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State of California Coastal Management Program and

Revised
Draft Environmental Impact Statement

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

U.S. National Oceanic & Atmospheric Administration. O.C.Z.M.
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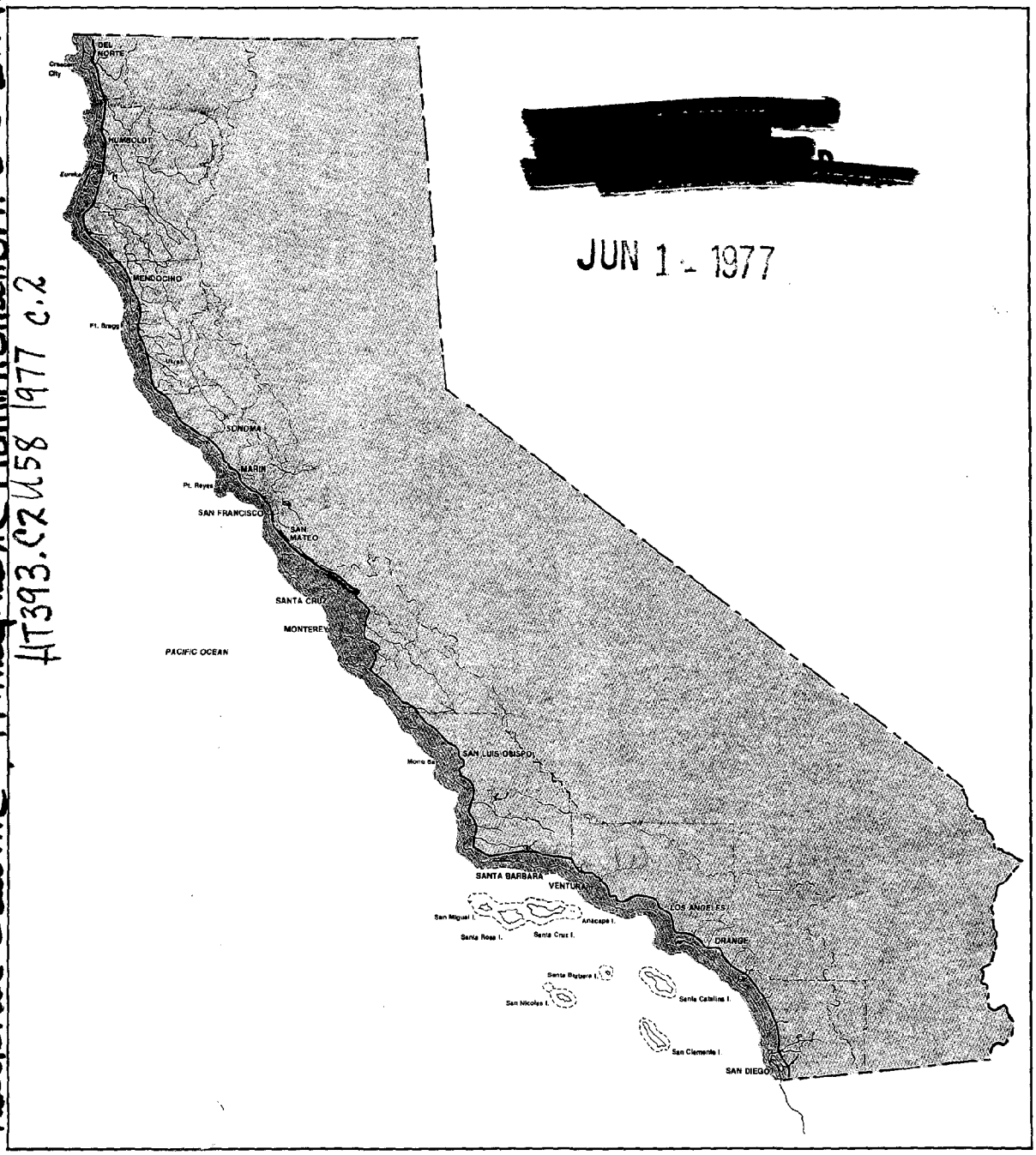

JUN 1 - 1977

California Coastal Zone

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UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Science and Technology
Washington, D.C. 20230

In accordance with the provisions of Section 102(2)(c) of the National Environmental Policy Act of 1969, we are enclosing for your review and consideration the revised draft environmental impact statement prepared by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce on the California Coastal Management Program.

Two public hearings have been scheduled. The first hearing will be held at the Airport Marina Hotel, 8601 Lincoln Boulevard, Los Angeles, California at 7:30 p.m. to 10:30 p.m., Thursday, May 19, 1977. The second hearing will be held in the Hearing Room at the State Office Building, 455 Golden Gate Avenue, San Francisco, California at 7:30 p.m. to 10:30 p.m.

Any written comments you may have should be submitted in duplicate to the person listed below by May 30, 1977.

If you have any questions about the enclosed statement, please feel free to contact:

Mr. Grant Dehart
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Telephone: 202/634-4235

Thank you for your cooperation in this matter.

Sincerely,

Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs

Enclosure

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UNITED STATES DEPARTMENT OF COMMERCE

COMBINED

STATE OF CALIFORNIA

COASTAL MANAGEMENT PROGRAM

AND

REVISED

DRAFT

ENVIRONMENTAL IMPACT STATEMENT

COASTAL ZONE
INFORMATION CENTER

PREPARED BY:

OFFICE OF COASTAL ZONE
MANAGEMENT
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
3300 WHITEHAVEN STREET, N.W.
WASHINGTON, D.C. 20235

AND

CALIFORNIA COASTAL COMMISSION
1540 MARKET STREET,
SAN FRANCISCO, CA 94104

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NOTE TO READERS

This edition of the draft environmental impact statement (EIS) accompanies the California Coastal Management Program approved by the State last year. It replaces an earlier impact statement submitted to the Council on Environmental Quality in September 1976. The changes made by the California Legislature in the course of adoption of the California Coastal Act of 1976 necessitate this reissue of the EIS.

The Federal action contemplated is final approval of the California Coastal Management Program under Section 306 of the Federal Coastal Zone Management Act of 1972. An immediate effect of approval is the qualification of the State for Federal matching funding for use in administering the program. For purposes of this action, the key concerns are:

- whether or not the objectives and policies of the California program are in harmony with the objectives and policies of the national legislation,
- whether the State program is designed to meet those objectives,
- whether the award of Federal matching funds under Section 306 of the Federal Act will help California meet those objectives, and
- whether there will be a net environmental gain from program implementation.

The Office of Coastal Zone Management believes the answers to these key questions are affirmative. The office wants the widest possible circulation of this document to all interested agencies and parties in order to receive the fullest expression of opinion on these questions.

The coastal zone management program submitted by the State of California has been highly publicized and an open process of involvement with all the various interest groups affected by comprehensive coastal resources management. The process of public and intergovernmental participation is described in this program. Because of this extensive involvement during Proposition 20, the development of the California Coastal Plan, and the development of coastal legislation, the review of the State's program and this revised draft EIS should be able to be completed within the 45-day comment period required by the Council on Environmental Quality Guidelines. Therefore, it is not expected that time extensions for review will be necessary.

To those people whose time is limited in reviewing this EIS, the following sections are recommended reading in order to understand the essential elements which we are attempting to convey to the public.

Part I, Section C.	-	Summary of the California Coastal Management Program
Part II, Chapter 3	-	Program Objectives and General Management Policies
4	-	The Coastal Management Area
5	-	Land and Water Uses Subject to Management
13	-	Citizen and Government Involvement in Program Development
14	-	Continuing Development of the Management Program
Part III, Sections A and C	-	Probable Impact of the Proposed Action on the Environment
Appendix 1	-	The California Coastal Act (SB 1277) and the Coastal Conservancy Act (AB 3544)

This program is of major importance, not only to California, but to the Nation. It is the third statewide program submitted for final Federal approval and as such, will be observed closely by all with an interest in the future of the Nation's coastal areas. The California Coastal Commission and the Office of Coastal Zone Management thank those participating in the review of the California program and this environmental impact statement.

Summary

(X) Revised Draft Environmental Impact Statement ( ) Final Environmental Impact Statement

Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management. For additional information about this proposed action or this statement, please contact:

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Attn: Mr. Grant Dehart
3300 Whitehaven St., N.W.
Washington, D.C. 20235
Phone: 202/634-4235

1. Proposed Federal approval of the California Coastal Management Program

(X) Administrative ( ) Legislative

2. It is proposed that the Secretary of Commerce approve the Coastal Management Program application of the State of California pursuant to P.L. 92-583. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State, and require that Federal actions be consistent with the program.

3. Approval and implementation of the program will restrict or prohibit certain land and water uses in parts of the California coast, while promoting and encouraging development and use activities in other parts. This may affect property values, property tax revenues, and resource extraction or exploration. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest, and will lead to increased long-term protection of and benefit from the State's coastal resources.

4. Alternatives considered:

   A. Federal - The Secretary of Commerce could delay or deny approval under the following conditions:

      1. If Federal agency views were not adequately considered or the program does not meet the requirements of the Coastal Zone Management Act.

      2. If there is no adequate assurance of the program with the San Francisco Bay Coastal Management Program.

      3. If the State does not have the adequate interim authorities necessary to implement the program while local coastal programs are submitted and certified.

   B. State

      4. The State could withdraw the approval application and continue program development or attempt to use other sources of funding to meet the objectives of the State's shoreline and related coastal management program.

      5. The State could amend the coastal management program.

5. List of all Federal, State, and local agencies and other parties from which comments have been requested:

Federal

Advisory Council of Historic Preservation
Council on Environmental Quality
Department of Agriculture
  Agriculture Research Service
  Agricultural Stabilization and Conservation Service
  Forest Service
  Rural Electrification Administration
  Soil Conservation Service
Department of Commerce
Department of Defense
  Air Force
  Army Corps of Engineers
  Navy

Federal (cont.)

- Department of Health, Education, and Welfare
  - Public Health Service
- Department of Housing and Urban Development
- Department of the Interior
  - Bonneville Power Administration
  - Bureau of Land Management (public lands)
  - Bureau of Mines
  - Bureau of Outdoor Recreation
  - Bureau of Reclamation
  - Fish and Wildlife Service
  - Geological Survey
  - National Historic Preservation Officer
  - National Park Service
  - Office of Oil and Gas
- Department of Justice
- Department of State
- Department of Transportation
  - Coast Guard
  - Federal Aviation Administration
  - Federal Railroad Administration
  - Transport and Pipeline Safety
  - Secretarial Representative, Region IX
- Department of Treasury
  - Assistant Secretary for Administration
- Energy Research and Development Administration
- Environmental Protection Agency
  - Regional Administrator, Region IX
- Federal Energy Administration
- Federal Power Commission
- General Services Administration
- National Aeronautics and Space Administration
- Nuclear Regulatory Commission
- U.S. Senate and House of Representatives
  - Members of Congress representing coastal districts
- U.S. Water Resources Council

State

- Governor
- State Clearinghouse
- Areawide Clearinghouses
  - Association of Bay Area Governments
    - Bay Area Air Pollution Control District
    - Bay Area Sewage Service Agency
    - Conservation Development and Planning Department, Napa
    - Half Moon
    - Marin County Planning
    - San Mateo County Planning Department
    - Sierra Club, San Francisco
    - Sonoma County Planning Department
- California Coastal Commission
- Regional Commissions
  - Central Coast Regional Commission
  - North Central Coast Regional Commission
  - North Coast Regional Commission
  - San Diego Coast Regional Commission
  - South Central Coast Regional Commission
  - South Coast Regional Commission
- California Farm Bureau
- California State Lands Commission
- California Natural Resources Federation
- Department of Fish and Game
- Department of Parks and Recreation
- Senate Committee on Natural Resources and Wildlife
- Water Resources Department
- San Francisco Bay Conservation and Development Commission
- Department of Conservation
- Office of the Secretary for Resources
- Department of Real Estate
- Department of Housing and Community Development
- Department of Navigation and Ocean Development
- Office of Planning and Research
- State Historic Preservation Officer
- California Coastal Conservancy
- Department of Transportation
- Public Utilities Commission
- Air Resources Board

Local

Counties and Cities

Arcata Planning Director
Association of Monterey Bay Area Governments
Planning Department
Foundation for Conservation, Inc.
Bay Area Air Pollution Control District
Carlsbad Assistant Planner
Carpinteria Planning Director
City of Eureka
City of Grover City
City of Half Moon Bay
City of Newport Beach
City of Pismo Beach
City of Port Hueneme
City of Redondo Beach Planning Department
City of Seaside
Del Mar Planning Department
El Segundo Planning Director
Huntington Beach County
Planning Department
Isla Vista Planning
Laguna Beach Acting Planning Director
Los Angeles
Regional Water Quality Control Board
County Regional Planning
Manhattan Beach Department of Beaches
Metropolitan Water District of Southern California
National City Planning Department
Oxnard Planning Department
Pacifica Planning Administrator
Planning Association for the Richmond
Sacramento Planning and Conservation League
San Diego
Department of Land Use and Environmental Regulation
Department of Transportation
San Francisco PG & E Land Department
Public Utilities Commission
Department of City Planning
Del Norte County
Humboldt County
Mendocino County
Sonoma County
Ventura County
Orange County
San Luis Obispo County
Santa Barbara County
Marin County
San Mateo County
Santa Cruz County
Monterey County
San Mateo County Planning Department
Santa Ana Environmental Management Agency
Santa Cruz County Supervisor
Santa Maria Community Development
Santa Monica Department of City Planning
Seal Beach Planning Director
Sonoma County Alliance
Torrance Planning Department
Ventura County Environmental Resource Agency

Ports

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Long Beach
Los Angeles
San Diego Unified Port District

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Woodlawn Park Branch
Chula Vista, CA
Del Norte County Library
Crescent City, CA
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Creston, CA
San Diego County Library
Del Mar Branch
Del Mar, CA
San Diego County Library
Encinitas Branch
Encinitas, CA
Mendocino County Library
Fort Bragg, CA
Fresno County Library
Fresno, CA
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Grover City, CA
County Library
Halcyon, CA
Los Angeles County Library
Hermosa Beach, CA
San Diego County Library
Imperial Beach Branch
Imperial Beach, CA
Los Angeles County Public Library
Malibu, CA
Los Angeles County Library
Manhattan Beach, CA
County Library
Morro Bay, CA
San Diego County Library
Lincoln Acres Branch
National City, CA
County Library
Nipomo, CA
County Library
Oceano, CA
Contra Costa County Library
Pleasant Hill, CA
County Library
Pismo Beach, CA
Sacramento City-County Library
Sacramento, CA
County Public Library
Salinas, CA
Orange County Library
San Clemente, CA
County Library
San Luis Obispo, CA
County Library
San Miguel, CA
Los Angeles County Public Library
San Pedro, CA
Marin County Free Library
San Rafael, CA
County Library
Santa Margarita, CA
Santa Rosa-Sonoma County Public Library
Santa Rosa, CA
County Library
Shell Beach, CA
County Library
Templeton, CA
Mendocino County Library
Ukiah, CA
Los Angeles County Library
Venice, CA
Avalon County Library
Avalon, CA
Alameda County Library System
Hayward, CA
Contra Costa County Library
Pleasant Hill, CA
Santa Barbara County Library
Montecito, CA

Other Parties

National Interest Groups

Environmental Groups
American Littoral Society
American Shore and Beach Protection Association
Center for Law and Social Policy
Environmental Defense Fund, Inc.
Environmental Policy Center
Friends of the Earth
Izaak Walton League
National Audubon Society
Natural Resources Defense Council
National Wildlife Federation
Nature Conservancy
Sierra Club
The Conservation Foundation
The Wildlife Management Institute
Wilderness Society

Other Parties cont.)

National Interest Groups

Private Sector
- American Association of Port Authorities
- American Farm Bureau Federation
- American Mining Congress
- American Petroleum Institute
- American Right of Way Association
- American Waterways Operators
- Atomic Industrial Forum
- Boating Industry Association
- Chamber of Commerce of the United States
- Chevron Oil Company
- Edison Electric Institute
- EXXON
- National Association of Conservation Districts
- National Association of Electric Companies
- National Association of Engine and Boat Manufacturers
- National Association of Home Builders
- National Association of Realtors
- National Association of State Boating Law Administration
- National Boating Federation
- National Canners Association
- National Coalition for Marine Conservation, Inc.
- National Environmental Development Association
- National Farmers' Union
- National Federation of Fishermen
- National Fisheries Institute
- National Forests Products
- National Ocean Industries Association
- National Recreation and Park Association
- National Security Industrial Association
- National Waterways Conference
- Saltwater Sportsmen
- Society of Real Estate Appraisers
- Sport Fishing Institute
- United Brotherhood of Carpenters and Joiners of America
- Western Oil and Gas Association
- World Dredging Association

Professional
- American Fisheries Society
- American Institute of Architects
- American Institute of Planners
- American Society of Planning Officials
- National Parks and Conservation Association

Public Interest
- Council of State Planning Agencies
- Coastal States Organization
- League of Women Voters of the United States
- National Association of Counties
- National Association of Regional Councils
- National Conference of State Legislatures
- National Governors' Conference
- National League of Cities
- United States Conference of Mayors

Other Interested Parties

- Associated California Loggers
- Ball, Hunt, Hart, Brown & Baerwitz
- Blade Tribune
- California Natural Areas Coordinating Council

Other Parties (cont.)

Other Interested Parties (cont.)

California Research
Citizens Coordinate for Century 3
Connerly and Associates, Inc.
Conservation Law Foundation of New England, Inc.
David Smith and Associates
Doremus & Company
Environmental Law, C.A.V.E.
Flint and MacKay
General Land Office, Austin, Texas
Gibson, Dunn and Crutcher
Granite Rock Co.
Half Moon Bay Properties, Inc.
Jones and Stokes Associates
Keep Pacifica Scenic
Koebig, Inc.
Mobil Oil Corporation
Noland, Hamerly, Etienne & Hoss
NYS Office of Parks & Recreation
O'Melveny & Myers
Pacific Outdoor Advertising Company
Public Utilities Commission
Samuel J. Cullers & Associates
San Diego Gas and Electric Company
San Luis Obispo County Farm Bureau, Inc.
Seacoast Preservation Association, Inc.
Sedway & Cooke
SOHIO Transportation Company
Southern California Academy of Sciences
Southern California Rock Products Assocaition
Southern California Edison
Southern California Gas Company
Standard Oil of California
The Irvine Company
The Sea Ranch Association
The Sharp Park Improvement Co.
Transcentury Properties
Union Oil Company
University of California
Water Resources Center Archives
University of Santa Clara
School of Law
URB Research Company
Western Oil and Gas Association
Westinghouse Electric Corp.
Woodward, Clyde Associates

Individuals

Upon request, copies have been and will be sent to all individuals and other interested parties.

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7. Draft Local Coastal Program Manual and Local Coastal Program Regulations

Attachments
A. Articles published in newspapers, journals, and other documents concerning the California Coastal Management Program (not included in this document)
B. Excerpt from: "Governing California's Coast"
C. Examples of Permit Conditions
D. Correspondence Between Coastal Plan and Coastal Policies
E. Public Hearing Draft of Interpretive Guidelines for Coastal Planning and Permits
F. A Summary of the Alternatives Looked At During the Development of the Coastal Plan

PART I

INTRODUCTION

A. The Federal Coastal Zone Management Program

In response to the intense pressures upon, and because of the importance of the coastal zone of the United States, Congress passed the Coastal Zone Management Act (P.L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM).

The Coastal Zone Management Act of 1972 developed from a series of studies on the coastal zone and its resources. National interest can be traced from the Committee on Oceanography of the National Academy of Sciences (NASCO) 12-volume report "Oceanography 1960-1970" (1959), to the report of the Commission on Marine Science, Engineering and Resources (1969), which proposed a Coastal Management Act that would "provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." The National Estuarine Pollution Study (1969), authorized by the Clean Water Restoration Act of 1966 and the National Estuary Study authorized by the Estuarine Areas Study Act of 1968 further documented the importance of and the conflicting demands upon our Nation's coasts. These reports stressed the need to protect and wisely use the important national resources contained in the coastal zone and concurred that a program designed to promote the rational protection and management of our coastal zone was necessary.

The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P.L. 94-370).

The Act and the 1976 amendments will be referred to in this statement as the CZMA. The CZMA affirms a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to the coastal States to develop and implement rational programs for managing their coastal zones. The CZMA opens by stating [t]here is a national interest in the effective management, beneficial use, protection, and development of the coastal zone" (Section 302(a)). The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, including the "loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The CZMA then states "[t]he key to more effective protection and use of the land and water resources of the coastal zone is to encourage states to exercise their full authority over the land and waters in the coastal zone by the assisting states...in developing land and water use programs...for dealing with [coastal] land and water use decisions of more than local significance" (Section 302(h)).

While local governments and Federal agencies are required to cooperate and participate in the development of management programs, the State level of government is given the central role and responsibility for this process. Financial assistance grants are authorized by the CZMA to provide States with the means of achieving these objectives and policies. Under Section 305, thirty coastal States which border on the Atlantic or Pacific Oceans, Gulf of Mexico, and the Great Lakes, and four U. S. territories are eligible to receive grants from NOAA for 80 percent of the costs of developing coastal management programs. Broad guidelines and the basic requirements of the CZMA provide the necessary direction for developing these programs. The guidelines defining the procedures by which States can qualify to receive development grants under Section 305 of the CZMA, and the policies for development of a State management program, were published on November 29, 1973 (15 CFR Part 920, Federal Register 38 (299): 33044-33051). For example, during the program development, each State must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses; including specifically those that are undesirable or of lower priority; and areas for preservation or restoration. During the planning process, the State is directed to consult with local and regional governments and relevant Federal agencies, as well as the general public. Federal support can be provided to States for up to four years for this program development phase.

After developing a management program, the State may submit its coastal management program to the Secretary of Commerce for approval; if approved, the State is then eligible for annual grants under Section 306 to administer its management program. If a program has deficiencies which can be remedied or has not received Secretarial approval by the time the Section 305 grant has expired, the State is eligible for additional funding under Section 305(d).

On January 9, 1975, OCZM published criteria to be used for approving State coastal management programs and guidelines for program administrative grants (15 CFR Part 923, Federal Register 40 (6): 1683-1695). These criteria and guidelines set forth (a) the standards to be utilized by the Secretary of Commerce in reviewing and approving coastal management programs developed and submitted by coastal States for approval, (see Section B, Part I), (b) procedures by which coastal States may qualify to receive program administrative grants, and (c) policies for the administration by coastal States of approved coastal management programs.

By the end of fiscal year 1976, 33 out of 34 eligible coastal States and territories had received program development grants and one State (Washington) had received program approval under Section 306.

Section 308 establishes a coastal energy impact assistance program consisting of:

- Annual formula grants (100% Federal share) to coastal States, based upon specific outer Continental Shelf (OCS) energy activity criteria (Section 308(b)).
- Planning grants (80% Federal share) to study and plan for economic, social, and environmental consequences resulting from new or expanded energy facilities (Section 308(c)).
- Loans or bond guarantees to States and local governments improved public facilities and services required as a result of new or expanded coastal energy activity (Sections 308(d)(1) and (d) (2)).
- Grants to coastal States or local governments if they are unable to meet obligations under a loan or guarantee because the energy activity and associated employment and population do not generate sufficient tax revenues (Section 308(d)(3)).
- Grants to coastal States if such States' coastal zone suffers any unavoidable loss of valuable environmental or recreational resources which results from coastal energy activity (Section 308(b) and (d)(4)).

In order to be eligible for assistance under Section 308, coastal States must be receiving Section 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90% Federal share) to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants (80% Federal share) to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants (50% Federal share) to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sancturay program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

Besides the financial assistance incentive for State participation, CZMA stipulates that Federal activities affecting the coastal zone shall be, to the maximum extent practicable, consistent with approved State management programs (the "Federal consistency" requirement, Section 307(c)(1) and (2)). The State must concur with any applicant's certification that a Federal license or permit affecting land and water uses within the coastal zone is consistent with the State's coastal management program. Section 307 of the CZMA requires that any outer Continental Shelf oil and gas activity described in an exploration, development, or production plan be certified to the Secretary of the Interior that it is consistent with an approved State management program. The State must concur with such certification prior to any approval by the Department of the Interior. Section 307 further provides for mediation by the Secretary of Commerce when serious disagreement arises between a Federal agency and a State with respect to the administration of a State's program and shall require public hearings in the concerned locality.

B. OCZM Requirements for Program Approval (Section 306) to California's Coastal Management Program Submission

OCZM Requirements 15 CFR Part 923, Section:		California Coastal Management Program
.4(b)	Problems, Issues, and Objectives	Coastal Plan-Part II Coastal Plan-Part IV Chapter 1 Chapter 3 Chapter 14
.5	Environmental Impact Assessment	Draft EIA
.11	Boundaries	Chapter 4
.12	Land and Water Uses to be Managed	Chapter 5
.13	Areas of Particular Concern	Chapter 4
.14	Guidelines on Priority of Uses	Chapter 5
.15	National Interest in the Siting of Facilities	Chapter 9
.16	Area Designation for Preservation and Restoration	Chapter 12 Appendix 5
.17	Local Regulations and Uses of Regional Benefit	Chapter 5
.18	Shorefront Access Planning	Chapter 9
.19	Energy Facility Planning	Chapter 9
.20	Shoreline Erosion	Chapter 9
.31	Means of Exerting State Control over Land and Water Uses	Chapter 6 Chapter 7 Chapter 8
.32	Organizational Structure to Implement the Management Program	Chapter 10
.33	Designation of Single Agency	Appendix 1 (Coastal Act)
.34	Authorities to Administer Land and Water Use, Control Development and Resolve Conflicts	Chapter 6 Chapter 7 Chapter 10
.35	Authorities for Property Acquisition	Chapter 12
.36	Techniques for Control of Land and Water Uses	Chapter 6 Chapter 7
.41	Full Participation by Relevant Bodies In Adoption of Management Program	Chapter 13
.42	Consultation and Coordination With Other Planning	Chapter 7 Chapter 8

.51	Public Hearings	Chapter 13
.52	Gubernatorial Review and Approval	To be completed
.53	Segmentation	Chapter 4
.54	Applicability of Air and Water Pollution Control Requirements	Chapter 11

*A draft environmental impact assessment was submitted to OCZM.

C. Summary of the California Coastal Management Program

Effective January 1, 1977, California has a permanent comprehensive coastal management program based on the Coastal Act.

The California Coastal Management Program is a combination of State and local government planning and management authorities for the uses of land, air, and water resources. For the purposes of meeting CZMA requirements, the California Coastal Management Program is the main segment of a two-segment program, San Francisco Bay being the smaller segment. The relationship of these two segments will be reviewed in accordance with Section 30410 of the Coastal Act by July 1, 1978.

1. Goals

The Coastal Act specifies basic goals for coastal conservation and development aimed at protecting, enhancing, and restoring coastal environmental quality and resources, giving priority to "coastal dependent" development, and maximizing public access to the coast.

2. Policies

The Coastal Act specifies detailed policies on which conservation and development decisions in the coastal zone are to be based. These policies are generally based on the 162 policy recommendations in the Coastal Plan published in 1975 by the California Coastal Zone Conservation Commissions and deals with the following topics:

Public access - covers access to the coast, prescriptive rights, dedication of accessways, and provision of low- and moderate-income housing.

Recreation - covers shorefront lands and recreational boating.

Marine environment - covers dredging, filling, and diking of wetlands and estuaries, and structures that affect sand transport for beach replenishment.

Land resources - covers wildlife habitats, coastal-related agriculture, soil productivity, and archaeological resources.

Development - provides for future development in existing developed areas, covers visitor facilities, gives priority to coastal-dependent development, includes considerations of geological instability, sets priorities and guidelines for expansion of public services, addresses public scenic vistas to and along the coast, and covers compatibility of new development with its setting.

Industrial development - covers offshore oil and gas development, refinery construction and expansion, powerplant and liquefied natural gas facility siting on coast, roads, and coastal-dependent industrial development.

In carrying out its policies, the Coastal Act requires conflicts to be resolved in a manner which on balance is most protective of significant coastal resources.

3. Jurisdiction

The Coastal Act defines "coastal zone" as an area, shown on a map filed with the California Secretary of State, extending three miles seaward and inland generally 1,000 yards. In significant coastal estuarine, habitat, and recreational areas, it extends inland to a maximum of five miles, in developed urban areas it generally extends inland less than 1,000 yards. The area of jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC) and Federal lands are excluded.

4. Coastal Commission and Regional Commissions

The Coastal Act creates a 15-member California Coastal Commission and (until no later than June 30, 1979) six regional commissions. The Coastal Commission consists of:

Secretary of Resources Agency (non-voting member),
Secretary of the Business and Transportation Agency (non-voting member),
Chairman of the State Lands Commission (non-voting member),
Six public members (2 appointed by the Governor, Senate Rules Committee, and Speaker of the Assembly), and
Six representatives of regional commissions (appointed by each regional commission from its membership).

5. State Agencies

The Coastal Act is not intended to change the basic authority of any existing State agency and specifies the legislative intent that duplication and conflicts among existing State agencies be minimized. The Coastal Act specifies the areas of jurisdiction of the Coastal Commission and other State agencies, including:

State Water Resources Control Board - The Board retains primary jurisdiction over water rights and water quality and makes the final decision on funding wastewater treatment plants. The Coastal Commission determines wehether the treatment plant complies with the provisions of the Coastal Act and determines matters relating to land use, visual appearance, size, and timing of the use of capacity of a treatment plant.

Board of Forestry - Timber operations must be approved as specified in the Forest Practice Act. A separate permit from the Coastal Commission is not required. The Forest Practice Act is amended to require the Board to adopt rules for the protection of natural and scenic qualities in special treatment areas which are to be identified by the Coastal Commission by July 1, 1977.

State Energy Resources Conservation and Development Commission - The Coastal Commission will designate locations inappropriate for power plants by January 1, 1978, and every two years thereafter. The Energy Commission has exclusive jurisdiction everywhere else. The Coastal Commission submits recommendations on inappropriate sites to the Energy Commission. The Energy Commission must adopt Coastal Commission recommendations unless to do so would result in greater adverse effect on the environment or the measure proposed would not be feasible. The Energy Act is amended to require the Energy Commission to determine the relative merit of coastal and inland sites.

State Lands Commission - The authority of the State Lands Commission over lands within its jurisdiction or the rights and duties of its leasees or permittees will not be changed by any power granted to local jurisdictions.

6. Local Coastal Programs

By April 1, 1977, the Coastal Commission must adopt procedures for the preparation, approval, certification, and amendment of local coastal programs. By January 1, 1980, all local governments within the coastal zone must prepare a local coastal program or request (by July 1, 1977) the Coastal Commission to prepare one. Local coastal programs include the relevant portions of a local general plan, zoning ordinances, zoning district maps, and actions which implement the Coastal Act at the local level. In sensitive areas, the programs will include ordinances, regulations, or programs sufficient to protect the resources in these areas as spelled out in the program.

Completed local coastal programs are submitted to regional commissions for approval and ultimately to the Coastal Commission for certification. The policies contained in Chapter 3 of the Coastal Act are the standards by which the adequacy of local coastal programs is determined.

The regional commission is given 90 days to act on a local land use plan. No action constitutes approval. Disapproved plans may be revised and resubmitted to the regional commission or appealed directly to the Coastal Commission. The Coastal Commission has 21 to 45 days to determine by a majority vote whether specific substantial issues of adequacy exist and, unless it finds no substantial issues, it has 60 days from receipt of the plan to certify the plan or refuse certification.

Zoning ordinances, zoning district maps, and other implementing actions may be submitted concurrently with the land use plan or after certification of the land use plan. If submitted after certification, the regional commission has 60 days to reject them or they are deemed approved. Rejected ordinances and related material may be revised and resubmitted to the regional commission or appealed directly to the Coastal Commission. Aggrieved persons may appeal approvals or rejections to the Coastal Commission. The Coastal Commission (by majority of those present) may refuse to hear an appeal that it determines raises no substantial issue. The Coastal Commission itself may, in the absence of an appeal, decide to review approvals or rejections. The Coastal Commission has 60 days after an appeal is filed, or 30 days after it decides on its own to review the implementing action, to reject the implementing actions. Failure to act constitutes approval.

Any time limitation relating to local coastal programs may be extended by the Coastal Commission or regional commission for "good cause," though regional commissions cannot be extended past the June 30, 1979, deadline.

If local coastal programs are not certified and all implementing devices are effective by January 1, 1981, the Coastal Commission may:

- Prohibit or restrict the affected local government from issuing any permit, or
- Require a permit from the Coastal Commission for any development within the affected jurisdiction.

A procedure paralleling the local coastal programs is established for the Ports of Hueneme, Long Beach, Los Angeles, and San Diego whereby the ports prepare a port master plan for certification by the Coastal Commission. The policies by which the plans are evaluated are defined in terms of port-related issues and are set forth in a separate Chapter 8 of the Coastal Act.

Regional commissions are dissolved within 30 days after the last local coastal program in its region is certified or on June 30, 1979, whichever is earlier.

7. Permits

Prior to certification of a local coastal program, any development in the coastal zone (other than those under the jurisdiction of the Energy Commission) requires a coastal development permit. Such permits are obtained from local governments if the local governments choose to implement the permit process (except that the permit is obtained from the regional commission for tidelands, submerged lands or public trust lands, or for development by a public agency for which a local government permit is not otherwise required). Such permits may be incorporated with any other development permit issued by a local public agency (e.g., conditional use permit) or may be separate. If the local governments choose not to implement the permit process, all such permits are obtained from the regional commission. Even if the local governments choose to implement the permit process, a regional commission permit is also required for:

Developments located within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of a coastal bluff;

Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach (or mean high tide line where there is no beach), whichever is the greater distance;

Developments which constitute a major public works project or a major energy facility;

Approved or disapproved developments which constitute a major public works project or a major energy facility; and

Approved developments not designated as a principal permitted use under the approved zoning ordinance or zoning district map.

The Coastal Commission and regional commissions have 21 to 42 days to schedule a hearing on permit application or appeal. A decision is required within 21 days of the close of a hearing.

All permits are subject to terms and conditions. The Coastal Commission is required to establish a joint development permit application system with permit-issuing agencies where feasible. As an alternative to project by project review, plans for public works or university or State college developments may be submitted to the Coastal Commission for certification.

No coastal development permit is required for:

Certain improvements to existing single family residences,
Certain maintenance dredging,
Certain repair or maintenance activities,
Developments which the Coastal Commission determines (by a two-thirds vote) have no potential for any significant adverse effect on coastal resources or on public access,
Persons with vested rights (if granted an exemption) and persons who have a permit issued by the existing Coastal Commission,
Certain developed urban areas, and
Certain utility connections.

Section 14 of the Coastal Act amended the Revenue and Taxation Code to require local assessors to consider locally issued coastal development permits (after certification of the local coastal program) as enforceable restrictions in assessing land.

8. Sensitive Coastal Resource Areas

The Coastal Act requires the Coastal Commission to designate sensitive coastal resource areas by September 1, 1977. Each such designation must be based upon a separate report adopted by the Coastal Commission which includes a specific determination that the area is of regional or statewide significance. In sensitive areas the local coastal program must include ordinances, regulations, or programs adequate to protect the resources enumerated in the findings of the sensitive area report.

The Coastal Commission must submit its recommended sensitive coastal resource area nominations to the Legislature. Unless the Legislature adopts these recommendations within two years, they cease to have any force and effect. After certification of local coastal programs, developments approved by the local government in sensitive areas continue to be subject to appeal to the Coastal Commission.

9. Judicial Review and Enforcement

Any person aggrieved by a Coastal Commission decision may seek judicial review within 60 days. Any person may bring an action to restrain any violation of the Coastal Act, to enforce the duties imposed by the Coastal Act on any governmental agency, or to recover civil penalties. Violators of the Coastal Act would be subject to a $10,000 fine plus $50.00 to $1,000.00 per day for each day of violation plus damages.

10. Mandated Costs Reimbursable to Local Government

Section 16 of the Coastal Act declares that all costs to local government for implementing the Coastal Act shall be fully reimbursed in the annual State budget, except that claims for the 1976 to 1977 fiscal year must be submitted to the State Controller by October 31, 1977. If the Legislature fails to provide full funds for mandated local costs, the dates for submission of a local coastal program are postponed by the number of years elapsing until funds are provided.

11. Acquisition

The State Conservancy Commission was established under terms of AB 3544 and is responsible for implementing a program for agricultural lands protection, area restoration, public access, resource enhancement, establishing resource protection zones, and reserving significant coastal resource areas. The Conservancy has the power to acquire lands and condemn accessways for the public.

PART II

DESCRIPTION OF THE PROPOSED ACTION

THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

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The California Coastal Management Program was prepared by the California Coastal Commission in accordance with Section 306 of the CZMA.

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CHAPTER 1

PRELUDE TO 1977

Historically, the use of California's coastal zone, like that of other coastal States, has primarily been regulated or not regulated by local jurisdictions. Over the years, a variety of new governmental agencies, local, regional, State, and Federal, were given some degree of regulatory powers over certain activities within the coastal zone. As of mid-1972, California's 1,072 miles of mainland coastline, excluding the San Francisco Bay, and its 300 or so miles of offshore channel island coastline, were subject to the jurisdiction of 15 counties, 45 cities, 42 State, and 70 Federal agencies.

Pressures from population expansion along the coast, conflicting demands on limited coastal resources, proliferation of regulatory governmental agencies, and the absence of any coordinated State or regional policy regarding California's coastal resources was leading to the rapid and highly visible deterioration of the coastal environment--especially in the more urbanized areas. Warnings about this condition and the need for some form of comprehensive, coordinated State plan or program for the long-range conservation and utilization of California's finite coastal resources were echoed in legislative resolutions and reports, State and local studies and reports, legislative hearings, proposals for legislation, and in numerous popular publications. As early as 1931 a joint legislative committee issued a report on "seacoast conservation."

Past efforts to promulgate effective State and regional coastal planning and management programs had, with one exception, produced virtually no action. An exception was the San Francisco Bay Conservation and Development Commission (BCDC), established in 1965 after a public outcry ("Save the Bay") about landfill and development in the Bay.

The BCDC was a pioneer in State land use planning and development regulation. Despite numerous efforts, no similar commission was established for the California coast. When comprehensive coastal legislation was finally enacted in California, it was through the efforts of citizen organizations, not their elected representatives. On November 7, 1972, California voters, by a 55 to 45 percent margin, enacted a law placed on the ballot as an initiative: Proposition 20, the California Coastal Conservation Act of 1972 (hereinafter referred to as Proposition 20). With the passage of Proposition 20, the rules applicable to the use of California's coastal resources were radically altered. Proposition 20 established a temporary, four-year program for the comprehensive planning and management of coastal zone resources unlike any proposed, much less implemented, elsewhere in the United States. State and regional commissions were established and given a dual mandate to prepare a comprehensive, enforceable, long-range plan for the conservation and orderly development of the coast, and to regulate development while this plan was being prepared.

The permit procedure gave the Coastal Commission and regional commissions a firsthand look at the issues, and their experience with these issues provided a basis for policy making. For instance, they soon discovered one of the most difficult statewide issues was the balancing of private development with public recreation and access to the coast.

From 1973 to 1975, hundreds of public hearings were held on the evolving coastal plan. Coastal Commissioners and regional commissioners, working part-time, grappled with the complex and controversial issues facing the coast: energy, preservation of marine and land environments, shoreline access, recreation, transportation, development, and design.

The plan was completed in the fall of 1975 and was submitted to the Governor and the Legislature on December 1 of that year. At that time, the Coastal Commission and regional commissions as established by Proposition 20 had only a year remaining. In submitting the plan, Coastal Commission Chairman Mel Lane said, "Now the future of the coast is in your hands; under the present law, the Coastal Commission will go out of existence on December 31, 1976."

During the 1976 Legislative session, the Coastal Commission and regional commissions continued to operate under the original mandate of Proposition 20. The Coastal Commission and regional commissions carefully reviewed permit processes and began to study various methods for implementing local coastal program procedures outlined in the plan, if and when the plan was to be enacted by the Legislature.

The original coastal bill, SB 1579, was introduced in the Senate in February 1976. After several hearings, the bill was approved in one committee but in June 1976, failed to clear the Senate Finance Committee. For a while it seemed as if coastal legislation was dead until the next year, but the bill was quickly revived as amendments to a minor bill, SB 1277, that had already received Senate hearings and approval. In two months SB 1277 emerged from both houses of the Legislature as the basis of California's coastal management program (see Appendix 1). In two months SB 1277 supporters agreed to several amendments, contained in a "cleanup" or trailer bill, AB 2948, which was itself amended by AB 400. Another part of the future program was meanwhile being acted on separately; AB 3544, to establish a State Coastal Conservancy, was passed just after SB 1277 (see Appendix 1). A third piece of legislation, SB 1321, a coastal parklands acquisition bond act, was placed on the November 1976 ballot as Proposition 2; it was approved by the voters. AB 400 appropriated operating funds and additional acquisition funds, and an earlier bill, AB 2133, provided funds for coastal wetlands acquisitions.

On January 1, 1977, when the Coastal Act and other laws came into effect, a permanent coastal management program for California was established.

(Appendix 2 contains a short history of coastal zone management in California and the development of coastal legislation.)

CHAPTER 2

A BRIEF LOOK AT THE MANAGEMENT PROGRAM

A. The Management Program--A New Approach to Land Use Regulation...and Some Old Approaches

One of the principal means of implementing the Coastal Act is the regulation of land and water use. Government regulation is a long-established and constitutional method to protect the public health, safety, and welfare. In the past, regulation of land use has been primarily a local concern but, increasingly, State interests and conflicts between local agencies have proved the need for State involvement in conservation and development. Implementation of the Coastal Act through local land use regulations, with an overview by a continuing State coastal agency, is a new and promising approach to State and local cooperation. It offers the maximum in responsiveness to local conditions, accountability, and public accessibility, while assuring that local decisions will protect statewide concerns.

Regulation alone will not be sufficient; some of the provisions of the Coastal Act require active programs of public land acquisition. In most cases, these will be conducted by existing agencies and a new agency, the State Coastal Conservancy.

Because the coast contains resources of statewide importance, statewide perspective is needed in planning for the coast, along with local viewpoints. Moreover, no plan for the coast can be applied to the diverse and complex conditions of its 1,072 miles without a continuing need for interpretation, resolution of conflicts, and flexibility. It is essential, therefore, that statewide interests be reflected in the governmental process of implementing and applying Coastal Act policies. Other levels and agencies of government each have their own focus and concerns. The Coastal Act, accordingly, established a State agency, the California Coastal Commission, specifically charged with coastal management, assuring the breadth of jurisdiction and perspective essential in carrying out the objectives of the State legislation and the CZMA.

The Coastal Commission is predominantly a citizen commission. No administrative agency, headed by a single administration, can bring to coastal management and planning the breadth of interests and concerns that independent commissions can provide. Purely administrative decision-making would be less accessible and responsive to the general public. The commission structure allows the decision-making body to focus on basic policy choices inherent in coastal planning and management. Technical expertise can be provided by the staff, the assistance of other State agencies, technical advisory boards, or independent consultants, rather than in the membership of the Coastal Commission itself.

B. Precedents for the Management Program

The State of California established several agencies that utilize land use control, regional planning, and pollution control approaches, pre-dating the present coastal management program. A quick look at these agencies is appropriate:

The San Francisco Bay Conservation and Development Commission. In 1965 the legislature established the San Francisco Bay Conservation and Development Commission (BCDC) to develop the Bay Plan and to immediately protect the Bay from further unnecessary fill. In 1969 BCDC was given permanent status as the enforcer of the Bay Plan. The BCDC shares permit powers with other State and local agencies. Its jurisdiction covers the entire Bay subject to tidal action and extends landward 100 feet from the line of highest tidal action. This agency has received broad public support.

Tahoe Regional Planning Agency. In 1970 the Tahoe Regional Planning Agency (TRPA), a regional interstate agency, became operational. The TRPA's mission is to plan for and share, with the appropriate local agencies, land use controls over the Lake Tahoe basin. The rapid deterioration of Lake Tahoe, as had been the case with the San Francisco Bay, made some form of regional planning and management approach necessary. Access to the lakeshore was rapidly dwindling; water pollution threatened the destruction of the Lake's ecological balance and the closure of certain areas to swimming; air pollution had reached the point where comparisons to Los Angeles no longer appeared like bad jokes; the density and intensity of shoreline developments posed a serious threat to the surrounding environment; and high-rise apartments and

condominiums were destroying the very scenic beauty that made the lake such an attraction in the first place. The TRPA has attempted to reverse some of these trends and has become involved in an intense verbal and legal struggle with local governments, developer interests, and recently with conservationists because of its unique voting procedure. This conflict led to the creation of a separate California agency, California Tahoe Regional Planning Agency (Cal-TRPA) to also regulate development on the California side of the Lake. Although TRPA has not enjoyed the acclaim of BCDC, it has furthered the cause of regional planning and management of a regional resource.

State and Regional Water Quality Control Boards. In 1970 a new law became operative in California that has enabled the State Water Resources Control Board and nine California Regional Water Quality Control Boards to implement a strict program of water quality control. The State board is responsible for protecting California's waters. It also has appellate and policy jurisdiction over the regional boards. The work of these boards has been well received by the public. As a result of this water quality control program, California has been viewed as one of the leaders in this field.

Together, these and other agencies such as the Air Resources Board and local air pollution control districts have provided valuable precedents for the approach embodied in the Coastal Act. In addition, the experience with various features of these agencies and their programs, such as membership composition, State/regional relationships, permit power, planning programs, etc., proved to be invaluable in the preparation of the Coastal Act.

C. Approaches to the Management Program

The Coastal Act is founded on the experience of planning and regulation conducted by the Coastal Commission's predecessor from 1972 through 1976. The Coastal Commission and the Coastal Plan it developed and adopted were in turn the outcome of Proposition 20. The origins of the present management program can be seen in the variety of approaches to resources planning and management discussed when the legislation that eventually became Proposition 20 was being constructed in 1970 through 1971.

From the outset it was apparent that scattered and numerous local governments could not lay the groundwork for a comprehensive coastal management program for California. The question at hand was, at what level could an effective, meaningful, and comprehensive coastal resources planning and management program be developed? It was felt that the local government level simply did not have the resources, the legal jurisdiction, or the perspective and overview necessary to prepare a comprehensive statewide plan. The problems of the entire coastal zone transcend political boundaries. Also recognized was the fact that local governments could not be expected to serve with their limited resources the public interest of the entire State.

For the initial stages of preparing a comprehensive coastal management program, a State agency approach was considered the most desirable. In this way the State's resources could more readily perform the task. The Coastal Commission and regional commission structure established in Proposition 20 was modeled after the Water Quality Control Boards. This approach, it was believed, was best suited to take into account the unique character, needs, and problems of particular regions. Subsequently, the regional commissions reflected regional dynamics while the Coastal Commission provided the framework and the means for statewide coordination and policy. In addition, membership of these commissions was constructed so as to assure that affected local governments were adequately represented.

After passage of Proposition 20 and the commencement of coastal planning, a different approach evolved. The Coastal Commission determined a permanent coastal management program could best be implemented on a local level with State government guidance. As recommended in the Coastal Plan, the Coastal Act provided for delegating a proviso that they work within the policy guidelines of the legislation and the Coastal Commission.

The Coastal Act thus established a unique partnership between State and local government by proposing implementation of coastal policies through local land use regulation with an overview by a continuing State commission.

D. How the Program Will Work

The legislation gives the Coastal Commission primary responsibility for implementing the provisions of the Coastal Act, and it designates the Coastal Commission as the State coastal zone planning and management agency with the authority to exercise any and all powers set forth in the CZMA or any other Federal act that relates to the planning or management of the coastal zone. The Coastal Act also recognizes that statewide coastal concerns should be reflected in local land use plans and regulations, and it requires that local governments and ports submit their plans and ordinances to the Coastal Commission for certification as local coastal programs and port master plans. Once local plans and ordinances have been certified as consistent with the policies of the Coastal Act, local governments will take on major responsibility for implementation of the Coastal Act. Each local government lying wholly or partially within the coastal zone is required to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. The Coastal Commission will prepare and adopt specific guidelines for the preparation of local coastal programs, but in general, the local coastal program will consist of an approved land use plan and zoning ordinance. For those areas designated by the Coastal Commission as "sensitive resource areas" and ratified as such by the Legislature within two years, additional implementing measures may also be required to assure the protection of these particularly sensitive areas.

Local land use plans will be reviewed by both the Coastal Commission and regional commissions to establish their consistency with the policies of the Coastal Act, and implementing ordinances will be reviewed to assure conformance with the approved land use plan. The regional commission will be in existence until no later than June 30, 1979, at which time the Coastal Commission will take over all review of local coastal programs.

After certification of a local coastal program (or port plans) and after zoning and other implementing actions have become effective, the review authority for new development within the coastal zone will be delegated to local governments or port governing bodies. The following types of development, however, may be appealed to the Coastal Commission:

1. Any development between the sea and the first public road or within 300 feet of the inland extent of the beach or mean high tide line, whichever is a greater distance.

2. Any development located on tidelands, submerged lands, public trust lands, within 100 feet of any streams, wetlands, estuaries, or within 300 feet of the top of the seaward face of any coastal bluff.

3. Any development located in a sensitive coastal resource area.

4. Any development located in unincorporated areas when the proposed use is not designated as the principal permitted use under the zoning ordinance.

5. Major public works or major energy projects.

6. Within certified port plans, specific types of uses listed in Section 30715 (office or residential development, oil production facilities, etc.).

To insure that unwise development decisions do not occur while local plans are being brought into conformance with the Coastal Act, the Coastal Commission and regional commission will exercise interim development controls. Prior to certification of a local coastal program, any development in the coastal zone will require a coastal development permit. Such permits will be issued by the Coastal Commission or the regional commission, provided that the proposed development (a) conforms to the policies in Chapter 3 of the Coastal Act and (b) approval would not prejudice the ability of the local government to prepare its local coastal program. The Coastal Act provides that a local government may assume the permit role prior to certification if it adopts development control procedures conforming to the Coastal Commission's procedures. Even if a local government assumes the permit role before certification, the Coastal Act allows appeals to the regional commissions and requires that certain types of development also receive a permit from the regional commission or Coastal Commission. These include: (1) development within 300 feet of the inland extent of beach or between the first public road and the sea, (2) development within 100 feet of wetlands, streams, or estuaries or within 300 feet of coastal bluffs, and (3) major public works or major energy projects.

The Coastal Act provides that all State and Federal agencies, to the extent applicable under Federal law, be required to conduct their activities in full compliance with the policies of the Coastal Act.

This summary was intended to be brief. Details of management program mechanisms appear primarily in Chapter 6 to 11, with citations to the relevant legislation.

CHAPTER 3

PROGRAM OBJECTIVES AND GENERAL MANAGEMENT POLICIES

A. Objectives

The California Legislature, in the Coastal Act, declared that the State's basic coastal program goals are to:

> "(a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
> (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
> (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
> (d) Assure priority for coastal-dependent development over other development on the coast.
> (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone." (30001.5)*

B. Coastal Issues and General Management Policies

Chapter 3 in the Coastal Act is a key chapter which sets forth numerous resources, planning and management policies consistent with the goals of the Coastal Act. Primarily, the policies constitute the standards by which the adequacy of local coastal programs and the permissibility of proposed developments will be determined (30200). They are also mandated policies for all public agencies involved in coastal zone activities (30003). These policies, in short, are fundamental parts of the management program.

The following sections summarize these policies. Each set of policies is introduced with the rationale for the policies, based on the Coastal Plan, which provided background for the Coastal Act (30002).

Public Access

Of California's 1,072 miles of mainland coast, approximately 263 miles were legally available for public access in the latter part of 1972, when the people of the State were considering the ballot's Proposition 20. The State Constitution in fact guarantees the right of public access to the ocean, but this right has not always been enforced, and many parts of the coast are now fenced or are otherwise inaccessible.

While the Coastal Act places special emphasis on adequate public access, it also recognizes public safety needs, the need to protect public rights, rights of property owners, and natural resource areas for overuse, and the need for additional policing, litter control, and other measures. The policies balancing these needs are:

> "In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)

> "Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetarian." (30211)

> "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

*Unless otherwise indicated, parenthetical numbers refer to sections of the California Public Resources Code. The Coastal Act is Division 20, commencing with Section 30000 (see Appendix 1).

"Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution." (30212)

"Wherever appropriate and feasible, public facilities, including parking areas, or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." (30212.5)

Along the immediate shoreline, home, businesses, and industries have often cutoff existing public access, have used up available road capacity and off-street parking, and have precluded use of the coastline area for recreation. Development has an impact on transportation systems serving the coast and can also reduce upland recreational opportunities that would otherwise relieve demand on the shoreline. A development policy deals with the relationship of access and development:

"The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development." (30252)

In recent years much coastal property has increased rapidly in value, so people of limited means, including many elderly people, can no longer afford to live in some coastal neighborhoods. This problem is addressed as follows:

"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65301 of the Government Code." (30213)

Recreation

The California coast provides recreation for millions of people every year--many from within the State, but many from other parts of the country and the world as well. Serving their needs provides California with jobs and income constituting a valuable part of the State's economy. Visitor surveys, filled campgrounds, and jammed parking lots make clear that even more visitors would be at the coast if there were more room for them. A study by the State Department of Parks and Recreation in 1971 showed deficiences in a variety of recreational activity opportunities. For example, deficiencies were found in such recreational activities as ocean swimming due to insufficient parking facilities, sport fishing due to a "critical shortage" of public land, skin and scuba diving due to a scarcity of quality diving areas, and camping due to insufficient facilities. The same study noted that "bicycling and hiking trails along the coast of California are essentially non-existent."[1]

The scarcity of public access to beaches, tidepools, and other shoreline areas and deficiencies in coastal recreational opportunities provided the most compelling reasons for public concern and active involvement in efforts to enact coastal zone planning and management legislation.

The Coastal Act will increase public access to the shoreline and help correct current deficiencies in coastal recreational opportunities both through the permit process and as an integral part of local coastal programs. Relevant policies are:

"Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses," (30220)

"Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area." (30221)

"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." (30222)

"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." (30223)

While giving considerable emphasis and priority to the use of scarce coastal lands for public recreation and public-serving commercial recreation uses, the Coastal Act also recognizes (in several of the public access policies noted above) that many areas cannot accommodate unlimited crowds without environmental damage, and provides limits be placed on access and recreational use as necessary.

In recognition of the need to meet public demand for coastal recreation, and to protect existing facilities and resources from overuse, the Legislature placed the State Urban and Coastal Park Bond Act of 1976 on the November 1976 ballot. Approved by the voters, this measure assures funding for many of the acquisition sites and recreational facilities recommended in the Coastal Plan.

The demand for recreational boating has grown sharply in recent years, and in many coastal marinas there is a shortage of berths. In the past, small-boat marinas were often created by dredging and filling valuable marshes or other wetlands. Because such areas are essential to protect the State's fish and wildlife, and because boating can be accommodated elsewhere without habitat destruction, the Coastal Act draws limits to the development of marinas while simultaneously encouraging increased boating:

"Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land." (30224)

Other policies permit certain boating facilities in degraded wetlands under certain conditions.

Marine Environment

California's coastal waters are among the world's most productive marine environments, but since the turn of the century, there has been an ominous decline in the quantity of food fish caught in the State's coastal waters, especially near intensively developed urban areas. The reasons are threefold: 1) overharvesting of some popular fish, shellfish, and marine mammals has depleted their numbers; 2) until recently, the ocean has been viewed as a convenient dumping ground for all sorts of waste products, including materials poisonous to marine life; and 3) coastal wetlands, which serve as "nursery grounds" for many species of fish and wildlife, have been dredged and filled for development. The Coastal Act's principal policy on marine resources is:

"Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." (30230)

The Coastal Act also specifies a number of measures to protect these resources:

"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect ripearian habitats, and minimizing alteration of natural streams." (30231)

Of California's many biologically productive wetlands and estuarine areas over two-thirds have been destroyed by drainage, filling, and dredging. These critical areas, together with the nearshore areas of the coastal zone, constitute the most productive link in the ocean's food chain. As noted in the California Comprehensive Ocean Area Plan (COAP), a study and inventory of coastal resources and problems, "the continued reduction of these coastal wetlands is one of the most serious problems facing man in coastal zone fishing and wildlife management."[2] Effective conservation and restoration programs for living wetland, estuarine, and nearshore marine resources have been largely ignored in the past. The Coastal Act includes policies to protect these resources:

> "(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
> (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
> (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities, if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
> (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
> (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
> (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
> (7) Restoration purposes.
> (8) Nature study, aquaculture, or similar resource-dependent activities.
>
> (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
> (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division." (30233)

Elsewhere in the Coastal Act, provision is made for mitigation measures:

> "Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time." (30607.1)

Because of the expected increase in energy facilities, tanker traffic, and offshore drilling along the coast, the Coastal Act addresses the problem of oil spillage with this policy:

"Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur." (30232)

The reduction of commercial fishing facilities and the popularity of recreational boating and the possible conflict between these two types of facilities resulted in this policy:

"Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of commercial fishing industry." (30234)

Seawalls, breakwaters, revetments, groins, harbor channels, cliff retaining walls, and other structures near the shoreline can detract from the scenic appearance of the oceanfront and can alter natural shoreline processes. Yet some of these structures are necessary:

"Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." (30235)

The Coastal Plan found coastal streams directly affect the coastal environment in several ways, being, among other things, interrelated with the estuarine systems, vital to anadromous fish that live in both salt and freshwater, and collectors and transporters of sand to supply coastal beaches. The Coastal Act addresses the various development pressures on streams in the coastal zone as follows:

"Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat." (30236)

Land Resources

The Coastal Act recognizes the richness of the nearshore ocean habitat. Recognizing many plants, animals, birds, and marine creatures are dependent on the unique environment of the coast and can only survive in this setting, the Coastal Act affords protection to the sensitive resources of the land environment:

"(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

The rich alluvial soils in coastal valleys, combined with temperate climatic conditions, create some of the finest and most productive agricultural land in the Nation. The presence of the sea moderates the climate and helps create an extended growing season and protect coastal crops from frost damage. Yet, much of the prime agricultural land in the coastal zone has been lost to urban development; in the coastal counties, one out of 12 acres (about 8 percent of the cropland) was converted in the 1960's. Urbanization pressure causes problems for remaining agriculture. For example, subdivisions and lot splits fragment land and ownership patterns, making some farm operations less practical. High land costs and taxes increase operating costs. In addition, residential development near agricultural areas brings complaints about farm dust, odor, pesticides, and noise, while it increases the problems of vandalism, trespassing, dogs and other animals, and air pollution that adversely affect agriculture.

The policies of the Coastal Act are aimed at maintaining the maximum amount of prime agricultural land in production:

> "The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:
> (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
> (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
> (c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
> (d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
> (e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands." (30241)

> "All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." (30242)

The coastal forests in northern California are a valuable, renewable economic resource whose improper management was found to have resulted in reduced historical timber inventory. The Coastal Act seeks to maintain forest land in production:

> "The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities." (30243)

The Coastal Act addresses the preservation of archaeological and paleontological resources as:

> "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." (30244)

General Coastal Development

Perhaps the most controversial aspect of coastal management involves the regulation of development. The Coastal Plan made several key findings about the role of development in the coastal zone; priorities are needed among competing coastal zone uses; concentrating development enhances use of the coastal zone; properly located high-intensity development can absorb some demand for coastal land; and growth can be accommodated away from the coastline. Following, in general, the recommendations of the Coastal Plan, the Coastal Act establishes these development policies:

> "Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland." (30255)

> "(a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
> (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

"(c) Vistor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors." (30250)

"New development shall:
(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
(4) Minimize energy consumption and vehicle miles traveled.
(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." (30253)

The growth-inducing nature of large public works projects such as sewage systems, wastewater treatment plants, water systems, and highways is recognized and addressed in the Coastal Act:

"New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of the division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new developemnt inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development." (30254)

The California coastline is a visual resource of great variety, grandeur, contrast, and beauty. In many areas coastal development has respected the special scenic beauty of the shoreline, but in others incompatible development has degraded and altered the attractiveness of the coast. The Coastal Act addresses the preservation of views and scenery in this fashion:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting." (30251)

Industrial Development, Energy Facilities, and Ports

The developments with perhaps the most direct impacts, both localized and regional, on coastal zone resources are large industrial facilities, including energy-related developments. The Coastal Plan analyzed the needs for such facilities, and the impacts of them, in great depth, and the Coastal Act establishes many specific, detailed policies (30001.2, 30260-30264, 30413, 30707). In a major policy statement near the beginning of the Coastal Act,

"The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state." (30001.2)

A second major policy on industrial development in Chapter 3 of the Coastal Act concerns coastal-dependent developments that had to have a coastal location in order to function at all:

> "Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibily be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or, more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible." (30260)

The Coastal Act also addresses the particular siting and development of tanker terminals, liquefied natural gas (LNG) terminals, oil and gas production facilities, refineries and petrochemical facilities, and power plants.

With regard to tanker facilities, the Coastal Act calls for multi-company use of existing and new tanker facilities, to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. Tanker facilities are to be designed to minimize the total volume of oil spilled, minimize the risk of collision from movement of other vessels, and have ready access to the most effective feasible containment and recovery equipment for oil spills (30261(a)).

The Coastal Act permits only one LNG terminal in the coastal zone until the risks inherent in LNG terminal operations can be sufficiently identified and overcome. Until such terminals are found to be consistent with the health and safety of nearby human populations, LNG terminals may be built only at sites remote from human population concentrations. When LNG terminal operations are found to be consistent with public safety, terminal sites may be approved in developed or industrialized port areas only (30261(b)).

The Coastal Act permits oil and gas development consistent with a number of conditions related to safety and assuring minimal environmental impacts (30262). New or expanded refineries or petrochemical facilities, if not consistent with the other policies of the Coastal Act, may be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within a sufficient buffer area to minimize adverse impacts on surrounding property (30263 (a)). New or expanded refineries or petrochemical facilities will also be required to meet all applicable air quality standards.

The Coastal Act has several provisions specifically treating major energy facilities and public works projects. Because of the special emphasis to address energy impact planning in coastal management programs by the CZMA, further discussion on this subject is found in Chapter 9.

Chapter 8 in the Coastal Act governs the southern California ports of Hueneme, Long Beach, Los Angeles, and the San Diego Unified Port District and establishes policies to govern development. It declares that coastal planning requires no change in the number or location of the established commercial port districts. These ports are required to submit for Coastal Commission approval port master plans. Thereafter, if the plans are certified, permits for approved in-port development do not require a permit from the Coastal Commission. Instead, each port governing body will act on development proposals in its jurisdiction.

However, certain types of development are appealable to the Coastal Commission and regional commissions to determine conformity to the certified port plan. Under the Coastal Act, port master plans shall include: (1) proposed uses of land and water areas; (2) the projected design and location of port land and water areas, berthing, and navigation ways; (3) an estimate of the effect of development on habitat areas and the marine environment, including proposals to mitigate adverse impacts; and, (4) provisions for public participation in port decision-making, inclusion of detailed information in the master plan, and a list of appealable proposed projects, prior to master plan certification.

Conflicts Between Policies

The Coastal Act includes guidance and direction for resolving conflicts that might arise between the policies of the Coastal Act:

> "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." (30007.5)

It is expected that local governments, State and Federal agencies, and the various applicants for coastal development permits will comply with the intent of this policy guidance.

REFERENCES

1. California Department of Parks and Recreation, California Coastline Preservation and Recreation Plan (August 1971), pp. 53-75.

2. California Resources Agency, Comprehensive Ocean Area Plan (1972), p. 8.

CHAPTER 4

THE COASTAL MANAGEMENT AREA

A. The Coastal Zone and Permit Area Before 1977

Proposition 20 drew a distinction between a planning area about five miles wide that was termed "the coastal zone" and a "permit area" 1,000 yards wide within which the Coastal Commission and regional commissions would regulate development during the four-year planning period. It is necessary to keep that original distinction in mind in discussions below on subsequent changes in the area now subject to the California Coastal Management Program.

Coastal Zone (Planning Area) Under Proposition 20:

> "'Coastal Zone'[meant] that land and water area of the State of California from the border of the State of Oregon to the border of the Republic of Mexico, extending seaward to the outer limit of the state jurisdiction including all islands within the jurisdiction of the state and extending inland to the highest elevation of the nearest coastal mountain range, except that in Los Angeles, Orange and San Diego Counties, the inland boundary of the coastal zone [was] the highest elevation of the nearest coastal mountain range or five miles from the mean high tide line, whichever is the shorter distance." (27100)

Permit Area. Included within the boundaries of the coastal zone, or planning area, during the term of the 1972 Coastal Act (until December 31, 1976) was a development permit area:

> "'Permit Area' [meant] that portion of the coastal zone lying between the seaward limit of the jurisdiction of the state and 1,000 yards landward from the mean high tide line of the sea subject to the following provisions:
>
> "(a) The area of jurisdiction of the San Francisco Bay Conservation and Development Commission, together with all contiguous areas 2,900 feet landward thereof, and any river, stream, tributary, creek or flood control or drainage channel which flows into such area, [was] excluded.
>
> "(b) If any portion of any body of water which is not subject to tidal action lies within the permit area, the body of water together with a strip of land 1,000 feet wide surrounding it [was included]; provided, however, that this subdivision did not apply to any river, stream, tributary, creek, or flood control or drainage channel when a portion of it [lay] within the permit area.
>
> "(c) Any urban land area which [was] (1) a residential area zoned, stabilized, and developed to a density of four or more dwelling units per acre on or before January 1, 1972; or (2) a commercial or industrial area zoned, developed, and stabilized for such use on or before January 1, 1972, [could], after public hearing, be excluded by the regional commission at the request of a city or county within which such area is located. An urban land area [was] 'stabilized' if 80 percent of the lots [were] built upon to the maximum density or intensity of use permitted by the applicable zoning regulations existing on January 1, 1972.
>
> "Tidal and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach or of the mean high tide line where this is no beach [could] not be excluded." 27104

Essentially, the Coastal Commission and regional commissions found themselves working with a planning area and a permit area that were not drawn up after months of study but rather quickly during the citizen effort to institute interim regulation controls. Drawing a more rational boundary was a major task of the coastal planning process from 1973 through the publication of the Coastal Plan in late 1975 and into the drafting of the Coastal Act in 1976.

The Coastal Plan proposed two jurisdictions: a coastal zone and a coastal resource management area, the first being larger than the second. The coastal zone as proposed in the plan was basically the same as that established by Proposition 20. The coastal resource management area, on the other hand, resembled the Proposition 20 1,000-yard permit area only in function. Instead, to the greatest possible extent, the coastal resource management area was resource-based. It extended from the high tide line inland to include (1) all significant coastal resources (including natural, manmade, and recreational resources) and (2) areas where development could directly or cumulatively affect public access to coastal recreational areas -- for example, by overloading coastal access roads.

The significant coastal resources included in the coastal resource management area as proposed and mapped in Part IV of the Coastal Plan were: beaches, dunes, wetlands, estuaries, and their immediate drainage areas; significant wildlife habitat areas; agricultural lands influenced by the coastal climate or otherwise designated in plan plan policies; existing public recreational areas; (for example, the Santa Monica Mountains); special coastal neighborhoods; and other manmade resources as defined in the glossary of the Coastal Plan. (Offshore rocks and islands were also included.) Areas where development was seen as affecting coastal access included urban coastal recreation centers confronted with severe congestion problems (including, for example, the Marina del Rey-Venice area west of Los Angeles) and open coastal areas where there are few public access roads (for example, Malibu).

The Coastal Plan proposed, within the coastal zone, major energy facilities and State and Federal projects be subject to the permit authority of the State coastal agency. The coastal resource management area was to be the area within which local plans would be brought into conformity with the Coastal Plan, as recommended in Part III of the Coastal Plan.

The Coastal Plan maps showed boundary lines approved by the Coastal Commission on the basis of regional commission recommendations, in turn based on the permit experience and other factors, including public and government comment. The extent of coastal management had been, naturally, a frequently addressed subject during the extensive hearings that led to the Coastal Plan.

B. Coastal Zone Established by the 1976 Coastal Act

The Coastal Plan was the basis for the coastal legislation, and the Coastal Act recognizes both the study of coastal issues and the plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone (30002). The Legislature, quite obviously an independent body, with a broad, statewide representation, was not bound to the Coastal Plan in all its respects. Many legislators felt that the distinction between the Proposition 20 coastal zone and the one proposed in the Coastal Plan, the proposed coastal resource management area and the old 1,000-yard permit area, and the various "parts" of the coastal zone that were identified as places where specific Coastal Plan policies should apply (among the sub-areas identified in the glossary of the plan are "oceanfront area" and "nearcoast area"), created an implementation system that was overly complex.

The Coastal Act simplifies the proposed system by establishing a newly defined coastal zone that is essentially the same as the Coastal Plan's coastal resource management area. Drawing not only on the extensive planning but also on the four-year permit experience of the Coastal Commission and regional commissions, the Coastal Act establishes this definition:

> "'Coastal zone' means that land and water area of the State of California from the Oregon boraer to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area." (30103(a))

So, rather than attempting a long, property deed-like description of the boundaries, the Coastal Act describes the inland line as being at 1,000 yards, with the exception of "significant coastal estuarine, habitat, and recreational areas" -- then referenced an official map which was drawn by the Coastal Commission and authorized by the Legislature that is on file in the Secretary of the State's office in Sacramento. This map, at a scale of 1:62,500, has 21 large sheets and is available for $13 for a complete set.[1] The Coastal Commission was directed in the Coastal Act to prepare a more detailed -- 1:24,000 -- map by about March 1977. Importantly, the Coastal Commission was given authority to adjust the landward boundary up to 100 yards to avoid bisecting a single lot or parcel or to conform it to identifiable natural or manmade features

The Coastal Act, in short, defines a coastal zone but references a boundary on a map that can be adjusted to a minor extent but can be modified in any significant way only by the State Legislature. Experience had shown that the 1,000-yard line had a basis: the permit process had demonstrated that the 1,000-yard area was generally sufficient to protect significant coastal resources and to assure public access to the coast.

But while in some areas there were reasons to leave the jurisdiction at 1,000 yards, there were numerous areas along the coast where coastal resources that would benefit from greater protection extended inland, well beyond the Proposition 20 line. There are 18 of these significant coastal estuarine, habitat, and recreational areas - which became known during the legislative session as "bulges." In all, they run a total of 412 miles along the coast and extend inland, at the widest points, an average of five miles from the mean high tide line. These inland extension areas are:

1. Lake Earl, Talawa, Smith River Delta
2. Freshwater, Stone, and Big Lagoons
3. Eel River Delta
4. Ten Mile Estuary, Ten Mile Dunes, and Inglenook Fen
5. Sonoma-Mendocina Coast
6. Willow Creek-Bodega Bay
7. Tomales Bay
8. San Mateo-Santa Cruz Coast
9. Elkhorn Slough
10. Big Sur Coast
11. Morro Bay
12. Nipomo, Santa Maria, Guadalupe, and Vandenberg Dunes
13. Point Arguello to Gaviota
14. Carpinteria
15. Santa Monica Mountains
16. Irvine Coastal Area
17. Agua Hedionda to Los Penasquitos Lagoons
18. Tijuana Estuary.

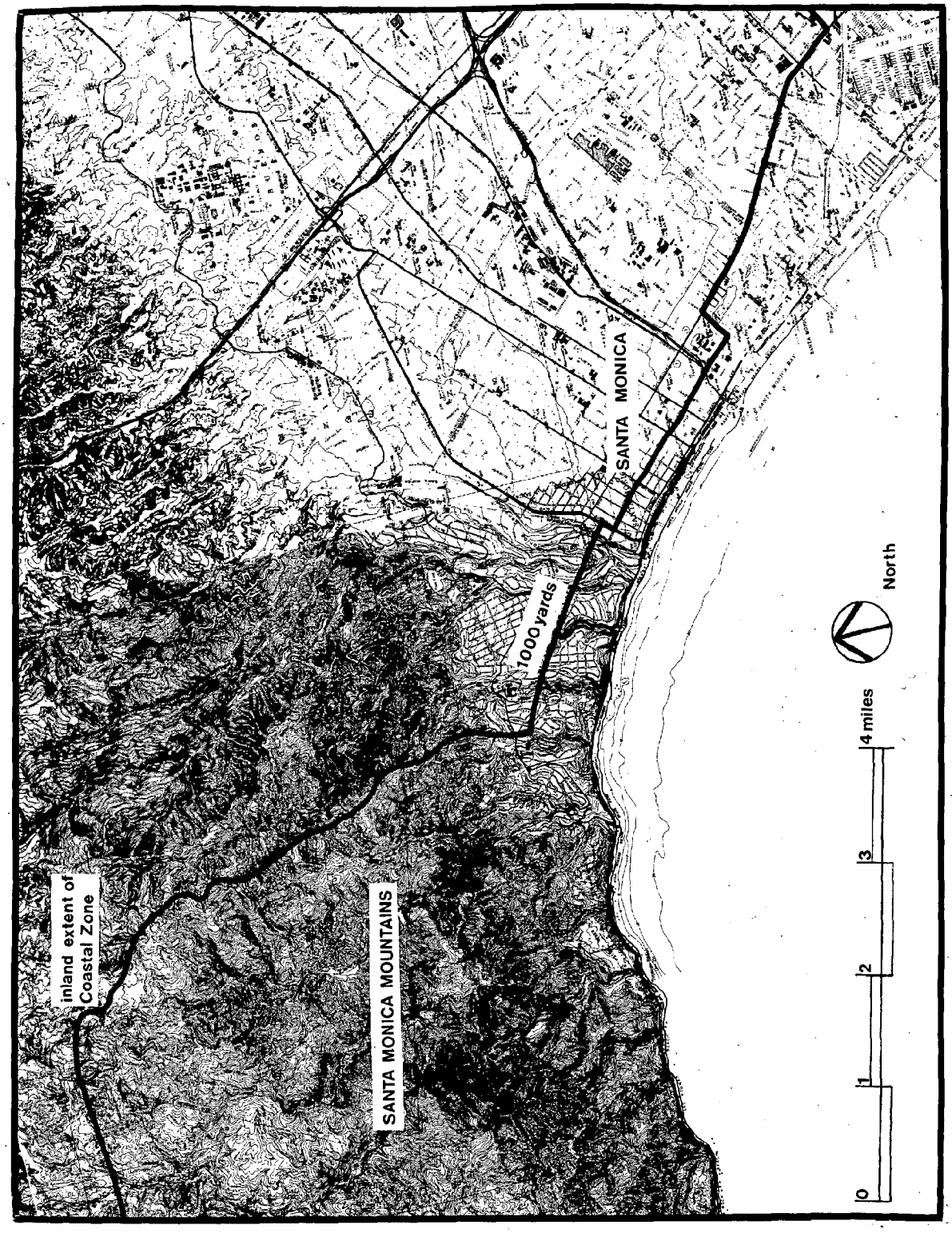
All of these had been identified in the Coastal Plan and had been recommended for inclusion in the coastal resources management area, which evolved into the present coastal zone.

Appendix 3 contains a list of the 18 "bulges" with the rationale in each case for delineating the boundary.

While the Legislature determined that the coastal zone should remain at about 1,000 yards in many areas and should "bulge" in others to protect significant resources in other areas, it also determined that the boundary line could be drawn significantly seaward in areas where development would have little if any impact on resources or public access. Almost all of these areas are heavily urbanized and the Coastal Act, like Proposition 20, recognized there were few coastal-related concerns that could be addressed by applying coastal development policies in these areas. Among these urban areas are Fort Bragg, San Francisco-Daly City, Capitola, Monterey and parts of the Monterey Peninsula, Santa Barbara, Santa Monica, Long Beach, and other Los Angeles-area cities, Huntington Beach, La Jolla, and San Diego. By no means are all of these areas excluded from the coastal zone, but the line is significantly seaward of the 1,000-yard line depending on local circumstances.

To aid the reader in understanding the whole process, see the accompanying map, Figure 1, and text that shows why, in the area from Malibu to Marina del Rey the line was drawn at 1,000 yards, or further inland, or further seaward.

Figure 1


inland extent of Coastal Zone
SANTA MONICA MOUNTAINS
1000 yards
SANTA MONICA
North
0
1
2
3
4 miles

DELINEATING THE COASTAL ZONE BOUNDARY: A DESCRIPTIVE EXAMPLE

The process by which the present coastal zone boundary was drawn, beginning at the Oregon State line and ending at the international border with Mexico, was long and complex. It would take more than 100 sheets at the size and scale of the accompanying map to show the coastal zone boundary in detail, and perhaps 100 pages of running narrative to describe where the line is and why. Instead, it is hoped that an example will elucidate the methodology used to delineate the boundary.

The map and commentary describe an area west of Los Angeles: the Santa Monica Mountains, including part of the Malibu-Topanga coast, to the north; the City of Santa Monica; and Venice and Marina del Rey to the south. The coastal zone boundary as it runs through this area includes a residential area where the line is 1,000 yards from the mean high tide line, the general statutory limit of the coastal zone; an urban area where the line was drawn seaward of the existing 1,000-yard line; and a large "bulge" where the line goes inland to the major ridgeline or five miles to protect valuable coastal habitat and recreational resources.

Regional Overview

This part of the South Coast has come under severe development pressures in recent years as population and jobs shifted to the west. Those shifts, combined with increased recreational demands, have created severe public access and use conflicts. Access to the Malibu area historically has been difficult because Pacific Coast Highway (State Route 1) parallels the coast and is the primary access route for visitors and commuters traveling to and from the Los Angeles Basin. A few lateral roads through the Santa Monica Mountains connect Malibu with the San Fernando Valley, but as beach usage continues to increase (annual visitation is now in the millions) highway capacities and beach parking lots are severely overloaded during peak periods and summer weekends. Residential development on the seaward side of the coast highway has blocked access--and views--along 13 miles of the Malibu coast. Failing septic tanks threaten to pollute streams and offshore waters (Malibu is not served by a sanitary sewer system).

Further south, development ranges from single-family residences on the unstable slopes and terraces of Pacific Palisades to concentrations of high-density and high-rise residential and commercial uses along the bluffs in Santa Monica and in the vicinity of Marina del Rey. The older neighborhoods of south Santa Monica and Venice, offering housing opportunities for low- and moderate-income persons, are under pressures that would convert apartments to condominiums or demolish single-family houses to make way for high price, higher density units.

Boundary Description

In the north the coastal zone boundary includes significant parts of the Santa Monica Mountains, one of the 18 specifically identified coastal resource areas where the protection of resources and access requires the inclusion of an area landward of the 1,000-yard line. The line follows the major ridgeline, the Santa Ynez Ridge, where possible, but is five miles from the shoreline in the north because of the general statutory definition. The Santa Monica Mountains are the last large open space in the Los Angeles metropolitan area, representing a great potential for recreational development and use--hiking, horseback riding, nature study--linking the ocean to upland and inland areas. In the mountains are a number of State and local parks capable of serving a population area of 10 million people. The mountains are also the immediate upland area behind Malibu, not only a coastal area with high recreational value for its famous swimming and surfing beaches but an area where uncontrolled development would severely limit public access to the shore. The bulge is included in the coastal zone because it is important to have an adequate management area where habitat as well as long-term public access can be effectively protected, particularly since uncontrolled development threatens to make useless past and present expenditures for public beach and parkland.

The line follows the Santa Ynez Ridge seaward to near Pacific Palisades, then runs parallel to the shoreline 1,000 yards away. The area outside the coastal zone contains no coastal resources and is largely developed and was not felt to cause potential impacts on public access that would warrant a line more than 1,000 yards from the shore.

At San Vicente Boulevard in Santa Monica, the boundary line goes seaward about two blocks then follows Fourth Street parallel to the coast through downtown Santa Monica. The line is meant to limit coastal management to the area where development would have a direct impact on coastal recreational resources and particularly on public access. The line generally separates a stable, highly developed inland urban area from a shoreline urban area still undergoing development and redevelopment.

The boundary follows Fourth Street to Grant Street where it goes landward four blocks to Highway 1, following that south and thereby encompassing existing low- and moderate-income housing in Venice and several key, undeveloped parcels in the Marina del Rey area, both locations where coastal access opportunities are threatened.

C. Geographic Areas of Particular Concern Within the Coastal Zone

Along with discussion of the basis for drawing a coastal zone boundary must come a discussion of what the resulting coastal zone contains. In general, it can be said that the coastal zone itself and many geographically identifiable parts of it are areas of particular concern. Because of that concern, the management program provides for an interconnecting system of planning policies and regulatory performance standards to be applied for the next few years by a combination of Coastal Commission and regional commissions, State agencies, and various local jurisdictions, including ports.

The areas of particular concern can be placed in overlapping categories as follows: the coastal zone in general; significant coastal estuarine, habitat, and recreational resources; specified areas of concern; sensitive coastal resource areas; the Coastal Commission's reserved permit jurisdiction before certification of local coastal programs and appeal jurisdiction after certification; and, finally, areas to be acquired for public preservation and restoration.

Coastal Zone in General

The large geographical area of concern in the California Coastal Management Program is the entire California coastline and environs. The State recognized this in the early 1970's, first in the passage of Proposition 20 in November 1972, six months later in the publication of the State's Environmental Goals and Policies Report.

Approved by the voters, Proposition 20 contains this language: "The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem." (27001)

The Environmental Goals and Policies Report, published June 1, 1973, nominated the 1,000-yard coastal development permit area established by Proposition 20 as an area of environmental resources and hazards of critical concern, important because of its recreation, access, and connecting link value.[2]

The Coastal Plan, submitted for implementation by the Legislature December 1, 1975, continued this emphasis on the importance of the coast. "The essence of the Coastal Plan," as noted in the document, "is that the coast should be treated not as ordinary real estate but as a unique place, where conservation and special kinds of development should have priority."

And, finally, in the action that made coastal management permanent, the Coastal Act declared:

> "(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
> "(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.
> "(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction." (30001)

In brief, the entire coastal zone is subject to management of one kind or another as provided, primarily, in the Coastal Act. The principal management technique will be regulation of development.

Significant Coastal Estuarine, Habitat, and Recreational Areas

As discussed in Section B of this chapter, the coastal zone boundary was extended inland in 18 areas -- an average of five miles -- for a total length of 412 miles in order to include various significant resource areas.

More Specific Areas of Concern

Beyond the rationale behind the definition of the entire coastal zone, the Coastal Act specified numerous geographical areas and resources -- all identifiable and mappable -- that would be subject to specific management policies. All are included within the coastal zone. Following is a brief but non-definitive list of those areas in unlabled groupings:

Sea
Marine environment
Sand transport systems
Local shoreline sand supply
All waters subject to the public trust
Offshore islands
Channel islands
*
Marine areas of special biological or economic significance
Coastal waters
Estuaries
Wetlands
Streams
Lakes
Degraded wetlands
Lagoons
*
Shoreline area
*
State lands
State tide and submerged lands, filled or unfilled
Public trust lands, filled or unfilled
*
Environmentally sensitive areas
Fish and wildlife habitat
Areas adjacent to environmentally sensitive habitat areas
Riparian habitats
Habitats in or near ports
Biologically sensitive areas on ports
*
Prime agricultural land
Agricultural lands around the periphery of urban areas
Areas adjacent to prime agricultural lands
Non-prime lands suitable for agricultural use
*
"Special treatment areas" (forested lands)
Commercial timberlands
*
Existing recreational areas
Dry sand and rocky coastal beaches to the first line of terrestrial vegetation
Coastal areas suited for water-oriented recreational activities designed to enhance public opportunities for coastal recreation
Upland areas necessary to support coastal recreational uses
Selected points of attraction for visitors
Special communities and neighborhoods that are popular visitor destination points for recreational uses
*
Existing recreational boating space and facilities
Natural harbors, new protected water areas, and areas dredged from dry land
Access corridors to boating harbors
*
Existing non-developed areas
Available lands not suitable for agriculture
*
Sites remote from human population concentrations
*
Highly scenic areas
Scenic coastal areas
Areas with views to and along the ocean
State Highway 1 in rural areas
Visually degraded areas

*
Natural landform areas
Bluffs and cliffs and natural landforms
*
Seismically hazardous areas
Areas of high geologic, flood, and fire hazard
Existing structures in danger of erosion
Existing structures in floodplains
*
Archaeological and paleontological resource areas
*
Air quality maintenance areas
*
Existing developed areas
Urban land areas
*
Specifically defined geographic areas in which a category of development has been found to have no potential for any significant adverse impact, either individually or cumulatively, on coastal resources or public access
*
Existing isolated developments
*
Existing coastal-dependent industrial sites
Developed or industrialized port areas
Port Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District
Fill basins on upland sites
Existing commercial fishing space and facilities
*
Property surrounding refineries or petrochemical facilities
Proposed sites of power plants and transmission lines
Specified locations where the siting of power plants would prevent the achievement of the Coastal Act policies
*
Public works facilities and areas
Special districts
State universities and colleges

The policies identifying these areas (see Chapter 3) constitute the standard by which the adequacy of local coastal programs and the permissibility of proposed developments are determined (30200). The Coastal Act requires compliance by all public agencies and all Federal agencies to the extent possible under Federal law or regulations or the U. S. Constitution (30003). The Coastal Act directs public agencies carrying out or supporting activities outside the coastal zone to consider the effect of those actions on coastal zone resources (30200).

A more complete but non-exclusive categorical inventory of areas of concern, together with some of the language of the policies on the management and use of those areas, is contained in Appendix 4.

Sensitive Coastal Resource Areas

The Coastal Act, in determining what the Coastal Commission's appeal jurisdiction would be after the certification of local coastal programs, categorized several resources as "sensitive coastal resources." This is an important category that is one more element in the composition of the coastal management area and is intended to be applied to areas that cannot be protected through zoning ordinances alone. As defined,

> "'Sensitive coastal resources areas' means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. 'Sensitive coastal resource areas' include the following:
>
> (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
> (b) Areas possessing significant recreational value.
> (c) Highly scenic areas.
> (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
> (e) Special communities or neighborhooods which are significant visitor destination areas.
> (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
> (g) Areas where divisions of land could substantially impair or restrict coastal access." (30116)

The Coastal Act (30502 and 30502.5) requires the Coastal Commission to designate sensitive coastal resource areas by September 1, 1977. Each designation must be based upon a separate report adopted by the Coastal Commission that includes a specific determination that the area is of regional or statewide significance, and lists the significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access. The recommended designations must be submitted to the Legislature for designation by statute. Unless the Legislature adopts a recommended designation within two years, it ceases to have any force and effect. Based, however, on the Coastal Commission's designation report, local coastal programs must include additional implementing actions (e.g., ordinances, regulations, or programs) adequate to protect the coastal resources in conformity with the Coastal Act's policies. After certification of local coastal programs, actions taken by a local government on a coastal development permit application for developments in sensitive coastal resource areas may be appealed to the Coastal Commission if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program (30603 (a)(3)).

Coastal Commission's Reserved Permit Jurisdiction Before Certification of Local Coastal Programs

As will be discussed in greater detail in Chapter 7, the Coastal Act provides that local governments have the option, prior to certification of their local coastal program, of establishing procedures for regulation of coastal zone development in accordance with Coastal Act policies and Coastal Commission interpretive guidelines (30600(b), 30604, 30620, 30620.5). Whether or not the local government exercises this option, a permit would still be necessary from the regional commissions (or, on appeal, the Coastal Commission) for the following geographical areas that are, obviously, of immediate concern to the entire State:

> "(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
> "(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff." (30601)

(Section 30515 includes public works and energy projects as well.)

Coastal Commission's Appeal Jurisdiction After Certification

After certification of local coastal programs under the procedures outlined in Chapter 7, the Coastal Commission has an appeal jurisdiction which includes the three areas and developments mentioned above plus "[d]evelopments approved by the local government...located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program." (30603(a)(3)) (The fifth jurisdictional category is developments approved by a county that are not designated as the principal permitted use under the zoning ordinance or zoning district map. Some port projects are separately included in the appeal jurisdiction (30715).

Areas Purchased for Public Preservation and Restoration

The last major element in the composition of the coastal management area should be mentioned -- the permanent protection and management that can be given to lands purchased for public preservation and restoration.

For the most part, the preservation and restoration of coastal resources will be carried out through the policies of the Coastal Act described in Chapter 3. When the policies of the Coastal Act or the tools of local government are inadequate to fully protect significant resources, the State Coastal Conservancy -- which is part of the California Coastal Management Program -- will provide additional means by which the protection may be accomplished. Chapter 10 describes the State Coastal Conservancy. Appendix 5 lists current acquisition sites.

D. Excluded Areas

For the purposes of the California Coastal Management Program, there are several types of lands which are excluded from the boundary definition of the coastal zone.

Excluded Federal and Trust Lands

Section 30008 reiterates the words of the CZMA and states "...excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents." In accordance with an October 1976 opinion rendered by the U. S. Attorney General, the interpretation of Section 304(a) of the CZMA means that all lands owned by the Federal government must be excluded. Federal trust lands are also excluded from the coastal zone.

The Coastal Commission makes use of the General Services Administration document, "Real Properties Owned by the U. S.", "which separates civil from military properties, as well as facility maps which have been provided to the Coastal Commission by the Federal agencies to identify these excluded lands. These documents are also available to local governments to use in their development of local coastal programs. These lands are addressed during the planning process as being excluded from the coastal zone and the coastal development permit unless otherwise noted in Section 307, Federal consistency regulations.

Surplus Federal lands are also excluded but the State is not precluded from planning for the potential use of those excess lands should they be acquirable. In addition, for the purposes of consistency and helping Federal agencies, the State will let those agencies which may choose to use the excess lands know what the status of the surrounding lands and water uses are, and any potential conflicts that may occur if the proposed Federal agency uses might be inconsistent with the approved management program and local coastal programs or affect the State's coastal waters. This would be done prior to any Federal agency acquiring such excess lands. This will be done in the spirit of cooperation, coordination, and to avoid future conflicts between State/Federal land and water use decisions.

Notwithstanding this exclusion of Federal lands, the CZMA strongly encourages Federal agencies to consider the impact of their activities on coastal resources, and in certain cases requires that their activities be consistent with the State program (Section 307). The Coastal Act, for its part, declares that "all Federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division." (Section 30003) (see Chapter 11 for more commentary on State/Federal relations.)

Excluded from the Coastal Act's Permit Provisions

The Coastal Act makes provisions for excluding certain areas (as well as certain developments) from the Coastal Commission's interim development permit system but not from the policies of the Coastal Act. The three types which the Coastal Act recognizes are 1) urban lands as defined by Section 30610.5 but which have not yet been delineated by local governments, 2) specifically defined categories of development or specific categories of development within defined geographic areas where the Coastal Commission finds no potential for any significant adverse effect on coastal resources or public access (Section 30610(d)) and 3) statutory exclusions which include development areas as defined in Section 30610. The categorical and statutory exclusions areas will be designated as appropriate and required. (See Chapter 7 for a discussion of the permit provisions.)

E. San Francisco Bay and the Delta

Two agencies have responsibility for the comprehensive planning and management of California's land and water areas along the California coastline: (1) the Coastal Commission with jurisdiction over all of the coastal zone, except San Francisco Bay; and (2) the San Francisco Bay Conservation and Development Commission, with jurisdiction over San Francisco Bay and adjoining San Pablo and Suisun Bays.

The San Francisco Bay Conservation and Development Commission (BCDC) was established in 1965 as a temporary agency to prepare a plan for San Francisco Bay. Based on the San Francisco Bay Plan adopted by BCDC in 1969, the State Legislature made BCDC a permanent agency with responsibility for regulating development in and around the Bay. Because BCDC is already carrying out a coastal management program based on an adopted plan, no Federal assistance for coastal zone planning (under Section 305 of the CZMA)has been requested for this agency; however, a separate application for Federal approval of the Bay Plan as a segment of the California coastal management program was approved by the Secretary of Commerce on February 16, 1977. San Francisco Bay has not been incorporated into the Coastal Commission's management program because the Bay was adequately protected under the provisions of the San Francisco Bay Plan during the development of the Coastal Plan.

According to the Coastal Act, the Coastal Commission and BCDC shall conduct a joint review of the Coastal Act of 1976 and the McAteer-Petris Act of 1969 (BCDC's legislation) to determine how the coastal management program administered by these two commissions shall be related to the Coastal Act (Section 30410). Their recommendations must be presented jointly to the Legislature not later than July 1, 1978. The actual changes that may occur as a result of the joint review and legislative recommendations will be addressed in a supplemental environmental impact statement which will be submitted when the two segments are combined into a single unified program.

The Sacramento-San Joaquin Delta is located just east of the San Francisco Bay. Freshwater from both the Sacramento and San Joaquin River systems flows through the Delta into the Bay -- the largest tidal estuary on the West Coast -- where it mixes with the saltwater from the Pacific Ocean. Though once a marsh, nearly all of the Delta was diked off many years ago for agricultural use, and the farmland in the Delta is now some of the most fertile and productive in California.

Although the Delta is an important natural resource, it is not within the jurisdiction of either BCDC or the Coastal Commission under present law; therefore, it is not included within the boundaries of the California coastal zone at present. Furthermore, the CZMA does not require the inclusion of the Delta in the coastal zone because, unlike the waters in the Bay and along the rest of the coastline, the water of the Delta is fresh and must remain so if it is to continue to be used for irrigation and as a source of drinking water. (The CZMA defines coastal waters as waters adjacent to the shorelines, which contain a measurable quantity or percentage of seawater (Section 304(2)).)

Even though the CZMA does not require inclusion of the Delta within the coastal zone boundaries, these boundaries will have to be reviewed from time to time in light of changing conditions. The Delta's ecological relationship to the coast, and in particular to San Francisco Bay, is well-documented. Moreover, development pressures are increasing, particularly for water-related industry and for waterfront and recreational housing, to some extent because waterfront land for these uses is in increasingly short supply in the coastal zone. Water-related recreational use of the Delta is also increasing. All these uses compete with agriculture for the fertile soils of the Delta and indicate that the same trends that created the need for coastal management elsewhere in California are at work here also.

The California Coastal Management Program will be managed under the provisions of the Coastal Act as administered principally by the Coastal Commission, regional commissions, and local governments. San Francisco Bay and its shoreline will continue to be managed under the approach that has proven, over the past 10 years, to be the Nation's most effective program in regulating the use of a largely urbanized coastline through the use of the Bay Plan as administered by BCDC and other State agencies. The Delta, where the vast, rural area is just beginning to be exposed to development pressures, will not, for the immediate future, be addressed as part of the coastal management program, but will instead be managed by State agencies and local governments using existing regulatory authorities.

REFERENCES

1. The Coastal Commission has made arrangements with Addressograph Multigraph Corporation Graphics (440 Mission Street, San Francisco, California; telephone (415) 781-4353) to provide copies of the 1:62,500 boundary map referenced in the Coastal Act. The 21 sheets covering the entire coast are broken down as follows: North Coast -- sheets 1-6; North Central Coast, 7-8; Central Coast, 1-12; South Central Coast, 13-17; South Coast, 18-19; and San Diego Coast 20-21. Individual sheets cost $1, the full set $13, plus tax and postage. Those interested in the not-yet-produced 1:24,000 set should contact the Coastal Commission office in San Francisco.

2. The report resulted from a legislative mandate to the Reagan Administration in 1970 when it was recognized that the growth and distribution of California's population was intrinsically related to impacts on the natural environment. A fundamental concept of the report is that beyond the State's self-evident interest in all of its resources, there are some resources which, because of unique natural values, high productivity, hazardous qualities, or special value for specific purposes, are of statewide interest and which should be carefully reviewed before irrevocable land use decisions are made. Furthermore, within areas of statewide interest are those which are threatened by immediate changes in land use, are of high value for food and fiber production, are vital to the survival of certain life forms, are the superlatives of their kind, or are of an immediate and severe hazardous nature to the welfare of the people of the State, and are, therefore, areas of statewide critical concern. The report went on to nominate potential environmental resources (including the coast) and hazards of critical concern.

CHAPTER 5

LAND AND WATER USES SUBJECT TO MANAGEMENT

In its planning the Coastal Commission made an exhaustive analysis of the impacts of various land and water uses on coastal zone resources. At a very early point in the planning process, however, the decision was made not to endeavor to produce a statewide general coastal land and water use map that would guide future growth along the lines of permissible and prohibited uses. Experience has shown that this practice is inflexible and cannot respond to the rapid changes in approaches to land development. New uses are continuing to emerge (such as floating offshore coal burning power plants), so strict lists of permissible or prohibited uses would be incomplete and obsolete in a very short time.

To resolve this problem the Coastal Commission decided to follow the approach that is generally being taken in resource management programs of developing performance standards and criteria (hereinafter performance standards) for all uses based on an intensive analysis of the impacts on the coastal resources of various activities and the capability of the resources to respond to the impacts. The resulting performance standards are applicable to all proposed uses, but some uses posed such unique problems that additional standards were generated to deal with the particular use. Similarly, some resources were found to be of particular concern so standards had to be developed to apply to any use proposed that would impact on the particular resource. As a result of this approach, three general types of performance standards are found in the Coastal Plan policies and are subsequently expressed in the Coastal Act: (1) those dealing with any general development along the coast anywhere (e.g., public access requirements, protection of environmentally sensitive habitat areas, etc.); (2) those dealing with a particular use or impact (e.g., marinas, disposition of oil field brines, etc.); and (3) those dealing with the protection of particular resources (e.g., wetlands, agricultural lands, etc.). Appendix 6 contains a lengthy, but non-exclusive, list of land and water uses subject to management.

Thus by addressing the effects of various uses rather than specifying the uses per se, the Coastal Act provides for the determination of the permissibility of a proposed land or water use by measuring its impacts against performance standards.

The application of performance standards is discussed in the coastal development permit process. The Coastal Commission and regional commissions, both under Proposition 20 and the Coastal Act, have staff permit analysts who first analyze the coastal resource issues involved in a permit application and prepare a summary for the commissioners before the hearing and then prepare a staff recommendation for the commissioners before the meeting at which the permit application (or appeal) comes for a vote. The policies of the legislation are brought to bear on a continual basis in this process: each policy has a criterion that forms a question that is directed to the proponent for the development: is it a coastal-dependent use? does the project adversely impact on marine species? does it block public access to the shoreline? The answers, of course, can be reasons for approving the development, denying it, attaching conditions, requiring mitigation measures, or a combination of these.

When the Coastal Commission and regional commissions, as provided in the Coastal Act, eventually transfer permit authority (with the exceptions and with an appeal jurisdiction) to local governments upon the certification of local coastal programs, it is expected that performance standards will still be applied to coastal developments. But local governments will have, in their programs, translated the words of the policies into the general plans, zoning district maps and zoning ordinances -- and in many cases other implementation tools -- which may make the standards more detailed and specific -- in all, perhaps more sensitive to local and even regional needs. In addition, a local government will generally have the option of requiring a separate coastal development permit -- using the local coastal program standards -- or integrating standards involving coastal concerns with other standards -- on noise, waste disposal, structural safety, setbacks, and so forth. In the final analysis, whether the Coastal Commission and regional commissions or local governments are operating the system, the result is the same: development must pass certain tests for conformity with coastal resource and development policies.

A. Use Acceptability

Using the approach outlined above, use acceptability is determined on the basis of performance standards. In developing the performance standards contained in the Coastal Plan policies over the short period of time provided by coastal planning by Proposition 20, it was necessary to rely heavily on the research that had already been conducted on California coastal resources and the impact of various activities on those resources. Fortunately, extensive research has been carried out along the coast.

The most recent and comprehensive inventory of the natural and manmade coastal resources is provided by the Comprehensive Ocean Area Plan (volume II) completed in May 1972. This information was supplemented with other inventories, land and water use capability studies, economic and technical feasibility information, and extensive additional data. An extensive bibliography of source material was used in the preparation of the Coastal Commission's technical reports. (Specific mapped information was drawn from many sources with the major ones listed on pages 286, 314, 328, 356, 392, 410, and 420 of the Coastal Plan.)

The process used in the preparation of the technical reports and the derivation of findings and policies from the background technical information was a lengthy, complex process. Basically, the technical studies revealed problems and issues. Based on these findings, policies were developed that would address the problems and relate land and water use allocation decisions to resource values.

For example, studies of the marine environment, in the words of the Coastal Plan, determined that:

> "Coastal waters are at a minimum four time more productive than the open ocean; even though the waters over the continental shelves comprise only 10 percent of the world's ocean surface, 90 percent of the world's fisheries are concentrated in this zone" (page 26). "Living marine resources are not only important in supplying protein and other products, but ...contribute at least $600 million annually to the California economy" (page 27). Moreover, "Coastal wetlands, made up of tidal marshes and mudflats and related freshwater marshes, are a vital part of the productive coastal water system...Salt marshes are one of the most productive living systems known, ranking in productivity with intensively cultivated rich tropical agriculture" (page 38). "Coastal...wetlands are particularly vulnerable to being used by man in ways that provide economic benefits but nevertheless destroy their natural values...Coastal wetlands have been dredged for...marinas, (and)...filled to provide new land for development...Of the original 197,000 acres of marshes, mudflats, bays, lagoons, sloughs and estuaries in California (excluding San Francisco Bay), the natural productivity and open space values of 102,000 acres (52 percent) have been destroyed by dredging or filling. Of California's remaining estuaries and wetlands, 62 percent have been subjected to severe damage and 19 percent have received moderate damage. In southern California, 75 percent of the coastal estuaries and wetlands have been destroyed or severely altered by man since 1900. Two-thirds of 28 sizeable estuaries existing in southern California at the turn of the century have been dredged or filled" (page 39).

In short, wetlands, which are a vital link in the productivity of marine life and a key to the economic viability of the multi-million dollar California fishing industry, were being destroyed at a very rapid pace.

As noted, many of the wetlands have been dredged or filled for marinas. Yet the boating industry plays a major role in the economic importance of California's recreation and tourism industry, which the Coastal Plan found, contributes"...at least $2.5 billion annually to the California economy and generates over 280,000 jobs" (page 159). Furthermore, "(t)he demand for boating facilities is so great that the berths planned for construction over the next 10 years would, if built, barely cover the existing demand" (page 165).

Based partially on these findings in the Coastal Plan, the following general planning policy and performance standards apply to boating facilities:

> "Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land." (30224)

> "Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." (30230)

"(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities." (30233)

"(b) The Department of Fish and Game, in consultation with the commission and the Department of Navigation and Ocean Development, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section 30233. Any such study shall include consideration of all of the following:

(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values." (30411)

By following the standards included in the above policies, the resource value of wetlands can be protected while allowing the continued use of coastal waters for boating activities.

There are many other such interrelationships between resource values and use activities in the Coastal Plan and in the Coastal Act. During the coastal planning process a matrix was prepared showing these many interrelationships by noting which Coastal Plan policies would be applicable where various uses or activities impact on a variety of natural and manmade resources.

B. Uses of Regional Benefit

The provisions of the Coastal Act have as their foundation the goal of benefiting the general public. Beyond this general benefit, the policies fall into two broad categories. First are those that act to provide immediate protection of coastal resources, such as Section 30244, which requires that where development would adversely impact archaeological or paleontological resources, mitigation measures shall be required. Second are those policies that are recommendations for certain studies or processes to be carried out to improve future decisions regarding use of coastal areas and thereby providing an eventual benefit to the public. Section 30411(b), quoted in Section A above, is one such example of this type of policy in that it recommends that several State agencies cooperate in a study to identify those degraded wetlands that can be restored in conjunction with the development of a boating facility.

Because so many of the resources of the coast are unique, almost all of the policies are of greater than local significance.

Obviously, it is quite difficult and somewhat subjective to determine whether the protection of coastal areas for water-oriented recreational activities is of regional benefit because better recreational opportunities can be assured for the residents of the surrounding communities or of national significance because it will offer all citizens desirable vacation and leisure destinations. Similarly, the protection of wetlands not only enhances the esthetic and ecological values of the wetland itself, and the region in which it is located, but it also preserves feeding grounds for migratory waterfowl and protects habitat for marine life that are of national or even international importance.

Some of the policies have both direct and indirect benefits. For example, Section 30234 of the Coastal Act will ensure that the commercial fishing industry shall be protected to protect the economic viability of a community, and is, therefore, of direct benefit to the region. At the same time, it directly benefits the Nation by guaranteeing a continued supply of fish necessary to help meet the country's demand for food. Similarly, a policy such as Section 30253(5), aimed at the protection of the character of unique coastal communities, directly benefits the region and also indirectly benefits the Nation by guaranteeing that tourists from throughout the Nation who visit the coast will have the opportunity of enjoying a unique experience of visiting these protected communities.

Consequently, it must be recognized that the differentiation between policies of regional benefit from those of national benefit is inherently subjective and imprecise. Nevertheless, the exercise of indexing the benefits of the Coastal Act does provide some indication of their broad benefit.

To ensure that these uses of regional and national concern are not arbitrarily excluded, restricted, or excluded from the coastal zone, the Coastal Act requires that every city and county within the coastal resources management area must amend its general plan and implementing ordinances to bring them into conformity with the Coastal Act, and that State, regional, local, and, to the extent allowed by Federal law, Federal agencies must undertake and guide development in the coastal zone consistent with the policies of the Coastal Act. Moreover, under the provisions of Section 30603(a), after a local implementation program is certified, the following developments of statewide concern can be appealed to the Coastal Commission:

- Developments between the sea and the first public parallel road or within 300 feet of the beach or mean high tide line;
- Developments located on tidelands, submerged lands, or public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- Developments located in sensitive coastal resources areas;
- Any development allowed by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map as certified; and under Section 30515
- Any development that constitutes a major public works project or energy facility.

The Coastal Commission also is required to adopt procedures in accordance with Section 30501(c) which recommends uses that are of more than local importance which local governments should consider in the preparation of local coastal programs. To apply the Coastal Act's policies and to help local governments carry out the Coastal Act, more detailed planning will be conducted to ensure that the regional and national benefit of the Coastal Act's policies are not lost. To this end, additional planning will be carried out in a joint effort of the Coastal Commission, local governments, regional agencies, affected Federal agencies, other State agencies, and citizens' groups, for coastal areas where the cumulative impact of development over time has the potential for adversely affecting coastal resources or coastal access. These plans will apply Coastal Act policies to subregional areas in order to establish development alternatives that are consistent with the Coastal Act and its provisions for protecting uses of regional and national benefit.

As discussed in Chapter 11, California has received extensive assistance and cooperation from many Federal agencies in the preparation of the Coastal Plan and the evolution of the Coastal Act and the analysis of uses of regional and national benefit. Through this process, there has been an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the Coastal Act's policies.

C. Priority Designations

Although the management program set forth in the Coastal Plan and subsequently expressed in the Coastal Act relies primarily on performance standards and development criteria to achieve its goals, a system of use priorities has also been integrated into the Coastal Act to aid in determining the appropriate use of coastal areas and in resolving conflicts between competing uses. These priorities will be treated in concert with other policies to provide a mechanism for making resource allocation decisions and, as such, they must be viewed in the context of the entire management program. However, for purposes of this section, it is useful to isolate the priorities expressed in the Coastal Act and to examine the hierarchy of uses they establish.

The Coastal Act places as its highest priority the preservation and protection of natural resources including wetlands, marshes, environmentally sensitive areas, and agricultural lands. In environmentally sensitive areas, priority is given to uses that would be consistent with resource protection, and the following policies were developed to establish this priority:

> "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

"(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

In the case of agricultural land, the highest priority is placed on maintaining the maximum amount of prime agricultural land "to assure the protection of the areas agricultural economy." (30241) In addition, the Coastal Act proposes agricultural preservation measures, including tax reforms, to be enacted by the State Legislature.

On coastal lands not suited for agricultural use and not designated for preservation, coastal-dependent development (i.e. development or use that requires a site on or adjacent to the sea to be able to function at all) has the highest priority (30255). The Coastal Act recognizes that certain coastal-dependent uses of State or national importance (such as fishing, port facilities extraction of coastal minerals, and tanker terminals) will have to be accommodated on the coast (30001.2). To allow for the provision of these uses while still providing a maximum resource protection, the Coastal Act includes standards for coastal-dependent development that will assure maximum feasible protection of the environment.

Public recreation uses have priority on coastal sites not designated for preservation and not needed for coastal-dependent development. The provisions of Section 30220 and 30221 are aimed at guaranteeing future generations with coastal sites required for water-oriented recreational activities that cannot readily be provided at inland water areas, and obliges the State to protect oceanfront land suitable for recreational use.

If coastal property is not reserved for any of the uses described above, private development may then be permitted, but, even in this case, there are priorities to be considered. For example, visitor-serving commercial recreation has priority over private residental, general industrial, and general commercial development (30222). Similarly, development that would provide significant opportunities for public access to the coast has priority over other general development, and visitor-serving commercial recreation and private residential developments that include low and moderately priced facilities can have priority over exclusive and expensive facilities (30213).

Despite the policies that have some mention of priority designation, a definitive or explicit list of use priorities would be inappropriate within the performance standard concept utilized. Some implicit priorities can perhaps be seen in the relative stringency of siting and design of land and water use policies. (See Appendix 6 for a lengthy listing, with citations to the Coastal Act, of many of these uses.)

CHAPTER 6

MANAGING THE COAST (1): CALIFORNIA COASTAL COMMISSION

Proposition 20, approved by the voters in 1972, had established seven coastal commissions--one State and six regional--to regulate coastal development while a long-range plan for the protection of coastal resources was being prepared. That document, the Coastal Plan, recommended the establishment of a permanent State coastal agency. In the Coastal Act, the Legislature declared that:

> "To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission." (30004(b))

The primary responsibility for ensuring the Coastal Act is carried out rests with the Coastal Commission. Initially, conformity with the management program provisions will be assured through the Coastal Commission's regulatory authority which covers virtually all private and public development along the coast, including that carried out by other State agencies. Ultimately, the management program will be implemented primarily by the local governments acting on behalf of the State after their plans have been brought into conformity with the Coastal Act and certified by the Coastal Commission. Subsequent activities by private interests or public agencies will have to comply with the local plan. A system of appeals to the Coastal Commission acts to protect needs greater than local in nature. Revisions to the local plans will be coordinated by the Coastal Commission and will be based on planning carried out jointly by the Coastal Commission, and all affected local, regional, State, and Federal agencies.

In short, a State commission, the Coastal Commission -- successor to that established by Proposition 20, which expired December 31, 1976 -- is responsible for overseeing the permit process for the coastal zone while the local coastal programs are being written, approved, and certified as conforming with the policies of the Coastal Act. The Coastal Commission will remain a separate agency, responsible for the implementation of the Coastal Act and for the administration of the coastal management program under the provisions of the CZMA.

A. Structure, Membership, and Terms of Office

The Coastal Act, effective January 1, 1977, established a 15-member, part-time, unsalaried statewide Coastal Commission and, until no later than June 30, 1979, six regional commissions. These are the successor agencies of those set up under Proposition 20 in 1972.

California Coastal Commission

The statewide Coastal Commission consists of 12 members appointed in the same manner as under Proposition 20: six public members (two selected by the Governor, two by the Senate Rules Committee, and two by the Speaker of the Assembly) and six representatives from the regional commissions (appointed by each regional commission from its membership). Three additional non-voting ex-officio members are added to the Coastal Commission by the Coastal Act: the Secretary of the Resources Agency, the Secretary of the Business and Transportation Agency, and the Chairperson of the State Lands Commission (30301). The latter three officials can appoint designees in their places, and the six regional representatives may appoint alternates (30301.5).

The Coastal Act provides that the Governor, Senate Rules Committee, and Speaker of the Assembly "shall make good faith efforts" to assure that the public-member appointees "as a whole, reflect, to the greatest extent feasible, the economic, social, and geographical diversity of the state." (30310) The Coastal Act mandated, "for a smooth transition" between Proposition 20 and the Coastal Act, that half the public-member appointees on the Proposition 20 commission be appointed to the successor body (30310). (In fact, seven of the 1976 members, including the chairperson, were reappointed, and three of the new public members have previously served on regional commissions.)

Unless replaced, the six regional representatives continue their membership on the Coastal Commission. Following the termination of a regional commission, the Coastal Act provides for the regional representative's replacement by a county supervisor or city councilperson (resident of a coastal county) appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly, in the order prescribed by Section 30310(a), from a list of nominees submitted by the board of supervisors and city selection committee (30301.2(a)), or from a second list if none of the first nominees is found acceptable by the appointing authority (30301.2(b)).

Public members can serve for two years, at the pleasure of their appointing power, and may be reappointed for succeeding two-year periods (30312(b)). Representatives of regional commissions serve at the pleasure of the regional commissions that appointed them (30312(c)).

Commission members, all of whom are part-time, serve without salary but are paid $50 for each meeting attended, and $12.50 for up to eight hours of meeting preparation, and may be reimbursed for expenses (30314).

Regional Commissions

The Coastal Act provides for the continuation of the six regional commissions -- with no duties or responsibilities other than appointment of a representative to the Coastal Commission unless the Coastal Commission, upon review of the projected work load, certifies that a regional commission is necessary to expedite the review of local coastal programs and coastal development permit applications (30304.5). (The Commission on January 12, 1977, certified all six regional commissions.)

In any case, the regional commissions are to retain the same membership formula as under Proposition 20: in general, one supervisor and one city councilperson from each county and one delegate from the regional council of government, plus an equal number of public members appointed by the Governor, Senate Rules Committee, and Speaker of the Assembly (30302). Because of differences in a number of governmental units within each region, the North Coast, South Central Coast, South Coast, and San Diego Coast regional commissions each consist of six government representatives and six public members, while the North Central regional commission has seven government representatives and seven public members, and the Central Coast regional commission has eight of each. Provisions are made for government representatives to appoint alternates (30304).

As with the Coastal Commission, the Coastal Act provides that half of the public members of each regional commission as constituted under Proposition 20 be reappointed after January 1, 1977 (30311).

Representatives from local or regional government serve at the pleasure of the appointing authority, with membership ending if the representative's term of office as a locally elected official ends, and public members serve two-year terms at the pleasure of their appointing powers (30312).

Regional commission members serve without salary except for attending meetings and for expenses (30314).

Thirty days after certification of the last local coastal program within a region, and in any case not later than June 30, 1979, regional commissions will terminate, at which time the Coastal Commission becomes the successor of remaining obligations, interests, etc. (30305). The Coastal Act provides that the Coastal Commission may maintain regional offices for convenient public access and participation in commission activities (30317).

B. Powers and Duties

The Coastal Commission is designated as the State planning and management agency for the coastal zone and may exercise all authority pursuant to the CZMA (30330). It may grant or issue certificates of consistency with the management program required by Section 307 of the CZMA except for activities affecting the San Francisco Bay segment of the coastal zone which are certified for consistency by BCDC, and power plants which are certified by the State Energy Commission. The Coastal Commission, however, has the authority to identify specific locations where power plants cannot be sited because of the sensitive nature of the area (30413(b)). After certification of port master plans, the ports assume the authority of determining consistency within their boundaries.

In addition to the permit and appeal authority (discussed below), the review and certification of local coastal programs (discussed in Chapter 7), and cooperation and coordination with several State agencies (discussed below), the Coastal Commission has numerous other statutory powers and duties, including:

1. Preparing and adopting procedures and schedules for preparation, approval, certification, and amendment of local coastal programs (30501);
2. Making and amending rules and regulations in accord with the Administrative Procedure Act (30333);
3. Assisting local governments in exercising their powers and in designing local coastal programs (30336);
4. Establishing a joint development permit application system including consolidated procedures for public hearings on any proposed coastal development in order to lessen the time and paperwork involved in obtaining a permit (30337);
5. Preparing subregional plans where necessary (30341);
6. Adopting a map delineating the precise boundaries of the coastal zone (30103);
7. Ensuring public participation in the Coastal Commission and regional commissions work (30339);
8. Budgeting all funds available to the Coastal Commission and regional commissions (30340);
9. Preparing a local coastal program if so requested by a local government (30500);
10. Preparing, undertaking, and adopting plans, maps, and studies (in the case of plans and maps, after public hearings) deemed necessary to better accomplish its task of implementing a coastal management program (30341);
11. Preparing and submitting a progress report on implementation of the management program to the Legislature every other year beginning January 1979 (30342);
12. Conducting a joint review with BCDC of the Coastal Act and the BCDC legislation and submitting a report to the Legislature by July 1, 1978, concerning the future relationship of the two agencies and their work (30410);
13. Designating sensitive coastal resource areas (see Chapter 4);
14. Reviewing the anticipated work load and certifying that a regional commission is necessary to expedite review of local coastal programs and coastal development permit applications (30304.5); and
15. Seeking judicial resolution of conflicts (30334).

Except as otherwise specified in the Coastal Act, a majority of the total appointed membership of the Coastal Commission or regional commissions constitutes a quorum and is necessary to approve any action required or permitted under the Coastal Act (30315).

C. Development Permit and Appeal Authority

The Coastal Commission, in brief, is vested with continued regulatory control over coastal development until the local coastal programs are written and certified (see Figure 2). As the local coastal programs are certified, over the next few years, until January 1, 1981, this interim permit authority ends in each jurisdiction, and will be replaced by an appeal jurisdiction over certain resource areas and over certain kinds of development.

Permit Regulations

The Coastal Commission will continue to exercise interim development controls within a local government's jurisdiction in the coastal zone until the local coastal program has been certified unless, under a special provision, the local government adopts procedures for the review and approval of permits in accordance with the Coastal Act policies (30600(b), 30620.5). If the local government exercises this latter option, the Coastal Commission still retains permit authority over:

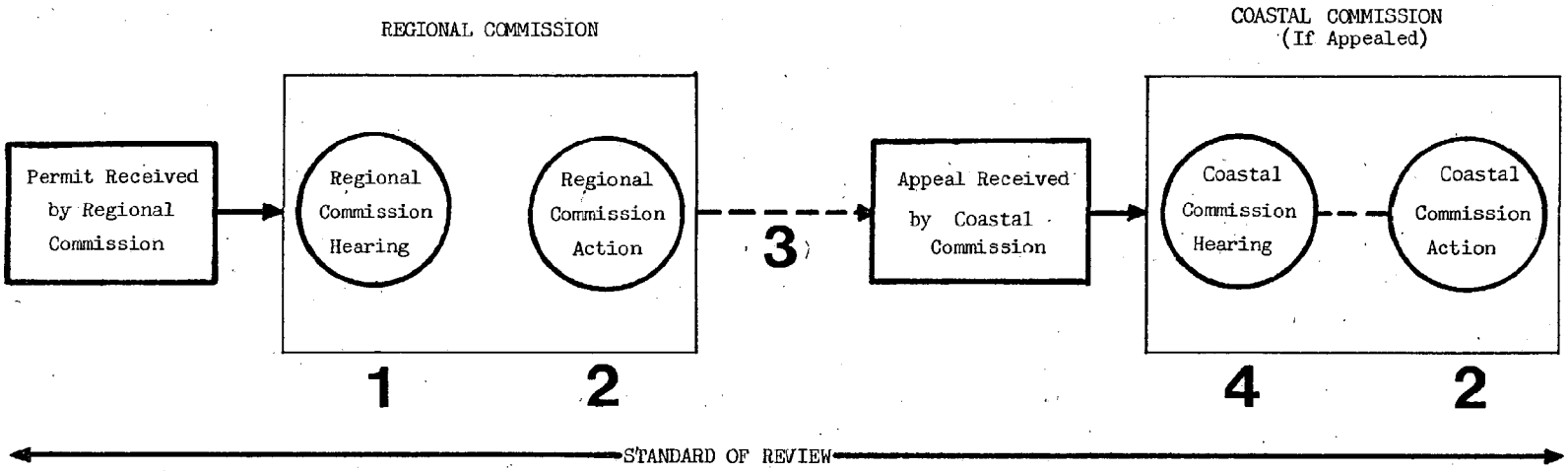
1. Developments located within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of a coastal bluff.
2. Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach (or mean high tide line where there is no beach), whichever is the greater distance.
3. Developments which constitute a major public works project or a major energy facility (30601).

After certification of local coastal programs, coastal development permits will be issued by local governments except Coastal Commission permits will continue to be required for developments on tidelands, submerged lands, or public trust lands (except those specified in Section 30519(b) for port and harbor district projects included in local coastal programs).

COASTAL COMMISSION AND REGIONAL COMMISSION DEVELOPMENT
CONTROLS BEFORE CERTIFICATION

(Regular Permits)

In those areas not excluded per PRC 30610 and 30610.5, and where local government has not elected to issue coastal development permits, the Coastal Commission and regional commissions shall issue permits in the following manner:



a) development conforms to Chapter 3 (PRC 30200 et seq.)
b) approval would not prejudice ability to prepare a local coastal program

1) public hearing held within 21-42 days after permit application received
2) action required 21 days after hearing date
3) appeals must be filed within 10 work days of action; any aggrieved person, applicant, or any 2 members of Coastal Commission may appeal the regional commission action
4) public hearing within 21-42 days of appeal receipt; proceeds to full hearing and action unless Coastal Commission finds a) no substantial issue, or b) no question as to conformity with Chapter 3

FIGURE 2

Prior to certification, all actions on permits taken by the local government or the regional commissions are appealable to the Coastal Commission. After certification, only the following actions are appealable to the Coastal Commission:

"(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
"(2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
"(3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal recource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.
"(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).
"(5) Any development which constitutes a major public works project or a major energy facility." (30603(a))

(The standard for review of any development in paragraph three is conformity with the implementing actions of the certified local coastal program (30603(c).)

The grounds for appeal of those developments in paragraph one are limited to the following:

"(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
"(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.
"(3) The development is not compatible with the established physical scale of the area.
"(4) The development may significantly alter existing natural landforms.
"(5) The development does not comply with shoreline erosion and geologic setback requirements," (30603(b))

Any appealable action as listed above may be appealed to the Coastal Commission by an applicant, an aggrieved person (except in denials), or any two members of the Coastal Commission. Any permit issued by a local government is subject to reasonable terms and conditions to assure consistency with the coastal program (30607).

The Coastal Commission is required, where feasible, to establish a joint development permit application system and joint public hearing procedures with other agencies (30337).

The Coastal Commission adopted a number of interim permit procedures at its first meeting, January 12, 1977, and by May 1, 1977, will adopt permanent procedures (30620). These draft regulations have been distributed by the Coastal Commission and are available upon request. The Coastal Commission and regional commissions have 21 to 42 days to schedule a hearing on a permit application or appeal (30621). A decision is required within 21 days of a hearing (30622). Failure to act within these time limits upholds the decision being appealed (30625). A regional commission decision is final if no appeal is filed within 10 working days after the action (30622). All Coastal Commission hearings are de novo (30621).

Prior to certification, all actions on permits taken by the local government are appealable to the Coastal Commission by the executive director of the regional commission, any person including the applicant, or any two members of the regional commission or the Coastal Commission to the regional commission (30602). (See Section 30625 for appeals from the regional commissions.)

Coastal Commission permits are not required for:

Statutory Exclusions

1. Certain improvements to existing single-family residences (30610(a)).
2. Certain maintenance dredging (30610(b)).
3. Certain repair or maintenance activities (30610(c)).

Categorical Exclusions

4. Certain utility connections (30610(e)).
5. Developments which the Coastal Commission determines (on a two-thirds vote) have no potential for any significant adverse effect on coastal resources or public access (30610(d)).

Urban Exclusions

6. Certain developed urban areas (30610.5).
7. Persons with vested rights (if granted an exemption) as long as construction is pursued within three years of the granting of an exemption and persons who have a permit issued by the existing Coastal Commission (30608).
8. Power plants under the jurisdiction of the State Energy Commission (30413).

Section 14 of the Coastal Act amended the Revenue and Taxation Code to require local assessors to consider locally issued coastal development permits (after certification of the local coastal program) as enforceable restrictions in assessing land.

CHAPTER 7

MANAGING THE COAST (2): LOCAL COASTAL PROGRAMS AND DELEGATION OF PERMIT AUTHORITY TO LOCAL GOVERNMENTS

Proposition 20, passed in 1972, established a strong State role in coastal planning and management. The Coastal Act of 1976 provided for a continued State role, but in the Coastal Act the Legislature found and declared:

> "To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement." (30004(a))

Local governments will be relied on in the coastal management program for several reasons:

- Using the existing local government land use planning and development review system can help eliminate duplication at the State level;
- Local government is both accessible and accountable to local citizens;
- Consolidation of the development review process at the local level reduces the time and money costs to applicants; and
- Local governments are best able to reflect the different conditions and values of the many communities along the 1,072 mile coastline.

Because current State planning law already requires that each local government prepare a general plan for the use of land within its jurisdiction, and also requires that zoning ordinances conform to that plan, implementation of much of the coastal management program by local governments is a logical step. Accordingly, the Coastal Act requires that general plans be amended to conform to the Coastal Act, and zoning ordinances and maps must then conform to the certified land use plans in order to legally enforce the provisions of the general plan.

In general, until local coastal programs are written and adopted locally, and certified by the Coastal Commission, the Coastal Commission will continue to regulate coastal development. After certification, coastal permit authority is delegated to local governments, with some continued Coastal Commission permit authority and with Coastal Commission appellate jurisdiction in certain areas and over certain developments. Appendix 7 contains the Draft Local Coastal Program Manual which is designed to provide practical assistance to local governments along with Chapter 8 (part of Appendix 7) of the regulations which describes local implementation procedures.

A. Preparation and Certification of Local Coastal Programs

Content of Programs. The Coastal Act specifies the contents of local coastal programs as follows:

> "'Local coastal program' means a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level." (30108.6)

The land use plan that is the heart of the local coastal program is also defined:

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

Another relevant term is also included in the Coastal Act:

> "'Local coastal element' is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate." (30108.55)

As set forth elsewhere in the Coastal Act, zoning ordinances and zoning district maps are the principal legal tools that implement the land use plan (30511 and 30513).

The Coastal Act specifically requires each local coastal program to "contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided" (30500(a)).

The Coastal Commission, by March 31, 1977, is to prepare and adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of local coastal programs to include a "common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics" and "[r]ecommended uses that are of more than local importance that should be considered in the preparation of local coastal programs" (30501(a) and (c)).

Consistent with these procedures, the common methodology, and the list of recommended uses, the local government will, in consultation with the Coastal Commission and regional commissions and with public participation, determine the precise content of each program (30500(c)).

Separately, the Coastal Commission is to nominate, by September 1, 1977, various "sensitive coastal resources areas" where the protection of resources requires review and approval not only of the land use plan, zoning ordinances, and zoning district map, but of "other implementing actions" (30502(a)), which means the "ordinances, regulations or programs" (30108.4) pertaining to those resource areas that are "adequate to protect the coastal resources . . . in conformity with the policies" of the Coastal Act (30502(c)). If ratified by the Legislature (30502.5), these senstitive coastal resource areas are included in the Coastal Commission's appeal jurisdiction. (See Chapter 4 for an explanation of this special category.)

The Coastal Act devotes an entire chapter (30200 et seq.) to those coastal management policies that will "constitute the standards by which the adequacy of local coastal programs . . . are determined" (30200).

Schedule. The Coastal Commission will adopt a schedule for processing local coastal programs which cannot be required to be submitted before July 1, 1978, or after January 1, 1980. Programs are to be completed not later than July 1, 1980, and certified not later than December 1, 1980 (30501(b)). Deadlines or other time limitations may be extended up to one year for good cause (30517).

Preparation of Local Coastal Programs by the Coastal Commission. A local government has the option requesting that all or part of its program be prepared by the Coastal Commission (30500), but other provisions require the local government to still hold a public hearing and adopt the proposed program and submit it for certification.

Options for Preparation of the Land Use Plan. The Coastal Act provides two methods for preparing the land use plan portion of the local coastal program: preparation of amendments to the local general plan and constituent elements; or preparation of a separate element of the general plan for the coastal zone pursuant to Government Code Section 65303(d). Large jurisdictions with only a small portion in the coastal zone may find a separate coastal element to be the simplest and least costly way of preparing the land use plan, but this element must contain all of the documentation, land use designations, and resource protection and development policies that might otherwise appear in the general plan. Local governments can obtain some flexibility by dividing the coastal zone into smaller units and submitting the land use plan in separate sections (30511(a)). These, too, would have to include all relevant materials (see Figure 3).

Options for Submission of Programs. The Coastal Act provides three options for the submission of the land use plan, zoning ordinances, and zoning district maps, and, if required, implementing actions: together at one time, in two phases, and in separate geographic units (30511).

The first option is self-explanatory. Under the second option the local government would first submit its land use plan and, after certification, the conforming zoning ordinances and zoning district maps, and, if required, implementing actions. This option gives the locality the assurance of adequacy of the general provisions of its land use plan before undertaking preparation of the more detailed zoning materials.

Under the third option, the land use plan and other materials could be submitted in separate geographic units, which would allow some areas to be certified and permit review delegated early, while planning continued in other areas.

Review and Certification by the Coastal Commission and Regional Commissions. Land use plan portion: regional commissions shall, within 90 days after the submission of the land use plan portion of the program, and after a public hearing, either approve or disapprove the plan, in whole or in part. No action constitutes approval. The regional commission must say, in writing, why it disapproved a plan

SUBMISSION OF LOCAL COASTAL PROGRAMS

A. Requirements for Submission (30510)

The local coastal program may be submitted when both of the following are met:

(1) Local government adopts a resolution, after public hearing, certifying the intent to implement local coastal programs in conformity with the Coastal Act.

(2) The local coastal program conforms to Coastal Commission guidelines and contains sufficient material for a compelte review.

B. Timing

Local coastal programs may be submitted as soon as possible after the Coastal Commission's adoption of guidelines. No local coastal program may be required to be submitted before July 1, 1978, nor shall they be submitted later than January 1, 1980.

C. Local Options

(1) Local government may submit the local coastal program in its entirety and have the Coastal Commission review the land use plan and zoning and implementing ordinances at one time.

(2) Local government may submit the local coastal program in two phases, with the land use plan being processed before zoning and other implementing ordinances are reviewed by the Coastal Commission.

(3) Local government may submit local coastal programs for separate geographic units within its jurisdiction. Submissions for these geographic subunits may either involve the 1-step or the 2-step review process.

(4) Local governments may, prior to July 1, 1977, request the Coastal Commission to prepare its local coastal program.

FIGURE 3

and suggest ways to modify the disapproved portions. Within 10 working days of approval, in whole or in part, the land use plan is forwarded for review by the Coastal Commission, which has 21 to 45 days to determine, after a public hearing, whether specific provisions raise a substantial issue. If the Coastal Commission finds no substantial issue, the regional decision is final and the land use plan deemed certified. If there is a substantial issue, the Coastal Commission has 60 days from receipt of the plan to refuse certification or certify it in whole or in part. The Coastal Commission must explain, in writing, why a plan was found unacceptable. A revised plan may be resubmitted directly to the Coastal Commission. The criteria by which the Coastal Commission or regional commissions will approve and certify the land use plan is that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act (30512).

Zoning ordinances, zoning district maps, and other implementing actions: the regional commissions have 60 days in which to reject the zoning ordinances, maps, and other implementing actions. If rejected, the regional commission must explain why. If not rejected after 60 days, the zoning and other materials are deemed approved. The local government may either revise and resubmit the materials or, within 10 days of rejection, appeal to the Coastal Commission. Explicit or implicit approvals or rejections may also be appealed by any aggrieved person to the Coastal Commission. The Coastal Commission has 60 days to determine if an appeal raises a substantial issue, or 30 days if the Coastal Commission itself determines to review the materials. If not rejected in those time limits, the materials are deemed approved. If rejected, the materials may be revised and resubmitted. The criteria by which the zoning and other materials are judged are conformity with and adequacy to carry out the certified land use plan (30513). (See Figure 4 for a description of this process.)

Amendments to Programs. Certified local coastal programs and all local implementing ordinances, regulations, and other actions may be amended by a local government, but a material amendment must be certified by the Coastal Commission (30514). Provision is made for amendments to local coastal programs governing public works projects or energy facilities if they are to meet public needs of an area greater than that included within the certified local coastal program (30515).

Sanctions. If a local coastal program has not been certified and all implementing devices become effective by January 1, 1981, the Coastal Commission may, if it finds that new developments would be contrary to the Coastal Act, prohibit or otherwise restrict the local government from issuing any permit or require a Coastal Commission permit for any development within the coastal zone of that jurisdiction (30518).

Five-Year Review. Provision is made for periodic - at least every five years - Coastal Commission review of every certified local coastal program to determine if it is being effectively implemented. If it is not, the Coastal Commission is to recommend corrective actions to the local government, which if it does not take those actions, must report within a year to the Coastal Commission. The Coastal Commission is to review that report and, if appropriate, make recommendations to the Legislature for legislative actions to assure effective implementation of the relevant policy or policies (30519.5).

Provision for Ports, Special Districts, Public Works, and Other Plans. The Coastal Act established a procedure similar to that for local coastal programs for the master plans of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District (see Chapter 8). These port master plans are to be included in local coastal programs for informational purposes (30711).

In the same manner, provision is made for the submission of plans for public works or State university or college long-range land use development plans. If public works plans are submitted before certification of the local coastal programs of affected local jurisdictions, then the Coastal Commission is to certify the plan if consistent with the coastal policies. If the public works plan is submitted after certification, the Coastal Commission is to approve it, in consultation with affected local governments, if the plan is in conformity with the certified local coastal program.

State universities and colleges are to coordinate with local governments in the preparation of their plans to be consistent with the appropriate local program (30605).

Coastal Commission Assistance. The Coastal Commission will assist local governments in exercising the planning and regulatory powers and responsibilities provided for in the Coastal Act (30336). It is expected that this assistance will include providing data, staff support, and technical assistance, where requested, in the preparation of local coastal programs. The geographic applications of the Coastal Plan are available for guidance to local jurisdictions, and subregional plans are being cooperatively drawn up by the Coastal Commission for areas where either the cumulative impact of development or conflicts among various proposals create the potential for significant adverse impacts on coastal resources.

PROCESSING LOCAL COASTAL PROGRAMS

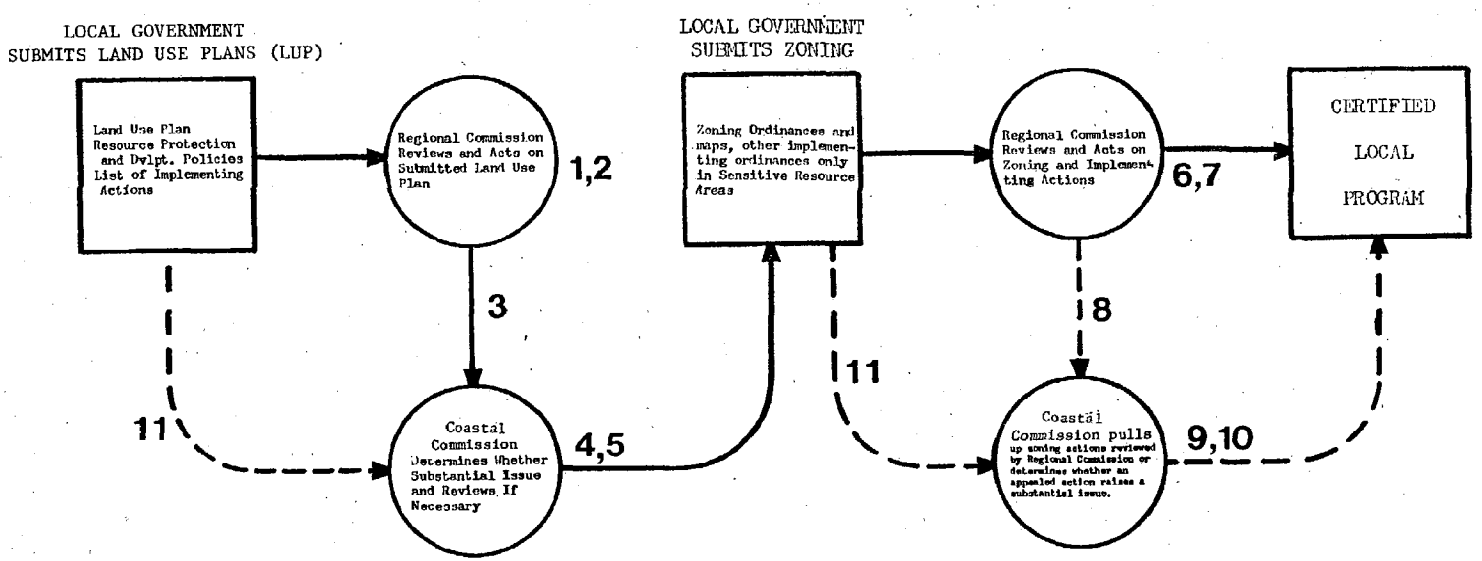


FIGURE 4

1. Ninety days for regional commission action.
2. If the LUP is denied in whole or part, local government may either revise and return to regional commission or appeal directly to Coastal Commission.
3. Approved LUPs automatically forwarded to Coastal Commission within 10 work days; denied LUPs appealed by local government.
4. Coastal Commission has 60 days to complete review.
5. If denied in whole or part, local government may revise and either submit to regional commission or appeal directly to Coastal Commission.
6. Sixty days for regional commission to act on submitted zoning and implementation measures.
7. If zoning denied in whole or part, local government may revise and return to regional commission or appeal directly to Coastal Commission.
8. State review only if appealed by local government or aggrieved person within 10 work days, or if called up by a majority vote of Coastal Commission within 30 days.
9. Sixty days to act following receipt or appeal; if State calls up regional commission action, 30 days to act.
10. If denied in whole or part, local government may revise and either submit to regional commission or resubmit directly to Coastal Commission.
11. At any time Coastal Commission may "call up" by majority vote, LUP and/or zoning for direct consideration (30333.5).

B. Delegation of Permit Authority to Local Governments

After a local coastal program or a part of it has been certified by the Coastal Commission and all implementing actions within the affected area have become effective, the Coastal Commission's permit authority is to be delegated to the appropriate local government, except for the Coastal Commission's reserved permit jurisdiction that includes tidelands, submerged lands, and public trust lands, and except for port developments and State university or college developments, for which no local coastal development permit is necessary (30519).

A permit is to be issued if the issuing agency (or the Coastal Commission on appeal) finds the development is in conformity with the certified local coastal program (30604(b)).

Each permit issued for a development between the nearest public road and the sea or shoreline of a body of water in the coastal zone is to include a specific finding that the development is in conformity with the public access and public recreation policies of the Coastal Act (30604(c)).

After certification, a local government permit action on certain developments or developments in certain areas may be appealed to the Coastal Commission as described in Chapter 6.

The Coastal Commission procedure for hearings and appeals of local decisions will be basically the same as under the interim permit system (see Chapter 6). However, by August 1, 1978, the Coastal Commission will adopt revised procedures specifically governing appeals after certification of local coastal programs (30620.6).

C. Local Governments

The following is a list of cities and counties that have jurisdiction within the coastal zone and will produce a local coastal program.

Del Norte County
Crescent City

Humboldt County
Trinidad
Arcata
Eureka
Fortuna
Ferndale

Mendocino County
Fort Bragg
Point Arena

Sonoma County

Marin County

San Francisco City and County

San Mateo County
Dale City
Pacifica
Half Moon Bay

Santa Cruz County
Santa Cruz
Watsonville

Monterey County
Marina
Sand City
Seaside
Pacific Grove
Monterey
Carmel

San Luis Obispo County
Morro Bay
Pismo Beach
Grove City

Santa Barbara County
Santa Barbara
Carpinteria

Ventura County
Ventura (San Buenaventura)
Oxnard
Port Hueneme

Los Angeles County
Los Angeles
Santa Monica
El Segundo
Manhattan Beach
Hermosa Beach
Redondo Beach
Avalon
Torrance
Palos Verdes Estates
Rancho Palos Verdes
Long Beach

Orange County
Seal Beach
Huntington Beach
Costa Mesa
Newport Beach
Laguna Beach
San Juan Capistrano
San Clemente

San Diego County
Oceanside
Carlsbad
Del Mar
San Diego
Coronado
National City
Chula Vista
Imperial Beach

CHAPTER 8

MANAGING THE COAST (3): PORT MASTER PLANS

The Coastal Act devotes Chapter 8 to the principal California ports (not including those in San Francisco Bay, which is subject to regulation by BCDC (see Chapter 4)).

The Ports of Hueneme, Long Beach, Los Angeles, and San Diego are some of the State's primary economic and coastal resources and are essential elements of the national maritime industry. The locations of the commercial port districts are well established. For many years these ports have been devoted to transportation, commerce, industry, and manufacturing uses consistent with local, State, and Federal regulations (30701).

Coastal planning, according to the Coastal Act, requires no change in the number or location of the present ports; however, it does encourage present facilities to modernize in such a manner as to eliminate future dredging and filling for new ports (30701).

Sections 30702 through 30708 contain the policies that apply particularly to the ports. Only in certain areas such as wetlands, estuaries, and recreational areas will the policies that apply to the rest of the coastal zone apply to those resources within the boundaries of these ports. A procedure for paralleling the local coastal program is established for the Ports of Hueneme, Long Beach, Los Angeles, and San Diego whereby the ports prepare a port master plan for certification by the Coastal Commission.

Within 90 days after January 1, 1977, the Coastal Commission shall, after a public hearing, adopt, certify, and file with each port's governing body a map delineating the present legal geographic boundaries of each port's jurisdiction within the coastal zone, and a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan within the geographic boundaries of each port (30710).

Each port governing body is required to prepare and adopt a port master plan. The port master plan will include:

1. Proposed land and water uses, where known;
2. Projected design and location of port land and water areas, navigational routes, etc.;
3. Estimate of development's effect on marine environment -- a review of existing water quality, habitat areas, quantity and quality biological inventory, and proposals to mitigate the port's effect;
4. Proposed projects of the categories that will be appealable to the Coastal Commission; and
5. Provisions for public hearing and participation (30711).

The public shall be encouraged to submit testimony, statements, and evidence concerning the port master plan. The port governing body will publish notification of the completed draft plan which will be available to the Coastal Commission and the public. A public hearing will be held not earlier than 30 days and not later than 90 days following the draft's publication (30712). Ports completing a plan prior to January 1, 1977, shall submit it to the Coastal Commission and hold a hearing, in accordance with the above provisions, for the purpose of reviewing such a master plan in conformance with the Coastal Act (30713).

After public notification, hearing, and consideration of comments and testimony, the port governing body will adopt its master plan and submit it for certification. Within 90 days after the submittal, the Coastal Commission, after a public hearing, will certify or reject the plan or portions thereof. If the Coastal Commission fails to take action within 90 days, the plan will be deemed certified (30714).

Until the port master plan has been certified, coastal development permits will be required from the Coastal Commission. After certification, the permit authority shall be delegated to the port governing body with appeals to the Coastal Commission allowable only on the following:

1. Development for storage, transmission, and processing of LNG and crude oil in quantity with a significant impact upon oil and gas supply of the state and Nation;
2. Certain wastewater treatment facilities;
3. Roads and highways not principally for internal circulation;
4. All buildings not principally developed to administer the port;
5. Oil refineries; and
6. Petrochemical production plants (37015).

The port governing body will inform and keep the Coastal Commission and other interested persons advised of the planning and design of any appealable development (30717).

For development under the certified master plan and not appealable, all environmental impact reports and negative declarations pursuant to the California Environmental Quality Act of 1970 or environmental impact statements pursuant to the National Environmental Policy Act of 1969 will be forwarded to the Coastal Commission in a timely manner. (30718).

A port governing body can amend its master plan, but the amendments will not take effect until certified by the Coastal Commission (30716).

CHAPTER 9

MANAGING THE COAST (4): ENERGY FACILITY IMPACTS, PUBLIC ACCESS, AND SHORELINE EROSION

A. Energy

Probably no single issue so dominated the Coastal Commission's and regional commissions' planning and development permit processes after 1972 than the siting, design, and impacts of major energy facilities in the coastal zone. As the Coastal Plan described it,

> "The land and water of California('s) coastal zone (are) now used, and can be used more, to contribute to the State's energy supply in five principal ways:
>
> - To provide sites and ocean cooling water for power plants that generate electricity;
> - To provide sites for drilling, production, treatment, storage, and pipeline facilities for oil and gas operations onshore and on submerged lands beneath State and Federal offshore waters;
> - To provide terminals to moor and offload tankers and barges bringing crude oil and refined products to California, the region, and the nation;
> - To provide sites for oil refineries; and
> - To provide special terminals and onshore plant facilities for liquefied natural gas imports."

The Coastal Plan said one goal was "to protect, enhance, and restore the coastal environment while also providing for energy facilities for which a clear public need and a need for siting along the coast can be shown." A section was devoted to findings and detailed policies covering major energy facilities.

Statutory Provisions

The Coastal Act continued the Coastal Plan's special emphasis on energy facility impacts. An important statement establishing State policy with regard to energy facilities is made early in the Coastal Act:

> "The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state." (30001.2)

The Coastal Commission and regional commissions, whose planning and management role includes the protection of regional, State, and national interests in the coastal zone and the coordination and integration of public agency activities in the coast (30004(b)), was given a strong role in regulating the siting and design of major energy facilities. The Coastal Commission has coastal development permit authority over major energy facilities except for power plants prior to the certification of local coastal programs, and a permit appeal jurisdiction over those facilities after the certification of local coastal programs (30600,30601, 30603).

The exception, as noted, is thermal power plants, whose siting remains under the exclusive permit authority of the State Energy Commission, though the Coastal Commission can designate sites inappropriate for power plants as will be discussed below.

Except for power plants, then, the Coastal Commission has siting and design regulatory authority related to environmental impacts of other major energy facilities. As defined in the Coastal Act,

> "'Energy facility' means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy." (30107)

As was detailed in Chapter 3, the Coastal Act sets forth the land and water use policies with regard to siting and development of tanker facilities (30261(a)), LNG terminals (30621(b)), oil and gas extraction (30262), and refineries and petrochemical facilities(30263). These policies are the standards by which the adequacy of local coastal programs and the permissibility of proposed developments are determined (30200). The Coastal Act provides that all public agencies--and Federal agencies to the extent possible under Federal law--should follow these policies in carrying out coastal zone activities (30003) and that agencies carrying out or supporting activities outside the coastal zone that could have direct impacts on resources should consider the effect of such actions on coastal resources (30200).

While local coastal programs (including land use plans, zoning ordinances, and zoning district maps) are to consider energy facility siting and impacts, the Coastal Act makes special provision for the amendment of local coastal programs on the matter of energy facility development:

> "Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.
>
> "If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division." (30515)

Thus the Coastal Act, the foundation of the California Coastal Management Program, contains numerous provisions related to energy facility impact planning and management. The following sections indicate how the Coastal Commission, in its active or coordinating role, will carry out the Coastal Act's provisions as well as the requirement in the CZMA for description of "(a) planning process for energy facilities likely to be located in, or which may signficantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities." (Section 305(b)(8)) It should be noted that many of the overall energy planning matters will be undertaken by the Coastal Commission and regional commissions with cognizance of the extensive work done by other California agencies such as the State Energy Resources Conservation and Development Commission, the State Lands Commission, and the California Public Utilities Commission, whose statutory mandates and staff expertise are directed at specific energy issues as is discussed below.

Energy Facilities Planning Process

1) analysis of the supply and demand for energy for California and of the need for energy facilities along the coast,
2) analysis of the environmental impacts of coastal energy facilities and the development of policies to prevent or mitigate adverse impact,
3) development of special coastal management policies for specific types of major energy facilities such as LNG terminals and marine oil terminals, and
4) development of special planning and permit procedures for major energy facilities that have more than local impact.

The policies and procedures developed in this process are reflected in the Coastal Plan and are the basis of energy policies in the Coastal Act. The policies will be applied to the following steps:

1) Energy companies will indicate their needs for specific sites to local coastal governments and ports so that the sites can be shown and appropriate zoning and ordinances can be included in the local coastal programs and port plans being prepared by local governments.
2) If the energy needs are inadeqiately treated in individual local coastal programs or port plans, the energy companies can make their concerns known to the Coastal Commission which will assure that the problem is resolved before program certification.

3) The Coastal Commission will review all local coastal programs and port plans to insure that, in total, they include adequate provisions for the siting of energy facilities to meet the energy demand as determined by appropriate State and Federal agencies. All interested parties, including other agencies and private interest groups, may participate in this review.
4) Special projects will provide technical information for use in the development and review of local coastal programs. These projects include the 1976 OCS project and the power plant siting study mentioned below.
5) After local coastal programs and port plans certification, the coastal program amendment process will be used to consider energy facilities not anticipated during the planning process. Energy companies will initiate requests for amendments on a project-by-project basis.

State Agencies Concerned with Energy Facility Planning

Several State agencies have responsibilities under existing legislation for energy facility planning:

° Coastal Commission: As outlined above, the Coastal Commission's responsibilities include siting and design regulatory authority related to environmental impacts of energy facilities other than power plants.

° State Energy Resources Conservation and Development Commission (Energy Commission): Under the Warren-Alquist Act, the Energy Commission has responsibilities generally including the consolidation of "the State's responsibility for energy resources, for encouraging, developing, and coordinating research and development into energy supply and demand problems, and for regulating electrical generating and related transmission facilities" (Section 25006) and for formulating a range of measures to reduce wasteful, uneconomical, and unnecessary use of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals (Section 25007).

° California Public Utilities Commission (CPUC): Has utility rate regulatory authority and still retains regulatory authority over a number of power plants under development before the Warren-Alquist Act established the Energy Commission. Has responsibilities to assure the financial stability of utilities while protecting consumer interests. SB 2008 requires the CPUC to coordinate with State agencies for the purposes of providing unified testimony to Federal agencies, such as the Federal Power Commission, on energy facilities, and providing a conflict-resolution mechanism if agreement cannot be reached.

° Resources Agency: "Super agency" with coordinating responsibilities for activities of the agencies within it--including the Coastal Commission, Energy Commission, Air Resources Board, and State Water Resources Control Board. The Secretary of the Resources Agency is, among other things, an ex-officio but non-voting member of both the Coastal Commission and Energy Commission.

° State Lands Commission: Has responsibilities related to the leasing of State lands and waters for petroleum development. The chairperson of the Lands Commission is also an ex-officio, non-voting member of the Coastal Commission.

° Office of Planning and Research (OPR): OPR, which is in the Governor's Office, has numerous coordinating responsibilities, including the authority to reconcile conflicting functional plans of different agencies. The Coastal Act gave the director of OPR authority to review coastal policies, determine if effective implementation requires the cooperative, coordinated efforts of several State agencies, recommend appropriate actions to the agencies to minimize duplication and conflicts, and recommend changes in programs, duties, responsibilities, and enabling legislation to the Governor and Legislature (30415).

The Coastal Commission's coordination program includes, in early 1977, notifying the appropriate State and Federal agencies of the coastal policy interpretive guidelines (which will be geographically specific) to be drafted and adopted by April 30, 1977, and the commencement of study of areas on the coast where power plants should not be sited (pursuant to 30413), and requesting assistance and cooperation in completing these tasks. The Coastal Commission is establishing liaison for formulating a process of mutual review and comment on each agency's actions under the Coastal Act, and liaison with the Energy Commission, CPUC, Resources Agency, State Lands Commission, and OPR for unified participation in Federal agency proceedings on energy facilities. By mid-year it is hoped to adopt a memorandum of understanding (MOU) between the Coastal and Energy commissions on the review and comment process on coastal energy facilities. The Coastal Act also encourages the Coastal Commission to develop joint public hearings with other State agencies to expedite and coordinate review of major energy facilities.

Coordination with Federal agencies will also be enhanced by SB 2008 that authorizes the California Public Utilities Commission to participate in all Federal proceedings involving energy facilities and represent State agencies including the Coastal Commission in that role. The bill requires the CPUC to present the unified position of the various State agencies and provides for a conflict-resolution mechanism in the event that different agencies initially propose different points of view.

Identification of Energy Facilities Likely to Affect Coast

The program to identify and anticipate the impacts of energy facilities likely to be in or affect the coastal zone has been ongoing since 1973. The continuing program has several components:

° 1976 OCS Project: In 1976 the Coastal Commission was awarded a $300,000 grant to study the impacts of outer Continental Shelf petroleum development on the southern California coast. This study has been carried out by the Office of Planning and Research under contract to the Coastal Commission. A primary objective of this effort is to aid local governments in identifying possible OCS development impacts and formulating strategies to mitigate those impacts that are potentially adverse. Having just experienced OCS Lease Sale 35, which was completed in December 1975, southern California is presently faced with Lease Sale 48. The general Pacific OCS Lease Sale 53, which included central and northern California, was scheduled to take place in late 1978. The call for nominations, which had been scheduled for January 1977, has been postponed, and it is not known at this time when or even whether the sale will take place. It seems imperative that State and local government entities review and initiate implementation of the 1976 OCS project recommendations to enhance their ability to participate in and influence OCS management decisions. The Coastal Commission has applied for CZMA funds to continue aspects of the OCS project: provide information and technical assistance to local communities currently involved in Lease Sale 48; develop and conduct an OCS public information program, to include the preparation of a local government handbook to enhance participation in the OCS leasing process; and further develop air quality impact analysis and oil spill risk analysis and contingency planning.

° Power Plant Siting Study: Pursuant to authority in the Coastal Act, the Coastal Commission must, by January 1, 1978, designate specific coastal locations that are inappropriate for power plant siting. Each designation is to include a description of the area's boundaries, the objectives of the Coastal Act that would be affected by a power plant there, and detailed findings concerning the significant adverse impacts that would result from development of a power facility there (30413(b)). The Energy Commission, in its part, cannot approve a facility for a designated site unless the Coastal Commission "first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects..." (Section 25526, added by Section 13 of the Coastal Act). The Coastal Commission, which must revise and update the designations every two years, is also to report to the Energy Commission on the suitability of proposed sites in the coastal zone and make certain findings (30413(d)), after which the Energy Commission, before it can certify the site, must determine "that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the [Energy] [C]ommission pursuant to Section 25516" (Section 25516.1, added by Section 10 of the Coastal Act). The Coastal Commission may propose alternate areas for power plant development in the coastal zone (30413(f)). A power plant siting study has begun and preliminary designations of areas excluded to power plants are scheduled to be available in June of 1977. Public hearings will be conducted in late fall and the Coastal Commission will adopt final exclusion maps and reasons for exclusions by December 1977.

° Coastal Commission Review of Local Coastal Programs: The Coastal Commission will, on a continual basis, be assisting, monitoring, and reviewing the consideration of energy facility impacts in local coastal programs and port master plans. In this fashion over the next several years until certification of the final local coastal program, the Coastal Commission will be applying the Coastal Act's energy standards to specific areas throughout the coastal zone.

° Coastal Commission Review of Coastal Developments: The Coastal Commission, as has already been described, will have permit authority over coastal zone development until certification of local coastal programs, and after that will have a permit appeal jurisdiction covering major energy facilities. The process by which local coastal programs may be amended to allow the siting of energy facilities was also described above.

° Coastal Commission Review of Environmental Impact Reports (EIR's) and Environmental Impact Statements (EISs): Under CEQA and NEPA, the Coastal Commission will review and comment on environmental impacts of energy facilities proposed for the coastal zone.

- Continuing Coastal Commission Management and Planning Activities: The Coastal Commission's continuing planning responsibilities will generally include the monitoring of new energy developments--e.g., the electricity forecasting reports of the Energy Commission, Federal agency energy activities, discussions of proposed energy facilities prior to permit application, etc.

Assessment of Energy Facility Impacts

Even in the absence of the Coastal Act, CEQA would require the comprehensive evaluation of energy facility environmental impacts. The Coastal Act, of course, requires identification of impacts and requires that decision-making take the impacts into account. The Coastal Commission's permit experience from 1973 as well as information gained from the programs of other State agencies, including the California Public Utilities Commission, Energy Commission, and the Office of Planning and Research, will be used in assessing the impacts.

Managing Energy Facility Impacts

The management of energy facility impacts is part of some of the planning components and projects mentioned above--e.g., the 1976 OCS project is partially designed to help local communities manage the onshore impacts of offshore oil and gas development. In addition, a key aspect of environmental impact reporting is the identification of project alternatives and mitigation measures. Under a 1976 bill, AB 2679, CEQA was amended to require environmental impact report preparers to list the methods by which reviewing agencies can condition approval on the incorporation of mitigation measures. It should be noted that the Coastal Commission and regional commissions since 1973 have often not only required project modification but have attached conditions often mitigation measures to approved permits, particularly in the case of large projects--e.g., the San Onofre nuclear power plant, expansion of the Encina power plant, and others.

B. Public Access

Public access to all coastal tidelands is guaranteed by the California Constitution. Over the years, this right has been expanded by various statutes and court decisions that recognized the historical public use of the coastline for recreation. Moreover, nearly half of California's 1,072 mile coastline is in public ownership, although about 75 miles of the publicly owned shoreline are along military lands generally not available for public access.

Despite these legal guarantees and historic public use of the California coastline, much access to the shoreline was lost when homes, businesses, and industries cut off existing public access to the shore. Increasing recreation demands put a heavy burden on the publicly owned recreation areas. As a result of this situation, much of the debate over whether Proposition 20 should be approved focused on the public access issue.

To address this problem, Proposition 20 required that a public access element be developed as part of the coastal planning process so that maximum visual and physical use of the coastal zone by the public could be achieved. Moreover, while the Coastal Plan was being prepared, the Coastal Commission was required to condition most development permits that it issued so that access would be provided as a part of new coastal projects.

As a result of the Coastal Commission's analysis of the public access issue, a major section of the Coastal Plan was devoted to the subject (see Coastal Plan, pp. 152-157). Another section of the Coastal Plan (pp. 173-174) addressed the need for public acquisition of some coastal lands for the purposes of increasing public access and protecting coastal resources. A third section of the Coastal Plan outlined a proposal for a new State agency that would be empowered to protect coastal resources and to increase public access through a variety of acquisition and management techniques (see Coastal Plan, pp. 192-193).

Because the Coastal Commission's assessment of public access needs found that the shortage of access would become more critical as more of the coast is developed, both the Coastal Plan and the Coastal Act call for the provision of access along much of the coast except where special problems are encountered. The Coastal Act's basic access policy states:

> "The Legislature...finds and declares that the basic goals for the state for the coastal zone are to:...(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." (30001.5)

Statutory Provisions. Chapter 4, Section C (Geographic Areas of Particular Concern Within the Coastal Zone) discusses the types of areas that need special protection and outlines the management policies that will apply to these areas.

The State's major policies on shoreline access make up Article 2 of the Coastal Act and include:

> "In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse (30210).
>
> "Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation (30211).
>
> "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
>
> "Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution (30212).
>
> "Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." (30212.5)
>
> "Lower cost visitor and recreational facilities, and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code ." (30213)

Section 30211 contains California's definition of "beach" that is called for in Sections 305(b)(7) of the CZMA, it is "dry sand and rocky coastal areas to the first line of terrestrial vegetation."

In addition to these policies that address public access directly, two of the Coastal Act's policies on development amplify the need to protect both physical and visual access to the coast. These policies state:

> "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting (30251).
>
> "The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development." (30252)

Specific areas in need of access or resource protection can be identified under the provisions of Sections 30116, 30502, and 30502.5 of the Coastal Act which require the designation of Sensitive Coastal Resource Areas by the Coastal Commission. In addition, decisions on the appropriateness of public access in a particular area will be made under the provisions of Section 30212 through the Coastal Commission's regulatory process and through the local coastal program development process.

Implementation Techniques

Three major legislative elements were enacted in California in 1976 that provide techniques for the continuing refinement, implementation, and management of areas needing protection or public access. First is the Coastal Act with its access and resource protection policies that will be implemented by the Coastal Commission and incorporated into local coastal programs. The second implementation tool available is provided by the establishment of the State Coastal Conservancy, which has at its disposal a number of techniques for the preservation of agricultural lands, restoration, enhancement, reservation, and protection of coastal resources, and increase of public accessways. The State Coastal Conservancy is discussed further in Chapter 10, Section C.

The enactment of the State Urban Coastal Park Bond Act of 1976 is the third major program that is available to implement the State's access and resource protection policies. The Coastal Act was approved by California voters in November 1976. It provides $145 million for the acquisition of coastal areas and $10 million for the State Coastal Conservancy to begin its program. In enacting the Bond Act, the State Legislature stated that:

> "There is a pressing need to provide statutory authority and funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments." (5096.113(j))

In purchasing areas with funds provided by the Bond Act, the following criteria and priorities will be used:

> "(1) The first priority for the acquisition of coastal recreational resources is as follows:
> (i) Land and water areas best suited to serve the recreational needs of urban populations.
> (ii) Land and water areas of significant environmental importance, such as habitat protection.
> (iii) Land and water areas in either of the above categories shall be given the highest priority when incompatible uses threaten to destroy or substantially diminish the resource value of such area.
> (2) The second priority for the acquisition of coastal recreational resources is as follows:
> (i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.
> (ii) Remaining areas of high recreational value.
> (iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.
> (iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas; or as scenic open space; and scenic areas and historical districts by cities and counties."

Many of the sites recommended for acquisition by the Coastal Commission will be purchased with Bond Act funds because these criteria are based, in part, on the criteria the Coastal Commission used in developing its acquisition recommendations.

Further refinement of the public access and shoreline protection policies are provided by the general statewide guidelines and specific area guidelines contained in the Coastal Commission's Interpretive Guidelines and in the Coastal Act Policies section of the Local Coastal Program Manual (see Appendix 7).

C. Shoreline Erosion

The State of California has carried out a shoreline erosion program for about 30 years. Since 1970, the State Department of Navigation and Ocean Development (DNOD) has had the primary responsibility for studying shoreline erosion, developing means for stabilizing eroding areas, and administering a program to provide financial assistance for the construction of erosion control projects.

To assess the affects of shoreline erosion, DNOD monitors those sections of the coast that are known to be subject to erosion and at other locations where the effects of erosion could be critical. Photographs are taken of beach areas at least once each year, and the change in beach and bluff conditions are recorded. As funds are available, beach profiles are prepared as part of a cooperative program with local and Federal agencies. These profiles assist in measuring shoreline accretion and erosion. The entire California coastline was photographed from the air in 1970 and again in 1976. A comparative analysis of the aerial photographs provides additional information on shoreline changes.

To incorporate the existing State program of shoreline protection into the California Coastal Management Program, the Coastal Commission conducted a study of erosion as part of its overall coastal planning process. DNOD participated in this study along with other State and Federal agencies. The conclusions of the Coastal Commission's evaluation resulted in a section of the Coastal Plan being devoted to findings and policies on sand movement and shoreline structures (see Coastal Plan, pp. 43-45). Another section of the Coastal Plan--Development in Hazardous Areas--addressed the associated problems of subsidence and bluff erosion (see Coastal Plan, pp. 86-90).

Statutory Provisions

The California Coastal Management Program's major policy statement on shoreline erosion, as contained in the Coastal Act are:

> "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." (30235)
>
> "Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat." (30236)
>
> "Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." (30253(2))

Under these policies, the State's basic approach to shoreline erosion is to prevent development where erosion can be expected rather than to construct protective devices to prevent erosion. Where protective works would be allowed under the above policies, the Department of Navigation and Ocean Development is authorized by Sections 65 through 67.3 of the State Harbors and Navigation Code to plan, design, and administer the funds for the construction of the projects.

Implementation Techniques

The management policies will be implemented through the Coastal Commission's regulation of coastal development and through the incorporation of the policies into local coastal programs.

These policies are refined and amplified in the Coastal Commission's Local Coastal Program Manual (see Appendix 7); pages 60 to 71 on the application of the policies on hazard areas should be particularly helpful to local governments. In addition, the Coastal Commission's interim Interpretive Guidelines contain general statewide guidelines on Geologic Stability of Blufftop Developments (see Attachment E pages E1-E2) and specific area guidelines applicable to shoreline erosion problems in particular areas. To augment this information, the Department of Navigation and Ocean Development is currently preparing an inventory of eroding and erosion prone areas along the California coast ine. This study, which is being supported by the Coastal Commission with CZMA Section 305 funds, will be used to determine where special techniques are necessary to handle the effects of shoreline erosion. Using the techniques recommended by the Coastal Commission, local governments will incorporate these measures into their local coastal programs.

As previously mentioned, where protective works or beach replenishment would be appropriate under the Coastal Act policies, the Department of Navigation and Ocean Development has the authority to plan, design, and finance the projects. In its April 1976 report to the California Legislature on the State's beach erosion control program, and in its April 1976 report entitled Shore Protection in California, the Department of Navigation and Ocean Development summarized the State and Federal programs that are available to finance protective works. Relying primarily on funds provided to the Corps of Engineers by the River and Harbor Acts of 1962 and 1968, the State is able to participate in project construction by providing up to 25 percent of the project cost; local governments are also required to contribute 25 percent.

The State Coastal Conservancy, which is discussed in Chapter 10, Section C, is authorized to award grants to local public agencies and to State agencies for the enhancement of coastal resources that have suffered a loss of natural or scenic values because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses. These funds can be used to restore areas that have suffered erosion as a result of one of the causes noted below. As is the case with all grants made by the Conservancy, funding cannot be provided unless the Coastal Commission has certified that the proposed project would be in accord with policies of the Coastal Act.

CHAPTER 10

MANAGING THE COAST (5): THE STATE'S MANAGERIAL NETWORK

The California Coastal Management Program provides for a number of State agencies to have continuing jurisdiction over particular parts of, or activities in, the coastal zone. Implementation of the Coastal Act policies by those agencies will complement the work of the Coastal Commission and local governments once local coastal programs have been certified.

Assembly Bill 3544 was enacted by the Legislature as a companion bill to the Coastal Act. It establishes a new State organization, the State Coastal Conservancy, with a combination of planning, management, restoration, and acquisition powers that will complement the primary implementation of the California Coastal Management Program by the Coastal Commission.

A. State Agencies and the Management Program

The Coastal Act directs all public agencies to comply with the coastal policies, and devotes an entire chapter (Section 30400 et seq.) to outlining the particular responsibilities of State agencies in the management program, with specific mention of means of coordination with the Coastal Commission.

Cooperation with the Coastal Commission. The Coastal Act specifies that:

> "... every public agency, including regional and state agencies and local governments, shall cooperate with the commission and any regional commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission or regional commission may require to perform its duties and to more effectively exercise its authority." (30336)

The Coastal Act also provides for joint development permit application systems and joint public hearing procedures (30337).

Avoidance of Jurisdictional Conflicts. The Coastal Act carefully draws certain jurisdictional lines "to minimize duplication and conflicts among existing State agencies carrying out their regulatory responsibilities" (30400), except for specific provisions, the Coastal Act "does not increase, decrease, duplicate or supersede the authority of any existing State agency," and the Coastal Commission cannot "set standards or adopt regulations that duplicate regulatory controls" of State agencies (30401).

Coastal Policies and State Agency Plans. The Coastal Act declares the coastal policies and the local coastal programs will: "provide the common assumptions upon which State functional plans for the coastal zone are based" (30403), and "all state agencies shall carry out their duties and responsibilities in conformity with" the Coastal Act (30402).

State Agency Activities Outside the Coastal Zone. Despite the establishment of a well-defined coatal zone boundary, and the strict limitation of the Coastal Commission's jurisdiction outside the coastal zone, the Coastal Act recognizes the possibility that activities (particularly the large, regionally beneficial public works projects such as highways, wastewater treatment plants, watershed projects, etc.) outside the coastal zone could have direct impact on coastal resources. The Coastal Act therefore states:

> "...all public agencies carrying out or supporting activites outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved." (30200) (emphasis added)

Environmental impact reports on California projects that would affect the coastal zone will, therefore, have to address coastal resource impacts.

Coastal Commission Recommendations to Agencies. The Coastal Act outlines a procedure by which the Coastal Commission is to submit recommendations to State agencies "designed to encourage [them] to carry out [their] functions in a manner consistent with this division," the recommendations are to include

"proposed changes in administrative regulations, rules, and statutes." If an agency does not implement the recommendations, it is to explain its reasons to the Governor and Legislature within six months after receipt of them (30404). The Coastal Act directs the Coastal Commission to make those recommendations periodically "in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry, the State Water Resources Control Board and (or) the California regional water quality control boards, the State Air Resources Board and air pollution control districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, the Division of Mines and Geology, the Division of Oil and Gas, and the State Lands Commission..." The Coastal Act suggests the Coastal Commission may recommend such changes in the case of other agencies (30404).

Relationship of the Coastal Commission to Other Agencies. The Coastal Commission is legislatively established within the Resources Agency (30300), whose Secretary is designated as one of the three ex-officio, non-voting members of the 15-member Coastal Commission (30301) and is also chairperson of the new State Coastal Conservancy. Among the other units of the Resources Agency are the Air Resources Board; Department of Navigation and Ocean Development; State Water Resources Control Board; Energy Resources Conservation and Development Commission; Departments of Fish and Game, Parks and Recreation, Water Resources, Conservation, and Forestry; the BCDC; Solid Waste Management Board; and, the new State Coastal Conservancy.

It is believed the Coastal Commission, as part of the Resources Agency, will enjoy the benefit of the Secretary's authority in coordinating the California Coastal Management Program with activities of other State agencies, particularly others in the Resources Agency.

Another ex-officio member of the Coastal Commission is the Secretary of the Business and Transportation Agency (30301), which includes the Department of Transportation (Caltrans).

The third ex-officio member is the chairperson of the State Lands Commission (30301), who is also the State Controller.

There are at least two other agencies with which the Coastal Commission can be expected to work: the Department of Food and Agriculture and the Governor's Office of Planning and Research.

B. Roles of Particular State Agencies

Chapter 5 of the Coastal Act describes the roles of eight State agencies in carrying out coastal policies, generally establishing a system of coordination with the Coastal Commission.

Department of Fish and Game and the Fish and Game Commission. The authority of these bodies in the establishment and control of wildlife and fishery management programs is unchanged by the Coastal Act. The Department, with the Department of Navigation and Ocean Development, may study degraded wetlands (30411(b)) and identify those which could be restored in conjunction with the development of a boating facility.

State Water Resources Control Board and Regional Water Quality Control Boards. The State Water Resources Control Board and the regional boards retain their primary responsibility for the coordination and control of water quality in the State, under the Porter-Cologne Water Quality Control Act. The Coastal Commission is not to take conflicting actions in matters of water quality or water rights. However, the Water Code is amended to ensure State and regional water boards support the Coastal Commission's management program to protect the coastal marine environment (Section 15 of the Coastal Act). The Coastal Commission is also given certain regulatory authority over wastewater treatment works both inside and outside the coastal zone, with permit review limited to certain aspects of the works:

"(1) The siting and visual appearance of treatment works within the coastal zone.

"(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for such service areas to allow for phasing of development and use of facilities consistent with this division.

"(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone." (30412 (c))

In addition, the Coastal Commission's permit determination is to precede the State Water Resources Control Board's final approval of funding. The Coastal Commission is given an active role in reserving sites for treatment works and discharge points within the coastal zone (30412).

Energy Resources Conservation and Development Commission. The State Energy Commission, which was established in 1974, retains its electrical generating facility permit authority under the Warren-Alquist Energy Act. The Coastal Act amends the Warren-Alquist Act to make several provisions for coordination between the Commission and State Energy Commission. The Coastal Commission is to designate locations inappropriate for siting power plants by January 1, 1978, and every two years thereafter. The State Energy Commission has exclusive jurisdiction over power plants once the Coastal Commission has made this designation but the Coastal Commission is to submit recommendations on such other sites to the State Energy Commission, which is to adopt these recommendations unless to do so would result in greater adverse effects on the environment or the measures proposed would not be feasible. The State Energy Commission is to determine the relative merits of coastal and inland sites (Public Resources Code Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526 and Coastal Act Sections 30600 and 30413).

Office of Planning and Research. The Office of Planning and Research is to review Coastal Act policies and recommend to State agencies actions that should be taken to minimize potential duplication and better achieve implementation of the policies (30415).

State Lands Commission. Since 1937 the State Lands Commission has had jurisdiction over all ungranted tidelands and submerged lands belonging to California. The State Lands Commission administers these lands through its staff, the State Lands Division. The Coastal Act does not change the authority of this Commission over these lands or the rights and duties of its lessees or permitees. The Lands Commission is to review proposed local coastal programs and port master plans that could affect State lands (30416).

Board of Forestry. The Coastal Act amends the Z'berg-Nejedly Forest Practice Act to ensure coordination between the Forestry Board and the Coastal Commission in protecting coastal resources. Briefly, the Coastal Commission is to identify, by July 1, 1977, "special treatment areas" within coastal zone forest lands and make recommendations to assure that natural and scenic qualities of these areas are protected (30417(b)). The State Board of Forestry is to consider these recommendations in developing rules and regulations on the conduct of timber operations (Public Resources Code Section 4551.5). No Coastal Commission permit for timber operations is required.

Air Resources Board. The authority of the Air Resources Board and local air pollution control districts in establishing ambient air quality and emission standards and air pollution control programs is not affected by the Coastal Act. The Air Resources Board may recommend to the Coastal Commission ways to complement or assist in the implementation of air quality programs (30414).

Bay Conservation and Development Commission (BCDC). The segmentation, at least for the time being, of the BCDC's jurisdiction -- San Francisco, San Pablo, and Suisun Bays -- from the coastal zone is discussed in Chapter 4. According to the Coastal Act, the Coastal Commission and BCDC are to conduct a joint review of the Coastal Act and the McAteer-Petris Act of 1969 (BCDC's legislation) to determine how the program administered by BCDC shall be related to the Coastal Act (30410). Their recommendations shall be presented jointly to the Legislature not later than July 1, 1978.

C. State Coastal Conservancy

The new State Coastal Conservancy is expected to have an integral role in the California Coastal Management Program. The State Coastal Conservancy was established January 1, 1977, under the terms of AB 3544, introduced by Assemblyman Michael Wornum and enacted about the same time as the Coastal Act (see Appendix 1).

The establishment of the Conservancy was a key recommendation of the Coastal Plan. Modeled after the Tahoe Conservancy Agency, which was established in 1974 to carry out the acquisition and restoration recommendations of the adopted Tahoe Region Plan, the Conservancy will carry out activities complementary to other State agencies--not in competition with them--because of gaps in the powers of those agencies.

In general, the Conservancy is to be responsible for implementing a program of agricultural lands protection, area restoration, public access, and resource enhancement in the coastal zone.

The Conservancy is a part of the Resources Agency. It consists of five members: the Resources Agency Secretary (chairperson), the chairperson of the Coastal Commission, the Director of Finance, and two public members appointed by the Governor. The public members serve four-year terms. The Conservancy has its own small staff. The legislation provides, however, for the Conservancy to rely on the already existing Departments of Parks and Recreation and Fish and Game as well as the Coastal Commission, the Real Estate Services Division, and the Department of General Services to carry out its mandate.

The Conservancy has great potential to be more than an acquisition agency. Its ability to condemn accessways for the public is a critical adjunct to the Coastal Act's access provisions, which among other things include separate public access components in local coastal programs and the requirement

for accessways in many new developments. Furthermore, the Conservancy could use its powers of acquisition and sale--for example, the buying of existing small lots, consolidating them, and reselling a large parcel for agricultural use--as an effective planning and management tool.

The Conservancy has authority in the following resource areas:

Agricultural Land Preservation. The Conservancy may acquire, pursuant to the Property Acquisition Law (Government Code, Section 15850 et seq.), real property or any interests therein, including development rights and easements in land located in the coastal zone to prevent loss of agricultural land to other uses and assemble lands into parcels of adequate size to permit continued agricultural production. As much land as possible that has been acquired for agricultural preservation is to be returned to private use or ownership. In case of leases to private individuals, a procedure to reimburse counties with 24 percent of the gross income goes into effect (31150, 31154).

The highest priority for acquiring interest in land is for agricultural lands identified to be in urban fringe areas. (The Coastal Commission in March 1976 recommended the Conservancy acquire in three areas, including agricultural lands on the Ventura-Oxnard Plain.)

Conservancy acquisitions must be certified by the Coastal Commission as concerning agricultural lands within the area of a certified local coastal program, and, there is no other reasonable means of assuring continuous use of such lands for agricultural purposes (31152).

Coastal Restoration Projects. The Conservancy may award grants to local public agencies for restoring areas of the coastal zone, which because of scattered ownership, poor lot layout, inadequate park and open space, and incompatible land uses are adversely affecting the coastal environment or impeding orderly development. Areas prepared for restoration must be identified in a certified local coastal program. The Conservancy may provide up to the total cost of any coastal restoration project and up to $50,000 of the cost of preparing such projects. Restoration plans must be found to be consistent by the Coastal Commission with the policies had objectives of the Coastal Act.

Where a local public agency is unable or unwilling to undertake a restoration project identified in a certified local coastal program, the Conservancy may undertake such restoration. Each such restoration project shall, for purposes of funding, be included in the annual legislative budget act (31215).

Coastal Resource Enhancement Projects. The Conservancy may also award grants to local public agencies and State agencies for the enhancement of coastal resources that have been adversely affected by indiscriminate dredging, improper location of improvements, or incompatible land uses (31251).

Resource Protection Zones. AB 3544 states as legislative intent that buffer areas, to be known as "resource protection zones," shall be established around public beaches, parks, natural areas, and fish and wildlife preserves in the coastal zone to ensure that surrounding development is compatible with the the existent resource values. Such areas are to be identified by the Department of Parks and Recreation and the Department of Fish and Game prior to January 1, 1979. Identified resource protection zones are to be incorporated into the appropriate local coastal program (31303).

Significant Coastal Resource Areas. The legislation also provides that the Conservancy may make 10-year interest free loans to the Department of Parks and Recreation for the purpose of reserving sites designated in certified local coastal programs for park, recreation, fish and wildlife habitat, historical preservation, or scientific study. If no public agency indicates a willingness to acquire such lands within 10 years, the Real Estate Services Division may dispose of the land at fair market value without restriction as to its subsequent use (31350-31356).

Public Accessways. The Department of Parks and Recreation is further authorized to implement a system of public accessways to and along the State's coastline. The Conservancy may make grants to the Department for that purpose, as well as to local entities for the initial development of accessways of regional significance (31400-31406).

CHAPTER 11

MANAGING THE COAST (6): THE NATIONAL INTEREST AND THE CONSISTENCY OF FEDERAL ACTIONS

The Legislature, in the Coastal Act, declared that the California coastal zone "is a distinct and valuable natural resource of vital and enduring interest to all the people" and that its "permanent protection...is a paramount concern to present and future residents of the state and nation." (30001)

It should be noted that the Coastal Act, in declaring the necessity for continued State coastal planning and management through the Coastal Commission, specified two of the reasons: "to provide maximum state involvement in Federal activities allowable under Federal law or regulations or the U. S. Constitution which affect California's coastal resources;" and "to protect regional, state and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state." (30004(b)) That is the statutory foundation for the following sections on the national interest in the coastal zone and the administration of the Federal consistency clause.

The statement of the national interest in the coastal zone in Section A, below, has its foundation in the Coastal Plan, whose preparation included extensive consultation with Federal agencies (see Chapter 13). After publication of the Coastal Plan in December 1975, much has been done to refine the original statement to address the further concerns of Federal agencies. Moreover, the Coastal Commission has worked closely with BCDC which has been reviewing Federal projects around San Francisco Bay on an informal basis for more than 10 years, to develop a program for the administration of the Federal consistency requirements of the CZMA and to develop a program that is based on the two commissions' experiences in working with Federal agencies. This process is described in Section B, below.

A. The National Interest in the California Coastal Zone

The California Coast Is a National Resource

The California coastline is of more than local or even State importance; it is a resource of national significance; it comprises more than half the western coastline of the contiguous 48 States.

Visitors from across the country enjoy the scenic beauty and recreational facilities along the coast. Foreign goods bound for consumers in inland States and U. S. products on their way to distant countries pass through California ports. Petroleum, timber, and farm produce from the coastal zone are shipped to the rest of the Nation.

Use of the coastal land area and adjacent waters for national defense and national security is of paramount importance and is among the highest priorities in the management of the coastal zone. Many of the military installations located along the coast have defense missions requiring operational use of the coastal zone. In addition, military installations are important components in their local areas, and represent a stable and substantial contribution to the coastal and State economy.

Recognizing the distinct and irreplaceable value of this country's coastline, the U. S. Congress enacted the CZMA, which states, "...it is national policy...to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations" (Section 303(e)). The language is almost identical to one of the objectives of Proposition 20, "...to preserve, protect, and where possible, to restore the resources of the coastal zone" (27001); and to one of the basic declarations of the Coastal Act, "the permanent protection of the [California coastal zone] is a paramount concern to present and future generations of the state and nation." (30001)

Under the CZMA, California has received financial assistance for the development of its coastal management program. The Coastal Act is the foundation of the coastal management program being submitted to the Department of Commerce. Once approved by the Secretary of Commerce, the Coastal Act will provide the basic policies for both State and National interests in the California coastal zone. The CZMA requires Federal agencies generally to comply with the approved State coastal zone management program (Sections 307(c) and (d)).

To ensure the national interest is adequately addressed in the Coastal Act, the CZMA requires the State coastal "management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet the requirements which are other than local in nature," (Section 306(c)(8)), and the program assures that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude uses of regional benefit (Section 306 (e)(2)).

Planning for the National Interest

Recognizing its responsibilities to the rest of the Nation, California in its coastal planning has made every effort to consider the national interest in issues affecting the coast. The Coastal Plan's policies recognize national defense and national security as important aspects of national interest, because within the attainment of such objectives, all other goals and objectives can be threatened. The Coastal Act's policies on the protection of agricultural land recognize the importance of California farm production to the rest of the Nation and also acknowledge the world food shortage. The policies calling for recreational and public oriented uses to have a high priority along the coast reflect the increasing popularity of the coast as a tourist destination. The Coastal Act's energy policies, especially important because of the Department of the Interior's leasing of outer Continental Shelf (OCS) areas for petroleum exploration and extraction, take into account California's role in national energy supply. The energy policies are based on a willingness to respond with a broader State role in meeting the Nation's energy requirements if such a need is clearly identified and if California's environmental economic, and legal interests are properly planned for and protected. Because needs -- National, State, and local -- may change in the future, if occasions should arise when certain Federal activities would conflict with Coastal Act policies, the representatives of the Federal and State agencies concerned will have to consult and cooperate to resolve the conflicts consistent with national objectives.

Federal/State Cooperation to Protect the National Interest

California has received extensive assistance and cooperation from many Federal agencies in the preparation of the Coastal Plan and, by extension, the Coastal Act. (Chapter 13 discusses this participation in greater detail.) Through this process, there was an opportunity for national interests, as perceived by Federal agencies, to be incorporated into the preparation of the Coastal Plan. Although there is expected to be general support for the Coastal Act objectives among Federal agencies, there may be disagreements in applying the Coastal Act's policies to particular circumstances. Nevertheless, continued cooperation can ensure that the national interest is protected through a uniform application of the Coastal Act policies to the entire coastal zone by whichever local, State, or Federal agency has regulatory jurisdiction. Where the Coastal Act would conflict with an overriding national need under circumstances unforeseen when the Coastal Act was being prepared, it may be necessary to override the Coastal Act policies in the national interest. Such cases can be expected to be rare. Except for national defense and national security needs as established by the President and the Congress, the determination of national interest needs, along with any measures necessary to mitigate the adverse impacts of meeting those needs, should be made cooperatively by the affected local, regional, State, and Federal agencies.

Planning for Federal Activities

The national interest in the coast also includes consideration of activities of Federal agencies in facility construction, grant programs, and regulatory programs. To bring the activities of the many Federal agencies within the context of comprehensive planning the CZMA included the "Federal consistency" requirements (quoted above). However, the CZMA also excludes "from the coastal zone...lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents" (Section 304(a)). Because there is some disagreement as to the scope of this exclusion clause, NOAA requested an advisory opinion from the U. S. Attorney General in an attempt to clarify this point. That opinion has now been rendered and it concludes that all lands owned by the United States are excluded from the coastal zone. While the Coastal Commission does not fully agree with this conclusion, based on good comprehensive management principles, it will abide by that opinion in the administration of its management program. However, Federal lands will be included in the event judicial or legislative modification should occur.

Even though all lands owned by the Federal government are excluded from the California coastal zone, Federal activities including development projects on these lands, which directly affect the coastal zone, are subject to the Federal consistency requirements and with the California Coastal Management Program to the maximum extent practicable. Furthermore, under Section 307, the final decision, short of litigation, on the extent to which Federal activities directly affecting the coastal zone will be consistent with the California Coastal Management Program rests with the Federal government. However, Federal agencies, in particular the Navy which is the Federal agency most dependent on coastal installations for its continued operations, have displayed increasing sensitivity to environmental issues in their operations. The Navy has also cooperated in the development of the California Coastal Management Program by making its interests known. It is Navy policy to conduct Navy activities to the maximum extent practicable consistent with the State plan, as long as national defense objectives are protected. To this end, the Navy intends to permit review, subject to security restrictions, of its master plans, general development maps, and offshore operating area requirements, for comment and recommendation by the agencies responsible for carrying out the Coastal Act.

Other Federal agencies have also indicated their willingness to cooperate in a similar manner. There has, for example, been extensive cooperation with the Army Corps of Engineers, which shares regulatory authority with the Coastal Commission over the waters and wetlands of the coastal zone; with the Federal Power Commission on the siting of LNG facilities; and with the Environmental Protection Agency on air and water quality standards. Through a continuation of this process of discussion, negotiation, and mediation when necessary, among local, State, and Federal interests, differences can be addressed cooperatively, and the entire coastal zone can be treated as an interrelated environmental and economic system.

Planning for the areas surrounding Federal lands should be coordinated with local Federal representatives so, to the maximum extent practicable, these areas are used in a manner consistent with national needs. Just as Federal lands should be protected from incompatible surrounding uses by the coastal management program, it is anticipated that Federal agencies, being equally aware that environmental problems do not respect jurisdictional boundaries, will do their utmost to comply with applicable Coastal Act policies as required by the CZMA.

B. Consistency of Federal Actions

In accordance with the CZMA, (Section 304(1)), the California Coastal Management Program excludes from the coastal zone, "lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents."

However, the CZMA has what is called "Federal consistency" provisions. Section 307 includes the following:

- Federal activities

  "(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs."

- Federal development projects

  "(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs."

- Federal licenses and permits

  "(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications, and, to the extent it deems appropriate,procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification, or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security."

- OCS licenses and permits

  "(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the outer Continental Shelf Lands Act (43 U.S.C. 1331, et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use water use in the coastal zone of such state, attached to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until --

"(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;
"(ii) concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A); or
"(iii) The Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months; and..."

Federal assistance

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of Title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security."

In summary, Section 307 states that Federal activities directly affecting the coastal zone, including development projects, must be consistent to the maximum extent practicable with a Federally approved State coastal management program. Federal agencies are generally constrained from taking the following actions unless a State has found that proposed activities would be consistent with its management program:

a. issuing a license or permit for any activity affecting the coastal zone;
b. providing financial assistance to State or local government proposals affecting the coastal zone; and
c. granting a license or permit for an activity affecting the coastal zone, covered by a plan for the exploration or development of, or production from, areas leased under the Outer Continental Shelf Lands Act.

Federal activities including development projects undertaken by Federal agencies on Federally owned lands in the coastal zone are subject to the Federal consistency provisions when the actions directly affect the coastal zone under the jurisdiction of the California Coastal Management Program.

A State finding that an activity regulated or supported by a Federal agency would be inconsistent with the State coastal management program can be appealed to the Secretary of Commerce (the Department of Commerce is responsible for administering the CZMA) who can overrule the State and allow the proposed activity to be conducted if it is found the proposed action is either consistent with the objectives of the CZMA or necessary in the interest of national security. Although States are given the responsibility for making these determinations of Federal consistency under the CZMA, in California the local coastal programs will be regarded as a refinement of the State coastal management program and local governments will, therefore, be delegated the authority to act on behalf of the State in making the initial review of Federal license and permit activities and Federal assistance activities to determine whether they would be consistent with the State (and the local) coastal program. Decisions by local governments on Federal activities can be appealed to the Coastal Commission under the same rules that apply to activities requiring coastal permits.

The Federal consistency provisions will provide local governments with considerably more control over Federal activities along the coast, but under the CZMA, the views of Federal agencies that would be affected by the local program must be considered in the development of the program before it can be applied to Federal actions.

C. Administration of the Federal Consistency Provisions

If the California program is approved by the Secretary of Commerce, the Coastal Commission intends to carry out its responsibilities in connection with the Federal consistency provisions (Section 307) as follows:

Monitoring and Review of Federal Activities

The Coastal Commission will monitor all Federal activities[1] that may directly affect the coastal zone. The Coastal Commission will also review all Federal development[2] undertaken in the coastal zone. This monitoring will utilize existing procedures -- the A-95 review process, review of environmental impact statements, and review of Corps of Engineers public notices, supplemented as necessary with special coordination with individual Federal agencies. The coastal agency[3] will make every effort to notify Federal agencies of potential inconsistencies with the State's coastal management program as early as possible in the planning process. At the same time, as is implicit in the statement of national interest, it is expected that each Federal agency proposing to conduct or support an activity that may directly affect the coastal zone, or to undertake any development projects in the coastal zone, to advise the coastal agency of such activities or developments as early as possible in the Federal agency's planning process. This is done to ensure that any potential conflicts with the State's management program can be identified and resolved early.

Memoranda of Understanding with Federal Agencies

Federal agencies will be requested to enter into memoranda of understanding with the coastal agency with regard to any activities or development within the coastal zone that would otherwise require a coastal agency permit. These memoranda of understanding will include public hearing where appropriate and will be based upon the consistency of the proposed project or activity with the management program and, in particular, with the Coastal Act. If the coastal agency determines the proposed activity or development is not fully consistent with the management program, it will not enter into a memorandum of understanding. In that case, if the Federal agency disagrees with the coastal agency's finding and decides to go forward with that activity, it will be expected to (a) advise the coastal agency, in writing, that a project or activity complies with the coastal management program to the maximum extent practicable, and (b) set forth, in detail, the reasons why this is so. If a regional commission or local jurisdiction declines to enter into a memorandum of understanding with a Federal agency, the decision will be automatically reviewed, and subject to reversal by the Coastal Commission. Memoranda of understanding between a regional commission or local jurisdiction and a Federal agency can be appealed to the Coastal Commission under the same rules that apply to appeals on permit decisions. In the event the coastal agency seriously disagrees with the Federal agency's determination that an activity or project complies with the management program to the maximum extent practicable, the Coastal Commission may request the Secretary of Commerce to mediate the serious disagreement as provided by Section 307(h) of the CZMA.

If Federal agencies do not wish to participate in the memoranda of understanding process, the Federal agency must adopt some other procedure (i.e., A-95, etc.) which must be supplemented to assure that the coastal agency is informed of all Federal activities and development projects at the earliest practicable time in the planning process. Such notification must discuss the consistency of the proposed action to the management program (including the objectives, policies, and/or certified local coastal programs), and must include sufficient information for the coastal agency to review the Federal agency's determination.

Consistency of Federal Activities Not Requiring Coastal Permits

Memoranda of understanding will not be requested with regard to Federal activities or development that would not otherwise require coastal agency permits. However, activities conducted or supported by any Federal agency which would directly affect land, water, air, and other coastal resources within the coastal zone will be expected to conform to the management program to the maximum extent practicable, as required by Section 307(c)(1).

The determination as to whether a specific activity could "directly affect the uses of land, water, air, and other coastal resources" will be made by the coastal agency, which will also determine whether the activity is, or is not, fully consistent with the management program. If the coastal agency determines that the activity is not fully consistent with the management program, and the Federal agency involved disagrees and decides to go forward with the project or activity, it will be expected to (a) advise the coastal agency, in writing, that the project or activity complies with the management program to the maximum extent practicable, and (b) set forth, in detail, the reasons why this is so. A decision by a regional commission or local jurisdiction that a Federal activity would not be consistent with the management program will be automatically reviewed, and subject to reversal by the Coastal Commission. A decision by a regional commission or local jurisdiction that a Federal activity would be consistent with the management program can be appealed to the Coastal Commission under the same rules that apply to appeals on permit decisions.

In the event the coastal agency seriously disagrees with the Federal agency's determination that an activity or project complies with the management program to the maximum extent practicable, the Coastal Commission may request the Secretary of Commerce to mediate the serious disagreement as provided by Section 307(h) of the CZMA or seek judicial review of the dispute.

Federal Licenses and Permits Subject to Certification for Consistency

Within the State of California, the following Federal agency licenses and permits will be subject to the certification process for consistency with the management program under Section 307(c)(3) if the activity being licensed or permitted affects land or water uses in the coastal zone:

Department of Defense - U. S. Army Corps of Engineers:

- Permits and licenses required under Sections 9, 10, and 11 of the Rivers and Harbors Act of 1899.
- Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972.
- Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments.
- Permits for artificial islands and fixed structures located on the outer Continental Shelf (43 U.S.C. 1333(f)).

Nuclear Regulatory Commission:

- Permits and licenses required for siting and operation of nuclear power plants.

Department of the Interior - Bureau of Land Management - U. S. Geological Survey:

- Permits and licenses required for drilling and mining on public lands (BLM).
- Permits and approvals of exploration and operating plans pertaining to the extraction of leasable minerals (USGS).
- Plans for the exploration, development, and production from areas leased under OCS Lands Act (43 U.S.C. 1331 et seq.).
- Permits and licenses required for offshore drilling, approval of design plans for the installation of platforms, and approval of gathering and flow lines.
- Permits for pipeline rights-of-way on the outer Continental Shelf.
- Permits and licenses for rights-of-way on public lands.

Environmental Protection Agency:

- Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments.
- Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality.

Department of Transportation - U. S. Coast Guard:

- Permits for construction of bridges under 33 USC 401, 491-507 and 525-534.
- Permits for deepwater ports under the Deepwater Port Act of 1974 (PL 93-627).

Department of Transportation - Federal Aviation Administration:

- Permits for operation of airports.

Federal Power Commission:

- Licenses for construction and operation of hydroelectric generating projects including primary transmission lines.
- Certifications required for interstate gas pipelines.
- Permits and licenses for construction and operation of facilities needed to import, export, or transship natural gas or electrical energy.

This listing has been intentionally limited to those permits where the Federal license or permit may significantly affect coastal land and water uses. This is desirable to minimize the administrative burdens on the governmental entities as well as the applicant. If it is found that the issuance of other Federal permits and licenses causes significant effects on coastal land and water uses, the consistency requirements will be applied to those permits or licenses through administrative addition to the list above.

Within the coastal zone, a coastal agency permit will be required or memoranda of understanding requested for all of the above activities. Consequently, the issuance of a coastal agency permit where one has been applied, or agreement on memoranda of understanding will be deemed to be a determination by the State that the proposed activity or project is consistent with the management program, and no further certification will be required. In those cases where no coastal agency permit has been applied for, the coastal agency will process a certification of consistency concurrent with the permit application. The coastal agency will not review whether a Federally licensed or permitted activity in the coastal zone is consistent with the management program except in connection with a permit application if a permit is required.

Elsewhere in California, certification of the above licenses and permits will be required only in cases where the coastal agency determined that the activity being licensed or permitted could have a substantial effect on land and water uses in the coastal zone. This determination will be made on a case-by-case basis in the course of the monitoring program described at the beginning of this section. It is not anticipated that many licenses and permits outside the coastal zone will require certification. At the same time, those that do will probably be of considerable interest to the public because of the potential impact on the coast. Consequently, certifications of licenses or permits outside the coastal zone will be processed as much as possible as if they were applications for coastal permits under the Coastal Act and the Coastal Commission's regulations, including a timely notice and public hearings. If the coastal agency determines that an activity to be licensed or permitted by a Federal agency is not consistent with the management program as required by Section 307(c) of the CZMA the Federal agency will not license or permit the activity unless the Secretary of Commerce, on his own initiative or upon appeal by the applicant, finds, after providing an opportunity for comments from the Federal agency involved and from the Coastal Commission, that the activity is consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security.

OCS Plans Subject to Certification for Consistency

Plans for the exploration or development of, or production from, any OCS area adjacent to California waters that has been leased under the Outer Continental Shelf Lands Act will be subject to certification and State review to assure that Federal licensing and permit activities described in detail in such plans, and affecting land and water uses in the coastal zone are consistent with the management program. These plans will be processed as much as possible as if they were applications for coastal permits under the Coastal Act and the Coastal Commission's regulations, including a timely notice and public hearings. If the coastal agency determines that a Federal license or permit activity described in such plan is not consistent with the management program as required by Section 307(c)(3)(B) of the CZMA, Federal agencies will not grant licenses or permits for the activities described in the plan unless the Secretary of Commerce, on his own initiative or upon appeal by the applicant, finds, after providing an opportunity for comments from the Federal agencies involved and from the Coastal Commission, that the Federal license or permit activities are consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security.

Federal Assistance Subject to Certification of Consistency

To review applications for Federal assistance under other Federal programs affecting the coastal zone, the coastal agency will use the Project Notification and Review System of OMB Circular A-95 authorized under Title IV of the Intergovernmental Coordination Act of 1968 and administered by Regional Clearinghouses and statewide by the Office of Planning and Research.

The scope of coastal agency review will be limited to ensuring that the proposed project or activity is consistent with the coastal management program. In the event that the coastal agency determines that the proposed project or activity is not consistent with the management program, the coastal agency will attempt to resolve the inconsistency through negotiation with the applicant. If no resolution is possible, the coastal agency will forward its determination to the appropriate Federal agency, and as required by Section 307(d) of the CZMA, the Federal agency will not approve the proposed project unless the Secretary of Commerce, on appeal, finds that the project would be consistent with the purposes of the CZMA or in the interest of national security.

D. Incorporation of Federal Air and Water Quality Standards

Although the Coastal Plan recommended that California institute air or water quality standards more restrictive than Federal requirements in certain areas in order to address unique problems, the Coastal Act did not go as far. The Coastal Act does uphold Federal standards as enforced by existing State agencies. Local coastal programs must also incorporate as necessary the air and water quality standards prior to certification. Section 30522 of the Coastal Act states, "Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency." Section 30253(3) requires new development to be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board.

The State Water Resources Control Board is recognized as having primary responsibility for the coordination and control of water quality and the administration of water rights pursuant to applicable law. The Coastal Commission is responsible for seeing that proposed development and local coastal programs do not frustrate the State Water Resources Control Board's programs. However, Section 15 of the Coastal Act amended the State Water Code to ensure that water agencies support the Coastal Commission's management program to protect the coastal marine environment. Treatment works within the coastal zone and those outside the coastal zone that serve the coastal zone require a coastal permit determined on siting and visual appearance, geographic limits, and development projections. The Coastal Commission must make the final determination on a permit prior to the time of final approval of the project by the State Water Resources Control Board (30412).

The State Air Resources Board and local air pollution control districts, having been established pursuant to State law and consistent with Federal law, are the principal public agencies responsible for air quality, emission standards, and air pollution control programs. The Coastal Commission is not to modify air pollution standards set by the Air Resources Board, which, it is expected, will recommend ways that the Coastal Commission can assist in air quality programs (30414).

REFERENCES

1. "Activity" means an activity or program that a Federal agency directly engages in itself for Federal purposes, or pays someone else to engage in, also for Federal purposes. "Activity" does not include Federally assisted activities or programs that are primarily for State and local purposes which are covered under Section 307(d) of the CZMA.

2. "Development", as defined by OMB Circular A-95, means planning, construction and modification of public works, physical facilities, and installations, or land and real property development (including the acquisition, use and disposal of real property) undertaken by or for the use of the Federal government or any of its agencies; or the leasing of real property for Federal use when the use or intensity of use of such property will be substantially altered.

3. "Coastal Agency" means the State and local government units responsible for reviewing the consistency of Federal actions. The identification of these agencies will be made known to Federal agencies and applicants through administrative notification.

CHAPTER 12

FUNDING MANAGEMENT AND ACQUISITION ACTIVITIES

A. Sources of Funds

The California Coastal Management Program has several potential sources of funds for management and acquisition activities:

(1) Up to $5 million may be available annually from the Federal government under Section 306 of the CZMA providing funds for Federally-approved State programs. The Coastal Act provides that 50 percent of the Federal funds must be made available for the preparation and implementation of local coastal programs discussed below.

(2) The State will be eligible for additional funds to address the impacts of coastal energy development under Section 308 of the CZMA.

(3) The California Legislature in 1976 approved AB 400, appropriating $1,476,506 for operation of the Coastal Commission and regional commissions for the first half of 1977. Appropriations from the State General Fund to support the Coastal Commission are expected to be made by the Governor and the Legislature each fiscal year.

(4) AB 400, in addition, was to have provided $31 million for near-city hostels on the coast and for various park and beach acquisitions, but the Governor reduced these appropriations to $1.9 million for hostels and $9.85 million of the acquisitions.

(5) Proposition 2, the State Urban and Coastal Park Bond Act of 1976 (formerly SB 1321), approved by the voters of California in November 1976, provides for $280 million in bonds, of which about $145 million will be applied to coastal acquisition and other activities. This total includes the initial $10 million funding for the new State Coastal Conservancy's acquisition, restoration, and enhancement program; $15 million as the State share of local government purchases to be made on the coast; $10 million to the Fish and Game Department for acquisition of coastal habitat areas; and $110 million to the Parks and Recreation Department for the purchase of coastal parks and beaches. (see Appendix 5).

(6) AB 2133, also passed in 1976, provides $10 million for the purchase of coastal wetlands.

B. Coastal Act Financial Provisions

The Coastal Act itself made no appropriations for coastal management activities but has several provisions of interest:

(1) The Coastal Act specifies the Coastal Commission is responsible for the management and budgeting of funds appropriated, allocated, granted, or otherwise made available to the Coastal Commission and regional commissions (30340). The Coastal Commission may require, as it did under Proposition 20, reasonable filing fees and reimbursement of expenses in connection with processing development permit applications (30620(c)). (If appropriated by the Legislature, these will provide partial funding for the regulatory activities of the management program.)

(2) Two sections of the Coastal Act concern costs to local governments. The Coastal Act states the Coastal Commission cannot withhold approval of a local coastal program "because of the inability of the local government to financially support or implement any policy or policies" of the Coastal Act, though this does not require approval of a program "allowing development not in conformity with the policies" of the Coastal Act (30516(a)). The Coastal Act also acknowledges "there may be direct planning and administrative costs" imposed on local governments by the legislation and stated "it is the intent of the Legislature that such costs to local government shall be reimbursed by the State." It provides legislatively appropriated funds (and 50 percent of Federal funds available for such purposes) be deposited in a special local government coastal planning assistance account in the State General Fund, that the Coastal Commission review local government claims, and the State Controller consider this report as it reviews claims made by local governments against the account. Funds available under the CZMA cannot be used for reimbursement and, therefore, cannot be deposited in the account. However, CZMA funds can be used to support the development and implementation of local coastal programs if the work to be carried out with the funds is identified in advance and approved by the Department of Commerce as part of California's annual application for a coastal zone management grant. Because the projected availability of Federal funds that can be used for local coastal programs exceeds the estimated cost of developing the programs, the justifiable claims against the account are not expected to be excessive.

In general, the Coastal Commission expects no insurmountable problem in the funding of the preparation of adequate local coastal programs, which will enable the Coastal Commission to certify the programs and transfer much of the implementation of the California Coastal Management Program (including the general development permit authority in the coastal zone) to local governments.

CHAPTER 13

CITIZEN AND GOVERNMENT INVOLVEMENT IN THE MANAGEMENT PROGRAM

A. Participation in Program Planning

The history of public participation in the development of the proposed management program extends back to 1970 when the groundwork for what became a citizen initiative, Proposition 20 (the California Coastal Zone Conservation Act of 1972), was started. It took a massive, statewide petition drive to place the initiative on the ballot. Because of that awesome public involvement, the Coastal Commission, in drafting the Coastal Plan and in regulating coastal development from 1973, wanted and was able to get an extremely high degree of continuing citizen interest. As the planning process began dealing in detail with the most serious coastal issues -- for example, offshore petroleum development -- large private interests and government agencies became increasingly involved in the Coastal Commission planning and regulatory activities.

How much involvement was there? When did it occur? How did the Coastal Commission and regional commissions relate the more theoretical planning procedures and the enormous quantity of public input? How were repeated concerns addressed by the Coastal Commission? How could a statewide plan be drafted that was sensitive to regional and local concerns? How could the Coastal Commissions deal seriously with technically, economically, or politically complex material without "losing" the public?

The Coastal Commission and regional commissions did not close the door to participation until the printer's deadline in October 1975--and it was reopened in December when the Coastal Plan came off the press and was sent to the Legislature for its consideration.

Due to the extensive documentation, with respect to local, regional, State, and Federal participation in the development of the Coastal Plan, prepared reports which document this participation are housed at the Coastal Commission and at OCZM. This documentation is available for review and includes the following appendices, which are made a part of this program and the draft EIS, by reference, for purposes of meeting the NEPA coordination and consultation requirements: Evolution of a Coastal Plan Policy Through the Public Review Process; Coastal Planning Mailing List; Regional Coastal Commission Plan Element Public Hearings and Meetings; Summary of Public Hearings on the Preliminary Coastal Plan; Meetings on the Preliminary Coastal Plan; State and Regional Agency Involvement in the Coastal Planning Process; Federal Agency Involvement in the Coastal Planning Process; and Correspondence Between Coastal Commission and Federal Officials.

Intensity of Participation

Beginning in 1973 technical experts, representatives of interest groups, property owners, local, State, and Federal agency staff, and interested citizens were encouraged to participate by being provided with preliminary material for review and comment. In some cases, the Coastal Commission and regional commissions learned who these people were through their unsolicited expressions of interest. Most of the time the staff learned of people who should be involved in planning through references in technical literature, mailing lists from professional and interest organizations, or knowing of groups and individuals from past experience. The number of people, groups, and agencies involved in coastal planning grew to almost 10,000. However, the total number of people receiving planning information is close to 20,000.

Through this early and continuing review process, the public and governmental agencies were extensively and intensively involved in the Coastal Plan development as evidenced by several thousand people being given the opportunity to have input into the development of the plan elements long before the elements ever reached public hearings held before the regional commissions.

The regional commission public hearings on the plan element findings and policies represented another major opportunity for public participation in the development of the coastal management program. In all, 259 public hearings were held at the regional commission level on the individual plan elements.

Each of the regional commissions, based on its study and public input, submitted recommended findings and policies to the Coastal Commission. The Coastal Commission prepared draft findings and policies on each of the nine plan elements from the recommendations of the regional commissions and held public hearings on its conclusions. At the public meetings, controversies that could not be resolved at previous meetings were discussed and revisions to material considered. While these meetings were not formal public hearings, general public input was normally allowed.

All of the material adopted individually in the plan elements was subsequently incorporated into the Preliminary Coastal Plan along with mapped information and alternative ideas for implementing the Coastal Plan.

In all, about 6,000 people attended the hearings and almost 8,000 pages of written comments were received. These written comments supplemented the oral presentations that had to be somewhat limited in length because of the large number of people making presentations. In addition, during April, May, and June 1975, the staff and regional commission members from the seven coastal commissions met with numerous groups to explain the provisions, answer questions about, and receive suggestions for improving the Preliminary Coastal Plan.

In the same fashion that the general public participated in the coastal planning process, State and regional agencies were encouraged to review and comment on the technical reports, draft findings and policies, hearing drafts, and tentatively adopted findings and policies of each of the nine plan elements. They were also provided with copies of the Preliminary Coastal Plan to allow for their input into the formulation of the final Coastal Plan.

Much emphasis was placed on participation during the planning phase. Public and government involvement continued when the Coastal Plan went to the Legislature, but necessarily the degree of participation was not as high--partly because of the nature of the legislative process, partly because the activity was confined to the State capital, and partly because of the less predictable and shortened schedule (the original coastal legislation was introduced in Febraury 1976; the Coastal Act and companion legislation emerged in August).

When the original bill, SB 1579, was introduced, the Senate Natural Resources and Wildlife Committee held six hearings and the committee chairperson observed the amount of public participation allowed was probably greater than for any other bill in that session. The Senate Finance Committee held one hearing before failing to pass SB 1579 in June. Because little time remained in the session, the coastal legislation was revived as amendments to a minor bill, SB 1277, that had already passed the Senate. Consequently, most of the hearings on SB 1277 were in the Assembly, with the Resources, Land Use, and Energy Committee conducting three hearings--including two in Los Angeles during a mid-session break.

The majority of letters to legislators concerned the first bill, SB 1579. At each of the 10 hearings, an average of representatives from 20 groups appeared, and a varying number of individuals.

Federal Agency Cooperation in Planning

Federal agencies enjoyed the same opportunity to participate in the Coastal Plan development as did the general public and State, regional, and local agencies. In addition to this regular involvement in the planning process, special efforts were made to keep in close contact with Federal agencies. Wherever possible, Federal studies were incorporated into the background technical material and Federal officials were invited to provide input into the Coastal Plan preparation. Federal involvement was further facilitated by having two Federal employees, William Davoren of the Department of the Interior and David Mowday of the Environmental Protection Agency, work on the Coastal Commission staff. Both worked actively to coordinate the activities of the Coastal Commission and regional commissions and those of Federal agencies in the coastal regulatory process as well as coastal planning.

Clearly, Federal agencies were involved from the very beginning of the coastal planning process, but coordination with Federal officials intensified in 1975 for two reasons: (1) a broadening of Coastal Commission contacts with Federal agencies in response to the draft regulations on Section 307 of the CZMA, and (2) the distribution of the Preliminary Coastal Plan on March 1975. Over 200 copies of the Preliminary Coastal Plan were distributed to various Federal agencies and officials for review and comment. In addition, many meetings were held with Federal agencies to discuss the Preliminary Coastal Plan and explore any questions with reference to various policies. The most important of the meetings was held on May 15, 1975, with the Western Federal Regional Council, Environmental Protection Agency, Department of Housing and Urban Development, General Services Administration, Corps of Engineers, Maritime Administration, Coast Guard, and the Federal Power Commission, and on April 11 and June 11, 1975, with the Western Division Naval Facilities Engineering Command. These meetings generated many valuable ideas that were incorporated into revisions of the Preliminary Coastal Plan. Moreover, an entirely new section entitled "National Interest in the Coast" was prepared to briefly state the national importance of the California coastline, to explain how the national interest was taken into account in the preparation of the Coastal Plan, to set out the process proposed to ensure that the national interest in the coastal zone is considered and provided for in the future, and to outline the relationship of the Coastal Plan to the CZMA. Several revisions to this draft statement were made in response to comments by Federal agencies and additional meetings were held with representatives of the Navy to finally come to mutually acceptable language for the statement. Agreement was reached on September 8, 1975, and the Coastal Commission adopted the final wording on September 17, 1975. As subsequently refined, the national interest statement is included in Chapter 11.

B. Concerns Frequently Raised During Planning

During the planning period, the public and government agencies had the opportunity to express their concerns about the proposed coastal management policies. Through public hearings, telephone conversations, and letters to the Coastal Commission the State and regional staffs learned which of the developing plan's topics were of particular interest. Questions involving private property rights and economic impacts on individuals and coastal communities were raised most frequently. In fact, these two concerns were repeatedly linked. For example, where a parcel of agricultural land acted to restrict access to adjacent tidepools, the owner might argue that if the public was allowed coastal access, their activities would diminish the values of both agricultural lands and the tidepools. Consequently the Coastal Act's policies evolved to assure that constitutional, economic, and environmental values were protected in concert with the objectives of a sound coastal management program. The Coastal Plan "Summary and Introduction," which was circulated throughout the State as a separate publication, dealt with those concerns. Subsequently refined to reflect the Coastal Act, the statements addressing private property rights and economic impacts will now be discussed.

Rights of Property Owners

Consistent with the provisions of CZMA Section 303(b) the Coastal Act recognizes fully that ownership and use of private property are fundamental concepts in the law and traditions of the United States. The Constitutions of both the United States and the State of California protect property owners against the taking of their property without just compensation. The Coastal Act cannot violate these Constitutional mandates, and it does not.

The Coastal Act assures the rights of landowners will be protected. It states:

> "The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the regional commission, the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States." (30010)

If coastal property is not purchased by the public for public use or environmental protection, the property owner may put it to other uses consistent with the policies of the Coastal Act. The Coastal Act includes development standards, similar to those in long-established city and county laws, under which new buildings would be designed to protect views to and along the ocean, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and to provide public access to the oceanfront where appropriate.

However the property rights of a landowner are not absolute. Rights can and do change over time, and the rapid urbanization of the United States during the 20th century has led increasingly to restrictions on the use of private property--restrictions held by the courts to be constitutional. For example, the U. S. Supreme Court held 25 years ago that property owners could not create an enforceable agreement requiring racial discrimination in the future sale of their land. For many years, laws have prohibited the use of property in a way that would result in health hazards or noxious effects on the public at large. Local zoning laws have been upheld by the courts since 1926.

The issue is not whether property owners rights could be violated; under Federal and State Constitutions they could not be. The issue, at least in many places, is that property owners' expectations may be affected. When people buy land, they often expect a certainty of financial return greater than when they buy securities or make other investments. Because they may live on the land and farm it, because they pay property taxes on it, and because of the recent rapid rise in land values in many areas, many people expect to make money by holding or using land, and they believe they deserve to be compensated if their expectations are not realized. Under the Coastal Act, as under many Constitutional land use laws, people can use their land in a variety of ways, but in some cases not as fully or intensively as they might like.

Just as the California Constitution protects private property rights, it also protects rights of public access. The State Constitution, adopted in 1879, provides in Article XV, Section 2, that:

> "The People Shall Always Have Access to Navigable Waters. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof."

In summary, the Coastal Act will not take away landowners' rights. In some cases, it may change a landowner's expectations, but there are many factors other than the Coastal Act that can influence future land values--for example, the value of land for second-home subdivisions depends, in part at least, on the price and availability of gasoline for driving to distant areas. Thus, there can be many reasons for financial success as well as financial reverses in the ownership of land, as in the ownership of securities or any other investment. Although no compensation for loss of expectations is legally required, perhaps there should be a public policy debate as to its desirability. At the very least, however, it could be difficult indeed to correctly measure declines in value, and to fairly assess the many factors that might be responsible. There is, yet, no tradition of public responsibility for guaranteeing the success of private investments in land or in anything else.

Economic Impacts of Coastal Development Regulations

Based on the recognition that protecting California's coast is essential for the State's long-term economic well-being and, in application of CZMA Section 303(b), the Coastal Act calls for economically sound measures: well-planned, orderly development to curb the wasteful use of land; vigorous protection of the coastal resources that are the basis of the multi-million dollar coastal tourist industry and the thousands of jobs it provides; and similar protection for coastal farm lands, timberlands, and ocean fisheries--all of which provide jobs and income for Californians.

Economic activity along the coast is affected by many factors of which the Coastal Act is only one. Interest rates, population growth, unsold or under used buildings, and the availability of energy are all factors that will affect building activity along the coast. The coastal economy, and indeed, the State's economy, may also be affected in less obvious ways. For example, there is an economic loss when low-quality, sprawling development is allowed to overrun land suitable for much better development. There is an effect on the consumer's food bill when prime agricultural land is converted to other uses--followed by efforts to achieve comparable production on less valuable land through energy-intensive applications of irrigation water and fertilizer. The past misuse of California's coastal resources has caused unmeasured but real economic losses.

The gradual, fragmented degradation of natural resources has not usually been recognized as a major economic loss. Rather, attention has been concentrated on short-term economic benefits: when a marsh was filled, attention was given to the jobs created by new construction, and a resulting increase in the local tax base. Similarly, building houses on prime farmland has usually been seen as economically beneficial. But there is increasing evidence of long-term losses that may not be so visible. Filling marshes, bays, and estuaries, which are essential nursery grounds for many species of fish and wildfowl, can gradually decrease the ocean fisheries--and the jobs and income, together with food supply, that ocean fishing provides. There may well be serious long-term consequences from the increasing loss of prime agricultural land--effects not only on food prices but on the ability of this Nation to help feed the world's growing population, and to export food in return for petroleum, metal ores, and other products from abroad.

The Coastal Act recognizes, in short, that protection of coastal resources is essential to a sound economic future for California. While it may not be possible to determine precisely the dollar value of a day of recreation or inspiration provided by ocean beaches, parks, bluffs, and trails, there are clear dollar values attributable to the coastal visitor economy. The Coastal Act seeks to increase public access to the oceanfront in appropriate areas; to provide tourist accommodations from campgrounds to hotels, resorts, and meeting centers; and to give preference to these public activities over private housing in suitable coastal areas. If Californians were to allow the coast to be further degraded, ocean views to be blocked by poorly-designed buildings, and access to beaches restricted, they would be risking the future of one of the most important economic assets of the State--coastal tourism.

Security Pacific Bank, in its 1975 Coastal Zone Economic Study, wrote,

> "tourism is a vital economic base industry, i.e., its income accrues from sales to people from outside the State, and it brings in 'new dollars.' Some of its benefits include the direct and indirect support of a multi-industry infrastructure, the employment of many relatively unskilled workers, and the taxes paid by the tourist...Tourists make relatively small demands on a region's public services (police and fire protection, street maintenance, etc.) and yet they contribute heavily toward providing employment and income and in reducing the tax burden of local residents."

"The Costs of Sprawl," a study made in 1974 by Real Estate Research Corporation for the Federal government, showed that well-planned, concentrated development means savings to the public of between 5 and 33 percent when compared with wasteful, land-consuming development. The savings are in the costs of roads, sewer and water lines, etc., and also in travel time for residents, the need for services such as schools and fire stations, etc. Of increasing importance, well planned developments can save greatly on energy. The Coastal Act seeks not to stop growth and development, but to direct new construction primarily into the rebuilding and upgrading of already-developed areas where additional development can be accommodated. The issue is not whether there should be new development, but where.

Thousands of jobs and millions of dollars in annual crop production depend on the unique combination of California's coastal soils and climate. Protecting California's agricultural lands is not only a coastal issue; it is obviously a problem of statewide concern. But the Coastal Act seeks to maintain the long-term productivity of coastal farmlands, grazing lands, and timberlands for their long-term economic value. Similarly,the Coastal Act seeks to protect ocean fishing, both commercial fishing and sport fishing. The Coastal Act, therefore, seeks to protect the coastal estuaries and wetlands essential to California's ocean fishery, and to protect coastal water quality. The economic values are clear: the Security Pacific Study noted that in 1972, the most recent year for which detailed figures are available, California landings and shipments of commercial fish were valued at $162.5 million. The study added that,

> "the real value of commercial fishing to the State and regional economies of California in terms of primary, secondary, and tertiary income and employment is difficult to assess. In most cases, these values are probably understated. California fishermen range many miles from their home ports in search of their catch--from Alaska on the north to South America on the south--and in many instances, they market their catch at the nearest suitable port in order to shorten their turn-around time. Consequently, California's official published valuation figures are understated in that they include neither the value of the fishing catches, the profits, nor the wages, resulting from deliveries to non-California ports. There is a positive effect, however, in that these monies are brought back to California and introduced into the State and regional economies as export or 'new' dollars."

The Coastal Act recognizes that some future coastal sites may be needed for new or expanded power plants, that new port terminals may be needed for larger petroleum tankers, and that offshore petroleum production may be required as part of a national energy conservation and development program. The Coastal Act provides standards by which necessary energy installations may be accommodated, consistent with the protection of coastal economic and environmental resources.

The Coastal Act seeks to protect the coastal streams that deliver sand to ocean beaches; beach erosion costs property owners and government bodies several million dollars every year for building groins, jetties, and other erosion-combatting structures, and for importing sand. The Coastal Act also seeks to maintain and enhance coastal air quality; air pollution causes millions of dollars annually in crop damage and inestimable damage to human health.

C. Continuing Public and Government Involvement

The success of the Coastal Commission and regional commissions efforts to involve the public and government agencies in the planning process on virtually a continual basis from 1973 until now was recognized when coastal legislation was finally passed. In the Coastal Act the Legislature found "there has been extensive participation by other government agencies, private interests, and the general public." (30002(a))

This extensive public involvement is required to continue under the new Coastal Act--and therefore in most aspects of implementing the coastal management program. The Coastal Act states:

> "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development: that achievement of sound coastal conservation and development is dependent upon public understanding and support, and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." (30339)

The Coastal Act enumerates specific measures required to achieve these goals:

> "The commission and each regional commission shall:
> (a) Ensure full and adequate participation by all interested groups and the public at large in the commissions's and each regional commission's work program.
> (b) Ensure that timely and complete notice of commission and regional commission meetings and public hearings is disseminated to all interested groups and the public at large.
> (c) Advise all interested groups and the public at large as to effective ways of participating in commission and regional commission proceedings.
> (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to the provisions of this division, and additional measures to assure open consideration and more effective public participation in such programs or activities." (30339)

The Coastal Act does not limit this public and agency involvement requirement to the Coastal Commission. The chapter on ports requires public participation in the port master planning process; and Section 30500 (c) provides that: "The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and an appropriate regional commission, and with full public participation."

Finally, the Coastal Act provides:

> "During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special district, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission." (30503)

The Coastal Commission will have on its staff a professional experienced in working with the general public who will be assigned the responsibility of ensuring these requirements are met. Beyond this specific effort, the Coastal Commission's planning and regulatory activities will continue to be oriented around a process that encourages the maximum of public involvement.

The calendar of management activities in Section A of Chapter 14 indicates the frequency with which the Coastal Commission and regional commissions, local governments, port authorities, and others have to schedule public hearings. In short, it is not only hoped but it is legislatively mandated that the public be allowed to continue its very active role in implementing the management program. A more thorough description on public participation in future program development and implementation can be found in the Coastal Commission regulations and Local Coastal Programs Manual.

CHAPTER 14

CONTINUING DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM

The management program for the California coast established by the Coastal Act and other legislation outlines processes by which the general goals of coastal management are to be realized and requires particular management activities to be completed by specific dates.

Since coastal management is an evolutionary rather than a static process, the coastal policies are designed to be responsive to new issues. The program accordingly provides the mechanisms that will allow a coordinated but flexible management process involving both government agencies and the public at large.

A. Schedule of Coastal Management Activities

This section is basically a calendar that should aid in understanding how the various parts of the management program--for example, the Coastal Commission's development permit function, the preparation of local coastal programs and port master plans, coordination between the Coastal Commission and various State agencies on particular aspects of the management program--fit together. This schedule notes the dates certain Coastal Act requirements will be completed as part of the program. In many instances, the policies call for the transfer of Coastal Commission functions to appropriate State, regional, and local agencies. This will include active involvement by the public through numerous required public hearings that will become part of the schedule.

1977

January 1	Effective date of the California Coastal Act of 1976 (SB 1277, as amended by AB 2948 and AB 400).
	Effective date of AB 400 (coastal funding), AB 3544 (State Coastal Conservancy), and Proposition 2 (the $280 million park bond issue approved by the electorate in the November 2, 1976, general election).
January 2	Ports may notify Coastal Commission of completed master plans.
	Last day for State and regional coastal commissions to be appointed.
January 11	Last day for regional commissions to be formally established.
January 30	Last day for the Coastal Commission to prepare interim coastal development permit and claim of exemption procedures.
No date	Public hearing on local coastal program procedures.
No date	Public hearing on urban exclusion(s), with Coastal Commission action sometime thereafter.
No date	Public hearing on categorical development exemptions, with Coastal Commission action sometime thereafter.
February 2	First day of possible port district hearing on port master plan.
No date	Coastal Commission public hearing on port district boundaries and related wetland/recreation area maps.
April 1	Last day for the Coastal Commission to adopt procedures for local coastal program preparation, submission certification, appeal, and amendment.
	Last day for the Coastal Commission to adopt port district boundary and wetland/recreation area maps.
April 2	Last day Coastal Commission may act on a port master plan that was submitted January 2. Time limit for Coastal Commission action is 90 days; otherwise the master plan is deemed certified.

April 30	Last day for the Coastal Commission to adopt regulations for the timing of its review of proposed treatment works.
May 1	Last day for the regional commissions to adopt local coastal program processing schedules.
	Last day for Coastal Commission to adopt permanent development permit procedures.
May 30	Last day on which a regional commission must begin reviewing a developed through 1976 pilot project for the local coastal program to qualify for the Section 30521 accelerated schedule.
July 1	Last day a local government may request the Coastal Commission to prepare its local coastal program.
	Last day for the Coastal Commission to identify special treatment areas for submission to the Board of Forestry.
No date	Public hearing by Coastal Commission on sensitive coastal resource areas.
September 1	Last day for the Coastal Commission to designate sensitive coastal resource areas for submission to the Legislature.
No date	Public hearing by the Coastal Commission on coastal energy facility locations.

1978

January 1	Final day for the Coastal Commission to designate unacceptable coastal energy facility locations for submission to the State Energy Commission.
January 2	First annual report from Department of Parks and Recreation concerning public accessways required by Division 21 of the Public Resources Code (State Coastal Conservancy).
No date	Public hearing(s) by each local government submitting a local coastal program to the Coastal Commission for certification. Such hearing(s) must be held on the aspect(s) of the local program that have not been publicly heard within the last four years.
July 1	First day on which local coastal program (other than one evolving out of a pilot project) may be submitted for review to the appropriate regional commission.
	Last day for Director of the Office of Planning and Research to publish the first report on coastal management agency duplication and conflicts. Thereafter, the report may be published at his discretion.
	Last day for presentation to the Legislature of the mandated joint Coastal Commission-BCDC report on their future relationships.
	Effective this day, at least 50 percent of CZMA funds received by California will be deposited in a local government coastal planning assistance fund for use in developing and implementing the local coastal programs.
No date	Public hearing by the Coastal Commission on interim coastal development permit appeal procedures.
August 1	Last day for the Coastal Commission to adopt public notice and appeal procedures for interim coastal development permit applications.
October 31	Last day for local governments to submit claims to the State Controller for State-mandated local costs incurred in fiscal year 1977.

1979

January 1	Commission must submit first biannual report on coastal program implementation to the Governor and Legislature.
	Last day for the Departments of Parks and Recreation and Fish and Game to make recommendations concerning establishment of resource protection zones to the Coastal Commission.
June 30	Last day on which regional commissions may exist.
September 1	Last day for the Legislature to approve of a Coastal Commission designated sensitive coastal resource area.

1980

January 1	Last day on which local coastal programs may be submitted to the Coastal Commission for review.
	First biannual update of the Coastal Commission designation of unacceptable coastal energy facility locations.
January 2	First triannual report by the State Coastal Conservancy to the Governor and Legislature is due.
July 1	Last day for Coastal Commission prepared local coastal programs to be completed.
December 1	Last day for Coastal Commission prepared local coastal programs to be certified.

1981

January 1	Coastal Commission may preempt certain local government jurisdictions in the coastal zone if required implementing devices are not in place. At least every five years after certification of a local coastal program, the Coastal Commission is required to review it.

B. Management Coordination

Inherent in the Coastal Act is the objective of maintaining a strong State/local interrelationship and to improve intrastate agency and program coordination. In addition, the California Coastal Management Program refines and integrates decision-making with Federal agencies, consistent with Federal requirements.

C. State Program Administration

The Coastal Commission bears the principal responsibility for the administration of coastal management in California. Its functions in this program element include:

(1) Administration of local coastal program development grants.
(2) Review and approval of local coastal programs (see below).
(3) Coordination of local program development with other State and Federal planning and operational programs.
(4) Facilitation of public involvement in coastal management program refinement and application.
(5) Administration of special contracts and interagency agreements for program implementation and refinement.
(6) Review, coordination, and involvement of Federal agencies in implementing Section 307 of the CZMA (see below).

(7) Assessment of management program effectiveness, and legislative liaison for management program refinement and conflict resolution.
(8) Development of regulations, procedures, and recommended legislative amendments to effectuate program implementation.
(9) Review of regulations developed to implement recent CZMA amendments and administration of regulations when officially promulgated.
(10) Coordination with other coastal States including participation in and administration of interstate coastal organizations.
(11) Facilitation of public involvement in coastal management through a program of public information disseminations and public awareness development.

Administration of a program for the intrastate allocation of funds available through the Coastal Energy Impact Program (CEIP) under Section 308 of the CZMA, including determination of the consistency with the California Coastal Management Program of CEIP supported planning, public facilities and services, and environmental and recreational loss mitigation efforts.

D. State Regulatory Program

The Coastal Commission continues to regulate development along the coast through its regional commissions until local coastal programs are certified. After certification, issues of statewide significance will be appealable to the Coastal Commission, as would regional commission decisions in the interim. Federally supported activities in this program element include:

(1) State coastal agency appeals program.
(2) Regional commission permit program.
(3) Local government administration of local coastal programs after State certification.
(4) Legal defense of coastal regulatory program.
(5) Coordination of the State coastal regulatory program.
(6) Enforcement of coastal management regulations and decisions, including inspection of coastal development and monitoring of coastal activities.

E. State Program Refinement

The State coastal program represents the general policy goals and objectives of California. These have to be refined for application to specific areas along the coast and to assist local governments in the preparation of the local coastal programs. Activities in this program element include:

(1) Subregional planning which would develop carrying capacity data to be used in program refinement and local coastal program development.
(2) Collaborative planning which would coordinate the efforts of all affected interests whenever two or more jurisdictions would be involved in the regulation of a single coastal area.
(3) Special area planning which would focus on developing specific area plans and other detailed management programs for areas of particular environmental concern.
(4) General program refinement which would monitor regulatory and planning decisions to generate more specific guidelines for the application of the coastal management program to specific coastal areas.
(5) Data collection, activity monitoring, and program analysis which would develop necessary revisions to the management program over time.
(6) Coastal water planning which would relate this ongoing management program activity to efforts by other agencies in the fields of fisheries management, navigation, marine recreation, OCS production, etc.
(7) Special studies mandated by the Coastal Act or any subsequent amendments to the Coastal Act including, the designation of sensitive resource areas, the determination of sites inappropriate for power plant siting, and the development of procedures for review of waste treatment facilities.

F. Local Coastal Program Development

Local plans will be brought into conformity with the State management program over a two-year period. In order to accomplish this, the following activities are necessary:

(1) Local coastal program development to be carried out primarily by local jurisdictions.
(2) Coastal Commission assistance in local coastal program development in the form of program interpretation, supplementary planning activities, and coordination with other planning.
(3) Administration of local coastal program certification including regional commission approval, Coastal Commission approval, public involvement, etc.
(4) Resource data collection to apply State management principles to specific location conditions.

G. State Coordination

Coordinating the management program refinement, local coastal program development, and program implementation with the activities of other State agencies involve the following:

(1) Facilitating the involvement of State agencies in providing technical and policy input into the development of local coastal programs.
(2) Monitoring the activities of State agencies to determine their consistency with the State and local coastal management programs.
(3) Utilizing the capacities of State agencies in providing information needed in the coastal regulatory process.
(4) Ensuring that the principles of sound coastal management are reflected in the planning and operational activities of other State agencies.
(5) Coordinating the development of a unified State position on activities subject to the Federal consistency provisions in Section 307 of the CZMA.
(6) Coordination of planning and projects eligible for funding under Section 308 of the CZMA with State supported planning and projects.

H. Federal Coordination

Coordinating the management program refinement and implementation with Federal agency decision-making involves the following activities:

(1) Monitoring Federal agency activities and applications for Federal agency approvals.
(2) Administration of Coastal Commission Federal consistency procedures for the implementation of Section 307 of the CZMA.
(3) Involving Federal agencies in the development of local coastal programs and the refinement of the State management program.
(4) Reviewing and commenting on Federal activities or applications for Federal permits not subject to 307 requirements.
(5) Coordination of other Federally supported planning activities with coastal planning.
(6) Legal and technical research for a case-by-case application of Federal consistency provisions.
(7) Coordination of planning and projects eligible for funding under Section 308 of the CZMA with other Federally supported and sponsored planning and projects.

I. San Francisco Bay Management Program

San Francisco Bay is a segment of the California Coastal Management Program administered separately by BCDC. Activities in this program element include:

(1) Development of proposals for integrating the management program for the Bay into the overall California Coastal Management Program.
(2) Development of regional public access and recreation plans to provide more specific guidelines for the location and development of future shoreline public access and recreation areas.
(3) Development of "special area plans" for specific shoreline and water areas within BCDC's jurisdiction.
(4) Increased surveillance and enforcement capability to monitor compliances with the now numerous outstanding BCDC permits and to prevent violations of the BCDC law.

J. Energy Planning and Energy Impact Management

The Coastal Commission will continue its energy planning, which has most recently concentrated on planning for the impacts of petroleum exploration and development on the outer Continental Shelf (OCS), as discussed in Chapter 9. The 1976 amendments to the CZMA which established the Coastal Energy Impact Program, California's activities in managing energy development and its impacts will expand to include:

(1) Collection and analysis of data to determine the location and size of OCS petroleum deposits.
(2) Evaluation of plans for the exploration, development, and production of OCS lands to determine their consistency with the California Coastal Management Program.
(3) Planning for the onshore impact of OCS development.
(4) Coordination of CZMA funded energy studies with other energy projects.
(5) Administration of energy impact planning funds available under Sections 308(b) and 308(b)(4)(b) of the CZMA and the planning for energy facilities impacting the coastal zone.
(6) Assistance in the determination of public facilities and public services needed as the result of coastal dependent energy activities that would be eligible for Federal financial support under Sections 308(d)(1) and (2) and 308(b)(4)(b) of the CZMA.
(7) Assistance in the determination of unavoidable environmental and recreational losses resulting from coastal dependent energy development, and in the determination of appropriate actions to prevent, reduce, or ameliorate such losses eligible for Federal financial support under Sections 308(b)(4)(C) and 308(d)(3)(D) of the CZMA.

PART III

PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

The intent of the CZMA is to promote the wise use of the Nation's coasts. The CZMA encourages States to achieve this goal through better coordination of government actions, explicit recognition of long-term implications of development decisions,and the institution of a more rational decision-making process in concert with the overall CZMA policies. This process, which could affect much of the future activity in the coastal zone will have a substantial environmental impact.

Both beneficial and adverse environmental and socio-economic effects will result from Federal approval and State implementation of the California Coastal Management Program. The fundamental criterion for assessing these impacts should be the CZMA's declaration of policy "to achieve wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development."

Protection of the coastal zone may be viewed as beneficial to the environment and to the public welfare for many reasons, but it also may have adverse socio-economic effects on property owners and would-be property owners whose plans are limited or curbed by the program.

In an attempt to fully understand the impacts associated with Federal approval, it was determined there should be an exploration of the impacts which have resulted from the implementation of Proposition 20 as well as what may happen under the California Coastal Management Program. However, the experience of the Coastal Commission and regional commissions under Proposition 20 is not necessarily guiding as to the impacts that may occur under the proposed California Coastal Management Program. This EIS is based on a comprehensive program which will be implemented over many years. It is impossible to assess discrete impacts that may occur over time, but a few points can be made. There are safeguards built into the coastal management program system because both the CZMA and the Coastal Act require the intent of the National Environmental Policy Act (NEPA) be met. Resource inventories, designation of boundaries, permissible uses, areas of particular concern, areas to be preserved or restored, and consideration of alternatives are all a part of the overall process associated with managing coastal resources in the State of California. Additionally, almost all major actions (i.e., urban exclusion, local coastal plan adoption, permits) associated with the California Coastal Management Program come under the scrutiny of either NEPA or the California Environmental Quality Act requirements. So, while actions will be studied for compliance on an individual basis, the overall purpose of this EIS is to determine if implementation of the California Coastal Management Program process can reasonably meet the objectives the State has set forth and further the aims of the broader national CZMA and NEPA goals.

A. Impacts Directly Resulting from Federal Approval

Impacts associated with the Federal approval of the California Coastal Management Program fall into two categories: (1) impacts due to a direct increase of funds and funding options to the State and local governments, and (2) impacts from the implementation of the CZMA.

Although the Coastal Act could be implemented as a State coastal management program separate from CZMA, Federal approval offers several advantages to the State and allows a more comprehensive program.

1. Program Funding

Federal approval will permit the OCZM to award program administrative grants (Section 306) to California. This will allow increased employment of specialists such as planners, scientists, permit review and enforcement officials at both the State and local government levels. The effect will be to raise the professional level of resource management decision-making in the coastal zone. Section 306 grants will be used to help administer and enforce the State and local implementation programs, and for continual improvement of those programs. Funds will allow more detailed studies related to the human and natural environments which will increase the quality of the information base from which coastal zone management decisions will be made. An increase in the staff will speed the permit review and appeals system and provide better enforcement of the program regulations, and thus help meet the CZMA objective of more coordinated governmental action.

Under Section 306 of the CZMA, California would be eligible for funds approximating the order of $3 to $5 million annually to carry out the management program.

Under the provisions of Section 16 of the Coastal Act, 50 percent of the Federal funds available to the Coastal Commission would be used for the development and implementation of local coastal programs, to allow for the transfer of the primary coastal regulatory authority form the State to local governments. The Office of Planning and Research has estimated that about $3.4 million would be required over three years to complete local coastal program preparation. As local coastal programs are certified, the regional commissions will be phased out and an increasing portion of Federal assistance would be made available to local governments to assist them in carrying out the regulatory function of the State's coastal management program.

California has described the types of activities and functions California would like to carry out with Section 306 funds in Part II, Chapter 14.

Section 308 Coastal Energy Impact Funds and Formula Grants could amount to substantial financial aid in ameliorating the impacts associated with offshore oil and gas production off California's coast. While Section 306 program approval is not a prerequisite for Section 308 funding eligibility, active program participation is. Additional funding for interstate coordination, beach and island preservation, and access, research, and training will also be available.

2. Implementation of CZMA

Federal Consistency. Federal approval and State implementation of California's coastal management program will have implications for Federal agency actions. The Federal consistency requirements of the CZMA (Section 307(c)) require that Federal activities including development projects directly affecting the coastal zone must be consistent to the maximum extent practicable with approved State programs. Federal agencies issuing licenses or permits for any activity affecting the coastal zone are constrained from doing so until the State determines that the proposed activity is consistent with its management program. Outer Continental Shelf petroleum exploration, development, and production activities must likewise be certified for consistency with the California Coastal Management Program before Federal permits or licenses can be issued. In addition, Federal agencies are restricted from providing assistance to State and local governments for projects which affect the coastal zone unless they are consistent with the coastal management program. The process for determining consistency and the licenses and permits subject to review and certification are described in Part II, Chapter 11.

The overall purpose of Federal consistency is to provide for closer cooperation and coordination between Federal, State, and local government agencies involved in coastal zone related activities and management. This is considered to be a desirable impact, is one of the principal objectives of the CZMA, and conforms with the NEPA's goal of incorporating environmental values in Federal agency decision-making.

Direct Federal actions can be important because of the extent of Federal land ownership along the coast. Federally owned lands are excluded from the coastal zone, but Federal agencies are nevertheless required to insure any projects undertaken on such lands directly affecting the coastal zone are consistent "to the maximum extent practicable" with the State management program. Defense installations, national forests and parks, petroleum exploration and development, superports, seabed, mini-fishery development, and mariculture are examples of Federal activities and projects which may affect the coastal zone. If appropriate Federal/State policy accommodations can be reached, the Federal government will be of significant help in carrying out the State program through the operation of the "Federal consistency" provision.

In cases where Federal licenses or permits are judged inconsistent with the management program and the State has objected to certification, Federal agencies will have to deny permits unless the appeal procedures established by the CZMA are applied. The impacts associated with an override of such a State finding by the Secretary of Commerce could be significant but would depend on an evaluation of each specific case. There are two reasons the Secretary may rely on to justify an override of a State decision objecting to a proposed Federal license or permit, namely, (a) that the proposed action is consistent with the objectives of the CZMA, or (b) the proposed action is necessary in the interest of national security.

The Secretarial override does not detract from the central authority of the State under the CZMA. The provision is intended to protect against abuse of this authority as it relates to national security and the objectives of the CZMA. The impact of a Secretarial override would only apply to the issue of the State's determination of consistency for the purposes of the Federal license or permit. It cannot force a Federal agency to issue the permit. In other words, while the Secretary's override may affect a State's consistency response to a Federal license or permit, it does not force any additional course of action upon the State or the responsible Federal agency.

In the event the State seriously disagrees with a Federal agency's determination regarding the consistency of that agency's activities, the parties may seek Secretarial intervention to assist in resolving the disagreement. It is not expected that there will be many situations where Federal actions will be inconsistent with the approved State program. The following statement from the Committee on Merchant Marine and Fisheries supports this prediction:

> "There may, however, arise, after the approval of the program, some circumstances not foreseen at the time of its State program approval which may present a Federal agency with an obstacle or situation which as a practical matter may prevent complete adherence to the approved program. For that reason, the committee felt that some leeway should be written into the statute with respect to activities of Federal agencies in connection with approved programs. [Referring to the clause: 'to the maximum extent practicable.'] It is not anticipated that there will be any considerable number of situations where as a practical matter a Federal agency cannot conduct or support activities without deviating from approved State management programs." (House Report 92-1049)

Federal approval of a State's program will also signify the State has an acceptable procedure to insure the adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature. Such facilities involve energy production and transmission; recreation; interstate transportation; production of food and fiber; preservation of life and property; national defense; historic, cultural, aesthetic, and conservation values; and mineral resources to the extent they are dependent on or relate to the coastal zone.

This policy requirement of the CZMA is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal management programs. The requirement should not be construed as compelling the States to propose a program which accommodates certain types of facilities, but to assure that such national concerns are not arbitrarily excluded or unreasonably restricted in the management program.

The provisions might have two impacts. First, it will prohibit a State from arbitrarily or categorically prohibiting or excluding any use or activity dependent on the coastal zone. In the absence of a comprehensive program such considerations might simply be ignored by oversight or default. This requirement will insure they are specifically considered. On the other hand, the existence of a consultative procedure should lead to the more deliberate and less fragmented decision-making concerning a siting of facilities in the coastal zone.

B. Impacts of Proposition 20 Implementation

1. General

The California Coastal Zone Conservation Act of 1972 (Proposition 20) declared the following policy which was to guide the Coastal Commission and regional commissions in preparing the Coastal Plan and their permit decisions on coastal development while a permanent coastal program was being developed:

> "The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem; that the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to preserve the ecological balance of the coastal zone and prevent its further deterioration and destruction; that it is the policy of the State to preserve, protect, and, where possible, to restore the resources of the coastal zone for enjoyment of the current and succeeding generations..." (Section 27001)

Proposition 20 extablished an interim permit process designed to regulate "development" as defined in the Coastal Act. The permit process allowed the commissions to accept, condition, or deny permits based on the objectives of the Coastal Act. An affirmative two-thirds vote of the total authorized membership of the Coastal Commission or regional commission if on appeal, was required for approval of the following activities:

"(a) Dredging, filling, or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.

(b) Any development which would reduce the size of any beach or other area usable for public recreation.

(c) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches and the mean high tideline where there is no beach.

(d) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.

(e) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential commercial and sport fisheries, or agricultural uses of land which are existing on the effective date of this division." (Section 27401)

In addition, the regional commissions had to find that development would not have any substantial adverse environmental or ecological effect, and that development was consistent with the declarations above and with the following objectives:

"(a) The maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

(b) The continued existence of optimum populations of all species of living organisms.

(c) The orderly, balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

(d) Avoidance of irreversible and irretrievable commitments of coastal zone resources." (Section 27302)

With some notable exceptions, the Coastal Act objectives are similar to those of Proposition 20. In order to evaluate the impacts that may result as a consequence of Coastal Act implementation, a review of the previous experience of the Coastal Commission and regional commissions will be helpful as a guide. This is not to say the impacts would be the same. The Coastal Act policies are more specific, and the social and economic needs of the people of the State are to be taken into account in order to assure orderly balanced utilization as well as conservation of coastal zone resources. The management program will rely mostly on local governments once the local coastal programs have been approved. The focus should be on the State policies, criteria, and regulations, since they will be used to determine acceptability of local programs.

2. Results of Proposition 20 Implementation

The Opinion of Others. Any evaluation of Proposition 20 must be subjective as well as objective. A review of the articles published in newspapers, journals, and other documents shows the existence of a wide variety of views (see Attachment A). Some suggest the Proposition 20 process was costly to the economy of the State with very little beneficial results. They look to the beaches and see them still littered. Others disagree and feel the Coastal Commission and regional commissions have done a very good job during the Proposition 20 period. They point to successes in increased public access and provision of low-income housing in Santa Monica, Venice, and Redondo Beach. Proposition 20 has prevented some development in natural hazard areas and set higher standards for water and other environmental quality controls. Proposition 20 has minimized the development of prime agricultural lands until further studies could be conducted to determine the impacts associated with the loss of these lands. Because the results are not easily quantified, and may not show up immediately, it would be difficult to look only at specific data to interpret whether the implementation of Proposition 20 was successful or not.

It is important to remember that the regulatory authorities of the Coastal Commission and regional commissions were designed for an interim period "to ensure that development which occurs in the permit area during the study and planning period will be consistent with the objectives" of Proposition 20. The Coastal Commission and regional commissions did not have authority to allocate development in any positive way but had to react to development proposals. Their function was to preserve planning options and to maximize the objectives of Proposition 20 through permits.

Once local government agencies can guide development according to their general plans consistent with the Coastal Act, it can be assumed the impacts of program implementation will be more definable. This holds true for State and Federal agency development proposals as well.

In an effort to determine people's perception of how well the Coastal Commissions were performing interviews were conducted midway through the Proposition 20 period. (A summary of the interviews is provided to give the reader another perspective of public opinion, see Attachment B.)

The Planning Process. Proposition 20 required the Coastal Commission and regional commissions "to prepare, based upon such study reference to coastal zone and in full consultations with an affected governmental agency, private interests, and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation and management of the natural resources of the coastal zone." The Coastal Plan was the product of that effort and subsequently, the Coastal Act was the final product of the legislative deliberations of the Coastal Plan.

The institutional mechanisms created by Proposition 20 permitted special purpose planning to occur in the process of developing the Coastal Plan, which sought a "balance" between conservation and development. One such effort of the San Diego Coastal regional commission resulted in the adoption of guidelines for bluff-top development.[1] Bluff-tops cover nearly two-thirds of the ocean shoreline in that region. Residential development blocked both physical and visual access to the shoreline, caused erosion, which created hazards and modified the natural configuration of the bluff face. These guidelines reconciled the needs for development and the need to preserve the natural values of the bluffs. Both the developers of bluff-top private property and the general public were able to benefit. With regard to future impacts of the program, an appropriate institutional setting will now be available to handle such problems during the local planning and program development period. The Statewide and regional perspective will be integrated into local coastal programs with the guidance provided by the Coastal Act and the Coastal Commission and regional commissions. After this integration has taken place, authority will once again rest with local governments.

3. The Permit Process

There will be many differences between the Coastal Commission's regulatory activities under Proposition 20 and those under the Coastal Act which is based largely on the Coastal Plan. Proposition 20 required a permit process and the development of a comprehensive plan for the coast. The permit process involved the Coastal Commission and regional commissions in diverse issues, where decisions were based on a general interpretation of the Proposition 20 mandate, rather than the more specific and comprehensive policies of a plan for the coast. In a report presented to the Legislature by the legislative analyst, he stated:

> "The plan is not the same as Proposition 20. Its explicit extension into social, housing, energy, agricultural, esthetic and transportation policies associated with coastal conservation and development means that the experience under Proposition 20 of reviewing individual permits for projects cannot be assumed as a guide to the impact of the plan. The plan, for example, contains social and economic goals with respect to housing and the type of employment available along the coast line. It is much more comprehensive than a series of individual project permits."[2]

However, the experience gained by the Coastal Commission through the permit process was very valuable in confronting these issues on a broader basis in their very important role in preparing the Coastal Plan.

During their four years of existence, the regional commissions processed almost 25,000 permits. The figures reported through the regional commissions follow:

North Coast (Del Norte, Humbolt, and Mendocino Counties)	1,555
North Central Coast (Sonoma, Marin, and San Francisco Counties)	850
Central Coast (San Mateo, Santa Cruz, and Monterey Counties)	3,050
South Central Coast (San Luis Obispo, Santa Barbara, and Ventura Co.)	3,500
South Coast (Los Angeles and Orange Counties)	11,700
San Diego Coast (San Diego County)	4,170

Approximately 97 percent of the proposed projects received permits. Many of those permits were conditioned by the regional commissions to help meet the objectives of Proposition 20. The Coastal Commission received an average of 305 appeals a year. Of 655 appeals processed by the Coastal Commission as of January 1, 1976, 222 (34 percent) permits were granted, 122 (19 percent) were granted with conditions, and 311 (47 percent) were denied. The number of permits denied each year declined from 58 percent in 1973 to 39 percent in 1975 while the share of permits granted and those granted with conditions rose from 42 percent in 1973 to 61 percent in 1975.

The Coastal Commission's rate of permit denials was much higher than that of the regional commissions because of the following: (1) The Coastal Commission was confronted with a more serious and formal adversary process than any of the regional commissions; (2) the mass of routine actions that seemed to permit approval were sifted out by the regional bodies and never reached the Coastal Commission; (3) proposals that had been denied at the regional level came for review to the State level where the likelihood of denial in support of the prior action was very great; and (4) in cases approved in the regions, the appeals process brought to the State level the most difficult and potentially intrusive developments proposed for the coastal zone.[3]

Several independent studies have been conducted on the activities of the Coastal Commission and regional commissions with respect to permit decisions. These studies will be incorporated into this EIS by reference. Since they are lengthy, only a summary of the findings will be made. References are provided at the end of this section. These studies were conducted on a sample survey basis and/or for a specific geographic area and do not necessarily reflect an overall accurate assessment. Some of the findings of various studies on the Proposition 20 permit experience include the following:

- The Coastal Commission usually upheld regional commission permit denials but also denied permits after a regional commission had granted them or put additional conditions on permits granted.

- Damage to the natural ecology of the coastal environment was a major issue in relatively few permit decisions. The record of the Coastal Commission and regional commissions in protecting natural environments is quite good.

- Almost two-thirds of the applications were concerned with residential development. Others in descending order of magnitude, were commercial, public utilities, recreation, and industrial permits.

- Delays and mitigation measures have been costly to some, particularly large-scale, multi-unit developers and utility companies.

- The price of developed property and subdivided lots generally rose during the Proposition 20 period and usually fell in large tracts of vacant land.

- Most of the permits were evenly distributed throughout the permit area. Recreation and industry were the two largest use categories for permits approved from the mean high tide seaward. Single- and multi-family residences accounted for over half of all permits within 50 yards shoreward of mean high tide.

- The permit process brings a range of coastal problems into public discussion:

  Cumulative impacts,
  Consistency with existing development,
  Foreclosing planning options,
  Public access and recreation,
  Aesthetics and facility design,
  Transportation,
  Geologic hazards,
  Water quality,
  Sewage/septic tanks,
  Habitat protection,
  Air quality, and
  Economic development and jobs.

Attachment C contains a sample list of conditioned permits and reasons for permit denials.

The substance of many of the permit conditions flow from the language of Proposition 20. Others are derived from the Proposition's general injunction to the Coastal Commission for "preservation, protection, restoration, and enhancement" of the coastal zone. The general intent of a conditioned permit is to enable development, while imposing on the development the values implicit or explicit in Proposition 20.

Denied permits are meant to stop development, but many of the permits which are denied leave the message for the developer to return with a more suitable proposal.

References on Proposition 20 include:

Healy, Robert G., "Saving California's Coast. The Coastal Zone Initiative and its Aftermath," Coastal Zone Management Journal, vol., no. 4, 1974, 365-394.

Rosentraub, Mark S. and Robert Warren, "Information Utilization and Self-Evaluation Capacities for Coastal Zone Management Agencies," Coastal Zone Management Journal, vol. 2, no. 3, 1976, 193-222.

Sabatier, Paul A., "Regulating Development Along the California Coast," Journal of Soil and Water Conservation, July-August 1976, 146-151.

Mogulof, Melvin B., "Saving the Coast-California's Experiment in Intergovernmental Land Use Control, "The Urban Institute, Lexington Books, Lex., Mass., 1975.

C. Impacts of the California Coastal Management Program

This impact assessment is based on the assumption that the California Coastal Management Program will achieve the objectives which have been identified in Part II, Chapter 3. The nature of the Federal action analyzed is one of Federal support for a State program in which, the Nation benefits from the State's efforts to manage its coastal resources in a manner consistent with the national objectives of the CZMA.

The California coastal management effort began prior to the passage of the CZMA and will continue even if Federal approval is not received. However, Federal funding support and the Federal consistency provisions of the CZMA will materially aid the implementation and administration of the program, as discussed previously. Additionally, some of the requirements of the CZMA have affected the overall development of the California Coastal Management Program as the State has attempted to qualify for Federal financial assistance. One example is the incorporation of "national interest statement" into the California Coastal Management Program (see Part II, Chapter 11).

Because of its comprehensive nature, coastal management must address public needs as well as natural resources and economic considerations. The California Coastal Management Program policies include public access needs, recreation requirements, and development interests as well as the marine environment and land resources. The major purpose of the program is to meet the human needs of present and future generations in a manner that protects, enhances, and restores environmental quality and irreplaceable coastal resources.

During the development of the California Coastal Management Program the impacts of the proposed program were examined. In the development of each of the Coastal Plan elements, the impacts and implications of certain policies and processes were assessed by all affected interests. In addition to participating in the Coastal Commission's planning process, newspapers, banks, industry groups, and environmentalists all expressed their opinions on certain issues by publishing articles.

Special natural resource management studies were conducted in areas like Bodega Harbor. Planning and impact assessments were conducted in places like Half Moon Bay and Marina Del Ray. Numerous other studies and local pilot programs were undertaken to determine both the feasibility of local government implementation of the management program and the impacts of this action. Reports were also prepared by the legislative analyst of the State of California as directed by Senate Resolution 41 (1975-76 Session), to determine generally the "costs, economic effects, and benefits" of the Coastal Plan. Since many of the policies of the Coastal Act are based on the recommendations of the Coastal Plan (see Attachment D for the relationship between Coastal Plan and policies of the Coastal Act), these studies will be useful in helping to assess the general impact of the California Coastal Management Program.

In order to fully understand the impacts of this program, it is important to have an understanding of the environment in which it is going to be implemented. Perhaps no study can do justice to the extensive, outstanding resources and social environment to be found within the 1,072 miles of coastline in California. The coastal zone is a tremendously varied place containing, for example, major population centers and small coastal villages, ports and industrial areas, agriculture and timber lands, nuclear power plants and oil refineries, and a wide range of recreational opportunities. In addition, diversity can be found in the landforms and physical processes that characterize the California coast. The best source of information which not only describes the coastal environment but the problems associated with this area and on which policy development was based, is in the Coastal Plan. The "Findings" in Part II are extremely informative (pages 26-176) and the "Regional Summaries" in Part IV (pages 200-273) describe the regional and subregional environments in a detailed fashion. While the coastal zone boundary has changed from the recommendations made in the Coastal Plan, the information is still very relevant for describing the environment.

Section 30200 of the Coastal Act lays the foundation for interpreting what the overall impacts of the program should be.

> "Consistent with the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved."

The basic goals referred to in Section 30001.5 are:

> "(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
>
> (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
>
> (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
>
> (d) Assure priority for coastal-dependent development over other development on the coast.
>
> (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone."

The full implementation of the policies as they are used to meet the goals will not necessarily avoid past conflicts which have occurred over the use of coastal resources. The Legislature recognized that:

> "conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division, such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." (Sec. 30007.5)

Priority is therefore given to the protection of "significant coastal resources" as defined by the Coastal Act, subsequent interpretation by the Coastal Commission and local governments through their local coastal programs, and by the public through the review and appeals process.

1. Socio-Economic Impacts

Based on a study of the potential impacts of coastal management programs conducted by the Real Estate Research Corporation,[4] benefits of coastal management will accrue to people living and working within the coastal zone area as well as to people throughout the State and Nation. These benefits will be of various kinds and will occur in different ways and degrees. The following major categories of beneficiaries can be identified: owners of property directly affected by implementation decisions, neighboring property owners, owners of businesses whose productivity or market attractiveness would be enhanced by the California Coastal Management Program policies, government at all levels, and the general public.

This study also concludes that benefits of coastal zone management will be the positive changes which occur in the nature, scale, distribution, and pace of elements such as the following: production (including manufacturing, agriculture, mining, fishing), utility services and costs, business sales, employment opportunities, population and the labor force, housing demand and supply, construction, financing and investment, property values, government costs and revenues, educational and recreational opportunities, and aesthetics.

Planning and managing the coastal zones of the United States consists of the use of foresight in cooperatively determining how to both preserve valuable natural resources and accommodate the needs of an expanding population and economy. To achieve this balance involves trade offs which include some short-run positive and negative effects. Long-run benefits from enhanced productivity of renewable resources -- fisheries, agriculture, forests -- would also be realized.

Potential economic benefits of the coastal zone policies have the following attributes:

- They can be "one time only" or "recurring,"
- They can cause net increases in economic activity or merely shift benefits among individuals or groups,
- Costs may be incurred in their attainment -- such as, expenditures for shoreline restoration or pollution control, and
- Secondary "spin-off" effects may be felt -- both positive and negative, depending on the nature of the policies and the economic activities affected.

The following list of benefits of coastal zone planning and management is similar to the benefits of most State and local planning activities:

- Reduced cost of new development,
- Reduced cost of transportation,
- Better preservation of natural environment,
- Better preservation of existing buildings,
- Less pollution,
- Less congestion,
- Higher quality development,
- Better utilization of sunk investments,
- Better fit of supply and demand,
- Greater awareness of needs and opportunities,
- Less uncertainty regarding future potentials, and
- Improved possibilities for effective actions based on understanding and consensus regarding goals.

Potential economic benefits can include increased productivity, higher sales, more jobs, greater demand for facilities and services, increased property values, lower taxes, reduced or stabilized consumer prices, and heightened satisfaction with one's physical environment. Prudent coastal zone planning, therefore, results in a balance between conservation of irreplaceable natural resources and the needs -- job creation, housing, recreation, and shopping -- of an expanding economy. While some coastal zone actions result in net gains or net losses for the local economy, in most instances the short-term effects of the program cause a redistribution of assets.

Some lost expectations will undoubtedly be encountered, but gains elsewhere should offset these losses. In those cases where regulations would actually result in a legally-determined taking, the regulations would be declared void or compensation paid. Reduced property taxes could help offset severe losses. Planning stabilizes erratic "swings" in expectations because it results in less uncertainty in future prospects of land investment. While there may be short-term lags as the economy adjusts to changes induced by the California Coastal Management Program, long-run benefits are likely to balance or exceed costs. For example, some industrial plants may not be built in the coastal zone, in part because environmental protection regulations may make them too costly. They would yield an inadequate rate of return on equity when compared to alternative opportunities. However, that same development proposal may be equally unattractive outside the coastal zone. Moreover, lower financing costs or improved marketing outlook could result in a decision to ultimately go ahead with a deferred project despite the costs of complying with coastal zone regulation. These same regulations will result in heightened opportunities in coastal dependent economic activities--tourism, recreation, agriculture, fisheries, and forestry.

a. Property values

Assessed valuation of land along the coast has continued to increase at a rate well above that of the inland portions of coastal counties. From 1970 to 1974, local tax bases for coastal communities increased 40 percent while inland areas grew by 26 percent. Table A summarizes these trends on a county basis.

The Real Estate Research Corporation report states the following with respect to property values:

The key determinants of land values include:

- Natural site characteristics and environment,
- Man-made site characteristics and environment,
- Community image,
- Demand for particular land uses,
- Access,
- Utilities,
- Public facilities and services,
- Taxes, and
- Land use and development regulations.

TABLE A

ASSESSED VALUATION OF LAND IN THE COASTAL ZONE

COUNTY	PLANNING AREA IN THE COASTAL COUNTIES (1970)	(1974)	(%+/-)	BALANCE OF THE COASTAL COUNTIES AREA (1970)	(1974)	(%+/-)
Del Norte	29,600,000	76,600,000	158.8	10,836,000	29,355,000	171
Humboldt	183,200,000	296,000,000	61.6	80,800,000	118,896,000	47
Mendocino	35,100,000	55,800,000	59.0	119,376,000	198,760,000	66
Sonoma	8,000,000	12,600,000	57.5	518,993,000	816,635,000	57
Marin	45,100,000	69,000,000	53.0	481,893,000	901,665,000	87
San Francisco	836,000,000	952,000,000	13.9	1,465,660,000	1,671,721,000	14
San Mateo	551,000,000	795,000,000	44.3	1,352,798,000	1,799,265,000	33
Santa Cruz	307,000,000	462,000,000	50.5	37,116,000	60,856,000	64
Monterey	363,000,000	528,000,000	45.5	308,066,000	469,525,000	52
San Luis Obispo	102,000,000	153,000,000	50.0	199,149,000	305,244,000	53
Santa Barbara	438,000,000	530,000,000	21.0	261,543,000	361,973,000	38
Ventura	451,000,000	625,000,000	38.6	676,760,000	876,129,000	29
Los Angeles	4,909,000,000	6,053,000,000	23.3	14,737,577,000	17,216,976,000	17
Orange	1,617,000,000	2,693,000,000	66.5	2,492,997,000	3,618,074,000	45
San Diego	1,940,000,000	3,251,000,000	61.6	1,093,551,000	1,789,217,000	64
TOTAL COASTAL COUNTIES	$11,815,000,000	$16,552,000,000	+40.1	$23,945,197,000	$30,234,291,000	+26

Source: Security Pacific Bank, Research Department

In general, about 55 percent of land value is attributable to government action, with the balance resulting from the actions of the property owner, his or her neighbors, and the general public. Governments influence land values through use or design regulations, improving access, providing public facilities and services, preserving favorable "images," and through its tax rates and policies. Table B shows the different types of government action that impact property values, and their relative importance in determining the overall net effect of coastal zone regulations on land value. Restricting land use options will lower land values of subject properties, but will also transfer any unsatisfied demand to other competitive sites not subject to use restrictions. Regulations requiring mitigation of adverse environmental impacts result in higher development costs but also result in more attractive, desirable sites. Improved access and public facility provision generally impact positively on land values; however, access improvements can have such negative effects as increased noise and air pollution, or reduced privacy.

TABLE B

IMPACT OF GOVERNMENT ACTION ON PROPERTY VALUES

Type of Action	Impact on Values of Subject Property	Impact on Values of Neighboring or Competitive Properties	Net Effect on Property Values	Relative Importance of Specific Actions in Determining Impacts
Restrictions on land use	Value declines	Value rises	Redistributional	Very important
Developer required to make improvements or pay fees	Value declines	Value rises	Slightly negative	Unimportant compared to other public actions
Resource amenities protected or restored by government action	Value rises	Value rises	Slightly positive to very positive	Very important
Shore access by the public maximized and protected	Value declines	Value rises	Slightly negative	Less important than use restrictions or amenity protection
Concentrating development in existing communities	If still undeveloped, value declines; if already improved, value rises	Value rises	Positive	Very important
Providing infrastructure, public facilities, and services	Value rises	Values unchanged	Positive	Important
Tax reduction or deferral for regulated, restricted, or encouraged uses of coastal properties	Value rises	Values unchanged	Slightly positive	Less important than use restrictions or amenity protection

Source: Real Estate Research Corporation.

The California Coastal Management Program will be implemented through government action resulting in a loss in development potential (and hence lower profit expectations) for some sites -- presently unserviced rural lands, prime agricultural and wooded acreage, areas with development hazards, and parcels with scenic, historic, or ecological significance. Recreation and other water dependent uses will be given priority over urban development along the waterfront. If a market for more intense use exists, the affected parcel will lose value. In a normal market, the demand for more intense use will be transferred elsewhere; this is encourage by program policies fostering more compact development in already built-up communities. These cities and villages contain numerous sites previously "passed over" as development spread. The overall net effect of the program on land values will ultimately be positive because of better management, improved amenity protection, and reduced uncertainty about future governmental policies.

When local governments revise their present general plans to reflect the policies of the Coastal Act, the zoning ordinances, maps, and other implementing actions must be consistent with the program or the local coastal element. This may require down-zoning in some instances which will cause a reduction in land values, affecting the assessed valuation and resulting in a decline in the tax base. The extent of the impact in each county and city will have to be weighed against increases in allowable development in other areas. This will be determined on an individual basis either through the local coastal program development process or the environmental impact report that is required with the submission of the local coastal program to the Coastal Commission (see Appendix 7, Draft Local Coastal Program Manual, Chapter II, Part E).

b. Property Rights

The individual right of a property owner is one of the most sensitive issues with respect to the management of resources, whether the management is accomplished through coastal zone programs, State land use plans, or local government regulation of development. Concern has been expressed about property regulation during the Proposition 20 experience, and this concern will undoubtedly continue in the future. It has been said while people hesitated to take local action over property right disputes under the temporary Proposition 20 period, this type of litigation in the future will increase in that the Coastal Act is permanent.

The State's position on this issue is contained in Part II, Chapter 12. The Coastal Act prohibits the taking or damaging of private property unless there is payment or just compensation. The State under the California Coastal Management Program will be better able to protect private property rights than was the case under Proposition 20. The Coastal Act requires that decisions affecting the use or conservation of coastal resources also take into account the social and economic needs of the people. Although the latter considerations were not clearly mandated by Proposition 20 they were considered by the Coastal Commission and incorporated into the Coastal Plan. In addition, the State is now in a better position to acquire land to meet the purposes of the policies of the Coastal Act through the Coastal Conservancy Act and the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976.

c. Economic Development

The most comprehensive attempt to assess the economic impact of the Coastal Plan was completed by the Office of the Legislative Analyst in April, 1976. The report, Review of the California Coastal Plan, looked at both the direct fiscal impacts of the Coastal Plan on the State budget (e.g., cost of administering the permit process and additional coastal planning) and at the expected impact on residential and commercial development. The conclusions were expressed in general terms and no effort to quantify future impacts was attempted. The failure to produce a specific dollar estimate resulted from the fact that the benefits of coastal management, which the report calls "significant," cannot be responsibly or meaningfully quantified.

Robert F. Rooney, a noted resource economist, concludes his article, "An Economic View of Coastal Plan," (Cry California, Spring 1976) with the following statement:

> "When its quantifiable and qualitative implications are considered, it is plain that the plan will contribute greatly to the future strength of California's economy, protect both the living and nonliving resources of the coastal zone from unwise exploitation, and help significantly to improve the quality of life for all citizens of the state."

The management program's impact on employment and other business investments will vary for major industry sectors.

Investment and employment potential in agriculture, fisheries, tourism, and commerical recreation facilities will be enhanced through incentives and regulatory policies. The long-range viability and security of these industries in the coastal area will be protected and encouraged, but the costs of doing business in the coastal zone may go up for some industries which must purchase more expensive sites and allow for public access and environmental protection standards. This added investment stimulates other businesses, but it might also make certain business development or expansion programs financially questionable. Some industries may therefore choose not to locate in the coastal zone as a result of higher costs, but others will be drawn there because of the attractiveness of the physical setting. Coastal dependent industries will benefit as perhaps they have not done before from the priority siting they are given under the Coastal Act. The trend in many areas has been for high-rise buildings to displace smaller coastal dependent industries, such as fisheries, or to have development occur on sites which may later be needed by facilities that depend on shoreline access.

Table C summarizes various types of economic development impacts likely to occur for different sectors. Although California consumers may have to bear slightly higher costs for goods and services -- because of higher land costs (due to reduced availability of development sites) and greater production costs (because of regulations requiring greater on-site amenities and environmental protection devices) -- they will eventually benefit from stabilized productivity for agricultural produce and seafood.

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/Costs to the Consumer
Relate land use decisions to transportation capacity (30250, 30254)	Transportation; housing and urban development; commercial and industrial development	Slightly negative	Negative in areas with system congestion	Negative in areas with system congestion	Reduces tax burden of road construction
Develop alternatives to excessive use of coastal roads (30252)	Transportation	Nominal	Positive, if decision is made to expand non-coastal roads	Nominal	Relieve congestion; lessen travel time
Establish priority of transit over roads (30252)	Transportation; housing and urban development	Nominal	Negative	Unclear - may have difficulty in receiving and shipping goods	Alternative to families without cars; reduced commuting costs and other costs of auto maintenance
Develop no new general ports; maximize use of existing ports (30701(b))	Transportation; commerce and industry	Nominal net effect	Negative	Nominal	Protect water resources for other uses
Establish siting and design criteria for power plants, petroleum development, refineries, tanker terminals, LNG facilities, and other industrial uses (30251, 30250, 30264, 30413, 30262, 30263, 30261(a) and (b))	Recreation and tourism; commercial fishing; commercial and industrial development; energy development	Probably nominal net effect; negative only if regulations force plants to locate outside the coastal zone altogether	Slightly positive, given more costly design requirements; negative if plants must go outside the zone	Positive, given more investment in safety equipment; negative if plants must go outside the zone or if profitability is severely reduced	Minimize adverse effects of heavy industrial development on recreation potential; preserve fishing opportunities

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/Costs to the Consumer
Provide a variety of recreation opportunities near metropolitan areas (30212.5)	Recreation; housing and urban development	Positive	Positive	Positive	Minimize travel distance to recreation; lessen congestion of coastal facilities
Require new residential development to provide on-site recreation (30252(b))	Housing and urban development; recreation	Nominal	Positive	Increases investment; may reduce profitability	May increase housing costs borne by the ultimate consumer; greater amenity benefits; less crowding of public facilities
Foster recreational boating; improve access to marinas (30224, 30210, 30212)	Recreation and tourism	Slightly positive	Positive	Positive (investment in boats, equipment, etc.)	Satisfy public demand for boating
Maintain prime agriculture through stabilization of urban/rural boundaries, zoning, easements, public acquisition, limitations or subdivision (30241, 30242, 30250(a))	Agriculture; housing and urban development	Slightly negative in that agriculture may be less labor intensive than urban uses	Negative	Positive re: agricultural productivity	More plentiful food resources at stable prices
Prohibit mining in fragile, valuable or highly scenic natural environments (30233(a)(b), (30240(a))	Mining; recreation and tourism	Negative	Nominal	Negative	Protect areas for public use; higher cost and less availability of mineral resources

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/ Costs to the Consumer
Restrict thermal discharges and other forms of water pollution (Sec. 15, 30263(4))	Commercial and industrial development; energy development, recreation and tourism	Nominal	Nominal	Increased investment in pollution controls; reduced profitability. More productive marine industries	Higher prices for manufactured goods; protected marine resources
Give commercial recreation uses priority over other private development (30222, 30220, 30224)	Recreation and tourism; housing and urban development	Positive or negative, depending on whether other potential uses would be more labor intensive	Positive or negative, depending on whether other potential uses would entail larger construction outlay than recreation	Positive or negative, depending on whether other potential uses are more profitable	Preserve public access to recreational amenities of the coast
Protect the visual quality of natural, historic, or open areas, and the coastal viewshed (30251)	Recreation and tourism	Nominal	Slightly positive	Increased investment in site design, planning, and maintenance; development may be less profitable	Protect tourist enjoyment of visual resources
Encourage lower cost tourist facilities over exclusively expensive facilities (30213)	Recreation and tourism	Positive, but not to the same extent as more luxurious development	Positive, but not to the same extent as more luxurious development	Positive, but not as profitable as more luxurious development. Tax and other incentives a positive inducement.	Maintenance of access to coastal resources for citizens of all income groups
Evaluate public recreation potential and future demand before permitting other uses of oceanfront land (30221, 30220)	Recreation and tourism; housing and urban development	Positive or negative, depending on whether other potential uses would be more labor intensive	Positive or negative, depending on whether other potential uses would entail larger construction outlay than recreation	Positive or negative, depending on whether other potential uses are more profitable	Preserve public access to recreational amenities of the coast

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Potential Economic Effects: Construction Activity	Potential Economic Effects: Other Business Investment/Profitability	Benefits/Costs to the Consumer
Designate use of remaining agricultural parcels within highly developed areas (30241)	Agriculture; housing and urban development	Depends on use designated - probably positive	Depends on use designated - probably positive	Depends on use designated - probably positive	Highest and best use of site
Restrict conversion of productive timberlands (30243)	Forestry; housing and urban development	Depends on labor intensity of alternate use	Negative	Positive re: timber productivity	Greater availability and lower cost of wood products
Protect scenic qualities of timberland (30243)	Recreation and tourism; forestry	Nominal	Nominal	Slightly negative due to higher operating costs for lumber industry	Preserve opportunities for hiking, trails, etc.; slightly higher costs for wood products
Protect water quality from adverse effects of logging (30243)	Forestry; recreation and tourism	Nominal	Nominal	Slightly negative - higher operating costs	Higher cost of wood products
Allow for conversion of non-prime agriculture and forest sites where continued use is infeasible or to promote conservation of more productive sites (30242)	Agriculture; forestry; housing and urban development	Positive	Positive	Positive	More efficient use of land resources
Upgrade commercial fishing facilities (30233, 30234)	Commercial fishing	Positive	Slightly positive	Positive	More plentiful fish supplies at lower costs
Maintain healthy populations of marine organisms (30231)	Commercial fishing	Positive	Nominal	Positive	More plentiful fish supplies at lower costs
Upgrade marine, estuary, and wetland environments (30230)	Recreation and tourism; commercial fishing	Slightly positive	Nominal	Slightly positive	Increased opportunities for sport fishing and commercial fishing
Regulate diking, filling and dredging in other coastal waters (30233, 30607.1, 30233(b))	Recreation and tourism, commercial fishing	Nominal	Slightly negative	Nominal	Preservation of natural environment

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects: Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	Benefits/ Costs to the Consumer
Concentrate development in already built-up areas; regulate expansion of utilities and transportation; set criteria for subdivision of rural land (30250, 30242, 30254)	Housing and urban development; transportation; agriculture; energy development; commercial and industrial development	Employment opportunities would be transferred to other locations in the coastal zone	Less activity in presently rural areas will be offset by greater opportunities in already built-up areas	Somewhat reduced opportunities for firms supplying materials for or designing infrastructure extensions; increased opportunities for others	Preserve present open spaces for recreation use and productive agriculture (thus lowering food prices); lower costs of infrastructure
Establish priority of coastal dependent development over other uses (30255)	Recreation and tourism; housing and urban development; commercial and industrial development; commercial fishing	Depends on labor intensity of alternate uses - could be positive or negative	Probably slightly negative, as coastal-dependent uses will not require as much construction as other uses	Will increase investment, although perhaps not as intense or profitable as non-coastal dependent uses	Preserve coastal land and water resources for those uses which need them most
Protect and enhance special coastal communities (30253(5))	Housing and urban development	Slightly positive	Slightly positive	Positive	Greater security and value of homes
Prohibit or restrict development in hazardous areas (geologic and flooding) (30253(1) and (2))	Housing and urban development; commercial and industrial development	Nominal net effect; jobs would be created elsewhere	Nominal net effect; housing demand would be accommodated elsewhere	Nominal net effect	Minimize risk and insurance costs
Allow mining elsewhere in the coast only if there is no long-term adverse effects or coastal resources	Mining	Slightly negative	Nominal	Positive -- investment in buffers and site restoration	Higher cost of mineral resources
Protect mineral reserves from urban encroachment (30253(3) and (4))	Mining; housing and urban development	Positive	Negative	Positive	Lower cost of mineral resources

TABLE C

POTENTIAL ECONOMIC DEVELOPMENT EFFECTS
OF SELECTED COASTAL ACT POLICY ACTIONS
(continued)

Primary Coastal Plan Policies	Primary Affected Sectors of the Economy	Potential Economic Effects			
		Employment (non-construction)	Construction Activity	Other Business Investment/Profitability	Benefits/Costs to the Consumer
Regulate signs to encourage visual quality of the coast (30251)	Commerce and industry	Nominal	Nominal	Reduced opportunities in the sign industry, perhaps offset by other forms of advertising	More attractive shopping and driving environments
Require sufficient on-site parking (30252(4))	Housing and urban development; commercial and industrial development	Nominal	Positive	Increases investment; may reduce profitability	Higher housing costs; benefit of parking convenience, less road congestion
Limit substantial alterations of the shore for recreation purposes (30235, 30255)	Recreation and tourism	Nominal net effect	Slightly negative	Slightly negative	Preserve amenities in their natural state

Source: Real Estate Research Corporation, "Business Prospects Under Coastal Zone Management," A Report Prepared For The Office of Coastal Zone Management. March 1976.

Note: This Chart was originally Exhibit 3 of the reference Report. It has been modified to reflect the Coastal Act where once the Coastal Plan Policies were annotated. Several policies of the Coastal Plan which were not included in the Coastal Act have been deleted.

Note: Numbers in parenthesis refer to policies listed in the California Coastal Act.

1) Construction and Manufacturing Industries

The construction industry will suffer from reduced private sector opportunities and in lessened public facility development in some areas along the shoreline. Coastal controls will not be the exclusive cause for a slowdown in development but will certainly be the major contributor within specific geographic resource areas. The industry will gain from public investment in housing rehabilitation, provision for on-site recreation, higher quality design and amenity requirements, and more intense use of urban parcels. The "ups" and "downs" in the construction industry, however, cannot be totally attributed to coastal zone management since it is only one element in market forces.

Manufacturing is a major source of income for wage and salary workers in both the State and California's coastal area. Manufacturing accounted for more than one of every four dollars paid in wages in the coastal counties in 1972, a total of $11.3 billion, and the total personal income in the coastal counties from manufacturing in the same year amounted to $13.1 billion. Los Angeles is the State's leading manufacturing county and the center for California's major industrial complex. The largest infusion of new capital expenditure for permanent additions, major alterations, and new machinery and equipment occurred in Los Angeles county, outstripping not only the other coastal counties but the 43 inland counties, as well. The Southern Coast Region, including Los Angeles and Orange counties has the most industrial activity, followed by San Diego county and then the Central Coast Region.

There are several policies which may impact the manufacturing industries and subsequently employment as well. The implementation of the program over the next several years could mean that some new manufacturing industries that are not coastal-dependent facilities must be sited further inland and not near the more accessible waterfront areas. This could increase the costs of transportation for those industries whereas before they were in a more competitive market for those waterfront sites. Additionally, there have been concerns raised over whether or not the policies are so stringent that there will be difficulties in the location of energy facilities and that there will be continued energy supply customers. Experience has shown that where shortages occur, there are usually layoffs and the whole socio-economic environment is affected. While it is never easy to site large-scale energy facilities anywhere anymore, the process and policies described in the coastal management program do not envisage a moratorium on the siting of facilities although they will be precluded from specific sites in accordance with 30413(b).

2) Commercial Fishing and Recreational Boating

The California Coastal Management Program will protect and enhance the California commercial fishing industry and encourages recreational boating. The commercial fisheries have received high priority use designation under the Coastal Act which ensures that the landside support facilities in harbor areas will not be lost to non-water-dependent land uses. The estuaries and offshore water of the coastal zone produce about 850 million pounds of fish with a catch valued at approximately $170 million. Not only does the program support the commercial fisheries by protecting their harbor facilities, but it also protects the waters and habitat necessary to support the fisheries. The continued discharge of wastes into coastal waters and the alteration of estuaries and wetlands, which the program seeks to prevent, would mean a significant loss of jobs and income for the State.

The recreational boating industry and partakers of this water sport will also benefit from the Coastal Act policies even though their location is not to interfere with the needs of the commercial fishing industry. The policy on recreational boating (30223) encourages a number of methods which can be used to increase recreational bacting use. Because of the increased demand in this activity, it is expected that there will be increased demands in new marinas and support facilities. The program encourages the maximization of use of existing facilities with as little adverse environmental impacts as possible, and where feasible, the development of new facilities will restore some of the wetlands which have previously been degraded. These policies are not expected to adversely affect the economic interests of the boating industry although it can be assumed that there will be added costs to marina developers and ultimately the marina user.

3) Tourism/Recreation

The California Coastal Management Program seeks to protect tourism. California attracts millions of visitors each year who frequent the State's public and commercial recreational facilities. As in agriculture and ocean fishing, thousands of jobs and millions of dollars in income owe their existence to the protection of coastal resources which is one of the major reasons for California's policies on recreation to make sure that California remains a drawing card to vacationers. The southern California Visitor Council estimated that nearly 8.5 million out-of-state U. S. visitors to the 10 county southern California area spent almost $2 billion in that region in 1973. The direct beneficiaries of these tourist dollars are establishments engaged in the sale of food and beverages, hotels, and motels (which provide between 5,000 and 8,000 direct full-time jobs), theaters, sports and other recreational business, automobile services, professional and personal services, and clothing. In addition, the U. S. Department of Commerce estimates that 7.2 percent of domestic tourist spending ends up in taxes (Federal, State, and local).

A recent national study showed that sport fishing in California's marine waters annually produce $114 million in gross expenditures and $10 million in wages. The State's public recreation facilities are heavily used by tourist and resident alike. For instance, during the 1973 to 1974 fiscal year, the parks and recreational facilities owned and operated by the State in the 15 coastal counties were visited by over 32 million people, amounting to 74 percent of the visitor attendance at all State owned and operated facilities.

Coastal Act policies like 30222 and 30223 will continue to encourage the further development of recreation and tourism in the coastal zone to perhaps the disadvantage of private, residential, general industrial, and general commercial development.

The policies on shoreline access, recreation and visitor-serving facilities protect the rights of the public to enjoy access to the coastal environment now and in the future and increases the opportunities for recreation which has been identified as an important social goal in California. Increased access and recreation may be especially important during drought years when the traditional inland recreation bodies of water are not accessible for use. It is expected that many inland recreationists will seek the waters of the coastal zone during these times. Although numerous attempts have been made, it is difficult to quantify the quality experience of a day at the beach or a look at a resource like the Big Sur coastline.

Potential adverse impacts will include increased maintenance and public service costs, and negative impacts on private property holders who prefer exclusive use. There will be additional costs to developers for conveyance of access rights, more parking lots, signs, and temporary construction activities to provide access trails, corridors, etc. New developments, oceanfront subdivisions and subdivisions involving waterways, tidal lands, lakes, or reservoirs in the coastal zone will be affected. The policies may be potentially growth inducing causing impacts on surrounding communities along with numerous other secondary impacts. There will be heavier use impacts on natural resources especially from the line of vegetation to the coastal waters, and, in some cases, the coastal waters and marine organisms even though other policies are provided to mitigate against these environmental impacts.

4) Agriculture

A combination of rich soils and the mild climate along the coast result in high productivity for agriculture. The moderating marine environment extends the effective growing season, provides timing and yield advantages for national markets, and reduces the danger of large-scale crop losses from freezing.

Many crops, including artichokes, avocados, and brussels sprouts, can grow well only in the coastal environment, being dependent on the warm winter temperatures and cool, foggy spring and summer weather that characterizes many coastal locations. Numerous other fruits and vegetables thrive in the special climate and soils that the coast provides. In some areas crops can be harvested several times during the year instead of just once, and the advantage of a coastal location is seen in higher yields per acre, or in higher quality fruit and vegetables. Another important benefit derived from a coastal location is the yield during off-seasons, often supplying national markets when other agricultural areas cannot (e.g. summer lettuce).

The coastal zone produces 98 to 100 percent of all California's artichokes, broccoli, brussels sprouts, celery, and avocados. In addition, well over half of all lima beans, cabbage, cauliflower, cucumbers, lettuce, green onions, spinach, apples, lemons, and strawberries are supplied from coastal counties. Coastal crops of snap beans, cucumbers, tomatoes, and grapefruit yield twice to three times the value per acre of these crops grown inland.

Even for grazing lands, which are less intensive agricultural uses than irrigated croplands, the advantage of a coastal climate can be considerable. Grazing lands in 10 of the 15 coastal counties support at least twice, and in some cases, five times as many animals per acre as the statewide average.

While the amount of agricultural lands in the coastal zone is not as great under the Coastal Act as what was recommended in the Coastal Plan, there nevertheless remains important agricultural land to be protected under the California Coastal Management Program. A recent study by the Urban Land Institute notes that in California 3.5 million acres of agricultural land are located in the coastal counties, producing 350,000 jobs within five miles of the coast and an annual harvest valued at $500 million. Every two years, an area the size of San Francisco is converted from agricultural use to development--a trend that reduces employment in the farming industry and cuts the value of the yearly harvest by several million dollars. Over the past 29 years more than 862,000 acres of land in the fifteen coastal counties, most of it farmland, have been subdivided creating 1.7 million lots. The California Coastal Management Program would greatly reduce the conversion of prime agricultural land in the coastal zone by rezoning, concentrating growth in already built-up areas and through public action such as purchase and leaseback of farm areas. These policies are important not only for the coast but for the State as a whole because the coastal counties include 13.5 percent of the total existing irrigated agricultural lands in the State and 20 percent of the potential new irrigable lands.

A positive impact of regulation stems from the fact that some of the coastal agricultural lands are not intensive users of water. In times of drought, the food raising capacity of these lands will become increasingly important as the competition for scarce water resources increase. Agricultural lands can guide urban growth, provide open space and wildlife habitats, provide beneficial use of land that is hazardous or inappropriate for other kinds of development, and maintain future land use options.

However, other crops are supplied from groundwater basins. Groundwater extraction has caused two major problems in some areas: (1) an overdrafting of the groundwater basins which has reduced water levels and led to the inland advance of seawater into portions of the upper aquifer system, and (2) there is increased mineralization of groundwater causing a reduction in water quality. Continued agricultural water use will be a major factor in the persistence and increasing severity of these conditions. In areas where this is a problem such as the Oxnard Plain, alternative agricultural water supplies and solutions to existing problems imply higher agricultural water costs and a trend toward production of higher payment capacity crops. It must also be noted that agriculture itself has altered the natural environment of the coastal zone by introducing toxic pesticides and nutrients that can cause the eutrophication of waterways, removing large areas of native vegetative cover and drawing heavily on surface and groundwater supplies. Therefore, the Coastal Act's strong policies to protect agricultural lands may not alleviate some of the other problems associated with agriculture practice.

The problem associated with agricultural land conversion is a statewide problem and affects the Nation's well-being also. California is a great exporter of agricultural crops and therefore the national interest is affected by the loss of prime agricultural lands.

5) Ports

The major ports located on the coast of California serve import, export, and domestic waterborne commercial needs of California and the Nation. These ports provide, both directly and indirectly, a large proportion of the income of the State and a significant number of jobs on the coast. Estimated total traffic through the California ports within the Commission's planning area has risen from 26.5 million tons in 1970 to 38.2 million tons in 1974, an increase of 44 percent. The value of vessel shipments has grown 178 percent from $3.7 billion in 1970 to $10.4 billion in 1974.

Ports are treated somewhat like local governments in the Coastal Act in that they are required to produce a master plan (Part II, Chapter 8). The policies in the Coastal Act are designed to encourage efficient use of the ports, keep them competitive, protect the natural environment to the maximum extent possible in a high-use area, and give priority of use to the coastal dependent or port-related developments such as the commercial fishing industry. Non-dependent uses are discouraged and are subject to further appeals to the Coastal Commission after the port master plan has been certified. Ports are encouraged to do all they can to minimize or eliminate the necessity for creating new ports in new areas. This will protect coastal resources in non-developed areas. Since one of the legislative interests of the Coastal Act was to ensure that all major ports of California are kept on a competitive basis (see Section 30410(b)), it is not expected that there will be an economic impact or disadvantage to any one port because of these policies. Coastal planning requires no change in the number or location of the established commercial port districts.

While the port policies do not prohibit further expansion or new facilities, it is expected there will be some additional costs for port-related development to meet the environmental criteria and standards set forth in the Coastal Act. However, this is expected to be a short-term impact. The efficiencies required by port planning and development will have many positive impacts over the long-term for the public, the natural environment, and industry.

6) Aquaculture

Another coastal industry protected by the program is aquaculture, particularly the harvesting of giant kelp located along the southern California coast. Kelp has been harvested in California since 1910 and is used in processed form (algin) in the manufacture of pharmaceuticals, textiles, dairy products, adhesives, feed, paper, and rubber. The value of kelp harvest in 1970 was $1 million and once processed the kelp produced $28 million worth of algin. Other forms of aquaculture, such as the farming of oysters, clams, and shrimp, and the development of anadromous fisheries resources including salmon and steelhead trout, are protected by the Coastal Act.

7) Permits and the Economy

The Office of Coastal Zone Management has spoken with representatives of numerous special interests in an attempt to determine their feelings as to the impact the California Coastal Management Program will have on them. The majority stated that they were very pleased with the Coastal Act. They felt it would be beneficial for all Californians. Their major concerns are about the way the law will be interpreted as discussed below. The impacts industry cannot accept are the delays associated with permit approval (especially when numerous permits and appeals take place) and duplication of authorities among State agencies. Unexpected delays are costly. It has been shown that delays may not only frustrate development but hurt industry whose costs have been extraordinary in getting a permit. If the delays can be minimized, many of the representatives stated that the adverse economic impacts normally associated with environmental regulation could be made part of the development process and be made acceptable to industry.

While the avoidance of delay can never be full guaranteed, provisions of the Coastal Act attempt to streamline the administrative procedures involved in management of the coastal zone.

Regional commissions will be terminated after they have accomplished their tasks of handling the interim permit process and certifying local coastal programs. Once local programs are approved, only special permit cases may be appealed to the Coastal Commission. The experience of Proposition 20 shows that this may be as little as three to five percent of the permits processed. Once local coastal programs are approved as consistent with the State coastal policies this figure could be less because the permit applicants have a consistent set of standards on which to base their projects.

Section 30610 and 30610.5 provide for numerous exclusions from the permit process which under normal conditions would have no direct or adverse impacts on the coastal environment.

Section 30333.5 is a "call-up" provision designed to avoid delays and insure that regional commissions process the "local coastal program or any portion thereof, a coastal development permit application, or appeal therefrom, in a reasonably expeditious and timely manner." This would allow the Coastal Commission to bypass the regional commission on development permits which it felt were important and involved more than one region or jurisdiction, such as a large energy facility or major road.

Coastal Act policies are made quite specific which will help all those required to interpret the intention of the legislation, especially in the early stages of development plans. These single policies will help all levels of government since the policies will be the focus for their actions in the coastal zone. In addition, State agencies are reviewing and revising their administrative rules, regulations, and statutes to make sure they are consistent with the policies of the Coastal Act. This will help avoid conflicting regulations from State agencies which have responsibilities in the coastal zone. Coordinated agency policies will allow for a greater degree of certainty in planning and decision-making, avoiding delays in the permit process and saving financial resources. Once the regulations are established, additional certainty and stability will be provided. While the policies are very specific, there are also words which allow for a reasonable difference of opinion as to the meaning. The Interpretive Guidelines (Attachment A) will help in this regard. However, industry and other developers have voiced a concern over the interpretation of words like "maximum feasible extent," "minimum risk," "sufficiently identified," the "maximum amount," etc. The interpretation will take place either when the development proposals come forth or through the local coastal program process. The Coastal Commission is the designated body to make such final interpretations. Any attempt to make an analysis of different interpretations is beyond the scope of this EIS other than to make recognition of the fact that some impacts will vary because of this.

Section 30337 provided for the Coastal Commission to establish a unified development permit application system and public hearing procedures with other permit-issuing agencies. One of the major concerns in recent years has been the proliferation of permits required for developments. The necessity of dealing with several agencies all requiring separate and sometimes inconsistent permits has been a source of substantial complaint from public officials, developers, and private citizens alike. In California the Water Resources Control Board, the Air Resources Board, the Coastal Commission, and the State Lands Commission for instance, issue permits. The multiple permit process is costly (to both the developer and the State), confusing, creates unnecessary delays, and is hard on citizens' groups required to testify at various hearings.

Section 30337 was included in the Coastal Act as an attempt to alleviate many of these problems. This does not imply that there is "one stop shopping" for all permits, but the provision does allow for streamlining in order to minimize the burden on all parties.

Overall, it is believed that the economic benefits of the California Coastal Management Program will, at a minimum, offset non-compensated losses in land values or business opportunity. The positive effects of a more attractive, secure physical environment, combined with greater efficiencies attained from elimination of urban sprawl, and better coordinated governmental action will outweigh the projected overall losses.

d. Population Trends and Land Use Interaction

General. Since 1940, California's population has tripled to over 20 million, and 84 percent of this population lives within 30 miles of the coast. Sixty-four percent of the State's population is located in the 15 coastal counties, and 25 percent of the total State population lives within six miles of the coast. According to 1970 U. S. Census data, there are 47 coastal cities and 76 unincorporated coastal towns that front on the ocean with a total population of 3,851,330. An additional 34 cities and 43 unincorporated communities within six miles of the coast have a total population of 1,263,542, thus bringing the total population for cities and towns within six miles of the coast to 5,115,000. In 1970, approximately 700,000 persons lived within 1,000 yards of the coast.

But these general statistics do not provide a complete understanding of the population dynamics of the coastal zone. The population is not evenly distributed along the length of the coast, although 49 percent of the total State population is in the 15 coastal counties. Within five miles of the coast the population range among counties is from 3,600 in Sonoma County to 1,500,000 in Los Angeles County. The three southern counties (Los Angeles, Orange, and San Diego) contain 76.8 percent of the coastal county population whereas in contrast, the 5 counties north of San Francisco (Marin, Sonoma, Mendocino, Humboldt, and Del Norte) contain only 2.7 percent. The five northernmost coastal counties account for 39 percent of the length of the California coastline but for less than 3 percent of the State's coastal zone.

Trends. Past growth rates in California have been spectacular, but such rapid growth is not likely to continue into the future since in-migration has slowed substantially and is at or close to a zero net migration level. Similarly, the birth-rate is following the national trend and is near the replacement rate. A large percentage, however, of the present population is still emerging into the home market, especially as a result of the post-World War II baby boom, and thus, additional housing units will continue to be required. A substantial portion of this growth is expected to take place in the coastal zone.

The population growth of the coastal counties has, on the whole, roughly paralleled that of the State. In the decade from 1960 to 1970, the 15 coastal counties grew by 25.8 percent, compared with the State's 27 percent growth rate. However, some parts of the coast have experienced disproportionate amounts of this growth. For example, Orange County more than doubled and Ventura County grew by nearly 90 percent. Sonoma, Marin, Santa Cruz, and Santa Barbara Counties had rates ranging from about 40 to 60 percent, while the two northernmost counties and San Francisco all lost population during this same period.

The California Department of Finance has projected population for each county to the year 2000 that shows that the coastal counties will be absorbing 7.7 million new residents between 1970 and 2000. Based on population distributions in 1970, 39 percent (3 million) of this may be expected to occur in the five mile coastal area.

Population/Land Use Interaction. Population shifts also change land uses. For instance, Orange County was primarily a rural and agricultural area prior to 1950, but since then, land has been converted to urban uses at the rate of ten square miles per year. The major portion of this urbanization has taken place in the northernmost sections of the county, adjacent to the Los Angeles-Long Beach metropolitan area and within the coastal zone. While approximately 70 percent of the county remains undeveloped, present and pending proposals include most of the few remaining sizeable parcels of open space within the coastal zone of Orange County.

The tremendous growth of Orange County is part of a more general pattern of growth that has shifted away from congested urban centers. The growth rate in Los Angeles County, for example, has been much slower than in the adjacent coastal counties to the north and south, partly because of the migration of people out of Los Angeles into surrounding counties. Similarly, San Francisco has been losing population while the coastal counties immediately to the north and south are growing relatively rapidly.

Southern California, in particular, has been characterized by sprawling suburban development which has replaced former open space and agricultural lands with a continuous spread of low-density development. The construction of new transportation corridors has played a major role in facilitating this kind of development. The extension of freeways connecting to Los Angeles employment centers has been followed by a loss of agricultural lands in Orange County.

The last several decades have also been marked by increased second-home development along the California coast which, because of its mild climate and enormous recreational amenities, is highly desirable for such development. Unfortunately, rural sewage disposal and water supply systems, and displace public recreational traffic with private residential traffic on some of the State's most scenic coastal highways. Studies have shown that, if allowed to develop without restriction, second-home development could eventually cover many of the most attractive remaining natural areas of the shoreline.

A final characteristic of recent coastal development that should also be noted is the intensification of urban uses in some coastal cities. This intensification has taken two forms: (1) the construction of high-rise apartment buildings, and (2) the replacement of single-family homes with multiple unit buildings and apartment buildings. During the period from 1960 to 1973, 95 high-rise apartment buildings were built within 15 miles of the coast in Los Angeles and Orange Counties, and 35 percent of these were constructed within walking distance of the shoreline.

The California Coastal Management Program will place development restrictions on certain parcels of land. These include agricultural lands, open space areas, hazard areas such as fault zones, flood plains, and other sensitive coastal areas. These restrictions will inhibit some types of future development and growth in these sensitive areas. It is not anticipated that overall growth within cities and counties of the coast will be significantly affected by the restrictions. Some local governments may choose, to limit population growth independently of the coastal management effect.

It appears that during Proposition 20 when 25,000 permits were processed, the experience has had no significant affect on population growth in the coastal zone. A study conducted by the Security Pacific National Bank of California (California Databank), indicated the population in the combined coastal counties planning areas (the planning area was larger than the 1,000-yard permit zone) increased by eight percent from 1970 to 1974 as compared to two percent for the rest of the combined counties. The program did not affect the rate of growth but rather the direction and placement of that growth within the coastal zone. There are many factors which contribute to population growth, including the general state of the economy, so it cannot be clearly demonstrated that coastal management is the cause of downturns in housing starts, and other indices, but only that it may be a contributing factor.

e. Public Access/Coastal Acquisitions

About 47 percent of the California coast is in public ownership, either Federal, State, or local, but not all of this area is available for public use. Several military bases, for example, occupy long stretches of the coast and are not accessible to the general public. However, thirty-three percent of the shoreline is in public parks and recreation areas, with some twenty percent of the State's coast being owned by the State in its recreation and park system and additional miles of ocean property having been reserved for public use by local governments.

Despite the relatively high percentage of public ownership of the State's coastline and the large number of recreational facilities already available along the coast, there is an increasing need for additional recreational opportunities. For example, less than half of the demand for campsites along the coastline is currently being met. All the new berthing spaces planned for the next five to ten years will barely cover the current demand of boaters. The proposed California Coastline Preservation and Recreation Plan estimates that the present supply of public swimming beaches in the central and southern portions of the coast is adequate to meet the demand for beach activities through 1980, but only if sufficient parking or alternative transportation to the beach is provided, and in some cases, only if people are willing to travel up to two hours to reach public beach areas. Other activities currently enjoyed on the coast and for which there probably will be an increasing demand are fishing, hiking, horseback riding, bicycling, surfing, diving, picnicking, and sightseeing.

In addition to the recreational opportunities provided in public parks and recreation areas, the public is guaranteed the right to access and use of the publicly-owned tidelands. Irrespective of the California constitutional guarantee, 57 percent of the coastline is in private ownership and has gradually cut-off public access to the publicly-owned tidelands.

Over the next several years, a great deal of coastal acquisition will take place for various reasons (see Part II, Chapter 12). These reasons include: (1) the preservation of wetlands and unique habitat areas, (2) provide further recreation opportunities, access, and upland support areas, (3) to preserve historical, archaeological, and ecological areas, (4) to preserve outstanding views, and (5) to provide urban parklands, among other things. In addition there will be coastal construction and development to provide day use and sanitary facilities, utilities, landscaping, and parking.

The principal effects of putting additional lands into public ownership are: (1) to lower the property tax base of the local government, (2) to reduce costs proportional to the amount of property value removed from the service areas, resulting in a net economic loss, (3) possibly raising or lowering of property values on private lands adjoining the acquisition site, (4) possible additional revenue benefits or costs to localities due to such things as an increase in tourist sales, (5) the achievement of the objectives for which the land was purchased, i.e., preservation of land for habitat or recreation purposes, thereby minimizing the impacts associated with intense development, (6) the ability to justly compensate private property owners for the use of their lands for public purposes, (7) problems associated with maintenance of public property, and (8) in most cases foreclosing future development options in the service area although this need not be an irreversible committment of resources.

One aspect of the California Coastal Management Program that lends itself more specifically to quantitative analysis is the proposal for acquisition of coastal areas adopted by the Coastal Commission in March 1976 and submitted to the Legislature as an addendum to the Coastal Plan. Appendix 5 contains the list of potential sites to be acquired, especially those marked Priority I and Priority II. Based on the current levels of per capita assessed valuation, the Coastal Commission's recommendations would create an average per capita loss of $4.50 in assessed valuation. In terms of a typical property owner on the coast, however, property values are assessed to remain static, these acquisitions would increase the taxes on a $36,000 home by $1.61. As a percentage of assessed valuation, the acquisitions represent less than two-thirds of one percent and the removal of this land from the tax rolls would have little overall adverse economic impact on coastal property taxpayers, although it can be anticipated that their concerns might be substantial.

The Conservancy will have authority in six general areas: (1) preservation of agricultural lands, (2) coastal restoration projects, (3) coastal resource enhancement projects, (4) resource protection zones, (5) reservation of significant coastal resource areas, and, (6) public coastal accessways. The Conservancy may acquire lands through fee title, development rights, easements, other interests in lands located in the coastal zone, lease lands award grants, and request the State Public Works Board to exercise the power of eminant domain to acquire interest in lands to protect public resource values (Section 31305 of AB 3544). The State Lands Commission can exercise the right of eminant domain if it determines that inadequate access exists to public lands. It is expected that the impacts associated with the acquisition of lands will have a very beneficial effect on coastal resources but that the potential use of condemnation, and purchase of private property will most always be controversial to the property owners which may be affected.

f. Public Access/Housing

A basic policy of the Coastal Act is to provide more access to the coast for all. Chapter 3 of the Coastal Act states the policies on access. Of particular note is Section 30213:

> "Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code."

Some indication of the impact of this policy can be derived from an analysis of the Coastal Commission's actions under the California Coastal Act of 1972. Prior to the passage of Proposition 20, the coastal zone, especially in southern California, was becoming an area open to only those who could afford very expensive homes. This trend, documented by the U. S. Census and other studies, was caused by the impact of public agency programs as well as by the more subtle forces of the housing market. (Public projects, such as road improvements and redevelopment projects have eliminated much of the low- and moderate-income housing along the coast as well as across the Nation generally. The conversion of moderate rent apartments to condominiums and the replacement of lower income single family housing with high rise apartments was also common along the southern California coast.)

The Coastal Commission and regional commissions, through a broad interpretation of Proposition 20's mandate to provide access to the coast for all people, attempted to deal with both the market forces and public agency decisions so as to assure that the poor would not be precluded from enjoying the coast. Specifically, the Coastal Commission took the following action in its permit decisions:

- In responding to residents of the low-income, largely Chicano community of Barrio Logan in San Diego, the Coastal Commission denied a permit for a boiler warehouse in a neighborhood zoned for industry but occupied primarily by housing. The Coastal Commission was impressed by the efforts of neighborhood residents to try to open access to San Diego Bay and to otherwise provide a more livable environment.

The Coastal Commission's formal findings were that:

> "The Coastal Zone contains many natural resources deserving of protection under the Coastal Act. It also contains manmade resources, such as low-income neighborhoods near the shoreline, that are just as threatened as are many of the natural resources, and are deserving of similar protection under the Coastal Act. The Coastal Commission finds that such protection is one of the prime reasons for the Coastal Act; without it, the forces of the market place would not only destroy natural resources but could make it virtually impossible for people of moderate means to enjoy the amenities of homes in the Coastal Zone."

The Coastal Commission urged the City of San Diego to either rezone the area for residential use, or, if industrial use was desired, undertake an orderly program to find housing for the present residents.

- The Coastal Commission and regional commissions have from the beginning been concerned by the market place forces leading to increasingly expensive housing along the coast; as the Los Angeles Times observed, "the coast shall not be inherited by the poor." The Coastal Commission and regional commissions have acted in two ways: (1) they have tried to protect the existing supply of low-cost housing and to encourage the construction of more wherever possible; and (2) they have tried to open many more parks, accessways, beaches, and other opportunities for all people to enjoy the coast, whether or not they can afford to live near it.

- In settling litigation with the Santa Monica and Redondo Beach Redevelopment Agencies, the Coastal Commission required units of low-cost senior citizen housing be provided.

- In approving demolition of low-cost student housing at San Francisco State University, the Coastal Commission required that replacement housing at comparable cost be provided.

- In approving highway construction projects in Los Angeles, San Diego, and Eureka, the Coastal Commission required measures to protect both the low-income neighborhoods through which the freeways were planned and low-income residents whose houses would be taken for the freeway improvements.

- In many parts of the coast, the Coastal Commission and regional commissions have required that where possible, existing low-cost housing be rehabilitated and used, not torn down to make way for much bigger, higher-cost housing.

- In Venice the regional commission approved a density bonus for a developer who agreed to commit some of his units to the Los Angeles Housing Authority for leased low-cost public housing.

- The Coastal Commission and regional commissions have imposed conditions on proposed conversions of apartment buildings to condominiums, to try to keep the conversion process from forcing elderly and low-income persons from coastal communities.

- In Malibu, in Marina del Rey, and in other areas already developed, the Coastal Commission and regional commissions have insisted that additional new development be accompanied by new access to the water, so that not just the people fortunate enough to live in these areas will have the opportunity to enjoy coastal beaches and parks.

- The Coastal Commission and regional commissions have required that in suitable areas, public facilities such as campgrounds, recreational-vehicle parks, etc., have preference over private housing, again to open coastal areas for public use and enjoyment.

- The Coastal Commission and regional commissions have encouraged construction in appropriate coastal areas of resorts, convention centers, hotels, etc., both for the public enjoyment of the coast they provide, and also--of great importance--for the many jobs for relatively unskilled persons that the coastal tourist industry provides.

This policy is perhaps one of the most unique for coastal zone management since it deals with the problems of social equity, the benefits of which cannot be easily quantified. The issue is directed toward the responsibility of a society to protect the rights of all its citizens and meets the intent of the Coastal Act when it says "the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people..." The policy directs the State to meet the social needs of the people when using and conserving coastal resources. During the legislative process, lower cost housing and access were among the major issues discussed. This policy has to date been aggressively implemented as shown by the following newspaper article. (Further information on this subject can be found in the Interpretive Guidelines in Attachment E).

SF Chronicle March 3

Poor Get a Break At the Sea Shore

By Dale Champion

The newly formed California Coastal Commission set a precedent yesterday for seeing to it that people of low and moderate means share in the advantages of living next to the ocean.

At a meeting in Burlingame, the commission approved a compromise Santa Monica redevelopment project that calls for guaranteeing some housing for families and elderly persons of little income.

As a condition for going ahead with the big oceanfront project, the Santa Monica Redevelopment Agency agreed to acquire and refurbish more than 100 units of dilapidated housing in the vicinity and subsidize their rental.

The money for providing the low-cost housing will come from additional tax revenue generated by the construction of 400 luxury condominium units in the city's Ocean Park redevelopment area.

The redevelopment agency also agreed to reserve a vacant parcel in the project site for about 50 subsidized housing units for the elderly and to finance improvements to a neighboring public beach.

The previous state coastal commission, which served from 1973 until the end of last year as a result of the passage of the Proposition 20 initiative in 1972, had acted to safeguard and promote new low-cost housing in coastal areas.

But this was the first time the new and permanent commission had administered a provision of the 1976 California Coastal Act that says coastal residential opportunities for people of low and moderate means should be provided "where feasible."

Other impacts that may result are the developers may not realize the full potential of the economic value of the land, the costs associated with subsidizing housing, and increasing the population in the coastal zone as more housing units are made available for low-moderate income persons.

g. Local Government

One of the largest immediate impacts will fall on local governments because the process of local coastal program development is complex. It includes public hearings, plan and zoning revisions, and the resolution of potentially conflicting policies (recreation vs. preservation, etc.). Fortunately, this burden will be temporary, and after this process is over, the work load will be lighter with the preservation and growth of the coastal development taking place in a rational and acceptable way based on approved general plans and zoning ordinances. With certified local coastal programs, local governments will be better able to reflect regional, State, and national interest in their decision-making and thereby regain greater control over coastal land and water uses.

Some local governments have expressed reservations about the State coastal management program. Reasons for their concerns include: the difficulty of applying Statewide coastal policies to small geographic areas, the resistance to making changes in the general plans that have just recently been completed; the difference of perspective between local and State officials, the speculation that increased recreation use may require a higher level of development to pay for the costs of providing recreational facilities the fear that the local coastal program will have to inhibit residential development which is seen as a paying proposition, and the concern that further recreational development would be detrimental in many localities.

A few of the local governments that participated in a pilot implementation program during 1976 found that the conflicts between the expectations of their communities and Coastal Commission and regional commissions recreation policies were the causes of the main difficulties in meeting the requirements of the Coastal Act. Some of the smaller communities that are within the reach of the larger urban areas see themselves being used as a "playground" by non-residents. They are striving for no-growth, slow-growth, or long-term controlled growth development and dislike the idea of encouraging and allowing the use of private lands for commercial recreation facilities over other facilities (Section 30222) that might be more stabilizing to the economy. They would prefer permanent residential growth over temporary or seasonal recreational developments and the secondary impacts (maintenance and police). Therefore, statewide and regional interests are often difficult for them to consider in light of their particular interest. The purchase of additional park and recreation lands will tend to aggravate this situation.

Some local governments are already well on their way toward meeting the objectives of the Coastal Act through their general plans by participating in the local implementation program pilot project. Others will have to start from scratch to prepare a local coastal program because their general plans are not yet complete. California law requires that general plans include the following elements: land use, circulation, housing, conservation, open space, seismic safety, noise, scenic highways, and safety. Under the provisions of the Coastal Act, they may also include a "local coastal element."

As an example, the county of San Mateo has a combined Open Space and Conservation Element which is implemented by a Resource Management District Ordinance. The county feels that most of the policies in its open space rural areas are already consistent with the policies of the Coastal Act. If adequate funds are available the county expects to be able to have a certified local coastal program within a year. The county anticipates that its major difficulties in implementing the policies of the Coastal Act will be in its unincorporated urban areas near the coast. Application of the Coastal Act's policies may limit growth, come to less than the county anticipated, and most of it that does occur over the years will be concentrated in existing urban areas and, on a lesser scale, near rural service centers.

The fiscal impacts on local government can be burdensome or minimal since it is a function of their current budget, the amount of high revenue lands that would be taken out of production, etc. These impacts will be determined on a case by case basis at the time of purchase or during the development of local coastal programs. One example of the fiscal effect of land acquisitions on local governments was conducted in the Half Moon Bay area. The study showed that for two alternative land use patterns there would be a net revenue loss of approximately one-seventh of the sale value.

Many of the concerns which have been identified during the Proposition 20 experience have been potentially remedied by the establishment of the State Coastal Conservancy and the passage of Proposition 2 (November 1976). The California Coastal Management Program now has the backing of future acquisition funds and the infrastructure to acquire lands for the purpose of meeting the objectives of the Coastal Act. Prior to this, the Coastal Commission did not have the power to act in a positive way but could only react to development permits which had to be approved or denied. The Conservancy, of which the Coastal Commission chairperson is a member (see Part II, Chapter 10 on powers of the Conservancy), has the ability to use acquisition for planning and management purposes, and not just for preservation and wildlife habitat protection.

TABLE D

Net Revenue Loss from State Land Acquisitions

	Sale Value	A/V of Land Acquired	Net Revenue Loss*
Alternative 1			
Montara	$630,00	$133,875	$ $9,217
Miramar	430,000	95,625	6,459
Half Moon Bay	700,00	148,750	10,152
Other, County	650,000	138,125	9,330
Total	2,430.000	516,375	35,158
Alternative 2			
Miramar	450,00	95,625	6,459

*The net loss represents the difference between expenses related to property and the Assessed Valuation (A/V) revenues.

As to the impact of permit decisions on the tax base of the coastal counties, few assessors have hazarded a judgment. However, evidence suggests that the increase in developed property that may have occurred as a result of the Coastal Commission and regional commissions, has more than offset any real or opportunity costs as a result of adverse impacts on undeveloped property. However, the overall impact to the county is not expected to be overly damaging to the tax base.

The Office of Planning and Research prepared a report at the request of the Office of the Legislative Analyst on the costs of implementing the Coastal Plan to local governments. The results of this research are summarized below:

1. Several factors minimize the number of tasks to be performed by local government due to Coastal Plan requirements:

   a. Existing Federal, State, or regional agency responsibilities.

   b. Existing local planning requirements of other authority.

   c. Plans, information, and assistance to be provided by State agencies as part of Coastal Plan Implementation.

   d. Existing information and technical assistance.

2. The exact scope of each jurisdiction's implementation program would be determined by several factors unique to each jurisdiction:

   a. Local conditions (the number of coastal issues to be addressed).

   b. Relationship of the jurisdiction to the Coastal Resource Management area.

   c. Consistency of existing local plans and programs with the Coastal Plan.

   d. Number and type of existing special local government functions.

3. Generalizations about the costs to local government of preparing plans and programs for certification are difficult to make. However, the survey of local governments did indicate that:

a. The total cost for all 75 affected jurisdictions to develop certifiable plans and programs may well exceed the $2 million to $2.5 million estimate in the Coastal Plan.

b. There appears to be a minimum cost to each jurisdiction in the range of $10,000 to $20,000.

c. The upper limit cost to any jurisdiction, except in rare cases, appears to be about $100,000.

d. Jurisdictions which have worked closely with the Coastal Commission in recent years will not be faced with significant costs in preparing for certification.

e. More detailed guidelines for implementation and an examination of local plans and programs are required for an accurate estimate of costs.

4. Following certification, implementation of the Coastal Plan may involve additional responsibilities on the part of local governments. These increased responsibilities might result from:

a. An increase in the number of permits which may be required to be issued by local government.

b. More complex or involved analysis of project proposals.

c. Amendment of local plans following Coastal Plan amendment.

d. Litigation as a result of decisions made by local governments pursuant to certified plans or policies.

e. Appeals of local decisions to the State coastal agency.

5. The cost associated with 4a and 4b could be largely covered by applicant fees, and costs associated with 4c, 4d, and 4e cannot be estimated at this time.

6. The survey indicated that roughly half of the jurisdictions felt the costs to local government of implementing the Coastal Plan following certification would be significant while the other half felt they would be minor.

It is not expected that the costs associated with developing local coastal programs under the Coastal Act will be substantially different from those which would have been necessary to implement the Coastal Plan at the local level. Section 16 of the Coastal Act includes provisions for providing funds to local governments to pay the cost of developing and implementing local coastal programs. The CZMA funds will also be available for this purpose. In addition, the State will provide technical assistance to local governments and to participating Federal agencies.

A study was conducted to determine what the costs and revenues to local governments would be if the Coastal Plan policies were implemented in the Half Moon Bay area of San Mateo County. Six alternative growth patterns for the sub-regional area were analyzed. Four low and moderate growth alternatives based upon policies of the Coastal Plan and two less restrictive alternatives representing the general plans of the county and the city of Half Moon Bay. The major constraints were based on the interpretations of the agricultural lands protection policies. This study is therefore relevant in particular to the agricultural lands provisions in the Coastal Act.

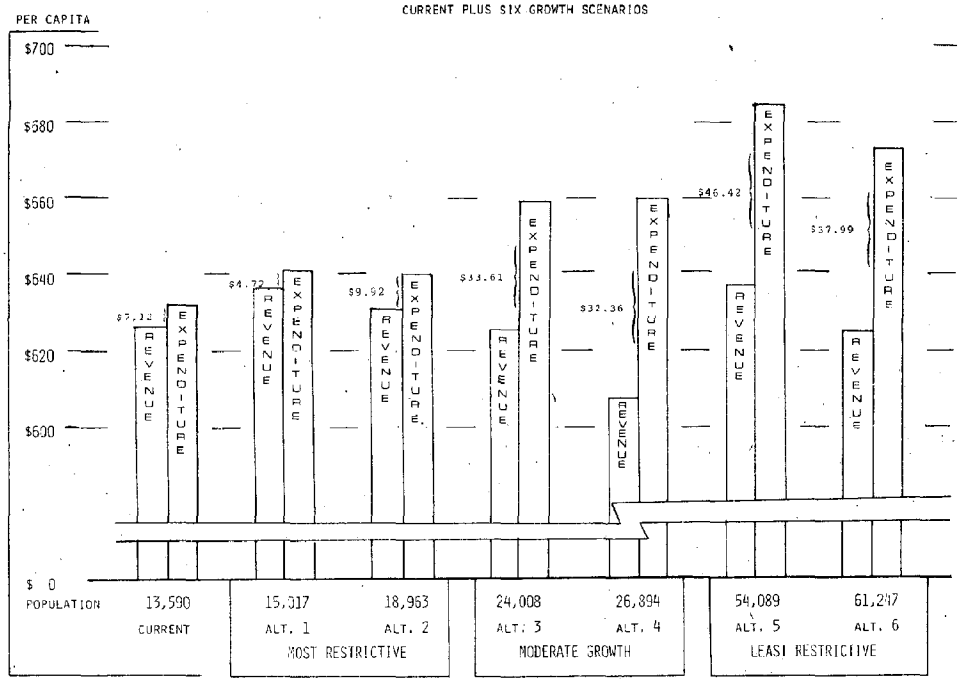
The study found there to be no increase in the fiscal burden to local governments in the Half Moon Bay area as a result of applying the agricultural lands protection policies. Generally, the analysis indicated that the more growth there is, the more per person public service costs tend to exceed government revenues, as illustrated in Figure A.

The capital costs of sewer and water improvements to serve the larger populations were the major reasons for the differences in expenditures. The study points out an important caveat for any attempt to apply the findings to other areas, namely: "It is not known whether similar results regarding the increasing cost of servicing larger population growth would hold true in other communities. It would depend on the nature of capital improvements required, as well as on the nature of the community and its land use mix." This study points out that, in some cases, constraints on growth (within a period of time) based on the protection of certain natural resources (agricultural lands) may not have such a negative fiscal impact on the local government. These policies will produce medium to long-term socio-economic benefits to local governments.

FIGURE A

NINE AGENCY AGGREGATE PER PERSON REVENUE AND EXPENDITURE

CURRENT PLUS SIX GROWTH SCENARIOS



Source: George Goldman and David Strong. Government Cost and Revenues Associated with Implementing Coastal Plan Policies in the Half Moon Bay Subregion. U. of California, Berkeley: Coop. Extension Service, 1976

h. Intergovernmental and Public Involvement

The Coastal Act exhorts and/or requires the direct involvement of Federal, State, and local government agencies as well as further efforts from the public and private sectors.

Because of the Federal consistency requirements of Section 307 of the CZMA, Federal agencies will become more involved with local governments as they develop and implement the local coastal programs. Recent experience with a similar program in the State of Washington shows that this is no small task for Federal agencies. In many cases, this direct involvement and interest will be a new experience for local governments. Federal agencies will be asked to commit a substantial portion of their time over the next several years to both supply local governments (or the Coastal Commission and regional commissions as the case may be) with information and expertise and to review the local coastal programs and elements. Some agencies will not be budgeted to permit adequate expenditure of time on this effort, especially since some regional Federal offices will have to deal with 60 or more local governments. New partnerships and institutional arrangements will be formed, extra efforts on the part of Federal employees will be called for, and an increase in information exchange can be expected.

Many State agencies will go through a similar experience since their actions are to be consistent with the policies and certified local coastal programs. While these requirements will be of a temporary nature, it is believed that many benefits will be derived from this type of intergovernmental cooperation and coordination.

State agencies are working on new guidelines consistent with the coastal legislation for marina development, minimizing the amount of dredge and fill, design of breakwaters to minimize littoral drift, encouraging parking in upland areas, avoidance of dead end channels to ensure adequate flushing action, protection of historic properties, etc. As additional funding is provided to local governments to increase or improve the information and data base, along with assistance by Federal and State agencies, it is believed that the decision-making process on development permits and coastal planning will be improved significantly, especially in areas where such information is scarce.

One of the most important benefits of the Coastal Act is it encourages citizens to become involved in the management of the coastal resources. Part II, Chapter 13, covers the provision for continued public involvement. Local coastal governments are required to adopt procedures for providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the local coastal program (see Section 00020 of Chapter 8 - Implementation Plans for the Local Coastal Program Regulations in Appendix 7).

The benefits of increased citizen participation are now well known and numerous. One of the purposes of using local governments to develop and implement the management program is they are closer to and better able to respond to the desires of citizens. The California Coastal Management Program will allow for an increase in citizen participation (which includes all interested parties) in land and water use planning. It will provide for a broader base for decision-making and ensures that citizens can have their views heard without the need to resort to costly legal processes. It has been shown that public participation has significantly influenced many of the decisions made on individual permit applications under Proposition 20.

Some of the problems inherent in citizen participation are the delays caused by the need to inform and educate the public on complex, comprehensive problems. Many times citizens tend to focus on single issues and find it difficult to grasp the more complex problems which may take away some of the comprehensiveness of the program. The burden is on those preparing local programs to make them understandable to the citizens who do not have technical or planning backgrounds.

2. Environmental Impacts

The California coastal zone exists as a delicately balanced ecosystem. Sound resources management requires a comprehensive knowledge of the many factors which control the ecosystem. The policies of the Coastal Act are separated into distinct categories of land and marine resources, however there is a unique perception of how the coastal ecosystem works and must be managed. One activity not properly controlled will often have significant adverse impacts on other resources. It is believed that the implementation of the California Coastal Management Program should have a positive impact on the natural environment which should be discernable over the next five to ten years and longer. The program, through integrated land and marine resource management, is designed to prevent the further accelerated deterioration and destruction of the coastal resources for the benefit of all concerned.

In previous years, wetlands destruction occured at an alarming rate. There are now many policies directed at the protection of the coastal wetlands. The boundary was extended to include significant coastal estuarine, habitat, and recreational areas. Special provisions were made to allow for the designation of "sensitive coastal resource areas" and "special treatment areas." Specific mitigation measures and criteria were written directly into the policies to protect coastal resources. The California Coastal Management Program requires broad public support and participation which helps to ensure sound planning and management. The Water Code was amended to take coastal waters and resources into account and, additionally, many State agencies will be revising their regulations to do the same. The State found that it was necessary to provide for continued coastal planning and management through the Coastal Commission in order to "protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources." (30004(b)) While attempting to strike a balance between the insatiable appetite California has for growth and development and the need to protect coastal resources, the Coastal Act recognizes that the balance must lean toward the protection of significant coastal resources (30007.5).

a. References

The following sources of information should be reviewed as part of this discussion:

(1) "Program Objectives and General Management Policies," Part II, Chapter 3.

(2) "Coastal Act Policies," of the Local Coastal Program Manual (Part II), Appendix 7.

(3) "Interim Interpretive Guidelines for Coastal Planning and Permits," Attachment E.

(4) "California Coastal Plan," specifically the following sections:

Part II: Findings and Policies (The findings are extremely useful in describing the problems the Coastal Act policies were meant to remedy. Attachment D shows a correspondence list between the Coastal Plan and the Coastal Act policies.)

Part IV: Plan Maps and Regional Summaries

Note: Because of the widespread distribution of the Coastal Plan, it is presumed that most reviewers will have a copy. If not, a copy will be made available through the Office of Coastal Zone Management or the California Coastal Commission immediately upon request. Contact:

Office of Coastal Zone Management/NOAA
Pacific Regional Manager
3300 Whitehaven St., N.W.
Washington, D.C. 20235
202/634-4235

California Coastal Commission
1540 Market Street
San Francisco, CA 94102
415/557-1001

(5) "Areas of Concern in the Coastal Zone," Appendix 4 lists the multitude of areas which have been identified or are identifiable through the inventory process described in developing local coastal programs which may be impacted over the lifetime of the program consistent with the objectives of the Coastal Act.

(6) "Significant Coastal Estuarine, Habitat and Recreational Areas," Appendix 3 describes the 18 "bulges" to the inland coastal zone boundary, the resources and the reasons for their inclusion under coastal zone management.

(7) "General List of Land and Water Uses Subject to Management in the Coastal Zone," Appendix 6 shows the various uses which will be impacted by the policies. The degree of impact, however, is not defined by this list.

(8) "Current List of Acquisition Sites," Appendix 5 shows the potential sites to be acquired for preservation, restoration, recreation, education, and habitat purposes.

b. Interpretive Guidelines

The most important document from which a perspective of the impacts on the natural environment can be gained, is the interim Interpretive Guidelines issues by the Coastal Commission pursuant to Section 30620(a)(3) of the Coastal Act. The guidelines do not supersede the provisions of the Coastal Act, but attempt to interpret, clarify, and provide specific guidance as to how the provisions of the Coastal Act should be applied to planning and permits.

The guidelines are of two types: general statewide guidelines, that are applicable to many areas, e.g., guidelines on concentrating development, encouraging the provisions of low-cost housing, protecting ocean views, etc., and specific guidelines, intended to apply to a specific portion of the coast.

Public hearings have been held on these guidelines throughout the month of March 1977. The interim guidelines will be revised and finalized by May 1977 and will be included as part of the California Coastal Management Program in the final EIS.

Generally, these guidelines show a very clear attempt to meet the objectives and policies of the Coastal Act. If and when implemented, the recommendations in the guidelines would do the following within identified specific geographic areas:

Protect scenic qualities: sand dunes; bluffs and cliffs; valuable wetland and riparian habitats; open space values; valuable anadromous fish resources; views and view corridors; fish and wildlife habitats (including marine mammal haul-out areas, bird nesting areas, endangered species); estuaries and marshes; timberlands and agricultural lands; rare and native plant species including significant individual trees; archaeological and historic sites; low-moderate income housing; and life and property from inappropriate development in hazard areas.

Maintain water quality standards; agricultural lands; character of special communities; buffer areas around osprey nests; and maintain and improve refuge facilities.

Enhance parts of the coastal highway and areas where oil-related structures could be removed as the petroleum resource is depleted.

Prevent overuse of areas in order to minimize environmental damage by placing controls on public access; further loss of estuarine ecosystem and wetlands from non-dependent uses.

Restrict commercial development; off-road recreational vehicles; division of agricultural lands; developments harmful to salmon and steelhead trout; linear development along coastal highways; new residential development; developments in the 10 year and 100 year floodplains; development to infilling of subdivided areas presently served by a sewer system; single family residences based on carrying capacity of highways, soil, water, sewer; intensive beach recreation facilities.

Encourage the expansion of some visitor-serving facilities; development of some community water systems; expansion and improvement of boat launching facilities, bikeways, marine industry, and commercial fishing.

Produce Guidelines to minimize risks to life and property; undertake erosion control measures; control visual impacts through size, height, architectural design, and set-back requirements; and for continued use and development in State and local parklands.

In addition, the guidelines have recommended objectives for Federal coastal parklands and the consolidation of new oil facilities where possible.

c. The Marine Environment

Common to the entire coastal zone is the marine environment -- the State's coastal waters, estuaries, and wetlands. Coastal waters, in general, are known to be more productive than the open oceans, and a particular combination of physical factors make California's coastal waters among the most productive in the world. The rugged sea floor off California's coast, marked by extensive structural relief, provides habitat for a wide range of marine life, and deflects and channels currents and waves, thereby causing a turbulent mixing that brings nutrient-rich deep waters to the surface. Extensive kelp beds are found in rocky coastal environments from the intertidal zone to depths of 80 to 100 feet and cover approximately 75 square miles of the State's coastal waters, concentrated primarily in the offshore areas of southern California. The importance of this resource is largely unknown to the public. The kelp serves as a sanctuary, nursery area, habitat, and food source for an abundant variety of marine life, supporting a greater variety of species and a greater number of organisms than does a temperate land forest. Kelp beds may help to dissipate wave action and retard erosion on the shoreline.

Perhaps the most productive part of the marine environment is the intertidal zone which is inundated at high tide and exposed at low tide. Both tidepools and tidal salt marshes occur at frequent intervals along the entire length of the State. They comprise two distinct systems, each with its own location and role in the marine environment. Tidepools, most typically found off sandy or rocky shore, support a variety of marine organisms and are visible only at low tide. Coastal wetlands, on the other hand, constitute a very visible transition between the marine environment and the land environment, being found in association with lagoons, bays, and the mouths of coastal streams where a permanent connection between land and sea results in the periodic or occasional mixing of seawater and freshwater.

Coastal wetlands, made up of tidal marshes and mudflats and related freshwater marshes, are generally shallow in depth and sunlight is often able to penetrate to the bottom, thus allowing plant growth to occur. Cord grass and pickleweed are unique to salt marshes, requiring a particular mix of saltwater and freshwater, and common tule, California bulrush, cattails, spike rushes, pondweed, and sedges are typical of freshwater marshes.

As elsewhere, many fish, waterfowl, shorebirds, wading birds, and other animal species use coastal estuaries and wetlands either directly for spawning, nesting, resting, or feeding, or indirectly as a provider through the foodchain. Additionally, many rare or endangered species are entirely dependent on habitats found in California's coastal wetlands, as are the migratory waterfowl of the Pacific flyway. Some 33 species of shorebirds pass through or winter along the coast. A total of 10 to 12 million migratory waterfowl come into California each fall, and about 20 to 35 percent winter in the coastal zone. An additional 25 species of waterfowl also utlize coastal wetlands as do some 27 species of other water associated birds.

Management Issues

Sewage Disposal. The marine resources of the coastal zone are particularly vulnerable to the effects of human activities with water pollution and the filling and dredging of wetlands having the most serious consequences. There are at least 130 waste disposal outfalls along California's coast which annually discharge some 444 billion gallons of domestic and industrial sewage into the State's wetlands, estuaries, and coastal waters, and a good portion of this wastewater discharge is inadequately treated. This is a particular problem in heavily developed Los Angeles and Orange Counties where only 15 percent of all municipal wastewater discharged into coastal waters received secondary treatment in 1973.

Inadequately treated sewage discharges are also a problem in Monterey Bay and in other enclosed water bodies such as estuaries and lagoons. These areas, with limited water circulation and abundant plant and animal life, are the most susceptible to damage from water pollution. The discharge of poorly treated wastes in such areas has caused fish kills, algal blooms, stagnation, foul odors, and the smothering of bottom-dwelling organisms. Some losses in offshore kelp beds may have also resulted from exposure to inadequately treated sewage.

Thermal Discharges. Thermal discharges have an effect on marine resources. Over three trillion gallons of seawater are used every year to cool power plants on the coast with the water then discharged back into the marine environment at warmer temperatures. Some species, among them kelp, cannot tolerate warmer water, and thus thermal discharges may have a serious adverse effect. Other marine organisms, however, may be enhanced by the warmer water. It is thought that this may be true of some mollusks suited to aquaculture. Little is known about the general effects of cooled water on marine life, although the potential for cooled water discharges from liquefied natural gas facilities does exist on California's coast. It is known, however, that reduced temperatures can be fatal to some organisms.

Entrainment of Marine Life. Industrial and power plants that use seawater have had another more local effect on the marine environment; that is, the entrainment of marine organisms as water is drawn into the plant. Organisms that are typically entrained and usually killed include phytoplankton, zooplankton, fish larvae, and small fish.

Oil Spills/Construction. In addition to sewage discharges and thermal discharges, two other sources of water pollution have periodically affected coastal waters. First, several serious oil spills have occurred along California's coast resulting in losses to marine organisms and waterfowl as well as to recreational use of sandy beaches. Secondly, runoff from construction, grading, removal of vegetation, and other upland developments have resulted in abnormal silt loads that are damaging to marine resources. Estuarine areas are especially sensitive to sedimentation and have, therefore, sustained the greatest damage from silt-laden runoff causing a decrease in biological productivity.

While water pollution has been a serious consequence of urbanization in the State's coastal zone, the effects of water pollution on the marine environment can, nevertheless, be reversed. As sewage treatment is improved and the State's coastal waters become cleaner, affected organisms can reestablish themselves and the health of the marine ecosystem can be improved. Most of the damage sustained over the past 75 years by California's coastal wetlands, however, is a permanent loss. Of an original 197,000 acres of marshes, mudflats, bays, lagoons, sloughs, and estuaries along the coast (excluding San Francisco Bay),the natural productivity of 102,000 acres have been destroyed by dredging for ports and marinas or by filling for residential, commercial, or industrial development. Of California's remaining estuaries and wetlands, 62 percent have been subjected to severe damage and another 19 percent has received moderate damage. The effect has been even more serious in southern California where 75 percent of the coastal estuaries have been destroyed or severely altered since 1900. Healthy, undamaged wetlands are still to be found along California's coast, but they are relatively scarce when compared to their abundance at the turn of the century. At that time, the importance of marshes and mudflats as a nursery area and food source vital to all marine organisms and many bird species was not understood, and the easily filled, shallow wetlands were valued only for the development potential of "reclaimed land." The result has been that a once plentiful resource has become a scarce one, increasingly vulnerable,and increasingly in need of protection.

The California Coastal Management Program will maintain, enhance, and restore marine resources by protecting the biological productivity of the coastal waters, estuaries, wetlands, intertidal areas, and inland lakes and coastal streams. This protection will result from the controls placed on coastal development and uses of the marine environment. The Coastal Act provides, what must be termed a significant amount of direction to guide planning and development in the coastal zone and to some degree outside of the coastal zone. The policies focus on the end point of resources management, namely, biological productivity.

Coastal development permits will be subject to performance standards and criteria for development which meets the objectives and policies of the Coastal Act. The policies on the marine environment (Chapter 3, Article 4 of the Coastal Act) state that the biological productivity and optimum population levels of marine organisms should be maintained and restored when feasible through "minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231) It will be the responsibility of the Coastal Commission (and regional commissions), local governments, State and Federal agencies, and applicants for coastal development permits to see that the intent of these policies are met.

In addition to the policies in the Coastal Act, the Coastal Commission may designate special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part IV of the Coastal Plan as "sensitive coastal resources areas," which require zoning ordinances and implementing actions to be consistent with and protect those coastal resources (30116, 30502).

The coastal acquisition program will provide protection to significant wetland areas, habitat areas, and other areas sensitive to development pressures. This will act as a preventative measure to coastal protection rather than a reactionary one to development proposals.

Several sections in the Coastal Act deal with the problems associated with dredging, diking, and filling. Sections 30233(3), 30411, and 30607.1 deal with an approach to restoring coastal wetlands. These policies require the restoration of wetlands when new or expanded boating facilities desire a wetland location. If degraded wetlands are restorable, the boating developer is required to restore and maintain, as a biologically productive wetland, an area at least 75 percent greater than the area to be used by the facility.

Section 30607.1 requires that:

> "[W]here any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value of surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed."

This requirement of providing a functional equivalent as a means of mitigating the destruction of wetlands by diking and filling, has been successfully practiced by the San Francisco Bay Conservation and Development Commission and has practically limited the amount of Bay filling to zero while permitting development to continue. While this provision does not restore wetlands to a greater amount than that which is to be used, it nevertheless slows down the wetlands degradation rate which has been previously discussed. Wetlands receive additional protection under Section 30255.

Under Section 15 of the Coastal Act, the Water Code was amended to protect water quality as it relates to the coastal marine environment. It requires that wastewater discharges must be treated and sets priorities for restoring past beneficial uses of the receiving waters by either improving or eliminating the discharges. Wetlands, estuaries, and other biologically sensitive sites are to receive the highest priority. Other policies deal with minimizing entrainment, placing restrictions on thermal discharges, requiring baseline studies to be conducted in potentially impacted sites, and encouraging the use of reclaimed water.

Oil and gas development have the potential for causing significant damage to the marine environment either temporarily or over a long-term. The policy of the Coastal Act is that any development or transportation of crude oil, gas, petroleum products, or hazardous substances must protect against any spillage of those substances, and there must be effective containment and cleanup facilities to provide for accidental spills. This is, of course, a problem area that transcends all levels of government and the population, even though the major responsibility for regulating tanker traffic, oil spill cleanups, etc., rests with the Federal government.

It appears that the dependency and interdependency between the land and the sea is well recognized by the Coastal Act. There is always concern that decisions to be made on something as complex as the coastal environment are only as good as the data received on which the decisions are made. The funding provided by the CZMA is meant to help the States improve their decision-making, and it is important to recognize that local governments will need the best information available to update their general plans and make permit decisions.

Based upon the objectives, policies, authorities, directives, and guidelines presented in the California Coastal Management Program, it appears that the Program is a program of substance and has an adequate process to bring about net beneficial environmental impacts to the marine environment as some of California's resources will be restored and other protected on a long-term basis.

d. The Land Environment

The coastal land environment is a combination of the soils, air, plants, animals, minerals and water courses as they are affected by or themselves affect the ocean -- from the pounding surf line to the quiet inland valleys where the coastal fog influences plan species and growth. Along much of the coast long stretches of sandy beach and rugged rocky shore give way to coastal bluffs which rise abruptly to the level of the coastal plain, and the gentle land of the marine terrace gives way to hillsides and canyons and then to the mountains of the coast range.

The coastal land environment includes unique wildlife habitats on sandy beaches and coastal bluffs immediately along the shorelines and further inland on upland terraces, hillsides and canyons. The State's sandy beaches serve as a habitat for hundreds of thousands of shorebirds annually, with many of them staying through the winter and moving north to breeding grounds during the summer months. Beach areas are especially critical to the survival of the snowy plover and the least tern. The rocky shoreline and coastal bluffs provide a special ecological niche for some birds. A 1970 study by the California Department of Fish and Game found that 133,000 pairs of birds were nesting on 37 major seabird rookeries located on coastal rocks, along with an undetermined number nesting along rocky stretches of the mainland shoreline. Large numbers of cormorants and gulls, along with pigeon guillemots and black oyster catchers are representative occupants of such communities. The rocks and islands of California's coast also are important breeding grounds for marine mammals such as seals and sea lions.

Upland areas provide habitats for a variety of birds and mammals, most of which range over coastal and upland areas. For instance, large numbers of brush rabbits, snipe, quail, pheasant, grouse, deer, elk, and bear also inhabit the coastal uplands. A few animals are restricted to these coastal uplands.

The rich soils of the coastal zone and certain climate conditions are also important in sustaining commercial timberland located primarily on the State's north coast. Timberlands constitute a valuable natural and economic resource, serving as a wildlife and fisheries habitat and having great scenic and recreational potential. Timberlands also help to protect watersheds from erosion and excessive runoff.

Management Issues

Natural Habitat Areas. Substantial destruction of natural areas along California's coast has been caused by such factors as expanding urban development, the noise and pressure of recreational activities, alterations of vegetative cover, and the indiscriminate use of pesticides. These activities are reducing the habitat areas available to all plants and animals and are threatening some species and some unique communities, which can exist only in limited areas, with extinction. The continued existence of abundant and varied life forms on the coast depends upon proper safeguards for whole living communities as well as for plant and animal habitats. An especially serious problem in coastal zone wildlife management is the degradation or reduction of wetlands, tidepools, and dunes -- the narrow and often fragile transition zone between marine and terrestrial ecosystems.

Forest Resources. In the past, unsound forest management practices, conversions of timberland to other uses such as residential development or agriculture, and site dominance by non-commercial successional species have contributed to the decline in the historical timber inventory in California. Land divisions have often produced small uneconomic parcels that force the harvesting of timber when it is not desirable.

Soils. Improper land use practices during construction, site locations, and the removal of the vegetative cover have caused accelerated erosion having ramifications to wildlife, human uses of the environment and aesthetics. Blufftop erosion is caused by not only natural processes but human activities as well.

Stream Alterations. The alterations to coastal streams have resulted in damage to coastal resources as well, including salmon and steelhead trout, that are dependent on coastal streams in their life cycles. The abundance of these two important species has declined over the last 30 years by at least 50 percent as a result of damage to upstream spawning and nursery areas. This damage has been caused by dams that do not provide adequate fish bypass facilities or that flood large spawning and rearing areas, water diversions and stream channelizations, sand and gravel mining from streambeds, grading or logging operations that cause habitat-smothering erosion or siltation along streambanks, land fills, removal of shade vegetation that bring increased water temperatures, and discharges of toxic, thermal or organic pollutants into habitat streams.

The California Coastal Management Program will protect habitats of many of the species mentioned from further degradation due to development and increased recreation pressure. The Coastal Act recognizes that some habitats need more stringent protection than others.

> "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
> "(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." (30240)

The Local Coastal Program Manual describes "environmentally sensitive areas" as:

> "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments(30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; wilderness and primitive areas."

The coastal zone boundary was extended inland to include significant habitat areas(see Appendix 3 for a description of these inland extensions). This places these areas under the interim permit jurisdiction of the Coastal Commission and subsequently under the protection of certified local coastal programs. In addition, many of these special habitat areas can be designated as "sensitive coastal resources areas." Once again, the adequacy of this whole process may depend largely on the quality of the information and data which is incorporated into the general plans of local governments and the information available to the Coastal Commission and regional commission on which to judge the adequacy of coastal development permits. The coastal acquisition program will add additional acreage under protected status. The Coastal Act requires that sensitive habitat areas be protected from recreational demands when such demands create an overuse of the area and are environmentally damaging to the resources.

The Program will minimize the risks to life and property in areas of high geologic, flood, and fire hazard as well as assure stability and structural integrity of new development projects (30253). The impacts associated with the types of control required to meet these policy directives will have a beneficial effect on natural resources and will provide direct benefits to development, home owners, and other applicants. The Interpretive Guidelines show that there will be some restrictions on development in floodplains, certain sloped lands, and shorelands that may be subject to tsunami inundation, to name a few.

All of the policies and guidelines presented in the California Coastal Management Program are intended to make the construction of new developments environmentally sensitive. The Program will restrict certain land uses within specific geographic areas, directly or indirectly guide growth and development in other areas, and requires that if development must take place, it do so with the least damage to the environment. Sometimes, special direction is given in the Coastal Act such as Section 30254 which states the legislative intent to keep State Highway Route 1 in rural areas as a scenic two-lane road, and effectively restricts new or expanded public works facilities from creating a growth pattern which would make the road no longer functional. This will add extra protection to the natural environment as well as protecting the scenic views from strip development.

Section 30243 provides for the long-term productivity of soils and timberlands. The policy was designed to prevent the conversion of timberlands to noncommercial sizes and uses which impact the timber industry. "Special treatment areas" may be designated by the Coastal Commission to protect the natural and scenic qualities of some of the forest areas within the coastal zone (30118.5 and 30417). While the designation of such areas would mean a long-term committment of timber resources to protecting the natural and scenic values of those resources, it is not an irrevocable committment since what is mainly affected is the regulation over forest practices in these areas (buffer areas, road construction, selective timber-harvesting, etc.).

Additional beneficial impacts to the land environment will result from the incorporation of air and water quality standards, limitations on channelizations, dams and other substantial alterations of coastal rivers and streams, development which decreases energy consumption and vehicle miles traveled, and appropriate siting of large-scale facilities.

e. Visual

Perhaps the most apparent impact of human activity on the coastal zone has been a visual one. In some areas the visual resource remains natural, and in others development has respected the special visual qualities of the coastal environment, but some of the coastline has been degraded by poorly designed development. In these areas there are buildings that are obtrusive, being inappropriate to nearby landforms and inconsistent with the pattern and scale of existing development. There are signs and overhead utility lines that block views and create visual clutter. There are visual scars left by cutting, grading, filling, and vegetation removal, and this is often accompanied by the erosion that results from the alteration of natural landforms. There are, also, inadequately landscaped developments that detract from their natural setting rather than being enhanced by it.

The California coastal zone as a visual, educational, and aesthetic resource is of considerable worth. The Coastal Act's policies on protecting visual resources and special committees (30251, 30253(5)) will provide long-term benefits, and will not be an irretrievable committment of resources. While individuals may resent the permit process regulating the siting characteristics for development (design standards, location, landscaping, etc.) the Coastal Act's policy recognizes that scenic and visual qualities are resources important to the public as well as the economy of the State.

f. Historic Properties

Consistent with the intent of the National Historic Preservation Act of 1966 and Executive Order 11593, provisions in both the CZMA and the California Coastal Management Program require full consideration be given the historic values of coastal resources and properties.

The CZMA states "[i]mportant ecological, cultural, historic, and aesthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost" (Section 302(e)), and therefore, it is the national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources giving full consideration to ecological, cultural, historic, and aesthetic values as well as needs for economic development" (emphasis added) (Section 303(b)).

The California Coastal Mangement Program gives recognition to the importance of historic (including archaeological and paleontological) resources and provides policies and direction for their protection. Section 30244 states: "[w]here development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required." The Coastal Act also recognizes the importance of scenic resources which in many cases are properties of historic interest. Many of the coastal acquisition sites include areas of historic interest such as Fort Ross (Sonoma County), El Castillo (Monterey County), and the historic scenic headland of Point Dume (Los Angeles County). It is the intent in many of these types of areas to integrate the management of these historic and archaeological resources with recreational and educational uses of the coastal environment when they are consistent with resource protection.

The State Historic Preservation Officer, citizen interest groups, and others will provide valuable information to local governments so sites can be identified in the general plans, and through this process of site identification, incorporation, and protection, it is believed the provisions of the National Historic Preservation Act will be achieved.

3. Industrial and Energy Development

Few issues currently loom as large as energy and industrial development in the State of California, particularly as it relates to the coastal zone. Controversy abounds over the role of industry and energy development as it impacts the economy and welfare of local, State, and national interests versus the problems associated with some of the industrial and energy facilities locating in the coastal zone is such that there is a tendency for decisions to be made at a high level on an ad hoc basis. Therefore, it is not inappropriate to be fully aware of the impacts that may be associated with implementation of the Coastal Act's policies.

It is beyond the scope of this EIS to address the pros and cons, the why's and the wherefore's, of the numerous individual cases which have recently become issues. Some of the recent individual cases have been reported in the newspapers and the clippings are included in Attachment A. It should be pointed out, however, that one of the objectives of the program is to improve management so that decisions are more predictable and more clearly based on agreed upon policies and objectives. What must be analyzed in this EIS is whether these policies and objectives guiding facility siting decisions are exclusionary or by their very nature arbitrarily exclude facilities which are in the national interest or of more than purely local concern. At this time, it can be stated that the organization, authorities; and other aspects of the California Coastal Management Program allow for a rational decision-making process for such facilities (see Part II, Chapter 9). The implementation of the program will of course occur over many years. Disagreement will continue and possibly even litigation over specific issues. As a pattern of decisions with respect to these facilities begins to emerge from implementation of the program, OCZM will evaluate the effectiveness of the policies and objectives of the State in meeting regional and national needs. Congress has provided for such an ongoing review under Section 312 of the CZMA.

Coastal Act policies which apply to industrial and energy facilities include:

30232 - Requirement to protect against spills and provide effective containment and cleanup facilities and procedures.

30250(b) - Siting of hazardous industries away from developed areas.

30260 - Encourages coastal-dependent industrial facilities to expand or locate within existing sites.

30261(a) - Encourages multicompany use of existing and new tanker facilities.

30261(b) - Allows only one liquefied natural gas terminal until risks are eliminated or lack of gas supply would cause substantial public harm. First site to be located away from population centers.

When safety is proven, siting is to occur only in developed or industrialized port areas.

30262 - Places restrictions on oil and gas development and encourages consolidation of facilities where feasible.

30263 - Allows for new or expanded refineries and petrochemical facilities to locate in coastal zone even if not consistent with policies if they meet certain conditions. Allows for environmental tradeoffs regarding air quality, encourages air cooling systems, and the use of treated waste water versus once-through cooling.

30264 - Allows for the expansion and siting of thermal electric generating plants in the coastal zone if alternative sites have less merit. The Coastal Commission may propose alternative sites within the coastal zone based upon findings to support the alternatives.

30413(b) - The Coastal Commission is required to designate specific locations within the coastal zone where the location of an energy facility would prevent the achievement of the objectives of the Coastal Act.

30515 - If certain conditions are met, the Coastal Commission could override a certified local coastal program in order to meet the public needs of an area of greater local concern for a proposed energy facility.

The policies on the siting of facilities are designed to allow the expansion and new location of industrial and energy facilities in the coastal zone while at the same time minimizing the adverse impacts associated with the siting of such facilities. The policies give preferential treatment to coastal-dependent industrial facilities, encourage their location or expansion within existing sites and recognize that some facilities may not be consistent with all the policies of the Coastal Act. If such is the case, they may still be permitted if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible. These criteria provide guidance for the siting of coastal-dependent facilities which require a degree of reasonableness and guard against decisions being made in an arbitrary or capricious manner.

The encouragement of coastal-dependent facilities to locate or expand within existing areas and the priority of use given to these facilities will have two major impacts. Efforts are made to reserve the sites where needed, such as in existing harbor and port areas where major dredging and filling have already taken place, so development can take place with a minimum of adverse impacts on the environment in new areas. This may increase the environmental problems in existing areas causing environmental "hot spots." Important to a lesser degree, but significant nevertheless, is the fact that industry may find greater predictability in determining where their siting can occur. Predictability means time and money and in some cases may mean the difference between providing resources necessary for the public welfare.

When viewed on the whole the possibility exists for heightened conflict between the preferred uses of the coastline and the State's and Nation's need for energy. As water becomes a scarcer quantity in the State, more and more energy facilities will have to be located along the coast where ocean waters are available. Considering all the constraints placed on these large-scale facilities, it is believed that there will be only a few sites available. Once again, the intergovermental, public, and special interest involvement process described in the program is designed to resolve these conflicts between demands, uses, and interests. No dollar figures can accurately be projected as to the additional costs these policies would have to the economy of California or other parts of the Nation. The conclusions of most reports do state there will be net environmental benefits (both human and natural) associated with the comprehensive management of coastal resources.

The Coastal Act policies recommend the consolidation of tanker terminals and oil and gas facilities. The issues relating to oil and gas facilities and tanker terminals have been well documented by the press (see articles contained in Attachment A). Increasing demands are being placed on the coastal resources of California due to outer Continental Shelf (OCS) activities and oil from Alaska. Many energy companies are involved,and the potential for duplication of facilities is great. This policy is an attempt to minimize the adverse impacts associated with energy faciliting siting by encouraging the companies to consolidate their facilities and avoid unnecessary duplication. Consolidation occurs when two or more companies use the same site or facility for exploration, development, transportation, processing, or storage functions, rather than each company constructing and operating a facility for its needs only.

"In the past, industry consolidated facilities when private company economics have favored sharing of facilities. Generally, companies operating off the California coast have preferred to construct and operate their own facilities, in order to maximize flexibility in production and marketing strategies. Historically this has resulted in a proliferation of offshore pipelines, small onshore oil and gas separation, treatment, and storage facilities, and tanker terminals along the coastlines of Santa Barbara and Ventura County, and in the San Pedro Harbor area."[1]

Some advantages offered by consolidation include reduction in the following:
"(a) industrial land requirements near the coastline and conflicts with other coastal land uses and other environmental land use savings to onshore communities; (b) the number of potential sources of oil spill and air pollution; (c) the amount of energy and raw materials used in construction and operation of the facilities; (d) the costs of facility operations; (e) adverse scenic impact of additional industrial facilities in coastal areas. In some instances, consolidation of facilities may raise environmental problems more serious than those it solves. The increased activities at a single site could, for example, result in violation of air pollution standards at the consolidated site, when no such violations would have resulted at smaller, dispersed sites."

Some of the concerns the industry has relayed against the concept of consolidation include:
"(a) some consolidation strategies might increase capitol costs, thereby making small-scale, marginal ventures uneconomic ; (b) the information exchange and intercompany cooperation that must attend planning for consolidated facilities may lead to loss of competitive advantage and violation of antitrust laws; (c) the uncertainty of information regarding the petroleum resource on their own leases already makes facilities planning sufficiently difficult without adding the uncertainties of their companies' production prospects and actual production volumes; (d) their flexibility in production and marketing strategies will be impaired by facilities that must be designed and operated to meet the needs of other companies as well; (e) physical properties of oil and gas produced from different reservoirs might make the respective substances incompatible and preclude use of common facilities."

These policies recognize that in some cases it may be extremely difficult to consolidate facilities and recognize the constraints placed upon the industry. The policies nevertheless encourage consolidation to the "maximum extent feasible and legally permissable," or unless the siting would have more adverse environmental consequences brought on by the consolidation.

4. Mitigation Measures

The California Coastal Management Program recognizes that development will continue within the coastal zone. Consistent with the concept of permanently protecting the State's natural and scenic resources for the present and future residents of the State and Nation (Section 30001(b)), the management program will look at future developments from a performance standards and criteria approach (see Part II, Chapter 5). The standards and criteria are based on existing State regulations such as air and water quality standards, and on specific guidance provided for by the policies in the Coastal Act. In addition, development will be guided by certified local coastal programs consisting of general plans, zoning regulations, and other implementing ordinances.

In order to show the adequacy of the program process, some examples of policy directives which are used in the permit process to mitigate adverse impacts associated with some types of development follow:

- Maximum access and recreational opportunities "shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (30210)

- "The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." (30231)

- With regard to agricultural land conversion, "any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." (30242)

- "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." (30253)

- "New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property." (30263(a))

The Coastal Commission and regional commissions are responsible for assuring that the appropriate mitigation measures are taken by applicants for coastal development permits during the interim period while local governments are in the process of program certification. After that, the responsibility is given to local governments to assure that the policies are enforced.

In its simplest form, mitigation measures are usually expressed as conditions placed on development permits. Since development is allowed under a conditioned permit containing criteria and standards of conformance, it is often the conditions that become the focus of controversy and legal battles.

5. Impacts of Exclusions

Section 30608 states that persons who have obtained a vested development right prior to January 1, 1977, are not required to obtain a coastal development permit unless there is a substantial change involved. The impacts associated with these "grandfather" development rights are not considered as part of this program for impact analysis purposes. However, it can be shown that there was a rush to gain vested rights between the time of enactment of the Coastal Act and the January 1 deadline. The full implications and impacts of these excluded developments with regard to cumulative impacts and how they will affect new development subject to a coastal permit is yet to be determined over the next three years prior to the expiration of those rights.

Section 30610 excludes from the coastal development permit process certain improvements to existing single-family residences, maintenance dredging of existing navigation channels, certain repair and maintenance activities, and activities associated with necessary utility connections between an existing service facility and any new development. Additionally, the provision allows for categorical exclusions of development or of any category of development within a specifically defined geographic area. In each case, where the Coastal Commission finds that there is a risk of adverse environmental effects, the same would not be excluded. Therefore, while the potential for adverse impacts may exist by not including these activities or developments, the process outlined in the Coastal Act and further spelled out in the regulations, provides a safeguard to include such activities or developments when significant impacts may occur as a result of their exclusion.

In addition to the urban boundary being somewhat less than 1,000 yards, in most cases, a local government may request that an urban land area be excluded by the Coastal Commission from the permit provisions of the Coastal Act. Several conditions must be met before the areas can be excluded from the development permit process (see Section 30610.5(a)(1),(2) and (b)). The Coastal Commission requires that a local government submit an Initial Environmental Study and/or a Draft Negative Declaration concluding that the exclusion will have no significant adverse impact on the environment. Because these findings must be made, it is presumed that no adverse environmental impacts will occur as a result of this provision in the Coastal Act.

It is clear that the purpose of these exclusions is to minimize the administrative burdens on the State and local governments and on would-be applicants when normally such developments are not considered to directly or adversely impact the coastal zone.

6. Effect of Activities Outside the Coastal Zone

The planning and regulatory requirements of the Coastal Act do not apply inland of the boundaries of the coastal zone. The Coastal Commission has no direct permit or planning controls over any area or the activities of any other public agency outside the coastal zone. Section 30200 of the Coastal Act states however, that State agencies whose activities outside the coastal zone could have a direct impact on resources within the coastal zone, must consider the effect of such activities relative to the policies of the Coastal Act.

The legislative intent was clear in that the Coastal Commission's authority was not to extend beyond the coastal zone, but likewise, major activities outside the coastal zone that could have a direct impact on coastal resources are to be considered in the light of the coastal policies. Dams, flood control and water diversion projects, stream channelizations, mining, logging, power plants, roads leading to the coast, urban expansion, and other such inland projects and activities can directly affect the coast.

Although the coastal agency would not have any direct regulatory control over these projects and activities, it would have the opportunity to provide critical input into the decision-making process in two principal ways. First, projects requiring either an environmental impact statement under the California Environmental Quality Act would be reviewed by the coastal agency and would in turn provide its comments to the lead agency. The coastal agency (including local governments with certified programs) would have more direct authority over projects outside the coastal zone that have a direct impact on the coast if a Federal agency license or permit is required, it utilizes Federal assistance, or it involves Federal development projects. These activities and projects would have to be consistent with the California Coastal Management Program and would require the coastal agency certification of consistency in order to obtain the necessary Federal approval under Section 307 of the CZMA. The coastal agency would review these projects and issue certifications under the procedures established for coordination with Federal agencies (see Part II, Chapter 11, B.). The effects of a negative consistency determination has been previously discussed. The provisions of Section 30200 and Federal consistency has the effect of reinforcing the policies, taking away any arbitrariness that may exist for any segment of the coastal boundary, and gives greater protection to the "coastal ecosystem" concept of resource management.

California's coastal zone is contiguous to the coastal zone of Oregon and the land and coastal waters of the Republic of Mexico. It is believed that the implementation of the California Coastal Management Program will not adversely affect the integrity or land and water uses of these two places. While Oregon's coastal zone boundary extends further inland than does California's, the boundary difference is unlikely to cause significant problems in the administration of either program. No significant problems have been reported during the implementation of Proposition 20.

In 1976, Alaska, California, Washington, and Oregon developed an interstate coordination program involving the directors of the State coastal management programs. This effort, largely generated by the regional impacts associated with oil and gas production in Alaska, will be utilized to examine and jointly resolve interstate problems and conflicts between adjacent States. Initial discussions have occurred about the need for joint standards and planning for offshore outer Continental Shelf petroleum development.

While the impacts associated with land and water uses do not necessasrily stop at political boundaries, it is unlikely that the requirements of the Coastal Act will adversely affect Mexico.

Recently the Republic of Mexico has indicated that it may expand its offshore oil and gas activities. Should this occur in relatively close proximity to the California coastal zone, the Mexican environmental standards for such activities may not be comparable to those in the United States. In such a case, a potential future impact upon the California coastal zone from oil spills may exist.

7. Impact Assessment Based on Previous Studies

a. Half Moon Bay Case Study

The Half Moon Bay Case Study was a two-year study conducted by the Institute of Urban and Regional Development of the University of California, Berkeley.[5] The study served as a means to test and evaluate specific policies proposed by the then California Coastal Zone Conservation Commission in the preliminary elements of the Coastal Plan and was later modified to include similar policies of the Coastal Act. The case study also served to evaluate the operability of the collaborative planning process required by the Coastal Act and to test specific analytical methods for subregional and local planning. An impact assessment process was conducted to evaluate the cumulative environmental, economic, social, public service, and access impacts of a local coastal program which results from a specified land use pattern, population level, and level of facility development. Specifically, the impact assessment was a means of measuring:

1. The extent to which land use designations are in conflict with coastal policies in resource areas -- soils, hazards, open space, recreational lands, protection (i.e.,how much prime soil is pre-empted for urbanization in a local coastal plan).

2. The extent to which public services' capacities are exceeded by the increased levels of population (i.e.,will the service requirements of full build-out of residential subdivisions exceed facility capabilties).

3. The extent to which the "carrying capacities" of any natural systems -- viewshed, airshed, watershed -- are exceeded by the amount (density) of development allowed (i.e., too much recreational beach use, too much impervious surface coverage, too many houses in a scenic viewshed).

4. The extent to which planned development is allowed adjacent to a resource area -- viewshed, habitats, watershed, so as to present an adverse impact, threat, or use conflict (i.e. development along a coastal stream, adjacent to agricultural land).

When the coastal policies were grouped into broad categories, it was found that the following areas, resources, uses, and users could be impacted (see Table E).

During the third year Section 305 grant period (January to December 1976) California conducted several sub-regional planning studies and provided funding to 11 local governments to conduct local implementation program pilot projects. These studies and projects have provided both local governments and the Coastal Commission with a wealth of information on which to assess the impacts of program implementation. A few of these studies are summarized below.

b. Subregional Planning

(1) Moro-Cojo Marsh (Elkhorn Slough, Monterey County)

The Moro-Cojo Marsh restoration project was directed toward providing the Coastal Commission not only with a restoration methodology, but also with a prototypical area in which to study the implementation of coastal wetland restoration policies. This marsh was diked off over fifty years ago and the reclaimed lands have been farmed continually since that time so that the resultant accumulation of pollutants in the marsh sediments is thought to be significant.

TABLE E

Impact Assessment Criteria

Environmental Impacts

1. Change in the extent of open space lands
2. Change in condition of habitat areas
3. Change in the type and extent of forest lands
4. Intrusion upon hazard areas and unstable landforms
5. Change in extent of prime soils
6. Change in the acreage of non-prime agricultural lands with productive soils
7. Change in condition of viewshed and blockage of view
8. Change in condition of watershed and coastal waters and their buffer areas and change in sand supply
9. Change in the extent and type of mineral resource areas
10. Change in condition of airshed

Access Impacts

11. Change in the type and extent of public access to the shoreline and other coastal recreation areas
12. Change in the type and location of public and commercial recreation facilities
13. Change in convenience of traveling to the coastal zone
14. Change in the availability of transportation options
15. Change in the cost and availability of coastal housing and related social mix of coastal communities

Social/Economic Impacts

16. Change in amount of business
17. Change in amount of employment available
18. Change in yearly average income of coastal residents
19. Change in local jurisdictions' fiscal status and change in tax obligation of citizens
20. Change in the amount of State and Federal funding for projects and activities in the coastal zone
21. Change in community character and disruption of community way of life
22. Change in the condition of manmade resource areas
23. Change in quality of public health and safety

Public Service Impacts

24. Change in extent of water usage
25. Change in extent of use of electricity and natural gas
26. Change in extent of transportation facility usage

Table F shows the amount of acreage that would be displaced for six different "population projection" alternatives. Although this was a theoretical study, it does give some indication as to the potential impacts of the implementation of the policies in the Half Moon Bay Area (i.e. preservation of open space and views, increase in public access, etc.). Different degrees of policy implementation were used to determine the "population projection" alternatives. Coastal policies were used to define the populations under alternatives 1a, 1b, 1c, and 2a.

TABLE F

Impact Summary--Geographically Based Impact Measures

Impact Assessment Criteria	Baseline Condition (1975) 13,309 existing population	Measure	Measured Increment of Change for Alternatives 1c	1b	1a	2a	4b	4a
		additional population	1,427	5,378	10,422	13,304	40,499	47,657
		total population	15,016	18,967	23,911	26,893	54,088	61,246
1. Change in the extent of open lands	4150 acres of rural open space	Rural open space converted (acres)	136	140	191	444	2644	3358
		Percentage of existing rural open space converted	3.3	3.4	4.6	10.7	63.7	80.9
4. Intrusion upon hazard areas	240 acres of floodplains	Floodplains preempted (acres)	0	0	0	0	68	68
		Percentage of undeveloped plains preempted	0	0	0	0	28.3	28.3
5. Change in extent of prime soils	380 acres of Class I soil	Class I soils converted (acres)	0	0	39	47	139	129
		Percentage of existing Class I soils converted	0	0	10.3	12.4	36.6	33.9
	1340 acres of Class II soil	Class II soils converted (acres)	13	19	38	76	641	564
		Percentage of existing Class II soils converted	1.0	1.4	2.8	5.7	47.8	42.1
	770 acres of Class III soil	Class III soils converted (acres)	0	0	0	41	429	746
		Percentage of existing Class III soils converted	0	0	0	5.3	55.7	96.9
	4490 acres of total prime soil	Prime soils converted (acres)	13	19	77	164	1209	1169
		Percentage of existing prime soils converted	.3	.4	1.7	3.7	26.9	26.0
7. Change in blockage of view	.6 miles of unblocked view northbound	Unblocked view preempted (miles)	0	0	0	0	.6	.6
		Percentage of unblocked view preempted	0	0	0	0	100	100
	2.4 miles of unblocked view southbound	Unblocked view southbound preempted (miles)	0	0	0	0	2.1	2.1
		Percentage of unblocked view southbound preempted	0	0	0	0	87.5	87.5
11. Change in the extent of public access to the shoreline recreation areas	218 acres of recreation land west of Highway 1	Additional recreation land (acres)	623	623	623	623	266	307
		Ratio increase of additional recreation land to existing recreation land	2.9	2.9	2.9	2.9	1.2	1.4
	5 miles of shoreline in public ownership	Additional shoreline in public ownership (miles)	11.1	11.1	11.1	11.1	10.6	10.6
		Ratio increase of additional shoreline in public ownership to existing shoreline in public ownership	2.2	2.2	2.2	2.2	2.1	2.1
15. Change in the availability of coastal housing	4504 existing housing units	Additional housing (units)	514	1787	3570	4832	12860	16555
		Ratio increase of additional housing units to existing units	.1	.4	.8	1.1	2.9	3.7
16. Change in amount of commercial activity	119 existing commercial units	Additional commercial (units)	45	69	100	117	283	327
		Ratio increase of additional commercial units to existing units	.4	.6	.8	1.0	2.4	2.7
24. Change in extent of water usage	2.59 MGD water used	Additional water to be used (MGD)	.43	1.30	2.41	3.01	8.84	10.40
		Ratio increase of additional water needed to current usage	.2	.5	.9	1.2	3.4	4.0
27. Change in extent of wastewater facility usage	.2 MGD wastewater generated in Montara	Additional wastewater in Montara (MGD)	.01	.10-.14	.27-.36	.23-.32	.54-.70	.49-.67
		Ratio increase of additional wastewater generation to current generation	.1	.5-.7	1.4-1.8	1.2-1.6	2.7-3.5	2.5-3.4
	2. MGD wastewater generated in El Granada	Additional wastewater in El Granada (MGD)	.08	.23-.31	.46-.61	.45-.51	.98-1.25	1.06-1.35
		Ratio increase of additional wastewater generation to current generation	.4	1.2-1.6	2.3-3.1	2.3-2.6	4.9-6.3	5.3-6.8
	.3 MGD wastewater generated in Half Moon Bay	Additional wastewater in Half Moon Bay (MGD)	.21-.25	.24-.29	.34-.42	.61-.77	1.63-2.19	2.27-3.03
		Ratio increase of additional wastewater generation to current generation	.7-.8	.8-.10	1.1-1.4	2.0-2.6	5.4-7.3	7.6-10.1

The Moro-Cojo slough system, a portion of the Elkhorn estuarine complex, is a survivor and remnant of California's once vast coastal wetlands. The remaining coastal wetlands are now recognized as valuable natural resources and must be protected from further degradation and restored where possible. Because knowledge of the Moro-Cojo environment is inadequate, it has been necessary to define its present and potential value as a natural resource system and to evaluate proposed activities with respect to their degradation or restorational potential through a comprehensive analysis of this environment, its ecology, and relevant economic, political, and social concerns.

Preliminary conclusions of the study demonstrate that management practices of the past have severely degraded the natural resource value of the Moro-Cojo slough, and a new management program is needed to protect the coastal resource.

A critical step in the management of the remaining California wetlands will be the coordination of government actions. One of the major findings of the first phase of the study was that no single agency has comprehensively managed the wetland system in the context of a total natural system. Generally, policies and programs affecting the area have been determined by a number of agencies, each concerned primarily with its individual responsibility and jurisdiction. This secularization often conflicted with the processes of natural ecosystems.

(2) Trinidad

A geological and biological survey of Trinidad Bay was conducted and a development survey was conducted to determine the possible alternatives for developing the Bay as a commercial and recreation harbor. A joint study on moorings involving affected Federal, State, and local agencies was undertaken to determine the types and number of moorings that should be allowed and where they should be located so as to avoid the productive kelp area of the Bay. The subject of mooring placement also addresses both safety and aesthetics.

(3) Big Sur Coast - Northern San Luis Obispo County and Southern Orange County

These two subregional planning studies were intended to serve as models for how subregional planning could be incorporated into the local coastal planning process. The studies accomplished two very important tasks:

(a) They generated the information that will be useful to the local coastal programs and for the Coastal Commission to use in evaluating the adequacy of the programs for the two study areas as to their impacts on the larger-than-local issues (e.g., has the Monterey portion of the Big Sur coastline properly allocated the traffic capacity given the constraints identified in the subregional analysis?).

(b) They have established a workable methodology for conducting such studies that will be applicable in other regions where one or more coastal issues, such as road system capacity or limited water supply, transcend several local jurisdictions.

The central issue of each study was an analysis of the potential competition between local populations and recreational visitors for the use of public services such as wastewater treatment, water supply, or highway access during times of peak use both currently and in the future given proposed population levels.

c. Local Implementation Program Pilot Projects

Contractual arrangements were made with the Cities of Trinidad, Eureka, Santa Cruz, Laguna Beach, Chula Vista, Santa Monica, and Carlsbad, and with the Counties of Marin, Monterey, and Santa Barbara. The purpose was to see if local governments could incorporate the policies or specific policies of the Coastal Plan. This was later changed to conform to the standards of the new Coastal Act. Some of the projects focused on:

(1) Trinidad. A study of future growth limited by the septic tank carrying capacity of the soils in that area and increased tourist accessibility on appropriate parcels of land was undertaken.

(2) Eureka. Future development of the waterfront area proposed waterfront commercial developments, protection of existing low-income housing, a pedestrian walkway the length of the waterfront, and continuous linear berthing of vessels along the walkway so that no pier would project into the channel.

(3) Monterey County (Big Sur). A preliminary plan report was distributed for review by the public and all participating and affected agencies. The plan proposed a reduction in allowable development, protection of views, special treatment of the coast, and establishing a private trust which might acquire and trade lands to redirect growth from sensitive areas to appropriate ones.

(4) Santa Barbara County. The county staff studies the major policy differences between the Coastal Plan and a variety of local plans (existing general plan, proposed general plan, citizen group recommendations, special district policies, etc.). The report included simplified matrices on conformance or conflict between policies, based on a computerized system for retrieving all relevant policies on each subject, and a summary analysis of the issues.

d. Outer Continental Shelf Leasing Impact Planning

The Office of Planning and Research in the Governor's Office created an outer Continental Shelf (OCS) task force to conduct studies on the impacts associated with offshore oil and gas development in southern California. A number of scenarios for oil and gas exploration, production activities, and facility siting have been conducted or are ongoing in the Santa Barbara Channel. The task force has circulated draft findings and recommendations dealing with management, decision information, oil spills, air quality, impacts on sensitive coastal resources, economic effects, transportation, consolidation, and development choices. This is a continuing effort on the part of the State of California to determine its role in OCS activities and assisting local governments in preparing for the associated onshore impacts.

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PART IV

ALTERNATIVES TO THE PROPOSED ACTION

Throughout the development of the California Coastal Management Program a variety of alternatives to specific elements of the Program were considered. Many of these derived from comments received by the involved local and State government agencies, Federal agencies, and public interests. The Coastal Commission's consideration of alternative ideas, positions, and possibilities took place over nearly three years. The record of this process consists of tens of thousands of pages. Any attempt in this environmental impact statement to reconsider all policy and programmatic alternatives would only repeat the detailed record which the Coastal Commission and regional commissions have already compiled, in public, preparing the Coastal Plan. The Legislature also looked at alternatives to specific features in various coastal bills.

Normally, at the time a coastal management program is submitted for approval, most of the substantive decisions regarding the policies, how the program is to be implemented, etc., will have been made. This is not to say that changes in substance can no longer take place (see Alternative 5 below). What is mainly left in the way of alternatives deals with procedures. A brief description of some of the alternatives which were considered in the development of the Coastal Plan is reviewed in Attachment F. The procedural alternatives still open to the State at this time are discussed below along with the Federal alternatives.

A. Federal Alternatives

The Secretary of Commerce could delay or deny approval of the California Coastal Management Program under the following conditions:

1. If Federal agency views were not adequately considered or the program does not fully meet the requirements of the CZMA.

Section 306(c) of the CZMA requires the Secretary of Commerce to make findings that a State coastal management program meets the requirements outlined in the CZMA prior to granting approval.

Section 307(b) of the CZMA states "[t]he Secretary shall not approve the management program submitted by a State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered."

If it were shown that principal Federal agency views were not considered during development of the program, or that the State does not meet specific CZMA requirements, then the Secretary could deny the application or delay approval pending required changes. The impacts of a negative decision are clear:

The California Coastal Management Program would continue to be implemented, but without Federal assistance, since the program is a legislative mandate and funded through State appropriations. The considerable Federal funds which might have been made available to help implement the program would not be passed on to State agencies and local governments.

Potential delays in meeting the objectives of the Coastal Act could result. Many of the program elements, to be achieved as described in Part II, Chapter 14, would either be delayed or neglected. Many of the elements described could be achieved only through additional Federal funding assistance. The implications and the degree of magnitude of impacts this might have on the natural and social environment can only be conjectured.

The provisions of Section 307 of the CZMA (Federal consistency) would not apply to Federal agencies' activities in the coastal zone, meaning the coordinated governmental approach contemplated in the national program would not be fulfilled. This omission could mean that Federal agencies could take action which would conflict with the objectives of the State in the coastal zone.

2. If there is no adequate assurance of the integration of the California Coastal Management Program with the San Francisco Bay Coastal Management Program.

For purposes of coastal zone management, California has been divided into segments including the areas covered by the Coastal Act and the Bay Plan (see Part II, Chapter 4). The San Francisco Bay Conservation and Development Commission (BCDC) submitted a program to OCZM in accordance with Section 306(h) of the CZMA. The submittal was coordinated through the Secretary of Resources. The program was approved by the Secretary of Commerce on February 16, 1977, and a grant made to administer the program. The Federal funding will help update the Bay Plan and increase monitoring and enforcement of the regulatory process.

There are differences in the two California management programs, including boundaries, organization, and in some of the policies which are used as a basis for permit decision-making. However, there have been attempts to integrate portions of the programs insofar as possible. Examples include the Coastal Commission and regional commissions' policies with respect to the national interest statement and Federal consistency.

The Coastal Act recommended that within 18 months after enactment of legislation, the State coastal agency and BCDC review the future relationships of the two programs and recommend changes as necessary. The Coastal Act states the following:

> "The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and Title 7.2 (commencing with Section 66600) of the Government Code to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978." (30410)

Therefore, there is assurance that the State will undertake a study to integrate the two management systems. While there is no requirement that program approval be delayed until after legislative action, the Secretary could continue to fund the California Coastal Management Program under Section 305(d) until it is clear what the total program would look like. This would preclude funding under Section 306, administrative grants, and the implementation of Federal consistency provisions.

The 18-month study would focus on the need for changes, if any, in the BCDC management program in light of the information developed by the Coastal Commission in the course of preparing the Coastal Plan. To the extent changes appear to be warranted, the study could analyze and make recommendations with regard to changes in the institutional relationship of BCDC to the Coastal Commission and in the area included in the BCDC segment of the coastal zone.

Possible reasons to delay approval include the uncertainty associated with legislative approval of the Coastal Commission and regional commissions' recommendations and the potential for an imbalance in program administration between the two jurisdictions. If the statewide coastal policies do not apply to the San Francisco Bay Region, and one is more restrictive than another, then there may be increased pressure to develop in the Bay area without those State policies guiding the development or vice versa. In such a case, Federal consistency would be difficult to apply uniformly throughout the State. The impact of the latter would be minimized, however, because of the relatively short period (18 months or earlier), the degree of coordination and cooperation that exists between the two commissions, the identical policies on national interest facilities, and the legislative intent that the review should not distort the purposes of the Coastal Act. Section 30410(b) of the Coastal Act requires that all ports, including those covered by the Bay Plan, should receive equal treatment for the purpose of insuring competition.

The environmental impacts associated with this delay would be marginally greater than the alternative of approval prior to total integration. The California Coastal Management Program would continue to be implemented at the State level regardless of Section 306 approval, albeit at a lower level of funding. The use of Federal consistency provisions would also be changed. In this case, BCDC may be making use of consistency while the Coastal Commission and approved local goverment programs would not.

3. If the State does not have the adequate interim authorities while local coastal programs are submitted and certified.

The Coastal Act (See Chapter 6) relies on the use of local governments to implement the coastal program. This would comply with Section 306(e)(1)(A) of the CZMA, which provides that the State would establish criteria and standards for local implementation, subject to administrative review and enforcement of compliance. The Coastal Act requires that local coastal programs be completed no later than July 1, 1980, or certified no later than December 1, 1980.

The California Coastal Management Program can be approved on the basis of the State's existing statutory authorities, regulations, review processes, and appeal authorities. It is not considered essential that local coastal programs be approved by the State prior to Section 306 approval as long as the State has the authority to implement these programs. Section 306 funds can be used to help in implementation of the local programs. California is in its fourth year (January to December 1977) 305 program development grant. It could qualify for two additional Section 305(d) grants which would provide funding up to 1979, leaving a potential void in funding for January to December 1980.

The determination that should be made is whether the implementation process described in the Coastal Act can be considered adequate and not requiring a delay in approval. This determination should be made during the 306 program review process. The State regulations which will be used to certify local coastal programs will be based on the policies and procedures called for in the Coastal Act.

B. State Alternatives

4. The State could withdraw the approval application and continue program development or attempt to use other sources of funding to meet the objectives of the State's shoreline and related coastal management programs.

In the voluntary, cooperative program provided for by the CZMA, there exists a possibility for a State to withdraw its application without sanctions or penalties, except withdrawal of OCZM funding. For a State which has made great strides in the development of a coastal management program, this would be considered a real fiscal loss to the State. It is also possible the overall national objectives of the CZMA would not be met.

The legislative history of the CZMA shows Congress did not intend the requirements of the CZMA to be so stringent or difficult to achieve that a State would be precluded from achieving program approval after reasonable effort and time. Nevertheless, experience has shown that the process of adequate program development is not an easy one. Of particular significance are the difficult "balancing" policies of the CZMA, especially State Federal relations. Programs must adequately consider varied interests which are often conflicting and in competition for use of scarce coastal resources. In many cases there are hurdles with absence of adequate State management authorities or lack of adequate resources or staff to accomplish everything that must be done within a relatively short time frame.

The reason for a withdrawal can be diverse. There may exist weaknesses in the development process that may go unnoticed even after the State has submitted its program for approval.

Another situation that could arise would be if there were a number of unresolvable issues which surface during the review process. For instance, a State may decide that the incentives are not strong enough to keep it in the national coastal management program at the sacrifice of what it sees as a compromise of its goals and objectives. Faced with this sort of conflict, a State might withdraw from the national coastal management program and support its efforts with local resources. A review of other related Federal assistance programs and management policies indicates that States could achieve some of their coastal objectives utilizing other Federal programs, but the unique managerial and integrative support contained in the CZMA would be diminished substantially, if not altogether.

Although untested, it is believed that the CZMA established a process whereby State program withdrawal based on adverse program comments could be avoided and where serious disagreements can be mediated. "The Secretary shall not approve the management program submitted by a state pursuant to Section 306 unless the views of Federal agencies principally affected by such program have been adequately considered." Section 307(b)) In case of serious disagreement between any Federal agency and the State in the development of the program, the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences. Section 307(a) and (b) Interim Regulations establish guidance on meeting impasses. As a practical matter, the coastal management program is dependent for success upon reciprocal intergovernmental cooperation as the basis for achieving national coastal zone management goals.

While withdrawal remains a viable alternative, it is not expected that the California Coastal Management Program would be withdrawn. The Coastal Act (Section 30008 and Section 16) envisions the use of CZMA funding to implement the program, a certain percentage of which would be used by local governments to develop and implement the local coastal programs. The application of Federal consistency and the certainty of eligibility for assistance under the Coastal Energy Impact Program, which is part of the national coastal zone effort, are also strong incentives for California's participation.

5. The State could amend the coastal management program.

Actual use of this alternative has been put into practice, and the management program and this revised draft EIS are based on an alternative management program which the State has decided to implement. The Coastal Commission submitted a management program on July 30, 1976, based on the Coastal Plan and SB 1579. SB 1579 did not receive legislative approval, but SB 1277, the Coastal Act, did. The result was that several changes occurred in policies, boundaries, authorities, and other provisions and, therefore, a new management program and EIS were required at this stage of the review process. Based upon the circumstances which existed at the time of the State submission of its program to the Secretary of Commerce, the results of the Federal agency and public review process, and later program amendments, this alternative of amending the Senate program will always remain, although the chances have decreased considerably since the Legislature has enacted SB 1277, AB 400, and AB 3544.

In a program as complex as a comprehensive approach to coastal zone management, the number of alternatives to each provision of each policy and institutional managements are essentially infinite. For example, the Coastal Act provides that wetlands can be diked, filled, or dredged only if (a) the existing functional capacity of the wetland is maintained or enhanced; (b) there is no less environmental damaging alternative; and (c) the development conforms with an adopted comprehensive estuarine management plan, and for specific reasons. Using only the three activities regulated, the three conditions imposed, and the various allowed uses, there are many possible combinations that are alternatives to this policy (see Attachment F). As mentioned at the outset, these policy decisions were made in public after weighing reasonable alternatives. Also, the policies in the Coastal Plan have been subjected to legislative review, which led to incorporation of a number of changes contained in the present program.

PART V

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

A review of the California Coastal Management Program policies which would be used as a basis for decision-making indicates that the probable effects of program implementation would be environmentally beneficial. However, there would probably be a number of adverse impacts to both the natural and socio-economic environments.

Development attributed to new growth and economic needs will be concentrated in some areas rather than continue the expanded use of new land whether that be sprawl or otherwise. While consolidation or concentrated development has the positive attribute that it preserves for a time other resources, it also can cause congestion or the concentration of pollutants, and be generally costly from an economic standpoint.

Numerous adverse impacts will continue to be associated with the siting of major facilities for purposes of defense, transportation, energy requirements, and others in which both the State and Federal governments have interest. The program makes provisions for consideration of the siting of facilities which are in the national interest. It is important to note, however, that each such project will be evaluated as to the impacts associated with development by both NEPA and CEQA. That is, investigations will be made, alternatives considered, etc.

Some agricultural lands would probably continue to be converted to other uses. Studies are now underway with a pilot project to determine the feasibility of carefully managing this growth conversion so that the taking of productive lands is minimized, the utilization of land is maximized, and the least social impacts occur at any one time.

It is very difficult to determine precisely what impacts will occur as a result of program implementation, but it is clear what impacts have occurred without it and which created the need in the eyes and minds of the California public. Because this is an evaluation of a comprehensive plan and potential program, two things should be remembered with respect to adverse impacts:

(1) the development of this Program has been a very thorough process based on broad support, extensive input from all the various institutional interests, scientific and technical information and generally will represent the majority viewpoint of public interests in development and preservation of California's coastal resources. The basic thrust to these resources so that they can continue to be utilized and enjoyed by those future generations as well as by present users.

(2) an adequate process has been established to ensure that environmental effects are kept to a minimum on a development project by project basis. This process has been described earlier (see discussion on "Mitigation Measures," Part III, 4).

PART VI

RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

While approval of the California Coastal Management Program will restrict some local, short-term uses of the environment, it will also provide long-term assurance that the natural resources and benefits provided by the California coast will be available for future use and enjoyment. This time is central to the State and Federal programs.

The California Coastal Management Program does the following:

A. Short-Term Uses

(1) Does not prohibit future development but creates a system of guided growth based on agreed upon State policies for coastal land and water uses.

(2) Recognizes that some energy facilities and coastal-dependent developments have adverse environmental consequences, but that they may still have to be located in the coastal zone to protect the inland environment as well as help provide for orderly economic development.

(3) Program allows some short-term uses in the coastal zone but requires future developments to restore other parts of the coastal zone, providing for long-term benefits.

B. Long-Term Uses

(1) Recognizes the coastal zone is delicately balanced ecosystem.

(2) Ensures the permanent protection of the State's natural and scenic resources.

(3) Assures orderly and balanced utilization and conservation of coastal resources.

(4) Sets forth sound resources conservation principles in objectives, goals, and regulations.

(5) Provides for an infrastructure which can protect regional, State, and national interests by assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the public, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources.

Without the implementation of rationally based land and water use management programs, intense short-term uses and gains, such as provided by residential or industrial development, might be realized. However, such uses would most likely result in long-term restrictions on coastal resource use and benefit because of degradation of the environment. Without proper management the traditional conflicts between coastal resource users -- residential, commercial, industrial, recreational, agricultural, and wildlife -- could be expected to occur.

By providing a sound basis for decision-making, and by protecting the important segments of the natural system, the management program will directly contribute to the long-term maintenance of the environment.

Public use and access preserves many options for future public use that may have been foreclosed without the program.

It has often been the case that where restrictions are imposed, on a proposed development, that technical and innovative improvements are generated, thereby bringing more returns from less opportunity.

Implementation of the program will result in minimization of the social costs which inevitably accompany environmentally destructive development, the mitigation of which requires public investment.

PART VII

IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

The approval of the California Coastal Management Program will not in itself lead to the loss of resources that a site specific project would. Tradeoffs will have to be made based on policy guidance from the Coastal Act. For instance, some urbanized areas or less intensive industrial areas may receive greater development pressures and a commitment of the surrounding resources because of the policy to concentrate development in already developed areas.

Also, the program provides that priority will be given to coastal-dependent development (industrial, commercial, and recreational) which in turn is often the most damaging to the development and is located in the coastal zone to utilize the resources. However, in almost all cases, the program establishes criteria and standards for siting and requires that strong mitigation measures be taken. Development will occur in the absence of program approval, but the California Coastal Management Program will channel such activity toward appropriate but discreet sites based on specific land and water use consideration.

The existing economic system of allocating coastal resources among various uses has been labeled as "wasteful" and is not a system which has generally allowed the theoretical maximization of economic benefits. It is believed that the only way to correct the misallocation of resources resulting from the present system of the private market being regulated by an uncoordinated array of Federal, State, and local regulations, is to allow for a carefully reasoned and coordinated public intervention tc take place. This is the basis of the Federal and State coastal management program. Therefore, until it is proven different, it can be expected that there will be a net economic as well as an environmental gain through the use of a coordinated comprehensive plan and program at both the State and local government level.

The program contains numerous proposed immediate acquisition areas to come under public ownership. If these sites are acquired and/or restored, they would be taken off the tax base to local government and be precluded from further development. While this is a commitment of these resources, it does not necessarily follow that it is an irreversible or irretrievable commitment; indeed, one can state that future options will continue to remain open as long as these areas are properly managed.

PART VIII

CONSULTATION AND COORDINATION

Extensive consultation, coordination, and input has been received in developing the California Coastal Management Program and likewise this draft EIS. Because the program was developed with the natural and human environment in mind many alternatives have been condisered.

The Office of Coastal Zone Management requires that a State conduct an environmental impact assessment on their coastal management program prior to any approval of the program. This assessment is then used in developing the draft EIS. Additional input has been received from various Federal agencies throughout the duration of a State's program development period, on such things as the impact of the program on the Federal agency programs as well as an analysis of the program.

The development of the California Coastal Management Program has been one of the most thorough, well publicized and documented processes ever, and rather than redescribe this very substantial State effort, the reader is invited to read several relevant sections of documents which pertain to consultation, coordination, and the public and private interest input which has been solicited and acted upon. The following references pertain:

1. "How the Coastal Plan Was Prepared," p. 430 of the Coastal Plan.

2. Part II, Chapter 13 of this draft EIS.

3. Additional documentation exists at OCZM dealing with Federal, State, and local government participation and public involvement.

Coordination with all local, State, Federal, public, and private interests remains a key component of the California Coastal Management Program. Local governments will have the major responsibilities for the Coast and they, are the most accessible and accountable to their constituents. Local governments are required to bring their General Plans into conformity with the Coastal Act after which the Coastal Commission would certify and approve their plans. Continuous consultation and coordination will thus continue at all institutional levels during the local plan development, the State permit and appeals system and subsequently, the local accountability to the public.

APPENDIX 1

THE CALIFORNIA COASTAL ACT (SB 1277)

AND

STATE COASTAL CONSERVANCY (AB 3544)

APPENDIX 1a

THE CALIFORNIA COASTAL ACT (SB 1277)

SB.1277 (Smith et al) 7/22/76
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SB 1277

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 20 (commencing with Section 30000) is added to the Public Resources Code to read:

DIVISION 20, CALIFORNIA COASTAL ACT

Chapter 1. FINDINGS AND DECLARATIONS AND GENERAL PROVISIONS

30000. This division shall be known and may be cited as the California Coastal Act of 1976.

30001. The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

30001.2. The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

30002. The Legislature further finds and declares that:

(a) The California Coastal Zone Conservation Commission, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), has made a detailed study of the coastal zone; that there has been extensive participation by other governmental agencies, private interests, and the general public in the study; and that, based on the study, the commission has prepared a plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone.

(b) Such plan contains a series of recommendations which require implementation by the Legislature and that some of those recommendations are appropriate for immediate implementation as provided for in this division while others require additional review.

30003. All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.

30004. The Legislature further finds and declares that:

(a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.

(a) To achieve maximum responsiveness to local conditions, accountability, and public planning procedures and enforcement.

(b) To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission.

30005. No provision of this division is a limitation on any of the following:

(a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone.

(b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General to bring an action in the name of the people of the state to enjoin any waste or pollution of the resources of the coastal zone or any nuisance.

(d) On the right of any person to maintain an appropriate action for relief against a private nuisance or for any other private relief.

30006. The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

30007. Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

30007.5. The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

30008. This division shall constitute California's coastal zone management program within the coastal zone for purposes of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) and any other federal act heretofore or hereafter enacted or amended that relates to the planning or management of coastal zone resources; provided, however, that pursuant to the Federal Coastal Zone Management Act of 1972, excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents.

30009. This division shall be liberally construed to accomplish its purposes and objectives.

30010. The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the regional commission, the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Chapter 2. DEFINITIONS

30100. Unless the context otherwise requires, the definitions in this chapter govern the interpretation of this division.

30100.5. "Coastal county" means a county or city and county which lies, in whole or in part, within the coastal zone.

30101. "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

30101.5. "Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600.

30102. "Coastal plan" means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

30103. (a) "Coastal zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

(b) The commission shall, within 60 days after its first meeting, prepare and adopt a detailed map, on a scale of one inch equals 24,000 inches for the coastal zone and shall file a copy of such map with the county clerk of each coastal county. The purpose of this provision is to provide greater detail than is provided by the maps identified in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division. The commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary, but in no event more than 100 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or manmade features.

30105. (a) "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

(b) "Regional Commission" means any regional coastal commission. Whenever the term regional coastal zone conservation commission appears in any law, it means the regional coastal commission.

30106. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

30107. "Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

30107.5 "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

30108. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

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

30108.4. "Implementing actions" means the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to Section 30502.

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

30108.55 "Local coastal element" is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate.

30108.6 "Local coastal program" means a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.

30109. "Local government" means any chartered or general law city, chartered or general law county, or any city and county.

30110. "Permit" means any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

30111. "Person" means any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

30112. "Port governing body" means the Board of Harbor Commissioners or Board of Port Commissioners which has authority over the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District.

30113. "Prime agricultural land" means those lands defined in Section 51201 of the Government Code.

30114. "Public works" means the following:

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities and any development by a special district.

(d) All community college facilities.

30115. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

30116. "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

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

30118.5. "Special treatment area" means an identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely affect public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

30119. "State University or College" means the University of California and the California State University and Colleges.

30120. "Treatment works" shall have the same meaning as set forth in the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

30121. "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Chapter 3. COASTAL RESOURCES PLANNING AND MANAGEMENT POLICIES

Article 1. General

30200. Consistent with the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

Article 2. Public Access

30210. In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

Article 3. Recreation

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Article 4. Marine Environment

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

30233. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible, mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to the 19 coastal

wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California" shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of South San Diego Bay, if otherwise in accordance with this division.

30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or, (3) developments where the primary function is the improvement of fish and wildlife habitat.

Article 5. Land Resources

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(d) By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242. All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

30243. The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of non-commercial size shall be limited to providing for necessary timber processing and related facilities.

30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Article 6. Development

30250. (a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases, for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high-intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

30253. New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland.

Article 7. Industrial Development

30260. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-

dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

30261. (a) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(b) Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk to life due to accident or until guaranteed supplies of liquefied natural gas and distribution system dependence on liquefied natural gas are substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm.

Until the risks inherent in liquefied natural gas terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations, terminals shall be built only at sites remote from human population concentrations. Other unrelated development in the vicinity of a liquefied natural gas terminal site which is remote from human population concentrations shall be prohibited. At such time as liquefied natural gas marine terminal operations are found consistent with public safety, terminal sites only in developed or industrialized port areas may be approved.

30262. Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water-quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

30263. (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

30264. Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

Chapter 4. CREATION, MEMBERSHIP, AND POWERS OF COMMISSION AND REGIONAL COMMISSIONS

Article 1. Creation, Membership of Commission and Regional Commission

30300. There is in the Resources Agency the California Coastal Commission and, until not later than June 30, 1979, six regional coastal commissions.

30301. The commission shall consist of the following 15 members:

(a) The Secretary of the Resources Agency.

(b) The Secretary of the Business and Transportation Agency.

(c) The Chairperson of the State Lands Commission.

(d) Six representatives of the public, who shall not be members of any regional commission, from the state at large. The Governor, the Senate Rules Committee, and the Speaker of the Assembly shall each appoint two of such members.

(e) Six representatives from the regional commissions, selected by each regional commission from among its members. Within 60 days after the termination of any regional commission pursuant to Section 30305, the member on the commission shall be replaced by a county supervisor or city councilperson who shall reside within a coastal county of such region, to be appointed as follows:

(1) Upon the termination of the first regional commission, the Governor shall appoint the first member under this subdivision.

(2) Upon the termination of the second regional commission, the Senate Rules Committee shall appoint the second member under this subdivision.

(3) Upon the termination of the third regional commission, the Speaker of the Assembly shall appoint the third member under this subdivision.

(4) Upon the termination of the fourth, fifth, and sixth regional commissions, the process of appointment of the members of commissions under paragraphs (1), (2), and (3) of this subdivision shall be repeated in that order.

In any event, each regional commission's representative on the commission shall continue to serve until the new member has been appointed pursuant to this subdivision.

30301.2 (a) The appointments of the Governor, the Senate Rules Committee, and the Speaker of the Assembly, pursuant to subdivision (e) of Section 30301, shall be made in the following manner: Within 30 days after the termination of a regional commission, the boards of supervisors and city selection committee of each county within the region shall nominate supervisors or council members from which the Governor, Senate Rules Committee, or Speaker of the Assembly shall appoint a replacement. In regions composed of three counties, the boards of supervisors and the city selection committee in each county within the region shall each nominate one or more supervisors or council members. In regions composed of two counties, the boards of supervisors and the city selection committee in each county within the region shall each nominate no less than two supervisors and two council members. In regions composed of one county, the board of supervisors and city selection committee in the county shall nominate no less than three supervisors and three council members. Immediately upon selecting the nominees, the board of supervisors and city selection committee shall send the names of the nominees to either the Governor, the Senate Rules Committee, or the Speaker of the Assembly whoever will appoint the replacement.

(b) Within 30 days after receiving the names of the nominees pursuant to subdivision (a), the Governor, the Speaker of the Assembly, or the Senate Rules Committee, whoever will appoint the replacement, shall either appoint one of the nominees or notify the boards of supervisors and city selection committees within the region that none of the nominees are acceptable and request the boards of supervisors and city selection committees to make additional nominees. Within 60 days after receipt of a notice rejecting all the nominees, the boards of supervisors and city selection committees within the region shall nominate and send to the appointing authority additional nominees pursuant to subdivision (a). Upon receipt of the names of the nominees, the appointing authority shall appoint one of the nominees.

30301.5. (a) Members of the commission serving under subdivision (a), (b), or (c) of Section 30301 shall be nonvoting members and may appoint a designee to serve at his or her pleasure who shall have all the powers and duties of such member pursuant to this division.

(b) Any county supervisor or city councilperson appointed to the commission pursuant to subdivision (e) of Section 30301, may, subject to the confirmation of his or her appointing power, appoint an alternate member to represent him or her on the commission. The alternate shall serve at the pleasure of the county supervisor or city councilperson who appointed him or her and shall have all the powers and duties of a member of the commission. Applicable provisions of Section 30314 shall apply to alternates appointed pursuant to this subdivision.

30302. The six regional commissions shall be constituted as follows:

(a) The North Coast Regional Commission for Del Norte, Humboldt, and Mendocino Counties shall consist of the following members:

(1) One supervisor and one city concilperson from each county.

(2) Six representatives of the public.

(b) The North Central Coast Regional Commission for Sonoma, Marin, and San Francisco Counties shall consist of the following members:

(1) One supervisor and one city councilperson from Sonoma County and Marin County.

(2) Two supervisors of the City and County of San Francisco.

(3) One delegate of the Association of Bay Area Governments.

(4) Seven representatives of the public.

(c) The Central Coast Regional Commission for San Mateo, Santa Cruz, and Monterey Counties shall consist of the following members:

(1) One supervisor and one city councilperson from each county.

(2) One delegate of the Association of Bay Area Governments.

(3) One delegate of the Association of Monterey Bay Area Governments.

(4) Eight representatives of the public.

(d) The South Central Coast Regional Commission for San Luis Obispo, Santa Barbara, and Ventura Counties shall consist of the following members:

(1) One supervisor and one city councilperson from each county.

(2) Six representatives of the public.

(e) The South Coast Regional Commission for Los Angeles and Orange Counties shall consist of the following members:

(1) One supervisor from each county.

(2) One city councilperson from the City of Los Angeles nominated by majority vote of such city council and appointed by the president of such city council.

(3) One city councilperson from Los Angeles County from a city other than Los Angeles.

(4) One city councilperson from Orange County.

(5) One delegate of the Southern California Association of Governments.

(6) Six representatives of the public.

(f) The San Diego Coast Regional Commission for San Diego County, shall consist of the following members:

(1) Two supervisors from San Diego County and two city councilpersons from San Diego County, at least one of whom shall be from a city which lies, in whole or in part, within the coastal zone.

(2) One city councilperson from the City of San Diego, selected by the city council of such city.

(3) One member of the San Diego Comprehensive Planning Organization.

(4) Six representatives of the public.

30303. The members of the regional commissions shall be selected or appointed as follows:

(a) All supervisors, by the board of supervisors on which they sit.

(b) All city councilpersons, except under paragraph (2) of subdivision (e) and paragraph (2) of subdivision (f) of Section 30302, by the city selection committee of their respective counties.

(c) All delegates of regional agencies, by their respective agency.

(d) All members representing the public at large, equally by the Governor, the Senate Rules Committee, and the Speaker of the Assembly; provided, however, that the

extra member under paragraph (4) of subdivision (b) of Section 30302 shall be appointed by the Governor and the extra members under paragraph (4) of subdivision (c) of Section 30302 shall be appointed one by the Senate Rules Committee and one by the Speaker of the Assembly, respectively.

30304. A member of a regional commission who is also a supervisor from a county or city and county with a population greater than 400,000 may, subject to confirmation by his or her appointing power, appoint an alternate member to represent him or her at any regional commission meeting. The alternate shall serve at the pleasure of the member who appointed him or her and shall have all the powers and duties as a member of the regional commission, except that the alternate shall only participate and vote in meetings in the absence of the member who appointed him or her.

An alternate shall not be eligible for appointment to the commission as a regional representative to the commission.

30304.5 (a) The regional commission shall be established pursuant to the provisions of this chapter and shall, no later than January 11, 1977, select their representatives to the commission.

(b) A regional commission shall take no action, other than selecting a representative to the commission as provided in subdivision (a), and shall have no powers, duties, or responsibilities pursuant to the provisions of this division unless and until the commission, pursuant to subdivision (c), has certified that the regional commission for any region is necessary to expedite the review of local coastal programs and coastal development permit applications pursuant to the provisions of this division.

(c) The commission shall review the anticipated workload relative to the processing and review of local coastal programs and coastal development permits within each region of the coastal zone. If the commission determines that its workload and the anticipated workload within any region is of such magnitude that unreasonable delays will result unless the appropriate regional commission is authorized to review and process local coastal programs and coastal development permit applications, the commission shall, by majority vote of its appointed members, certify that such regional commission is necessary to carry out the provisions of this division. Upon certification by the commission pursuant to this subdivision, the appropriate regional commission shall assume all the powers, duties and responsibilities provided in this division.

(d) In the absence of a certification pursuant to subdivision (c), the commission shall, within any region of the coastal zone, assume all the powers, duties, and responsibilities of the regional commission as provided in this division. After certification pursuant to subdivision (c), the powers, duties and responsibilities of the commission and the appropriate regional commission shall be exercised in the manner provided in this division.

30305. Each regional commission shall terminate within 30 days after the last local coastal program required within its region pursuant to Chapter 6 (commencing with Section 30500) of this division has been certified and all implementing devices have become effective or June 30, 1979, whichever is the earlier date. Upon the termination of any regional commission, the commission shall succeed to any and all of such regional commission's obligations, powers, duties, responsibilities, benefits, or legal interests.

Article 2. Qualifications and Organization

30310. (a) It is the intent of the Legislature to provide, to the maximum extent possible, for a smooth transition and continuity between the coastal program established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) and this division. Except with respect to appointments made pursuant to subdivision (e) of Section 30301, at least one-half of each of the commission and regional commission member appointments by the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall be persons who on November 30, 1976, were serving as members of the California Coastal Zone Conservation Commission or regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) unless such persons are not available for such appointment.

(b) In making their appointments pursuant to this division, the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall make good faith efforts to assure that their appointments, as a whole, reflect, to the greatest extent feasible, the economic, social, and geographic diversity of the state.

30311. Notwithstanding any other provision of law, each member of the commission and each regional commission shall be appointed or selected on or before January 2, 1977.

30312. The terms of office of commission and regional commission members shall be as follows:

(a) Any person qualified for membership because he or she holds a specified office as a locally elected official shall serve at the pleasure of his or her selecting or appointing authority; provided, however, that such membership shall cease when his or her term of office as a locally elected official ceases.

(b) Any member appointed by the Governor, the Senate Rules Committee, or the Speaker of the Assembly shall serve for two years at the pleasure of their appointing power. Such members may be reappointed for succeeding two-year periods.

(c) Members of the commission who are representatives of a regional commission shall serve on the commission at the pleasure of the regional commission.

30313. Vacancies that occur shall be filled within 30 days after the occurrence of the vacancy, and shall be filled in the same manner in which the vacating member was selected or appointed.

30314. Except as provided in this section, members or alternates of the commission or any regional commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement for such expenses is not otherwise provided or payable by another public agency or agencies, and shall receive fifty dollars ($50) for each full day of attending meetings of the commission or of any regional commission. In addition, members or alternates of the commission shall receive twelve dollars and fifty cents ($12.50) for each hour actually spent in preparation for a commission meeting; provided, however, that for each meeting no more than eight hours of preparation time shall be compensated as provided herein.

An alternate shall be entitled to payment and reimbursement for the necessary expenses incurred in participating in regional commission or commission meetings; provided, however, that only the member or his or her alternate shall receive such payment and reimbursement, and if both the member and alternate prepare for, in the case of alternates to the commission, attend, and participate in any portion of a regional commission or commission meeting, only the alternate shall be entitled to such payment and reimbursement.

30315. The commission and regional commission shall meet at least once a month at a place convenient to the public. All meetings of the commission and each regional commission shall be open to the public.

Unless otherwise specifically provided for in this division, a majority of the total appointed membership of the commission or of the regional commission, as the case may be, shall constitute a quorum and shall be necessary to approve any action required or permitted under this division.

30316. The commission and each regional commission shall elect a chairperson and vice chairperson from among its members.

30317. The headquarters of the commission shall be in a coastal county, but it may meet and may exercise any or all of its powers in any part of the state.

The commission shall designate the location of the headquarters for each regional commission within the region of such regional commission. After the termination of a regional commission pursuant to Section 30305, the commission may maintain regional offices, if it finds that accessibility to, and participation by, the public will be better served or that the provisions of this division can be implemented more efficiently through the maintenance of such offices.

30318. Nothing in this division shall preclude or prevent any member or employee of the commission or any regional commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in such designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon such matter as a member or employee of the commission or any regional commission, as the case may be. Nothing in this section shall exempt any such member or employee of the commission or any regional commission, from any other provision of this article.

Article 3. Powers and Duties

30330. The commission, unless specifically otherwise provided, shall have the primary responsibility for the implementation of the provisions of this division and is designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) or any amendment thereto or any other federal act heretofore or hereafter enacted that relates to the planning or management of the coastal zone.

In addition to any other authority, the commission may, except for a facility defined in Section 25110, grant or issue any certificate or statement required

pursuant to any such federal law that an activity of any person, including any local, state, or federal agency, is in conformity with the provisions of this division. With respect to any project outside the coastal zone that may have a substantial effect on the resources within the jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, and for which any certification is required pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), such certification shall be issued by the Bay Conservation and Development Commission; provided however, the commission may review and submit comments for any such project which affects resources within the coastal zone.

30331. The commission is designated the successor in interest to all remaining obligations, powers, duties, responsibilities, benefits, and interests of any sort of the California Coastal Zone Conservation Commission and of the six regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

30333. The commission may adopt rules and regulations to carry out the purposes and provisions of this division, and to govern procedures of the commission and regional commissions.

Each regional commission may adopt any regulation or take any action it deems reasonable and necessary to carry out the provisions of this devision; provided, however, that no regulation adopted by a regional commission shall take effect until the commission has first reviewed such proposed regulation and found it consistent with this division.

Except as provided in Section 30501 and subdivision (a) of Section 30620, such rules and regulations shall be adopted in accordance with the Administrative Procedure Act (commencing with Section 11370 of the Government Code), Such rules and regulations shall be consistent with this division and other applicable law.

30333.5. Notwithstanding any other provision of this division, the commission may, by a majority vote of the appointed members, remove any local coastal program or any portion thereof, any coastal development permit application or appeal therefrom, from any regional commission for direct consideration and action by the commission for direct consideration and action by the commission where to do so would expedite the review of such local coastal program or coastal development permit application pursuant to this division. The commission shall make such removal where it finds that the regional commission is not processing the local coastal program or any portion thereof, a coastal development permit application, or appeal therefrom, in a reasonably expeditious and timely manner.

30334. The commission and each regional commission, subject to the approval of the commission, may do the following:

(a) Contract for any private professional governmental services, if such work or services cannot be satisfactorily performed by its employees.

(b) Sue and be sued. The Attorney General shall represent the commission and any regional commission in any litigation or proceeding before any court, board, or agency of the state or federal government.

30334.5. In addition to the authority granted by Section 30334, the commission may apply for and accept grants, appropriations, and contributions in any form.

30335. The commission and each regional commission shall appoint an executive director who shall be exempt from civil service and shall serve at the pleasure of his or her appointing power. The commission shall prescribe the duties and salaries of each executive director, and, consistent with applicable civil service laws, shall appoint and discharge any officer, house staff counsel, or employee of the commission or any regional commission as it deems necessary to carry out the provisions of this division.

30336. The commission and each regional commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers and responsibilities provided for by this division where the local government elects to exercise such powers and responsibilities and requests assistance from the commission of regional commissions, and shall cooperate with and assist other public agencies in carrying out this division. Similarly, every public agency, including regional and state agencies and local governments, shall cooperate with the commission and any regional commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission or regional commission may require to perform its duties and to more effectively exercise its authority.

30337. The commission shall, where feasible, and in cooperation with the affected agency, establish a joint development permit application system and public hearing procedures with permit issuing agencies.

30338. By May 1, 1977, the commission, after full consultation with the State Water Resources Control Board, shall adopt regulations for the timing of its review of proposed treatment works pursuant to the provisions of subdivision (c) of Section 30412.

30339. The commission and each regional commission shall:

(a) Ensure full and adequate participation by all interested groups and the public at large in the commission's and each regional commission's work programs.

(b) Ensure that timely and complete notice of commission and regional commission meetings and public hearings is disseminated to all interested groups and the public at large.

(c) Advise all interested group and the public at large as to effective ways of participating in commission and regional commission proceedings.

(d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to the provisions of this division, and additional measures to assure open consideration and more effective public participation in such programs or activities.

30340. The commission shall be responsible for the management and budgeting of any and all funds that may be appropriated, allocated, granted, or in any other way made available to the commission or any regional commission for expenditure.

30341. The commission or any regional commission, with the commission's approval, may prepare and adopt any additional plans and maps and undertake any studies it deems necessary and appropriate to better accomplish the purposes, goals, and policies of this division; provided, however, that such plans and maps shall only be adopted after public hearing.

30342. The commission shall evaluate progress being made toward implementation of the provisions of this division and shall submit a report to the Governor and Legislature on January 1 of every other year, commencing on January 1, 1979.

Chapter 5. STATE AGENCIES

Article 1. General

30400. It is the intent of the Legislature to minimize duplication and conflicts among existing state agencies carrying out their regulatory duties and responsibilities.

30401. Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency.

This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), provided however, neither the commission nor any regional commission shall set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.

30402. All state agencies shall carry out their duties and responsibilities in conformity with this division.

30403. It is the intent of the Legislature that the policies of this division and all local coastal programs prepared pursuant to Chapter 6 (commencing with Section 30500) should provide the common assumptions upon which state functional plans for the coastal zone are based in accordance with the provisions of Section 65036 of the Government Code.

30404. The commission shall: periodically in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry, the State Water Resources Control Board and the California regional water quality control boards, the State Air Resources Board and air pollution control districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, the Division of Mines and Geology, the Division of Oil and Gas, and the State Lands Commission, and may, with respect to any other state agency, submit recommendations designed to encourage it to carry out its functions in a manner consistent with this division. The recommendations may include proposed changes in administrative regulations, rules, and statutes.

Each such state agency shall review and consider such recommendations and shall, within six months after receipt and in the event the recommendations are not implemented, report to the Governor and the Legislature its action and reasons therefor. Such report shall also include the agency's comments on any legislation which may have been proposed by the commission.

Article 2. State Agencies

30410. (a) The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and Title 7.2

(commencing with Section 66600) of the Government Code to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978.

(b) It is the intent of the Legislature that the ports under the jurisdiction of the San Francisco Bay Conservation and Development Commission, including the Ports of San Francisco, Oakland, Richmond, Redwood City, Encinal Terminals, and Benicia, should be treated no less favorably than the ports under the jurisdiction of the commission covered in Chapter 8 (commencing with Section 30700) under the terms of any legislation which is developed pursuant to such study.

30411. (a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and neither the commission nor any regional commission shall establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by such agencies pursuant to specific statutory requirements or authorization.

(b) The Department of Fish and Game, in consultation with the commission and the Department of Navigation and Ocean Development, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section 30233. Any such study shall include consideration of all of the following:

(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values.

30412. (a) In addition to the provisions set forth in Section 13142.5 of the Water Code, the provisions of this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.

(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate the provisions of this section. Neither the commission nor any regional commission shall, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, regional commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out the provisions of this division.

(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of such development:

(1) The siting and visual appearance of treatment works within the coastal zone.

(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for such service areas to allow for phasing of development and use of facilities consistent with this division.

(3) Development, projections, which determine the sizing of treatment works for providing service within the coastal zone.

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission and any regional commission.

(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone

adequate for the protection of coastal resources consistent with the provisions of this division.

(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.

30413. (a) In addition to the provisions set forth in subdivision (d) of Section 30241, and in Sections 25302, 25500, 25507, 25508, 25514, 25516.1, 25519, 25523, and 25526, the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

(b) The commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of such locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issues pursuant to Section 25309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission shall every two years revise and update the designations specified in subdivision (b) of this section. The provisions of subdivision (b) of this section shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to Section 25502 prior to designation of additional locations made by the commission pursuant to this subdivision.

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 with respect to any thermal powerplant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in such proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the coastal zone. The commission shall analyze each notice of intent and shall, prior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in such notice of intent. The commission's report shall contain a consideration of, and findings regarding, all of the following:

(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.

(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.

(4) The potential adverse environmental effects on fish and wildlife and their habitats.

(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

(7) Such other matters as the commission deems appropriate and necessary to carry out the provisions of this division.

(e) The commission may, at its discretion, participate fully in other proceedings conducted by the State Energy Resources Conservation and Development Commission pursuant to its powerplant siting authority. In the event the commission participates in any public hearings held by the State Energy Resources Conservation and Development Commission, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

(f) The State Energy Resources Conservation and Development Commission shall forward a copy of all reports it distributes pursuant to Sections 25302 and 25306 to the commission and the commission shall, with respect to any report that relates

to the coastal zone or coastal zone resources, comment on such reports, and shall in its comments include a discussion of the desirability of particular areas within the coastal zone as designated in such reports for potential powerplant development. The commission may propose alternate areas for powerplant development within the coastal zone and shall provide detailed findings to support the suggested alternatives.

30414. (a) The State Air Resources Board and local air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. Neither the commission nor any regional commission shall modify any ambient air quality or emission standard established by the State Air Resources Board or any local air pollution control district in establishing ambient air quality or emission standards.

(b) The State Air Resources Board and any local air pollution control district may recommend ways in which actions of the commission or any regional commission can complement or assist in the implementation of established air quality programs.

30415. The Director of the Office of Planning and Research shall, in cooperation with the commission and other appropriate state agencies, review the policies of this division. If the director determines that effective implementation of any policy, requires the cooperative and coordinated efforts of several state agencies, he shall no later than July 1, 1978, and from time to time thereafter, recommend to the appropriate agencies actions that should be taken to minimize potential duplication and conflicts and which could, if taken, better achieve effective implementation of such policy. The director shall, where appropriate and after consultation with the affected agency, recommend to the Governor and the Legislature how the programs, duties, responsibilities, and enabling legislation of any state agency should be changed to better achieve the goals and policies of this division.

30416. (a) The State-Lands Commission, in carrying out its duties and responsibilities as the state agency responsible for the management of all state lands, including tide and submerged lands, in accordance with the provisions of Division 6 (commencing with Section 6001), shall, prior to certification by the commission pursuant to Chapters 6 (commencing with Section 30500) and 8 (commencing with Section 30700) review, and may comment on any proposed local coastal program or port master plan that could affect state lands.

(b) No power granted to any local government, port governing body, or special district, under this division, shall change the authority of the State Lands Commission over granted or ungranted lands within its jurisdiction or change the rights and duties of its lessees or permittees.

(c) Boundary settlements between the State Lands Commission and other parties and any exchanges of land in connection therewith shall not be a development within the meaning of this division.

(d) Nothing in this division shall amend or alter the terms and conditions in any legislative grant of lands, in trust, to any local government, port governing body, or special district; provided, however, that any development on such granted lands shall, in addition to the terms and conditions of such grant, be subject to the regulatory controls provided by Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700).

30417. (a) In additions to the provisions set forth in Section 4551.5, the provisions of this section shall apply to the State Board of Forestry.

(b) Within 180 days after January 1, 1977, the commission shall identify special treatment areas within the coastal zone in order to assure that natural and scenic resources are adequately protected. The commission shall forward to the State Board of Forestry maps of the designated special-treatment areas together with specific reasons for such designations and with recommendations designed to assist the State Board of Forestry in adopting rules and regulations which adequately protect the natural and scenic qualities of such special treatment areas.

30418. (a) Pursuant to Division 3 (commencing with Section 3000), the Division of Oil and Gas of the Department of Conservation is the principal state agency responsible for regulating the drilling, operation, maintenance, and abandonment of all oil, gas, and geothermal wells in the state. Neither the commission, regional commission, local government, port governing body, or special district shall establish or impose such regulatory controls that duplicate or exceed controls established by the Division of Oil and Gas pursuant to specific statutory requirements or authorization.

This section shall not be construed to limit in any way, except as specifically provided, the regulatory controls over oil and gas development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700).

(b) The Division of Oil and Gas of the Department of Conservation shall cooperate with the commission by providing necessary data and technical expertise regarding proposed well operations within the coastal zone.

Chapter 6. IMPLEMENTATION

Article 1. Local Coastal Program

30500. (a) Each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction. However, any such local government may request the commission to prepare a local coastal program, or a portion thereof for the local government; provided, such request is submitted to the commission, in writing, not later than July 1, 1977. Each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

(b) Amendments to a local general plan for the purpose of developing a certified local coastal program shall not constitute an amendment of a general plan for purposes of Section 65361 of the Government Code.

(c) The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and an appropriate regional commission, and with full public participation.

30501. The commission shall, within 90 days after January 1, 1977, adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of any local coastal program, including, but not limited to, all of the following:

(a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics.

(b) A schedule for the processing of all local coastal programs and specific guidelines to be followed by each regional commission in establishing, within 30 days after the commission has adopted such guidelines, its own schedule for processing local coastal programs within its region; however, in no event shall a local coastal program that is prepared by a local government be required to be submitted to any regional commission prior to July 1, 1978, or later than January 1, 1980.

Local coastal programs or portions thereof, prepared by the commission shall be completed not later than July 1, 1980, and certified not later than December 1, 1980.

(c) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Such uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by any local government.

30502. (a) The commission, in consultation with affected local governments and the appropriate regional commissions, shall, not later than September 1, 1977, after public hearing, designate sensitive coastal resource areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the regional commissions and commission of other implementing actions.

(b) The designation of each sensitive coastal resource area shall be based upon a separate report prepared and adopted by the commission which shall contain all of the following:

(1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area.

(2) A specific determination that the designated area is of regional or statewide significance.

(3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access.

(4) A map of the area indicating its size and location.

(c) In sensitive coastal resource areas designated pursuant to this section, a local coastal program shall include the implementing actions adequate to protect the coastal resources enumerated in the findings of the sensitive coastal resource area report in conformity with the policies of this division.

30502.5. The commission shall recommend to the Legislature for designation by concurrent resoltuion those sensitive coastal resource areas designated by the commission pursuant to Section 30502. Recommendation by the commission to the Legislature shall place the described area in the sensitive coastal resource area category for no more than two years, or a shorter period if the Legislature specifically rejects the recommendation. If two years pass and a recommended area has not been designated by statute, it shall no longer be designated as a sensitive coastal resource area. A bill proposing such a statute may not be held in committee,

but shall be reported from committee to the floor of each respective house with its recommendation within 60 days of referral to committee.

30503. During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

30504. Special districts, which issue permits or otherwise grant approval for development or which conduct development activities that may affect coastal resources, shall submit their development plans to the affected local government pursuant to Section 65401 of the Government Code. Such plans shall be considered by the affected local government in the preparation of its local coastal program.

Article 2. Procedure for Preparation, Approval, and Certification of Local Coastal Programs

30510. Consistent with the provisions of this chapter, a proposed local coastal program may be submitted to a regional commission, if both of the following are met:

(a) It is submitted pursuant to a resolution adopted by the local government, after public hearing, that certifies the local coastal program is intended to be carried out in a manner fully in conformity with this division.

(b) It contains, in accordance with guidelines established by the commission, materials sufficient for a thorough and complete review.

30511. Local coastal programs shall be submitted in accordance with the schedule established pursuant to subdivision (b) of Section 30501. At the option of the local government, such program may be submitted and processed in any of the following ways:

(a) At one time, in which event the provisions of Section 30512 with respect to time limits, resubmission, approval, and certification shall apply; provided, however, that the zoning ordinances, zoning district maps, and, if required, other implementing actions included in the local coastal program shall be approved and certified pursuant to the standards of subdivisions (a) and (f) of Section 30513.

(b) In two phases, in which event, the land use plans shall be processed first pursuant to the provisions of Section 30512, and the zoning ordinances, zoning district maps, and, if required, other implementing actions, shall be processed thereafter pursuant to the provisions of Section 30513.

(c) In separate geographic units consisting of less than the local government's jurisdiction lying within the coastal zone, each submitted pursuant to subdivision (a) or (b); provided, that the commission finds that the area or areas proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of the affected jurisdiction.

30512. (a) The land use plan of a proposed local coastal program shall be submitted to the regional commission. The regional commission shall, within 90 days after the submittal, after public hearing, either approve or disapprove, in whole or in part, the land use plan. If the proposed land use plan is not acted upon within the 90-day period, it shall be deemed approved by the regional commission.

(b) Where a land use plan is disapproved, in whole or in part, the regional commission shall provide a written explanation and may suggest ways in which to modify the disapproved provisions. A local government may revise a disapproved land use plan and resubmit the revised version to the regional commission or it may appeal either the disapproved portion or revised version thereof to the commission. Where the proposed land use plan is approved, in whole or in part, the land use plan or the approved portion thereof shall, within 10 working days of such approval, be forwarded by the regional commission to the commission for certification.

(c) The commission shall, not less than 21 days nor more than 45 days after a land use plan has been submitted or appealed to it, determine by majority vote, after a public hearing, whether specific provisions of the land use plan raise a substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200). If the commission finds no substantial issue, the decision of the regional commission shall be final, and in the case of regional commission approvals, the land use plan shall be deemed certified. If the commission determines a substantial issue is raised, it shall, following public hearing and within 60 days form receipt of the land use plan, either refuse certification or certify, in whole or in part, the land use plan.

(d) If the commission refuses certification, in whole or in part, it shall send a written explanation for such action to the appropriate local government and regional commission. A revised land use plan may be resubmitted directly to the commission for certification.

(e) A regional commission shall approve and the commission shall certify, or the commission shall approve and certify where there is no regional commission, a land use plan, or any amendments thereto, if such commission finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of this division.

30513. The local government shall submit to the regional commission and the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter.

(a) If within 60 days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the regional commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. A regional commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the regional commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

(b) The local government may revise and resubmit the rejected zoning ordinances, zoning district maps, or other implementing actions to the regional commission or it may, within 10 days after receipt of a notice of such rejection, appeal to the commission.

(c) Any aggrieved person may appeal to the commission within 10 working days after approval or rejection of the zoning ordinances, zoning district maps, or other implementing actions by a regional commission or after the zoning ordinances, zoning district maps, or other implementing actions are deemed approved due to the failure of the regional commission to act.

(d) An appeal pursuant to subdivision (b) or (c) shall specify the action which is being appealed, the specific provision of the certified land use plan with which the zoning ordinances, zoning district maps, or other implementing actions either conform or do not conform or which will or will not be adequately carried out, and the appelant's reasons for such position. The commission, by majority vote of those present, may refuse to hear an appeal which it determines raises no substantial issue. If the commission refuses to hear an appeal, the action of the regional commission shall be final.

(e) In the absence of an appeal pursuant to subdivision (b) or (c), the commission, by a majority of those present, may, within 30 days after a zoning ordinance, zoning district map, or other implementing action has been approved by the regional commission, determine that a substantial issue is presented as to conformity with or adequacy to carry out the certified land use plan.

(f) If within 60 days after receipt of an appeal pursuant to subdivision (b) or (c) or within 30 days after a determination to review pursuant to subdivision (e), the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, such zoning ordinances, zoning district maps, or other implementing actions shall be deemed approved. The commission may only reject a zoning ordinance, zoning district map, or other implementing action on the grounds set forth in subdivision (a) and, if it does so, shall give written notice as provided in subdivision (a). The local government may revise and resubmit a rejected zoning ordinance, zoning district map, or other implementing action to the regional commission or directly to the commission in accordance with the provisions of this section.

30514. (a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government but no such amendment shall take effect until it has been certified by the commission.

(b) Any proposed amendment of a certified local coastal program shall be submitted to, and processed by, the appropriate regional commission and the commission, or the commission where there is no regional commission, in accordance with the provisions of Sections 30512 and 30513.

(c) The commission shall, by regulations, establish a procedure whereby proposed amendments to a certified local coastal program may be reviewed and designated by the executive director of the commission as being minor in nature. Proposed amendments that are designated as minor shall not be subject to the provisions of Sections 30512 and 30513 and shall take effect on the 10th working day after such designation. Amendments that allow changes in uses shall not be designated as minor.

(d) For the purpose of this section, an "amendment of a certified local coastal program" includes, but is not limited to, any action by the local government which authorizes a use of a parcel of land other than that designated in the certified local coastal program as a permitted use of such parcel.

30515. Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its cer-

tified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.

If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater that that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.

30516. (a) Approval of a local coastal program shall not be withheld because of the inability of the local government to financially support or implement any policy or policies contained in this division; provided, however, that this shall not require the approval of a local coastal program allowing development not in conformity with the policies in Chapter 3 (commencing with Section 30200).

(b) Where a certified port master plan has been incorporated in a local coastal program in accordance with Section 30711 and the local coastal program is disapproved by the regional commission or the commission, such disapproval shall not apply to the certified port master plan.

30517. The commission or the regional commission may extend, for a period of not to exceed one year, except as provided for in Section 30518, any time limitation established by this chapter for good cause.

30518. If a local coastal program has not been certified and all implementing devices become effective on or before January 1, 1981, the commission may take any of the following actions, if it finds that, in the absence of a certified local coastal program, any new development in the coastal zone would not be in conformity within the jurisdiction of the affected local government and would be inconsistent with the policies of this division:

(a) Prohibit or otherwise restrict, by regulation, the affected local government from issuing any permit or any type of entitlement for use for any development with the coastal zone, or any portion thereof, of such local government.

(b) By regulation, extend the permit requirements of Chapter 7 (commencing with Section 30600) by requiring a permit from the commission for any development within any area of the coastal zone under the jurisdiction of the affected local government.

30519. Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the regional commission or by the commission where there is no regional commission over any new development proposed within the area to which such certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing such local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

30519.5 (a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the

local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of this division.

30520. If the application of any local coastal program or part thereof is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be reinstated in the regional commission or in the commission where there is no regional commission. The reinstated permit authority shall apply as to any development which would be affected by the prohibition or stay.

30521. The Legislature hereby finds and declares that the early review of a limited number of local coastal programs may provide valuable experience for future review and processing of local coastal programs and that in consideration of the early commitments made by the involved local governments, any local coastal program prepared for that portion of a local jurisdiction designated as a pilot project area by the California Coastal Zone Conservation Commission between August 31, 1976, and October 31, 1976, shall receive priority from the regional commission and the commission by being processed ahead of other local coastal programs pursuant to the provisions of this chapter. Any such pilot project may be reviewed and approved by the appropriate regional commission and the commission without being subject to the procedures required by Section 30501; provided,that the proposed local coastal program, or portion thereof, is in conformity with the policies of Chapter 3 (commencing with Section 30200), serves as a useful model for future review of local coastal programs, and the regional commission has commenced formal review of the land use phase of a local coastal program by June 1, 1977.

30522. Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency.

Chapter 7. DEVELOPMENT CONTROLS

Article 1. General Provisions

30600. (a) In addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, on or after January 1, 1977, any person wishing to perform or undertake any development in the coastal zone, other than a facility subject to the provisions of Section 25500, shall obtain a coastal development permit.

(b) Prior to the certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing processing, review, modification, approval, or denial of a coastal development permit. Such procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government. A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.

(c) If prior to certification of its local coastal program,a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from a regional commission, the commission on appeal, or the commission where there is no regional commission.

(d) After certification of its local coastal program, a coastal development permit shall be obtained from the local government as provided for in Section 30519.

30601. Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) of Section 30600, a coastal development permit shall be obtained from the regional commission, or the commission on appeal, or the commission where there is no regional commission, for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

30602. (a) Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the regional commission, any person, including the applicant, or any two members of the regional commission or the commission to the regional commission. Such action shall become final after the 20th working day after receipt of the notice required by subdivision (c) of Section 30620.5, unless an appeal is filed within that time.

(b) Any action taken by a regional commission on a coastal development permit application pursuant to this section or Section 30600, may be appealed to the commission, in accordance with the provisions of subdivision (a) of Section 30625. Such action shall become final after the 10th working day, unless an appeal is filed within that time.

30603. (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for any of the following:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) The grounds for an appeal pursuant to paragraph (1) of subdivision (a) shall be limited to the following:

(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.

(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.

(3) The development is not compatible with the established physical scale of the area.

(4) The development may significantly alter existing natural landforms.

(5) The development does not comply with shoreline erosion and geologic setback requirements.

(c) The standard of review for any development reviewed pursuant to subdivision (a) (3) shall be in conformity with the implementing actions of the certified local coastal program.

Such action shall become final after the 10th working day, unless an appeal is filed within that time.

30604. (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

(b) After certification of the local coastal program a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

(d) Nothing in this division shall authorize the denial of a coastal development permit on grounds that a portion of the proposed development not within the coastal zone will have adverse environmental impacts outside the coastal zone; provided, however, that the portion of the proposed development within the coastal zone shall meet the requirements of this chapter.

30605. To promote greater efficiency for the planning of any public works or state university or college development projects and as an alternative to project-by-project review, plans for public works or state university or college long-range land use development plans may be submitted to the regional commission and the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any such plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether such proposed plan is consistent with the provisions of Chapter 3(commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college development project has been certified by the commission, any subsequent review by the commission of a specific project contained in such certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college, but no such amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the regional commission or the commission in the same manner as prescribed for amendment of a local coastal program.

30606. Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after such notice.

30607. Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such developments or action will be in accordance with the provisions of this division.

30607.1 Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measure shall not be required for temporary or short-term fill or diking: provided, that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

30608. (a) No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall be required to secure approval for the development pursuant to this division: provided, however, that no substantial change may be made in any such development without prior approval having been obtained under this division.

(b) If construction of the exempted development has not in good faith been pursued within three years after a claim of exemption has been requested and approved by the regional commission, the commission on appeal, or the commission where there is no regional commission, the vested right shall be presumed to have been abandoned and the development shall be required to be approved in accordance with the provisions of this division.

30609. Where, prior to January 1, 1977, a permit was isssued and expressly made subject to recorded terms and conditions that are not dedications of land or interests in land for the benefit of the public or a public agency pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), the owner of real property which is the subject of such permit may apply for modification or elimination of the recordation of such terms and conditions pursuant to the provisions of this division. Such application shall be made in the same manner as a permit application. In no event, however, shall

such a modification or elimination of recordation result in the imposition of terms or conditions which are more restrictive than those imposed at the time of the initial grant of the permit. Unless modified or deleted pursuant to this section, any condition imposed on a permit issued pursuant to the former California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall remain in full force and effect.

30610. Notwithstanding any provision in this division to the contrary, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained under this chapter.

(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(c) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under this chapter.

(d) Any category of development, or any category of development within a specifically defined geographic area, that the commission, by regulation, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and resources or on public access to, or along, the coast and that such exclusion will not impair the ability of local government to prepare a local coastal program.

(e) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, that the commission lay, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(f) Any development within an urban land area identified by the commission pursuant to this subdivision. Upon the request of the local government within whose jurisdiction the urban land area is located, the commission, in consultation with the appropriate regional commission and after public hearing, shall exclude from the permit provisions of this chapter residential areas zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area zoned and developed for such use on or before January 1, 1977, if it finds both of the following:

(1) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.

(2) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted development; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(g) Every exclusion granted under subdivisions (d) and (f) shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division. An order granting such exclusion may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded.

30610.5. Urban land areas shall, pursuant to the provisions of this section, be excluded from the permit provisions of this chapter.

(a) Upon the request of a local government, an urban land area, as specifically identified by such local government, shall, after public hearing, be excluded by the commission from the permit provisions of this chapter where both of the following conditions are met:

(1) The area to be excluded is either a residential area zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area zoned and developed for such use on or before January 1, 1977.

(2) The commission finds both of the following:

(i) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.

(ii) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted developments; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(b) Every exclusion granted under subdivision (a) of this section and subdivision (d) of Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (d) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (d) of Section 30610.

30611. When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars ($25,000).

Article 2. Development Control Procedures

30620. (a) By January 30, 1977, the commission shall, consistent with the provisions of this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. Such procedures shall include, but are not limited to, the following:

(1) Application and appeal forms.

(2) Reasonable provisions for notification to the regional commission, the commission, and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to assure that a preliminary review of such action for conformity with the provisions of this chapter can be made.

(3) Interpretive guidelines designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied in the coastal zone prior to certification of local coastal programs; provided, however, that such guidelines shall not supersede, enlarge, or diminish the powers or authority of any regional commission, the commission,or any other public agency.

(b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of such procedures to each local government within the coastal zone and shall make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines as it deems necessary to better carry out the provisions of this division.

(c) The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the regional commission or the commission of any application for a coastal development permit under this division. The funds received under this subdivision shall be expended by the commission only when appropriated by the Legislature.

30620.5 (a) A local government may exercise the option provided in subdivision (b) of Section 30600; provided it does so for the entire area of its jurisdiction within the coastal zone and after it establishes procedures for the issuance of coastal development permits. Such procedures shall incorporate, where applicable, the interpretive guidelines issued by the commission pursuant to Section 30620.

(b) If a local government elects to exercise the option provided in subdivision (b) of Section 30600, the local government shall, by resolution adopted by the governing body of such local government, notify the appropriate regional commission and the commission and shall take appropriate steps to assure that the public is properly notified of such action. The provisions of subdivision (b) of Section 30600 shall take effect and shall be exercised by the local government on the 10th working day after the date on which the resolution required by this subdivision is adopted.

(c) Every local government exercising the option provided in subdivision (b) of Section 30600, shall within five working days notify the appropriate regional commission and any person who, in writing, has requested such notification, in the manner prescribed by the commission pursuant to Section 30620, of any coastal development permit it issues.

(d) Within five working days of receipt of the notice required by subdivision (c), the executive director of the regional commission shall post at a conspicuous location in the regional commission's office, a description of the coastal development permit issued by the local government. Within 15 working days of receipt of such notice, the executive director shall, in the manner prescribed by the commission pursuant to subdivision (a) of Section 30620, provide notice of the locally issued coastal development permit to members of the regional commission, and the commission.

30620.6. The commission shall, not later than August 1, 1978, and after public hearing, adopt public notice and appeal procedures for the review of development projects appealable pursuant to Sections 30603 and 30715. The commission shall send copies of such procedures to every local government within the coastal zone and shall make them readily available to the public.

30621. The regional commission or the commission shall provide for a de novo public hearing on applications for coastal development permits and any appeals brought pursuant to this division and shall give to any affected person a written public notice of the nature of the proceeding and of the time and place of the public hearing. Notice shall also be given to any person who requests, in writing, such notification. A hearing on any coastal development permit application or an appeal shall be set no earlier than 21 days nor later than 42 days after the date on which the application or appeal is filed with the regional commission or the commission.

30622. A regional commission or the commission shall act upon the coastal development permit application or an appeal within 21 days after the conclusion of the hearing pursuant to Section 30621. Any action by a regional commission shall become final after the 10th working day, unless an appeal is filed with the commission within such time.

30623. If an appeal of any action on any development by any regional commission, any local government, or port governing body is filed with the regional commission or the commission, the operation and effect of such action shall be stayed pending a decision on appeal.

30624. The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or any regional commission without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section 30611, or for improvements to any existing structure not in excess of twenty-five thousand dollars ($25,000), and any other developments not in excess of twenty thousand dollars ($20,000). Such permit for non-emergency development shall not be effective until after reasonable public notice and adequate time for the review of such issuance has been provided. If any two members of the regional commission or the commission so request, at the first meeting following the issuance of such permit, such issuance shall not be effective, and, instead, the application shall be set for a public hearing pursuant to the provisions of the chapter.

No monetary limitations shall be required for emergencies covered by the provisions of this section.

30625. (a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or a regional commission or port governing body may be appealed to the commission by an applicant, any aggrieved person except in the case of denials by a regional commission, or any two members of the commission. The regional commission, with respect to appeals pursuant to subdivision (a) of Section 30602, or the commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections 30621 and 30622, the decision of the regional commission, the local government, or port governing body, as the case may be, shall become final, unless the time limit in Section 30621 or 30622 is waived by the applicant.

For purposes of this division failure by any regional commission to act within any time limit specified in this division shall constitute an "action taken."

(b) The regional commission with respect to appeals pursuant to subdivision (a) of Section 30602, or the commission shall hear an appeal unless it determines that the appeal raises no substantial issue, or it finds the following:

(1) With respect to appeals pursuant to subdivision (a) of Section 30602, that no significant question exists as to conformity with Chapter 3 (commencing with Section 30200).

(2) With respect to appeals to the commission after certification of a local coastal program, that no significant question exists as to conformity with the certified local coastal program.

(3) With respect to appeals to the commission after certification of a port master plan, that no significant question exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide the regional commissions, local governments, or port governing bodies in their future actions under the provisions of this division.

30626. The commission may, by regulation, provide for the reconsideration of the terms and conditions of any coastal development permit granted by a regional commission or the commission solely for the purpose of correcting any information contained in such terms and conditions.

Chapter 8. PORTS

Article 1. Findings and General Provisions

30700. For purposes of this division notwithstanding any other provisions of this division except as specifically stated in this chapter, this chapter shall govern those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District, located within the coastal zone excluding any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan, are contained within this chapter.

30700.5. The definitions of Chapter 2 (commencing with Section 30100) and the provisions of Chapter 9 (commencing with Section 30800) and Section 30900 shall apply to this chapter.

30701. The Legislature finds and declares that:

(a) The ports of the State of California constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state, and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

Article 2. Policies

30702. For purposes of this division, the policies of the state with respect to providing for port-related developments consistent with coastal protection in the port areas to which this chapter applies, which require no commission permit after certification of a port master plan and which, except as provided in Section 30715, are not appealable to the commission after certification of a master plan, are set forth in this chapter.

30703. The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

30705. (a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:

(1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basisn, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.

(2) New or expanded facilities or waterfront land for port-related facilities.

(3) New or expanded commercial fishing facilities or recreational boating facilities.

(4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.

(6) Restoration purposes or creation of new habitat areas.

(7) Nature study, mariculture, or similar resource-dependent activities.

(8) Minor fill for improving shoreline appearance or public access to the water.

(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.

(c) Dredging shall be planned, scheduled and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

30706. In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:

(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.

(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area or circulation of water.

(c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters.

(d) The fill is consistent with navigational safety.

30707. New or expanded tanker terminals shall be designed and constructed to do all of the following:

(a) Minimize the total volume of oil spilled in normal operations and accidents.

(b) Minimize the risk of collision from movement of other vessels.

(c) Have ready access to the most effective feasible oilspill containment and recovery equipment.

(d) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

30708. All port-related developments shall be located, designed and constructed so as to:

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

(e) Encourage rail service to port areas and multicompany use of facilities.

Article 3. Implementation; Master Plan

30710. Within 90 days after January 1, 1977, the commission shall, after public hearing, adopt, certify, and file with each port governing body a map delineating the present legal geographical boundaries of each port's jurisdiction within the coastal zone. The commission shall, within such 90-day period, adopt and certify after public hearing, a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan within the geographical boundaries of each port.

30711. (a) A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following:

(1) The proposed uses of land and water areas, where known.

(2) The projected design and location of port land areas, water areas, berthing and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.

(3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.

(4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistenty with the policies of Chapter 3 (commencing with Section 30200) of this division.

(5) Provisions for adequate public hearings and public participation in port planning and development decisions.

(b) A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of this division.

30712. In the consideration and approval of a proposed port master plan, the public, interested organizations, and governmental agencies shall be encouraged to submit relevant testimony, statements, and evidence which shall be considered by the port governing body. The port governing body shall publish notice of the completion of the draft master plan and submit a copy thereof to the commission and shall, upon request, provide copies to other interested persons, organizations, and governmental agencies. Thereafter, the port governing body shall hold a public hearing on the draft master plan not earlier than 30 days and not later than 90 days following the date the notice of completion was published.

30713. Ports having completed a master plan prior to January 1, 1977, shall submit a copy thereof to the commission and hold a public hearing in accordance with the provisions of Section 30712 for the purpose of reviewing such master plan for conformity with the applicable provisions of this division and, if necessary, adopting such changes as would conform such plan to the applicable provisions of this division. Notice of completion of a master plan shall not be filed prior to January 2, 1977.

30714. After public notice, hearing, and consideration of comments and testimony received pursuant to Sections 30712 and 30713, the port governing body shall adopt its master plan and submit it to the commission for certification in accordance with this chapter. Within 90 days after the submittal, the commission, after public hearing, shall certify such plan or portion of a plan and reject any portion of a plan which is not certified. If the commission fails to take action within the 90-day period, the port master plan shall be deemed certified. The commission shall certify such plan or portion of a plan if the commission finds both of the following:

(a) The master plan or certified portions thereof conforms with and carries out the policies of this chapter.

(b) Where a master plan or certified portions thereof provide for any of the developments listed as appealable in Section 30715 of this chapter, such development or developments are in conformity with all of the policies of Chapter 3 (commencing with Section 30200) of this division.

30715. Until such time as a port master plan or any portion thereof has been certified, the commission and regional commissions shall permit developments within ports as provided for in Chapter 7 (commencing with Section 30600). After a port master plan or any portion thereof has been certified, the permit authority of the commission provided in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the regional commission or by the commission over any new development contained in such a certified plan or any portion thereof and shall at that time be delegated to the appropriate port governing body, except that approvals of any of the following categories of development by the port governing body may be appealed to the commission:

(a) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and the nation. A development which has a significant impact shall be defined in the master plans.

(b) Waste water treatment facilities, except for such facilties which process waste water discharged incidental to normal port activities or by vessels.

(c) Roads or highways which are not principally for internal circulation within the port boundaries.

(d) Office and residential buildings not principally devoted to administration of activities within the port; hotels, motels and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.

(e) Oil refineries.

(f) Petrochemical production plants.

30715.5 No development within the area covered by the certified port master plan shall be approved by the port governing body unless it finds that the proposed development conforms with such certified plan.

30716. (a) A certified port master plan may be amended by the port governing body, but no such amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as provided for submission and certification of port master plans.

(b) The commission shall, by regulation, establish a procedure whereby proposed amendments to a certified port master plan may be reviewed and designated by the executive director of the commission as being minor in nature and need not comply with Section 30714. Such amendments shall take effect on the 10th working day after the executive director designates such amendments as minor.

30717. The governing bodies of ports shall inform and advise the commission in the planning and design of appealable developments authorized under this chapter, and prior to commencement of any appealable development, the governing body of a port shall notify the commission and other interested persons, organizations, and governmental agencies of the approval of a proposed appealable development and indicate how it is consistent with the appropriate port master plan and this division. An approval of the appealable development by the port governing body pursuant to a certified port master plan shall become effective after the 10th working day after notification of its approval, unless an appeal is filed with the commission within that time. Appeals shall be filed and processed by the commission in the same manner as appeals from local government actions as set forth in Chapter 7 (commencing with Section 30600) of this division. No appealable development shall take place until the approval becomes effective.

30718. For developments approved by the commission in a certified master plan, but not appealable under the provisions of this chapter, the port governing body shall forward all environmental impact reports and negative declarations prepared pursuant to the Environmental Quality Act of 1970 (commencing with Section 21000) or any environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) to the commission in a timely manner for comment.

30719. Any development project or activity authorized or approved pursuant to the provisions of this chapter shall be deemed certified by the commission as being in conformity with the coastal zone management program insofar as any such certification is requested by any Federal agency pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), National Oceanic and Atmospheric Administration, and memoranda of understanding between the state and federal governments relative thereto.

30720. If the application of any port master plan or part thereof is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be reinstated in the regional commission or in the commission where there is no regional commission. The reinstated permit authority shall apply as to any development which would be affected by the prohibition or stay.

Chapter 9. Judicial Review, Enforcement, and Penalties

Article 1. General Provisions

30800. The provisions of this chapter shall be in addition to any other remedies available at law.

30801. Any aggrieved person shall have a right to judicial review of any decision or action of the commission or a regional commission by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure, within 60 days after such decision or action has become final.

For purposes of this section and subdivision (c) of Section 30513 and Section 30625, an "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the commission, regional commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, regional commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit and, in the case of an approval of a local coastal program, the local government involved.

30802. Any person, including an applicant for a permit or the commission, aggrieved by the decision or action of a local government that is implementing a certified local coastal program or certified port master plan, which decision or action may not be appealed to the commission, shall have a right to judicial review of such decision or action by filing a petition for writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final. The commission may intervene in any such proceeding upon a showing that the matter involves a question of the conformity of a proposed development with a certified local coastal program or certified port master plan or the validity of a local government action taken to implement a local coastal program or certified port master plan. Any local government or port governing body may request that the commission intervene. Notice of any such action against a local government or port governing body shall be filed with the commission within five working days of the filing of such action. When an action is brought challenging the validity of a local coastal program or certified master plan, a preliminary showing shall be made prior to proceeding on the merits as to why such action should not have been brought pursuant to the provisions of Section 30801.

30803. Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division. On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division. No bond shall be required for an action under this section.

30804. Any person may maintain an action to enforce the duties specifically imposed upon the commission, any regional commission, any governmental agency, any special district, or any local government by this division. No bond shall be required for an action under this section.

30805. Any person may maintain an action for the recovery of civil penalties provided for in Section 30820 or 30821.

30806. Any civil action under this division by, or against, a city, county, or city and county, the commission, regional commission, special district, or any other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city, special district, or any other public agency which is a party to the action is located.

30807. Any person may maintain an action seeking an order to remove a local coastal program or any portion thereof, any coastal development permit application, or appeal therefrom, from the appropriate regional commission's consideration and to require that such local coastal program or any portion thereof, coastal development permit application or appeal therefrom, be reviewed and processed by the commission. The court may grant such order where to do so would better carry out the purposes of this division and where the court determines that such order would expedite the review of such local coastal program or any portion thereof, or of such coastal development permit application, or appeal therefrom.

Article 2. Penalties

30820. Any person who violates any provision of this division shall be subject to a civil fine of not to exceed ten thousand dollars ($10,000).

30821. In addition to any other penalties, any person who intentionally and knowingly performs any development in violation of this division, shall be subject to a civil fine of not less than fifty dollars ($50) nor more than five thousand dollars ($5,000) per day for each day in which such violation occurs.

30822. Where a person has intentionally and knowingly violated any provision of this division, the commission may maintain an action, in addition to Section 30801, for exemplary damages and may recover an award, the size of which is left to the discretion of the court. In exercising its discretion, the court shall consider the amount of liability necessary to deter further violations.

30823. Any funds derived by the commission or regional commission under this article shall be expended for carrying out the provisions of this division, when appropriated by the Legislature.

Chapter 10. Severability

30900. If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.

SEC. 2. Section 4551.5 of the Public Resources Code

is amended to read:

4551.5 Rules and regulations shall apply to the conduct of timber operations and shall include, but shall not be limited to, measures for fire prevention and control, for soil erosion control, for water quality and watershed control, for flood control, for stocking, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests, and disease, for the protection of natural and scenic qualities in special treatment areas identified pursuant to subdivision (b) of Section 30417, and for the preparation of timber harvesting plans. In developing these rules, the board shall solicit and consider recommendations from the State Forester, recommendations from the Department of Fish and Game relating to the protection of fish and wildlife, recommendations from the State Water Resources Control Board and the California regional water quality control boards relating to water quality, recommendations from the State Air Resources Board and local air pollution control districts relating to air pollution control, and recommendations of the California Coastal Commission relating to the protection of natural and scenic coastal zone resources in special treatment areas.

SEC. 3. Section 25103 of the Public Resources Code is amended to read:

25103. "Coastal zone" means the "coastal zone" as defined in Section 30103.

SEC.4. Section 25115 of the Public Resources Code is repealed.

SEC. 5. Section 25302 of the Public Resources Code is amended to read:

25302. Upon receipt of a report required under Section 25300 from an electric utility, the commission shall forward copies thereof to the Legislature, the Public Utilities Commission, the Secretary of the Resources Agency, the Director of the Office of Planning and Research, the California Coastal Commission, and other concerned state and federal agencies. The report shall also be made available, at cost, to any person upon request. The commission shall also forward copies of the report to each city and county within the service area covered by the report,and shall request that the city and county review and comment on the report in relation to estimates of population growth and economic development, patterns of land use and open space, and conservation and other appropriate elements of the adopted city or county general plan. A copy of the report shall be maintained on file for public inspection in each county.

Sec. 6. Section 25500 of the Public Resources Code is amended to read:

25500. In accordance with the provisions of this division and Division 20 (commencing with Section 30000) division, the commission shall have the exclusive power to certify all sites and related facilities in the state; except for any site and related facility proposed to be located in the coastal zone, whether a new site and related facility or a change or addition to an existing facility. The issuance of a certificate by the commission shall be in lieu of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

After the effective date of this division, no construction of any facility or modification of any existing facility shall be commenced without first obtaining certification for any site and related facility by the commission, as prescribed in this division.

SEC. 7. Section 25507 of the Public Resources Code is amended to read:

25507. If any alternative site and related facility proposed in the notice is proposed to be located, in whole or in part, within the coastal zone, the commission shall transmit a copy of the notice to the California Coastal Commission. The California Coastal Commission shall analyze the notice and prepare the report and findings prescribed by subdivision (d) of Section 30413 prior to completion of the preliminary report required by Section 25510.

SEC. 8. Section 25508 of the Public Resources Code is amended to read:

25508. The commission shall cooperate with, and render advice to, the California Coastal Commission in studying applications for any site and related facility proposed to be located, in whole or in part, within the coastal zone, if requested by the California Coastal Commission. The California Coastal Commission may participate in public hearings on the notice and on the application for site and related facility certification as an interested party in such proceedings.

SEC. 9. Section 25514 of the Public Resources Code is amended to read:

25514. No later than 120 days after distribution of the preliminary report, a final report shall be prepared and distributed. The final report shall include, but not be limited to, all of the following:

(a) The findings and conclusions of the commission regarding the conformity of the alternative sites and related facilities designated in the notice or presented at the informational hearing or hearings and reviewed by the commission with both of the following:

(1) The 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309, except as provided in Section 25514.5.

(2) The provisions of any state law or local or regional ordinance or regulation, including any long-range land use plans or guidelines adopted by the state or by any local or regional planning agency, which would be applicable but for the exclusive authority of the commission to certify sites and related facilities; and the standards adopted by the commission pursuant to Section 25216.3.

(b) Any findings and comments submitted by the California Coastal Commission pursuant to Section 25507 and subdivision (d) of Section 30413.

(c) The commission's findings on the acceptability and relative merit of each alternative siting proposal designated in the notice or presented at the hearings and reviewed by the commission. The specific findings of relative merit shall be made pursuant to the provisions of Sections 25502 to 25516, inclusive. In its findings on any alternative siting proposal, the commission may specify modification in the design, construction, location or other conditions which will meet the standards, policies, and guidelines established by the commission.

(d) Any conditions, modifications, or criteria proposed for any site and related facility proposal resulting from the commission's evaluation pursuant to subdivision (c) of Section 25512.

SEC. 10. Section 25516.1 is added to the Public Resources Code, to read:

25516.1. If a site and related facility found to be acceptable by the commission pursuant to Section 25516 is located in the coastal zone, no application for certification may be filed pursuant to Section 25519, unless the commission has determined pursuant to Section 25514 that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the commission pursuant to Section 25516.

SEC. 11. Section 25519 of the Public Resources Code is amended to read:

25519. (a) In order to obtain certification for a site and related facility, an application for certification of such site and related facility shall be filed with the commission. Such application shall be in a form prescribed by the commission and shall be filed with the commission no later than 18 months before any construction is to commence. Such application shall be for a site and related facility which has been found to be acceptable by the commission pursuant to Section 25516, or for an additional facility at a site which has been designated a potential multiple-facility site pursuant to Section 25514.5 and found to be acceptable pursuant to Sections 25516 and 25516.5. An application for an additional facility at a potential multiple-facility site shall be subject to the conditions and review specified in Section 25520.3 An application may not be filed for a site and related facility, if there is no suitable alternative for the site and related facility which was previously found to be acceptable by the commission, unless the commission has approved the notice based on the one site as specified in Section 25516.

(b) The commission, upon its own motion or in response to the request of any party, may require the applicant to submit any information, document, or data, in addition to the attachments required by subdivision (i), which it determines is reasonably necessary to make any decision on the application.

(c) Upon receipt of the application, the commission shall undertake studies and investigations necessary to comply with the environmental impact reporting procedures established pursuant to Section 21100. For purposes of preparation and approval of the environmental impact report on a proposed site and related facility, the commission shall be the lead agency as provided in Section 21165. Except as otherwise provided in Division 13 (commencing with Section 2100) the environmental impact report shall be completed within one year after receipt of the application.

(d) If the site and related facility specified in the application is proposed to be located in the coastal zone, the commission shall transmit a copy of the application to the California Coastal Commission for its review and comments.

(e) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Such local agencies shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(f) Upon receipt of an application, the commission shall cause a summary of the application to be published in a newspaper of general circulation in the county in which the site and related facilities, or any part thereof, designated in the application, is proposed to be located. The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities, and to the Attorney General.

(g) The adviser shall require that adequate notice is given to the public and that the procedures specified by this division are complied with.

(h) For any proposed site and related facility requiring a certificate of public convenience and necessity, the commission shall transmit a copy of the application to the Public Utilities Commission and request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of the proposed site and related facility. In the event the commission requires notification of the proposed facility, the commission shall consult with the Public Utilities Commission regarding the economic, financial, rate, system reliability, and service implications of such modifications.

(i) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest on the proposed site and related facilities, and shall invite the comments and recommendations of each such agency. The commission shall request any relevant laws, ordinances, or regulations which any such agency has promulgated or administered.

(j) An application for certification of any site and related facilities shall contain a listing of every Federal agency from which any approval or authorization concerning the proposed site is required, specifying the approvals or authorizations obtained at the time of the application and the schedule for obtaining any approvals or authorizations pending.

SEC. 12. Section 25523 of the Public Resources Code is amended to read:

25523. The commission shall prepare a written decision after a public hearing or hearings on an application, which shall include all of the following:

(a) Specific provisions relating to the manner in which the proposed facility is to be designed, sited, and operated in order to protect environmental quality, and assure public health and safety, and in the case of a site to be located in the coastal zone, to meet the objectives of Division 20 (commencing with Section 30000) as may be specified in the report submitted by the California Coastal Commission pursuant to subdivision (d) of Section 30413, unless the commission specifically finds that the adoption of the provisions specified in the report would result in greater adverse impact on the environment or that the provision proposed in the report would not be feasible.

(b) Findings regarding the conformity of the proposed site and related facilities with standards adopted by the commission pursuant to Section 25216.3 and subdivision (d) of Section 25402, with public safety standards and the applicable air and water quality standards, and with other relevant local, regional, state and federal standards, ordinances or laws. If the commission finds that there is noncompliance with any state, local, or regional ordinance or regulation in the application, it shall consult and meet with the state, local, or regional governmental agency concerned to attempt to correct or eliminate the noncompliance. If the noncompliance cannot be corrected or eliminated, the commission shall inform the state, local, or regional governmental agency if it makes the findings required by Section 25525.

(c) Provision for restoring the site as necessary to protect the environment, if the commission denies approval of the application.

(d) Findings regarding the conformity of the proposed facility with the 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309.

SEC. 13. Section 25526 of the Public Resources Code is amended to read:

25526. The commission shall not approve as a site for a facility any location designated by the California Coastal Commission pursuant to subdivision (b) of Section 30413, unless the California Coastal Commission first finds that such use is not inconsistent with the primary uses of such land and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such land is obtained.

SEC. 14. Section 402.1 of the Revenue and Taxation Code is amended to read:

402.1. In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Such restrictions shall include, but are not limited to: (a) zoning; (b) recorded contracts with governmental agencies other than those provided for in Section 422; (c) permit authority of, and permits issued by, governmental agencies exercising land use powers concurrently with local governments, including the California coastal commissions, the San Francisco Bay Conservation and Development Commission, and the Tahoe Regional Planning Agency; (d) development controls of a local government in accordance with any local coastal program certified pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code; (e) environmental constraints applied to the use of land pursuant to provisions of statutes.

There shall be a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

Grounds for rebutting the presumption may include but are not necessarily limited to the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

In assessing land where the presumption is unrebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

In assessing land under an enforceable use restriction wherein the presumption of no predicable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable land not under restriction but upon which natural limitations have substantially the same effect as restrictions.

For the purposes of this section:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of such land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 of the Revenue and Taxation Code is to avoid an assessment policy which, in the absence of special circumstances, considers uses for land which legally are not available to the owner and not contemplated by government, and that these sections are necessary to implement the public policy of encouraging and maintaining effective land use planning. Nothing in this statute shall be construed as requiring the assessment of any land at less than as required by Section 401 of this code or as prohibiting the use of representative comparable sales information on land under similar restrictions when such information is available.

SEC. 15. Section 13142.5 is added to the Water Code, to read:

13142.5. In addition to any other policies established pursuant to this division, the policies of the state with respect to water quality as it relates to the coastal marine environment are that:

(a) Waste water discharges shall be treated to protect present and future beneficial uses, and where feasible, to restore past beneficial uses of the receiving waters. Highest priority shall be given to improving or eliminating discharges that adversely affect any of the following:

(1) Wetlands, estuaries, and other biologically sensitive sites.

(2) Areas important for water contact sports.

(3) Areas that produce shellfish for human consumption.

(4) Ocean areas subject to massive waste discharge.

Ocean chemistry and mixing processes, marine life conditions, other present or proposed outfalls in the vicinity, and relevant aspects of areawide waste treatment management plans and programs, but not of convenience to the discharger, shall for the purposes of this section, be considered in determining the effects of such discharges. Toxic and hard-to-treat substances should be pretreated at the source if such substances would be incompatible with effective and economical treatment in municipal treatment plants.

(b) For each new or expanded coastal power plant or other industrial installation using sea water for cooling, heating or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life.

(c) Where otherwise permitted, new warmed or cooled water discharges into coastal wetlands or into areas of special biological importance, including marine reserves and kelp beds, shall not significantly alter the overall ecological balance of the receiving area.

(d) Independent baseline studies of the existing marine system should be conducted in the area that could be affected by a new or expanded industrial facility using sea water in advance of the carrying out of the development.

(d) Adequately treated reclaimed water should, where feasible, be made available to supplement existing surface and underground supplies and to assist in meeting future water requirements of the coastal zone, and that consideration, in statewide programs of financial assistance for water pollution or water quality control, shall be given to providing optimum water reclamation and use of reclaimed water.

SEC. 28. Section 16 of Senate Bill 1277 is amended to read:

SEC. 16. There is no appropriation made by this act for the 1976-77 fiscal year pursuant to Section 2231 of the Revenue and Taxation Code. However, the Legislature acknowledges that there may be direct planning and administrative costs as set forth in Section 2207 of the Revenue and Taxation Code as a result of this act in the 1976-77 fiscal year, but that such costs are indeterminable at this time. It is the intent of the Legislature that such costs to local governments be reimbursed by the state. If such state-mandated local costs result from the enactment of this act in the 1976-77 fiscal year or subsequent years, reimbursement shall be provided pursuant to Section 2231 of the Revenue and Taxation Code in the annual state budget process, except that claims for such costs which may be incurred in the 1976-77 fiscal year shall be submitted to the State Controller by October 31, 1977.

If the Legislature fails to provide full funds for state-mandated local costs approved by the State Controller as costs qualified for reimbursement under Section 2231 of the Revenue and Taxation Code in the annual state budget process or in special legislation during the 1976-77 fiscal year and each year subsequent in which state-mandated local costs have been so approved, the dates specified for the submission of the local coastal program, the implementation of a local coastal program, and the performance of any other duty required of local government or an executive order to be performed after January 1, 1977, under the provisions of Division 20 (commencing with Section 30000) of the Public Resources Code, shall be postponed by the number of years elapsing between the date the local coastal program implementing act or duty is to be performed and the year in which such funds are provided. In the event that state-mandated costs are not funded by the Legislature, the provisions of Section 30518 of the Public Resources Code shall not be affected, except that any local government whose costs are not funded may elect that the California Coastal Commission implement either subdivision (a) or (b) of Section 30518 of the Public Resources Code.

It is the policy of the state that a major portion of the funds, but in no event less than 50 percent, received by the state from the federal government for the period following July 1, 1977, pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) shall be used for the development and implementation of local coastal programs.

Funds appropriated by the Legislature for the purpose of, and pursuant to this section together with no less than 50 percent of any federal funds legally available for such purposes, shall be deposited in a local government coastal planning assistance account in the General Fund. The commission shall review and analyze all claims submitted and shall submit to the State Controller its recommendation. The State Controller shall consider the report of the commission and review claims submitted by any local government pursuant to this section to determine whether such claim planning and administrative costs are directly attributable to the operation of this act. Any such claimed costs found to be directly attributable to the operation of this act shall, when appropriated by the Legislature, be charged against and paid from the local government coastal planning assistance account.

SEC. 29. Section 17 of Senate Bill 1277 is amended to read:

SEC. 17. The coastal zone, as generally defined in Section 30103 of the Public Resources Code, shall include the land and water areas as shown on the map prepared by the California Coastal Zone Conservation Commission titled California Coastal Zone dated August 11, 1976, and on file with the Secretary of State.

SEC. 30. This act shall become effective only if Senate Bill No. 1277 is enacted by the Legislature at its 1975-76 Regular Session, and in such case, at the same time as Senate Bill No. 1277 takes effect.

SEC. 31. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

APPENDIX 1b

STATE COASTAL CONSERVANCY (AB 3544)

The people of the State of California do enact as follows:

SECTION 1. Division 21 (commencing with Section 31000) is added to the Public Resources Code, to read:

DIVISION 21. STATE COASTAL CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

31000. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

31001. "Certified local coastal plan or program" means any plan or program certified by the commission pursuant to Chapter 6 (commencing with Section 30500) of Division 20.

31002. "Conservancy" means the State Coastal Conservancy.

31004. "Commission" means the California Coastal Commission established under Chapter 4 (commencing with Section 30300) of Division 20.

31006. "Coastal zone" means that area of the state as defined in Section 30103.

31007. "Coastal restoration project" means any action taken by a local public agency or the conservancy to correct undesirable development patterns in the coastal zone, including those defined in Section 33032 or 33032.1 of the Health and Safety Code.

31008. "Coastal resource enhancement project" means actions taken by a local public agency or a state agency necessary to restore, as nearly as possible, degraded natural areas to their original condition or to enhance the resource values of a coastal zone.

31009. "Department" means the Department of Parks and Recreation.

31010. "Local public agency" means a city, county, or city and county.

CHAPTER 2. DECLARATION OF STATE POLICY AND GENERAL PROVISIONS

31050. The Legislature finds and declares that the agricultural lands located within the coastal zone contribute substantially to the state and national food supply and are a vital part of the state's economy.

31051. The Legislature further finds and declares that agricultural lands located within the coastal zone should be protected from intrusion of nonagricultural uses, except where conversion to urban or other uses is in the long-term public interest.

31052. The Legislature further finds and declares that lands within the coastal zone, principally in rural areas, are vacant or improperly utilized because of inadequate circulation patterns, poor lot layout, scattered ownerships, lack of recreation and open space, and other conditions which adversely affect the coastal environment and reduce opportunities for orderly development.

31053. The Legislature further finds and declares that important fish and wildlife habitat, natural areas, and scenic and environmental resources within the coastal zone have been degraded due to indiscriminate dredging, filling, and the intrusion of incompatible land uses.

31054. It is the policy of the state and the intent of the Legislature to provide for the State Coastal Conservancy, which should report to the Governor and to the Legislature, with responsibility for implementing a program of agricultural protection, area restoration, and resource enhancement in the coastal zone within policies and guidelines established pursuant to Division 20 (commencing with Section 30000).

31055. No funds may be expended or granted under this division, unless and until such funds are appropriated by the Legislature.

CHAPTER 3. ESTABLISHMENT AND FUNCTIONS OF THE STATE COASTAL CONSERVANCY

31100. There is in the Resources Agency the State Coastal Conservancy, consisting of the following five members:

(a) The chairman of the commission.
(b) The Secretary of the Resources Agency.
(c) The Director of Finance.
(d) Two members of the public appointed by the Governor.

Except for members appointed pursuant to subdivision (d), the members of the conservancy may designate one of their employees to serve on the conservancy in their absence.

31101. The members appointed under subdivision (d) of Section 31100 shall serve for a term of four years. Such members shall be compensated for attendance at regular meetings of the conservancy at the rate of one hundred dollars ($100) per day, and shall be reimbursed for the actual and necessary expenses, including traveling expenses, incurred in the performance of their duties.

31102. The Secretary of the Resources Agency shall serve as the chairman of the conservancy. A majority of the total authorized membership of the conservancy shall constitute a quorum for the transaction of any business under this division. The conservancy shall adopt its own regulations.

31103. The conservancy shall determine the qualifications of, and it shall appoint and fix the salary of, the executive officer to the conservancy, who shall be exempt from civil service, and shall appoint such other staff as may be necessary to carry out the powers and functions set forth in this division. To the maximum extent possible, the conservancy shall utilize the staff of the commission for purposes of planning and project evaluation, and the staff of the Real Estate Services Division of the Departmental of General Services in carrying out acquisition, leasing, disposal, and other real property transactions authorized under this division.

31104. The conservancy may apply for and accept federal grants and receive gifts, donations, subventions, rents, royalties, and other financial support from public and private sources.

31105. The conservancy is authorized to acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2 of the Government Code) real property or any interests therein for all of the purposes specified in this division.

31106. The State Public Works Board may, pursuant to Section 31105, use the power of eminent domain for the purposes specified in this division.

31107. The Director of General Services, when so requested by the conservancy, may lease, rent, sell, or exchange any land acquired pursuant to this division; provided, however, that such action shall guarantee continued use of such lands for agricultural purposes, or for other purposes established in this division. Leases executed pursuant to the provisions of this division shall not provde for a period longer than 10 years.

31108. Commencing on January 2, 1980, and every third year thereafter, the conservancy shall prepare and submit to the Governor and to the Legislature a report describing progress in achieving the objectives of this division. The report shall include the following:

(a) An evaluation of the effectiveness of the conservancy's programs in preserving agricultural lands, restoring coastal habitat, providing public access to the coastline, and in undertaking other functions prescribed in this division.

(b) Identification of additional funding, legislation, or other resources required to more effectively carry out the objectives of this division.

CHAPTER 4. PRESERVATION OF AGRICULTURAL LAND

31150. The conservancy may acquire fee title, development rights, easements, or other interests in land located in the coastal zone in order to prevent loss of agricultural land to other uses and to assemble agricultural lands into parcels of adequate size permitting continued agricultural production.

The conservancy shall take all feasible action to return to private use or ownership, with appropriate use restrictions, all lands acquired for agricultural preservation under this division.

31151. In acquiring interest in agricultural lands, as provided in this division, the conservancy shall give the highest priority to urban fringe areas where the impact of urbanization on agricultural lands is greatest.

31152. Notwithstanding any other provisions of this division to the contrary, the conservancy shall not act to acquire any interests in lands in the coastal zone for agricultural purposes until the proposed acquisition has been submitted to the commission and the commission has certified that both of the following conditions apply to the proposed acquisition:

(a) The lands are specifically identified in a certified local coastal plan for program as agricultural lands.

(b) There is no other reasonable means, including the use of policy power, of assuring continuous use of such lands for agricultural purposes.

31153. If the conservancy is unable to purchase an interest in agricultural land which meets the provisions of Section 31152, the conservancy shall request the State Public Works Board to acquire such interest under the power of eminent domain pursuant to Section 31105.

31154. The conservancy is authorized to lease lands acquired in accordance with the provisions of Section 31150. When such leases are made to private individuals or groups, the conservancy shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

31155. Proceeds from the sale or lease of lands acquired under the provisions of Section 31150 shall be deposited with the conservancy and, after transmission of any payments required by Section 31154, shall be available for expenditure when appropriated by the Legislature for the purpose of funding the programs specified in this division.

CHAPTER 5. COASTAL RESTORATION PROJECTS

31200. The conservancy may award grants to local public agencies for the purpose of restoration of areas of the coastal zone which, because of scattered ownerships, poor lot layout, inadequate park and open space, incompatible land uses, or other conditions, are adversely affecting the coastal environment or are impeding orderly development. Grants under this section shall be utilized for the installation of public improvements required to serve such areas. As provided in this chapter, the cost of acquisition of certain coastal access and open-space lands, other than those acquired through dedication, within restoration areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, recreation, or wildlife areas, except as such uses may be incidental to a coastal restoration project. After redesign and installation of public improvements, if any, lands containing coastal restoration projects, with the exception of lands acquired for public purposes as provided in this chapter, shall be conveyed to any person for the purpose of development in accordance with a restoration plan approved under Section 31208.

31201. All areas proposed for restoration by a local public agency or by the conservancy shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential development problems.

31203. In reviewing grant applications and restoration plans, the conservancy shall seek to promote excellence of design and shall stimulate projects which exhibit innovation in sensitively integrating man-made features into the natural coastal environment.

31204. The conservancy may provide up to the total cost of any coastal restoration project, including the local share of federally supported projects. The conservancy may also require local funding participation in coastal restoration projects. The amount of funding available for coastal restoration projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal restoration projects, the degree to which the project meets the objectives set forth in Section 31203, and the application of other factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31205. The conservancy shall request the commission, local public agencies, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of coastal restoration projects. After considering comments received from such sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the coastal program authorized under this chapter.

31206. In accordance with procedures adopted by the conservancy, local public agencies may submit proposed coastal restoration projects for consideration by the conservancy. After evaluation of the submitted project proposals, the conservancy shall annually prepare a schedule of projects proposed for grants under this chapter. The schedule shall be submitted to the commission for review. The commission shall have 90 days to review and to determine the consistency of the projects with Division 20 (commencing with Section 30000). If no comments are received at the end of such period, the projects shall be deemed to be in accordance with Division 20 (commencing with Section 30000). The conservancy shall not provide a grant for any project under this chapter unless the project has been certified by the commission as being in accord with the policies and objectives of Division 20 (commencing with Section 30000).

31207. Following certification of the annual schedule by the commission, the conservancy shall notify, in writing, local applicants whose projects have been approved for funding and shall request that each applicant prepare a plan for restoration of the area following guidelines established by the conservancy. Local public agencies shall have six months to prepare such plans. The conservancy may provide up to fifty thousand dollars ($50,000) of the cost of preparing local coastal restoration plans.

31208. Following receipt of a restoration plan from a local public agency, the conservancy shall such plan to the commission for determination of conformity of such plan with the policies and objectives of Division 20 (commencing with Section 30000). The commission shall have 60 days to review the project and transmit the findings on such plan to the conservancy. If no comments are received within such period, the restoration plan shall be deemed to be in accord with Division 20 (commencing with Section 30000).

31209. Following approval of a restoration plan as provided in Section 31208, the conservancy shall so notify the local public agency and shall authorize the agency to proceed with actions required to implement the plan.

31210. Costs of providing parks, open space, or other public areas and facilities may be included as project costs within coastal restoration areas, if they are designed to serve the residents of the restoration area and do not constitute a disproportionate share of the total project costs. Costs of providing public coastal access sites and scenic easements serving the public may be permitted as project costs where such features are identified in the certified local coastal plan or program.

31211. The conservancy and local public agencies, in undertaking coastal restoration projects as provided in this chapter, shall be subject to the provisions of Division 24 (commencing with Section 33000) of the Health and Safety Code.

31212. Any funds over and above eligible project costs which remain after completion of a coastal restoration project as provided in this chapter shall be transmitted by the local public agency to the state and deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

31213. Where a local public agency is unable or unwilling to undertake restoration of any deteriorating area within the coastal zone identified in a certified local coastal plan or program, including the acquisition of and disposal of lands and improvements, the conservancy may undertake such restoration. Such action, however, shall not be undertaken until the commission has done both of the following:

(a) Certified that the project is of high priority in terms of accomplishment of the policies and objectives of Division 20 (commencing with Section 30000).

(b) Approved a restoration plan for the area as provided in Section 31208.

31214. A restoration plan prepared for a project to be carried out by the conservancy as provided in Section 31213, shall, before any lands are acquired or other implementation actions taken, be submitted to the local public agency which exercises land use regulation over the area of the proposed project. The local public agency shall have 90 days to review and comment on the proposed coastal restoration project. If, during such period, the local public agency agrees to carry out the project within the guidelines established in the restoration plan, the conservancy may authorize the local public agency to carry out such restoration which shall then be subject to all provisions of this division.

31215. Prior to undertaking any restoration project under the provisions of Section 31213, the project shall be included within, and funded under, the Budget Act.

CHAPTER 6. COASTAL RESOURCE ENHANCEMENT PROJECTS

31251. The conservancy may award grants to local public agencies and to state agencies for the purpose of resource enhancement of coastal resources which, because of indiscriminate dredging or filling, imporper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values. Grants under this chapter shall be utilized for the assembly of parcels of land within coastal resource enhancement areas to improve resource management, for relocation of improperly located or designed imporvements, and for other corrective measures which will enhance the natural and scenic character of the areas. As provided in this chapter, the cost of acquisition of certain lands within coastal resource enhancement areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, wildlife, or natural areas, except as such uses may be incidental to a coastal resource enhancement project.

31252. All areas proposed for resource enhancement by a local public agency or a state agency shall be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource protection problems.

31253. The conservancy may provide up to the total of the cost of any coastal resource enhancement project, including the state or local share of federally supported projects. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal resource enhancement projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal resource enhancement projects, and the application of other factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31254. The conservancy shall request the commission, local public agencies, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of coastal resource enhancement projects. After considering comments received from such sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the coastal program authorized under this chapter.

31255. In accordance with procedures adopted by the conservancy, local public agencies and state agencies may submit proposed coastal resource enhancement projects for consideration by the conservancy. After evaluation of the project proposals submitted, the conservancy shall annually prepare a schedule of projects proposed for grants under this chapter. The schedule shall be submitted to the commission for review. The commission shall have 90 days to review and make a formal finding on each of the projects included in the schedule. If no comments are received at the end of such period, the projects shall be deemed to be in accordance with Division 20 (commencing with Section 30000).

31256. The conservancy shall not provide a grant for any project under this chapter unless the project has been certified by the commission as being in accord with the policies and objectives of Division 20 (commencing with Section 30000).

31257. Following review and approval of the annual schedule by the commission, the conservancy shall notify, in writing, the state or local public agencies whose projects have been approved for funding and shall request that each applicant prepare a plan for resource enhancement for the area following the guidelines established by the conservancy. Such agencies shall have six months to prepare such plans. The conservancy may provide up to fifty thousand dollars ($50,000) of the cost of preparing local coastal resource enhancement plans.

31258. Following receipt of a resource enhancement plan, the conservancy shall forward the plan to the commission for determination of conformity of the plan with policies and objectives of Division 20 (commencing with Section 30000).

31259. Following review and approval of a resource enhancement plan as provided in Section 31258, the conservancy shall so notify the agency and shall authorize the agency to proceed with actions required to implement the plan.

31260. As part of an approved coastal resource enhancement project, the conservancy may fund up to 40 percent of any costs of land acquisition.

31261. Private development may be permitted within the area of the coastal resource enhancement projects, where such development is compatible with the primary objectives of resource protection and enhancement of the coastal zone.

31262. Any funds over and above eligible project costs which remain after completion of a resource enhancement project as provided in this chapter shall be transmitted to the state and be deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

31263. If a local public agency or state agency is unable or unwilling to undertake improvement of deteriorating area, the conservancy may undertake such coastal resource enhancement project. Such action, however, shall not be undertaken until the commission has done both of the following:

(a) Certified that the project is of high priority in terms of accomplishment of the policies and objectives of Division 20 (commencing with Section 30000).

(b) Approved a resource enhancement plan for the area as specified in Section 31258.

31264. A resource enhancement plan prepared for a project to be carried out directly by the conservancy as provided in Section 31263, shall, before any lands are acquired or other implementation actions taken, be submitted to the local public agency which exercises land use regulation over the area of the proposed project and to any state agency which exercises resource management responsibility in the project area. The local public agency or state agency shall have 90 days to review and comment on the proposed coastal resource enhancement project. If, during such period the local public agency or state agency agrees to carry out the project within the guidelines established in the resource enhancement plan, the conservancy may authorize the local public agency or state agency to carry out such enhancement which shall then be subject to all provisions of this division.

31265. Prior to undertaking any resource enhancement project under the provisions of Section 31263, the project shall be included within, and funded under, the Budget Act.

CHAPTER 7. RESOURCE PROTECTION ZONES

31300. It is the intent of the Legislature to establish buffer areas, to be known as resource protection zones, surrounding public beaches, parks, natural areas, and fish and wildlife preserves

in the coastal zone. The purpose of such zones shall be to ensure that the character and intensity of private development surrounding any such areas and preserves is generally compatible with, and does not adversely impact, sensitive resource values located within such public areas and preserves.

31300.1. The conservancy may award grants to state agencies for purposes of the acquisition of interests in lands within resource protection zones in accordance with Section 31304. Grants pursuant to this section shall not be utilized as a method of acquisition of lands which are intended to be an integral part of a public park, wildlife, or natural area.

31300.2. The conservancy may provide up to the full amount of the cost of acquisition of any interest in lands within a resource protection zone. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for resource protection projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31301. The Department of Parks and Recreation, the Department of Fish and Game, and other state agencies which own or operate public resource areas within the coastal zone shall: (1) identify units under their jurisdiction which are particularly susceptible to adverse impacts from surrounding development, and (2) define the general boundaries of impact areas around such units.

Such state agencies shall complete the study of impact areas and shall forward recommendations for establishment of resource protection zones to the commission not later than January 1, 1979. The commission shall refer resource protection zone proposals to local public agencies which have jurisdiction over land use regulation in the proposed zones.

31302. Following receipt of the proposed resource protection zones from the commission, local public agencies shall have 60 days in which to submit comments to the commission regarding establishment of the proposed zones.

31303. After considering the comments of local public agencies, the commission shall adopt the resource protection zones and shall recommend their inclusion as part of the appropriate local coastal plan or program. The commission shall specify guidelines to guide local jurisdictions in bringing local land use plans and ordinances into conformity with the objectives of the resources protection zones.

31304. When private development of lands within an adopted resource protection zone will clearly damage resource values within an adjacent public area, and where exercise of the police power to protect such resource values would be unreasonable, a state agency may, through purchase, dedication, or other means, acquire development rights, scenic easements, or other interests, not including fee title, in private lands in resource protection zones. No state agency shall acquire such interest until the commission has certified that such action is in accord with Division 20 (commencing with Section 30000) and is necessary to assure the protection of the resource values within approved resource protection zones.

31305. When any state agency is unable to secure through negotiation, development rights, scenic easements, or other interests required to protect public resource values as provided in Section 31304, the conservancy may request the State Public Works Board to exercise the power of eminent domain to acquire such interests pursuant to Section 31105.

31305.5 The conservancy may provide funds to any state agency for the purpose of carrying out the provisions of Section 31301.

31306. The commission shall request that federal, regional, and local agencies which own or operate public resource areas within the coastal zone take appropriate action to establish resource protection zones surrounding such areas in a manner similar to that set forth in this chapter for areas under the jurisdiction of the state.

CHAPTER 8. RESERVATION OF SIGNIFICANT COASTAL RESOURCE AREAS

31350. It is the policy of the Legislature to assure that areas identified in any state, regional, or local plan as significant coastal resource sites shall be reserved for public use and enjoyment. To achieve this objective, it is the intent of the Legislature to vest in the Department of Parks and Recreation authority to acquire and hold key coastal resource lands which otherwise would be lost to public use.

31350.1. The conservancy may make interest-free loans to the department for the purpose of reserving lands specified in Section 31351. Such loans shall be for a period not to exceed 10 years. Upon the disposition of such lands, as provided in Section 31354, the department shall repay all funds advanced by the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

31351. The department shall cooperate with the commission and with other state and local public agencies in ensuring that sites designated in the certified local coastal plans or programs for park, recreation, fish and wildlife habitat, historical preservation, or scientific study are reserved and ultimately utilized for such public purposes.

31352. In the event that any state or local public agency is unable, due to limited financial resources or other circumstances of a temporary nature, to acquire a site which is

a certified local coastal plan program, the department may acquire and hold the site for subsequent conveyance to the appropriate public agency.

31353. Notwithstanding any other provisions of law, the department may enter into an option to purchase the lands designated in Section 31350 if the total cost of any such option does not exceed one hundred thousand dollars ($100,000), when the Legislature appropriates funds for purposes of carrying out the objectives of this section.

31354. The department shall not hold lands acquired in accordance with this chapter more than 10 years from the time of acquisition. A local public agency shall have the right to acquire the land at any time during such period for public purposes indicated in a certified local coastal plan or program. The acquisition price to local agencies shall be based upon the cost of acquisition under this division, plus administrative and management costs in reserving the land. The lands acquired under the provisions of this section shall not be disposed of under the provisions of Section 11011.1 of the Government Code.

If, at the expiration of such 10-year period, no public agency is willing or able to acquire the lands, the department shall request the Real Estate Services Division of the Department of General Services to dispose of such lands at fair market value without restriction on subsequent land use under this division.

31355. The department is authorized to lease lands acquired in accordance with this chapter. When such leases are made to private individuals or groups, the department shall annually, upon appropriation of such amounts by the Legislature, transfer 24 percent of the gross income of such leases to the county in which such lands are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

31355.5. The conservancy may provide funds to the department for the purpose of carrying out the provisions of this chapter.

31356. All remaining revenue derived from leases, after allocation to counties as specified in Section 31355, shall be deposited annually with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

CHAPTER 9. SYSTEM OF PUBLIC ACCESSWAYS

31400. The Legislature finds and declares that it is the policy of the state that the right of the public to access and enjoyment of the coastal resources should be effectively guaranteed. To achieve such objective, it is the intent of the Legislature to vest in the Department of Parks and Recreation authority to implement a system of public accessways to and along the state's coastline.

31400.1. The conservancy may award grants to the department for purposes of the acquisition of interests in, and for initial development of, lands required for public accessways to the coast. The conservancy may also award grants to local agencies for the initial development of public accessways to the coast where it is determined that such accessways are to serve more than local needs.

31400.2 The conservancy may provide up to the total cost of the acquisition of interests in lands and the initial development of public accessways by the department. The conservancy may also provide up to the total cost of the initial development of public accessways by local agencies, as provided in Section 31400.1. The amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the conservancy for the purpose of determining project eligibility and priority in order to more effectively carry out the provisions of this division.

31401. The department shall develop and adopt standards to guide state and local public agencies and federal agencies to the extent permitted by federal law or regulations or the United States Constitution in acquiring and developing public access to coastal resources.

31402. In order to assure that an adequate system of public accessways is provided along the entire coastline, the department may acquire fee title or lesser interests, develop, and maintain areas required for public access to significant coastal resources.

31403. The department may not acquire any public access site unless such acquisition is approved

by the Legislature as part of its annual approval of the Budget Act.

31404. When another local public agency is unable or unwilling to take title to an area required for public access to and along the coastline, the department may accept title to such an area. The department, however, shall not be required to open any area for public use when, in its estimation, the benefits of public use would be outweighed by the costs of development and maintenance. The department shall make a determined effort to identify local public agencies which will accept responsibility for maintenance and liability for public accessways which are located outside of the state park system. The department may lease any public access site to a public agency; provided, however, that the conditions of such transfer guarantee public use of the site for access to coastal resources.

31405. The department may accept from any state or local public agency fees collected for purposes of providing public access to coastal resources. Any funds collected from such source shall be expended by the department for the sole purpose of acquisition, development, and maintenance of public accessways to the coastline. To the maximum extent possible, such fees shall be expended in the general area where they are collected or in areas where public access to and along the coastline is clearly deficient. The department may transfer funds, including such fees, to a local public agency for the purposes of acquisition of sites for public access to and along the coastline.

31405.5 The conservancy may provide funds to the department for the purpose of planning and maintaining a system of public accessways to and along the state's coastline.

31406. Commencing on January 2, 1978, the department shall annually prepare and submit to the Governor, the Legislature, and the commission a report describing progress in achieving the objectives of this chapter, including requirements for funding, staffing, and further legislation.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 3. This act shall become operative only if Senate Bill No. 1277 of the 1975-76 Regular Session is enacted and shall become operative at the same time as Senate Bill No. 1277.

APPENDIX 2

HISTORY OF CALIFORNIA COASTAL PLANNING LEGISLATION

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To better understand the intent of the California Coastal Act of 1976, one should be familiar with the history of coastal management in California, particularly because the Coastal Act of 1976 resulted directly from the work of the Coastal Commissions established by Proposition 20 in 1972, and coastal planning conducted under earlier programs.

Early Activities

Prior to the passage of the California Coastal Zone Conservation Act of 1972 (Proposition 20), and with the exception of the San Francisco Bay Conservation and Development Commission, California's de facto coastal zone management system consisted of a network of Federal, State and local laws and ordinances and judicial and administrative decisions. Although a number of State agencies have specific responsibilities in portions of the coastal zone, as will be discussed below, until November 7, 1972, California had no comprehensive, coordinated coastal zone management system at the State level. State interest and concern for the coastal zone does, however, predate the 1972 election.

A 1931 State Assembly report on seacoast conservation declared a need for the proper management of the coastline and called for the creation of a single governmental agency, at the State level, to supervise and to the same extent control activities affecting the seacoast. Nothing came of this report.

In 1963, California began to study marine resources problems. The State Office of Planning contracted with the Institute of Marine Resources to study the relationship of California to the use of the ocean. The Department of Finance, together with the California Museum of Science and Industry and the California Museum Foundation, sponsored a conference on "California and the World Ocean".

The successful conference on "California and the World Ocean" was held in Los Angeles, January 31-February 1, 1964. As a result of this conference, then-Governor Edmund G. Brown, Sr. requested a small group of representatives from government (both State and national), the academic community, and the industrial community to continue the dialogue in a manner that would encourage increased use of the ocean by the people of California.

The study undertaken by the Institute of Marine Resources involved the work of more than 35 experts from the University of California. It undertook to:

(1) Broadly review the relationship of the sea and its resources to the State of California and its people, and the role of marine resources in California's development.

(2) Specifically evaluate:

  (a) Specific resource needs of the people of the State that could be met by resources of the sea.

  (b) The terrestrial alternatives to, and unique advantages of, the use of marine resources.

  (c) The opportunities that may exist for new uses of marine resources or for expanded uses of those now being utilized.

  (d) Existing or potential use and development conflicts and the nature of such conflicts, and possible means of their resolution.

(3) Examine the possibility of modifying the marine environment for various coastal and offshore development purposes.

(4) Examine and evaluate the State's role vis-a-vis Federal and local governments with regard to resource conservation and development.

(5) Where appropriate and feasible, formulate policy recommendations with respect to the areas of public concern identified above, and indicate information, data, and direction of action which is needed to provide for further necessary policy decision.

The study, entitled "California and Use of the Ocean," was published in October 1965.

Governor's Advisory Commissions on Ocean Resources

In late 1964, Governor Brown appointed a Governor's Advisory Commission on Ocean Resources (GACOR-I) in response to the conference, "California and the World Ocean". The initial meeting of GACOR was held in January 1965. GACOR was asked to consider:

(1) The opportunities presented by the ocean's resources for enhancing the economy of California;

(2) The problems inherent in the utilization of these resources; and

(3) Specific programs which might be undertaken by the State, in concert with industry, the academic community, and other governmental agencies, that could accelerate utilization of the sea's resources.

GACOR-I was disbanded at the end of the Brown Administration. In 1967, then-Governor Ronald Reagan appointed GACOR-II to advise him and his administration on matters relating to ocean resources.

A common conclusion reached by both GACOR-I and GACOR-II was a recommendation for the development of a comprehensive plan for the California coast.

In 1967, GACOR-II recommended that:

> "A procedure be established for the supervision by appropriate State agencies of the management of coastal land by local agencies. Such supervision shall include the review and approval or disapproval of acts and decisions affecting the use of such lands which shall include all tide and submerged land within the boundaries of any local agencies and all lands shoreward thereof whose disposition affects the development and beneficial use of marine resources. Such procedure shall provide for public hearings by such State agencies in the locality concerned. The procedure shall specifically govern local zoning, taxation, environmental quality control, mineral development, boundary establishment, waste disposal and coastal development."

Comprehensive Ocean Area Plan

In September 1967, the Marine Resources Conservation and Development Act was passed which required that the Governor develop a California Comprehensive Ocean Area Plan (COAP). The COAP's objectives were:

> "...to develop, encourage, and maintain a comprehensive, coordinated State plan for the orderly, long-range conservation and development of marine and coastal resources which will ensure their wise multiple use in the total public interest."

The Act also established the California Advisory Commission on Marine and Coastal Resources (CMC) review the COAP and "recommend any changes or additions it deems desirable." The Act also provided:

> "The commission shall consider the interest and role of the State in the conservation and utilization of marine and coastal resources, and shall recommend the ogranization structure of State government which can most effectively carry out its provisions."

The Act also required that the CMC review and recommend administrative or legislative action for virtually every element of the COAP and to:

> "...undertake a comprehensive investigation and study of all aspects of the marine sciences and the marine and coastal environment in and proximate to the State of California."

Early Coastal Legislation

Conservationists had attempted to enact coastal zone planning and management legislation during the 1970-71-72 sessions of the Legislature. In each of these years they were able to move legislation out of the Assembly only to have it expire in the Senate policy committee.

In 1971, formerly fragmented conservation, civic, student, labor, professional, sports, and a variety of other citizen groups joined together under one umbrella organization, the California Coastal Alliance, for the express purpose of enacting effective coastline legislation. The Coastal Alliance concentrated its support in 1971 on Assembly Bill 1471 (Sieroty-Dem., Los Angeles). This bill passed the State Assembly by a two-thirds vote. After numerous amendments and hearings before the policy committee in the Senate, it was defeated.

In 1972, the Coastal Alliance returned with legislation, AB 200 (Sieroty), essentially identical to AB 1471. AB 200 incorporated many of the amendments to AB 1471 which resulted from extensive committee hearings. With strong bipartisan support AB 200 passed the Assembly with a larger vote than AB 1471 had mustered in 1971. However, it soon became evident that opponents would again be able to block it in the Senate. In late July, 1972, AB 200 was defeated in the Senate. Angered and frustrated, the Coastal Alliance proceeded to draft and qualify, for the November 1972 general election ballot, an initiative measure which was essentially identical to AB 200. Over 500,000 voter signatures were required to achieve this task. Generally, the same persons who had participated in the drafting of AB 1471 and AB 200 were involved in the preparation of what became known as Proposition 20.

Although most of the public's attention focused on AB 1471 and AB 200 during the 1971 and 1972 sessions of the Legislature, a number of other bills were introduced dealing with coastal zone planning and management. These measures were generally considered by conservationist forces to be "weak" and slanted in favor of development interests. None of them had the support necessary to move them out of their respective houses of origin.

Proposition 20 retained many of the amendments that had been accepted in AB 1471 and AB 200. This was as much the result of an awareness of the political realities of a statewide campaign as an awareness of the constructive nature of these changes. As it was, Proposition 20 was viewed as an initiative proposal most provisions of which had been thoroughly discussed during the legislative hearing process. This was a significant advantage in the campaign.

In addition, the Act established the Interagency Council on Ocean Resources (ICOR). ICOR was chaired by the Lieutenant Governor and included the Secretaries of Resources, Human Relations, Business and Transportation, and Agriculture and Services, and the Chairman of the State Lands Commission (the State Controller).

In 1968-69 funds were budgeted for an independent, full-time staff to produce the COAP under the direction of ICOR. In 1970, the COAP project was assigned to the Department of Navigation and Ocean Development. Policy direction remained with ICOR. By the beginning of 1970, it was clear the CMC's major role for the immediate future would be in its advisory function regarding governmental organization. During the week of February 10, 1972, the Department of Navigation and Ocean Development delivered to the CMC the draft of the COAP including Chapter VI which recommended a coastal management system. CMC requested a redraft of this chapter, but the chapter was subsequently dropped from the COAP. COAP was completed and released at the end of May 1972. The COAP provides a wealth of coastal planning information which was transferred to the California Coastal Zone Conservation Commission in 1972. On April 25, 1973, the CMC completed its work.

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) was established in 1965 as a temporary agency to prepare a plan for San Francisco Bay. Based on the San Francisco Bay Plan adopted by BCDC in 1969, the State Legislature made the Bay Commission a permanent agency with responsibility for regulating development in and around the Bay. Because BCDC is already carrying out a coastal management program based on an adopted plan, no Federal assistance for coastal zone planning (under Section 305 of the Coastal Zone Management Act) is being requested for this agency; however, a separate request is being made for Federal funds (under Section 306 of the Coastal Zone Management Act) to assist in carrying out the BCDC management program.

California Coastal Zone Conservation Act of 1972

The California Coastal Zone Conservation Commission was established by the voters of California when they approved Proposition 20 on November 7, 1972, and thereby enacted the California Coastal Zone Conservation Act of 1972.

The Act was drafted with the assistance of State Legislators who had fought for an effective coastal management law during the three previous legislative sessions, and with help from experts in coastal problems. Both the Federal and the California Acts have the same goal: establishing a sound management program for the coastline utilizing the coordinated efforts of all appropriate governmental agencies, with the management program based on a comprehensive coastal plan evolved through a process employing maximum public participation.

The Act established one State and six regional coastal zone conservation commissions which varied in size from 12 to 16 members. They consisted of a total of 84 part-time commissioners--half locally elected officials (county supervisors, mayors, and city councilmen), and half public members appointed one-third by the Governor, one-third by the Senate Rules Committee, and one-third by the Speaker of the Assembly. The locally-elected officials, with the exception of representatives from regional councils of government, had to come from the 15 coastal counties to which Proposition 20 applied. The commissioners represented a broad cross-section of the public.

These seven commissions, after public hearings and in full consultation with all affected governmental agencies were required to prepare a comprehensive plan (the California Coastal Plan) for the long-range conservation and use of California's coastal zone resources. The law required that the Plan be adopted by the State Coastal Commission and submitted to the Legislature by December 1, 1975 for adoption and implementation. It is important to note that this plan was not self-implementing. The final responsibility for its implementation rested with the State Legislature and the Governor.

While the Plan was being prepared by the Coastal Commission and considered by the State Legislature, the commissions exercised interim permit controls over virtually every type of activity that constituted a new commitment of or had a significant impact on coastal zone resources. These interim permit controls applied in a geographic area extending from three miles at sea to 1,000 yards inland from the mean high tide line.

This permit area has a smaller portion of the coastal zone or planning area. The permit requirements commenced on February 1, 1973. No development activity that falls within the scope of the Act's permit requirements could proceed unless a two-pronged test is met. This test required that the appropriate coastal commission find that the proposed development would not have "any substantial adverse environmental or ecological effect" and that it would be consistent with both the findings and declarations set forth in the intent section of the Act, and with the objectives of the Plan. These broad tests have been refined and more specific standards and guidelines, by which proposed developments could be evaluated, were being used by each of the coastal commissions. Activities of a particularly significant nature with regard to their impact on the shoreline interface required a two-thirds, rather than a majority vote, of the total authorized membership of the commission.

An applicant whose development permit has been denied or any "aggrieved" by the approval of a permit by the regional commission could appeal the decision to the State Commission. The State Commission could refuse to hear appeals that raise no substantial issues. Those appeals it decided to hear were heard de novo and voted on in the same manner and by the same vote as required at the regional level. An applicant or any "aggrieved" person could seek judicial review of a commission's permit decision.

The Act gave any person the right to go to court for injunctive relief and to recover civil penalties for the violation of any provision of the Act including the permit provisions. No bond was required for such actions and persons found to be in violation of the Act may be subject to a $10,000 fine. Violations constituting developments could lead to an additional fine of $500 for each day that the unlawful development activity continues.

The Act contained strong conflict of interest provisions designed to prevent commissioners from acting on a particular matter if they or certain defined persons (e.g., partner, spouse, etc.) had a financial interest in it. These provisions also prohibited persons having a defined relationship to a commission, to a commissioner, or to a commission staff member from acting in a particular matter except on behalf of the State or political subdivision thereof. These provisions did not prevent a person from serving on a commission. Violation of these conflict of interest provisions could subject the violator to imprisonment in the State prison.

Legislative Action on Coastal Plan

When the coastal commission submitted its Coastal Plan to the State Legislature and the Governor in December 1975, the future management of the California coast was placed in the hands of the State's lawmakers. Action during the 1976 legislative session was imperative because, under Proposition 20, the authority of the coastal commission expired on December 31, 1976.

In February 1976, Senator Anthony Beilenson introduced the Coastal Conservation Act of 1976. The bill embodied the policies of the Coastal Plan. It contained the Plan's basic proposals for implementation, with continued temporary permit control vested in the coastal commissions until local governments along the coast developed local plans and ordinances conforming to coastal policies. After local coastal programs were approved by the commissions, local governments would then issue the permits for coastal developments.

The structure of the commission would remain essentially the same as under Proposition 20, except the regional commissions would be phased out after local programs became effective. The proposed jurisdiction included three tiers: the coastal zone (for major energy and public works projects), the coastal resource management area (for planning and some interim controls), and the 1,000 yard permit area.

After extensive hearings and many amendments, the bill was passed out of the Senate Committee on Natural Resources by a vote of 5 to 3. This version of the bill was significantly streamlined and the problems of over-lapping jurisdiction with other State agencies were addressed and resolved.

The bill then went to the Senate Finance Committee where it was defeated by a vote of 6 to 5, one short of the 7 votes needed to clear the committee. The Legislature went into recess in July with no coastal bill on the docket.

Within a week, coastal bill supporters, supported by Senate and Assembly leaders and the Governor, were able to revive coastal legislation by amending the coastal bill into a bill introduced by Senator Jerry Smith, that had already passed the Senate. Meanwhile, two other coastal bills emerged, using the same method of amendment into an already-passed minor bill as a vehicle. Both were considered significantly weaker than the Smith bill and were opposed by the costal commission and environmentalists.

During the first week of August, the two weaker coastal measures were killed by failing to pass out of the Senate Natural Resources and Wildlife Committee, leaving only the Smith bill. Negotiations with various interest groups resulted in amendments that allowed many of these major groups (such as the Associated General Contractors and the League of California Cities) to either withdraw their opposition or actively support the bill.

During the second week of August, the Smith bill was passed out of the Assembly Committee on Resources, Land Use and Energy; the Assembly Ways and Means Committee; and off the Assembly floor.

Supporters of the bill expected that the compromises now embodied in the bill would help secure the Senate approval. On August 17, the Senate Natural Resources and Wildlife Committee voted 6 to 3 to send the bill to the Senate with a recommendation for concurrence. At that point, the coastal zone jurisdiction was reduced to generally 1,000 yards, with inland extensions for environmental and recreational resource areas; areas of over-lapping authority with other State agencies were eliminated; a special process was established for the review and approval of port master plans; and local governments were given the option of issuing coastal permits before certification of local plans.

The bill finally passed the Senate on August 23 by a vote of 25 to 9, but only after last minute negotiations with labor interests secured on agreement for a "trailer" or "clean-up" bill (AB 2948) that would follow the Smith bill with several important concessions: the regional commissions would go out of existence and be reactivated for up to two years only if the State Commission decided the workload required it; made urban exclusions mandatory based on certain findings; and required the Legislature to certify within two years those sensitive coastal areas designated by the coastal commission for special protection.

During 1976 the Legislature also considered, and passed, other legislation affecting the coast, including Assemblyman Michael Wornum's AB 3544, establishing the State Coastal Conservancy; AB 400, which provided various coastal acquisition funds as well as an appropriation for operation of the Coastal Commissions; Senator John Nejedly and Assemblyman Gary Hart's SB 1321, which placed on the November 1976 ballot Proposition 2, the State Urban and Coastal Park Bond Act of 1976, passed by the voters; and Assemblyman Barry Keene's AB 2133, which provided coastal wetland acquisition funds.

Governor Edmund G. Brown, Jr. signed all of these bills, though he cut some of the AB 400 acquisition funds.

APPENDIX 3

SIGNIFICANT COASTAL ESTUARINE, HABITAT, AND RECREATIONAL AREAS

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SIGNIFICANT COASTAL ESTUARINE, HABITAT, AND RECREATIONAL AREAS

(Inland Extension Areas)

Following is a brief descriptive list of those 18 "bulges" containing significant coastal habitat, estuaries, and recreational areas--that extend inland from the general 1,000 yard boundary but were, by legislative act, included within the coastal zone and are subject to the provisions of the Coastal Act. The 18 areas are referred to in the definition of "coastal zone" in Section 30103(a) and are specified on maps filed in the Secretary of the State's office (See Chapter 4 of the CCMP for an explanation).

Lakes Earl and Talawa-Smith River Delta

The Smith river floodplain encompasses a total of 28,600 acres of which more than 25,000 acres "have high fish and wildlife values" according to the Department of Fish and Game. Over 250 species of birds and 58 species of mammals are recorded within this area. The Smith River and its tributaries provide 350 stream miles of spawning and nursery area for resident and anadromous fish. Average annual anadromous fish runs include 30,000 steelhead, 15,000 king salmon and 5,000 silver salmon. Development has been limited to 2,800 acres of the floodplain to date but grading for a 1,500 acre subdivision adjacent to Lake Earl has already been completed and other developments are proposed. Full buildout of potential development could have adverse impacts on this important habitat.

Freshwater, Stone, and Big Lagoons

The three lagoons are an exceptional complex of freshwater, brackish and wetland environments. Because of the variation in salinity among the three lagoons, the areas are valuable sites for research and education. According to the Department of Fish and Game, all three lagoons are important nesting areas for migratory waterfowl. Lands surrounding the lagoons should be managed to minimize sediment runoff and visual degradation from logging operations or from potential conversion of timberlands to residential development.

Eel River Delta

The Eel River Delta encompasses a total of 33,000 acres of which more than 30,000 acres are "important fish and wildlife habitats" according to the Department of Fish and Game. All but 170 acres of the delta is in private ownership and about half the land is free from annual flooding and is thus potentially buildable. The delta is regarded as one of the State's most valuable habitat areas and is an important recreational area, principally used for hunting and fishing.

Ten Mile River Estuary, Ten Mile Dunes and Inglenook Fen

Ten Mile River Estuary, Dunes and Inglenook Fen is one of the most important wildlife estuaries on the Mendocino Coast. One hundred and seventy acres of valuable estuarine habitat is proposed for acquisition. Lands surrounding the estuary and the Fen should be managed to prevent sedimentation and pollution of the estuary and the Fen. Uplands and dune areas should be managed to protect the habitat area from off-road vehicles and trail bike use.

Mendocino-Sonoma Coast

The Mendocino-Sonoma coast is an important visitor destination area for residents of the San Francisco Bay Area and is extensively subdivided. There are over 4,000 lots already subdivided excluding the Fort Bragg area. If these subdivisions, such as Sea Ranch, Irish Beach, and Whiskey Shoals, are completely built-out, Highway 1 would be overloaded, limiting public access to beaches and special coastal communities.

Bodega Bay

Bodega Bay consists of nearly 850 acres of shallow estuarine and wetlands habitats, including 500 acres of extremely productive tidal mudflats. The watershed covers about 7 square miles, in which subdivision and development could have adverse impacts such as siltation and pollution of the Bay. In addition, the area surrounding the Bay is an extremely valuable recreational and scientific resource, with the UC Marine Laboratory, Sonoma Coast State Park (over one million user-days reported in 1972), two county-owned parks, two nearly pristine estuaries and important commercial fishing facilities. Inappropriate development could not only directly affect the lagoon itself but also recreational traffic access, grazing open space uses, and human disturbance of sensitive marine and land habitats.

Tomales Bay

The San Andreas fault has created a great sunken valley where it enters the California mainland near the southern boundary of Sonoma County. The resulting enbayment, Tomales Bay, is an extensive wetland with many unique properties. Many areas of salt marsh occur along the edges of the Bay, the south end of which is a large region of mudflats and both fresh and saltwater marshes. Many agencies, public and private, own marshlands and use them and the Bay environs for scientific study. The sensitive nature of these marshes requires the protection of a coordinated management program for the upland drainage areas and the buffer zones around them which have been extensively subdivided. Population growth resulting from subdivision buildout would triple the existing population. The Coastal Commission has recommended the acquisition of four areas around Tomales Bay to provide public access and protect marshlands.

San Mateo-Santa Cruz Coast

Mid- and south coastside San Mateo County and northern Santa Cruz County are a major recreational destination for residents of much of the San Francisco Bay Area. The projected increases in intra-regional recreation traffic will greatly exceed present highway capacities. Future recreation development must be closely integrated with transportation planning. Mid-coastside San Mateo has already been extensively subdivided and the number of developable lots in the area would permit a quadrupling of the present population which is currently 15,000 people. Such increases in population would greatly exceed existing highway, local water supply, and sewage systems capacities. Numerous proposals have been made to convert agricultural lands of the south San Mateo coastside and north coast Santa Cruz to recreational subdivisions and private campgrounds. Intensive recreation or residential development of these areas will congest Highway 1 and impair access by day use recreationists.

Elkhorn Slough

The Elkhorn Slough, consisting of 2,500 acres of marshes, mudflats and waterways, is an important link in the coastal flyway for migratory shorebirds, waterfowl, and other water-associated birds. During the fall, the Slough will often support a bird population as high as 20,000. The area also records annual fish landings of over 15 million pounds and supports commercial salt production on 800 acres of the Slough. Pollution from neighboring industrial agricultural and sewage treatment facilities has reduced the productivity of the Slough, and diking and filling have eliminated important habitat areas. Successive land divisions on upland areas are destroying wildlife values of the Slough from urban run-off and septic tanks.

Big Sur-Northern San Luis Obispo County

The Big Sur Coast and Northern San Luis Obispo County are linked together by Highway 1 which has no lateral access points from inland California between Carmel and Cambria. This road is itself a major national scenic attraction and provides access to many recreational destinations such as the popular Hearst Castle Historical Monument. The major issues along this scenic 90-mile stretch of coast is that the existing commitment to growth, in terms of County zoning and approved plans, threatens the scenic beauty and could reduce recreational access. County planning and zoning would allow up to 11,000 homes along the Big Sur coast. This would not only irreversibly change the character of the area but would congest the road, thus excluding the public from enjoying the recreational and scenic resources of this portion of the coast.

Morro Bay

Morro Bay is a unique, complex, and highly productive estuary, with ecological processes similar to Bolinas and Bodega. The Bay has nearly 3,000 acres of wetlands habitats, over 2,000 subject to tidal action. Inappropriate urbanization of the surrounding watershed could create the following adverse impacts on the Bay; sedimentation (silting up the highly valuable wetlands), nutrient loads in runoff and possible sewage discharges (degrading the bay); increased runoff flows; potential flood control works; and lower groundwater infiltration which changes freshwater/saltwater balance and threatening the whole ecosystem.

Nipomo, Santa Maria, Guadalupe, and Vandenberg Dunes

South of Pismo Beach an extensive pattern of small creeks, wetlands, and sand dunes begins that extends 49 miles to Point Arguello in Santa Barbara County. This area is of statewide and national interest because of its unique dune and wetlands vegetation. The dunes are also an important recreational resource several portions of which are being extensively used by off-road vehicles, resulting in increasing damage to natural resources. A coordinated management program is needed to balance scientific use with its increasing demands from all of the recreational uses that this area can provide. The Coastal Commission has recommended the acquisition of portions of the Santa Maria

and Guadalupe dunes,for both recreational and resource preservation purposes, to begin to implement this long-range goal.

Point Arguello to Gaviota

The area from Point Arguello to Gaviota is the last extensive open space segment of the Southern California coast. Portions of the land are in Federal ownership but the private lands are being proposed for many conflicting uses. Among those proposals are new towns, liquid natural gas plant, nuclear power plant, and ranchette subdivisions. A comprehensive plan of management is needed to prevent incompatible uses such as housing adjacent to hazardous energy facilities.

Carpinteria Valley

The Carpinteria Valley is a narrow coastal valley between coastal mountains in Los Padres National Forest and Pacific Ocean. Viewshed includes compact, small city surrounded by scenic avocado and lemon orchards against abrupt backdrop of chaparral-vegetated mountains.

There are important wildlife habitats in both the mountains and in El Estero, a lagoon and marsh complex at the west end of the town. Maintenance of several drainages between the Estero and the mountains is of importance for preserving the quality of the wildlife habitat. There is heavy development pressure in the valley to create suburban residences for employment centers in Los Angeles as well as Oxnard-Ventura area and Santa Barbara. Uncontrolled sprawl would remove the present extensive open areas needed for upland feeding, nesting, and resting of lagoon wildlife.

Santa Monica Mountains

The Santa Monica Mountains are the last large open space area in the Los Angeles metropolitan region. As such they represent a great potential for recreational development and use linking the ocean to upland and inland recreational areas. Any proposed developments also must take into consideration the many geologic hazards in the area. Various plans and acquisition proposals are under active consideration and developments must not be allowed to preclude planning options that allow maximum feasible public recreational and wildlife preservation opportunities. (See special discussion on this bulge in Chapter 4.)

Irvine Coastal Area

This little-developed area extending some 15 miles between city limits of Newport Beach and Dana Point is owned in part by the Irvine Company. This area is almost entirely undeveloped and remains the major opportunity for open space preservation along the Orange County coast. For that portion of the area that is owned by The Irvine Company, it has been proposed that a coastal community of 30,000-50,000 persons with a major shoreline resort at Crystal Cove be developed. The Irvine plans, in coordination with the County, anticipate the completion of a six-lane extension of Highway 73 through the hills to connect with Interstate 5 behind San Juan Capistrano to serve an anticipated population of between 700,000 and 1.2 million for that portion of Orange County. Four roads through the hills would connect inland areas with Highway 1. These very substantial development proposals could severely harm the area's coastal resources. Residential growth could destroy valuable natural areas, diminish public access to recreation and commercial facilities along the coast, and create a substantial increase in vehicle miles traveled, placing further stress on already poor air quality. A coordinated management plan must be developed which will balance future growth and development with the provisions of adequate access. The Coastal Commission and the State Department of Parks and Recreation have proposed the acquisition of significant portions of this area to begin to accomplish this goal.

Northern San Diego County Lagoons

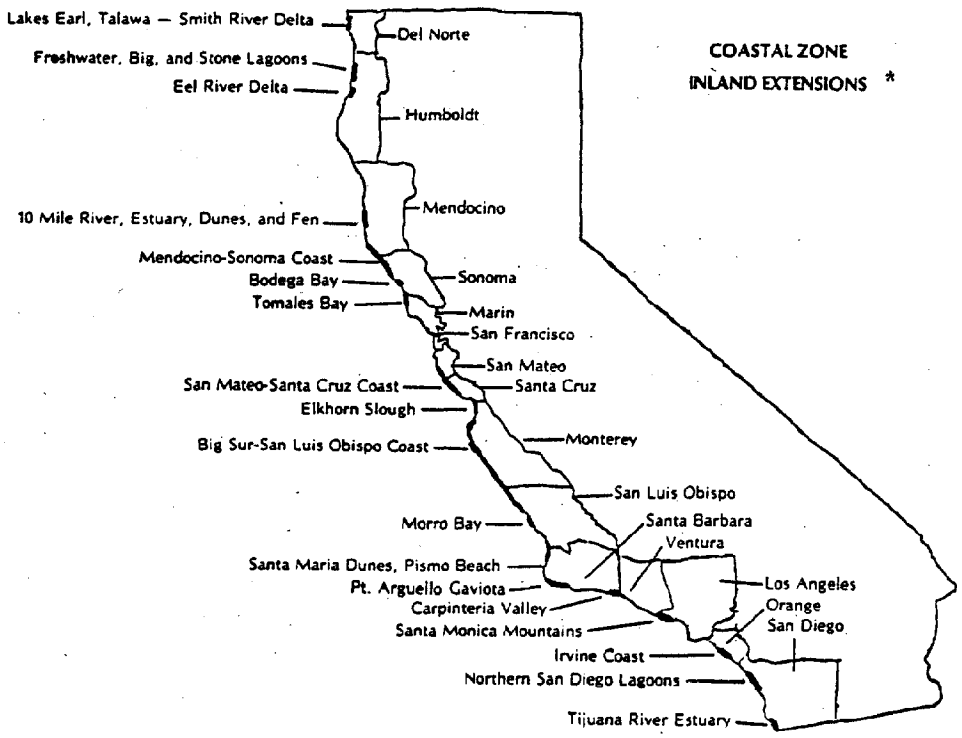
The lagoon system in northern San Diego County comprises the last major wetland system in Southern California (over 75% of these wetlands have been destroyed). The area includes Agua Hedionda, Batiquitos, San Elijo, San Dieguito, and Los Penasquitos Lagoons, and the smaller Canyon de Los Encinas Marsh. All five of the lagoons are on the high priority acquisition list of the California Department of Fish and Game and the U. S. Bureau of Sport Fisheries and Wildlife. Together, they comprise over 2,500 acres of marsh, mudflat, and lagoon habitats. Agua Hedionda is permanently open to the sea; Los Penasquitos and San Elijo are partially tidal; and Batiquitos and San Dieguito are potentially tidal. These lagoons are not only vital natural resources for fish, waterfowl, and wildlife but also important recreational and scenic resources, with major open spaces, regional parks, and fishing and boating opportunities provided or planned.

Development in the river watershed areas included in the proposed coastal zone boundary line of these lagoons can have adverse impacts including; sedimentation (perhaps cutting them off from tidal flushing and creating health hazards as well as destroying habitat value); increasing nutrients in runoff (causing decay and algal blooms;) flood control works that alter tidal action; actual filling of the lagoon areas; paving that could reduce ground water recharge, destruction of riparian buffer

areas that help protect the lagoon, and recreational overuse that destroys these sensitive habitats.

Tijuana River Flood Plain

The floodplain of the Tijuana River covers about 5,200 acres containing about 1,500 acres of beach, dunes and salt marsh habitat. The area supports many species of birds, mammals, and reptiles. Two endangered species, the light-footed clapper rail and the least tern, nest in the estuarine areas. About half of the prime habitat areas are in public ownership; the other half has been the focus of several development proposals including a concrete flood control channel and a 500 acre marina. Productivity of the wetland is also threatened by filling.



* Source of Map: California Research, State Coastal Report, Vol IV, No. 4 (August/September, 1976).

APPENDIX 4

AREAS OF CONCERN IN THE COASTAL ZONE

APPENDIX 4

AREAS OF CONCERN IN THE COASTAL ZONE

The Coastal Act expresses concern over numerous coastal natural and manmade resources and special areas. These in turn make up the area identified as the California coastal zone. The following list depicts the comprehensiveness of the Coastal Act by identifying those resources and areas of concern mentioned in the Coastal Act and a short summary of the provisions which apply. While it is clear that there are some major areas of particular concern within the coastal boundary such as the areas known as "sensitive coastal resource areas," which will be designated over the next few years, the list will show that practically every significant action or development must take into account a multiplicity of resources and resource areas and because of this, it must do so on a case-by-case basis. Therefore, California does give recognition to the fact that the whole coastal management boundary is an area of particular concern.

The following is a more complete list of areas than identified in Chapter 4 of the CCMP, but this list is not meant to be all-inclusive.

Significant Coastal Resources

30007.5 Protection of generally to be favored in conflicts between policies of Coastal Act.

Sea

The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through a connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

30115: Defined.

Marine Environment

30230: Uses of to be carried out in a manner that will sustain biological productivity and maintain healthy populations of all species of marine organisms adequate for various long-term purposes.

30711 (a): Port master plans to estimate effect of development on, and make proposals to minimize and mitigate substantial adverse impacts on.

Sand Transport Systems

30706 (b): Port filling seaward of mean high tide line to minimize harmful effects on.

Local Shoreline Sand Supply

30235: Design of various shoreline structures to mitigate or eliminate adverse impacts.

All Waters Subject to the Public Trust

30610.5 (b): Not to be included in urban land areas excluded from permit provisions of the Coastal Act under Section 30610.5(a).

Offshore Islands

30103
(a): Included in the coastal zone (the sea to the State's outer limit of jurisdiction).

Channel Islands

30263
(a): Refineries or petrochemical facilities not to be permitted on.

Marine Areas of Special Biological or Economic Significance

30230: Given special protection.

Coastal Waters

30224: Increased recreational boating use of to be encouraged by various means.

Open Coastal Waters, Streams, Wetlands, Estuaries, and Lakes

30231: Biological productivity and quality appropriate to maintain optimum populations of marine organisms to be maintained and restored, where feasible, by various means.

30233
(a): Diking, filling, or dredging permitted if in accordance with other policies and where there is no feasible less environmentally damaging alternatives and where feasible mitigation measures have been provided and only for certain kinds of development.

Open Coastal Waters, Streams, Estuaries and Lakes

30233
(a): Provision for new or expanded boating facilities in.

Open Coastal Water Sites

30705
(c): Disposal of dredge spoils may be permitted in.

Confined Coastal Waters in Ports

30705
(c): Disposal of dredge spoils may be permitted in.

Estuaries and Wetlands

30233
(c): Permitted diking, filling, or dredging in to maintain or enhance the functional capacity.

Significant Coastal Estuaries, Habitat, and Recreation Areas

30103
(a): 18 specific areas where coastal zone boundary extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line, whichever is less, as specified on a particular map referenced in the Coastal Act.

Wetlands

Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

30121: Defined.

30607.1: Mitigation measure or in-lieu fee required for any permitted dike and fill development in wetlands.

30255: In general, not to be the location of coastal-dependent developments.

30233 (a)(3) Provision for entrance channels for new or expanded boat facilities.

30233 (c): Any alteration in 19 identified wetlands to be limited to very minor incidental public facilities, **restorative** measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay.

Degraded Wetlands

30411 (b): Provision for cooperative study of for purposes of restoration in conjunction with development of boating facilities.

30233 (a)(3): Provision for boating facilities in under conditions requiring substantial part to be restored and limiting size of facility.

Wetlands, Estuaries, and Existing Recreational Areas

(Indicated in Part IV of the Coastal Plan.)

30700: Not included in the jurisdiction of the ports subject to the provisions of Chapter 8 of the Coastal Act.

30710: **Commission to prepare map of.**

Shoreline Area

30255: Coastal-dependent developments to have priority over other developments on or near the shoreline.

State Lands

30416 (a): State Lands Commission to review proposed **LCPs or port master plans that** may affect.

Public Trust Lands (Filled or Unfilled)

30519 (b): Not included in development review authority delegated to local governments.

30600 (b): Not included in development review authority of local governments prior to certification of **LCPs.**

30610.5 (b): Not to be included in urban lands excluded from permit provisions of Coastal Act under Section 30610.5(a).

State Tide and Submerged Lands (Filled or Unfilled)

30416
(a): State Lands Commission to review proposed local coastal programs or port master plans that may affect.

30519
(b): Not included in development review authority delegated to local governments.

30600
(b): Not included in development review authority delegated to local governments prior to certification of LCPs.

30603
(2): **Included in the Commission's appeal jurisdiction after certification of LCPs.**

30610.5
(b): Not to be included in urban lands excluded from permit provisions.

Environmentally Sensitive Areas

Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

30107.5 Defined

30233: Mineral extraction not permitted.

30260
(a): Refineries or petrochemical facilities not to be permitted in.

30261
(a): New tanker terminals to be situated as to avoid risk to.

Fish and Wildlife Habitat

30236: Developments may be permitted to protect.

Environmentally Sensitive Habitat Areas

30240
(a): Protected against any significant disruption of habitat values, and only uses dependent on such resources to be allowed within.

Areas Adjacent to Environmentally Sensitive Habitat Areas

30240
(b): Development in to be sited and designed to prevent impacts that would significantly degrade the areas, and to be compatible with the continuance of the habitat areas.

Areas Contiguous to Environmentally Sensitive Areas

30263
(a): Refineries or petrochemical facilities not to be permitted in.

Riparian Habitats

30231: Natural vegetation buffer areas that protect to be maintained.

Habitat Areas in or Near Ports

30711
(a): Port master plans to estimate effect of port development on, review them, and make proposals to minimize and mitigate substantial adverse impacts on.

Biologically Sensitive Areas in Ports

30705(a)
(5): Mineral extraction not permitted in.

Prime Agricultural Land

As defined in Section 51201 of the Government Code (Williamson Act, quoted in Coastal Plan, p.54).

30113: Defined.

30241: Maximum amount of to be maintained in agricultural production, and conflicts with to be minimized through various means--e.g., establishing stable boundaries separating urban and rural areas, limiting conversions of agricultural lands outside urban areas, assuring that divisions of agricultural land and development adjacent to not diminish productivity, and assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability.

Agricultural Lands Around the Periphery of Urban Areas

30241
(b): Conversions limited to lands where viability of existing agricultural use is already severely limited by conflicts with urban uses and where conversion would complete logical, viable neighborhoods.

Areas Adjacent to Prime Agricultural Lands

30241
(e): Development not to diminish the productivity of prime agricultural lands.

Non-Prime Lands Suitable for Agricultural Use

30242: Not to be converted unless continued or renewed agricultural use is not feasible or such conversion would preserve prime agricultural land or concentrate development in accordance with Section 30250.

Special Treatment Areas

Identifiable and geographically bounded forested area(s) within the coastal zone that constitute a significant habitat area, area of special scenic significance and any land were logging activities would adversely affect public recreation area(s) or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

30118.5: Defined.

30417
(b): To be identified by the Commission to assure that natural and secenic resources are adequately protected and to assist the State Board of Forestry in adopting rules and regulations which adequately protect the natural and scenic qualities of such areas.

Commercial Timberlands

30243: Long-term productivity of to be protected, and conversions of commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size to be limited to providing for necessary timber processing and related facilities.

Dry Sand and Rocky Coastal Beaches to the First Line of Terrestrial Vegetation

30211: Development not to interfere with the public's use of, where acquired through use or legislative authorization.

30610.5
(b): Beaches not to be excluded as either urban land areas (under 30610(a)) or as a specifically defined geographic area in which the Commission has found any category of development has no potential for any significant adverse effect, either individually or cumulatively (under Section 30610(d)).

Coastal Areas Suited for Water-Oriented Recreational Activities That Cannot Readily Be Provided at Inland Water Areas

30220: These areas protected for such uses.

Oceanfront Land Suitable for Recreational Use

30221: Protected for recreational use and development unless recreational demand is already adequately provided in the area.

Private Lands Suitable for Visitor-Serving Commercial Recreational Facilities Designed to Enhance Public Opportunities for Coastal Recreation

30222: Use for these purposes has priority over private residential, general industrial, or general commercial development, but not over agricultural or coastal-dependent industry.

Upland Areas Necessary to Support Coastal Recreational Uses

30223: Reserved for such uses, where feasible.

Selected Points of Attraction for Visitors

30250
(c): Visitor-serving facilities may be located in.

Special Communities and Neighborhoods That Are Popular Visitor Destination Points for Recreational Uses

30253
(5): Where appropriate, to be protected in the siting of new development.

Existing Recreational Boating Space and Facilities

30224: Dry storage areas to be developed, public launching facilities to be increased, additional berthing space in existing harbors to be provided, non-water-dependent uses that congest access corridors and preclude boating support facilities to be limited.

30234: To be protected and, where feasible, upgraded, and not to be reduced unless the demand no longer exists or adequate substitute space has been provided.

30705: Diking, filling, or dredging in water areas of ports may be permitted for expanded recreational boating facilities.

Natural Harbors, New Protected Water Areas, and Areas Dredged from Dry Land

30244: May be location of new boating facilities.

Access Corridors to Boating Harbors

30244: Non-water-dependent land uses that congest to be limited.

Existing Non-Developed Areas

30250
(a): Except for agricultural uses, land divisions to be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Available Lands Not Suitable for Agriculture

30241
(c): To be developed before agricultural lands are converted.

Sites Remote from Human Population Concentrations

30261
(b): To be location of one permitted LNG terminal.

Highly Scenic Areas

(Including those designated in the California Coastline Preservation and Recreation Plan and those designated by local governments.)

30251: New development in to be subordinate to the character of the setting.

30263
(a): Refineries or petrochemical facilities not to be permitted in.

Scenic Coastal Areas

30251: To be protected in the siting and design of permitted development.

Areas With Views to and Along the Ocean

30251: To be protected in the siting and design of permitted development.

State Highway 1 in Rural Areas

30254: To remain a scenic two-lane road.

Visually Degraded Areas

30251: Visual quality of, where feasible, to be restored and enhanced in the siting and design of permitted development.

Natural Landform Areas

30251: Alteration to be minimized in the siting and design of permitted development.

Bluffs and Cliffs, and Natural Landforms Along

30253
(2): In general, to be protected in the siting of new development.

Seismically Hazardous Area

30263
(a): Refineries or petrochemical facilities not to be permitted in.

Areas of High Geologic, Flood and Fire Hazard

30253
(1): New development in to minimize risks to life and property.

Existing Structures in Danger of Erosion

30235: Various shoreline structures may be permitted to protect.

Existing Structures in Flood Plains

30236: Flood control projects may be permitted to protect.

Archaeological and Paleontological Resource Areas

30244: Where would be adversely impacted by development, mitigation measures required.

Air Quality Maintenance Areas

30263
(b): Siting of refineries or petrochemical facilities in may be permitted with conditions to protect air quality.

Existing Developed Areas

30250
(a): In general, new development to be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it.

Urban Land Areas

30610.5: May be excluded from the Coastal Act permit provisions under certain conditions: (a) the area is residentially zoned and developed to a density of four or more units per acre of commercial or industrial area zoned and developed; and (b) it is determined that developments will be infilling or replacement and will be in conformity with scale, size, and character of surrounding community, and there is no potential for significant adverse effects on public access or coastal resources. No area may be excluded unless more than 50 percent of the lots are built on. Exclusions are subject to terms and conditions relating to significant changes in density, height, or nature of uses. Certain geographical areas may not be excluded.

Developed Urban Areas

30103
(a): Areas where the coastal zone boundary generally extends inland less than 1,000 yards, as specified on a particular map referenced in the Coastal Act.

Specifically Defined Geographic Areas

(In which category of development has been found to have no potential for any significant adverse impact, either individually or cumulatively, on coastal resources or public access.)

30610
(d): May be excluded from Coastal Act development permit provisions on the Commission finding, two thirds vote, etc.

30610
(b): Exclusions are subject to terms and conditions relating to changes in density, height, or nature of uses. Orders of exclusions are revokable if terms are not met. Certain geographical areas may not be excluded.

Existing Isolated Developments

30250
(c): Visitor-serving facilities may be located in.

Existing Coastal-Dependent Industrial Sites

30260: In general, expansion and long-term growth is permitted.

Developed or Industrialized Port Areas

30261
(b): May be future location of LNG terminals if terminal operations found consistent with public safety.

Port Hueneme, Long Beach, Los Angeles and San Diego Unified Port District

30700: Defined.

30516(b), 30519(b), and
30700 through
30720: In general, ports to prepare port master plans in accordance with Coastal Act policies. After these plans are certified by the Commission, no Commission permits are necessary for port developments, though the Commission retains some appeal jurisdiction, particularly over LNG and crude oil facilities, refineries, petrochemical plants, non-port roads and highways, non-port office, residential, and other buildings, and commercial fishing and recreational boating facilities.

Fill Basins on Upland Sites

30705
(c): Disposal of dredge spoils not to be permitted in.

Existing Commercial Fishing Space and Facilities

30234: To be protected and, where feasible, upgraded, and not to be reduced unless the demand no longer exists or adequate substitute space has been provided.

30703: Ports not to eliminate or reduce space unless demand no longer exists or adequate alternative space has been provided.

Property Surrounding Refineries or Petrochemical Facilities

30263
(a): Adverse impacts on to be minimized by provision of a sufficient buffer area.

Proposed Sites of Power Plants and Transmission Lines

30413
(d): Suitability of to be subject of written reports by the Commission to State Energy Comission.

Specific Locations Where the Siting of Power Plants Would Prevent the Achievement of the Coastal Act

30413
(b): To be designated by the Commission.

Public Works (Facilities and Areas)

Includes water, sewer, telephone, and similar utilities; public transportation facilities, including roads and highways, airports, public parking lots, transit facilities, not including ports covered elsewhere in the Coastal Act; public recreational facilities; special district facilities; and community college facilities.

30114: Defined.

30605: Plans of to be submitted to the Commission for review; after certification, any review of a specific project included in the plan is subject only to reasonable terms and conditions.

30606: Notice to be provided of impending development, with data showing consistency with approved public works plan or development plan.

Special Districts

30118: Defined.

30504: In general, to submit development plans for consideration in LCPs.

State Universities and Colleges

30119: Defined.

30519
(b): Not included in development review authority delegated to local governments.

30605: Plans of to be submitted to the Commission for review; after certification, any review of a specific project included in the plan is subject only to reasonable terms and conditions.

Sensitive Coastal Resource Areas

Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. Including: (a) special marine and land habitat areas, wetlands, lagoons, and estuaries, as mapped and designated in Part IV of the Coastal Plan; (b) areas possessing significant recreational value; (c) highly scenic areas; (d) archaeological sites referenced in the California Coastline Preservation and Recreation Plan or as designated by the State Historic Preservation Officer; (e) special communities or neighborhoods which are significant visitor destination areas; (f) areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons; (g) areas where divisions of land could substantially impair or restrict coastal access.

30116: Defined

30502, 30502.5
30603: Subject of special Coastal Act provisions. In general, sensitive coastal resource areas would be designated by the Commission in consultation with local governments and regional commissions as areas where resource protection requires review and approval by the Commission and Regional Commissions of not only zoning ordinances but other implementing actions (i.e., ordinances, regulations, or programs which implement the provisions of the certified LCPs or the policies of the Coastal Act). The designation of each area must be based on a separate detailed report containing certain findings. These would have to be ratified by the Legislature. Those areas designated would have to be protected by adequate implementing actions in the LCPs. After certification of the LCPs developments in these areas could be appealed to the Commission on the grounds they do not conform to the implementing actions of the certified program.

Lots Immediately Adjacent to the Inland Extent of Any Beach, or of the Mean High Tide Line of the Sea Where There Is No Beach

30610.5
(b): Not to be excluded as urban land areas under Section 30610.5(a) or as specifically defined areas under Section 30610(d).

Area Between the Nearest Public Road and the Sea or the Shoreline of any Body of Water Located Within the Coastal Zone

30604
(c): Local government coastal development permits for development in to include specific finding that development is in conformity to public access and recreation policies of the Coastal Act, Chapter 3.

Coastal Commission Appeal Jurisdiction (After Certification of LCPs)

30603: Same as geographical area of permit jurisdiction before certification (Section 30601(1)(2)) plus sensitive coastal resource areas. (Certain types of development regardless of location, also included in jurisdiction.) Certain grounds for appeal are specified.

Coastal Commission Permit Jurisdiction

(Prior to certification of LCP but where local governments at their option establish their own procedures for coastal permits.)

30601
(1)(2): Between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, otherwise or also including tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff. (Certain types of development, regardless of location, also included in jurisdiction.)

Local Jurisdictions Designated as Pilot Project Areas by the Commission

30521: LCPs of to receive priority in review process.

Significant Coastal Resources

30007.5 Protection of generally to be favored in conflicts between policies of Coastal Act.

APPENDIX 5

CURRENT LIST OF ACQUISITION SITES

APPENDIX 5

CURRENT LIST OF ACQUISITION SITES

This Appendix contains a list showing acquisition status of all the sites recommended for public acquisition by the California Coastal Zone Conservation Commission in March 1976. The recommendations, addressed to the Governor and the Legislature, were published in a report that supplemented the Coastal Plan (December 1975).

The Coastal Commissions' recommendations were in four priority groups:

- I: Sites with substantial public recreational (I-A) or habitat (I-B) values that will be irreversibly committed to non-public uses if not acquired within the next few years.
- II: Recreational sites that serve urban populations (II-A) and environmental resource areas that need protection or restoration (II-B).
- III: Sites of the same general type as the first two categories but of lower priority if the whole list cannot be acquired. (III-A: recreation and open space;III-B: habitat protection and restoration.)
- IV: Sites not included in the Commissions' recommendations for acquisition through existing agencies and programs, but suggested for appropriate action by Federal agencies or the new State Coastal Conservancy, which is empowered to use flexible techniques such as, purchase and leaseback that are not now available to existing State agencies (IV-A: Conservancy; IV-B: Federal agency.)

The Commission had recommended that priority groups I and II form the basis for coastal acquisitions under the 1976 Bond Act and other current sources of funds, that no sites in group III be purchased until sites in groups I and II are committed for purchase or their public values fully protected, and that Federal or Conservancy efforts to acquire or protect sites in group IV be endorsed.

The March 1976 report contained maps indicating the approximate size and location of recommended acquisitions.

Subsequently, the State Department of Parks and Recreation, which would carry out many of the proposed purchases using bondmen, screened the Coastal Commission's recommendations along with other proposals in making its recommendations to the State Park and Recreation Commission on sites to be acquired. Determinations were made on which proposals were of State significance and would best fulfill the objectives of the State Park System for historic preservation, outdoor recreation, and landscape preservation. The Coastal Commission staff suggested further review of some sites that were initially determined by the Parks and Recreation staff to be of primarily local significance or the responsibility of other State or Federal agencies.

All of the projects classed as of State significance were then ranked according to the system proposed by the Department in May 1976 (it is included as Section 5096.124 of the 1976 Bond Act). This system puts the proposals in perspective as to their effectiveness in meeting State Park System objectives by assigning values for such factors as relative geographical demand, ability to meet known deficiencies, scenic quality, and proximity to urban core populations. The priorities were then reviewed to consider other factors, such as relative danger of commitment to non-public uses, costs, and geographical balance.

The resulting list was reported to the Park and Recreation Commission about three weeks before the Nejedly-Hart State Urban and Coastal Park Bond Act of 1976 (previously SB 1321) was approved by the voters as Proposition 2 on the November ballot.

The following indicates the sources of funds as noted in the "Status of Acquisition" column:

- 1976 Bond Act: This Act specifies that certain amounts "shall be available for appropriation," with proposed appropriations for specific project to be included in the annual Budget Bill considered by the Legislature. Section 5096.124

earmarked these amounts:

--$85 million to local governments throughout the State ("Sec. A" in status column below).

--$110 million specifically for State Park System coastal recreational acquisitions ("Sec. B").

--$15 million to the Wildlife Conservation Board (WCB) for coastal and other projects, including some acquisition ("Sec. D").

--$10 million to the State Coastal Conservancy for restoration and enhancement of degraded coastal habitat or recreational lands, selective acquisition of prime coastal agricultural land, pre-acquisition of lands for reconveyance to other public agencies. selective acquisition of easements and development rights to establish buffer areas around parks and habitat areas, and acquisition or acceptance of public accessways on the coast.

° 1974 Bond Act: Some monies are still available for coastal acquisition under the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974.

° AB 2133: This 1976 bill, the Keene-Nejedly California Wetlands Preservation Act (which established a general, coordinated governmental program for the acquisition, protection, and preservation of State wetlands), appropriated $5.5 million for, among other things, acquisition of seven specified coastal wetlands.

° AB 400: This 1976 bill, in addition to providing operating funds for the Coastal Commissions in 1977, appropriated $9.85 million for specified recreational beach acquisitions, along with $2 million for hostel facilities on the coast. (The Governor deleted $11.1 million for other beach purchases.)

° Existing funds: The Parks and Recreation Commission has available some other funds not included in the above categories.

° No funding or no present plans: These notations are made for other recommended acquisitions, despite the present lack of funding, in order to provide a complete list of properties of high recreational and habitat value. The fact that a property is on the list, but is not funded, does not affect the property owner's rights or his ability to file a development request at anytime.

As used by the Coastal Commission in its acquisition recommendations, "acquisition" generally means public purchase of the full fee interest in a piece of property, except for some State Coastal Conservancy projects as discussed above and in Chapter 10 of the management program. California law requires that public agencies must pay the fair market price when purchasing land for public use. In some cases, where a property owner is willing to sell a part of his interest (e.g., an easement) in a property recommended for acquisition, purchase of less than fee interest would be appropriate. Some land may also be made available to the public as part of a compatible development or other portions of the property--e.g., as conditions of coastal development permits issued under the Coastal Act.

Note: Estimated costs, in the list below, are derived primarily from April 30, 1976 estimates of market values as determined by the Department of General Services. These estimates are based on periodic comparisons with comparable sales. They have not been updated.

Missing site numbers in the list refer to areas that were considered for acquisition during public hearings but were not included in the State Commission's final recommendations.

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
NORTH COAST REGION				
Del Norte County				
2. Lakes Earl & Talawa (II-B)	4,500 ac.	Protection of a major wetland and expansive dune area (an extremely valuable fish and wildlife habitat) for resource preservation, general recreational use and open space	$3,575,000	Funded by AB 2133
Humboldt County				
5, 7. Agate Beach (including Big Lagoon Spit) (III-A)	271 ac.	Connect Dry Lagoon State Beach and Patrick's Pt. State Park for beach recreation	$500,000	Agate Beach may be acquired with 1974 Bond Act funds
9. Beach North of Trinidad	8 ac.	Link Trinidad State Beach and Trinidad Head for beach and water-related recreation	$30,000	No funding
10. Trinidad Head (III-A)	70 ac.	Transfer Federal land to State for access and recreational use	$ 0	General Services Admin. may transfer this site to Dept. of Parks and Recreation
11. Trinidad Head to Little River	261 ac.	Preservation of scenic and archaeological values (Tsurai village site and Indian grave sites) through acquisition of the Iverson Cottage and undeveloped parcels between Trinidad Head and Little River. No properties are recommended for acquisition in the existing subdivision north of the mouth of Little River.	$1,000,000	May be funded under Sec. C of 1976 Bond Act
12. Mouth of Little River (III-A)	7 ac.	Provide a continuous strip of public ownership from Trinidad State Beach to Little River State Beach to enhance coastal access and recreational use	Estimated cost not available	No present plans
15. Bear River Easement (III-A)	10 ac.	Public access for fishing and recreation for a large portion of the coast not currently served by a public accessway	$70,000	No funding
Mendocino County				
18. Bear Harbor Usal Creek (III-B)	2,200 ac.	Connect State park lands at Bear Harbor and Usal Creek for day use, hiking, and some overnight camping	$1,500,000	Already funded

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
21. Ocean Meadow Subdivision (I-A)	28 ac.	Protection of view, highway capacity, access to the ocean (exclude three developed lots)	$468,000	Possible Conservancy project
22. Ten Mile River (II-B)	170 ac.	Protection of wetland habitat, one of the most important estuaries of the Mendocino coast.	$190,000	Part may be acquired with Site 23
23. Ten Mile Dunes and Inglenook Fen (I-B)	745 ac.	Protection of dunes and unique fresh water marsh habitat	$825,000	Expected to be funded by 1976 Bond Act
24. Noyo Headland (II-A)	18 ac.	Create major new bluff park overlooking Noyo breakwater and river mouth at the south edge of city of Fort Bragg	$220,000	No funding
25. Todd Subdivision (II-A)	10 ac.	Extend Noyo bluff park. Designated acquisition appears adequate to create attractive bluff park, in conjunction with the Noyo Headland proposal	$145,000	No funding
26. Jefferson Subdivision (II-A)	4 ac.	Protect access to tidepools; expand present acquisition in and around Jug Handle Creek	$195,000	Part may be acquired with Site 27
27. Jefferson to Jug Handle Creek (II-A)	110 ac.	Protect access; expand Dept. of Parks and Recreation acquisition at Jug Handle Creek	$1,160,000	Parts anticipated to be acquired with existing and 1976 Bond Act funds
28. Big River Wetland (II-B)	150 ac.	Protect wetland habitat area, comparable in importance to the Ten Mile River wetland	$85,000	At least a portion anticipated to be acquired with existing funds
29. Albion River Wetland (III-B)	145 ac.	Protect important wetland habitat area	$85,000	No funding
30. Elk Creek Wetland (III-B)	220 ac.	Protect important wetland habitat area	$400,000	No present funding

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
32. Hunter's Lagoon Subdivision (I-B)	450 ac.	Protect habitat value of adjacent Laguna Beach Marsh. Purchase and leaseback lands suitable for agricultural use	$1,210,000	Lagoon area designated for AB 2133 funding. Possible Conservancy project for adjacent subdivided lands
34. Whiskey Shoals	100 ac.	Protection of view, highway capacity, access to the ocean	$880,000	Possible Conservancy project
NORTH CENTRAL COAST REGION Sonoma County				
36. Sea Ranch (II-A)	118 ac.	Public access, research, and day use recreational activities	$1,390,000	No funding. Some dedications may be possible as development permit conditions
37. Richardson-Kruse Ranch (II-A)	1,319 ac.	Public access, view protection, day use area extending public ownership north from Salt Point State Park. All land west of Hwy. 1 and some area to be east to be included	$4,350,000	Part may be included in planned State Park expansion
38. Salt Point State Park (III-A)	33 ac.	General recreation including camping and day use. (All but 33 acres have been acquired by the Dept. of Parks and Recreation)	$1,100,000	Funded by AB 400 and 1974 Bond Act
39. Ocean Stillwater Coves (III-A)	149.84 ac.	Day use, hiking, scuba; expansion of existing county park	$150,000	No funding
40. Timber Cove Terrace (III-A)	28 ac.	Passive recreation, view protection	$251,200	No funding
41. Fort Ross (II-A)	2,525 ac.	Camping, hiking, day use. Acquisition of upland areas will protect viewshed and permit some development on ridge	$6,135,000	Can be acquired with existing and 1976 Bond Act funds
42. Russian Gulch-Jenner Beach (III-A)	170 ac.	Camping, hiking, day use	Estimated cost not available	At least a portion probably already funded

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
45. Willow Creek (II-A)	1,258 ac.	Major new warm-weather, camping, day use and educational area accessible from inland transportation corridors	$1,000,000	A small portion has been acquired. No funding for balance
46. Pacific View Estates (I-A)	23 ac.	Acquisition of State Park inholdings west of Hwy. 1 to protect views and visual access to the coast	$1,105,000	Possible Conservancy project for at least a portion of the area
47. Bodega Dunes State Beach (II-B)	75 ac.	Protection of Clark Marsh adjacent to University of California marine lab facility	$175,000	Already funded
Marin County				
48. Tom's Point (III-B)	176 ac.	Protection of unique habitat near the mouth of Tomales Bay	$105,000	Expected to be funded by 1976 Bond Act
49. Angress Property (I-A)	22 ac.	View protection, day use recreation along the eastern shore of Tomales Bay	$155,000	Is presently being acquired as settlement of litigation
50. Millerton-Tomasini Points (II-B)	290 ac.	Preservation of habitat values; research and educational use	$535,000	No funding
52. Seadrift Beach (II-A)	57.39 ac.	Beach recreation and day use activities. Negotiations on dedication of beach now underway	$480,000	No funding. Some easements for access may be possible
San Francisco County				
53. Olympic Golf Club Lands (III-A)	41.58 ac.	Expansion of Thornton State Beach connecting public lands in San Mateo County to those in San Francisco	$249,000	No funding
CENTRAL COAST REGION San Mateo County				
54. Thornton State Beach (III-A)	36 ac.	Expansion of State Beach for recreational use. Easily accessible from Bay Area	Estimated cost not available	No funding

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objectives of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
55. Sharp Park State Beach (Additions) (I-A)	4.2 ac.	Upland support area for State Beach (owned by Dept. of Fish and Game). By a combination of acquisition and leases of existing public land, an effective management unit can be created for intensive recreational use (acquisition of existing homes is not recommended at this time)	$303,000	No funding
56. Mori's Point (I-A)	109.2 ac.	Protection of scenic headland, RV camping. This area to become a continuous unit with Sharp Park State Beach (see remarks above)	$1,760,000	No funding
57. San Pedro Beach (II-A)	50 ac.	Major new urban beach within the City of Pacifica. This serves substantial Bay Area demand	$1,650,000	No funding
58. Montara State Beach (II-A)	60 ac.	Expansion of State Beach, also convenient to Bay Area population centers	$1,050,000	No funding
59. Fitzgerald Marine Reserve (II-B)	195 ac.	Support area for County Reserve and expansion of reserve area	$2,750,000	May be acquired with existing funds
60. San Mateo Midcoast Beaches (Miramar and Manhattan Beaches (I-A)	39.8 ac.	Expansion of State Beach. These areas have not been included in the County's acquisition proposal but are highly valuable for recreational use	$385,000	Part expected to be funded by 1976 Bond Act
San Mateo Midcoast Beaches (within Half Moon Bay city limits) (II-A)	80 ac.	Expansion of public beaches and facilities	$1,130,000	Present plans not known
San Mateo Midcoast Beaches (area south of Half Moon Bay city limits) (III-A)	100 ac.	Expansion of State Beach. These areas have not been included in the County's acquisition proposal and would provide valuable recreational opportunities	$650,000	Present plans not known
61. Pescadero Marsh (II-B)	340 ac.	Preservation of marsh and surrounding area for public recreational use and education	$840,000	Already funded

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
62. Bolsa Point Beaches (III-A)	25 ac.	Improve beach access along this rural stretch of coast	$25,000	No funding; proposed as joint State-County project with some Federal funding for accessways
63. Franklin Point Dunes (II-B)	437 ac.	Protect dune area and beaches. Protection of agricultural lands can best be assured through the local coastal plan for area	$990,000	No funding
Santa Cruz County				
64. Scott Creek (Beach and Marsh) (II-B)	70 ac.	Establish a public beach area at the mouth of the Creek, including upland parking and support facilities; protect the marsh habitat inland from the beach.	$80,000	No funding
66. Natural Bridges Addition (I-A)	11 ac.	Upland support and open space area to expand this heavily used State Park facility	$182,000	In-holding may be acquired with 1976 Bond Act
67. Lighthouse Field (I-A)	37 ac.	Major urban park area serving both local and regional populations	$4,400,000	Funding expected under 1976 Bond Act
69. Upper Yacht Harbor (III-A)	90 ac.	Wetland restoration, major regional park. Habitat protection and establishment of a regional park facility	$300,000	No funding
70. Manresa Beach Uplands (I-A)	55.4 ac.	Upland support area for State Beach.	$950,000	15 acres to be acquired with existing funds, additional expected with 1976 Bond Act funds
72. Sunset Beach (II-A)	13 ac.	Purchase inholding within this heavily used State Beach	$160,000	Inholdings may be acquired with 1976 Bond Act funds
Monterey County				
73. Elkhorn Slough (I-B)	2,200 ac.	Preservation of major coastal ecosystem and habitat area. Passive day use activities recommended for this area	$1,210,000	funded by AB 2133

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
74. Zmudowski State Beach (I-A)	100 ac.	Protect dunes and beaches surrounded on two sides by the existing State Beach	$457,000	Might be acquired with 1976 Bond Act funds for inholding
75. Salinas River Dunes (III-B)	200 ac.	Protection of dunes, beaches adjacent to Salinas Lagoon National Wildlife Refuge	$1,000,000	No funding
76. Marina Dunes (I-B)	169 ac.	Protection and restoration of beach and fragile dune habitat which has been partially degraded by road construction	$2,100,000	No funding
77. South Monterey Bay Beaches (I-A)	100 ac.	Protection of dune habitat and scenic values. Provide urban beach area suitable for recreational use	$5,500,000	Expected to be funded by 1976 Bond Act
78. Laguna Grande Lake (III-A)	25 ac.	Restore marsh; provide for compatible day use activities	Estimated cost not available	No present plans
78a. Monterey Peninsula Railroad Right-of-Way (III-A)	35 ac.	Protect 4.4 mile trail corridor from Monterey to Asilomar. Proposed by regional park district, cities of Monterey and Pacific Grove	$500,000	No funding
79. Del Monte Botanic Reserves (IV)	10 ac.	Protect unique Monterey Cypress groves. Focus on lots with high habitat values, which can only be preserved through acquisition	$750,000	Possible Coastal Conservancy project, perhaps with local participation
80. Carmel City Beach addition (III-A)	1.3 ac.	Upland support area and access point for City beach. Public use of this area can be assured through acquisition of the lower two lots	$150,000	No funding; might be State-local project
81. Carmel Meadows South (Briggs Property) (III-A)	35.6 ac.	Buffer, view protection for Pt. Lobos Reserve	$1,500,000	Already funded

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
82. Carmel River-Pt. Lobos Uplands (Odello East Property) (III-A)	135 ac.	Acquire the Odello East property along the Carmel River totalling 135 acres. Seek the dedication of additional acreage along a 2.5 mile stretch of highway south of the Odello property and east of the highway, to preserve this area as open space and a scientific reserve	$2,000,000	No funding; perhaps a potential Federal-State-local project
83. Soberanes Point Reserve (including Garrapata Beach (I-A)	200 ac.	Preservation of outstanding Big Sur views; coastal trail, viewing points to be developed	$2,750,000	At least part expected to be funded by 1976 Bond Act
84. Notley's Landing (I-A)	100 ac.	Preservation of "classic" Big Sur view; continued use of the land for agriculture should be explored	$1,100,000	No funding
85. Little Sur-Point Sur (II-A)	800 ac.	Protection of views west of Hwy. 1 inland along the Little Sur River and provision of a trail linking Andrew Molera State Park and the Little Sur River. Camping and general recreational use is recommended	$6,800,000	Part may be funded by 1976 Bond Act
86. Pico Blanco (IV-B)	640 ac.	Preserve as wilderness area for hiking habitat protection, and as a striking landmark on the Big Sur coast	$1,000,000	Federal project (HR 4459 in 1976 session)
87. Los Padres National Forest (IV-B)	20,000 ac.	Enlarge this major Federal holding along Big Sur coast	Estimated cost not available	Federal project (HR 4459 in 1976 session)
SOUTH CENTRAL COAST REGION San Luis Obispo County				
88. San Simeon (II-A)	120 ac.	Recreation. Would expand recreational opportunities for visitors to this region. Excellent seashore habitat worthy of preservation. Area proposed as a harbor of refuge	$1,175,000	No funding
88a. Villa Creek (II-A)	112 ac.	Provide recreation and access to this sandy beach along with the creek and lagoon. Owners have offered to sell additional land in the area to the State as well	$1,120,000	Might be funded under Sec. A of 1976 Bond Act

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
89. Morro Bay-South Bay (I-B)	75 ac.	a. Otto Estate habitat protection		Parts of Site 89 expect to be funded by 1976 Bond Act
	120 ac.	b. Los Osos Creek, wetland protection		
	25 ac.	d. Sweet Springs and Cuesta Marsh wetland protection		
	6 ac.	e. Cuesta Inlet, recreation		
	5 ac.	f. Sunset Terrace Marsh, protect marsh and upland		
	15 ac.	g. Sunset Terrace upland		
	246 ac.	Total	$1,540,000	
90. Mallagh Landing-Pirates Cove (II-A)	10 ac.	Acquisition of this sheltered cove and upland will guarantee access to this portion of the coast and provide a scenic overlook as well	$275,000	Might be funded under Sec. A of 1976 Bond Act
91. Dinosour Caves (I-A)	13 ac.	Recreation, landform protection and educational uses	$500,000	No funding but might be funded under Sec. A of 1976 Bond Act
92. Pismo Lake (II-B)	65 ac.	Wetland protection and small upland buffer and support area. This freshwater marsh and oak woodland also provides open space, education and scientific research opportunities	$250,000	No funding
93. Pismo-Nipomo Dunes (II-A)	4,800 ac.	Recreation and habitat protection. A buffer area around the existing refinery and coke plant in the northeast portion of the site could be excluded from the proposed acquisition. Continued production from the Guadalupe Oil Field in the southern portion of the site should be protected, probably by designating that segment of the site as an ecological reserve. Owners of one 500 acre parcel north of the Guadalupe Oil Field are willing sellers	$11,000,000	Part is funded by AB 400

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
Santa Barbara County				
94. Guadalupe Dunes (II-B)	1,300 ac.	Habitat protection. Inclusion of the Santa Maria River mouth and the area from Mussell Rock to Point Sal would be a possible expansion considered desirable by the Dept. of Fish and Game	$2,860,000	No funding
95. Gaviota State Beach (II-A)	65.5 ac.	Recreation. This would expand the existing park downcoast to Refugio State Beach, and provide both day use areas and a hiking trail	$2,750,000	Funded by 1974 and probably 1976 Bond Acts
96. Gaviota Coast-El Capitan Area (II-A)	5-mile trail easement	Recreational trails along the narrow coastal bluff linking existing Refugio State Beach	$235,000	Expected to be funded by 1976 Bond Act
97. Haskell's Beach Ellwood Pier (I-A)	65 ac.	Support area for pier being acquired for recreational use. Highly accessible by travelers on Hwy. 101	$770,000	May be funded by local and 1976 Bond Act funds
98. Haskell's Beach to Hope Ranch (II-A)	4-mile trail easement	Trails and access points to help tie together a series of Gaviota coast public parks accessible to a large urban population	$330,000	Expected to be funded by 1976 Bond Act
101. Wilcox Property (II-A)	66 ac.	This could provide substantial recreation as a large natural park close to major metropolitan area	$2,860,000	No funding
102. Palm Park (East Beach) (II-A)	12.5 ac.	Expand recreational use by residents and visitors from throughout the state at this popular urban beach park	$1,500,000	No funding
103. Hammonds Meadow (I-A)	22 ac.	Valuable recreation and urban open space area requiring careful management for recreational use	$2,230,000	No funding
105. El Estero-Carpinteria (II-B)	195 ac.	Habitat protection. University of California reportedly has acquired approximately 50 acres of this high priority wetlands and is negotiating on another parcel	$1,550,000	Univ. of Calif. Land and Water Reserve System has acquired about 50 acres, is negotiating on another parcel

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
106. Salzgebar Meadow (III-A)	8 ac.	Access, recreation and open space. This would provide access to an area now cut off from the beach	$40,500	No funding; proposed as joint State-local project
107. Standard Oil Property (Wilson Property) (III-A)	2.75 ac.	This would extend the existing State Park and furnish a day use area for persons now cut off from the beach	$49,400	May be funded under 1976 Bond Act, possible joint State-local project
Ventura County				
107a. Mouth of Ventura River (II-A)	124 ac.	Valuable urban open space land with substantial recreational use potential	$180,000	No funding
108. McGrath State Beach (II-A)	108 ac.	Would provide additional campsites and day use areas for this popular State Beach easily reached from Los Angeles via either Hwy. 1 or Hwy. 101	$2,970,000	No funding
110. Oxnard Plain Agricultural Lands (IV)	acreage not yet determined	Permanent protection of prime agricultural lands. This general area appears to be an appropriate one in which to explore possible purchase and leaseback techniques. A pending subregional study will help identify appropriate specific parcels	Estimated cost not available	This is a possible Conservancy project on those lands within newly designated coastal zone
111. Ormond Beach (II-B)	60 ac.	Protection for sand dune and salt marsh areas providing habitat for two rare and endangered species. Limited public access and use could be allowed where appropriate. This is part of an extremely large parcel including upland agricultural areas	$1,000,000	Expected to be funded by 1976 Bond Act
113. Leo Carrillo State Park (II-A)	30 ac.	Recreation; expansion of present park. Downcoast portion under acquisition	$6,600,000	Already funded
SOUTH COAST REGION Los Angeles County				
114. Nicholas Canyon to Zuma Beach (all I-A)	5.62 ac.	Site B (El Sol): Beach and upland support areas. 3.91 acres budgeted for purchase in 1976-77	$1,100,000	Partially funded from 1974 Bond Act via Los Angeles County

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Public Objective of Major Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
	6.1 ac.	Site D: Coastal terrace support site. Topography and vegetation will help screen activity on site from Pacific Coast Hwy (PCH)	$550,000	No funding
	8.86 ac.	Site E (El Pescador): Provides both day use and camping opportunities. Excellent site, near intersection of PCH and Encinal Canyon Road	$825,000	Funded by AB 400, Land and Water Conservation Fund and Los Angeles County
	c.10 ac.	Site F: Day use support area for adjacent beach. Valuable offshore marine habitat	$743,000	No funding
	19.55 ac.	Site H (El Matador): swimming, day use, viewpoint. Excellent and highly attractive recreational site	$3,080,000	Funded by AB 400, Land and Water Conservation Fund and Los Angeles County
	12.5 ac.	Site I: Day use area to serve as an extension of a presently planned park	$3,300,000	No funding
115. Charmlee Connector (II-A)	acreage not available	Trail connection to Charmlee Regional Park in Santa Monica Mts. Valuable link to increase effective use of Charmlee and El Pescador sites	$110,000	No funding
116. Point Dume (I-A)	37.7 ac.	Vista point, educational and controlled day use activities. A unique opportunity to acquire an irreplaceable site for public enjoyment	$3,500,000	Funded by 1976 Bond Act
118. Paradise to Escondido (II-A)	46 ac.	Access, boat launching, beach and support areas. This is a valuable site easily accessible from metropolitan Los Angeles	$10,670,000	Part anticipated to be funded by 1976 Bond Act
119. Corral-Solstice Beach West (II-A)	11.6 ac.	Provides view protection as well as recreation. One recent fourplex shows the extent of view blockage if this area were to be developed	$3,575,000	All but fourplex could be acquired with existing funds

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
119a. Corral-Solstice State Beach (Caltrans) (III-A)	8.4 ac.	Inclusion of this State Dept. of Transportation-owned land presently leased to Los Angeles County is intended to ensure its continued use as a public beach	$1,500,000	No funding
120. Corral Canyon (DWP site) (II-A)	16.9 ac.	Camping and beach support area inland of PCH. Excellent site for support facilities since canyon has existing PCH underpass	$1,100,000	No present funding
121. Puerco Bluff (III-A)	30 ac.	Blufftop park. Gently sloping area with excellent views and accessible from Los Angeles area	$525,000	No funding
122. Malibu Bluff (I-A)	130 ac.	Major park, vista point, possible camping area, and shuttle bus terminus serving sites further up coast. Extraordinary opportunity major metropolitan area	$7,850,000	Anticipated to be funded by 1976 Bond Act
123. Malibu Lagoon (I-B)	62 ac.	This parcel (in the flood plain of the creek) is important in protecting this valuable lagoon as a habitat area	$2,300,000	A small portion can be acquired with existing funds (park facilities anticipated to be funded by 1976 Bond Act
Malibu Lagoon (II-A)	10 ac.	This parcel is a vacant area suitable for parking and support facilities, and would allow the parking to be moved away from the lagoon itself	$1,450,000	No funding
124. La Costa Beach (III-A)	1.3 ac.	Provides visual access and protects a potentially very valuable physical access point	$465,000	No funding
127. Lower Topanga Canyon (II-A)	47.5 ac.	Beach support area (parking and camping) behind PCH with an existing overpass. Close to metro area. Some existing structures may be leased. Others are proposed to be excluded from the acquisition	$7,150,000	Anticipated to be funded by 1976 Bond Act

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
128. Ballona Lagoon (I-A)	5 ac.	Important view park and support area for nearby beach. This would provide a splendid site for viewing boats from Marina del Rey as well as badly needed back up area for the Venice Beach. Possible tram terminus.	$2,400,000	No funding
130. Playa del Rey (Burns Parcel)	2.5 ac.	Protection of sandy beach as an addition to Dockweiler State Beach. Provides a possible site for needed support facilities	Estimated cost not available	No funding
132. Point Vicente North (I-A)	184 ac.	Bluff and shoreline recreation (also valuable tidal and near-shore marine life) of outstanding quality	$11,225,000	No funding
133. Palos Verdes Coastal Agricultural Lands (IV)	133 ac.	Protection of valuable coastal agricultural lands will fulfill both resource protection and preservation of scenic open space goals	Estimated cost not available	Possible Conservancy project, though not probable
134. Portugese Bend Coast (III-A)	54 ac.	Protection of valuable marine habitat and provision of appropriate intensity recreation	$175,000	No funding
135. Fort MacArthur (I-A)	400 ac.	Coastal recreation. Coastal Plan calls for a stress on recreational uses for these valuable urban parcels recently declared surplus by the Federal Government	Estimated cost not available	Lands have been declared surplus by Federal government. Some may be made available for recreational use
Orange County				
138. Los Cerritos Wetland (III-A)	125 ac.	Habitat protection and restoration. Good opportunity for restoration and some low intensity recreational use	$1,250,000	No funding
139. Seal Beach (I-A)	9 ac.	Shoreline park and bike trail terminus. Important open space, highly accessible from populous urban area. Los Angeles County Department of Water and Power property	$990,000	No funding

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
140. Bolsa Chica (I-B)	560 ac.	Protect and restore wetlands and scenic open space. Proposal includes ecological preserve and buffer, plus park area overlooking beach. Mineral rights not proposed for acquisition	$27,000,000	No funding; some suggested to be acquired in connection with proposed marina development
141. State Department of Transportation Property, Huntington Beach (I-B)	38 ac.	Wetlands restoration and protection. This also furnishes valuable open space in a rapidly urbanizing area	$3,300,000	No funding
143. Huntington Beach Channel Site (I-B)	46 ac.	Wetlands restoration and protection; possible education center	$3,545,000	No funding
144. Talbert Channel Site (I-A)	13.5 ac.	Location for beach support facilities. These facilities should not be placed on restorable wetlands (sites 141-143)	$1,485,000	No funding
146. Santa Ana River (I-B)	509 ac.	Existing and restorable wetlands; scenic bluffs	$41,000,000	No funding. A large Federal-State-local project has been discussed
147. Upper Newport Bay Sites (II-B)	390 ac.	Protection of valuable habitat areas forming a buffer for the Upper Newport Bay Ecological Reserve, as well as providing valuable urban open space. In adjacent areas not proposed for acquisition, careful development conditions (e.g. setbacks, dedications, grading, and discharge controls) will be needed to protect the heavy public investment in this valuable area	$16,435,000	No funding
149-151. Irvine (I-A)	1,050 ac.	Recreation, habitat, trails and view sites with both day use and overnight potential. Unique opportunity to provide a major recreational area in a rapidly expanding portion of the coast	$24,000,000	Part anticipated to be funded by 1976 Bond Act
153. Crescent Bay Point (II-A)	3.0 ac.	Bluff park, scenic open space. Shoreline is designated as a marine life refuge. Existing home to be utilized as interpretive center	$1,755,000	No funding

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
154. Central Laguna Beach Bluffs (I-A)	5 ac.	Bluff park adjacent to the public beach. Key link in a chain of parks along this heavily visited and beautiful area	$2,370,000	No funding
156. Laguna Niguel Coast (III-A)	17 ac.	Blufftop park and recreational support facilities. Crown Valley Parkway provides access from rapidly growing inland areas	$680,000	No funding
157. Dana Point Headlands (I-A)	112 ac.	Blufftop view park and recreation area should be developed, carefully designed to retain the site's natural qualities and spectacular views	$10,670,000	Anticipated to be funded by 1976 Bond Act
158. Dana Point Palisades East (I-A)	48 ac.	Camping, picnicking, viewing, other support uses. Will support the public investment in the Dana Point Harbor area	$3,960,000	No funding
189. Doheny State Beach South (III-A)	7 ac.	Extension of heavily used State Beach. Logical addition to popular beach already serving statewide demand	Estimated cost not available	May be acquired with 1976 Bond Act
SAN DIEGO COAST REGION San Diego County				
162. San Onofre State Park (IV-B)	247 ac.	Open this expansive beach area to public use, adding approximately 7 miles of oceanfront for recreational activities	Estimated cost not available	Proposed as Federal transfer, but no present use
163. San Luis Rey River Marsh (III-B)	50 ac.	Protect wildlife habitat at the mouth of the river	$800,000	No funding
164. Buena Vista Lagoon (Northeast Shore) (I-A)	7.41 ac.	Buffer for the state-owned lagoon area providing habitat for protection and access for recreational use	$326,000	No funding
165. Buena Vista Lagoon Hosp Grove (I-A)	20 ac.	Preserve eucalyptus grove as a buffer and for recreation. Provide for acquisition through purchase and dedication of the grove west of Monroe Road only	$275,000	No funding

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
166. Agua Hedionda Lagoon (eastern basin) (II-B)	85 ac.	Preserve habitat values and opportunities for passive recreational use of this area	$1,400,000	No funding
167. South Carlsbad State Beach (II-A)	36 ac.	Provide additional opportunities for water-related recreation by expanding the existing State Beach	$3,022,000	A portion might be acquired with existing funds
168. Encina Power Plant Beach (II-A)	8.6 ac.	Provide additional beach recreation	$2,970,000	Dedication has been made a condition of pending further expansion of the Encina Power Plant
169. Batiquitos Lagoon (Northern Shore) (I-A)	300 ac.	Recreational use, regional park activities including camping and day use	$990,000 (total value of 1,000 ac. in I-A and I-B)	Funded by AB 2133
Batiquitos Lagoon (Water Area, South Shore) (I-B)	700 ac.	Preservation of habitat value	$2,300,000	Some of this area might be included in the purchase authorized under AB 2133
170. North County Beach South (III-A)	1.6 ac.	Expand access down coastal bluffs to beach	$245,000	County funds are budgeted each year, and only 1.6 acres at 3 sites remain to be acquired
171. Sea Cliff County Park (I-A)	0.7 ac.	Provide upland support area for beach users. Acquire the undeveloped lots. Acquisition subject to a life estate is recommended on the two developed sites	$540,000	No funding
172. San Elijo-Cardiff State Beach	3.7 ac.	Provide upland support area for beach use, connecting San Elijo and Cardiff State Beaches	$2,750,000	Already funded
173. San Elijo Lagoon (I-B)	730 ac.	Preservation of habitat; passive recreational use	$3,465,000	Funded by AB 2133, possibly some local funds

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assessed market value)	Status of Acquisition
174. San Dieguito Lagoon (II-B)	170 ac.	Preserve habitat and open space values. Restore tidal action (excludes Lyon Co. property)	$1,980,000	No funding
174a. San Dieguito-Crest Canyon Connection (III-A)	19 ac.	Provide a connection for trail use between sites 174 and 176	Estimated cost not available	No funding
176. Crest Canyon (III-A)	125 ac.	Preserve native Torrey Pines and open space values. Form a single unit with San Dieguito Lagoon	$2,000,000	No State funding; local funds for part are being sought
177. Del Mar Bluffs (III-A)	18.4 ac.	Preserve outstanding coastal views; provide for a bluff trail overlooking the ocean	$100,000	Local funds may be budgeted
178. Anderson Canyon and Triangle (I-A)	12 ac.	Preserve unique canyon and upland support area	$1,000,000	No funding
179. Torrey Pines Reserve Extension (I-B)	20 ac.	Expand present State holdings to protect bluffs and native vegetation. This acquisition recommended by the Resources Agency as an important addition to the Reserve Extension	$1,300,000	No funding
179a. Sandstone Bluffs (scenic easement) (III-A)	4.5 ac.	Protect scenic character of prominent bluff. The Resources Agency recommends acquisition of a scenic easement to protect the bluffs	$65,000	No funding
180. Connection, Torrey Pines Reserve and Extension (II-A)	19 ac.	Connect State holdings in the area to facilitate pedestrian use of the Reserve and Reserve Extension	$1,100,000	No funding
181. Baldwin and adjacent properties (I-A)	18 ac.	Provide visitor center and staging area for Torrey Pines and Los Penasquitos State Reserves	$760,000	No funding
182. Los Penasquitos Lagoon (II-B)	280 ac.	Protect excellent lagoon habitat area and extend existing State Reserve	$1,550,000	Part anticipated to be funded by 1976 Bond Act

Coastal Commission Acquisition List Number, Name and Priority (as of March 1976)	Acreage	Major Objective of Public Acquisition	March 1976 Approximate Cost (based generally on assumed market value)	Status of Acquisition
184. Cabrillo National Monument (IV-B)	250-400 ac.	Expand National Monument to provide water-related recreational use	$ 0	Proposed as Federal transfer, but no present interest
185. Ladera Street Park (IV-B)	150 ac.	Provide State management of beaches and bluffs and appropriate recreational uses	$ 0	Same
186. North Island Naval Air Station (IV-B)	70 ac.	Open beach to public for recreation	$ 0	Same
187. Silver Strand State Beach (IV-B)	350 ac.	Expand existing State Beach for day use and camping	$ 0	Same
188. Sweetwater Marsh (I-B)	173 ac.	Preserve one of the last remaining high quality marsh and mudflat areas in San Diego Bay serving as a key habitat for marsh birds and waterfowl	$2,800,000	May be funded by Federal Endangered Species Act and 1976 Bond Act, Sec. D as Wildlife Conservation Board (WCB project)
190. Tijuana Estuary (I-B)	390 ac.	Preserve and protect resource and habitat values and agricultural lands. Prevent urban encroachment; maintain or restore the estuary to tidal action	$1,365,000	May be funded under Sec. D of 1976 Bond Act as a WCB project

APPENDIX 6

GENERAL LIST

OF

LAND AND WATER USES SUBJECT TO MANAGEMENT

IN THE COASTAL ZONE

APPENDIX 6

GENERAL LIST OF LAND AND WATER USES SUBJECT TO MANAGEMENT IN THE COASTAL ZONE

Following is a non-exclusive list of land and water uses specifically identified in the California Coastal Act as those subject to management policies. See Chapter 5 for a discussion of the development of performance standards that, in general, comprise the management system.

Development: 30106 (definition), 30107.5, 30200, 30212, 30233(c), 30240(a) & (b), 30241(e), 30244, 30250(a), 30251, 30252, 30253, 30261(b), 30519, 30600, 30601, 30604, 30607, 30610(d), 30620.5, 30621, 30622, 30623, 30624, 30625, 30626.

Structure: 30106 (definition).

Human activities: 30107.5.

Electrical generating facilities: 30001.2, 30264, 30413, 30600.

Coastal-dependent developments: 30001.2, 30001.5(d), 30101 (definition), 30235, 30255.

Ports (coastal-dependent development) and port facilities: 30001.2, 30233(a), 30519(b), 30700 through 30720.

Commercial fishing facilities (coastal-dependent development): 30001.2, 30233(a)(1), 30233(c), 30234, 30703, 30713(d).

Offshore petroleum and gas development (coastal-dependent development): 30001.2.

Liquefied natural gas facilities (coastal-dependent development): 30001.2, 30261(b), 30715(a).

Energy facilities in general: 30107 (definition), 30233(a)(1), 30515, 30601(3), 30603(a)(5).

Public works: 30114 (definition), 30254, 30515, 30601(3), 30603(a)(5), 30605, 30606.

Services or improvements of special districts benefitting the area: 30118, 30254, 30504.

Treatment works: 30120 (definition), 30412 (c, d, e).

Coastal-dependent industry: 30222, 30233(a)(1), 30260.

Development, transportation, or spillage of crude oil, gas, petroleum products, or hazardous substances: 30232, 30261(a), 30715(a).

Containment or cleanup facilities for oil spills, etc.: 30232.

Incidental public service purposes, including burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines: 30233(a)(5), 30233(c), 30705(a)(4).

Public service facility expansion: 30241(d).

New hazardous industrial development: 30250(b).

Formation or expansion of special districts: 30254

Tanker facilities: 30261, 30707.

Onshore development associated with tanker operations: 30261

Oil and gas development: 30262, 30418.

Drilling platforms or islands: 30262(c) & (d).

Refineries or petrochemical facilities: 30001.2, 30263, 30715(e) & (f).

Geothermal wells: 30418.

Public agency developments: 30600(b).

State University and Colleges: 30119, 30519(b), 30605, 30606.

Installation, testing and placement in service or replacement of necessary utility connection: 30610(b).

Wastewater treatment facilities in ports: 30715(b).

Roads and highways in ports: 30715(c).

Public agency activities outside the coastal zone: 30200.

Portion of developments outside the coastal zone: 30604.

General industrial use: 30222.

General commercial use: 30222.

Water supply projects: 30236.

Flood control projects: 30236.

Mutually beneficial State and local government uses: 30001.5.

Recreational boating use: 30224.

Recreational boating facilities, including dry storage areas, public launching facilities, berthing space, support facilities: 30224, 30233(a)(2, 3, 4), 30234, 30411(b) 30703, 30715(d).

Maintenance of depths in navigational channels, turning basins, vessel berthing and mooring areas: 30233(a)(2), 30610(b), 30705(a)(1).

Entrance channels for new or expanded boating facilities: 30233(a)(3).

Construction, deepening, widening, lengthening or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and other port facilities: 30705(a)(1).

Commercial, recreational, scientific, and educational use of the marine environment: 30230.

Wastewater discharges: 30231.

Once-through cooling: 30263.

Entrainment: 30231.

Runoff: 30231.

Depletion of groundwater supplies: 30231.

Drafting of subsurface fluids, leading to subsidence: 30262(f).

Substantial interference with surface waterflow: 30231.

Reclamation of waste water: 30231.

Waste or pollution of resources: 30005(c).

Alteration of natural streams: 30231.

Channelizations, dams, or other substantial alterations of rivers and streams: 30236.

Alterations of natural landforms: 30251.

Diking: 30233(a), 30233(c), 30607.1, 30705(a).

Filling: 30108.2 (definition), 30233(a) & (c), 306071., 30705(a), 30706.

Dredging: 30233 (a, b, c), 30610(b), 30705.

Spoils disposal: 30233(b), 30705(c).

Protective construction against erosion, etc.: 30253(2).

Existing marine structures: 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and similar construction: 30235.

Aquaculture (or mariculture): 30233(a)(8), 30705(a)(7).

Mineral extraction, including sand for restoring beaches: 30233(a)(6), 30705(a)(5), 30705(c).

Wetland-dependent activities: 30233(a)(8).

Wetland restoration: 30233(a)(7), 30233(c), 30411(b), 30705(a)(6).

Developments to improve fish and wildlife habitat: 30236.

Uses dependent on environmentally sensitive habitat areas: 30240(a).

Habitat uses: 30708(d).

Educational uses: 30001.5(e).

Nature study: 30233(a)(8), 30233(c), 30705(a)(7).

Recreational use and development: 30210, 30221, 30708.

Public recreational facilities including parking: 30212.5.

Visitor-serving facilities: 30250(c).

Lower-cost visitor and recreational facilities: 30213.

Water-oriented recreational activities: 30220.

Private visitor-serving commercial recreational facilities: 30222.

Support facilities for coastal recreation: 30223.

Beach replenishment: 30233(a)(6), 30233(b), 30705(a)(5).

Low- and moderate-income housing or replacement housing: 30007.

Housing opportunities for low- and moderate-income persons: 30213.

Housing: 30213.

Private residential use: 30222.

Improvements to existing single-family residences: 30610(a).

Repair or maintenance activities: 30610(b).

Improvements to existing structures, or any other developments, not more than $25,000: 30624.

Infilling or replacement development: 30610.5 (a)(2)(i).

Completion of logical and viable neighborhoods: 30241(b).

Office and residential buildings in port areas: 30715(d).

Hotels, motels, and shopping facilities in port areas: 30715(d).

Non-water-dependent land uses: 30224.

Non-agricultural development: 30241(d).

Urban land uses: 30241.

Establishing stable boundaries separating urban and rural areas, including clearly defined buffer areas: 30241(a) & (b).

Divisions of land: 30116(g), 30250.

Division of prime agricultural land: 30241(e).

Division of coastal commercial timberland: 30243.

Conversion of coastal commercial timberland: 30243.

Conversion of agricultural lands: 30241(b).

Conversion of (non-prime) lands suitable for agricultural use: 30241(e).

Conversion of coastal commercial timberland: 30243.

Agricultural uses: 30241.

Logging: 30118.5, 30417.

Nuisances: 30005(b) & (d).

APPENDIX 7

DRAFT LOCAL COASTAL PROGRAM MANUAL

AND

DRAFT LOCAL COASTAL PROGRAM REGULATIONS

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 – (415) 557-1001

February 14, 1977

TO: COASTAL COUNTY AND CITY PLANNING DIRECTORS, FEDERAL AND STATE AGENCIES, AND OTHERS INTERESTED IN LOCAL COASTAL PLANNING

FROM: JOSEPH E. BODOVITZ, EXECUTIVE DIRECTOR, STATE COMMISSION

SUBJECT: DRAFT LOCAL COASTAL PROGRAM MANUAL

Under the California Coastal Act of 1976, each city and county along the coast is to prepare a Local Coastal Program that will become the basis for its conservation and development decisions within the coastal zone.

The enclosed draft Local Coastal Program Manual is a working guide to the preparation of LCPs, designed to provide practical assistance to local governments and others involved in local coastal planning. It is a supplement to the draft Local Coastal Program regulations mailed January 27. (We are separately seeking your comments on those draft regulations as soon as possible. A public hearing will also be held in early March to permit adoption of the regulations by April 1 as required by the Coastal Act.)

This draft manual is intended to be immediately useful to local governments in applying for initial funding assistance and beginning to design their local coastal programs. It is also being distributed to State and Federal agencies to advise them (and to seek advice from them) on their roles in the preparation and certification of local coastal programs.

We would appreciate your comments on the general approach and usefulness of this manual, as well as specific criticisms and suggestions. Our objective is to prepare a revised draft in April, so we need your comments as soon as possible but no later than March 12. To be fully useful, we expect the manual to be updated, expanded, and corrected from time to time.

The draft has been prepared cooperatively by the Office of Planning and Research and the Coastal Commission staff. In addition to updating and revising the manual, our two offices will provide as much other assistance and information to local governments as possible, including model ordinances, sample methodologies for planning studies, legal analyses, subregional planning studies, reference documents, etc.

We look forward to working with you.

LOCAL COASTAL PROGRAM MANUAL

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INTRODUCTION

BACKGROUND: THE COASTAL ACT AND LOCAL COASTAL PROGRAMS

The California Coastal Act of 1976 declares that "to achieve maximum responsiveness to local conditions, accountability, and public accessiblity, it is necessary to rely heavily on local government and local land use planning procedures and enforcement" in carrying out the State's coastal objectives and policies "Section 30004". To this end, the Act directs each local goverment lying wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP) for its portion of the coastal zone.

An LCP consists of "a local government's land use plans, zoning ordinances, zoning district maps, and [in designated sensitive coastal resource areas] implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, [the Coastal Act] at the local level." "Section 30108.6 " The land use plan, the heart of the LCP, is defined as:

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

The components of the LCP are discussed more fully in later chapters.

As set forth in the Coastal Act, the local government may prepare and submit its land use plan and zoning documents at one time or in two stages; may submit its coastal plans in several geographic subunits (based on commission approval that the units can be evaluated separately); or may, by July 1, 1977, request that the coastal commission prepare all or part of the LCP. (Preparation of the LCP by the coastal commission, however, does not exempt the local government from other requirements of the Coastal Act, including public hearings and formal submittal of the LCP for certification.)

After the LCP, or any geographic portion of it, has been certified by the coastal commission, the local government assumes responsibility for administering coastal development permits for that area of the coastal zone. Except for developments proposed on submerged lands, tide lands, public trust lands, certain ports, and state universities or colleges, all permit authority under Chapter 7 of the Coastal Act will then rest with the local jurisdiction, and the state coastal commission will only hear limited appeals from such local permit decisions. Developments, including State and Federal actions, are to be allowed only if found to be in conformity with the certified LCP.

PURPOSE OF THIS MANUAL

The Coastal Act recognizes that conditions along the coast vary greatly and that each local government must, in consultation with the coastal commission, develop the LCP that best suits these local conditions. However, because of the great reliance placed on the LCP to carry out the State's coastal management program, the Coastal Act also specifically provides for guidance and review of the LCP process by the coastal commission. The commission is to adopt procedures for the preparation, submission, approval, certification and amendment of LCPs, including "a common methodology for the preparation of, and the determination of the scope of, the local coastal program...." "Section 30501"

As of this date, the coastal commission accordingly has prepared two documents which, together, provide guidance for local governments preparing LCPs. The first is the coastal commission regulations, which set out procedures and basic methodology for local government preparation of the LCP and procedures for the review and certification of the LCP by the coastal

commission. The second document is this manual, which should be used as a supplement to the Coastal Act and the commission's regulations.

This manual is directed primarily toward assisting local planning departments, advisory and technical committees, governing bodies, and others who will actually be preparing LCPs or who wish to participate in local coastal planning. But the manual should also assist special districts and State and Federal agencies in becoming effectively involved in the intergovernmental effort necessary to carry out the Coastal Act at the local level.

The manual is intended to help local governments that have large and complex coastal jurisdictions, as well as those with fewer issues and smaller areas. Thus the use of the manual and its guidelines should be tailored to the specific needs of each coastal county and city.

ORGANIZATION OF THE MANUAL

This manual is divided into three parts: Part I, Preparation of the Local Coastal Program; Part II, Coastal Act Policies; and Part III, Funding Assistance.

Part I describes in a narrative manner the optional and mandatory provisions of the Coastal Act and the commission's regulations, combined with information on other applicable laws and explanations and guidance that should be useful in local coastal planning. (This generalized discussion should not, however, be read as a substitute for the specific language of applicable laws and regulations.)

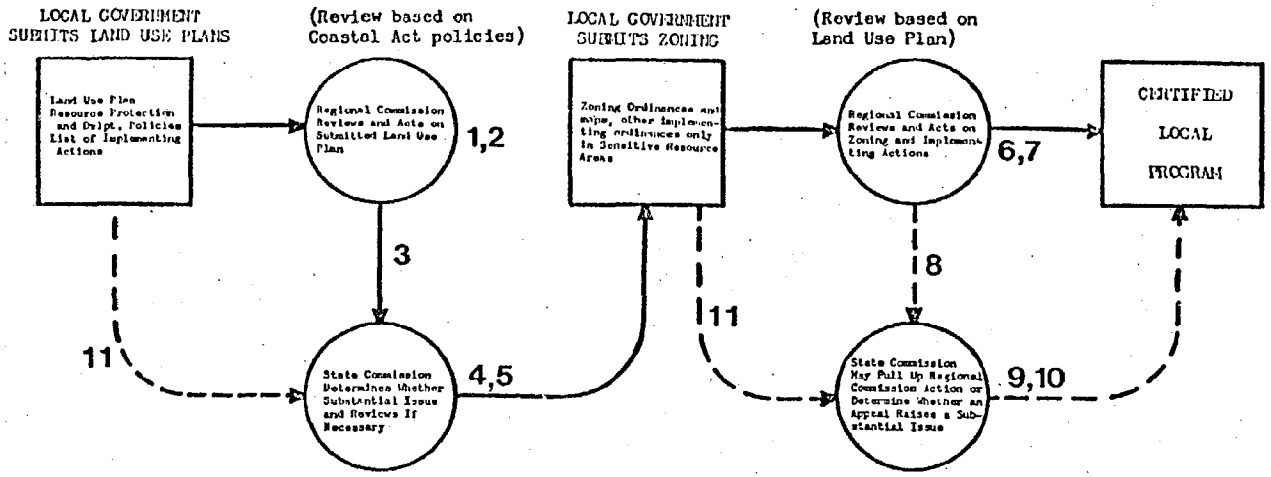
Part I is organized sequentially, dividing the LCP preparation process into three phases: (1) the work program; (2) the land use plan phase; and (3) the zoning and implementing actions stage. Phase I, the work program, is not a mandatory component of the LCP, but it is required to enable the Commission to provide funding assistance for local coastal planning. Phases II and III (land use plan and zoning) may, according to the Coastal Act, be combined. However, it is anticipated that most local governments will choose to prepare and submit their LCPs in the phases as outlined in this manual; moreover, much of the guidance for each phase would be the same whether submitted together or separately.

The chart on the following page illustrates the general LCP submittal procedures. It should be noted that local coastal programs may be submitted as soon as possible after the Commission's adoption of the LCP regulations schedule. No LCP may be required to be submitted before July 1, 1978, nor shall they be submitted later than January 1, 1980.

Part II of this manual sets forth all of the policies of Chapter 3 of the Coastal Act, organized into 14 subject groups. Under each policy group, there are explanatory notes, a checklist for factors to be included in the LCP, and a listing of relevant governmental agencies and sources of information.

Part III of the manual describes the methods of funding available to assist local governments in the preparation of local coastal programs.

PROCESSING LOCAL COASTAL PROGRAMS



1. Ninety days for Regional Commission action.
2. If the LUP is denied in whole or part, local gov't. may either revise and return to Regional Commission or appeal directly to State Commission.
3. Approved LUPs automatically forwarded to State Commission within 10 work days; denied LUPs appealed by local gov't.
4. State Commission has 60 days to complete review.
5. If denied in whole or part, local gov't. may revise and either submit to Regional Commission or appeal directly to State Commission.
6. Regional Commission has 60 days to act on submitted zoning and implementation measures.
7. If zoning denied in whole or part, local gov't. may revise and return to Regional Commission or appeal directly to State Commission.
8. State review only if appealed by local gov't. or aggrieved person within 10 work days, or if "called up" by a majority vote of State Commission within 30 days.
9. Sixty days to act following receipt or appeal; if State "calls up" Regional Commission action, 30 days to act.
10. If denied in whole or part, local gov't. may revise and either submit to Regional Commission or resubmit directly to State Commission.
11. At any time State Commission may pull up by majority vote. LUP and/or zoning per PRC 30333.5.

PART I

PREPARATION OF THE LOCAL COASTAL PROGRAM

CHAPTER I

LOCAL COASTAL PROGRAM WORK PROGRAM (PHASE I)

The initial step in preparing an LCP is the development of a work program. The development of the LCP work program assures early coordination between the local government and the coastal commissions and provides the basis for distributing grant monies by the coastal commission to local governments for coastal planning. (For more details on funding support for coastal planning, see Part III.)

According to the commission's regulations (currently in draft), the work program should:

1) identify coastal planning issues;
2) evaluate the sufficiency of information contained in existing plans and regulations;
3) outline the tasks required to address the coastal planning issues and to bring local plans and zoning into conformity with the Coastal Act;
4) establish procedures for providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the LCP; and
5) specify the option(s) for submittal the local government intends to use and the proposed schedule for submittal of LCP documents (coordinated with the regional and state commission review schedule).

(These requirements apply only if funding assistance is being sought; it is expected that most local governments will seek such assistance. If a local government believes its current plans and zoning are adequate and wishes to proceed without funding assistance, it should still, in accordance with the regulations, submit items 1, 4, and 5 for commission and/or staff review.)

The development of the work program will enable the local goverment and the Coastal Commission to arrive at an agreement on the extent of analysis and work that appear to be needed for preparing the LCP and to allocate available funding accordingly.

Some funding is also available to assist local governments in developing the work program itself. The commitment of time and money to this phase should, however, be kept to a minimum, so that most of the funds can be allocated to the actual work of preparing the LCP.

In addition to discussing the work program tasks outlined above, this chapter will also deal with a special concern of identifying as early as possible local projects that may be eligible for support by the new Coastal Conservancy.

A. IDENTIFYING COASTAL PLANNING ISSUES

According to Section 00021(a) of the Commission's draft regulations, the identification of coastal planning issues should be based on "a preliminary assessment of the potential impact of the kinds, location, and intensity of development currently allowable by local regulations . . . [and those] developments proposed by any port or harbor district, special district, state agency or public utility . . . on coastal resources and on public access to the coast." All substantial conflicts between such allowable or proposed development and the policies of Chapter 3 of the Coastal Act are to be set forth as coastal planning issues for specific geographic areas within the coastal zone.

To do this, the local government should review existing available data, or make reasonable estimates where such data is not available, of public service system constraints (e.g., existing and planned capacities of water, sewer, and

road systems, and current usage and availability of coastal recreational facilities) and should identify major resource or hazard areas (e.g., sensitive habitat areas, geologic or flood hazard areas, highly scenic areas, agricultural lands, and lands with recreational potential).

The local government should then assess the potentially allowable land uses and activities to determine whether the intensity of development could overburden available services causing adverse impacts on coastal resources or access, or whether the location and type of development could adversely affect the major resource areas and safety concerns that have been identified.

Not all of the policies of Chapter 3 of the Coastal Act will be applicable to every jurisdiction, and the degree of importance or potential conflict will also vary. Thus it is especially important for the local governments and Coastal Commission's staff to work closely together in identifying the coastal planning issues at this stage.

B. EVALUATING SUFFICIENCY OF INFORMATION

Once the coastal planning issues have been identified, the local government will need to design its work program to resolve those issues. In some cases, further data than is currently available will be needed. The local government should therefore, during the preparation of the work program, assess the adequacy of its existing data regarding the identified coastal issues and determine where additional data will need to be developed.

For example, the initial identification of issues may in some cases have been based only on rough estimates, and the local government will need to allow, in its work program, for a refinement of the issues based on further information, such as precise determinations of the existing and proposed capacities of water supply, sewer, and road systems, the decision points for expansion, and the impact of such expansions. There may be a need to refine the assessment of the potentially allowable development based on a review of lot patterns and ownership, where such information is needed to resolve coastal access or resource conflicts. Another example might be a need for further data regarding urban-agricultural land conflicts to establish a basis for defining the boundary between urban and rural areas consistent with Coastal Act policies.

During the land use plan phase, the local government will need to have sufficient data to determine how to meet the Coastal Act policies. At the same time, it must be recognized that data alone will not solve all issues, and many decisions can be made on the basis of existing information. Thus, as part of the work program, the Commission and the local government should agree on how much time and money needs to be allocated to gather or to develop new information. (Guidelines for the type of background information for each policy group appear in Part II of this manual.)

C. OUTLINING LCP TASKS

In addition to being based on sufficient data, the LCP will need to include land use controls that effectively "meet the requirements of and implement the provisions and policies of" the Coastal Act. (Section 30108.6) Thus local governments should, in the work program phase, evaluate the adequacy of existing general plan, zoning, and other regulatory devices and identify as specifically as possible the tasks needed to correct any deficiencies or to develop any new plan components, zoning provisions, etc., to carry out coastal policies.

A review of the following two chapters and the "LCP checklist" for applicable policy groups in Part II of this manual should assist in identifying the tasks and estimating the amount of work needed.

An additional task may be the preparation of an Environmental Impact Report if required by the California Environmental Quality Act (CEQA). If the local goverment determines that an Environmental Impact Report is needed, this task should be provided for and coordinated as much as possible with the LCP preparation, as discussed in Chapter 2.

The work program would then be submitted to the Commission with an application for a local coastal planning grant. The work program should follow the format outlined in the LCP grant handbook, focusing on the major objectives to be achieved and the planning activities required to address each objective. These major activities should be subdivided by specific issues, with a discussion of: (1) the specific objectives being addressed; (2) an identification of major work tasks to be undertaken to achieve these objectives; (3) a listing of end products and results of these tasks; and (4) an estimate of the cost and staff time required to complete the work described in each subcategory.

D. PROVIDING PUBLIC AND AGENCY PARTICIPATION

According to Section 30503 of the Coastal Act, and also Section 00020 of the commission's draft regulations on LCPs, local governments must establish procedures for providing maximum opportunities for the public and all affected governmental agencies to participate in the preparation of the LCP. The way the local government intends to do this should be described and provided for in the work program.

It is essential to assure that the public and other agencies are heavily involved during the land use plan preparation; thus intergovernmental coordination and various public information and involvement techniques are discussed in Chapter 2 (the Land Use Plan Phase). Similar participation opportunities should also be provided for in the zoning phase. The discussion in Chapter 2 should provide guidance for local governments in specifying, in the work program, the procedures for public and agency participation they intend to use.

It should be noted that most of the technical analysis and initial definition of the planning work program will likely be undertaken primarily by local staffs. The local government may wish to have a public meeting or hearing on its proposed work program, but this is not required. The approval of work programs for funding would be subject to public hearings before the regional and/or State Coastal Commission, and ample opportunity will be provided at that time for comment on the scope of the coastal planning issues identified and the adequacy of tasks to address them.

E. CHOOSING OPTIONS AND SCHEDULING

The work program should indicate whether the land use plan and zoning will be submitted in two stages or at one time and whether the jurisdiction intends to submit the local coastal program for its entire coastal zone area or for separate geographic units (Section 00031(a) of the Commission's draft regulations). It should also indicate whether, under either or both options above, it intends to submit relevant elements of its general plan and/or a separate coastal element. These options are described more fully in Chapter 2.

Based on its assessment of tasks and choice of options for submittal, the local government should estimate as realistically as possible when the various stages or portions of its LCP will be ready for regional commission review, taking into account local government hearing and adoption procedures. This information will assist the regional commission and commission in establishing, and revising as necessary, their schedules for review of LCPs. Where conflicts develop between the commissions' requirements for scheduling of all local

government submissions, as set forth in Sections 00030 and 00031 of the LCP regulations, work programs may need to be accelerated in some cases, or review of a completed LCP by the regional commission may need to be delayed.

E. IDENTIFYING POTENTIAL CONSERVANCY PROJECTS

As specified in the Coastal Conservancy Act (AB 3544), most local projects that may be eligible for assistance from the new Coastal Conservancy must first be designated in a certified LCP. Thus it is essential to identify areas potentially suitable for immediate Conservancy funding assistance as early as possible. The work program should then provide, if feasible, a means for accelerating certification of all or a portion of the LCP to establish eligibility under the Conservancy Act.

In close consultation with the Coastal Commission and the Coastal Conservancy, the local government should identify any of the following that may require early Conservancy action:

(1) important agricultural lands meeting the criteria set forth in Section 31152 of the Conservancy Act;

(2) areas requiring coastal restoration (Section 31200 of the Conservancy Act);

(3) areas requiring resource enhancement (Section 31251 of the Conservancy Act); and

(4) significant recreation and natural areas which are in danger of begin lost (Section 31350 of the Conservancy Act).

Public accessways for more than local needs may also be assisted by the Conservancy, but are not necessarily tied to a certified LCP. For a summary of the Coastal Conservancy program, see the Appendix (not included in this draft).

G. REVIEW OF THE WORK PROGRAM BY THE COMMISSION

Assuming that a local government is seeking some funding assistance for the preparation of its local coastal program, the work program will be submitted to the Commission for review to determine:

> "(1) whether the scope of tasks defined appears to address adequately the policies of Chapter 3 of the California Coastal Act of 1976, including uses of more than local importance, and potential conflicts involving other jurisdictions;
>
> (2) which tasks may be contracted for under grants to the local governments as differentiated from tasks which may already be required under other statutes or may more appropriately be undertaken by other agencies; and
>
> (3) the adequacy of methods proposed for involving the public." (Section 00061 of draft LCP regulations.)

The work programs will be used to support California's application for federal funds available under the Federal Coastal Zone Management Act and will be the basis for grant contracts between the Commission and the local government. In determining funding, local governments and the Coastal Commission will need to work together to evaluate and prioritize tasks within the available time and money to do them. The Coastal Commission, other state agencies, or other groups may also be able to undertake some tasks or provide assistance. Should available federal grant monies prove insufficient to complete the necessary work, this review could also be one of the factors in determining a local jurisdiction's potential eligibility for reimbursement of coastal planning tasks under SB 90. (See Part III for additional discussion of funding.)

CHAPTER II

THE LAND USE PLAN (PHASE II)

In the second phase, local governments should address the coastal planning issues identified in the work program and prepare any amendments or modifications to existing plans, or new elements, to constitute the coastal land use plan. The land use plan is defined in Section 30108.5 of the Coastal Act as follows:

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

(The use of this term should not be confused with a land use element or land use map of a general plan.)

The land use plan, once certified by the coastal commission, is the basis upon which zoning and, for designated sensitive areas, other implementing actions will be developed by local governments and approved as to adequacy by the coastal commission (see Chapter 3).

During preparation of the land use plan, local governments should coordinate planning with affected local, regional, state, and federal agencies, provide for citizen participation, and prepare environmental documents in accordance with the California Environmental Quality Act. Each of these aspects of land use plan preparation is discussed in the following sections.

A. ADDRESSING COASTAL PLANNING ISSUES

Based on the identification of coastal planning issues during the work program phase, the coastal commission and local government will have agreed in the approved work program on tasks needed to evaluate and resolve the issues. An overall methodology for analyzing coastal resource and development issues is set forth in the commission's draft *LCP* regulations; this methodology should be used unless another approach has been specified in the work program. As set forth in Section 00021(c) of the regulations, the steps are:

> "(1) The existing and proposed capacities of public service systems, including water supply systems, sewage treatment systems and transportation systems, and of public recreation facilities shall be ascertained. The kinds, location and intensity of development that can be accommodated by the existing capacities of these public service systems and the projected demand for [their] use...by persons other than local residents shall then be determined. If the road, sewer, water or recreational use systems are proposed to be expanded, the kinds, intensity and location of development associated with each stage of expansion of these systems shall be determined and the key decision points...shall be identified. Where the application of the policies of Chapter 3 of the Coastal Act of 1976 would require limits or conditions as to the amount, timing or location of public service expansion, an analysis shall be made to determine what portion of public service and recreational capacity must be reserved for the use of the general public.
>
> (2) After the analysis of the public service systems has been completed, the policies of Chapter 3 of the...Coastal Act that apply to specific coastal resources and to specific coastal access concerns... should be applied to determine the kind, location and intensity of land and water uses that would be in conformity with the policies of the Act...[including] consideration of recommended uses of more than local importance...,provisions for priority uses..., and the provisions of the public access component....
>
> (3) ...Alternative development patterns...that conform with and are adequate to carry out the policies of Chapter 3 of the Coastal Act shall then be examined and assessed...as to the potential adverse cumulative impacts on coastal resources and coastal access... These alternatives shall also determine development priorities for specific areas, identify where density increases or reductions should occur, and indicate measures necessary to protect specific coastal resources areas and coastal access. If the level and pattern of development recommended for the local coastal program requires the phasing of public service or recreational facilities...,the proposed measures for funding and implementing public service and recreational facilities should be specifically identified."

Depending on local conditions and coastal planning issues, and the assessment of existing data, any other tasks that were identified as part of the work program should also be done during this phase. Until the commission adopts information guidelines, the submission guidelines for applicable policies in Part II of this manual should be used as a checklist to make sure the preparation of the land use plan is based on "materials sufficient for a thorough and complete review" pursuant to Section 30510(b) of the Coastal Act.

B. PREPARING THE LAND USE PLAN

After evaluating and resolving the coastal planning issues, the next step is to prepare any revisions, additions, or new elements to the local plan documents to constitute the land use plan. As noted in the draft regulations:

> "The level and pattern of development selected by the local government shall be reflected in a land use plan. . . The scope of a local coastal program shall include measures necessary to achieve conformity with the policies of Chapter 3 of the . . . Coastal Act and shall extend to the authority granted by the planning laws of the State of California . . ."

The land use plan, in other words, uses and must conform to existing State planning laws.

1. Relationship to Planning Laws

Sections 65300 et. seq. of the Government Code require that every city and county prepare and adopt a comprehensive long-term general plan for the physical development of the jurisdiction and its environs. The general plan consists of nine mandated elements and may also include optional elements (Section 65303). The general plan may be adopted in separate elements or at one time, for all or part of the jurisdiction (Section 65301). Section 65300.5 requires that the general plan comprise an integrated, internally consistent and compatible statement of policies for the jurisdiction. These requirements of State law should be followed by each local government, but enforcement of them is not a coastal commission responsibility except insofar as it may specifically affect the adequacy of the plan within the coastal zone to meet and carry out the provisions of the Coastal Act.

Existing local general plans that have fully addressed these State planning law requirements may already deal with many of the issues in the coastal policies. Nearly all of the mandatory elements of the general plan, for example, relate to coastal issues.

- The land use element:

  > "designates the proposed general distribution and general location and extent of uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas." (Section 65301(a) of the Government Code)

- The circulation element shows the general location and extent of existing and proposed transportation systems, correlated with the land use element. The circulation element may also include "recommendations concerning parking facilities and building setback lines. . ." (Section 65303(b) of the Government Code). The mandated scenic highway element should also be of concern to coastal planning.

- The housing element is to provide adequate sites for housing, including all economic segments of the community. The Coastal Act specifically requires that new housing in the coastal zone be in conformity with the local housing element.

• The conservation element covers "the conservation, development, and utilization of natural resources including water. . ., forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources" (Section 65302(d)). It may also include such concerns as flood control, water pollution, protection of stream channels, erosion, and watershed regulation.

• Similarly, the open space element addresses many coastal issues, including recreation, water and marine resources, environmentally sensitive areas, forestry and soil resources, hazard areas, and visual resources. These are covered under a broad definition of open space uses as follows:

"1. Open space for the preservation of natural resources including. . . plant and animal life. . .; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

2. Open space used for the managed production of resources, including. . . forest lands, rangelands, agricultural lands. . .; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits. . .

3. Open space for outdoor recreation, including. . .areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, rivers and streams, and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

4. Open space for public health and safety, including. . .earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water reservoirs and areas required for the protection and enhancement of air quality." (Section 65560 of the Government Code.)

The seismic safety element identifies seismic hazards and also mudslides, landslides, and slope stability as related geologic hazards, while the safety element covers fires and geologic hazard mapping in areas of known geologic hazards.

Many of the optional elements contained in the general plan law also are appropriate for addressing coastal concerns. For example, these may include:

. . A recreation element showing "a comprehensive system of areas and public sites for recreation, including . . . natural reservations, parks, parkways, [and] beaches. . ."

• A transit element showing a proposed system of transit lines and related facilities.

• A public services and facilities element planning for sewerage, refuse disposal, drainage, and local utilities.

• A community design element consisting of "standards and principles governing the subdivision of land, and . . . recommended designs for community and neighborhood development and redevelopment. . ."

• An historical preservation element identifying and protecting sites and structures of architectural, historical, archeological, or cultural significance.

The major task in most jurisdictions will be to review and, where necessary, revise or add to existing plan elements as necessary to reflect the kinds, locations, and intensity of land uses and resource protection and development policies that conform to the Coastal Act policies. Consistent policy language (not necessarily verbatim restatements of the Act's policies but consistent in intent and effect and directed toward local conditions) and precise designations of land uses (in maps, diagrams, and text setting forth objectives, principles, standards and plan proposals) will be essential. (See Part II, Submission Guidelines.)

Each land use plan must also, according to Section 30500(a) of the Coastal Act, "contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." The public access

component need not be a separate plan element, but the public access provisions should be readily identifiable in the plan documents.

2. Options for the Land Use Plan

The Coastal Act provides two basic options for preparation of the land use plan. One option is provided by the definition of the land use plan as either ". . .the relevant portions of a local government's general plan or local coastal element. . ." A coastal element is defined in Section 30108.55 of the Coastal Act as:

> "that portion of a general plan applicable to the coastal zone which may be prepared by local governments pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to Subdivision (K) of Section 65303 of the Government Code."

Within this option a local government could also use a combination of existing plan elements (with amendments as necessary) together with a coastal element. This could avoid duplication in the coastal element of detailed provisions already contained in other plans, such as seismic safety, circulation, etc.

Another basic option is provided in Section 30511(a) of the Coastal Act: preparation and submission of the land use plan in separate geographic units. The preparation of the plan in separate geographic units could also make use of existing plan elements or community plans, or separate coastal elements, in whatever combination meets all the requirements of the Coastal Act with the least amount of duplication. For a local government to exercise this option the commission must find that each area proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of the affected jurisdiction. The approval of this option by the State Coastal Commission would need to be obtained during the work program phase.

The choice of these options is at the discretion of the local government and will obviously depend a great deal on the nature of existing plan documents and an assessment of the advantages of each method for incorporating needed revisions.

C. INTERGOVERNMENTAL COORDINATION

Preparation of the land use plan should involve all local, regional, state, and federal agencies having an interest in the planning area. Integrating the policies and proposals of various agencies and resolving conflicts will require this cooperation. Local governments are responsible for providing maximum opportunities for involvement of all affected public agencies. Specific procedures for seeking participation for determining key decision points involving other agencies should be defined in the work program and carried out during the land use plan preparation.

At the same time, public agencies—local, regional, state, and federal—have an obligation to provide information and assistance to the local governments. Moreover, it is in their interest to do so, because, after certification of the LCP, all governmental agencies, including special districts, must carry out their development activities within the coastal zone consistent with the LCP (with the exception of certain federal activities, as explained below).

The following sections identify some of the major agencies that should normally be involved in the preparation of the land use plan.

1. Local Agencies

Coordination with agencies at the local level in the preparation and adoption of general plan elements and amendments is required by state planning law. Government Code Section 65304 directs the planning agency "to consult

and advise with public officials and agencies, public utility companies . . . to the end that maximum coordination of plans may be secured and properly located sites for all public purposes may be indicated on the general plan." Such coordination is also necessary as part of the LCP. Local agencies include other cities and counties, special purpose agencies, special districts and utilities, ports, and LAFCOs.

a. Cities and Counties

Because political boundaries do not precisely overlap coastal resource areas, cooperation among neighboring jurisdictions will be important. Cities and counties are already required by Section 65300 of the Government Code to plan for their jurisdiction and any land outside their boundaries that may be related, and by Sections 65305 and 65306 of the Government Code to refer proposed general plan amendments to abutting jurisdictions. In planning for areas within more than one government's sphere of influence, cities and counties should establish consistent land use designations, although the local government with actual jurisdiction will be responsible for carrying out the LCP within that area. Local governments should be encouraged to plan jointly to address coastal issues that are more than local in nature, such as agriculture, water quality, and road capacity.

The regional coastal commission should assist in coordinating the planning of jurisdictions with similar or overlapping coastal issues, and should ensure that each LCP is consistent with the larger-than-local context.

b. Special-Purpose Agencies

Special-purpose agencies, such as redevelopment agencies and housing authorities, are of major importance in several coastal areas. When the city council or board of supervisors is the governing body for these agencies, coordination with other portions of an LCP may be encouraged. Where the governing body of the special-purpose agency is separate from the city council or board of supervisors, special efforts should be made to include these agencies early in the planning process.

c. Special Districts and Utility Companies

Of particular concern to coastal planning will be the special districts that carry out significant public works projects in the coastal zone. According to Section 30504 of the Coastal Act:

> "Special districts, which issue permits or otherwise grant approval for development or which conduct development activities that may affect coastal resources, shall submit their development plans to the affected local government pursuant to Section 65401 of the Government Code. Such plans shall be considered by the affected local government in the preparation of its local coastal program."

The more important types of special districts for coastal planning purposes are sanitation, solid waste disposal, water, harbor, airport, transit, parking, parks and recreation, and resource conservation districts (see Section 30118 of the Coastal Act for definition of "special district"). The County Assessor's office can help identify special districts located within the coastal zone.

In addition to special districts, there are a number of public utilities and private utility companies under the jurisdiction of the State Public Utilities Commission, including gas and electric companies and transit companies, that carry out public works projects that may affect coastal resources.

Under the Coastal Act, special districts and utility companies are to submit their plans to local governments and, to the extent the plans are consistent with coastal policies and community goals, the plans should be incorporated into the LCP. Where there are conflicts, the local government, the regional coastal commission, and the districts should work together to resolve any differences. The local government will be the lead agency in determining how to incorporate or revise such plans in the LCP. The coastal commissions, in turn, should consider any conflicts in their review and certification of the LCP.

Once an LCP is certified, all local public agencies, special districts, and utility companies must carry out public works consistent with the LCP. According to Section 30519 of the Coastal Act, the coastal commission's permit authority over such agencies will, after certification, be delegated to the local government, although local decisions regarding major public works or major energy facilities will be appealable to the commission (pursuant to Section 30603(a)5).

For projects not anticipated at the time of LCP certification, agencies orcompanies that undertake public works projects or energy facilities "may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified LCP. . ." (Section 30515). If the local government does not amend its LCP, such a request for amendment may be brought to the coastal commission.

Thus, where the need is larger-than-local and where to do otherwise would adversely affect the overall public welfare, the commission may modify or alter the regulation of public works and energy facilities to the extent that only the coastal development permit authority is involved. Public works and energy facilities requiring other local permits would still have to seek local approvals for those permits.

d. Ports

The Coastal Act contains special provisions governing the ports of Port Hueneme, Long Beach, and Los Angeles, and the San Diego Unified Port District. These ports must prepare, adopt, and have certified by the coastal commission a Port Master Plan. Section 30711 of the Coastal Act provides that ". . .for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program."

e. LAFCOs

Local agency formation commissions (LAFCOs) are responsible for identifying and planning for the future service area and boundaries of cities and all special districts (except school districts). These "spheres of influence" plans are required by Section 54774 of the Government Code. Because the designation of a public agency's future service area may lead to the extension of public services in the coastal zone, cities and counties should contact their LAFCOs for information and to coordinate plans for the coastal zone. This coordination should complement other coastal planning efforts.

2. Regional Agencies/Councils of Government

Most coastal cities and counties (except those in Del Norte and Mendocino Counties) are members of a council of governments. COGs carry out a number of state- and federally-mandated planning activities that closely relate to the concerns of the LCP.

Because of the areawide nature of COGs and their multi-jurisdictional memberships, COGs may serve an important coordinating role for member coastal jurisdictions. Where appropriate, COGs and local governments may find it desirable to work together formally to plan for the areawide coastal resources and issues. Such possibilities should be actively explored early in the land use plan preparation process.

Most federal agencies that fund COG and local government planning have signed memoranda of understanding with the Federal Office of Coastal Zone Management (OCZM) that provide guidance to recipients of federal funds for coordinating areawide and coastal planning programs. Examples of such agreements and their implications are summarized below.

- Land Use and Housing Elements

By late 1977, every COG, to be eligible to apply for HUD "701" funding,

must adopt an areawide land use element and housing element. The areawide land use plan must contain long- and short-term urban growth policies, including the type, intensity, and timing of growth, and mechanisms necessary for coordinating local, areawide, and state land use policies with functional planning and capital investment strategies. The areawide housing element must identify current and future housing needs by appropriate geographic sectors and provides, through policies and implementation proposals, for the distribution of housing to meet the needs of all citizens.

Transportation Plans

COGs also carry out transportation planning activities under the auspices of state and federal programs. Designated as Regional Transportation Planning Agencies by the state, or in some metropolitan areas as the Metropolitan Planning Organizations by the federal government, COGs prepare regional transportation plans, with both long-term and short-range elements. These plans are a precondition for receiving federal and state funding of certain transportation projects within the area of jurisdiction.

Water Quality Management Plans

ABAG, AMBAG, SCAG, and CPO have been designated by EPA and the state as water quality planning agencies under Section 208 of the Water Pollution Control Act amendments of 1972. Coastal areas outside the jurisdiction of these COGs will also be covered by 208 plans prepared by the State Water Quality Control Board or by other designated special purpose agencies. As part of the 208 plans, the COGs must identify major water quality problems with an emphasis on non-point sources and develop specific plans and strategies for dealing with these problems. Coastal problems such as erosion and run-off into wetlands and estuaries could be addressed in 208 plans.

The memorandum of understanding between EPA and OCZM establishes policy for coordination of 208 plans and coastal plans in four areas: water quality standards; permissible uses and use priorities; plan consistency; and regulatory activities.

Section 208 Water Quality Management Plans are to be finished two years following EPA approval of the work program, but in no case later than November 1, 1978.

- Air Quality Maintenance Plans

COGs may also be involved in developing Air Quality Maintenance Plans (AQMP) required by the State pursuant to the Federal Clean Air Act for Air Quality Maintenance Areas. The AQMPs should integrate direct source controls, land use plans, and trasportation strategies to be implemented by state and local agencies. ABAG is the only coastal COG to date designated as the AQMP planning agency.

3. State Agencies

Local governments and state agencies must work together during the preparation of the land use plan to ensure that: (1) it is consistent with state plans and regulations, and (2) it incorporates proposed state public works projects found to be in accordance with local plans and with the Coastal Act.

a. Regulatory Agencies

To ensure that existing state regulatory programs are integrated into local coastal programs, Section 30522 of the Coastal Act provides that the coastal commissions shall not certify any local coastal program "which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency." Local governments should not attempt to duplicate the authority of state regulatory agencies, such as the Air Resources Board (and air pollution control districts), State Water Resources Control Board (and regional water quality control boards), and the Department of Fish and Game, which will continue to exercise their statutory authority over certain types of coastal development and activities. But

the local coastal programs should be reviewed by these agencies and by the coastal commissions to assure that they are consistent and compatible.

For example, the Department of Fish and Game may have a policy for the protection of valuable stream habitats that requires certain land use controls in the surrounding watershed over which the Department does not have direct authority. The local plans in such a case should be consistent with any environmental protection policy of the State agency for that area that carries out the policies of Chapter 3 of the Coastal Act.

It will be a prime responsibility of local governments to provide opportunities for State agency review and participation, and a prime responsibility of State regulatory agencies to thoroughly review and comment on proposed land use plans (including resource protection policies) early in the preparation process.

b. Functional Agencies

According to Section 30403 of the Coastal Act, local coastal programs "should provide the common assumptions upon which state functional plans for the coastal zone are based. . ." Once the local coastal program is certified, state agencies must carry out their development activities in accordance with the LCP. If a state agency project is not provided for in the LCP, the state agency will have to request an amendment from the local government and, if refused, may appeal to the Coastal Commission for the amendment, in accordance with Section 30515 of the Act, if it serves larger-than-local needs and is consistent with Coastal Act policies.

Thus, local-state coordination is particularly important under the Coastal Act to assure that local plans include needed State projects and management programs and, similarly, that State plans respect local coastal land use decisions. Such coordination will be essential for State agencies with direct authority over coastal lands and waters, such as the State Lands Division and the Department of Parks and Recreation, as well as for those that carry out public works projects within the coastal zone, such as the Department of Transportation. These agencies should contact all affected local governments as early as possible to assure appropriate provisions in the LCPs for state functional programs, such as potential leases of state lands, state highway, park and recreation, or water project improvements, etc. Local governments should, in turn, advise these agencies of how their state programs or plans can complement coastal land use concerns, such as keeping highway capacity or recreational facilities compatible with desired intensity of development or environmental carrying capacity.

In Part II of this manual, appropriate state agencies are identified for each policy group under the section on "Agencies and Sources of Information".

For both functional and regulatory agencies, the coastal commissions should, to the extent possible, provide guidance and serve as a coordinator for the local/state planning that should be reflected in the LCP. At a minimum, however, each local government should provide notice of any early drafts of LCP documents and of public hearings at the local level to the affected state and regional offices of the state agencies listed in the Appendix.

4. Federal Agencies

A number of federal agencies carry out public works projects and exercise regulatory and management controls over coastal resources and activities. Under the "Federal consistency" provisions of the Federal Coastal Zone Management Act (Sections 307(c) and (d)), federal development projects must be consistent, to the maximum extent practicable, with a federally-approved

state coastal management program. (California's program, as set forth in the Coastal Act of 1976, is currently being reviewed for this federal approval.) However, projects undertaken by federal agencies on federally-owned lands are not subject to the Federal consistency provisions unless the project would have some effect on the coastal zone beyond the federal property.

In addition, under the Federal consistency provisions, coastal activities regulated or supported by federal agencies must be consistent with a state's approved management program. These federal activities include:

- Issuing a license or permit for any activity affecting the coastal zone.
- Providing financial assistance to state or local government proposals affecting the coastal zone.
- Granting a license or permit for an activity covered by a plan for the exploration or development of, or production from, areas leased under the Outer Continential Shelf Lands Act.

A finding of inconsistency of such an activity with the state coastal management program can be overruled if the Secretary of Commerce (the agency responsible for administering the Federal Coastal Act) finds that the proposed action is either consistent with the objectives of the Federal Coastal Act or necessary in the interest of national security.

Although states are given the responsibility for making these determinations regarding Federal projects and activities, in California the local coastal programs will be regarded as a refinement of the state coastal management program. Thus, after certification of the LCP, local governments will be delegated the authority to act on behalf of the State in reviewing Federal activities as to consistency with the state (and the local) coastal program. Decisions by local governments could be appealed to the Coastal Commission under the same rules that apply to activities requiring coastal permits.

Because of the Federal consistency provisions, i.e., because an approved LCP can affect Federal actions, it is essential that the views of Federal agencies affected by the local program be considered in its development. In Part II of this manual, specific Federal agencies are identified for each policy group under the section on "Agencies and sources of of Information." Many of these will be very useful to local governments in preparing the land use plan. In addition, Federal regulations require that, at a minimum, a number of Federal agencies be formally contacted during the coastal planning process. These are listed in the Appendix.

D. CITIZEN PARTICIPATION

The Coastal Act states that "the Legislature . . . finds and declares that the public has the right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation" (Section 30006). Citizen participation cannot change the state's coastal policies as set forth by the Legislature in the Coastal Act. But within the flexibility allowed in applying those policies at the local level, public involvement will be an important factor in planning and implementing California's coastal conservation and development program. Under the Coastal Act, the responsibility for ensuring meaningful public participation rests both with the Coastal Commission and with the local governments.

One aspect of public participation is public hearing requirements. Section 30503 of the Coastal Act specifically requires that "local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submissions."

State planning and zoning laws also require a public hearing by both the planning commission and the local legislative body prior to adoption of all general plan or zoning ordinance amendments. In addition, Section 30510(a) of the Coastal Act provides for the submittal of the LCP pursuant to a resolution adopted by the local government after public hearing. Of course, these hearing requirements may all be combined into one or more hearings. Finally, the Regional Commission and, if appealed or raised on its own motion, the State Coastal Commission will hold public hearings for their review and approval of LCPs.

Important as public hearings are, the full public participation envisioned by the Coastal Act should begin much earlier in the planning, with informational meetings, advisory reviews, and other such means of giving the widest possible range of interests an opportunity to participate in the plan preparation.

The Coastal Commission, under Section 30339 of the Coastal Act, has the responsibility for "ensur[ing] full and adequate participation by all interested groups and the public" in the commission's work, and "recommend[ing] to any local government preparing or implementing a local coastal program and to any state agency . . . any additional measures to assure open consideration and more effective public participation . . ." The Commission will, to the extent staff resources permit, provide assistance to local governments with their citizen participation efforts, and promote citizen awareness at the statewide and regional level through various methods such as publishing a newsletter and providing assistance in organizing public forums on regional issues.

Each local government should design its own citizen participation program as part of the LCP process to maximize opportunities for public involvement, pursuant to Section 30503 of the Coastal Act. In some cases this may already have been done in recent planning programs or may be a part of a continued public involvement process at the local level. Following is a listing of some citizen participation techniques that may be a useful checklist in preparing the participation program.

The Media: Newspapers, TV, Radio

News releases
Meeting notices
Informational articles/briefings
Spot news coverage
Documentaries
Interviews, talk shows, phone-in sessions
Public service announcements

Presentation to Interested Groups

Speakers/panels
Slide show
Maps and photographs

Information Availability

Loan copies in city hall and public libraries
Sales of documents at cost
Publishing of summary documents

Newsletter

Summaries of local committee meetings and workshops
Information on State and Regional Commissions
Reprints from planning reports

Committees

Task force
Technical review committee
Study group
Advisory committee

Community Involvement

Discussion papers and informational papers with questionnaires
Town meetings/public forums/workshops

The Coastal Commission will, in its review of work programs for funding, assure a commitment to citizen participation in the local government's LCP preparation process. The Commission may, from time to time, make additional recommendations to appropriate state and local agencies to assure maximum public participation as required under the Coastal Act.

E. ENVIRONMENTAL REQUIREMENTS (CEQA)

LCP is subject to the requirements of the California Environmental Quality Act (CEQA) and the State Guidelines for the implementation of that Act. Section 2115 of CEQA provides that:

> "All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment."

A "project," as defined in Section 15037 of the State Guidelines, includes ". . . the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700."

Thus, a CEQA review of a local coastal program will generally be required, and the local government would likely be the lead agency for CEQA purposes because of its responsibility for considering environmental impacts throughout the jurisdiction. Under CEQA, either an environmental impact report (EIR) on the proposed land use plan would be prepared, or, if it is determined that the land use plan will have no significant effect on the environment, a negative declaration would be filed.

In preparing an EIR on the land use plan, local governments may want to take advantage of the provision in Section 15148 of the State CEQA Guidelines for combining the EIR with local general plan documents:

> "EIR AS PART OF GENERAL PLAN. (a) The requirements for an EIR on a local general plan, element or amendment thereof will be satisfied by the general plan or element document, and no separate EIR will be required if:
>
> (1) the general plan addresses all the points required to be in and EIR by Article 9 of these Guidelines and
> (2) the document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.
>
> (b) The Lead Agency for the general plan, element, or amendment shall forward the appropriate documents to the State Clearinghouse for State review."

Local governments should develop a format for preparation and submission of required documents that minimizes repetition of information. It is anticipated that EIR content requirements will largely be satisfied by the land use plan and supporting documentation prepared in accordance with procedures set out in this manual. To the maximum extent legally permissible, the Coastal Commission will integrate Coastal Act requirements into any CEQA review to avoid duplication of environmental review.

Zoning and implementing measures submitted as part of the LCP will also be subject to CEQA requirements. Local governments may want to use the land use plan EIR to partially or wholly satisfy CEQA requirements in connection with the zoning phase, as provided for in Section 15068.5 or the CEQA Guidelines, as follows:

> "The EIR on a general plan may be used as the foundation document for EIRs subsequently prepared for specific projects within the geographic area covered by the general plan. The subsequent EIRs may reference and summarize material in the EIR on the general plan for the description of the general environmental setting and as much of the description of the environmental impacts as applies to the specific project. Detailed information in the EIR on the specific project may be limited to a description of the project, the specific environmental setting and those impacts which are not adequately described for the specific project in the EIR on the general plan. When a subsequent EIR refers to an EIR on the general plan for part of its description of the environment and the environmental impacts, copies of the EIR on the general plan shall be made available to the public in a number of locations in the community

and to any clearinghouses which will assist in public review of the EIR. The purpose of this section is not to restrict analysis of environmental issues, but is to avoid the necessity for repeating detail for a General Plan EIR."

In the case of zoning as a "specific project" subsequent to the land use plan, it is expected that virtually all of the descriptions and analysis in an EIR on the land use plan would be the same for the zoning phase. Thus, other than the procedural requirements under CEQA, separate preparation of environmental documents could be avoided as unnecessary duplication.

The actual process for Coastal Commission involvement in CEQA review is set forth in the draft regulations. An attempt has been made to integrate the State Commission's review of a draft EIR with its informal review of a proposed local coastal program. Similarly its review of the EIR at the time of the formal LCP submittal has been integrated into the regular hearing procedures.

For further details on environmental requirements under CEQA, local government should consult Public Resources Code, Section 21000-21150 and Title 14 of the California Administration Code, Sections 15000 et.seq.

F. SUBMITTAL, REVIEW, AND CERTIFICATION OF LAND USE PLAN

The completed land use plan will be submitted to the regional commission for review in accordance with the schedule established by the commission. The land use plan must be in conformity with the policies of Chapter 3 of the Coastal Act and meet all relevant requirements contained in the Coastal Act and the commission's regulations.

As set forth in the regulations, the land use plan submission package must include:

1. A "Notice of Completion" in the form of a resolution adopted by the local government, after public hearing, certifying that the LCP is intended to be carried out in conformity with the Coastal Act (Section 00070(a)).

2. Pursuant to Regulation Section 00071(a), a summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP process.

3. Information, statements, drawings, maps, photographs, and supplementary data in sufficient detail to allow review for conformity with the Coastal Act.

4. Whatever environmental documents have been determined to be required pursuant to CEQA. (These may be integrated in the LCP documents.)

5. A listing of the zoning documents that will be submitted as the zoning phase, and, for any designated sensitive coastal area, any other implementing actions necessary to carry out the land use plan.

Procedures for the processing of the land use plan by the regional commission and state commission are established in Section 30512 of the Coastal Act. Coastal Commission regulations should also be consulted for more precise guidance on these procedures. The following is a summary of how the review and certification process will work.

The land use plan together with all required documents is first submitted to the regional commission in accordance with the established schedule. Within 90 days after submittal, the regional commission must either approve or disapprove in whole or part the land use plan. The regional commission will approve the land use plan if it finds that the land use plan meets the requirements of and is in conformity with the policies contained in Chapter 3 of the Act. If the regional commission does not act on the plan within the 90-day period, it will be deemed approved.

If the land use plan is approved in its entirety, it will be forwarded within 10 working days to the State Commission for certification. If the

regional commission disapproves the land use plan in whole or part, it must notify the local government and provide a written explanation for the disapproval. In this event, the jurisdiction can revise the disapproved plan and resubmit it to the regional commission or it can appeal the dissapproval and submit to the State Commission either the disapproved land use plan or the revised version.

The State Commission has between 21 and 45 days after a land use plan has been submitted or appealed to determine, after a public hearing, whether specific provisions of the land use plan raise a substantial issue as to conformity with the policies of Chapter 3 of the Coastal Act. If no substantial issue is found, the decision of the regional commission stands. Where the regional commission approved the land use plan, it is deemed certified. If the State Commission determines a substantial issue is raised, it must, following public hearing and within 60 days of receipt of the land use plan, either refuse certification or certify, in whole or in part, the land use plan.

If the State Commission refuses certification, in whole or in part, it must send a written explanation for such action to the local government and regional commission. A revised land use plan may then be resubmitted directly to the commission for certification.

It should be noted that, if the regional commission has gone out of existence or is not activated, or if the commission decides to raise an LCP from regional commission review for direct consideration by the commission pursuant to Section 30333.5 of the Coastal Act, the State Commission assumes all of the review procedures and time limits of the regional commission, and its action is then final.

CHAPTER III
ZONING AND IMPLEMENTING ACTIONS (PHASE III)

Following certification of the land use plan, a local government is to prepare and submit zoning ordinances, zoning district maps, and, where required, implementing actions that carry out the land use plan. Every local government is required to submit zoning documents for approval, while implementing actions are required only within designated sensitive coastal resource areas. Each of these requirements is discussed separately below.

Intergovernmental Coordination, public participation, and environmental review—as discussed for the land use plan phase—are also required as part of the preparation of zoning documents. The reader should refer to Chapter II.

A. ZONING

As set forth in the commission's draft regulations, Section 00021(e), the "scope of measures contained in the zoning ordinance and/or district maps shall extend to the authority granted by the planning laws of California including Government Code, Sections 65850-65862 and 65910-65912".

Section 65850 sets out in general terms the types of zoning ordinances that cities and counties may enact, including ordinances to:

a) Regulate the use of buildings, structures, and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes.

b) Regulate signs and billboards.

c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts, and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.

d) Establish requirements for offstreet parking and loading.

e) Establish and maintain building setback lines.

f) Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefore.

Sections 65851 and 65852 provide that a jurisdiction may be divided in zones and that the regulations for each type used be consistent throughout the zone. By action of the Legislature in 1971, the zoning statutes were amended to require that local zoning be consistent with the adopted general plan. Section 65910 requires that every city and county prepare and adopt an open space zoning ordinance consistent with the local open space plan element.

As noted in the Commission's draft LCP regulations:

> "Where applicable and necessary to carry out the policies and provisions of an approved land use plan, these zoning measures may include: exclusive use zones, overlay zones, conditionally permitted uses based on certain findings, sign and/or design controls, landscaping and grading regulations, hazard or geologic review requirements, open space and lot coverage standards, minimum lot sizes, density or timing of development standards based on public service capacities and recreational use needs and any other similar ordinances within the scope of zoning measures." (Section 00021[e])

The types of zoning ordinances used as part of the LCP will vary greatly from jurisdiction to jurisdiction, depending on the structure of existing ordinances and the types of ordinances needed to effectively carry out the policies, objectives, principles, standards, and plan proposals set forth in the land use plan.

Traditional use zoning (establishing permitted uses and densities in various residential, commercial, industrial, and other districts) and height, bulk, and setback ordinances (regulating lot sizes, yards, and the location, number of stories, and size of buildings) may be used to implement the land use plan in some situations. Existing zoning provisions and district boundaries should be reviewed and amended where necessary to conform to the land use plan.

In other coastal areas, the zoning district approach alone may not be sufficient to carry out the land use plan. In consultation with the Coastal Commissions, the local government may wish to consider planned unit development ordinances, zoning incentives, performance standards, and other similar approaches. A number of models and examples are available.

A form of zoning that deserves particular attention is the open space zoning ordinance. (As noted above, such ordinances are required under Government Code Section 65910 to implement the open space element.) One way to structure an open space ordinance is to create overlay zones containing: (1) a series of maps delineating overlay zones for each of the four categories of open space land identified in the open space element (natural resource preservation, resource production, outdoor recreation, and public health and safety); and (2) a combination of use regulations and performance standards appropriate to each category identified. Any particular parcel of property might be identified in more than one open space district and would be subject to the standards applicable to each overlay.

B. IMPLEMENTING ACTIONS

In areas designated as sensitive coastal resource areas, local governments will have to develop and submit implementing actions along with zoning ordinances as part of Phase III. The areas eligible for such designation are limited to those defined in Section 30116 of the Coastal Act:

> "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:
>
> (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
>
> (b) Areas possessing significant recreational value.
>
> (c) Highly scenic areas.
>
> (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
>
> (e) Special communities or neighborhoods which are significant visitor destination areas.
>
> (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
>
> (g) Areas where divisions of land could substantially impair or restrict coastal access.

The commission may, prior to September 1, 1977, designate such areas where it determines, based on specific findings spelled out in Section 30502 of the Act, that zoning alone would not be adequate to protect coastal resources or access. The commission's designations are effective for up to two years, during which time they must be either confirmed or rejected by the Legislature, pursuant to Section 3050215 of the Act.

Where a sensitive area is so designated, the "local coastal program shall include the implementing actions adequate to protect the coastal resources enumerated in the findings...." (Section 30502). The type of actions subject to commission review will depend on the particular situation but might include such things as a specific plan or resource management programs.

In addition to the requirement for commission review of the necessary implementing actions, developments within designated sensitive areas are subject to appeal after certification of the LCP on the grounds of inconsistency with the implementing actions, in accordance with Section 30603(a)(3) of the Act.

C. SUBMITTAL, REVIEW, AND CERTIFICATION OF ZONING PHASE

The zoning phase, like the land use plan, is submitted to the regional commission in accordance with the schedule established by the commission. The zoning package is similar to the land use plan submission package (see page 36). It should also, where possible, include a summary of the proposed zoning ordinance in chart format indicating for each zone (1) permitted uses including the principle permitted use and uses allowed with a use permit, (2) density standards, (3) height standards, (4) setback requirements, (5) lot coverage standards and (6) grading or other site development requirements affecting runoff and geologic hazards, (7) minimum lot sizes, (8) relevant provisions for phasing of development with capital improvements or as otherwise required in the land use plan.

The zoning ordinance, zoning district map and implenting actions will first be reviewed by the regional commission. If within 60 days after receiving the zoning ordinance, zoning district map and other implementing actions, the regional commission has not rejected them, they will be deemed approved. The zoning ordinance, zoning map, and implementing actions may only be rejected on the grounds that they do not conform with or are inadequate to carry out the provisions of the jurisdiction's certified land use plan. If a zoning ordinance or implementing action is rejected, the regional commission must give written notification with specific reasons, to the jurisdiction. The jurisdiction may then either resubmit a revised version to the regional commission or, within 10 days after receipt of the rejection notice, appeal to the state commission.

The Coastal Act also provides for appeal by other aggrieved persons of a regional commission action on zoning to the state commission. The State commission by majority vote may refuse to hear an appeal if it determines the appeal raises no substantial issue. If no appeal has been filed, the state commission itself may, within 30 days after the zoning phase has been approved by the regional commission, determine that a substantial issue is presented as to conformity with the certified land use plan. Where a substantial issue is presented, the state commission will review those specific portions of the zoning phase, and its action will then be final. (See Section 30513 of the Coastal Act and the commission's draft regulations for more detailed renew procedures.)

PART II

COASTAL ACT POLICIES

INTRODUCTION

This section of the manual discusses the policies in Chapter 3 of the Coastal Act---the policies with which a Local Coastal Program must conform. The policies have been organized for discussion into 14 general groups:

A) Shoreline Access;
B) Recreation and Visitor-Serving Facilities;
C) Housing;
D) Water and Marine Resources;
E) Diking, Dredging, Filling, and Shoreline Structures;
F) Commercial Fishing and Recreational Boating;
G) Environmentally Sensitive Habitat Areas;
H) Agriculture;
I) Hazards;
J) Forestry and Soils Resources;
K) Locating and Planning New Development;
L) Coastal Visual Resources;
M) Public Works; and
N) Industrial and Energy Development.

Following each set of policies is a three-part discussion: (1) explanatory notes, with definitions and other information designed to clarify policies where necessary; (2) a checklist designed to assist in determining factors to be included in the Local Coastal Program (not all of these will be applicable to each local government); and (3) a listing of governmental agencies having an interest in the policy area, and general sources of information.

A. SHORELINE ACCESS

30210. In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

A. SHORELINE ACCESS (cont.)

1. EXPLANATORY NOTES

Article XV, Section 2 of the California Constitution - reads as follows:

> "No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people."

Sections 66478.1 to 66478.14 inclusive of the Government Code - refer to portions of the Subdivision Map Act. Relevant portions are summarized below:

-No local agency shall approve coastal or oceanfront subdivisions, or subdivisions involving waterways, lakes or reservoirs, unless public access is provided by fee or easement from a public highway to "land below the ordinary highwater mark on any ocean coastline or bay shoreline within or at a reasonable distance from the shoreline," or to "that portion of the bank or stream bordering or lying within the proposed subdivision."

-Additionally, no local agency shall approve a subdivision that does not provide for dedication of a public easement (designed in extent, width, and character to achieve public use of the waterway) along a portion of the waterfront bordering or within the proposed subdivision.

-Reasonable access is to be determined by the local agency, considering: (1) mode of access; (2) size of subdivision; (3) common uses of bank or stream, or type of coastline or shoreline and appropriate uses; (4) likelihood of trespass and means of avoiding trespass. The subdivision need not be disapproved if access is not provided and the local agency finds that reasonable access is available nearby.

-The subdivider is not required to improve access route(s) that benefit non-residents of the subdivision. Access route(s) may be conveyed or transferred to other governmental agencies.

Additional Provisions of the Coastal Act:

"Each local coastal program...shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." (Public Resources Code Section 30500(a)). The coastal public access program need not be a seperate element or chapter, but the necessary provisions must be readily identifiable within the local coastal program documents.

A. SHORELINE ACCESS (cont.)

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding provisions, maintenance and management of public shoreline access. (Policies should be compatible with other policies dealing with shoreline facilities, natural resources, new development, and recreation facilities.)

-Designation of existing and proposed shoreline access areas for public use and existing and proposed public and private accessways (by type and ownership).

-Development of alternative systems for access to shoreline areas (e.g., transit, trails, park-n-ride, bicycle routes).

-Use of under-utilized existing parking areas for beach parking.

-Program for public agency acquisition, improvement, and management of public access areas and accessways.

Background Information:

-Inventory and map of existing shoreline access areas, including related facilities and accessways, shown by type (e.g., footpath, road, public beach) and ownership. Publicly-owned areas and accessways should be identified as to type of ownership (fee simple, easement, lease) and agency (state, federal, local government, public utility, special district).

-Estimates of the level of usage of each shoreline access area and accessway, to include identification of areas where there is over-use or crowding or dedication without provision for use.

-Inventory of public safety concerns or fragile resources that may restrict public access (see policies on water and marine resources, environmentally sensitive habitat areas, agriculture, soil resources, hazard areas).

-Estimates of unmet and future demand for public access areas and accessways. (Unmet demand refers to areas where there is currently insufficient access, overcrowding, or exclusion of the public.)

-Identification of sites and corridors suitable and necessary for new public access and accessways.

-Identification of impediments to free public use of accessways (e.g., lack of parking or signing, unimproved surfaces, no stairs, etc.).

A. SHORELINE ACCESS (cont.)

Zoning - should contain (as applicable):

-Designation of public use areas in appropriate use district and ordinances (e.g., recreation and access areas in PUD ordinance, access areas in commercial waterfront recreation district).

-Provisions for special setback requirements in areas fronting on public access areas and accessways to minimize conflicting uses, and for use of flexible site design to maximize access opportunities.

-Provisions for dedication of public access areas and accessways.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-City and County parks and recreation agencies.
-Special districts, including parks and recreation districts and utility districts or agencies (the latter may own easements within the coastal zone suitable for public access).
-City/County Recorder (records will show prior deed restrictions, easements, etc., on privately owned properties).

State Agencies:

-State Department of Parks and Recreation
-State Attorney General's Office (regarding litigation or legal rulings on public access, implied dedications, and mean high tide line disputes)
-Coastal Conservancy
-State Lands Commission
-State Department of Fish and Game
-Wildlife Conservation Board

Federal Agencies:

-National Park Service
-U.S. Department of Interior Bureau of Outdoor Recreation (Land and Water Conservation Fund)
-U.S. Fish and Wildlife Service
-U.S. Department of Agriculture, National Forest Service
-U.S. Department of Defense (with respect to military installations, portions of which may be suitable for public access).
-Office of Coastal Zone Management

Other Sources of Information:

-University of California and State University System (with respect to land or facilities in their ownership suitable for public access).

B. RECREATION AND VISITOR-SERVING FACILITIES

30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. (Part) Lower cost visitor and recreational facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreational shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30250. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.

1. EXPLANATORY NOTES

"Visitor-serving facilities" means public and private developments that provide visitor accomodations, food, and services, including hotels, motels, campgrounds, restaurants, and commercial-recreation developments such as shopping, eating and amusement areas for tourists.

"Commercial-recreational facilities" means facilities serving public recreational needs but operated for private profit, (e.g., riding stable, chartered fishing boats, tourist attractions, and amusement or marine parks).

B. RECREATION AND VISITOR SERVING FACILITIES (cont.)

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding distribution of public and private recreational opportunities, the location of support facilities, type and cost of visitor accomodations, public access, equality of opportunities, and resource protection.

-Designation of shoreline areas appropriate for recreation, indicating general uses and intensity of use (e.g., beach, boat harbor, nature study/preserve).

-Designation of appropriate types and intensity of recreational uses of water bodies (e.g., canoeing, sailing, motor boating, water skiing, swimming).

-Designation of appropriate visitor-serving areas (e.g., campgrounds, motels, restaurants, service centers).

-Designation of upland areas for non-coastal dependent recreation (e.g., golf courses, playing fields), support facilities and visitor accommodations.

-Circulation/transportation facilities program including parking and vehicle and pedestrian circulation to serve recreational developments.

-If needed, program for public agency acquisition, development or redevelopment, and management of public recreation and visitor-serving facilities.

Background Information:

-Inventory and map of existing shoreline and near-shore recreational areas and facilities and support facilities (e.g., parking lots, beaches, harbors), classified by type, uses and ownership (e.g., private marina).

-Inventory and map of existing visitor accommodations (campground, motels, inns), possibly classified by type, capacity, ownership and price range.

-Inventory of recreational uses of water bodies.

(The level of usage of the facilities and accommodations identified above should be assessed, especially to determine overuse and crowding. Also, areas which appear to be under-utilized should be examined for factors that may limit use, such as cost or lack of access.)

-Estimates of future demand for recreational facilities and visitor accommodations.

B. RECREATION AND VISITOR SERVING FACILITIES (cont.)

-Identification and evaluation of the suitability of undeveloped shoreline and upland areas for: public, private and commercial recreation; visitor accommodations; and recreational support facilities. Particular attention should be paid to identifying areas suitable for coastal water-oriented activities and lower cost facilities. Suitability will depend on factors such as access (existing or potential), potential recreational uses, proposed land tenure, environmental constraints (hazards, sensitive habitats, agriculture), etc.

Zoning - should contain (as applicable):

-Designation and provisions for recreational facilities and related uses in appropriate use districts, including recreation, commercial, and residential districts. Within commercially zoned areas, specific criteria or use designations should be made for appropriate commercial recreation and visitor-serving developments.

-Requirements for dedication of land and/or fees from new development to assure adequate recreational opportunities, including possible PUD or cluster zoning.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-City and County Parks and Recreation Departments
-Special districts, including parks and recreation, schools and utilities
-Neighboring jurisdictions (regarding extent of nearby recreational opportunities, potential for joint planning, acquisition and development of facilities)
-Regional Councils of Governments (regarding Regional Recreation and/or Open Space Plans)

State Agencies:

-State Department of Parks and Recreation
-State Department of Fish and Game
-State Department of Navigation and Ocean Development (regarding boating facilities, loans and grants for same)

Federal Agencies:

-National Park Service
-U.S. Department of Defense (regarding potential recreational use of coastal property)
-U.S. Department of Agriculture, National Forest Service
-Bureau of Outdoor Recreation

B. RECREATION AND VISITOR SERVING FACILITIES (cont.)

Other Sources of Information:

-California Outdoor Recreation Resources Plan (CORRP), California Department of Parks and Recreation (The Department prepares demand forecasts for certain public recreational facilities on a substate region basis; these are summarized in the CORRP and may also be available in separate planning district reports. Contact the Planning Division of the Department for information.)
-Private, non-profit land conservation groups (e.g., Nature Conservancy), foundations, museums
-University of California and State University system (these institutions maintain coastal research facilities that may be available for limited public use)

C. HOUSING

30213. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided...New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

1. EXPLANATORY NOTES

-"Low and moderate income" means a household whose income does not exceed 50 percent and 80 percent respectively of the median household income of the Standard Metropolitan Statistical Area the jurisdiction is located in, or the county where there is no SMSA. (U.S. Department of Housing and Urban Development.) (This definition may be revised to conform to that established by the State Department of Housing and Community Development in revised Housing Element Regulations, expected in early 1977.)

-A generally accepted definition of affordable housing is that for which costs do not exceed 25% of the family gross income. Housing costs include rent or mortgage payment, property taxes, insurance, heat and utilities, and maintenance and repairs.

-Housing elements of local general plans must be prepared pursuant to regulations promulgated by the Department of Housing and Community Development. At present, the regulations in effect are those adopted in 1971; a substantial revision of the current regulations is underway, and should be completed in early 1977. Housing elements have been required by state law since 1969 (Govt. Code Section 65302(c)). The Commission will seek the advice of the State Department of Housing and Community Development as to whether the housing element of the local jurisdiction is in conformance with state law.

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language supporting the protection, encouragement, and provision of low-and moderate-income housing within the coastal zone.

-Designation of areas within the coastal zone where existing low- and moderate-cost housing should be protected.

-Portions of the local Housing Element (if prepared seperately) related to the provision of low-and moderate-income housing in the community and standards, goals and policies for new development.

C. HOUSING (cont.)

-Program to protect, encourage and provide low- and moderate-income housing within the coastal zone, including: housing and neighborhood rehabilitation; housing subsidies; and public housing provisions, to the extent funding is available.

Background Information:

-Evaluation of existing housing stock and projected need for low- and moderate-income housing within the coastal zone and the community at large, as provided in the Housing Element.

-Housing Assistance Plan prepared pursuant to the Federal Housing and Community Development Act of 1974, if applicable.

Zoning - should contain (as applicable):

-Designation of existing and proposed residential areas consistent with the land use plan and housing element.

-Regulation of conversion of rental units to condominiums.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Local Housing Authority (plans and programs for publicly assisted housing)
-Regional Council of Governments (COG Areawide Housing Elements; Fair Share Housing Allocation Program)

State Agencies:

-State Department of Housing and Community Development (Technical Assistance and data on planning and implementing housing programs; Housing Element Regulations)
-California Housing Finance Agency (financing programs for housing rehabilitation and construction)

Federal Agencies:

-U.S. Department of Housing and Urban Development (financing programs for housing rehabilitation, public housing subsidies)
-U.S. Economic Development Administration

Other Sources of Information:

-Private banks and other lending institutions (special programs for low interest loans for housing rehabilitation and mortgages)
-Catalog of Federal Domestic Assistance, 1975, Office of Management and Budget, Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

D. WATER AND MARINE RESOURCES

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

1. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language that will support maintenance and enhancement of marine resources, biological, and economically significant areas, and the quality of coastal waters.

-Designation of conservation areas and conservation buffers where necessary for riparian and coastal areas.

-Land use designations to assure that the intensity and pattern of development are in accord with existing and projected water supply constraints, and that aquifer recharge areas are protected.

D. WATER AND MARINE RESOURCES (cont.)

-Appropriate designations for steep areas or critical watersheds to prevent harmful runoff and interference with surface waterflow.

-Land use designations to prevent long-term or cumulative adverse impacts on coastal water quality from non-sewered developments.

Background Information:

-Inventory and review of existing plans and programs of state and federal agencies and determination of the extent of their control over the marine resources within the local jurisdiction.

-Inventory of areas and species of special biological significance.

-Inventory of riparian areas and issues and concerns that relate to them.

-Identification of existing and/or potential areas with runoff, sedimentation, and septic tank problems.

-Identification of aquifer recharge areas and effects of development on recharge of ground water, including:

- Determination of ground area covered by various types of development.
- Assessment of impacts of such coverage on recharge of ground water.
- Calculation of recharge depletion from previous ground water levels caused by such development.

-Determination of the capacity of water system and, where applicable, data on water usage, supply, and other related issues. Assessment of the impacts of proposed development on this supply.

-If water supply is limited, assessment of potential for water reclamation and conservation as a means of maximizing available water supply.

Zoning - should contain (as applicable):

-Designation of wetlands and estuaries in conservation zoning districts.

-Designation of buffer areas in appropriate use or overlay district (e.g., conservation, stream protection), with appropriate development standards.

-Lot coverage requirement and other development standards as needed to assure water recharge and minimize runoff impacts.

D. WATER AND MARINE RESOURCES (cont.)

2. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Special districts (water, sewer, etc.)
-208 Planning Agency
-Council of Governments

State Agencies:

-State Department of Fish and Game
-State Lands Commission
-Coastal Conservancy
-State Water Quality Control Board and Regional Water Quality Control Board

Federal Agencies:

-National Marine Fisheries Service
-U.S. Fish and Wildlife Service
-Office of Coastal Zone Management
-U.S. Environmental Protection Agency (would have information on water quality standards, treatment facility grants, etc.)

Other Sources of Information:

-Sea Grant
-U.C. Marine Advisory Service

E. DIKING, DREDGING, FILLING, AND SHORELINE STRUCTURES

30233. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES (cont.)

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division

30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

1. EXPLANATORY NOTES

Additional Provisions of the Coastal Act:

-Section 30411(b): "The Department of Fish and Game, in consultation with the Commission and the Department of Navigation and Ocean Development, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility.... Any such study shall include consideration of all the following:

"(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES (cont.)

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values."

-Section 30607.1: "Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsiblity is provided to assure that restoration will be accomplished in the shortest feasible time."

"Fill" means earth or other substance or material, including piling placed for the purpose of erecting structures thereon, placed in a submerged area. (Section 30108.2)

LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding criteria for allowing diking, dredging, etc., and criteria for allowable coastal structures.

-Designation of wetlands and estuaries in open space and areas adjacent to them in compatible uses.

Background Information:

-Inventory of (a) all wetlands, estuaries and lakes within the coastal zone; (b) existing and proposed shoreline structures, including revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such construction.

-Identification of areas where diking, dredging, filling, and disposition of spoils is planned.

-Assessment of the extent to which the activities identified above will maintain, enhance, or degrade coastal waters, wetlands, estuaries, etc.; alternatives and mitigation measures should be discussed.

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES (cont.)

Zoning - should contain (as applicable):

-Designation of areas adjacent to wetlands, estuaries, and lakes in compatible zoning districts.

-Provision of setback from wetlands, estuaries, and lakes.

-Criteria and review procedures for dredging, diking, and filling projects based on standards provided by appropriate agencies and on local experience.

-Criteria and standards for construction of shoreline protection works.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Harbor and Port Districts
-Regional Water Quality Control Boards
-Utility districts and companies

State Agencies:

-State Water Quality Control Board
-The State Department of Fish and Game has statutory responsiblity for protection of fish and wildlife resources.
-State Department of Navigation and Ocean Development
-State Lands Commission

Federal Agencies:

-U.S. Army Corps of Engineers
-U.S. Bureau of Land Management
-U.S. Office of Coastal Zone Management
-U.S. Fish and Wildlife

Other Sources of Information:

-Acquisition Priorities for the Coastal Wetlands of California, (April, 1974) prepared by the Department of Fish and Game and the U.S. Bureau of Sport Fisheries and Wildlife. Identification of high priority wetlands for acquisition.
-Sea Grant.

F. COMMERCIAL FISHING AND RECREATIONAL BOATING

30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

1. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding the provision of additional recreational boating facilities and the protection and improvement of commercial fishing facilities.

-Designation on the land use map of existing harbors/marina facilities and areas for expansion of existing or development of new harbor/marina facilities in appropriate land use category.

-Harbor plans and overlay of sensitive resource areas within harbors.

-Program for public and private acquisition, development, and maintenance of commercial fishing and recreational boating facilities, as needed.

F. COMMERCIAL FISHING AND RECREATIONAL BOATING (cont.)

Background Information:

-Inventory and map of existing harbor/marina facilities utilized for commerical fishing and/or recreational boating. Classification of such facilities by type, number of boating spaces, dry storage areas, launching facilities, etc.

-Assessment of existing usage and future demand for above.

-Review of proposed plans for expansion of existing facilities and development of new facilities.

-Identification of suitable shoreline areas for additional recreational boating or commercial fishing facilities.

Zoning - should contain (as applicable):

-Designation of existing harbors/marina facilities and areas for expansion or development of commercial fishing harbors and recreational boating marinas in appropriate use districts.

-Designation of surrounding areas for uses compatible with such harbors and marinas.

2. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Harbor, port and marina districts

State Agencies:

-State Department of Navigation and Ocean Development
-State Department of Fish and Game
-State Lands Commission (with specific regard to proposed developments in wetlands areas)

Federal Agencies:

-U.S. Army Corps of Engineers
-U.S. Bureau of Recreation
-National Marine Fisheries Service
-National Oceanic and Atmospheric Administration

Other Sources of Information:

-Sea grant

G. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

1. EXPLANATORY NOTES

"Environmentally sensitive areas" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Coastal Act Section 30107.5), including: areas of special biological significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; tidepools; sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; wilderness and primitive areas.

"Uses dependent on such resources"——examples include nature education and research, hunting, fishing, and aquaculture.

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding protection of environmentally sensitive habitat areas.

-Identification of environmentally sensitive areas.

-Designation of areas adjacent to environmentally sensitive habitat areas and parks and recreation areas for compatible land uses.

-Identification of environmentally sensitive habitat areas suitable for public acquisition or for dedication in connection with development activities.

Background Information:

-Map and description of environmentally sensitive habitat areas and assessment of sensitivity to disturbance.

-Map and description of federal, state, and regional parks.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (Cont.)

Zoning - should contain (as applicable):

-Designation of environmentally sensitive habitat areas in conservation districts or overlay zones with appropriate development standards and regulations (e.g., setback requirements for development adjacent to sensitive areas or riparian corridors).

-Designation of areas adjacent to environmentally sensitive habitat areas and parks and recreation areas in districts which provide uses compatible with the sensitive areas.

-Setback requirements for development adjacent to environmentally sensitive habitat areas and riparian corridors.

-Provisions for dedication of open space or conservation easements to protect environmentally sensitive habitat areas.

3. AGENCIES AND SOURCES OF INFORMATION

State Agencies:

-State Lands Commission
-State Coastal Conservancy
-State Department of Parks and Recreation
-State Department of Fish and Game (especially, identification of rare and endangered species habitat areas)

Federal Agencies:

-U.S. Park Service
-U.S. Forest Service
-Environmental Protection Agency
-Office of Coastal Zone Management
-Department of Fish and Wildlife Service

Other Sources of Information:

-Various environmental interest groups (e.g., Nature Conservancy, Sierra Club)
-Sea Grant
-Public and private university marine research stations
-University of California Natural Land and Water Reserve System (Office of the Vice-President for University and Student Relations, UC Berkeley)
-California Natural Areas Coordinating Council (c/o Leslie Hood, 1505 Sobre Vista, Sonoma, CA. 94576)

H. AGRICULTURE

30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

H. AGRICULTURE (cont.)

1. EXPLANATORY NOTES

Prime agricultural land- (per California Government Code Section 51201 (c)) means:

(1) all land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.

(2) land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S.D.A.

(4) land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than $200 per acre.

(5) land which has returned from the production of unprocessed agricultural plant products on an annual gross value of not less than $200 per acre for three of the five previous years.

Non-prime agricultural land - other coastal agricultural lands that are now in use for crops or grazing, or that are suitable for agriculture.

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding prime agricultural lands, stable boundaries separating urban and rural areas, divisions of land.

-Designation of urban-rural boundary line.

-Designation of prime and non-prime agricultural land to remain in agriculture.

-Designation of areas adjacent to prime and non-prime agricultural lands for compatible land uses.

H. AGRICULTURE (cont.)

Background Information:

-Inventory and map of all prime and non-prime agricultural land within the coastal zone.

-Inventory of parcels with agricultural potential near developed areas (by size, soil type, agricultural potential and current use).

-Basis for establishing urban-rural boundaries consistent with Section 30231 of the Coastal Act, including information on minimum parcel sizes for viable agricultural use.

Zoning - should contain (as applicable):

-Appropriate zoning classifications for the long-term protection of agricultural lands, including minimum parcel size and provisions for agriculturally related uses.

-Provisions for easements and deed restrictions to protect prime and non-prime agricultural lands.

-Designation of areas adjacent to prime and non-prime agricultural land in districts which allow uses compatible with agricultural uses.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Adjacent cities and counties
-Water, sewer and public utility districts
-Local agency formation commission
-County farm bureau federation
-County agricultural commissioner

State Agencies:

-California Department of Conservation
-California Department of Water Resources
-California Coastal Conservancy

Federal Agencies:
- Dept. of Agriculture, Soil Conservation Service

I. HAZARD AREAS

30253. New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

1. EXPLANATORY NOTES

Geologic hazards - include the following:

(1) seismic hazard areas delineated on fault maps as subject to potential surface rupture on soil maps indicating materials particularly prone to shaking or liquefaction, and in local and regional seismic safety plans;

(2) tsunami runup areas delineated by the U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies and other known areas of tsunami risk;

(3) landslide hazard areas delineated on slope stability maps, and in local and regional geologic or safety plans;

(4) bluff and cliff areas designated as unstable (area of stability demonstrations generally includes base, face and top of all bluffs and cliffs, of 10 feet in height or greater measured from the horizontal plane at the base of the bluff, or 50 feet from the top edge of the cliff, whichever is greater);

(5) beach areas subject to erosion; and

(6) other geologic hazards such as expansive soils and subsidence areas.

Flood hazard areas - those areas subject to inundation by a 100-year flood.

Fire hazard areas - no acceptable definition in common use. Local planners should use the Fire Hazard Severity Classification System developed by the State Division of Forestry.

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding geologic, flood, and fire hazards.

-Designation of appropriate land use catagories for areas subject to flood, fire and geologic hazards.

Background Information:

-Information required for seismic safety, safety, and land use elements of the general plan.

-Estimates of bluff erosion rates, using old subdivision map records and historic map data where available.

Zoning - should contain (as applicable):

-Design and setback requirements to assure the stability and structural integrity of development on bluff and cliff areas.

-Designation of geologic, flood and fire hazard areas in appropriate zoning district(s) or overlay zones that set development standards and regulations appropriate to the hazard (e.g., regulations for drainage, erosion and sediment control, excavation, flood-prone areas).

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Flood control and water conservation districts
-Office of Emergency Services

State Agencies:

-Office of Emergency Services Dept. of Navigation and Ocean Development
-State Division of Mines and Geology
-Seismic Safety Commission

Federal Agencies:

-U.S. Department of Housing and Urban Development (Federal Flood Insurance Program)
-U.S. Geological Survey
-U.S. Army Corps of Engineers

Other Sources of Information:

-Fault Hazard Zones in California, State Division of Mines and Geology
-Urban Geology Master Plan for California, State Division of Mines and Geology
-A Fire Hazard Severity Classification System for California Wildlands, State Division of Forestry
-Open Space Zoning Handbook, Assembly Select Committee on Open Space Land

30243. The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

The explanatory notes, LCP checklist, and listing of agencies and sources of information for this policy group are not included in this draft because of revisions currently being made in the forestry regulations.

30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

30250. (a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

30253 NEW DEVELOPMENT SHALL:

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles travelled.

30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland.

K. LOCATING AND PLANNING NEW DEVELOPMENT (cont.)

1. EXPLANATORY NOTES

"Development"-means, on land, in or under water, the placement or creation of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66-410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Public Resources Code Section 30106)

"Coastal dependent development or use"-means any development or use which requires a site on, or adjacent to, the sea to be able to function at all (Coastal Act Section 30101). These include fishing, aquaculture, and port facilities, extraction of coastal minerals (e.g., sand and offshore petroleum), tanker terminals, boatworks, shipyards and marinas.

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding the pattern, intensity, phasing of new development, the provision of services and facilities in conjunction with new development, coastal dependent development, and archaeological and paleontological resources.

-Designation of areas for residential development in appropriate use districts consistent with the policies, including consideration of public works facilities capacities (i.e., water, sewers, and roads).

-Designation of areas for non-residential development (including coastal-dependent development) in appropriate use districts, including consideration of public works facilities capacities (i.e., water, sewers, and roads).

K. LOCATING AND PLANNING NEW DEVELOPMENT (cont.)

Background Information:

-Data and analysis that documents the adequacy of sewer, water and roads systems to accomodate the pattern and intensity of development under the proposed land use plan.

-Inventory of known archaeological and paleontological resources.

Zoning - should contain (as applicable):

-Designation of existing development areas and areas proposed for new development in appropriate zoning districts consistent with the land use plan (including provisions for planned unit development where appropriate).

-Regulations for the provision of alternative transportation options, non-automotive circulation, minimal curb-cutting, on-site parking, and recreational and commercial facilities as part of new development.

-Provisions for dedications or in-lieu fees for recreation and open space to accompany new development.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Adjacent cities and counties
-Local transit districts and operators
-Water and sewer districts (service system capacities)
-Local Air Pollution Control District
-Local Agency Formation Commission (Spheres of Influence for cities and special districts)
-Local Transportation Planning Agency
-Council of Governments

State Agencies:

-State Department of Transportation
-Coastal Conservancy
-Office of Planning and Research
-State Historic Preservation Officer

Federal Agencies:

-Department of Housing and Urban Development
-Bureau of Outdoor Recreation

Other Sources of Information:

-Collaborative Land-Use Planning for the Coastal Zone, Volumes I and II, Sea Grant, University of California, Berkeley.

-National Recreation and Park Association, 1601 N. Kent St., Arlington, VA. 22209 (Standards for the provision of parks and open space).

L. COASTAL VISUAL RESOURCES AND SPECIAL COMMUNITIES

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30253 NEW DEVELOPMENT SHALL:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

1. EXPLANATORY NOTES

Special Communities and Neighborhoods - include the following:

(1) areas characterized by a particular cultural, historical, or architectural heritage and continuity that is distinctive in the coastal zone;

(2) areas presently recognized as important visitor destination centers on the coastline;

(3) areas with small scale and limited automobile traffic providing opportunities for pedestrian and bicycle access for visitors to the coast;

(4) areas having a physical scale consistent with and complementary to coastal land forms or having a particular physical coherence that adds to the visual attractiveness of the coast...;

(5) areas that provide a diversity of coastal housing opportunities, particularly for low and moderate income persons and the elderly; and

(6) areas within walking distance of a beach with generally 20 per cent of all parcels in either small scale hotel-motel or beach-oriented commercial uses. (California Coastal Plan, p. 78)

Highly Scenic Areas - generally include:

(1) landscape preservation projects designated by the State Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan;

(2) open areas identified as being of particular value in contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas or as scenic open space; and

(3) scenic areas and historical districts designated by cities and counties

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding protection of coastal visual quality, highly scenic coastal areas, special communities and neighborhoods.

-Identification of highly scenic coastal areas and special communities and neighborhoods.

-Land use designations that will protect scenic and visual qualities of coastal areas and the unique characteristics of communities and neighborhoods.

-Landmark registry programs such as the National Register of Historic Sites to preserve individual historic sites.

Background Information:

-Criteria used for designation of highly scenic coastal areas and special communities and neighborhoods.

L. COASTAL VISUAL RESOURCES (cont.)

Zoning - should contain (as applicable):

-Review existing zoning classifications and establish new ones where necessary to ensure the protection of highly scenic resource areas and special communities and neighborhoods.

-Design review criteria and standards to ensure that new development shall be visually compatible with existing natural features and terrain, and with the special values and character of the community.

-Sign regulations to ensure that signs and billboards will not degrade significant coastal views.

-Grading and filling regulations to minimize alterations of natural landforms.

3. AGENCIES AND SOURCES OF INFORMATION

State Agencies:

-Coastal Conservancy
-Office of Planning and Research
-Department of Parks and Recreation
-State Historic Preservation Officer

Other Sources of Information:

-Historic Preservation Element Guidelines, Office of Planning and Research, September, 1976.

-Collaborative Land-Use Planning for the Coastal Zone, Volumes I and II, Sea Grant, University of California, Berkeley.

-California Coastline Recreation and Preservation Plan, Department of Parks and Recreation.

M. PUBLIC WORKS

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

1. EXPLANATORY NOTES

"Public Works" - means the following (Public Resources Code §30114):

(a) All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities and any development by a special district.

M. PUBLIC WORKS (cont.)

"Special district" means any public agency other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. (Public Resources Code 830118)

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding new or expanded public works facilities and priorities for allocation of remaining service capacity among land uses within the coastal zone.

-Designation of appropriate land use categories for public works facilities.

-Designation of areas in appropriate land use categories consistent with remaining and planned water, sewer and road capacities.

-Allocation of portion of existing and proposed public service system capacities needed to serve non-residents (i.e., visitors to the coast).

-Program for the phasing and funding of public works facilities required by the level and pattern of proposed development.

Background Information:

-Inventory of existing and proposed public works systems and special districts:

Water and Sewerage Facilities (All districts or services areas lying wholly or partly within coastal zone)

*District or service area boundaries (map)

*Existing and proposed treatment and storage facilities and major trunk lines (map)

*Existing and proposed capacity of above (annual and peak load)

*Existing safe annual yield/assured annual supply for water sources

*Level of existing usage and remaining capacity (annual and peak load)

*Allocation of remainder of existing capacity and planned capacity to various planned uses within the coastal zone

M. PUBLIC WORKS (cont.)

Transportation System (Within and providing access to the coastal zone)

*Existing and proposed state highways and local roads serving the coastal zone (map)

*Existing and proposed transit lines and terminals (map)

*Existing and proposed capacity of above

*State and locally designated scenic highways with specific identification of two-lane portions of Highway 1 (map)

*Allocation of remainder of existing capacity and planned capacity to various planned uses within the coastal zone

Public Parking Facilities

*Existing and proposed public parking lots and structures

*Number of spaces and level of usage by area

*Identification of areas used for on-street parking

Other Transportation Facilities - Description and map of existing and proposed facilities (harbors, ports, airports, railroad lines and terminals).

Special Districts - Description and map of existing special district boundaries and proposed expansions (for all districts lying wholly or partly within coastal zone).

Community Colleges - Description and map of existing and proposed community college facilities.

Zoning - should contain (as applicable):

-Designation of appropriate land use districts for public works facilities

-Designation of planned land uses in appropriate land use districts consistent with public works (primarily water, sewer, and road capacity constraints identified above)

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-City and County public works, street and highway departments
-Sewer districts and agencies
-Water districts and agencies
-Transit districts and agencies
-Public utilities
-Community College Districts
-Local Agency Formation Commission

M. PUBLIC WORKS (cont.)

State Agencies:

-State Department of Transportation
-State Water Resources Department

Federal Agencies:

-Environmental Protection Agency

Other Sources of Information:

-Collaborative Land Use Planning for the Coastal Zone, Sea Grant University of California, Berkeley

N. INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES

30260. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

30250

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

30261. (a) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(b) Only one liquefied natural gas terminal shall be permitted in the coastal zone until engineering and operational practices can eliminate any significant risk to life due to accident or until guaranteed supplies of liquefied natural gas and distribution system dependence on liquefied natural gas are substantial enough that an interruption of service from a single liquefied natural gas facility would cause substantial public harm.

Until the risks inherent in liquefied natural gas terminal operations can be sufficiently identified and overcome and such terminals are found to be consistent with the health and safety of nearby human populations,

terminals shall be built only at sites remote from human population concentrations. Other unrelated development in the vicinity of a liquefied natural gas terminal site which is remote from human population concentrations shall be prohibited. At such time as liquefied natural gas marine terminal operations are found consistent with public safety, terminal sites only in developed or industrialized port areas may be approved.

30262. Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

30263. (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

30264. Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

N. INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES (cont.)

1. EXPLANATORY NOTES

Additional Provisions of the Coastal Act:

Section 30501(c) of the Coastal Act provides that the Commission's procedures for LCP preparation shall include:

> "Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Such uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by any local government."

Such uses may include energy facilities. It is expected that these recommendations will be done on a specific basis, from time to time, in cooperation with local governments and other involved agencies.

Section 30413(b) and (c) of the Coastal Act provides for designation by the Commission of "specific locations within the coastal zone where the location of [new thermal electric generating plants] would prevent the achievement of the objectives of" the Coastal Act, based on detailed findings. The designations are to be made by January 1, 1978, and can be revised and updated every two years thereafter. The Energy Commission may not approve a new power plant within those designated locations.

Coastal Energy Impact Program:

Section 308 of the Federal Coastal Zone Management Act of 1972 establishes a coastal energy impact program which "shall consist of the provision of financial assistance to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development." (Sec. 308(a)(1))

Such assistance includes: grants for "the study of, planning for, development of, and carrying out of projects and programs...which are necessary...to provide new or improved public facilties and public services which are required as a direct result of new or expanded outer continental shelf energy activity" (Sec. 308(b)(4)(B)); grants for "the prevention, reduction, or amelioration of any unavoidable loss...of any valuable environmental or recreational resource" resulting from coastal energy activity (Sec. 308(b)(4)(C)); guarantees and loans for "providing new or improved public facilities or public services...which are required as a result of a coastal energy activity", and grants to meet loans or guarantees if such indebtedness results from such improved public facilties or public services. (Section 308(d)).

The Coastal Commission and the Office of Planning and Research are currently preparing procedures to administer the Coastal Energy Impact Program, and to make funds available for affected local governments, coordinated with the LCP planning.

N. INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES (cont.)

2. LCP CHECKLIST

Land Use Plan - should contain (as applicable):

-Consistent policy language regarding the expansion and location of coastal dependent industrial facilities, multi-company use of existing facilities, the location of hazardous industrial development, and the expansion and location of non-coastal dependent industrial development.

-Designation of appropriate land use categories for industrial and energy facilities.

-Designation of compatible land use categories adjacent to energy facilities and hazardous industrial sites.

Background Information:

-Map and description of existing coastal dependent industries.

-Map and description of existing energy facilities within the coastal zone.

-Inventory of industrial and energy facility expansion plans and proposals by new industries or utilities companies to local development within the coastal zone.

-Assessment of the environmental, economic and access impacts of industrial and energy facility development proposals.

Zoning - should contain (as applicable):

-Designation of existing and proposed industrial and energy facility uses in appropriate land use districts.

-Designation of areas adjacent to existing and proposed industrial sites and energy facilities in compatible use districts.

-Project review procedures for major industrial and energy developments.

3. AGENCIES AND SOURCES OF INFORMATION

Local and Regional Agencies:

-Air Pollution Control Districts
-Port districts
-Regional Water Quality Control Board

N. INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES (cont.)

State Agencies:

-Energy Resource and Conservation Commission - thermal power plants
-Public Utilities Commission
-Division of Oil and Gas - oil, gas, and geothermal wells
-State Lands Commission - all terminals, peers, pipelines, other improvements on state tide and submerged lands
-Department of Fish and Game
-Air Resources Control Board
-Department of Navigation and Ocean Development

Federal Agencies:

-U.S. Navy
-U.S. Coast Guard - all navigation, vessel traffic, tanker operations.
-Army Corps of Engineers - dredging, harbor works, all improvements on federal submerged lands.
-Department of Defense
-U.S. Bureau of Land Management - offshore oil and gas development.
-Maritime Administration
-Interstate Commerce Commission - interstate commerce, common carrier pipelines.
-Federal Power Commission
-Federal Energy Administration
-Nuclear Regulatory Commission
-Department of Interior
-Energy Research and Development Administration

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 – (415) 557-1001

January 27, 1977

TO: REVIEWERS OF LOCAL COASTAL PROGRAM REGULATIONS

FROM: JOSEPH E. BODOVITZ, EXECUTIVE DIRECTOR, STATE COMMISSION

SUBJECT: DRAFT LOCAL COASTAL PROGRAM REGULATIONS

Enclosed is a draft of proposed regulations to govern the submission, review and certification of local coastal programs. This draft is now being circulated to all local governments in the coastal zone, to state agencies and to interested persons. The statutory deadline for initial adoption of these regulations is April 1, 1977 and our current intent is to hold the first public hearing on the draft regulations at the first state commission meeting in March, with adoption at the second March meeting.

Because local coastal programs are extremely important under the California Coastal Act of 1976, we urge all reviewers to examine the draft regulations carefully. We would appreciate receiving any comments on the regulations as soon as possible, so that we can work on revisions without delay. It would be very helpful if you could transmit any proposed revisions to us by the end of February so that we can make the best use of commission hearing time in March. Written comments with proposed alternative language would be particularly helpful.

We will provide notice to all interested parties of the specific time and location of any public hearing on the draft regulations through our standard meeting notice procedures.

CHAPTER 8 IMPLEMENTATION PLANS

Subchapter 1. LOCAL COASTAL PROGRAMS

Article 1. Scope of Chapter

Section 00010. Scope of Chapter. This chapter is promulgated pursuant to Chapter 6 of the California Coastal Act of 1976 and shall govern the preparation, submission, review, certification and amendment of local coastal programs and the procedures governing developments appealable to the commission following the implementation of a certified local coastal program.

Article 2. Common Methodology for Preparation, and of Determination of Scope of Local Coastal Programs

Section 00020. Preparation of Local Coastal Programs – Public Participation and Public Agency Coordination Procedures.

Prior to submitting a proposed schedule for regional commission review pursuant to Section 00031 , each local government shall address the requirements of Public Resources Code, Sections 30503 and 30504 by adopting procedures for providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the local coastal program. These procedures shall be submitted to the executive director of the commission and the regional commission for review and comment and shall be considered in the determination of the schedule for processing the local coastal program. Pursuant to the provisions of Public Resources Code, Section 30501(a), the local government public participation procedures to be followed in the preparation of a local coastal program shall include, but not be limited, to the following:

(a) Specific procedures for providing maximum opportunities for public participation in the preparation and review of the local coastal program including provisions for making information and proposed plans and regulations available to the public in advance of public hearing(s) on the local coastal program and the methods by which public comment shall be received and reflected in the documents submitted for regional commission review.

(b) Specific procedures for providing information to and considering comments from local governments contiguous with the area that is the subject of the local coastal program and local governments that could be directly affected by the provisions of the local coastal program.

(c) Specific procedures for involving state agencies in the preparation of the local coastal program. In the case of state agencies that have the authority to undertake developments, these procedures shall include the methods by which proposed state agency developments shall be considered for possible inclusion in the local coastal program. In the case of state agencies that have regulatory authority, these procedures shall include the methods by which the local government shall consider in its local coastal program any applicable environmental protection plans and policies of state regulatory agencies.

(d) Specific procedures for involving special districts in the preparation of the local coastal program including the methods to be used for considering special district development plans submitted pursuant to Public Resources Code, Section 30504.

(e) Specific procedures for reviewing specific development plans of a port or harbor district, proposed pursuant to Public Resources Code, Section 30519(b), for possible inclusion in the local coastal program and for considering the plans and development proposals of a port governing body that elects to submit an area designated pursuant to Section [Port Master Plan regulations] /of these regulations as part of a local coastal program rather than in conjunction with a port master plan.

Section 00021. Determination of the Scope of a Local Coastal Program. Pursuant to the provisions of Public Resources Code, Section 30501(a), the following shall be the common methodology for determining the scope of local coastal programs, unless the executive director of the commission determines that an alternative methodology approved by the commission may be employed in specific instances:

(a) Using current general plan and zoning designations, the local government shall make a preliminary assessment of the potential impact of the kinds, location and intensity of development currently allowable by local regulations on coastal resources and on public access to the coast. A similar assessment shall be made of the potential impact of developments proposed by any port or harbor district, special district, state agency or public utility that are made known to the local government through the public participation procedures set forth in Section 00020. All substantial conflicts between presently allowable development, proposed developments and the policies of Chapter 3 of the California Coastal Act of 1976 shall be identified and set forth as coastal planning issues for specific geographic areas that are to be addressed in the local coastal program.

(b) After identifying coastal planning issues that must be addressed for the specific geographic area to be governed by the local coastal program, the local government shall submit to the offices of the commission and the regional commission a work program designed to address these coastal planning issues. Within thirty (30) days of receiving the proposed work program, the executive director of the commission and of the applicable regional commission shall transmit comments regarding the scope of the work program to the local government. The preliminary commission review provided in Section_____ may occur at this time if so requested by the local government.

(c) After receipt of the executive director's comments, the local government shall attempt to resolve potential conflicts between the policies of Chapter 3 of the California Coastal Act of 1976 and allowable and proposed development as follows:

(1) The existing and proposed capacities of public service systems, including water supply systems, sewage treatment systems and transportation systems, and of public recreation facilities shall be ascertained. The kinds, location and intensity of development that can be accommodated by the existing capacities of these public service systems and the projected demand for the use of these public service systems by persons other than local residents shall then be determined. If the road, sewer, water or recreational use systems are proposed to be expanded, the kinds, intensity and location of development associated with each stage of expansion of these systems shall be determined and the key decision points concerning

governmental approvals of the amount and location of such services shall be identified. Where the application of the policies of Chapter 3 of the Coastal Act of 1976 would require limits or conditions as to the amount, timing or location of public service expansion, an analysis shall be made to determine what portion of public service and recreational capacity must be reserved for the use of the general public.

(2) After the analysis of the public service systems has been completed, the policies of Chapter 3 of the California Coastal Act of 1976 that apply to specific coastal resources and to specific coastal access concerns relating to the area governed by the local coastal program should be applied to determine the kind, location and intensity of land and water uses that would be in conformity with the policies of the Act. The identification of appropriate kinds and location of land and water uses shall involve the consideration of recommended uses of more than local importance listed by the commission, pursuant to Section 00040, shall include specific provisions for priority uses set forth in the policies of Chapter 3 of the California Coastal Act of 1976, and shall reflect the provisions of the public access component of the local coastal program required by Public Resources Code, Section 30500. Once the appropriate kinds and location of land and water uses are determined, appropriate intensities of use can be determined based on the foregoing policy considerations and on public service system capacities.

(3) In order to comply with the requirements of the California Environmental Quality Act and the California Coastal Act, alternative development patterns, if there are more than one, that conform with and are adequate to carry out the policies of Chapter 3 of the Coastal Act shall then be examined and assessed. Taking into account the public service system concerns and the land and water use designations determined as provided subsections (a) and (b), the various sets of alternatives identified for particular coastal development issues in specific geographic areas should be analyzed as to the potential adverse cumulative impacts on coastal resources and coastal access in order to provide a factual basis for comparison of local plan alternatives and the choice of a particular level and pattern of development. These alternatives shall als determine development priorities for specific areas, identify where density increases or reductions should occur, and indicate measures necessary to protect specific coastal resources areas and coastal access. If the level and pattern of development recommended for the local coastal program requires the phasing of public service or recreational facilities to be consistent with the requirements of the California Coastal Act of 1976, the proposed measures for funding and implementing public service and recreational facilities should be specifically identified.

(e) The level and pattern of development selected by the local government shall be reflected in a land use plan, zoning ordinances and zoning district maps and/other implementing actions for areas that are designated pursuant to Public Resources Code, Section 30502 and 30502.5. The scope of a local coastal program shall include measures necessary to achieve conformity ith the policies of Chapter 3 of the California Coastal Act of 1976 and shall extend to the authority granted by the planning laws of the State of California, to the general governmental authority inherent in the reasonable exercise of the police power and to the authority to control or prevent uses harmful to the coastal resources of the state. The land use plan component of a local coastal program shall include a statement of applicable development and resource protection policies and those elements of a general plan allowed in Government Codes Section 65301 - 65303 and 65560-65567, with specific diagrams and text setting forth objectives, principles, standards and plan proposals, as the provisions of such elements are capable of carrying out the policies of Chapter 3 of the California Coastal Act of 1976.

The policies, objectives, principles, standards and plan proposals set forth in the land use plan shall, be reflected in zoning ordinances, zoning district maps, and, where a sensitive coastal resource designation has been made pursuant to Public Resources Code, Section 30502 and 30502.5, implementing actions. The scope of measures contained in the zoning ordinance and/or district

maps shall extend to the authority granted by the planning laws of California including Government Code, Sections 65850-65862 and 65910-65912; where applicable and necessary to carry out the policies and provisions of an approved land use plan, these measures may include; exclusive use zones, overlay zones, conditionally permitted uses based on certain findings, sign and/or design controls, landscaping and grading regulations, hazard or geologic review requirements, open space and lot coverage standards, minimum lot sizes, density or timing of development standards based on public service capacities and recreational use needs and any other similar ordinances within the scope of zoning measures. The scope of measures for designated sensitive areas shall include the implementing actions necessary to conform with the requirements of Public Resources Code, Sections 30502(c) as applied to the particular area.

Section 00022. Staff and Commission Review of Local Government Preparation Procedures and Proposed Scope of Local Coastal Program. During the preparation of local coastal program review procedures and the determination of the scope of the local coastal program, a local government shall to the extent possible coordinate with and be assisted by commission and regional commission staff in resolving issues as to conformity and sufficiency in meeting the requirements of the California Coastal Act of 1976. The executive director of the commission may from time to time give informal opinions on such issues, based on staff interpretations of the commission guidelines issued pursuant to Section 00050, and decisions of the commission that are precedents pursuant to Public Resources Code, Section 30625(c).

A local government shall be entitled, at a minimum, to one preliminary review by the commission of its proposed local coastal program prior to formal submittal. The procedures for conducting the informal review shall be the same as those set forth in Section _____, governing the informal review of urban exclusion requests. Such review shall be consolidated with any commission review of draft environmental documents as provided in Section 00170.

Any such commission advisory review is intended to assist local governments in preparing a local coastal program but shall be advisory only and shall not constitute a final decision by the commission as to the conformity of the local coastal program with Coastal Act policies.

Article 3. Schedule for Processing Local Coastal Programs

Section 00030. Commission Schedule for Reviewing Local Coastal Programs. To the maximum extent practicable, the commission and regional commission review schedules shall provide for consideration at the same meeting of proposed local programs for areas that have coastal planning concerns extending beyond one jurisdiction (e. g. , coastal road access capacities, energy facilities) or that have common types of coastal planning concerns. In addition, in order to promote public participation, the commission and the regional commissions shall, to the maximum extent practicable, hold their hearings on proposed local coastal programs within a reasonable distance of the affected area.

Section 00031. Regional Commission Guidelines for Processing Local Coastal Programs Within twenty (20) days of the adoption of the regulations governing local coastal programs, each regional commission shall submit a proposed regional commission review schedule to the commission for review and approval. The review schedule shall be based on: (a) each local government's indication as to whether it intends to submit the land use plan and zoning in two stages or at one time and whether it intends to submit the local coastal program for the entire jurisdiction in the coastal zone or for separate geographic units; (b) the scope and adequacy of the public participation procedures submitted pursuant to Section 00020 ; (c) the scope, adequacy and complexity of the proposed work program submitted pursuant to Section 00021(b) ; (d) the relationship of the local coastal program to other jurisdictions within the coastal zone; and

(e) the scheduling requirements resulting from the policy of attempting to hold the regional commission hearing in or as close as possible to the city or county submitting a local coastal program. Within twenty (20) days of receiving all proposed regional commission schedules, the executive director of the commission shall establish an overall regional commission review schedule that to the extent practicable meets regional commission needs while complying fully with the requirements of Section 00030. The executive director of the commission may modify the regional commission review schedule, from time to time, consistent with the scheduling requirements of the California Coastal Act of 1976 and of this section.

Section 00032. Preparation of Local Coastal Program for Separate Geographic Units. Pursuant to the requirements of Public Resources Code, Section 30511(c), a local government wishing to submit its local coastal program in separate geographic units consisting of less than the local government's jurisdiction lying within the coastal zone shall first file a request with the commission that it be permitted to do so. Within 30 days of the receipt of such a request and after consultation with the executive director of the commission shall recommend in writing whether the request is consistent with the findings required by Public Resources Code, Section 30511(c). If the commission determines by majority vote of appointed members after a properly noticed public hearing that the request is consistent with Public Resources Code, Section 30511(c), the executive director of the commission shall so notify the local government and shall make any necessary change in the overall local coastal program review schedule.

Section 00033. Commission Preparation of a Local Coastal Program. Any local government requesting that the commission prepare a local coastal program or a portion thereof shall do so by appropriate resolution of the city council or board of supervisors and shall transmit said resolution to the commission not later than July 1, 1977. Upon the receipt of such a request the executive director of the commission shall determine the staff requirements necessary to comply with the request and, after consultation with the executive director of the appropriate regional commission and with representatives of the requesting local government, shall make the necessary change(s), if any, in the overall local coastal program review schedule. Upon the completion of the technical aspects of the local coastal program, the executive director of the commission shall submit the proposed local coastal program to the local government for review pursuant to Public Resources Code, Sections 30503, 30504, 30510(a), 30512, 30513 and 30519(b).

Article 4. Uses of Regional and Statewide Importance

Section 00040. Recommended Uses of More than Local Importance. From time to time the commission may establish categories of uses or specific uses of more than local importance that should be considered in the preparation and review of local coastal programs. The commission or the executive director of the commission pursuant to commission authorization may also recommend specific uses to be considered by a particular local government.

Article 5. Information Guidelines

Section 00050. Materials Required for Review of a Local Coastal Program. For purposes of assisting local governments in determining information needs and pursuant to the requirements of Public Resources Code, Section 30112(b), the commission shall publish and disseminate to all local governments in the coastal zone and to all interested persons a set of draft guidelines designed to assist local governments in determining the type and extent of information and the materials necessary to meet the requirements of Chapter 6 of the California Coastal Act of 1976. The guidelines shall be based on the information requirements the commission determines to be necessary to allow a thorough and complete review of a local coastal program for purposes of making the findings as to conformity with the policies of the California Coastal Act of 1976, pursuant to Public Resources Code, Sections 30512 and 30513. In addition to the overall information requirements, the guidelines shall, where practicable, establish basic information requirements for the public access component specified in Public Resources Code, Section 30500(a). The commission shall, after public hearing on the draft guidelines, review, adopt and disseminate final guidelines to all local governments in the coastal zone

Article 6 State and Federal Funding for the Preparation of Local Coastal Programs

Section 00060. Submission of Work Program. This Section shall govern state and federal funding that is made available to the commission for disbursement to local government for the preparation of local coastal programs.

In addition to any requirements deemed necessary by the executive director of the commission, by the agency with the authority for making the funds available to the commission or by an appropriate agency of the State of California, any contract for the disbursement of such funds must be based on a work program. Such a work program shall include the following:

(1) an evaluation of any potential conflicts between the kinds, location, and intensity of land uses currently allowable within the coastal zone of the local jurisdiction and any developments proposed for the area and the policies of Chapter 3 of the California Coastal Act of 1976;

(2) an evaluation of the sufficiency of information contained in existing local plans and regulations and of additional information required for a thorough and complete review of measures necessary to resolve any conflicts with the Coastal Act;

(3) an outline of the tasks required to bring local plans, zoning, and, if required, other implementing ordinances into conformance with the Coastal Act policies;

(4) the methods proposed for involving the public and affected agencies and districts in the local coastal program process, pursuant to Section 00020 ; and

(5) the format, pursuant to Section 00071 , and schedule, pursuant to Section 00031 , proposed for submitting local coastal program documents to the regional commission and commission.

Any work program submitted pursuant to Section 00021(b) may be submitted for purposes of this section, provided that it contains the above information.

Section 00061. Work Program Review. (a) A work program that is submitted to the commission for funding for the preparation of a local coastal program shall be reviewed to determine (1) whether the scope of tasks defined appears to address adequately the policies of Chapter 3 of the California Coastal Act of 1976, including uses of more than local importance, and potential conflicts involving other jurisdictions; (2) which tasks may be contracted for under grants to the local governments as differentiated from tasks which may already be required under other statutes or may more appropriately be undertaken by other agencies; and (3) the adequacy of methods proposed for involving the public. Following completion of its review, the commission shall determine the funding to be made available on the basis of the aforementioned criteria and the total amount of funding available.

Article 7. Submission of Local Coastal Programs

Section 00070. Local Government Notice of Completion. (a) A local coastal program, or any portion thereof, shall be accepted for filing by the regional commission or the commission only if the local coastal program is submitted pursuant to a Notice of Completion in the form of a resolution adopted in accordance with the provisions of Public Resources Code, Section 30510(a). If a local coastal program is submitted in two phases or for separate geographic units, a resolution and submission of a Notice of Completion shall be required for each phase or separate geographic area.

(b) A local government may submit its proposed local coastal program either (1) as a program that will take effect automatically upon regional commission or commission approval or (2) as a program that will require formal local government adoption after regional commission or commission approval. If the latter procedure is followed, the local coastal program submittal shall include, where applicable, a draft Environmental Impact Report that reflects revisions incorporated after the time for public comment has passed and that contains responses to public comments as required by the California Environmental Quality Act; such

environmental review documents may be integrated into the local coastal program as provided by Section 00172 and as allowed by guidelines issued pursuant to the California Environmental Quality Act. Under either of the alternative procedures, the requirements of Section 00140 must be fulfilled following certification of the local coastal program.

Section 00071. Contents of Notice of Completion. Pursuant to Public Resources Code, 30510(b) the Notice of Completion shall include:

(a) A summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the local coastal program process, pursuant to Public Resources Code, Section 30503; a listing of members of the public, organizations, and agencies contacted for comment on the local coastal program; copies of significant comments received and/or summaries thereof, the local government response to the comments obtained from the public and from agencies (these material may be set forth in a draft or final EIR as provided in Sections 00070 and 00171 and reasonably complete minutes of any hearing(s) held pursuant to Public Resources Code, Sections 30503 and 30510(a).

(b) All information, statements, drawings, maps, photographs, and supplementary data, in accordance with the guidelines established by the commission that are in sufficient detail to allow review for conformity with the requirements of the California Coastal Act of 1976. Written documents should, wherever possible, be in 8-1/2 x 11 or 8 x 10" format. Land use maps shall be at a scale sufficiently detailed to show clearly the land use designations applicable to each parcel and shall to the extent possible be correlated with and at a comparable scale to resource information and other mapped data. Wherever possible, scales of _____ of _____ are recommended for all maps.

(c) Where it is determined that an Environmental Impact Report is required for all or any portion of the local coastal program, any such Environmental Impact Report documents as provided in Sections 00172, environmental review documents may be integrated into the local coastal program materials.

(d) A listing of the zoning documents that will be submitted as the zoning portion of the local coastal program (unless submitted at the same time as the land use plan); and a listing of any other implementing actions, as necessary, that are intended to be carried out, and a timetable for such actions, by the local government to achieve the goals and policies of the land use plan.

Section 00072. Review of Filing. A local coastal program together with all necessary attachments and exhibits, shall be deemed "submitted" after having been received and found by the executive director of the regional commission to be in proper order and legally adequate to comply with Public Resources, Code, Section 30510(b). Said review shall be completed within a reasonable time, but unless there are unusual circumstances, no later than ten(10) working days after the date it is received in the commission offices during normal working hours. The executive director shall cause a date of receipt stamp to be affixed to all local coastal program submissions on the day they are so received and a stamp of the date of submittal on the date they are found to be properly submitted. If the executive director determines that the materials submitted are not sufficient to satisfy the requirememts of Public Resources Code, Section 30510(b), the executive director shall transmit to the local government specific written comments regarding the inadequacy of the submission within the aforementioned 10 working days. If the local coastal program is found to be properly submitted, the executive director shall immediately notify the local government that submitted the Notice of Completion and all persons known or thought to be interested in the local coastal program. Any disagreement between the executive director and the local government as to information requirements may be resolved by the regional commission.

Article 8. Alternative Hearing Procedures

Section 00080. Hearing Alternatives. If a local coastal program is submitted in two phases, pursuant to Public Resources Code, Section 30511(b), it shall be

reviewed in the manner set forth in Sections 00090 - 00133. If a local coastal program is submitted at one time pursuant to Public Resources Code, Section 30511(a), the time requirements for regional commission and commission action shall be the sum of the time requirements for the review of a two phase local coastal program; hearing procedures and findings shall be the same as those required in Sections 00090-00133.

Section 00081. Direct Commission Review. If the commission determines to review a local coastal program directly without prior regional commission review pursuant to Public Resources Code, Section 30333.5, the time requirements and hearing procedures for commission action shall be the same as those applicable to regional commission review in Sections 00090-00114 and 00130.

Article 9. Hearing Procedures for Review of Proposed Land Use Plans of Local Coastal Programs

Section 00090. Hearing Schedule. No public hearing on the land use plan of a local coastal program shall be held by a regional commission sooner than the 21st day nor later than the 60th day following the day on which the land use plan was properly submitted. All dates for public hearing shall be set with a view toward allowing thorough public dissemination of the information contained in the land use plan of the local coastal program prior to the time of the hearing, and toward allowing full public participation and attendance at the meeting.

Section 00091. Summary of the Land Use Plan. The executive director shall prepare and reproduce a summary of the land use plan of the local coastal program including any relevant attachments and exhibits. The summary shall be brief and shall fairly present the essential features of the plan with a reasonable degree of specificity. The summary shall be adequately illustrated with maps or drawings and shall contain relevant portions of any Environmental Impact Report(s). Staff comments shall also be included in the summary as to (1) questions of fact (2) the applicable policies of the California Coastal Act of 1976 as they apply to the geographic area of the coastal zone or affected by included within the local coastal program (3) prior decisions by the commission on related permit questions or local coastal programs (4) important policy issues raised by the local coastal program (5) public comment received on the local coastal program (6) other relevant matters. The staff comments shall be clearly labeled to distinguish them from the description of the proposed land use plan itself. The summary may include a tentative staff recommendation as to whether the land use plan should be approved or denied. If a tentative staff recommendation is included in the application summary, it shall conform to the requirements of Section 10101. The executive director shall also include in the summary any description or analysis of the local coastal program that the submitting local government requests be included in the summary; provided, however, that the local government analysis shall be readily reproducible at a reasonable cost.

Section 00092. Notice. The executive director shall, prior to the public hearing, provide to the local government and to all persons known or thought by the executive director to have a particular interest in the application notice of the public hearing which shall consist of the following: (a) a brief description of the proposed land use plan (b) the date, time and place at which the land use plan will be heard by the regional commission; (c) the general procedure of the regional commission concerning hearings and action on land use plans; and (d) staff summary prepared in accordance with Section 00091. The land use plan summary shall be distributed by mailing to all commissioners, to the local government, to all affected cities and counties, and to all other public agencies, individuals and organizations who have so requested or who are thought by the executive director

to have a particular interest in the land use plan, within a reasonable time to assure adequate notification prior to the scheduled public hearing.

Section 00093. Distribution of Public Comments. The executive director shall reproduce and distribute to all members of the regional commission the text or summary of all relevant communications concerning the land use plan that are received in the regional commission office prior to the commission's public hearing and thereafter at any time prior to the vote. When a sizable number of similar communications is received, the texts need not be reproduced but the regional commission shall be informed of the substance of the communications; such communications shall be made available at the regional commission office for inspection by any persons during normal working hours.

Section 00094. Conduct of Initial Oral Hearing. At the time of the initial hearing on the land use plan of the local coastal program, the executive director of the regional commission shall make a brief oral presentation to the regional commission. Immediately following the presentation of the executive director, a representative or representatives of the local government may make a presentation of the major features of the local coastal program to the regional commission. Upon the conclusion of the local government presentation, interested members of the public may comment on the proposed local coastal program. The chairperson of the regional commission shall establish predetermined time limits for all presentations and shall notify all interested parties of such time limits in advance of the hearing.

Section 00095. Continued Hearings. Ordinarily, the taking of oral testimony on a local coastal program will be completed in one regional commission meeting. However, the regional commission may vote to continue the hearing to a subsequent meeting if in its opinion there exist compelling circumstances for doing so.

Section 00096. Withdrawal of Land Use Plan or Postponement of Action on Land Use Plan.

(a) The local government may withdraw its submission of the land use plan at any time up to the commencement of the calling of the roll for a vote on any portion of the land use plan. Upon making such a request, the submission of the land use plan shall be considered withdrawn and removed from commission consideration. Resubmission of the land use plan shall take place when the regional commission determines that the land use plan can be reviewed without adversely affecting the review of other land use plans previously scheduled.

(b) The local government or any interested party may request a postponement of regional commission action on the land use plan at any time prior to commencement of the calling of the roll for a vote on any portion of the land use plan. The regional commission may grant such request provided that such postponement will not unduly hinder the participation of the public in the deliberations of the commission and would not result in the action of the regional commission taking place after the 90-day time limit specified in Public Resources Code, Section 30512 unless the local government waives in writing its right to action by the regional commission within such 90-day limit.

Section 00097. Amendment of Land Use Plan Prior to Regional Commission Action. If the local government amends its land use plan after submission of its plan pursuant to Public Resources Code, Sectinn 30510 and prior to the commencement of the calling of the roll for a vote on the land use plan, the executive director of the regional commission shall determine whether such amendment is material and includes changes that have not been the subject of public review and comment before the commission. If such amendments are not material or have been the subject of adequate public comment at the public hearing, the regional commission shall consider such amendment and take action on it rather than the master plan as initially submitted. If the executive director or the commission finds that the amendment is material and that the subject matter of the proposed amendment was not reviewed adequately at a prior

public hearing, the vote on the land use plan shall be continued until after a public hearing on the amended land use plan; such hearing shall be scheduled no less than 21 days nor later than 45 days from the submission of the amendment. If the next public hearing would occur after the expiration of the ninety (90) day review period set forth in Public Resources Code, Section 30512, and the local government does not agree in writing to extend the review period, the regional commission shall proceed to vote on the land use plan as originally submitted.

Article 10. Land Use Plan - Staff Recommendation and Findings

Section 00100. Staff Analysis. (a) If the vote on a land use plan is scheduled for a later meeting than the oral hearing on the application, the executive director shall promptly perform whatever inquiries, investigations, research conferences, and discussions are required to resolve issues presented by the land use plan and to enable preparation of a staff recommendation for the vote. If further information is taken or received by the executive director, it shall be made available in the administrative record of the application at the commission's office and all affected parties shall be given a reasonable opportunity to respond prior to the deadline for the preparation and mailing of the staff recommendation. New information shall be accepted by the executive director up to the time the regional commission determines by resolution to be a reasonable deadline for staff review of information. Such deadline shall be a date after the oral public hearing and before the regional commission vote that will allow a reasonable time for the staff to prepare the staff report and recommendation required by Section 10101. . The public hearing on the land use plan shall be deemed closed as of the deadline date unless the regional commission determines, prior to the vote, to re-open the hearing.

(b) The executive director may request of the local government any additional information necessary to perform the responsibilities set forth in subsection (a), and may report to the regional commission any failure to comply with such request, including the relationship of the requested information to the findings required by the California Coastal Act of 1976.

Section 10101. Final Staff Recommendation. The executive director's final recommendation shall set forth specific written findings, including a statement of facts and legal conclusions, as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976 including, but not limited to, the requirements of Public Resources Code, Section 30512 . The proposed findings shall include any terms and conditions necessary to bring the local coastal program into compliance with the California Coastal Act of 1976, and any additional documentation, governmental actions or other activity necessary to carry out the commission's decision. The staff recommendation shall also relate the proposed findings to prior decisions of the commission that, pursuant to the provisions of Public Resources Code, Section 30625(c) constitute precedents regarding the issues raised by the land use plan. The staff recomendation shall include any questions that have not been answered by the applicant or by interested parties and may include a recommendation that the regional commission take a field trip to the site of any proposed project when the executive director judges that this would materially assist in understanding and voting on the application.' The staff recommendation shall be written.

Section 00102. Comments on Staff Recommentation. (a) Immediately following the executive director's presentation of his or her recommendation, a representative or representatives, of the local government and members of the public shall have an equal opportunity to state their views on the recommendation. The chairperson of the commission may establish predetermined time limits for such presentation. The local government representatives may have a period to respond to questions raised by the commission.

(b) If the representative(s) of the local government states that he or she is not prepared to state his or her views on the recommendation but desires such an opportunity, the vote of the regional commission shall not be taken until the next regularly scheduled meeting and until after the local government has had an opportunity to state such views; provided, however, that if the next regularly scheduled meeting of the commission would be more than ninety (90) days after the filing of the local coastal program application, the commission shall not postpone the vote on the land use plan unless the local government waives the requirement of Public Resources Code, Section 30512(a).

Article 11. Voting Procedure and Requirements

Section 00110. Effect of Vote Under Various Conditions. (a) Votes by a commission shall only be on the affirmative question of whether the land use plan should be certified; i.e., a "yes" vote shall be to approve a land use plan (with or without conditions) and a "no" vote to deny.

(b) Any condition to a land use plan proposed by a commissioner shall be voted upon only by affirmative vote. A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.

(c) Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the regional commission shall be deemed to adopt the findings and conclusions recommended by the staff.

Section 00111. Straw Votes. The regional commission may take straw votes on any question when in the chairperson's opinion this will facilitate consideration of the land use plan.

Section 00112. Voting Procedure.

(a) Voting upon the land use plan shall be by roll call, with the chairperson being polled last.

(b) Members may vote "yes" or "no" or may abstain from voting.

(c) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter.

Section 00112. Voting by Members Absent from Hearing. A member may vote on a land use plan provided he or she has familiarized himself or herself with the presentation at the hearing where the land use plan was considered, and with the presentation at the hearing where the land use plan was considered, and with pertinent materials relating to the land use plan submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member.

Section 00113. Regional Commission Action and Findings. Approval of the land use plan component of a local coastal program by a regional commission shall be by majority vote of appointed members and shall be accompanied by specific written findings that the proposed development is inconformity with the provisions of the California Coastal Act of 1976 including specific factual findings supporting the following legal conclusions:

(a) that the land use plan meets the requirements of, and is in conformity with Chapter 3 of the California Coastal Act of 1976.

(b) that the land use plan contains the specific public access component as required by Public Resources Code, Section 30500(a).

(c) that the land use plan is consistent with any applicable decisions of the commission that are state precedents for regional commission or local government actions pursuant to Public Resources Code, Section 30625(c).

(d) that the land use plan is consistent with the requirements of the California Environmental Quality Act and any regulations issued pursuant thereto.

Section 00114. Regional Commission Decision on Land Use Plan.

(a) Within ten (10) working days of the denial of a land use plan, in whole or in part, the executive director of the regional commission shall transmit to the local government a written explanation of the reasons for the denial and may suggest ways in which the land use plan can be brought into conformance with the requirements of the California Coastal Act of 1976. Where the regional commission disapproves all or a portion of a land use plan, a local government may elect either to resubmit a modified land use plan pursuant to the procedures set forth in Section_____ or it may appeal the decision of the regional commission to the commission. Such appeal shall be made in writing and shall be received at the commission's office within ten (10) working days of the regional commission's action. Where the regional commission approves the land use plan in part and disapproves it in part, the local government may request the state commission to delay review of the approved portion of the land use plan until such time as the regional commission has reviewed any modifications of the disapproved portion.

(b) Within five (5) working days of the approval of a land use plan, the executive director of the regional commission shall transmit to the commission office a copy of the findings adopted by the regional commission and the regional commission file on the land use plan.

Article 12.- Commission Review of Land Use Plans

Section 00120. Commission Determination of Substantial Issue. Not less than 21 days nor more than 45 days after a land use plan has been submitted or appealed to the commission, the executive director of the commission shall prepare and distribute a summary staff report in the manner prescribed in Section 00091-00092 The summary shall include a recommendation as to whether specific provisions of the land use plan raise a substantial issue as to conformity with the policies of Chapter 3 of the California Coastal Act of 1976. Following the close of a public hearing conducted pursuant to the requirements of Section 00094 , the commission shall make a determination on substantial issue as provided in Public Resources Code, Section 30512 (c).

Section 00121. Commission Action on a Land Use Plan. (a) Unless the commission finds no substantial issue, it shall conduct a public hearing on the specific provisions of the land use plan that it has determined raise a substantial issue as to conformity with the policies of Chapter 3 of the California Coastal Act of 1976. The hearing may be conducted at the same meeting at which substantial issue is determined or at a later meeting. Commission and staff review procedures, including staff analysis and the preparation of a staff recommendation shall be the same as those set forth in Sections 00094 -00114 Final action shall be taken within sixty (60) days of the receipt of the land use plan.

(b) If the commission, by a majority vote of appointed members, makes the findings required by Public Resources Code, Section 30512(e), it shall certify the land use plan, in whole or in part. Certification of the land use plan component of a local coastal program shall be based on specific findings and any conditions necessary to support the findings as provided in Section 10101.

If the commission refuses certification, in whole or in part, the executive director shall within ten (10) working days, send a detailed written explanation of the commission's action to the affected local government and to the regional commission. If a local government wishes to resubmit a modified land use plan following such a disapproval, it may do so 21 or more days following the commission's action provided, however, that the commission shall schedule a hearing on such modified land use plan for a time that will not interfere with the review of other land use plans previously scheduled.

Article 13. Review of Zoning Ordinances, Zoning District Maps and Other Implementing Actions

Section 00130. Regional Commission Review and Action. Regional commission review of zoning ordinances, zoning district maps and other implementing actions shall take place in the same manner as provided for the review of land use plans as set forth in Section , provided however that regional commission shall reject such aspects of a local coastal program if it finds by a majority vote of appointed members that said ordinance(s), map(s), or other implementing action(s) do not conform with or are inadequate to carry out the provisions of the certified land use plan as provided in Public Resources Code Section 30513(a). If any zoning ordinance, map or implementing action is rejected by the regional commission, it shall within ten (10) working days of its action transmit to the local government a specific statement of the reasons for its action. The local government may revise and resubmit any rejected zoning ordinance map or implementing action to the regional commission for action in the same manner as provided in Section 00097 or it may appeal to the commission. No action of the regional commission shall become effective until thirty (30) days have elapsed from the date of its action or until after ninety (90) days have elapsed from the initial filing of the zoning ordinance(s) without any final action being taken by the regional commission. If an appeal is filed pursuant to Section 00131 or direct commission review is undertaken pursuant to Section 00132, the effect of the regional commission action shall be stayed pending final action by the commission.

Section 00131. Appeal to the Commission. Any affected local government or any aggrieved person may, within ten (10) working days, appeal a regional commission action, or its failure to act. All such appeals pursuant to Public Resources Code, Section 30513(b) and (c) shall contain the information required by Public Resources Code, Section 30513(d) on a form made available to the public by the executive director of the commission. The executive director shall notify the affected local government and all interested parties within five (5) working days of the receipt of a valid appeal in the same manner as provided in Section 00092. The commission may refuse to hear an appeal if, after public hearing the commission determines that the appeal raises no substantial issue as to conformity of the zoning or implementing actions with the certified land use plan.

Section 00132. Direct Commission Review. In the absence of an appeal pursuant to Section 00131, and within 30 days of a regional commission action or failure to act pursuant to Section 30513(a) of the Public Resources Code, the executive director shall prepare and present to the commission at a public hearing a report comparable to that required by Section 00091. Immediately upon the close of the public hearing the commission shall determine whether a substantial issue is presented as to conformity of a zoning ordinance(s), zoning district map (s) or other implementing action (s) with the certified land use plan for the affected area. If the commission determines that a substantial issue has been presented, the regional commission's action shall be stayed pending final action by the state and all interested parties / shall be notified to this effect as provided in Section_____.

Section 00133. Commission Action. Within 60 days of the receipt of an appeal pursuant to Section 00131 or within 30 days of the commission's determination of substantial issue pursuant to Section 00132 the commission shall take action as provided by Public Resources Code Section 30513(f).

If the commission rejects / any zoning ordinance(s), zoning district map(s) or other implementing action(s), the executive director of the commission shall provide a written explanation and allow for local government revisions in the same manner as provided in Section 00121. for land use plans.

Article 14. Effect of Certification of a Local Coastal Program

Section 00140. Effective Date of Certification of a Local Coastal Program. After the adoption of findings certifying a local coastal program, the executive director of the commission shall transmit copies of such findings to the local government that submitted the local coastal program, to the applicable regional commission, to any other agency affected by the certification and to any interested person(s). The certification of a local coastal program shall not be deemed final and effective until all of the following occur:

(a) The local government with jurisdiction over the area governed by the certified local coastal program, by action of its governing body, acknowledges receipt of the commission's resolution of certification including any terms or conditions which may have been required as a condition precedent to final certification.

(b) The local government described in subsection (a) above, by appropriate action of its governing body, accepts and agrees to the terms and conditions, if any, to which the certification has been made subject; and

(c) The executive director of the commission determines in writing that the local government's resolution is legally adequate to carry out the commission's certification order and that the notification procedures required pursuant to Section [Article 16 - appeals after certification] satisfy any specific requirements set forth in the regional commission or commission's certification decision.

Section 00141. Effect of Final Certification. Certification of a local coastal program pursuant to Section 00140 results in the delegation to the local government of coastal development permit authority over those developments specified in Public Resources Code, Section 30519 for the area governed by the certified local coastal program. No development inconsistent with the certification order may take place unless the order is amended. All developments proposed for the area governed by the certified local coastal program, shall be subject to the requirements of Public Resources Code, Section 30603 and Section [Article 16-appeals after certification] of these regulations.

Article 15 Amendments to Local Coastal Program

Article 16. Appeals after Certification

Article 17. Environmental Impact Review - Local Coastal Programs

Section 00170. Review and Comments on Draft Environmental Documents for a Local Coastal Program

(a) Any local government intending to submit a local coastal program at one time pursuant to the procedure set forth in Public Resources Code, Section 30511(a) shall submit any initial environmental study, Draft Environmental Impact Report, or Draft Negative Declaration concerning the local coastal program to the offices of the commission and the appropriate regional commission as soon as practicable after such are prepared.

(b) Any local government intending to submit a local coastal program in two phases pursuant to and according to the procedure set forth in Public Resources Code, Section 30511 (b) shall submit any initial environmental study, Draft Environmental Impact Report, or Draft Negative Declaration or any environmental analysis prepared in conjunction with a proposed general plan amendment that may be substituted for an Environmental Impact Report as provided in guidelines issued pursuant to the California Environmental Quality Act concerning its land use plan to the executive director of the commission and regional commissions as soon as practicable after such are prepared.

(c) The executive director shall review such documents, determine what comments should be made on behalf of the commissions, and forward such comments to the local government.

(d) The commission, at its discretion, may hold a public hearing on any environmental document submitted and direct the staff to make whatever comments, or to obtain whatever additional information the commission deems appropriate. If the draft environmental impact report is submitted in conjunction with the informal advisory review procedure set forth in Section 00022, the draft environmental documents may be submitted together with the proposed local coastal program as a single document, and the commission shall hold a hearing on the draft environmental document(s) as at the same time as the advisory review hearing as provided in that Section. If a request for review of a draft environmental impact document and a tentative local coastal program is made, such submission and review shall be considered by the commission as a favorable factor in the event the commission later determines whether to remove the matter of local coastal program consideration from any regional commission for direct consideration pursuant to Public Resources Code, Section 30333.5.

Section 00171. Effect of Comments and Preliminary Review by the Commission. Comments on environmental documents submitted by the commission or the executive director are intended to aid the local government in preparing adequate environmental documents. They do not indicate what action the commission may take with regard to certification; nor do they preclude the commission from requiring additional environmental information in the course of the review process.

Section 00152. Submission of Environmental Impact Report Negative Declaration. After the time for public comment on the draft Environmental Impact Report or Negative Declaration has passed and the responses to public comment have been incorporated in the environmental documents pursuant to the requirements of the California Environmental Quality Act, the local government shall submit the draft Report or Declaration together with the local coastal program as provided in Section 00070 . For purposes of this section and to avoid unnecessary duplications the Environmental Impact Report and local coastal program may be submitted as a single document, when such single document meets the substantive and procedural requirements of both the California Coastal Act of 1976 and the California Environmental Quality Act. Any public hearing on an Environmental Impact Report or Negative Declaration shall be combined with a hearing on the local coastal program.

ATTACHMENT A

Articles published in newspapers, journals, and other documents concerning the California Coastal Management Program. Note, this attachment is not bound into this document, but has been made available to all coastal county libraries and central offices within Federal agencies. Attachment A is available upon request from the Office of Coastal Zone Management.

ATTACHMENT B

EXCERPT FROM: "Governing California's Coast"

ATTACHMENT B

Excerpt taken from: Scott, S., Barusch, P., and Huth, O., "Governing California's Coast," Chapter II, Institute of Governmental Studies, U. of California, Berkeley, 1975.

SUMMARY AND CONCLUSION

A New Decision Process

Proposition 20 gave California a respectable start in establishing a process of planning, identifying interests and values affecting the coast, trying to reconcile conflicting objectives, and rendering public decisions on the protection and allocation of coastal resources.

Performance Evaluation

Evaluation of the commissions' performance depends on the backgrounds and standards of the evaluators. Accordingly one finds a wide spectrum of opinion on specific coastal commission policies and actions. In general, however, the commissions appear to be receiving strong support, and their work so far is favorably viewed by most observers. On the other hand, a number of criticisms are voiced. Both favorable comments and criticisms are sampled in this chapter.

Comments on the State Commission

The state commission got favorable comment on at least four points, including: (1) the "mix" of commission appointments, with members from a variety of areas, jurisdictions and backgrounds, (2) the environmental orientation of the commission, and a record of decisions in accord with the goals of Proposition 20, (3) the effectiveness of commission procedures and decision processes, and (4) the balance of the preliminary plan in attempting to deal with a wide range of controversial issues, while also looking to the interests of coastal conservation.

On the other hand, the state commission has drawn critical comment from observers who see it as: (1) showing too much concern with conservation, and bias against development, housing and other uses of the coast, (2) adopting excessively lenient policies on coastal development, (3) giving inadequate consideration to the economic impact of coastal regulation, (4) not paying sufficient attention to the needs of the shipping industry, (5) opposing early leasing for further offshore oil drilling, and (6) urging that nuclear power plants not be placed on the coast.

Some Useful Perspectives on Coastal Planning

Much of the coastal debate has been on a high level, the basic policy issues being explored thoroughly, fairly and publicly. But a number of questionable or limited viewpoints have also been given currency, and deserve attention. Accordingly several relevant perspectives and comments are outlined to help the reader redress the balance and draw his own conclusions.

1. The coastal commissions were created to stop coastal destruction. In effect, Proposition 20 directed them to give preeminent attention to coastal preservation, at least until the plan has been considered by the Legislature.

2. It is misleading to argue that economic growth and environmental protection are mutually exclusive. Instead of "either-or" alternatives, accommodation of a variety of goals should be sought, including both economic development and environmental preservation. Prudent and comprehensive planning measures should make it possible to maintain desirable growth levels without unacceptable environmental change.

3. What happens on California's coast will not determine the supply of jobs or housing, either statewide or nationally. National goals of prosperity, employment and housing will be achieved through national and international policies that reach far beyond California's coast.

4. Trying to solve economic problems through lenient policies on coastal development is likely to prove both ineffective and destructive. The resulting ecological damage would bring economic losses and cause serious environmental degradation. Moreover a damaged, polluted environment will be costly to clean up.

5. Measures to stop environmental damage before it occurs can provide employment and stimulate economic activity. One labor spokesman comments that "pollution control would provide lots of jobs." Moreover Federal and state funding for other important enterprises--such as housing construction and public transportation--could provide large numbers of jobs, while also helping reduce the nation's huge list of unmet domestic needs.

6. Finally, it is argued that both business and labor will be better served by a good coastal plan than by lenient policies. A coastal plan with reasonably definitive guidelines, and backed by an expeditious hearing process, could remove many of the uncertainties and time lags that often harrass businessmen and developers, slowing projects and escalating costs.

Essential State Commission Roles: Planmaking and Permit Review

Observers' generally favorable assessment of coastal governance is based substantially on the role and policies of the state commission. The commission provides a comprehensive perspective and a forum for statewide policy. Its permit-review process introduces wider considerations that local government or the regional commissions might otherwise ignore. Accordingly, the commission has and should continue to have a prime role in developing and validating coastal plans, revising them as changed conditions or policies warrant, and ultimately in enforcement. In short, the need for a statewide policymaking role and for a policing function argue powerfully for the state commission's continuation.

The Regional Commissions

There is strong support for continuing the regional commissions in some form. They are seen as crucial to the visibility and public accessibility that characterize coastal governance. Without regional commissions, it is hard to see how a state-level body could (1) give adequate opportunity for community participation, (2) allow for regional differences in the state plan, and (3) effectively monitor local governments' performance.

Despite support noted for the regional concept, the performance of some regional commissions is criticized, especially by conservationists. In particular, several regional commissions have given evidence of being, and were seen by most observers as being either substantially pro-development, or unsympathetic to the aims of Proposition 20. Because local appointees appear to be the principal sources of these leanings, the appointive role of local governments drew fire.

Accordingly some observers suggest that local governmental appointments should be reduced in number or eliminated. Similarly, some conservationists believe that persons unsympathetic to the objectives of Proposition 20--regardless of who appoints them--should not sit on the commissions at all. The question is posed: "How can someone enforce a law he doesn't believe in?"

Other observers, oriented more favorably to the interests of the private sector, urge the value of having some commission members who are sympathetic to "the needs and dictates of the marketplace." They see such members as providing a balance to the pro-conservation policies of Proposition 20.

In any event, many observers point out that a number of regional commission members have shifted their policies appreciably as they have gained experience, becoming more receptive to the views of their fellow commissioners, and perhaps more understanding of the basic goals of Proposition 20.

The Planning Process

The planning process is the crux of the entire coastal zone effort. At this writing, four principal conclusions are suggested with respect to the planning process and its implementation:

1. Proposition 20 has introduced a new kind and new level of planning. It provided a public forum charged with working out consistent state and regional policies for the coast, and conferred interim state-regional police power over land use changes in the coastal zone. This accomplishment will almost certainly be followed by the development of still further and more comprehensive planning processes. In time, these processes presumably will deal with environmental protection, future land use, natural resource conservation and development, plus a wide range of other human and economic values.

2. Proposition 20 embodies conservationist goals both implicitly and explicitly. Thus the coastal plan is virtually required to emphasize preservation and conservation, especially of natural areas. Accordingly the coastal plan is justified in treating further irreversible changes with great caution, and in attempting to minimize additional harm to the coastal environment.

Moreover, if additional injury cannot be avoided entirely it is appropriate to concentrate further damage in as few places as possible. Other essential objectives of the emerging coastal plan include the difficult dual goal of increasing public access to the coast, while also protecting the environment against pressures caused by large numbers of people.

3. The coastal plan must combine policy planning ("narrative writing"), and precise mapping. The balance between the two will be difficult to work out to the satisfaction of all. Those who seek certainty and predictability prefer concrete and precisely mapped plans. But the entire coast obviously cannot be mapped precisely "all at once." Accordingly it may be years before substantial portions of the coast are precisely planned and zoned, and much of it (e.g. the natural areas) may never be.

On the other hand, the coastal plan must recognize the need for concreteness and clarity, especially in those areas under greatest developmental pressure, such as the urbanized coast and its vicinity. This will also take time. The act of translating general policies and narrative into explicit statements and precise maps is an integral part of the planning process, requiring skilled staff drafting efforts and successful negotiations. The latter is essential, because precise plans cannot be drawn until all the significant policy issues have been resolved.

4. Recent court cases appear to support the implementation of plans through strong measures limiting the uses of private property. Accordingly, the coastal commissions should explore plan implementation through regulation, without extensive purchase. Except where purchase is considered essential for reasons of equity, policy, or law, it may be feasible to implement much of the coastal plan through land-use controls, tax measures, aid to coastal agriculture, and perhaps several incentive programs.

On the other hand, outright purchase or acquisition of easements may be essential to create new state parks along the coast, or to establish a public land bank of coastal properties. Purchase or payment of compensation may also be necessary in specific cases to avoid undue hardship. But buying coastal properties or paying compensation primarily to guarantee the success of speculative ventures in coastal land--or to guarantee "risk" capital against losses--would be questionable, especially when the proposed developments would contravene the coastal plan.

Hearings and the Permit Process

The permit power and permit review have been reasonably effective, and are essential to coastal plan implementation. The permit review examines facts and opinions, and helps clarify the issues that must be faced in coastal planning. Open hearings have enabled all interested parties, including "the public," to present their views and recommendations. Accordingly the permit process has crucial functions in planning and civic participation, as well as policy implementation through regulation.

Suggested changes: initiating reviews, and setting precedents. Two suggested changes would strengthen the state commission's role in the review process. First, the state commission should be authorized to initiate reviews of regional permit decisions. At present, the state commission must wait for an interested group or party to appeal a regional permit decision.

Second, there should be a clearer understanding, perhaps aided by appropriate language in the law, that regional commissions and local governments should treat state-level decisions as precedents. As things stand, regional commissions have sometimes persisted in a line of decisions, despite having already been overruled in similar cases.

Expediting procedures. Delay caused by permit review and hearing processes seriously concerns many students and critics of governmental regulation. Accordingly several ways of expediting procedures ought to be considered, while bearing in mind the prudent counsel that, in controversial matters, "there is no substitute . . . for exhaustive hearings." Several expediting measures are outlined here:

1. Future staffing at higher levels is one way to deal with a heavy workload. In addition, simplified hearing processes, delegating many or all of the initial permit reviews to hearing officers may be a workable solution.

2. Another form of delegation would shift most permit processing to local governments, subject to adequate monitoring for compliance with the coastal plan. Employing either or both kinds of delegation would help the state and regional commissions to focus attention on the major issues of coastal planning, and to concentrate hearing activity on important test cases.

3. Holding concurrent hearings is another way of expediting procedures. It would require much closer coordination among the many agencies processing permit applications, allowing most of the review work to be done at one time, rather than in separate and successive hearings.

4. Special staff help for private individuals applying for permits seems highly desirable. Because most citizens do not have the staff resources that corporate applicants enjoy, assistance is needed "to help ordinary people" through the permit application and review process.

5. Coastal commission business makes substantial time demands on the members. Perhaps work pressures will decline after the coastal plan has been formulated and some of the landmark decisions made. Part of the workload could be alleviated by delegating activities to staff or hearing officers, suggested above. Other approaches would be full-time commissions, or part-time commissions whose members are paid compensation that is commensurate with the demands on their time. On the other hand, as Chapter III emphasizes, there are definite advantages to the present coastal-commission formula, using part-time, non-expert citizen members.

The affirmative vote requirement. Under Proposition 20 a permit must receive an affirmative vote by a majority of the total authorized membership of a coastal commission. A permit getting fewer votes is denied. Moreover specific actions with a direct environmental impact must be approved by an affirmative vote by two-thirds of the total authorized membership.

Requiring affirmative majorities means that the presumption is against change and against development, rather than for it. Some observers view this as particularly appropriate for irreversible environmental changes: they see it as a safeguard against hasty decisions to do things that cannot be undone. Others find the requirement a heavy, perhaps even unfair burden on coastal property owners and potential developers: they see it as "government by minority."

But it should be emphasized that affirmative majorities of at least one-half, and sometimes of two-thirds, are quite common. They are standard requirements in California's principal legislative bodies: city councils, county boards of supervisors, and both houses of the state Legislature.

Commission Experience: An Educational Process

Coastal commission experience has helped educate commissioners, staff, interested groups and the public. Communication and information flow appear to be reasonably effective, and the commissioners have learned from the process. The "openness" of the commissions, and the many hearings, workshops and study sessions have helped interested parties inform themselves on matters under consideration.

One suggested improvement would provide additional expert assistance for commissioners and the public. It would be helpful to have an on-call pool of staff members or consultants available to advise commission members and interested citizens on coastal issues and related technical matters.

Visibility and Citizens' Participation

High public visibility is one of the coastal commissions' most widely applauded characteristics. This is a powerful asset, attributable partly to the composition and structure of the commissions, as well as to the style of the leadership and staff.

In addition, alert and vigilant participation by "coast-watchers" and a variety of citizens' groups has contributed to the commissions' visibility and air of openness. But effective coastal monitoring makes heavy demands of volunteer groups. Accordingly public funding and other support for citizens groups is urged as a way of insuring effective perpetuation of these activities on a long-term basis.

Moreover there are reasons to believe that public funding and other support for constituency groups may be the most effective way to encourage sustained, high-quality commission performance. It may be the best way to guard against client capture, i.e., the eventual domination of an agency by the interests it is supposed to regulate.

ATTACHMENT C

EXAMPLES OF PERMIT CONDITIONS

Examples of Permit Conditions

The following are some examples of actual conditions attached to specific permit approvals:

"The Coastal Commission's executive director shall approve final landscaping plans to ensure that they serve to screen the project and minimize its visibility (200 condominium units, San Francisco).

"Public access shall be maintained through the development site during all daylight hours (major condominium site, San Francisco).

"Occupancy of a house is denied until it is connected to a functioning sewage treatment plant (single-family dwelling, Marin County).

"An engineered drainage system shall be designed to collect and dispose of surface drainage off the site (single-family dwelling, Marin County).

"All utility connections are to be placed underground (sewage treatment system, Marin County).

"All tires placed in ravine along beach shall be removed; total number of vehicles permitted to camp at one time shall be limited to 40; services of a licensed architect shall be secured to develop a plan for landscaping, erosion control, public trail system, etc. (mobile home park, Sonoma County).

"No work is to be performed for the purpose of providing additional utility capacity beyond that demanded by existing development, or new development that has been approved by the commission (blanket permit, water district, Marin County).

"Specified steps shall be taken to make 65 percent of rental units available at moderate costs to tenants 55 years of age and older (43 apartment units, Capistrano Beach).

"Building shall be reversed with two-story part away from the beach (27 condominium units, San Diego).

"Developer of historical site is to construct and maintain a memorial plaque, with public access to site guaranteed (200 apartments and town houses, San Francisco).

"Spoiled materials resulting from any maintenance will not be disposed of in any areas where they will reach a flowing stream (blanket permit for roadway maintenance and repair, Sonoma County).

"Provision shall be made for open-space park area to be maintained by home-owners association (major condominium construction, San Francisco).

"Height of a building is limited to 18 feet (single-family dwellings, Sea Ranch).

"Reduce the number of units; increase set backs; and provide means for protecting open space areas (56 apartments units, Carlsbad).

"On-site parking spaces must be provided at a minimum of two spaces per dwelling unit (duplexes, Newport Beach).

"Third floor of shopping center is restricted to restaurants or similar facilities that would make use of ocean views (commercial facilities, San Francisco).

"Theater and related facilities shall be removed and replaced with assembly facilities of smaller cubic footage (conference center, Monterey).

"Limitations on the placement of advertising signs (shopping center, Seaside).

"Landscaping shall screen the site from vehicles using the adjacent road (200 recreational vehicle park, Malibu).

"Lateral public access shall be provided to public areas of a proposed seawall (seawall construction, San Diego County).

"Applicants shall dedicate a public easement access, five feet wide running the width of his project (single-family dwelling, Stinson Beach)."

Examples of Reasons for Denying a Permit

"Will block sight lines from coastal highway to ocean (single-family residence, Sea Ranch).

"Density, greater than immediate surrounding area, will result in increased traffic on significant access route to beach (21-unit condominimum, San Diego).

"Height and bulk of building will make it highly visible and out of character with surrounding uses (60 units, Pacifica, San Mateo County).

Parking and traffic already congested in vicinity of project and would become extremely so with the cumulative impact of similar projects (35-unit apartment house, Santa Monica).

"Greater density proposed than existing development in surrounding area; also, city council considering site for a park (86-unit condominium, Santa Cruz).

"Project faces on to beach and thus is an extremely important part of coastal zone; would eliminate all visual access to the coast by the manner in which it occupies property frontage; could have growth-inducing effects on future use of extensive open properties in area (16-unit condominium, Carlsbad, San Diego County).

"Homes would be first in area that is presently undeveloped and close to wildlife area (five single-family dwellings, Stinson Beach, Marin County).

"Because of density and intensity of proposed housing development, little open area would be left in an important beach front site (153 condominium units, Los Angeles County).

"Proposed development would provide for residential use of a predominantly open, agricultural area before commission planning for the area is completed (260 condominium units, Monterey County).

"At this time in commission planning, it is too early to commit this site to residential development (165 homes, Carlsbad).

"Will open area to development before planning and controls are adequate (underground trunk sewer line and pumping station, Carlsbad, San Diego County).

"Lack of public open space in a publicly subsidized redevelopment project; inadequacy of proposed parking; absence of any low-cost housing, particularly for the elderly (639 apartment condominium units, Santa Monica).

"Partly because of impact of speedboat noise; partly because of uncertainty as to effects on wildlife; partly because of question of leasing publicly owned waterways for private use (staging of ski and boat show in Mission Bay Park, San Diego).

"Project would add effluent to a sewage treatment plant that is currently unable to meet water quality standards; also, the project would have insufficient open space to meet the needs of its residents, thus increasing pressure on the nearby state beach park (216 condominium units, Capitola, Santa Cruz County).

"Impact of the building on tha adjacent beach (53 condominium units, Pismo Beach).

"Some denials are intended to forestall any development until a coastal plan has been adopted. However, those denials that refer to issues such as density, recreation, space, parking, out of character with the area, all seem to imply that some development could be approved, and in effect, encourage the developer to submit a new proposal."

Source: Mogulof, Melvin B., "Saving the Coast - California's Experiment in Intergovernmental Land Use Control," The Urban Institute, Lexington Books, Lexington, Mass., 1975.

ATTACHMENT D

CORRESPONDENCE BETWEEN COASTAL PLAN

COASTAL POLICIES

(Adopted from Dickert, T., et al. "Collaborative Land-Use Planning For the Coastal Zone" Volume II, Half Moon Bay Case Study, App. H)

The submission of the Coastal Plan to the California Legislature on December 1, 1975, culminated several years of planning, research, and public involvement. There were 162 policies recommended for legislative enactment.

Throughout the several bills that were discussed (See Part II, Appendix VI for legislative history) many of the policies were either deleted, amended, or combined with other policies. Approximately 133 policies survived in-whole or in-part as they were incorporated in SB 1277.

Some of the Coastal Act Policies have only an indirect correspondence or partial reference to the Coastal Plan Policies and others correspond to the issues covered, but the policies are not necessarily equivalent.

The following Attachment shows which policies were not mentioned in SB 1277. As the Legislature pointed out Section 30002 (b), some of the other recommendations will come under additional review. This is occuring at both the National level as well as by the State.

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ATTACHMENT E

PUBLIC HEARING DRAFT OF INTERPRETIVE GUIDELINES FOR COASTAL PLANNING AND PERMITS

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 – (415) 557-1001

February 11, 1977

TO: All Reviewers

FROM: E. Jack Schoop, Chief Planner

SUBJECT: Public Hearing Draft of Interpretive Guidelines For Coastal Planning and Permits

As required by law, the Coastal Commission has adopted interim interpretive guidelines for coastal planning and permits, and has scheduled public hearings on them during March. After the hearings, the guidelines will be revised as necessary for review and adoption by the Commission before the legally-mandated deadline of May 1, 1977.

The guidelines do not supersede the provisions of the California Coastal Act of 1976, but rather attempt to interpret, clarify, and provide specific guidance as to how the provisions of the Act should be applied.

The guidelines are of two types: general statewide guidelines, that are applicable to many areas, e.g., guidelines on concentrating development, encouraging the provision of low-cost housing, protecting ocean views, etc.; and specific guidelines, intended to apply to a specific portion of the coast, e.g., Big Sur, Santa Monica, etc.

The interpretive guidelines have been adopted by the Commission as interim guidelines to assist local governments, the State and Regional Commissions, development applicants, and the general public in processing development applications prior to the certification of local coastal programs, and as an initial indication of coastal issues to be addressed in local coastal programs.

Joint State-Regional Commission hearings will be held at the times and place listed below. Because of the short time available for adoption of permanent guidelines, we seek your comments and suggestions as soon as possible. Written comments of any length may be submitted at any time. These comments may be summarized at the public hearings; the time available to each speaker will depend in part on the number of speakers wishing to be heard, but may be 3 to 5 minutes.

Background

Section 30620(a) and (b) of the California Coastal Act of 1976 provide as follows:

> (a) By January 30, 1977, the commission shall, consistent with the provisions of this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. Such procedures shall include, but are not limited to the following:
>
> (1) Application and appeal forms.
>
> (2) Reasonable provisions for notification to the regional commission, the commission, and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to assure that a preliminary review of such action for conformity with the provisions of this chapter can be made.
>
> (3) Interpretive guidelines designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied in the coastal zone prior to certification of local coastal programs; provided however, that such guidelines shall not supersede, enlarge, or diminish the powers or authority of any regional commission, the commission, or any other public agency.
>
> (b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of such procedures to each local government within the coastal zone and shall make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines as it deems necessary to better carry out the provisions of this division.

The Commission had to adopt the guidelines under a very short deadline, eliminating the possibility of prior public review. Similarly, the tight deadline did not fully permit rewriting for a thoroughly consistent style.

To the extent possible, these guidelines have largely been drawn from material subjected to public hearings and discussion in the past. Where applicable, for example, and where legally valid under the provisions of the Coastal Act of 1976, the Commission has used guidelines that were used by the Commissions under the 1972 Coastal Act (Proposition 20), and guidelines adopted by State and Regional Commissions as part of their planning work. But this material has been included only if it is applicable under the 1976 coastal law, and the guidelines have been drafted in full recognition of the differences between the two laws.

The guidelines have been drafted so as to provide guidance and clarification, not simply to restate the law. In some portions of the coast, where conservation and development issues are the most acute, the staff believes that the law provides adequate guidance and that no interpretive guidelines are needed; thus the presence or the absence of guidelines is no key to the importance of a particular area or a particular subject. The purpose of the guidelines is to add clarity, not to repeat the law.

Hearing Schedule

Date	Time	Address
March 3	1:30 pm	City Council Chambers 5775 Carpinteria Avenue Carpinteria
March 7	7:30 pm	701 Ocean Board of Supr. Chambers Santa Cruz
March 7	9:00 am	City Council Chambers 2000 Main Street Huntington Beach
March 14	9:00 am	3031 Torrance Blvd. City Council Chambers Torrance
March 18	1:30 pm	1035 Palm Avenue Courthouse Annex San Luis Obispo
March 21	11:00 am	701 Ocean Board of Supr. Chambers Santa Cruz
March 21	9:00 am	City Council Chambers 2000 Main Street Huntington Beach
March 23	7:30 pm	City Council Chambers 6th and K, City Hall Eureka
March 24	8:00 pm	Board of Supervisors Mtg. Room City Hall San Francisco
March 25	9:15 am	1350 Front Street Room E109, State Bldg. San Diego
March 29	9:00 am	3031 Torrance Blvd. City Council Chambers Torrance

GENERAL STATEWIDE GUIDELINES

1. Geologic Stability of Blufftop Developments

Section 30253 of the 1976 Coastal Act provides that "New Development shall: (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard; (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs".

Bluff and cliff developments must thus be subject to measures that will assure stability and structural integrity for their expected economic lifespans. Bluff and cliff developments (including any storm runoff, foot traffic, grading, irrigation, or septic tank construction that may be a part of them) must not be allowed to create or to contribute significantly to problems of erosion or geologic instability on the site or on surrounding property.

Destruction of cliffs and bluffs by excavation or other means should not be permitted. Cliff retaining walls should be allowed only when required (1) to maintain public recreational areas or necessary public services (such as protection of coastal highways or energy facilities) or to protect port areas, when there is no less environmentally-damaging alternative; or (2) to protect principal structures in existing developments that are in danger from erosion and where there is no less environmentally-damaging alternative; or (3) in Los Angeles, Orange, and San Diego counties, to infill small sections of wall in subdivisions where a predominant portion of a wall is already in place, provided the infilling would have no substantial adverse environmental effects.

Ordinarily, the applicant for a permit for new blufftop development should be required to demonstrate site stability and thorough consideration of geologic hazards by filing a report prepared by a registered geologist, a professional engineer specializing in soils engineering, or a registered engineering geologist (or some combination of these specialties each within his or her area of expertise) and based on an on-site evaluation rather than on a review limited to the general character of an area. The report should consider (1) historic cliff erosion, (2) cliff geometry, (3) geologic conditions, including soil and rock characteristics, (4) landslides, (5) wave and tidal action, (6) ground and surface water conditions and variations (7) potential effects of earthquakes, (3) the erosion potential of the proposed development including landscaping and drainage measures, and (9) any other factors that may affect slope stability. The report should express a professional opinion as to whether the site and development will meet the above standards during all foreseeable normal and unusual conditions, including ground saturation and maximum 100-year probable seismic forces (using best available information), throughout the lifespan of the project. The report should use a currently acceptable engineering stability analysis method and should also describe the limitation in this professional judgment due to assumptions and unknowns in the analysis. The degree of analysis required should be appropriate to the degree of potential risk presented by the site and the proposed project; no significant risk to human life should be acceptable.

As a general rule, the area of demonstration should include the base, face, and top of all bluffs and cliffs (of 10 feet in height or greater measured from the toe of the cliff face) extending inland to a line formed by a 20-degree angle from the horizontal plane at the base of the cliff or bluff (a 2.75:1 slope) or 50 feet from the top edge of the cliff, whichever is greater. However, the Commissions may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist, and may designate a greater area of demonstration and/ or an area of absolute development exclusion in areas of known high instability.

Where appropriate in areas of geologic hazard development permits may be issued only upon an applicant's signing a waiver of all claim against the public for future liability or damage resulting from the permission to build.

2. View Protection

The 1976 Coastal Act provides in Section 30251 that "Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . . " The primary concern under this policy is with protection of ocean and coastal views from public highways, roads, vista points, and other such areas, rather than with resolving neighborhood view disputes when no public vistas are involved. In general, however, where most residences in an area have been sited and designed to protect the ocean views from other homes, new construction should respect these general planning and design standards, and view-blocking houses out of scale and character with the surrounding area should not be allowed.

Thus, this policy should be applied to private views only when it is uniformly applicable to a large number of houses or lots in an area and not to protect the views from a single residence in isolated cases.

3. Low- and Moderate-Cost Housing; Condominium Conversion

Section 30213 of the 1976 Coastal Act provides that "Lower cost visitor and recreational facilities, and housing opportunities for persons of low and moderate income, shall be protected, encouraged, and, where feasible, provided. . . . New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code."

To meet the requirements of this policy:

1. Where new residential development is planned, priority should be given to developments that include provision for low-income and moderate-income units.

2. Existing housing occupied by persons of low and moderate income should be protected, and, to the extent that public or private funds are available, should be rehabilitated when necessary rather than demolished for replacement by more expensive units. To the extent that public or private funds are available to build new low - and moderate - cost housing, new housing of this type should be required as a condition of approving the demolition of any such existing housing. This requirement should not apply, however, to single-family homes occupied by the owner or the owner's immediate family.

3. The local governments and Commissions should work closely with the State Department of Housing and Community Development to insure that full advantage is taken of any Federal or State housing programs that may in the future become available.

4. Whether a local housing element has been adopted according to the guidelines issued by the Department of Housing and Community Development should be determined by that Department prior to approval of any local coastal program.

5. Rental units that provide housing for persons of low and moderate income should be converted to condominiums only if (a) tenants are first given at least 90 days notice of the proposed conversion, (b) current tenants are given the first option to purchase units, (c) the building meets current standards in building codes, safety codes, etc., and meets current off-street parking requirements, and (d) other units are available in the same general coastal area at comparable rents (for example, the rental vacancy rate in the coastal zone of the local jurisdiction has remained above 3 percent for the 6 months preceding the conversion).

4. Low- and Moderate-Cost Housing: Redevelopment Projects.

1. In any redevelopment project within the coastal zone that includes a housing component, no less than 20 percent of the housing should be for persons and families of low- and moderate income.

2. Any redevelopment project within the coastal zone that displaces low- and moderate-income housing units should not be permitted unless at least an equivalent number of replacement units are provided within the coastal zone. The replacement units need not necessarily be within the project area.

5. Public Rights of Access.

Section 30001.5 of the 1976 Coastal Act provides that it is a basic goal of the state to "... maximize public recreational opportunities in the coastal zone..." and Section 30211 provides that "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Public prescriptive rights, therefore, should be protected wherever they exist. Where such rights are thought to exist, and where a proposed development could interfere with them, the commissions should, with the assistance of the Attorney General's office, seek to protect the possible rights by whatever means appropriate. Until the question is resolved, new development should not be permitted to adversely affect those public rights. Such rights can be preserved through recordation of the right, or it may be possible to site and design a development so as not to interfere with public rights. Where appropriate, the Attorney General's office should be requested to investigate and advise the commission on what actions, such as litigation to quiet title in the public, should be taken.

Public Trust Lands.

Section 30601 and 30603 of the 1976 Coastal Act retain in the Commission jurisdiction over tidelands, submerged lands, and public trust lands even after local governments have taken over the coastal development permit system or have received certification of their local coastal programs. This clearly emphasizes statewide public importance of these areas. Section 3001.5 states that among the basic goals of the state are to "maximize public access opportunities in the coastal zone consistent with sound resources conservation principles..." and "Assure priority for coastal-dependent developments..."

Thus, development proposals that may involve present or historic tidelands, submerged lands, and public trust lands should be permitted only if consistent with the public trust. Where public trust status is thought to exist, and where a proposed development could interfere with it, the Commissions should, with the assistance of the Attorney General's office and the State Lands Commission, seek to resolve the question promptly. Until the question is resolved, new development should not be permitted that is inconsistent with the public trust.

Basic Policy for Siting New Development.

Section 30250(a) of the 1976 Coastal Act provides that "New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels."

A. Concentration of Development

The basic purpose of this section is to provide for the orderly progression of development in the coastal zone, consistent with the protection of coastal resources and of public access to the coast. Accordingly, the policy establishes that development in the coastal zone should first be channeled to existing urban areas able to accommodate it, i.e., where roads, water supply, and other urban services are available, and where further development will not impair coastal resources or public access to the coast. Normally when such urban areas are substantially built up, development should next be channeled to the immediate periphery of these areas, and should not be permitted to sprawl in a leapfrog manner into open areas. Where such peripheral development would conflict with provisions of the Coastal Act (e.g., because a pheripheral area might be one of exceptional geologic hazard, natural habitat value, or public recreational potential), development in more distant areas could take place.

For purposes of this policy, appropriate areas for urban infilling and redevelopment, and for carefully-phased expansions from developed urban areas should be identified as follows: (1) lands upon which urban development presently exists (lands generally developed to a density of two or more units per acre) and (2) adjacent or closely proximate lands where development would provide a logical, resource-conserving extension of the present urban development because: (a) coastal resources within the expansion area would be permanently protected; (b) the lands are relatively near employment centers: (c) adequate public services (i.e. roads, water sewage disposal) are either available or can be provided without significant damage to coastal resources or to access to the coast by the general public; (d) alternative sites for urban development would involve greater damage to natural resources, coastal or inland; and (e) development proposed for the area is consistent with other Coastal Act requirements.

The general provisions of this section should not normally apply to individual lots zoned as of the effective date of the 1976 Coastal Act for single-family residences, where the owner holds only one such lot and where there are no physical impediments (such as landslide hazards) to construction, unless the total amount of development permissible in an area under this guideline would be inconsistent with the Coastal Act.

Nor should this general provision apply to developments listed in subparagraphs (b) and (c) of Section 30250, i.e. hazardous industrial developments and coastal visitor-serving developments, nor to coastal-dependent developments such as beach facilities and fish hatcheries that must of necessity be at particular sites. Public facilities necessary to serve development in these areas should also not be subject to this general provision.

B. Land Divisions in Rural Areas.

Section 30250(a) provides that land divisions outside of existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the size of the to-be-created parcels would be no smaller than the average size of the surrounding parcels. This provision reinforces the main policy of concentrating development in or near urban areas. The provision limits sprawl and premature developments in rural areas that, if unregulated, would undermine the basic policy. Accordingly, the land-division provision should not apply to subdivisions in already-urban areas and to areas approved for expansion, but should apply to land divisions proposed for generally rural parts of the coast.

To determine the number of usable parcels in an area that have been developed, the following factors should be considered: (a) "area" should not include any lands meeting the requirements of Section A above, but should be large enough to include lands generally considered to be in the same market area because of comparable proximity to employment centers, recreational resources, and use of the same water supply, roads, or other public services; (b) "usable" should be determined on the basis of parcels that can be physically developed under applicable land use regulations; (c) "developed" should mean that a parcel of land has on it a habitable dwelling or other substantial structure. To determine the "average size of surrounding parcels," all parcels lying all or partly within one-fourth mile of the perimeter of a parcel should be considered unless clear topographical factors (such as a ridge) make clear that a parcel within one-fourth mile is clearly distinct from the parcel under consideration. The determination should exclude any portions of a developing area identified pursuant to Section A above that lie within the one-fourth mile. Meeting these criteria, however, does not exclude divisions of land from the other requirements of the Coastal Act, i.e. a proposed lot split that met the requirements of Section B would also have to be consistent with levels of development that would not adversely affect public access to the coast.

DEFINITIONS

Where used in the specific guidelines above the following definitions of terms should apply:

1. Vertical Access: A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicator's real property from a public road to the mean high tide line.

2. Lateral Access. A recorded dedication or easement granting to the public the right to pass and repass over dedicator's real property generally parallel to, and up to 25 feet inland from, the mean high tide line, but in no case allowing the public the right to pass nearer than five feet to any living unit on the property.

3. Canyon Setback. An adequate setback, generally no less than 10 feet in highly developed urban areas, from the crest of the slope of a canyon. Where existing structures are already built closer than this to the canyon rim, new structures shall not encroach on the line of primary canyon vegetation.

4. Stringline Method of Preventing Beach Encroachment. In a developed area where new construction is generally infilling, no part of a proposed new structure, including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures. Enclosed living space in the new unit should not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjoining structures.

5. For Los Angeles and Orange Counties: 1.5 and 1.1 Criteria for Small Lots in Urban Areas. On lots with an area of less than 4,000 square feet in urban areas of Los Angeles and Orange Counties, the gross structural areas of a residential building shall ordinarily not exceed 1.5 or 1.1 times the buildable area of the lot. Gross structural area includes the total square footage of all structures, including enclosed or open parking garages or carports, is measured from the outsides of walls to the outsides of opposite walls, and includes mezzanines and stairwells but not open patios, decks or atriums. The buildable area of a lot means the total square footage of the parcel less the area of any required setbacks.

6. For Los Angeles and Orange Counties: Residential Parking Guideline:

	Spaces/Unit
Studio-bachelor units	1:1
One bedroom units	2:1
Two bedroom units (or more)	2:1
Multiple units guest parking	1 space per 7 units

Exceptions

1. In Newport Beach when one unit of a duplex is under 800 sq. ft. and is one bedroom, three parking spaces may be allowed.

In designated areas where congestion affects beach access, two spaces per unit (regardless of size) should be provided. Additional guest parking may be required where appropriate.

3. For requirements for other uses, see Appendix.

7. For San Diego County: Parking Guideline: Except where more specific criteria are stated elsewhere in the San Diego guidelines:

a.	Residential:	Same as general Los Angeles and Orange Counties ratios
b.	Commercial:	1 space per 300 sq. ft. of gross floor area
c.	Restaurants:	1 space per 100 sq. ft. of gross floor area
d.	Motels:	1 space per unit. Units with kitchen same as general residential standard.

8. For San Diego County: Landscaping Guideline:

a.	Residential:	35-40%. Common patios, pools and other common recreational facilities may be considered as landscaping.
b.	Commercial/ Industrial:	15-20%. Emphasis on screening buildings and paved areas, and breaking-up large surface parking areas.

9. For San Diego County: On-site Signs: On premise signs should be designed as an integral part of new development. In addition:

- Each business should be entitled to one facade sign.
- Each shopping complex should have one directory sign.
- Monument sign height including mounding should not exceed 8 feet.
- Tall free-standing and roof signs should not be allowed.
- Off-premise signs should not be allowed.

DEL NORTE COUNTY

Ship Ashore. Sewage system should be modified as necessary to maintain water quality standards.

Lands North of Smith River. Maintain agricultural lands from the Oregon border to the Smith River in agricultural use. Prevent further strip development along Highway 101 to protect scenic qualities.

Smith River to Dead Lake. Development proposals from the mouth of the Smith River to Dead Lake should protect sand dunes and valuable wetland habitats. Cooperative management programs with surrounding landowners to further protect habitat values and to prevent development that would degrade the shallow water table should be encouraged.

Pacific Shores. Regulate development of lots within this subdivision to prevent destruction of sand dunes and to control any septic tank problems. Provide public day-use access (foot travel) to the dunes and beach area as a condition of future development.

Lakes Earl and Talawa. Protect this 2,500-acre area of wetlands and expansive dunes for resource preservation, general recreational use, and open space.

Crescent City Manor. Protect habitat and open space values, including protection of an unstable sand dune area and poorly-drained marsh lands. Consider rezoning as necessary to protect coastal resources.

Crescent Beach. Prohibit off-road recreational vehicles in this area to prevent compaction of the sand that would threaten habitat values.

Wetlands South of Crescent City. Protect these highly productive and sensitive areas around the wetlands and control future development nearby to prevent degradation.

Crescent City Harbor. Allow maintenance dredging and necessary modification of the harbor to ensure safety.

Klamath Glen. Proposed construction at Klamath Glen should incorporate septic tank-leaching pit systems consistent with Regional Water Quality Control Board and County Health Department standards.

Klamath. Any further development should incorporate modifications necessary to maintain water quality standards in the city of Klamath as established in Klamath River Basin 1-A Plan.

Requa. Maintain the character of this special community, a regionally important historic site for both Native American and white settlers, by limiting commercial development. Do not develop the steep, highly scenic hillsides above the town.

Klamath River. Regulate development within coastal zone watershed to protect the valuable anadromous fish resource of the Klamath River.

HUMBOLDT COUNTY

Orick. Prevent further divisions of agricultural lands. Because existing water sources are of low quality and quantity, a community water system should be developed to provide for existing needs and to eliminate present problems

Freshwater, Stone, and Big Lagoons. Regulate development within the watershed to protect views, water quality, and fish and wildlife habitat.

Big Lagoon. Protect the visual corridor along Highway 1.

Big Lagoon Subdivision. Allow build out consistent with existing scale and minimizing geologic hazards.

Agate Beach. Development proposals should give priority on the beach and coastal forest east to Highway 101 for general recreation.

Stagecoach Road (Patricks Point). Any development proposals west of Patricks Point Drive and Stagecoach Road should protect steep coastal headlands and the view corridor.

Beach North of Trinidad. Give priority on beach and bluff property to general recreation.

Trinidad Head. Expand and improve Trinidad harbor boat launching facilities for commercial and recreational fishing. Any proposed development west of Patrick's Point Drive and Stagecoach Road should protect steep coastal headlands and the view corridor in this area.

McConnahas Mill Creek and Lufferholtz Creek. Control development adjacent to these creeks to protect the water supply for Trinidad.

College Cove. Designate this area of Trinidad State Beach as a limited-use area. Undertake erosion control measures to prevent further problems along the trails and parking areas.

Trinidad Area. Keep future development consistent with the character of the community. Trinidad Head should remain undeveloped and in State ownership.

Trinidad Head to Little River. On the large undeveloped parcels west of Scenic Drive and north of Little River, give priority to proposals providing access, beach recreation, and support facilities.

Little River to Mad River. Prohibit off-road recreational vehicle access to sand dunes and beach areas from Little River to Mad River. Allow only day use of Clam Beach County Park. Protect the Mad River estuary from developments harmful to the river's salmon and steelhead.

McKinleyville. Before more development is approved, a wastewater facility should be developed that protects water quality.

McKinleyville-Arcata-Eureka Area. Expand bikeways in these areas where bike use is heaviest.

Mad River to Manila. From the mouth of the Mad River to the town of Manila, retain the largely undeveloped sand dunes in their natural state.

Mad River Slough. Prevent the destruction of this diminishing slough habitat. Support a co-operative management program with adjacent landowners to manage for wildlife production, including public access for duck hunting.

North Spit (South of Manila). Retain the section of coastal dunes lying west of the new Navy Base road and south of the town of Manila to the U.S. Coast Guard Station in an undeveloped state.

Eureka and Arcata Areas. Prohibit linear development along Highway 101 between Eureka and Arcata to insure open space values, protect agricultural lands and wildlife habitat, and maintain the integrity of the two communities. Building should be channeled to the developed areas. The pasture lands between Eureka and Arcata, including the pasture lands on the Arcata Bottoms that are now in economic units, should remain in agricultural production.

King Salmon and Fields Landing. Buildout of the King Salmon and Fields Landing subdivisions should be allowed to the capacity of the existing sewer facility, with priority given to commercial fishing facilities. Future land divisions in the adjoining areas should be limited according to the general guidelines.

Humboldt Bay. Protect the biological integrity of Humboldt Bay. Allow maintenance dredging to ensure the economic viability of Humboldt Bay as a harbor and shipping facility. Regulate spoils disposal, probably requiring disposal offshore rather than on lands adjoining the bay. Prohibit development or degradation of salt and fresh water marshes.

Humboldt Bay South Spit. Off-road vehicles should be off vegetated dunes but have access to the seaward side of these dunes. Phasing out the off-road vehicle use on the beach should be seriously considered, and possible alternative inland sites designated.

South Spit. Permit current off-road recreational vehicle use to continue if strict enforcement of the county ordinance can assure that vehicle access is limited to the seaward site and does not encroach upon vegetated dunes.

Eel River Floodplain. In the Eel River floodplain only development necessary for dairy or other agricultural support facilities should be allowed; these facilities should be designed to withstand periodic flooding. Conversion of agricultural lands now in use as pasture should not be allowed.

Bear River. As part of any development proposal, provide public access along the mouth of Bear River from Wildcat Road for fishing and for other recreational use.

Mattole River to King Range. Use the beach area as a segment of the coastal trail system from Mattole River south to the King Range National Conservation Area, rather than developing any trail upland that could interfere with productive agricultural.

Shelter Cove. The Shelter Cove Rancho, composed of 40 to 80 acre parcels, lies on steep hillsides and because of this high geologic risk, no developmennt should be allowed. Control development of some existing lots at Shelter Cove Sea Park now serviced by sewer and water systems, consistent with geologic hazard requirements.

MENDOCINO COUNTY

Usal Creek. Maintain buffer areas around the osprey nests as well as along the creek. Manage construction activities within Coastal Zone watershed to maintain high water quality and to minimize effects on nesting osprey.

Cleone Acres. Do not allow continuous strip development along Highway 1 in all undeveloped areas and north of Cleone Acres.

Cottoneva Creek and Rockport Bay. Preserve the valuable riparian habitat along the banks and the small estuary at the mouth of Cottoneva Creek. Maintain present uses at Rockport Bay (a significant historical area, formerly a lumber schooner port).

Westport. All development proposals should protect historic nature and existing scale.

Seaside Creek. Preserve the estuarine habitat (including the wetland area at the mouth of the creek).

Ocean Meadow Subdivision. Regulate development proposals to protect coastal resources, including open space and agricultural use.

Ten Mile River. Preserve the estuarine environment. Off-road vehicles and trail bikes should not be allowed on vegetated sand dunes and blufftops.

Ten Mile Dunes and Inglenook Fen. Preserve wetland and dune area as a wildlife habitat.

Fort Bragg Area. To insure adequate water supplies and the maintenance of water quality, future development in the Fort Bragg area should be compatible with the existing and proposed water and sewage systems.

Noyo Harbor. Permit regular maintenance dredging as necessary of existing Noyo Harbor facilities. Maintain and improve refuge facilities at Noyo Harbor and the Albion River.

Fort Bragg to Navarro River. Prevent conversion to residential uses of timberlands that remain in economic units. Limit new development to existing community boundaries.

Caspar. Maintain the special character of Caspar as an historically significant community in a scenic area; maintain present open space in the area.

Mendocino. Protect the unique qualities of the town as a community of special character; regulate development to maintain existing scale and character of development.

Big River Wetland. Preserve the extensive estuarine and wetland habitats.

Irish Beach. Ensure that any proposed expansion of the subdivision is fully consistent with the character of this scenic area and with the capacity of existing service facilities. Generally, new residences should be built either in the existing subdivision or in Point Arena.

Garcia River to Gualala River. Limitations of highway capacity and the capability of soils for septic tanks will restrict the buildout of single-family residences on existing lots in the area between the Garcia River and the Gualala River. Therefore, proposed development should be concentrated in those subdivided areas where the adverse effects on coastal resources will be minimized.

SONOMA, MARIN AND SAN FRANCISCO COUNTIES

Overall Guidelines.

1. Development should be sited and designed to minimize erosion and sedimentation caused by removing vegetation, grading, etc.

2. Adequate buffers of natural vegetation between waterways and new construction should be provided to protect riparian wildlife habitat.

3. The 10 year floodplain of all coastal streams should be developed only for uses that can endure periodic flooding and will not compound flood hazards. Significant coastal streams include: The Russian and Gualala Rivers, and Lagunitas, Redwood, Salmon, Walker and Olema/Bear Valley Creeks.

4. Visitor facilities and coastal access points should be sited and designed to protect park values and the character of coastal villages, and to prevent overuse of any area.

Coastal Villages. To protect the small villages that have historically been residential enclaves as well as serving the commercial needs of coastal residents and visitors, the following provisions should apply to development in all coastal villages.

1. Construction of appropriately-scaled residential and commercial development should be concentrated in existing village boundaries listed below. Land divisions that extend existing community boundaries should not be permitted.

2. Septic systems should generally be limited to lots of at least one acre.

3. Structures of historic nature, scale, and design should be retained. New development should be designed and sited to be compatible with historic development.

4. Generally, visitor-serving facilities should have priority over alternate land uses inside the villages.

The following are additional specific guidelines:

Jenner. Because of geologic unstability and poor septic system conditions, consolidate building sites prior to any future development. No construction utilizing septic systems shall be permitted until the extent and severity of the community's septic problems are determined and an adequate solution implemented. The existing community boundary is defined as the historically-subdivided community.

Duncans Mill. Concentrate new visitor-serving facilities within the historic community, approximately doubling those presently available. All additional development should protect the marsh.

Bodega Bay. Allow moderate expansion of present visitor-serving and commercial-fishing facilities in Bodega Bay. New commercial development south of the village area should be concentrated and inconspicuously sited along a loop road with no direct ingress or egress from Highway 1. Additional fill or construction in Bodega Harbor, granting of new tidelands leases, or expansion of existing tideland structures should be considered only for commercial fishing facilities. Archeological surveys should be made before authorization of construction.

Tomales. Development should be limited to infilling those subdivided areas presently served by the community sewer system. Limited, appropriately-scaled visitor services should be encouraged, as should continued commercial and service activities and moderate priced housing within the community.

Valley Ford. Attempts should be made to maintain the village as a source of moderate-priced coastal housing.

Dillon Beach. (See also Oceana Marin Subdivision) Development utilizing new septic systems should be restricted until the extent and severity of the problems with the community's individual sewage disposal systems are determined and remedial measures implemented.

Point Reyes Station. Concentrate visitor facilities in Point Reyes Station that serve the Federal Parklands. New subdivision should take place only within the community boundary presently identified by the Commission. Development within the downtown area should be permitted only when adequate sewage disposal systems are developed.

Inverness/Inverness Park. Pending LCP recommendations, parcels of less than 10 acres should not be divided unless for a public purpose or where no intensification of land use will occur. Larger parcels (+10 acres) may be divided if the division would not adversely affect recreational travel and community water supplies. Development on lots that are less than one acre or over 30% slope, or where septic system failures may be anticipated, should be allowed only after a determination by the RWQCB that the project will not have a cumulative adverse effect upon local streams and/or Tomales Bay. Subject to evidence of adequate water supply and road capacities, moderately-scaled (perhaps less than 50 units) visitor-serving facilities should be permitted within the community boundaries. No new subdivision in the area between Inverness and Inverness Park should be permitted.

Olema. Because Olema is at an important highway junction serving West Marin parks, a moderate expansion of visitor facilities should be allowed.

Bolinas. New construction at the Bolinas Mesa should have a minimum setback of 150' from the blufftop. Shoreline protective works at Bolinas beach should be prohibited unless it is demonstrated that there is an imminent danger to a major existing structure. Any protective works should also protect recreational, environmental and visual resources. Land divisions should conform to the lot sizes set forth in the Bolinas Community Plan. No division of Paradise Valley Produce lands should be permitted. Agriculture should be encouraged along the Olema-Bolinas Road. Pending LCP recommendations, no additional water diversions from Pine Gulch Creek should be permitted. Visitor serving-facilities should be moderate in scale. No intensive beach recreation facilities should be developed. Continue the present septic system monitoring and maintenance programs. If these programs so indicate, the community sewer system should be extended to the Bolinas Mesa prior to the authorization of any new development.

Stinson Beach. Locate moderate size (50 units) visitor-serving facilities in Stinson Beach. No new development should be permitted until there are adequate waste water disposal facilities or programs to protect Bolinas Lagoon. No development shall be approved until the present water system is upgraded and delivery capacity improved. The danger of landslides in the Stinson Beach Highlands precludes additional divisions of land. Construction within this area should be predicated upon professional geologic engineering studies for each site.

Muir Beach. Because many of the lots in Muir Beach and Seacape have shallow soils and steep slopes, development approval should be dependent upon adequate soil characteristics for properly functioning septic systems. All septic systems should be engineer-designed. Development should be sited and located to protect Redwood Creek, its alder grove, and the lagoon at its mouth.

Ocean Cove. New development should preserve coastal views and existing visitor serving facilities. New or expanded visitor-serving facilities should be limited to those lands of the present motel, restaurant, store and Stillwater Cove Ranch. Such development should be of moderate scale and of compatible design.

Salmon Creek. All further construction should be prohibited until the RWQCB and County Health Department implement a program solving the present septic system problem.

Synanon. No additional construction or intensification of use should be allowed at the Bay facility until the County and Commission have approved a master plan.

Lawson's Landing. Permit a moderate expansion (up to 50%) of visitor serving facilities based upon a master plan approved by the Commission that provides sanitation improvements approved by the RWQCB. Give priority to development proposals that would maintain Lawson's Landing as an area of moderate-cost vacation housing and as a fishing, swimming and clamming area.

Coastal Subdivisions.

The following provisions should apply to all coastal subdivisions:

1. The visual impact of construction should be controlled via regulation of size, height and architectural design of structures.

2. Where appropriate, public access to tidelands should be assured.

3. Adequate water supplies and sewerage disposal should be a prerequisite of construction and subdivision build-out should be phased to reflect the limitations of existing community services and facilities.

Sea Ranch.

1. As a condition to continuing development, a program of tree removal and trimming to preserve public views from Highway 1 should be continued.

2. Prior to increased development at the Sea Ranch, a subdivision-wide septic system maintenance and groundwater monitoring program should be established. This program should include RWQCB establishment of wastewater discharge standards for individual septic systems.

3. Lots within Units 34 and 35 should be withheld from development pending studies of alternate development patterns.

Seaview Highlands

1. Roads should be upgraded with all-weather surfacing and shall incorporate a drainage plan.

2. Specific evidence of a reliable source of potable water should be assured for each lot prior to the issuance of a coastal permit for any construction.

Timber Cove. On lots fronting Highway 1, driveways should be designed to serve more than one lot. An archeological reconnaissance should be required.

Pacific View Estates. Development of the approximately 40 lots in this subdivision should be subject to height, bulk and siting requirements to minimize the visual impact of development. Documentation of adequate water and sewerage disposal capabilities should be required prior to development. All septic systems should be engineer-designed and should conform to all standards of the North Coast Regional Water Quality Control Board.

Sereno del Mar.

1. Individual and subdivision-wide landscaping requirements should be continued as a part of individual development permits.

2. Prior to continued development, there should be an acceptable program established for septic system maintenance and groundwater monitoring. This program should lead to establishment of RWQCB discharge standares.

Bodega Harbour. Construction should conform to the architectural design standards of the subdivision. Specific erosion control measures should be incorporated in the design and construction of homes on lots in excess of 5% slope.

Oceana Marin. The undeveloped northerly units once proposed for subdivision should be maintained in agricultural or public open space use. The Bodega Bay Preserve CC & R's should be amended to assume liability for continuing efforts to prevent landslides, slumping or erosion through preventive maintenance in the common areas. The undeveloped open space lands within Units 1, 3, 4 and 5 should be dedicated as commons to the Bodega Bay Preserve.

Seadrift. Reserve Seadrift entrance area for future reconstruction of causeway and limited beach parking. No intensive recreational related facilities should be allowed on the Seadrift Beach.

Seacape. Because of steep slopes and marginal soils conditions, some lots may not be acceptable for septic systems. All septic systems should be based upon engineered testing, design and installation, and should meet RWQCB standards.

Sonoma Coast South of Jenner

The rate of development will depend upon a parcel-by-parcel determination concerning the viability of continued agriculture and the compatibility of any proposed conversion with continued agriculture. Permitted alternative uses should maintain the open character of these lands.

Tomales Bay

Agriculture should be continued on the east side of Tomales Bay. However, where grazing lands are within urban expansion boundaries or where lands have a high recreational use potential, alternatives should be considered. Some overnight camping facilities should be established in the Tomales Bay area. Each proposal should be evaluated as to environmental constraints, water supply, aesthetic effects, impacts upon adjacent agriculture and evidence of unmet demand for such facilities.

San Francisco

The major coastal issues in San Francisco involve the ultimate development of the old Playland site, zoning in the Richmond and Sunset districts, sewage treatment plans, plans for the GGNRA, plans for zoo expansion and the future of the Presidio and Cliff House areas.

Residential Development

All major development should be subject to local design review, including consideration of scale, height, bulk and color.

Presidio

Open areas of the Presidio should not be developed. Obsolete military structures should be used for urban recreational programs when this can be done without interfering with Presidio operations.

Lobos Creek Area

Development proposals should include special measures to protect against trampling and erosion that could lead to loss of the rare plants and degradation of Lobos Creek.

Fort Miley

The remaining bunkers and headlands should be opened to public access.

Cliff House Area

Continue the commercial activity historically located at the Cliff House. Further construction along the bluff to the north and east should not be permitted, except for small National Park Service visitor center built below the line of sight from the roadway.

Playland

Any multiple use development plan for the old Playland site should include adequate coastal-related commercial facilities.

OTHER RURAL LANDS

Isolated Small Lots under 40 Acres. In addition to building sites located in or near coastal villages and subdivisions, there are many old smaller parcels scattered along the Marin and Sonoma coasts that range from less than one acre to about 40 acres in size. The availability of water and other public services, soil conditions for septic systems, and other development criteria were often not considered in their creation. Generally, development of these lots should follow the following guidelines:

1. Subdivision of parcels of less than 40 acres should ordinarily not be allowed pending local coastal program recommendations.

2. Existence of adequate water supplies and sanitation facilities should be a prerequisite for development approval.

3. No construction should be permitted to encroach upon public tidelands nor should fill be permitted in order to meet Regional Water Quality Control Board standards for leachfields.

4. Russian River floodplain:

a. No construction should be allowed in the floodway except for essential transportation and utility transmission lines. In the 10 year floodplain, only open uses that can withstand periodic flooding, such as agriculture, industry, or recreation, should be allowed.

b. In the 100 year floodplain, all development should conform to Federal HUD flood insurance guidelines, with priority given to recreation, open space, and agriculture.

c. The low-lying lots on Steelhead Blvd. should not be considered for permanent residential construction.

d. Existing mineral extraction in the floodplain should not be expanded.

Large Holdings for Agricultural and Timber Production Lands (over 40 acres)

Review of applications for subdivisions and agricultural land conversion requests should consider the viability of agricultural operations and the impacts of proposed development on the continuation of adjacent agricultural uses.

North Sonoma Coast. Continue agriculture on the undeveloped lands from the Sea Ranch to Jenner. Further divisions of land in the area from the Navarro River to the Russian River, in addition to meeting other guidelines, should take into account the coastal road system capacity. Where it has been demonstrated by the owner that agricultural or timber production activities are no longer economically or physically feasible, alternate land uses that would retain the open character of the land should be given first priority. In some cases, very low density residential development may be permitted as clustered units to allow continued agriculture on most of the land. Allowable gross densities should ordinarily be determined as part of the local coastal program, and on an interim basis should be limited to not more than one dwelling per 50 acres on level land and one unit per 200 acres on steep inaccesible lands.

Zoo

Zoo expansion should not be allowed to reduce present levels of pedestrian and vehicular access to the City's coastline.

Lake Merced

No new development should be located on scenic open lands around Lake Merced.

Sewage Treatment Plans

Development proposals should meet the following criteria:

(a) If reclamation and reuse of the City's waste water is presently unfeasible, the plant and pipeline design will facilitate a future reclamation option if it becomes feasible.

(b) There is no superior alternate for the plant location to the Lake Merced site, either in San Francisco or in northern San Mateo.

(c) The plant and its outfall are designed to withstand potential seismic forces without undue risk of massive pollution.

(d) If located at Lake Merced, the plant has been designed to be primarily underground and substantial portions of the site should be landscaped and made accessible for outdoor recreational, open-space use or Zoo expansion.

Objectives for Federal Parklands

(a) The Golden Gate National Recreation Area should provide a moderate level of recreational development within its boundaries.

(b) Higher use areas, including overnight facilities, are recommended for the former military lands of the Marin Headlands.

(c) Camp areas should be constructed in stages, with the need, use, and impact of the facilities carefully monitored by the National Park Service.

(d) Use within the Point Reyes National Seashore should generally remain low.

(e) Additional overnight camping facilities at the south end of Stinson Beach park may be appropriate, but should not be located on the sand beach.

(f) Recreational areas should be located at Drake's Beach, the two main Point Reyes beaches and Santa Maria Beach, while access to the Double Point area should be limited to protect its fragile and valuable marine environment.

(g) Private vehicular access to Point Reyes National Seashore and Tomales Point should not be developed above present levels.

(h) Because of the dangerous surf, the fragile environment and the natural setting of Tennessee Cove, it should remain a low use area with access only via hiking trail, and no private vehicle access or parking provided at the cove.

(i) Because the Fort Cronkhite area adjacent to Rodeo Lagoon can accommodate relatively high levels of use, some of the existing military barracks and structures would be suitable for visitor-serving facilities.

(j) The existing campground at Kirby Cove should remain at its present size.

Guidelines for State and Local Parklands

General

(a) Campsites should generally not be developed at the expense of day-use facilities.

(b) In portions of the Point Reyes National Seashore and in other publicly-owned areas, appropriate agriculture and timber harvesting should be encouraged.

(c) Wherever possible, parking should be east of Highway 1, with safe pedestrian crossings. Roadside and blufftop day-use parking should be phased out as alternate locations become available.

(d) Only minimal roadway improvements needed for safety or to accommodate buses and bike trails should be permitted on Highway 1.

(e) Development of roadside vistas and rest-stops should be jointly encouraged with the California Department of Transportation.

State Parklands

1. Tomales Bay State Park: Continue day use at the present development level.

2. Cypress Dunes: If established to be consistent with environmental resource protection, an approximate doubling of existing campsites is appropriate.

3. Willow Creek: Development of day use facilities and campsites in the newly acquired State park in the Willow Creek Valley should be located away from the sensitive marsh at the lower end of the valley.

4. Goat Rock: Limited overnight camping should be permitted. Development of camping facilities should not interfere with day use.

5. Fort Ross State Historic Park: Development and any future expansion of the Fort Ross Park should include a historic interpretive center, overnight camping facilities, skindiving coves, and day-use areas. The open rangelands should be leased for agriculture and selective timber harvesting permitted where these would be compatible with recreation.

6. Salt Point State Park: Additional development, including day-use areas and approximately 200 campsites should protect resource values and reserve the area west of Highway 1 primarily for day-use activities.

County Parks:

1. Miller Park: Continue the limited day-use at its present level.

2. Bolinas Lagoon: Limited day-use facility development should be permitted, subject to preservation of the wildlife habitat.

CENTRAL COAST

DALY CITY

1. Increase access to the coast by developing a bluff trail south of Thornton State Beach and improving the Mussel Rock site for public recreation.

2. Avoid alteration of unstable bluffs to accommodate new buildings. Do not permit replacement where structures have been lost to landslides or removed due to geologic hazard.

PACIFICA

Pacifica North

1. Increase access to coastline by placing stairs down bluffs to beach at appropriate locations.

2. Preserve existing views to the sea from Palmetto Avenue and elevated portions of Highway 1 by designing development to retain view corridors and minimize visual obstruction.

Sharp Park

1. Strengthen low-moderate cost, small-scale residential use by encouraging similar infill development. Concentrate commercial areas and public parking at least one block away from Beach Boulevard.

2. Encourage coastal access by improving beach maintenance, placement of stairs or path to beach, and provision of adequate parking nearby without encroaching on the beach itself.

3. Encourage alternative transportation methods to coast (bike path, bus).

4. Any proposed construction adjacent to Beach Boulevard should include an erosion control program.

5. Uses other than residential and recreational should be limited west of Palmetto to existing public services, and all uses should be compatible or well buffered from the residential areas.

Mori Point

1. New development should not be allowed to degrade the Laguna Salada marsh or to impair restoration and preservation of the water quality and habitats.

2. Encourage appropriate, carefully-designed public or commercial recreational development of Mori Point lands.

3. Avoid development on unstable and highly visible bluffs.

DRAFT

4. Maintain views from Hwy. 1. New development should be designed to have minimal visual impact and to be compatible with the major landform, the headland.

5. Any major development west of the highway should reserve adequate public access to the headland area, and maintain traffic safety at the intersection with Hwy. 1.

Rockaway Beach

1. New infill development and public works projects should be designed to have minimal impact on views to the sea from the highway (limit height and bulk, retain view corridors).

2. Limit development outside the established commercial/residential area to uses requiring little or no alteration of the steep hillsides and to re-development/reuse of Rockaway Quarry pursuant to an adopted master plan.

South Pacifica

1. Retain wooded appearance of Pedro Point residential area; infill development should be designed so as to preserve existing trees and augment their numbers by additional plantings when necessary.

2. New development should not be permitted to further degrade the water quality of San Pedro Creek.

3. Coastal recreation access should be increased with the establishment of a path along San Pedro Creek to the beach.

4. Upgrade and provide better mainenance of parking and public facilities on the city beach, and restrict further development of the open beach for commercial or residential uses.

5. Limit extent of urban development to already subdivided areas. Maintain urban/rural boundaries south on Hwy. 1 from the San Pedro Road intersection.

DEVILS SLIDE

1. Any improvement to Highway One such as a bypass around Devils Slide should contain a maximum of two lanes with a passing lane on the uphill side. The existing alignment should be retained if feasible for bikes and hikers, with limited, safe access points to the beaches.

2. Because of the instability of the bluffs, seismic hazard, lack of available services, and the highly scenic quality of Devils Slide, urban development should be concentrated to the north (Pacifica) and south (Montara).

MONTARA - MOSS BEACH

1. Infill of existing partially built-out subdivisions east of Highway One should be encouraged. The agricultural greenbelt around the developed area should be maintained.

2. Any development of public facilities should emphasize day-use areas west of the state highway, including picnic-vista points, controlled access to fragile coves, adequate unobtrusive parking and restrooms for state beach use, a continuous coastal trail, and highway traffic improvements to facilitate access to recreation access (west of highway) and housing areas (generally east of Highway One).

3. Offshore water quality should be improved by extending the protected marine habitat area north to San Pedro Point, developing an effective urban runoff program to avoid the proliferation of cliff-front drainpipes, and collection and treatment of paved-area runoff pollutants.

4. Development should be sited and designed to avoid destruction of mature cypress trees in the highway viewshed, and selective native tree plantings should be provided in new development.

5. Community character should be maintained by continuing generally small-scale buildings (one-two story), rustic architecture and materials, and developing highway design controls through scenic highway designation if possible.

SEAL COVE - WEST MOSS BEACH

1. New development should be concentrated in existing neighborhoods and should not be allowed in areas of seismic hazard or where public services are not readily available.

2. Adequate parking, management (rangers, fences, educational displays) and supportive day-use facilities should be provided at the Marine Reserve on scenic and least fragile uplands.

3. San Vicente and "California Street" creek corridor riparian vegetation should be preserved and maintained, and withdrawals of water should be limited to existing public water supply and agricultural needs upstream.

4. Public vista points should be provided on easily developable portions of a coastal trail behind Vallemar Street-Wienke Way-Reef Point Road-Arbor Lane easement.

5. Community character should be maintained by continuing generally small-scale buildings (one-two story), rustic architecture and materials, and developing highway design controls through scenic highway designation if possible.

PRINCETON - PILLAR POINT

1. Marine industry expansion, commercial fishing support facilities, and commercial-recreation should be encouraged compatible with the scale of the surrounding area and within the existing developed area. Viable agricultural parcels should be maintained for such use.

2. Outstanding coastal views should be protected by restricting height of development near the water to a maximum of two stories with no further shoreline alteration. Retain the visual corridors from Highway One through town to the harbor; and retain sufficient setback from the water to provide pedestrian vista points, a continuous trail, and access to water where appropriate for recreational activities.

3. Alteration of riparian vegetation along Denniston Creek and around the the marsh should not be permitted. Levels of water withdrawal from the creek and groundwater basin should be limited to protect the wetland habitat.

HALF MOON BAY

1. Because of the limited water supply, sewer, and highway capacity serving this area, and also to protect productive agricultural lands, urban development should be concentrated in those areas already subdivided and committed to urban use (e.g. with existing development, urban services, and capacity to accommodate infill). New subdivisions, small land divisions, and extension of urban services should not be permitted outside of already-committed areas. Within agricultural areas, the use of Williamson Act contracts should be encouraged, and aggregation of small parcels to create economically-viable agricultural units should be considered.

2. Where major development is permitted in already-committed urban expansion areas, internal circulation should be provided, road openings onto State Highway One should be minimized, and a scenic shoreline drive should be provided to alleviate resident/commuter/sightseer competition on the highway.

3. Within developed areas, new development should be designed to preserve existing open views to the sea from Highway One and to maintain the small-scale residential character.

4. New residential development should contribute to a local park development program to accommodate residents' recreational needs and to alleviate pressure on state and county parks.

5. Additional well-marked paths and roads should be provided to increase visual and physical access to the coastline, including a two-lane scenic drive with bike path and vehicle turnouts generally following the easterly boundary of the state beach and proposed county beach from Miramar to Seymour Avenue, a bike/pedestrian path from Seymour to Redondo Beach Road, a pedestrian trail from Redondo Beach Road south to Purisima Creek, parking facilities on a portion of the Half Moon Bay dump site (Arleta Park) and at the end of Miramontes Point Road, and a trail and stairway as required to provide safe access to pocket beaches.

6. Visitor-serving facilities, including camping and appropriate commercial recreation uses, should be given priority on non-agricultural upland areas near the coast.

7. Carefully planned shoreline erosion control measures should be implemented to protect existing pulic investments such as Highway One from immediately south of Pillar Point Harbor to Arroyo de en Medio.

8. New development along Arroyo de en Medio, Pilarcitos Creek, Arroyo Leon, and Frenchman's Creek should observe adequate setbacks from the banks to preclude the need for retaining walls, grading on or near the creek banks, removal of riparian vegetation, or destruction of wildlife habitat, and to prevent flooding.

9. Development within the watersheds of the four major creeks should not be allowed to degrade these streams or their habitat values nor to impair the ability for future restoration of the water quality and habitat. Treatment, energy dissipation and on-site disposal of surface water run-off should be considered as necessary to mitigate adverse impacts.

10. Further subdivision or commercial development within the Half Moon Bay Country Club development project should proceed only after the amount and type of new development has been revised to reflect the available urban services, the provision of adequate public recreational facilities, and the maximization of shoreline views, open space, and attractive landscaping.

SAN MATEO SOUTH COAST - SANTA CRUZ NORTH COAST

1. Public recreation and coastal access: Improve access to and facilities within existing public beaches. At San Gregorio-Pomponio, upgrade visitor facilities, improve maintenance, protect existing vegetation, restore and vegetate eroded areas and provide additional safe access between Pomponio and San Gregorio to more evenly distribute recreational use. At Pescadero Beach and marsh, restrict development to upgrading existing visitor accommodations and improving maintenance. Any development of the Franklin Pt. Dunes area and the beach area from Ano Nuevo south to Waddell Creek should consist only of minimal centralized parking and sanitary facilities. The preservation of the area for its special geologic, biologic and habitat values should be the major priority. Overnight facilities should not be provided as the area should remain a day use nature study and observation area.

Expansion or improvement of the Pigeon Pt. Hatchery should not be allowed to compromise customary public access to the beach and water area. Improvements to the existing buildings or construction of new buildings should be low-profile and should not interfere with the architectural prominance of the lighthouse.

2. Agriculture: Encourage agriculture by measures such as providing buffers between agricultural and recreational areas, limiting land divisions that would be incompatible with the continued economic viability of agriculture, developing farm labor housing in existing rural centers, and encouraging participation in tax incentives to retain land in production.

3. Wetlands and Coastal Streams: Development should not significantly degrade any coastal streams or wetlands and should not have a significantly adverse impact on the wildlife habitat values of water and riparian areas. New development should not impair the possibility of a restoration program for any stream or marsh, with particular emphasis on the Pescadero Marsh.

4. Development Patterns: Limit small-parcel, non-farm housing to rural centers able to accommodate additional development and to build-out of existing small-lot enclaves (Bean Hollow, North Swanton Road, Tunitas Creek) where appropriate. Prior to continued build-out of non-farm housing on larger parcels, an analysis of the impacts on water supply, agriculture/timber, wildlife habitats, and the scenic qualities of the area should be performed to assure no significant impact on those resources.

a. In Pescadero, a safe and adequate water supply for domestic purposes should be found prior to any additional development. New development should be limited, reflecting the rural character of Pescadero and not impairing adjacent agriculture. Recreation should be limited to a few attractive support facilities.

b. In San Gregorio, development should complement the size and architecture of the existing structures.

c. In the Bean Hollow area, a limited water supply and lack of on-site wastewater disposal capacity may preclude some lots from developing. New development should avoid obstructing views to the sea, require minimal alterations to the land, and not affect the agricultural uses of surrounding large parcels.

d. In the North Swanton Road enclave, prior to any additional development, a plan authorized by the Regional Commission in 1976 which analyzes design, geologic stability, water, septic tank suitability, grading, and visibility should be prepared.

e. In the Davenport residential area, rehabilitiation of older houses and school buildings for continued use by present residents should be encouraged. Development of utility capacity and a design plan to accommodate a small or visitor-serving facility compatible with the existing scale and rustic character of the town should also be encouraged; some residential growth, including adequate farm labor housing and low-cost housing for industrial workers, should be expected. Ensure that in the Silverking Oceanic Farms operation at Davenport Landing, public access to the coast is maintained and that facilities do not interfere with public use of the beach or cause environmental damage.

5. Waddell Bluffs: Any disposal plan for cliff erosion spoils cleared from the roadway and presently stockpiled until a safe method of disposal can be determined should not have a negative impact on the marine environment, disrupt views from Highway 1, cause parking areas to be constructed at improper locations, or remove significant vegetation.

6. Ben Lomond Mountain: Retain the forest and agricultural production areas by limiting land division to parcel sizes necessary to continue either operation. Concentrate permitted residential growth in the existing enclaves of Bonny Doon, Swanton and along Empire Grade. Protect Santa Cruz Cypress groves.

To effect a transition between urban housing and upland grazing, development on the west side of Western Drive (Meder St.) should be clustered "rural residential" and of low-density. Buildable areas should be minimized to avoid excess grading, to avoid degradation of Moore Creek, to reduce slope-failure hazard, and to protect outstanding public views.

SANTA CRUZ URBAN AREA

Beach Area

1. New development in the Beach Hill neighborhood should be limited to three stories in height and should be compatible in design with the character of existing Victorian structures (e.g., by breaking up facades and rooflines and by using compatible colors and materials).

2. Adequate on-site parking should be provided, screened from public use areas if possible.

3. Archaeological and historical resources should be protected by appropriate measures, determined on a case-by-case basis.

4. Existing low and moderate income housing units should be maintained by rehabilitating repairable structures. Conversion to condominiums should not be allowed where it would reduce low and moderate income housing, transient housing, or recreation-visitor housing.

5. The boardwalk and wharf should be maintained, and continued improvement of visitor facilities should be encouraged adjacent to the ocean. However, no new major commercial-recreation facilities should be built without traffic circulation improvements to accommodate their impacts. Buildings on the wharf should be limited to one story. View areas between building clusters should be maintained, and pedestrian ways provided between buildings and on the edge of the wharf. New uses should have a maritime character, such as seafood restaurants and tackle shops. No additional parking should be allowed on the wharf.

Capitola

1. In the immediate village area of Capitola, either a parking district should be established to provide adequate public parking nearby or each development should be required to meet its own parking needs on-site.

2. Alternative circulation should be encouraged, e.g. a mall on Esplanade between Stockton and Monterey Streets, a shuttle from remote parking lots, or a bridge over Soquel Creek to keep through-traffic out of the village.

3. The present mixture of types of uses in the village area should be continued, especially encouraging visitor uses. New development should maintain the scale and character of the village area.

4. The existing density and architectural style on Depot Hill, an historic residential area, should be maintained.

Yacht Harbor Area

1. Alternative access for non-boat users to the Yacht Harbor area (e.g. by bus, shuttle, or bicycles) should be encouraged. Alternatives to more in-water berths, such as dry storage or a new launch ramp, should be considered before approval of any additional berthing facilities. Water-dependent uses should have priority along the edge of the Harbor.

2. Parking to meet currently competing needs of the state beach, boatowners, commercial-recreation, and adjacent residential areas should be provided where possible.

3. Views of water and harbor from public roads and public-serving commercial facilities should be maintained.

4. The area surrounding the harbor should be restricted to a two to three story (25 feet) maximum height as a means of protecting older residences, low and moderate income rental units, and public views of the water.

5. Beach access on the west side of the harbor should be increased by providing stairs and parking.

6. Day-use facilities such as picnic grounds should be encouraged in the upper harbor.

Live Oak

1. Rehabilitation and preservation of existing low and moderate income housing should be encouraged. New development should maintain the existing scale and densities in developed areas.

2. New development should be in accordance with the County-approved Moran Lake restoration plan.

3. Development proposals within commercial areas should give priority to recreational support facilities such as dry boat storage yards and services.

4. Views of the ocean and adjacent wetlands should be protected by retaining E. Cliff Drive view corridors, maintaining the open space along the edges of Corcoran Lagoon, Moran Lake, and Schwann Lake, and establishing beach parking on the inland side of the frontage road where possible.

5. Adequate vehicular capacity for out-of-region visitors to the area's beaches should be retained by matching future densities and build-out capacity to the projected circulation pattern and road capacity.

SOUTH SANTA CRUZ COUNTY

La Selva Beach

1. To prevent scattered development on adjoining agricultural lands, new residential uses should be located within the existing La Selva Beach community boundaries.

2. Before new development is allowed, water supplies should be shown to be adequate to ensure that no increase in saltwater intrusion or depletion of agricultural water sources will occur.

3. Because the Monterey Pine forest is a significant scenic resource, new developments should be designed to avoid tree removal and should be required to plant native trees to maintain the scenic quality of the area if native trees are removed. No further planting of pampas grass should be allowed.

4. Public beach access and parking should be improved, through the Manresa State Park Development Plan currently being prepared, by improving the appearance of the parking areas, providing adequate sanitary facilities and new native plant landscaping, establishing a bluff erosion control program and constructing a new stairway down the bluff to the beach.

San Andreas Road

1. Access stairways should be built at appropriate locations along bluffs to the state beaches, with provisions to reduce erosion and allow safe access.

2. Significant wildlife and special habitat areas located from Highway 1 to the coast should be maintained, especially the Santa Cruz long-toed salamander and other rare and endangered animal and plant species habitats.

3. New development and access roads proposed in the live oak, mixed woodland areas on the rolling hills west of Highway 1 to San Andreas Road, from the community of La Selva south, should be designed and located to minimize grading and to maintain maximum vegetative cover with retention of identified specimen trees. Buildings should generally have exteriors of natural colors and materials.

4. Land divisions that would contribute to the conversion of agricultural lands or that could result in parcel sizes uneconomical for continued agricultural uses should not be approved.

5. New residential development in Pajaro Dunes should not be allowed to significantly reduce the water supply available for agricultural purposes. Encourage the continuation of the Watsonville Slough Restoration Study required as a part of the existing Pajaro Dunes development. Large scale agricultural operations in the Pajaro area should minimize effects of agricultural drainage waters on Watsonville Slough, through coordinated watershed planning efforts.

6. Riparian vegetation along the Pajaro River, the major watercourse in the area, should be maintained and where possible restored.

7. Bicycle and hiking paths along the Pajaro River levee should be connected with Sunset State Beach and other appropriate bike paths.

ELKHORN SLOUGH ESTUARINE COMPLEX

Because the Elkhorn Slough system is one of the largest and most important remaining estuaries and wetland habitats in California, effective estuarine management principles should be observed in planning and development.

1. Removal of riparian vegetation, except for the enhancement of wildlife and habitat values, should be avoided. To minimize the potential destruction of estuarine habitats, new landfill, diking, manipulation of tidal influence, and dredging operations in wetlands should not be allowed unless it is shown to be necessary for maintaining water circulation and reducing sedimentation.

2. Major new developments should be avoided until areas of groundwater recharge within the Elkhorn Estuarine complex have been identified and mapped. New impervious surfaces over recharge areas should be avoided or minimized. The cumulative effects of demands on groundwater supplies should be kept within safe yields.

3. New developments should not significantly interfere with the scenic views from State Highway 1 and scenic Elkhorn Road. Development should, where possible, be sited within the valleys (Hall, Hidden Valley, Strawberry Canyon, Walker Valley) inland from Elkhorn Road. New structures unavoidably located within highly visible areas should be of natural materials and colors and be subject to design review procedures.

4. Removal of native trees, particularly oaks, and other major vegetation should be discouraged.

5. Because runoff from the areas draining into the Elkhorn Estuarine complex, particularly during the rainy season, can result in increased siltation of sloughs, grading or landfills in the watershed should be minimized and disturbed surfaces should be prepared and maintained to prevent erosion. Special erosion control measures should be required for developments on slopes steeper than 20 percent.

6. Where building site conditions do not permit adequate site percolation, velocity dissipators should generally be used wherever runoff is discharged to an unprotected channel.

7. New point-source discharges of pollutants should not be allowed into streams or the estuarine complex.

8. The creation of new parcels should be avoided except where: (1) the commitment of water resources to serve the potential new development will not impair the availability of reasonable water supplies to other property owners, to agriculture, and to the lagoon complex; and (2) the access road and utility connections to new building sites will not cause irreversible environmental damage; and (3) agricultural land parcels would be of sufficient size to remain viable units.

9. Existing trails traditionally used for access to the sloughs or to the shoreline should not be blocked by new development. All new developments located adjacent to the ocean, the Pajaro River, or any of the sloughs or wetlands should provide access to these resources where appropriate.

10. Existing grazing, aquaculture, and other agricultural uses should be encouraged and favored over conversion to residential, commercial, or recreational uses.

11. Public access to and use of slough areas, coastal parks, trails, campgrounds, and other recreational facilities and areas should be controlled as necessary to prevent environmental damage.

12. Commercial fishing and related facilities, mariculture, and sport fishing should have priority over other uses in the water and adjacent land support areas of Moss Landing. The next priority for uses should be tourist commercial and water-oriented activities. Special effort by the harbor district should be directed to solving harbor waste problems, including the control of paints and bilge tank waste discharges.

MOSS LANDING—HIGHWAY 1 CORRIDOR

1. To help preserve the North Monterey County cultural heritage, homesteads, barns, depots, landings and other features dating from the 1800's should not be destroyed until the county's historic preservation officer has appraised the historic value. The more valuable of these should be protected from decay and destruction through relocation or preferably within their original surroundings.

2. To prevent the irretrievable loss of scientific information essential to the understanding of the Elkhorn Estuarine complex, no significant archaeologic site should be disturbed except under the supervision of a professional archaeologist approved by the State Historic Preservation Officer.

3. New development and intensive recreational activities within the coastal dune formations should be discouraged. Upon any alteration of dune vegetation, mitigation should include replacement by native plant species.

LOWER SALINAS VALLEY

1. Because this area is largely prime agricultural lands, existing agriculture should be encouraged by maintaining an adequate water supply and quality, controlling public access, and limiting any new land divisions to those necessary only for the maintenance of agriculture.

2. Private and public recreation should be managed so that no significant degradation of natural resources will result. The parking and restroom facilities on the existing state and county beaches should be upgraded and better maintenance provided.

3. Removal of marsh and riparian vegetation should be restricted except for enhancement of wildlife and habitat values. To protect estuarine and wetland habitats, landfill, diking, manipulation of tidal influence via tide gates, and dredging operations in wetlands should be limited to improvements necessary for maintaining water circulation and reducing sedimentation.

4. Grading and land clearing that cause soil erosion should be strictly controlled to prevent any siltation of the streams and wetlands. Special care should be taken to prevent any adverse impacts to the Salinas River National Wildlife Refuge and the surrounding lands.

5. Activities appropriate to the coastal dune formations should be regulated to minimize environmental damage. Upon any alteration of any dune vegetation, mitigation should include replacement using native plant species.

6. Because of the problems of saltwater intrusion in the lower Salinas Valley, the use of reclaimed wastewater should continue to be explored as a possible water source for irrigation. Additionally, water management program should be developed for the groundwater aquifers which are being affected.

WEST MARINA

1. The dune complex south of Beach Road should be retained in as natural a condition as possible. Avoid commitment of dunes north of Beach Road beyond existing uses (sewage plant, sand plant) and seek alternate site for County Animal Shelter.

2. New development should not be allowed to cause filling, grading or polluted runoff into freshwater ponds.

3. Development should be allowed only within the existing sewer service area, and should be phased with the provision of public services, including open space and recreational areas.

MONTEREY PENINSULA

General

1. Development proposals for Laguna Grande should maximize provision of public recreation facilities, including parking, picnic areas, trails, boating, and fish stocking programs.

2. To prevent pollutants and sediments from entering the lakes and to protect recreational uses, any development adjacent to the lakes should be designed to prevent adverse effects, and in the case of major projects, should provide baseline data or water quality monitoring programs.

3. Recreation and open space uses should be given highest priority on the remaining undeveloped waterfront parcels.

4. To avoid expansion of permanent water demand until an alternate water source is available, replacement development should be limited to a use level similar to that of previous uses, and new uses that would require very large amounts of water should be avoided.

Dunes (Sand City, Seaside, Monterey)

1. To avoid destruction of coastal resources, any commitment of undeveloped dunes such as installation of utilities or roads or the division of land should be avoided until development and preservation options have been explored.

2. Development in Del Monte Dunes subdivision #1 should be in scale and character with the existing development. Prior to development of any additional dune areas, a recreational corridor and beach access plan that would minimize disturbance of the dunes and provide improved circulation should be established.

3. To limit shoreline erosion or beach sand depletion, sand mining operations should not be expanded until littoral cell impacts and alternative sources of sand have been analyzed.

4. Future development should be designed to protect views and should provide well-designed recreational facilities such as hang-gliding, beachcombing, camping and hosteling, hiking, and a continuous bikeway to meet existing and projected needs.

Cannery Row (City of Monterey)

1. To provide maximum visual and physical access to and along the shoreline, especially between Cannery Row (the street) and the shore, any new development should include accessways for skindiving, beach use, and a continuous pedestrian walkway along the edge of the bay.

2. To protect the historic nature of the area, the scale of new development should be restricted to the height and bulk of the old cannery buildings, and the existing structures should be rehabilitated and used wherever feasible. A pedestrian scale should be emphasized, using landscaping, pedestrian walkways, view spots, and street level shops, and avoiding blank facades and large expanses of paving.

3. To ensure that each development will be accompanied by adequate and convenient parking, provision of parking, both within the parking district and in the surrounding area, should be phased with the approval of new development.

4. Shoreline sites should be reserved for tourist-commercial uses and other facilities that would enhance access to and use of the shoreline.

5. To protect the intertidal marine environment, direct impacts of development such as new pilings, shading of water areas, or alterations of the shoreline should be avoided. Water recreation should be directed to safe and appropriately managed beaches, trails, and diving areas within the Cannery Row area.

6. Further encroachment of structures over water should be avoided, and removal of present encroachments should be fully considered as a desirable condition of any new development along the shoreline.

Pacific Grove

1. To protect and restore this historic district's Victorian character, the design aspects of new development (including architectural detail, setbacks, and landscaping) should be reviewed, and inappropriate alterations or destruction of existing structures should not be permitted.

2. Design of new public or private development in the Asilomar area should maintain the visual prominence of the pine forest and sand dunes and should avoid any additional view blockage on the ocean side of Sunset Drive. Visual amenities should be restored by implementing a program of sign reduction and landscaping along the Highway 68 commercial strip.

3. Encourage local or Peninsula-wide alternative transportation systems particularly using the railroad for beach and motel access and providing a bicycle trail system.

4. Retain existing public botanic reserves at the Pt. Pinos and Asilomar dunes. Encourage establishment of additional private native plant reserves on existing residential parcels in the dunes to retain and restore habitat areas for endangered plants.

Del Monte Forest and Asilomar Dunes Area

1. Scenic views seaward from 17 Mile Drive and State Hwy. 68 should be protected from further encroachment caused by tall obtrusive structures. The forested skyline of Monterey Peninsula as seen from the public areas of Monterey, such as the beach, wharf or State Highway, should not be significantly altered by removal of large numbers of trees.

2. The unique botanic resources of old-growth native Monterey cypress forest, the Gowan cypress-Bishop pine forest, native dune vegetation, and other rare and endangered plant habitats should be protected and if possible, not disturbed at all.

3. Outside of the unique botanic habitat areas, protection of individual trees of special value due to size, age, scenic or scientific interest should be encouraged. Where appropriate, development proposals should include a native plant restoration and management program, including protection from development and recreational use impacts, eradication of competing non-native plant species, and where other alternatives are not feasible, relocation of individual specimen plants. Alteration or grading of dune formations should be avoided. Where native forest trees must unavoidably be cut to accommodate development, replacement by native species should be required to maintain the same amount of forest cover.

4. New residential and commercial recreation development, other than infilling of existing residential lots, should provide evidence of an adequate long-term supply of water.

5. Traffic generated by such development should not be allowed to impair local and regional coastal access on State Highway 68. Public access should be given priority, including foot, bicycle, equestrian, and public transportation access methods.

6. The need for artificial flood channels should be avoided. Downstream drainage problems caused by the cumulative impact of increased impervious surface areas within the various watersheds of the Del Monte Forest should be carefully evaluated for each development proposal larger than an individual dwelling, and potential adverse effects mitigated by appropriate conditions.

7. Outstanding tide pool and marine algae habitats should be protected from recreational over-use or harmful pressures for collection.

8. Expansion of the Asilomar Conference Grounds, a major public facility, should be considered only after transportation, parking, water supply, and habitat preservation needs are met.

9. The existing railroad right-of-way should be retained as a useful transportation and recreation corridor.

CARMEL RIVER

1. Removal of riparian vegetation along the Carmel River, except for the enhancement of wildlife and habitat values, should be avoided. To minimize the potential destruction of the estuarine lagoon habitat, new landfill, diking, and manipulation of tidal and water flows in the wetland area should not be permitted unless necessary for maintaining water circulation and reducing sedimentation.

2. All substantial future growth should be concentrated within urbanized neighborhood such as Carmel Point, Carmel Meadows, and Carmel Highlands. To protect the character and integrity of these residential communities, existing zoning densities within urbanized neighborhoods should be maintained.

3. To the maximum extent feasible new development should be avoided on agricultural floodplains; in estuarine, dune, riparian, rhododendron and Gowen cypress habitat areas; and (beyond existing urbanized enclaves) within view of Hwy. 1, Carmel River State Beach, or Pt. Lobos State Reserve. New development should not be allowed to significantly block seaward views from Scenic Road and Hwy. 1.

4. New development should not be allowed to block traditional or historic public access routes to the shoreline. However, use of such access should be carefully controlled and managed to prevent adverse recreational and environmental impacts.

5. Hwy. 1 south of the Carmel River should be maintained in its existing 2-lane configuration as a scenic highway for recreation and local access. New development in undeveloped areas south of the Carmel River should not exceed the limited capacity of Hwy. 1 to accommodate the expected increase in both residential and recreational traffic. New commercial recreational development should be limited.

6. Division of land to create new building sites should be allowed only if (1) the additional water supplies needed by the potential new development will not impair the vigor of riparian vegetation or the availability of reasonable water supplies to other property owners; (2) the building site is seismically stable; (3) the potential buildings, and the access road and utility connections to the new building site(s), will not mar public views or irreversibly damage the landscape, and commonly owned access roads and entrance drives are utilized, wherever feasible; and (4) suitable conditions for septic system operation exist at each building site.

7. Until existing, partly-developed enclaves of subdivided lots are substantially filled in, public utilities should not be extended into surrounding undeveloped areas.

8. Grading and road-building activities should be carefully regulated to prevent erosion and siltation. On slopes greater than 30% foundation designs should be adapted to the landform so as to minimize the need for grading.

9. Within forested areas, removal of healthy native trees should be allowed only where unavoidably necessary to accommodate development on existing lots. In order to maintain net forest cover, trees removed should be replaced, if possible, with native species. Individual native trees of unusual size, age, scenic value, or scientific interest should be protected.

BIG SUR COAST

1. To maintain the Big Sur Coast as an essentially unspoiled and unparalled scenic asset, new development should be limited to low-impact recreation and residences and a small number of visitor-serving facilities. New energy generation facilities and open-pit mining should be avoided, if possible. Existing grazing, aquaculture, and other agricultural uses should be encouraged to remain.

2. Highway 1 should be maintained in its existing two-lane configuration and, because of limited capacity, should remain as a scenic highway for recreation and local access. Residential buildout levels should be adjusted to reflect the limited capacity of Highway 1 to accommodate the expected increase in both residential and recreational traffic. Public and commercial recreational developments unrelated to existing needs or deficiencies should be discouraged.

3. Allowable development and residential buildout levels within each major drainage basin should not exceed the safe annual yield from known water supply resources within the basin, including allowing sufficient stream flow to maintain the annual anadromous fish runs at present levels. Riparian vegetation should be maintained, and permanent dams and diversions should be avoided.

4. Division of land to create new building sites should be allowed only if (1) water supplies are adequate; (2) the building site is seismically stable; (3) the potential buildings, and the access road and utility connections to the new building site(s), will not mar public views or irreversibly damage the landscape, and commonly-owned access roads and entrance drives are utilized, wherever feasible; and (4) suitable conditions for septic system operations exist at each building site.

5. Until existing, partly-developed enclaves of subdivided lots are substantially filled in, public utilities should not be extended into surrounding undeveloped areas.

6. The location and design of new residential development should be subordinate to the landscape; compact, rustic structures using local wood and stone exterior materials should be favored. The protection of native vegetation patterns and species should be encouraged; the introduction of exotic ornamental species should be discouraged. Individual native trees of unusual size, age, scenic value, or scientific interest—notably redwoods, Santa Lucia fir, and several species of oaks-should be protected.

7. Grading and road-building activities should be carefully regulated to prevent erosion and siltation hazards. On slopes 30 percent or greater, foundation designs should be adapted to the slope so as to minimize the need for grading.

8. Where a significant archaeologic site has been identified, it should not be disturbed except under the supervision of a professional archaeologist approved by the State Historic Preservation Officer or the Regional Officer of the California State Archaeological Site Survey Office.

9. The amount of public use of forest and shoreline access trails, campgrounds and other recreational facilities should be controlled in accordance with the ability of a responsible government agency or commercial recreation operator to supervise and assume liability for such use, particularly with respect to resource damage, forest fires, litter control, and public health hazards. New development should not be allowed to block foot trails traditionally used for access to the shoreline or to Los Padres National Forest.

SOUTH CENTRAL

SAN LUIS OBISPO COUNTY

1. PIEDRAS BLANCAS

Because this is the southern-most portion of the Big Sur coast and is completely undeveloped or used except for cattle grazing osuth of San Carpoforo Creek, the following guidelines for this rural area are:

a. Viewshed: Development should be sited so as to not substantially interfere with the scenic views from State Highway 1. Development should also be sited within the valleys inland from State Highway 1 so as to not be substantially within the scenic view to the Santa Lucia Mountains.

b. Habitat Areas: Removal of riparian vegetation except for enhancement of wildlife and habitat values should not occur. All grading should be strictly controlled to prevent siltation of streams and their small coastal marshes. Use of surface or groundwaters should not negatively impact the habitat areas within the streams, wetlands, or within the riparian corridors.

c. Development: Any development between State Highway 1 and the ocean should provide public access where appropriate. The priority for use should be lower-cost and visitor-serving recreational facilities.

DRAFT

2. SAN SIMEON VILLAGE

Because this small coastal village provides an historic link to the settlement of the entire San Simeon area, any development should maintain the scale and character of the houses and stores and should be located within or adjacent to the existing village.

3. SAN SIMEON ACRES

a. Development Pattern: Development should be concentrated within the subdivided area of Arbuckle Tract. Tourist-commercial uses should receive the highest priority and other highway commercial uses next. Residential uses should be limited to supporting the commercial uses. All blufftop development should provide access to and along the top of the bluff, and to the beach if horizontal access along the bluff top is not feasible.

b. Community Design: Care should be taken in design so that the height, bulk, and overall design do not detract from any remaining views to the ocean from the highway. Sign control and the minimizing of a proliferation of directional and informational signs would greatly reduce the visual impact from the highway.

c. Urban Services: Water and wastewater disposal should be sized to accommodate only the buildout of the already-subdivided area.

4. CAMBRIA

Because this rural town already contains thousands of older, small subdivided lots, and because much of the subdivided area is within the southernmost stand of native Monterey Pine forest and has natural constraints of a limited local water supply and a limited ability for on-site wastewater disposal, the following guidelines should be met:

a. Urban Services: Development should not exceed the safe yield and existing basin supplies within the Santa Rosa Creek watershed. Any increase in the capacity of wastewater disposal should be designed for capacity only for the presently subdivided area, and should not have a negative impact on the surface or groundwater flows of Santa Rosa Creek.

b. Subdivisions and Lot Splits: Any proposed subdivisions should be evaluated as to whether there are few or no remaining lots of the same proposed size that have not been built on. Lot splits should not negatively impact potential agricultural viability. New lots created from existing subdivided land should be larger than 4,000 sq. ft.

c. Resource Preservation: A tree-planting and retention policy should be established using native species to assure the viability and continuance of the native forest cover. Grading should be controlled so that no erosion results and with no siltation of Santa Rosa Creek and Estuary. Excavations should be sufficient distance from existing trees so as to not damage the root structures nor impair the viability of the trees. Only those trees necessary to be removed for the development should be removed.

d. Design Review: Care should be taken for design and site development to be subordinate to its surroundings. Such areas are:

(1) Commercial area - Emphasize the use of natural exterior materials and size consistent with other buildings. Efforts should be made to preserve the small individual stores of a small town with foot access from the sidewalk on the frontage street.

(2) Forested area - Development should leave as many trees on a lot as possible with allowable heights up to 30 feet or three stories in an effort to limit ground coverage.

(3) Coastal terraces - All development on the open coastal terrace not within the forest canopy should be lower profile with the emphasis on maintenance of views of the ocean. An increase in lot coverage at times may compensate for a lower profile development.

(4) Moonstone Beach - All areas between State Highway 1 and the ocean should maintain a very low profile, such as one story or 15 feet; and should provide a significant view corridor, such as 50 percent of the parcel width where appropriate.

e. Development Patterns: Single-family residential should be the predominant development type except within the commercial areas of Main Street. Tourist-commercial should be the primary use within the Moonstone Beach Drive area.

5. RURAL CAMBRIA

Because the unsubdivided areas surrounding Cambria contain extensive grazing agriculture along with significant scenic and natural resources that need maintenance, the following guidelines should be observed:

a. Agriculture: The economic viability of agriculture should be encouraged by maintaining an adequate water supply, controlling public access, and limiting land divisions to those necessary for the maintenance of agriculture.

b. Resource Protection: San Simeon and Santa Rosa Creeks and tributaries should not have their surface or groundwater capacities reduced by new development upstream. Development should not reduce the riparina corridor on either creek. Development in Cambria or from the State park at San Simeon Creek should not impact the biologic productivity or viability of the estuaries at both creeks./

c. Scenic Resources: Any development located between State Highway 1 and the ocean north of Cambria should be located for the least possible view infringement.

6. CAYUCOS

As part of the on-going review of proposed regional guidelines by the South Central Regional Commission, it is anticipated that additional guidelines such as the establishment of maximum height limits along the bluff top may be adopted by the Regional Commission.

Because this small, beach-oriented community of generally small houses on small lots is between unstable hillsides and eroding low coastal bluffs, the following guidelines to maintain the scale and character of the community should be observed:

a. Community Development: To maintain the scale and character of a residential community along the coast, existing subdivided lots should.

(1) Be built on before any creation of new lots.

(2) Be developed within the size and scale of the surrounding neighborhood.

(3) Consideration should be given to the maintenance of lower-profile one-story structures along Studio Drive and the bluff top on Pacific Avenue.

(4) The present commercial area between Little Cayucos and Cayucos Creeks should continue to be developed in commercial uses.

b. Bluff Protection and Setbacks: Seawalls and other bluff protection devices should not be constructed unless necessary for the protection of the existing structure. Setbacks on existing small blufftop lots may be necessary to be less than the statewide guideline if the setback is too great to allow development to proceed and no shoreline protective structures will be necessary for the life of the structure.

c. Subdivisions: Any proposed subdivisions should be carefully evaluated so that they:

(1) Are not subject to geologic instability such as landslides in the foothills, or erosion from coastal streams, and

(2) Are not located beyond the existing developed areas and do not involve extensions of water, roads, and wastewater facilities.

7. CITY OF MORRO BAY

Because this is the center for retail commercial, tourist, and commercial fishing activities for the north coast of San Luis Obispo County, the following guidelines should be observed:

a. Harbor and Waterfront: Commercial and sport fishing should have priority in the water and adjacent land support areas. The next priority should be tourist-commercial, such as restaurants and other water-oriented activities. Public access to the edge of the Bay should be maintained or enhanced where possible in all new developments. Developments along the edge of the Bay should not reduce the usable water space for boats and related activities.

b. Development Patterns:

(1) New development along the Embarcadero and between Main Street and the Bay and south of Morro Bay Blvd. should be low profile and provide significant view corridors to the Bay and Morro Rock from Main Street. All new development should provide adequate parking to avoid impacting presently limited street and public parking.

(2) Development within the Atascadero Beach section should maintain low, one-story structures between Highway 1 and the ocean, and continue to allow two-story structures, consistent with neighborhood scale, inland from Highway 1.

(3) Residential development within the remainder of the City south of Highway 1 should be sited so as to maintain neighborhood views of the Bay, Ocean and Morro Rock.

8. MORRO BAY WATERSHED

Because the Morro Bay Extuary is of statewide value for fish, shellfish and wildlife, the following guidelines for maintenance and protection should apply:

a. Runoff and Siltation: All grading should be carefully controlled to minimize siltation into the creeks and estuary. Additional erosion control measures on slopes steeper than 20 percent may be needed in the future. Riparian vegetation should not be removed except for stream maintenance and an approved flood control project.

b. Watershed and Water Supply: Areas of groundwater recharge should be maintained and impervious surfaces avoided or minimized. Groundwater supplies should also be maintained within safe yields, and stream flows in Chorro and Los Osos Creeks should be maintained if possible.

9. BAYWOOD PARK/SOUTH BAY

The Baywood-Los Osos area is a fast-growing, almost-exclusively residential area with minimal urban services adjacent to significant wildlife habitats along the Morro Bay estuary to the north and the Irish Hills to the south. Because of the conflict between rapid urbanization and the significant natural resources of the estuary and uplands, these development guidelines should be followed:

a. Development Patterns: Development should be concentrated within the presently subdivided area. No new lots with a width less than 50 feet should be created from larger or smaller lots and parcels. Existing subdivisions should have priority for development before new subdivisions are created.

b. Urban Services: Provisions for urban services to developing areas should meet the following criteria:

(1) As part of the on-going review by the South Central Coast Regional Commission of the report "Recommendations to the South Central Coast Regional Commission for Management of On-Site Wastewater Disposal at Baywood", November 1976, by J. T. Winneberger, it is anticipated that additional guidelines, such as not allowing fill to meet Regional Water Quality Control Board standards on leach fields, may be adopted by the Regional Commission.

(2) On lots with separation to groundwater of less than 10 feet, engineered septic systems should be required. Until any further action by the Regional Commission, septic system conditions as presently written should be continued to be applied.

(3) New development should have an assured long-range water supply and delivery system with no negative impact on groundwater resources.

(4) Development should provide access at minimum by a County-approved all-weather-surface road.

(5) Utilities north of Santa Ysabel Street and west of Second St. (within Tract 40) should be undergrounded if feasible to protect public views of the Bay.

c. Natural Resources: Scenic, significant stands of trees along the edge of the Bay (north of Ramona St., along Pecho St.) should remain intact if possible or be the dominant landscape feature in any development proposal. No fresh or saltwater marshes should be filled or their biologic productivity damaged by any activity. Other areas of significant vegetation values should have development designed to incorporate the scenic and wildlife values.

d. Bayfront Lots: Development on bayfront lots should provide a maximum possible setback from the Bay to provide public access and to protect the scenic and wildlife values. Public access to the edge of the Bay should be provided every 500 feet if possible.

10. AVILA BEACH-PORT SAN LUIS

Because the small beach-oriented village provides lower-cost permanent and visitor accommodations, and the harbor provides water-related recreational activities, the following guidelines should be observed:

a. Community Development:

(1) Development should maintain the small scale and orientation to lower-cost residential and visitor-serving facilities, with emphasis on recreation and tourist facilities within the first three blocks from the beach.

(2) All development should provide on-site parking that will not impact the already severely limited street and public parking.

(3) Development should be able to provide from the local water district an assured long-term source of supply of water.

(4) Historic and archaeologic resources should be preserved or be a prominent part of any development plan.

b. Recreation: The Avila Beach community and area should continue to be a primary recreation area for the San Luis Obispo County area. The Point San Luis harbor area should also continue to provide recreational and commercial boating opportunities for the area. Any harbor expansion and development should emphasize recreational boating and commercial fishing as its highest priorities consistent with protection and enhancement of the marine resources. Any new port development should be considered for its impact on the Avila Beach community.

11. PISMO BEACH

As a center for recreation and one of the accesses to the Pismo Beach and dune complex, the following development guidelines should be observed:

a. Development:

(1) Sunset Palisades - A one-story or 15-foot height limit, consistent with local ordinances, should be observed for all bluff top development.

(2) Shell Beach and Spyglass - Future development should not further infringe on public views of the ocean from Highway 101. New or additional bluff top commercial or multiple residential development should provide public access to the blufftop, or beach if feasible.

(3) Downtown - Commercial development should provide adequate on-site parking and not impact public and on-street parking near the pier. Oceanfront development should be tourist-oriented, visitor-serving facilities.

12. GROVER CITY-OCEANO

Because these areas offer moderate-cost housing adjacent to the ocean and wetlands, the following guidelines should be observed:

a. Pismo Lake: Any further development adjacent to this freshwater marsh should be sited to minimize grading with no siltation into the wetlands areas, no removal of significant vegetation such as the eucalyptus and oak trees, and provision of public access along the edge of the marsh.

b. Oceano Lagoon: Any alterations of the wetlands or riparian vegetation should be for habitat or water circulation improvements. Any further development along the edge of the water areas should be set back an adequate distance to allow public passage along the edge of the lagoon.

13. PISMO-NIPOMO DUNES

Because these active sand dunes are the largest coastal dune system and are used extensively for off-road vehicle recreation, and the adjacent back dunes and fresh water lakes contain unusual and significant wildlife habitats:

a. Sand Dunes: Retain existing areas of recreational use but protect dune vegetation in areas not open to recreational vehicle uses. Provide limited organized staging and camping areas within the areas used for recreational vehicles.

b. Dune Lakes: Encourage preservation of the freshwater and adjacent land habitats. Control access and water quality of Oso Flaco Lake.

14. JALAMA CREEK TO GAVIOTA PASS

This remote area of the coast centering on Point Conception retains a large number of natural resources in a high degree of biologic productivity that should be maintained:

a. Watershed and Creeks: Retain riparian vegetation; no grading on slopes greater than 30 percent without an approved erosion control plan. Retain native vegetation on hillsides where feasible. Alterations of streams and the small wetlands should be for improvement of the habitat only.

b. Opportunities for beach access should be increased where appropriate.

15. GAVIOTA COAST

Because the highway parallels the coast on a predominantly-undeveloped coastal terrace with agriculture, recreation, and oil production the competing land uses:

a. Views and Viewshed: Structures should be constructed with no substantial interference with the view from Highway 101 to the ocean.

b. Access: New development should provide access to the bluffs and beaches from the highway. Parking should be established and organized so as not to create a traffic hazard on the highway.

c. Oil Facilities: All new oil facilities should be consolidated. New facilities should not be within the viewshed from the highway. Oil production and transmission facilities should not restrict public access, reduce agricultural viability, or degrade streams.

d. Vegetation: Native vegetation should be retained on steep slopes, especially those over 30 percent. No removal of mature oak trees for non-development purposes.

e. State Parks: If found appropriate after further investigation, the State Park at Gaviota should increase available camping by increasing the use of the coastal terrace west of the campground. Additional camping and recreational uses at Refugio and El Capitan State Parks should be designed to protect the beaches, tidelands, creeks and native vegetation.

16. GOLETA

Because of the conflicting land uses such as the extensive areas of the coast in Ellwood and More Mesa remaining undeveloped, the existance of two sloughs, and the highly-developed Isla Vista and University of California campus:

a. Wetlands: No additional development, fill, or infringement should be allowed on Devereux and Goleta Sloughs and adjacent freshwater areas. Upland grading should be controlled to minimize siltation. Increased protection and monitoring of the sand dunes adjacent to Devereus Slough may be needed to inusre no additional damage to the fragile plants and dunes.

b. Bluffs: Public access should be established along Ellwood and More Mesa bluffs.

c. Water: Development should be allowed if a long-term supply of water is available from local sources, and there is no overdraft of groundwater resources.

d. Airport: Any expansion should not impact any wetland or upland habitat support area, and should be supportive of or necessary to the functioning of air transportation.

e. Agriculture: Retain existing agriculture east of Ward Memorial Blvd. Land divisions should not be approved that would impair the agricultural viability of the parcels in the area east of Ward and south of Hollister.

f. UCSB: Evaluate the Long Range Development Plan as to water availability, access, parking, student residences, and impact on Isla Vista to assure compatibility with both the natural resources and the availability of urban services.

17. SANTA BARBARA

a. Harbor Area: Priority should be given to increased public recreational use of the harbor and the wharf. No additional development should take place unless additional public parking is provided within a comprehensive harbor and wharf plan.

b. Water: Development should be allowed when long-term assured service of water is available and there is no overdraft of groundwater.

c. East Beach: New development should not detract from the public's ability to get to and use the beach and should provide for expansion of East Beach public uses where feasible. New development along East Beach should also be compatible in scale and architectural style with the predominant low-profile structures along the shoreline.

d. Scenic: Existing views from Cliff Drive, Shoreline Drive, and Cabrillo Blvd. along East Beach should be maintained by designing projects so as not to detract significantly from the public views. Heights of single-family dwellings along Cliff Drive should be limited if necessary to protect public views.

e. Montecito: Protect existing public access to beach areas. All future beach front development should be evaluated for potential for public access, with additional controlled access established.

18. SUMMERLAND

Because this is a small ocean-oriented community surrounded by open space and agriculture:

a. Land Use: All future development should be contained within the subdivided area of the town, generally east of Ortega Ridge Road and west of Greenwell. Densities should be consistent with existing densities and should not totally block views of the ocean from other residences.

b. Oceanfront Development: Future development should be visitor and recreation oriented. Limit infringement on the views of the ocean from Highway 101.

c. Subdivisions and Land Divisions: Subdivisions and land divisions that reduce the viability of agriculture should not be approved.

d. Water: Development could be allowed if a long-term source is available from the Water District.

19. CARPINTERIA VALLEY

The Carpinteria Valley contains conflicting uses of land such as urban and agriculture on the flat alluvial valley, and conversion of steep hillside vegetation while siltation of the slough continues. Because of these conflicts:

a. Water: Development could be allowed if a long-term source is available from the Water District, there is no overdraft of groundwater resources, and a sufficient supply exists to serve agriculture.

b. Agriculture: Land divisions should not be allowed to adversely affect the variety or type of crops that can be grown. Agriculture should have priority over other uses

c. Wetlands: No further development on the Carpinteria Slough (El Estero) should be allowed.

d. Grading: All grading should be controlled to minimize siltation of the creeks and the slough. Grading onslopes greater than 30% should not be done without an approved grading and runoff control plan.

e. Development Patterns: Development should be concentrated within the urbanized portions of the City of Carpinteria. The use of the Carpinteria Avenue and Linden Avenue area as the commercial core is encouraged. The rate of development should not exceed the availability of water, wastewater treatment, schools, road capacity, and the delivery of other urban services, and should be phased to assure public access to Carpinteria State Beach and adjacent beaches.

f. Beachfront Development: Development along Sandyland Road should not extend onto the dry sand beach or beyond the existing line of development and should have a 25-feet height maximum. Public access in new developments should be provided if not available nearby, e.g., within a block as a general rule.

g. Blufftop development: Development along the bluffs east of the urban area should:

(1) Not significantly interfere with any views of the ocean from Highway 101.

(2) Provide significant public access to and along the bluff.

(3) Not significantly impact the Carpinteria reef intertidal area.

h. Greenhouses:

(1) Should be well landscaped and screened from view from Highway 101 and Foothill Road.

(2) Should not degrade the water quality of the streams and estuary by allowing direct runoff of pesticides or nutrients.

(3) If located on prime soils, at least 90% of the crops grown should be grown in the soil.

(4) Should not be located on prime agricultural soils if other nearby locations on non-prime soils are available.

(5) Provisions allowing greenhouses should be revised after consideration of the questions of density and cumulative impact.

20. VENTURA NORTH COAST

Because the narrow coastal shelf between Rincon Creek and Ventura has the conflicts of a transportation corridor, beach houses, oil production, recreation, and specialized agriculture:

a. Beach Communities: Beach Communities should not expand their present boundaries. Infilling of vacant lots or rebuilding of older houses should be allowed consistent with height and bulk criteria (a 25 feet height maximum and a minimum 5 feet side yard setback), adequate off-street parking (to produce no demand for parking on the old coast highway, and a County-approved, on-site wastewater disposal system.

b. Oil Facilities: Expansion of oil and oil-related facilities should be limited to inland sites at the top of the coastal terrace such as adjacent to Mobil Oil Company. All facilities should be landscaped to mitigate their impact on the view from the highway.

c. The old Pacific Coast Highway should be converted to a scenic, two-lane highway from Seacliff downcoast to Emma Wood State Beach. Extensive landscaping, a through bicycle lane, day-use parking and turnouts, and some limited overnight areas for recreation vehicles should be developed jointly by the State and Ventura County.

d. Agriculture: Specialized agriculture on the coastal terraces should be maintained.

e. Ventura River and Estuary: Any development of public recreational facilities should control access to the river and estuary consistent with resource protection, provide for restoration of degraded wetlands, and provide overnight camping consistent with the use and protection of these resources and the beach and inter-tidal area.

21. CITY OF VENTURA

Because this coastal city provides residential and recreational opportunities along the entire length of its beachfront:

a. Development Patterns: No further development should be allowed on the sand beach. Development north of the highway should be consistent with the available urban services.

b. Beach Parking: Maintain all available public parking along the beaches. Any additional development adjacent or on the pier should use the City parking garage for its parking requirements.

c. Ventura Marina: The development approved by the Coastal Commission previously called the "STH" project should be constructed exactly as permitted and conditioned. Other developments should be for public recreation and commercial fishing. Priority for boat berthing spaces should be first for commercial and sport fishing. All developments should provide public access to and along the water consistent with security.

d. Pierpont Beach: All structures within the Pierpont Beach area should observe the following:

Present South Central Coast Regional Commission requirements within the area should be considered as minimum standards pending further review and possible adoption of revised guidelines by the adoption of revised guidelines by the Regional Commission which may require additional height and setback standards. The Present requirements are:

"All new single-family homes and duplexes to be built in the Pierpont Beach area (defined as from San Pedro St. to Greenock Lane, and from Pierpont Blvd.-Ayala St. to the ocean) shall comply with the following guidelines:

"1. Residential development shall not deviate from the present city zoning ordinance. This includes but is not limited to front and side yard requirements, height limits and lot coverage. If more restrictive than the City ordinance, these guidelines shall take precedence.

"2. Front yard-20 feet minimum to any portion of the garage or structure.

"3. Height limit-30 feet maximum from the edge of the Frontage St. or top of curb.

"4. Any portion of the structure over 22 feet in height shall be set back at least ten feet further from the front set back. This would allow a second-story over the garage, but any additional level or lofts shall be set back the additional 10 feet."

22. MANDALAY BEACH

Because this area consists of sometimes conflicting recreation, electric power generation, agriculture, oil production, wetlands and sand dune habitats.

a. Recreation: McGrath State Beach could be expanded to provide additional remote camping experiences consistent with resource protection of the dunes and wetlands habitats. Mandalay Beach dunes should be developed for public recreation, primarily for day use although overnight use should be investigated, consistent with resource protection of the primary dunes.

b. Oil Facilities: should not expand into areas usable for public recreation or agriculture. Any change in facilities should be conditioned for consolidation of facilities with the objective of eliminationg conflicting uses in the recreation and agricultural areas.

c. Wetlands: There should be no further encroachment into McGrath Lake. Water quality in the Santa Clara River and estuary should not be further degraded by wastewater disposal.

25. OXNARD SHORES

Because this is a residential community with few commercial services located on a private beach that has experienced sever erosion and a lack of public access:

a. Beachfront Development: Development on beachfront lots should not be approved until public access to and along the beach has been dedicated and a permanent solution for stabilization of the beach erosion has been implemented. Any additions and any new beachfront development should dedicate a significant portion of the beach and appropriate support areas for public access and use.

b. Other Development: Development within the residential areas should meet the following criteria:

(1) A 15 ft. setback to any structure in a single family development

(2) A 20 ft. setback to detached garages on multiple family developments

(3) A 25 ft. setback to attached garages on multiple family developments

(4) A 25 ft. maximum height above natural grade

(5) Landscaping consisting of salt-tolerant shrubs and trees should be a condition on all structures.

c. Sand Dunes: No significant development within the remaining sand dunes; any development should be designed to be subordinate to the dunes and leave significant open space.

d. Design Review: A system of design review should be established in cooperation with the Oxnard Shores Homeowners Association.

24. CITY OF OXNARD

The urbanizing portions of the City not within the Oxnard Shores ocean-front development are covering prime agricultural lands and are creating significant demands on urban services. Because of this:

a. Agriculture: Agriculture should be maintained west of Victoria Blvd. Other areas should be encouraged to maintain agriculture consistent with the availability of urban services and completion of developing neighborhoods.

b. Development: All development should meet the following criteria:

(1) Density should be consistent with the neighborhood and the availability of water, sewer, and road capacities.

(2) Multiple units should provide for a range of prices that reflect the economic range for the Oxnard Plain.

(3) Development should not further congest major access roads to the recreational areas of the coast.

25. BEACH COMMUNITIES

Because these residential beach communities front on publicly-owned beaches:

a. Recreation and Access: Development should not infringe on the dry sand beyond the existing setbacks. Setbacks from existing beach access ways should be the maximum possible. All accessways should be clearly marked as public.

b. Parking: All developments should provide adequate on-site parking, generally a 2:1 ratio for residences.

c. Grading: Each lot may be filled to no more than two feet above natural grade unless adjacent units are significantly (more than 2 feet) higher graded lots.

d. Lots: Effort should be made for consolidation of some of the 20 and 25 feet wide lots.

26. CHANNEL ISLANDS HARBOR

Because public use of the harbor and adjacent recreational areas could be impaired by continued high-density residential and commercial development:

a. Development: Residential density should be reduced to lower the impact of the use of the harbor and the access roads. Further waterway developments for residential or commercial use within agricultural areas should be discouraged.

b. Recreation: More public access should be developed. Any new development should provide access to and along the edge of the harbor. Further developments should be recreational and tourist oriented befor further residential development development is allowed.

c. Water Quality: Improve the poor water circulation and eliminate siltation from the residential areas north of Channel Islands Blvd.

d. Parking: Provide additional public parking throughout the harbor.

27. CITY OF PORT HUENEME

a. Beach: Provide public parking and pier-related recreation on the ocean side of the frontage road.

b. Redevelopment: Provide a broad range of type and costs of units. Any development should not impair inland access to residences the beach area. All parking should be on site and gernerally a 2:1 ratio for except for units specifically for the elderly.

c. Port: The impact of any port development should be considered in locating development west of Ventura Road.

28. ORMOND BEACH

a. Resource Protection: Control access and protect the sand dunes and adjacent salt marshes and wetlands from over-use. No off-road vehicles should be allowed, and only foot access should be provided for beach recreation from areas inland of the dunes.

29. SANTA MONICA MOUNTAINS

The mountains within Ventura County are a very rugged and sparsely settled area of high geologic hazard along with high scenic and recreation values, and a limited coastal terrace where residential and recreational uses compete for the coastline. Because of the natural constraints of the mountainous areas and the conflict the usable coastline, the following guidelines should be utilized:

a. Recreation: All developments in the future should provide public access to the beach area if feasible and if determined to be practical public use. Recreation and visitor-serving facilities should be encouraged on the few remaining buildable areas between the county line and Yerba Buena Road. Structures should not be built on the beach; a 25 ft. lateral access should be required for dedication of any structures built along the shoreline.

b. Pacific Coast Highway: The coast highway should remain in its present location with a maximum width of four lanes, and any improvements necessary for safety. Direct access to the highway from new development should be avoided or consolidated if possible.

c. Development Patterns: Any development within the mountains should be low density and:

(1) Self-sufficient in its provision of domestic water and on-site wastewater disposal systems,

(2) Remove the vegetation necessary only for the placement of the house, outbuildings, and to meet county fire standards,

(3) To not impair the ability of adjacent owners to provide domestic water and wastewater disposal on their parcel.

The few remaining beach lots up-coast from Yerba Buena Road should be allowed to infill as long as the public's right to the use of the beach is not impaired

30. CHANNEL ISLANDS

Because the islands of San Miguel, Santa Rosa, and Santa Cruz represent some of California's most outstanding natural resource areas, the following guidelines should be observed:

a. Agriculture: The economic viability of agriculture should be encouraged by controlling public access and limiting land divisions.

b. Resource Protection: The protection of endemic plant and animal habitats, marine mammal haul-out areas, and archeologic, paleontologic, and unusual geologic features should be emphasized on each island. Grading or other development that would impair these resources, or reduce the water supply of riparian habitat areas, should be avoided.

SOUTH COAST

MALIBU

1. Recreation and Public Access to the Shoreline.

a. As a general rule, provide a vertical accessway between the nearest public roadway and the mean high tide line at least every half mile along the Malibu shoreline, through dedications or other appropriate means.

b. Provide lateral public access up to 25 feet inland from the mean high tide line but in no case nearer than 5 feet to a proposed development through dedications or other appropriate means.

c. Limit the seaward extent of structures onto dry sandy beaches by restricting development to the landward side of a line drawn between the nearest corners of adjacent structures. A similar "stringline" should limit the seaward extent of any decks. However, new structures should normally not extend beyond the wave run-up line.

d. Where feasible, provide appropriate parking and support facilities to serve Malibu beaches inland of Pacific Coast Highway or Malibu Road, but within reasonable distance of the shoreline.

e. Where suitable, increase surf-launched boating facilities and storage areas in Malibu.

f. Increase the boating support capacity of Malibu and Paradise Cove Piers, consistent with the protection of marine resources.

2. Highway Capacity and Residential Development.

a. Divisions of land to create additional residential lots or multiple-family residential development should be permitted only if (a) the cumulative effects of such increased development on traffic congestion along Pacific Coast Highway are outweighed by improvements in public access to the coast provided by the development or (b) other adequate means are developed to provide public transportation to the Malibu beaches.

b. Ensure that an adequate percentage of the remaining capacity of Pacific Coast Highway is available for shoreline recreation use and access.

c. Require new private development to provide adequate on-site parking, at least two standard 10' x 20' spaces, to prevent private use of public parking areas and street parking that would otherwise be available to the public.

d. New access roads off Pacific Coast Highway, through sensitive coastal resource areas, or through steep terrain normally should not be permitted.

3. Non-Residential Development.

a. A potential exists for the intensification of urban non-residential development at Topanga Beach, Malibu Civic Center, Fernwood, Topanga Point Dume, and Trancas. Such development should be guided by the following:

(1) Concentrate new employment opportunities in already-developed areas.

(2) Restrict additional development in Malibu Civic Center until the conflicts between possible need for a community service center and the need to protect the natural, scenic, and educational resources of Malibu Creek and Lagoon are resolved.

(3) Encourage the development of neighborhood commercial facilities clustered inland of Pacific Coast Highway.

(4) Where feasible encourage the development of commercial facilities on commercially zoned parcels east of Point Dume to accommodate tourists.

(5) Condition further non-residential development on the provision or extension of non-automobile transit services, unless such development will reduce existing traffic congestion on Pacific Coast Highway.

4. Scenic Resources.

a. Retain all presently unaltered bluffs and cliffs visible from the shoreline or Pacific Coast Highway.

b. Proposed development on undeveloped ridgelines or hillsides should be sited and designed to minimize visual impacts on these prominant natural features.

c. Minimize interference with ocean views from Pacific Coast Highway and from any other designated scenic coastal routes such as Malibu Road, Dume-Kanan Road.

d. Establish public vista points as a condition of development proposals where a site is large enough to accommodate such a feature.

PACIFIC PALISADES

Recreation and Public Access

1. Encourage projects providing public recreation and ensure that new development will not eliminate any existing recreation.

2. Encourage development of visitor facilities on commercially-zoned lots within half a mile of the shoreline, additional food-serving facilities for beach users, the development of hostels or camping sites near the shoreline area, and the establishment of a park-and-ride system to the beach.

3. Reserve highway capacity for recreational use by limiting development that would further congest Pacific Coast Highway.

4. Discourage removal of existing on-street parking spaces.

5. The City should assess the adequacy of parking and transit for recreation areas and remedy any deficiency before residential or non-coast-related developments are allowed that would generate significant amounts of traffic on coastal access routes.

Residential Development and Geologic Hazards

1. Canyon development should be permitted only when in proximity to already developed areas. Any canyon development should be compatible with the neighboring Santa Monica Mountains Park.

2. New residential development should not be allowed in commercially-zoned areas within half a mile of the shoreline.

3. All development, new as well as additions to existing single-family dwellings in the Castellammare area, should not be allowed in locations of geological instability identified by the U.S. Army Corps of Engineers technical reports. In those areas where development is permissible, i.e., within 200 feet of the areas identified by the U.S. Army Corps, along canyon edges, or on slopes 3:1 or less in grade, a geology report should be required demonstrating that the development will cause no adverse effects to the site or to adjacent land.

Scenic Resources and Sensitive Areas

1. Views to the shoreline and the Santa Monica Mountains from public roads should be protected; new development should be visually compatible with local topography and vegetation and should maintain natural landforms.

2. The Santa Monica Mountains should generally be protected as an environmentally sensitive habitat area; new development in the Mountains should not destroy habitat values.

SANTA MONICA

1. Beachfront Area: To maintain the Santa Monica Beach and pier as major recreational assets and to increase the use of beaches north and south of the pier:

a. Priority should be given to increasing parking spaces north of the pier to the northern city limit and to perhaps making multiple use of parking lots south of the pier (e.g., for recreational vehicles and overnight campers). Additional upland parking areas should be provided, and the development of a bus or shuttle system to move people to the beach should be considered.

b. The Santa Monica Pier should be designated as a historical landmark as a part of any further development. To provide for a balanced mixture of recreational and commercial fishing uses on the pier, permits for recreational development should include opportunities for additional commercial fishing facilities on the pier.

c. New development seaward of Palisades Beach Road, Appian Way, Ocean Avenue, and Barnard Way should be limited to visitor facilities. Development should not encroach further onto sandy beaches between existing structures.

d. Because ownership of some portions of the beach areas that have accreted since 1921 is in dispute, thus limiting public access, and because extensive excavating for development has further limited access, dedication of public access easements or clarification of existing public rights should be required as a condition of any additional development in such areas.

e. Additions in size, capacity, or usage of facilities or alterations of the breakwater in the harbor should be consistent with a coordinated plan for the breakwater/harbor area and the beachfront area and adjacent commercial district, and approved by the Regional Commssion.

2. Urban Concentration: Development should be concentrated in the already-urbanized sections of Santa Monica north of Pico Blvd. Additional commercial development in downtown Santa Monica should be encouraged.

3. Ocean Avenue: A mixture in the height, scale, and intensity of developments along Ocean Avenue should be sought to enhance the appearance and diversity of the area. Taller structures should be offset by greater open space. Professional or other office space should not be provided along Ocean Avenue.

4. Ocean Park Area: To protect the scale of the existing community and to maintain opportunities for low- and moderate-income housing in Ocean Park:

a. New multiple-family developments should be limited to a density range of not more than 30 units per net acre, consistent with existing community densities; height should not exceed three stories.

b. In applications for multiple-family units, preference should be given to rental units over condominiums.

c. An extensive program of housing rehabilitation should be given priority in Ocean Park, especially in those locations where single-family units are prevalent. Multiple-family developments should not be allowed to intrude into predominantly single-family home blocks.

d. On substandard lots, the 1.5 criteria should be applied, and the 1.1 criteria should be applied in the Sunset tract.

e. Comprehensive landscaping plans and on-site recreational and open space should be provided in new multiple-family developments.

VENICE

Overall Guidelines

New development should be geared toward maintaining and, where possible, improving public access to the coast and recreational opportunities by: (a) limiting the intensity of development so that traffic congestion will not further obstruct access to the beaches for inner-city residents; (b) preserving on-street parking, improving public parking, and requiring adequate off-street parking for new or intensified developments; (c) maintaining adequate pedestrian and visual access to and along ocean-front and canal areas; (d) giving first priority on the oceanfront to commercial-recreation and support facilities serving primarily day users and some overnight tourists, rather than to residential development; and (e) preserving existing low and moderate-income housing.

The unique neighborhood qualities of Venice, including low scale, predominantly small, individually-designed residences, pedestrian orientation, and visual connections to the beaches, canals, and lagoons, should be maintained.

The remaining natural resources of the area, the canals, lagoon, and strand areas, should be protected from adverse impacts on water quality, wildlife habitat, and recreation.

The following guidelines are for areas within Venice:

Oakwood (Area between Santa Monica boundary, Lincoln Blvd, Milwood Ave., and Hampton/Electric Ave.)

1. Maintenance and rehabilitation of residential structures should be encouraged. New residential structures should be limited to a height, bulk, and scale compatible with other structures on the block, but in no case should gross structural area exceed 1.1 times the buildable lot area nor should height exceed 24 feet. Recycling to higher densities or construction of new multi-family developments, up to a gross structural area of 1.5 times buildable lot area and up to 27 feet in height, should be permitted only if a substantial percentage of the new units are provided at rentals available to low-and-moderate income families.

2. Small-scale commercial and community facilities serving the needs of the neighborhood should be preserved and encouraged; they should be displaced only if suitable relocation within the area, at comparable rents, is available.

Milwood (Area between Milwood Ave., N. Venice Blvd, Electric, and Lincoln Blvd.)

1. The same guidelines as for Oakwood should apply except that maximum height for single family houses should be one story (in no case exceeding 20 feet); and multiple-family housing should be limited to two units per lot and to 1.5 criteria; with height not to exceed 22 feet.

2. No driving should be permitted on walk street. All driveways should be from alleyways.

Southeast Venice (Area between Venice Blvd., Lincoln Blvd., Ocean Ave., and Washington Marina—not including the canals area)

1. Single-family houses, duplexes, and multiple-family units should be limited to 1.5 criteria (gross structural area not exceeding 1.5 times the buildable lot area); 2:1 offstreet parking should be provided; height and setbacks should be in scale with other structures on block, but in no case should height exceed 25 feet. Multiple-family developments should provide usable open space for residents.

2. To retain low and moderate-income housing in this area, new multiple-family developments should be permitted only if they provide a significant number of units accessible to low to moderate income families.

3. On commercial streets, new commercial developments should provide parking in accordance with overall parking guidelines (see Appendix); height should be in scale with other structures on the commercial street frontage; signs should be small, limited in height, and on-premise only.

4. Circulation and parking should be designed to minimize conflicts with bike and pedestrian paths and residences.

North Venice (Area between Santa Monica boundary, W. Washington Blvd., Hampton/Electric Ave., and Venice, Strongs Drive, and Washington).

1. Single-family houses, duplexes, and multiple-family units should be limited to 1.5 criteria, even if lots are combined. 2:1 offstreet parking should be provided, with a maximum of fours cars per 25-30 foot wide lot. Height and setback should be in scale with other structures on block, but in no case should height exceed 28 feet.

2. To retain low and moderate-income housing in this area, new multiple-family developments should be permitted only if they provide a significant number of units accessible to low to moderate income families.

3. For both residential and commercial structures, common-wall construction should not extend over more than two lots; a six-foot break should be provided for each 50-foot width of buildings. Ground level entryways and windows should be provided (no blank, semi-subterranean walls).

4. On portions of walk-streets that retain the small-scale, single-family character of the original development in the area, new development should provide front setbacks consistent with existing development.

5. No driving should be allowed on walk streets. Parking and access drives should be provided from alleys.

6. In the W. Washington commercial area, the existing nature of the street with small shops and community institutions should be preserved. Wall paintings and visual access to them should be preserved. Heights of new structures should be limited to two stories. Offstreet parking should be provided at 2:1 for units, 1 space/250 sq. ft. for studios, and in accordance with overall parking guidelines (see Appendix) for new restaurants, bars, or other uses. Signs should be limited to maximum 24 sq. ft., on-premise only.

7. In the beachfront area along Ocean Front Walk, all existing structures should be preserved and existing commercial rental spaces maintained. Any new construction along the beachfront should be limited to a height of three stories; retain all existing parking (until City provides more public parking) in addition to providing adequate parking for new development; and provide ground-floor commercial space to serve beach-users.

8. Existing beachfront amenities and street furniture should be maintained and new bike racks, benches, etc., provided where appropriate with new development.

Canals

1. Bridges, docks, canal banks, and rafting opportunities should be preserved. Existing accessways to canals should be maintained, and sidewalks along canals improved but without destroying natural canal banks. Duck and bird nesting and feeding areas and rare snail habitats should be protected. Dredging and filling of canals should not be allowed.

2. Existing residential structures should be preserved wherever possible and rehabilitated as necessary.

3. To retain low and moderate-income housing in this area, new multiple-family developments should be permitted only if they provide a significant number of units accessible to low to moderate income families.

4. New residential structures should be limited to 1.1 criteria (gross structural area not exceeding 1.1 times the buildable lot area); 2:1 offstreet parking should be provided; and height should be limited to a maximum of 25 feet.

5. Setbacks:
   (a) A rear setback (from the alley or road) of not less than 9 feet or other provision for guest parking.
   (b) A pervious front yard adjacent to the canal equivalent in size to a 15-foot setback. To achieve variation, one portion of the structure up to 15 feet wide may extend to within 10 feet of the canal property line as long as a yard area of at least 450 sq. ft. is maintained along the canal frontage free of all structures except fences less than 3½ feet high and pervious decks at grade.
   (c) Along canal frontage, all portions of the second story should be set back a minimum of 25 feet from the canal property line, except that on corner lots (bounded on two sides by canals) an uncovered deck at least 5 feet wide along the longest canal frontage may substitute for 5 feet of the second story setback along the narrowest canal frontage.

6. Construction on city property should be limited to removable fences less than 3½ feet high that do not impede access along the sidewalks.

7. Drainage plans for new development should dispose of all but the heaviest storm flows on-site in a French drain (gravel-filled well).

PLAYA DEL REY/EL SEGUNDO AREA

General

1. To keep lack of parking and circulation problems from precluding public access to the beach, duplexes should normally not be allowed on the 30' x 90' lots. Height limits (normally 25 feet on the beach, 30 feet on Trolley Way and 37 feet on and east of the Esplanade) should be required to retain the scale of the existing neighborhood. To preclude preemption of on-street parking, 2 to 1 parking plus one guest space for each seven units or fraction thereof should normally be required.

2. To prevent preemption of public beach space, new developments should devote adequate lot area to ground level open space suitable for tenant recreation.

Beach Area

1. To protect access to Dockweiler Beach, all projects should provide two to one parking for each residential unit and commercial parking per Regional criteria. Any proposed development that would take up spaces now used by beach visitors should provide appropriate replacement or other mitigation.

2. To protect beach areas for long-term recreational needs, only visitor-serving facilities (such as restrooms or snack bars) should be allowed on sandy beach or presently undeveloped beach front areas.

3. To guarantee continuance of public access, any further development of the "Burns property" or Ballona Wetlands should provide public access ways as a condition of development.

4. Because the sandy beaches are underutilized due to inadequate parking, parking should be inventoried and the creation of new parking areas considered as a condition of development for major projects.

5. Residential projects should not be allowed in areas presently zoned for commercial services.

6. To protect the few visitor-serving commercial recreation facilities on or near the beach front, especially south of Culver Boulevard, existing visitor serving commercial recreation facilities should be protected or their loss mitigated wherever possible.

7. Since the Ballona Creek Wetlands and Lagoon are restorable and may be affected by development decisions in Playa del Rey, proposed uses abutting the Hughes Property should be assessed for compatibility with restorable wetland area, and only those proposals approved that would not degrade the wetland.

8. To prevent damage to the environmentally sensitive Airport Dunes or Ballona Lagoon and Creek wetlands areas, no use should be permitted that would cause pollution of ground water, excessive or noxious runoff into wetland.

9. To protect the scenic and visual qualities of Playa del Rey, which is situated on sandy dunes and provides many types of shoreline and water oriented viewing, including residential streets used by the public for viewing, all development proposals should retain all existing vantage points, minimize alteration of natural landforms, retain scale of existing development in single-family dwellings, and limit the height of development seaward of Del Rey Lagoon and Vista Del Mar.

10. Proposals for expansion of existing petrochemical facility should meet all criteria of section 30263 of the Coastal Act, but with special attention to such mitigating measures as sufficient buffer areas because of this area's high recreational usage. Any expansion of the Scattergood steam plant pursuant to a determination by the State Energy Resources Conservation and Development Commission should incorporate mitigation measures to the maximum extent feasible to maintain this location as a desirable public recreation area. Landscaping and other mitigation measures should be required as part of any expansion of existing utility installations

SOUTH BAY: EL PORTO, MANHATTAN BEACH, HERMOSA BEACH, REDONDO BEACH, TORRANCE

1. Residential Development: New development should conform to existing densities and scale of development. Retain existing low- and moderate-income housing; encourage rehabilitation of existing housing.

2. Parking: Future commercial development should provide sufficient off-street parking for employees and patrons, either on-site or in shared facilities to be available for use before such development is occupied. Peripheral parking facilities with shuttle services to congested areas should be encouraged.

3. Commercial Recreation Support: New commercial development within walking distance of the public beach (normally at least 1/4 mile) should be limited to recreation-support uses, such as restaurants, small shops, etc.

4. King Harbor, Redondo Beach: Because of the commitment of King Harbor to leasing facilities for private use such as yacht clubs, and to achieve an equitable balance between private and public use, future development in King Harbor should be for public use.

PALOS VERDES ESTATES/RANCHO PALOS VERDES

1. To protect extremely valuable views and scenic areas, development proposals should incorporate such measures as highway turnouts, provision of public view points, and possibly, glider flying areas.

2. In subdivided lots with 80 foot widths or greater, view corridors to the ocean should be provided, normally over approximately one third of each lot.

3. Construction on already-subdivided lots should provide adequate view corridors to the sea.

4. New development should provide easements for accessways and for a coastal trail where appropriate, normally immediately seaward of Palos Verdes Drive West and South. On larger sites incorporating headlands, view areas should also be provided. Priority should be given to development that would provide recreation.

SAN PEDRO

1. Existing public recreation in the coastal and harbor areas should be retained, including parks, beaches, boat rentals, public launching ramps, and sight-seeing areas. Wherever possible, public recreational areas should be expanded, and priority should be given to the provision of additional low- and moderate-cost recreational developments. Existing parking to service boat areas and beach use should be retained and, where necessary, expanded.

2. Until the cumulative effects of new or intensified development on the traffic on coastal access routes has been evaluated, development that would significantly increase such traffic should be allowed only if mitigated by such means as transit improvement programs. Priority in the use of remaining capacities should be given to public or commercial recreation or marine-related facilities.

3. New developments should provide increased physical and visual access for the general public to and along the ocean and harbor. Where feasible, access should be provided to bluff vista points above pocket beaches as a condition of new development on blufftop lots.

4. No structures should be built on or extend over sandy beaches or bluff formations. Adequate setback or buffer areas should be provided to offset potential safety hazards and to protect public recreation, habitat, and visual resource values of these areas. Paved surfaces should be set back adequately from bluff edges, and drainage should be planned to minimize erosion or harmful runoff into watercourses. Channelization or removal of vegetation in remaining natural watercourses should not be permitted.

5. In the area of San Pedro immediately adjoining the Port of Los Angeles, any necessary expansion of coastal-dependent, port-related commercial and industrial development should be sited and designed to minimize adverse effects on residential neighborhoods.

6. The density of new residential development should be limited to a maximum of 20 units per acre, or to the lesser density allowed by either the zoning or general plan, whichever is the more restrictive. On lots of less than 4,000 sq. ft., the 1.5 criteria should be applied (gross structural area not to exceed 1.5 times the buildable lot area).

7. Existing low- and moderate-income housing should be maintained and, where feasible, increased.

8. If the Federal government relinquishes its ownership of the Fort MacArthur reserve parcels, reuse should stress recreation or water-related use of the majority of the site.

LONG BEACH

Downtown (Area from Los Angeles River to Alamitos Avenue and from Ocean Blvd. to the high tide line).

1. New developments should provide parking for all commercial, residential, or recreational uses in accordance with the General Parking Guidelines above; an integrated parking management program/transportation system should be developed.

2. In the tidelands trust area of Pacific Terrace, beach access and full public use and recreation should be maintained and improved. Developments should be limited to public recreational or institutional public-oriented uses. New development should be accompanied by implementation of planned public parks. No additional land should be used for parking. The public launching ramp near Queen's Way Landing should be maintained at least until replacement facilities serving the same area are provided.

Alamitos Avenue to Belmont Heights

(Area from Alamitos Avenue, along Second Street to Bixby Park, then along Broadway to Nieto/Livington Street).

1. Because of the limited street capacity serving this area and the need to reserve adequate recreational access, recycling at higher densities should be limited. To the extent consistent with traffic capacities, new medium-rise development should be permitted west of Bixby Park.

2. In the area east of Bixby Park, historically and architecturally significant structures that enhance the coastal environment should be preserved and, where necessary, rehabilitated. New development should not be at higher density, height, or scale than existing development.

3. Lower-cost visitor facilities and public-serving uses should be encouraged.

4. Shorefront visual and pedestrian access and strip parks should be maintained. Additional pedestrian access from bluff park and street ends to the beach below should be provided but the existing bluff configuration should not be altered.

Belmont Shore

(Area from the Belmont Pier, Livingston Dr./Nieto Ave., along Marine Stadium and Alamitos Bay, to the high tide line).

1. To protect and maintain the stable balance of residential and neighborhood commercial development, the height, scale, and density of new development should be consistent with the existing character of the area. Rehabilitation of existing structures, where necessary, should be encouraged.

2. To avoid further congestion and loss of recreation-serving traffic capacity on 2nd Street, commercial and professional office development should be in scale and character with existing development, and maintenance or enhancement of local and tourist support businesses should be encouraged. Architectural and sign controls should be developed to improve the appearance of this coastal access route.

Naples

(The island surrounded by Alamitos Bay and Marine Stadium)

1. The stable, established neighborhood character of this area should be maintained and preserved by keeping new structures in scale with the surroundings. Recycling and rehabilitation should occur at same density. Lots should not be consolidated for larger structures.

2. Existing public access opportunities to the Alamitos Bay shoreline should be maintained and, where possible, improved with additional parking.

East Long Beach

(Area from Marine Stadium, along Colorado Street to Pacific Coast Highway, east on Loynes to San Gabriel River, including some unincorporated County land in oil production).

1. The density of new development in this area should be limited to prevent adverse impacts on recreational access on the already-congested Pacific Coast Highway.

2. New development on any waterfront should include public access and, where feasible, public recreation. Preservation, restoration, fresh water drainage, and adequate habitat buffer areas should be afforded the Sim's Pond area.

3. No polluted runoff from existing oil residues or from future urban drainage should be allowed into the estuarine waters.

4. Cerritos Wetland is a valuable habitat resource and should be protected. Remove oil-related structures as oil sources are depleted and give priority to land uses that would be compatible with the wetland.

SEAL BEACH

1. To protect the village-like character and scale of this city:

a. Residential development coastward of Pacific Coast Highway should not exceed a density of 20 du/ac.

b. All new residential development and those whose improvement is greater than 50% should have 2 on-site parking spaces per unit.

c. On lots 4,000 sq. ft. or smaller, all single-family dwellings and duplexes proposed for construction should meet the 1.5 criterion, i.e. the gross structural area of the house should not exceed 1.5 times the buildable area of the lot.

d. Residential structures should have a 25 ft. height maximum.

2. New or enlarged commercial buildings should provide adequate parking.

3. The 9-acre undeveloped parcel alongside the San Gabriel River at the shoreline should be protected for water-oriented, public recreational uses.

4. To keep development from creeping beachward on the sand, new development should not extend farther onto the beach than a line between the points on the two adjacent structures representing the farthest encroachment onto the beach.

5. In Surfside Colony, a private development across Anaheim Bay, no structure should be built taller than 30 feet and all new homes should have two on-site parking spaces.

6. San Gabriel River. Continue existing bicycle trail to the beach.

7. Pacific Coast Highway. Reserve a portion of the remaining capacity on the highway for recreation and as a scenic drive; encourage development of trails, transit and upland parking areas to alleviate congestion in the oceanfront area. Redevelop strip commercial development along the highway into planned commercial clusters.

8. Anaheim Bay. Insure that development in the Bay or on surrounding lands does not significantly harm the ecological preserves. Support anadromous fish "put and take" program; provide public access consistent with protection of the natural wildlife refuge.

9. Protect the 2.8 acre parcel owned by the State Lands Commission at Pacific Coast Highway and 1st Street for recreation or visitor-serving accommodations, and possibly for a regional transportation center.

HUNTINGTON BEACH-NORTH

1. In Sunset Beach:

a. All new residential development and those whose improvement is greater than 50% should have 2 on-site parking spaces per unit and should not exceed a height of 28 feet.

b. On lots 4,000 sq. ft. or smaller, development should be consistent with the 1.5 criteria.

c. Density for multi-family development should not exceed 24 du/ac.

2. Strip commercial development on Pacific Coast Highway should be discouraged and replaced by cluster development.

3. Insure that new development is compatible with the existing character of the community.

4. Encourage hotels, motels, and other visitor-serving accommodations on Pacific Coast Highway.

5. Because of the parking conflict in the Pacific Electric right-of-way area, between residential users and beach users, a parking control plan should be implemented prior to intensification of residential development.

6. Huntington Harbour. Recreational and visitor-serving facilities (parks, tourist-commercial uses, etc.) should have priority over residential on the remaining undeveloped land.

7. Bolsa Bay and Bolsa Chica Marsh. Insure that development in the Bay or on surrounding lands does not significantly harm the ecological preserves. In restorable wetlands, give priority to restoration over residential or marina development. Provide a buffer area and low intensity recreation on the periphery, including upland support facilities and trail linkages in the central city park corridor, to increase use of the publicly-owned beach. Prevent saltwater intrusion in groundwater aquifers.

8. Huntington Beach Oil Fields. Remove oil-related structures as the petroleum is depleted and replace with recreation and visitor-serving accommodations.

9. Bluffs and Open Space. Protect bluffs and provide vista points, incorporated into public open spaces when feasible. Provide additional public open space in residential and commercial areas.

HUNTINGTON BEACH-CENTRAL

1. Protect the capacity of Pacific Coast Highway for tourist/recreational use. On the first block inland of Coast Highway, development to meet tourist/recreational needs should be encouraged. Lot consolidation should be encouraged because the small fragmented ownership will allow strip commercial only. New structures should not be in excess of 25 feet in height and should provide adequate parking.

2. Residential development should provide two on-site parking spaces for each unit and not exceed 25 feet in height.

3. Redevelopment Zone.

a. Maximize public utilization by preservation and restoration of pier point area.

b. Areas just south of pier area and inland should have recreational use priority over residential. Possible expansion of motel/hote accommodations should be low-rise. Lake Street Corridor should be kept for transportation and extension to Lake Park.

4. Huntington Beach Apartments on the beach adjacent to the pier should not be converted to condominium use; during its lifetime it should remain as a rental structure or be converted to hostelry use.

5. South of the pier along Coast Highway, encouragement should be given to tourist-recreational development, inland support facilities to service the beach (such as parking areas) and habitat restoration.

a. Land between Lake Street and Beach Blvd. is suitable for extension of motel/hotel use.

b. Beach Blvd. is a major arterial; there is ample undeveloped acreage in this vicinity for a regional transportation node.

c. Lane just inland of Pacific Coast Highway from Beach Blvd. to the Santa Ana River should be protected and restored for its wetland value.

d. The 13.5-acre parcel at Brookhurst Blvd. and the Talbert Channel should be preserved as an inland support facility to service the beach as well as the county's mountains-to-the-shore trail system.

SANTA ANA RIVER AND RIVER CORRIDOR

A 506-acre fresh and saltwater marsh, bluff, anc archaeological site and should be preserved for its multiple use as a regional park combining wetland restoration, general recreation and beach support, and archaeological preservation. Marina development would not be compatible with this use. Protect least tern nesting sites. Continue coastal trail in the flood channel to the beach and connect to the Santa Ana Greenbelt Corridors; consider possible location for hostel.

NEWPORT BEACH

1. Because public access to the beach, bayfront, and other recreation areas is severely limited by the service capacity of Coast Highway and the connecting arterials, priority should be given to projects that meet public needs of recreation and resource protection.

a. Where appropriate, parcels near the beach or the bayfront should be developed only for water-dependent or recreational uses.

b. In the Lido Village, Lido Peninsula, Cannery Village, and McFadden Square area of the Peninsula, new development should be allowed only if adequate parking and transportation are provided.

c. The few remaining inaldn properties that are within a reasonable distance or adjacent to the coast should be used for recreation-support facilities.

2. To protect the natural habitat values of Upper Newport Bay, fresh-water drainage systems into it should be maintained. New development on bluffs should be setback a minimum of 40 feet. Development should not be allowed to encroach into or adversely affect the Upper Bay Preserve.

IRVINE COAST

Because this undeveloped property of 10,000 acres and almost 3.5 miles of shoreline is in a single ownership, because it combines shoreline frontage with substantial upland acreage, and because it is in the recreation-deficient Los Angeles metropolitan area, the Irvine Coast presents an unparalleled opportunity for development of many types, while insuring increased opportunities for a variety of public recreation and for open space protection. Due to the fact that little development is expected in this area of the coast in the near future, the materials set forth below are intended not to serve as immediate guidelines, but rather to address the long-term coastal planning concerns of the Irvine coast. They should thus serve as a planning checklist for dealing with resource protection and public access issues in this coastal area. As with the guidelines for other portions of the coast, these may be changed after public hearing prior to the May 1 adoption of permanent guidelines.

Overall Guidelines. New development should be concentrated near already-developed areas and employment centers, to protect wildlife habitat and open space and to reserve substantial areas for public recreation. Development and public facilities should be phased to protect long-term public access to proposed shoreline and upland recreation areas. Development should include a substantial amount of low- and moderate-cost visitor facilities.

Development Guidelines.

1. Concentrate Development. Private residential and commercial development should generally be landward of Coast Highway on the ridges north and west of Moro Canyon.

a. Trancos Canyon, the upper terraces and slopes below Wishbone Hill, Moro Canyon, and the area east of Moro Ridge should remain undeveloped for recreation and open space uses.

b. Limited residential development should be allowed seaward of Coast Highway, adjacent to the existing Cameo Shores residential area.

c. To minimize non-recreational travel on the already-congested Coast Highway, neighborhood and other general commercial developments serving residents of the area should be away from Coast Highway.

d. Resort and visitor-serving facilities should be concentrated at the point of Wishbone Ridge and at Crystal Cove to minize the need to use Coast Highway and to reserve the rest of the area seaward of Coast Highway for public recreation uses.

2. Recreation Opportunities and Open Space. New development should include the creation of an integrated open space system connecting the major canyons and ridges and linking upland areas to the shoreline. This system should provide substantial and varied opportunities for public use and enjoyment.

a. The Moro Canyon, bluff top, and beach areas now authorized for acquisition by the State Department of Parks and Recreation, as well as the first-priority sites recommended by the Coastal Commission in 1976 should be reserved for recreational use except that development proposed for the Pelican Hill and Moro Ridge sites that the prior Coastal Commission recommended for public acquisition could be approved if substantial dedications of comparable wildlife habitat and public-use areas east of Moro Canyon are made.

b. Ultimate buildout should be based on a concluded agreement specifying a schedule and technique for transferring designated open space and recreation areas to appropriate public agencies.

c. Public recreation should specifically include the development of major overnight facilities by public or private groups on the upper terraces landward of Coast Highway. Day-use activities should be varied and linked by an integrated trail system, which should also link the public areas with the shoreline and other visitor-serving facilities.

3. Traffic Circulation and Public Access. New development should include a circulation system emphasizing internal dispersal of incoming traffic rather than seeking to accommodate all through traffic using Coast Highway.

a. The ability of Coast Highway to provide public access to the coast should be protected by restricting lateral arterial connections to Culver Drive. Approval of the proposed connection of Sand Canyon Road to Coast Highway would require conclusive evidence that such a connection is necessary to provide adequate public access to shoreline and upland recreation facilities. Other proposed lateral roads would be terminated before they intersect with Coast Highway.

b. Improvements to Coast Highway should be limited to alterations needed to improve safety. The capacity of the highway should not be increased.

c. Because of the potential adverse impacts of the proposed 6-lane San Joaquin Hills Corridor on coastal resources in the South Orange County Coast, extension of the road should be limited to a 2-lane road that terminates at the Laguna Freeway.

d. The proposed alignment of Culver Drive should be moved westward at the neck of Trancos Canyon to protect the canyon from the effects of construction of the roadbed.

e. Development and transportation improvements should be phased to assure that Culver Drive and other needed inland arterial connections are completed in the first phases of development. This will be essential to avoid forcing the traffic generated by 4-5,000 residential units onto the already-congested Coast Highway. A specific phasing plan should be required, to assure this and to assure that residential buildout will be related to extended and improved bus service.

4. Need for Visitor Facilities. The resort complexes proposed for Wishbone Hill and Crystal Cove should include facilities and concessions priced to serve a full range of users. The Wishbone Hill site, because of its strategic central location adjacent to the terraces connecting Moro and Trancos canyons, is especially well suited to the development of such moderate-cost, family facilities.

LAGUNA BEACH

1. Laguna Green Belt: Lands identified as sensitive habitat areas as well as suitable for public recreation should have priority for such uses.

a. Significant physiographic features such as ridgelines, canyon sides, steep slopes, canyon bottoms, major rock outcroppings, and natural drainage courses, and significant floral/fauna habitats should be preserved.

b. Geologically-hazardous areas, such as active fault traces, landslides, and mudslides, should not be developed.

c. Areas identified as suitable for development should be for recreation only.

d. Hiking and equestrian trails should be established throughout the Laguna Greenbelt and Shoreline.

2. Shoreline and Oceanfront: Explore possibility and feasibility of gaining pedestrian access to tideland areas through private communities, including opening existing public easements now blocked by private roads. Development on lands seaward of the highway should provide significant open space recreation vistas or view corridors, and priority should be given to commercial-recreational facilities such as resorts, hotels and campgrounds that serve the general public.

3. Ridgelines: Because the ridgelines and hillsides visible from Coast Highway are significant features of the area, new development on them should be avoided or effectively screened.

4. Pacific Coast Highway: A portion of the remaining highway capacity should be reserved for recreational traffic. Commercial, industrial or service development that would generate significant increases in traffic should be allowed only in the central business district (CBD), northward from the CBD to Boat Canyon, in Laguna Canyon up to Canyon Acres, and in the area between the CBD and Bluebird Canyon along Coast Highway, and only where appropriate mitigation measures can provide that there will be no adverse impacts. Elsewhere, new development should not be allowed to impair public access to the coast.

5. Crescent Bay Point: Scenic, archaeological, and habitat resources should be fully protected as a condition of any development.

6. Emerald Bay South: Development on Emerald Bay South, a 10-acre parcel near Crescent Bay Beach and Park, should give priority to increasing the resources and area available for public recreation.

7. Central Bluffs: Central Laguna Beach Bluffs, a 5-acre bluff area overlooking Main Beach Park, should be protected as an adjunct to the recreational activities in that area.

SOUTH LAGUNA (from Laguna Beach City limits and Laguna Canyon Road to Blue Lantern in Dana Point)

A. Seaward Side of Coast Highway

1. Development on the seaward side of Coast Highway should be designed to preserve views of the ocean from the Highway by limiting structure height to no more than 25 feet and bulk to no more than 1.5 times the buildable area of the lot.

2. All proposed development should be adequately set back from the bluff edge. In cases where the bluff edge is at Coast Highway, i.e., the entire lot is part of the bluff face, no structure shall be permitted to extend further seaward than a line drawn between the two adjacent structures.

3. No development should be permitted to interfere with existing, though unimproved, beach access easements.

4. To ensure public access along the beach, all new oceanfront development should be conditioned to provide lateral access between the mean high tide and 25 feet inland, but in no event should the access easement be closer than five feet to any residential structure.

5. Further divisions of bluff lots should not be allowed to create bluff face lots with no building pad.

6. Public recreational opportunities should not be precluded by private development on the Dana Point Headlands property until the suitability for public recreational or commercial-recreational use is assessed.

7. To ensure that available parking spaces on Coast Highway are reserved for public recreational use, new residential development should be required to provide two parking spaces per unit.

8. On Pacific Coast Highway, reserve a portion of the remaining road capacity for recreational traffic. Insure that major new construction is keyed to improvements in traffic flow.

9. Explore possibility and feasibility of gaining pedestrian access to tideland areas through private communities, including opening existing public easements now blocked by private roads.

B. Inland of Coast Highway

1. To minimize resident traffic on Coast Highway and to encourage its use as a major coastal access road, commercial development serving residential areas should not be permitted on Coast Highway itself within this subregion, but should be encouraged inland. New commercial development should be encouraged in Dana Point.

2. The acceptable land uses and level of development for the southern half of the "Laguna Greenbelt" (i.e., that area from Laguna Canyon Road to Crown Valley Parkway) has yet to be determined and subdivisions of the large land holdings in the "Greenbelt" should not be approved until the level of development has been established.

3. East of Pacific Coast Highway, maintain higher hills in open space so as to preserve the unique rugged character of this community.

4. Any new roads permitted through the "Greenbelt" should not be allowed to significantly disrupt the natural habitat value of the area.

5. To prevent large residences on small lots that would be out of character with existing South Laguna structures, the bulk of structures should be limited to no more than 1.5 times the buildable area of a lot.

6. The appropriate land use for the commercially-zoned parcels across Coast Highway from the Dana Point Headlands should not be determined until the appropriate use of the Dana Point Headlands is established.

DANA POINT

1. Because traffic to non-marine-related businesses is inhibiting access to recreation in the marina, new development or building occupancies within the marina should be for marine-related purposes only.

2. To maintain public access to and public use of the coast, non-marine-related development should not be allowed to displace marine-related businesses such as boat storage yards and chandleries on Pacific Coast Highway at San Juan Creek.

3. To protect public views from the marina and Dana Point, and to maintain coastal bluffs, development on Palisades bluff lots above the marina should be set back a minimum of 40 feet from the edge of the bluff. A blufftop trail system should be provided in the setback area.

4. To help reduce traffic on Pacific Coast Highway, development along Del Prado and Pacific Coast Highway between Blue Lantern and Golden Lantern should be restricted to neighborhood commercial uses and to hotels that could serve users of the marina and other coastal recreation.

5. Any additional major parking facilities for Doheny State Park should be built on the adjacent railroad right-of-way and should not encroach on the beach.

6. Development on major undeveloped blufftop parcels (Chandler-Sherman, Lantern Bay I and II) should give priority to public recreation.

SAN CLEMENTE

1. To protect the viewshed and to maintain coastal bluff landforms, development on coastal bluff lots should maintain an adequate structural bluff setback from the edge of the bluff.

2. Development on coastal canyon lots should maintain a 10 foot structural setback. In the case of infilling in existing developed areas, structures should not encroach on the line of primary canyonside vegetation; a stringline condition is normally used to locate this setback.

3. To maintain a development scale consistent with natural landforms, development on both ascending and descending hillside lots should maintain a gross density in the 11-12 du/ac range (not up to 15 du/ac gross) e.g., Boca de la Playa and Calle Sacramento.

4. Development on multi-family zoned lots should be maintained in the 15 du/ac gross range with increases up to 20 du/ac gross to be considered as a means of maintaining and increasing low and moderate-cost housing, e.g., along Del Presidente and Del Commercio.

5. To maintain the character of the area, the 1.5 criterion should be applied to lots 4,000 sq. ft. or smaller. A 2:1 parking ratio should be strictly maintained on all residential development, and 2:1 parking that does not encroach into setback areas should be maintained on all new duplex construction.

6. Planning options in support of public access and use should be strictly maintained in all areas of the City's Pier Bowl Redevelopment Project.

CAPISTRANO BEACH

1. New development on Beach Road should be required to provide a 25-foot lateral access easement and be set back from the ocean compatibly with existing development (stringline method).

2. New development on vacant beachfront property adjacent to Doheny State Beach should be protected for recreational use. Give priority to coastal recreation.

3. To reduce traffic attracted by non-coast related uses, only development that supports coastal recreation, e.g. boating supplies, should be allowed at the beach.

4. New Development on coastal bluff lots between Pacific Coast Highway and Camino Capistrano should be set back adequately to assure its safety. Development observable from the public beach should be set back enough to be out of sight, if possible; where necessary to achieve this objective, second stories should be set back farther than the first stories.

5. To be compatible with the existing neighborhood, new development should:

   a. Be maintained in the 15 DU/AC gross density range.
   b. Strictly maintain the 1.5 criteria on non-conforming lots.
   c. Maintain a 2:1 parking ratio with no required spaces encroaching into setback areas.

6. Because Doheny Park Road primarily serves the surrounding neighborhood, commercial development along that street should be limited to neighborhood and coast-related commercial.

CATALINA

1. To protect Catalina's historic function of providing public recreation and to enhance opportunities for public use of the existing Conservancy for the island, give priority to projects providing public and tourist-commercial facilities.

2. In allocating Catalina's limited supply of fresh water, give priority to tourist-commercial development over new, permanent residential use.

3. Ensure preservation of natural physical features (canyons, ridges, slopes) as a condition of all development.

4. To retain the existing character and scale of development, encourage rehabilitation of older structures; in new construction, give priority to projects that are compatible in style, color, texture, size, etc., with existing development.

5. Encourage expansion of small passenger van transit service as an alternative to increased dependence on the private automobile.

6. Pending resolution of the automobile impact problem, perhaps by a ban, require provision of on-site parking in new developments; if more than 50 percent of an existing house is being rehabilitated, require provision of one on-site parking place.

7. Permit no permanent development, other than tourist-commercial facilities, outside the current city limits of Avalon.

SAN CLEMENTE ISLAND

1. In the event that the federal government relinquishes its claim on San Clemente Island, the island should remain in public ownership for recreation or open space.

SAN DIEGO

OCEANSIDE

A. Harbor Area:

The cumulative effect of new development within the Harbor Area on traffic congestion and recreational opportunities should be evaluated as a part of the Harbor Precise Plan now underway. Interim development should be limited to:

(a) Public parking lots.

(b) Improvement of existing streets to enhance traffic flow.

(c) Pedestrian walkways to and along the waterfront, and park areas, including associated lighting, safety, fences, and landscaping.

(d) Other public beach support facilities such as showers and toilets.

DRAFT

B. Oceanside Redevelopment Area:

New development in the Oceanside Redevelopment Area should emphasize creating a beach-oriented tourist-recreational community that would enhance public access to and enjoyment of the beach area, and be coupled with improved bus and new local shuttle services.

To adequately consider the cumulative impact of individual projects on traffic congestion, beach access, and urban design, the City should adopt "specific plans" for the beach area districts of the Redevelopment Area prior to individual project approvals. Particularly:

(a) Public Ocean Views: To maximize public views to and along the shoreline, the height of development along the Strand should generally be limited to the height of the bluff behind it. Where the preservation of substantial ocean vistas have been guaranteed, structures along the Strand higher than the bluffs may be allowed.

(b) Public Beach Parking: Provision of public beach parking on Santa Fe Railroad land for users of the Strand beach should be encouraged now and required as a part of the proposed railroad track lowering project.

(c) Public Access Stairways: Public access stairways connecting the stub-end streets near Pacific Street to the Strand Beach should be improved at the time at which development occurs adjacent to them.

(d) Scale of Blufftop Development: To protect coastal visual qualities and maintain the character of surrounding areas, development along the West side of Pacific Street should be limited to two stories and 25 feet in height.

(e) Pier Area: The new pier area should be developed as a pedestrian-oriented unit landward to the railroad station, with high priority given to visitor oriented shops and restaurants and with shared parking for such development and the train stop.

f. Residential Development: South of the pier area, priority should be given to rehabilitation of older structures where feasible, and infilling on vacant land consistent with the rehabilitated residences. North of the pier area, higher densities should be encouraged to provide rental housing, including low-and moderate-cost units, for summer and year-round occupation.

C. The South Pacific Street Area:

1. Beachfront Development: New shoreline development along South Pacific Street should be no higher above street level than the prevailing height of nearby development, and extend no farther seaward than adjacent development.

CARLSBAD

A. South Shore of Buena Vista Lagoon

1. Development Design. Development along the Lagoon shore and within its viewshed should be designed to minimize alteration of existing landforms. Development should also minimize the removal of existing vegetation on the slopes overlooking it.

B. Area Generally Between Jefferson Street and Agua Hedionda Lagoon

1. Intensity of Development. Density and intensity of development in this area should not exceed that designated on the Land Use Element of the General Plan in effect on January 1, 1977. Multi-family residential development between the ocean and the AT&SF railroad should, in addition to the parking required by the general guidelines, include one guest parking space for 0-5 units and one additional guest space for each additional 5-unit increment. Development approvals in this area should include a specific finding that it, together with the existing and committed development, and recreational/visitor traffic, would not cause the designed capacity of Elm Street, Tamarack Boulevard and Carlsbad Boulevard to be exceeded at the time such development is completed.

2. Old Downtown Development. Commercial redevelopment in the old downtown area should retain its small scale character. Mixed residential/commercial uses may be permitted provided it is demonstrated that adequate shared parking will be available.

3. Development Near Carlsbad State Beach. Development within at least three blocks of Carlsbad State Beach should be designed to minimize curb cuts and maximize the availability of on-street parking. In order to maintain the visual character of the area adjacent to Carlsbad State Beach, no structures along Carlsbad Boulevard should exceed two stories and 25 feet above pre-existing grade.

4. Shoreline Development. The scale, particularly height of new development along the west side of Ocean Boulevard, should be consistent with the existing surrounding development. Consolidation of sideyard setbacks to maximize ocean view from Ocean Boulevard should be required where possible. The seaward extent of development should be determined by the stringline method.

State Commissioners

C. Agua Hedionda Lagoon Area

To balance the recreational, scenic, agricultural and development potential of the Agua Hedionda Lagoon area, protect its wetland resources, and provide public facilities in phase with private development pending the certification of the agua Hediona Specific Plan by the Commission:

1. A program for providing and maintaining public access from the nearest road to the Lagoon and a continuous public accessway along its north shore should be instituted by the City.

2. Marshes and Mudflat areas and the Agua Hedionda Creek floodplain should not be altered.

3. Buildings on the north shore should be set back from the water's edge a sufficient distance to allow the provisions of the continuous public shoreline accessway.

4. Existing agricultural lands should be retained in agricultural production.

5. The construction of Cannon Road not be committed.

6. The area between the Eucalyptus row and Hoover Street extension should be reserved for possible recreational use.

7. At this time, boat launching facilities should be limited to Snug Harbor, Whitey's Landing.

8. Development densities on the north shore should be consistent with the design and public access criteria developed by the City, property owners, and Commission staff as a part of the Specific Plan.

9. The Pannonia property should not be committed to residential development until its recreational potential is fully considered.

D. Development Between Agua Hedionda and Batiquitos Lagoons, including unincorporated County area:

Development between the two lagoons should be generally limited to infilling in already developed hubs in this area including: Car Country; the commercial hub south east of the intersection of I-5 and Palomar Airport Road; Palomar Airport; Cabot, Cabot and Forbes industrial Park; Avenida Encinas industrial area; and the Spinnaker Hill and Sea Port residential subdivisions. Other development or division of land, other than for agricultural purposes, should not be approved until an overall plan which maximizes the open-space and recreational potential, protects significant habitats and defines the development potential for the area is accepted by the Commission.

UNINCORPORATED COUNTY AREA

A. San Dieguito Communities:

1. Maintain Community Character: Development in the san Dieguito communities should be compatible with their existing lower-density, semi-rural character; existing lower-cost housing should be maintained.

2. Protect Agricultural Uses: To protect the area's coastal related, specialty-agricultural economy and its distinctive character, field flower and truck crop agricultural uses should be retained.

3. Scenic Coastal Roads: Development along scenic coastal routes, particularly Old Highway 101 and the roads leading from I-5 to the ocean, should be designed to maximize retention of existing public ocean views.

4. Public Beach Access: To provide maximum opportunities for beach access in Leucadia, new development west of Neptune Avenue and within 500 feet of Jupiter Street and Athena Street should not preclude the County from providing future public access to the beach in accordance with its public beach access plan.

5. Development in Lagoon Viewsheds: To maintain the visual integrity and scenic quality of the area surrounding Batiquitos, San Elijo, and San Dieguito Lagoons, development within their viewsheds should be designed to be subordinate to existing land forms, should emphasize the retention of as much of the existing vegetation as possible, and should contain needed structures to prevent erosion and siltation into the lagoons tributary, floodplains, or streambeds.

6. Residential Densities: To avoid excessive residential densities west of I-5 that would cumulatively impede public access to the shoreline area and to maintain community character, density of new development should be generally consistent with in the County's San Dieguito Community Plan.

7. Cardiff Duplex Approvals: To retain the existing character of the Cardiff area, the type, height and bulk of new development should be consistent with that prevailing in the immediate area, usually the same block. Development in the Cardiff/Cardiff A subdivisions should be designed to protect ocean views from public streets and landward development.

8. Eden Gardens: Low and moderate-income housing in the Eden Gardens area should be protected by avoiding demolition and by encouraging the maintenance of existing housing units.

9. Cardiff "Restaurant Row": To avoid further restrictions on public access to the beach,
of the Ocean and San Elijo Lagoon, ensure integrated design of the development of this commercial strip along Old Highway 101, new development in this area should be based on a finding that:

(a) Adequate provisions have been made for pedestrian and automobile traffic safety along Old Highway 101;

(b) Adequate vertical access to and a public walkway along the Ocean front, a minimum of 8 feet in width, and which ties in with the existing walkway, have been provided;

(c) The project maximizes remaining coastal vistas and conforms to a common design theme for the area;

(d) The project would not cause the designed capacity of Old Highway 101 in this area to be exceeded.

B. See Carlsbad Section D: "Development between Agua Hedionda and Batiquitas Lagoons".

DEL MAR

1. Development Adjacent to San Dieguito Lagoon. New development adjacent to the Lagoon should be set back far enough to protect the Lagoon's natural values, to withstand flooding and geologic hazards, and to provide public pathways along the shore where feasible. Such development should be low profile and designed to retain an open feeling along the lagoon shore.

2. Residential Character. New residential development should be compatible with the existing residential character of this special coastal community, should minimize alteration of existing landforms, and should avoid the removal of existing vegetation, particularly mature trees.

3. Commercial Development. Commercial development should be concentrated along Camino Del Mar where such development already exists, and should be designed to reinforce its village-like character.

4. Development at the South End of the City. Development at the south end of the City, particularly west of Camino Del Mar and south of Carmel Valley Road, should be designed to minimize the alteration of existing landforms to be low profile and to maximize public views from the public roads toward the ocean, La Jolla, the Torrey Pines State Reserve, and Los Penasquitos Lagoon.

5. Hotel/RR Property and Oceanfront Land Between 15th and 18th Street. Primary development in this area should be visitor-commercial and public beach use-oriented. It should be designed to maximize the public views of the ocean.

6. Improvements to Camino Del Mar. Improvements to Camino Del Mar designed to improve its appearance and to provide bicycle lanes should also ensure that it continues to serve through-traffic and recreational traffic demands.

7. Shoreline Development. Private development adjoining the shoreline should not be allowed to encroach onto beach sand. Where reasonable, beach sand areas should be dedicated for oceanfront access as a condition of development.

CITY OF SAN DIEGO

A. TORREY PINES/UNIVERSITY CITY

1. Delineate Northern Limit of Development in Sorrento Valley. To assure the protection of sensitive land and riparian habitats and to provide appropriate natural buffer areas, the northerly limit to industrial expansion in Sorrento Valley should be established by the Commission, the State Department of Fish and Game and the City of San Diego prior to any additional development northerly of existing developed areas.

2. Del Mar Terraces. In the Del Mar Terraces area, new residential development should be sited and designed to maintian the vegetated appearance of this hillside, and be visually subordinate to the natural landscape, especially the sandstone bluffs. Removal of existing major vegetation, especially mature trees, should be minimized.

3. Commercial Development. Neighborhood-serving commercial uses should be a high priority in the two existing commercial areas along Carmel Valley Road between Highway 101 and Via Cortina, to minimize traffic generation.

4. Development in Torrey Pines Research Park Area. Permitted development in the Torrey Pines Research Park area should not protrude onto the steep slopes and canyons overlooking Sorrento Valley and the Los Penasquitos Lagoon, be low-profile and adequately landscaped to preserve the scenic qualities of the surrounding coastal viewshed area. Priority should be given to science research uses which would benefit from proximity to the University.

5. Protect Scenic Qualities of No. Torrey Pines Road: Because of their distinct visual qualities, the eucalyptus, pine, and other mature trees along Torrey Pines Road north of Genessee should be retained. Access to development adjoining the road should be consolidated and designed to minimize the need for the removal of these trees and other significant vegetation.

6. Visitor-Serving Development: Visitor-serving facilities and neighborhood shops should be given high priority in areas designated for commercial development in the adopted Torrey Pines Community Plan. No residential use should be developed at this location.

B. LA JOLLA

1. Parking Facilities Serving Central Business District: New development in the central business district should provide parking adequate to serve employees and patrons. Shared parking facilities in the central area, and employee and visitor use of peripheral parking areas served by bus or shuttle transportation to the central area, should be encouraged in major new commercial development.

2. Parking in La Jolla Shores. Development in the La Jolla Shores area that would limit opportunities for on-street, beach access parking should be minimized. Additional off-street parking facilities should be provided with any major new development at Scripps Institution of Oceanography or adjoining research facilities, and such parking should be made available to the public during weekend periods where feasible.

3. Low-Moderate Cost Housing Opportunities. The number of low-income housing units in La Jolla should not be decreased by demolition. Consideration should be given to using City-owned land for low-and moderate-income housing.

4. Development of Recreational Facilities. To provide for maximum public use consistent with long-term resource protection, development at "Torrey Pines City Park" should provide for a mix of recreational uses based upon the unique characteristics of the area, including reservation of some blufftop areas for gliding and hang gliding, and the beach area for swimsuit-optional bathing. Improved parking facilities and beach accessways that minimize bluff erosion should be provided, with access to the bluff face restricted elsewhere. In general, development of facilities on the blufftop and beach areas should be minimal to preserve the existing natural environment.

5. Maintenance of Community Character. Residential densities should be generally consistent with the adopted La Jolla Community Plan. Density bonuses may

be considered where they would maintain or increase the number of low- and Moderate incom housing units. The visual amenities and the character of village-like low-profile development in the commercial center should be preserved. New commercial development should primarily be retail or service; additional office development should be discourag Mixed residential-commercial uses which would enhance the pedestrian-orientation of the village area should be encouraged.

6. Neighborhood Commercial Centers. To minimize automobile traffic and congestion along La Jolla Boulevard, the Bird Rock and Nautilus Street commercial areas should primarily serve nearby residents and be pedestrian-oriented. Drive-through businesses or commercial uses not primarily oriented to the local neighborhood should be discouraged.

7. Curb Cuts. To facilitate traffic flow along the major coastal access routes, particularly La Jolla Boulevard and Pearl Street, curb cuts on major streets should be minimized. Access to parking facilities should be from rear alleys where feasible.

C. PACIFIC BEACH

New development should be compatible with the prevailing low-profile character of the community's residential areas. Additional parking for beach users, such as shared parking with restaurant and other commercial developments, should be provided in conjunction with a new development Visitor-oriented commercial development and development supporting beach use should be concentrated in the commercial areas along and in the vicinity of Mission Boulevard. Development along Mission Boulevard, Grand Street, and Garnet should be designed for maximum efficiency of traffic flow, such as by minimizing curb cuts, and for enhanced appearance by providing generous landscaping.

D. MISSION BEACH

1. Density of Development: Encourage the continuation of existing medium-priced rental units at densities of up to 36 du/acre. To mitigate the potential effects of higher residential densities, all new development should be attractively landscaped.

2. Parking: Where small parcell sizes preclude the application of standard parking requirements, required parking (to be computed on the basis of all units, new or existing, on a lot) should be: single family residences - 2 spaces; and duplexes - 3 spaces. Where lots are consolidated to permit larger residential structures, standard parking requirements should apply. Alley access to parking facilities should be required wherever feasible. Tandem parking should be permitted if at least one space in each tandem set is in a garage or carport. Use of "grass-crete" or other materials for paved areas which will mitigate the paved-out appearance should be encouraged. Secure bicycle parking facilities should be provided in any major commercial development.

3. Commercial Uses: To preserve the service capacity of Mission Boulevard - the major coastal access route for recreational traffic, neighborhood serving commercial activities should be given a high priority. Visitor-serving commercial recreation should be encouraged adjacent to Belmont Park, and in the vicinity of Pacific Beach Drive at the northern boundary of the Community.

4. Circulation System: Emphasis should be given to increased bus service and pedestrian an bicycle travel along Mission Boulevard. Reduction of access points to Mission Boulevard should be encouraged, by minimizing curb cuts and closing some east-west streets. Visitor and commuter automobile traffic within the community should be reduced by establishing a major public transit stop at the northern edge of the Community with extensive shuttle service provided to its neighborhoods and recreational areas. Bicycle lanes should be improved and secure bicycle parking/storage facilities provided at major public recreation sites.

5. Peripheral Beach Parking: Peripheral parking sites with beach shuttles should be developed. Additional major parking facilities with access from Mission Boulevard should be avoided.

6. Belmont Park: Belmont Park should be retained and enhanced as a regional recreational resource through a development plan.

E. MISSION BAY

1. Continuous Public Accessway: New development on shoreline property should be set back enough to allow for a continuous shoreline accessway for pedestrians and bicyclists in the future. As development occurs on the land leased by the City for construction, segments of this accessway within new leasehold areas should be improved.

2. Low/Moderate Cost Visitor Facilities: Priority should be given to low/moderate cost public recreational and visitor-oriented facilities. An overall program for providing them along with other facilities should govern further substantial private development in Mission Bay Park.

3. Scale of Development: New development should be of a height and scale compatible with the open character of Mission Bay Park.

4. Reserve Special-Use Areas: Areas suitable as wildlife habitats or for boating facilities including dock, launching ramp and dry-storage areas, should be specifically reserved for such uses.

5. Beach Encroachments in Crescent Bay: The existing docks on publicly-owned land and water should be removed or modified to allow continuous public access along the beach. Other private encroachments onto the beach, including patios and fences, should also be removed.

F. OCEAN BEACH

1. Residential Development: To avoid congestion of the beach area and to maintain the character ot the community, the scale and density of new residential development should be consistent with the prevailing existing development and should generally follow the recommendations of the adopted Ocean Beach Precise Plan.

2. Commercial Development: New commercial development should include adequate parking to fully meet the needs of its employees and patrons. Commercial development supporting beach use should be given priority near the west end of Newport Avenue.

3. Parking: Parking with shuttle services for beachgoers should be provided in the vicinity of Robb Field and at Nimitz and West Point Loma Blvd.

C. BARRIO LOGAN

1. Community Character. While planning is underway to resolve the conflict between the industrial zoning of the area and its predominantly residential use, no additional industrial development or expansion should be allowed.

CHULA VISTA BAYFRONT AREA

1. Low-and Moderate-Cost Visitor and Recreational Development: To enhance public access to the shoreline areas of South San Diego Bay, low- and moderate- cost visitor recreation facilities and housing should be provided throughout the Bayfront Area.

NATIONAL CITY

1. Priority to Marine Related/Dependent Industry: The industrial area of National City west of I-5 (which is essentially all of the area of National City within the Coastal Zone Boundary) should be developed or redeveloped with priority given to marine related/dependent industry. Particular emphasis should be given to design and landscaping of development along coastal recreational access routes.

CORONADO

1. Residential Development: New development in residential areas should generally be compatible in height and bulk with existing development to preserve the scale and character of the community.

2. Hotel Del Coronado/Coronado Shores: Future expansions or major development in these areas should fully consider maximum feasible public access as a condition of approval. Protect and enhance existing public access to the waterfront as part of any new development.

3. Coronado Ferry Landing: Priority for development of this site should be given to visitor-oriented or residential development consistent in scale with surrounding development. Uses on this site should be coordinated with the adjacent port tidelands, and provide a public area on the bayfront for passive recreation and for visual enjoyment of San Diego Bay and of the downtown San Diego skyline.

4. Glorietta Bay Area: To ensure maximum feasible public access along the shoreline and to provide for balanced and orderly expansion of recreational boating facilities, further development of the Glorietta Bay area should await the completion and adoption by the City of Coronado of the Glorietta Bay Master Plan.

IMPERIAL BEACH

1. Shoreline Development: Development in the Beachfront Redevelopment Area should maintain the scale of existing development and should be attractively designed. Paper street ends between First Street and the ocean should be improved by the developer at the time development adjacent to them occurs.

2. Low- and Moderate-Cost Facilities: Low- and moderate-cost housing and visitor-oriented should be given a high priority in the beach area. Visitor-oriented development should be concentrated in the vicinity of the pier area and in existing commercial hubs.

TIJUANA RIVER VALLEY

1. Flood Protection: Flood protection for the river valley, such as the dissipator structures endorsed by the City of San Diego, should be allowed to the extent of protecting the agricultural and recreational uses of the river valley and not at the expense of destroying significant habitat.

2. Agricultural Lands: Because of the importance of coastal agricultural lands and their suitability in the flood-plain area, these lands should be retained in agricultural production.

APPENDIX

Parking Standards

STRUCTURES AND USES	OFF-STREET PARKING REQUIRED	LOCATION
Planned Residential Developments, Single Family:		Within project area, location subject to Commission Approval.
Residential Uses:		
Flat Lands:	2 stalls for each dwelling unit within a garage or carport.	
Hillside Areas:	3 stalls for each dwelling unit, at least two within a garage or carport.	
Non-Residential Uses:	As required by this schedule plus additional stalls for non-residential uses as may be required by the Commission.	
Planned Residential Developments, Multiple-Family:		Within project area, location subject to Commission Approval.
Residential Uses:	As required by this schedule.	
Non-Residential Uses:	As required by this schedule plus additional stalls for non-residential uses as may be required by the Commission.	
Hotel	2 stalls, plus 1 stall for each dwelling unit, plus 1 stall for each guest room or suite of rooms for the first 30; 1 stall for each 2 guest rooms or suites of rooms in excess of 30 but not exceeding 60; 1 stall for each 3 guest rooms or suites of rooms in excess of 60; plus 1 stall for each 100 square feet of gross floor area used for consumption of food or beverages, or public recreation areas; plus 1 stall for each 5 fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.	300 feet
Motel or Motor Hotel	1 stall for each guest room, plus 2 stalls for each dwelling unit.	Onsite
Boarding and Lodging Houses, Student Housing, Dormitories and Fraternity or Sorority Houses	2 stalls for each 3 guest rooms, plus 1 stall for each dwelling unit. In dormitories, each 100 square feet of gross floor area shall be considered equivalent to one guest room.	150 feet
Homes for the Aged, Charitable or Welfare Institutions providing housing facilities, and Ambulatory Group or Special Care Homes	1 stall for each 2 beds, plus 1 stall for each employee guest room or dwelling unit.	150 feet
Children's Homes, Correctional Institutions and Asylums	1 stall for every 5 beds, plus 1 stall for every employee guest room or dwelling unit.	Onsite
1-252.02.02 HEALTH USES:		
Convalescent Hospital, Rest Home, Nursing Home, or Sanitarium	1 stall for each 3 beds, plus 1 stall for each employee or staff member.	Onsite
Hospitals	1 stall for each 2 patient beds, including bassinets, plus 1 stall for each employee or staff member.	300 feet
Veterinary Hospital	5 stalls for each doctor, plus 1 stall for each additional employee or staff member.	Onsite
Medical or Dental Office or Clinic	(See Office Uses)	
Health Studios or Clubs	1 stall for each 150 square feet of gross floor area. (For the purposes of this provision, swimming pool area shall be counted as floor area).	300 feet

1-252.02.03 EDUCATIONAL AND CULTURAL USES:		
Child Care Center, Day Nursery, Preschool or Nursery School	1 stall for each staff member, plus 1 stall for each 5 children or 1 stall for each 10 children where a circular driveway or its equivalent designed for the continuous flow of passenger vehicles for the purpose of loading and unloading children and capable of simultaneously accommodating at least two such vehicles is provided on the site.	Onsite
Elementary or Junior High School, including Auditoriums, and Stadiums on the site	2 stalls for each teaching station.	Onsite
High School, including Auditoriums and Stadiums on the site	7 stalls for each teaching station.	Onsite
College or university, including Auditoriums and Stadiums on the site	.85 stalls for each full time equivalent student, less the number of stalls provided to serve on-campus housing facilities in accord with this schedule.	Onsite
Business, Professional or Trade Schools	1 stall for each faculty member or employee, plus 1 stall for each 3 students based on the maximum number of students attending classes at any one time during any 24-hour period.	300 feet
Libraries, Museums, Art Galleries and Aquariums	1 stall for each 250 square feet of gross floor area.	300 feet
1-252.02.04 PLACES OF ASSEMBLY AND RECREATIONAL USES:		
Restaurants, Night Clubs, Bars and similar establishments for the sale and consumption of food or beverages on the premises	(See Commercial and Business Uses)	
Theater, Auditorium, Arena or Stadium except when part of a school or institutional use	1 stall for each 3 fixed seats and for every 21 square feet of seating area where there are no fixed seats, plus 1 stall for each 2 employees.	750 feet
Churches	1 stall for each 3 fixed seats and for every 21 square feet of seating area in the main auditoriums where there are no fixed seats.	Onsite
Chapels and Mortuaries	1 stall for each 3 fixed seats and for every 21 square feet of seating area in the main chapel where there are no fixed seats, plus 1 stall for each 350 square feet of gross floor area outside the main chapel.	Onsite
Libraries, Museums, Art Galleries and Aquariums	(See Educational and Cultural Uses)	
Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls without fixed seats, including Community Centers, Private Clubs, Lodge Halls and Union Headquarters	1 stall for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, or 1 stall for each 75 square feet of gross floor area, whichever is greater.	750 feet
Bowling Alley	5 stalls for each alley.	300 feet
Golf Driving Range, open to the public	1½ stalls for each 10 linear feet of driving range.	Onsite
Golf Course (Regulation), open to the public	8 stalls for each hole, plus 1 stall for each employee.	Onsite
Miniature or "Par-3" Golf Course, open to the public	6 stalls for each hole, plus 1 stall for each employee.	Onsite
Swimming Pool, Commercial	1 stall for each 100 square feet of water surface, plus 1 stall for each employee, but not less than 10 stalls for any such use.	Onsite
Tennis Court, open to the public	2 stalls for each court.	Onsite
Private Golf Course, Country Club, Swim Club, Tennis Club, Recreation Center, or similar use	1 stall for each 4 persons, based upon the maximum capacity of all facilities capable of simultaneous use as determined by the Zoning Administrator, plus 1 stall for each 2 employees.	Onsite

STRUCTURES AND USES	OFF-STREET PARKING REQUIRED	LOCATION
1-252.02.05 OFFICE USES:		
Commercial Bank, Savings and Loan Offices, other financial institutions, Public or Private Utility Office, Mutual Ticket Agency, other similar window service offices	1 stall for each 175 square feet of gross floor area of the main floor, lobby, or window service area.	300 feet
Professional Offices of Doctors, Dentists or similar professions	1 stall for each 15 square feet of waiting room area, plus 1 stall for each examining room, dental chair or similar use area.	300 feet
Other Business, Technical Service, Administrative, or Professional Offices	1 stall for each 250 square feet of gross floor area.	300 feet
1-252.02.06 BUSINESS AND COMMERCIAL USES:		
Beauty Shop or Barber Shop	3 stalls for each of the first 2 beauty or barber chairs, plus 1½ stalls for each additional chair.	300 feet
Other Personal Service Establishments, including Cleaning or Laundry Agency or similar use	1 stall for each 250 square feet of gross floor area.	300 feet
General Retail Stores, except as otherwise provided	1 stall for each 200 square feet of gross floor area.	500 feet
Shopping Centers (CM District)	5.5 stalls for each 1000 square feet of gross floor area within the center; or Stalls as required for each individual use within the center in accordance with this schedule.	Onsite
Shopping Centers (All other Districts)	8 stalls for each 1000 square feet of gross floor area within the center; or Stalls as required for each individual use within the center in accordance with this schedule.	Onsite
Food Store, Grocery Store, Supermarket, or similar use	1 stall for each 150 square feet of gross floor area.	Onsite
Restaurants, Night Clubs, Bars, and similar establishments for the sale and consumption of food or beverages on the premises	1 stall for each 50 square feet of ~~gross floor~~ SERVICE AREA.	Onsite
Drive-In and Window Service Restaurants providing outdoor eating area or walk-up or drive-up window service	1 stall for each 50 square feet of gross floor area, but not less than 10 stalls for any such use.	Onsite
Laundromats and Coin Operated Cleaners	1 stall for each 2 machines.	Onsite
Automobile Service Stations	2 stalls for each lubrication stall, rack, or pit, plus 1 stall for each gasoline pump outlet.	Onsite
Auto Wash, except self-service	Reservoir (line-up) parking equal to 5 times the capacity of the auto wash. In determining capacity, each 20 linear feet of wash line shall equal one car length.	Onsite
Auto Wash, Self-Service	5 stalls for each 2 wash stalls.	Onsite
Furniture Store, Appliance Store, Machinery Rental or Sales Store (excluding motor vehicle rental or sales), and similar establishments which handle only bulky merchandise	1 stall for each 500 square feet of gross floor area, except floor area used exclusively for storage or loading, plus 1 stall for each 500 square feet of outdoor sales, display or service area.	750 feet
Commercial Service Establishments, Repair Shops, Motor Vehicle Repair Garages, and similar establishments	1 stall for each 500 square feet of gross floor area, except floor area used exclusively for storage or loading, plus 1 stall for each 500 square feet of outdoor sales, display, or service area.	Onsite
Automobile, Truck, Boat, Trailer or similar Vehicle Sales or Rental Establishments	1 stall for each 500 square feet of gross floor area, except area used exclusively for storage or loading, plus 1 stall for each 1000 square feet of outdoor sales, display, or service area.	Onsite

Wholesale Establishments, Mail Order Houses, Printing and Publishing Establishments, and Cartage or Express Facilities	1 stall for each 500 square feet of gross floor area; but not less than 5 stalls, plus 1 stall for each employee.	750 feet
Lumber Yard	1 stall for each 500 square feet of gross floor area, plus 1 stall for each 1000 square feet of outdoor sales, display, or service area, plus 1 stall for each 2 employees.	Onsite
Contractor's Storage Yard, Salvage Yard, Junk Yard, Automobile Wrecking Yard	5 stalls, plus 1 stall for each employee.	Onsite, but separated from the enclosed storage area
Retail Plant Nursery, Garden Shop, including Greenhouses or Lathhouses, or similar outdoor sales and display establishments	5 stalls, plus 1 stall for each 500 square feet of outdoor sales, display or service area.	Onsite
1-252.02.07 MANUFACTURING AND RELATED USES:		
Manufacturing or Industrial Establishment, including offices and other incidental operations on the same site	1 stall for each 350 square feet of gross floor area, but not less than 3 stalls for each 4 employees.	Onsite
Laboratories and Research Establishments	1 stall for each 300 square feet of gross floor area; but not less than 3 stalls for each 4 employees.	Onsite
Warehouse or Storage Building	1 stall for each 1000 square feet of gross floor area; but not less than 1 stall for each employee.	Onsite
Public Utility Facilities, including Electric, Gas, Water, Telephone, and Telegraph Facilities not having business offices on the premises	1 stall for each employee; but not less than 2 stalls for each such facility.	Onsite

ATTACHMENT F

A SUMMARY OF THE ALTERNATIVES LOOKED AT

DURING THE DEVELOPMENT OF THE COASTAL PLAN

Attachment F

A Summary of the Alternatives Looked At During the Development of the Coastal Plan.

Changes To Substantive Elements And Policies

In developing the Coastal Plan, the Coastal Commission's consideration of alternative ideas, positions, and possibilities took nearly three years. The record of this process would run to tens of thousands of pages. Any attempt in this Draft EIS to reconsider all policy alternatives would duplicate years of effort, and would only have repeated the thorough, thoughtful, and public process that the Coastal Commissions have already gone through in preparing the Coastal Plan. Even the recording of this process would be elaborate and would serve little value beyond its historical interest. But a brief discussion of some alternatives to one of the main components of the management program -- the coastal zone boundaries -- is illustrative of the process that has already been completed and indicative of the number of substantive changes that can be made to the management program without probable serious effects to the overall impact.

There are three tiers to the "coastal zone" in the implementation concept recommended in the Coastal Plan. The first is the broad area in which major projects typically have a direct and significant impact on coastal waters and must be consistent with the management program for it to be totally effective. The second tier is the area in which local planning for all uses must take into account the broader statewide interest in the coast as expressed in the Coastal Plan policies. Finally, the third tier is the land and water area along the coastline that is of critical concern and over which the State exercises direct regulatory control while the local coastal programs are being prepared and some regulatory oversight after the local programs have been certified as being consistent with the Coastal Plan.

The Coastal Plan recommends that the coastal zone, as defined in Proposition 20, would be the broadest area in which the coastal management program would be applied, and, that this would be accomplished through the cooperation of State agencies, which would be guided by the Coastal Plan in carrying out their responsibilities and Federal agencies which would be subject to Section 307 of the Federal Coastal Zone Management Act. The second area would be the coastal resource management area which included those areas within the coastal zone containing significant coastal resources and those areas where it has been determined that development may directly or cumulatively affect access to coastal recreation areas. The third area would be the coastal resource management area or the 1,000-yard permit area, whichever is less.

The coastal zone designation includes all of the ocean waters within the jurisdiction of California and all lands to the highest elevation of the nearest coastal mountain range, except in Los Angeles, Orange, and San Diego Counties, where the coastal range is often some miles inland, the coastal zone would extend to the top of the coastal range or five miles from the mean high tide line, whichever is less. This determination has the advantage of being familiar because of its use by the Coastal Commissions in their planning. Alternatives would include a borader area such as entire coastal counties, a smaller area such as the coastal resource management area, or no area at all with the determination of whether a project should be consistent with the Coastal Plan made on a case-by-case basis depending on whether it would have a direct and significant affect on the coast.

The use of coastal counties as the coastal zone would have the advantage of administrative convenience because similar rules would be applied in the entire county. It has the disadvantage of encompassing a vast area the use of which may have little or no direct impact on the coast. This is particularly evident in Los Angeles County which extends beyond the distant coastal mountains into desert areas.

Using the coastal resource management areas as the complete extent of the coastal zone would draw on the detailed analysis that went into establishing the inland boundary of the CRMA but would totally exclude from the program major projects in areas that would not be subject to the day-to-day review by the coastal agency and important resources that have limited effect on the coast unless they are urbanized or intensified in use.

Adopting a program that would require a case-by-case analysis of whether a project would have a direct and significant impact on coastal waters and requiring such projects to comply with the coastal management program would ensure that only relevant developments would be subject to the restrictions of the management program. However, this could be accomplished only if either (1) all proposed development within a vast area is monitored by the coastal agency to determine probable impacts on coastal resources; (2) all proposed development is submitted to the coastal agency for an initial review. This alternative would eliminate the need for some projects that would be within a geographically defined "coastal zone" from being subject to the provisions of the management program if they are functionally unrelated to the coast. But it would provide a great deal of uncertainty to developers in initiating their plans because they would not know if the coastal management provisions would apply to their projects. It would also require two administrative mechanisms to be developed: one for determining whether a project would have a direct and significant impact on coastal resources and another for determining whether the project would comply with the management program.

Alternatives also exist for the area in which local planning must be brought into conformity with the Coastal Plan. Plans for entire jurisdictions that border on the coast could be required to be consistent with the Coastal Plan. This would alleviate the problem of having different zoning restrictions and ordinance requirements apply to the coastal portion of a municipality than to inland areas. But in some cases it would apply State policy to areas that were not studied as part of the management program development (again, the Los Angeles County example is relevant) or might not cover a municipality at all if it is back from the immediate coastline.

Limiting local coastal planning to a smaller area directly along the coast would force the planning to be concentrated on the most pressing issues but would attempt to resolve them without addressing them in the context of the larger coastal resource management area that was derived from an intensive investigation of coastal resources.

Similarly, direct State involvement in the management program could cover a larger area than proposed, be limited to a smaller area, or be based on a case-by-case determination of a project's impact on the coast. The most apparent alternative for a larger area which would be subject to direct regulation by the State would be the coastal resource management area without the limitation of 1,000 yards maximum as proposed in the Coastal Plan. This would clearly give the State direct jurisdiction over the area it identified as being important to coastal management in its planning, but would, in some cases, greatly extend the direct regulatory authority of the Coastal Commissions. This would appear to be unnecessary in light of the experience of the past three years, because in some areas the Coastal Commission has found that the 1,000-yard wide permit area is more than adequate and has, therefore, recommended that the CRMA should be smaller than the permit area. In some areas this zone is more than adequate and the CRMA is reduced accordingly.

Finally, reviewing projects on a case-by-case basis to determine whether they would impact the coast would require essentially the same administrative mechanism as would a direct regulatory program, as well as the same advantages and disadvantages of a functionally defined rather than geographically defined coastal zone as previously discussed.

Alternative Management Techniques

In developing its final recommendations, the Coastal Commission considered five broad alternatives for carrying out the coastal management program. They were:

(1) Multi-Purpose State Agency. A new State agency could be created not only to carry out the Coastal Plan but also to have responsibilities in several related areas--perhaps statewide land use planning and regulation, transportation, energy supply and conservation, control of air, and water quality. Under this alternative, carrying out the Coastal Plan would presumably be the responsibility of a division or department within a very large and powerful agency. In theory, such an agency would provide for effective coordination among the many areas of interest that affect the coast, such as highway construction, agricultural land policies, and water quality control. In practice, it is likely that such coordination would depend largely on the priorities established in the enabling legislation and by the governing body. Whatever the statewide benefits of such an agency, it is clear that coastal protection would be unlikely to receive the high priority given it by the people of California through passage of the Coastal Initiative (Proposition 20) in 1972.

One option within this general alternative would be a statewide agency of the type outlined above, but with regional components--multi-purpose regional agencies--in at least the urban areas of the State.

(2) Single Statewide Agency. If economy were the main criterion, the best coastal agency would be a single statewide agency. There would be no regional components. The State agency would do all the coastal planning and regulation called for by the Coastal Plan; local governments would merely continue their present functions and authority. Because the workload for such a State coastal agency would be great, a commission of full-time members would probably be required. Without regional components, it might be difficult for such an agency to fully recognize and deal with the diversity of coastal areas. It would also exclude local government representation and greatly reduce public membership. Finally, accessibility of the public might be limited if there were only one headquarters in the State.

(3) State Coastal Agency with Regional Components. Under this alternative, a State coastal agency would be established but it would have regional components to provide for greater public visibility and accessibility. Perhaps the structure established under the Coastal Initiative (Proposition 20) could be continued with a State and regional commissions; perhaps there could be a State commission, with regional as well as statewide representatives, and with regional offices or division but not commissions.

(4) Carrying Out the Plan Entirely by Local Governments. Under this alternative, there would be no State agency. Existing State agencies (such as the Departments of Transportation, Fish and Game, and Parks and Recreation) would be directed to carry out the Plan policies within their areas of responsibility, and the bulk of the responsibility would rest with local governments. One way of achieving this would be legislation requiring that each local government have within its General Plan a coastal element consistent with the Coastal Plan. Another would be to require a comprehensive planning and implementation program to carry out Coastal Plan policies. Such a program might include capital improvement budgets and specific implementation techniques and ordinances, in addition to a land use plan.

This alternative would provide for public accessibility to the agency and should provide for efficient and economical operation. The principal drawback, however, is that this alternative could not provide for a comprehensive view of the coastal zone. In the absence of a State coastal agency to oversee implementation of the Coastal Plan it seems likely that varying interpretations and applications of coastal policies will occur. The Plan cannot always be specific enough to prevent conflicts. Providing for Plan revisions would also require some form of continuing State involvement in coastal planning.

Also, could this alternative adequately protect coastal resources of state wide importance, weigh and balance local vs. statewide issues, and deal effectively with the concerns of single-purpose agencies such as those in the field of transportation. Many of the adopted policies in the Coastal Plan have statewide coastal implications and may be beyond the scope of local governments to administer alone. Examples include: (a) coastal siting considerations for major energy facilities (power plants, refineries, offshore drilling platforms, liquid natural gas facilities, and tanker terminals) that are needed to meet California and national energy demands; (b) protection, enhancement, and restoration of resources of statewide importance, such as fishery resources, migratory bird habitats, and remaining wetlands through comprehensive statewide management programs; (c) the preservation of scenic vistas, significant open spaces, coastal dependent agricultural lands, and major coastal recreation areas that transcend local jurisdicational boundaries; (d) ensuring maximum public access to the shoreline; and (e) the development of major inter-regional ports and coastal transportation facilities. Local implementation of the Coastal Plan could not adequately protect these and similar statewide interests without some kind of effective coordinating agency. It is quite clear that this type of alternative would not meet the requirements of the CZMA.

(5) Plan Implementation Primarily by Local Governments but with a State Coastal Agency. This alternative would provide that most of the Plan policies would be carried out by local governments, but that a State coastal agency would be created (a) to continue planning efforts in order to keep the Coastal Plan up to date, (b) to hear appeals from decisions of local governments challenged as being in conflict with the Coastal Plan, and (c) to safeguard the statewide interest in coastal resource management.

This alternative has several possible variations within it: there could be a single State coastal agency, or a State agency with regional components. Further, there could be regional components in existence for a short time, perhaps three years, to review local plans for conformity with the Coastal Plan. This alternative would provide for maximum plan implementation by local governments but for a continued State planning and monitoring role.

These alternatives were subjected to 20 public hearings throughout the State, intensive debate by the Coastal Commissions, and further refinement before the Commission developed its final recommendations. Beyond these a few alternatives are still being actively considered for carrying out a coastal management program. Each is discussed on the following pages.

Legislature Mandate Program for Local Government Implementation

One alternative would be to mandate local implementation of a coastal management program but to provide no administrative mechanism to enforce or review local plans and programs. Enforcement would be entirely judicial and extensive litigation would be required to define the requirements of the program and to ensure compliance by cities and counties. State agencies would continue to exercise responsibility for certain aspects of coastal protection but would be free to define their roles as they wished unless a court determined otherwise.

This alternative would, in effect, take the Coastal Plan, or a similar set of policies governing the California coast, and set them aside for casual reference only. The approach is likely to have almost the same results as the alternative, of no coastal program at all. This is not because government agencies would ignore the Coastal Plan or their legal responsibilities to implement it under this alternative. As a practical matter, the policies would be subject to interpretations and without either sanctions or incentives to carry them out, individual agencies would develop coastal protection programs only to the extent that they did not conflict with their other mandated activities. There would be no comprehensive or coordinated approach to coastal zone management, and there would be no way to resolve conflicts among government agencies or between citizens and government.

Because enforcement of the policies adopted in this fashion would be solely through the courts, few citizens would have legal standing or the personal resources to participate in coastal management decisions. Many projects that were denied permits under Proposition 20 because of their adverse impact on the coast would no doubt be built under this alternative since, starting January 1, 1977, coastal property owners and developers could begin construction as soon as local building permits were issued. It would be extremely difficult to block development under this alternative since a private citizen or organization would be required to seek judicial relief in each instance where a project violated the policies of the adopted coastal management program. Unless a court halted construction immediately, even successful suits would have little effect since the environmental damage they sought to prevent would have already occurred.

As in the first alternative, however, some communities would voluntarily embrace the principles of the adopted program and would initiate changes in their local general plans and ordinances. Coastal zone management would become a part of State planning law and gradually would gain acceptance by all local governments--just as most general plan requirements have today. In a survey of coastal counties in 1974 by the Governor's Office of Planning and Research, about 25 percent of the plan elements required by State law were found to be "dissimilar" to the State mandated guidelines (see Local Government Planning Survey, 1974). Thus, while there is general compliance, there is considerable room for dissent. One might well imagine that a similar level of compliance could eventually be achieved with a State-mandated program for coastal zone management.

Local Implementation with Minimal State Oversight

A second alternative would be to provide an administrative mechanism in State government for resolving conflicts between State and local agencies but to provide local governments with a maximum of discretion in determining their own coastal amangement programs. It has been suggested, for example, that a board be established in the Governor's office composed of selected members of the Cabinet and heads of the State's environmental regulatory agencies to review locally prepared coastal plans and ordinances. The board, assisted by a small staff, would replace the six Regional Coastal Commissions and one State Commission established by Proposition 20.

The authority of this board would be extremely limited. The interim permit control that has been exercised by the Coastal Commissions would return to local governments with no State oversight. Local governments would be required to prepare and submit local coastal programs but the requirements established by the State would be extremely broad and the Board would have little authority to enforce them. This approach would provide some mechanism for administrative resolution of coastal planning issues. It would insure that local governments adopt local coastal programs which at least consider the State's guidelines for coastal zone management.

At the same time, there would be a return to the fragmented approach to coastal zone management that characterized California before Proposition 20. Local governments would have broad discretion in the implementation of state-mandated policies and many developments denied under Proposition 20 would be constructed. The opportunity for some consensus between State and local agencies on the character of future coastal development would be lost and the avenues for citizen participation that have sustained broad public involvement in coastal planning over the past three years would be largely closed. The Coastal Commissions, consisting 50 percent of local elected officials and 50 percent of public members, would be replaced by a small appointed board with little authority to protect the State's interest in coastal zone management and whose members would be preoccupied with their agency responsibilities and concerns.

Local Implementation with Joint State-Local Planning.

This alternative is basically that proposed by the Coastal Plan. A comprehensive framework of findings and policies would be incorporated into State law and a State agency with both planning and regulatory authority would be established to: (1) continue regulating the use of land near the coast; and (2) assist local governments in preparing detailed local plans and ordinances which will carry out the policies adopted by the Legislature. The State agency could consist of six Regional Coastal Commissions and a State Commission or be consolidated into a single State Commission. The main advantage of this approach is that the experience and expertise of the agencies established by Proposition 20 would be carried forward as part of the permanent coastal zone management program. Regional Commissions, which are more accessible and responsive to local planning needs, will play an important role in resolving conflicts between State and local agencies.

In addition, as a practical matter in administering a statewide permit program, a single part-time State Commission could not review all permit applications.

As proposed in the Coastal Plan, this approach would set aside an interim period during which coastal cities and counties and the Coastal Commissions would work together to bring local general plans into conformity with adopted statewide policies. There would be extensive contact between State and local agencies during the Plan revision process and opportunities for public input at each stage of the planning would be provided. The joint effort would require concessions on both sides - local governments might have to modify plans to convert prime agricultural lands to urban uses, for example, or to abandon the filling of wetland areas for industrial development. But the Coastal Commissions would have to meet the local governments half-way, providing flexibility in the application of statewide policies while insuring that the adopted coastal zone management program are followed. After certification of local coastal programs, local governments would have sole regulatory authority over development that is consistent with the approved local plan.

Several additional aspects of this alternative come into play at this point. First, the Commission could have authority to review implementing ordinances as well as local general plans and thus have the right to scrutinize all future changes adopted by local governments in carrying out their coastal programs. The advantage of giving a State agency this authority is that it would insure that the policies incorporated into local plans are in fact being carried out. The disadvantage is that this would involve a State agency in the day-to-day decisions of local government on how to best implement adopted policy. While a one-time review of ordinances seems quite feasible, ongoing review authority in this area could become administratively cumbersome.

Second, there is the question of permanent State regulatory authority after local coastal programs are approved. The Coastal Plan suggests that, in addition to projects that violate a certified local program, conversion of agricultural land and construction of energy facilities and major public works projects should be subject to Coastal Commission review on a permanent basis. The advantage of this added regulatory power is that highly significant local land use decisions would be subject to administrative resolution at the State level. The disadvantage is that such power could discourage local governments from seriously negotiating on their local coastal programs since they could not be confident of having the power to administer them once adopted. The authority to review local ordinances and to hear appeals would allow the State to participate in the fine-tuning process of implementing approved local programs. The alternative to this gradual approach seems to be the application of administrative sanctions initiated when the Commission finds that a local coastal program is being violated.

Third, activities along the coast which fall within the purview of existing regulatory programs can either be regulated concurrently by the coastal agency and the statewide agency involved or be exempted from coastal agency review. The former approach insures that the coast will be managed comprehensively and that standards for development along the coast will be applied to deal with environmental problems which are unique to the coast. The debate over concurrent jurisdiction to date has involved energy facility siting and the regulation of forest practices -- two areas in which the responsibilities of statewide agencies (i.e., the Energy Commission and the State Forestry Board) could overlap with that of a coastal agency. The arguments against this approach, however, are that it is "unfair" to require different standards on the coast than elsewhere in the State, and that concurrent regulation is inefficient and wasteful.

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