

# The California Coastal Commission: At the Crossroads

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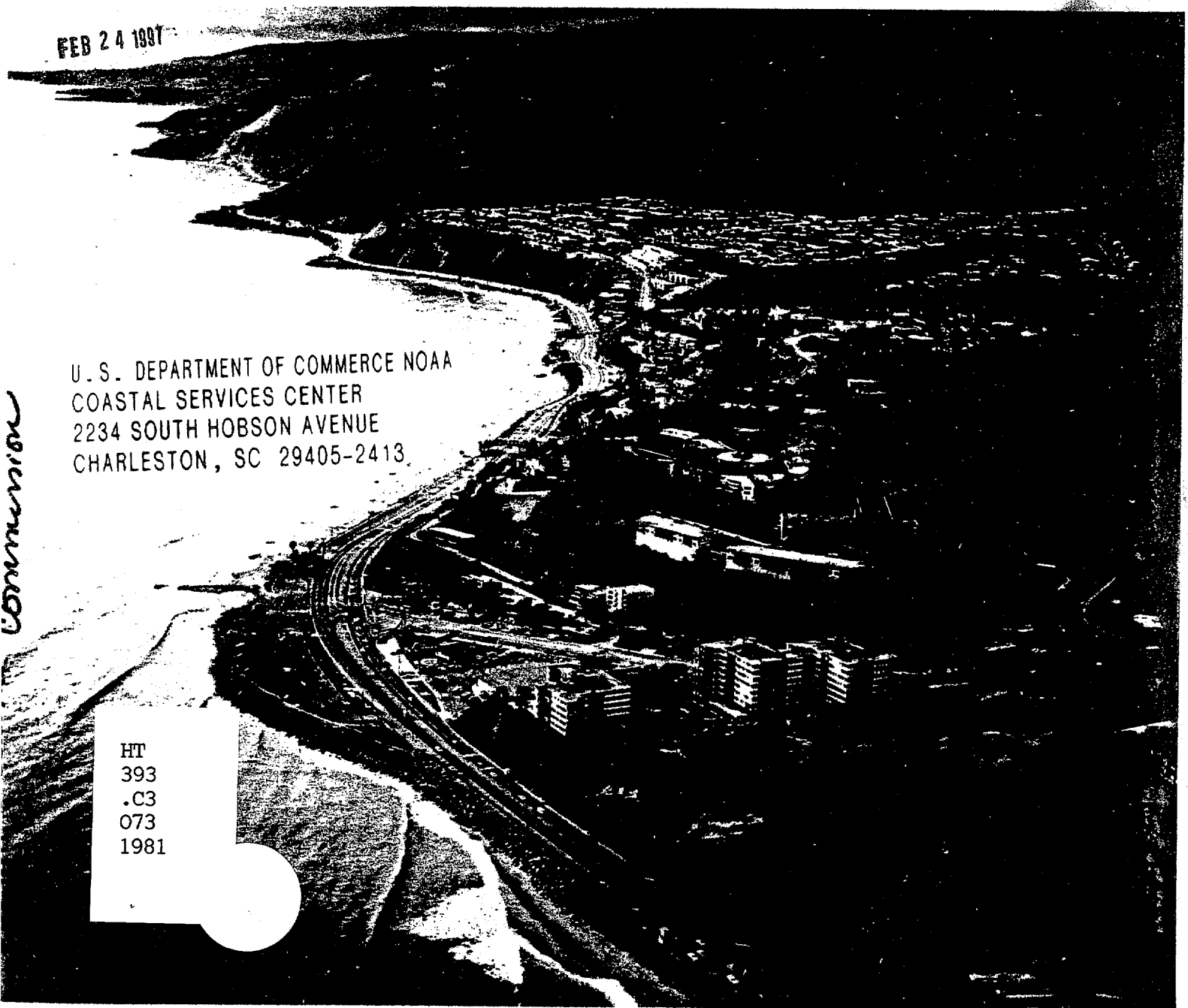
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*Turning point***Coast Panel: What It Did and Didn't**

BY RICHARD O'REILLY  
Times Staff Writer

The 1,100-mile coastline of California is a spectacle of soaring cliffs, teeming wetlands and—particularly in the Southland—mile after mile of dazzling beach.

There has always been disagreement over who controls it. The Spaniards took it away from the Indians; the Mexicans took it away from the Spaniards; the United States took it away from the Mexicans.

And in 1972 the voters took control of the coast away from the cities and counties and gave it to the California Coastal Commission.

The commission has done exactly what it was created to do—plan and regulate. It has, in fact, planned the future of almost every parcel of land along the coast and it has regulated down to the color of paint on a single house and the amount a hotel can charge for a weekend room.

Now, nine years after its creation, the commission is reaching a major turning point: It is handing back to local communities most of the authority to regulate coastal development.

In those nine years, here is what the commission has accomplished:

There has been no new subdividing of coastal farmlands in rural areas; virtually no marshlands have been filled or diked for development, even in the midst of cities; California 1 has been preserved as a scenic, winding two-lane road; far fewer high-rise buildings are being allowed along the beaches; no new power plant sites threaten scenic spots, and no new locked-gate residential developments have been built at the shore.

The commission has also created a sweeping beach access program that over the years will open dozens of miles of sand and rock outcroppings to the public. It is making it possible for persons with low and moderate incomes to live near the ocean, especially in Southern California. And so far, although its authority to veto offshore oil exploration is being challenged by the Reagan Administration, it has prevented drilling in areas of the ocean where there is serious threat of ecological damage.

But the commission has also made it much more expensive for individual homeowners to live near the coast or to remodel or rebuild their homes to suit their own tastes.

And the commission has not corrected what environmentalists would view as the wrongs of the past. The beach along the Marina del Rey peninsula, for example, is still largely inaccessible, although the

commission has tried to change this. And because the commission has no power to order changes in existing land use no matter how noble the motive, a Pacific Gas & Electric Co. power plant will continue to loom over Morro Rock.

The commission cannot own land, nor can it spend money to fix the mistakes made by city councils and county boards of supervisors. Nor can it force any person or company or governmental agency to spend any money. It cannot tell a property owner to do anything unless that person seeks to change what he is already doing with his land. Then the commission has the power to say exactly what can be done, backed by a 202-page law and a series of favorable court decisions.

The applicant's only choice is to comply or to abandon the project. Or file a lawsuit, a procedure that so far has served mostly to enhance the commission's position.

The one constant throughout the commission's tenure has been controversy. Depending on who is asked, the commission has done far too much or far too little.

Ellen Stern Harris, one of the leaders of the 1972 Proposition 20 campaign and the commission's vice chairman during its first four years, thinks it has been a dismal failure.

"As I drive in the urban areas of Southern California," Harris said, "I see that it created a wall of affluent homes and squeezed out the poor it was meant to rescue and made access even more difficult."

She blames that on the power of developers and other special interests to get what they want through political campaign contributions, the commission notwithstanding.

Gerald Gray is chairman of the California Coastal Council, a group dedicated to abolishing the commission. He thinks that land-use regulation belongs to local government and that efforts by the Coastal Commission to work with local authorities in coastal planning have been "a sham." The plans have all been dictated by the commission and ignore what is at stake for local communities, Gray says.

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Yet Gray, a Cambria builder and Realtor, personally has learned how to deal successfully with the commission. He has received about 100 coastal development permits for his own and clients' projects and has been denied by the commission only three times. In two of the denials he was able to change his plans and later obtain permits.

Much of the criticism of the commission comes from the cities and counties that lost the power to decide what would be built in their coastal zones. But Russell Selix, attorney for the League of California Cities, agreed that much of the commission's work has been beneficial. Particularly on the issue of local coastal planning, Selix said, "We concede that local agencies, for the most part, would not have adopted them if there had not been a Coastal Commission to push them along."

And Selix went on to say there is a "general feeling that the coastal planning the coastal cities have done is clearly better than it otherwise would have been."

Nevertheless, the league is sponsoring legislation this year to trim the commission's wings a bit.

Big business and labor are two other groups strongly affected by the commission's decisions. Jobs and profits are lost every time the commission says "no" or every time it says "build smaller," which it often does.

Michael Peevey, president of the California Council for Economic and Environmental Balance, an amalgam

of large landowners, labor unions and environmental representatives, does not want to abolish the commission, however.

"We all have an interest in a well-planned California coastline that includes some development with a lot of open space," Peevey said. He explained that, although his group thinks the commission has been overzealous in many ways, big business can learn to live with the rules and does.

"It's that little guy who feels he's been screwed and, by God, he has been screwed," Peevey said.

It is hard to imagine any plight worse than that of Viktoria Consiglio, a Seaside bookkeeper, and her husband, a Civil Service pipefitter.

In 1976, Viktoria Consiglio, a German immigrant, used her inheritance to make a substantial down payment on a two-acre saddle of land next to California 1 on the Big Sur coast. The purchase price was \$67,000.

She was cautious. Before the purchase was concluded, her lawyer wrote to the Central Coast Regional Coastal Commission, one of the six regional commissions with primary responsibility for issuing coastal permits, to ask what restrictions there would be on use of the land.

The answer covered half a dozen general topics of concern, but nowhere did it explicitly state what would become the central restriction—that no permit would be issued for any house that could readily be seen from the highway.



Waves break on rocks off Sonoma County shore. Majestic stretches such as this one have been protected by California Coastal Commission.

Times photo by Con Keyes

Viktoria Consiglio bought the property, and the commission denied her a permit to build a house of about 1,000 square feet—something she and her husband thought they could do using the equity in their Seaside home and a simple design.

The regional commission, and later the state commission, concluded that there was no way that her house could be hidden from view.

It made no difference that immediately to the south a large house sat on the ridgeline and that across a small cove to the north were three more houses. They all were relics of the pre-commission era. The rules had changed.

And it made no difference that Consiglio's neighbor was allowed to build. His property rounds the point behind hers. His house could be on the oceanfront, invisible from the highway. All that shows is the paved driveway leading across the same saddle of land Consiglio could not build upon: a very naked, visible driveway leading to an invisible house.

Consiglio sued but since has abandoned her legal fight. Despite the severe restrictions, her property gained in value and she has granted an option to a Palo Alto attorney for "much more" than she paid for it.

The commission has been equally harsh with the rich and famous. Allen Funt, host of the television program "Candid Camera," was denied a permit to build his personal home and a guest house on the rolling slopes of his 1,200-acre Big Sur ranch. His property has been photographed thousands of times as one of the classic views of the coastline in a scene that includes one of California's famous high-arch bridges.

The commission objected because the two houses would have increased the historical number of residences on the property and because the top of the guest house, which would have resembled a light-house, would be visible from a portion of Highway 1.

Even Gov. Edmund G. Brown Jr. has had difficulties with the Coastal Commission. In 1978, he attempted to intervene on behalf of his then-girlfriend, pop singer Linda Ronstadt, according to Michael Fischer, the state commission's executive director. At the time, Ronstadt and 31 of her Malibu Colony neighbors were threatened by high storm tides. Brown asked Fischer how they could build a sea wall without going through the hassle of getting a coastal permit, Fischer recalls.

Fischer said he told Brown that there was no way to do that. Brown then told Fischer that he had told Ronstadt to go ahead and build it without a permit, Fischer said he told the governor that if she did, the commission would sue her for violating the law.

Ronstadt and the others did build the sea wall, and the commission did sue. She since has sold the house, and the commission suit is languishing in the courts. (Brown's office has had no comment on the matter.)

What Ronstadt and her neighbors avoided by not seeking a permit was the probable demand by the commission that they open their private beaches to public access.

The incident is instructive. Brown has a lot of com-

pany among those who consider the permit requirement onerous. Yet the commission, which relies on Brown to veto the most damaging bills passed by a Legislature in which the commission has fewer and fewer supporters, refused to make an exception even for the governor's friends.

California is not the only state to create an agency to regulate its shore. In 1972, when Californians approved Proposition 20 and created the Coastal Commission, federal legislation was passed to require similar controls in all states with ocean or Great Lakes coastlines. So far, 25 have complied.

Nor is California's coastal zone the broadest. In Delaware the entire state is the coastal zone, and Oregon's zone is 40 miles wide in places. In California, the coastal zone ranges from several hundred feet to five miles wide, and contains 1.3 million acres altogether.

But California's coastal regulations are the most comprehensive, restrictive, ambitious and controversial in the nation.

The commission was created as an independent, non-political agency with sweeping powers, and it has exercised both its independence and its powers to the fullest.

In its early years, the commission put up barriers to just about any kind of building activity while it worked on a statewide plan to define coastal uses. People who wanted to make the tiniest alteration to their beach cottages went through the same procedure used to stave off a major subdivision.

Although procedures later were changed to make it almost easy for homeowners to remodel or even to build new homes, the commission was forever tarnished with an image of being most restrictive where it mattered least.

The coastal plan was completed on schedule in 1975 and was turned over to the Legislature for final action. Out of that process emerged the 1976 Coastal Act, barely approved by a reluctant Legislature and containing many but not all of the provisions of the original plan.

The Coastal Act replaced Proposition 20. A reconstituted Coastal Commission, the creation of the Coastal Act, was seated.

Now the commission's charge was different: to help cities and counties adopt local coastal programs that complied with the protectionist policies of the act so they could regain authority over their coastal zones. Meanwhile, restrictions on what individual homeowners could do were relaxed and, in some places, removed.

The deadline for completing the local coastal programs and giving control back to local government is July 1. It will not be met. Fewer than one-fourth of the cities and counties have completed their share of the task, and the commission has refused to accept some of the plans that have been finished, saying they do not sufficiently protect coastal resources.

Meanwhile, by law, the regional commissions will go out of existence June 30. That means that their workloads of permits to process will be shifted to the state commission, which was supposed to become a sort of overseer to local government after July 1.

It is a serious dilemma for both governments and landowners. The solutions being considered by the Legislature range from outright abolishment of the whole program to giving the cities and counties limited permit authority pending completion of their coastal programs.

The League of California Cities' Selix says "There are a large number of legislators ready to get rid of the commission completely and a shrinking number of supporters, while there is a growing number who are becoming more skeptical."

Not only has the commission made enemies among influential coastal property owners by circumscribing or denying their proposed developments, but local governments also remain miffed at losing control of their coastlines and many would welcome the freedom they would have if the commission were abolished.

Even some of the commission's former friends have turned critical. The original commission chairman, Mel Lane, for example, has lent his support to a lobbying organization known as the Alliance of Coastal Management. Partly funded by large coastal landowners, it is critical of the commission's poor relations with local governments, according to its chairman, Charles Warren. He is a former state assemblyman noted for his pro-environment stance.

The alliance blames some of the problem on the commission's legal authority to require affordable housing along the coast, and it is supporting legislation to shift that responsibility to other agencies of state or local government, Warren said.

The alliance's other spokesman is Norbert Dall, a former Sierra Club lobbyist. He fears that if nothing is done to ease the tension between the commission and local government during this legislative session, the commission eventually will be scuttled.

He said more bills to change or abolish the powers of the commission have been introduced in this session than ever before. He also estimated that a clear majority of the members of both the Assembly and the Senate would vote to kill the commission if they got the chance to do so. Thus, the commission's fate rests upon the skill of the legislative leadership to keep such bills from coming to a floor vote.

The commission's most strident and successful critic is the Coastal Council. While Gerald Gray chairs the network of coastal property owners and others with a vested interest in coastal development, the organization's chief spokesman is its president, Joseph Gughemetti, a Bay Area attorney.

The council has observers at every state and regional commission meeting and leaps at every opportunity to complain about what it sees as unfair decisions. It has been particularly successful in spreading its message through local newspapers.

Neither Gughemetti nor Gray expects to abolish the commission this year. They recognize that it still is

too much of an apple-pie-and-motherhood issue to do that. So the council is limiting itself to seeking legislation returning permit power to local governments that promise to uphold the principles of the Coastal Act, leaving the commission in an appeal role only.

Next year they hope to abolish the commission altogether, they said, while still requiring local governments to follow the preservation policies of the Coastal Act.

Gughemetti said that so much more land has passed into public ownership since the Coastal Commission came into being that its job is no longer necessary—there is too little undeveloped private land left along the coast to worry about, in his view.

The commission does not have a complete inventory of coastline ownership, but according to its best available figures, about 243 miles of shore were publicly owned for recreation in 1973, whereas now, about 447 miles of public recreation land are held by cities, counties and the state and federal governments.

In 1973, about 42%, or about 450 miles, of the coast were owned by local, state and federal governments, including the military. The latest estimate is that 49% now is publicly held.

The coastal plan drafted by the original commission listed priorities for government purchase of more than 400,000 acres of privately owned coastal zone property. So far, more than 15,400 acres have been purchased from the list, plus another 4,600 acres not originally recommended.

The commission does still have friends in Sacramento and elsewhere. The Sierra Club's support is as strong as ever, as is that of a number of coastal-oriented environmental groups up and down the state.

John Zierold, the Sierra Club's chief Sacramento lobbyist, said, "Our view is that the Coastal Act is not a perfect act. Obviously it requires some curative measures from time to time."

"The problem is that too many of the so-called curative measures have been more kill than cure."

Zierold is optimistic that there won't be any drastic changes in the act this year, despite changes in the leadership of both the Senate and Assembly. He said conversations with Assembly Speaker Willie Brown (D-San Francisco) and Senate President Pro Tem David Roberti (D-Los Angeles) have assured him that neither man wants to see the commission "wiped out."

There is agreement by friends, foes and commissioners alike that some changes are needed, if only to allow the state commission to better cope with the increased workload after the regionals go out of existence. The solution will inevitably involve giving back some authority to local governments, even though they have not finished their required planning.

According to Fischer, about 25 of the 69 local coastal jurisdictions are expected to submit completed land use plans by the July 1 deadline. But the others are months or, in the case of the city of Los Angeles and Los Angeles County, years away from compliance.

If the commission has suffered in the council chambers and legislative committee rooms throughout the state, it has fared much better in the courtrooms.

It has yet to lose a significant lawsuit. The most recent victory was in U.S. District Court in San Francisco, where a three-judge panel ruled that the commission has the power, and the obligation, to require public beach access and the preservation of scenic views and other coastal resources as a condition for granting a permit.

That case, involving Sea Ranch, a Northern California residential development, will have wide impact up and down the state.

But storm clouds loom on the legal horizon, according to attorneys who represent public agencies. A recent U.S. Supreme Court decision indicated that it has a five-member majority that believes that governmental agencies can be liable for damages if they so restrict land use that an owner can no longer develop his property.

Present California court rulings allow for overturning such restrictions if they are found excessive, but the rulings do not provide for compensation.

So far, the commission restrictions have never been found to constitute the taking of private property without just compensation—something that is prohibited by the Constitution. But one reason is that its actions are viewed as temporary, lasting only until the local coastal programs are adopted as the final, permanent land-use rules, the attorneys explained.

Thus the commissions have been advised by their lawyers against adopting local coastal programs that prevent property owners from making any use of their land. One way to do that in areas where building is unwanted is to give owners "development credits" that they can sell to others to allow extra building in other areas that can better accommodate it.

The pioneering effort to do that has been in the Santa Monica Mountains, where thousands of tiny lots in the coastal zone would pose a number of problems if residential construction was allowed.

The controversy surrounding the commission these days is much like the ones that have swirled about earlier conflicts over land use. It is the problem of balancing the individual landowner's rights with the interests of the larger society.

The state and regional commissions are supposed to exercise their judgments based on the larger society's interest in the coast. The difficulty these last four years has been in getting local governments to do the same in drafting their plans.

As one planner for Santa Cruz County explained, "It puts local jurisdictions into the position of balancing statewide and local interests where the constituency is only those with local interests."

Lenard Grote, chairman of the state commission, doesn't find it surprising that local officials are unhappy.

"The kind of coordination we're asking 69 local governments to do up and down the coast is the kind of coordination and planning cities and counties haven't done any place," he said.

To make their task more palatable, the commission has given local jurisdictions \$9 million over the last five years to help pay their added planning costs.

The money came out of the about \$58 million the commission has received in state and federal funds since 1973 to pay its operating costs as well as to pass along as planning grants to cities and counties. By comparison, Los Angeles County has budgeted nearly \$39 million during the same period to operate its regional planning department.

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# With State and Regional Levels, Commission is an Agency of Many Parts and People

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The 1976 Coastal Act sets a priority on use of coastal property, and at the bottom of the list is the use in greatest demand, single-family housing.

"That is the most selfish, most exclusive use of the coast," said Michael Fischer, executive director of the state Coastal Commission.

The act attempts to balance development of coastal property and resources against preservation of the coast in its natural state. Thus some areas, such as wetlands and places of exceptional scenic beauty, are generally off limits to development.

Elsewhere, development is to be concentrated in and around already developed areas to preserve coastal agricultural lands. In areas where development is allowed, priorities are established. Public recreation facilities, including private commercial development such as hotels, motels and campgrounds, get high priority, as do industrial usages that depend on the ocean. The latter include ports, commercial fishing facilities and power plants that require ocean water for cooling.

An in-between category is established for coast-related uses—anything from surfer shops to yachting supply stores to oceanside restaurants.

Finally, where residential use is allowed, an effort is made to preserve existing lower-priced housing and to require new low-priced housing. Without that proviso, only the rich could buy coastal property, especially in Southern California. Even so, the interests of middle-income people are left unprotected, and they have been priced out of the coastal zone.

The protection and upgrading of boating facilities is another objective of the act, and since 1973 the commission has approved 11,253 new boat slips in the Southern California counties of Ventura, Los Angeles, Orange and San Diego. Additional space has been designated for moorings, and dry storage sites on land have been permitted.

Where uses conflict, the commission is supposed to pick the one that is the most protective of coastal resources.

The state and regional coastal commissions divide their time between considering requests for individual permits (the state commission hears only appeals) and reviewing local coastal programs to determine if they adhere to the act.

The permits draw the greatest public attention. So

far, about 50,000 permits have been processed and about 95% of them granted. But about half the approvals were conditional, requiring the applicant to change his plans to some extent. Conditions can range from a requirement for beach access to a drastic reduction in the size of a proposed development or a basic change in the kind of use. Many commission critics charge that the conditions often are so sweeping that the approval really amounts to a denial.

There are other things the commission does. It funds an oil tanker simulator that teaches tanker officers how to safely load and unload petroleum. It gives design awards for buildings that particularly enhance their settings. It reviews plans for the state's four major seaports. And it conducts studies of such problems as the future of commercial fishing, the viability of coastal agriculture and the traffic capacity of California.

The commission also is the only state agency with the power to veto federal proposals within the coastal zone and the only agency with a voice in offshore oil drilling beyond the three-mile limit of state jurisdiction. If a planned well, either exploratory or production, threatens coastal resources, the commission has the power to say it cannot be drilled.

That power, however, is being challenged by the Reagan Administration, which has announced plans to expand and accelerate drilling off the California coast.

The California Coastal Commission, usually referred to in the singular, is far from a monolith.

It is six regional commissions plus a state commission, on which a total of 309 people have served since the state panel began operating in 1973.

People avowedly opposed to the very concept of the Coastal Commission have served along with those to whom virtually any new development is anathema.

At full strength, the commission has 76 state and regional commissioners, half of whom are appointed in equal numbers by the governor, the Speaker of the Assembly and the Senate Rules Committee. Usually those appointments have been balanced between pro-development and pro-environment factions.



The rest of the regional commissioners are local officials appointed by local governments in a manner that gives every local government equal opportunity to be represented.

The rest of the 12 state commissioners are representatives from each regional commission. Since local officials tend to have less time to devote to commission work, regional representatives often have been from the ranks of environmental activists. That has made the state commission decidedly more environmentally oriented than most of the regionals.

That composition will change July 1, when the regionals go out of existence. After that, half the state commissioners will be representatives of local government, a rule many feel will lead the state commission to be less restrictive of development.

The South Coast Regional Coastal Commission, covering Los Angeles and Orange counties, has faced the greatest demand for development and has been the most willing to give developers what they want.

It also has had the greatest turnover—65 commissioners have held its 12 seats thus far—and it is the only commission touched by scandal.

A Times investigation last year, later confirmed by a state-county task force under the direction of the attorney general, showed that four South Coast commissioners, all local elected officials, received extensive campaign contributions from applicants for coastal permits. A fifth commissioner raised campaign money from applicants after voting on their projects.

At the time, what they did was not illegal. Only one of the five remains on the regional commission, Harriet Wieder, an Orange County supervisor.

To prevent recurrences of the controversy, the state commission quickly adopted the strongest conflict-of-interest rule in state government, making commissioners who vote on a campaign contributor's permit subject to civil and criminal penalties.

The state commission exercises control over the regionals in several ways. It hears appeals of regional decisions and makes its own rulings; it issues policy guidelines and is the final arbiter on whether a local coastal program prepared by a local jurisdiction is in compliance with Coastal Act policies.

Any regional decision can be appealed, but the state commission decides which to accept for full hearing, based on whether an issue of statewide significance is involved. For instance, in 1979 and 1980, only about 8% of the permit decisions made by regional commissions were appealed. The state board held hearings on 60% of those, leaving regional decisions untouched in the other appeals.

The state commission cannot force the regional commissions to follow its lead, but the appeals procedure keeps the regionals from straying too far from the state commission's policy interpretations. That has not kept them from criticizing the state body, however. The South Coast and San Diego regional commissions, for instance, have been quite critical of the state's policy requiring affordable housing.

The way state and regional commissions force applicants to comply with the Coastal Act is by applying conditions to permit approvals. Oceanfront

property owners, for instance, are routinely required to grant public access to beaches. In the drought-prone central coast region, water conservation measures are made a condition of virtually every permit.

Critics charge that the commissions often impose such restrictive conditions that they have the effect of denying a permit, although commissions record the action as approval.

Michael Fischer, executive director of the commission, denies that conditions are used to kill proposals.

"I've told staff if we want to deny it, deny it straight out," Fischer said. "We will not make denials under the guise of approvals."

He said the test is whether the applicant agrees to accept the condition. If so, approval with the condition is the staff recommendation. If not, the recommendation is for denial, Fischer said.

The exception is when the staff believes the applicant is bluffing when he says he will not accept the condition.

"If there is any hint that he's bluffing, we'll go approval just to see," Fischer said.

For their efforts, state and regional commissioners are paid \$50 per day. State commissioners, in addition, get up to \$100 for preparation time for each day's session, at a rate of \$12.50 an hour. The state commission meets a total of five days a month in two bi-weekly sessions.

About half the state commissioners put in for the full \$150 a day, which gives them an income of \$750 a month. The others itemize preparation time and put in for less than the allowable eight-hour-per-meeting maximum. Most of the meetings are long and lunch breaks are short or nonexistent.

The state commission is one of the few governmental bodies that often lives on sandwiches while it continues to meet through the lunch hour.

Most state commissioners clearly spend considerable time reading the thick bundles of staff reports mailed before every meeting. For instance, Vice Chairman Naomi Schwartz of Santa Barbara typically devotes the Sunday before a session to preparation.

There are about 250 staff members serving the state and regional commissions, all under the overall direction of Fischer, himself hired by the state commission.

Each regional commission employs its own executive director who supervises the regional staff, a system that has led to some difficulties in determining just who the boss is.

Actions by the staff have engendered complaints that some staffers are openly contemptuous of applicants and have a self-righteous attitude toward coastal protection.

Fischer said that in his three years as director he has made a number of staff changes to try to improve relations with the public. He said he does not want the staff to relax its commitment, but wants to encourage "human ability to empathize with the permit seeker and the local planner . . . and to allow a flexible approach."



But he added, "We have people coming before us who are going to try to get away with things, to mess up the coast. We've got to regulate."

The staff has its supporters, both among applicants and local government planners.

One applicant's representative said he believed it was the staff's role to take the most stringent position against new development that could be supported by the Coastal Act.

Then it is up to the applicant to show commissioners how his proposal would serve the act's requirements and offer the reasoning commissioners need to vote against the staff recommendation.

Other forces opposing applicants are public objectors, be they representatives of civic or environmental organizations or neighbors.

For these people, the commission is the court of last resort on land use.

Everyone has a chance to be heard, if only for a few minutes.

The state and regional commissions set aside time at every meeting to hear people who have no complaints about a specific permit but who want to talk about some coastal issue.

"The unfortunate fact is that the Coastal Commission is often the only place that local people can go for redress of issues that affect land use," according to Peter Douglas, deputy director of the state commission and co-author of Proposition 20. "Oftentimes local government is the co-culprit. Many times it will duck the issue knowing that the Coastal Commission will make it right."

—RICHARD O'REILLY

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## Needs on both sides

# Coast Panel's OK a Matter of Public, Private Benefit

BY RICHARD O'REILLY  
*Times Staff Writer*

The most perplexing thing about the California Coastal Commission is why it allows one person to build and refuses another.

There is a man who spent a year and a half puzzling over that very question and believes he found that answer—that the public must benefit as well as the landowner when scarce coastal property is developed.

"I learned that unless you could walk in there and demonstrate that the public got a fair shake, you wouldn't walk out of there with an approval," said Ronnie Rogers, a land planner in Orange County.

Indeed, what he walked out with was a permit for the single largest coastal development the commission has allowed. His success is especially impressive because the company that got the permit had been the commission's archest of enemies.

The company, Avco Community Developers, had spent three years and thousands of dollars in a futile court fight to win the right to build without a coastal permit.

Development is what the commission is all about. It has virtually no power to force a landowner to do anything with coastal zone property until the landowner wants to change its existing use. Then the commission has total power.

Just about anything a landowner can imagine doing to, or on, or with, a chunk of coastal real estate is called "development" in the 1976 Coastal Act, and requires a permit from the commission.

On paper, the process is simple. But in practice, it is often complex and lengthy.

First, the staff of the appropriate regional commission studies the proposal. The staff then makes recommendations to the commissioners based on whether, in the staff's opinion, the proposal complies with the act's policies.

If the proposal doesn't comply, the staff will recommend conditional approval—requiring changes to bring the project into compliance—or outright denial.

Usually the commission adopts the staff position.

If the applicant does not like the outcome, he can appeal to the state Coastal Commission, where the whole process starts over. And anyone—a neighbor, or an environmentalist—who unsuccessfully opposed the applicant's project at the regional level can appeal to the state.

There really is no such thing as a typical permit application or typical commission decision, which is why it is often hard to understand why the commission does what it does.

But a few examples of past applications to build along the coast illustrate the range of issues and concerns that arise. None of these cases is routine, but none really involves exotic problems either. They are in already developed areas, for instance, so preservation of pristine shoreline is not an issue.

These are the kinds of situations in which critics of the commission argue that its efforts, at best, will have only a marginal impact in the end.

Replies Michael Fischer, executive director of the



'I became a Coastal Commission groupie,' Ronnie Rogers says. Rogers, center, shares joke during break in recent commission meeting with M. J. Carpenter, left, executive director, South Coast Regional Coastal Commission, and Michael Fischer, Coastal Commission director.

Times photo by Con Keyes

state commission: "If you don't pick nits, you're going to have lice."

Soon after Proposition 20 took effect at the beginning of 1973, bulldozers working for Avco Community Developers were growling back and forth over 582 acres of coastal hillsides in Orange County's Laguna Niguel area. It was a 24-hour-a-day marathon aimed at scraping away of 8 million cubic yards of soil to prepare for the construction of 8,000 dwellings.

Five- and six-story apartment buildings were going to be placed between Pacific Coast Highway and the ocean.

There was no question the development would not be permitted by the newly created California Coastal Zone Conservation Commission, predecessor to the present commission.

A court order stopped the grading about a third of the way through, and a legal standoff lasted for the next three years until the U.S. Supreme Court refused to review a California Supreme Court decision saying Avco was wrong.

Not long after that, Ronnie Rogers was hired. He spent the next 1½ years attending every meeting of the South Coast Regional Coastal Commission and the state commission.

He was young and wore blue jeans and sports shirts and mixed in nicely with the young staff members of the two commissions, as well as mingling easily with the commissioners themselves.

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Los Angeles Times photo

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But when that failed, "it was time for us to understand what the Coastal Act was all about and what it was trying to do."

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Meanwhile, Rogers has gone to work for another Orange County firm with a large amount of coastal property it wants to develop, the Irvine Co.

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It also is an area that gets dramatic storm waves and intermittent periods of major beach erosion and beach expansion, which have been the subjects of several conflicting engineering studies.

The basic process of beach building and destruction is well understood. Sand is carried into the ocean during big floods, and ocean currents and wave patterns eventually distribute it along the coast. Meanwhile, high tides, particularly when accompanied by storm waves, eat away the existing beaches.

What is not so predictable is the timing and rate at which these events will occur.

An Army Corps of Engineers' report on the Oxnard Shores area concluded that when the area was first developed in the mid-1950s, the beach was probably at its most seaward position in many years as a result of sand finally reaching it from the 1938 floods.

Other studies differed on the present and projected rate of erosion, saying that anywhere from 280 to 700 feet of sand would be washed away in coming decades.

All of that is of crucial importance to Ralph Andrews, a beachfront property owner and would-be developer, because it is the reason he has been unable to get a coastal development permit.

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Before Andrews bought the land, the owner had offered it to the city of Oxnard for half as much money as a public park. The city had just received a federal grant to pay for it when it learned of Andrews' purchase, according to the state Coastal Commission.

But Andrews denies he bought it out from under the city. He said he checked with city officials and was told they had no plans to buy it.

What followed was a three-year fight with the city to subdivide and zone the property for residential construction, which Andrews won only after filing a lawsuit.

The next step was to seek a coastal permit. Taking note of the previous owner's problems, Andrews proposed using two acres on the inland side for 14 houses and dedicating the seaward eight acres, which include the sand dunes, as open space with public access.

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Now Andrews is making another run at it, seeking a permit for the same project. Recently he again won unanimous approval from the regional commission, which his opponents promptly appealed to the state commission again.

He argues that storm waves do not threaten his \$5-million project because the houses would be 400 feet inland from the high-tide line, with 14-foot-high sand dunes in between, and the houses would be built on pilings as added protection.

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plan is now awaiting state Coastal Commission approval.

One of the grounds used by the state to deny Andrews the first time was that the Oxnard land-use plan had not yet been approved.

According to Carl Hetrick, executive director of the South Central Regional Coastal Commission, Andrews should have waited until the Oxnard plan was approved. If he had done that, he would have little difficulty getting a permit. Instead, he "has decided to forge ahead," Hetrick said.

Andrew admits he has been a bit heavy-handed in his approach. The property is not fenced and traditionally has been open to trespassers. But after the state denial last summer, he hired armed guards to patrol the site for two days, refusing to allow people to set foot on it.

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The issue the state Coastal Commission grappled with in the town of Cambria is altogether different. The question was whether to squelch the potential for massive development and how best to do it.

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The commission's attention was on an area known as Lodge Hill, actually an area of hills and valleys at the south end of town containing one of only three forests of Monterey pine in the state.

Right now, Lodge Hill looks like a typical rural mixture of vacation cabins and year-round homes spaced well apart on lots of an acre or more.

But in reality the hillsides are a group of 25-by-70-foot lots that would transform the subdivision into something resembling an ant hill if they were all built upon. There are about 900 vacant single lots in separate ownership and nearly 3,000 additional vacant double lots.

When the lots were created in the 1920s and sold for up to \$100 each, they were for small vacation cabins and the buyers were farmers and schoolteachers and merchants from the San Joaquin Valley.

Now a single lot goes for \$9,000 to \$20,000 and double lots average \$25,000. The buyers are retired professional people who can afford to build comfortable homes, and more than a few speculators. In a quiet town of 3,000 residents there are 16 or 17 real estate brokers and 10 builders.

"People come here because it isn't overdeveloped and the first thing they do is overdevelop it," said 85-year-old Paul Squibb, a retired schoolmaster who is the town's unofficial historian. "If we don't watch out, we'll become another Long Beach."

It wasn't always that way. There was a time during the Depression, when the town bank failed, that a newspaper in Los Angeles gave away lots on Lodge Hill as inducements to subscribe, Squibb said.

Septic tank failures seven or eight years ago led to a building moratorium on Lodge Hill, so the area sat out the latest boom while development was concentrated on nearby Park Hill.

There, many of the Monterey pines have been cut down and the houses have been jammed together just like a South Bay beach city. Some are tastefully designed to blend with the surroundings while others are of the cardboard carton school of architecture.

"They look as if each new building was trying to compete with the others to get a view," said Walt Sterling, a retired engineer who lives on Lodge Hill and does not want to see the same thing happen to it.

Last autumn, Lodge Hill's building moratorium was lifted after a new sewage treatment plant was opened under a coastal commission permit that allows 84 new connections a year to the system, up to a total of 2,300.

The South Central Coast Regional Coastal Commission was immediately flooded with requests for permits to build on Lodge Hill, so it appointed a committee of commissioners and Cambria residents, including Sterling, to recommend what to do.

The idea was to come up with building guidelines that would preserve as much of the forest as possible, as well as reduce the added erosion and loss of scenic beauty that would accompany heavy development. But the committee could not agree on a plan.

Later, the state commission wrestled with the issue. It finally adopted a set of guidelines that many find less than satisfactory, but will at least prevent a profusion of big homes on tiny lots.

The guidelines say that the owner of a single lot can build a home less than half as large as county zoning normally allows. That means a two-story house of no more than 1,000 square feet, including garage, if any, on a 25-foot-wide lot.

"It's a very simple concept," said Carl Hetrick, executive director of the South Central Coast Regional Coastal Commission. "If you have a very small lot, that entitles you to a very small house and if you want a very big house, you have to get a very big lot."

But some think the commission went too far, among them Gerald Gray, a Cambria Realtor and builder. He also is chairman of the California Coastal Council, a lobbying ground bent on abolishing the commission.

Gray was a member of the committee that couldn't agree. Although he concedes that the county zoning allows too large a house to be built, he thinks the commission's rule will lead to houses that are too small.

"We're going to see people build little tacky boxes with little tacky boxes on top of them with mud driveways and cars parked in the front yard," Gray complained.

Replied Hetrick, "You don't have to build an ugly square box to comply with the guidelines. If they're ugly, it's because the people who designed them made them ugly. There is nothing in the guidelines about ugly."

If the proposal doesn't comply, the staff will recommend conditional approval—requiring changes to bring the project into compliance—or outright denial.

Usually the commission adopts the staff position.

If the applicant does not like the outcome, he can appeal to the state Coastal Commission, where the whole process starts over. And anyone—a neighbor, or an environmentalist—who unsuccessfully opposed the applicant's project at the regional level can appeal to the state.

There really is no such thing as a typical permit application or typical commission decision, which is why it is often hard to understand why the commission does what it does.

But a few examples of past applications to build along the coast illustrate the range of issues and concerns that arise. None of these cases is routine, but none really involves exotic problems either. They are in already developed areas, for instance, so preservation of pristine shoreline is not an issue.

These are the kinds of situations in which critics of the commission argue that its efforts, at best, will have only a marginal impact in the end.

Replies Michael Fischer, executive director of the



'I became a Coastal Commission groupie,' Ronnie Rogers says. Rogers, center, shares joke during break in recent commission meeting with M. J. Carpenter, left, executive director, South Coast Regional Coastal Commission, and Michael Fischer, Coastal Commission director.

Times photo by Con Keyes

state commission "If you don't pick nuts, you're going to have lice."

Soon after Proposition 20 took effect at the beginning of 1973, bulldozers working for Avco Community Developers were growling back and forth over 582 acres of coastal hillsides in Orange County's Laguna Niguel area. It was a 24-hour-a-day marathon aimed at scraping away of 8 million cubic yards of soil to prepare for the construction of 8,000 dwellings.

Five- and six-story apartment buildings were going to be placed between Pacific Coast Highway and the ocean.

There was no question the development would not be permitted by the newly created California Coastal Zone Conservation Commission, predecessor to the present commission.

A court order stopped the grading about a third of the way through, and a legal standoff lasted for the next three years until the U.S. Supreme Court refused to review a California Supreme Court decision saying Avco was wrong.

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# Coastal Panel Goes to Lengths to Protect Big Sur

Protecting the scenic value of the Big Sur coast has been a major concern of both the state and Central Coast Regional Coastal Commissions.

The rule is that no houses can be built between the highway and the ocean that can be seen by passing motorists. Commission staffers even stand on ladders to see the view as it would be seen by tour bus passengers.

Just south of Carmel, before the Big Sur coast proper begins, is a small subdivision that demonstrates the metamorphosis of the visibility policy.

When the state and regional commissions came into being in early 1973, only two houses had been built on the 17-lot Otter Cove subdivision, but the roads and utilities to serve all the lots were in place. A third house was approved by the regional commission soon after it went to work—a white Mediterranean-style home with a red tile roof. The builder assured the commissioners it would not be visible from the highway.

But it turned out to be clearly visible from some parts of the highway.

Next door is another house, not nearly as visible. It is partly buried in the bluff, colored in earth tones and has a dirt roof landscaped in natural vegetation.

That house was built after the 1976 Coastal Act took effect, strengthening the requirement to protect views along Big Sur and elsewhere.

Now, most of the Otter Cove lots have houses on them. They are an eccentric mixture of disguised

dwelling interspersed with neo-rustic and very visible designs using weathered woods, stone or earthy-colored stucco.

Edward Y. Brown, executive director of the regional commission, said none of the designs were dictated by the commission, but instead were the result of architects trying to design homes that are less visible. The approaches range from fairly standard ranch-style dwellings positioned as low as possible to more imaginative structures sunk into hillsides.

None of the homes are truly invisible. In fact, the sunken, dirt-roofed versions tend to catch the passing eye even more than the traditional designs precisely because they are disguised. The motorist does a double take, asking "Was that a house or not?"

Brown believes that attention given to Otter Cove took more staff time than the results were worth.

He said it would have been better to "simply consider it a developed area and accept the fact that there will be 17 homes there eventually."

The line had to be drawn somewhere, however. As empty as the Big Sur coast appears, major changes were on the way when Proposition 20 was passed. Already about 800 houses had been built along that rampart-like coast and another 800 vacant parcels were subdivided and awaited development. Thousands more privately owned acres were available for further subdivision.

What many people consider to be a national scenic treasure could have been lost. —RICHARD O'REILLY



Mediterranean-style house with tile roof, at left on water, is in sharp contrast to camouflaged home, built after 1976 Coastal Act took effect.

Times photo by Con Keyes

# State, Landowners Pitted on Beach Access

BY RICHARD O'REILLY  
Times Staff Writer

Michael Fischer remembers when he first saw the Pacific Ocean. It was where Sunset Boulevard meets Pacific Coast Highway, and when he turned to drive along the shore and look at the sea, he saw mile after mile of wall-to-wall garages and the backsides of beach-front houses.

Fischer was 19 at the time. Now he is 40 and executive director of the California Coastal Commission, and he says he still feels a sense of outrage at those houses blocking his access to the beach.

There are thousands of Californians who don't share Fischer's outrage. They are the ones who live in those beachfront homes or who own ocean-front property and hope to build on it.

But Fischer and the Coastal Commission are forces to be reckoned with, for increasing public access to the state's beaches is something the commission sees as its most sacred duty. Thus, whenever an owner of shoreline property seeks a coastal development permit, the commission usually imposes a condition requiring some form of beach access.

The state and regional commissions have been diligent in seeking access, but it will be years before the full impact of their efforts can be measured. Many property owners have simply ignored their demands. Others have agreed to comply, but only some time in the future when a local government agency can be persuaded to maintain—and be liable for—accessways through their property. The commission itself is legally prohibited from taking over the accessways.

Thus far, the commission's efforts have resulted in 39 new public accessways to the beach throughout the state, with another 47 pledged.

Paths from the road to the beach are not the only form of access the commission seeks. It also imposes conditions on beachfront construction that require property owners to yield lateral strips of beach for public use between their houses and the ocean. So far, 6.5 miles of additional beach have been opened statewide through this method, with another 13.6 miles promised.

Altogether, more than 1,000 coastal permits have been conditioned to require one or more forms of access, according to Don Neuwirth, the commission's coastal access program manager.

Nearly half of the applicants have failed to comply with the restrictions. In a few cases it was because the permit expired without the project being built. But Neuwirth says more than 400 permits are under investigation to determine if they are in violation of the

access requirement. Legal action can be taken to force compliance.

The commission's beach access policies have been the cause of legal, political and verbal battles up and down the state. The issue of private property rights has been central to the disputes.

The political and verbal battles seem destined to continue forever. But the legal battles have been won—the latest, and most sweeping, victory coming last month in a federal court suit involving Sea Ranch, a Sonoma County residential development. Sea Ranch and the Malibu coast have been the hottest battlegrounds in the access fight.

Access to the ocean is guaranteed by the California Constitution, which says that no private owner of coastal property "shall be permitted to exclude the right of way to such water whenever it is required for any public purpose . . . and the legislature shall enact such laws as will give the most liberal construction to this provision so that access to the navigable waters of this state shall always be attainable for people thereof."

The interpretation given that section by the courts down through the years is that the public has the right to use any beach up to the mean high tide line, which means the wet sand portion of the beach.

That does not give anybody the right to sunbathe and picnic on the dry sand of someone's private beach, but it does grant the right to stroll on the wet sand whenever the tide is out. It also allows anyone to go fishing, clamming, surfing, scuba diving or swimming and to step back out of the breakers whenever and wherever desired.

Having these rights means nothing unless there is a way to get onto the beach—thus, the push to create public access where it does not now exist. How generous that access should be has been a matter of dispute.

Peggy Callan, a resident of Malibu for 18 years, said, "You read that constitutional provision and it doesn't say it has to be every 10 feet or every half mile or every mile. It doesn't say how convenient it has to be."

The Coastal Commission's standard is that the public should be able to reach sandy beach areas from the road at least every 500 feet in urban areas, unless there is a public beach with adequate access within one-quarter mile.

In rural areas, the standard is at least one access way to every usable beach that is on land subdivided for residential use. More access is recommended for larger beaches. Timber and agricultural lands that are subdivided are also supposed to provide access, while access through undivided land should be purchased, according to the commission's standard.

In Malibu, there are stretches as long as three miles with no public beach access and other places where access points are 1,000 feet apart.

One of the first property owners in Malibu to cooperate with the Coastal Commission was Phyllis Wayne. She now regrets having done so.

The lot that Wayne bought on La Costa Beach was about one-half mile from the nearest spot where the public could get onto the beach. She said she knew when she bought the property that access would be a condition of obtaining a coastal permit to build a house; besides, she said, she believes in public access to the beach.

So in 1978, Wayne agreed to dedicate a six-foot-wide strip along the side of her property to be used as a path to the beach if a public or private agency would be responsible for building a gated walkway and maintaining it.

Wayne wasn't really giving away anything she could use. The six-foot strip already was part of an easement through which Caltrans took equipment onto the beach to repair culverts.

But Wayne's neighbors were not happy. They sued both her and the Coastal Commission to prevent the access condition from being imposed. The state attorney general represented the commission and the neighbors eventually lost their lawsuit. But Wayne had to pay an attorney to defend herself in the suit, and she says that ended up costing her \$38,000.

Another very real cost, by her estimate, is the 25% increase in building costs that occurred during the time she was barred from construction.

Wayne was very angry at her neighbors initially. "But now that I've been here awhile I see that the people who sued me are probably right," Wayne said recently. "I don't see how the Coastal Commission can feel they're doing the American public a great favor—they're not."

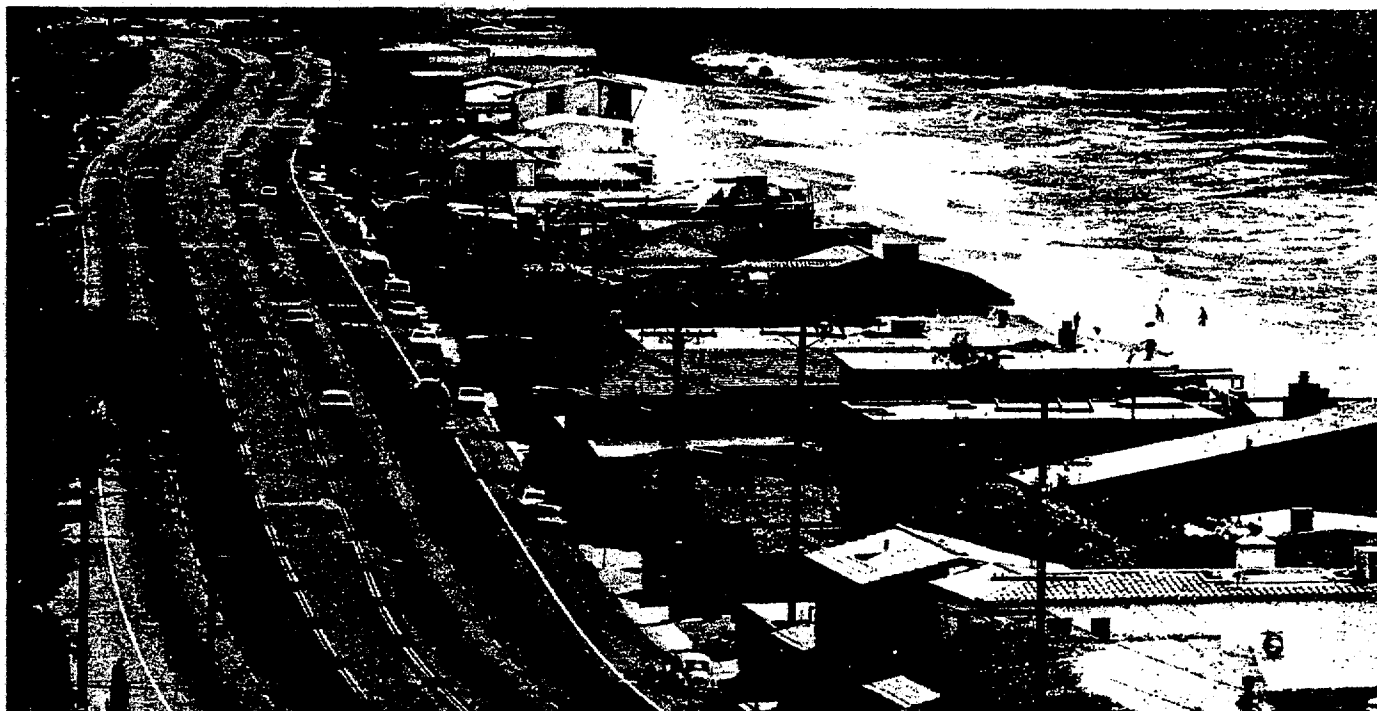
She now believes that the accessways are of little value in areas like hers where much of the beach itself is private above the high tide lines.

"There's no restroom, there's no lifeguard, there's no place for them to buy a Coca-Cola," she said.

So far there is no public access through the Wayne property and chances are there won't be.

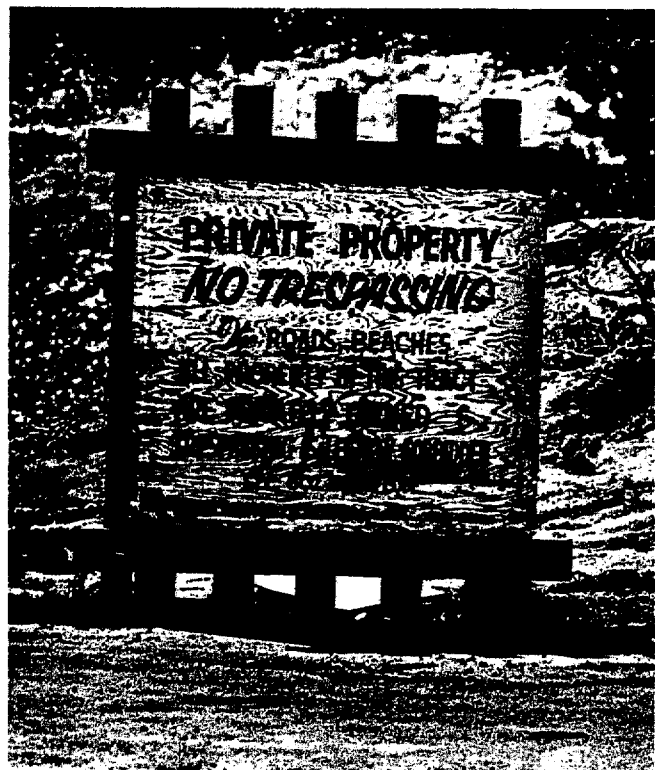
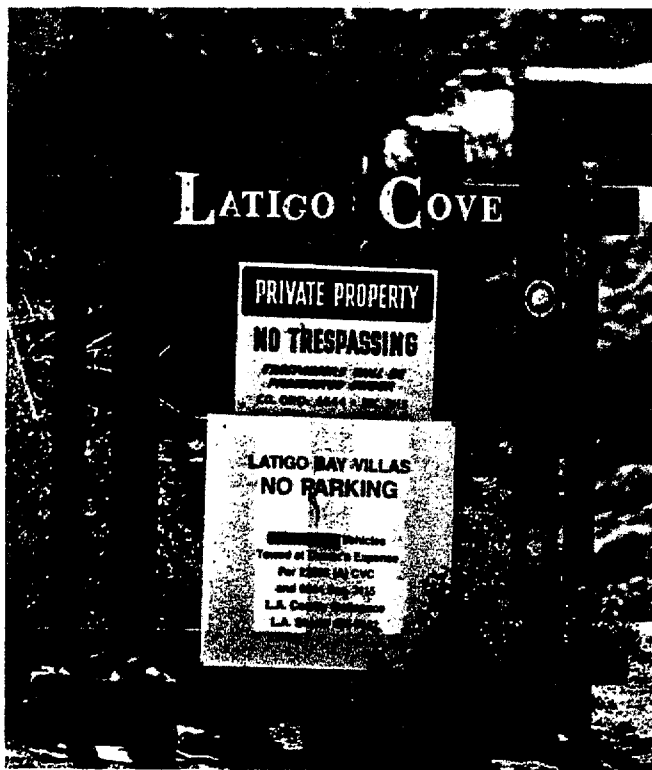
While the state Coastal Commission staff has pushed for Los Angeles County to accept responsibility for the accessway and open it, the new supervisor for the Malibu district, Deane Dana, has persuaded a majority of the Los Angeles Board of Supervisors that the county can't afford it.

The inevitable Malibu conflict between beach visitors and those who can afford to live within spray distance of the surf was set into motion in the 1920s when movie stars leased a beach on the old Rindge Ranch and built the Malibu Colony. Later, the ranch



An illustration of the problem of beach access is this scene at La Costa Beach where homes built closely together shut out public.

Times photo by Con Keyes



Some of the many signs that are posted on private property, denying access to public beaches.

was broken up and waterfront homes by the hundreds were built.

Even in the early years, when a three-bedroom stucco "cottage" on La Costa Beach sold for \$5,775, the land was too expensive and too scarce to allow large yards. So the building pattern created a solid wall of homes along the ocean side of Pacific Coast Highway. That same pattern created miles of private beach in front of those homes.

In fact, about 1,300 property owners are able, by and large, to deny to millions of other county residents, visitors and tourists access to 16 miles of the 24.5-mile Malibu coast.

Over the years, cracks appeared in the wall of beach-front homes. Nine public access easements were deeded to the county by developers trying to make landward side property more salable by giving buyers a way to get to the ocean.

The developers did not open the accessways to actual use, however. That was left to the county, and it was not done until 1971, through a 3-2 vote of the county supervisors and over the loud objections of Malibu beach owners.

According to Ken Johnson, assistant director of the county Department of Beaches, those accessways are used mainly by fishermen, scuba divers and surfers.

"The sunbathing, family picnic type crowd is not attracted," Johnson said, "because there are no facilities."

Most of the year, the access stairways deposit visitors on the wet sand. But during winter, several of them lead straight into the water because the winter surf causes the beach to recede, Johnson said. Winter or summer, as soon as the visitor begins to trod on

dry sand, in most locations he is trespassing on private property.

The exceptions are on about 230 lots covering two scattered miles of beach. There, the commission has required owners to deed public access to the first 25 feet of dry sand above the high tide line as a condition for obtaining a coastal permit to build or remodel.

Known as "lateral" accesses, the deeded areas are evidence of the commission's effort all along the coast to reclaim the shoreline for the public's benefit. It will take many years, but as beachfront property is replaced with new structures, the public will gain the right to use a continuous, or nearly continuous, strip of dry shoreline in developed areas of the state.

So far, Los Angeles County has refused to accept responsibility for any of the lateral access. But, according to Johnson, it plans eventually to accept the strip beaches when enough are obtained to create significant contiguous access.

At that point the county would also decide which of the easements from highway to beach that the commission has required of property owners will be opened to public use, Johnson said.

The county so far has accepted only one such access, the so-called Zonker Harris Memorial Access given by the Nantucket Light restaurant as a condition for receiving a permit to build.

According to Johnson, the county does not have the money to operate any other accessways, which require unlocking and locking gates every day as well as trash pickup and periodic maintenance.

Clare Wallace lives about 350 feet from the Zonke Harris access on Carbon Beach, and she was not pleased with its opening nor amused by its name, which was taken from the tanning fanatic in the "Doonesbury" comic strip.

"We thought it was rubbing salt into the wounds," she said.

"It is a private beach," Wallace said. "We pay taxes on it. It's just like if we went to Beverly Hills and tried to use someone's private swimming pool. I don't think they'd be very happy about it."

But Wallace added, "I wish I could say it's as bad as I anticipated. I'm glad it's not." The reason is that there is no parking, which severely limits its use.

Farther west, where Pacific Coast Highway runs along the bluff several hundred yards inland, Arthur and Doreen Franz live in a comfortable home they built slowly over the years. It perches near the bluff face and from their patio a sturdy stairway plunges 65 feet below to a lonely strip of beach that stretches perhaps 400 yards between two rocky points.

Immediately east of them lies a 10-acre parcel of vacant land owned by the State Park and Recreation Department. It was purchased to stave off development, partly at the instigation of the Franzes after the former owner wanted to put up a large condominium complex.

There are two other similar state-owned parcels in western Malibu, plus a county-owned property. The taxpayers paid \$9 million for them three to four years ago, but so far they are not open to public use.

Last December, the state Park and Recreation Commission designated its three properties as beaches over the objections of Malibu residents, including Doreen Franz. The residents wanted the properties classified as reserves or preserves, which would severely limit their public use.

They argued that the bluffs, beaches and offshore reefs are fragile coastal resources that would be harmed by unlimited public access.

The park commission's action cleared the way for the three beach-to-bluff properties to be opened, and another state agency, the Coastal Conservancy, had money available to give Los Angeles County to build parking lots, trails, stairways, restrooms and lifeguard towers.

But the county, at the behest of Supervisor Dana, refused to accept the responsibility for operating the three new beaches or to open the fourth beach it had purchased, citing dwindling finances as the reason.

The Franzes are pleased with the decision but are offended at the suggestion that the taxpayers, in effect, have bought them a private beach.

Franz says they would be happy to see the land developed as a mini-state park with a full-time ranger to conduct visitors on guided tours down to the beach. What they fear is that it will be opened without supervision; the parking lot will fill with campers, and the secluded beach will be overrun with unruly

crowds of drug users, motorcycle gangs and nudists—an argument frequently posed by beachfront property owners opposed to the public access.

Not every access point in Malibu is fraught with controversy, however. Recently a developer offered not only to give access to and along the beach but also to pay the costs of installing the necessary walks and stairways.

His offer was accepted by the Coastal Commission and in return he was allowed to build two duplex condominiums on two lots where otherwise he would have been held to one dwelling per lot.

The commission staff reasoned that the public received more benefit from the new beach access than it suffered harm from allowing the two additional dwellings.

The new access, to Escondido Beach, lies 1,600 feet from the nearest access to the east and more than a mile from the nearest access to the west.

Five hundred miles to the north of Malibu, in Sonoma County, a development called Sea Ranch has 10 miles of stunning shoreline. The question there is whether a group of private land owners who bought lots in the subdivision can reserve that part of the coast all to themselves.

It is a cold, often fog-shrouded and windswept landscape of rocky headlands and wave-battered coves, and the homes of natural woods and stones are designed to blend with the environment. The Coastal Commission, despite the ongoing dispute, has even given three of the Sea Ranch homes design awards.

No one was allowed to buy the beaches or the bluffs. Instead those areas, plus the land separating the lots—a total of half the subdivision—are held in common by the 1,770 lot owners. For that reason, no individual property owner, not even the subdivision developer, is able to comply with the Coastal Commission's conditions requiring beach access, plus a few other matters.

In 1968 and 1969, the Hawaii-based developer gave the county 150 acres at the north end of the property at the mouth of the Gualala River for a county park, with the understanding that no other public access would be required within Sea Ranch. The park is open, with a large parking lot, but it is little-used.

In 1972, in response to state legislation, the developer agreed to allow public access to two other beach areas. But one of those access points remains closed and the other is not marked, so very few people know it is there.

Both regional and state commissions have been trying to obtain five additional beach accesses since 1973, using several techniques based on the same theme—force the individual lot owners to make the homeowners association grant the access by refusing to allow the lot owners to build until it is given.



"It is total coercive blackmail," said Jim Ayers, a retired businessman and Sea Ranch homeowner who is chairman of the development's citizen action committee.

"Nobody wants the public in here," Ayers candidly admits.

He also admits that most of those 550 owners who already have built their homes would just as soon not have the other 1,200 or so homes built. So they have no real interest in seeing the controversy settled and allowing the other lot owners to get their coastal permits.

For a long time it was thought that the lot owners were really caught in the middle of two intransigent forces, and if given the choice, would urge that the access be given to settle the dispute.

That theory was put to rest in February, however, when the homeowners association hired an accounting firm to conduct an independent referendum of the lot owners, 83% of the lot owners voted, and 71% of them said they preferred to await the outcome of a federal court lawsuit against the commission rather than settle.

Now the court has spoken, coming down squarely on the side of the commission: Beach access has to be granted if new homes are to be built.

The Sea Ranch Assn. contended that the access conditions are an unconstitutional condemnation of property without compensation.

But a three-judge panel wrote: "This court finds public access and aesthetic consideration constitute areas that legitimately fall within the commission's regulatory power . . . It is clear that the commission would be in violation of the policies and its duties as spelled out under the act if it had not formulated or imposed the challenged conditions."

As for the association's claim that the individual homeowners did not own the property needed for the access and thus could not meet the conditions, the court pointed out that the owners each had a vote in the association and also took note of the preponderant number of owners who had not yet been able to build.

"Thus, if the lot owners seeking permits, instead of fighting the commission, cooperate to have the association carry out the conditions imposed by the commission, those conditions can in fact be carried out," the judges wrote.

The next step is for the association to decide what to do. It has until July 1 to agree to a compromise settlement voted by the Legislature last year. Or it can appeal to the U.S. Supreme Court.

The legislative settlement would provide \$500,000 as payment for the accesses and would ease other commission restrictions such as the requirement to cut or trim thousands of the trees planted along Highway 1 by the developer, which block views of the ocean, as well as relax conditions affecting water and sewer facilities.

Fischer, before becoming state director in 1978, was executive director of the North Coast Regional Coastal Commission, which first imposed the conditions. He was elated by the court ruling.

"I'm very proud that once our Sea Ranch conditions were set, we never changed them," Fischer said.

But Sea Ranch had been willing to give access to three of the five beaches. What did the public really gain in the fight for two more, Fischer was asked?

"What is lost is legitimate, constitutionally protected access to very rich tidepool areas," he said.

One of the beaches the Sea Ranch owners do not want to give up is a small crescent of sand called Shell Beach. Fischer said he has spent a total of 20 to 30 hours exploring its tidepools. "My life is richer for it," he said.

He believes others should have the same opportunity.

*Coastal commission program***'Affordable Housing' Puts Poor Into Seaside Homes**

BY RICHARD O'REILLY  
Times Staff Writer.

The advertisement might read: "Redondo Beach condo, just steps from the ocean, landscaped, carpet, drapes, appliances. \$20,000. No down. To qualified buyer only."

That buyer could qualify with an annual income as small as \$3,900.

The buyer would receive no government subsidy but would have to agree to conditions intended to prevent speculation. If the buyer later decided to sell, the price could be no greater than the purchase amount plus the percentage increase in the median income since the original purchase. The new buyer would have to meet the same income restrictions.

And the costs of any repairs beyond those for normal wear and tear would be subtracted from the seller's profit.

That unit and 93 others similarly priced do exist. They are just inland from the Redondo Pier and when they are sold, they will be available only to persons whose earnings range from 30% to 100% of the area's median income—about \$3,900 to \$12,000 for a single person.

The reason is that the California Coastal Commission has chosen to aggressively define and enforce a provision of the 1976 Coastal Act meant to ensure that low-income people—the young, the elderly and the so-called working poor—have an opportunity to live at the beach as well as visit it.

The commission's method is to require housing developers in the coastal zone to earmark some units for low- and moderate-income buyers as a condition for being allowed to build the other units.

These earmarked units—called affordable housing—are sold for thousands of dollars less than other units in the development, often by lottery because the demand is so intense.

Few people dispute the need for more affordable housing. But controversy has arisen over the method the commission has used to create it and whether there should be a special requirement for such housing near the coast.

The commission's method is known as inclusionary zoning. It is a concept that upsets many people because what it means is that the rich folks have to live next door to the poorer folks. And in Southern California that often has racial and ethnic implications as well.

The Coastal Commission so far has approved construction or conversion of nearly 4,700 affordable units for either sale or rental. Of those, about 440 are occupied. The rest are either in construction or awaiting construction, usually because of the unfavorable financial market.

Most of the dwellings are in Los Angeles, Orange and San Diego counties, and most are in large developments—20 units or more.

Builders of small projects usually can satisfy the affordable housing requirement by paying fees to a housing authority in lieu of providing the actual units. So far, nearly \$1.6 million in such fees have been collected.

The cost of subsidizing the affordable units is basically borne by the developer, who receives a lower overall profit on the project as a result. But sellers of coastal zone land may also bear some of the cost because developers are less willing to pay top dollar for land on which they are going to have to provide affordable housing.

The commission's rationale for the affordable housing program is simple: Its overall development restrictions have made coastal zone property so much more expensive than inland real estate that there is enough profit in coastal development to absorb the cost of providing affordable housing.

Large developers do not seem to have much quarrel with the program, but builders of smaller projects often complain they cannot make a profit because of it. So in early May, 1981, the commission excluded small developments from the program.

The state Legislature, however, seems intent on removing the commission from the housing business altogether, and a number of bills have been introduced to accomplish that. The commission has indicated it will not oppose the move if cities and counties are required to provide affordable housing in or near their coastal zones.

The question of who qualifies to buy or rent affordable housing is complex. Usually, the commission requires that the units be sold to persons with income at or about the median income level. This usually means persons whose household income ranges from 80% to 120% of median income. (The latest median income figures for a family of four are \$21,300 in Los Angeles County and \$23,000 in Orange County.)

The sale price of an affordable unit is scaled according to the buyer's income level, not to the size or quality of the unit. Thus, a low-income person pays less than a moderate-income person for the same unit.

To prevent developers from selling only to the highest-income families that meet the guidelines, the commission specifies that so many units must go to 80% income families, so many units to 90% income families, and so on.

Sometimes a developer will offer to sell to even lower-income people, thus accepting an even lower profit margin but giving the commission an added inducement to permit the project.

That was the case in Redondo Beach, where Joel Landau, president of Lincoln Property Co., wanted to convert the apartment complex known as The Village into condominiums.

He went to the commission offering to sell 28% of the units to low-and very low-income people, some of them making less than a third of median income. Landau also offered 100% financing to those buyers. They will not need a down payment.

What he got in return was permission to convert in an area where the commission is concerned about the loss of low-priced rental housing through condominium conversions and typically requires 33% of the units to be set aside as affordable housing when it does permit a conversion.

"If you read the 1976 Coastal Act, it's pretty clear that affordable housing is part of the program," Landau said.

He likened it to all the other laws builders have to comply with.

"The act was not written by the commission. It was written by the Legislature," Landau said. Complying with it is no different from complying with other laws, he added: "You read the law and it tells you what is required."

The conversion has not gone through yet, and will not until mortgage interest rates drop some, Landau said.

Other affordable housing projects in Southern California have proceeded with mixed results.

Last month, a five-story apartment building fronting on the beach in Venice opened for senior citizens. Under a federal rent subsidy program, the elderly tenants pay an average of \$120 a month for one-bedroom apartments with private balcony patios and unobstructed views of Santa Monica Bay.

The opening came seven years after owner Jim Anthony and his four partners first sought a coastal permit to build. The long delay was only partly due to demands of the Coastal Commission. The financial marketplace was also a major reason for the delay.



Betty Balin surveys beach from her apartment at One Venice Boulevard, a low-cost housing unit.

Times photo by Con Keyes



Bob McLaughlin would like to live in same building, at rear, but it has a waiting list of 1,000.

Times photo by Con Keyes

Anthony first wanted to build a motel on the Venice property but was turned down in 1974. Then he sought permission to build a senior citizen apartment. Affordable housing was not yet a coastal commission policy, but it was a recognized need and the permit was granted.

Anthony could easily have obtained permission to build duplexes on the property after the motel permit was denied. But at the time, Anthony said, he figured the 50-unit apartment would be more profitable than the duplexes. Changes in the real estate market during the intervening years make that no longer true, but Anthony and his partners will still make a profit on the project.

Nearby, in the Ocean Park section of Santa Monica, Raymond Nam has received a coastal permit to build a five-unit condominium three blocks inland from the beach, with the condition that he price one unit low enough for a person of moderate income.

Nam, a Korean immigrant and restaurant owner, bought the vacant land a year and a half ago. At the time, he did not realize there was a Coastal Commission or that it then generally required the inclusion of affordable housing for projects of five units or more.

Now he no longer wants to build. As soon as he gets his building permit, he hopes to sell the package to someone else and let them deal with the risks of building and selling the units.

But the requirement to provide one affordable unit is not the only factor driving up Nam's costs, according to his architect, Greg Flewin. Another reason is that the city rejected the standard, simple design and required a Victorian motif, doubling the building costs.

The new design will blend in more with the neighborhood. But the property there does not bring the same high prices obtained in areas with newer development, Flewin said.

Loren Caplin is a partner in a development firm with a coastal permit to build a 12-unit condo in Santa Monica, with the condition it contain two affordable units.

He estimates that the requirement to get a coastal permit added an extra eight months to his project. But one reason is that he fought the commission.

The staff of the South Coast Regional Coastal Commission recommended that three of the units be priced in the affordable range. Caplin and his partners objected that that was not economically feasible and a majority of the commissioners agreed, removing the condition from the permit.

But the decision was appealed to the state Coastal Commission where the requirement for two low-priced units was imposed.

Caplin estimates that when the two-bedroom condos are finished in about a year they will sell for \$35,000 to \$45,000 to families earning less than \$20,000 a year.

That will be less than one-fourth what they will be worth on the open market, he said.

Caplin does not believe in a coastal housing program, except to help the elderly.

"I think that if someone wants to live at the beach in Los Angeles, they ought to have to work real hard to get that," he said.

In Del Mar, 28 one- and two-bedroom units were sold last year for \$20,000 to \$47,000, by the T.L. Sheldon Corp. as a condition for converting a 103-unit apartment complex to condominiums. Similar but unrestricted units in the complex sold for \$49,000 to \$70,000.

Terry Sheldon said, "I gave up a million and a half cash." But he is not complaining.

"The Coastal Commission has been very cooperative . . . While I don't get everything I want, they are willing to compromise and if I come up with what they want, I can get it approved.

"Too many other developers try to fight them. If I hadn't negotiated that compromise with them I'd still be sitting here without a deal."

Sheldon said the inclusion of affordable units in his project did not drive up the costs of the other units

because he was selling the other units at top price already.

The other builders agreed with that assessment. All of them said that even if they did not have to provide affordable units, they would not sell their unrestricted units any cheaper.

In Orange County, a developer-builder called the Warmington Group is specializing in affordable housing, and making money at it.

Sandy Sandling, Warmington's executive vice president, explained the secret: build a lot of houses, build them fast and put more of them on an acre than otherwise would be allowed. Finally, get credit for every affordable dwelling built in excess of the number actually required so that those credits later can be sold or traded to other developers who need to provide such housing.

The formula worked for the 392-unit Aliso Creek Villas, built outside the coastal zone, where 11,000 low- and moderate-income people vied for the right to buy 85% of the condos, at prices ranging from \$41,000 to \$74,000 last year.

And it is working again, in the coastal zone this time, with a 56-unit project near Dana Point. Those two- and three-bedroom units will be sold to low- and moderate-income persons for \$51,000 to \$90,000 when they go on the market next winter. Other dwellings in the same neighborhood will go for \$300,000.

The Dana Point project actually is being built for another developer to meet that developer's Coastal Commission requirement to provide affordable housing. The other developer is selling Warmington the land at a reduced price but retains the right to approve design of the homes so they will not clash with the \$300,000 dwellings.

"About three years ago, we decided that affordable housing was not going to go away," Sandling said, so the firm worked out a way to make it pay.

The firm's approach does not require any direct government subsidies, although it does help buyers obtain lower interest loans through government programs where available.

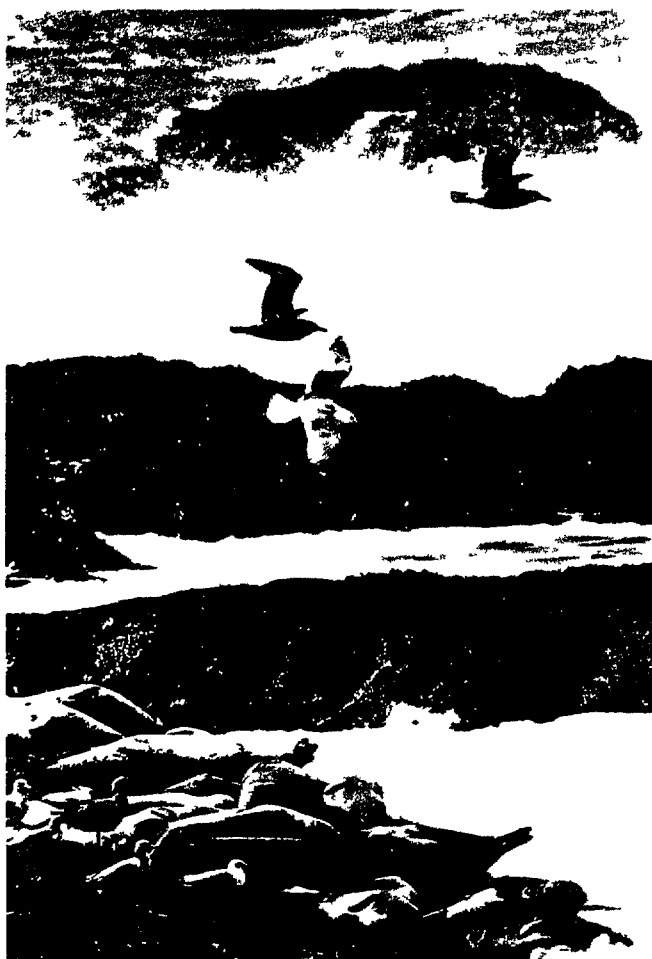
Local government has to cooperate by allowing the builder to construct more houses per acre than usual in exchange for including affordable housing.

Building all the dwellings at once allows subcontractors to shave their bids and allows materials to be purchased in greater quantity at a greater discount.

Another saving is in reducing the duration of—and thus the interest to be paid for—the construction loan, he said.

What the company does not do is use prefabricating techniques or buy lower quality materials, Sandling said.

Referring to Aliso Creek Villas, he said, "We didn't cut one corner in quality, we used the same appliances and everything we would put in \$200,000 homes."



Seals doze and sea gulls fly on the rugged California coastline

Times Photo by Con Keyes

Affordable housing in the coastal zone is a recent concept, growing out of the realization that the efforts of the original Coastal Commission under Proposition 20 served to greatly increase property values by making it much more difficult to build

Thus the 1976 Coastal Act contains a provision saying that "housing opportunities for persons of low- and moderate-income shall be protected, encouraged, and, where feasible, provided"

One of the many paradoxes of the commission's history is that the housing provision was put in the act to placate one influential legislator, Sen David Roberti (D-Los Angeles)—who still ended up voting against the bill

Now Roberti is Senate president pro tem and staunchly defends the housing requirement. He also compliments the Coastal Commission for being "very diligent" in interpreting and enforcing the rule

Impetus to change the state commission's housing policy has come from the South Coast and San Diego regional commissions, where a majority of the commissioners oppose the affordable housing concept

The most ardent critic on the South Coast commission is Robert Ryan, a Rancho Palos Verdes city council member, who now also sits on the state commission as a regional representative

Ryan believes that if housing is to be set aside for lower-income persons, the same should be done for middle-income families as well. He also believes that the financial burden should not be placed on residential developers but instead should fall to commercial and industrial employers since they provide the jobs that require workers at wages below the amount needed to live in the coastal area

Already, one potentially significant change has been made in the state commission's housing policy

Last week, the commission unanimously agreed to exempt small coastal developments—fewer than 10 units—from the requirement to provide affordable housing

The commission found that the yield of affordable housing from such projects is small

The change was opposed by many community activists, who argued that in urban areas there are few vacant parcels of land large enough to build 10 or more units. With small projects exempt from the housing requirement, there will be little new affordable housing in urban coastal areas, they said.

Many officials in coastal communities would welcome that outcome

"Is there any reason why the low-income people have to live in the highest-priced property?" asked Charles Shartle, planning director of Torrance

He argues that it would be better for the commission to allow the cities to plan their own method of providing affordable housing, even if the housing is farther inland

That issue, according to Russell Selix of the League of California Cities, is the hardest one for cities to grapple with, and is the major reason cities have failed to complete acceptable local coastal programs by the deadline imposed in the coastal act

"They just don't see housing as a coastal issue," Selix said

# Coastal Farmers Find Subdivisions More Profitable Than Crops

BY RICHARD O'REILLY

*Times Staff Writer*

Bruno Odello is the last artichoke farmer in the Carmel River Valley. Once there were dozens.

The picture window of his comfortable living room looks out on 125 acres of artichokes, which Odello's son now manages, and the horse barn where Odello's father died of a heart attack in 1964.

The Odello story is the story of family farms all along the California coast. Their fields are worth more as real estate than as crop land or livestock range. The temptation to sell or subdivide is often stronger than the urge to till the soil.

No one will starve if farming and ranching cease along the coast.

But the character of the coastline would be radically different from what it is now, according to Michael Fischer, executive director of the California Coastal Commission. The commission is trying to prevent that from happening.

The mild climate along the coast south of San Francisco Bay makes it ideal for also growing winter tomatoes, strawberries, Brussels sprouts, garbanzo beans and flowers. To the north, the coastal terrace supports dairy herds and large stands of redwood and Douglas fir.

"Whether or not they are luxury foods or staples," Fischer said, "those specialty crops are grown economically only here along the coast."

The 1976 Coastal Act, under which the state and regional Coastal Commissions operate, says, "the maximum amount of prime agricultural land shall be maintained in agricultural production," and it directs how that shall be done.

Conversion of farmlands around the periphery of urban areas is to be limited to those parcels with the least agricultural viability, and non-agricultural lands are to be developed before agricultural properties.

Had this policy been followed in years past, the Odello farm could have been preserved intact.

Batista Odello, Bruno's father, and about a dozen other Italian immigrants leased about 300 acres at the mouth of the Carmel River in 1924 and planted them in artichokes. Over the years, the others moved away and by 1945 the elder Odello had purchased the land and set up a farming company with his two sons.

Urbanization began to seriously threaten the farm in the early 1960s. The city of Carmel, which already had pushed south to the river bank, leapfrogged the Odello farm to erupt in a new subdivision on a bordering knoll. That forced Odello to halt aerial spraying of his crops. Insect damage increased and his profits were reduced.

In 1958, the family could have sold off a portion of the farm for \$1.5 million to a shopping center developer but decided not to. The farm was yielding all of them a comfortable living.

The shopping center developer bought another nearby artichoke farm, and over the ensuing 20 odd years so did other developers.

The county assessor took note and over a 10-year period the Odellos saw their property taxes rise from \$4,500 to \$38,000 a year.

When another developer approached Odello in the early 1970s, he was more interested. This time the proposal was to buy up about half the farm—a 157-acre portion between U.S. 1 and the Pacific Ocean—and dredge out channels to create a subdivision of waterfront homes.

Odello's neighbors, fond of overlooking his artichoke fields from their hillside homes, stopped that proposal by persuading the state to buy the property as a recreation site, he said.

He was paid \$10,000 an acre for the property in 1974, and signed a lease with the state to continue farming the land until it is developed as a state park.

Now, it looks as if Odello will be able to farm that section for a long time. Plans to put in a campsite for recreation vehicles have been scuttled and the county's local coastal program calls for the land to remain in agricultural use.

The beach area where the river meets the sea is open as a state park, however.

Odello was left owning 134 acres on the inland side of the highway, which he leases to a lettuce grower.

Odello says he wants to keep farming, but he needs the profit from developing a portion of the 134 acres, plus the drawing card of a roadside restaurant-vegetable market, to make that feasible. He wants to build houses and a motel on 34 acres to the rear of the property where the foothills begin.

County officials are agreeable to at least a portion of that development. But regional Coastal Commission officials say they will resist any development along already overcrowded U.S. 1.

Odello is used to controversy surrounding his land and he has learned the language and the tools of the land-use planner. He is as familiar with phrases like "riparian habitat" and "cluster development" as he is with the price of a box of artichokes on the New York market. And in his garage rests a model of the development his farm could become.

"When I was a youngster farming with my dad," Odello said, shaking his head, "I would have never guessed it would come to this."

In theory, Odello, the county and the Coastal Commission are in general agreement. Everyone recognizes that his property has been nearly encircled by development and is no longer the viable artichoke farm it once was. What is left is the inevitable haggling over how much of the farmland must be preserved and how much the Odellos will be allowed to develop.

It all raises the question of whether a farmer has some inherent right to put his land to another, more profitable use if he has the opportunity.

According to Fischer, executive director of the California Coastal Commission, he does not.

Fischer believes society has as much right to decide that certain land should remain in agricultural or open space uses, thus having a low dollar value, as it does to decide that other land should be zoned for skyscrapers and fetch premium prices.

In fact, the California Supreme Court has ruled in several cases that a property owner has no vested right to a particular zoning classification and that he is not entitled to compensation if his land loses value by being rezoned from urban use to agricultural use.

An estimated 445,000 acres of the total 13 million acres in the coastal zone are suitable for agriculture, the Coastal Commission estimates. Some of that land—no one is sure how much—now lies fallow.

Paradoxically, the Coastal Act's definition of prime agricultural land has had the effect of actually reducing the amount of land under cultivation.

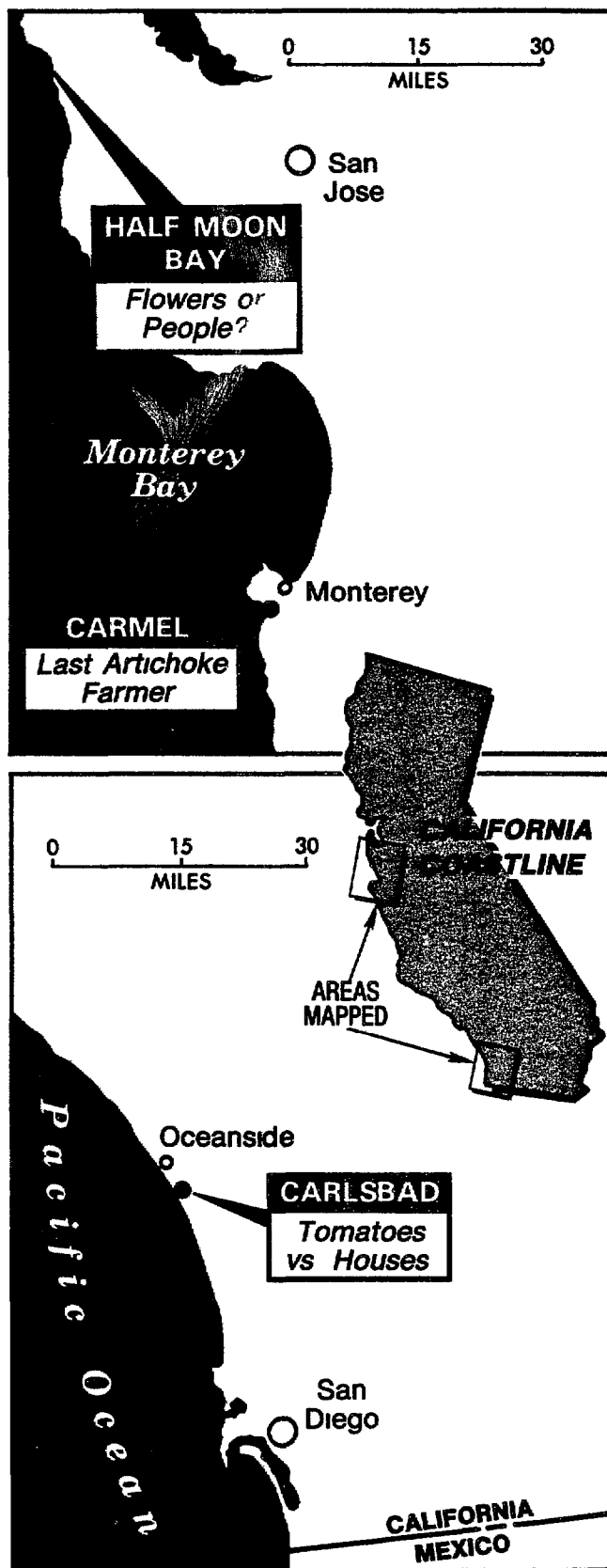
In writing the Coastal Act, the California Legislature said its definition of prime agricultural land was the same as one used in a 1965 agricultural preservation bill. That bill was designed to let farmers and ranchers escape soaring property taxes.

The problem is that the 1965 law set a quite low figure of \$200 gross yield per acre to qualify as prime agricultural land, if soils alone were not of sufficient quality to ensure that rating. That was fine for landholders looking for a way to escape high property taxes.

But the same definition, now used by the Coastal Act to identify that land which should *not* be developed, caused many of those same landowners to take their property out of production lest it be forever barred from development.

That happened even though the Coastal Commission has not, in practice, used the \$200-an-acre test. Instead, it has relied on more accurate measures largely developed by the federal government.

Nonetheless, the fear that the commission could use the \$200-an-acre test has caused many acres of farm-



Times graphic by Welma Fu Sun

land to be taken out of production, according to Peter Mackauf, general manager of Carlsbad Tomato Co. in San Diego County.





The Bruno Odello farm, center, now surrounded by urban areas In foreground, the Pacific

Times photo by Con Keyes

"I can grow dandelions out here, make wine from them, and make \$200 an acre out of it," Mackauf complained.

Mackauf estimates that 25% to 30% of the farmland in the Carlsbad area, most of which is leased to growers by absentee owners, now lies fallow as a result

Those farmers whose land still is in production worry about profits diminishing as a result of higher wages, increased water costs and tougher competition from farmers in other areas, according to Mackauf

"We can't farm if we can't make money," Mackauf said "We're here to make a buck "

Add to that the pressure to subdivide farmland, and Mackauf concludes that coastal farming is being squeezed out of the Carlsbad area

A San Diego County study concluded that in the long run, the Carlsbad area would lose substantial income by converting farmlands to residential use

Still, the state Coastal Commission has approved a plan allowing for the partial development of three large parcels of largely agricultural land. Basically, the plan allows cluster development in some areas of the land while requiring that other areas be kept in agricultural use forever

Mackauf, chairman of an agricultural advisory committee set up by the city, does not like the commission's plan He contends that it allows building on some of the best farm soils while reserving the poorer soils for agricultural use

His committee argues that the farmers ought to be able to farm the best soils for as long as is economically feasible, while the developers build on the worst lands first

The reason for the conflict is simple The best soils are nearest the coast, which also makes them the most expensive, most developable properties

"There's some truth," to Mackauf's criticism, according to Tom Crandall, executive director of the San

Diego Regional Coastal Commission, "but it's not 100% accurate."

Crandall said the lands nearest the coast are also the lands already served by roads and utilities, making them the most logical areas for future development

Carlsbad is not the only coastal city with major conflicts between farming and development



A field worker with flowers grown on north coast's Half Moon Bay

Times photo by Con Keyes

The city of Half Moon Bay, where half the land within the city is agricultural, is another

When the 1906 San Francisco earthquake sent people fleeing in search of a safer place to live, the little San Mateo County town boomed. It was subdivided into thousands of lots, many of which were sold but never built upon. The boom soon fizzled.

Another boom began about 15 years ago when Westinghouse Corp. bought substantial amounts of land in and around the town and announced major development plans. But most of the plans were not carried out.

Although the city fathers at one time were expecting a population of up to 100,000, according to City Manager Fred Mortensen, today the city has only 7,200 inhabitants.

The spasmodic growth pattern has left Half Moon Bay resembling a huge checkerboard. Large sections of undeveloped agricultural land, interspersed with tracts of housing.

The great conflict between the city and the commission is whether the vacant lands shall be preserved for agriculture or allowed to develop. Only about 500 of the 2,000 vacant acres are farmed, mostly in flowers. The rest lies fallow.

The city's plan for the vacant land, as evidenced by a large map on Mortenson's wall, is to allow about 70% of it to be developed and retain the rest for open space and agricultural use.

He has another map that shows what the staff of the Central Coast Regional Coastal Commission is willing to accept—about 30% development.

"It's just too late for the city to become a farm," Mortenson said. "The city of Half Moon Bay will never accept that until a judge tells us to."

His phrase was well chosen. Mortenson made it clear that every step the city takes in preparing and submitting its local coastal program for approval by the commission is being done with an eye toward making the strongest court case to force the commission to accept the city's plan.

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## Coastal Panel to List Affordable Housing

A deluge of requests for information from low-moderate-income people seeking so-called affordable housing in coastal areas prompted the California Coastal Commission on May 13, 1981, to offer information to those making written requests.

What the commission will provide is a list of housing developments in which affordable housing is required, along with the present status of each project.

It also will tell what local housing authority should be contacted to get on the waiting list for the units, and provide the address.

To obtain that information, write Kati Corsaut, Public Information Officer, California Coastal Commission, 631 Howard St., San Francisco, Calif. 94105.

The U.S. Department of Housing and Urban Development

also has a list of affordable rental units under construction throughout the region, not just in coastal areas. They are units in which HUD is assisting in the financing. Managers of those units do not usually accept names for a waiting list until the project is within 90 days of completion.

That list is available by writing Neighborhood Assisted Housing, U.S. Department of Housing and Urban Development, 2500 Wilshire Blvd., Los Angeles, Calif. 90057, Attention: Henry Guerrero.

Finally, local city and county housing authorities should assist persons inquiring about affordable housing. Persons who do not receive an adequate response from their local housing authority should contact their local city council member or county supervisor.

# State, Developers Battle Over Wetlands Definition

BY RICHARD O'REILLY  
Times Staff Writer

Of all the places along California's magnificent, 1,100-mile coastline, the most fragile and least appreciated are the wetlands. They are where the earth suckles the sea, a nursery of unbelievable fertility.

If the planet can be thought of as having nests, its coastal wetlands are those nests. They are the places where much of the Earth's food chain is born.

They lie open for all passersby to see. To people unaware of their role, they are seen as wastelands—useless swamps and mudflats that would be better used as channels for marinas and waterfront homes, or as pastures or hotel sites.

That has already happened to 75% of the wetlands south of Point Conception. Marina del Rey was once a wetland, as was San Diego's Mission Bay and Newport Bay and much of the land that now comprises the harbors of Los Angeles and Long Beach.

Before Los Angeles and Orange counties became urban sprawl, the coastal Indians could canoe from what is now Redondo Beach to the present site of San Pedro, and marshes spread inland all along the shore from there south to the bluffs known now as Corona del Mar.

Once the California coast provided 300,000 acres of wetlands. Now, only 79,000 acres are left, according to the state Coastal Commission.

Proposition 20 and its successor, the 1976 Coastal Act, placed high priority on saving the remaining marshes and estuaries. No wetlands have been destroyed since they took effect. And some steps have been taken to permanently preserve the best of the remaining wetlands.

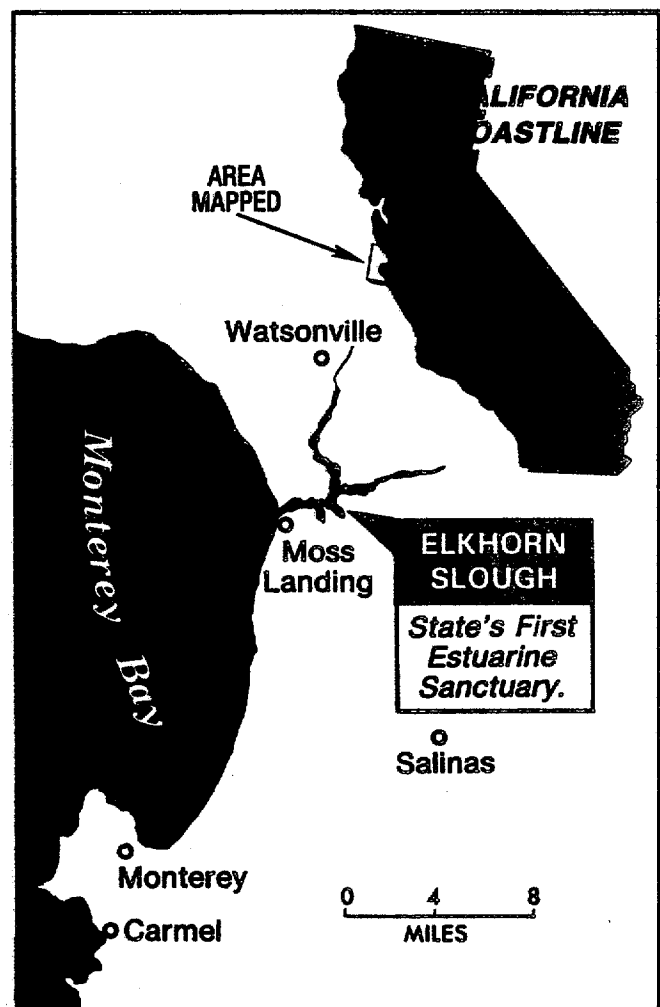
The best example is Elkhorn Slough, which empties into Monterey Bay at Moss Landing. With a combination of state and federal funds, a portion of the slough has become the state's first federally designated estuarine sanctuary. (There are plans to designate the mouth of the Tijuana River near the Mexican border as the second sanctuary.)

Ken Moore, a state Fish and Game Department biologist, is resident manager of the Elkhorn Slough sanctuary, which takes its name from the shape of its curving channels. The state, using a federal grant, bought 1,000 acres last summer—an old dairy ranch along the east shore of the slough—and Moore is busily writing up proposals for its management, while the state negotiates to buy another 500 acres.

What catches the eye of visitors to Elkhorn are the dense forests of eucalyptus and towering stands of Monterey pines, along with the velvety green hill-sides of the uplands.

But the real value of the slough lies in the miles of grayish-brown lowlands, which are covered with a scrubby plant called pickleweed, according to Moore. Pickleweed, known to botanists as *Salicornia*, is found in abundance in California's coastal wetlands.

It may not be very pretty, but it is essential to the coastal life-chain. It dies and decays and supports the growth of bacteria, producing a fertile combination that is the bottom rung of the estuarine food chain. Thus, according to scientists, reducing the size of the salt marsh reduces the productivity of the adjacent estuaries and lagoons.



Huge populations of invertebrates feed off the fertile debris of the marsh. These invertebrates—worms, mollusks, crabs, shrimp—form the diets of large numbers of fish and birds. The fish swim in on the flood tide, eat and go back out to sea with the ebb.

The most easily seen wetland inhabitants are the birds, and for them it is a paradise. There are long-legged waders that fish with their beaks, others that skydive and swim for their food and still others that patrol the edges of the marsh for the mice and other small mammals living there.

There are the shy, threatened species like the clapper rails and the least terns and the Belding's savannah sparrows that live only in wetlands areas, along with common finches and robins and other ubiquitous species that winter in the milder coastal climate.

Man benefits too. Many species of commercial and game fish depend on wetlands for spawning, such as halibut, herring, anchovy, steelhead trout and salmon. Migratory fowl also use them as resting and feeding stops along their thousands-mile journeys.

But over the years the wetlands have come under increasing pressure from man. Elkhorn Slough is not in danger of being converted to condominium sites, but it is threatened with being silted up by the runoff from nearby strawberry fields. The problem was created by farmers when they scraped the natural vegetation from nearby hills so the strawberries could be grown.

Ironically, the best way to preserve the slough may be to convert the surrounding agricultural land to home sites. That is suggested by a professor at UC Berkeley who found that erosion from the hillside strawberry fields is twice as high as it would be if the land were in residential development, and 10 times worse than it would be if the hillsides had natural vegetation.

The California Coastal Act says that the biological productivity of wetlands shall be maintained and, where feasible, restored. It defines wetlands simply as coastal zone lands "which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens."

The act also spells out what kind of development can occur in wetlands and it is very limited—no homes, motels, restaurants or curio shops, for instance. Port facilities, nature study, aquaculture and similar activities, and marinas under certain conditions, are allowed.

None of these developments can occur, however, if there is a less-damaging place to put them. They must not harm the plant or animal life and must compensate for those areas that are disturbed. For instance, new wetlands must be created or former wetlands restored to make up for any wetlands destroyed by the development.

Obviously, once the Coastal Commission determines that an area is a wetland, little can be done with it except to preserve it. So the great battle comes over defining what is and is not a wetland.

The Coastal Commission enters the fray armed with the advice of Fish and Game Department experts, and

with guidelines set forth by the U.S. Fish and Wildlife Service. But there are no maps that unequivocally establish wetland boundaries, according to Michael Fischer, executive director of the state Coastal Commission.

The phrase in the Coastal Act, "covered periodically . . . with shallow water" doesn't say how frequent the periods may be. Scientific examination of the soil and plants does indicate whether land is subject to tidal inundation, but even that is not an absolute measure, according to Fischer.

So it becomes a contest among experts, with those hired by the would-be developers usually finding a much smaller area meeting the wetlands criteria than those of the state or environmentalist groups.

The act lists 19 wetlands that have been given priority for public acquisition, but it does not define their boundaries.

Controversy rages over some wetlands not named, however, such as the Ballona wetlands near Los Angeles International Airport and Bolsa Chica near Huntington Beach.

The Ballona wetlands are within a 926-acre site owned by Summa Corp., which proposes to develop it in the pattern of its neighbor, Marina del Rey.

The marina wiped out virtually all the wetlands upon which it was built when Los Angeles County dredged it 20 years ago and leased it to private developers. Summa says it is willing to preserve 72 acres of saltmarsh and make it available for public acquisition and restoration.

County planners, after an initial study and buttressed by environmentalists, said that 445 acres, about half the total area, should be set aside for preservation. A new county study now is under way.

Rimmon C. Fay, a marine biologist and former regional and state coastal commissioner, says that the portion of the wetlands Summa would leave untouched is "good marsh area, the best of what's there."

But it is not nearly enough in Fay's view, and he is one of the leaders in the effort to preserve a much larger portion.

"What they propose to do—build houses and industry—could be done anywhere," Fay said. "It is not coastally dependent and it menaces coastal resources."

Through the actions of the Coastal Commission, the public has a chance to protect those wetlands, Fay said. "If that opportunity is lost, no expenditure of public money will ever make it possible again.

"So you battle for 445 acres and somebody says, 'Is that reasonable?' Wowee, has it been reasonable to do what they've done? That's the question."

Fay said the preservationists' efforts must be compared with the more than 2,000 acres of wetlands that were there before Marina del Rey and other developments came.

By that comparison, he said, Summa's offer of 72 acres is not enough.

Summa's Carole Maher, director of the proposed Playa Vista project, disagrees. She said the firm determined through careful scientific study that the 72 acres are the only wetlands on the property. But Summa also would set aside another 28 acres, including sand dunes and an area of degraded pickleweed marsh. In addition, the company's plans call for enhancement of a 70-acre lagoon area that would serve several purposes, including use by migratory fowl and as a drainage basin to collect runoff from the developed areas.

The rest of the 926 acres would be developed into 7,000 housing units, two hotels, office buildings, retail shopping, a marina and, at the eastern end now occupied by its subsidiary, Hughes Aircraft Co. and Hughes Helicopters, a major industrial development, Maher said.

She said the company estimated in 1979 that it would cost \$38 million to restore the 445 acres identified by the county to viable, tidally flushed wetlands. It would involve extensive excavation of dredged material dumped on the property over the years, including dredgings from construction of Marina del Rey.

Resolution of the conflict is many months away. The next step is for the county to produce its local coastal program for the area, a process now under way.

Once that is completed, the Coastal Commission must rule on whether the county's plan meets the policies of the Coastal Act. At that point, the commission will have a formal opportunity to decide how much of the Summa property is wetlands.

Maher said she is confident that "once our data is reviewed, the conclusion will be pretty close to ours."

There could be an altogether different approach to the Ballona controversy, however. Because much of the area was undeniably wetlands a century or more ago before dikes and tide gates were built to keep out the sea, there are those who contend that the public still has a claim on that portion of the property that once was tidelands, just as the public now has a right to the coastline up to the high-tide line.

That argument has been used by the city of Los Angeles to seek an easement across a small portion of Ballona property and is now being tested in the courts. The trial court ruled in favor of the city. The Court of Appeal, in a 2-1 decision, reversed that ruling, setting the stage for a state Supreme Court appeal.



The Ballona wetlands near Los Angeles International Airport; for some of the prominent inhabitants, the birds, it's a paradise.



Ken Moore, resident manager of the Elkhorn Slough sanctuary.

Times photo by Con Keyes

Times photo by Con Keyes

Another controversial wetlands development is the 1,609-acre Bolsa Chica property in Orange County, about 40 miles southeast of Ballona.

The owner, Signal Landmark Properties Inc., thought it had settled the issue when it agreed to a land swap with the state. The swap would give the Department of Fish and Game 557 acres upon which to restore salt marsh and lease space for a marina and give the oil company subsidiary an open channel to the ocean.

The tidal flow would be used to fill dredged channels elsewhere on the property to create waterfront homes.

But the Coastal Commission has made a preliminary finding that the entire area is a wetland, which would preclude residential development, and most other development as well.

Meanwhile, Orange County officials are in the process of preparing a local coastal program for Bolsa Chica that Signal Landmark spokesman Wayne Clark said the company could live with.

It allows upwards of 5,700 homes, a medium-sized motel, restaurants and shops, a marina and between 390 and 500 acres of restored marshland.

Clark said the Coastal Commission staff has let it be known it opposes the county's plan because the staff believes it allows too much development.

Signal Landmark argues, however, that the commission would be going beyond the bounds of the Coastal Act if it opposes the plan. The company claims that the act implicitly designated the 557 acres the state gets in the land swap as the only wetlands on the property, thus freeing Signal to develop the rest.

The Coastal Act does not have any specific language stating that, but it does make reference to combining the restoration of degraded wetlands with the installation of a marina, the bargain that Signal struck with the state in the land trade.

Clark said the marsh restoration and public marina project is intrinsically tied to residential-commercial development of the property. It would be carried out by using taxes and revenues from marina leases and slip rentals to repay the estimated \$160 million in bonds needed to finance the public facilities, which would include a high bridge to carry Pacific Coast Highway over the new entrance channel.

Clark said the Coastal Commission is asking too much.

He argues that wildlife habitat needs already are met by more than 800 acres of pristine marshland nearby on the Seal Beach Naval Weapons Station, and contends that most of the Bolsa Chica property has not been inundated by tidewaters since 1890, when dikes and tide gates were installed to keep out the ocean.

The only exception is the waters allowed in since 1978 by Fish and Game to restore 140 acres along Pacific Coast Highway.

Here again, the conflict is not going to be soon resolved.

"The range of expectation is so great between those who wish to protect all of the wetlands and those who have an economic interest in development of each and every acre of those wetlands that it doesn't appear to me that any compromise is possible," Fischer said.

He expects both Ballona and Bolsa Chica to end up in court.

"The value of each additional acre they can develop is so great it's worth a couple of years in litigation to try."

# Two Cities' Coastal Plans Highlight Local Dilemmas

BY RICHARD O'REILLY  
Times Staff Writer

Two of the most far-reaching actions of the California Coastal Commission decided the right of 10 birds and a thousand condominiums to occupy separate niches of the shoreline.

That is greatly simplified, but it is at the heart of what the commission did in ruling on the local coastal programs of the cities of Long Beach and Chula Vista.

The cities faced essentially the same problem: how to plan for development of their coastlines in a manner that would win approval of the commission.

Both cities undertook the challenge in a praiseworthy, environmentally sensitive fashion. Yet when the final test came, one got a near-perfect score and the other flunked out.

The irony is that Chula Vista, which supported creation of the commission and its policies from the beginning, came out the loser while Long Beach, with a long history of opposition, made a dramatic turnaround and ended up a winner.

Why it happened that way is mostly a consequence of geography, but it illustrates the contradictory aspects of the Coastal Act and shows how the commission uses its discretionary powers, often inviting controversy.

The Coastal Act promises to return to cities and counties the authority to regulate development of their coastal zones, authority they lost in 1973 when Proposition 20 took effect and placed it in the hands of the state and regional coastal commissions.

But local governments can regain that authority only after they adopt a comprehensive coastal land-use plan and the zoning ordinances to enforce it, a package known as a local coastal program.

And the plan and zoning must win certification from the Coastal Commission before taking effect.

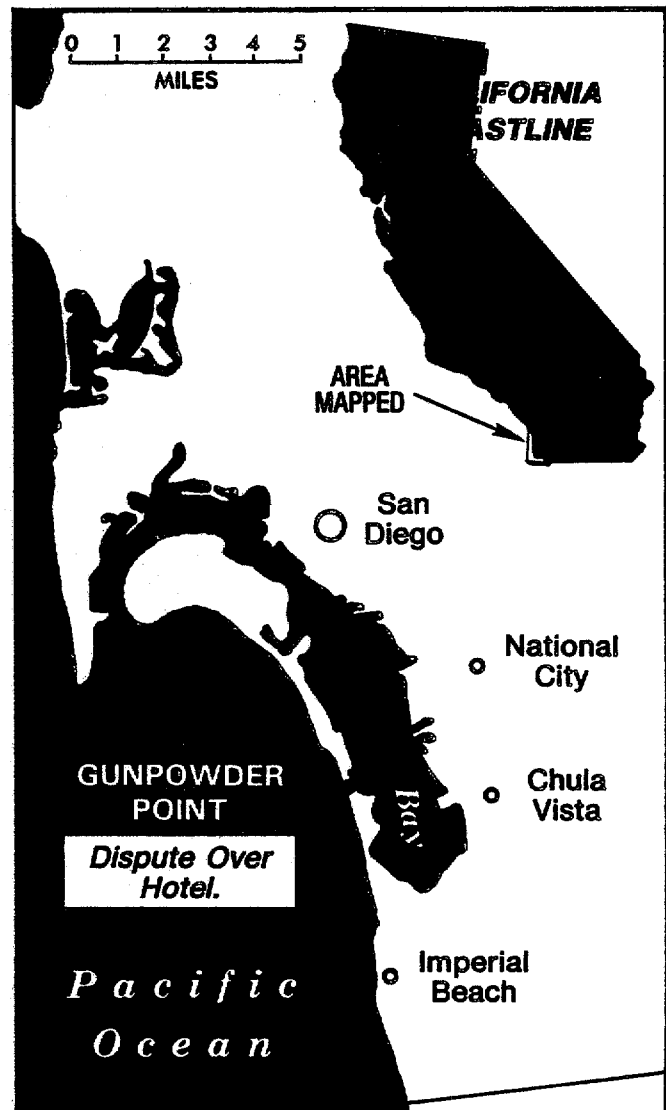
Getting that certification is not easy because there is a built-in conflict between local development pressures and the restrictive policies of the act, and among various provisions of the act itself.

In Chula Vista's case, the conflict was between Coastal Act policies encouraging public uses such as hotels, restaurants, parks and the like, and other policies of the act intended to protect wetland wildlife habitats.

The clash, appropriately enough, was centered on Gunpowder Point, a 40-acre mound next to San Diego Bay and surrounded by salt marsh. It was named for a World War I munitions plant that years ago was destroyed by flood, leaving behind a rambling white ruin.

Most of the land is owned by the Santa Fe Railroad, which has long wanted to lay tracks there and develop an industrial center offering rail service. San Diego port authorities once planned to fill in the marshes and part of the bay to create more docks for shipping.

But the city rejected both notions and fashioned its own bayfront plan calling for a 700-room hotel complex on the point, other commercial and residential development in nearby uplands, parks, pathways, a golf course and preservation of most of the wetlands.



Times graphic by Weima Fu Sun



That plan was modified over the years to reflect developing coastal policies: The golf course was dropped, alignment of a road across the Sweetwater River Marsh was changed, buffer widths around the marsh were doubled, and larger areas of new wetlands were proposed to compensate for the several acres of fill required by the development.

The Gunpowder Point hotel remained the centerpiece, however.

It is a spectacular site. To the north is an unimpeded view up the bay to the Coronado Bridge, which sweeps across the panorama of the San Diego downtown skyline beyond. To the south, there are water, distant trees, and the mesas of the Mexican border descending to the sea like a shallow staircase.

Fronting on the bay, Gunpowder Point is ringed the rest of the way around by salt marshes forming the mouth of the Sweetwater River.

"One of the biggest gripes around here," according to Chula Vista Mayor Will Hyde, "is that we've got this magnificent shoreline, but practically, it's off limits to people."

If humans have little access, wildlife has a lot. The last census showed the marshes to be home to five pairs of lightfooted clapper rails, a grayish-brown bird that is endangered on the West Coast. It is the size of a chicken, with a slightly curved beak a couple of inches long.

Nearby, on a long sandy ridge created years ago from material dredged from the bay, the endangered least tern struggles to live, according to Dale Pierce, a

biologist for the U.S. Fish and Wildlife Service.

In 1979, about 15 to 20 fledglings were hatched among the 24 to 28 pairs of least terns nesting on the D Street fill area, according to Pierce. But last year, with increased off-road vehicle use of the area, only a dozen pairs nested and all abandoned the site before hatching their eggs.

(The latest statewide census, 1978, showed 700 pairs of least terns.)

So, for Chula Vista and the Coastal Commission it came down to an impasse: Wildlife experts wanted the marsh and adjacent wildlife habitat to support those dwindling bird populations; the city wanted its bayfront plan—which was predicated on the lucrative hotel site at Gunpowder Point—to be economically viable.

"It had to pay for itself," Hyde said.

The financial basis of the plan was simple: Allow enough development so that the developer could afford to provide protective buffer zones, wetlands restoration, landscaping, trails and other environmental enhancements.

The lengthy and complex Coastal Act gives preference to human access to the coast, and tourist use, but also to preservation of wetlands.

The act recognizes its built-in conflicts and directs that "such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources."

The next sentence, however, is guaranteed to leave local planners in a quandry. It says:



Long Beach Marina area, now under construction after approval of city's coastal plan. To the left is new Long Beach Convention Center.

Times photo by Con Keyes

"In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers, may be more protective, overall, than specific wildlife habitat and other similar resource policies."

The San Diego Regional Coastal Commission wrestled with those contradictions and struck a compromise that Chula Vista didn't much like, but one that Hyde says the city could live with.

It cut the hotel down to 300 rooms, called for a further study of the impact of development of the point of birdlife, allowed a proposed road to cross the marsh only on pilings and reduced development on the D Street fill.

But the state commission, which must rule on all local coastal plans, read the Coastal Act differently and accepted the arguments of the state Department of Game and Fish and the U.S. Fish and Wildlife Service that any development on Gunpowder Point would damage the habitat.

So it prohibited the hotel, prohibited the road from crossing the marsh, even on pilings, and further restricted development on the D Street fill.

The outcome may well be decided in the courts. Chula Vista already has won the first round in a lawsuit against the state commission. But that decision only speaks to the procedure used by the commission in reaching the decision.

Recently the commission reconsidered its Chula Vista decision, as ordered by the court, using a different procedure. But the result was the same. The plan was not approved.

Michael Fischer, executive director of the commission, thinks there is room for negotiation, however.

"We didn't say no development on Gunpowder Point, we said minimize the impact of that development. We understand that the banker has got to be convinced, but we're saying, give us a more sophisticated design," Fisher said.

Just because a 700- or 300-room hotel is too big doesn't mean that something smaller, more protective of the upland habitat would not be approved, he said.

The next move is up to Chula Vista.

In Long Beach, the scenario is quite different. There, a thousand condominiums will be built across from the Queen Mary near the city's shoreline, and the state commission couldn't be happier.

Long Beach is truly the coastal prodigal son. Its stance has changed from hostility to acquiescence, even support, for the commission. This turnaround coincided with changes in the city administration, primarily the appointment of a new planning director, Robert Paternoster, in 1977.

Paternoster arrived from Pittsburgh to face the necessity of planning a local coastal program.

His approach was to create a citizens advisory committee composed of truly divergent, yet representative, interests and to give the committee broad power to draft the plan.

Citizen involvement in local coastal planning is a requirement of the commission, but most places are doing it opposite to the approach in Long Beach; the

planning bureaucrats and politicians are drawing up the plans and then giving the public a chance to take potshots at them afterward.

In Long Beach, the committee literally wrote the plan and then ushered it through various levels of local approval.

Bill Davidson, a young attorney who headed the 28-member committee, said its most far-reaching decision was its first. It agreed that a two-thirds majority would be needed to reach every policy decision.

"We wanted to get as close to consensus as we could," Davidson said.

It was a rule that could have paralyzed the group, but instead it yielded a plan with broad community support.

It was not quick, however. Paternoster ticked off the statistics: Three years, 114 full committee meetings, 50 subcommittee meetings, five town hall meetings, two public hearings and 10,600 hours of volunteer time backed up by 8,800 hours spent by the planning staff.

There were disagreements along the way. The committee opposed a large downtown marina favored by the planning staff and got the City Council to go along with one less than half the size, Davidson said.

The matter was taken to voters by initiative and they overrode the committee, approving the larger marina by about 60%.

Another controversy focused on development of high-rise apartments and condominiums east of downtown on the bluff seaward of Ocean Boulevard, the main street along the coast.

The citizens committee wanted to stop the eastward migration of high-rise construction about a mile short of the point favored by Paternoster and the land owners involved.

The boundary was adjusted twice in the political process; the city planning commission first shifting it east the full mile and the City Council then setting a compromise limit about halfway.

A mile or even a half-mile of 16-story high-rises along the ocean bluff sounds like a lot, but Davidson said that is misleading.

Davidson said all that was really in dispute was whether to allow an additional three to five high-rise buildings, at least for the next 10 or 15 years.

Long Beach skated past the Coastal Commission on one issue that is proving to be a big sticking point for the local coastal programs of other cities—so-called affordable housing.

The commission's policy requires that 25% of new coastal housing be priced for families of low and moderate incomes.

But that provision is not in the Long Beach plan. It requires only the replacement of any existing affordable housing that is lost to new development.

The South Coast Regional Coastal Commission and the state commission basically accepted Long Beach's contention that the city already contained more than its fair share of affordable housing.

The result is that only those people wealthy enough to pay the full market value of those 1,000 downtown shoreside condos will be able to buy them.

And that, according to Paternoster, is the only way the city's downtown shoreline project will be economically viable.

The Long Beach plan sailed through the state commission on a staff recommendation that it met all the policies of the Coastal Act, and the city was hailed by commissioners as an example of how other local governments could succeed if only they set their minds to it.

The reason Long Beach was anxious to get an approved local coastal program, according to Paternoster, was so it could regain the power to give the final say on development in its coastal zone.

The advantage for Long Beach coastal property owners is dramatic. Now, as long as their proposals meet the city zoning ordinance, all they need are building permits to build, demolish, remodel, whatever. And that takes only about two weeks to obtain, Paternoster said.

But just because something is provided in the city's new plan, that does not mean it actually will happen.

A case in point is the oceanfront bicycle path.

The Long Beach plan emphasized the need for the bike path as one way to give the public access to the beach in areas where there is little or no room to park cars. The path would tie together two regional bicycle trails—the ones along the Los Angeles and San Gabriel rivers.

But the path was opposed all along by residents of the bluff near downtown, who said they feared it would attract thieves and muggers on roller skates, something they said had already happened in Venice.

Their opposition was not enough to stop the path from being included in the plan. But when it came time to build it, they were able to squelch it.

State funding to help pay the cost of building the bike path was available, but City Council rules required a two-thirds vote to approve contracting with another governmental agency, Paternoster said.

A majority of council members favored the bike path, but not two-thirds, so it was defeated, he said.

What power does the Coastal Commission have to force the city to build the bike path or carry out any other provision of its plan?

None if it means forcing the city to make capital expenditures, according to Fischer. The most the state agency can do is try to find state or federal sources willing to give the needed funds to the city. But it cannot force the city to accept the funds, he said.



Robert Paternoster

Times photo by Con Keyes

The commission does have the power to prevent local governments from allowing developments that violate the local coastal program, however, Fischer said.

But that is going to require an enforcement staff, something the commission has not had until this year.

Fischer explained that thus far, it has relied on environmental activists to blow the whistle by appealing regional permit decisions to the state commission.

This year, several enforcement positions have been budgeted and Fischer said he expects to have a seven-member statewide enforcement staff in place soon.

Meanwhile, Fischer has his hands full trying to get all 106 local coastal programs in the state completed and adopted—which, as the experiences of Chula Vista and Long Beach reveal, is no simple task.

# Few Local Coast Plans Ready for Turnover

BY RICHARD O'REILLY  
Times Staff Writer

The coast is a popular place to be in mid-summer, but this year it may not be much fun trying to develop property there, especially in Los Angeles County.

The reason is that the process through which coastal development permits are obtained may be thrown into turmoil beginning July 1.

The South Coast Regional Coastal Commission, which has been handling permit applications here for eight years, will cease to exist.

If the state Coastal Act had been strictly obeyed by local communities, that would not be a problem. The act provides for the permit process to be turned over to cities and counties by July 1.

But most local jurisdictions will not meet the deadline because they will have failed to complete their local coastal programs, a prerequisite to taking over permit authority.

Only six of the 22 local coastal programs—blueprints for future coastal management—required for Los Angeles County's shoreline will be in place by July 1.

So the state Coastal Commission, based in San Francisco, will be forced to take on the task of issuing coastal development permits throughout most of California.

The state commission planned to remain in business anyhow. The Coastal Act requires that it continue to operate after the regional commissions are shut down. But the state commission after July 1 is supposed to assume an overseer role, with enforcement powers to assure that local communities abide by the Coastal Act.

Now, the state commission will have to shift gears.

A regional staff will remain to serve the Los Angeles-Orange County area, and the state commission will continue to hold meetings in Los Angeles every month, but its workload will be greatly increased—meaning added delays in processing permits.

In fact, Commission Chairman Lenard Grote has suggested that it may even have to call a moratorium on permits for some areas if the crunch is too great.

However, legislation is pending in Sacramento to speed up the process. The legislation would allow cities and counties to begin issuing coastal permits before they have finished their local coastal programs, but in a manner that still assures coastal protection.

The permits are required for virtually any change in the use of coastal zone property—from adding a room to a beachfront cottage to building a high-rise hotel.

The Coastal Act called for coastal communities to finish their local coastal programs by the end of last year, giving the state commission six months to certify them before the South Coast and the state's five other regional commissions went out of existence.

Once the programs were certified, the local jurisdictions would regain the right to issue their own coastal permits, a power lost to the coastal commissions in 1973.

But it has not worked out that way, especially in the city of Los Angeles and Los Angeles County. They are two of the slowest jurisdictions in the state to complete the coastal planning task. It may take them into 1983 to finish.

In their defense, the city and county have had to grapple with some of the greatest pressures from developers and preservationists while drafting their plans. And because both governments are so large, their planning processes are lengthy and cumbersome.

Still, Mel Carpenter, executive director of the regional commission, says of both the city and county: "If they had really wanted to do it, they could have done it in a couple of years."

Norman Murdoch, planning director of the county's Regional Planning Department, argues, however, that "we've taken more than our fair share of hassling from the Coastal Commission." He said it raised inconsequential but time-consuming complaints about the county's strategy for completing the local coastal programs, thereby causing the delay.

City planners Emily Gabel and Ed Johnson said any suggestion that the city is dragging its heels is misleading. Actually the city spent a lot of time on preliminaries that speed up the process as the programs now move toward completion, they said.



The cliffs of Palos Verdes Estates are part of a long coastline for which city and county authorities have yet to complete their strategies.

Times photo by Con Keyes

Johnson also pointed out that the city already issues many of its own coastal permits under an option in the law that it was the only local jurisdiction to exercise. Working out the kinks in that process took a long time, but now that it has been done, the city will have an easier time taking over the rest of the permitting process once its coastal programs are finished, he said.

City Councilwoman Pat Russell, whose district includes Venice and Playa del Rey—areas for which local coastal programs are being written—complained, "It is too big a job to do in the time that was given."

But John Gibson, whose district includes San Pedro, site of another coastal plan, said the Planning Department has been slow to do its job throughout his 30 years on the City Council. "I've never understood why it took so long," he said.

However, cities and counties never had to prepare separate plans for their coastal zones until the Coastal Act came along, and it is a more complex task than preparing the usual general plan.

For one thing, it includes not only a specific land use plan, but also zoning ordinances to give the plan teeth.

For another, it must meet the Coastal Commission's approval and the commission has been quick to send programs back for rewriting whenever it finds that they do not uphold the preservation policies in the Coastal Act.

Here is a summary of the local coastal programs for the Los Angeles area, and the status of each:

## Los Angeles County

The county is responsible for programs covering Santa Catalina Island, Marina del Rey-Ballona wetlands, and the Malibu coast-Santa Monica Mountains.

**Santa Catalina Island:** Creation of an entirely new village at the Two Harbors area at the island's isthmus is the major issue to be resolved. Hotels, hostels, privately owned time-sharing condominiums and employee housing would be the major features of the development, designed to open the island's interior to mainland visitors.

The greatest problem is providing an adequate water supply to serve such a development. Money to pay for the water and sewage systems would come from sale of the condos.

A draft plan has been completed and is expected to go to the county's Regional Planning Commission in June.

**Avalon:** This mile-square city near the southeast end of the island has prepared its own plan, which awaits approval by the state coastal commission. Major aims of the plan are preserving existing low-price tourist accommodations and assuring so-called affordable housing for workers who keep the town's tourist-oriented businesses going.

**Marina del Rey/Ballona wetlands:** Defining the boundaries of the wetlands is the major issue, with the staff of the Los Angeles County Museum of Natural History undertaking that task, to be completed in June. Other issues are construction of new boat slips, public access, future land uses of marine property, affordable housing for low- and moderate-income groups, and better access to the Marina Freeway.

It will be an estimated two years before the plan is completed, due to the controversy surrounding it.

**Malibu/Santa Monica Mountains:** When the requirement for local coastal programs was first imposed, the county already was at work on a general plan for this region. The general plan was recently finished and now the county is at work trying to convert it into a local coastal program. More work is needed because the general plan does not address some major coastal issues such

as beach access, preservation of scenic areas, and threatened development of thousands of small lots.

Malibu is a stronghold of opposition to expanded public access to beaches and the area's new county supervisor, Deane Dana, recently blocked efforts to open to the public several beaches already owned by the state and the county.

## City of Los Angeles

The city of Los Angeles is preparing seven local coastal programs, all of which it hopes will go to the city Planning Commission for action by November. Once the plans have the Planning Commission's blessing, plus that of the City Council's Planning Committee, they will be put before the Coastal Commission and the full City Council simultaneously—a novel approach. Beginning at the south and moving north, they are:

**San Pedro:** Provision of affordable housing by offering greater housing density to builders as an incentive is an aspect of this plan, which is nearing completion. The thrust of the plan is to preserve the residential, low-density, multi-ethnic, maritime-oriented flavor of this seaport area.

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Builders who agree to add a moderately priced unit to replace duplexes would be allowed to build larger units as an incentive—a strategy intended to provide affordable housing in this area where 75% of the residents are renters.

Another controversy surrounds a parcel of vacant beachfront land whose owner wants to build condominiums as well as a hotel, shops and restaurants. In keeping with the Coastal Act preference for visitor-serving uses at the beach, city planners are recommending against the condos. The plan should go to the city Planning Commission in June.

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The issue along the peninsula is what to do with the narrow walkstreets, many of which remain unpaved. City fire officials say they must be widened if 45-foot building heights proposed by planners are to be allowed. Some residents fear that widening and paving the streets will ruin the atmosphere of the neighborhood.

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**Pacific Palisades:** No work has been done on this plan. City planners say it presents no complex problems, but regional coastal commission staffers say the issues to be resolved include protection against geologic hazards, access to mountain trails, preservation of views, beach-related uses and scales of development.

**El Segundo:** Expansion and intensification of energy facilities are the basic thrusts of this city's plan, which covers a narrow ribbon of land less than a mile long and no more than 200 yards wide. Most of it is taken up by an electrical generating station owned by Southern California Edison Co., and the on-shore portion of a marine tanker terminal operated by Chevron Oil Co.

Existing public access along the shore via a bicycle path will be preserved. The plan was approved by the state commission last September.

**Hermosa Beach:** The city submitted its land use plan to the regional commission a year ago. But the plan was withdrawn before it could be considered after local residents apparently became concerned it would allow or require urban renewal. The plan has not been resubmitted. Issues include lack of parking for beach-goers, development on two vacant lots and preservation of affordable housing. Regional coastal commission staffers noted that the latest drafts of the plan are even more vague than the earlier version, which they considered too vague.

**Long Beach:** This was the first city in the county and the first, and so far only, major city in the state to complete its plan and begin administering its own coastal permits. The plan concentrates new development in the downtown shoreline area, allows a few high-rise residential buildings east of the downtown area, and preserves the rest of the shoreline mostly in its present form. Affordable housing is provided by requiring the replacement of existing affordable units whenever they are demolished.

**Los Alamitos:** This area, partly within Long Beach and partly unincorporated county territory at the east end of Long Beach, contains a wetland. Agreement on its preservation and development has been reached with the major landowners and a plan is being prepared by Long Beach.

**Manhattan Beach:** The land use plan portion of the plan has been approved by the regional coastal commission and is awaiting consideration by the state commission. The basic issues are preservation of parking for beach visitors and housing. At the direction of the regional commission, the city agreed to restrict downtown density to preserve parking for beachgoers.

The city is expected later to adopt a plan for a small area at its north end, known as El Porto, which it recently annexed from the county.

**Palos Verdes Estates:** This plan, which covers a narrow strip about 4½ miles long, was one of the least complicated for the regional and state commissions to deal with. Housing was not an issue since only five vacant lots remained when the plan was certified in 1979, and they were reserved for expensive single-family homes.



Coastal plans involve Venice's Linnie Canal and similar waterways.

Times photo by Con Keyes

Access was the main issue, but the commissions agreed with the city's proposals, including the finding that some existing pathways from the bluff tops to the rocky coves below were too dangerous for continued use. The only significant condition imposed on the city was a change in its ordinance to allow picnicking in the bluff-top parks, a use previously forbidden.

**Rancho Palos Verdes:** The state and regional commissions applauded the city for preserving the views along much of its 7½-mile sheer coastline, but required that it provide at least 200 units of affordable housing in its plan. The city's plan allowed construction of more than 500 units of very expensive new housing, much of it at a dwelling density averaging only one unit per acre, maintaining the present suburban estate atmosphere. The city has refused to accept the commissions' conditions.

**Redondo Beach:** Affordable housing and boat-launching and storage facilities are the major issues. The regional commission approved the city's plan, but added conditions requiring protection of existing low- and moderately-priced housing from demolition unless replacement housing is provided.

It also said that any development of a breakwater at King Harbor known as "Mole B" must allow for eventual construction of a trailer boat-launching ramp and parking lot. Dry boat storage also is to be one of the uses on a vacant five-acre site owned by Southern California Edison Co., if the site is developed.

The city's plan now awaits action by the state commission.

**Santa Monica:** The city's plan was submitted to the regional coastal commission earlier this year, but was withdrawn last month after a slate of liberals was elected to the City Council. They plan to restore a strong affordable housing policy to the plan, a policy earlier removed by the city Planning Commission.

Housing and beach parking are major issues, with a number of policies designed to preserve and enhance existing neighborhoods and encourage a mix of income levels, ages, races and ethnic backgrounds. No new beach parking is provided for, with the emphasis on finding alternative means of transportation.

**Torrance:** After once being denied by the regional coastal commission, the city's plan recently was approved following slight alterations. One sticking point had been the city's policy on condominium conversions, which the commission wanted strengthened to prevent conversions. But it settled for a statement from the city that by enforcing its present ordinance it had not allowed any conversions in its narrow coastal zone and that it would continue to enforce the ordinance.

The city, however, did add a provision guaranteeing that it would preserve half of its on-street parking in the coastal zone for public use by not restricting it to residents only.

The plan now goes to the state commission for consideration.

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## Coast Panel's Stormy Watch on S.D. County

BY MARK FORSTER  
*Times Staff Writer*

Much sweat and tears from bureaucrats, developers, environmentalists, farmers and residents had been poured into writing the thick document designed to guide development along the coast between Leucadia and Solana Beach.

The program had been pronounced a masterpiece of compromise by the County Board of Supervisors and San Diego Regional Coastal Commission and now it was before the 11 state coastal commissioners for final approval.

As Richard Empey, a graying, 50ish county planner, stood before the state commissioners to argue for the program he had nursed and nurtured, he stressed the hard work and compromise.

"You might not believe this," said Empey, a deadpan expression freezing his seamed face, "but I'm only 27 years old. I was a young man when I started this."

The state commissioners chuckled quietly. But when the hearing finished two hours later, Empey and the county discovered the joke was on them.

The commissioners rejected the program, saying the county needed to preserve more farmland and require developers to build low-cost coastal housing.

That happened last month, but ask a planner from anywhere between Oceanside and Chula Vista and a similar story will likely be told about efforts to get a coastal program approved by the California Coastal Commission.

Almost since the commission was created in 1973 by Proposition 20 to protect and preserve California's coastline, local governments and the commission have wrangled over two points:

How to balance development versus environmental preservation, and who best understands local planning needs—the Coastal Commission or local governments.

Now the coastal planning process is nearing a watershed.



On July 1, the San Diego Regional Coastal Commission is scheduled to expire.

Since 1973 its frequently changing cast, occupying six seats reserved for local elected officials and six for appointed public members, has reviewed six local coastal programs and more than 9,000 building permit applications for private and public coastal projects.

After July, the state commission will take over that job until a local coastal program—a land-use plan and ordinances to carry it out—has been approved for every mile of San Diego County's coastline.

Once the state commission approves a local coastal program, it relinquishes permit authority to the local jurisdiction.

Although a number of important programs still must be approved by the state commission, a picture of San Diego's 76-mile long coast, and who is shaping it, can be drawn as the demise of the regional commission nears.

Although starting with the same Proposition 20 blue print for San Diego's coastline, local governments and the Coastal Commission often have disagreed on how to hammer together the planks.

The result has been widespread compromise in the two-step hearing process for local coastal programs. Programs must gain preliminary approval by the San Diego Regional Commission followed by final approval by the state commission.

The compromises will result in greater public access to beaches, protection of coastal views by preventing Miami Beach-style high-rises, and protection of San Diego's lagoons, marshes and wetlands, according to local government and commission officials.

Debates are continuing on policies to provide low-cost coastal housing and to preserve farmland; the impact of those decisions will not likely be seen for years.

Those familiar with San Diego coastal planning agreed that the regional commission, made up of San Diego area officials and citizens, has been sympathetic to programs for local development.

In a few critical instances, however, a different body of state coastal commissioners tipped the balance in favor of environmental protection when making final decisions on San Diego area plans.

For example, the state commission eliminated a major coastal hotel in the South Bay, discouraged a proposed North County freeway and suggested the county preserve more San Dieguito farmland than it intended.

"On balance," said Will Hyde, mayor of Chula Vista and a regional coastal commissioner, "the coastline will be less than what the most ardent environmentalist hoped for but a far cry from what could have happened if there had been no coastal plan."

While local governments have played significant roles in shaping their coastlines, Hyde added, "On controversial issues there has been inevitable modification of local programs to make them less intensive of development."

Hyde speaks from experience.

Chula Vista's original proposal for a 700-room hotel in the environmentally sensitive Sweetwater Marsh was knocked down to 300 rooms by the regional com-

mission and completely eliminated from the program by the state commission.

The hotel's future is still in doubt. The state commission upheld its first ruling last month after a San Diego judge ordered the commission to review its decision.

Not all cities suffered such an experience. Coronado's local coastal program was approved with few changes by both regional and state commissions.

But other communities in San Diego County have stories similar to that of Chula Vista.

Oceanside included in its coastal program a freeway running through the sensitive San Luis Rey River Valley.

The state commission at first dropped the proposal from the plan.

After Oceanside officials protested, the commission approved most of the program but removed the portion concerning the river valley so it can review any specific freeway proposal.

In Carlsbad, city officials became so upset over state commission amendments to a plan for Aqua Hedionda Lagoon that the city turned over planning for a large chunk of the remainder of its coast directly to the commission.

The city and the commission are still negotiating differences in the Aqua Hedionda plan, which was started in 1977.

In San Dieguito, the state commission tentatively has said the county's program to preserve half the remaining agricultural land is inadequate.

The regional commission staff originally recommended preserving two-thirds of the land.

Regional commissioners voted to override that proposal, but it is now being reviewed at the state level.

Roger Hedgecock twice voted to support the county's program, once as a county supervisor and again as regional coastal commissioner.

Hedgecock described as "absolutist regulations" the state commission's guidelines on preserving farmland and mandating inclusion of low-cost housing units in new residential developments.

"We are attempting to translate the (coastal) act into a workable local solution," he said.

Hedgecock argues that the state doesn't understand San Diego coastal economics.

But Hedgecock understands San Diego politics. His constituents were vocal and visible backers of the county plan.

Such political pressure on local officials sitting on the regional commission is cited by some environmentalists in support of the state Coastal Commission, which they say is more insulated from politics.

"Probably the people on the regional commission are under local pressure, although most are very forthright and honest," said Harriet Allen, a retired San Diego educator who is a public member of both the regional and state commissions.

"The state commission is not more environmentally oriented but more law-oriented," she said. "The state commission looks at each decision as it might influence decisions up and down the state."

"The state commission is freer of some pressures and has a broader picture," said Lois Ewen of Coronado, a former commissioner. "I won't say it knows better. They (state commissioners) listen to regional concerns."

Timothy Cohelan, a San Diego attorney and chairman of the regional commission, acknowledged that politics is part of the regional commission, both in and out of meetings.

"You get the mail, the calls," said Cohelan, who has a picture of himself and Gov. Edmund G. Brown Jr. hanging on his office wall. "I get lobbied in the elevator."

"There is a little bit of legislative courtesy," he continued. "It's sort of understood if you're from Ocean-side and you have a problem that requires periodic review of the commission, you don't stick the knife in Chula Vista because Mayor Hyde is sitting there."

But disagreements between the regional and state commissions often stem from policy questions and not political pressures, Cohelan said.

Cohelan took the lead locally in challenging the state commission's requirement that low-cost housing units be a required part of any new residential development.

Cohelan and others have argued that developers should be allowed to build more units than normally allowed if some are voluntarily set aside for poorer families.

In the San Dieguito program, the regional commission allowed voluntary housing guidelines rather than mandatory rules, a decision the state commission indicated last month it might overrule.

"It can't be an exercise in utopian theory," Cohelan said of coastal planning. "It's a very practical exercise. At times it's a mundane process of taking this coastal community block by block and I can't even tell you it's been consistent. But we've tried."

Cohelan argued that the regional commission's greatest impact in shaping San Diego's coastline is the thousands of building permits it has issued that have not been appealed to the state commission.

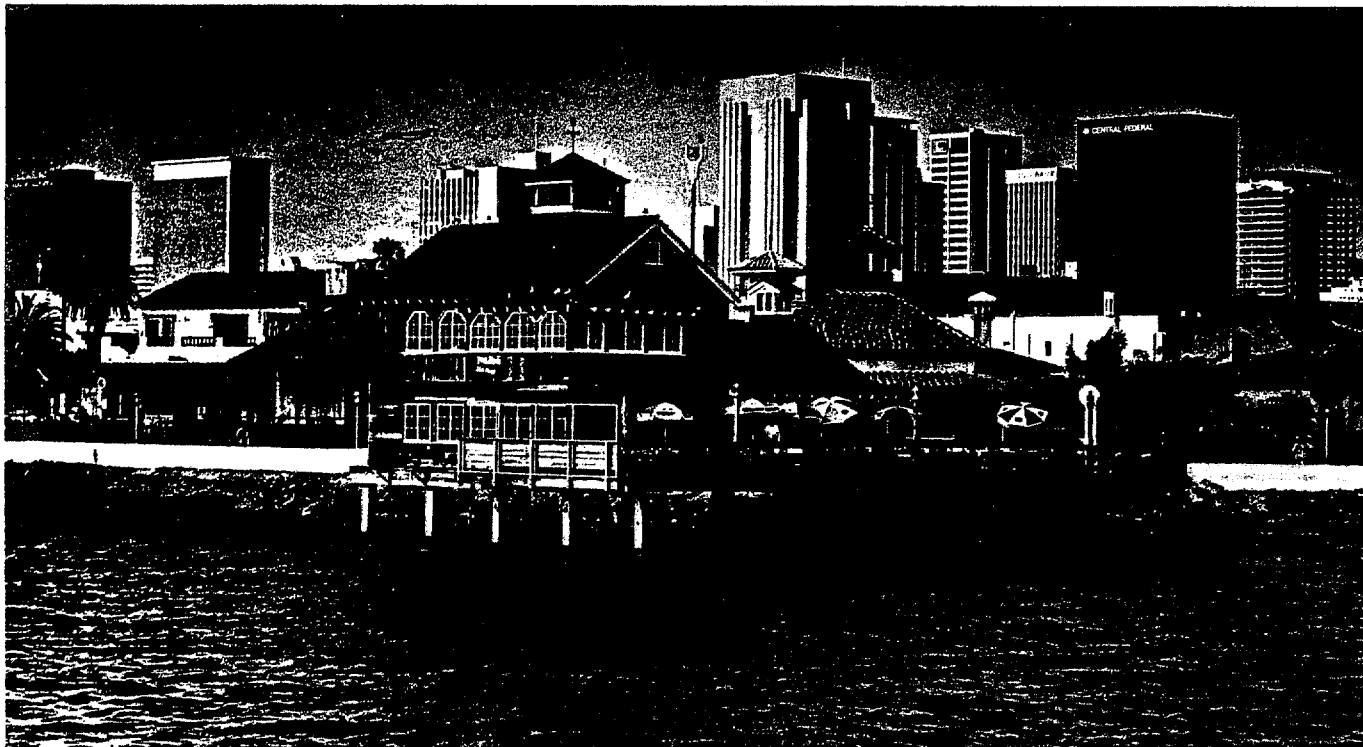
Tom Crandall, executive director of the regional commission, also argues that existing development has given local governments greater influence in what the coastline will look like.

"So much of the coast is urbanized already and the pattern of how it will look is very much established," said Crandall, who supervises a staff of nine youthful planners in their late 20s and early 30s.

"Local governments have had and will continue to have the biggest effect on what the coastal zone looks like," Crandall said, "with the state commission's effect on the immediate shoreline or natural environments like the Sweetwater Marsh, North County lagoons, or Tia Juana River Valley."

Even Carlsbad Mayor Ron Packard, a frequently exasperated local official when he appears before the Coastal Commission, agreed with Crandall.

"I've tried to make the commission realize," Packard said, "the beautiful coast of Carlsbad was preserved long before the commission came into being."



One project which won the approval of the California Coastal Commission was downtown San Diego's Sea-Port Village complex.

Times photo by John McDonough

as beach access, preservation of scenic areas, and threatened development of thousands of small lots.

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Existing public access along the shore via a bicycle path will be preserved. The plan was approved by the state commission last September.

**Hermosa Beach:** The city submitted its land use plan to the regional commission a year ago. But the plan was withdrawn before it could be considered after local residents apparently became concerned it would allow or require urban renewal. The plan has not been resubmitted. Issues include lack of parking for beach-goers, development on two vacant lots and preservation of affordable housing. Regional coastal commission staffers noted that the latest drafts of the plan are even more vague than the earlier version, which they considered too vague.

**Long Beach:** This was the first city in the county and the first, and so far only, major city in the state to complete its plan and begin administering its own coastal permits. The plan concentrates new development in the downtown shoreline area, allows a few high-rise residential buildings east of the downtown area, and preserves the rest of the shoreline mostly in its present form. Affordable housing is provided by requiring the replacement of existing affordable units whenever they are demolished.

**Los Alamitos:** This area, partly within Long Beach and partly unincorporated county territory at the east end of Long Beach, contains a wetland. Agreement on its preservation and development has been reached with the major landowners and a plan is being prepared by Long Beach.

**Manhattan Beach:** The land use plan portion of the plan has been approved by the regional coastal commission and is awaiting consideration by the state commission. The basic issues are preservation of parking for beach visitors and housing. At the direction of the regional commission, the city agreed to restrict downtown density to preserve parking for beachgoers.

The city is expected later to adopt a plan for a small area at its north end, known as El Porto, which it recently annexed from the county.

**Palos Verdes Estates:** This plan, which covers a narrow strip about 4½ miles long, was one of the least complicated for the regional and state commissions to deal with. Housing was not an issue since only five vacant lots remained when the plan was certified in 1979, and they were reserved for expensive single-family homes.



Coastal plans involve Venice's Linnie Canal and similar waterways.

Times photo by Con Keyes

Access was the main issue, but the commissions agreed with the city's proposals, including the finding that some existing pathways from the bluff tops to the rocky coves below were too dangerous for continued use. The only significant condition imposed on the city was a change in its ordinance to allow picnicking in the bluff-top parks, a use previously forbidden.

**Rancho Palos Verdes:** The state and regional commissions applauded the city for preserving the views along much of its 7 1/2-mile sheer coastline, but required that it provide at least 200 units of affordable housing in its plan. The city's plan allowed construction of more than 500 units of very expensive new housing, much of it at a dwelling density averaging only one unit per acre, maintaining the present suburban estate atmosphere. The city has refused to accept the commissions' conditions.

**Redondo Beach:** Affordable housing and boat-launching and storage facilities are the major issues. The regional commission approved the city's plan, but added conditions requiring protection of existing low- and moderately-priced housing from demolition unless replacement housing is provided.

It also said that any development of a breakwater at King Harbor known as "Mole B" must allow for eventual construction of a trailer boat-launching ramp and parking lot. Dry boat storage also is to be one of the uses on a vacant five-acre site owned by Southern California Edison Co., if the site is developed.

The city's plan now awaits action by the state commission.

**Santa Monica:** The city's plan was submitted to the regional coastal commission earlier this year, but was withdrawn last month after a slate of liberals was elected to the City Council. They plan to restore a strong affordable housing policy to the plan, a policy earlier removed by the city Planning Commission.

Housing and beach parking are major issues, with a number of policies designed to preserve and enhance existing neighborhoods and encourage a mix of income levels, ages, races and ethnic backgrounds. No new beach parking is provided for, with the emphasis on finding alternative means of transportation.

**Torrance:** After once being denied by the regional coastal commission, the city's plan recently was approved following slight alterations. One sticking point had been the city's policy on condominium conversions, which the commission wanted strengthened to prevent conversions. But it settled for a statement from the city that by enforcing its present ordinance it had not allowed any conversions in its narrow coastal zone and that it would continue to enforce the ordinance.

The city, however, did add a provision guaranteeing that it would preserve half of its on-street parking in the coastal zone for public use by not restricting it to residents only.

The plan now goes to the state commission for consideration.

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## Coast Panel's Stormy Watch on S.D. County

BY MARK FORSTER  
*Times Staff Writer*

Much sweat and tears from bureaucrats, developers, environmentalists, farmers and residents had been poured into writing the thick document designed to guide development along the coast between Leucadia and Solana Beach.

The program had been pronounced a masterpiece of compromise by the County Board of Supervisors and San Diego Regional Coastal Commission and now it was before the 11 state coastal commissioners for final approval.

As Richard Empey, a graying, 50ish county planner, stood before the state commissioners to argue for the program he had nursed and nurtured, he stressed the hard work and compromise.

"You might not believe this," said Empey, a deadpan expression freezing his seamed face, "but I'm only 27 years old. I was a young man when I started this."

The state commissioners chuckled quietly. But when the hearing finished two hours later, Empey and the county discovered the joke was on them.

The commissioners rejected the program, saying the county needed to preserve more farmland and require developers to build low-cost coastal housing.

That happened last month, but ask a planner from anywhere between Oceanside and Chula Vista and a similar story will likely be told about efforts to get a coastal program approved by the California Coastal Commission.

Almost since the commission was created in 1973 by Proposition 20 to protect and preserve California's coastline, local governments and the commission have wrangled over two points:

How to balance development versus environmental preservation, and who best understands local planning needs—the Coastal Commission or local governments.

Now the coastal planning process is nearing a watershed.

On July 1, the San Diego Regional Coastal Commission is scheduled to expire.

Since 1973 its frequently changing cast, occupying six seats reserved for local elected officials and six for appointed public members, has reviewed six local coastal programs and more than 9,000 building permit applications for private and public coastal projects.

After July, the state commission will take over that job until a local coastal program—a land-use plan and ordinances to carry it out—has been approved for every ery mile of San Diego County's coastline.

Once the state commission approves a local coastal program, it relinquishes permit authority to the local jurisdiction.

Although a number of important programs still must be approved by the state commission, a picture of San Diego's 76-mile long coast, and who is shaping it, can be drawn as the demise of the regional commission nears.

Although starting with the same Proposition 20 blue print for San Diego's coastline, local governments and the Coastal Commission often have disagreed on how to hammer together the planks.

The result has been widespread compromise in the two-step hearing process for local coastal programs. Programs must gain preliminary approval by the San Diego Regional Commission followed by final approval by the state commission.

The compromises will result in greater public access to beaches, protection of coastal views by preventing Miami Beach-style high-rises, and protection of San Diego's lagoons, marshes and wetlands, according to local government and commission officials.

Debates are continuing on policies to provide low-cost coastal housing and to preserve farmland; the impact of those decision will not likely be seen for years.

Those familiar with San Diego coastal planning agreed that the regional commission, made up of San Diego area officials and citizens, has been sympathetic to programs for local development.

In a few critical instances, however, a different body of state coastal commissioners tipped the balance in favor of environmental protection when making final decisions on San Diego area plans.

For example, the state commission eliminated a major coastal hotel in the South Bay, discouraged a proposed North County freeway and suggested the county preserve more San Dieguito farmland than it intended.

"On balance," said Will Hyde, mayor of Chula Vista and a regional coastal commissioner, "the coastline will be less than what the most ardent environmentalist hoped for but a far cry from what could have happened if there had been no coastal plan."

While local governments have played significant roles in shaping their coastlines, Hyde added, "On controversial issues there has been inevitable modification of local programs to make them less intensive of development."

Hyde speaks from experience.

Chula Vista's original proposal for a 700-room hotel in the environmentally sensitive Sweetwater Marsh was knocked down to 300 rooms by the regional com-

mission and completely eliminated from the program by the state commission.

The hotel's future is still in doubt. The state commission upheld its first ruling last month after a San Diego judge ordered the commission to review its decision.

Not all cities suffered such an experience. Coronado's local coastal program was approved with few changes by both regional and state commissions.

But other communities in San Diego County have stories similar to that of Chula Vista.

Oceanside included in its coastal program a freeway running through the sensitive San Luis Rey River Valley.

The state commission at first dropped the proposal from the plan.

After Oceanside officials protested, the commission approved most of the program but removed the portion concerning the river valley so it can review any specific freeway proposal.

In Carlsbad, city officials became so upset over state commission amendments to a plan for Aqua Hedionda Lagoon that the city turned over planning for a large chunk of the remainder of its coast directly to the commission.

The city and the commission are still negotiating differences in the Aqua Hedionda plan, which was started in 1977.

In San Dieguito, the state commission tentatively has said the county's program to preserve half the remaining agricultural land is inadequate.

The regional commission staff originally recommended preserving two-thirds of the land.

Regional commissioners voted to override that proposal, but it is now being reviewed at the state level.

Roger Hedgecock twice voted to support the county's program, once as a county supervisor and again as regional coastal commissioner.

Hedgecock described as "absolutist regulations" the state commission's guidelines on preserving farmland and mandating inclusion of low-cost housing units in new residential developments.

"We are attempting to translate the (coastal) act into a workable local solution," he said.

Hedgecock argues that the state doesn't understand San Diego coastal economics.

But Hedgecock understands San Diego politics. His constituents were vocal and visible backers of the county plan.

Such political pressure on local officials sitting on the regional commission is cited by some environmentalists in support of the state Coastal Commission, which they say is more insulated from politics.

"Probably the people on the regional commission are under local pressure, although most are very forthright and honest," said Harriet Allen, a retired San Diego educator who is a public member of both the regional and state commissions.

"The state commission is not more environmentally oriented but more law-oriented," she said. "The state commission looks at each decision as it might influence decisions up and down the state."

"The state commission is freer of some pressures and has a broader picture," said Lois Ewen of Coronado, a former commissioner. "I won't say it knows better. They (state commissioners) listen to regional concerns."

Timothy Cohelan, a San Diego attorney and chairman of the regional commission, acknowledged that politics is part of the regional commission, both in and out of meetings.

"You get the mail, the calls," said Cohelan, who has a picture of himself and Gov. Edmund G. Brown Jr. hanging on his office wall. "I get lobbied in the elevator."

"There is a little bit of legislative courtesy," he continued. "It's sort of understood if you're from Ocean-side and you have a problem that requires periodic review of the commission, you don't stick the knife in Chula Vista because Mayor Hyde is sitting there."

But disagreements between the regional and state commissions often stem from policy questions and not political pressures, Cohelan said.

Cohelan took the lead locally in challenging the state commission's requirement that low-cost housing units be a required part of any new residential development.

Cohelan and others have argued that developers should be allowed to build more units than normally allowed if some are voluntarily set aside for poorer families.

In the San Dieguito program, the regional commission allowed voluntary housing guidelines rather than mandatory rules, a decision the state commission indicated last month it might overrule.

"It can't be an exercise in utopian theory," Cohelan said of coastal planning. "It's a very practical exercise. At times it's a mundane process of taking this coastal community block by block and I can't even tell you it's been consistent. But we've tried."

Cohelan argued that the regional commission's greatest impact in shaping San Diego's coastline is the thousands of building permits it has issued that have not been appealed to the state commission.

Tom Crandall, executive director of the regional commission, also argues that existing development has given local governments greater influence in what the coastline will look like.

"So much of the coast is urbanized already and the pattern of how it will look is very much established," said Crandall, who supervises a staff of nine youthful planners in their late 20s and early 30s.

"Local governments have had and will continue to have the biggest effect on what the coastal zone looks like," Crandall said, "with the state commission's effect on the immediate shoreline or natural environments like the Sweetwater Marsh, North County lagoons, or Tia Juana River Valley."

Even Carlsbad Mayor Ron Packard, a frequently exasperated local official when he appears before the Coastal Commission, agreed with Crandall.

"I've tried to make the commission realize," Packard said, "the beautiful coast of Carlsbad was preserved long before the commission came into being."



One project which won the approval of the California Coastal Commission was downtown San Diego's Sea-port Village complex.

Times photo by John McDonough

"The commission has had some influence, but not nearly as significant as some would like to believe."

Following is a north-to-south listing of San Diego County communities, the status of their local coastal programs and a brief description of major issues.

Local communities will receive permit authority over their coastlines once the California Coastal Commission approves a local coastal program, which includes a land-use plan and ordinances designed to carry out the program.

**Oceanside:** Local coastal program approved by the Regional Coastal Commission and conditionally approved by the state Coastal Commission. The San Luis Rey River Valley segment of the program has been deleted by the state because of disagreement over a freeway the city is seeking to have built there. The program calls for mandatory low-cost housing in new residential construction and limits development along the beachfront roadway, the Strand.

**Carlsbad:** The city has been divided into three segments:

- **Aqua Hedionda Lagoon:** Local coastal program conditionally approved by the state Coastal Commission. The city and commission are negotiating over whether to include mandatory low-cost housing requirements. Program protects wetland areas and provides for tourist-oriented businesses.

- **Carlsbad Special Area No. 1:** Local coastal program prepared and approved by state commission under special legislation for 1,000 acres of agricultural land between Interstate 5 and El Camino Real north of Batiquitos Lagoon. Program requires approval by Carlsbad but city objects to state's proposals for preserving agricultural land and requiring low-cost housing. City also objects to the wording of implementing ordinances.

- **Carlsbad Special Area No. 2:** Local coastal program prepared by the state commission under special legislation for the bulk of the Carlsbad coastline except Aqua Hedionda Lagoon and 1,000 acres near Batiquitos Lagoon. Action pending before the state commission. The city and the commission disagree on low-cost housing and agricultural preservation policies.

**San Diego:** Local coastal program covering 11,000 acres between Carlsbad and Del Mar has been approved by the regional commission and action is pending before the state commission. About 7,000 acres is already in residential development. The state commission approved commercial and light industrial strips along Old Highway 101 but rejected the county's plan to preserve half of the remaining agricultural land and a voluntary program to encourage developers to build low-cost housing. Development is limited along San Elijo and Batiquitos lagoons and ocean bluffs.

**La Jolla and La Jolla Shores:** Local coastal program approved by state commission and acceptable to the city. Limits size of buildings in commercial strips at La Jolla Shores Commercial Center and along Nautilus Street and La Jolla Boulevard near Bird Rock. Protects Mt. Soledad slopes and preserves scenic views from Mt. Soledad, Torrey Pines, Coast Walk and Pottery Canyon Park. Requires maintenance and improvement of 28 sites that permit beach access for the public and encourages tourist-oriented facilities in La Jolla. Encourages greater public transportation and pedestrian traffic.

**Mission Beach:** Local coastal program approved by the state commission and acceptable to the city. Reduced density and limits height of new residential construction. Santa Clara Place area will remain the major neighborhood commercial center. The Plunge Building is supposed to be retained and remain in service.

**Point Loma and Center City:** Plans to be heard May 22.

**Barrio Logan:** Local coastal program approved by the state commission and acceptable to the city. It provides for renovating existing housing and commercial buildings along Logan Avenue and Main Street, and rehabilitation of the Rigel Street industrial site to lessen noise and air pollution. Also provided for is a new 55-acre industrial park at existing railroad yards near 10th Avenue terminal. The plan calls for access to San Diego Bay at Chollas Creek.

**Tia Juana River Valley:** Local coastal program approved by the state commission and acceptable to the city. Preserves 1,400 acres of prime agricultural land between Interstate 5 and the mouth of the Tia Juana River. Protects the Tia Juana River. Allows a small amount of commercial and residential development between Interstate 5 and the Imperial Beach city boundary.

**Coronado:** Local coastal program approved by the state commission and acceptable to the city. Allows for luxury condominium project on old ferry landing site, provides access to San Diego Bay and incorporates city's condominium conversion policy to protect low-cost housing units.

**National City:** Local coastal program will not be completed before July. The plan will be submitted directly to the state commission.

**Imperial Beach:** Local coastal program will not be completed before July. The plan will be submitted directly to the state commission.

**Port of San Diego:** Planning jurisdiction returned to the port by the state commission last January after master plan was approved. State commission, however, retains jurisdiction over 5.4-acre Barrio Logan site and 53 acres of Coronado tidelands.

The commission wants a park built in Barrio Logan while the port wants site used for marine-related industrial works.



# Coastal Programs in Orange County Lag

BY LESLIE BERKMAN  
*Times Staff Writer*

Eight years ago, voters created the California Coastal Commission and gave it control over development along the state's entire coastline—a power that had previously belonged to local governments and one that cities and counties have longed to regain.

Particularly in Orange County, whose political bodies have jealously cherished the tenet of home rule, resentment toward the commission has been strong.

But Orange County may soon be back in the driver's seat in making the primary decisions about its 40 miles of diverse coastline. Under provisions of a 1976 state law, Orange County, like other local governments throughout the state, can win back that control if it writes and adopts programs for future coastal development that gain the Coastal Commission's approval.

Once the Coastal Commission certifies these programs, builders no longer will ask the commission's approval of projects they want to construct on the Orange County coast. Instead, the builders will seek their permits from the county and cities, which will use the coastal programs' landuse plans as guidelines in granting or denying builders' requests.

For three years the county government and the county's seven coastal cities have drawn their own staffs, citizens and consultants into a coastal planning process that has begun to spew out mounds of documents.

In recent months, final drafts of landuse plans have emerged for public review and consideration by city and county planning commissions, councils and the Orange County Board of Supervisors.

After the plans are adopted locally, they are sent to the South Coast Regional Coastal Commission for preliminary approval, then on to the state Coastal Commission for final action. After the state's six regional commissions are legally dissolved July 1, only the state panel will review the plans.

Although July 1 also is the legal deadline for local governments to have their coastal programs approved by the Coastal Commission, the great majority of planning in Orange County, as elsewhere in the state, will not be certified by then.

The county's local governments have been slowed in their planning endeavors by staff turnover, the requirement for citizen participation and the sheer complexity of the task.

Most coastal planning done so far in the county

lacks implementation ordinances, which are required before the Coastal Commission will consider the work complete.

A total local coastal program, the Coastal Commission says, must consist of a landuse plan, ordinances and a local governmental mechanism for administering coastal permit applications.

Of Orange County's cities, only Irvine, which has little land within the state-defined coastal zone, has obtained the Coastal Commission's certification of its entire coastal program.

Furthest behind is Laguna Beach, which has not even published the first draft of its landuse plan for review by the public and elected city officials.

The planning has not come free. By the time the job is done, coastal governments in Orange County will have received about \$1 million in state and federal reimbursements, according to the current allocation schedules.

Some local planners question whether all this state-mandated effort is worthwhile. They observe—and state planners concur—that for many years Orange County has been unusually zealous in requiring open space in new developments and making beaches more accessible to the public, both important objectives of the Coastal Initiative and the subsequent 1976 Coastal Act.

Most observers agree, however, that the Coastal Act—buttressed by the California Environmental Quality Act and other state and federal policies of the last decade—has forced local governments to concentrate on such sensitive issues as affordable housing and the preservation of wetlands.

Peter Herman, aide to County Supervisor Thomas Riley, whose district includes the county's rapidly developing southern coastline, praises the Coastal Commission for helping the county obtain commitments from developers for open space and tourist facilities in Dana Point, Laguna Niguel and on the Irvine Coast.

In repeated efforts to draft a plan for the Irvine Coast acceptable to the Coastal Commission, the Irvine Co. has agreed to dedicate for public use 2,600 acres of scenic canyons meant to augment the state's newly acquired 2,398-acre Crystal Cove State Park.



While grateful for the Coastal Commission's support in the area of open space, Herman and other county officials bitterly condemn the commission for what they call "social engineering," especially the commission's involvement in mandating low- to moderate-income housing on the coast.

It is questionable whether Orange County's local officials yearn to recapture control over the coast so strongly that they will, for example, accept resale controls on lower-cost housing or demand that locked-gate communities provide public access to beaches.

Although the Coastal Commission staff has stressed its belief that resale controls on affordable housing are vital to coastal planning, San Clemente's is the only government in the county so far willing to endorse the concept.

From another perspective, the coastal planning effort has given the county and cities an opportunity to tend to some purely local needs:

—Huntington Beach is taking another shot at revitalizing its long-languishing downtown. The city also has embarked on a program to improve Bolsa Chica State Beach. It has obtained grants to build a bike trail on the bluff above the beach and for beach access ramps. A proposed ordinance would require oil companies that operate pumps on the beach to camouflage their rigs with landscaping and bury their pipelines. City officials also are considering zoning to preserve access to oil beneath land sold for development.

—Laguna Beach is considering measures to protect the contours of its picturesque hills from an imminent onslaught of residential development and is looking into ways to better manage traffic and parking.

—Newport Beach is striving to increase public access to commercial portions of its bayfront and to encourage the establishment of more marine-related enterprises on the bay rather than more restaurants and office buildings.

—San Clemente officials, concerned about deaths resulting from people having to walk over railroad tracks to reach the beach, are looking into the possibility of installing crossing signals to warn of approaching trains.

The mandate that citizens participate in coastal planning has been met in Orange County with varying degrees of success.

In Dana Point, residents including landowners, homeowners and businessmen seemed to welcome the chance to confer with county officials who, they felt, had neglected the area in the past. They were instrumental in writing a plan to direct the development of their community, which they complained had previously occurred haphazardly.

Droves of citizens attended meetings in Seal Beach to work with the state Coastal Conservancy in planning an innovative mix of public and private development for 10 acres beside the San Gabriel River channel that the city hopes to buy from the Los Angeles Department of Water and Power.

As a lesson in the practical economics of land planning, the Seal Beach group one evening played a board game in which players had to balance construction of money-making condominiums and retail

shops with the need to "buy" open space for parks or a cultural center.

By contrast, few San Clemente citizens have attended a series of public hearings on that city's coastal plan. Representatives of John Lusk & Son have been there. They are concerned about the development of the company's 400-acre Reeves Ranch.

"Unless people are affected directly, they don't show up," San Clemente Planning Director Jim Lawson observed.

To try to avert a standoff with the Coastal Commission on local coastal programs, local government planners and citizen groups have been consulting periodically with the commission's staff.

In the past, the commission staff often recommended approval of locally adopted coastal plans subject to certain modifications to offset some environmentally adverse impacts they were concerned about. The commissioners would then decide which, if any, of the changes they would impose on the plans.

But this procedure was altered after a Superior Court judge ruled in Chula Vista's case last December that the Coastal Commission could not place binding conditions on local coastal programs and could only vote to approve or deny the proposals as submitted by local governments.

So now the commission staff, after receiving a local coastal landuse plan, reviews it and then sends often-extensive lists of suggested changes back to the authorizing city or county.

The Coastal Commission staff's suggestions are cast in the tone of an ultimatum. If a city or county refuses to alter its plan, the staff will recommend that it be rejected.

Orange County's Board of Supervisors submitted to the South Coast Regional Coastal Commission proposals for 10 of its planning areas and in turn received a 3-inch stack of reports detailing the Coastal Commission staff's complaints.

The county immediately requested postponement of the regional commission's hearing on the plans and began marathon negotiations with the Coastal Commission's staff to iron out as many areas of dispute as possible.

But not every local government is so willing to negotiate. Huntington Beach received an 18-page list of objections when it submitted its coastal landuse plan to the South Coast Regional Coastal Commission, but it went ahead and asked for a vote anyway. Last week the regional panel narrowly rejected the plan.

Huntington Beach Councilman Ron Pattinson, angered by the Coastal Commission staff's treatment of the city's plan, complained: "We have spent almost three years doing a local coastal plan with a lot of public input, and now the commission staff has (recommended revising) it so it doesn't look like our plan at all. . . . My biggest concern is that we should have local control."



It wasn't especially warm (65 degrees) at Newport Beach Sunday, but the water was nice (64 degrees), the skies were blue and the beaches were crowded with 100,000 people. Newport Pier fishermen were shoulder to shoulder.

Times photo by Dertis Jeannette

In meetings between the Coastal Commission staff and local planners, the major points of difference are becoming clear.

Orange County, for instance, has refused to adopt the Coastal Commission's policy that sand dredged from coastal river bottoms must be used to replenish beaches. The county has gone to court to fight for a right to sell sand removed from San Juan Creek as a flood control measure.

Also, the Board of Supervisors has refused to budge from its opposition to resale controls on lower-cost housing built without government subsidy, although the Coastal Commission has maintained that such controls are necessary to protect the housing from speculators.

Orange County staff members fashioned a compromise with the Coastal Commission staff on affordable housing, only to see the new proposal—including a provision for resale controls—aborted by the supervisors. Around the supervisors' offices the proposed compromise was nicknamed "the devil's deal."

The county and coastal cities sometimes also disagree with other Coastal Commission housing policies regulating condominium conversions and requiring a portion of most new housing—usually 25%—to be priced within the means of low- to moderate-income families.

In Seal Beach, city Planning Director Nicholas Romaniello said the Coastal Commission's policy of replacing all affordable homes that are razed for redevelopment is economically unfeasible and has discouraged builders.

"It is demoralizing for city planning because it demands that delapidated units stay in existence," he complained.

County and city officials have expressed hope that state legislation will be enacted this year to remove affordable housing from the Coastal Commission's purview. Another possibility, they note, is that the changing composition of the state Coastal Commission may sway the majority opinion on the panel in their favor.

If the commission's policies and powers remain intact, however, local governments in Orange County are sure to face a showdown on the housing issue.

Another emotionally charged issue confronting several Orange County cities and the county Board of Supervisors is how to respond to the Coastal Act's insistence that they promote public access to the beach.

In Huntington Beach, concern has been raised that construction of proposed six-story structures, on and near the city pier would block ocean views.

In Newport Beach, a proposal to extend the existing 3-mile Balboa Peninsula boardwalk along additional beachfront homes was squelched when protesting residents filled the city Planning Commission meeting room to overflowing.

But one of the most hotly contested issues is the Coastal Commission's staff's urging of local governments to require private communities to allow the public to walk through their otherwise locked gates to reach the beach or waterfront during daylight hours.

Locked-gate communities that the Coastal Commission staff has singled out include Emerald Bay at the north edge of Laguna Beach, Three Arch Bay in South Laguna, Irvine Cove in Laguna Beach, Surfside Colony in Seal Beach, and Linda Isle, Bayshores and Balboa Cove in Newport Beach.

The Coastal Commission staff has urged the county and cities to demand that homeowner associations in these communities grant public access to the water when they apply for building permits, such as for a clubhouse or tennis courts.

The county Board of Supervisors and the Newport Beach and Seal Beach city councils have sided with the locked-gate communities in their jurisdictions, who are staunchly resisting what they consider an invasion of their privacy that would open a Pandora's box of security and parking problems.

A preliminary draft of the Laguna Beach coastal landuse plan recommends opening the Irvine Cove beach to the public, but the plan could be amended before the City Council votes on it.

The Coastal Commission's promotion of broader public access to the coast, whether by encouraging the construction of moderately priced housing, hotels and restaurants or by opening new beaches, can contribute to another problem—mounting traffic congestion on Pacific Coast Highway.

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THURSDAY, MAY 21, 1981

# The Grandeur of the Coast

Much of what Californians read about their state coastal commission is, and must be, written in the heat of battles between outraged property owners and rigid regulators.

In a recent series of articles, Times writer Richard O'Reilly tried a new perspective in tracing five years of trials and triumphs in the attempt to make the state Coastal Act work.

He wrote from high ground, so that the Pacific seascape—the beaches, the crashing surf, the quiet teeming marshes and the rocky coastline—loomed larger than the frayed tempers in hearing rooms and the frustrations of disappointed developers.

From that vantage, the job the commission was sent to do stands out more clearly than the troubles it encountered in doing it, and the record looks good.

There are fewer high-rise buildings blocking the sea from the view of passersby than there would have been absent a coastal law and people to enforce it. Virtually no marshes have been filled or dammed up, and that is important. By the time California moved to regulate coastal development, the 300,000 acres of these life-giving coastal nurseries that existed when California was settled had dwindled to 79,000 acres.

There are more paths that the public can follow to beaches, but there are still long stretches of beach that are inaccessible to Californians, who are guaranteed access by their constitution.

More poor people than ever before can afford houses along the coast because the commission insisted on it, although there never will be enough to go around, even for the rich.

The record is not spotless. Housing along the coast is more expensive than it would have been because the commission denied so many applications to expand the supply. In its early years, the commission devoted as much attention to permits for new railings on beach-cottage porches as it did to applications for thousands of new tract homes.

The commission forced some property owners to spend thousands of extra dollars on engineering, geologic surveys and revisions of construction plans. It forced others to give up development plans entirely. Stiff-necked attention to detail often amounted more to harassment than regulation.

No matter how often one reads the story of Viktoria Consiglio and her husband, for example, the sense of shared grief remains over the loss of their dream house near Carmel because the dream did not fit the coastal regulations.

But, as O'Reilly points out, the commission imposed its standards as stubbornly on friends of Gov. Edmund G. Brown Jr. as on the Consiglios.

And the conclusion we draw from the O'Reilly series is that the commission has done as well as any body of humans could at the impossible task of balancing private rights and public rights without some loss of one or the other.

The California Legislature should bear the full record in mind while it addresses new rules for the next phase of coastal planning and development.

The state commission has presided over the work of six regional commissions since 1976. Each regional commission has supervised the preparation of separate local plans, drawn to fit local conditions within the context of overall state coastal policy.

These 69 local plans will be pieced together to form a single master plan for coastal development when they are completed.

The regional commissions will expire on June 30. By then, only 25 of the 69 local plans will have been finished. During the months—and in some cases years—that it will take to complete the last local plan, all applications for permits to build or rebuild in the coastal zone must go directly to the state commission.

Without some amendments to the law, the permit process could bog down into a de facto moratorium on new development along the coast.

Assemblyman Tom Hannigan (D-Fairfield),

chairman of the Natural Resources Commission, has proposed new procedures that would speed up the process by allowing some coastal communities to issue permits before their development plans are completed in detail.

Avoiding an overload of permits is only one problem facing Hannigan's committee. It also must deal with bills that would soften the protection for marshes and wetlands, that would dismantle the coastal act altogether, or that would carve chunks out of the coastal act, or that would arbitrarily change the coastal zone boundaries to make it easier for some developers to build.

Hannigan and the committee seem to have these efforts to weaken the controls over coastal development in hand. If they run into trouble with their colleagues, we have a suggestion.

They should make for the same high ground from which Times writer O'Reilly wrote, from which they can see how much larger the grandeur of the California coastline looms than the transitory troubles that arise from trying to protect that grandeur.

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