Coastal Conservation: Essays on Experiments in Governance

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CONTENTS

FOREWORD

This monograph brings together several essays on aspects of coastal governance for the convenience of interested readers. The initial essay represents a friendly exchange of views between the the editor and Peter Douglas, presently Deputy Executive Director, California Coastal Commission, who at the time he wrote was Senior Consultant to the California Assembly's Committee on Resources, Land Use, and Energy. In 1977 the editor's book on coastal governance[1] was reviewed in the *Coastal Zone Management Journal* by Douglas,[2] and a response[3] appeared in the *Journal* in 1978. These two contributions comprise Chapters I and II, giving this exchange of views.

Meanwhile the editor was asked to do a book review-essay[4] dealing principally with Joseph M. Heikoff's book[5] on coastal resource management in three states, Maine, Rhode Island and Washington, but drawing on other sources as well. Heikoff's work and related coastal writing afforded a good starting point for an overview essay because:

> [The] choice of Maine, Rhode Island and Washington was a good selection, not only because each had attempted to implement some form of strengthened coastal policy prior to passage of the federal Coastal Zone Management Act of 1972, but also because these three states illustrate three distinctly different approaches, whose comparisons and contrast can serve to illuminate problems of organization and implementation that all coastal states will confront.

The review also noted that "Studies like Heikoff's represent initial explorations in a major new area of public policy implementation. . ." revealing "variations on familiar themes of intergovernmental pulling, hauling, and interacting typically seen when groundbreaking programs are undertaken in new fields." This book review-essay comprises Chapter III.

While on sabbatical leave from Diablo Valley College, California's North Central Coast Commission member Lenard E. Grote, also a suburban city councilman, and President of the Association of Bay Area Governments, wrote an essay[6] highlighting the difficult conflicts between statewide coastal interests and those of individual local governments and communities on the coast, as reflected in California's experience. Grote, who recently became Chairman of the California Coastal Commission, contended that the resulting state-local tensions had not been adequately dealt with in California, and argued that better resolution of the issues will be essential to an effective implementation of California's coastal program, especially if it is to receive the support and cooperation of local governments. Grote's essay comprises Chapter IV, "Coastal Conservation and Development: Balancing Local and Statewide Coastal Interests."

In April 1978, the Sea Grant programs of the University of California and University of Southern California cosponsored a workshop of representative local coastal planners confronting the task of drafting coastal plans under California's basic 1976 coastal legislation. The law called for local plan preparation, under state guidelines and subject to state review. The two-day discussions produced the consensus statement[7] that comprises Chapter V, "Coastal Planning Issues: A Consensus Report."

The June-August 1978 double issue of the Institute of Governmental Studies *Public Affairs Report* featured a progress report[8] on California's experience, which comprises Chapter VI, "Coastal Planning in California: A Progress Report."

In 1979 the *Coastal Zone Management Journal* carried Joseph M. Heikoff's book review-essay[9] of Jens Sorensen's work[10] on state-local collaborative planning, based on research on programs in nine states, including California. Heikoff's review comprises Chapter VII. Like most of the other contributors, Heikoff also emphasizes the potential state-local

tensions and conflicts, noting that they are virtually inevitable in such joint processes, but further recognizing the valuable opportunities offered for improved coastal planning, especially if the pitfalls that Sorensen identifies can be avoided and "true" state-local partnerships emerge.

Finally, Chapter VIII, "California Coastal Planning: A Look at an Experiment in Process," is an outgrowth of a special coastal workshop sponsored by the California Coastal Commission. The workshop was a statewide gathering of state and regional coastal commissioners and staff for intensive two-day discussions, March 15-16, 1979, at Asilomar, Pacific Grove, California. A major background paper was prepared by South Central Coast Regional Commission staff member Thomas A. Zanic. In 1980 Zanic rewrote his paper to reflect subsequent California developments, and to respond to comments received on the earlier version. The reworking was done explicitly for publication in the present volume.

It is hoped that bringing these essays together under one cover will facilitate their use by readers, in other states as well as in California, who are concerned with the emerging issues of coastal governance.

The editor wishes to thank Marc J. Hershman, Editor-in-Chief, *Coastal Zone Management Journal*, and Crane, Russak and Co., publishers, for their courtesy in granting publication privileges for material that first appeared in the *Journal*. Finally it should be noted that much of the research and writing represented here was directly or indirectly assisted by Sea Grant funding, as well as other sources of support, which are gratefully acknowledged.

Stanley Scott, *Editor*
December 1980

NOTES

1. Stanley Scott, *Governing California's Coast* (Berkeley: Institute of Governmental Studies, University of California, 1975).
2. Peter Douglas, "Book Review: *Governing California's Coast*, by Stanley Scott . . ." *Coastal Management Journal*, 3(2) 203-206 (1977).
3. Stanley Scott, "Notes on California's Coastal Governance: A Reply to Peter Douglas," *Coastal Zone Management Journal*, 4(4) 475-486 (1978).
4. Stanley Scott, "Book Review: *Coastal Resources Management: Institutions and Programs*, by Joseph M. Heikoff . . ." *Coastal Zone Management Journal*, 4(3) 337-354 (1978).
5. Joseph M. Heikoff, *Coastal Resources Management: Institutions and Programs* (Ann Arbor, Michigan: Ann Arbor Science Publishers, 1977).
6. Lenard Grote, "Coastal Conservation and Development: Balancing Local and Statewide Interests," *Public Affairs Report*, 19(1) (Berkeley: Institute of Governmental Studies, University of California, February 1978).
7. Stanley Scott, ed., "Coastal Planning Issues: A Consensus Report" (Berkeley: Institute of Governmental Studies, University of California, June 7, 1978).
8. Stanley Scott, "Coastal Planning in California: A Progress Report," *Public Affairs Report*, 19(3-4) (Berkeley: Institute of Governmental Studies, University of California, June-August 1978).
9. Joseph M. Heikoff, "Book Review: *State-Local Collaborative Planning: A Growing Trend in Coastal Zone Management*, by Jens Sorensen . . ." *Coastal Zone Management Journal* 6(1) 109-118 (1979).
10. Jens Sorensen, *State-Local Collaborative Planning: A Growing Trend in Coastal Zone Management* (La Jolla, California: University of California Sea Grant College Program, 1978).

I

Book Review
Scott, *GOVERNING CALIFORNIA'S COAST* (1975)*

Peter Douglas
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Like much of its shoreline, California's coastal resources planning and management program is constantly changing form. Stan Scott and his colleagues have, in *Governing California's Coast*, taken aim at a rapidly moving target and are to be commended for striking it more often than not.

In November, 1972, California voters enacted Proposition 20, the California Coastal Zone Conservation Act of 1972. That Act established the most comprehensive state-level coastal resources planning and land use control program anywhere in the country. The wide-ranging repercussions are still being felt as California's three year coastal planning effort moves toward a crucial showdown in the state legislature—a showdown which will have been decided by the time this review is published.

The California Coastal Plan is the result of over 100 public hearings, the efforts of 84 part-time commissioners, and the participation of literally hundreds of individuals, special interest groups, federal, state and local agency representatives, and civic, labor, and professional organizations. The plan addressed nearly every issue that would be involved in land use planning for the entire state. It touches on public access questions, including low cost housing; on energy issues (i.e., LNG, power plants, tanker terminals, refinery siting, and energy conservation standards for new developments); on questions relating to the preservation of agricultural lands and watershed management; and on transportation, port development, wetland and estuary preservation, and coastal residential development issues. In some way, the coastal plan steps on the toes of nearly every powerful special interest represented in Sacramento. This makes the question of what type of governmental structure should be established to implement what coastal plan policies with what degree of powers and in what geographical area along this continent's western edge so controversial and so critical.

To a great extent, how California's coast is governed in the future will depend on how effectively the present institutional arrangements are perceived to have functioned over the last three years. Inevitably, the recent experience with the stringent coastal development controls of Prop. 20 has greatly clouded the debate. However, the features of coastal governance in California between January, 1973 and January, 1977 are necessarily different from those of the system needed to carry out coastal plan policies enacted by the legislature.

Governing California's Coast represents a major and unique attempt to assess California's coastal planning and management program to see where we've been and where we are so as to better understand where we should be going. By way of an extensive interview approach, the author has been able to elicit opinions and judgments from several hundred knowledgeable and interested persons. The responses often quite effectively make a point, raise questions, provide information or give insights not usually available to the interested outsider. The result is a rare, informal, insightful glance beyond official annual reports and scholarly writings about California's coastal experiment. It is a readable and useful work which to date constitutes the most comprehensive treatment of how California's coastal resources might be managed after the Prop. 20 mechanism terminates on January 1, 1977.

The book provides a wealth of information for the student of California's coastal management program. Chapter 1 and Appendix A contain good background materials with brief primers on the initiative and referendum process in California; the California Coastal Zone Conservation Act of 1972 (Proposition 20) and the campaign for its adoption; public attitudes toward the state's role in coastal governance; and the "public trust" for commerce, navigation, fisheries, recreation, open space and other public uses to which California tide and submerged lands are subject.

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Previously published in *Coastal Zone Management Journal*, Vol. 3, No. 2.

History is followed by a provocative chapter on how well the informed observer believes the coastal commissions have functioned. This chapter provides candid and informative insights. For example, an analysis of the way current coastal commissioners were appointed concludes that any successor coastal agency should consist of generalists (as opposed to experts and special interest representatives) who are knowledgeable members of the public, who are appointed by a mix of powers (the governor, both houses of the legislature, and local governments), who serve part time and for fixed terms with the possibility of alternates who serve in their absence, who are adequately compensated, and who are chosen by way of an open nominating and public review process. After reviewing the role of existing levels of coastal governance (local, regional, and state), the author recommends that a strong state-level coastal commission and the current groupings of regional commissions be continued, at least until more comprehensive resources planning and management mechanisms have been established either on a regional or statewide basis.

Although a good survey of opinion and a must for the student of coastal zone management in California, the book does not always make the strongest case for its conclusions and often ignores the world of political reality which will, after all, determine what is or is not done to California's coast. For example, in discussing why local governments alone cannot effectively manage coastal resources, insufficient emphasis is focused on the fact that coastal resource management problems transcend political boundaries; therefore, what is necessary to resolve them often exceeds the legal authority and the financial ability of a local unit of government. Besides, why should local units of government be expected to solve regional problems? The book explains the need for regional commissions but fails to see the political sensitivity of this approach. A permanent system of coastal governance does not, in this reviewer's opinion, require permanent regional coastal commissions. Perhaps if they were given responsibilities *in addition* to coastal management functions, after the fundamental elements of the Coastal Plan and the policies and implementing actions approved by the legislature have been promulgated, there might be sufficient reason to justify making them permanent. But the political liabilities inherent in this suggestion in California today render the point academic. Indeed, if local government is to be given major responsibility for Coastal Plan implementation, as both the Coastal Plan and the legislation to carry it out envision, the regional commissions should be phased out within a given period of time. This is being proposed in California.

The interview approach is unique and often informative in a refreshing way. It is interesting to note, however, that not one legislator is among those interviewed.* Many of the recommendations and conclusions in this book make sense from an academic point of view. For example, although the implications for California of Compliance with provisions of the federal Coastal Zone Management Act of 1972 are discussed, only passing reference is made to the importance of the amount of money available to California as the irresistible carrot. Legislative leaders recently responded to arguments that California ports could not simply be excluded from legislation implementing the Coastal Plan because California might then lose federal assistance with the simple statement: "The amount of money involved is not enough to make any difference." One can't fault the author for thinking there is, from an objective and substantively considered point of view, a "best way" to govern California's coast in the future. He has provided us with valuable information and suggestions as to what should be done. Unfortunately, the dynamics of developing major policies in California is all too frequently simply a matter of muddling through in the least *in*efficient and most politically expedient way possible at any particular point in time. Perhaps an impertinent illustration is that this reviewer ventures to guess that not one legislator, nor the governor, nor any of the people who will make recommendations to him, will have read this book when they take a position on the legislation to carry out California's Coastal Plan.

*One interviewee was later elected to the state assembly.

II

NOTES ON CALIFORNIA'S COASTAL GOVERNANCE: A Reply to Peter Douglas

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In a recent issue of this journal, Peter Douglas gave *Governing California's Coast*[1] a thoughtful, appreciative, and basically fair review. He commended us for having hit our "rapidly moving target" more often than not. I won't argue with that assessment. After all, it is nearly as good as the U.S. Weather Service's record with forecasts, achieved after decades of trying.

In any event, Peter's succinct and to-the-point commentary drew effectively from his own unique and considerable coast-related background. He has occupied key roles as participant-observer, legislative staff, and administrator. He has made valuable contributions to the literature. Probably he knows California's coastal story as well as anyone in the state, and far better than most.

The 1976 Law and the Regional Commissions

While gratified by his generally friendly remarks, I wish to contest some of his conclusions respecting the regional coastal commissions, or at least to suggest other interpretations. But first, some brief background on the regional commissions and their roles in the California system of coastal governance may help non-California readers follow the discussion.

Proposition 20, California's 1972 coastal initiative, set up a state coastal commission, and provided six regional commissions to assist the state body in planning and permit-review activities. The coastal initiative also provided for a "permit area" extending from the seaward limit of the state's jurisdiction to 1000 yards landward from the mean hightide line. Under Proposition 20 developments proposed in the permit area had to be approved by the appropriate regional commission, whose decisions could be appealed to the state commission.

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When Proposition 20 terminated at the end of 1976, it was replaced by California's new coastal law, passed last year. It provided for temporary continuance of the regional commissions, but called for them to be discontinued not later than June 30, 1979. The California Coastal Plan itself, as submitted to the legislature in December 1975, called for this type of phasing out. Moreover, activation of each regional commission, even for this temporary period, was contingent on the state commission's certification of the need for the regional commission's help in expediting the work that would otherwise have fallen wholly to the state body. Early in January, 1977, the state made such certifications for each of the six regional commissions. The effective coastal zone boundary was, however, modified significantly from the previous permit area. Although generally continuing to observe the 1000-yard width, in 18 significant estuarine, habitat and recreational areas—accounting for 412 miles of coastline—the boundary extends inland as much as 5 miles. On the other hand, in some urban areas the boundary extends as little as 200 ft. inland.

For the time being, the *permit review* process continues substantially as it did under Proposition 20, with the regional commissions making the initial decisions, subject to appeals to the state commission. The coastal *planning process*, on the other hand, was shifted substantially downward to local government by making the cities and counties principal participants in a state–regional–local collaborative planning process.

Under state guidelines, local governments along the coast are beginning work on the task assigned them by the 1976 law: preparing their own local coastal programs (i.e., land-use plans and zoning ordinances to implement them). The local programs are to be reviewed by the regional commissions, and then by the state commission. The state commission certifies local programs when satisfied that they conform to the coastal act, are consistent with applicable commission decisions, and otherwise "measure up" to appropriate criteria. Once local coastal programs have been certified, principal responsibility for their implementation will lie with the cities and counties, subject to a degree of review and monitoring by the state commission.

In short, the regional commissions are being continued virtually unchanged, and will be active participants in both the permit reviews and the collaborative planning process whereby local coastal programs will be proposed, reviewed,

revised, and finally certified. But this role is temporary for, as noted earlier, the regional commissions must go out of existence by mid-1979. (While this article was in proof, California enacted a 1978 law extending the regional commissions until mid-year 1981. Significantly, the time extension had virtually universal support, including labor, developers, contractors and realtors, the very groups that had fought most vigorously against the regional concept in 1976.) If the certification process is not yet complete, their roles in permit review and collaborative planning will be assumed by the state commission. Their appointive roles—for they select half the membership of the state commission—will be taken over by the state authorities responsible for the other coastal commission appointments, i.e., the governor, senate rules committee, and assembly speaker.

Should the Regions Have Been Retained?

In his review, Peter Douglas rightly points out that continuance of the regional commissions was a politically sensitive matter. But he adds that "If local government is to be given major responsibility for Coastal Plan implementation . . . the regional commissions *should be phased out*. . . ." [Emphasis supplied.]

I question the leap to that conclusion. Instead, I see persuasive evidence that the regional bodies played important roles in policymaking, and that future coastal planning would probably have benefited from their continuance on a long-term basis.

It is unlikely that California's coastal planning will be completed by 1979, or 1980, 1985, or even in the more distant future. Planning and plan revision is a continuing process, in which I believe the regional agencies could play important intermediary, consensus-building roles. Moreover implementation takes even longer than planning. In short, these processes will continue indefinitely.

Admittedly, the new law *has* shifted the major focus of coastal planning and implementation to local government. Although this seems appropriate and desirable, it also reinforces my belief that friendly but watchful monitoring of local performance could help ensure adequate and reasonably consistent local compliance with statewide goals along California's 1100-mile shoreline.

Intergovernmental Linkages

The regional commissions' membership, comprising a mix of city council members, county supervisors, and "public members" selected by state appointing authorities, qualified them for intergovernmental negotiation and consensus-building on policy, as well as sensitive monitoring of local compliance. Without the regional bodies, the alternatives are heavy reliance on regionally based staff employed by the state commission, or environmentally aware public interest groups, or both. Obviously, with the regional commissions' demise in 1979, such arrangements will have to be made to work as well as possible. But I believe the regional commissions were strategically situated and reasonably well equipped for an important part of the job, and should have been continued in some form beyond their early cutoff date under the new law, i.e., not later than mid-1979.

Admittedly the flow of information between the regional and state commissions was faulty, and their linkage roles were not developed as adequately as they might have been. This was partly due to the heavy pressure of the regional commissions' principal job, i.e., reviewing and approving or disapproving individual permit requests. This was their main task, in terms of energy demands, and a very important one, but left insufficient time to develop and fully exploit the regions' potential for intergovernmental linkage.

Nevertheless, an educational process went on in the regional commissions. During the regional deliberations, all commissioners save perhaps the most doctrinaire were influenced and found their views modified by their growing awareness of the issues, of fellow commissioners' views and interpretations, and of the needs and concerns of the various coastal communities in the region. They were also influenced by the state commissions' actions in sustaining or overturning regional permit decisions on appeal.

A consensus-building, policymaking process was at work, producing a body of coastal permit decisions. The process also produced and reviewed drafts of the coastal plan, and validated the final version submitted to the California Legislature. City and county government had a voice through the city council members and county supervisors who sat on the regional commissions. In the process, the regional commissioners developed some understanding of the range of community circumstances and needs along the coast, which helped guide their application of the coastal legislation.

Again, however, the process was flawed, because it seems problematic whether the local representatives "took home" their understanding of the basis for the consensus and transmitted it effectively to their own local governments. Undoubtedly, there was a flow of information between individual local governments and the regional commissions, but we should acknowledge that this linkage, in fact, left a good deal to be desired.

In contrast, while recognizing these deficiencies in performance, one can justifiably echo the words of a perceptive regional commissioner and local government representative:

> In serving as a communication link between local and state government, the regional commission didn't quite "do it." But eliminating them entirely surely won't help! Having 12 to 15 people sit at the state level, with no regional bodies at all, will not improve communications between the state and local governments.

To sum up, in dropping the regional commissions, we may be losing a valuable and promising intergovernmental process, creaky as its working may have seemed to some observers.

Representation and Appointment

In any case the regional commissions have served as a mechanism for representation, which functioned in at least two ways to provide a local voice. First, county boards of supervisors and councils of mayors choose half the regional bodies' membership, selecting locally elected officials for these seats.

Second, under the current formula the regional bodies select half of the state coastal commission's membership, affording local government a role in this process. But this part of the state commissioners' appointment formula will be changed when the regional commissions are phased out. "Local" membership on the state body will then be chosen by the three state-appointing authorities–governor, senate rules committee, speaker of the assembly–on a rotating basis.

Choices will be among a wide smorgasbord of supervisors' and council members' names, sent up by the cities and counties. Thus any single appointment to the state commission can be filled by choices from among six to eight or even more initial nominations by county boards and the cities' mayors' conferences. Furthermore, if an appointing authority is dissatisfied with the first list, a second round of local names must be sent up.

This greatly strengthens the hand of the state-level appointers, which *as things stand now* probably gives greater assurance of pro-conservationist appointments. But it also breaks a linkage with local governments, as well as the regional linkage to the state level, expressed through the regional commissions' appointment of half the state commissioners. In short, a "local" appointee to the state body seems likely to be seen–and to see himself or herself–more as the appointing authorities "person" than as local governments' "people."

The regions served other related purposes. They gave the city governments a regional voice that will now be lost. When the commissions disappear the counties become the *de facto* regional governments for coastal purposes, except inside the formal boundaries of cities. The cities' legitimate extraterritorial interest in noncity shorelines will have to be expressed in other ways. This seems to give counties an advantage over the cities, a conclusion supported by inference, since city opinion favored the regional commissions' continuance, while the counties were opposed, and indeed were negative on the entire coastal package.

Despite a split in League of California Cities' own ranks, its official position called for permanent regional commissions. Prevailing city opinion emphasized the commissions' comparative closeness to the local scene and knowledge of its geography, as well as the presence of local government officials in the commissions' membership. In short, cities saw the regional commissions as desirable buffers between local government and the state. Accordingly, for a time in the 1976 legislative process the League of California Cities was active on their behalf.

Opposition to Regional Commissions

But opposition appeared elsewhere, while scant support emerged from any other influential groups, such as the Sierra Club or other environmentalists. The League of Women Voters was the principal exception. After a time, the lack of other powerful support prompted the city League's staff to "give up" on the permanent regional commissions. The principal opposition came from labor, and from a number of local governments and legislators in the Los Angeles–Orange County area. Anti-regional sentiment came from some local officials who seem to oppose *anything* regional as a matter of principle.

One crucial cause of much opposition may have been the arbitrariness or even irrationality of some South Coast commission decisions. In fact, several knowledgeable observers even narrow the problem to alleged arrogance and rudeness on the part of a single commissioner. In any event, a well-informed respondent summed it up: "Unquestionably this regional commission sometimes behaved badly."

If this analysis is valid, unhappiness with a single commission, not being countered by strong support, may have had a good deal to do with the regional commissions' forthcoming demise in mid-1979. New institutions in controversial areas are often judged by their excesses, and this probably happened to California's regional coastal commissions. The questionable behavior of some commissions, or of individual commissioners, gave useful ammunition to opponents of the coastal plan. In any event, the legislative history showed a close relationship between those who opposed a strong coastal planning law and those who opposed the regional commissions.

Giving Authority to Local Government

Basically the proponents of "weak" coastal bills wished to give local government almost all of the authority, with only a limited review by the state commission, the regional commissions being eliminated forthwith. They argued that the job of coastal preservation and plan implementation was being returned to local government, and that therefore the regional commissions no longer had a justifiable role.

In a recent communication, Peter Douglas emphasized this relationship between the ending of the regional bodies and the extent to which actual control seems to be returned to local governments:

> One of the most significant issues during the debate turned on how much coastal land-use control we were really giving back to local governments. How serious were we in our position that, once cities and counties have prepared land-use plans and implementing ordinances consistent with state coastal policies, the Coastal Commission's permit authority and the primary responsibility for Coastal Act implementation should be delegated to local governments? If this delegation to cities and counties is to mean anything, many people argued, then there is no longer any need for the regional coastal commissions.

Some observers concluded that coastal planning opponents realized they probably could not kill the entire coastal bill–at least not without risking enactment of a much tougher measure through the initiative process–but

saw that the regional commissions might successfully be eliminated. Removal of the regional machinery was seen as a way to emphasize local governments' autonomy in plan implementation, as well as probably make the state commission's future watchdog role more difficult. Furthermore, business and labor interests had grown restive with multiple permit reviews and other allegedly overcomplicated procedures encountered under federal and state environmental protection legislation. This sparked sentiment favoring streamlined procedures and minimizing successive reviews. David Beatty, attorney of the League of California Cities, who participated in the legislative drafting, comments:

> It was clear to me at the beginning of the year that because of the antipathy toward the creation of additional structures the regional commissions didn't have a chance. So while the actions of. . .the South Coast Commission contributed to their demise, I believe the basic reluctance to create new government structures unless absolutely necessary was more important.

State-Regional Comparisons

The "inevitable" outcome was cinched when, as noted, few powerful supporters rallied to the regional cause. Perhaps this was due, in part, to the fact that the regional commissions suffered by comparison with the state commission, especially in the eyes of coastal conservationists. State commissioners appointed by the state appointing authorities were largely first-rate commissioners. Moreover, because of both luck and the "time factor," the regional commissions' appointments to the state body were also high-caliber, or selected from the more pro-conservationist of the regional members, or both. (The "time factor" refers to the reluctance of some regional commissioners who might have been negative on coastal planning to contribute the time required for dual service at both the regional and state levels.)

Consequently the state commission was appreciably more conservationist than several of the regional commissions, and is generally considered to have performed better. This caused some disenchantment with the regions on the part of conservationists, who might otherwise have been expected to support the regional commissions as part of the coastal package.

Finally, a certain amount of rivalry existed between state and regional commission staff. This could have played a part in the decision to drop the regions.

No Further Useful Role?

In broad outline, this seems to be the background of the regional commissions' forthcoming demise in mid-1979. My friendly quarrel is with Peter Douglas' conclusion from all this that the regional commissions had *no further useful role* sufficient to justify their perpetuation. While the problems and inadequacies outlined earlier must be recognized, the regional-state partnership nevertheless turned in a highly creditable performance, under great pressures. They succeeded in a nearly impossible task of running a permit review while simultaneously developing a plan for the coast, and did it from scratch, starting as a new, untested system of governance that successfully met a demanding, exacting schedule. Warts and all, it was a remarkable accomplishment.

The regional commissions were a key part of the experiment. I believe it would have been wiser to continue the regional bodies, although with modified functions, just as the state commission's functions will be modified as soon as the local coastal plans have been certified and placed in operation. Thoughtful effort could have gone into analyzing past regional performance and possible changes in law or practice that could have helped them perform better, and in keeping with the new legislation's shift of power to local government. In fact, one might argue that this very shift to local implementation may have opened a stronger *potential* role in monitoring and reviewing local performance, as well as in helping negotiate future issue conflicts that will inevitably accompany coastal planning and plan implementation under the new law.

But if this potential existed it was not developed. As the League of California Cities observer quoted earlier observed: "The decision to abolish the regional commissions was not made after a thorough analysis. . .of the need to continue them, rather they were in a sense sacrificed so that the State Commission could continue."

In any event, instead of retaining the regional experiment and making it work better, the whole concept will soon be discarded under the terms of the 1976 legislation. As things turned out, especially without strong conservationist support, this outcome may have been virtually inevitable. Nevertheless, I believe California's experience demonstrated the usefulness of the regions. Given a more favorable legislative climate, they might have been kept—and tinkered with—to constructive ends in California's continuing experiment with coastal governance.

Peter Douglas recently responded to a draft of these comments with several related observations on the regions' discontinuance:

> better legislative homework might have resulted in a better reception for the notion of continuing regional commissions. However, in light of the strange structure of the Coastal Commission setup in California—i.e., semi-autonomous regions, appellate jurisdiction vested with the State Commission, etc.—we would have had to substantially alter the functions and responsibilities of the regional commissions after certification [of local plans].
>
> It would also have been necessary to redesign the regional commissions' relationship to the State Commission. One extremely hot issue was whether, after certification, appeals should go to the regional commission first or directly to the State Commission. There is no doubt in my mind that the prevailing sentiment was to cut

bureaucratic layers and streamline the process through direct appeals to the State Commission.

. . .the question of continuation of regional and coastal entities in some form is not a dead issue. Proposition 20 established a temporary process [of coastal governance]. Many people felt that was a mistake, despite the political liabilities inherent in any attempt to create a permanent coastal management system in 1972.

Similar sentiments were expressed in 1976, and "political reality" considerations entered into the decision to phase out the regional commissions. A major difference from 1972 was that the phase-out decision was based on a specific recommendation in the Coastal Plan.

It may well be that we can devise a proposal to continue regional commissions with the kinds of responsibilities and functions you outlined. I agree that the regions serve a valuable function, but see the whole process as a dynamic experiment subject to modification as our thinking evolves, based on experience. Maybe there will be an effort to extend the lives of the regions in their present form through January 1981.* I would venture to guess that, given the current sentiment in Sacramento, such an effort would not succeed at this time. But I think we should give serious thought to the kind of role permanent regional commissions, advisory boards, or panels might play in the future.

Other Experiments: Substate Regionalism Thrives

Meanwhile, other important planning experiments, in progress or contemplated, bolster the case for a regional role. An excellent example is the "208" planning under way in seven California regions, and in many of the nation's other urban regions. These complicated but promising experiments involve the federal, state, and local governments; but *regional* mechanisms provide a *crucial* focus for participation, consensus-building and policy decisions. The Bay Area's nine-county program, under ABAG's umbrella and with a 45-member task force, provides a regional arena that brings local government and special agency representatives together with "public" members to hammer out regional plans for water quality, air quality, and solid waste disposal.[2] Implementation will presumably call for land-use planning and transportation measures, in addition to antipollution regulations and the building of treatment facilities per se.

*Editor's note: As noted earlier, a 1978 law did extend the lives of the regional commissions to mid-year 1981.

Though acclaimed as a unique and outstanding example of regional initiative, the Bay Area's 208 program is only one case, important and promising as it seems to be. Four years ago, an entire shelf of books reported and analyzed regional experience in many parts of the nation.[3] The findings of this effort, based largely on an analysis of previous experience, was the basis for reinforcing pro-regional policies of the federal Advisory Commission on Intergovernmental Relations. Since that time, regional interest and activity have continued to grow. In short, regionalism thrives in many forms, and is increasing, not declining.

I have outlined reasons why I find it hard to conclude that the nation's most populous state has no need for regional machinery in planning and making policy for an 1100-mile coast, or that the whole thing can be done better, after 1979, through a state commission, 15 counties, and some 50 city governments. Readers who wish to pursue the matter further may consult *Governing California's Coast*, especially Chapter V, "Dealing With the Regions." They may also wish to watch what other states do with coastal and land-use planning. Many with substantial shorelines are resorting to regional devices, and virtually all general land-use planning efforts employ regional mechanisms.

Whatever the merits of the coastal regions, dropping the commissions may help strengthen the case for folding the coast into more comprehensive land-use planning approaches, now being seriously discussed. Furthermore, regional institutions seem sure to play a pivotal role in state-regional-local intergovernmental policymaking. Keeping coastal planning permanently separate may not be defensible. In short, I doubt that the drama is over. The next acts should be instructive to watch.

NOTES

[1] Stanley Scott, *Governing California's Coast* (Berkeley, Calif. Institute of Governmental Studies, University of California, 1975). (See also *Coastal Zone Management Journal*, vol. 3, no. 2, 1977.)

[2] "Managing the Bay Area's Environment: An Experiment in Collaborative Planning," by Ora Huth, *Public Affairs Report*, vol. 18, no. 2 (April 1977).

[3] U.S. Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System* (1973-1974 in 6 volumes).

III

Book Review
Heikoff, *COASTAL RESOURCES MANAGEMENT: INSTITUTIONS AND PROGRAMS* (1977)*

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Summary

Joseph Heikoff discusses coastal resource management in three states—Maine, Rhode Island, and Washington—whose experiences illustrate distinctly different approaches and help illuminate problems of organization and implementation that will confront all coastal states. Washington, whose experience is the richest of the three, has established a "classic" version of state-local collaboration, comprising both a shoreline planning program, and a permit system for enforcement, with local governments assuming principal responsibility. Maine's more complicated approach combines direct state regulation with state-local collaboration, utilizing several different state agencies, boards, and commissions. Rhode Island's contrasting formula centralizes all its controls over coastal waters in the hands of a single state agency.

Studies like Heikoff's represent initial explorations in a major new area of public policy implementation: coastal resource management. Among other things, the study reveals "variations on familiar themes" of the intergovernmental pulling, hauling, and interacting typically seen when groundbreaking programs are undertaken in new fields. The crucial importance of the emerging coastal experience is emphasized by viewing it as a special form of general land-use planning, that now has a head start of several years on other possible future federal-state-local partnerships in general land-use control.

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Breaking with a history of uneven or poor local government performance in coastal planning and regulation, the new systems of coastal governance require local home rule to make room for overriding statewide and national interests in coastal resources. These are reflected in the federal coastal legislation and guidelines, as well as in the state programs being developed in the individual coastal states. The changes have given significant new leverage to groups concerned with resource preservation, good planning, amenities, and quality-of-life objectives. The new processes are bringing proposed land-use changes and their consequences into the open for wider discussion. In addition to new forums for debate, technical planning processes are beginning to be rethought and new, improved planning committees are being set up where they were previously nonexistent.

The emerging processes of coastal policymaking will force all governmental agencies having coastal interests—at the local, state, and federal levels—to start looking further into the future and defining their long-term commitments toward the coast. These changes may affect private-sector institutions profoundly, with the installation of new regulatory systems causing unhappiness in some quarters where laissez-faire had prevailed. Others may welcome the opportunity coastal planning offers to define future policy options more clearly, thus reducing the uncertainties and obviating the unexpected governmental decisions that have been one of the greatest hazards to private-sector interests.

On the other hand, the implementation of coastal planning represents a major extension of regulatory processes, raising to an even higher level a persistent unanswered question in American government: How can we make regulation work well? Indeed, it poses a challenge, but coastal resource management also may offer some workable solutions. Thus the collaborative intergovernmental formula of coastal planning, with substantial devolutions of power to lower governmental levels, but under higher-level guidelines, can be a testing ground for a flexible partnership in improved environmental governance and land-use control.

Heikoff's book is one of the early published attempts to assess, on a limited comparative basis, what is probably

this decade's most important new development in planning and land-use control. Having done an expeditious job of research and writing, and being blessed with a publisher whose "turnaround time" is surprisingly short, the author is able to give a coherent account of approximately six years' experience with coastal planning efforts in three states: Maine, Rhode Island, and Washington. The book also affords the reviewer a welcome opportunity for further observations on the implications of coastal planning and the exciting prospects it appears to hold.

When assessing his evidence, Heikoff is guarded and cautious, as benefits a prudent researcher in a new, fast-developing field in which legislation and organizations are still in an experimental stage, and where the substantive outcome will depend heavily on future actions and decisions. Thus Heikoff comments in an Epilog: "This account of three early state efforts to establish coastal management on their own initiative and then try to take advantage of the later federal Coastal Zone Management Act offers no more than a snapshot taken during program infancy" [p. 267].

Other research in progress will no doubt be published soon, giving us successive pictures of a fascinating field of policy endeavor. Jens Sorensen, University of California, San Diego, is completing a nine-state comparative study of state-local collaborative coastal planning. (State-local collaborative planning = when local governments prepare plans based on state policies and guidelines.) Nelson Rosenbaum of the Urban Institute, Washington, D.C., has completed a study of public participation, and is also working on a comparative study assessing the implementation and enforcement of comprehensive state land-use regulations, with a focus on shoreland and coastal regulatory programs.

Robert Healy and others with the Conservation Foundation are winding up a critical analysis of California's coastal commission activity over 1972-1976. Daniel Mazmanian, Pomona College, and Paul Sabatier, University of California, Davis, are doing an analysis of the implementation of state land-use policy, using the California coastal commission as their case study. John DeGrove, of Florida Atlantic University, is working on the politics of growth management, and Frank Popper, of the Twentieth Century Fund, is doing a comparative study of the politics of land-use reform.

This does not purport to be a complete listing of research recently completed or in progress having special relevance to coastal planning. Many other important studies are also being pursued. Meanwhile, however, Heikoff's descriptions and comparisons of the programs of three states should be a big help to those wishing to get a better grasp of what is being attempted, and to learn more about the early phases of some important experimental efforts at coastal planning and regulation.

Heikoff's choice of Maine, Rhode Island, and Washington was a good selection, not only because each had attempted to implement some form of strengthened coastal policy prior to passage of the federal Coastal Zone Management Act of 1972, but also because these three states illustrate three distinctly different approaches, whose comparison and contrast can serve to illuminate problems of organization and implementation that all coastal states will confront. As will be seen, Maine's is a rather complicated approach, combining direct state regulation with state-local collaboration, based on several independent pieces of legislation, and utilizing different state agencies, boards, and commissions. Rhode Island uses a markedly contrasting formula, having all its controls over coastal water areas highly centralized in a single state agency. Washington's pattern is a collaborative state-local effort, but with a simpler structure than Maine's.

Each state's experience is a "variation on a familiar theme," featuring the pulling, hauling, and related interaction between the state and local governments often seen when bold new initiatives are taken in new fields of public policy. Under the 1972 Coastal Zone Management Act, the federal government is also involved in several roles as encourager, facilitator, and critic of the early coastal efforts.

Maine: A Complex Structure

Maine's legislation is distinguished by the complexity of its structure, the result of four major laws, some of which place power and responsibility at the state level, whereas other states focus it on local governments. Heikoff concludes that Maine's complicated network is "difficult to administer and for the public to understand," and suggests that ". . . the simpler the structure and the greater allocation of responsibility to local government, the more readily popular support may be found . . ." [p. 205]. Although this conclusion may hold generally, it seems especially applicable to a state like Maine, which is generally credited with strong traditions of personal liberty, "sacredness" of property rights, and preference for local self-government.

An important element of Maine's approach is direct state control over large-scale developments, both in the coastal zone and elsewhere, exercised by the state Board of Environmental Protection, whose approval is required before major developments can proceed. A second component is wetlands control legislation, which requires municipal approval for alterations of wetlands, followed by review by the Department of Environmental Protection. An applicant must demonstrate that a proposed activity will not (1) unreasonably interfere with recreational and navigational uses, (2) cause unreasonable soil erosion or interference with natural water flow, (3) unreasonably harm marine or freshwater wildlife, or (4) reduce the quality of waters.

A third element of Maine's approach is state-local collaborative planning, embodied in its mandatory shoreland zoning and subdivision legislation. The law requires zoning and subdivision ordinances to govern lands within 76 m (250 ft) of the normal highwater mark of salt and freshwater bodies, including streams. If these are not enacted at the local level, such regulations are to be imposed by the state, acting through the Department of Environmental Protection.

The legislation appears to have spurred local governments from near-inactivity into a good deal of effort, as only a small numerical minority of Maine's local govern-

ments had any zoning before the law's passage. But most local governments now comply, and state-imposed ordinances apply to those that have not done so.

Despite the seeming potential of this system, its effectiveness appears to depend substantially on local awareness, support, and good faith. Moreover, Maine's monitoring authority and activity are considered inadequate by knowledgeable observers. Local governments are not explicitly required to submit their shoreland ordinances and amendments to the state for review. Some do this, but most do not. Also, extremely limited staffing at the state level—reportedly only one person assigned—fails to provide an effective means of discovering infractions of state or local regulations or of guarding against noncompliance with the conditions of permits.

It is perhaps ironic, but understandable, that controls may actually be weaker under the shoreland law (which applies to organized municipal areas where developmental pressures are greater) than in less-endangered forest and mountainous areas that lack any organized local government. The latter are under a permit system administered by the state Land Use Regulation Commission.

A fourth feature of Maine's system is an essentially voluntary program under a 1974 law, which establishes a register of critical areas administered by the State Planning Office and assisted by the Critical Areas Advisory Board. Neither the board nor the planning office has regulatory powers over critical areas, but affected owners must advise the board of any proposed change in use, and postpone such changes for 60 days unless the board grants an earlier release.

Given Maine's decentralized system, strong localism, and lack of a planning tradition, it seems clear that the public support and participation, or at least acceptance, would be helpful if not essential. But Maine has had a lot of trouble on this score. The coastal planners were counting on a set of regional planning bodies to provide crucial state-local linkages, and to act as mechanisms of interlocal coordination and planning development. Heikoff notes that public participation efforts were "tied into the activities of the regional planning commission" [p. 65]. This attempt was unsuccessful partly because local officials saw the regional commissions as "an extraneous level of government," and also because the regional commissions were given a "no-win" task the first time around, when without adequate advance preparation they were asked to approve a complicated state coastal program for submission to the federal government. This elicited a hostile response, prompting the governor to withdraw the proposal in mid-1975 and initiate a rethinking process.

On the other hand, Maine's tribulations should not obscure its accomplishments in laying a legal groundwork, and in improving local performance and awareness. In Heikoff's words, in Maine:

> Major state environmental legislation regulating large-scale development, wetlands, shorelands, and critical areas provides the basic legal foundation for coastal management [p. 84].

Another coastal researcher, Jens Sorensen, comments:

> As in other states producing shorelines zoning, Maine's program should be viewed as both a starting effort and one component of an integrated coastal zone management program. The five years of shoreline zoning experience have at least improved coastal municipalities' capabilities to develop and implement land use plans—a necessary prerequisite for Maine's proposed coastal zone management program. Furthermore, the implementation of the shoreland zoning ordinances has made many coastal residents and local officials aware of the need to manage coastal resources in a comprehensive and systematic fashion.[1]

Rhode Island: Centralization and State Control

Turning to his second state, Rhode Island, Heikoff notes that its system of coastal regulation contrasts sharply with Maine's (as well as with that of most other states). Rhode Island's coastal powers, with respect to water areas, are lodged primarily with the state government, where they are also centralized in a multimember Coastal Resources Management Council that does not share its regulatory authority with other state agencies or with local governments.

The formula was arrived at after a good deal of controversy over earlier proposals, and concern by local leaders that the state might encroach on local zoning powers. Under the compromise, the state coastal resources council was given broad powers over the water areas of the coastal zone, but only limited powers over the land areas. In the landward side of the coastal zone, the council's regulatory powers are limited to measures required for effective management of the tidal water resources. Thus the council was empowered to regulate specified activities that might affect water areas under its jurisdiction, such as power generating, petroleum, chemicals and manufacturing plants, sewage treatment facilities, and others that would discharge significant effluents.

Heikoff notes that this "flexible" approach, "with no . . . mapped boundary for the landward side of the coastal zone," relies instead on giving "the Council jurisdiction over particular land features and uses [those noted above] wherever they occur" [p. 131]. He points out that this departs from the pattern called for in the federal coastal legislation, and acknowledges the resulting criticism by environmentalist organizations. These groups argue that the federal law and regulations "require the blanketing of a geographically defined coastal zone with land use regulations in a manner similar to a municipal zoning ordinance" [p. 272]. Failing this, they contend, some environmentally significant activities and areas in Rhode Island's coastal zone may go unregulated under the state's management program.

Heikoff emphasizes the council's complicated appointment process, with members selected by the governor, lieutenant governor, and speaker of the house, plus two who serve ex officio. The membership is made up of state legislators, local officials, and public members from coastal communities. In fact, the council's composition was an essential part of the compromise. There was a hard

fight on the issue of local government representation, and passage was deferred until a substantial contingent of local officials was provided. Observers note that the resulting commission has been balanced between pro-development and pro-conservation interests, with most members taking the middle ground. Heikoff comments on the council's composition, and on its success:

> . . . it might appear that a Council composed of state legislators, local officials, and public members who serve part-time and represent diverse interests would not be likely to deal expeditiously with the volume of permit applications that come before it, [but] operating experience proves it to be successful in Rhode Island [p. 113].

Washington: State-Local Collaboration

Washington has "the simplest organizational structure for coastal management" of the three states studied by Heikoff (p. 208). Coastal planning and implementation are decentralized, with local governments being assigned principal responsibility. But also at the state level "there is strong centralized state supervision of the planning process by the lead agency, the Department of Ecology . . . ."[p. 208]. In short, Washington's shoreland management legislation has established a "classic" version of the state-local collaborative process, comprising both a shoreline planning program and a permit system for enforcement.

Washington's formula calls for all local governments with shorelines to develop and implement master shorelines programs, under guidelines prepared by the Department of Ecology. If a local government fails to comply, the department is required to develop a program and impose it on that government.

> After approval or adoption by the Department of Ecology, local master programs constitute use regulations for the shoreline within the jurisdictions covered by them. Permit systems are developed to implement the regulations [p. 171].

Heikoff characterizes the Washington formula as fitting "almost exactly" the model managerial approach that most states appear to be adopting, and describes the latter as follows:

> The state legislature enunciates coastal policy and goals in state law and assigns responsibility to a state agency. This agency promulgates guidelines and criteria to be followed by local governments in implementing state policy. Local governments are *required* by state law to adopt and enforce coastal land and water regulations. The state agency reviews local plans and programs for compliance with state guidelines, and it may be authorized to enforce its decisions by adopting a plan and regulatory program for the locality if the latter fails to do so [emphasis in original, p. 216].

Regulation, Heikoff notes, "is entirely in the hands of local governments," and the state has no regulatory power (p. 219). But the regulatory systems must be consistent with Department of Ecology guidelines, which also monitors local rulings. Permit applicants must prove that their proposed developments are consistent with state and local criteria for shoreline alteration.

The department receives and may review all local permit decisions. If any are found inconsistent with state policy, however, the department's only recourse is to appeal within 30 days to the Shorelines Hearing Board. Aggrieved citizens may also bring appeals. The six-member quasi-judicial state hearing board includes members of the State Pollution Control Hearings Board, as well as representatives of city governments, and the state land commissioner. The hearing board's decisions are final, except for court review, placing it in a potentially crucial position for the interpretation and implementation of state coastal policy.

At the time of Heikoff's writing, Washington had more than five years of experience with the coastal planning and regulatory process. Sorensen characterized this history as "richer" than that of any of the eight other states he studied. He points out that Washington was the first state whose coastal zone management program was approved by the Secretary of Commerce, providing another measure of its pioneering status. Moreover, he notes that between 1976 and 1977, 15 coastal counties and 38 coastal cities began to reshape their master shoreline programs into coastal zone management plans to bring them into compliance with the federal program.

In evaluating Washington's experience, Sorensen comments on the give-and-take between the state and local governments, and the flexibility of the state in negotiating with local governments over troublesome points, seeking mutually satisfactory plans that local governments could support. Although there was concern that the state might thus give away too much at the outset, approval was to be a part of a continuing process of program approval and amendment. Such means as appeals to the state hearing board and conditional grants to local governments were seen as ways of achieving necessary future corrections and improvements.

Among other achievements of the Washington program, Sorensen singles out public participation and consciousness raising as one of the most conspicuous successes.[2] He also points to the improved data base that state and local governments now have to guide decisions on shoreline projects.

Finally, Sorensen suggests that one of the most important consequences of Washington's coastal legislation is the changed relationship between state agencies and local governments, and within and among local governments themselves. A truly collaborative process appears to have been initiated, with both state and local levels playing substantive roles. Moreover, approved local master programs are giving the principal city and county governments unique new leverage over projects that state agencies may wish to carry out in the local jurisdictions, as well as over projects of special districts and other local entities that have sometimes proved difficult to control. Sorensen concludes that the effects of these changes in state-local and local-local authority relationships ought to be studied

further, especially since other states, such as Oregon and Californria, "will be travelling down the same road."

Leverage Over Federal Activities?

These remarks about city and county leverage over state projects conferred by Washington's coastal planning process—which will no doubt hold true in many other states, definitely including California—bring up a parallel form of leverage by state and local coastal plans over many *federal* activities. Thus as William Brewer observed in an earlier issue of this journal, the federal coastal law's "consistency requirement" extends such an analogous relationship to the federal level:

> Congress has provided certain . . . incentives to the states. Among these incentives is a promise that federal programs will be consistent with accepted state coastal programs.[3]

While acknowledging that the law has several exclusions and escape hatches for the federal agencies, Brewer appears to be sanguine to the idea that with luck, good faith, and cooperation the promise can be met:

> Congress has approached the delicate question of making federal agencies comply with state . . . restrictions in the coastal zone by requiring extensive consultations between the agencies and state authorities . . . . To be fully understood, the consistency clause should be regarded as one side of a coin whose reverse is the obligation on the part of the states to consider the national interest in drafting their coastal zone programs . . . . With some forebearance on both sides, this symbiotic relationship would result in better understanding and acceptance by the states of necessary federal activities and a more responsive attitude by federal officials toward state planning.[4]

Of course, it remains to be seen how well the promise will actually be fulfilled. Future investigations will have the job of assessing the ways in which federal-state roles are played out in the various coastal states.

Environmental and Land-Use Controls: New Fields of Inquiry

In any event, studies such as that of Joseph Heikoff represent initial explorations in some major new fields of public policy implementation. Barring unforeseen developments, it seems certain that coastal planning enterprises like those discussed are here to stay, although the legislative and organizational ground rules may change as the various states learn from experience. The new processes, and the quality and content of state and local plans produced by them, will be important and fruitful subjects for future study as we try to learn from the coastal experiments in progress.

The crucial importance of coastal planning can be grasped better if it is viewed in its true context as a special but very significant form of general land-use planning, closely allied with other forms of environmental regulation. Moreover, the leadership role of coastal planning is emphasized by the fact that the coastal effort already has several years' head start on possible future federal-state-local partnerships in general land-use control. In fact, the federal Coastal Act provided some of the framework for the ill-fated 1974 federal land-use planning bill. Writing in 1975, Morris Udall referred to the federal coastal legislation as a "first step" that should lead to more comprehensive land-use efforts.[5] For example, he emphasized that the 1974 federal bill contained important similarities to the coastal legislation, including what he referred to as "an important but overlooked provision," that is, the same kind of consistency requirement that Brewer discussed in comments quoted earlier.

Although the 1974 bill had strong support, and at one time seemed on the road to passage, it got swamped partly because of the Watergate scramble. Meanwhile, the coastal endeavor has been moving along with varied rates of progress in all states bounded by major shorelines, while land-use planning is being approached through the back door through federal environmental initiatives, especially with respect to water-pollution control, air-pollution control, and solid wastes management. These areas form the basis of the so-called "208" environmental planning efforts—centering on water-quality management—now in progress in most of the nation's metropolitan areas.

The coastal zone management model is also currently being employed by the Carter Administration in seeking better ways of formulating and implementing a national urban policy. For example, at the national "Metropolitan Area Issues Conference," sponsored by the National Association of Regional Councils held in San Francisco, December 2-3, 1977, Lawrence Houstoun, Assistant to the Secretary of Commerce, used the coastal model to illustrate how the federal government might further an intergovernmental urban partnership, encouraging the states to develop more effective urban strategies in which their local and regional agencies would play important implementing roles.

In any event, comprehensive land-use control legislation at the state level, as well as federal initiatives like those taken in coastal planning, seem likely to elicit strong public support, if appropriate formulas and institutional packages can be devised. Thus, a recent national survey found the "climate of public opinion . . . more conducive to experimentation and innovation in land use policy than had originally been thought."[6] Extreme laissez-faire attitudes toward property rights and uncritical approval of growth have both "lost their power." Instead the study found two basic groupings: (1) the environmentalists, who share "a pervasive concern with a humane living environment," and (2) the localists, who are "primarily concerned with continuing the decentralized system of local government control over land use."[7] But the localists, too, think land should be treated as a resource, are skeptical about growth, and support land-use regulation. Evidently their principal concern is "fear of being wiped out by some bureaucratic whim in a remote, unresponsive state agency."

The authors conclude that

> Land use is so central to the quality of life that the process . . . should be opened to intense public scrutiny. The opportunity for participation in a clearly understandable, well-publicized process can hardly be overemphasized. Before citizens will allow government to exercise such substantive control over their property and ways of life, they must first be convinced by governmental performance that their procedural rights are adequately protected.[8]

This emphasizes the importance of coastal planning, and the crucial need to learn appropriate lessons from the coastal experience. For this purpose, books like Joseph Heikoff's can help us make a good start.

Coastal Accomplishments So Far: A Concluding Overview

The following impressions of significant implications of coastal planning draw upon Heikoff's work, as well as other sources, some of them noted earlier. The new coastal processes represent an attempt to break away from the past history of uneven or downright poor performance by local government in using land-use control to conserve and protect the environment, or to achieve high quality urban planning and development. Thus in varying degrees, local governments are being asked to relinquish part of their once near-complete control over land in their jurisdiction.

New Clientele and Forums. Instead of catering to powerful local clientele groups with special concerns for the economic gains possible under lenient regulation, the coastal planning process has helped elevate other clientele groups—local, regional, and statewide—that once were often given short shrift in community planning and development. State coastal statutes and administrative guidelines—developed by the states themselves or elaborated in responce to federal coastal legislation—provide guidance for local decisions and furnish standards against which local performance can be monitored and evaluated. Some major, large-scale environmental matters are being removed from local government's hand altogether, where it appears that the size of the projects and their potential consequences make local administration difficult or impossible.

In short, largely unrestricted local home rule in coastal land regulation is giving way to overriding statewide concerns with resource preservation and improved planning for the nation's shorelines and adjacent areas. These changes have given significant new leverage to local groups—as well as those with larger geographic bases—concerned with amenities and resource preservation. This has helped redress the balance of the local political processes, so that nonmonetary benefits such as community amenities, quality of life, and resource preservation can better be weighed against the economic gains often emphasized and sought by development-oriented interests.

At local, regional, and state levels, the new intergovernmental processes of coastal decisionmaking are bringing public matters more into the open. This helps promote better understanding of the consequences of decisions the impacts of which once tended to be ignored until irreversible actions produced environmental results that many citizens regretted, but learned about too late. In addition to new forums for public debate of policy goals and objectives, technical planning processes are beginning to be improved or installed where they were virtually nonexistent. The coastal initiatives have had much to do with this, laying the groundwork for better data bases, analytical frameworks, and staff capabilities.

These processes are in their early stages, however, and research by Sorensen and others indicates some definite problems with the quality of the early coastal plans developed by local governments. But as Sorensen remarks, "You can't expect perfection the first time around." Subsequent stages will provide a testing ground for state governments' participation in the collaborative process, monitoring performance and taking such measures as prove necessary to ensure reasonable progress toward responsible, consistent, and high-quality planning for all the nation's coastal resources. Analogous federal government roles will also be tested.

Reducing Uncertainty. Clearly the emerging intergovernmental processes of coastal policymaking will force all governments with coastal interests—not local governments alone—to start looking further into the future than is their custom. They will have to do this to make their plans known to other governments, and within limits, respect the latter's views. There will have to be much more "laying the cards on the table" than has previously been practiced at *any* government level.

These changes will also probably have a profound effect on private-sector institutions. Some are likely to be unhappy with new regulatory systems where laissez-faire once prevailed. On the other hand, planning and regulatory processes capable of anticipating and averting unwanted consequences of land-use and development decisions should help the private sector meet its need to minimize future uncertainty. Uncertainty, along with lengthy delays in permit processes, is one of the greatest hazards of arbitrary, capricious, and unexpected public decisions affecting private-sector interests.[9]

Making Regulation Work. Here we may have arrived at the crux of the matter: How can regulation be made to work well? Everyone is familiar with horror stories about the regulatory processes demonstrated by such old-line federal agencies as the Interstate Commerce Commission and the Federal Communications Commission. Critics have lambasted those bodies for procedures that are slow, tedious, legalistic, and unduly expensive, often producing decisions that serve the special interests being regulated far more clearly than they seem to further the general interests of the public.

Environmentalists are concerned lest the new regulatory bodies fall into similar traps: cumbersome and costly courtlike procedures that intimidate witnesses and discourage participation, thereby helping insulate the agencies from public scrutiny and paving the way for "client capture." Furthermore, regulation is also being challenged from other influential quarters, a challenge presumably stimulated largely by the recent extensions of regulatory

processes and their employment to achieve many environmental, health, and safety objectives. For example, only last year (1977) the American Enterprise Institute for Public Policy Research, a conservative-leaning center for the study of national issues, launched a new journal called *Regulation: AEI Journal on Government and Society*, as a vehicle for critiques of regulatory processes and associated government policies. An important contention in some of the critiques is that the objectives of regulation can often be reached better through marketlike pricing mechanisms, rather than through regulatory use of the police power.

With challenges coming from one side and concern expressed on another, it seems eminently important that we learn how to make regulation work well, where its use is necessary to implement public policy. A model process would give all parties at interest—including the "public"—a fair, thorough, but expeditious hearing, followed speedily by impartial judgments based on the issues and couched in language that intelligent citizens can comprehend. Even with the new, well-motivated, "gung ho" agencies, it will be difficult to see that the processes are thoughtful, even-handed, and smooth-flowing. But from their experience perhaps we can learn useful ways to improve regulatory procedures.

Devolution: An Intergovernmental Partnership. In any event, the formulas for collaborative state-local coastal planning seem to meet several of the criteria suggested recently by a Department of Commerce critique of environmental, health, and safety regulation. The report concluded:

> It is timely to consider means . . . to devolve some of the Federal Government's regulatory responsibilities to the states, consistent with the . . . statutory themes [of the principal Federal environmental, health and safety laws]. Simultaneously, means must be found to foster better coordination, at all relevant levels, of the exercise of inter-dependent regulatory authorities. Such a reallocation of legislative authority and administrative discretion need not dilute our national commitment to . . . environmental, health and safety goals. To the contrary, such a redistribution may be a prerequisite to continued political support for the regulatory goals . . . enumerated.[10]

Coastal planning already follows a pattern of devolution. In fact, the states are not legally required to participate in the federal-state system of coastal planning, whereas there is mandatory application of ultimate federal regulatory authority under national legislation on environmental protection, as well as air-pollution and water-pollution control. (Of course, the power of the federal purse should be acknowledged, as nonparticipation in the coastal program will cost reluctant states important monetary benefits which Peter Douglas calls the "irresistible carrot.")[11]

In any event, the federal coastal program offers states a great deal of leeway to develop their own processes and standards. The states are "free" to participate or not, and may develop their own implementation mechanisms. Within guidelines set by federal legislation, the substance of coastal plans will be determined by state-local decisions. Local governments in most states will play important roles in working out the substance of their coastal plans, and they will also handle important parts of the regulatory process, as long as the objectives of state and federal coastal policies are complied with. The federal role in this system of "three-tier devolution" can be summed up as follows:

> The federal reviews of state coastal planning organization and efforts have two principal objectives. First, to insure that the organization and processes of state coastal management, as well as the substance of the state plans, measure up to the criteria of the 1972 act and the administrative guidelines; second, to give all appropriate federal agencies an opportunity to examine and comment on state plans while they are being formulated.[12]

Federal coastal policy appears to be aimed at a true intergovernmental partnership, with virtually all the planning and regulation devolved to the state level, and states being free to pass major responsibilities along to regional or local governments. Moreover, the previously "sacrosanct" federal agencies are being brought within the scope of the state-local coastal decisions. Thus, state-local policies are likely to prevail over federal agency wishes in case of conflict, unless national interests activate the federal escape hatches written into the federal law. Clearly, congressional intent was that the federal government should make good-faith efforts to comply with well-thought-out state-local coastal policies and plans.

Exciting Prospects. In summary, coastal planning holds exciting prospects for better environmental governance and improved land-use planning performance. In the process, all governmental levels of our federal system may be learning to work together in ways they have not really attempted before. No doubt there will be much hassling and squabbling, with many traumas and headaches. This is to be expected in any pioneering effort to do things differently and experiment with change. The entire enterprise merits careful continued observation, to help us learn from the experience. Heikoff's work offers a useful starting point, as it is one of our few currently available comparable analyses of coastal planning.

Because the research as well as the programs on which the book is based are relatively rudimentary, as acknowledged in Heikoff's remarks quoted at the outset, the book must be judged somewhat long on description and short on analysis. Given time limitations and a strong motivation to get a publication out quickly, he undoubtedly did the best he could. Nevertheless, the work represents a constructive contribution to research in a fast-moving field. We can hope that he will follow this useful beginning with subsequent looks at the subject.

NOTES

1. Jens Sorensen, "State-Local Collaborative Planning: A Growing Trend in Coastal Zone Management," 3rd rev. draft (Oct. 1, 1977), pp. 4-44.

2. Sorensen, op cit., pp. 5-82.

3. William C. Brewer, Jr., "Federal Consistency and State Expectations," *Coastal Zone Management Journal*, vol. 2, no. 4 (1976), pp. 315-325.

4. Ibid.

5. Morris Udall, "Land Use: Why We Need Federal Legislation," *Brigham Young University Law Review*, 1975, no. 1, pp. 1-20. See especially pp. 8-9.

6. Steven R. Brown and James G. Coke, *Public Opinion on Land Use Regulation* (Columbus, Ohio: Academy for Contemporary Problems, January 1977), p. 10.

7. Ibid., p. iii.

8. Ibid., p. 11.

9. Stanley Scott, *Governing California's Coast* (Berkeley: University of California, Institute of Governmental Studies, 1975), p. 35.

10. U.S. Department of Commerce, Regulatory Policy Committee, *Toward Regulatory Reasonableness* (Jan. 13, 1977), p. 131.

11. Peter Douglas, *Book Review, Coastal Zone Management Journal*, vol. 3, no. 2 (1977), p. 205.

12. Scott, op cit., p. 236.

IV

COASTAL CONSERVATION AND DEVELOPMENT: BALANCING LOCAL AND STATEWIDE INTERESTS

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Introduction

Under the California Coastal Act of 1976 the 68 cities and counties of the state's Pacific shore are required to draft plans for the conservation and development of the coast. In preparing, adopting and implementing plans, the local governments must relate not only to their usual local constituencies, but also to a new statewide constituency. While admittedly some members of the new constituency reside in or own property within the jurisdiction of coastal local governments, this larger group is not confined to coastal cities and counties. By definition the statewide constituency includes *all* the people of California. The coastal zone has been declared a resource to be managed for the benefit of this larger constituency.[1]

The California Coastal Commission has been established to see that statewide interests in the conservation and development of the coast are protected. The commission relates to the coastal cities and counties through a planning and permit process--a process in which primary responsibility for balancing statewide and local interests has been placed upon the local coastal governments.

The conservation and development of the coastal zone is further complicated by federal requirements that must be met to assure continued funding under the Federal Coastal Zone Management Act of 1972. In fact, there may be "national constituency" pressures, in addition to those from local and statewide constituencies.

The zone's ecology is declared by the state act to be especially fragile and in need of extraordinary protection. On the other hand, within this protective framework, development is also to take place. Furthermore, development is intended to benefit the new, larger statewide constituency by contributing to its economic well-being, as well as meeting some of its recreational needs.

Proposition 20--the California coastal initiative of 1972--set up a temporary state coastal commission. That commission was empowered to regulate coastal development (1973 through 1976) while it prepared a plan for California's coastal zone and adjacent territory. The plan was submitted to the Legislature in December 1975, setting forth a land use map and calling for the creation of a permanent successor agency. In 1976, after debate and compromise in which the Governor played a significant role, the Legislature did establish a permanent state coastal commission, and inserted it into the existing web of government, effective January 1, 1977. However, the Legislature did not adopt the plan or the accompanying land use map. Generalized though they were, the plan and map were more specific than the environmental elements in most city and county plans. Thus, if the California coastal plan and map had been adopted, they would have had a strong, official role in the future planning of the coastal zone. This would have placed the coastal commission in a position comparable to that of the San Francisco Bay Conservation and Development Commission (BCDC) with respect to the Bay and local governments around the Bay.

Editor's note: Since 1961 Lenard Grote has served as councilman, and three times as mayor of Pleasant Hill, a city of 25,000 population in Contra Costa County. Since 1974 he has been a member of the Executive Committee of the Association of Bay Area Governments, and in 1976-78 he served a two-year term as President of ABAG.

From the formation in 1973 of the North Central Coast Regional Commission--including coastal portions of San Francisco, Marin and Sonoma counties--he has been a member of that commission, serving as the appointee of ABAG. In 1979 he was appointed to the California Coastal Commission as his regional commission's representative, and in January 1980 he became chairman of the state commission.

Meanwhile in 1976-77, while on sabbatical leave from Diablo Valley College, he spent some time in the Institute of Governmental Studies, reading and reflecting on the implications of coastal governance as observed and interpreted from his vantage points as a local elected official, president of a council of governments, and member of a regional coastal commission. This article outlines some of his principal conclusions.

The new law requires coastal cities and counties to develop their own local plans for their coastal areas, under guidelines laid out by the state commission. The local coastal plans (LCPs) must be reviewed and certified by the state commission.[2] During the transitional period prior to certification the state commission has permit review authority over developmental proposals in the coastal zone. It will also provide permanent back-up controls over future modifications of local plans, over near-shore and sensitive areas, and as a guard against failures in local plan enforcement that would threaten statewide interests.

While it may appear that the powers of the state coastal commission make it the governing body for the coastal zone, this is not really true. Legislative and administrative power for implementing the LCPs will be returned to the local governments.

Traditional Land Use Planning and Zoning

Land use planning and zoning has grown in complexity as new demands have been made on it. Traditionally, the principal function was to sort out private and public uses of land and integrate them so that the developing diversity of land uses could proceed with a degree of what the planners and decisionmakers consider to be rationality. The state delegated the power to carry out the planning and zoning to cities and counties, as an expansion of the local governments' police powers to guard and promote the community's health, safety and general welfare.

In the case of planning and zoning, each local government has its own body politic within the boundaries of its jurisdiction. Accordingly each local government has historically planned and zoned for its own constituency, not for the health, safety and welfare of the population of the state. This is the very essence of local home rule. Until the coastal law came into effect, state government had never established regulatory agencies or other machinery to monitor the contents of local general plans.

Relation of Planning/Zoning to Local Government Revenue

As local planning and zoning proceeded in California, its effects on the land market soon became apparent and impinged upon local governments' property tax resources. Every local government is expected by its constituency to provide services and finance them. The property tax rate is applied against the jurisdiction's tax base–the sum of the assessed valuation of all parcels of property within the jurisdiction. Those values ultimately depend upon the development that takes place on each parcel, which in turn depends upon the planning and zoning policies applied to each parcel.

Those who deal in the land market–and this includes a great many people–have either a direct or indirect economic interest in local plans and zoning. At the same time, local governments have a continuing interest in maintaining and expanding their property tax bases. In this process there are windfalls and wipe-outs for individuals, as well as great debates over what is in the public interest for the local constituency.

These conflicts are likely to continue to accentuate the competition between different possible uses of land. Usable land is finite, and will grow scarce, especially in the coastal zone, as additional ecological constraints are imposed. This emphasizes the urgent need to find a new balance between and among the uses of land.

It is frequently asserted that the private sector uses land as a commodity, while the public sector preserves it as a resource. To these assertions are often added the judgment that land as a commodity is "used up" in pursuit of self-interest, whereas land held publicly is retained as a resource for generations to come. At least these are the arguments of political confrontation, but they do not help illuminate man's relation to the land.

Virgin land is a source from which parcels are drawn for many kinds of uses. For example, some of it may be converted to agriculture and diligently worked as farms. Other portions may be enjoyed in a leisurely way as beaches for recreation. In both cases, the land used becomes a commodity–serviceable in the processes of *production* and/or *consumption*.

There is no necessity for land to be laid waste. Thus, if land is used so that its essential properties are preserved, it may be used again and again for either production or consumption, and remain a resource. The use of land makes it a commodity; its *careful* use makes it a resource.

If land is not mistreated, the resource may be serviceable for generations. Through time it may be owned in a variety of ways–by individuals or groups, including the public. But the essential requirement is that it be protected against destructive misuse, and not treated as an expendable commodity.

Land planning–including policymaking by elected and appointed officials–is an evolving art that attempts to systematize the careful use of both privately and publicly owned land. If the art matures and is universally practiced, all land, including the coastal areas of California, may be retained as a resource.

Local governments are clearly in competition with each other in trying to attract the kinds of land development that fit into their zoning patterns and enhance their property tax bases. Such competition was augmented when the state adopted its formula for subventing a portion of the state sales tax to cities and counties. The formula gives each local government a share of the total sales tax gener-

ated by the stores, markets, warehouses, and other commercial activities within its jurisdiction. The local governments compete with each other for private facilities–especially regional shopping centers–to locate within their boundaries. Since retail stores, for example, can only locate on land zoned for such activity, each city and county must work such zoning into its land use plan and zoning ordinances.

For each city and county there is a relationship between revenue from the property tax and the sales tax. Given a level of expenditure for facilities and services, property tax rates can be lowered only if sales tax revenue increases, other things being equal. Again, every local government is in competition with neighboring governments for available development, while a continuing set of arguments with private developers goes on. Local governments hope to gain public revenue from each development, but also to put such constraints and conditions on developments as are necessary to achieve the public goals laid out in the general plan. All of this has been referred to as the "planning game."

Mandated Responsibility to Protect the Environment

To the complex set of planning and zoning practices, the state has added another function: protecting ecological relationships. Through the technique of Environmental Impact Reports (EIRs), required by the California Environmental Quality Act (CEQA), each proposed development must be analyzed from the standpoint of its impact on the environment. All significant impacts must be mitigated to a degree in one way or another. Such requirements increase the incidence of wipe-outs for some private developers and add to the costs of development. On the other hand, the requirements charge each local jurisdiction to plan for the protection of the environment within its area.

Some local governments–depending upon who had been elected to local office–had been moving in this direction prior to CEQA. With the mandating of this function, all local governments *must* be concerned, but there is still wide variation among the many cities and counties. This aspect of planning and development also enters into the local political arena as a basis for much debate over the degree of environmental concern that is in the constituency's interest. Once again, however, it should be noted that the state has not established a statewide agency to set specific environmental standards, or to monitor the content and quality of city and county environmental planning; nor has it declared the environment within city and county boundaries to be a resource for all the people of the state.

Disenchantment with City/County Planning Within the Coastal Zone

The responsibility of cities and counties for regulating land usage has gradually increased, and the goals to be achieved by planning and zoning have expanded. City and county responses to this responsibility have also varied increasingly. Perhaps this tangle of responses–plus the competition already noted–contributed to some Californians' disenchantment with local governments' ability to plan and zone for the environment's protection. Or, perhaps it was the growing realization that ecological relationships are not confined to the boundaries of cities and counties, but instead spread out in a seamless web across geographic regions. At any rate, fueled by dissatisfaction with city and county performance, environmentalist groups united and campaigned successfully for Proposition 20. The measure took ultimate planning and development decisions affecting the coastal zone (i.e., in the permit area) away from the cities and counties and gave it to a temporary coastal commission.

Thus for four years, 1973 through 1976, cities and counties lost power to control development in the zone's permit area and the traditional planning game was interrupted. While private owners and public agencies could still initiate development proposals, ultimate governmental control was exercised by the state commission. That commission had no motivation to advance the goals contained in the 68 general plans and zoning ordinances of the coastal cities and counties, nor any responsibility or power to provide services and facilities within the zone. It was not accountable to voters in the 68 jurisdictions, nor for that matter to the voters of the state; members of the state commission and its six regional commissions were appointed in a variety of ways and were responsible for applying the criteria contained in Proposition 20.

Motivation for each permit application came from a developer. Environmentalists or others could oppose the application at public hearings conducted by the regional and state commissions. In short, environmentalists had a new political arena that was comparatively free from local governmental, financial and other trade-off considerations.

Proposition 20 contained planning goals which for four years were used in lieu of a general plan for the zone. The fundamental approach of Proposition 20 was to leave to the Legislature the final determination of how the coastal zone was to be controlled. The temporary commission had the power to allow environmentally sound development, and to prepare a plan for the zone for the Legislature's consideration. The plan was to recommend a permanent governmental and financial structure for the zone. On schedule, in December 1975, the plan was laid before the Legislature.

Coastal Act of 1976 Restores the Planning Powers of Coastal Cities and Counties

From the opening of the 1976 legislative session it was obvious that there was well organized opposition to the commission's proposal as introduced. Included was a coalition of developers and labor unions, as well as the statewide organizations of counties and cities. Later the League of California Cities supported the coastal legislation, after changes were amended into the bill. The first bill containing the plan, though amended many times, was killed in a Senate committee. A second bill was also amended many times.

The legislation finally enacted—The Coastal Act of 1976—does not include a state-adopted general plan for the zone. Thus, in effect it lacks the fundamental planning tool submitted by the temporary commission. However, many of the policies upon which the temporary commission based its coastal map are found in the coastal act, and coastal cities and counties are directed to incorporate these into their local coastal plans.

Whatever its reasons, the Legislature in effect restored to the 68 local jurisdictions coastal planning and zoning responsibility. The coastal act's innovative steps are to outline the planning goals and policies the coastal cities and counties should include in their LCPs, and to establish a permanent commission to monitor their initial drafting and future amendment. Also the concept of a permit procedure, with a public hearing for each coastal zone development, is retained but will be conducted in the first instance by local cities and counties. A limited appeal procedure to the state commission is retained. But the new process cannot avoid the trade-off considerations in which all local governments are involved.

Among the many policies coastal cities and counties must consider in developing their LCPs are these concepts: (1) the coastal zone has a particularly fragile ecology that needs protection; (2) it constitutes a resource that must be conserved, restored, and where appropriate, developed for all of the people of the state; (3) agricultural use of land is to be encouraged and aided; and (4) visitor-serving facilities are also to be encouraged. The act provides no additional funding for cities and counties to accomplish any of this.[3] In fact, the Legislature offers little money to the cities or counties, or to the new commission, to pay for costs of developing the LCPs, but instead looks to the federal government for planning funds—assuming that such grants will be available in the years ahead.

Probable Consequences of the Restoration

During a transition period the state commission and the six regional commissions will continue to exercise permit control over development in the zone. In this period, 68 coastal cities and counties will work on LCPs, trying to meet a strict time schedule, but many cities and counties already appear to be behind schedule. While the Legislature can amend the "due dates," even scheduling probably will become a political question. As in all such matters, some cities and counties may have fallen behind schedule deliberately as a matter of strategy. In the interim, the commission does not perceive its role to be the actual drafting of a plan to reflect statewide interests. Rather, it will be attempting to see that each of 68 LCPs reflects such interests—encouraging each local government to interpret the act's policies for the benefit of a statewide constituency, as well as for the benefit of each local constituency. This is a monumental task.

The pressures of the old planning game still operate on each coastal city and county government. Each must still view every parcel of land in its jurisdiction, and existing or potential development on it, in light of the government's financial position. Each is still in competition with its neighbor for potential beneficial development. Each act of a local official is still accountable to the local voters. Few, if any, could gain political strength locally by championing the rights of a statewide constituency in the development of an LCP, if it runs counter to important local-constituency interests. Consequently as the 1981 certification time draws near, the commission will probably be confronted by countless debates with many if not most coastal cities and counties. How decisively can the commission act as these debates unfold?

Weakness in the Coastal Commission's Position

In effect the Coastal Act of 1976 injects the state commission into the planning games of 68 coastal jurisdictions. (Proposition 20 did not do so.) Furthermore, the 1976 act gives the commission only limited ability to prevail in the impending debates. It is important to remember that the Legislature in 1976 almost failed to act—the planning and permit procedures established by Proposition 20 almost came to an end. Since then, the Legislature is widely believed to have become more anti control. This is frequently referred to as the emergence of the "Dow Syndrome"; an impatience with environmental controls that might discourage private development. Many people involved in the act's administration seem to fear that the Legislature will weaken the act if the commission even appears to be discouraging development. Also to the point, there is still apparent opposition to the commission as a threat to "home rule" of cities and counties.

The act itself contains another threat to the commission's effectiveness. By law, the six regional commissions will soon terminate. In addition, another round of appointments to the state commission is soon to begin. Six members of the state commission will continue to be chosen directly by the Legislature and the Governor. The remaining six, however, will be appointed through a complicated process involving nominations of city councilmen and county supervisors by coastal city and county representa-

tives, with final selections to be made by the Governor and Legislature from among the local officials nominated.

When the new appointment formula is fully operative after the regional commissions have gone out of existence, a significant shift in the composition of the state coastal commission will occur. Presently it numbers only one locally elected official in its membership. The new appointment formula, however, will mean that at least six of the 12 voting members are locally elected officials. This will be a major change that is likely to have a substantial effect on the state commission's voting pattern.[4]

Presently, some of the state commissioners already favor weak control over the LCP process. After the next round of appointments, this position will probably prevail. If the appointment process and the commission's composition thus influence the certification of LCPs, the commission will undoubtedly continue to have a major influence thereafter. Once an LCP is certified, the permit approval process passes from the commission to the local governments. At that point local governments' interpretation of the LCP and its application to each permit proposal becomes paramount and, once again, development along the coast will be returned to the control of 68 competing local governments. After certification, certain kinds of appeals can still be taken to the state commission, but the numbers of permit decisions appealed to the state level will depend on the actions of applicants and so-called "watch dog" environmental groups. In any event, a gloomy prediction is that not many appeals carried by environmentalist groups will be successful before a commission dominated by those sympathetic to local control.

The Consequences of Inadequate Funding

The temporary commission established by Proposition 20 had no powers of acquisition, development or taxation. It had no ability to undo coastal development that had damaged the environment. It was not intended to have such ability; it was a holding device, a means of arresting trends for four years until a permanent mechanism was created by the state.

The absence of implementing powers was understandable for a temporary agency, but even the plan submitted in December 1975 was deficient in recommendations as to how an effective restoration program for the zone could be paid for. The proposed plan analyzed the damage already done and outlined policies which, if instituted, would prevent further damage. There were, however, no estimates of the money needed to undo the development already in place, nor recommendations of sources for such money. Furthermore, the plan, through its recommended policies, asserted that new acquisitions and public facilities were needed to achieve goals for the statewide constituency, but once again, no reliable source of revenue such as new taxing power was proposed. The Coastal Act of 1976 does not address these financing needs.

Furthermore the state has not provided sufficient funds to finance, or even to match the enormous sums of federal assistance that might be available to finance the public transportation systems, low cost housing, subsidies to farmers, additional sewer and water systems, and all of the other facilities that are required to convert the coast into a usable resource for all of the people of the state. In fact, the permanent coastal commission really does not even have state funds adequate to support the preparation of state-mandated LCPs. Two possible sources that might provide significant financial help—whose dimensions and future are unknown at this writing—are Governor Brown's Urban Strategy, and President Carter's forthcoming urban programs.

In 1976, the Legislature also created, by separate act, the state Coastal Conservancy, with power to acquire land and to grant and lend money. It may purchase agricultural lands that are in danger of falling to other uses, as well as land within Resource Protection Zones. The conservancy may make grants to local governments, or to the state Department of Parks and Recreation, to do some kinds of restoration work and to develop public access to regionally significant portions of the coastline. The conservancy can also lend money to the Department of Parks and Recreation to preserve some kinds of sites.

Significant sums of money spent annually over a sustained period of time could address many problems. To date, however, the funding of the new agency has consisted only of a small portion of a state bond issue passed in 1976. While the conservancy is not now funded adequately, the situation might change in the future. In fact, if some of the financing mentioned above materializes, it may come through the conservancy. If such funding attains significant proportions, however, one must also note that the use of this separate agency would further divert power away from the coastal commission. Moreover, a new set of actors—the five-member board of the conservancy and its staff—will in any case be added to the already complex governmental equation. In any event, so long as the conservancy has little money at its disposal, the agency will not have much effect.

Most assuredly, coastal cities and counties have acquired no new source of funds for achieving statewide goals. Of course, the act charges the cities and counties with planning for such statewide goals in their LCPs, but is silent on new sources of revenue. Even if the coastal city and county governments could persuade their local constituencies that the zone ought to be used for statewide purposes, it is doubtful that they could ever persuade local voters that funds from the local property tax and sales tax should be used to pay for such facilities. In fact, few if any coastal city council members or county supervisors would approve such procedures.

Instead, it is predictable that local leaders will try to construct LCPs that reflect local goals more than they do state goals, and later will also probably interpret certified LCPs to local advantage. They will resist any attempt to use local monies to finance facilities for statewide use, and will contest the coastal commission if it tries to force them to do otherwise. They will battle the commission by lobbying in Sacramento to change the act, and by seeking the appointment to the commission of sympathetic commissioners; in brief, by co-opting the commission.

Needed: A Balance of Powers

As things stand, effective provision has not been made to undo the considerable damage already done to the coastal environment by years of unwise development. True, the trend toward further damage was changed at least temporarily by Proposition 20's coastal commission, and this policy is being continued by the present interim commission. But as basic control of the zone passes back to cities and counties, the policy of conservation, restoration and development, with a balance of local and state interests, is likely to be blunted because of the conditions under which cities and counties must operate.

If the Legislature had a strong majority that was determined to secure environmental and developmental balance in the coastal lands, it might have created—and could still establish—mechanisms sufficient to accomplish the complex task. If the coastal zone is to be a statewide resource, then sufficient and reliable statewide funds should be provided to finance the facilities and services entailed by that statewide designation. Such funds could be channeled to cities and counties, if it is desired to retain power for their governments within the zone. This would seem appropriate in order to have a means of balancing the rights and interests of the local constituents against the rights and interests of the state constituency.

To insure that the local city and county officials use such funds for state purposes, however, the state funds should come through the coastal commission. Coastal cities and counties would then receive funds from the commission on demonstrating that their LCPs contained policies that would advance state goals, as well as local goals. This would give the commission an effective means of maintaining its end of the balance.

Finally, the membership of the commission should be as fully responsible to the state constituency as local officials are responsible to their local constituencies. The threat of co-optation should not hang over it. Perhaps the membership of the state commission should be reduced to the six clearly state-level positions now filled by the state appointing authorities. Or perhaps the number of state-level positions should be increased, maybe to nine or 11, in order to insure a broader base. But the additional positions should be filled in the same manner as the basic six *state* seats are now, i.e., chosen by state appointing authorities, without requirements that any members be locally elected officials.

The Basic Change: The Shift Back Toward Home Rule

Both Proposition 20 and the coastal act made a basic change in local home rule in the coastal zone. That change requires a governmental structure that recognizes a new, larger constituency with coastal rights and interests that should be actively advanced.

First, the state spelled out, as never before, how the environment was to be protected from certain kinds of development. Second, local coastal governments were directed to carry out the LCP process. But the state law did not relieve those governments of their local involvements and responsibilities. As a result, some important questions remain: How can local government be faithful to its role in community representation, while also being responsible to a second, statewide constituency? How can any government be responsible to two constituencies, especially when the two have conflicting interests?

If the Legislature had been willing to take coastal zone control from cities and counties, it might have established a structure similar to the Bay Conservation and Development Commission in its relationship to the cities and counties around San Francisco Bay. By adopting a plan submitted by BCDC and making the latter—a regulatory agency—the administrator of the plan, the Legislature permanently transferred power over the Bay and a narrow band of Bay frontage from the cities and counties to BCDC.

Admittedly, there are significant differences in the two situations. In the case of the Bay, the principal target for control is the Bay waters. The 100 foot strip of bayshore was transferred to BCDC's regulatory jurisdiction as a means to that end. In the case of the coastal zone, the target for control is not the ocean as such, but the land in the zone itself—a little under 1,000 yards wide on the average, although narrower in some places and much wider in many areas of recreational or environmental significance.

BCDC was given powers adequate to achieve the objectives for which it was established, i.e., to conserve the Bay and its immediate shoreline, while allowing appropriate non-damaging development. On the other hand, the coastal commission has *not* been given adequate power to conserve the California coastal zone and guide its restoration and development "in a manner that protects the irreplaceable resources of coastal land and waters."[5]

A state commission so constituted could be expected to represent effectively the statewide constituency which the coastal act brought into the governance of the coastal zone. Cooperation between governments more or less equal in power is the only alternative to the domination of one over the other. By returning planning, zoning and permit issuance to cities and counties through the LCP process,

the state is giving those governments and their constituents a strong voice in coastal policy. We need assurance that the commission also has a strong voice in coastal policy, adequate to protect the interests of the statewide constituency.

NOTES

[1] *California Public Resources Code*, secs. 30000 et seq. As defined in the 1976 statute, the coastal zone includes land and water areas of California extending seaward to the state's outer limit of jurisdiction, and including all offshore islands. The zone extends inland generally 1,000 yards from mean high tide line, but with important exceptions. Thus in "significant estuarine, habitat, and recreational areas" it goes inland to the first major ridgeline, or five miles from mean high tide, whichever is less. In developed urban areas, the zone generally extends inland less than 1,000 yards. The specific boundary lines of the zone are detailed on maps identified by the enacting legislation.

[2] If a local government's coastal plans have not been certified and zoning and implementing devices made effective by January 1, 1981, the coastal commission may prohibit or restrict the local government from granting permits to develop, or may require state commission permits in the case of developments that would be contrary to the coastal act. *Public Resources Code*, sec. 30518.

[3] The enactment of the Jarvis-Gann Initiative, or any other restrictive measure limiting the traditional funding sources of cities and counties, will impinge sharply on their already heavily taxed ability to respond to any new demand.

[4] One group of researchers examining the record of the South Coast and San Diego regional coastal commissions found evidence suggesting that "whether a commissioner is a public member or an elected official appears to be a significant factor in explaining voting behavior." (p. 47) They found that "Public commissioners vote pro-environment twice as often as elected commissioners...." (p. 51) and also noted that commissioners who were city councilmembers were particularly likely to vote pro-development, as compared with other commissioners. They concluded: "there is now some empirical evidence to suggest that city council members, because of the 'pull' of local control, may not be the best suited to serve on commissions where they have to make land use decisions which are in conflict with the decisions of local authorities." Judy B. Rosener, with Sallie C. Russell and Dennis Brehm, *Environmental vs Local Control: A Study of the Voting Behavior of Some California Coastal Commissioners* (Claremont Graduate School, Claremont, Calif., April 1977).

[5] Quoted material from M. B. Lane letter of December 1, 1975 to Governor Edmund G. Brown, Jr., transmitting the *California Coastal Plan*.

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V

COASTAL PLANNING ISSUES: A CONSENSUS REPORT

Stanley Scott
Editor

FOREWORD

This memorandum reports the consensus of a two-day workshop held in Los Angeles, April 24-25, 1978, attended by 17 local agency planning staff, representing 14 local governments, plus several university advisors who helped with the arrangements. The workshop was sponsored by the Sea Grant programs of the University of Southern California and the University of California.

Participants were chosen to represent: (1) local governments that are "front-runners" in coastal planning, (2) both cities and counties, (3) large, small and medium-sized jurisdictions, and (4) all six regions of California's coastal zone.

The memorandum is based on the workshop discussions as reported in notes taken by James Fawcett, Robert Goodwin, Stanley Scott and Jens Sorensen, who were the workshop convenors and reporters.* In addition to the points of consensus discussed below, there are two attachments: Appendix A gives the workshop's ranking of procedural and substantive issues, and Appendix B lists the persons who attended the workshop.

INTRODUCTION

1. For many jurisdictions, the coastal act will result in substantial improvement in the care and resources devoted to planning and zoning, and in the quality of the result. In this regard, the coastal planning effort can be viewed as an important step forward in urban, regional and resource planning. Nevertheless as with all new systems, we are confronting several significant problems in the administration and planning process. The principal purpose of this memorandum is to bring our views and conclusions to the attention of the appropriate authorities, especially the coastal commissions.

2. The state and regional coastal commissions are commended for their efforts to communicate, and to make a difficult collaborative planning process work in its early phases, despite formidable time pressures and other difficulties. We especially acknowledge the Schoop memo of April 12, 1978 as being helpful in spelling out budget and planning priorities.

3. The League of California Cities is commended for its position statement of April 5, 1978, and the state and regional coastal commissions are urged to give the recommendations careful consideration. Special attention is directed to item 2.d., page 2: ". . . conditioning approval of the plan upon the submittal of a zoning ordinance which includes the desired specificity." As noted below, the "degree of specificity" question is one causing a good deal of concern among local coastal planners, as shown in Appendix A.

PRINCIPAL AREAS OF CONCERN: COASTAL PLANNING PROCEDURE AND PROCESS

From the issues of *procedure and process* identified in Appendix A, we have selected eight as representing particularly pressing matters that are causing great concern.

Degree of Specificity

The degree of specificity required of LCPs is a cause for concern.

1. Planning ought to be a continuing process, not a finished product that is "set in concrete" at a given time. Thus the plans should embody flexibility for the future.

2. The coastal commissions may intend to require greater specificity than is prevailing practice in land-use planning. This may make the planning process more difficult and rigid, force decisions prematurely, and close off future options too soon.

3. In any event, local governments lack adequate guidance from the state and regional commissions as to what an

*Statements in this memorandum represent the "sense of the meeting." A draft was circulated to all workshop participants for review and comment. A significant majority support all the principal findings and conclusions.

acceptable land-use plan ought to look like.

4. Furthermore, when land-use plans are certified, it would be helpful if the certification could contain guidelines for zoning, indicating what the coastal commission would like to see in the zoning ordinance.

5. Where future local plans and actions may depend on state plans, or state monitoring efforts, e.g., with air quality and water quality, if state plans or monitoring capabilities are not fully in being, this should be acknowledged in the local plans, so that the further information can be "plugged in" later. The state agencies ought to be alerted to the need for their contributions.

Need for Timely Communication

There has been a lack of adequate and timely communications between levels and agencies (state and regional coastal commissions, other state agencies, and local government).

1. A redoubled effort at achieving better communications should be made. We all face communications overloads with voluminous written materials, and there is need for improved face-to-face communication, especially between the three levels: state, regional and local. As one specific move, we recommend a series of regional workshops, involving representatives of the state, regional and local levels. Local coastal planners would be among the principal participants in the workshops, along with coastal commission staff, and as many commissioners as possible. If the regional workshops prove successful, perhaps statewide workshops on major issues--e.g., public participation, access, etc.--would be advisable.

2. The system of collaborative coastal planning ought to be a team effort, rather than emphasizing advocacy and confrontation, pitting the state and regional commissions vs. the locals. Involving larger number of staff personnel with backgrounds and experience in local government and urban planning might help in this process. Moreover the meetings proposed above ought to help.

3. There is uncertainty as to how other state agencies will be handling their responsibilities for the coastal planning process, as well as how they may react to the LCPs when submitted. Some state agencies appear to be proceeding with their coastal planning slowly, or on an ad hoc basis, or both. We recommend that stronger state efforts be made, by the coastal commission or the Office of Planning and Research, to coordinate action at the state level, to encourage the various state agencies to expedite their own planning, and to communicate the results of their efforts to local governments. (See also under heading "Need for Data . . ." item No. 3, for a suggested way to improve communication.)

Public Participation

It is difficult to determine what constitutes an adequate public participation process, and one that will get results.

1. The active participation of a variety of citizens with varied backgrounds, interests and views can be very beneficial, especially when conducted on a sustained basis. Getting the various community interests and representatives together so that they understand the issues, and each other's concerns, can be very fruitful in bringing out issues, exploring their implications for a community, resolving points of contention, and developing a community consensus.

2. Public participation is notably hard to achieve. For the most part, regular public meetings and hearings do not get good results.

3. Many techniques are being experimented with, such as use of mailed notices, media coverage, contacting a variety of special interest groups and using them as a vehicle for getting attention. But all of these methods cost money, and local governments will need substantial financial help to achieve good results with the participation process.

Funding limitations are thus an important limit on the effectiveness and thoroughness that can be expected of local efforts to encourage public participation.

4. Local plans based on strong public participation ought to be given a good deal of credence, by the regional and state coastal commissions, acknowledging the community consensus expressed in LCPs or zoning ordinances submitted for certification. (Based on the experience of the City of Trinidad.)

Need for Understanding and Respect

There is a lack of sufficient coastal commission understanding of local planning problems, and of differences among local jurisdictions.

1. If the coastal planning process is to work, the experience of other coastal states suggests that mutual respect between coastal commission staff and their local counterparts (LCP staff) is essential. In several states with substantial coastal planning experience, collegial, peer-review relationships developed between the coastal planners at the different levels. This kind of cooperative team effort can be much more constructive than confrontation, but also takes time, communication, and understanding by all parties.

2. There is need for more personnel working in the coastal planning process at the regional and state levels who have backgrounds and experience in urban planning, and in the ways in which local decisionmaking processes work.

3. There are wide variations among coastal communities in degree of urbanization, economic base or lack thereof, fiscal and human resources, prevailing public attitudes, susceptibility to developmental pressures, environmental factors, natural resources, recreational opportunities, and many others. These differences should be acknowledged and considered in the coastal planning process.

Need for Data, and Information on State and Federal Plans

State agencies, including the coastal commission and university research centers, are not providing enough data

or technical assistance on a timely basis.

1. Technical data is needed for many phases of the local planning process, but local governments cannot be expected to obtain it in many instances. Examples are: erosion studies, tsunami and large wind wave studies, sand transport studies, stream flow and runoff data, fish and wildlife baseline studies, habitat studies, air quality and water quality data, need for public access, need for a range of recreation opportunities, and effects of various kinds of human and developmental impacts on various kinds of environments. The coastal commission, other state agencies, and university research organizations should inventory sources of available information and technical help, and make this available to local governments in a form that they can readily use in the planning process.

When necessary data is lacking, the coastal commissions must expect local plans to be less definite and concrete than if adequate data were available. In such situations, more definite plans can be prepared in later phases of the work, as data becomes available.

2. Several state agencies have not completed their own plans for the coast, yet such plans will have an impact on the LCPs and vice versa. Completion of state plans affecting air quality, water quality, solid waste, transportation, parks and recreation, and other state and regional policies affecting the coastal areas should be pursued, both to guide local governments, and to afford the latter early opportunities to comment on such plans and their local impacts. In the absence of more comprehensive plans, state agencies tend to deal with local projects and issues on an ad hoc, project-by-project basis.

3. It is wasteful for each local government to try to find out individually what each of several state and federal agencies are doing with respect to coastal planning. There ought to be better coordination at the state and federal levels, with one agency at each level taking responsibility for a "roles program" to provide information on who is doing what, and when the resultant information or technical help will be available to local government. Each state and federal agency should assign a senior staff member to be responsible for contacts with local governments.

Funding

1. The budget cuts that some local governments have received seem unrealistic as compared with the effort expected of them. Many local governments are convinced that they will have to spend substantially larger sums on LCP and zoning ordinance preparation than will be available to them from the coastal commission, or from SB 90 reimbursement.

2. Because additional funds are not likely to be forthcoming, expectations of the thoroughness of local plans should be reduced to accord with the fiscal resources employed. Moreover with reduced funding,coastal planning timetables may be longer and deadlines postponed.

Lack of Trust

There appears to be a lack of trust between the state and regional coastal commissions, and local government. Attitudes of mutual respect would make the communication, negotiation and planning processes work better.

1. Local governments feel that the close scrutiny being given to elements of the local plans indicates a lack of trust of local governments' good faith in carrying out the spirit of local plans. We realize, of course, that the earliest plans submitted will need a more thorough review because of the precedents they may set.

2. In some instances, the state commission or staff appears to distrust regional decisions. Regional staff sometimes do not appear able to make decisions on their own, but must continually go back to the state staff for approval. Unfortunately, often there does not seem to be good communication between the state and regional levels. Furthermore, issues that local governments thought had been resolved are being reopened at the state level. Also local governments are having to go back and prepare new studies that they had not been informed about earlier. Last-minute pinch-hitting by the state staff can be a big problem.

Local governments feel that local plans are being reviewed in a manner analogous to the case-by-case treatment of permits, and believe that this "permit mentality" is not appropriate to the planning phase of the work, which at the state and regional levels should focus on major issues, principals, objectives and policy decisions. (See memo of the League of California Cities, April 5, 1978, for constructive comment on this matter.)

Lack of State-Regional Consensus

There is often a lack of consensus between state and regional coastal commissions on policy interpretation and application.

1. There have been apparent breakdowns in communication between regional and state levels, with the state overruling the regions, sometimes unexpectedly. We believe that the regional commissions and staff need a clearer idea what the state commission and staff are seeking in local plans.

2. The regional commissions can play important moderating, compromising roles between the local and state levels, but they need to be given more authority to make decisions, or more guidance from the state level, or both.

3. While there was not unanimous agreement, the sense of the meeting was that, if strengthened, the regional commissions could play a constructive role and should be continued in existence until the certification deadlines. (AB 3478, introduced March 30, 1978, would require each regional coastal commission to be terminated only after all local coastal programs in the region have been certified and implementing devices are effective.)

PRINCIPAL AREAS OF CONCERN: SUBSTANTIVE ISSUES

We wish to indicate the following *substantive issues* relating to coastal planning that are of concern to local governments, ranked in the order of degree of concern

expressed (see Appendix A):

1. Low- and moderate-income housing in the coastal zone.
2. Providing public access to the coast for non-residents.
3. Determining the appropriate proportions of land-use mix.
4. Resolving conflicts between public access and resource preservation.
5. Determining appropriate population growth targets.
6. Preserving neighborhood character, both visual and socio-economic.
7. Inverse condemnation litigation challenges to planning and zoning decisions.
8. Future accommodation of coastal-dependent uses.

APPENDIX A: ISSUES LIST

The issues list was developed by asking each local government planner to spend 20 minutes to write down the top ten procedural problems with the process and the top ten substantive issues (i.e., resource use conflicts). The planners were also asked to rank the issues, (1=greatest concern). The lists were then compiled to condense all issues listed into a set with common terminology. Weightings were applied to the rankings in order to provide a composite rank.

Rank	Points	Issues of Procedure and Process
1	43	Specificity of land-use plan
2	36	Lack of adequate and timely communications between Coastal Commissions and local government
3	29	Determining an adequate public participation process
4	28	Lack of commission understanding of local government operation and variations among jurisdictions
5	27	State agencies (including coastal commissions and university research) not providing data or technical assistance on a timely basis
6	19	Funding
7	17	Mutual respect (or lack of trust) between staff of CCC and local governments
8	15	Lack of consensus between state and regional commissions on policy interpretation and application
9	14	Relevancy of Coastal Act policies to local jurisdictions
10	12	Cumulative impact assessment and management ordinances
11	11	Guidelines on implementing actions not developed
11	11	Detailed analysis of coastal systems
12	8	Adversary nature of state and local communication
13	7	Lack of coordination with CEIP & OCS development process
14	6	Ambiguous land-use plan guidelines (and/or in a state of flux)
14	5	Non-delegation of permit review to locals
14	5	Local/state review coordination of LCPs
14	5	Agency tunnel vision (not just CCC)
14	5	Small jurisdictions bearing costs of implementation and enforcement
15	4	Establishing priorities where policies conflict
15	4	Conditional certification of plans as bargaining chips
15	4	Involving special districts in plan preparation
16	3	Guidelines on post-certification amendments to LCP
16	3	Conflicting conclusions on data analysis (or technical analysis)
16	3	Lack of agricultural capability guidelines
17	2	Lack of assistance from state agencies for implementing LCPs
18	1	Misfit between coastal permit requirements and planning laws
18	1	Lack of regional integration
18	1	Lack of natural resources data
18	1	Lack of interjurisdictional communication
18	1	Understanding LCPs as a step in an iterative process
18	1	Issues considered important by local governments—not considered so by coastal commissions

Rank	Points	Substantive Issues
1	28	Low- and moderate-income housing
2	17	Public access by non-residents
3	9	Land-use mix—appropriate percentages
3	9	Public access vs. resource preservation
4	5	Population growth targets
5	4	Preserving neighborhood character (visual and socio-economic)
5	4	Inverse condemnation
6	3	Accommodating coastal dependent uses in the future

APPENDIX B

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APRIL 24-25, 1978

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VI

COASTAL PLANNING IN CALIFORNIA: A PROGRESS REPORT*

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Introduction

California's state coastal planning program was enacted in response to certain shortcomings seen in the performance of local government. Critics believed that local governments were often not effective with respect to the environmental aspects of land-use regulation on the coast, were incapable of dealing with big projects, usually proved unwilling to consider the needs of their neighboring communities, and tended to give developers too free a rein. After several years of trying to gain satisfaction from the state Legislature, conservationists went directly to the people with a coastal initiative (Proposition 20). It was approved by a 55 percent vote at the November 1972 general election.

Proposition 20 gave California a temporary four-year mechanism for coastal planning and regulation; the system was then made permanent, although with significant modifications, by a 1976 law. The 1976 legislation sought to resolve some serious controversies by formulating a sort of uneasy compromise between local government supporters and conservationists.

While real disputes and a certain lack of trust underlie the coastal act, it represents major opportunities for resolving conflicts and arriving at workable compromises on coastal issues. The conflicts help emphasize the difficulty of preparing plans concrete enough to meet the requirements of the coastal act, while allowing enough flexibility to take into account future uncertainties and leaving ample room for future creative action in matters that cannot now be foreseen.

California is thus a year and a half into the exceedingly difficult process of implementing the 1976 law. Obviously the end result cannot now be foretold, but there is already enough evidence, some of it impressionistic, to assess problems and accomplishments so far. This "coast-watch" may help Californians judge whether and how well the legal mandate is being carried out, and what the next steps in coastal planning should be.

After a brief look at the federal coastal program, California's experience under Proposition 20 and the 1976 coastal law will be explored.

The Federal Program

California's coastal planning has received a big push under the federal Coastal Zone Management Act, passed in 1972. This act in turn was stimulated largely by the example of the San Francisco Bay Conservation and Development Commission and its successful experiment in Bay fill control and shoreline regulation.[1] Passage of the federal law was part of a larger environmental movement that—beginning with the National Environmental Policy Act in 1969—brought about wide-ranging federal legislation. Examples include the Environmental Protection Agency, requirements for environmental impact reporting, and encouragement of comprehensive planning, particularly the "208" environmental planning efforts now in progress in most metropolitan areas.

The federal program under the Coastal Zone Management Act offered funding for state coastal planning and held out the promise of additional money to help carry out approved state plans. Further incentive was offered the states in the law's "consistency" provisions requiring that federally related activities on the coast be consistent with (federally approved) state coastal plans, in the absence of a cabinet-level decision otherwise. The state work is monitored by the federal Office of Coastal Zone Management under general criteria outlined in the act:

> . . . [a state] must have a management program . . .sufficient to implement its coastal plan. Although states are given maximum flexibility . . . each state management program is expected to provide clarity, unity, and definite assignments of responsibility . . . . [with] a single state agency or entity . . . in charge of the overall program, at least for administrative and policy purposes.[2]

*The research on which this article is based was supported by the Sea Grant Program of the University of California. Other publications analyzing and reporting on California's coastal experience will be forthcoming.

In qualifying for the federal program, states may exercise direct controls over land and water uses; they may collaborate with their local governments by setting statewide standards for local implementation; or they may provide for administrative review of coastal plans and regulations proposed by state and local agencies and the private sector. The coastal states are trying to comply with the federal programs; California is one of the front-runners, largely because its own coastal program was initiated in 1973 under Proposition 20.

California's Program

Proposition 20 established a four-year coastal planning process backed by a state commission and six regional commissions to oversee planning and regulate coastal development in the interim.[3] Meanwhile the state coastal plan, including recommendations on how to carry out the plan, was delivered to the Legislature at the end of 1975.[4] The Legislature had a year to pass a new coastal statute, or the entire system would have ceased to exist January 1, 1977. At the end of the 1976 session and after a hectic struggle, a coastal bill was approved continuing the system established by Proposition 20, but with important modifications.

The 1976 law continued the state commission; the regional commissions are to be continued only until mid-1979 unless the Legislature passes a bill in the current session to extend them, as seems likely. Local governments were given a key role in coastal planning, under policies in the 1976 act and guidelines set by the state commission. They are to prepare local plans and implement ordinances for their portions of the coastal zone, subject to review by the regional commissions and certification by the state commission.

The local planning effort is being funded largely with federal money available through the Office of Coastal Zone Management, with an additional 20 percent matching share provided by state funds. A major part of the planning process is supposed to be finished by 1981. After the state commission certifies that a local plan complies with the 1976 coastal act, the local government will make the principal decisions on land use and development in the coastal zone, subject to appeals in carefully limited situations.[5] In addition, of course, the state commission must approve any amendments to a state-certified local plan.

A forthcoming shift in the membership formula of the state commission should also be noted here because of the increase in local representation. This is how it works. Presently the Governor, the Senate Rules Committee, and the Speaker of the Assembly each select two state commissioners. The other six state commissioners are appointed by and from the regional commissions, one from each region. The regional commissions in turn are composed equally of public members chosen by the Governor, Senate Rules Committee and Assembly Speaker, and by local councilmen and supervisors chosen by their city and county governing bodies or by regional councils of governments.

As of summer 1978, only two state coastal commissioners were locally elected officials. When the regional commissions go out of existence, however, former regional commissioners will be replaced on the state commission by persons selected by the state appointing authorities, who will choose from lists of county supervisors and city council members sent up by the coastal cities and counties. This change would therefore cause "a significant shift in the composition of the state coastal commission. . . ."[6] At least six of the 12 voting members will be locally elected officials, and perhaps more.

An "Impossible" Job?

To sum up, California's coastal law initiated a new set of collaborative planning processes, while continuing most of the old ones—especially coastal regulation—at least temporarily. The basic planning job was assigned to coastal cities and counties, under guidelines and policies outlined by the state commission, subject to review and certification by the state commission, and with a tight set of deadlines. Some have called the assignment an impossible job, given the limitations on human and information resources and the time constraints.

Guidelines and Other Documents

Local coastal programs (LCPs) will comprise each local jurisdiction's plans for its portion of the coastal zone, with implementing ordinances. First, local governments were asked to identify coastal issues in their areas, and then to develop work programs—including proposed budgets—for completing the LCPs.

The state commission prepared guidelines and other documents giving local governments advice and instructions. The written materials drew a mixed response. Their volume seemed to overwhelm many local planners, although some documents were called "invaluable," and "very helpful." But the LCP regulations were characterized as "too vague" and "hard to interpret." Use of excessive legalese was a major source of criticism:

> Whoever wrote the LCP Regulations was a prisoner of his own jargon. For example, the first sentence in paragraph (b) on page 10 contains 75 words, and if you read it carefully is almost meaningless, or at least open to wide and varying interpretation . . . [and there are many similar examples].[7]

Early Phases of Local Planning: Some Initial Difficulties

While a few local governments had conducted pilot projects in 1976 and 1977, almost all the coastal cities began issue identification in 1977 and started developing their work programs. Most are being submitted to the state commission around mid-year 1978. (In 1977 a very few front-runners also began work on their land use plans as such.)

In most cases, new local staff had to be hired, or consultants employed for the planning work. Some local staff appeared to develop good working relations with regional

or state coastal staff, while others voiced a variety of complaints. These complaints included difficulties in inter-level staff relationships, inadequacy of communication and understanding between levels and agencies, and an appearance of conflicting goals and interpretations between state and regional commissions.[8] Some local people and other observers believe that with better guidance from the state commission and more authority to make decisions, the regional commissions and staffs could play stronger roles in coastal planning, working more closely with local governments.

There was also some local unhappiness with funds made available for coastal planning. By urging local governments to include a wide range of topics in their early identification of issues, the state commission may inadvertently have encouraged local overshooting of the mark by sketching ambitious planning efforts, including studies of numerous topics. In any event, as localities proposed work programs and budgets for approval by the coastal commissions, the latter found many too elaborate and expensive for available time and funds, and called for cut-backs. Subsequent budget reductions led to uneasiness on the part of some local governments who feared that the preparation of acceptable plans would force them to spend much larger sums than would be available through the state commission.

At this point in mid-1978, it is unclear to what extent local governments will have to go back to the drawing board to produce local plans to comply with the coastal law as interpreted by the state commission. It seems certain, however, that virtually all local governments will have to do appreciable additional work to bring their plans into conformance.

Implications of Professional Styles: Some Conflicts

Some recurring problems relate to the professional styles of staff members and questions about the most productive enforcement methods. Many observers have suggested that controversy over approaches to the LCPs has resulted partly from differences that stem from staff background, training, and experience, as well as the professional "tools" they are accustomed to use. For example some coastal policies and procedures may have been too heavily influenced by a legalistic cast of thought and a permit-review style of decisionmaking. One observer of the reception of early local plans suggested that LCP submissions were being treated as "giant permit appeals."

Joseph E. Petrillo, Executive Officer, State Coastal Conservancy, and a former state coastal staff member who was one of the principal drafters of the coastal bill, responded as follows to the "giant permit appeal" comment (letter of August 3, 1978):

> . . . in drafting the final Government, Powers and Funding section of the Coastal Plan, I intended the Local Coastal Programs to be very much . . . [a giant permit process]. The permit staff . . . realized that a project-by-project review of proposals did not get at the "cumulative impact" problem. . . . Although the regions, environmental groups and others . . . wanted a simple adjustment of the current permit process, the permit staff prevailed upon them the wisdom of handling the "cumulative impact" issue through one giant permit, the LCP. . . . I think the fact that . . . the coastal bill . . . retained the specific coastal policies . . . indicates the Coastal Act was meant to concentrate on implementation of the policies and not further planning. . . .

In any event, lawyers and planners obviously sometimes do not see eye-to-eye, and in many situations misunderstandings can arise between them, especially when they must work together in controversial, high-pressure enterprises like coastal governance. To some degree this is probably inevitable:

> . . . lawyers tend to see planners as fuzzy-minded, imprecise people with grand schemes but no ability to put down the fine print that really determines whether the plans will work or not. Planners, on the other hand, tend to see lawyers as narrow minded, prissy people who have no vision and can't understand people who do, and who are always trying to shoot down things by insisting on more detail than can reasonably be provided. . . . In an operation such as ours, you obviously need both kinds of people, but you also need to arrive at a balanced planning approach.[9]

Planners increasingly emphasize the need for new skills, capabilities and sensitivities, as planning shifts from a "product to process orientation" and as negotiation and mediation are recognized as crucial planning tools:

> Open, complex, collaborative planning processes such as [are] required to carry out the Coastal Act need people that can facilitate a "diplomatic" rather than an "authoritative" resolution to the problem.[10]

A New Mission

Many saw the principal success of the *first* commission (under Proposition 20) as based on enforcement, used to reduce damaging impacts by guiding coastal development, and also employing the permit system as a learning process to facilitate completing a comprehensive coastal plan on time. The *second* commission, created by the 1976 law, continues vital enforcement by permit hearings until local coastal plans are completed and certified. Meanwhile, however, its principal new mission in 1977-1981 is to see that local governments develop good local plans and implementing ordinances that comply with state goals and policies for the coast, and that they are accepted and supported at the local level.

In this effort, success may depend on persuasion, explanation, and negotiation as much as it does on state enforcement of detailed regulations, or "strong arm" methods.

The Specificity Controversy

Some other big questions are: What major policy changes in local plans will be required, if any, and how detailed will the coastal plans have to be? Which state coastal policies will apply, how stringently, and in what areas?

Which policies must give way in certain circumstances? Local governments sought clarification and guidance on these questions as they prepared their work programs. In the spring of 1978, a basic controversy emerged over the degree of specificity and amount of detail to be required of local plans before certification.

In drafting coastal plans, many decisions must be made regarding which options are to be kept open, and which "closed down." Making plans more specific means giving up more future options. It is often difficult for a local government to decide finally what ought to be done with individual parcels on a "crash" basis, unless it already has reached a consensus on policies or until it receives and responds to specific developmental proposals. In a continuing *process* of planning, things are presumably never really finished. Although some final decisions can be made, others must be held over for further consideration and to await future developments. On the other hand, an approved plan presumably means approved development, and the approving body needs to have a reasonably good idea of what they are authorizing.

Much of the coastal commission's present power to enforce and implement coastal policy is to be delegated to local government when local plans and zoning ordinances are certified. Local plans as interpreted by local governments will then govern the coastal zone except in carefully limited situations, noted earlier. Thus it can be argued that detailed plans written in specific terms will increase the assurance that current commission policies for the coast will determine its long-term future. This view, drawing on past experience, led to concern that failure to require detail might limit the commission's (and the state's) future ability to be sure that local plans conform to state policy. Accordingly early this year, a state staff member proposed highly specific criteria for local plans. He emphasized "decisions at the first major fork in the road—the land use plan . . . " arguing that ". . . the [local] plan must be 'sufficiently detailed' . . . to leave no major questions unresolved. . . . "[11] The memo continued:

> . . . precise, well-defined land use designations and precisely drafted policies are essential. . . . Thus the [local] Land Use Plan must designate *the* principal *permitted* use(s), *the* specific *conditional* uses, the specific policy (i.e. performance) standards applicable to the *types* of permitted and conditional uses, and the precise policy standards that will be applied in reviewing uses for *specific* geographical uses. [emphasis in original]

In early April 1978 the League of California Cities responded by arguing that the state commission should concentrate on major policy issues rather than on details of local plans:

> The specificity needed in the land use plan should be obtained through the inclusion of policies rather than site specific plans or designs. The land use plan should not contain specific easements and setbacks on a lot by lot basis. . . .There needs to be flexibility in the plans to assure that projects can be made economically viable. [12]

Shortly afterwards a workshop of local coastal planners echoed these sentiments, ranking "degree of specificity" highest among pressing coastal issues causing great concern:

> The coastal commissions may intend to require greater specificity than is prevailing practice in land-use planning. This may make the planning process more difficult and rigid, force decisions prematurely, and close off future options too soon.[13]

The Agua Hedionda Case

The first land use plan submitted for state commission approval related to Agua Hedionda Lagoon and adjoining areas in the City of Carlsbad (San Diego County). At the outset the plan seemed likely to be judged by the detail-emphasizing criteria. Coming before the commission in February 1978, the initial staff comments on the Agua Hedionda proposal were lengthy, calling for many changes and much detail. Statewide attention focused on the issue, with many local governments expressing concern because it was widely believed that decisions on Agua Hedionda were likely to be precedent setting.

Meanwhile there was a top-level change in state staffing, and the new Executive Director Michael Fischer took office in mid-March, replacing the retiring Executive Director Joseph E. Bodovitz, who had served with distinction for five years since the inception of California's coastal planning under Proposition 20. Prior to his appointment Fischer had spent two years carrying primary responsibility for preparing Governor Brown's urban strategy for California, working closely with business, labor, environmental interests, planners, and local governments. In announcing Fischer's selection, state coastal commission Chairman Bradford Lundborg emphasized his view that the commission's most important task was developing "a strong, cooperative relationship with local governments up and down the coast," and noted that Fischer's earlier experience in local government and as a planner should help.

Recognizing the significance of the specificity issue and the precedent-setting nature of imminent decisions, Fischer gave priority to Agua Hedionda and relations with local governments as demanding his close and continuing attention. He worked with coastal staff to prepare a new set of recommendations and conditions for the Agua Hedionda proposal, focussing on principal objectives rather than on design detail. The state commission also asked the City of Carlsbad for its view.

Seeking to permit flexibility in local plans along with reasonable assurance that state policies will be complied with, Fischer asked the League of California Cities to prepare a second memorandum, issued in late May. They suggested several alternatives for conditional or partial certification of local plans that would retain the state commission's basic jurisdiction over unresolved issues while permitting coastal planning and zoning to proceed in an orderly manner with respect to areas and issues where agreement can be reached.[14] Partial certification could apply either to a geographic portion of a local government or to certain portions or policies of its land use plan. This proposal would allow local governments to begin implementing ordinances for approved areas and policies while the state commission and the local government continue to address policies or areas not certified.

New Criteria: Priority Issues

Focussing on high priority issues and giving further guidance to local governments in LCP preparation, coastal staff prepared new criteria (adopted by the state commission on June 20, 1978).[15] The new criteria are summarized as follows: Undeveloped land that would be affected by coastal act policies should be given highest priority, especially if it is under developmental pressures, and natural resource protection (e.g. lagoons and agriculture) should be given high priority. In areas already highly urbanized, LCPs should focus on beach access, parking and traffic congestion, visitor-serving uses, and low-to-moderate cost housing, usually in that order. Development design, bulk, height and setback requirements should be dealt with only in very general terms, except on scenic routes, shore areas or other specially significant areas. Where the potential impact of new development would be comparatively small, the LCP should not try to resolve the issues.

In all cases, original research or new data collection should be minimized. Moreover, "low cost" solutions to problems should be used where possible. For example, review procedures could be established for future determination of geologic stability of proposed developments, rather than actually conducting costly geologic studies in preparing an LCP. To give local governments further guidance, the new criteria were accompanied by one-paragraph summaries for each local coastal jurisdiction, highlighting the principal issues to be resolved in LCP preparation.

State, Local and Regional Tensions

Presumably local governments will welcome the new criteria, which should provide some degree of the desired flexibility. Nevertheless some of the tensions between the state and local levels are likely to remain. After studying coastal planning in nine states, Jens Sorensen likened the shifting relationship to a tennis match, "with the burden of responsibility and work bouncing back and forth between state and local government."[16]

The state must be realistic in its expectations. If its demands exceed local planning capabilities, the locals may see this as demonstrating state staff's failure to recognize local limitations or understand local goals. But Sorensen also emphasizes that state guidelines need to be "demanding enough, [otherwise] local programs may not even come close to achieving the objectives" of the coastal legislation.[17] For their part, the principal question of most local governments will be: "*What is the minimum amount of effort needed to modify the way we are now doing business in order to receive state approval?*" [emphasis in original][18]

In other words, with some significant exceptions, most local governments will try to get by with only marginal adjustments in their existing local plans, whereas the state coastal authority will push for more searching review, and overhaul where needed to comply with state objectives.[19]

Previously, local governing bodies had been accustomed to dealing with their own local constituencies. Each local unit planned and zoned to meet the interests and concerns of those who could effectively make their influence and preferences felt in the local halls of government. As Lenard Grote observes:

> This is the very essence of local home rule. Until the coastal law came into effect, state government had never established regulatory agencies or other machinery to monitor the contents of local general plans.[20]

In short, some basic ground rules of the planning process were changed rather abruptly. Local governments and the coastal commissions are both feeling their way in new relationships that are inevitably somewhat strained, and will surely be characterized by much maneuvering and bargaining. It will not be easy to reduce tensions because they are built into the process, which was established in large part to deal with "real world" conflicts between those who want special protection for the coast, and developers and their presumed allies in local government. Further, as Sorensen notes:

> . . . in states that are beleaguered by rapid growth and threatened with an avalanche of development activity, such as California, Florida and Oregon, the first round of program approvals may be the only good shot the administrative agency will have to assert state interests; the state might not get a "second chance."
>
> [Presumably] . . . the California Coastal Commission will attempt to tie down local government plans with as much specificity as possible to protect against avalanche losses.[21]

A Stronger Role for Regional Commissions?

As noted earlier, some local staff believed that the regional commissions could play better-defined and more important roles in the negotiating process, but to do this would need more guidance from the state commission. Moves in this direction seem imminent. Thus Executive Director Fischer has said that he intends to schedule workshops in each of the coastal regions, where he and each respective regional executive director would meet jointly with city and county planning directors to review policy differences and try to negotiate their resolution. Subsequently regional workshops could also be held with mayors and supervisors, at their request.

As the review of draft LCPs by the regional and state staff proceeds, another device could help insure state-regional coordination and give local governments the policy guidance many have been asking for. State and regional executive directors would send a joint letter indicating their views of the LCP to each local government before the council or board of supervisors reviewed it.

A stronger role for the regions would also clearly be furthered if Assembly Bill 3478 should pass. The measure would extend the life of each regional commission until it has certified all local plans, or until mid-1981, whichever is earlier, instead of dissolving it by mid-1979. [It passed.]

In 1976 the Legislature virtually ignored the regional commissions partly because there was strong opposition to their continuation on the part of labor and builders. This opposition was apparently based on "gut reactions" and may have been stimulated by what appeared to be

arrogant behavior by a single regional commissioner. Moreover the conservationists, who might have been expected to support the regional commissions, did not do so actively, but concentrated instead on the hard-fought struggle to continue the state commission. As an astute observer then on the staff of the League of California Cities observed:

> The decision to abolish the regional commissions was not made after a thorough analysis . . . of the need to continue them, rather they were in a sense sacrificed so that the State Commission could continue.[22]

In addition, state coastal staff may well have harbored some ambivalence toward the regional commissions. The former chairman of the state commission, Mel Lane, had these perceptive comments:

> The planning process could have been organized better. The way it was set up . . . begged for civil war between the regional commissions and the state commission. A tremendous amount of energy and time was spent trying to prevent that civil war. . . .
>
> . . . the state commission and staff just kept pushing. Furthermore the regional commissions and staffs had a sense of responsibility. They had to go along with "our" schedules for the overall good. This meant they went along even when they strongly disagreed.[23]

Lane attributed the tension to distance, the size of the 1,000-mile coastal zone, time pressures, and the difficulty of getting state and regional commissioners together regularly, since state and regional commissioners rarely met, except for the six regional members who also sat on the state body. On the other hand, the relationship improved markedly over time. Lane believed that all the regional commissions were cordial to him personally, noting no animosity but a feeling that he "was on a different wave length than the regional commissioners due to a lack of communication."

Of course, the tensions also were partly due to genuine regional differences of opinion with respect to coastal planning goals. For example, the North Central Coast regional commission (San Francisco, Marin and Sonoma counties) was seen as strongly in favor of coastal conservation, while the North Coast regional commission (Mendocino, Humboldt and Del Norte counties) was considered lukewarm if not down-right negative to coastal conservation. The commissions tended to reflect attitudes believed to be widely held in their respective regions.

Negotiation and Consensus Building

In addition to reflecting regional opinion, however, regional commissions can provide certain important services, especially playing intermediary, consensus-building roles in coastal planning. AB 3478 now has virtually universal support, including that of labor, realtors, developers and contractors, suggesting that opinions have changed drastically on the usefulness of the regional commissions:

> There is general agreement that allowing the regional commissions to go out of business just as local plans are coming together would, at a minimum, cause intolerable delays . . . and might lead to enough confusion to make it impossible to finish some of the plans.[24]

Despite severe work pressures the regional bodies and staffs have handled a heavy permit-hearing load and made other significant contributions to the coastal planning process by reviewing and commenting on draft plans. When asked if the regional commissions would be missed, a strong proponent answered

> . . . indeed they will be. The state commission cannot give the necessary perspective. . . . [with the regional commission] there are few parts of my region where if a person felt he was asking for something consistent with a plan, he could not get to the commission meeting to discuss it. . . . it is possible for [regional] commissioners to look at the problems on the lands themselves. The regional commissions will be sorely missed.[25]

In fact, the shift to local coastal planning under the 1976 law "may have opened a stronger *potential* role [for the regional commissions] in monitoring and reviewing local performance, as well as in helping negotiate future issue conflicts."[26] Such negotiations, involving local officials as well as state and regional staff and commissions, may be one of the most effective ways of seeking local cooperation and accommodation to state objectives.

> Ultimately the entire . . . effort . . . boils down to whether local government will eventually take the attitude that implementation of the certified program is in their best interest.[27]

Additional Responsibilities of the State Commission

In addition to collaborative state-local planning and permit appeals, the state commission also has other responsibilities. Substantial work has already been done on most of the following: serving as lead agency for the coastal energy impact program (financed under the federal act); ranking possible coastal sites for liquified natural gas (LNG) terminals; designating portions of the coast where power plant development would be inconsistent with the coastal act; identifying coastal zone forest land where special logging procedures are needed (advisory to the state Board of Forestry); considering relationships between coastal management and controls of San Francisco Bay (jointly with BCDC); and certifying port master plans for California's four major commercial ports.

Earlier, other Sacramento-based state agency staff may have resented the coastal commission, sitting in San Francisco, with its good publicity and strong permit review powers. "Turf" problems with several state agencies came to a head during the 1976 legislative session when the coastal bill's early version would have given the coast commission some control over the actions of other agencies affecting the coastal zone. Opposition from the agencies caused an entire chapter of the bill to be painstakingly

drafted, reducing duplication of authority and interagency conflict, while giving the coastal commission a clearly acknowledged though largely advisory role with respect to such agency policies and actions. This removed the active opposition, although some coolness persisted in certain quarters.

In any event, the state coastal commission has recently been mending fences with the state agencies, especially since January 1977 when Peter Douglas joined the state commission as deputy director, with agency relationships as one of his principal assignments. Interagency agreements are being concluded to facilitate state agency involvement in the coastal planning process in a meaningful way. This is important, because without increases in manpower the state agencies nevertheless have a good deal of coastal planning to do. The agencies need to participate in LCP preparation in order to be sure that appropriate provisions for future state projects are included in local coastal plans, otherwise later on there will be problems in obtaining permits.

A Stimulus to Local Planning

The infusion of federal and state funding and the demands for coastal planning staff work at the local level have brought in some capable new planners and given preexisting planning staff exciting new challenges. Of course, the local revenue cuts under Proposition 13 could have a severe negative impact on this promising start. Only time will tell, plus the extent of continued state and federal financial support. Meanwhile, in a variety of ways coastal planning is helping shake up and alter the environment many planners have worked in. This paraphrase of comments at a recent conference suggests one view of the status quo that the coastal program is helping to change:

> Most . . . planners have been in their positions for perhaps 15 years. The job many of them have been doing is itself "negative," consisting of saying "no" to developments that do not conform to zoning and other requirements. Added to this, they have been working with out-dated ordinances. Finally, the staff in time comes to mirror the outlook of the board of supervisors or city council, which can sometimes be downright anti-planning.[28]

Some local jurisdictions that were already doing a comparatively sophisticated job of planning have had their attention directed more forcefully toward the coast, and are being required to consider state coastal goals. Other local jurisdictions that were lagging are having to gear up. The following comment (by a coastal workshop participant and experienced local planner) may overstate the case a little, but probably not much:

> We should acknowledge that the coastal law got local government out of the dark ages in planning. Most or all of us were doing sloppy planning, but have stopped fooling around. Despite complaints about some of the details, I am very pro-coastal act over the longer sweep.[29]

This optimistic view of improved local performance relates principally to the work of professional staff planners and consultants. It remains to be seen how local governing bodies and community political leaders will respond to the coastal planning program. So far, city councils and boards of supervisors have scarcely been involved. Before long, of course, they will have to enter the action and necessarily play a crucial role in determining the outcome.

Retrospect: Permit Review and Other Accomplishments

From the California program's start-up in 1973, coastal planning has been back-stopped by permit power, with the regional and state commissions hearing appeals from city and county decisions with respect to development or land-use change within the area of permit control.[30]

Many thousands of permit appeals have gone through the coastal mill since early 1973. In 1977 alone, for example, more than 7,700 applications were processed by the six regional commissions, and over 95 percent of them were approved. Such widely quoted figures on the high approval rates may have led some observers to the mistaken conclusion that the coastal process has made little difference, except in a handful of cases.

Admittedly, in the words of Paul Sabatier, "the vast majority of permits involved essentially routine decisions by the regional commissions."[31] On the other hand, substantial numbers of the permits counted as "approved" by regional commissions were actually approved *with conditions or modifications.*[32] Robert Healy comments:

> Our own observation from attending many permit sessions of the South Coast Commission is that the conditions imposed . . . were frequently quite significant, often involving major changes in design or reductions in density.[33]

Moreover the state commission generally took a stricter approach to permissible development than the regional commissions. Thus many applications approved by the regional bodies were later denied by the state commission, or had other conditions attached to the approval. In fact, when the state commission on reviewing an appeal found a substantial issue and therefore heard the case, "it was virtually certain to either impose conditions or deny the application altogether."[34]

Conditions often related to bulk, height and design of structures, landscaping, provision of public access, transportation and parking, reduction of the density of multi-unit developments, erosion, or water quality controls. The commissions were "very tough on residential projects of five or more units considered significant . . . enough to be appealed to the State Commission."[35] A major nuclear reactor addition—San Onofre—was allowed to proceed after some redesign and other conditions were met. Urban redevelopment projects were required to be scaled down, and other decisions attempted to prevent urban encroachment onto agricultural or forest land.

In addition, another elusive but important factor was at work. When builders and developers saw how the coastal law was being enforced, many voluntarily began anticipa-

tory planning, "upgrading" their proposals before submitting them.

> Developers, local government, and state agencies are all showing a lot more environmental awareness than they used to. And . . . they are acting on this awareness. Not as much or as fast as most environmentalists might want, but not badly either.[36]

Healy sums up his view of California's recent coastal development under commission regulation:

> In general, we find modest growth, mainly in the form of infilling of semi-developed areas or slow increases in intensity of land use in older, built-up areas. No new large-scale subdivisions were allowed in the near-coast area. Owners of lots in existing residential or recreational subdivisions were generally allowed to build, provided they built structures no larger than those on nearby lots.[37]

Drawing on his study of controversial permit decisions, Paul Sabatier concludes that "the coastal commissions substantially altered the developmental outcomes that would have existed in their absence."[38] In short, California's coastal program clearly has effectuated higher standards in coastal development and environmental protection.

Complaints About Permit Processes

Despite Proposition 20's "vested right" protection, California's coastal regulation and the permit process caught some projects in mid-stream, creating awkward policy questions such as : Which projects should be permitted to "build out" and which should not, and why?[39] Some owners of small lots have been unhappy when building plans were slowed, modified or denied. Larger development proposals have also gone through the regulatory mill, and the coastal commissions took a rather strict line with some of them.

Coastal property owners have lodged a number of complaints about the permit decision process, and recent legislative hearings catalog many such grievances. Appellants have alleged that

(1) actions were sometimes arbitrary, discriminatory or capricious;

(2) the process was much too rigid, and tight time limits during hearings precluded adequate presentations;

(3) staff documents were sometimes received by appellants only a short time before hearings, preventing adequate study and response;

(4) last-minute conditions were imposed without adequate study or time for appellant to respond;

(5) staff recommendations were based on inadequate or inaccurate information, and appellant had little or no opportunity for rebuttal;

(6) some owners have been forced into costly long-term holding actions until completion of local coastal plans;

(7) limits on building size and height were unrealistic or architecturally infeasible;

(8) required conditions made projects too costly or economically infeasible;

(9) staff or commissioners were not available for preliminary negotiating sessions;

(10) staff were too young and inexperienced for the difficult tasks;

(11) staff were seen socializing with "Sierra Club types," contributing to appellants' fear of possible unfairness; and

(12) insuffient allowances were made for owners of single family lots who got caught by the coastal act unexpectedly.

While the merits of such complaints are unevaluated, those relating to procedure and due process ought to stimulate improvement of the regulatory machinery's functioning so as to insure equitable treatment for all.[40]

Private Sector Cooperation and Acceptance

Despite complaints from the private sector, however, there are many bases for constructive cooperation between private-sector interests and coastal management. Admittedly there is widespread sentiment that private persons owning individual small parcels or lots (on which they perhaps hoped to build retirement homes but got "caught" by the coastal law) are probably the most deserving group for some form of relief or compensation.[41]

On the other hand there is persuasive evidence that larger developers are learning to live with coastal planning, and in fact look forward to completion of its current phase, which should remove many ambiguities and much uncertainty.[42] In short, a good deal of understanding and even acceptance of the coastal planning process seems to be emerging.

After reviewing grounds for agreement between environmentalists and developers, and noting the learning process the environmental movement has spurred, Robert Healy commented:

> . . . beyond heightened interest and concern, some builders have developed a remarkable sophistication about how their constructions interact with natural systems. They have had to do so in order to stay in business in an era of impact assessment, environmental planning, and stringent land-use controls. [In this regulatory environment] . . . the developer himself receives and digests the reports of his soils engineers, and revises his projects to meet the public's demands. Having gone through this process again and again, the developer is increasingly likely to understand the technical basis of environmental control.[43]

Of course a host of other interests and conflicts also confront communities as they move into coastal planning. Recent interviews with local recreation and park administrators disclosed a wide range of concerns with future coastal policies and the ways these will affect coastal communities. For example, the concept of "coastal access" generated many relevant definitions and interpretations as well as numerous examples of the consequences of access, and conflicts over access policies.[44]

Public Participation

The 1976 coastal law and state commission guidelines

strongly support "public participation" in coastal planning, prompting the publicizing of agendas and announcements of meetings, and the availability of planning drafts and documents. To alert citizens about coastal issues, local governments are mailing notices in larger numbers, encouraging media coverage, and contacting a variety of special interest groups. But local government observers point out that "all of these methods cost money, and . . . [we] will need substantial financial help." Furthermore they complain that, despite such efforts and expenditure of additional funds, "for the most part, regular public meetings and hearings do not get good results" in the form of public participation.[45]

If these methods of encouraging wide public participation have not appeared sufficient, what further measures may be more realistic? One approach is to make opportunities for participation available through as many channels as feasible but to expect only a relatively few well-informed and highly motived citizens actually to come forward. Some of the most effective "public participation" is provided by individual citizens who have the time and inclination to become familiar with coastal issues in their communities. Most of these participants will probably be affiliated with organizations like the Planning and Conservation League, the Sierra Club, the League of Women Voters, or local community groups, who have banded together out of mutual interest in public policies, and who rely on their organizations to provide informational services reaching their fellow members and other citizens.

Sierra Club observers, for example, emphasize the importance of working with a relatively few active citizens and knowledgeable people, focusing on concrete, pragmatic coastal planning issues, rather than on *general* policies or concepts.[46] Experience with other public interest organizations also underlines the important roles a comparatively small number of citizens can play when allied with appropriate community groups, if they are able to become well informed on issues, attend meetings, and communicate their findings and recommendations to others.

Capitalizing on this potential, governmental mailing lists should include–but of course not be limited to–a wide variety of organizations known to be interested in planning concerns. Foreign observers have frequently remarked on the American "genius" for organizing around shared goals and interests through networks of citizen groups. Information provided to such networks–from the coastal commissions and other appropriate sources–will be most likely to reach citizens who have already indicated their willingness and ability to participate in planning discussions. Finally, since such groups play an essential role in public participation, outright subsidies from public funds have been suggested as a way of helping give them continuity and staying power.[47]

Acquisition and Implementation

Even proponents of strong regulation acknowledge that it cannot protect all of the coast that needs preservation, hence "there is a need for a substantial acquisition program, as well as for an expanded watchdog role [over local governments and the coast] on the part of the commission."[48] Because fee-simple acquisition of coastal property can quickly become prohibitive in cost, it is essential to explore measures short of full acquisition. Coastal researcher Jens Sorensen concludes:

> Many state and local planners do not see a bright future for collaborative planning until it can move beyond mere permit regulation toward such positive activities as the acquisition of development rights, low interest loans for promoting socially desirable projects, and tax incentives for retention of lands in open space uses. . . .[49]

State bond issues and other actions in 1976 provided substantial funds for urban and coastal parks and other properties. About $150 million could be applied to coastal acquisition and related activities, with $110 million of this slated for coastal parks and beaches to be acquired by the Department of Parks and Recreation. These sums are clearly modest when compared with the magnitude of the coastal resources needing protection in some way. Further, a coastal observer disputes the frequent assumption that coastal property will necessarily be properly managed and afforded better protection if publicly acquired:

> State Parks with its 10 to 12 years lag time from acquisition to development and staffing will pose some serious problems in the area of resource protection. . . . hence it is mandatory that this limitation be recognized early in the planning process.[50]

Another alternative device is offered by the State Coastal Conservancy, set up as part of the 1976 package of coastal legislation. The agency has important powers to acquire coastal lands, or assist in their acquisition by other state or local agencies for purposes of preservation, restoration or redevelopment. Lacking major funds, however, and necessarily feeling its way, the new agency has so far kept a rather low profile.

Even before Proposition 13 passed, Lenard Grote, city council member, regional coastal commissioner and President of the Association of Bay Area Governments, argued for substantial state funding to help local governments implement the state's coastal goals. He complained that cities and counties have not received new funding sources for achieving such objectives, and thought it unlikely that local governments or voters would willingly use local property or sales tax revenues for such purposes. Grote emphasized the pressures on local governments that would demand more positive state measures:

> The pressures of the old planning game still operate on each coastal city and county. . . . Each must still view every parcel of land in its jurisdiction, and existing or potential development on it, in light of the government's financial position. Each is still in competition with its neighbor for potential beneficial development. Each act of a local official is still accountable to the local voters. Few, if any, could gain political strength locally by championing the rights of a statewide constituency in the development of an LCP, if it runs counter to important local-constituency interests. . . .[51]

Federal Funding

A critical future issue is the need for continued and substantial federal funding of coastal planning. The federal government often encourages state and local governments to start up new programs with "seed money," and then eliminates or reduces federal support when the programs are in progress. Such reductions are usually urged by the money-conscious Office of Management and Budget (OMB) seeking to economize. Failure to provide sustained federal support for the coastal program is likely to have serious adverse effects on the now-promising effort:

> The state and local governments won't pick . . . up [coastal costs] because they can't. They are not going to shut down schools and libraries and discharge firemen so they can hire coastal planners; therefore without the incentive of federal money and federal support, these programs aren't going anywhere.
>
> [Moreover] federal leadership creates the impression that this is an important matter . . . so for the feds to pull away is by contrast to say it is no longer very important.[52]
>
> . . .
>
> . . . without renewed Congressional efforts the program might peter out after current funding expires in September 1980.[53]

These remarks were made before passage of California's Proposition 13 on June 6, 1978. Approval of the tax-cutting constitutional amendment, withdrawing massive funds from local governments, further emphasizes the importance of continued federal funding to the success of coastal planning in California.

A "Stretched-Out" Process

The period of greater public fiscal austerity that seems to lie ahead makes even more attractive a suggestion by Jens Sorensen who calls for phased funding and a "stretched-out" process. Under his proposal, selected localities would be chosen by the state commission, presumably with local governments on the coast having some say in the matter. Resources would be focused on these chosen communities, enabling them to push ahead with their programs, while those of other localities would be deferred or pursued at a slower pace. When the selected initial programs were reasonably complete and further funding becomes available, the other programs could be pursued. Meanwhile the permit system would continue to apply in the "deferred areas," affording them protection in the interim.

Coastal Waters and Seaward-Side Issues

Coastal planning has so far dealt almost exclusively with land-use issues, involving that area from the water's edge inland to the coastal zone boundary. The great immediate pressures are on the land, and the fledgling coastal processes are hard put to deal with them effectively.

On the other hand, a wide range of important issues involving management of the coastal waters is already present and promises to become more pressing. There are extraordinary difficulties in dealing with seaward-side issues, partly because states have only limited experience with matters significantly beyond the shoreline, and partly because of the intricate intermingling of state and federal authority, jurisdictions and interests in the seaward side.[54]

These seaward-side issues may soon become an important testing ground for new organizations and intergovernmental relationships needed to reconcile and achieve federal and state objectives. We have begun experimenting with federal-state regional councils authorized to formulate fishery management plans under the federal Fishery Conservation Act of 1976. That law established the 200-mile zone within which foreign vessels can fish only with a federal permit, and otherwise strengthened offshore fishery management.

It is also important for the coastal states to establish comprehensive coastal water management programs. In their new book, coastal researchers Armstrong and Ryner urge that the need is far greater than many states realize. Moreover they acknowledge the states' comparative inexperience with coastal water management, and recognize the difficulties that must be overcome. But they also point out that the federal Coastal Zone Management Act provides the states with several useful tools, including national recognition of the states as appropriate vehicles, and of the right of the states to review federal activities that may affect coastal waters.

They conclude by urging the states to build on existing estuary, river and coastal land management programs in developing comprehensive coastal water management capabilities:

> . . . a creative use of the Coastal Zone Management Act, along with the other local, state and federal programs, should allow the establishment of a basic integrated management program that can protect, enhance and allocate the submerged lands, water column and surface waters of the coastal zone, as part of an overall state resource management effort.[55]

A Look to the Future: Clarifying Coastal Issues

Coastal planning in California has so far been a success story of some magnitude: initiative petitions for Proposition 20 were circulated in the summer of 1972 and a coastal regulatory and planning process has been in place since early 1973. Virtually all of many tight deadlines have been met, and a hard-fought legislative struggle in 1976 established state-local coastal planning on a permanent basis.

State and local bodies are in the early phases of the collaborative effort to make the process work. Proposed local programs are being reviewed by the state coastal commission, which will later examine and certify acceptable local plans and implementing ordinances.

The state and regional commissions need to focus attention on the major issues that local plans must deal with in order to protect the coast and achieve state goals. In providing needed guidance, the state commission ought

to decide which policies are more important and in what circumstances, and identify those that may require further interpretation.

With such state leadership, the regional commissions and staff can, in turn, play a stronger role in coastal planning, working with local governments more closely in the bargaining and negotiation that lie ahead. Such state-local collaboration will be a central need during the next three years, when a host of issues must be resolved both within coastal communities and between the state and regional commissions and local governments.

Coastal decisionmakers must strike a balance between proposals that may be too lenient to provide coastal protection and others that may be so strict or detailed as to be unworkable, unenforceable or otherwise unacceptable. Clarifying state coastal priorities will give the state and regional commissions additional yardsticks to guide future judgments on local plans.

While refining its policy priorities for the coast, the state commission needs to work closely with other state agencies having major coastal zone responsibilities. Those agencies, in turn, need to develop coastal priorities and plans in cooperation with the coastal commissions and local governments. The concept of collaborative state-local planning includes accommodating the goals and objectives of both local communities and state agencies in the local governments' LCPs, which, when certified, will govern future state activity on the coast.

Other Important Considerations

As suggested earlier, a number of additional considerations must be addressed as coastal planning develops.

First, the 1981 deadline for completing the current phase of coastal planning may be unrealistic. A "stretched-out" planning process permitted under the 1976 law might be useful. Resources could thus be funnelled into selected local governments, and the deadlines for the others postponed. The lessons learned in approving the first round of local plans would probably facilitate the second round.

Second, regardless of the deadline, substantial state and federal funding will continue to be essential to effective coastal planning, probably for a long time to come. The tasks looked formidable even before passage of Proposition 13 in June 1978. The massive diversion of property tax revenue away from local government seems almost certain to affect coastal planning adversely. On the other hand, if major federal funding continues to be available for California and the other coastal states, the initial momentum may be continued.

Third, implementing coastal plans is a big job that must be addressed soon. It is not clear how effective regulation alone can be in preserving the coast. On the other hand, large-scale acquisition of coastal property could be prohibitively expensive, especially if not accompanied by measures to restrain speculative market forces and land price inflation.

Fourth, while difficult problems remain in resolving conflicts between the public's interest in coastal resource preservation and the interests of property owners, regulation will nevertheless continue to be the heart of the coastal protection program. Critics have complained that coastal regulation has sometimes been arbitrary or otherwise faulty. Environmentalists have expressed concern that new regulatory agencies may fall into the same traps as the old-line state and federal agencies, i.e., cumbersome, legalistic and costly court-like procedures that discourage public participation and help pave the way for "client capture" of the agencies. Accordingly the rich experience of California's coastal permit appeals ought to be mined for evidence of what has worked well, and what changes might improve regulatory processes.

Finally, interested private citizens should also monitor coastal planning in their communities, especially since public participation is encouraged and solicited under the law. While widespread participation is hard to achieve in practice, coastal planning nevertheless offers excellent opportunities to citizens having the time and energy to study and understand coastal issues. Even a relatively few active, well-informed persons can have significant influence, especially if allied with one or more organized community groups.

In a National Perspective

It is appropriate to conclude by viewing coastal planning in national perspective, emphasizing its accomplishments and promise. In California and elsewhere the new processes signal an attempt to break with the history of uneven and often poor results of using unassisted local land use powers to protect the environment. Local governments have been required to yield some of their control over land use decisions. Technical planning processes in local governments are being improved, or being installed where to all intents they may have been virtually lacking.

Federal policy is also providing guidance for future state coastal land use decisions. The states will review local efforts to implement the coastal law for compliance with state and federal objectives. The forums created by coastal planning have helped involve new community-minded clientele groups, in addition to those with special interests in the profits that could be made under lenient regulation.

The emerging processes of coastal decisionmaking will force all governments with coastal interests—federal, state and local—to plan more carefully. Long-term commitments will have to be made as coastal plans emerge. These changes will be of major significance to the private sector. While some investors and developers may object to the more stringent regulations, others may find well-defined coastal plans to their liking, and much preferable to uncertainty and delay.

Finally, the federal-state coastal programs may be setting precedents for new experiments in federalism. Federal policy seems aimed at a federal-state partnership, with most of the planning and policy decisions delegated to the state level. The states in turn are free to shift important responsibilities downward, and in most states, local governments will play a major role. So far California's experiment has been one of the nation's foremost successes in coastal planning. With much luck and hard work, it may be possible to keep the momentum.

NOTES

[1] The importance of the Bay Conservation and Development Commission model was emphasized by Robert Knecht, Administrator of the federal Office of Coastal Zone Management, speaking before BCDC on March 17, 1977:

> . . . all thirty coastal states . . . are at work developing or implementing a coastal management program to involve the entire . . . United States shoreline. . . . The BCDC concept . . . started the national movement . . . . The background reports for the Federal Coastal Zone Management Act cite BCDC and its accomplishments, which began in 1965, as an indication of the feasibility of the program. . . . (BCDC Minutes, March 17, 1977, p. 20).

[2] Stanley Scott, *Governing California's Coast* (Berkeley: Institute of Governmental Studies, University of California, 1975), p. 234.

[3] The coastal zone was defined as reaching from the state's three-mile seaward limit to the nearest coastal ridge or up to five miles in flat areas. Regulations and-the permit process had effect from the three-mile limit to 1,000 yards inland.

[4] California Coastal Zone Conservation Commission, *California Coastal Plan* (Sacramento: December, 1975).

[5] After certification, proposals may be appealed if they (1) affect the area between the sea and the first public road parallel to the shore, or within 300 feet of the inland extent of the beach; (2) affect an area within 100 feet of a wetland, stream or estuary, or within 300 feet of a coastal bluff; (3) are in a sensitive coastal resource area and are alleged not to conform with the implementing actions of the LCP; (4) call for developments not designated as the principal permitted use under county zoning; or (5) constitute major public works or energy facilities.

[6] Lenard Grote, "Coastal Conservation and Development: Balancing Local and Statewide Interests," *Public Affairs Report*, 19 (1): 1-7 (February 1978, Institute of Governmental Studies, University of California, Berkeley), see p. 5. Grote included this footnote:

> One group of researchers examining the record of the South Coast and San Diego regional coastal commissions found evidence suggesting that "whether a commissioner is a public member or an elected official appears to be a significant factor in explaining voting behavior." (p. 47) They found that "Public commissioners vote pro-environment twice as often as elected commissioners. . . . " (p. 51) and also noted that commissioners who were city councilmembers were particularly likely to vote pro-development, as compared with other commissioners. They concluded: "there is now some empirical evidence to suggest that city councilmembers, because of the 'pull' of local control, may not be the best suited to serve on commissions where they have to make land use decisions which are in conflict with the decisions of local authorities." Judy B. Rosener, with Sallie C. Russell and Dennis Brehm, *Environmental vs. Local Control: A Study of the Voting Behavior of Some California Coastal Commissioners* (Claremont, Calif.: Claremont Graduate School, April 1977).

[7] Letter from urban planner Rudolph Platzek, of Williams, Platzek and Mocine, May 26, 1978. The paragraph in question (California Coastal Commission Regulations, ch. 8, subchapter 1, art. 4, sec. 00040(b)) reads:

> The policies of Chapter 3 of the California Coastal Act of 1976 that apply to specific coastal resources, hazard areas, coastal access concerns, and use priorities, including consideration of public access and recommended uses of more than local importance, relating to the area covered by the local coastal program shall be applied to determine the kinds, location and intensity of land and water uses that would be in conformity with the policies of the Act. This determination shall include an analysis of the potential signficant adverse cumulative impacts on coastal resources and access of existing and potentially allowable development proposed in the local coastal program.

[8] *Coastal Planning Issues: A Consensus Report* (June 7, 1978). (Based on a workshop sponsored by the Sea Grant programs of the University of Southern California and the University of California April 24-25, 1978, Los Angeles, California. Copies available on request from the Institute of Governmental Studies, University of California, Berkeley.)

[9] Interview with Joseph E. Bodovitz, former Executive Director, California Coastal Commission, April 27, 1978.

[10] Letter from Rudolph Platzek, see note 7 above.

[11] California Coastal Commission, "Legal Requirements for LCP Land Use Plans and Zoning Ordinances," memo from Bill Boyd, Staff Counsel, to Regional Executive Directors and Regional Commission LCP Staffs, January 13, 1978, pp. 1-5.

[12] Memo from League of California Cities to State Coastal Commission, April 5, 1978, p. 2.

[13] *Coastal Planning Issues* . . . , note 8 above, p. 3.

[14] League of California Cities, "Local Coastal Program Certification Program," memo from David F. Beatty to State Coastal Commission, May 25, 1978.

[15] California Coastal Commission, "Statewide LCP Budgets–Revised," memo from E. Jack Schoop, Chief Planner, to state commissioners, regional commissioners and local governments, June 9, 1978.

[16] Jens Sorensen, "State-Local Collaborative Planning: A Growing Trend in Coastal Zone Management," Ph.D. dissertation, University of California, Berkeley, June, 1978, p. 8-1. (Prepublication draft available from U.S. Office of Coastal Zone Management, Washington, D.C.).

[17] Ibid., p. 8-2.

[18] Loc. cit.

[19] Sorensen notes two exceptions to the local strategy of "marginal adjustment." (1) If a local government's planners are already dissatisfied with existing plans, they may welcome the coastal effort as an opportunity to "clean shop and revitalize the entire . . . program. . . . " Santa Barbara County is given as a good example. (2) If the state coastal standards and resulting critiques of local plans reveal major inadequacies, either a local government or active community groups may seize the opportunity to press for stricter local measures. Sorensen, note 16 above, pp. 8-2, 8-3.

[20] Lenard Grote, note 6 above, p. 2.

[21] Sorensen, note 16 above, p. 8-8.

[22] Letter from David F. Beatty, League of California Cities, August 31, 1977.

[23] Interview, February 8, 1977.

[24] "Extending the Coastal Commission," editorial comment, Los Angeles *Times*, July 18, 1978, part II, p. 6.

[25] Interview with Ilene Weinreb, Mayor, City of Hayward, and ABAG appointee to the Central Coast Regional Commission, March 23, 1977.

[26] Stanley Scott, "Notes on California's Coastal Governance: A Reply to Peter Douglas," *Coastal Zone Management Journal*, 5 (1), 1978 (forthcoming).

[27] Sorensen, note 16 above, p. 8-10.

[28] Comments during discussion session, "The Challenges of Land Use Development," joint conference of California chapters of the American Society for Public Administration and the Western Governmental Research Association, San Diego, California, March 2-4, 1978.

[29] From the author's notes on the local coastal planning workshop, Los Angeles, California, April 24-25, 1978. (See also note 8 above.)

[30] Under Proposition 20 state permit controls applied to an area from the seaward boundary of state jurisdiction to 1,000 yards inland. The 1976 law changed this substantially, as permit controls now apply in a zone of varied width intended to include important recreational and environmental resources, and extending inland as much as five miles in some places, but in urban areas reaching inland generally less than 1,000 yards.

[31] Paul Sabatier, "State Review of Local Land-Use Decisions: The California Coastal Commission," *Coastal Zone Management Journal*, 3 (3): 255-290 (1977). See p. 259.

[32] Sample data from three regional commissions (1973-75) for permits large or controversial enough to appear on the hearing calendar show conditional approvals of 23 percent of the permits by the North Coast regional commission, 72 percent by the North Central Coast commission, and 36 percent by the South Coast body. (Robert G. Healy, *The Role of the Permit System in the California Coastal Strategy* (Conservation Foundation, Draft Working Paper no. 4 of California Coastal Management Study, 1977), p. 17.) Speaking from more recent although impressionistic observations, coastal researcher James Fawcett of the University of Southern California said in a private communication dated July 20, 1978: "In the South Coast region alone, at least 40 percent (by my casual observation) of all applications have conditions placed on them, some so onerous that the project becomes no longer economically viable, and yet the application is tabulated as an approval."

[33] Healy, loc. cit.

[34] Sabatier, note 31 above, p. 269.

[35] Sabatier, note 31 above, p. 276.

[36] Letter from Frank Popper, June 28, 1978. Popper is the author of *The Politics of Land-Use Reform* (forthcoming).

[37] Healy, note 32 above, p. 18.

[38] Sabatier, note 31 above, p. 280.

[39] The vested right provision, sec. 27404 of the Public Resources Code, exempted projects for which local building permits had been issued before November 8, 1972, if the person having the vested right had begun "diligent" and "good faith" work, and had incurred "substantial liabilities" before that date.

[40] A landmark study of permit and appeals processes in Britain (the Dobry report) may have some useful guidelines for adaptation in this country. The Dobry report recommended ways of sorting out applications in order to concentrate attention on the difficult ones, bringing planmakers, developers and regulators together, hewing to strict deadline requirements, and consulting with other interested governments expeditiously. It also had additional recommendations for streamlining processes. See discussion in John H. Noble, John S. Banta and John S. Rosenberg, eds., *Groping Through The Maze: Foreign Experience Applied to the U.S. Problem of Coordinating Development Controls* (Washington, D.C.: The Conservation Foundation, 1977), pp. 39-53.

[41] The appropriate extent of such relief and the forms it might take remain unclear. Some observers warn that if relief meant permission to "build out," the cumulative effect might defeat important objectives of the coastal legislation.

[42] During a special seminar of representatives of large developers at the recent Coastal Zone '78 symposium, comments on coastal planning included: "we are working together"; "we have come a long way"; "we are all learning and it is an evolving process"; and "we used to look at the coastal processes as requiring a public relations job and sent PR people to do it . . . we've since learned our lesson." Emphasizing the need for certainty, one developer said: "It is important to know what the answer is, even if it is 'negative.'"

[43] Robert G. Healy, *Environmentalists and Developers: Can They Agree on Anything?* (Washington, D.C.: The Conservation Foundation, 1977) p. 8.

[44] Definitions and forms of access noted in interviews include (1) getting to the water's edge: basic shoreline access; (2) forms of community and urban coastal access; (3) new provisions for access; (4) access to the sea; and (5) visual access.

Some consequences and needs related to access include: (1) the need to facilitate appropriate forms of access, while preventing destructive kinds of access; (2) dealing with pressures on sensitive environments; (3) possible hazards arising from easy access to dangerous areas; (4) conflicts between coastal residents and coastal recreationists; (5) transportation and parking dilemmas.

[45] *Coastal Planning Issues* . . . , note 8 above, p. 6.

[46] Interview with Norbert Dahl, Coastal Land Use Coordinator, Sierra Club, May 22, 1978.

[47] For example, see Scott, *Governing California's Coast*, note 2 above, pp. 63, 73, 107-112.

[48] Dahl, note 46 above.

[49] Sorensen, note 16 above, p. 8-12.

[50] Letter from Andy Manus, Area Marine Advisor, Marine Advisory Programs, University of California, June 29, 1978.

[51] Grote, note 6 above, p. 4.

[52] Interview with Joseph E. Bodovitz, former Executive Director, California Coastal Commission, May 16, 1978.

[53] Gladwin Hill, "Effort to Preserve U.S. Coastline Lagging," New York *Times*, April 25, 1978, p. 66.

[54] Eugene C. Lee and Stanley Scott, "Issues of Coastal Governance, with Special Reference to the Seaward Side," in *Sea Grant, University of California, Annual Report, 1975-1976* (University of California Sea Grant College Program) IMR Reference 77-104. Sea Grant Publication 57, pp. 19-22.

[55] John M. Armstrong and Peter C. Ryner, *Coastal Waters: A Management Analysis* (Ann Arbor, Mich.: Ann Arbor Science Publishers, Inc., 1978), p. 15.

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VII

Book Review
Sorensen, *STATE-LOCAL COLLABORATIVE PLANNING: A GROWING TREND IN COASTAL ZONE MANAGEMENT*

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Summary

Sorensen reports on a two-year study of one form of state-local institutional structure for coastal zone management. It assigns defined roles and responsibilities to both state and local governments and has been characterized as the "collaborative planning process." Sorensen describes its origins and the experience with it in nine states. The steps in the process are analyzed in detail, and its advantages and problems are noted. Suggestions are offered for coping with initial difficulties. Sorensen's account indicates, however, that serious differences in state and local perceptions of coastal management and the way power and responsibility should be divided will have to be overcome before true collaboration may emerge.

The Federal Act

The Coastal Zone Management Act of 1972, in Section 306, specified three alternative techniques, or state and local roles, for controlling land and water uses in the coastal zone:

1. State criteria and standards for local implementation, subject to state administrative review and enforcement of compliance.
2. Direct state land and water use planning and regulation.
3. State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations proposed by any state or local authority or projects proposed by any private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

Furthermore, one of the Congressional findings in Section 302 of the Act was that, "the key to more effective protection and use of land and water resources of the coastal zone is to encourage the states to exercise their full authority."

Early State Programs: Rhode Island, California, Washington

Some coastal states anticipated Congressional action and established early state coastal management programs. Rhode Island was one of these states, and it followed the second of the three models listed above. The Rhode Island General Assembly in July 1971 created the Coastal Resources Management Council, which was to become the state coastal management agency. It was to be assisted in the program planning stage by the Statewide Planning Program and the University of Rhode Island Coastal Resources Center. Staff services for reviewing permit applications would be provided by the Division of Coastal Resources in the state's Department of Natural Resources. Coastal planning and regulation were centered in state agencies. Instead of some kind of state-local partnership, the Rhode Island institutional structure called for two separate management jurisdictions. The local governments would continue to exercise their traditional zoning and land use controls without interference, except for certain specified land uses and coastal physiographic features. The state jurisdiction would regulate the entire seaward side of the coastal zone and only these activities and coastal features: (1) power generating and desalination plants; (2) chemical or petroleum processing, transfer, or storage; (3) minerals extraction; (4) shoreline protection facilities and physiographic features being shaped and modified by tidal waters; (5) intertidal salt marshes; (6) sewage treatment and disposal and solid waste disposal facilities.[1]

Coastal management centralized at the state level was presumably suitable for Rhode Island, a small state with a long coastline vital to its recreational, tourism, transportation, and industrial interests. California, another state that enacted a coastal management program independently of Congressional urging, established a state structure that shared responsibility between the state's Coastal Zone Conservation Commission and six regional commissions. The people of the state established this program themselves by direct vote on Proposition 20 in November 1972.

The four-year developmental stage of the program virtually bypassed the local governments. Stanley Scott has noted that:

> California's state coastal planning program was enacted in response to certain shortcomings seen in the performance of local government. Critics believed that local governments were often not effective with respect to the environmental aspects of land use regulation on the coast, were incapable of dealing with big projects, usually proved unwilling to consider the needs of their neighboring communities, and tended to give developers too free a rein.[2]

The state and regional commissions shared responsibility for preparing the California Coastal Plan, and they regulated coastal development directly during the four-year interim before mandated state legislative action on the proposed Plan. The consequences of that action will be noted later on.

Washington was another state that enacted an early coastal management program. The voters had a choice between Initiative 43, which proposed a strong centralized state program, and the state legislature's proposal to give local governments responsibility for planning and regulation subject to state guidelines and approval. The Shoreline Management Act, passed in 1971, provided for:

> a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program . . . . The [state] department [of ecology] shall act primarily in a supportive and review capacity with emphasis on insuring compliance with the policies and provisions of this chapter.[3]

The provisions of this Act were implemented by the Department of Ecology's promulgation of its guidelines for local governments as Chapter 173-16 of the Washington Administrative Code.

"State-Local Collaborative Planning"

Oregon and other states also chose to involve local governments in the coastal management process. Strong centralized planning and regulation in a state agency, which appears to have been visualized by the federal Office of Coastal Zone Management in its early regulations, has been avoided in many states in favor of a "networking" structure, which includes multiple state agencies as well as local governments. The first and third of the structural alternatives offered by the federal Coastal Zone Management Act appear to have become most popular with coastal states. This kind of structure has been called "state-local collaborative planning," by Jens Sorensen, who has ably investigated it in a detailed study of nine states: Wisconsin, Minnesota, Michigan, Maine, Washington, Oregon, North Carolina, Florida, and California.

Sorensen identifies ten procedural components that are common to this process:

1. Development of state-level objectives, policies, and guidelines.
2. Preparation of local programs.
3. State review and evaluation of local programs.
4. Negotiation to resolve conflicts and program approval or denial.
5. Sanctions imposed by the state if an acceptable local program has not been prepared.
6. Local implementation of programs.
7. State monitoring of local program implementation.
8. Appeals made to the state of local actions or permit decisions deemed to be inconsistent with local programs.
9. State review of proposed amendments to local programs.
10. State sanctions imposed if local programs are not adequately implemented.

At the time Sorensen carried out his investigations, most of the states he studied had not progressed beyond the first two of these components. He also found that the collaborative planning process in each of these states did not include all of the ten components.

The first question that may be posed in regard to Sorensen's analysis is: what is meant by *collaboration* in this planning process? He points out five key components that distinguish this process from other state-local arrangements for land use planning and resources management.

1. State formulation of objectives, policies, and guidelines.
2. Local governments prepare programs within state-established time deadlines; the state may offer grants-in-aid or technical assistance.
3. The state approves local plans that meet its criteria.
4. The state imposes sanctions on local governments that do not prepare acceptable plans in time.
5. The state reviews project proposals considered to be inconsistent with approved local plans.

Except for the second component, whereby the state may offer some financial or technical assistance to local governments, these five elements appear to add up to an authoritative rather than collaborative process. The process described by Sorensen may in fact be workable and effective for coastal zone management and be acceptable to OCZM. But "collaborative" may be a misnomer for the process. We should look a little more deeply into its components to find out about its characteristics and discover what makes it work. Sorensen appears to be describing an institutional structure and allocation of authority that will prevail in many, if not most, state coastal management programs. The success of such programs may stem more from the reassertion of state authority over local planning and permitting than from a development of the spirit and process of collaboration.

Distinguishing Features

Sorensen points out that two state authorities and an analytical procedure are specially distinguishing features of the collaborative planning process (CPP). The first authority is that the state may impose a potent sanction, such as a state-prepared plan, if local governments do not meet state coastal planning requirements. The second state authority is review of proposed projects, generally by appeal, and the power to reverse or modify local permit determinations. The distinctive analytical feature of CPP is state agency critical review and evaluation of local plans to see that they comply with state policies and guidelines.[4]

The empirical observation of CPP, as Sorensen suggests, puts it into close accord with Lindblom's concept of "partisan mutual adjustment."

> In the CPP neither the state nor the local government is in complete control. The process is an exercise in shared authority and responsibility. If the arrangement is to work, both parties must participate and be willing to negotiate, bargain and make trade-offs . . . . Local governments will enter into this mutual adjustment process because they anticipate they will gain more than they will lose from the outcome . . . . They will be attracted by the incentives and avoidance of sanctions plus the willingness of the state administrative agency to work out differences with local government in order to minimize confrontation and its attendant political reverberations.[5]

State sanctions and review authorities in CPP may have shifted power over land use from the localities back to the state. But local governments have their own weapons to resist erosion of powers that had been delegated to them by older planning enabling legislation. The large number of local jurisdictions, permit applications, and local implementation decisions are likely to be more than the limited state supervisory staff will be able to track in detail. Local governments can also act together to appeal to the governor and state legislature to mediate their differences with the state administrative agency. Sorensen notes that some states have revised their policies and procedures in response to collective local political action.

A Ticklish Job

Sorensen's own observations appear to indicate that there may be more adversary relationship, bargaining, and power struggle in the CPP than actual state-local collaboration. Given our federal structure of government, with its intentionally built-in checks and balances that have been carried over into state constitutions, state-local confrontation rather than collaboration may be expected. What is important, however, is not what label is put on a particular approach to state-local relations in coastal management, but rather how effective the process is in the ticklish job of conserving environmental resources at the same time that it promotes, or at least does not hinder, economic development. The valuable contributions of CPP to coastal management appear to be essentially that: (1) it gives local governments an effective and clearly defined role and a share of responsibility and authority, and (2) it *mandates* local participation in the general effort to implement state coastal policies and achieve their objectives.

The problem is that state and local policies and objectives may not be congruent, or they may be in actual conflict. Sorensen has made an important contribution to our understanding of this problem and the difficulties involved in carrying out the state-local collaborative planning process. He has also gone beyond analyzing the problems involved and makes specific recommendations about how to cope with the difficulties likely to be encountered in each of the steps in the process. His findings and recommendations carry considerable weight, for they are based on more than two years of intensive study and analysis. The publication reviewed here is only the visible tip of the iceberg, for much of the data are contained in extensive appendices that describe coastal management structures in the nine states investigated. It is unfortunate that the appendices have been reproduced in only limited quantities and are not generally available.

It would not be appropriate to catalogue all of Sorensen's findings and recommendations, but one example may be noted. In the first step of the CPP, determining state coastal management objectives, policies, and guidelines:

> The state must first determine how local government programs can achieve the objectives of the enabling act given the limitations of funding, technical assistance, data, and time. If the state drafts guidelines which require too much from government, it risks retaliation. For instance, local governments may dump program preparation in the state's lap, or collectively petition the legislature for amending or rescinding the act . . . . Aiming the program above city and county planning capabilities can also mean loss of credibility and respect, because it demonstrates that state administrators do not understand the capabilities and constraints of local government operations. If state guidelines are not demanding enough, local programs may not even come close to achieving the objectives of the enabling act.[6]

Some Recommendations

Among Sorensen's many recommendations for dealing with this problem are these: (1) state appropriations should be adequate to cover not only state administrative expenses but also grants to local governments for preparation and implementation of their programs; (2) the state agency should have some staff committed to administering grants, providing technical assistance, and serving as a communications link between local governments and the various state and federal agencies involved in coastal management; (3) an informal task force of local planners and representatives from local agencies should be convened to assist the state in drafting guidelines, to integrate ongoing comprehensive planning with coastal management requirements, and to assess the appropriateness of state policies in light of local government conditions and capabilities.

These are only a few of Sorensen's recommendations that could make CPP a truly collaborative rather than an adversary state-local relationship. They are only a slight indication of the rich fund of knowledge and experience accumulated by Sorensen about institutional structures for coastal management and contained in his report. It might be worth noting, incidentally, that it would also be helpful if the federal Office of Coastal Zone Management and the legal beagles in environmental organizations who delight in tearing apart state coastal management program proposals would also demonstrate some awareness of the political and financial constraints in the way of getting state legislatures to act in the first place and then making it possible for local governments to do their part.

California's Experience

Stanley Scott has recently reported on implementation of the California coastal program that was enacted by the

state legislature at the end of the 1976 session. It contained elements of the collaborative planning process, for local governments were to prepare coastal plans and implementing ordinances following policies and guidelines set by the state commission. Local programs were to be subject to review by the regional commissions and certification by the state commission. Scott noted these difficulties in the early stages of state-local "collaboration."

> In most cases, new local staff had to be hired, or consultants employed for the planning work. Some local staff appeared to develop good working relations with regional or state coastal staff, while others voiced a variety of complaints. These complaints included difficulties in inter-level staff relationships, inadequacy of communication and understanding between levels and agencies, and an appearance of conflicting goals and interpretations between state and regional commissions . . . .
>
> There was also some local unhappiness with funds made available for coastal planning. By urging local governments to include a wide range of topics in their early identification of issues, the state commission may inadvertently have encouraged local overshooting of the mark by sketching ambitious planning efforts . . . . As localities proposed work programs and budgets for approval by the coastal commissions, the latter found many too elaborate and expensive for available time and funds, and called for cutbacks . . . .
>
> At this point in mid-1978, it is unclear to what extent local governments will have to go back to the drawing board to produce local plans to comply with the coastal law as interpreted by the state commission. It seems certain, however, that virtually all local governments will have to do appreciable work to bring their plans into conformance.[7]

Conclusion

Scott has cited other problems that confirm Sorensen's observations about the nature of the collaborative planning process. There is little doubt that some kind of state-local structure will be the prevailing mode of establishing coastal management institutions. It has many advantages, primarily its political acceptability at both levels. It is not a panacea, however, and state and local governments will have to overcome many problems before their programs shake down. Sorensen has done the field of coastal management a great service by warning of the pitfalls and suggesting ways to avoid them. If eventually true state-local partnerships and effective collaboration emerge, we will have to be grateful for Sorensen's contribution.

NOTES

1. General Laws of Rhode Island, Title 46, Chapter 23. For an account of the establishment of coastal management in Rhode Island, see Joseph M. Heikoff, *Coastal Resources Management: Institutions and Programs* (Ann Arbor: Ann Arbor Science, 1977), Chapters VIII-X.

2. Stanley Scott, "Coastal Planning in California: A Progress Report," *Public Affairs Report*, Institute of Governmental Studies, University of California, Berkeley, June-August 1978, p. 1.

3. Revised Code of Washington, Sec. 90.58.050, 1971. See also Heikoff, Chapters XI-XIV.

4. Jens Sorensen, *State-Local Collaborative Planning: A Growing Trend in Coastal Zone Management* (Washington, D.C.: Office of Coastal Zone Management and Office of Sea Grant, NOAA, U.S. Department of Commerce, 1978), pp. 2-6.

5. Ibid., pp. 2-10.

6. Ibid., pp. 8-1, 8-2.

7. Scott, pp. 2-3.

Editor's Note: Heikoff reviewed a pre-publication draft of Sorensen's book. A revised version is now being prepared for 1981 publication by the Institute of Marine Resources, University of California, San Diego.

VIII

CALIFORNIA COASTAL PLANNING: A LOOK AT AN EXPERIMENT IN PROCESS

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South Central Coast Regional Commission

INTRODUCTION

California coastal governance is a complex organization with complicated tasks, whose operation is truly "an experiment in process." Since 1972, the state has played a key role, but principal jurisdiction is soon scheduled to be returned to local government, through state-certified local coastal programs (LCPs) that incorporate state coastal resources policies. Accordingly, with the LCP process now well along, this seems an appropriate time to take a careful look at California's coastal planning enterprise.

The state Coastal Commission and six regional commissions comprise an agency for state regional resource development and protection, created by voter initiative in 1972 (Proposition 20) and revamped and extended by the Legislature in 1976. Its principal coastal zone management tasks are coordination of LCP preparation, review and approval of LCPs, and administration of coastal development permits for local development in the interim. By July 1981, all the LCPs are supposed to be completed by local governments and certified by the state Coastal Commission.[1]

This article focuses on the coastal planning process, with emphasis on 1979-80, an important and challenging period when the commissions have been acting on many complex development permits and reviewing some of the early LCPs. Major issues and challenges that confronted the commissions are posed, followed by comments on measures taken to resolve the issues, plus some suggestions for future actions. This paper is written from the vantage point of a staff member of a regional commission.*

A different approach to the paper, listing and reviewing concrete commission accomplishments during the period—e.g., number of access points established, surface area of wetlands protected, acreage of agricultural land protected—would have demonstrated the "physical" successes of the commissions. But it seemed more useful to concentrate on the process issues and related challenges encountered in California's coastal planning.

*The views expressed in this article are those of the writer and do not necessarily reflect the views of the state or regional coastal commissions. The writing of this paper was completed in August 1980.

PRINCIPAL COASTAL ISSUES

Permits vs. Planning

Issue: A 1978 report by California Research raised a major issue respecting the commission's heavy commitment to review of permits. The report suggested that one consequence was a failure to push sufficiently toward completion of the coastal zone planning effort.[2]

Comment: The competition between permit review and planning is not unique to the coastal commissions but also characterizes many local planning agencies whose zoning or permit review activities can often take far more time and resources than the work on long-range planning.

During 1973-76, the permit process regulated coastal land use, and built up a series of precedents through permit decisions that helped define more clearly the policies of the 1972 coastal initiative, as they were proposed to be implemented through the statewide *California Coastal Plan.*[3] Because permit processing was the major time-consuming task in the coastal commissions' early life, the momentum of the permit process built up and continued, even when the commissions' attention shifted to local coastal planning. Thus the permit orientation continued to influence the new commissions after 1976. Moreover the load of permit-review work continued to be heavy: in the three-year period 1977-1979, the regional commissions handled 19,789 permit applications. But by 1979, coastal critics were calling for the commissions to give more time and emphasis to planning, as intended by the 1976 act.

In fact, there has been a recent marked shift in orientation, caused in part by submission of the first LCPs to the commission for preliminary or final review. These reviews necessarily entail more emphasis on the LCP process, and more commission and staff attention to LCP matters. The Asilomar workshop[4] for all state and regional commissioners, in March, 1979, was also influential in contributing to the shift. Thus one of the workshop's major conclusions was that high priority should be given to completion of the LCPs.

Two other changes de-emphasizing permit review activity include: (1) expanded use of administrative calendars, implemented by a regulation of the state Coastal Commission, and (2) two sections of the Calvo bill (Assembly Bill 643) effective January 1980, which conditionally exempts certain types of development including single family homes and improvements from permit requirements, and made other simplifying changes. The Calvo bill was the major 1979 legislation affecting the commissions.

Nevertheless, questions continue as to whether the permit function is still overemphasized, to the detriment of the planning function. On the other hand, continuation of effective commission permit review during the period of LCP approval also seems essential, especially in light of the upswing of development and conservation pressures on coastal resources. Perhaps the very presence of the commissions, and attendant uncertainty about future coastal regulations, encouraged an increase in pressures on the coast, although it is more likely that the phenomena are part of an overall national growth trend in coastal areas.[5] In any event, this high volume of coastal permit requests emphasizes the need for interim state review powers, to assure protection of local resources. While it is not clear whether the commissions could have protected coastal resources adequately with a lesser degree of regulatory control, during 1980 and 1981 the state Coastal Commission will, in fact, be operating with somewhat reduced regulatory authority, due to the recent legislature changes noted (Calvo bill, AB 643).

In any case, the commissions have obviously found shifts in emphasis from permits to planning difficult. While some administrative and organizational resistance to change has been overcome, more effort must be committed to working with local governments in dealing with LCP issues and questions, to provide better and clearer program direction.

LCP Deadline

Issue: Observers doubt whether most LCPs can be completed and submitted by the 1981 deadline.[6] A "stretched out" planning process with a 1982 deadline has been suggested as a feasible alternative, and with funding funnelled into selected priority programs.[7]

Comment: There seem to be several reasons for the possible failure of some local governments to complete and submit LCPs by the deadline. These include: slow program start-up, funding considered inadequate, local traditions, home-rule philosophy, pressure of normal daily local problems, and individual local units' reluctance to be early, and tendency to wait and see what others do.

The start-up of local government LCP work was slow, partly because the program is state-mandated, not locally initiated. Moreover local staff changes and shifts in priorities have also significantly slowed LCP completion. Many of these factors are largely beyond the control of the commission.

Local governments also claim that the funding available to prepare the LCPs is inadequate, compared to the amount of work expected. Furthermore, the passage of Proposition 13 (the Jarvis-Gann Initiative), limiting local property tax revenues, made local governments even more sensitive to the limits of their LCP funding.[8]

The newness and complexity of the coastal program is another significant factor. The comprehensiveness of the coastal act policies, and the lack of local historic precedents or models for LCPs, made the larger jurisdictions cautious, and left the smaller, minimally staffed jurisdictions baffled in the face of what some saw as an overwhelming state mandate.

A regional coastal executive director cited the following additional reasons for slippage in LCP schedules: local units' waiting for legislation that might delete the low- and moderate-cost housing policy from the act, lack of post-certification regulations and amendment procedures, losing touch with project consultants, excessive public participation, and local elections.[9]

The turnover of experienced commission staff as the deadline approaches is already happening and is becoming more critical. Experienced staff, familiar with commission policies and procedures, are essential to the commissions' permit and planning work, especially in providing continuity in the LCP certification hearings. The early departure of many key staff, and the replacement and training of a new staff, could also affect the schedules and content of the LCPs processed by the Coastal Commission.

In spite of delays, however, most local governments have made substantial progress with their LCPs, preparing issue papers and draft plans, and moving on to local hearings in relatively short periods of time. By comparison, the mandated program for local governments to prepare local general plan elements, initiated in 1967, but with no enforced deadline and no monitoring or agency review, is still not complete thirteen years later.

Since LCPs must deal with sensitive, controversial resource and land-use coastal-zone issues, they should be as controversial and carefully deliberated as the general plan elements. Indeed, the state coastal policy requirements will often make them even more controversial.

In all likelihood the LCP process will, as noted, fail to meet the deadline. In trying to speed up the programs, the commissions have several options that include: (1) indicating to local governments minimum requirements for LCP certification by policy areas; (2) initiating short-term studies of known problem areas within specific jurisdictions; and (3) distributing guidelines and models, providing legal support for the zoning phase of LCP, and also organizing local staffs within each region or county to collaborate on zoning. One basic requirement for program speed-up is local willingness to make substantial commitments to the LCP process, and give it a high priority as done in Santa Barbara County and the City of Carpinteria.

In any event, according to the 1976 act, if an LCP remains uncertified at the end of the statutory period, June 30, 1981, the Coastal Commission has two alternatives: (1) it can declare a local moratorium on coastal development permits; or (2) it can continue reviewing coastal permits in the affected jurisdiction, as it does under the present system.[10] A study by the California Assembly Office of Research recommended that if many LCPs are not completed by the deadline,[11] the Coastal Commission

should develop other contingency actions, in addition to those provided in the 1976 coastal act.

Suggested measures include *partial certification*, whereby the Coastal Commission would certify and the local jurisdiction would assume permit authority only for those portions of the LCP that clearly conform to coastal act policies, leaving certification of controversial areas until later. Also suggested was *transfer of the permit function* to local government when a local jurisdiction has secured commission approval of the *land use plan only*.[12] The first measure is feasible, but the second falls far short of implementing local plans so that local governments could carry out the purpose of the 1976 act, or so that commissions and the public could follow and review LCP implementation satisfactorily. Transferring the permit function would also destroy the local incentive to complete the LCP and prepare implementing measures.

To sum up, it seems apparent that the coastal planning process as outlined in the act gave the commissions an impossible task to accomplish in an inadequate amount of time, even with the Coastal Commission's one-year extension of the deadline for LCP submittal by local government, from January 1, 1980 to January 1, 1981—an extension permitted under the 1976 act.

Home Rule vs. State Mandate

Issue: "Home rule vs. state mandate."

Comment: Local sensitivities to state mandating are probably one of the strongest influences on local attitudes toward LCP preparation and adoption.[13] This is reflected in: slow program start-up and delay, criticisms of funding, and, especially, local opposition to specific or detailed planning.

Local government has been on the receiving end of a good deal of mandating. In less than a decade, for example, California's local governments have had to cope with a series of state or federally imposed mandates including:

1. Wastewater planning requirements (Federal Water Pollution Control Act as amended in 1972 and 1977, especially section 208, and water quality requirements in the California Health and Safety Code);
2. Air emission requirements (Federal Clean Air Act as amended in 1970 and 1977 and air quality requirements in the California Health and Safety Code);
3. General plan consistency requirements (California Government Code and State Office of Planning and Research guidelines);
4. Environmental impact reports (National Environmental Policy Act of 1976 and California Environmental Quality Act of 1970); and
5. Local property tax limitations (Jarvis-Gann Initiative).

In light of these and other mandated requirements, and in a time of increased regulations, inflation and diminishing financial support, the requirements of the coastal act can be seen as further restraints and costs impacting local government.

In preparing LCPs, local representatives argue against including much specific detail in the plans, maintaining that the certified LCPs ought to allow flexibility for future local decisionmaking. With respect to specific coastal act policies, locals often point to the existing level of protection as adequate (e.g., wetlands), or to adequate amounts of facilities currently provided (e.g., accessways, low- and moderate-income housing), as complying with state coastal goals.

These claims of consistency may be valid in many instances, and in any event would need case-by-case analysis for well-informed evaluation. But obviously these local contentions reflect a local vs. state conflict that is difficult to deal with in the short term. Responses to the commissions' policies and assessments commonly heard are: "You [the commission] don't understand the local situation," or, "You are singling us [the locals] out." The protracted disagreements, or the compromises that are sometimes less-than-satisfactory to all parties, may also represent the formulation of less-than-adequate local coastal policies and plans.

Key difficulties in certifying the LCPs relate to approving programs and regulatory measures that local and state governments believe will meet the intent of statewide regulatory policies. For example, what minimum parcel size requirement (local regulatory tool) for prime agricultural land is needed to protect the maximum amount of prime agricultural land (state coastal act policy)?

The locals argue that the commissions are "outsiders" and do not know what is best for the local area. But the commissions must also consider regional and statewide perspectives in implementing the coastal act. Before certifying LCPs, the commissions must find that the local coastal program is consistent with the policies of the coastal act. In short it is important for the coastal commissions and staff to be sensitive to local concerns, as well as to have a clear sense of priorities, permitting reasonable conflict resolution on key coastal issues.

LCPs and Statewide Programs

Issue: The effectiveness of linkages between local coastal zone management programs and other statewide planning programs is being questioned, and stronger links between the LCPs and other planning programs have been urged.

Comment: Many statewide planning programs such as air quality, parks and recreation, transportation, water quality, solid waste, and capital improvement should be coordinated with coastal planning. A 1978 progress report on the commissions noted that the concept of California's comprehensive program "includes accommodating the goals and objectives of both local communities and state agencies having major responsibilities in the coastal zone."[14] A Sea Grant sponsored workshop also urged coordination, and encouragement of expedited planning by other state agencies.[15]

The commissions currently communicate with other state agencies on coastal matters—in some cases having special service contracts with them—exchange data, and solicit their review and comment on coastal permits and LCPs. The participating agencies include: Air Resources

Board, State Lands Commission, Department of Parks and Recreation, Department of Fish and Game, Department of Housing and Community Development, and the Department of Mines and Geology. A task force of departments in the State Resources Agency, organized to encourage coordination and address interjurisdictional relationships, has completed initial information gathering, and should be very useful now that LCP implementation is approaching. Commission staff have also held workshops on the commissions' programs with agencies like the Department of Parks and Recreation, the Department of Fish and Game, and CalTrans. Moreover, commission staff have been designated as coordination and planning liaison with other state agencies. In addition, local governments themselves initiated direct relationships with statewide programs and program coordination in connection with their LCP work.

Sometimes coordination between the commissions and other state agencies is frustrated by the very breadth of the commissions' jurisdiction. An example is the Coastal Commission's dealings with the Department of Parks and Recreation. Sometimes the department is an applicant before the commission, requesting permits for development or improvement of its coastal holdings. But the commission also needs the department's advice and help in connection with plans for park development to be included in LCPs of local governments adjacent to state parks. Such multiple relationships are sometimes difficult to handle. Differences between the Coastal Commission and other state agencies in size, age and legislative authority can also limit the degree of cooperation and effective coordination possible during the brief timespan allowed for LCP preparation.

Finally, the report by the California Legislature's Assembly Office of Research identified four significant issues of policy coordination not being addressed in the LCP process: (1) state agency compliance with LCPs, and preparation of agency plans to guide their coastal zone activities; (2) policies for off-shore coastal resource management; (3) integration of transportation systems in the coastal zone; and (4) identification of conflicts between federal, state and local policies in the coastal zone.[16] Despite the state-state and state-local coordination, the commissions need to address these inter-level policy issues before the end of the certification process, and in preparation for the Coastal Commission's post-certification roles.

Interjurisdictional Issues

Issue: A major interjurisdictional issue is cumulative impacts and how to evaluate them. Some coastal planning efforts should involve several jurisdictions, and relate to matters that typically have cumulative impacts, e.g., prime agricultural land conversion, recreational visitor access and access restrictions, watershed and estuarine complexes, deterioration of scenic qualities, and the socio-economic composition of coastal communities.[17] Numerous decisions on such matters by many agencies can have significant cumulative impacts on regions or sub-regions, prompting Dickert and Sorensen to recommend geographic-area and sub-regional plans to deal with such effects.

Comment: The relationship between LCPs and statewide planning programs (e.g., air quality and water quality) also involves interjurisdictional issues. Regional approaches would clearly be helpful for cumulative impacts and matters that span jurisdictional boundaries, but this seems beyond the present scope and authority of the coastal commissions. The commissions can, through the funded LCP work programs, encourage and support the coordination of local planning efforts by jurisdictions sharing common problems, but this seems to be about as far as they can go, at least under prevailing interpretations of authority and feasibility. For example, the work program for the County of San Luis Obispo LCP was funded for a special watershed study that included the City of Morro Bay, reviewing and assessing issues affecting both jurisdictions. Also, special projects can address "coastal system" problems, e.g., the Highway 1 traffic studies conducted by the Department of Transportation (one covering Big Sur and another area north of San Francisco) and the fisheries and commercial fishing fleet projects (examining north and central coast fisheries and the state's harbors).

Moreover local governments should take initiative in recognizing multijurisdictional problems and formulate appropriate policies. Nevertheless, we probably cannot expect substantial progress in dealing fully with cumulative impacts through a predominantly local approach, considering the almost exclusively local-interest orientation shown by most local governments. Alternate vehicles—e.g., a state agency with appropriate authority, or consortia of local governments perhaps organized issue-by-issue and with adequate funding and state policy support—are probably needed to deal with cumulative impacts and interjurisdictional issues. This conclusion suggests an important future role for the state Coastal Commission.

Policy Generality vs. Specificity

Issue: Coastal act policies, written for California's diverse and varied 1,100 mile coast, are often phrased in general terms. The locals' task of translating these policies into specific plans poses a "generality vs specificity" dilemma.[18]

Comment: The local governments tend to avoid specificity in drafting their LCPs, trying instead to retain maximum flexibility partly so they can be more responsive to local interests. On the other hand, they also find it difficult to deal with the *general* character of some of the coastal act's policies, being uncertain what to do in the absence of specific guidelines from the commissions. In short, while they want the commissions to give them reasonably concrete guidance, they do not want to be very specific in their own LCPs.

Part of the problem stems from the comprehensive policies of the act, which cover a wide range of issues, i.e., transportation, housing, hazards, energy, industrial development, as well as such more directly "coastal" matters like shoreline access, recreation, boating and scenic coastal views. The magnitude of the task of translating such statewide policies into effective, workable local policies for

inclusion in the LCPs seems to have been underestimated by the Legislature and the bill drafters.

Further, the commissions also have an enormous job of working with local governments in the preparation and review of the LCPs. Thus commissions must attempt to provide interpretive guidance, and allow for local variations and innovations, while at the same time maintaining reasonable statewide consistency in the certification of local plans.

Accordingly, the commissions have prepared several documents that complement coastal act policies with interpretive detail: (1) guidelines on access (adopted); (2) a staff LCP discussion paper on access; (3) guidelines on wetlands (a draft); (4) a staff LCP discussion paper and model ordinances on wetlands; (5) guidelines on housing, covering definitions, condominium conversions, and stock cooperatives (adopted); and (6) guidelines on housing, covering new construction and demolitions (adopted).

While the commissions are thus trying to clarify and interpret and specify the intent and application of coastal act policies, as we have suggested, local governments are reluctant to make detailed and highly specific coastal land-use plans.[19] In asking for specific policy guidance, the locals anticipated that it would not be binding in detail, but that interpretations and adaptations reflecting local interests would be allowable. Thus, local governments have underscored the need for "flexibility" in their plans.[20]

On the other hand, the certified LCP policies and regulations, not the coastal act policies, will be the principal vehicle for guiding local coastal development after certification. Thus the importance of specific land-use plans in the coastal process cannot be overemphasized.[21] In short, the dilemma of how to resolve "generality vs. specificity" issues continues to exercise both local government and the commissions.

Information and Communication

Issue: Local governments preparing LCPs have requested additional technical data, source material, and information about the experience of other agencies. As more and more local documents are prepared, the number of useful publications and data sources increases, and program experience grows. No organized statewide mechanism currently collects and shares this information, although dissemination could save valuable time and reduce task duplication. Earlier, a workshop sponsored by Sea Grant called for a state inventory of information sources and technical assistance.[22] Dickert and Sorensen also recommended a detailed compilation of geographically based mapping and related information.[23] Moreover, the commissions' use of scientific information in the planning process has been criticized as too limited.[24]

Comment: The funds available for LCP work have not enabled the commissions to sponsor or finance substantial original research for the LCP process. Early in the program, the Coastal Commission staff prepared the *LCP Manual*, covering the LCP land-use and zoning preparation processes in considerable detail, including information sources and agency contacts. This was supplemented with written communications, plus meetings and workshops involving commission staff, and state and local government staff. Information is also formally communicated via the commissions' staff reviews of local LCP drafts.

The commission staffs' scientific and technical capabilities were expanded through staff augmentations, and the scientific personnel of other state agencies tapped through special contracts and informal coordination. In November 1979, the commissions supported a statewide conference on wetlands, with participation by the scientific community and citizen groups.

Although further increases in the scientific in-put may be desirable, the commissions have chosen to focus much of their limited resources on trying to get the LCPs completed in the designated time. In the planning and review processes, it therefore seems essential to make full use of "volunteer" technical reviewers, and of existing natural science data, both (1) as background and findings respecting specific LCPs being reviewed, and (2) for future use by locals in implementing their LCPs after certification.

At this point, the commissions can probably best address the issues by (1) improving the communication and interpretation of commission actions on the local plans in the certification process (policies, context, special conditions and programs), and (2) collecting for later compilation geographically based maps and other information produced during LCP preparation.

The Regional Focus of LCPs

Issue: Preparing local plans that incorporate mandated state policies on the scale contemplated by the coastal act is a time-consuming, delicate process that is new to both state and local government. Clarity on respective roles, and timely collaboration between state and regional commission offices, are critical to the scheduled LCP completion. On this score, the report by the Department of Finance recommended that the state coastal staff try to anticipate LCP issues earlier and make recommendations on them, thus improving the staff's credibility with both regional coastal staff and local government.[25]

Comment: Under the LCP process the state Coastal Commission's principal role is coordination, overall policy guidance, and final certification. The regional commissions have a more direct working relationship with local governments, and are assumed to have a major responsibility for reviewing the LCPs. This is the sharing of roles called for by the act. Moreover the limited time available for the state Coastal Commission and staff to review and analyze LCPs from 67 coastal cities and counties makes such sharing of roles essential.

The report by the Department of Finance argues that regional coastal staff should take the lead in applying coastal act policies to local situations, indicating when reviewing LCP documents when and how the policies should be interpreted, especially when existing permit precedents or adopted coastal guidelines do not cover questions raised, or where local circumstances may suggest policies that differ from earlier precedents.[26]

The processing of the first LCPs forced a clearer recognition of the "first line" role of regional commissions and

staff in LCP review and certification. Probably a growing awareness of the sharply rising LCP workload, contrasted with the limited number of state coastal staff, prompted this recognition. Perhaps it is attributable to other causes. In any event, there has been a shift toward emphasizing the regions' role in the LCP process. A related change was the appointment of two deputy chief planners in the state coastal commission office to assist the chief planner in managing and coordinating the LCP process. This has helped organize and distribute the workload better, as well as facilitate quicker responses to regional questions respecting the local planning programs.

These changes had a positive effect on the LCP review, with more state and regional commissioner and staff time being given to the LCPs. The focus at the regional commission level has brought the certification review process closer to local governments and therefore made it more accessible to them. Increased state coordination and other assistance are aiding both the regional coastal offices and local governments.

LCP Funding and Review

Issue: A major criticism of the LCP process emphasizes inadequate funding, arguing that the commissions are expecting more work than the available money will allow, or that the commissions have underestimated what it takes to complete an LCP.[27] Another kind of critique points to different circumstances from one local jurisdiction to another, that need commission consideration and acknowledgment in LCP preparation, especially during certification review.[28] Wide variations among coastal communities in urbanization, economic base, fiscal and human resources, public attitudes, developmental pressures, environmental factors, natural resources, and previous planning experience, will be reflected in LCP preparation and need be considered in LCP review.[29]

Comment: It is both essential and equitable that the commissions should consider the level of funding available in judging the treatment of specific issues in the approved LCP work program. At the same time, however, the commissions must consider the need for statewide consistency in LCP policies. Similar issues and similar circumstances need to be decided in a similar manner. On the other hand, commissions must also take adequate account of community variations, or the certification process may bog down, or other jurisdictions may avoid completing their programs. The LCP work programs received limited funding, largely from the federal coastal zone management monies available. At that time, and later in the actual LCP preparation, some jurisdictions requested funding beyond the approved work program for research on particular issues. Some got budget augmentations, but often additional funds were not available. To repeat, the commissions and staff in reviewing LCPs must therefore recognize these limits on local program capability. The LCP review must also contemplate that, for the most part, the work programs and the funding levels can provide only for a minimum amount of new or original research.

In processing the first LCPs going through the certification process, it is unclear to what extent the commissions took funding limits into account. Two programs were sent back and more work required, funds for the further work being provided prior to final certification (the cities of Oceanside and Capitola). Other programs were approved without such conditions.

But in their 1979-80 activities, the commissions and staff seem to have approached the review process with reasonable expectations, and an awareness of local differences. Presumably, their approach will mature still further as more programs are certified, and the commissions and local governments gain experience.

Expectations for the LCP Reviews

Issue: Coastal researchers anticipated that the earliest local programs received would get the most thorough review, and undergo the toughest negotiations.[30] Presumably, in the early stages the state agency staff, being new at the review process, will be taking special pains to guard against setting undesirable precedents in early decision.[31]

Comment: Thorough LCP reviews by the Coastal Commission at the outset seem inevitable. Since 1973, the commissions have been working towards the time when the principal authority over coastal development is returned to local government. It is not realistic to expect the commissions to "let go," without thorough, detailed reviews of the plans that will govern the coast after certification. Moreover the earlier LCPs will undoubtedly provide precedents or models for later programs.

In fact, the first programs submitted for certification were thoroughly reviewed. As the commissions and local governments have become more experienced they appear to be able to focus more on a relatively few points and issues considered crucial. This is partially due to the use of early LCPs as examples for the other local governments, giving them a better idea of the commissions' requirements and expectations. With many questions thus resolved by earlier example, the subsequent reviews could concentrate on key matters.

At the same time, the shift in management direction noted earlier gave the regional commissions a stronger role in LCP reviews. Moreover, if at all possible, the state Coastal Commission seems inclined to find "no substantial issue" (in effect upholding the regional decision) on local plans that have regional approval.

As the LCPs are reviewed and acted upon by the regional and state commissions, negotiation and compromise are very important. Local jurisdictions often claim—in most cases accurately—that the locally approved plan resulted from a long and arduous process of local preparation and decisionmaking. Accordingly, they maintain that their proposals represent the best possible (or achievable) plans for their communities. Of course, that does not necessarily mean that such plans are also fully certifiable as meeting coastal act requirements.

The interests and purview of the jurisdictions involved are different, by both definition and practice. Each local community has its own circumstances and history that

affects its approach to and interpretation of its coastal area needs. These may differ from those of the Coastal Commission. The commissions have their own evolving background of policy making and permit decisions, embodying commitments to the protection of coastal resources under the 1976 coastal act, but there can be no such similar assumption for all local governments.

In part, the locals' insistence on locally determined solutions is a reaction to the lack of specific direction from the commissions on LCP content. In part it is due to the locals' firm belief in the legitimacy of their own local process. Moreover once the LCP has been submitted and commission review begins, some local decisions are called into question. It is unlikely that LCPs as finally approved will either conform in all ways to a strict interpretation of the coastal act, or, on the other hand, entirely reflect local desires. The process of certification at the regional and state commission level becomes something of a ballet of compromise, each entity attempting to achieve its own real and perceived goals, and protecting the integrity of its own process, in trying successfully to conclude the certification phase of the program, returning permit jurisdiction to the local level. Only through compromises by both the locals and the commissions can the process end in a workable program, including a necessary commitment to implement the LCPs.

Although resolution of *all* local coastal issues seems to be a goal of this planning process, the commissions must in fact allow for some issues that cannot be resolved satisfactorily during certification. These latter issues should be identified and set aside for uses that would not irrevocably commit the resources, prior to being readdressed, and the issues resolved during a later review of the certified plan.

(A footnote respecting compromise in the certification process relates to the problem of maintaining reasonable statewide consistency in LCP decisions on similar issues. When decision precedents exist on a specific issue, it is difficult for the commissions—in seeking compromises—to make other decisions on the same issue in a different location or LCP. Where such cases arise it will be interesting and significant to note how they are handled by the commissions and the locals, as they attempt to complete the LCPs, maintain both reasonable consistency and individual jurisdictional integrity, and avoid standoffs.)

Permit Processing Delays

Issue: Some critics argue that the permit process lacks adequate and sufficiently specific policies and guidelines, and that clearer and more understandable LCPs are being prepared by local governments. The commissions are also said to have been too "nit-picky," sometimes emphasizing minor issues (perhaps not even coast-related) and imposing unnecessary conditions on permit applications. All this is said by some critics to cause delays in coast development, with increased costs.

Comment: Probably any in-depth regulatory process will increase the total time and cost of getting approval for proposed developments. A study of coastal regulatory procedure costs for residential development in New Jersey supports this assumption.[32] To reduce developers' and consumers' costs, and to improve permit procedure efficiency and effectiveness, the New Jersey study suggests that the regulatory system be made "predictable and integrated."[33]

In fact, the California Coastal Commission has attempted to do this, preparing several interpretive documents (noted earlier) on access, wetlands and housing policies. Moreover the precedents established by the thousands of permit decisions already made also contain strong clues for those designing future developments. In addition, the recent passage of the Calvo bill (AB 643), exempting many single-family residential developments from permit review requirements, expands the scope of administrative permits. The new law also requires a complete review of all commission regulations, with a view to simplifying the regulatory process.

With respect to the issue of "nit-picking," there has been a good deal of recent "defining" and "focusing" on key coastal issues. The shift seems to have been encouraged by: (1) an increased awareness of the content and scope of the LCP process, highlighted by the early certification hearings, and (2) an awareness of the approaching statutory completion deadline and the limited time available.[34]

Given the interpretive guidelines already developed, and the history of past commission permit decisions that give additional guidance, any additional efforts would probably be spent on specific LCP policy questions raised by local jurisdictions in LCP preparation, instead of promulgating more guidelines or tinkering further with the permit application process.

Post-Certification Roles and Support

Issue: What should the state Coastal Commission's role be after LCP certification? What coastal management functions will be needed in the future? What should be the state's role in implementing completed LCPs?

Comment: The state Coastal Commission's future role in LCP implementation needs further exploration. The Coastal Commission needs to identify necessary functions and implementation costs, and seek adequate reliable funds to finance LCP implementation.[35] Commissioners and staff need to study "life after certification," addressing such matters as: (1) needed coastal managerial and planning functions, (2) creation of a monitoring and enforcement system, (3) identification of local implementation and funding resources, and (4) future legislation that would channel through the commission funding to the locals for implementation, legal support, acquisition and restoration.

Coastal Commission Executive Director Michael Fischer sees several basic future commission roles: as monitor and enforcer, appellate body, researcher and advisor, and manager.[36] Under existing statutes and regulations, the Coastal Commission will be responsible for:

1. Appeals on local permits affecting the immediate shoreline area, and coastal wetlands, estuaries, streams and bluffs.
2. LCP amendments.

3. Monitoring of local governments' performance, with reports to the Legislature.

4. Energy developments, especially offshore oil, and electric power plants on the coast.

5. Determining the consistency of federal agency actions with California's coastal program.

Other functions would include planning (e.g., marine sanctuary programs, transportation systems, wetlands restoration), advisory activities (e.g., studies, applied research, and technical assistance), managerial roles (e.g., federal and state funds for LCP implementation, Coastal Energy Impact Program, coastal access), and educational work (e.g., assisting with local and state coastal resource managers' training, and continuation of the commission's public information program).[37] A staff task force has been organized and has prepared proposals for the transition into these roles that were presented to the state commission.

Several recent actions relate to financial matters and funding for local implementation: (1) The Calvo bill (AB 643, 1979) passed, including a section on the payment of certified LCP implementation costs, and providing for local governments to receive legal assistance from the state Department of Justice, in enforcing or implementing certified LCPs. (2) The Kapiloff bills (AB 989 and AB 988, 1979) passed, delegating to the Coastal Commission and the Coastal Conservancy primary responsibility for coastal access, and charging them to develop an access program, including innovative funding techniques, and limiting private liability for unimproved accessways. (3) The Coastal Conservancy initiated an access grant program, providing direct assistance to local agencies for access projects, many of which were identified in the LCP drafts in preparation. (4) Meanwhile the Coastal Commission has also pursued other programs for acquisition, development, and other assistance to implement certified LCPs. Thus a Nejedly bill (SB 547, 1979) placed a bond issue on the June 1980 ballot, including $30 million to help local governments implement certified LCPs. [While those bonds were defeated, a $285 million parklands issue was passed in November, 1980, including $20 million specifically for local government LCP implementation, and $10 million for the Coastal Conservancy.] Also the federal coastal zone management program has given incentive funding for LCPs work, and is providing limited help in implementing LCPs.

Many questions about appropriate future roles for the Coastal Commission and local governments need to be resolved, including: (1) How difficult will it be to amend certified LCPs? (2) Will adequate funding be available to implement the certified LCPs, e.g., pay program and administration costs? (3) What kind of support will the state Attorney General provide in future litigation against local governments or others for action, or inaction, in implementing certified LCPs? The reluctance of some local governments to complete the LCPs on time is directly related to these and other unknowns respecting post-certification issues. Accordingly the commissions should address these matters promptly.

Beyond LCPs

Issue: One study noted, "It is not clear how effective regulation alone can be in preserving the coast."[38] Nor is it clear how far traditional land use controls can implement the certified LCPs, especially in dealing with issues like coastal access, which do not readily lend themselves to treatment by regulations.

Comment: The coastal commissions are aware that some coastal issues will demand creative approaches if coastal act policies are to be complied with. Currently, when the commissions review permits and land use plans, they consider alternatives such as transfer of development rights, fee- and less-than-fee acquisition, Coastal Conservancy action, or use of other state agency powers and responsibilities. Thus the commissions have at least been calling attention to the need for other avenues for coastal act implementation. In 1979, for example, the commissions undertook special projects on access implementation, traffic problems on sections of Highway 1, and agriculture near Humboldt Bay, among others. Commission staff also worked actively with the state Department of Parks and Recreation on acquisition proposals, as well as on planning for existing park holdings. The coastal staff has also worked with the Coastal Conservancy on the latter's programs for agriculture, accessways, wetlands enforcement, housing, and urban waterfront restoration.

It may be very difficult for the locals to work with a coastal land-use plan that differs radically from the current urban planning process, with its individual *ad hoc* decisions.[39] Some also contend that the act relies too heavily on LCPs for the coastal act implementation.[40] The California Assembly study also argues that without a strong commitment by local government—plus adequate guidance and support from the commissions—in LCP preparation and implementation, the act's objectives may not be attained.[41] If so, the state Coastal Commission should assume a strong role in post-certification implementation, to assure that statewide policy objectives are achieved.[42]

The Commissions and Local Officials

Issue: While the commissions' relationship with local officials is crucial, it is also vulnerable to breakdowns. The coastal program's success depends substantially on local acceptance, so continued commitment and favorable disposition of local decisionmakers is extremely important.

Comment: Local elected officials (county supervisors and city council members) have been least involved in coastal planning, but their eventual participation and acceptance is essential to successful LCP preparation, adoption and implementation. Consequently it is imperative that the commissions establish or strengthen working relations with local decisionmakers. This would not only improve the LCP process, but also ought to help later, when local governments ultimately will have principal responsibility for LCP implementation.

While some commissioners attempted to make more direct contact with local governments in 1979, these relationships have not developed to the extent needed to support timely and satisfactory completion of the LCPs. Failing to establish closer commission-local relations may mean late LCP submittals by local governments, as well as extended disputes over program certification. On the

other hand, greater local understanding of state coastal goals, and mutual recognition of the significance and complexity of coastal resources in each jurisdiction, should improve the chances for successful completion of the LCP process, with results that are satisfactory both to the commissions and to local governments.

The importance of the "human relations" side of intergovernmental contacts to the coastal programs' success cannot be overemphasized. The creation and maintenance of trust, understanding, and, above all, effective working contacts between commissioners and local officials, as well as between the coastal staff and local staff, are essential to ease the inherently difficult state-local relationships, which otherwise tend to push the parties into adversary roles.

The Commissions and the Coastal Conservancy

Issue: Ways of establishing close working relationships between the California Coastal Conservancy and the Coastal Commission need to be pursued vigorously.

Comment: The Coastal Conservancy, an implementation agency, not a regulatory agency like the Coastal Commission, has planning, acquisition, implementation, and management powers. 1979-80 has seen increased coordination between the coastal commissions and the Coastal Conservancy, on both individual projects and broad programs. For example, the Coastal Conservancy's recent access grants program (coordinated with coastal commission staff) awarded funds to 30 local government projects for the construction or improvement of accessways to the shore. Many if not all of these accessway needs were identified in the LCPs. Other Coastal Conservancy programs on agriculture, wetlands enhancement, housing, urban waterfronts restoration, and the Coastal Energy Impact Program, are being implemented with the active participation of coastal commission staff.

The commissions and the Coastal Conservancy also cooperated on individual permit projects, such as the grant and loan package for Stearns's Wharf in the City of Santa Barbara, put together jointly by the Coastal Conservancy and the city, and approved by the state and regional coastal commissions. However, projects like these are limited by the funding available to the conservancy. During the two year period 1978-1980, the conservancy allocated all of its initial $10 million from the 1976 Bond Act to 32 projects.

The conservancy can and does play an important role in the LCP process by pursuing projects identified during the planning process as requiring public action. For example, environmentally sensitive area restoration plans and funding from the conservancy can represent the resolution of difficult LCP issues by the agency, which can help move LCPs towards certification.

Although a larger number of such cooperative efforts would have been desirable, the two agencies' successes are encouraging, pointing the way for future work, especially when local LCP implementation begins. LCP provisions calling for land and facilities acquisition and development are likely to lend themselves to Coastal Conservancy involvement, especially in a post-Proposition 13 era of fiscal stringency.

Public Information

Issue: The coastal public information program appears to need additional effort. Thus between 1973 and 1979, the annual number of articles relating to the coastal commissions appearing in the Los Angeles *Times* has decreased significantly, according to coastal researcher Robert Healy.[43] Noting this, Healy urged that the commissions "aggressively inform the public" of what has been done–including the permit decisions made and important issues dealt with. In short the public needs to be better informed about the constructive accomplishments of the coastal commissions, as well as to be given a better "feel" for some of the less-constructive things or downright adverse developments that might have occurred on the coast, without a reasonably strong coastal program.

Comment: In 1979-80, the commissions gave increased attention to public information activities. The state Coastal Commission regularly publishes: (1) *Coastal News*, a newsletter; (2) *Commission Reports*, a periodic publication covering recent permit, planning and other agency activities; (3) *Agenda Highlights*, an information sheet highlighting key commission agenda issues; and (4) *Coast Lines*, an LCP news sheet to legislators. The commission staff has increased its contacts with the media, attempting to describe and explain the agencies' activities better, and has developed a design awards program to commend and call attention to excellence in coastal developments. A review of past coastal accomplishments–including accessways provided, wetlands, and agricultural lands protected, and commercial fishing facilities provided–has also been prepared.

The importance of effective public information cannot be overstressed. Administering legislation as complex and controversial as the coastal act, with its major impacts on coast-related activities, calls for sensitive, persistent attention to keeping the public informed on issues that may affect them, or to which they may wish to respond. In this connection, the commissions could beneficially include information on commission goals and activities in material distributed to permit applicants, and use workshops and newsletters to encourage the understanding and cooperation of local governments in the LCP participation process.

A LOOK AHEAD

Having completed this review of coastal issues and recent commission efforts, it is appropriate to close by summarizing the highlights of the discussion, and by taking a look toward the future of coastal governance in California.

Unavoidable Issues

It is apparent that most of the issues and challenges confronting the Coastal Commission in 1979-80 were un-

avoidable—they were the inevitable consequence of attempting a bold new statewide program of coastal planning. The very mechanics of the coastal enterprise are formidable: coordinating and reviewing preparation of 67 local coastal programs along a 1,100-mile shoreline, while at the same time regulating coastal development through the permit review process. We must frankly acknowledge that the 1976 coastal act raised more expectations than could realistically be met, considering the complexity of the coastal environment and the multitude of situations and issues faced there.

Local Responsibilities and Collaborative Planning

Not only do the state and regional coastal commissions confront a huge task, but local governments also have heavy responsibilities. For one thing, local governments have faced many difficult state and federal mandates in the past ten years. In this respect, cities and counties, in part understandably, do not have a record of enthusiastic acceptance of these programs coming from "above." (And of course, fiscal stringencies and the passage of Proposition 13 did not make things easier for either the state or local governments in carrying out this enterprise.) On the other hand, the basic rationale of California's "collaborative planning" process for the coast presupposes contributions and cooperation between state and local agencies in implementing the 1976 law. In carrying this out, both levels have a responsibility to overcome past standoffs, e.g., "local home rule," vs. "state mandates," and work together in getting the coastal planning job done.

Continuing Pressures

In addition to the big task of coastal planning (i.e., finishing the LCPs) state and local governments must confront, and where appropriate try to resist, continuing pressures for coastal development. If not restrained, some would defeat important goals of the coastal legislation. Thus the economic incentives to develop wetlands and adjacent land continue strong. The provision of affordable housing near the coast, in the face of persistent and powerful inflationary pressures, is a very difficult problem. Statewide and national demand for recreation opportunities on and near the coast appear to keep growing. Yet many coastal communities have an almost schizophrenic approach to the encouragement of recreationists: local merchants often want to see more visitors, while local homeowners resist what they consider "undesirable intrusions." These are only some of the pressures and conflicts with which coastal planning and land-use regulation must try to deal.

Further, expectations as to what can be accomplished in each jurisdiction must take local circumstances and capabilities into account. Some jurisdictions already have general plans that were only recently updated, plus adequate staff capability and expertise to respond to new programs. Others lack these. Some jurisdictions have a history of interagency cooperation, while still respecting local interests. Others do not. In short, the abilities of local governments to respond to new programs vary widely. These variations must be considered in setting realistic expectations for local performance, and in devising approaches for coastal commissions and staff to work with local governments on the LCPs.

A Positive Approach

Confronted with these tough assignments and circumstances, the coastal commissions appear to be taking reasonable and positive approaches. Most of the issues seem to have been addressed in a thorough, constructive manner, or at least examined with sensitivity to the ramifications. Most notable is the gradual but unmistakable shift of emphasis from permit review to the LCPs, encouraged by comments and critiques emanating from the state capitol, as well as the consensus of a statewide coastal workshop held at Asilomar, March 1979. To this end, the state Coastal Commission has brought out additional guidelines and background papers, trying to give greater direction and clarity to the LCP work and the implementation program. Moreover, the roles of the regional commissions in the LCP process have been given greater emphasis.

The Future Effort and Need for Support

To sum up, the coastal commissions have clearly made respectable progress in trying to deal with the problems discussed here. But they must go much further still. Probably none of the major issues noted has been fully addressed and resolved. The commissions will have to deal with many difficult decisions in 1980-81 and beyond, as coastal planning moves toward the next phase: approval of the LCPs, and shifting into a new relationship and division of labor between the state commission and local government. Meanwhile, as noted earlier, the maintenance of coastal wetlands and provision of affordable housing in the coastal zone persist as highly controversial matters. It will be difficult to resolve such issues and formulate policies that represent substantial public consensus. Nor will it be easy to implement the newly formulated coastal policies, especially with high land and housing prices, public fiscal retrenchment, and continuing economic pressures on wetlands and other coastal property.

In dealing with such controversial issues, the commissions' relationship with the Legislature is crucial. It may be unrealistic to expect enthusiastic legislative support for implementation of such a complex and controversial program. But it is important to avoid, as far as possible, active hostility on the part of many legislators, some of whom are sure to hear from disgruntled constituents who consider their interests adversely affected by coastal policies.

A Major Stake

The State of California clearly has a major stake in effective and timely implementation of a program that has

already involved nearly a full decade of effort, since its institution by popular initiative (Proposition 20) in 1972. Nevertheless a program that has captured the attention of many U.S. coastal states, as well as foreign nations, now risks faltering in some of its crucial forthcoming stages, if not nurtured and supported with sympathetic awareness of the magnitude of the tasks. Thus it seems unlikely that all the LCPs can be certified by the legislative deadline of July 1, 1981. Although 22 plans have already been approved by the Coastal Commission, it still has not considered most of the big ones, especially for the counties with many of the most significant coastal resources, and involving some of the most important issues.

Moreover the six regional commissions, which have had such an important role in the coastal permit-and-planning process, are presently scheduled to be dissolved by July 1, 1981, regardless of whether all the LCPs have been certified. After dissolution, the state Coastal Commission would be responsible for all aspects of LCP review, and handle all applications for coastal permits coming from jurisdictions whose LCPs had not been certified. It seems unavoidable that such a heavy workload would delay certifications still further, and also delay permit actions.

It is not clear how these problems should be dealt with. The commissions are doing what they can to encourage completion of as many LCPs as possible during the current year. But it *is* clear that meeting or not meeting the LCP deadline is a matter beyond the control of the coastal commissions. Nevertheless without substantial completion of many LCPs, the Legislature is not likely to conclude that there has been adequate progress toward completing the coastal planning program.

On the other hand, all the LCPs *are* making progress, and the nature and scope of coastal planning is changing for the better, as a result of the greater attention, staff effort, and public awareness of the coast, all generated by the California program. With luck, the coastal planning effort will succeed in at least meeting the legislative *intent* of the coastal act, even if there is not total compliance with the specific legislative deadlines presently in the law.

Evaluating Coastal Planning

To sum up, the commissions have made respectable progress trying to deal with the problems discussed here. Nevertheless probably few if any of the issues have been fully addressed and adequately resolved. In short, much work must be done before the commissions and the local governments on the coast carry this experiment through to full certification of all LCPs, with local governments and the Coastal Commission then shifting to new roles.

In any event, judgments on the commissions' work should not be based solely on the numbers of local coastal programs completed before the legislative deadline. Other highly significant indicators and effects must also be considered, e.g., the increased citizen awareness and involvement noted earlier; local formulation of other resource-oriented policies; increased coordination with other regional planning programs; and new funding via grants for economic development, resources acquisition, environmental research, and construction of public recreational facilities.

Although the LCPs are the most significant single component of the Coastal Commission's present program, they are only a part of California's long-term coastal zone management. We cannot rely on LCPs alone to achieve the goals of the coastal act or of the federal coastal zone management program.

Many knowledgeable observers believe that California's "experiment in process" with coastal governance has been one of the nation's foremost successes in collaborative state-local planning. The quality of the commissions' future performance will determine whether the record of substantial success continues beyond the forthcoming transition, when principal coastal regulatory authority returns to local governments. Will we achieve the basic goal: long-term protection, and prudent, guided use of coastal resources?

NOTES

1. The 1972 coastal initiative, Proposition 20, was approved by the voters in November, 1972, and the Coastal Act of 1976 was passed by the Legislature late in 1976. The program is administered by a state Coastal Commission and six regional commissions. The act calls for local coastal programs (LCPs) to be prepared by the local governments with funding from the state. The LCPs must be certified by both the appropriate regional commission and the state Coastal Commission, to assure conformance with the state coastal policies set forth in the coastal act.

2. California Research, *The Coastal Act of 1976: Two Years Later, An Evaluation and Assessment* (Sacramento: October 1978), pp. ii, ix, 32-38.

3. California Coastal Zone Conservation Commissions, *California Coastal Plan* (Sacramento: December 1975).

4. The Asilomar workshop, held March 15-19, 1979, at Asilomar, Pacific Grove, California, convened state and regional commissioners and staff members.

5. There has been significant population migration to coastal cities, particularly in California. U.S., Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States*, 99th edition (Washington, D.C.: 1978), pp. 20-22.

6. California, Department of Finance (DOF), Program Evaluation Unit, *The California Coastal Commission: Management, Planning and Staffing Needs* (Sacramento: October 1978), p. xii; and Stanley Scott, "Coastal Planning in California: A Progress Report," *Public Affairs Report* (Berkeley: Institute of Governmental Studies, University of California, June-August 1978), p. 11 (p. 38 in this volume).

7. Jens Sorensen, *Collaborative Land Use Planning: A Growing Trend in Coastal Zone Management*, prepublication draft, limited edition, University of California, San Diego, July 1978, pp. 8-17.

8. The Jarvis-Gann initiative, Proposition 13, was approved by the voters in June, 1978 and took effect immediately. While the progress of the LCPs suffered some from this action and consequent reevaluation of all local programs, the LCPs remained intact and continued to move forward in cities and counties because in many instances that was one of the only local planning programs that had non-local financing.

9. Memo from Edward Y. Brown, Executive Director, Central Coast Regional Commission, to Michael Fischer, Executive Director, State Coastal Commission, January 23, 1980.

10. Public Resources Code, Section 30518.

11. California, Legislature, Assembly, Office of Research, *An Assessment of the California Coastal Planning Process* (Sacramento: February 1979), pp. 53-54.

12. Loc. cit.

13. The term "local" in "local coastal program" has been challenged as a misnomer, commission staff being accused of writing the LCPs for the local government staffs who were funded to prepare the programs. In fact, however, the programs are "cooperative" or "collaborative," as most of the planning staff work is done locally, but no local government LCP decision is final and effective without certification from the state Coastal Commission.

14. Scott, "Coastal Planning in California . . ." p. 11 (p. 38 in this volume).

15. See "Coastal Planning Issues: A Consensus Report" by Stanley Scott, in the present volume, pp. 23-27.

16. California, Legislature, Assembly, Office of Research, *An Assessment* . . . p. 7.

17. Thomas Dickert and Jens Sorensen, *Collaborative Land-use Planning for the Coastal Zone: Volume 1, A Process for Local Program Development* (Berkeley: Institute of Urban and Regional Development, University of California, March 1978), pp. 67-68.

18. Ibid., pp. 54-55; and Assembly Office of Research, *An Assessment* . . . p. 36.

19. Scott, "Coastal Planning Issues . . ." p. 25 in this volume.

20. Memo from League of California Cities to state Coastal Commission, April 5, 1978, p. 2.

21. Randall Scott Yavitz, "Specificity Requirements of Local Coastal Programs Under the California Coastal Act of 1976," in *Coastal Futures: Legal Issues Affecting the Development of the California Coast* (Stanford Environmental Law Annual, Volume Two: 1979) (Stanford: Stanford Environmental Law Society, 1979), p. 37.

22. Scott, "Coastal Planning Issues . . ." p. 25 in this volume.

23. Dickert and Sorensen, *Collaborative Land-use Planning for the Coastal Zone* . . . pp. 70-71.

24. John R. Clark, "Natural Science and Coastal Planning: The California Experience," in *Protecting the Golden Shore: Lessons From the California Coastal Commissions*, Robert J. Healy, ed. (Washington, D.C.: The Conservation Foundation, 1978); and Dickert and Sorensen, *Collaborative Land-use Planning* . . . .

25. DOF, *The California Coastal Commission* . . . p. 45.

26. Loc. cit.

27. Assembly Office of Research, *An Assessment* . . . pp. 32-33; California Research, *The Coastal Act of 1976* . . . p. vi; and Lenard Grote, "Coastal Conservation and Development: Balancing Local and Statewide Interests," *Public Affairs Report* (Berkeley: Institute of Governmental Studies, University of California, February 1978), p. 5 (p. 20 in this volume).

28. Scott, "Coastal Planning Issues . . ." p. 24, above.

29. Loc. cit.

30. Sorensen, *Collaborative Land Use Planning: A Growing Trend* . . . p. 8-4.

31. Loc. cit. It is suggested, however, after reviewing the front-running programs, that the state agency can be expected to lower its expectation and standards. (This happened with the State of Washington's coastal program.) Several reasons are suggested for this shift: a desire that progress be seen by the Legislature; a lack of hard information to support the state's position; and to avert collective action by frustrated local governments.

32. Dan K. Richardson, *The Cost of Environmental Protection: Regulating Housing Development in the Coastal Zone* (New Brunswick, NJ: Center for Urban Policy Research, Rutgers–The State University of New Jersey, 1976). Richardson's analysis shows that the cost of residential development, from land acquisition to final approval, was higher in the area regulated by the New Jersey State Coastal Area Facility Review Act than under "standard," planning review, the difference being about $136 per single-family unit, and about $125 per multi-family unit.

33. Richardson, op. cit.; Scott, "Coastal Planning in California. . ." p. 8 (p. 35 in this volume) notes that "Coastal property owners have lodged a number of complaints about the permit decision process, and recent legislative hearings catalog many such grievances. Appellants have alleged that: (1) actions were sometimes arbitrary, discriminatory or capricious; (2) the process was much too rigid, and tight time limits during hearings precluded adequate presentations; (3) staff documents were sometimes received by appellants only a short time before hearings, preventing adequate study and response; (4) last-minute conditions were imposed without adequate study or time for appellant to respond; (5) staff recommendations were based on inadequate or inaccurate information, and appellant had little or no opportunity for rebuttal; (6) some owners have been forced into costly long-term holding actions until completion of local coastal plans; (7) limits on building size and height were unrealistic or architecturally infeasible; (8) required conditions made projects too costly or economically infeasible; (9) staff or commissioners were not available for preliminary negotiating sessions; (10) staff were too young and inexperienced for the difficult tasks; (11) staff were seen socializing with "Sierra Club types," contributing to appellants' fear of possible unfairness; and (12) insufficient allowances were made for owners of single family lots who got caught by the coastal act unexpectedly."

34. According to the 1976 coastal act, the state Coastal Commission is a permanent agency, whereas each of the regional commissions is scheduled to terminate when the LCPs in the region have been certified and become effective, or on June 30, 1981, whichever is earlier (Public Resources Code, section 30305).

35. Grote, "Coastal Conservation and Devleopment . . ." p. 6 (p. 21 in this volume), and DOF, *The California Coastal Commission* . . . pp. 50-55.

36. Michael L. Fischer, "After LCP–What Then?" in *Coastal News*, 2 (7): 1-8 (August 1979), pp. 3, 8.

37. Memo from Michael L. Fischer to all commissioners and staff, January 28, 1980, p. 3.

38. Scott, "Coastal Planning in California . . ." p. 11 (p. 38 in this volume).

39. Teresa Marie Lobdell and Mark Andrew Chavez, "The California Coastal Act of 1976: Allocating Land-Use Control Responsibilities Between State and Local Governments," in *Coastal Futures: Legal Issues* . . . p. 19. (See note 21.)

40. Loc. cit.

41. Assembly Office of Research, *An Assessment* . . . p. 3.

42. Grote in "Coastal Conservation and Development . . ." pp. 6-7 pp. 21-22 in this volume) also speaks of the necessity of a "strong voice" for the Coastal Commission to adequately protect the interests of the statewide constituency.

43. Telephone conversation with Robert J. Healy, Editor of *Protecting the Golden Shore*, February 2, 1979.

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