ANALYSIS OF INITIATIVE PROVISIONS

The initiative has been widely publicized as a measure designed to protect the coast. There are few who would disagree with this goal. Indeed, conservation groups, labor unions, local governments, and business in general have all supported various legislative measures during recent years designed to provide, in some measure, additional protection for the coast.

As with any complex and difficult issue, however, there are always a variety of proposals and each has current and future implications. In evaluating the precedent setting proposals contained in the initiative, therefore, it is important to consider specifics, such as:

1. What is the area that will be subject to additional planning and development regulations? In other words, how does the initiative define the coast?

2. What will be the nature of the new planning and development regulations, and who will they affect?

3. What are the implications for current planning and development activities within the coastal area?

4. Will the additional planning and development regulations result in additional acquisition and development of the coast for public purposes?

The California Coastline Initiative is far-reaching in its effect. It has a direct impact on those who propose to construct something in the coastal area, regardless of whether they are public agencies or individuals in the private sector. It penetrates deeply into the present authority of existing

governmental agencies and elected officials who are now responsible for planning and regulating land-use in the coastal area. It has a direct impact on those who live in the coastal area and on the future use of their property, as well as on those who simply visit the coast. Finally, it has an important effect on those residing outside of the coastal area, but who are residents of the State.

As implied, the implications of this complex measure, and the inter-relation of its provisions on groups and individuals, is not readily apparent without a careful examination of the specifics. Accordingly, it is necessary to consider several aspects of the initiative in detail. For example, what are the implications of the planning area and permit area that are provided for in the initiative. In other words, (1) what is the coast and (2) will densely populated and developed urban areas be excluded from its provisions? Leaving aside any practical and procedural problems that may be inherent in the initiative, (3) what effect will initiative boundaries have on comprehensive planning, and (4) what impact will its procedures have on development and redevelopment plans of public agencies and private parties? Assuming a new process of planning and regulating land use in the coastal area is necessary, (5) what effect will the process that is proposed in the initiative have on representation of local areas?

From a practical standpoint, it is important to consider whether the initiative is workable. For example, (6) are its provisions uniform, and (7) will they create substantial administrative problems? More importantly, (8) what will be the likely fiscal impact if the initiative is adopted, and (9) will it result in additional acquisition and development of the coast for public purposes?

WHAT IS THE COAST?

The California shoreline runs for approximately 1100 miles between Oregon and Mexico. Fifteen (15) of the 58 counties in California front on the shoreline. The nature of the shoreline and adjacent areas is vastly different as one travels up and down the Pacific Coast. In urbanized counties such as San Diego, Orange, Los Angeles, or San Francisco, as well as parts of other counties, much of the land area adjacent to the shoreline is highly developed and heavily populated. As an example of the intense use and activity that occurs in the urbanized portion of the coastal area, the Southern California Association of Governments (SCAG) reports in its initial coastline study, as follows:

> "...approximately 95% of the Southern California population lives within a 1-hour drive of the coast; 30% of California shipping is handled in the Los Angeles and Long Beach Harbors; 90% of Southern California commercial aircraft landings and take-offs occur immediately adjacent to the coast; much of the Southern California oil extraction is from the coastal zone, where 2/3 of the electrical power for the region (is also generated). Commercial fishing in Southern California is a $39,000,000 business annually, and pleasure boating is estimated to generate another $100,000,000 in business per year..."

As indicated, the shoreline in urbanized areas is widely used for a variety of purposes. In these areas the concern that has generally been expressed over coastal protection has related to any future development that would reduce existing beach frontage or impede public access to the beach area.

In rural areas, on the other hand, the nature of the shoreline is vastly different. Large parcels of land, running for miles along the coast and inland

to the nearest road, remain relatively unpopulated and undeveloped. In these areas, the concern over coastal protection has generally been to provide additional visual and pedestrian access to the shoreline, and to protect large undeveloped areas adjacent to the shoreline from future development that might significantly reduce existing land, wildlife, and other resources, or otherwise detract from the present natural state.

Virtually all of the studies of the California coastline that have been made in recent years as a first step toward providing additional coastal protection have recognized and documented this basic distinction between developed and undeveloped portions of the shoreline. For example, the recently completed Comprehensive Ocean Area Plan (COAP), resulting from a three-year study effort by the State, included a physical inventory of shoreline land use which showed:

1. 65% of the COAP inventory area (the entire State coastline inland to approximately 1/2 mile from mean high tide) is presently undeveloped. Of that which is developed, over 30% is devoted to agriculture or recreational facilities.
2. Over 80% of the shoreline (as opposed to the broader COAP inventory area referred to above) is devoted to semi-urban, agricultural, or undeveloped uses. Less than 20% of the shoreline is devoted to urban uses.

Other studies aimed at improving coastline protection have recognized that the nature of the problem is different in developed and undeveloped areas of the coast. For example, the Bay Conservation and Development Commission (BCDC), operating in the highly urbanized nine-county bay area, was created to regulate

filling of and to provide access to the San Francisco Bay. To accomplish these objectives, the area over which BCDC has planning and permit control is limited to a 100 foot strip of land around the Bay. After two years of study, the Ventura-Los Angeles Mountain and Coastal Study Commission has recommended that the Legislature revise the boundaries of its study zone "to exclude certain areas already urbanized and/or subdivided..." The Association of Bay Area Governments (ABAG), in its Ocean Coastline Study for the nine-county bay area, defines the inland extent of the coastal zone as being generally the ridge line of the coastal range of hills or five miles if access is provided by a roadway or potential roadway, except in urbanized areas where the boundary follows the major highway closest to the shoreline. The Southern California Association of Governments (SCAG) has adopted similar criteria for its coastline planning program.

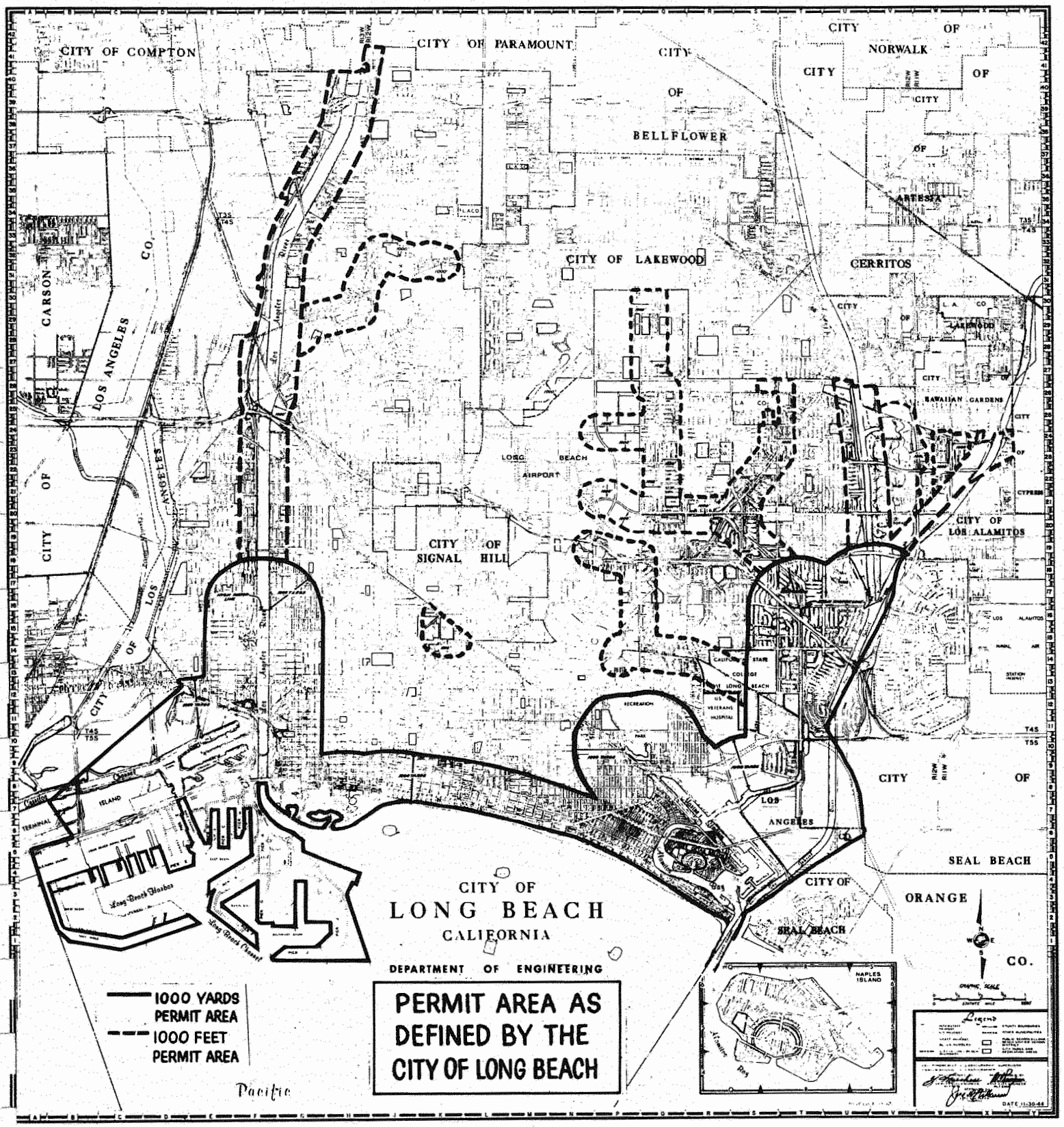
Unlike these other studies, the California Coastline Initiative defines both the developed and undeveloped portions of the coast in the same manner. In terms of "planning area," it defines the coast as that area extending inland to the top of the nearest coastal range (except in Los Angeles, Orange, and San Diego Counties where it would be the top of the nearest coastal range or five miles, whichever is the shortest distance). The "permit area" in both developed and undeveloped portions of the coast would extend inland 3,000 feet from mean high tide.

The definition of the coastal area that will be subject to new planning and development regulations under the initiative clearly extends beyond the shoreline itself, and even beyond land immediately adjacent to the shoreline. By applying the same definition to developed and undeveloped areas of the coast, new planning and development regulations under the initiative will extend to entire

cities and the urbanized portion of unincorporated areas immediately adjacent to the shoreline. In some highly urbanized areas, the coastal range or five mile planning area, and the 3,000 feet permit area, will also apply to cities two and three back from those located directly along the shoreline. For example:

> Long Beach, with five of its seven miles of shoreline in publicly-owned beach, indicates that the 3,000 foot permit area takes in all of its port, a major part of the downtown area, and numerous inland residential areas.
>
> Santa Monica, with all of its 3 1/2 miles of coastline in public ownership, reports that the entire city would fall within the initiative planning area, while a substantial portion of the downtown area would be subject to the new permit requirements.
>
> Although 5 1/2 of the 8 1/2 miles of coastline are presently in public ownership in Huntington Beach, most of the town lot area would be subject to the new permit requirements, and the entire city would fall within the planning area.
>
> The five mile planning area includes most of the population of San Diego County.
>
> The initiative planning area would cover all of the City of Monterey, as well as the nearby City of Seaside which only has a 600 foot stretch of beach within its boundaries.

As indicated previously, most studies have distinguished between developed


CITY OF COMPTON
CITY OF PARAMOUNT
CITY OF BELLFLOWER
CITY OF NORWALK
CITY OF ARTESIA
CITY OF LAKEWOOD
CERRITOS
CARSON
LOS ANGELES CO.
CITY OF LOS ANGELES
LONG BEACH AIRPORT
CITY OF SIGNAL HILL
CITY OF LOS ALAMITOS
CITY OF HAWAIIAN GARDENS
CITY OF SEAL BEACH
CITY OF ORANGE CO.
CITY OF LONG BEACH
CALIFORNIA
DEPARTMENT OF ENGINEERING
1000 YARDS PERMIT AREA
1000 FEET PERMIT AREA
PERMIT AREA AS DEFINED BY THE CITY OF LONG BEACH
Pacific
Long Beach Harbor
NAPLES ISLAND

and undeveloped portions of the coast, and have recognized the different nature of highly urbanized areas by suggesting planning and permit procedures that would be less extensive in their coverage, yet adequate to control coastal development from the standpoint of providing additional beach access and preventing any reduction in existing shoreline area. For example, the Comprehensive Ocean Area Plan (COAP) recommended a permit zone of 300 feet inland from mean high tide (rather than the 3,000 feet provided by the initiative), and the coastal planning program of the Southern California Association of Governments (SCAG) provides for a permit area that is generally no more than one lot or 200 feet inland from the nearest coastal road.

It is interesting to note that even the Sieroty coastline protection bill (AB 200, 1972 legislative session), after which the initiative is patterned, provides for a more flexible recognition of the problems posed by urban areas by excluding certain areas not exempt under the initiative and, importantly, providing that any portion of the permit area lying more than 500 feet inland from mean high tide may be exempt. The specific provisions relating to permit area included in AB 200 that are not in the initiative include:

> "The areas of jurisdiction, as of January 1, 1972, of the Los Angeles and Long Beach Harbor Districts are excluded, except that beaches or other areas used predominantly for public recreation on January 1, 1972, shall be included. The areas of such harbor districts lying outside the harbor breakwater are not excluded under this subdivision."
>
> "Any portion of the permit area lying more than 500 feet inland from the mean high tide line may be excluded by the commission upon recommendation of a regional commission and after a public

hearing or hearings, upon a specific finding that there is no need to exercise the powers granted pursuant to this division in such portion in order to carry out the objectives of this division. However, any such exclusion may be revoked by the commission, after a public hearing, and shall terminate automatically upon a change of zoning or granting of a variance."

"At the request of a city or county, the regional commission may, after a public hearing, exclude from interim permit control:

(1) Except beaches or areas used predominantly by the public for recreation purposes, the land area of any harbor district, together with appurtenant facilities on and under water areas within such district, which are zoned and built upon for commercial or industrial purposes on or before January 1, 1972; and

(2) Except beaches, the land area of any marina, together with those facilities within the marina that are necessary for its operation, provided that such marina has been at least 50 percent completed as of January 1, 1972."

While the initiative would clearly apply in the manner described above to urban areas adjacent to and near the shoreline, there is no way to determine for all areas of the state exactly what land would be included within the coastal planning and permit area. This confusion is principally because of the definitions of planning area and permit area that are included in the

initiative. For example, the inland boundary of the planning area is defined as the "highest elevation of the nearest coastal range." However, it is generally agreed that there is no singular of official definition of coastal range and this, of course, leaves the definition "highest elevation of the nearest coastal range" open to widespread debate and question. Even if it were possible to indicate with precision the top of the nearest coastal range, however, this definition, would still create problems by leaving questions such as the following unanswered:

1. Where there is no distinguishable coastal mountain range, what happens?

2. When a coastal range ends or divides, where does the line following the highest elevation go?

3. What happens to the boundary of the coastal zone where large valleys meet the coastline?

A literal reading of the definitions included in the initiative could result in a highly irregular set of coastal planning and permit boundaries. In some cases, for example, the highest elevation of what would appear to be the nearest coastal range goes for miles inland, while in other parts of the state it would only go inland several hundred feet, and certainly nowhere near principal coastal roads.

Another planning oddity created by the initiative relates to the land surrounding the nine-county San Francisco Bay. The initiative expressly exempts the jurisdiction of the Bay Conservation and Development Commission from its provisions. This means that the bay itself and a 100 foot strip of land surrounding the bay is exempt. However, because the San Francisco Bay appears to

DIFFICULTIES WITH DEFINITIONS OF "PLANNING AREA" & "PERMIT AREA"

WHAT IS "THE HIGHEST ELEVATION OF THE NEAREST COASTAL RANGE?" IS IT THE MOUNTAINS COMING STRAIGHT OUT OF THE OCEAN, THE FIRST SERIES OF SMALL HILLS, OR THE FIRST TRULY LARGE MOUNTAIN RANGES?

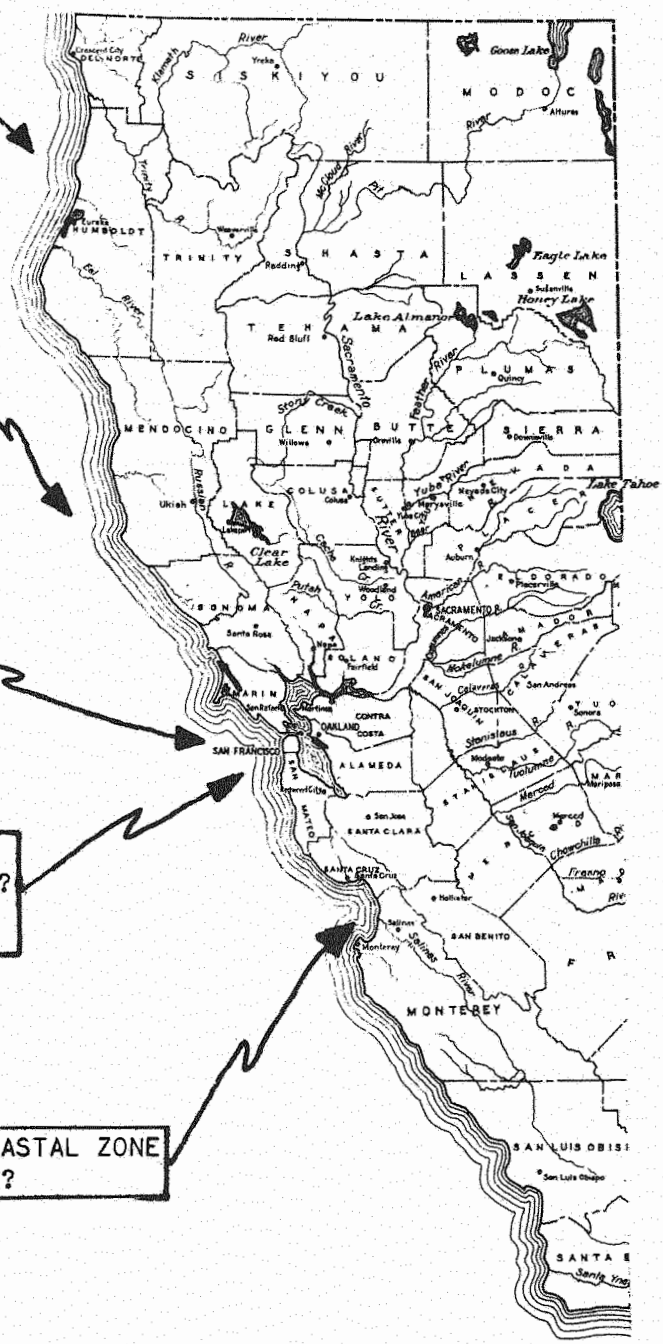
WHEN A SINGLE MOUNTAIN RANGE ENDS OR DIVIDES INTO TWO RANGES, WHERE DOES THE LINE FOLLOWING THE HIGHEST ELEVATION GO?

WHERE THERE IS NO DISTINGUISHABLE MOUNTAIN RANGE OF ANY KIND, WHAT HAPPENS?

IN THE BAY AREA, WHERE IS THE HIGHEST ELEVATION OF THE NEAREST COASTAL RANGE?

TWIN PEAKS? MT. DIABLO?

WHAT HAPPENS TO THE BOUNDARY OF THE COASTAL ZONE WHERE LARGE VALLEYS MEET THE COASTLINE?

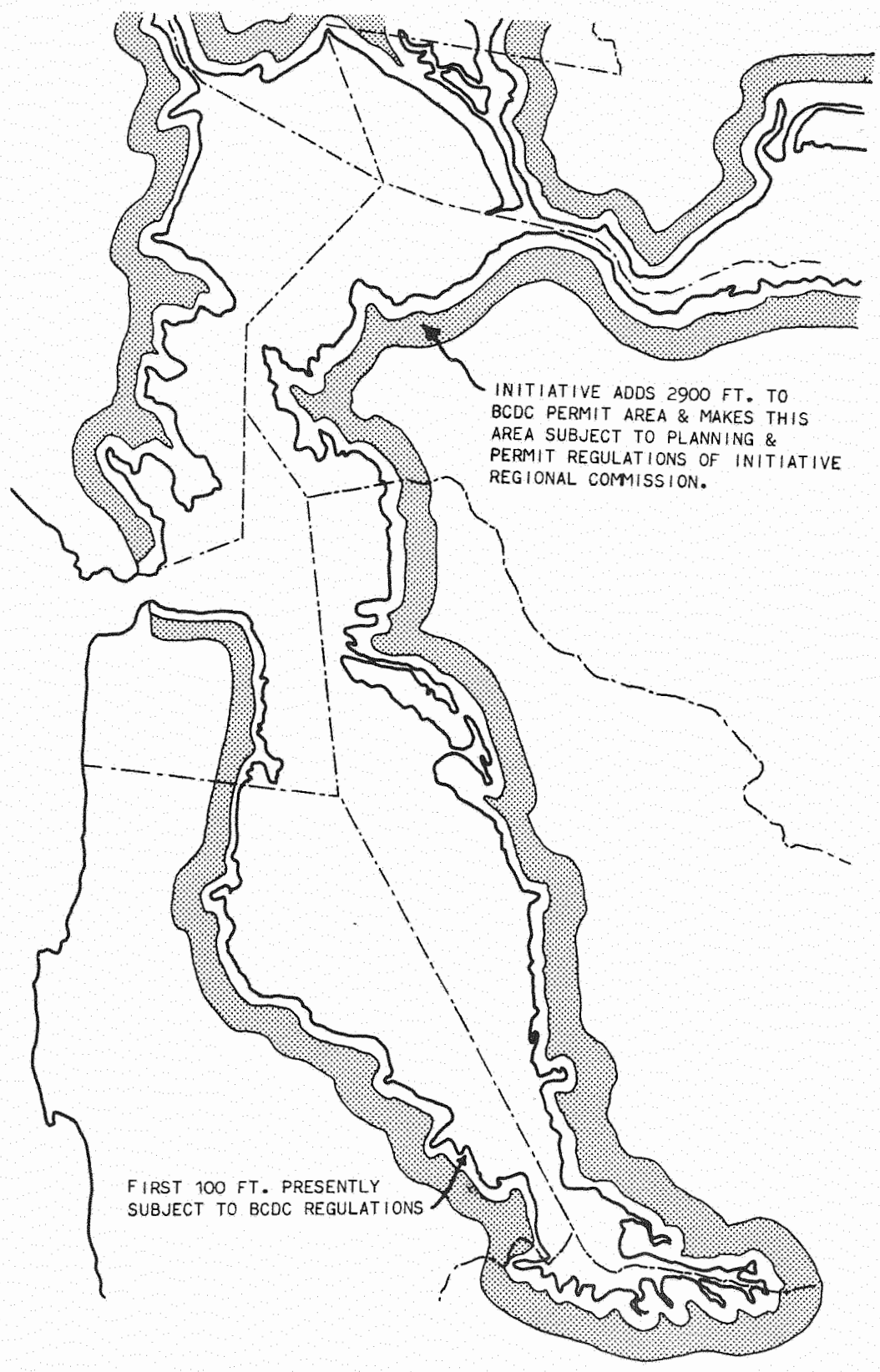


clearly fall within the coastal zone as defined by the initiative, the remaining 2,900 feet of land surrounding the bay, as well as land adjacent to any body of water emptying into the Bay that is not subject to tidal action, would be subject to the new permit requirements of the initiative. Even the Sieroty coastline protection measure exempted this additional 2,900 foot area by including the following provision in AB 200, which is not in the initiative:

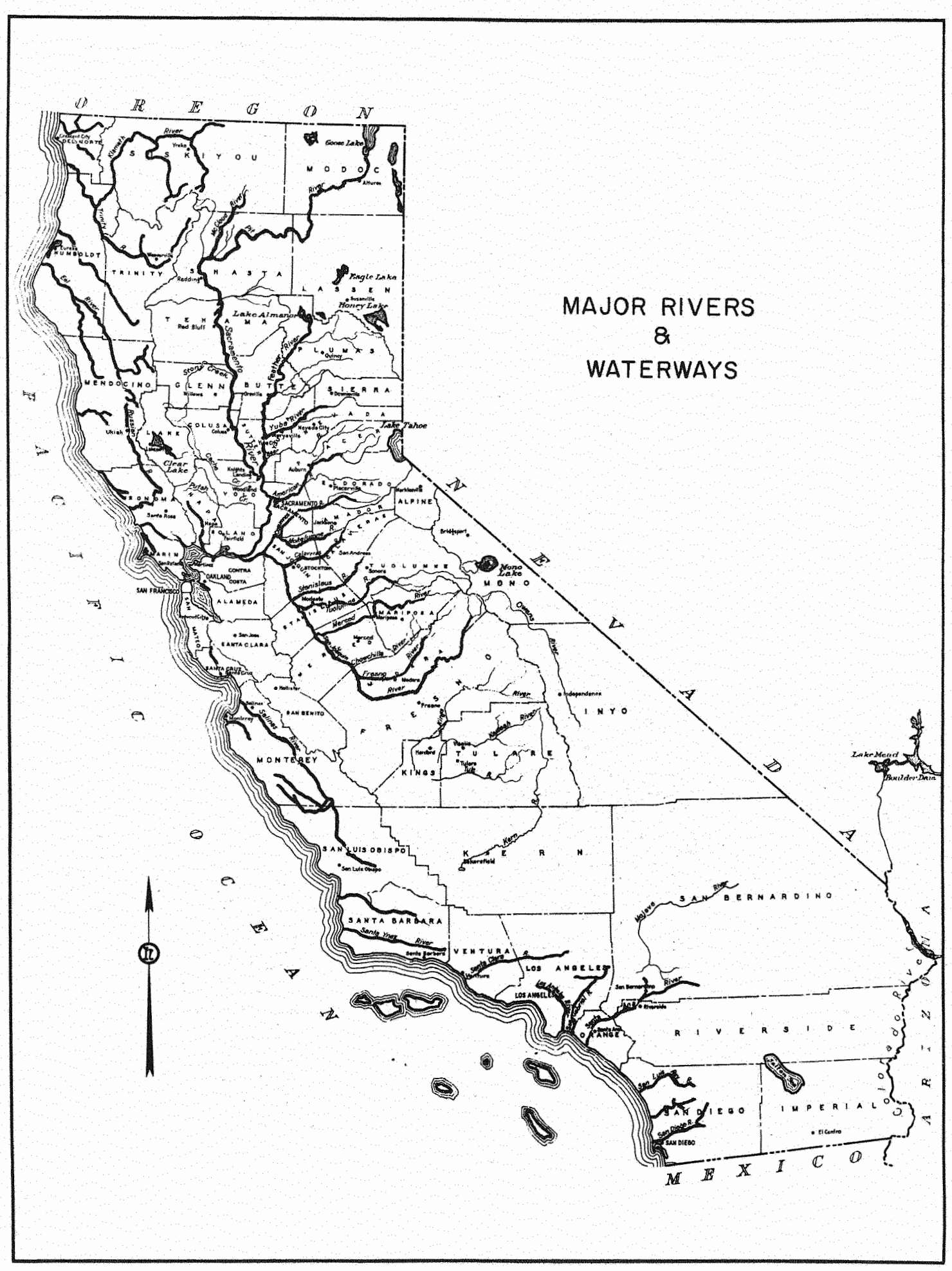
> "The area of jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Section 66610 of the Government Code, together with all contiguous areas 2,900 feet landward thereof, is excluded..."

By defining the inland boundary of the coastal zone as the highest elevation of the nearest coastal range, it also appears probable that the Delta area, going inland as far as Sacramento and Stockton, would be subject to the new permit requirements.

The initiative also provides that "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 shall be included." Although "body of water" is not defined, this provision, if construed literally, would have the effect of imposing permit requirements hundreds of miles inland from the shoreline on all development within 1,000 feet from any lake, river, creek, or similar body of water not subject to tidal action but emptying into the Pacific Ocean or other water area subject to the initiative permit procedures. Many of the major rivers and waterways are affected.



COMPARISON OF BCDC PERMIT AREA WITH INITIATIVE PERMIT AREA FOR SAN FRANCISCO BAY AREA


MAJOR RIVERS
&
WATERWAYS
OREGON
NEVADA
PACIFIC OCEAN
MEXICO
SISKIYOU
MODOC
HUMBOLDT
TRINITY
SHASTA
LASSEN
PLUMAS
SIERRA
NEVADA
MENDOCINO
GLENN
BUTTE
COLUSA
LAKE
YUBA
PLACER
EL DORADO
SONOMA
NAPA
SOLANO
SACRAMENTO
ALPINE
MARIN
CONTRA COSTA
SAN FRANCISCO
OAKLAND
ALAMEDA
TUOLUMNE
MONO
STANISLAUS
MARIPOSA
SAN JOAQUIN
SANTA CLARA
MADERA
FRESNO
INYO
SAN BENITO
MONTEREY
KINGS
TULARE
KERN
SAN LUIS OBISPO
SANTA BARBARA
VENTURA
LOS ANGELES
SAN BERNARDINO
RIVERSIDE
ORANGE
SAN DIEGO
IMPERIAL
Lake Tahoe
Eagle Lake
Honey Lake
Lake Almanor
Goose Lake
Mono Lake
Lake Mead
Boulder Dam
Salton Sea
Colorado River
Sacramento River
Klamath River
Eel River
Feather River
Yuba River
American River
Russian River
Clear Lake
Putah Creek
Cache Creek
Stony Creek
Mokelumne River
Calaveras River
San Joaquin River
Stanislaus River
Tuolumne River
Merced River
Chowchilla River
Fresno River
Kings River
Kaweah River
Kern River
Owens River
Mojave River
San Bernardino
Santa Ynez River
Santa Clara River
San Gabriel River
Los Angeles River
San Luis Rey River
San Diego River
Salinas River
Pajaro River
Santa Cruz
Redding
Weaverville
Yreka
Alturas
Susanville
Quincy
Willows
Orville
Oroville
Colusa
Ukiah
Woodland
Auburn
Placerville
Sacramento
Fairfield
Napa
Santa Rosa
Bridgeport
Jackson
Stockton
Modesto
Sonora
Mariposa
Hollister
Salinas
Watsonville
Santa Cruz
Fresno
Madera
Hanford
Tulare
Bakersfield
Independence
San Andreas
San Jose
Redwood City
Eureka
Crescent City
San Luis Obispo
Santa Barbara
Ventura
Los Angeles
Riverside
San Bernardino
Santa Ana
Pasadena
San Diego
El Centro

The definition of mean high tide, which is the seaward boundary of the initiative permit area, is also open to debate and question. The uncertainty arises because of the fact that, according to the State Lands Commission, the boundaries of mean high tide are not currently charted on a statewide basis and, in addition, the mean high tide changes daily due to natural causes, making substantial research necessary in order to locate the exact historical line of mean high tide. The problem of establishing a precise line of mean high tide is outlined by the State Lands Commission, as follows:

> "Since the major portion of the State sovereign lands have been affected by avulsion or artificial alteration, establishment of the "last natural water line" is often impossible and the location is necessarily a matter of arbitration and, finally, agreement between the State and the upland owner. Land exchanges usually are a part of these boundary line agreements.
>
> Boundary line agreements are consummated only in the areas where the last naturally fluctuating water boundary line cannot be located. They are extremely cumbersome and very expensive simply because of the large amounts of professional talent necessary to first determine whether the water line is fluctuating normally, and then to research and prepare maps which will indicate not only the compromise agreement line, but also will take into consideration legal precedents, title problems, constitutional prohibitions, and sometimes large amounts of conflicting survey data. Next, every affected shoreline neighbor

must be a party to the agreement. This includes those on the opposite side of a river or channel, since that is the only way the State can protect itself from extravagant claims which could leave no navigable remainder. Some of these agreements, such as one in South San Francisco Bay, required 14 years to consummate. Two years or more are common."

Officials of the State Lands Commission estimate that it could take up to 50 years and $100,000,000 to exactly fix the boundaries of mean high tide.

EXCLUSION OF URBAN AREAS

As indicated, the initiative establishes one common planning area and one permit area for the entire coastline. Specifically, the planning area extends inland to the highest elevation of the nearest coastal range (or five miles, whichever is shorter, in Los Angeles, Orange, and San Diego Counties), and the permit area extends inland 3,000 feet from mean high tide.

Although the initiative does not establish one standard for undeveloped areas and another for developed areas, it does include the following provision designed to minimize the impact of proposed permit requirements in urban areas:

"Any urban land area which is (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, may, 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 is "stabilized" if 80 percent of the lots are built upon to the maximum density or intensity of use permitted by the applicable zoning

regulations existing on January 1, 1972."

When read quickly, the language permitting exclusion of urban areas would appear to offer the possibility of exempting large portions of the coast that are heavily developed. However, a closer examination of the initiative and the impact of its provisions limits this possibility considerably. For example, the general language permitting exclusion is modified by the following:

> "Any urban land area...may be excluded by the regional commission..."
>
> "Orders granting...exclusion shall be subject to conditions which shall assure that no significant change in density, height, or nature of uses occurs."
>
> "An order granting exclusion may be revoked at any time by the regional commission, after public hearing."
>
> "Tidal and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach shall not be excluded."

In addition to the above conditions, the language of the initiative regarding the circumstances when areas may be excluded is itself unclear. More specifically, a residential, commercial, or industrial area must have 80 percent of its lots "built upon to the maximum density or intensity of use permitted...," yet the initiative fails to provide any guidelines for measuring 80% of what. Who defines the boundaries of a particular "urban land area?" Do they run, as does the permit area, from mean high tide? Do they include one block, an entire subdivision, or the overall permit area? The answers to questions such

as these will have much to do with what development within the 3,000 foot area will be subject to and what will be excluded from the additional permit requirements.

Even with the most liberal interpretation regarding urban areas eligible for exclusion, there are some practical situations that are common in cities and other urban areas along the coastline that will prevent exclusion. For example, many urban areas have large land areas that were developed as single-family residential some years ago. Today, however, these are transitional areas and they are zoned for something other than single-family residential in order to encourage redevelopment. To come under the 80 percent requirement of the initiative, it would be necessary to change the zoning in these areas which would be counter-productive, at best. Similarly, many cities have redevelopment projects planned or underway, and these could easily result in large downtown and other areas being unable to qualify for the 80% developed criteria. Many residential areas are developed to maximum intensity, yet they are not equivalent to four or more lots per acre. Thus, they would also be ineligible for an urban exclusion.

It is also important to note that there is no provision for excluding any portion of any urban area from the coastal planning zone. The planning zone is the area that will be the basis for regional and state coastline protection plans that are to be submitted to the Legislature in 1976. The initiative provides that such plans shall include "recommendations for specific uses or within which specific uses should be prohibited," and it is reasonable to assume that the methods of implementation that are recommended will be similar to the additional permit process proposed initially for development that occurs within 3,000 feet of mean high tide. As indicated previously, the planning area is essentially five miles inland in Los Angeles, Orange, and San

Diego Counties, and extends inland to the "highest elevation of the nearest coastal range" in the other coastline counties.

Although the initiative permits regional commissions to exclude highly developed urban areas, it seems clear from an overall reading of initiative provisions that it is intended that essentially all development in the short and long run within urban areas adjacent to or near the shoreline be subject to the additional permit requirements. In this regard, the following findings of a recent study entitled "The Quiet Revolution in Land Use Control", prepared for the Federal Council on Environmental Quality, regarding the appropriateness and effectiveness of permit regulations are particularly interesting:

> "Changes in a state's pattern of land use involve thousands of individual decisions--to drill a well, to widen a street, to build a power plant, to build a garage--the new patterns that result are the sum of all these decisions, some major, others very minor. The state's goals can be achieved if only the major decisions can be regulated. One of the very important issues in each state land regulatory system is to separate the major decisions from the minor so that state officials are not bogged down with gas station applications when they should be considering power plant sites, and so that irate homeowners do not have to go to the state capital to get permission to build a garage."

EFFECT ON COMPREHENSIVE PLANNING

Although it is impossible to define with precision exactly what areas of the State will be subject to the planning and development regulations proposed by the initiative, it is clear that the areas will not be confined to the shoreline

and that, particularly in urbanized areas, the boundaries will extend inland for some considerable distance. In addition to interim permit controls on essentially all development, what does the initiative propose for this undefined but extensive area?

The basic goal of the initiative is the preparation of a California Coastal Zone Conservation Plan. The coastal planning zone extends inland to the highest elevation of the nearest coastal range, except in Los Angeles, Orange, and San Diego Counties where it generally extends inland for five miles. The plan that must be prepared under the initiative for this area "shall be based upon detailed studies of all the factors that significantly affect the coastal zone," and shall contain at least the following elements:

(a) A precise, comprehensive definition of the public interest in the coastal zone.

(b) Ecological planning principles and assumptions to be used in determining the suitability and extent of allowable development.

(c) A component which includes the following elements:

(1) A land-use element.

(2) A transportation element.

(3) A conservation element for the preservation and management of the scenic and other natural resources of the coastal zone.

(4) A public access element for maximum visual and physical use and enjoyment of the coastal zone by the public.

(5) A recreation element.

(6) A public services and facilities element for the general location, scale, and provision in the least environmentally destructive manner of public services and facilities in the coastal zone. This element shall include a power plant siting study.

(7) An ocean mineral and living resources element.

(8) A population element for the establishment of maximum desirable population densities.

(9) An educational or scientific use element.

(d) Reservations of land or water in the coastal zone for certain uses, or the prohibition of certain uses in specific areas.

(e) Recommendations for the governmental policies and power required to implement the coastal zone plan including the organization and authority of the governmental agency or agencies which should assume permanent responsibility for its implementation.

In addition, the California Coastal Zone Conservation Plan must be consistent 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 non-living coastal zone resources.

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

The initiative declares that it is necessary "to study the coastal zone to determine the ecological planning principles and assumptions needed to ensure conservation of coastal zone resources," but it makes no reference to what has already been done or to what is presently in progress in terms of studies and planning efforts aimed at improved protection of the coastal area. The initiative does make an indirect reference to the Comprehensive Ocean Area Plan (COAP) and to federally recognized regional planning agencies (councils of governments), but only in terms of attempting to require these agencies to provide staff assistance to the regional and state commissions created by the initiative. As will be pointed out later, specific practical problems will prevent this type of assistance. Importantly, however, there is no requirement in the initiative that the comprehensive coastal planning efforts already completed by these agencies even be considered, let alone adopted as local elements of the proposed California Coastal Zone Conservation Plan.

A simple reading of the initiative could lead one to believe that nothing has been done in terms of identifying coastal resources and proposing effective programs for their preservations. However, many comprehensive and effective study efforts have been undertaken. Probably the most thorough, because it covers the entire coastline of the state, is the Comprehensive Ocean Area Plan (COAP). This three year study, recently completed under the direction of the State Department of Navigation and Ocean Development, involved all state agencies having some interest in the coastal area. In addition, it reviewed

present plans and programs of local agencies within the coastal zone, and it includes a detailed mapping of coastal land use patterns and ownership, as well as an extensive physical inventory of coastal zone resources. The Comprehensive Ocean Area Plan (COAP) was prepared in order to provide the Legislature and others with all the facts and specifics that are needed in order to implement an effective program of statewide coastal protection. In addition to containing comprehensive guidelines for such a program, detailed information for the entire coastline is available in ten appendices covering the following subjects related to the coastal zone:

- Permanent Coastal Zone Data and Information System
- Land Use Allocation System
- Fish and Wildlife in the Marine and Coastal Zone
- Agriculture in the Coastal Zone
- Non-Living Resources (two volumes)
- Air Resources
- Shoreline Use and Protection
- Public Health
- Education and Research

In addition to the Comprehensive Ocean Area Plan (COAP), the State Department of Parks and Recreation has completed a comprehensive "California Coastal Conservation and Recreation Plan." Federally recognized regional planning agencies (councils of governments) are also in the process of preparing detailed coastal elements for their comprehensive regional plans. For example, the Southern California Association of Governments (SCAG), the Association of Bay Area Governments (ABAG), and a tri-county effort in the Santa Cruz, Monterey, and San Luis Obispo County areas have all completed the first year of their respective coastal planning programs, and each is well on the way

to issuing a final report. As with the Comprehensive Ocean Area Plan (COAP), each of these regional planning efforts have included a detailed inventory of coastal land use and resources. Even individual cities have completed their own comprehensive studies of the coastal area. San Diego, for example, has issued two reports entitled "The Ocean Edge of San Diego" and "San Diego's Offshore Area."

It is clear that an abundance of current factual information for the entire coastal zone is now available. What is missing is a statewide plan and program aimed at providing additional protection of the shoreline and its resources. With respect to this statewide plan, the proponents of the initiative and all study efforts conducted to date agree that comprehensive planning is essential to protection of the coastline. Perhaps the best indication of this can be seen in a penetrating analysis of the experience of the San Franciso Bay Conservation and Development Commission (BCDC) in regulating filling and development around the bay. Included in a report ("The Quiet Revolution in Land Use Control") that was prepared for the Federal Council on Environmental Quality, the analysis states:

> "To say that this development (around the Bay) was 'stopped', however, merely raises a new question. Did the closing of the Bay to developers merely increase the pressure on, for example, the natural resources of the Carmel Valley? Do limitations on new office buildings in San Francisco encourage further sprawl in San Jose?"
>
> "Of course the Commission (BCDC) has no answer to these questions because it was never asked to consider them. The Commission's planning, though skillful and articulate, considered only the relatively direct impact of development on or near the Bay and did not examine all of the regional implications..."

"The San Francisco Bay Conservation and Development Commission has been extremely successful in achieving the purposes for which it was created. In the long run, however, a more comprehensive approach is needed. The crucial question is whether the Commission's success can lead to systems of state or regional planning and regulation that have broader goals, or whether it will become merely a regulatory version of a single-function special district."

The impact of the initiative on comprehensive planning, therefore, is critical. In evaluating the provisions of the initiative from this standpoint, it is important to remember that the inland boundaries of the planning zone are the highest elevation of the nearest coastal range, or generally five miles in Los Angeles, Orange, and San Diego Counties. It is clear that the coastal planning boundaries established by the initiative are in no way equivalent to comprehensive regional boundaries which, by their very nature, are broader than a 3,000 foot permit area or a five mile planning area. As pointed out earlier, what appears to be the coastal range in some areas of the state is only several hundred feet from the shoreline, while the boundary runs inland for miles in other areas of the state. Thus, what the initiative provides for is an irregular but arbitrary line delineating the portion of a county within which a comprehensive planning procedure would be established. The regional and state commissions created by the initiative would have no planning responsibility for other areas of the county, even though land use decisions in these areas may have a major impact on access to the shoreline or a significant influence on preservation of coastal resources.

Although the initiative would not establish adequate or effective boundaries for comprehensive planning purposes, it is important to note that comprehensive

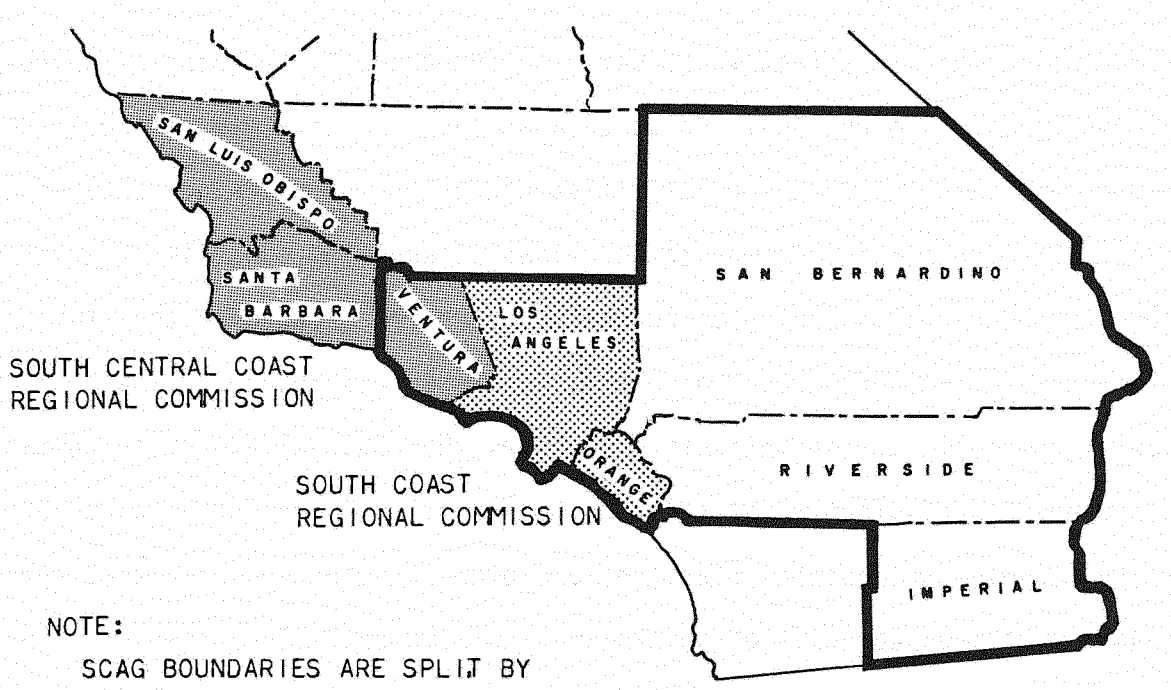
regional planning is presently being done throughout the state on a much broader basis than that proposed by the initiative. For example, cities and counties in the Bay Area have formed the Association of Bay Area Governments (ABAG) for regional planning purposes. Local governments in six southern counties (Ventura, Los Angeles, Orange, San Bernardino, Riverside, Imperial) have formed the Southern California Association of Governments (SCAG). These and other councils of governments have been operating for as long as ten years, all are staffed, and their primary role is to identify and obtain cooperative solutions to problems that transcend city and county boundaries. The Southern California Association of Governments (SCAG), and the Association of Bay Area Governments (ABAG) have both developed comprehensive regional plans, and they have also prepared detailed elements for their regional plan in areas such as sewer, water, open space, and transportation. As indicated, both the Southern California Association of Governments (SCAG) and the Association of Bay Area Governments (ABAG) have comprehensive regional coastal planning programs underway. To the extent that the regional commissions created by the initiative do comprehensive planning, it will duplicate that already done by the councils of government.

The boundaries of councils of government encompass entire counties. They have been approved by the Federal government, and have been established pursuant to statute by the State Council on Intergovernmental Relations (CIR). The boundaries are also consistent with the boundaries of other regional planning agencies that have been created by the state. For example, the boundaries of the Association of Bay Area Governments are similar to those of the following agencies:

- The Metropolitan Transportation Commission
- The Bay Area Air Pollution Control District

- The San Francisco Bay Conservation and Development District
- The Bay Area Sewage Services Agency
- The Bay Area Comprehensive Health Planning Council

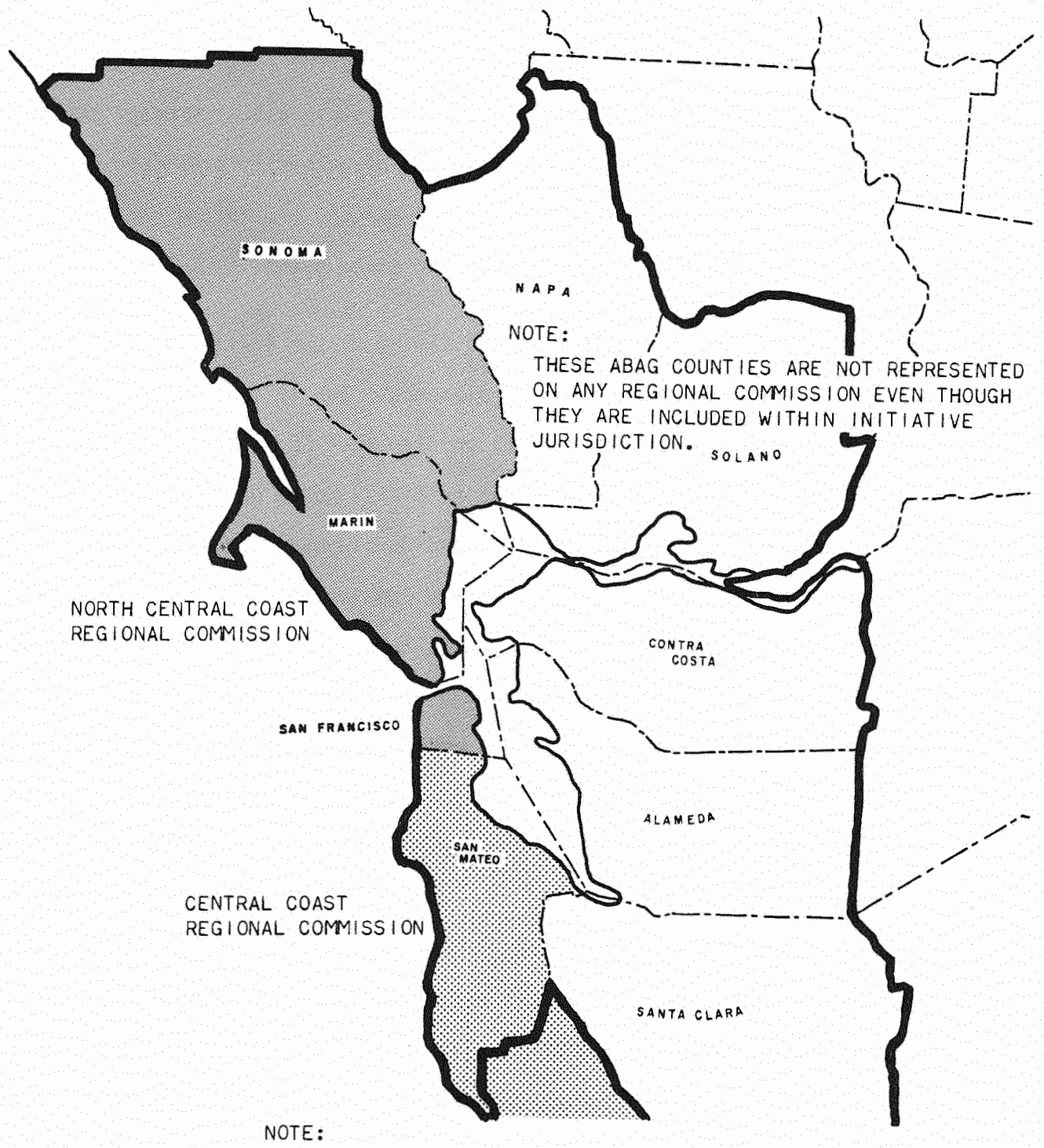
Thus, the initiative would not only create regional commissions that are unable to undertake comprehensive planning, but it would also create regional commissions that would serve to frustrate the ongoing planning efforts of existing regional and state agencies. For example, there is no requirement that the planning activities of regional commissions created by the initiative relate in any way to the plans of existing councils of government or other regional planning or regulatory agencies created by the state such as the Water Resources Control Board, Air Resources Board, or the Public Utilities Commission. The initiative requires the regional and state commissions to prepare a California Coastal Zone Conservation Plan that is as broad as any city, county, or regional plan, yet the plans of state and regional agencies and the various councils of government could be entirely different. In fact, by establishing regional commission boundaries that are different than those of existing councils of government or other regional planning agencies created by the state, there is every reason to believe that conflicts will occur. With specific reference to the coastline, as an example, the Southern California Association of Governments' (SCAG) coastal planning program includes all of Orange, Los Angeles, and Ventura Counties, but the initiative places Orange and Los Angeles Counties under the jurisdiction of one regional commission, and places Ventura County in with Santa Barbara and San Luis Obispo Counties in a second regional commission. The same is true with the coastal planning program of the Association of Bay Area Governments (ABAG), and with the tri-county study in the Monterey area.



NOTE:

SCAG BOUNDARIES ARE SPLIT BY INCLUDING VENTURA CO. WITH THE SOUTH CENTRAL COAST REGIONAL COMMISSION

COMPARISON OF SCAG BOUNDARIES WITH INITIATIVE REGIONAL COMMISSION BOUNDARIES



COMPARISON OF ABAG BOUNDARIES WITH INITIATIVE REGIONAL COMMISSION BOUNDARIES

The fact that regional commissions created by the initiative will be able to control development within a 3,000 foot strip also increases the possibility of conflict inasmuch as this type of authority over land use will be able to be exercised without any regard for the growth and development provisions of existing local, regional, or state plans.

It is also important to look at the timing of the initiative in terms of its impact on comprehensive regional planning. The initiative provides that the California Coastal Zone Conservation Plan must be submitted to the Legislature for consideration at the 1976 session. Based on the experience of both the San Francisco Bay Conservation and Development Commission and the Ventura-Los Angeles Mountain and Coastal Study Commission (BCDC obtained a two year extension from the Legislature, the Ventura-Los Angeles Mountain and Coastal Study Commission is currently seeking an extension), additional time will be necessary to complete the plan. Once the plan has been completed, it will undoubtedly be subject to substantial legislative debate, just as various coastline protection bills have undergone substantial debate and amendment during the past several years. The important consideration, from the stand point of adopting a plan that will provide additional protection to the coastal area, is that all of the pertinent facts and statistics about coastal land use and resources are now available as a result of the Comprehensive Ocean Area Plan (COAP) and other studies. However, while legislative action is possible now, the initiative will really remove any incentive for legislative action prior to 1976 (and later if additional study time is requested). In fact, the initiative really prohibits legislative action now by providing that the initiative provisions shall remain in effect "until the 91st day after the final adjournment of the 1976 Regular Session of the Legislature."

EFFECT ON PUBLIC AND PRIVATE DEVELOPMENT

During the time the California Coastal Zone Conservation Plan is being prepared, the regional commission will be exercising permit control over development occurring within the 3,000 foot permit area. Although it is not possible to indicate specifically what urban areas may be eligible for exclusion from these new development controls, it is fair to say that much of the development occurring within the permit area up and down the coast will be subject to the new requirements.

Those subject to the permit requirements include "any individual, organization, partnership, and corporation, including any utility and any agency of federal, state, and local government." According to the initiative, any development occurring within the permit area would require a permit from the regional commission, as well as from appropriate local agencies. Development is defined broadly, as follows:

> "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 of land pursuant to the Subdivision Map Act and any other division of land, including lot splits; change in the intensity of use of water, ecology related thereto, 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 logging of major vegetation. 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."

In addition to those areas deemed eligible for the 80 percent urban area exclusion considered previously, the following initiative provisions relate to exceptions from permit requirements:

"If, prior to the effective date of this division, any city or county has issued a building permit, no person who has obtained a vested right thereunder shall be required to secure a permit from the regional commission; providing that no substantial changes may be made in any such development, except in accordance with the provisions of this division. Any such person shall be deemed to have such vested rights if, prior to April 1, 1972, he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work on the development and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to the particular development or the issuance of a permit shall not be deemed liabilities for work or material."*

"Notwithstanding any provision in this chapter to the contrary, no permit shall be required for the following types of development:

*(NOTE: It is doubtful whether an initiative can effectively apply its provisions on a retroactive basis. Nonetheless, the attempt in the initiative to apply permit requirements to development projects legally approved between April 1, 1972 and the effective date of the initiative is bound to cause substantial practical and legal problems. Even the Sieroty coastline bill recognizes this by providing that "if, prior to the date on which the act adding this division is assigned a chapter number by the Secretary of State, any city or county has issued a building permit...no person...shall be required to secure a permit from the regional commission...") -232-

(a) Repairs and improvements not in excess of seven thousand five hundred dollars ($7,500) to existing single-family residences; provided, that the commission shall specify by regulation those classes of development which involve a risk of adverse environmental effect and may require that a permit be obtained.

(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the permit area, pursuant to a permit from the United States Army Corps of Engineers."

"The commission shall provide, by regulation, for the issuance of permits by the executive director without compliance with the procedure specified in this chapter in cases of emergency or for repairs or improvements to existing structures not in excess of twenty-five thousand dollars ($25,000) and other developments not in excess of ten thousand dollars ($10,000). Nonemergency permits 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 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..."

Considerable question has been raised as to whether the initiative would impose a moratorium on all new construction during the time that the California Coastal Zone Conservation Plan was being prepared. The initiative does not contain any express moratorium on new development. However, from a

practical standpoint, the combination of provisions contained in the initiative could easily have the effect of halting new projects, both public and private, during the three year planning period.

As pointed out in a study for the Federal Council on Environmental Quality, entitled "The Quiet Revolution in Land Use Control", a dual permit system may well be advocated for purposes of stopping development:

> "A common failing of most of the new state land regulatory systems is that they do not relate in a logical manner to the continuing need for local participation. Most of them tend to bypass the existing system of local regulation and set up completely independent and unrelated systems. This requires the developer (public or private) who is subject to both systems to go through two separate and distinct administrative processes, often doubling the time required and substantially increasing the costs required to obtain approval of the development proposal."

> "Most states have chosen to create duplicating procedures in order to eliminate the need to make any change in existing zoning and other regulatory systems. By leaving zoning alone the state reduces the number of potential enemies of new legislation. Moreover, in many states the motives behind the state land regulatory system were solely to <u>prohibit</u> development that would otherwise occur. To persons having this motive the duplication does not seem to be a problem because duplication can only operate to prevent and not to encourage development."

The following initiative provisions, when considered in combination, could

clearly have the effect of delaying any proposed development for almost an indeterminate amount of time:

1. No permit shall be issued unless the regional commission has first found "that the development will not have any substantial adverse environmental or ecological effect." This provision could well be interpreted to mean that every development would be required to have a separately prepared environmental impact statement before it could be considered, regardless of whether it was a major or minor project or whether it was located adjacent to the shoreline or 3,000 feet inland in the heart of a city.

2. No permit shall be issued unless the regional commission has first found that the development is consistent with the objectives of the initiative. One of the objectives refers to the "avoidance of irreversible and irretrievable commitments of coastal zone resources." The potential impact of this provision is illustrated by the COAP report on a "Land Use Allocation System" which declares that:

   "Therefore, shifts to uses that place structures on the land become virtually irreversible even when the supply and demand conditions that created the original shift have altered."

3. An application for a development permit must be reviewed by the appropriate city or county agency; it then must be reviewed by the regional commission to determine if it is in an excludable area; if it is not excludable, it must be reviewed

by the regional commission; if denied, it may be appealed to the state commission and ultimately the courts; if approved, any citizen may appeal it to the state commission and ultimately the courts. By providing that "... any person aggrieved by approval of a permit by the regional commission may appeal to the (state) commission," the initiative opens the door to those individuals who openly advocate "creative obstructionism" in order to achieve what they believe is progress.

4. No permit shall be issued without the affirmative vote of a majority of the total authorized membership of the regional commission, and no permit shall be issued for any of the following "without the affirmative vote of two-thirds of the total authorized membership of the regional commission...:"

"(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."

By relating the vote requirement on permits to a majority or two-thirds of the total authorized membership, a project could be delayed simply on account of a vacancy on the commission, or the vacation or sickness of members. Two-thirds, depending on the attitude of certain commission members, could be impossible to obtain. In addition, the commissions are composed of an even-number of members (unlike most boards and commissions). This has the effect of requiring a two vote edge for a majority. For example, a 7-5 vote would be required for a 12 member commission.

5. Permits for emergency or certain repairs and improvements may be issued by the executive director of the regional commission. However, even the minor non-emergency permits "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 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 public hearing..." Even if there is no objection raised by

the commission, however, an individual citizen practicing "creative obstructionism" can bring the appeal procedures into motion. There is no exemption, nor is the executive director permitted to issue permits for routine maintenance or replacement of existing facilities, whether they be a street, sewage plant, or water or electric utility line.

6. Certain urban areas may be excluded from the permit process, but any particular development within that area is subject to the permit requirements if it will result in a "significant change in density, height, or nature of use."

7. Because the initiative planning area extends inland to the highest elevation of the nearest coastal range, or generally five miles in Los Angeles, Orange, and San Diego Counties, it will be necessary for the commission to re-plan entire cities. Because of the enormity of this task, a regional commission could well adopt a policy restricting any future development until its plans were complete.

8. In controversial projects, the courts will become the final arbiter, and this process can result in a considerable delay before a case even is permitted to go to trial.

The permit requirements have serious implications for public agencies. As indicated previously, redevelopment projects could fall within the permit requirements. Developed urban areas in transitional use would also be affected. Any unusual delay in projects of this type could jeopardize intricate financing arrangements, and totally thwart local planning efforts. This result would not only have an economic effect on the community, but it would also have a significant social effect inasmuch as many troublesome urban problems originate in the blighted areas these type of projects are designed to improve.

A few examples of the type of public project that could easily be stopped as a result of the initiative provisions are:

. Monterey - A large urban renewal project is located in the downtown area. The project has taken nine years for the city to put together, and it contemplates a conference center, hotel, and other public improvements. The project is critical to the stabilization of the downtown area, and the possibility of delay seriously jeopardizes considerable effort and expense on the part of the city and private developers.

  The city also has a special master plan for the renovation of Cannery Row. The initiative permit requirements will result in the owners of old canneries leaving their buildings standing because they won't get permission to build another, yet they won't improve the old buildings because it isn't economically feasible. The city is left with blighted and unsafe conditions.

. Santa Monica - The planning area of the initiative will result in the entire city being re-planned, while the major portion of the central business district will be included in the permit area. A large multi-residential redevelopment project inland but near the shoreline would be subject to the permit requirements, as would owners of old buildings in the downtown area who simply want to tear their building down and replace it with another.

. Huntington Beach - The community plan calls for a "Top of the Pier" redevelopment project which includes a major part of the downtown area adjacent to the beach. Difficulty in implementing this project will not only cause economic hardship for those doing business in the downtown area but, more importantly, it will prevent the city from dealing effectively with social problems on the beach which have their origin in the blighted downtown area and spill over into adjacent areas.

. Newport Beach - The city is in the process of creating a man-made bay which will provide additional water frontage to the public. This additional water frontage would not be available except for the private development, and the initiative will place it in jeopardy because the project also includes the extension of an existing residential area.

. Long Beach - The master plan for the city calls for approximately one mile of its seven mile shoreline to be developed for commercial uses. Five miles of the shoreline are presently in public ownership and available for a multitude of recreational purposes. The planned commercial development (Pacific Terrace) will result in hotels, motels, restaurants, and additional public recreation facilities. Importantly, however, the project is central to revitalization of the downtown and many projects scheduled for that area will not move ahead without implementation of the shoreline master plan.

. San Diego - Shelter Island and Harbor Island were made with

materials from dredging, yet they provide access to the water where none existed previously. A similar 4,500 acre development, Mission Bay, calls for development of 25 percent of the land area in order to provide sufficient continuing revenue to maintain the 75 percent that will be available to the public. The Mission Bay area will fall within the permit area, and costly delays in projects would be likely.

San Diego also contemplates redeveloping a 15 block area of the downtown as part of their Plaza Redevelopment project. This area is blighted and presently has a variety of uses. The project would completely change the nature of the area in terms of height of buildings, street configuration, etc. The permit process will put its financing in danger.

Los Angeles - The Initiative has a potentially severe impact on the plans and programs of the Los Angeles Port Authority. The Board of Harbor Commissioners in conjunction with the Corps of Engineers is giving consideration to deepening the harbor channel to accommodate the deep-draft vessels which are now being used or constructed by the steamship industry. The time-consuming permit procedures and appeals process could very likely jeopardize any new developments to meet these new advances.

The Initiative creates similar problems for water-related recreation in that it will inhibit the development of small boat

moorings and related improvements in the Port of Los Angeles. These facilities are greatly needed throughout Southern California.

Unreasonable delays in development are also of concern to the State. For example, the Public Utilities Commission indicated in April, 1972 that "based upon the Commission's present knowledge in the field of power needs through the year 1976 a moratorium will seriously impair the ability of utilities subject to the Commission's jurisdiction to meet their power demands." This statement was more specifically confirmed by the July 25, 1972 PUC study of power needs and sources. Using estimates of future power needs that were more conservative than those of the utilities, the PUC concluded that "... insufficient service will result in the mid-1970's."

Under the present law, the statewide California Public Utilities Commission is assigned responsibility for the regulation and location of needed additional electric generating and transmission facilities. Although power is generated in one community, this responsibility is assigned to a statewide commission because, among other reasons, power is taken from its generating source and delivered through distribution facilities to many other communities. By establishing regional commissions with permit authority, the initiative not only duplicates the responsibility of the PUC in terms of regulating the location of additional power generating facilities in the coastal zone, but its stringent provisions regarding new development raise legitimate questions concerning the future ability of public and private utilities to provide needed power.

As a further example of State interest, the Department of Navigation and Ocean Development could be forced to cut back its $4 million annual program of providing

financial assistance for boating facilities inasmuch as construction of new harbors and marinas will undoubtedly be delayed, even though such projects must presently have an environmental impact report and go through 11 budgetary reviews. Also, all development projects of the State Department of Parks and Recreation in the coastal area would be subject to the time consuming permit procedures contained in the initiative, even though each project is now preceded by the preparation of an environmental impact statement.

Concern over the potential impact of the initiative on development is heightened by the fact that no amendment may be made to the initiative provisions without a two-thirds vote of both the State Assembly and the State Senate. Because many of the proponents of the initiative will undoubtedly resist any legislative change in the provisions of the initiative until the California Coastal Zone Conservation Plan is completed, it could be extremely difficult to get a majority vote in both houses, let alone two-thirds.

REPRESENTATION OF LOCAL AREAS

Considering the extent of the planning and permit areas proposed by the initiative, the control of land use and the ability to implement local plans is as much at issue under the initiative, as is the question of improved coastline protection. Because local communities in California have a long tradition of concern and control over development in their respective areas, their representation on regional and state commissions created under the initiative is of vital concern.

The Sieroty coastline protection bill (AB 200), as amended July 20, 1972, gave existing local governments a majority of the members on regional commissions in an effort to be sure that the activities of those commissions related to what local communities have already done and what they want in the future insofar as development of their areas is concerned. The initiative, on the other hand, does not give existing local government officials majority membership

on either the regional or state commissions.

The fact that existing local governments will not have a majority voice on the regional commissions is of greater concern when considering the fact that the balance of the commission will be appointed and will, in no way, be accountable to the public for the decisions it makes.

In addition, the regional commissions cover large geographical areas and there is every assurance that they will be passing judgement on proposed projects for a particular community without having any feeling or concern for the local problems and needs of the community. The regional commission for Los Angeles and Orange Counties, for example, includes only one supervisor from each county and one city councilman from each county, in addition to a city councilman from the City of Los Angeles and one representative of the Southern California Association of Governments. This is unlike representation on councils of government where all cities and counties have at least one vote. This smattering of local government representation could be diluted even further if one of the city or county officials on the commission resigned his local government office, because the initiative would permit that person to continue serving on the commission until "their term of office ceases."

The initiative also affects some areas, but provides no representation. For example, it is clear that the land area surrounding San Francisco Bay (except for a 100 foot strip which is exempt) would fall within the initiative planning and permit area, and would possibly extend, as indicated previously, all the way inland to Sacramento and Stockton. However, there is no representation provided on any regional commission for many of the county areas that would be affected, including Alameda, Contra Costa, Santa Clara, Napa, Solano, San Joaquin, Sacramento, and Yolo Counties.

In addition, the South Central Coast regional commission would include Ventura

County which is included within the jurisdiction of the Southern California Association of Governments. However, unlike the South Coast regional commission which is also created by the initiative, no representation is provided on the South Central Coast regional commission to either the Southern California Association of Governments or to the Ventura County Association of Governments, a sub-unit of SCAG.

LACK OF UNIFORMITY

From the standpoint of workability and public policy, it is important to know whether the initiative will result in a uniform program of improved coastline protection. The initiative provisions, as they appear on paper, spell out a uniform set of procedures for all areas of the shoreline. However, a review of their application in practice indicates that there would be widespread variations in the nature and extent of their effectiveness and applicability.

Uppermost, in this respect, is the situation that would develop in and around the San Francisco Bay Area. The area under the jurisdiction of the San Francisco Bay Conservation and Development Commission would be exempt and, thus, would not be subject in any way to the requirements and controls of the initiative. It is important to note, however, that the ability of the San Francisco Bay Conservation and Development Commission to control development is substantially weaker than the controls contained in the initiative. The San Francisco Bay Conservation and Development Commission, in its regulation of land use within a 100 foot strip around the Bay, is limited in its concern largely to public access to the Bay. It has virtually no ability to indicate a preference for one use over another, or to control height or density, except insofar as these matters may have some bearing on access to the Bay shoreline. Thus, what will develop in the San Francisco Bay Area is a situation where the

height, density, and use of land in the adjacent 2,900 foot strip of land will be subject to the stringent controls of the regional commission created by the initiative, while land immediately adjacent of the waters of the Bay will be subject to the jurisdiction of an entirely different planning body with much less authority over land use. This is significant because in many areas of the state the initiative is being advocated on the basis that is is the same as the San Francisco Bay Conservation and Development Commission. With BCDC being principally concerned with public access and not development within a limited strip of land, nothing could be more inaccurate.

As suggested previously, there will also be little uniformity with respect to the planning and permit areas. While the initiative applies a common standard throughout the coastal area (the highest elevation of the nearest coastal range), it is this very standard that results in highly irregular planning boundaries. The planning area in some portions of the coast will be only several hundred feet inland, while it will extend for miles in other areas. In some cases, there will be no planning area simply because the mountains rise directly out of the sea. This irregularity is particularly crucial in rural areas where large undeveloped land holdings are still available for preservation, yet they will not be included within either the permit or planning areas provided for the the initiative. In urban areas, on the other hand, the lack of uniformity is apparent by provision for an arbitrary five mile line in certain circumstances which passes through the middle of major metropolitan areas, rather than relating to jurisdictional boundaries.

The initiative will also help to fragment the jurisdiction of existing planning agencies and, to this extent, decrease the ability of regional areas to obtain a uniform approach to planning. Those areas of the coast falling within the initiative planning area will not only be subject to the plans of their

respective city or county, but the regional and state commissions created by the initiative will be duplicating the ongoing planning efforts of the regional council of governments in the area. In the Ventura-Los Angeles area, both the regional commission created by the initiative and the Ventura-Los Angeles Mountain and Coastal Study Commission would have statutory planning responsibility for a single area. As indicated previously, there is no requirement that the plans or permit decisions of the commissions created by the initiative relate in any way to existing local, regional, or state plans and this, of course, will result in conflict and an irregular approach to planning for land use and resources generally. In addition to fragmenting the jurisdiction and comprehensive planning efforts of existing planning agencies in the coastal area, the initiative will also duplicate studies concerned with special coastal land use problems. For example, the initiative calls for a separate study of statewide power plant siting, even though an identical study is presently required by statute and is being done by the State Resources Agency.

The application of the various initiative provisions will also result in a non-uniform situation. For example, although the initiative provides that Federal agencies would be subject to the new development regulations, it is questionable, as pointed out earlier in the report, whether such regulations may, in fact, be imposed on the Federal government. The Federal government, according to the coastal study of the State Department of Parks and Recreation, owns 145 miles of the shoreline alone, and this would be excluded in its entirety from the initiative provisions. More basically, however, the initiative fails to suggest any standards or guidelines for applying its provisions. Therefore, it is highly likely that variations of interpretation will be made by regional commissions with respect to the issuance of permits, methods of determining eligibility for the urban exclusion, how the grandfather

clause will be applied, procedure for selecting precise planning and permit area boundaries, methods of implementing the objectives of the initiative, and similar matters.

ADMINISTRATIVE PROBLEMS

The effectiveness of the initiative in terms of providing additional protection to the coastal area will be determined, in large part, by the workability of its provisions. The analysis of the initiative to this point indicates that the job of the regional and state commissions will be compelling, and an examination of the required procedures and resources available indicates that significant administrative problems will be created.

A part of the problem will result from the fact that the initiative requires a massive land use planning effort and new development control procedure inland in urban areas, as opposed to the precedent of the San Francisco Bay Conservation and Development Commission which concentrates on the shoreline of the Bay. The number of additional permits involved in a 3,000 foot area, as opposed to the 100 foot area of BCDC, can be enormous. BCDC presently spends $270,000 per year for operating purposes, and its last Annual Report indicates "...The Commission's permit workload (for 100 feet) remains high and appears to be increasing..." The initiative allocates $5,000,000 to the state and regional commissions for operating purposes over a three year period. If divided equally between the state commission and six regional commissions, this would provide each with approximately $240,000 per year. This is less than the current BCDC budget, yet the geographical area of the regional commissions and the extent of both the planning and permit areas are many times greater.

The time and expense involved in a permit process should not be dismissed lightly. Although it can easily be viewed as a technical process, it can

also be all-consuming from a time standpoint--which has serious implications for the kind of planning envisioned by the initiative. To administer a permit process in a way that will make it meaningful and effective, it is necessary to:

- accept the permit application
- determine if the proposed project is in an excludable area
- review the construction plans
- make an on-site inspection
- prepare a written report
- negotiate differences
- present and discuss the matter orally

In addition, the executive director will be called upon to issue numerous permits for emergency matters or minor development projects.

As implied above, the burden of this process should not be taken lightly. Newport Beach, as a modest example, processed 250 building permits a month in 1971-72, 50 of which came monthly from the waterfront area. This is more than the number of permits processed by BCDC in a year. Newport Beach also made 66,000 field inspections in 1971-72.

The implications of this kind of workload, for a new commission with no staff and small budget, is tremendous. Commission members are required to meet monthly. They receive no compensation and, in some cases, will have to travel long distances simply to attend meetings. There is obviously a certain amount of time that will be necessary in order to educate public members of the commissions in the planning process, and the overall problems of establishing working procedures, deciding on goals and priorities, selecting

a staff, and establishing precise planning and permit boundaries will also require some time.

These factors aside, however, it is plain that even the most liberal policy on exemptions from formal permit requirements will leave a substantial workload that will require meeting more often than once a month and, in the final result, leave very little time for any substantive planning.

The initiative attempts to bolster the staff of the state and regional commissions by providing that the staff and budget assigned to the Comprehensive Ocean Area Plan (COAP) shall be transferred to them. It also provides that federally-recognized regional planning agencies (councils of government) "shall provide staff assistance insofar as its resources permit." With respect to COAP, their three year study is now complete and, thus, no funds are presently included in the State budget for this purpose. It is by no means clear whether the provisions of an initiative can require a council of governments to provide staff assistance to a state or regional commission, but the qualifying language in the initiative ("...insofar as its resources permit.") is sufficient reason to conclude that present resources simply would not "permit" such assistance. This is not because councils of government would be unwilling to cooperate, but it reflects the practical fact that most projects undertaken by councils of government are funded with Federal dollars and all expenditures must relate to those specific projects. Even if such staff assistance were available, however, it would have to be split between several regional commissions inasmuch as the initiative boundaries and those of councils of government are not consistent.

With respect to workability and effective administration, the following statement in the report entitled "The Quiet Revolution in Land Use Control", prepared

for the Federal Council on Environmental Quality, bears repeating:

> "...One of the important issues in each state land regulatory system is to separate the major decisions from the minor so that state officials are not bogged down with gas station applications when they should be considering power plant sites, and so that irate homeowners do not have to go to the state capital to get permission to build a garage."

FISCAL IMPACT

It is clear that the goals and effect of the California Coastline Initiative cannot be evaluated strictly in terms of dollars, but there are fiscal considerations that can be helpful in determing whether or not the provisions of the initiative will be beneficial from the standpoint of the public.

The fiscal impact of the initiative on public agencies will be multi-faceted. There is a great tendency on the part of some to attempt to measure the impact strictly in terms of property tax revenue that would be gained or lost, and this is an important consideration because cities, counties, school districts, and special districts all derive property tax revenue from development along the shoreline. In many areas of the coast, property is presently in public ownership or its is devoted to agricultural uses. Much of the property along the coast has been placed under Williamson Land Conservation Act contracts for purposes of assessment, and in these areas, where the assessed value is not particularly high at present, there is likely to be little direct fiscal impact. In urban areas, however, the initiative will undoubtedly act to lower property tax revenues, particularly within the permit area.

Generally speaking, it is not likely that assessors will take the lead in changing values unless there is a protest, or until a pattern of comparable

sales indicates an effect on value. However, it is clear that a reduction in assessed value is the most likely result of the initiative because of the controls placed on development. If, for example, it appears likely that a piece of property will not be developed or that development will be delayed because of the additional time involved in obtaining a permit or going through the appeal process, or because of the policy of the regional commission on development, then the assessor would be justified in discounting the present value of the property. This occurred with respect to the assessed value of tidelands when BCDC was created, and it is presently happening in some urban counties where moratoriums on subdivisions and the division of land has taken place. A discount over a three year period on a substantial number of properties within the permit area could be significant, and it would reflect a long established rule of value that someone purchasing the property would expect an immediate return on his investment. Without that return, or with additional risk, the value is simply less.

Although the magnitude cannot be determined, one thing is clear - namely, whatever the loss, it will be shifted to other property taxpayers in the county. This is because the initiative does not contain a provision for replacement revenue that has been included in other coastline protection measures introduced in the Legislature. The shift will also be reflected in terms of increased assessed value that would have occurred had certain new developments been allowed to proceed.

The fiscal impact of the initiative will be broader, and perhaps more significant, than its impact on property tax revenue, however. For example, to the extent that the initiative delays or halts redevelopment and other public projects, it could have a disastrous effect on the intricate financing arrangements for those projects. Not only could such financing packages be

lost forever, but those that did proceed would undoubtedly be subject to higher costs for interest and materials. The economic and social cost of not improving blighted areas must also be considered.

The initiative could also cause a loss in Federal funds going to public agencies. At the present time, councils of governments review and comment (as a part of the Federal government A-95 process) on most applications for Federal funds. They are principally concerned in the review process that any proposed development conform to the regional plan and any of the elements it may effect. Should the regional commissions created by the initiative only permit development to occur in certain areas, and if these areas did not conform to the regional plan prepared by the council of governments, then it is possible that local agencies would be caught in the middle of these dual planning bodies and the result could be no Federal funds for the project in question. In many cases, these funds are the only means by which local agencies are able to construct needed major capital improvements within their area.

There is also the legitimate question of at what point do the added restrictions and delays that the initiative could impose constitute a taking of property requiring the payment of just compensation and/or damages. Even though the initiative makes no mention of compensating owners for any loss the new development controls might cause, this is a question that applies potentially to all privately-owned property located within the permit area and should not be dismissed lightly. One major example where this could occur involves the oil industry which is already subject to a moratorium on new oil leases by the State Lands Commission. Because the initiative defines development to include "extraction of any materials," oil companies would be subject to the new permit controls and could not proceed with new "extractive"

activities without the approval of the regional commission. These additional controls, on top of the existing moratorium, could be enough to permit the oil industry to prevail in a damage suit on the basis that its vested rights have been harmed. Such a suit could easily be in the magnitude of $1 billion and, if successful, would be an obligation of government in California. In other cases where private property has, in fact, been "taken," the alternative available to public agencies is to acquire the property and this, also, can have an impact on the fiscal position of public agencies.

To the extent that development along the coast is delayed or curtailed, the initiative can also have a fiscal impact on the private sector. As with public agencies, the impact can be multi-faceted. However, it is clear that job opportunities will be reduced, and that certain businesses will be forced to sustain additional costs by virtue of the fact that their projects will be delayed or they will be required to locate or relocate facilities inland.

Most importantly, the impact on those in the public or private sector will eventually be shifted to individuals. Not only will the added costs resulting from delays in development be shifted to individuals, but individuals will also be required to pay higher prices for certain land and accommodations along the coast reflecting the windfall a limited few will receive as a result of the artificial demand created by the new development controls.

EFFECT ON ACQUISITION AND IMPROVEMENT OF THE SHORELINE

The California Coastline Initiative seeks to preserve shoreline areas for public use. The need for preservation is related, in part, to future estimates of population in the coastal area and the resulting projected increase in use of shoreline facilities. For example, the Comprehensive Ocean Area Plan (COAP) indicates:

"Regardless of the definition of recreation used, the coastal zone is unquestionably one of the major suppliers of recreational opportunities in California...as an example of this tremendous recreational pressure on the coastal zone, more than 127,000,000 recreation days were spent at the State's shoreline in 1970...By 1980, the annual total days of recreational use of the State's shoreline will have increased to an estimated 177,000,000 days..."

One method of meeting the additional demand for use of coastal facilities that is projected to occur in the relatively near future is through the additional acquisition of shoreline areas. The State Department of Parks and Recreation underscored this need in its report on the "California Coastline" by stating:

"The biggest and most important job is land acquisition."

In evaluating the advantages and disadvantages of the initiative, therefore, it is important to consider whether the initiative provisions will result in an improved ability to acquire and/or develop additional coastal areas for public use.

According to the "California Coastline" report of the State Department of Parks and Recreation, 40 percent of the California shoreline is in public ownership. Of the shoreline area inland from mean high tide, 25 percent is in public ownership. However, if one looks at the shoreline in urban areas, it is apparent that a much greater percent of the shoreline is already in public ownership. For example, the State Department of Parks and Recreation indicates that "swimming, wading, and sunbathing on or near the shoreline are the leading recreational activities in the State of California..."

These activities most often occur on what the Department of Parks and Recreation classifies in its inventory of shoreline types as "Sandy Beach - Swimming." The Department, in its report on "California Coastline," indicates that all but ten miles of the state's "Sandy Beach - Swimming" is located in Southern California. A closer look at southern urbanized counties shows that much of this prime shoreline resource is presently in public ownership. For example, in Los Angeles County, 30 out of 50 miles is in public ownership; in Orange County, 20 out of 34 miles is in public ownership; and in San Diego County, 40 out of 64 miles is in public ownership. In northern Santa Cruz County, 10 out of 15 miles is presently in public ownership.

The fact that a substantial portion of useable shoreline in urban areas is already in public ownership is significant because it is in these areas where the great majority of coastal recreation and use occurs. This is indicated in the Comprehensive Ocean Area Plan by the statement that ..."In most cases, the primary demand for ocean-oriented recreation is concentrated in areas within and adjacent to the major urban centers of the State..." According to the State Department of Parks and Recreation, 90,000,000 of the 122,000,000 recreation use days in California in 1969 occurred in Los Angeles, Orange, and San Diego Counties. In 1980, the Department estimates that 120,000,000 of the projected 176,000,000 recreation use days will occur in these three southern counties.

What the statistics on ownership and use of shoreline areas show is that in addition to a need for acquisition of shoreline areas, there is an equal need in urban areas to develop and improve the existing coastal land areas already owned by public agencies. For example, the Comprehensive Ocean Area

Plan indicates that "...the present supply of effective public swimming beach is adequate to meet demand for swimming, wading, surfing, or just relaxing on the beach through 1980 if sufficient parking is developed." In a study of alternative ways to meet projected shoreline needs, the City of San Diego concluded, as follows:

> "It may also be noted that the expenditure packages does not provide for the acquisition of privately owned and University of California beaches. This is not only because of the substantial difficulties encountered in estimating the acquisition costs of those private beach properties which logically command payment for severance damages, but also because available estimates indicate that the cost of these properties would be so high as to make their acquisition by far the most expensive approach to adding beach capacity...Finally, the advantage of acquiring these beaches are not at all clear, since in most cases they receive considerable usage at the present time."

Thus, there is a need for the acquisition of additional shoreline areas and, particularly in urban areas, there is also an important need to improve and upgrade access to shoreline areas already in public ownership. With respect to acquisition and development, one thing is clear -- namely, both needs will represent a substantial additional expenditure on the part of public agencies if they are to be met.

Coastal communities are already spending substantial amounts in order to service and maintain those beach areas presently available for public use. The City of Santa Monica, for example, spends over $800,000 annually for beach and parking lot maintenance, beach lifeguards, and accommodations for beach

users. The City of Monterey spends over $12,000 annually just for beach cleanup. Most coastal communities, as well as the State, budget amounts for beach maintenance and service that are large in relation to their respective operating budgets. In addition to necessary capital equipment, services commonly provided by coastal communities and the State include:

- Daily cleaning
- Shifting and replacing beach sand
- Lifeguard services and patrol boats
- Restroom facilities and showers
- Parking facilities
- General policing of beach area
- Play araas
- Picnic facilities
- Fishing piers
- Boat launching areas
- Boat storage facilities
- Permanent landscaping and grass areas

In addition to amounts presently budgeted for beach maintenance and service, substantial amounts will be required in the future in order to provide necessary services and facilities to meet the projected demand for shoreline use. For example, to meet the projected demand through 1990, the City of San Diego has estimated that it will need to make additional beach and shoreline expenditures exceeding $20,000,000, as follows:

SUMMARY OF PROPOSED BEACH AND SHORELINE EXPENDITURES TO 1990

City of San Diego

Type of Improvement	Cost	Percent
Parking	$19,137,000	86.0
Beach Construction	1,784,900	8.1
Comfort Stations	552,200	2.5
Property Acquisition	275,000	1.2
Stairways	157,000	.7
Landscaping	93,400	.4
Lifeguard Towers	92,900	.4
Miscellaneous	158,800	.7
	$22,251,200	100.0

The California Coastline Initiative emphasizes development controls as the means of preserving coastal areas for public use. However, while such controls are an important element of preserving and providing additional access to the coastline, from a practical standpoint it is equally, and perhaps more, important to provide a means of acquiring and developing shoreline facilities. In this regard, a careful analysis of the initiative indicates that while it would result in new planning procedures and development controls over land areas along the shoreline and inland for considerable distances, there is nothing in any of the initiative provisions that would improve the present ability of state or local government to acquire and/or improve shoreline areas for the public benefit. Similarly, there is nothing in the initiative that would enable the state or regional commissions that would be created to engage in positive programs of acquiring and/or improving needed coastal facilities.

With respect to the emphasis of the initiative, proper control over development can be an important tool in terms of assuring future public access and

visual access to areas of the coast that are presently undeveloped. This is presently recognized in California law by Section 11610.5 of the Business and Professions Code which provides, in part, that:

> "No city or county shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high-water mark or any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision..."

The existing policies of coastal communities also emphasize the importance of providing public and visual access to the shoreline in conjunction with new development. For example:

- Marin County has agreed to place much of the undeveloped land along the coast under agricultural preserve contracts. That coastal land not under contract is frequently zoned A-60, which prohibits any density greater than one unit per 60 acres.

- Monterey County, in the coastal area, requires a density of 2.5 to 10 acres. Public access to the coast is required any time development takes place, and the "Monterey County Coast Master Plan" gives further emphasis to the importance of access through provisions such as:

  "Careful consideration must be given to height control on the ocean side of Highway One..."

"Wherever feasible, utilities...should be placed underground..."

"Emphasis should be placed on conservation for the entire (coastal) area. The scenic easement concept should be utilized to preserve open space, to encourage retention of watersheds, and to encourage landowners to give careful consideration to the development of their land in achieving this objective."

. Orange County has made over 35 miles of coastal land subject to planned community district zoning regulations. These regulations require a comprehensive plan for land use, including public access, before proposed developments can be considered.

. San Diego, in its city general plan, emphasizes the importance of access to and preservation of the coastline through provisions, such as:

"Accessibility to recreational areas without destruction of the unique character and quality of such areas."

"Availability of all beaches for public use."

"Retention of the natural beauty of the ocean adjacent to the entire City of San Diego coastline."

"Continue the longstanding city policy of requiring public dedication of shoreline frontage in subdivision proceedings."

"Acquire beach properties in sufficient depth to permit access and suitable development for parking, change facilities, and other amenities."

Additional visual and physical public access to the shoreline can be one of the beneficial results of permitting selected and carefully controlled development in coastal areas. To the extent that the controls proposed in the initiative halt or severely delay development, however, the initiative will have the unfortunate result of impeding present local efforts in this regard.

In Orange and Monterey Counties, for example, the carefully planned development of privately-owned land in large holdings has resulted in the dedication of additional shoreline for public use. Similar developments would be subject to initiative permit procedures and, as indicated previously, it is by no means clear when or if such developments would be permitted in the future. Any unusual or lengthy delays of such developments would have the resulting effect of impeding the acquisition of additional open space and shoreline areas through negotiation. In Orange County, two years of negotiation made it possible for the county to acquire major public beach areas and related facilities at Laguna Niguel. Current negotiations, which the initiative could place in jeopardy, are about to bring an additional 3 1/2 miles of shoreline at Irvine into public beach and trail areas. Monterey County is presently considering a proposed shoreline development covering 250 acres. Through negotiation, the county has been able to persuade the developer to dedicate 200 of the 250 acres to the State, thereby providing over two miles of additional access to the coast at an initial cost to the developer of $4,000 per acre. The 50 acres to be developed will be limited to 122 residential

units, and much of the land area in this portion will be placed in permanent scenic easements. The overall proposal, however, could be placed in jeopardy by the California Coastline Initiative.

Local efforts to achieve quality in the area of aesthetics could also be jeopardized by the regulations proposed in the initiative. As indicated in "The Quiet Revolution In Land Use Control," prepared for the Federal Council on Environmental Quality:

> "Regulation has...inherent disadvantages. Any complex system of regulation has a natural tendency to reduce innovation. Minima become maxima. When regulators approve one design it creates a powerful incentive for other builders to use the same approach..."

CONCLUSION

As indicated in the initiative, its objective is a "...balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources."

A "balanced" approach implies the necessity of taking all viewpoints into consideration. With respect to preservation of the coastline, it suggests a concensus solution. However, the very nature of the initiative precludes this.

Unlike the legislative process where amendments are possible, the initiative is an all or nothing approach. The voters must accept or reject the initiative as proposed.

Even the Comprehensive Ocean Area Plan, completed by the State only several

months ago after years of study and fact gathering, recognizes the need for debate and compromise. This can be seen, in part, from the following paragraphs of the Plan:

> "The Comprehensive Ocean Area Plan (COAP) is NOT and was never intended to be a land-use plan for California's coastal zone. Rather, it is an attempt to provide a better rationale for State participation in the conservation and management of portion's of the coastal zone in a way that will protect the State's interests. What precisely is the 'State's interest' in the coastal zone is a difficult question and can only be identified through public debate and the legislative process. It is anticipated that the COAP will serve as a basis for such debate, culminating in legislation and administrative action."

> "These (coastal) elements are environmental resources which can be damaged and even destroyed by thoughtless and abusive exploitation, or which can be both used and conserved by reasonable development. Conservation of these finite resources, to be acceptable and effective, will require rational action, including intelligent compromise. Regulations are required that can apply safeguards without stifling necessary and desirable development..."

Unfortunately, the provisions of the initiative do not permit this type of flexible approach. Rather, if the California Coastline Initiative is adopted, its provisions will make the "all of nothing" approach even more absolute. For example, it will be virtually impossible to subsequently amend the initiative for its provisions require a 2/3 vote of the Assembly and Senate in order to change any provision. Similarly, it is impossible for the Legislature

to repeal the initiative piror to the end of the 1976 legislative session, regardless of what might occur with respect to achieving a rational, compromist solution.

Restrictive provisions such as those contained in the initiative are not examples of, nor are they consistent with, a "balanced" approach.

With respect to potential land use and development along the shoreline and inland for a considerable distance, the initiative gives every indication that it will result in delay, confusion, and court cases. This, in part, is a reflection of the broad and imprecise nature of the initiative provisions. For example, not even the proponents can indicate what the boundaries of the planning and permit areas are, or what public and private development projects will be excludable. The delay and confusion will have a significant multi-faceted impact on public agencies and those in the private sector, and the overall initiative procedures will also jeopardize current attempts at comprehensive regional planning. The "unkowns" about the initiative are considerable, yet there is no indication that its adoption will in any way result in an improved ability to acquire and/or improve additional shoreline areas for public and visual access.

The initiative does nothing to change the decision making process with respect to coastal land use. Its net effect is to change the decision makers and, by giving them permit authority, to create a new level of single-purpose government in the process. The new decision makers will be responsible for hiring staff, conducting planning studies, and making decisions regarding land use within boundaries that are extensive yet entirely different than those of existing local and regional agencies. These actions and decisions will continue to be made by existing cities and counties, as well as by the

new decision makers. Aside from the duplication of cost and effort, the principal difference will be that the new decision makers will be appointed and in no way accountable to the public for their actions.

Because the initiative encroaches upon and duplicates, to a considerable extent, the present responsibility of local agencies, its provisions have the decisive effect of weakening local government. By establishing regional commissions with different boundaries and giving them permit authority over essentially all new development, the initiative will frustrate local and regional physical and social planning efforts. This can reasonably be expected to be a lasting effect inasmuch as the California Coastal Zone Conservation Plan will have to propose similar development controls if it is to be implemented. In addition, the initiative will establish a precedent for the similar erosion of local government in other areas of the State. If these new planning procedures and development controls make sense for the coast, they must also make sense for agricultural areas, desert areas, vineyards, and other scenic areas throughout the State.

The erosion of land use control is equivalent to the erosion of local government for it is such controls that permit communities to determine the nature and physical appearance of land within their boundaries. The assignment of regional land use authority to a regional commission that is not accountable to the electroate, as opposed to a council of governments which is composed of locally-elected officials, only serves to further this basic erosion of local government. This is true to an additional extent in the case of the California Coastline Initiative because membership on regional commissions virtually assures that they will have no particular concern for individual local areas, and because there is no mandatory provision for local input into the planning process of the state and regional commissions other

than the weak and non-enforceable phrase that commissions shall prepare their plans "...in cooperation with local agencies..."

In summary, if the goal of the initiative is to preserve and provide additional access to the shoreline, its provisions go much beyond what is required to achieve this purpose. On the other hand, if the goal is to achieve comprehensive regional planning, the geographical areas included and within the planning areas are inadequate. There is no evidence that permit areas of 3,000 feet are necessary to assure access, and the experience of BCDC indicates that 100 feet is adequate. Similarly, there is no evidence that the top of the nearest coastal range is a logical region for comprehensive planning, and there is every indication that the ongoing planning efforts of broad-based councils of government are more effective. The provisions are too imperfect and imprecise to be acceptable, yet they in effect tie the hands of the Legislature and, through them, the people until the end of the 1976 legislative session.

CONCLUSION

CONCLUSION

The California Coastline Initiative attempts to achieve additional preservation of the coastline by providing for a single, uniform planning and permit area up and down the coast. However, an examination of the nature of the California coastline indicates that it may be undesirable to attempt to plan and manage this area on the basis of a single standard. This is reflected in reports prepared in conjunction with the Comprehensive Ocean Area Plan, as follows:

> "...Local conditions and local use situations are so varied that no general master plan approach is likely to be feasible."

In heavily developed urban areas, the principal concern is with preserving and providing visual and physical access to the shoreline. In rural, undeveloped areas, on the other hand, the interest is not only in providing additional visual and physical access, but also in preserving large adjacent open areas and controlling development thereon. In all areas of the state, there is concern that no developments contribute to air pollution, water pollution, or cause any other adverse environmental impact along the shoreline.

The California Coastline Initiative does not distinguish between urban and rural areas, nor do the boundaries of the regional commissions it would create recognize in any way the ongoing comprehensive planning and regulatory activities of agencies such as councils of government, air pollution control districts, or water quality control boards. It seeks only to control development and redevelopment and, in this regard, merely adds an additional layer of decision-making without changing the decision-making process in any way.

The concern of the State Legislature and others with respect to providing additional access to and preservation for the coastline has resulted in many regional and state coastal studies including the Comprehensive Ocean Area Plan which, as indicated previously in this report, is a current and thorough compilation of facts pertaining to ownership and resources in the coastal area.

By requiring that new regional and state plans be prepared for the coastal area, thereby duplicating to a great extent what has already been done, the California Coastline Initiative assures that there will be no action by the State Legislature in this area until the 1976 session. Based on the experience of BCDC and the Ventura-Los Angeles Mountain and Coastal Study Commission, the 1976 deadline in the initiative could easily be extended to 1978.

On the other hand, there is every reason to believe that State Legislation is possible now, and that a reasonable and effective concensus could be achieved with respect to tough State policies and standards regulating new development in the coastal area. Local government, state government, and the private sector have all indicated support for additional controls over development of and access to the coast through the adoption and enforcement of state guidelines.

For example, in the general area of land use planning, legislation was approved at the 1972 Legislative session which requires the State Council on Intergovernmental Relations to develop and adopt guidelines for the preparation and content of the mandatory elements of county and city general plans. Guidelines will have to be adopted not later than six months after the effective date of the statute, and cities and counties will be required to

prepare the elements based on such guidelines within a year after their adoption by the Council on Intergovernmental Relations. Local governments supported this legislation. With specific reference to coastal legislation, local governments have also supported proposals designed to require the preparation of state standards and guidelines for development in the coastal area, and support for this conceptual approach is also reflected in the position of the Governor's Cabinet on coastal protection as follows:

Legislation to plan and manage our coastal resources should adhere to the following principles:

1. The state's role should be to mandate management criteria to be applied to governmental resource decisions.
2. It should also be the state's role to interpret basic criteria through the issuance of guidelines.
3. The application and enforcement of the criteria should be the responsibility of local government and state agencies should comply with the criteria in their planning and management activities.
4. The application of the criteria should be mandated only in the immediate coastal environment, from the seaward limit of the state's jurisdiction to a fixed onshore feature such as a street, highway or survey line within 300 feet of the mean high tide line.
5. The interpretation of basic criteria should be provided by a relatively small, say seven man, state board representing state and local government and knowledgeable non-governmental interests. This board should also be able to enforce mandated criteria by requesting that the Attorney General take action to

achieve compliance.

6. State planning for the coastal zone should be a continuation of the Comprehensive Ocean Area Plan effort and be tailored to meet the needs of the state board in interpreting basic criteria and identifying those coastal resources which must be protected or developed in the total public interest.

7. Local coastal planning should be mandated and be tailored to meet local needs for the application and enforcement of state mandated criteria.

8. Local governments should be permitted to continue or initiate joint planning and management efforts.

A broad variety of groups in the private sector have also indicated support for an approach that would assure adequate control over development in the coastal area through the adoption and enforcement of guidelines and standards by the State.

It is important to note that there is ample precedent in current law for a program of additional coastline protection through the imposition of minimum state standards and guidelines. For example, the State presently regulates many aspects of building safety and construction through the adoption of minimum standards that must be adhered to, but may be exceeded, by local agencies. Local air pollution control districts must meet minimum standards of the Air Resources Board, but they are not precluded from adopting more restrictive standards. Recent legislation requires the State Council on Intergovernmental Relations and the Department of Public Health to establish minimum standards for beach sanitation, but permits more restrictive local legislation.

A framework of standards, guidelines, and criteria for regulation and preservation of the coastline has been prepared as part of the recommendations of the Comprehensive Ocean Area Plan (see COAP, Chapter IV, pgs. 2-7). The nature of such criteria will be precisely defined by the body ultimately designated by the legislature as being responsible for providing additional shoreline protection. However, such criteria could include the following:

1. Provision for detailed technical review and comment of all environmental aspects of proposed land uses in the coastal area, and the imposition of regulations that will guarantee adequate protection of environmentally-unique resources and sites including protection of wildlife, vegetation, nesting areas, vistas, and beaches.

2. Some assurance that land use regulations will favor those dependent on coastal resources.

3. A system of balanced planning controls which permit a range of uses reflecting the varied service needs and recreational desires of those living by or visiting the coast.

4. Development standards and regulations that distinguish between urban and rural areas so as to assure that adequate authority is available to control development in rural areas, while not imposing undue administrative and permit burdens in urban areas.

5. A positive program aimed at acquiring additional shoreline vistas and sites.

6. An increased ability for governmental agencies to improve shoreline areas already in public ownership.

7. Some assurance that efforts to provide additional coastline protection will be integrated with ongoing planning, regulatory, and development programs of state, regional, and local agencies...rather than creating a new layer of government in the coast.

8. Requirements aimed at achieving improved coordination of the level and types of service provided in the coastal area by public and private agencies.

9. Provisions guaranteeing that the actions of local agencies will conform with minimum state standards through the establishment of state monitoring programs and appropriate local sanctions, but leaving responsibility for detailed planning of local communities with local government.

10. An appeals procedure that would be available to all, but would be subject to some constraints to assure that it is used in a reasonable way for the overall public benefit.

11. A specific, clarifying provision indicating the intent of public agencies to compensate private landowners for any loss they may experience as a result of new development or other controls.

12. Suggested revisions in the tax structure to assure that the benefits of permitted coastal development are shared through tax equalization programs; that speculation in coastal land is discouraged; that replacement revenue to offset fiscal losses due to new development controls is provided to local

agencies; and that adequate financing is available for programs of shoreline acquisition and improvement.

Rather than spell out specific state policy guidelines and criteria such as those listed above, the California Coastline Initiative simply imposes a new level of decision-making without providing any additional ability to acquire and/or improve shoreline areas. Its implications include:

- it duplicates local experience and resources in land use management by requiring almost all local decisions within the Initiative's permit area to receive ultimate approval from the regional commission. To this extent, the result is virtual preemption of local zoning prerogatives within the permit area.
- it establishes irregular planning and permit areas that, in many cases, are excessive.
- it applies a common standard to urban and rural areas without considering the different needs of these areas.
- it fragments present local, regional, and state efforts at comprehensive planning.
- it destroys the recent gains in California's efforts to rationalize local decision-making structures through regional planning agencies (COGS) and Local Agency Formation Commissions (LAFCO's). Counties are split off from previously designated planning regions and placed in newly created planning jurisdictions.
- it imposes a practical moratorium on most public and private development within the permit area.
- it forces regional commissions to be concerned with local

- zoning details, and leaves them with little time and no overall state guidance for evaluating major land use decisions.
- it fails to provide representation to many counties which will be directly affected by the land use decisions of regional commissions.

APPENDIX

An act to add and repeal Division 18 (commencing with Section 27000) of the Public Resources Code, and to add and repeal Section 11528.2 of the Business and Professions Code, relating to the California coastal zone, and making appropriation therefor.

The people of the State of California do enact as follows:

SECTION 1. Division 18 (commencing with Section 27000) is added to the Public Resources Code, to read:

DIVISION 18. CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

CHAPTER 1. GENERAL PROVISIONS AND FINDINGS AND DECLARATIONS OF POLICY

27000. This division may be cited as the California Coastal Zone Conservation Act of 1972.

27001. 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 of 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 the enjoyment of the current and succeeding generations; and that to protect the coastal zone it is necessary:

(a) To study the coastal zone to determine the ecological planning principles and assumptions needed to ensure conservation

of coastal zone resources.

(b) To prepare, based upon such study and in full consultation with all affected governmental agencies, 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, to be known as the California Coastal Zone Conservation Plan.

(c) To ensure that any development which occurs in the permit area during the study and planning period will be consistent with the objectives of this division.

(d) To create the California Coastal Zone Conservation Commission, and six regional coastal zone conservation commissions, to implement the provisions of this division.

CHAPTER 2. DEFINITIONS

27100. "Coastal zone" means 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 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 shall be the highest elevation of the nearest coastal mountain range or five miles from the mean high tide line, whichever is the shorter distance.

27101. "Coastal zone plan" means the California Coastal Zone Conservation Plan.

27102. (a) "Commission" means the California Coastal Zone Conservation Commission.

(b) "Regional commission" means any regional coastal zone conservation commission.

27103. "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 of land pursuant to the Subdivision Map Act and any other division of land, including lot splits; change in the intensity of use of water, ecology related thereto, 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 logging of major vegetation. 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.

27104. "Permit area" means 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 is 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 shall be included.

(c) Any urban land area which is (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, may, 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 is "stabilized" if 80 percent of the lots are 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 there is no beach shall not be excluded.

Orders granting such exclusion shall be subject to conditions which shall assure that no significant change in density, height, or nature of uses occurs.

An order granting exclusion may be revoked at any time by the regional commission, after public hearing.

(d) Each regional commission shall adopt a map delineating the precise boundaries of the permit area within 60 days after its first meeting and file a copy of such map in the office of the county clerk of each county within its region.

27105. "Person" includes any individual, organization, partnership, and corporation, including any utility and any agency of federal, state, and local government.

27106. "Sea" means the Pacific Ocean and all the harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through a connection with the Pacific Ocean,

excluding nonestuarine rivers and creeks.

CHAPTER 3. CREATION, MEMBERSHIP, AND POWERS OF COMMISSION AND REGIONAL COMMISSIONS

Article 1. Creation and Membership of Commissions and Regional Commissions

27200. The California Coastal Zone Conservation Commission is hereby created and shall consist of the following members:

(a) Six representatives from the regional commissions, selected by each regional commission from among its members.

(b) Six representatives of the public who shall not be members of a regional commission.

27201. The following six regional commissions are hereby created:

(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 councilman 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 councilman from Sonoma County and Marin County.

(2) Two supervisors of the City and County of San Francisco.

(3) One delegate to 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 councilman from each county.

(2) One delegate to the Association of Bay Area Governments.

(3) One delegate to 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 councilman 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 councilman from the City of Los Angeles selected by the president of such city council.

(3) One city councilman from Los Angeles County from a city other than Los Angeles.

(4) One city councilman from Orange County.

(5) One delegate to 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 councilmen from San Diego County, at least one of whom shall be from a city which lies within the permit area.

(2) One city councilman 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.

27202. All members of the regional commissions and public members of the commission shall be selected or appointed as follows:

(a) All supervisors, by the board of supervisors on which they sit;

(b) All city councilmen except under subsections (e) (2) and (f) (2), by the city selection committee of their respective counties;

(c) All delegates of regional agencies, by their respective agency;

(d) All public representatives, equally by the Governor, the Senate Rules Committee and the Speaker of the Assembly, provided that the extra member under (b) (4) and the extra members under (c) (4) shall be appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly respectively.

Article 2. Organization

27220. Each public member of the commission or of a regional commission shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information, to appraise resource uses in light of the policies set forth in this division, to be responsive to the scientific, social, esthetic, recreational, and cultural needs of the state. Expertise in conservation, recreation, ecological and physical sciences, planning, and education shall be represented on the commission and regional commissions.

27221. Each member of the commission and each regional commission shall be appointed or selected not later than December 31, 1972.

Each appointee of the Governor shall be subject to confirmation by the Senate.

27222. In the case of persons qualified for membership because they hold a specified office, such membership ceases when their term of office ceases. Vacancies which occur shall be filled in the same manner in which the original member was selected or appointed.

27223. Members shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement is not otherwise provided by another public agency. Members who are not employees of other public agencies shall receive fifty dollars ($50) for each full day of attending meetings of the commission or of any regional commission.

27224. The commission and regional commissions shall meet no less than once a month at a place convenient to the public. Unless otherwise provided in this division, no decision on permit applications or on the adoption of the coastal zone plan or any part thereof shall be made without a prior public hearing. All meetings of the commission and each regional commission shall be open to the public. A majority affirmative vote of the total authorized membership shall be necessary to approve any action required or permitted by this division, unless otherwise provided.

27225. The first meeting of the commission shall be no later than February 15, 1973. The first meeting of the regional commissions shall be no later than February 1, 1973.

27226. The headquarters of the commission shall be within the coastal zone.

Article 2.5. Conflicts of Interest

27230. Except as hereinafter provided none of the following persons shall appear or act, in any capacity whatsoever except as a representative of the state, or political subdivision thereof, in connection with any proceeding, hearing, application, request for ruling or other official determination, judicial or otherwise, in which the coastal zone plan, or the commission or any regional commission is involved in an official capacity:

(a) Any member or employee of the commission or regional commission;

(b) Any former member or employee of the commission or regional commission during the year following termination of such membership or employment;

(c) Any partner, employer, an employee of a member or employee of the commission or any regional commission, when the matter in issue is one which is under the official responsibility of such member or employee, or in connection with which such member or employee has acted or is scheduled to act, in any official capacity whatsoever.

27231. No member or employee of the commission or any regional commission shall participate, in any official capacity whatsoever, in any proceeding, hearing, application, request for ruling or other official determination, judicial or otherwise, in which any of the following has a financial interest: the member or employee himself; his spouse; his child; his partner; any organization in which he is then serving or has, within two years prior to his

selection or appointment to or employment by such commission or regional commission, served, in the capacity of officer, director, trustee, partner, employer or employee; any organization within which he is negotiating for or has any arrangement or understanding concerning prospective partnership or employment.

27232. In any case within the coverage of Section 27230, the prohibitions therein contained shall not apply if the person concerned advises the commission in advance of the nature and circumstances thereof, including full public disclosure of the facts which may potentially give rise to a violation of this article, and obtains from the commission a written determination that the contemplated action will not adversely affect the integrity of the commission or any regional commission. Any such determination shall require the affirmative vote of two-thirds of the members of the commission.

27233. Nothing in this article shall preclude any member of the commission or any regional commission, who is also a county supervisor or city councilman, from voting or otherwise acting upon a matter he has previously acted upon in such designated capacity.

27234. Any person who violates any provision of this article shall, upon conviction, and for each such offense, be subject to a fine of not more than ten thousand dollars ($10,000) or imprisonment in the state prison for not more than two years, or both.

Article 3. POWERS AND DUTIES

27240. The commission and each regional commission, may:

(a) Accept grants, contributions, and appropriations;

(b) Contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

(c) Be sued and sue to obtain any remedy to restrain violations of this division. Upon request of the commission or any regional commission, the State Attorney General shall provide necessary legal representation.

(d) Adopt any regulations or take any action it deems reasonable and necessary to carry out the provisions of this division, but no regulations shall be adopted without a prior public hearing.

27241. The commission and regional commissions may request and utilize the advice and services of all federal, state, and local agencies. Upon request of a regional commission any federally recognized regional planning agency within its region shall provide staff assistance insofar as its resources permit.

27242. All elements of the California Comprehensive Ocean Area Plan, together with all staff and funds appropriated or allocated to it, shall be delivered by the Governor and shall be attached and allocated to the commission at its first meeting.

27243. The commission and each regional commission shall each elect a chairman and appoint an executive director, who shall be exempt from civil service.

CHAPTER 4. CALIFORNIA COASTAL ZONE CONSERVATION PLAN

Article 1. Generally

27300. The commission shall prepare, adopt, and submit to the Legislature for implementation the California Coastal Zone Conservation Plan.

27301. The coastal zone plan shall be based upon detailed studies of all the factors that significantly affect the coastal zone.

27302. The coastal zone plan shall be consistent with all of 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.

27303. The coastal zone plan shall consist of such maps, text and statements of policies and objectives as the commission determines are necessary.

27304. The plan shall contain at least the following specific components:

(a) A precise, comprehensive definition of the public interest in the coastal zone.

(b) Ecological planning principles and assumptions to be used in determining the suitability and extent of allowable development.

(c) A component which includes the following elements:

(1) A land-use element.

(2) A transportation element.

(3) A conservation element for the preservation and management of the scenic and other natural resources of the coastal zone.

(4) A public access element for maximum visual and physical use and enjoyment of the coastal zone by the public.

(5) A recreation element.

(6) A public services and facilities element for the general location, scale, and provision in the least environmentally destructive manner of public services and facilities in the coastal zone. This element shall include a power plant siting study.

(7) An ocean mineral and living resources element.

(8) A population element for the establishment of maximum desirable population densities.

(9) An educational or scientific use element.

(d) Reservations of land or water in the coastal zone for certain uses, or the prohibition of certain uses in specific areas.

(e) Recommendations for the governmental policies and powers required to implement the coastal zone plan including the organization and authority of the governmental agency or agencies which should assume permanent responsibility for its implementation.

Article 2. Planning Procedure

27320. (a) The commission shall, within six months after its first meeting, publish objectives, guidelines, and criteria for the collection of data, the conduct of studies, and the preparation of local and regional recommendations for the coastal zone plan.

(b) Each regional commission shall, in cooperation with appropriate local agencies, prepare its definitive conclusions and recommendations, including recommendations for areas that should be reserved for specific uses or within which specific uses should be prohibited, which it shall, after public hearing in each county within its region, adopt and submit to the commission no later than April 1, 1975.

(c) On or before December 1, 1975, the commission shall adopt the coastal zone plan and submit it to the Legislature for its adoption and implementation.

CHAPTER 5. INTERIM PERMIT CONTROL

Article 1. General Provisions

27400. On or after February 1, 1973, any person wishing to perform any development within the permit area shall obtain a permit authorizing such development from the regional commission and, if required by law, from any city, county, state, regional or local agency.

Except as provided in Sections 27401 and 27422, no permit shall be issued without the affirmative vote of a majority of the total authorized membership of the regional commission, or of the commission on appeal.

27401. No permit shall be issued for any of the following without the affirmative vote of two-thirds of the total authorized

membership of the regional commission, or of the commission on appeal:

(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.

27402. No permit shall be issued unless the regional commission has first found, both of the following:

(a) That the development will not have any substantial adverse environmental or ecological effect.

(b) That the development is consistent with, the findings and declarations set forth in Sections 27001 and with the objectives set forth in Section 27302.

The applicant shall have the burden of proof on all issues.

27403. All permits shall be subject to reasonable terms and conditions in order to ensure:

(a) Access to publicly owned or used beaches, recreation areas, and natural reserves is increased to the maximum extent possible by appropriate dedication.

(b) Adequate and properly located public recreation areas and wildlife preserves are reserved.

(c) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal zone resources.

(d) Alterations to existing land forms and vegetation, and construction of structures shall cause minimum adverse effect to scenic resources and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

27404. If, prior to the effective date of this division, any city or county has issued a building permit, no person who has obtained a vested right thereunder shall be required to secure a permit from the regional commission; providing that no substantial changes may be made in any such development, except in accordance with the provisions of this division. Any such person shall be deemed to have such vested rights if, prior to April 1, 1972, he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work on the development and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to the particular development or the issuance of a permit shall not be deemed liabilities for work or material.

27405. Notwithstanding any provision in this chapter to the contrary, no permit shall be required for the following types of development:

(a) Repairs and improvements not in excess of seven thousand five hundred dollars ($7,500) to existing single-family residences;

provided, that the commission shall specify by regulation those classes of development which involve a risk of adverse environmental effect and may require that a permit be obtained.

(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the permit area, pursuant to a permit from the United States Army Corps of Engineers.

Article 2. Permit Procedure

27420. (a) The commission shall prescribe the procedures for permit applications and their appeal and may require a reasonable filing fee and the reimbursement of expenses.

(b) The regional commission shall give written public notice of the nature of the proposed development and of the time and place of the public hearing. Such hearing shall be set no less than 21 nor more than 90 days after the date on which the application is filed.

(c) The regional commission shall act upon an application for permit within 60 days after the conclusion of the hearing and such action shall become final after the tenth working day unless an appeal is filed within that time.

27421. Each unit of local government within the permit area shall send a duplicate of each application for a development within the permit area to the regional commission at the time such application for a local permit is filed, and shall advise the regional commission of the granting of any such permit.

27422. The commission shall provide, by regulation, for the issuance of permits by the executive directors without compliance with the procedure specified in this chapter in cases of emergency or for repairs or improvements to existing structures not in excess of twenty-five thousand dollars ($25,000) and other

developments not in excess of ten thousand dollars ($10,000). Nonemergency permits 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 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 Section 27420.

27423. (a) An applicant, or any person aggrieved by approval of a permit by the regional commission may appeal to the commission.

(b) The commission may affirm, reverse, or modify the decision of the regional commission. If the commission fails to act within 60 days after notice of appeal has been filed, the regional commission's decision shall become final.

(c) The commission may decline to hear appeals that it determines raise no substantial issues. Appeals it hears shall be scheduled for a de novo public hearing and shall be decided in the same manner and by the same vote as provided for decisions by the regional commissions.

27424. Any person, including an applicant for a permit, aggrieved by the decision or action of the commission or regional commission shall have a right to judicial review of such decision or action by filing a petition for a writ of mandate, pursuant to Section 1084 of the Code of Civil Procedure, within 60 days after such decision or action has become final.

27425. Any person may maintain an action for declaratory and equitable relief to restrain violation of this division. No

bond shall be required for an action under this section.

27426. Any person may maintain an action for the recovery of civil penalties provided in Sections 27500 and 27501.

27427. The provisions of this article shall be in addition to any other remedies available at law.

27428. Any person who prevails in a civil action brought to enjoin a violation of this division or to recover civil penalties shall be awarded his costs, including reasonable attorneys fees.

CHAPTER 6. PENALTIES

27500. Any person who violates any provision of this division shall be subject to a civil fine not to exceed ten thousand dollars ($10,000).

27501. In addition to any other penalties, any person who performs any development in violation of this division shall be subject to a civil fine not to exceed five hundred dollars ($500) per day for each day in which such violation persists.

CHAPTER 7. REPORTS

27600. (a) The commission shall file annual progress reports with the Governor and the Legislature not later than the fifth calendar day of the 1974 and 1975 Regular Session of the Legislature, and shall file its final report containing the coastal zone plan with the Governor and the Legislature not later than the fifth calendar day of the 1976 Regular Session of the Legislature.

CHAPTER 8. TERMINATION

27650. This division shall remain in effect until the 91st day after the final adjournment of the 1976 Regular Session of the Legislature, and as of that date is repealed.

Sec. 2. Section 11528.2 is added to the Business and Professions Code, to read:

11528.2. The clerk of the governing body or the advisory agency of each city or county or city and county having jurisdiction over any part of the coastal zone as defined in Section 27100 of the Public Resources Code, shall transmit to the office of the California Coastal Zone Conservation Commission within three days after the receipt thereof, one copy of each tentative map of any subdivision located, wholly or partly, within the coastal zone and such Commission may, within 15 days thereafter, make recommendations to the appropriate local agency regarding the effect of the proposed subdivision upon the California Coastal Zone Conservation Plan. This section does not exempt any such subdivision from the permit requirements of Chapter 5 (commencing with Section 27400) of Division 18 of the Public Resources Code.

This section shall remain in effect only until the 91st day after the final adjournment of the 1976 Regular Session of the Legislature, and as of that date is repealed.

SEC. 3. 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 applications 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.

SEC. 4. There is hereby appropriated from the Bagley Conservation Fund to the California Coastal Zone Conservation Commission the sum of five million dollars ($5,000,000) to the extent that any moneys are available in such fund and if all or any portions thereof are not available then from the General Fund for expenditure to support the operations of the commission and regional coastal zone conservation commissions during the fiscal years of 1973

to 1976, inclusive, pursuant to the provisions of Division 18 (commencing with Section 27000) of the Public Resources Code.

SEC. 5. The Legislature may, by two-thirds of the membership concurring, amend this act in order to better achieve the objectives set forth in Sections 27001 & 27302 of the Public Resources Code.

TABLE I
CATEGORIES BY COUNTIES

COMPREHENSIVE OCEAN AREA PLAN GENERAL INVENTORY

LAND USE - SITE CHARACTERISTICS INVENTORY (ACRES)

		DEL NORTE COUNTY	HUMBOLDT COUNTY	MENDOCINO COUNTY	SONOMA COUNTY	MARIN COUNTY	SAN FRANCISCO COUNTY	SAN MATEO COUNTY	SANTA CRUZ COUNTY	MONTEREY COUNTY	SAN LUIS OBISPO COUNTY	SANTA BARBARA COUNTY	VENTURA COUNTY	LOS ANGELES COUNTY	ORANGE COUNTY	SAN DIEGO COUNTY	COASTAL ZONE TOTAL
LAND USE (DEVELOPED AREAS)	AGRICULTURE	5,507	21,501	793	112	408	8	3,663	3,529	6,672	755	3,397	1,479	705	675	2,789	51,993
	COMMUNICATION	–	26	46	–	38	–	–	–	–	48	27	25	28	1	53	292
	COMMERCIAL	214	961	141	18	24	292	99	255	646	351	257	441	3,844	1,883	4,548	14,574
	EXTRACTIVE	43	54	–	60	–	–	40	74	342	366	271	345	2,121	950	1,161	5,827
	GOVERNMENT FACILITIES	570	537	18	46	988	411	403	154	789	342	832	911	14,265	2,070	6,039	28,375
	INDUSTRIAL	265	1,126	376	60	–	–	11	72	226	192	394	594	4,836	592	3,861	12,605
	RECREATION FACILITIES *	33	140	361	2,601	1,473	1,053	494	385	945	483	436	673	721	730	1,524	12,052
	PUBLIC PARK LANDS **	5,696	5,461	1,329	2,939	16,406	1,536	1,579	700	2,981	4,033	3,388	1,670	2,561	827	2,506	53,657
	RESIDENTIAL	2,145	2,958	4,408	160	1,117	1,456	2,498	3,694	3,760	2,465	2,311	988	8,322	7,227	9,581	53,090
	TRANSPORTATION	166	932	13	–	–	98	239	254	239	391	1,170	915	1,347	580	5,110	11,454
	TOTAL DEVELOPED	8,943	28,235	6,156	3,057	4,048	3,318	7,447	8,417	13,619	5,393	9,695	6,371	36,189	14,708	34,666	**190,262**
SITE CHARACTERISTICS (UNDEVELOPED AREAS)	WATER AREAS	3,534	9,032	377	835	7,294	324	101	153	769	659	287	744	1,908	1,312	10,873	38,202
	LAND FORMS	4,402	23,415	4,992	2,532	9,541	351	2,288	1,113	3,633	7,200	7,657	2,501	2,873	2,144	4,526	79,168
	VEGETATION	15,018	28,371	26,189	15,310	35,012	208	7,830	4,108	25,818	24,166	19,240	7,271	7,122	5,944	15,834	237,441
	TOTAL UNDEVELOPED	22,954	60,818	31,558	18,677	51,847	883	10,219	5,374	30,220	32,025	27,184	10,516	11,903	9,400	31,233	**354,811**
	COUNTY TOTALS	31,897	89,053	37,714	21,734	55,895	4,201	17,666	13,791	43,839	37,418	36,879	16,887	48,092	24,108	65,899	**545,073**

*RECREATION FACILITIES includes second home sites, and buildings and developed parts of public parks.

**PUBLIC PARK LANDS is total acreage, developed and undeveloped, in Federal, State, county, and local parks. The undeveloped acreages within Public Park Lands are already in Table I, in the Site Characteristic categories; the developed acreages are already in Recreation Facilities

Acreage based on interpretation of 1970 airphotos.

August 1971

STATE OF CALIFORNIA – THE RESOURCES AGENCY
DEPARTMENT OF NAVIGATION AND OCEAN DEVELOPMENT

STATEWIDE SUMMARY
SITE CHARACTERISTIC INVENTORY (UNDEVELOPED AREAS)

NOTE: "X" AFTER ANY SYMBOL INDICATES OIL EXTRACTION IS A SECONDARY USE.

		Acres in Inventory Area
L - LANDFORMS	**14.5%**	
b - Beaches		19,859
c - Cliffs; steep slopes; some landslides		12,332
d - Dunes		21,897
i - Island, sea stack		214
m - Mudflat		20,268
r - Sea stack, rookery		Undet.
s - Spit, bar		4,598
		79,168
N - NATURAL VEGETATION	**43.5%**	
b - Barren		7,863
c - Coastal forest		18,595
f - Redwood forest		8,830
g - Grassland (includes Ngx=26 acres)		111,062
h - Hardwood		1,566
j - Woodland - grass		12,908
k - Kelp		Undet.
m - Marsh - salt water (includes Nmx=921 acres)		7,949
n - Marsh - fresh water (includes Nnx=5 acres)		3,405
r - Riparian		3,310
s - Coastal sagebrush		49,382
w - Woodland		11,712
z - Other vegetation types		859
		237,441
W - WATER AREAS	**7.1%**	
e - Open water - estuary		27,635
l - Open water - lagoon		4,667
p - Lakes and ponds		4,009
r - Reservoirs		345
s - Rivers and streams		1,546
		38,202
TOTAL	**65.1%**	354,811

(Undeveloped part of inventory area)

STATEWIDE SUMMARY
LAND-USE INVENTORY (DEVELOPED AREAS)

		Acres in Inventory Area
A - AGRICULTURE	**9.5%**	
c - Poultry farms		5
d - Dairy farms		334
f - Farmsteads		657
g - Grain		2,231
h - Horticulture		1,938
p - Pasture		29,728
r - Row crops		15,995
s - Stock farms		177
t - Tree crops		799
z - Other agricultural uses		129
		51,993
B - COMMUNICATION	**0.1%**	
n - Navigation facilities		114
r - Radio, TV, microwave		176
t - Telephone		2
		292
C - COMMERCIAL	**2.7%**	
a - Apartments, Barracks (includes Cax: 58 acres)		6,008
h - Hotels		148
m - Motels		1,369
r - Miscellaneous offices, business, etc.		6,446
t - Municipal auditoriums, theaters		603
		14,574
E - EXTRACTIVE	**1.1%**	
d - Desalting plants		38
m - Seawater mineral recovery		1,465
o - Oil and gas fields (primary use)		3,905
q - Stone quarries		21
s - Sand and gravel deposits		221
z - Other mineral operations		177
		5,827
G - GOVERNMENT FACILITIES	**5.2%**	
a - Governmental functions		614
b - Groins, breakwaters		468
c - Cemeteries		268
d - Solid waste disposal (dumps)		183
e - Harbors (commercial vessels)		14,438
f - Protection: police, fire		5
h - Hospital and health		112
k - Marinas (recreational vessels)		2,491
p - Prison, correctional		30
s - Liquid waste disposal (sewage)		907
t - Access road, trails; parking		1,633
u - Universities, colleges, schools		2,952
w - Water supply, conduits		55
z - Other public facilities		4,219
		28,375

*This acreage represents areas of developed park facilities and is included in the 53,657 acres of Public Park lands in the coastal area.

NOTE: "X" AFTER ANY SYMBOL INDICATES OIL EXTRACTION IS A SECONDARY USE.

		Acres in Inventory Area
I - INDUSTRIAL	**2.3%**	
b - Fossil fuel power plant		737
d - Storage and distribution (includes Idx=10 acres)		3,406
f - Commercial fishing		361
h - Heavy manufacturing		660
m - Saw mills		1,409
n - Nuclear power plant		100
o - Oil refineries (includes Iox=17 acres)		370
p - Port facilities		2,374
s - Shipbuilding, repair		923
t - Power substations, lines		182
z - Other industrial uses (includes Izx=10 acres)		2,083
		12,605
P - RECREATION FACILITIES	**2.2%**	
*c - Campground		895
g - Golf course (includes Pgx=90 acres)		2,958
*p - Park (day use: picnicking etc.)		2,284
r - Residential (summer homes)		4,185
t - Tourism, resort		135
z - Other recreational uses		1,595
		*12,052
R - RESIDENTIAL	**9.7%**	
s - Structure		
a. 0 to 3 units/acre and less than 50% developed (includes Rsax=17 acres)		9,931
b. 4 or more units/acre and less than 50% developed (includes Rsbx=39 acres)		4,848
c. 0 to 3 units/acre and more than 50% developed (includes Rscx=138 acres)		7,231
d. 4 or more units/acre and more than 50% developed (includes Rsdx=189 acres)		29,666
t - Trailer or Mobile Home parks		1,414
		53,090
T - TRANSPORTATION	**2.1%**	
a - Airports		2,368
b - Heliports		230
h - Highways, yards		7,401
r - Railroads, yards		1,248
s - Seaplane ports		113
z - Other transportation uses		94
		11,454
TOTAL (Developed part of inventory area)	34.9%	190,262
GRAND TOTAL (Acreage in inventory area)	100%	545,073

CITY OF LONG BEACH
PERMITS AND VALUATIONS

The total area of the City is 49.48 sq. miles. The area outlined on the attached map is 17.92 sq. miles which equals 36% of the total area of the City.

The number of permits and valuations in this area are listed from the 1971 calendar year statistical report.

TYPE	PERMITS	UNITS	VALUATION
Residential Buildings	103	5,735	7,752,866
Non-Residential Buildings	36		7,231,079
Commercial Buildings	19		3,241,787
Industrial Buildings	8		971,492
Structures	820		4,218,862
Alterations and Additions	2,337		4,332,368
Electrical Permits	1,652		2,995,157
Plumbing Permits	1,648		1,949,180
36% of Total Year	6,623	5,735	32,692,791

The percentage of area is the only way to prepare this report, as all permits are incorporated in a street address file as soon as they are issued.

AVERAGE TIME AND COST OF PROCESSING
SPECIAL PERMITS IN THE CITY OF LONG BEACH

Average time to process a special permit	4 - 6 Weeks
Average staff man-power input for processing a special permit	22 Hours
Average cost to the City for processing a special permit	$188.00

LONG BEACH

ESTIMATE OF SQUARE FOOTAGE AND ASSESSED VALUES
WITHIN THE PRIMARY ZONE OF THE PROPOSED COASTAL ZONE INITIATIVE

Land Use	Square Footage	Assessed Value Per Square Foot: Land	Assessed Value Per Square Foot: Improvements	Assessed Land Value	Assessed Improvement Value	Total Assessed Value
Residential						
Low Density	130,072,454	$0.71	$0.50	$ 100,831,360	$ 71,008,000	$ 171,839,360
High Density	45,022,099	0.78	1.64	36,903,360	77,591,680	114,495,040
Total	175,094,553			$ 137,734,720	$ 148,599,680	$ 286,334,400
Commercial	23,172,000	1.14	1.18	26,416,080	27,342,960	53,759,040
Industrial	72,898,713	0.48	1.02	47,959,680	101,917,320	149,877,000
Trailer	876,000	0.71	0.10	621,960	87,600	709,560
Utilities						
Low Residential Zone	6,502,649	0.71	1.18	5,040,810	7,673,125	12,713,935
Commercial Zone	774,516	1.14	1.18	900,600	1,062,708	1,963,308
Total	7,277,165			$ 5,941,410	$ 8,735,833	$ 14,677,243
Rights-of-Way						
Low Residential Zone	7,313,724	0.71		5,192,744		5,192,744
Commercial Zone	7,567,472	1.14		8,626,918		8,626,918
Industrial Zone	1,175,592	1.48		564,284		564,284
Total	15,056,688			$ 14,383,946		$ 14,383,946
Freeways						
Low Residential Zone	5,493,944	0.71		3,900,700	5,437,500	9,338,200
Commercial Zone	5,684,556	1.14		6,480,394	5,625,000	12,105,394
Industrial Zone	883,084	0.48		423,880	875,000	1,298,880
Total	12,061,584			$ 10,804,974	$ 11,937,500	$ 22,742,474
Institutional						
C.S.U.L.B.	9,792,000	0.80	1.14	7,833,600	11,250,000	19,083,600
Schools & Churches	15,924,000	0.87	1.18	13,852,274	18,790,320	32,642,594
Total	25,716,000			$ 21,685,874	$ 30,040,320	$ 51,726,194

PRIMARY ZONE, cont'd.

Land Use	Square Footage	Assessed Value Per Square Foot Land	Assessed Value Per Square Foot Improvements	Assessed Land Value	Assessed Improvement Value	Total Assessed Value
Public						
Shoreline	8,608,060	$1.14	$	$ 9,192,960	$ 2,750,000	$ 11,942,960
Service Building	1,311,940	1.14	1.18	1,495,611	1,548,089	3,043,700
Beach	5,136,000	1.25		6,420,000		6,420,000
Parks	49,408,000	0.49		24,086,400		24,086,400
Queen Mary					10,501,697	10,501,697
Total	64,464,000			$ 41,194,971	$ 14,799,786	$ 55,994,757
Vacant						
Marina Pacifica	6,912,000	0.78		5,391,360		5,391,360
Industrial Zone	8,608,060	0.48		4,131,868		4,131,868
Other	6,927,363	0.78		5,403,343		5,403,343
Total	22,447,423			$ 14,926,571		$ 14,926,571
Total of All Land Uses in the Primary Zone	419,064,126			$ 321,670,186	$ 343,460,999	$ 665,131,185

LONG BEACH

ESTIMATE OF SQUARE FOOTAGE AND ASSESSED VALUES
WITHIN THE SECONDARY ZONE OF THE PROPOSED COASTAL ZONE INITIATIVE

Land Use	Square Footage	Assessed Value Per Square Foot: Land	Assessed Value Per Square Foot: Improvements	Assessed Land Value	Assessed Improvement Value	Total Assessed Value
Residential						
Low Density	79,031,179	$0.71	$0.50	$ 61,264,480	$ 43,294,000	$ 104,558,480
High Density	7,365,384	0.78	1.64	6,037,200	12,693,600	18,730,800
Total	86,396,563			$ 67,301,680	$ 55,987,600	$ 123,289,280
Commercial	7,784,000	1.14	1.18	8,873,760	9,185,120	18,058,880
Industrial	9,176,544	0.48	1.02	4,404,741	9,360,074	13,764,815
Trailer	596,000	0.71	0.10	423,160	59,600	482,760
Utilities						
Residential Zone	800,000	0.71	1.18	568,000	944,000	1,512,000
Institutional						
Virginia Country Club	8,784,000	0.80		7,027,200		7,027,200
Schools & Churches	7,152,000	0.87	1.18	6,222,240	8,439,360	14,661,600
Total	15,936,000			$ 13,249,440	$ 8,439,360	$ 21,688,800
Public						
Service Bldg.	352,000	0.71	1.18	249,920	352,000	601,920
Parks	15,256,000	0.49		7,437,300		7,437,300
Total	15,608,000			$ 7,687,220	$ 352,000	$ 8,039,220
Vacant	1,132,000	0.71		803,720		803,720
Total of all Land Uses in the Secondary Zone	137,429,107			$ 103,311,721	$ 84,327,754	$ 187,639,475

LONG BEACH HARBOR DISTRICT

The following is a recapitulation of the impact and long-range effect the proposed Coastal Zone Conservation Act Initiative would have on the operations within the Long Beach Harbor District:

Long Beach Harbor District

The Harbor District of the City of Long Beach encompasses 4.48 square miles of land, of which 2.26 square miles are owned and controlled by the Harbor Department and the remainder by private concerns. The entire area of the Harbor District would fall within the jurisdiction of the proposed coastal legislation.

Long Beach is a principal gateway to the largest and most prosperous market area of the western United States. This market area contains almost 30 million residents covering the southern portion of California, southern Nevada, and the states of Arizona, Utah, Colorado and New Mexico. Through this harbor district each year flows cargoes with an approximate value of 2.5 billion dollars.

Long Beach Harbor Department

The Harbor Department is a semiautonomous body of the City of Long Beach. It is responsible for the operation, control and development of the municipally-owned port facilities, and is governed by a five-member Board of Harbor Commissioners who are appointed by the City Manager with the approval of the City Council. The Harbor Department has an investment in land and port facilities amounting to approximately $200,000,000. The estimated total investment within the Harbor District by commercial waterfront operators is $50,000,000.

Production in the Port of Long Beach for the 1970-71 fiscal year was as follows:

1. Total import-export tonnage, 26,000,000.

2. The approximate dollar value of all cargo moved through the Port during the 1970-71 period was 2.1 billion dollars.

Harbor Department capital outlay projects for the fiscal year 1972-73 will be 22.8 million dollars. Harbor Department capital projects for future construction (five-year plan) amount to 98.6 million dollars.

PORT OF LONG BEACH

During the 1970-71 fiscal year, the Port Authority jobs were as follows:

1.	Within the Port of Long Beach	5,320
2.	Harbor Department	329
3.	Additional jobs in the Port area, including the U.S.Naval Shipyard personnel.	9,240
	Total jobs	14,889

Financial benefits calculated from operations in the Port of Long Beach during the 1970-71 fiscal year period are as follows:

1.	Cargo movements	$ 229,930,953
2.	Ship crew expenditures	7,606,368
3.	Ship's bunkers, repairs, supplies, chandlery, etc.	42,858,149
	Total	$ 280,395,470

According to a survey of the U. S. Department of Commerce, each billion dollars of export cargo provides jobs for 91,000 workers. Long Beach, with exports totaling $2,019,138,913, thus generated empployment for about 183,000 Americans.

The estimated capital improvements in the commercial waterfront area during the past five years are in excess of 33.6 million dollars, excluding the Harbor Department's investments.

Estimated expenditures by the "private sector" in the Harbor District during the next five years will be approximately 150 million dollars. The "private sector" includes such large firms as Kaiser Gypsum Co., Southern California Edison Company, United States Navy, Atlantic Richfield Company, Champlin Oil Company, Humble Oil & Refining Company, Shell Oil Company and Mobile Oil Company.