

COASTAL PLANNING ISSUES: A CONSENSUS REPORT

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FOREWORD

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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.¹ 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.

¹ 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.

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 collaborate 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 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 #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 that 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.

Issues of Procedure and Process

<u>Rank</u>	<u>Points</u>	
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 (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

Issues of Procedure and Process (cont.)

<u>Rank</u>	<u>Points</u>	
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

Substantive Issues

<u>Rank</u>	<u>Points</u>	
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

LIST OF PRINCIPAL PARTICIPANTS

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APRIL 24-25, 1978

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