, 2023, 3.
37. Pacific Legal Foundation, "Homeowner Challenges California Coastal Commission's Power to Levy Crippling Fines," accessed March 3, 2026, <https://pacificlegal.org/case/levy-california-coastal-commission-due-process/>.

PACIFIC LEGAL FOUNDATION

KYLE SWEETLAND is a strategic research manager at Pacific Legal Foundation. He provides research on issues involving government interference in Americans' constitutional property rights.

JEREMY TALCOTT is an attorney in Pacific Legal Foundation's property rights practice. He focuses on the fundamental rights of landowners to use and develop their property. He also leads Pacific Legal Foundation's Coastal Land Rights initiative.

The authors thank Jacob Fishbeck for edits, Nicole Divers for visuals, Keelyn Gallagher and Brooks Ball for data analysis, and all of them for their helpful feedback and expertise.

PACIFIC LEGAL FOUNDATION is a national nonprofit law firm that defends Americans' liberties when threatened by government overreach and abuse. We sue the government in court when our clients' rights protected by the Constitution are violated, and advocate for legislative and regulatory reforms in the other branches of government. Started in 1973 in California, PLF now files suits across the country, scoring precedent-setting victories for our clients, with an unmatched track record at the Supreme Court of the United States.

