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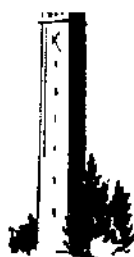
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COASTAL PLANNING IN CALIFORNIA: A PROGRESS REPORT*

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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—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

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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, co-operative 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.

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 pre-existing 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) insufficient 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 motivated 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 other-

wise 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 HCDC 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 HCDC concept ... started the national movement. ... The background reports for the Federal Coastal Zone Management Act cite HCDC and its accomplishments, which began in 1965, as an indication of the feasibility of the program. ... (HCDC 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 significant 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 F. Rodovitz, 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 24, 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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