

SUPREME COURT COPY

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PACIFIC PALISADES BOWL MOBILE
ESTATES, LLC,

Plaintiff and Respondent,

v.

CITY OF LOS ANGELES,

Defendant and Appellant.

Case no. S187243

Second Appellate District
Case no. B216515

Los Angeles County Superior
Court case no. BS112956

Honorable James C. Chalfant,
Judge of the Superior Court

MOTION FOR JUDICIAL NOTICE OF LEGISLATIVE HISTORY MATERIALS

ELLIOT L. BIEN (SB# 90744)
AMY E. MARGOLIN (SB # 168192)
BIEN & SUMMERS
23 Palomino Road
Novato, California 94947
Tel. (415) 898-2900

CRAIG M. COLLINS (SB # 151582)
BLUM COLLINS LLP
707 Wilshire Boulevard, Suite 4880
Los Angeles, CA 90017
Tel. (213) 572-0400

Attorneys for Plaintiff and Respondent,
PACIFIC PALISADES BOWL MOBILE
ESTATES, LLC

SUPREME COURT
FILED

MAR - 2 2011

Frederick K. Ohlrich Clerk

Deputy

TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE OF CALIFORNIA, AND THE HONORABLE ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME COURT:

Plaintiff and respondent, Pacific Palisades Bowl Mobile Estates, LLC (“Palisades”), in connection with its opening brief on the merits filed on this date, respectfully moves the Court pursuant to Rules 8.520(g) & 8.252(a), California Rules of Court, to take judicial notice of the accompanying legislative history materials under the authority of Sections 452(c) and 459 of the California Evidence Code. The motion is verified at the conclusion.

I.

INTRODUCTION

Palisades does not believe it is necessary to submit a “telephone book” (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 29) for each of the three statutes at issue in this case. For the Coastal Act alone, the bill files we received from the Legislative Intent Service (hereafter, “LIS”) consume nearly 5,000 pages. With this motion, accordingly, Palisades proffers only those documents it believes will provide material assistance to the Court in deciding this case. If the Court so requests, however, Palisades will promptly furnish copies of other portions or the entirety of the documents produced by LIS.

These materials are relevant in general (Rule of Court 8.252(a)(2)(A)) because this case turns on the individual and *inter se* intent of three statutes: Government Code § 66427.5, mandating enumerated and statewide conditions for approval of a specialized form of subdivision map; the California Coastal Act of 1976 (Pub. Res. Code § 30000 *et seq.*, which was held below to mandate additional conditions for approvals of such maps within the coastal zone; and the Mello Act (Govt. Code § 65590), held below to impose still more conditions for such approvals in the coastal zone. The central question presented, most concisely stated, is whether the Legislature intended the Coastal Act and/or Mello Act to mandate or authorize any conditions for these maps beyond those enumerated in Govt. Code § 66427.5.

That inquiry is complex, and the legislative history materials proffered with this motion provide relevant evidence of the intent and purpose of each statute, and how the Legislature intended them to co-exist. Each document is described below with a brief explanation.

None of the documents “relate[] to proceedings occurring after the order or judgment that is the subject of the appeal.” (Rule of Court 8.252(a)(2) subd. (a)(2)(C)) Although the great majority were not proffered in the Superior Court (Rule of Court 8.252(a)(2)(B)) or Court of Appeal, they are proffered here for “determining de novo what the law is.” (*Cabral v. Ralph's Grocery Co.* (Feb. 28, 2011) — Cal.4th — [11 C.D.O.S. 2627, 2631 n.5]) “[T]he Evidence Code does

not restrict courts in their consideration of materials for the purpose of determining the law.” (*Id.*; see also, *St. Marie v. Riverside County Reg. Park and Open-Space Dist.* (2009) 46 Cal.4th 282, 293 n.7 (granting motion for judicial notice of legislative history documents over the objection that it was “improper because the material was not submitted to the lower courts”).

II.

THE SPECIFIC DOCUMENTS

The numbers below refer to the accompanying tab numbers.

A.

HISTORY OF GOVT. CODE § 66427.5

1. Letter from Senator William A. Craven, chief sponsor of this legislation, to Assemblyman Dan Hauser in his capacity as chair of the Assembly Housing and Community Development Committee, dated June 6, 1995, during consideration of the 1995 amendments to § 66427.5.

2. Assembly Bill 930, as amended on June 26, 2002, introduced by Assemblyman Fred Keeley proposing language that would have superseded the holding of *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 1153 (*review denied*, June 26, 2002).

3. “Fact Sheet” released by Assemblyman Fred Keeley, entitled “Resident Owned Mobilehome Parks: Preventing Sham Conversions,” citing *El Dorado* as the reason for the amended version of AB 930.

4. "Floor Alert" promulgated by the Golden State Manufactured Home Owners League, Inc., dated August 28, 2002, urging support for a later amended version of AB 930.

5. Evaluation of AB 930 prepared by consultant John Tennyson for the Senate Housing & Community Development Committee, in connection with the hearing scheduled for August 5, 2002.

B.

HISTORY OF THE COASTAL ACT

6. Excerpts regarding Proposition 20, the precursor to the Coastal Act, from the official ballot materials for the November 7, 1972 general election (entitled, "Proposed Amendments to Constitution, Propositions and Proposed Laws Together With Arguments, General Election, Tuesday, November 7, 1972), which were included in excerpted form as Exhibit B(5) to the LIS materials.

7. Cover page and table of contents of the California Coastal Plan (December 1975), prepared by the California Coastal Zone Conservation Commissions, which was included in its entirety as Exhibit B(3) to the LIS materials.

8. Pages 76-90 of the Coastal Plan: a section entitled "Coastal Development" included in "Part II Findings and Policies."

9. Pages 175-176 of the Coastal Plan: a section entitled "Further Stages of Planning" in "Part II Findings and Policies."

10. Pages 304-313 of the Coastal Plan: some of the map notes and plan maps located in the section entitled "Plan Maps" in "Part IV: Plan Maps and Regional Summaries"; and

11. Pages 423-425 of the Coastal Plan: the "Glossary."

C.

HISTORY OF THE MELLO ACT

12. Enrolled Bill Report on SB 583, dated September 10, 1982, prepared by the Department of Housing and Community Development, briefly stating the intent of the sponsors to add mobilehome parks and residential hotels to the "conversion" definition in the Mello Act.

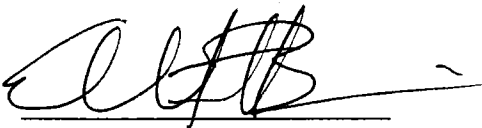
CONCLUSION

For the foregoing reasons, and those more fully set forth in its accompanying Opening Brief on the Merits, Palisades respectfully requests the Court to grant this motion and take judicial notice of the attached documents.

DATED: March 1, 2011

Respectfully submitted,

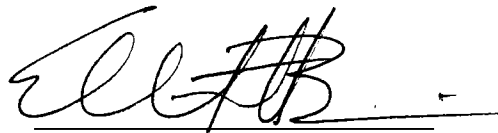
BIEN & SUMMERS

By: 
ELLIOT L. BIEN
Attorneys for Plaintiff and
Respondent, PACIFIC PALISADES
BOWL MOBILE ESTATES, LLC

VERIFICATION

The undersigned, counsel for the plaintiff and respondent, declares under penalty of perjury that, to his personal knowledge, the documents attached to this motion relating to Section 66427.5 of the Government Code, at Tabs 1-5, are true and correct copies of documents included in the official Clerk's Transcript in *Sequoia Park Associates v. County of Sonoma* (2009) 176 Cal.App.4th 1270 (*review denied*), and on file with the First District Court of Appeal, along with an authenticating declaration by an employee of the Legislative Intent Service who attests to their production by that agency. The undersigned has personal knowledge of those facts as lead appellate counsel in the *Sequoia* case, and retains his original copy of the Clerk's Transcript. Also attached to this motion, as Tabs 5-11, relating to the Coastal Act and Mello Act, are true and correct copies of documents he received directly from the Legislative Intent Service along with its employees' authenticating declarations. All pertinent declarations from that agency will be provided on request of the Court or opposing counsel.

Executed at Novato, California on March 1, 2011.

A handwritten signature in black ink, appearing to read 'Elliot L. Bien', written over a horizontal line.

ELLIOT L. BIEN

JUN-06-1995 16:44

ASSEMBLYMAN HAUSER

916 32225214 P.01/01

WILLIAM A. CRAVEN
CHAIRMAN
RUBEN S. AYALA
RALPH C. DILLS
PATRICK JOHNSTON
HENRY MELLO
JACK O'CONNELL

California Legislature

COMMITTEE ADDRESS
1020 N STREET
ROOM 520
SACRAMENTO, CA 95814
(916) 324-4292



Senate Select Committee

on

Mobilehomes

JOHN G. TENNYSON
COMMITTEE CONSULTANT

LOUISE CHERRY
COMMITTEE SECRETARY

June 6, 1995

SENATOR WILLIAM A. CRAVEN
CHAIRMAN

Honorable Dan Hauser
Chairman
Assembly Housing and Community Development Committee
Room 2003, State Capitol
Sacramento, CA 95814

Dear Dan:

Tomorrow, the Assembly Committee on Housing and Community Development will hear two of my bills relating to conversion of rental mobilehome parks to resident ownership.

SB 310 would basically establish a state standard to deal with mitigating the economic displacement of park residents who don't buy into resident ownership. Some local governments have imposed a virtual roadblock to park conversion on this issue. SB 310 uses the same criteria established in current law for rental parks converted to resident ownership using Department of Housing (HCD) loan funds, by expanding that concept to all mobile parks converted to resident-owned subdivisions.

The other bill, SB 360, will permit the City of San Marcos, which has run into a stumbling block with HCD in converting the San Marcos View Estates park to resident ownership, to phase the city out of the park business and allow residents to run the park themselves. HCD is misinterpreting a statute requiring a 2/3rds resident "show of hands" or support for the conversion by requiring that 2/3rds of the residents buy the park. SB 360 will allow the park to convert with a 51% resident buy-out.

Again, I will appreciate your favorable review of these measures.

Cordially,


WILLIAM A. CRAVEN
Senator, 38th District

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AP-19

AMENDED IN SENATE JUNE 26, 2002

AMENDED IN ASSEMBLY MAY 2, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 930

Introduced by Assembly Member Keeley

February 23, 2001

An act to add Section 50650.8 to the Health and Safety Code, relating to housing, and to amend Section 66427.5 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 930, as amended, Keeley. ~~Call Home Program—Mobilehome parks: conversion to resident ownership.~~

Existing law requires a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, to avoid the economic displacement of nonpurchasing residents, as specified. The subdivider is required to offer each existing tenant the option to purchase his or her condominium unit and is subject to a hearing on the matter, the scope of which is limited to the issue of compliance with these provisions.

This bill would expand the scope of the hearing to include additional conditions of approval of the conversion determined to be necessary to preserve affordability or avoid economic displacement.

~~Existing law establishes the Call Home Program, administered by the Department of Housing and Community Development, to provide funds to local public agencies or nonprofit corporations as either grants for programs that assist individual households or loans that assist~~



C

multiunit development projects. Grant funds may be used for home rehabilitation, among other things. The department is authorized to administer the funds using guidelines that include loan terms and limits, underwriting standards, loan and grant documentation requirements, and home price limits, among other things.

~~This bill would exempt home rehabilitation funds from home price limits and would require the department to use its best efforts to ensure a reasonable geographic distribution of these funds.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: no.

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

- 1 ~~SECTION 1. Section 50650.8 is added to the Health and~~
- 2 ~~Safety Code, to read:~~
- 3 ~~50650.8. Funds appropriated for home rehabilitation~~
- 4 ~~pursuant to this chapter shall not be subject to home price limits~~
- 5 ~~as required by Section 50650.7. The department shall use its best~~
- 6 ~~efforts to ensure a reasonable geographic distribution of home~~
- 7 ~~rehabilitation funds that are allocated pursuant to this chapter.~~
- 8 SECTION 1. Section 66427.5 of the Government Code is
- 9 amended to read:
- 10 66427.5. At the time of filing a tentative or parcel map for a
- 11 subdivision to be created from the conversion of a rental
- 12 mobilehome park to resident ownership, the subdivider shall avoid
- 13 the economic displacement of all nonpurchasing residents in the
- 14 following manner:
- 15 (a) The subdivider shall offer each existing tenant an option to
- 16 either purchase his or her condominium or subdivided unit, which
- 17 is to be created by the conversion of the park to resident ownership,
- 18 or to continue residency as a tenant.
- 19 (b) The subdivider shall file a report on the impact of the
- 20 conversion upon residents of the mobilehome park to be converted
- 21 to resident owned subdivided interest.
- 22 (c) The subdivider shall make a copy of the report available to
- 23 each resident of the mobilehome park at least 15 days prior to the
- 24 hearing on the map by the advisory agency or, if there is no
- 25 advisory agency, by the legislative body.
- 26 (d) The subdivider shall be subject to a hearing by a legislative
- 27 body or advisory agency, which is authorized by local ordinance



1 to approve, conditionally approve, or disapprove the map. The
2 scope of the hearing shall be limited to the issue of compliance
3 with this section *and any additional conditions of approval that the*
4 *local legislative body or advisory agency determines are necessary*
5 *to preserve affordability or to protect nonpurchasing residents*
6 *from economic displacement.* The

7 (e) The subdivider shall be required to avoid the economic
8 displacement of all nonpurchasing residents in accordance with
9 the following:

10 (1) As to nonpurchasing residents who are not lower income
11 households, as defined in Section 50079.5 of the Health and Safety
12 Code, the monthly rent, including any applicable fees or charges
13 for use of any preconversion amenities, may increase from the
14 preconversion rent to market levels, as defined in an appraisal
15 conducted in accordance with nationally recognized professional
16 appraisal standards, in equal annual increases over a four-year
17 period.

18 (2) As to nonpurchasing residents who are lower income
19 households, as defined in Section 50079.5 of the Health and Safety
20 Code, the monthly rent, including any applicable fees or charges
21 for use of any preconversion amenities, may increase from the
22 preconversion rent by an amount equal to the average monthly
23 increase in rent in the four years immediately preceding the
24 conversion, except that in no event shall the monthly rent be
25 increased by an amount greater than the average monthly
26 percentage increase in the Consumer Price Index for the most
27 recently reported period.

O



AB 930 (Keeley)

Resident Owned Mobilehome Parks: Preventing Sham Conversions

PURPOSE

Assembly Bill 930 seeks to close a loophole in existing law relating to the conversion of mobilehome parks through subdivision. **The bill would provide local agencies with the ability to consider resident support for a conversion, ensuring that conversions are in fact bona fide resident conversions.**

AB 930 conforms with the standard processes of the subdivision map act that provides local agencies with the authority to approve park conversions. AB 930 would provide local agencies with a survey of support of residents for a park conversion, for the purposes of considering a map approval.

BACKGROUND

In the early nineties, the Legislature passed several laws relating to the conversion of mobilehome parks to resident ownership. It was the Legislature's intent that such conversions should be able to proceed if the existing residents favored the conversion and acquisition of the park would provide security and preserve affordable housing costs for the residents.

However, a series of court rulings now require that one of the statutory elements be clarified in order to return the law to its original intent of protecting park residents. The potential now exists for a 'sham conversion' to occur; a situation where a park owner subdivides

a mobilehome park and sells a single unit, therefore removing a park from locally imposed rent controls. The park owner could then set the unit price at a level that would make it economically infeasible for residents to purchase, leaving residents with the option of continuing to rent at inflated prices, or being economically displaced from their long-term residence. This can be particularly harmful for seniors of limited means and lower-income families.

CASE LAW

In a recent ruling, the appellate court in *El Dorado Palm Springs, Ltd. v. City of Palm Springs* concluded that if the Legislature had intended to allow for additional issues to be considered in a local approval hearing, the statute would articulate it. The Court suggested that the Legislature may wish to clarify the "scope of the hearing" section of Government Code 66427.5. Specifically, the Court stated: *"We agree with respondents that the argument that the Legislature should have done more to prevent partial conversions or sham transactions is a legislative issue, not a legal one."*

The Court concluded that the subdivision map approval process specified in this section may not provide local agencies with the authority to prevent such non-bona fide resident conversions. The court explained how a conversion of a mobilehome park to resident ownership could occur without the support of residents and result in economic displacement.



Also of significance, in Donahue vs. Santa Paula West Mobile Home Park, the appellate court concluded that a park is officially converted to resident ownership after the sale of a single unit, at which point, the park is no longer subject to local rental ordinances. Under such circumstances, the nonpurchasing residents would be subject to whatever conditions the owner imposed within the limits established by subsection (d) of Section 66427.5.

THE SOLUTION

AB 930 closely follows the recommendation of the appellate court to close this loophole in the law.

Assembly Bill 930 clarifies mobilehome statute as it relates to the conversion of a mobilehome park to resident ownership through the subdivision map process and seeks to ensure that conversions are bona fide resident conversions. In light of the El Dorado case, AB 930 provides a means for local governments to consider resident support when approving a request for a subdivision map.

Furthermore, legal counsel to privately owned parks have advertised this legal loophole as a means to escape rent control. Therefore, passage of this measure is urgent.

SUPPORT

- ✓ Blue Pacific Mobile Home Owner's Association
- ✓ Cabrillo Homeowner's Association
- ✓ California Mobilehome Resource and Action Association (CMRAA)*
- ✓ California Rural Legal Assistance Foundation
- ✓ California State Association of Counties (CSAC)
- ✓ City of Capitola*

- ✓ Community Action Board of Santa Cruz County, Inc.*
- ✓ Congress of California Seniors
- ✓ County of Santa Cruz*
- ✓ De Anza Santa Cruz Homeowners Association
- ✓ Golden State Mobilehome Owners League (GSMOL)
- ✓ Gray Panthers of California*
- ✓ League of California Cities
- ✓ Pacific Skies Homeowners Association
- ✓ Palo Mobile Estates Homeowner's Association (94 Individuals)
- ✓ Portola Heights Homeowners Association
- ✓ Western Center on Law and Poverty
- ✓ Yacht Harbor Manor Homeowner's Association
- ✓ 6 Individuals

* notes support to a previous version of AB 930

OPPOSITION

- ✓ The Associates Group for Affordable Housing*
- ✓ California Mobilehome Parkowners Alliance (CMPA)*
- ✓ Castle/Breckenridge Management
- ✓ County of San Diego*
- ✓ The Loftin Firm*
- ✓ O'Melvany & Myers LLP*
- ✓ The Stirnkorb Company, Inc. *
- ✓ Western Manufactured Housing Communities Association*
- ✓ 8 Individuals*

* notes opposition to a previous version of AB 930

FOR MORE INFORMATION

Amanda Canning
Office of Speaker pro Tem Keeley
State Capitol Room 3152
Sacramento CA 95814

(916) 319-2027
(916) 319-2127 (fax)

Amanda.Canning@asm.ca.gov



LEXSEE 96 Cal. App. 4th 1153

EL DORADO PALM SPRINGS, LTD., Plaintiff and Appellant, v.
CITY OF PALM SPRINGS et al., Defendants and Respondents; EL
DORADO MOBILE COUNTRY CLUB HOMEOWNERS ASSOCIATION,
Intervener and Respondent.

E029198

~~COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT,~~
DIVISION TWO

96 Cal. App. 4th 1153; 2002 Cal. App. LEXIS 2819; 118
Cal. Rptr. 2d 15; 2002 Cal. Daily Op. Service 2418; 2002
Daily Journal DAR 2937

March 14, 2002, Filed

NOTICE:

[**1] THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING
RELEASE OF THE FINAL PUBLISHED VERSION.

PRIOR HISTORY:

APPEAL from the Superior Court of Riverside County. No. INC 019351. Lawrence W.
Fry, Judge.

DISPOSITION:

Reversed and remanded with directions.

CASE SUMMARY

PROCEDURAL POSTURE: Appellant landowner sought review of the order of the
Superior Court of Riverside County, California, denying his petition for writ of
mandamus to compel approval of appellant's subdivision map without conditions
imposed by the respondent City of Palm Springs, California.

OVERVIEW: The owner of a 377-unit mobilehome park in Palm Springs, California,
filed a petition for writ of mandate to compel approval by the City of Palm
Springs of its application for a tentative subdivision map. The application
sought to subdivide the units within the mobilehome park to convert the park
from a rental mobilehome park to a resident-owned park. The application was
approved subject to a number of conditions. On review, the applicant contended
that the City Council lacked the authority to impose the conditions. The
reviewing court agreed. Cal. Gov't Code ? 66427.5 applied to the conversion of
a rental mobilehome park to resident ownership. Pursuant to ? 66427.5(d), the
City Council, in acting upon the application for approval of the tentative
subdivision map, only had the power to determine if the applicant complied with
the statutory requirements. It therefore had no power to impose further
mitigating conditions on the applicant.

OUTCOME: The judgment was reversed, and the matter was remanded.

COUNSEL:

O'Melveny & Myers, James W. Colbert, III and Matthew W. Close; Gilchrist &
Rutter, Richard H. Close and Thomas W. Casparian for Plaintiff and Appellant.



GSMOL FLOOR ALERT

Golden State Manufactured-Home Owners League, Inc.

August 28, 2002
Urge Support for
AB 930 (Keeley)
As Amended
Subdivision/Condo
Conversion of Rental
Mobilehome Parks

On behalf of GSMOL, and particularly your own mobilehome owner constituents, we urge you to support AB 930 by Assemblymember Fred Keeley, as amended, when the bill is heard on the Assembly Floor. AB 930 would close a loophole in existing law regarding the conversion of rental mobilehome parks to mobilehome subdivisions and mobilehome condominiums.

In the mid-1980's the Legislature passed a series of laws designed to facilitate the conversion of mobilehome parks to resident ownership. Some of these resident conversion of parks have become limited equity coops, mobilehome subdivisions, mobilehome condominiums, or have been acquired by non-profit housing corporations for the benefit of the residents. Regardless of the form of conversion, it was the Legislature's intent that such conversions should be able to proceed if the conversion was favored by the existing residents and acquisition of the park would provide security and preserve affordable housing costs for the residents.

However, a loophole in existing law permits a park owner-driven conversion to mobilehome subdivision and condos, even where such a conversion is not favored by, or in the interests of, the residents who live in that park. The park owner only needs to complete the application for the conversion and sell one space, in order to remove the entire park, including non-purchasing homeowners, from the protections of any local ordinance. Such a result can have disastrous effects, and result in escalating housing

costs for both purchasing homeowners who are forced to pay the park owner's price to purchase a converted space, or to the non-purchasing homeowners whose rents will be at the whim of the park owner without local government protection.

El Dorado Mobile Country Club in Palms Springs, California is a recent case in point. A conversion of the 377 space park to mobilehome subdivision/condos was undertaken by the park owner, not the residents. When the City attempted to provide continued protections to non-purchasing homeowners, the Court concluded that current law did not provide that option and that the park owner would be permitted to complete his conversion. Under current law, the sale of one space triggers the exemption from local ordinance protections. In passing the existing law several years ago, the Legislature mistakenly assumed that any conversion would be resident driven and result in improved conditions for homeowners living in the park. The existing law as applied, has proven otherwise.

Assembly Bill 930 as amended, would modify the provisions of Government Code Section 66427.5 to require that (d) (1) *The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.*

(2) *The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.*

(3) *The survey shall be obtained pursuant to a written ballot.*



AP-25

SENATE HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
Senator Joseph L. Dunn, Chair

Bill No: AB 930

Hearing: August 5, 2002

Author: Keeley

Fiscal: No

Version: ~~June 26, 2002~~

Consultant: ~~John Tennyson~~

***CONVERSION OF MOBILEHOME PARKS TO RESIDENT OWNERSHIP:
DISPLACEMENT OF NON-PURCHASING RESIDENTS***

Background and Existing Law:

In California, more than 650,000 people live in about 5,000 mobilehome parks. Mobilehome residents normally own their homes but rent the space on which their homes are installed from the park. Many mobilehome owners are long-time park residents. Even when resold, their homes are normally sold in place in the park.

In the 1980's, as an alternative to problems of increasing park rents and the closure or conversion of some mobilehome parks to other uses, the concept of resident ownership, where residents purchase a park for sale and convert it to a mobilehome subdivision, cooperative or condominium, gained in popularity. The Legislature enacted a number of bills to promote resident ownership, such as freezing the assessed value of a park for property tax purposes when it is sold to the residents, implementing a limited state loan (MPROP) program for lower income homeowners buying their park, and creating special Subdivision Map Act provisions for resident owned park (ROP) conversions.

Prior to 1996, before individual lots in a park could be sold as a subdivision or condominium, the Subdivision Map Act required a subdivision map to be filed and approved by the local jurisdiction, which could impose its own conditions on the map to mitigate economic displacement of non-purchasing residents. But park conversion consultants claimed that by imposing "unreasonable" conditions on the subdivision map, some local governments were actually hampering ROP conversions by making it more expensive for the residents to buy and operate the park. As such, in 1995, the Legislature established a state standard for mitigation of the economic displacement of non-purchasing residents of an ROP conversion by using a formula found in yet another Map Act section previously applicable only to resident conversions using MPROP loan funds (SB 310 - Craven, 1995). The Craven bill provided that upon a conversion residents must be offered the option to buy their lots or continue to rent and detailed a formula for mitigating displacement of non-purchasing residents. For those who were not low-income, the rent could be raised to market levels, in accordance with an appraisal performed with nationally recognized standards, in equal annual increases over 4 years. For low-income residents, the rent could only be increased in accord with the Consumer Price Index. The scope of a local hearing on granting the map was limited to the issue of compliance with these provisions (See Government Code Sec. 66427.5).

In 1993, the owner of the Eldorado Mobile Country Club, a 377-space mobilehome park in Palm Springs, filed a tentative subdivision map as a first step in converting the park to

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resident ownership by existing residents or other persons. The city planning commission approved the application subject to a number of conditions, but the city council, concerned about allegations the conversion was a “sham” later added three additional conditions. One of the conditions marked the effective map date, as the date escrow would close on 120 lots in the park, that is, the date the park would cease to be subject to the city’s mobilehome rent control ordinance. After that date, the formula for mitigating economic displacement under the Craven bill would instead be applicable. The park owner filed a writ of mandamus in superior court to compel approval of the subdivision map without the three conditions, claiming the effective date of conversion was when one lot was sold, and the city council did not have the power to impose more stringent requirements. The lower court denied the park owner’s petition but earlier this year the 4th District Court of Appeal reversed (*El Dorado Palm Springs, Ltd., v. City of Palm Springs*). The appellate court ruled that the city was limited to the scope of assuring there was compliance with requirements of Section 66427.5 and opined that the question of whether there should be more protections in the statute to prevent “sham” resident conversions is a legislative, not legal, issue.

Proposed Law:

Assembly Bill 930 amends the requirements of the Subdivision Map Act provision relating to economic displacement of non-purchasing residents upon the conversion of a mobilehome park to resident ownership.

Specifically, AB 930 broadens the scope of any local hearing by a legislative body or advisory agency to include any additional conditions of approval of the map that the local legislative body or advisory agency determines are necessary to preserve affordability or protect non-purchasing residents from economic displacement.

Comments:

1. **Bill’s purpose.** Proponents claim that under the Eldorado case the Subdivision Map Act (Section 66427.5) has been turned on its head to allow developers to convert a park to resident ownership simply to get around local rent control or other local displacement protections, not to sell the lots to residents. Picking up on the court’s admonition that the issue is a legislative matter, AB 930 would broaden the scope of a local agency’s purview of the conversion of a mobilehome park to resident ownership by permitting a local agency to attach additional conditions on the map in order to preserve affordability of the mobilehome park spaces and protect non-purchasing residents who continue to rent from being economically forced out.

2. **Limited effect.** Conversion of a mobilehome park to resident ownership is a complicated process, sometimes taking a year or years to complete. There are a variety of different types of conversions. To speed up the conversion process, some parks are converted to non-profit stock cooperatives to avoid the necessity of dealing with Map Act requirements as well as the lengthy approval by the Department of Real Estate under the Subdivided Lands Act. Other parks have been purchased by city housing authorities or non-profit agencies, which later may initiate the subdivision process to convert to resident ownership. This measure would affect only those parks subject to the Map Act that are being converted to a resident-owned park subdivision or condominium.



3. Giving locals more latitude. One of the most common problems in the conversion of a mobilehome park to resident ownership – even where a majority of residents actually buy the park – is how to deal with the non-purchasing residents who continue to rent their spaces. Local conversion ordinances and the Map Act have imposed conditions requiring non-purchasing residents in a resident conversion to be given the opportunity to buy or otherwise be protected from economic displacement. Prior to 1996, some argued that ~~local conditions were too stringent and served as a disincentive to convert to resident~~ ownership because buyers had to take up the slack for costs of purchasing and maintaining the parks that would otherwise be spread out among all residents. Some jurisdictions, they claimed, were requiring protections for non-purchasing residents and their assigns in excess of what even local rent control ordinances required for rental parks. Because protections for non-purchasing residents varied from jurisdiction to jurisdiction, the Craven bill was enacted in 1995 to set a standard formula, the standard that had previously been used by the Department of Housing and Community Development's (HCD) Mobilehome Park Resident Ownership (loan) Program (MPROP). By giving local jurisdictions more latitude to enact conditions of affordability for non-purchasers, would AB 930 serve as a disincentive to convert mobilehome parks to resident ownership?

4. "Sham" conversions? Is the real problem in the El Dorado case the inability of local jurisdictions to impose more stringent displacement protections for non-purchasing residents or the failure of the state law to better define what constitutes a bona fide resident park conversion? There may be other alternatives to assure that future conversions to resident ownership are legitimate. These might include a requirement for homeowners to sign documents as part of a map requirement evidencing 51%, or a higher percentage, support for the proposed conversion at the front end. A second may be to require a specified percentage of lots to be sold to residents, rather than one lot, as the key to the "map date" when local rent protections are phased out in favor of the Section 66427.5 formula. Another may be to require that Section 66427.5 apply only to conversions developed or initiated by the residents, non-profit housing entities, or public agencies.

Previous Assembly Actions: (different version – not relevant)

Support and Opposition: (07/31/02)

Support: Golden State Manufactured Home Owners League
 California Mobilehome Resource & Action Association
 California Rural Legal Assistance Foundation
 City of Capitola
 Western Center on Law & Poverty
 League of California Cities
 Congress of California Seniors
 California State Association of Counties
 Community Action Board of Santa Cruz County
 Law Offices of William J. Constantine
 Palm Springs View Estates Homeowners Association
 Palo Mobile Estates Home Owners Association
 Pacific Skies Homeowners Association
 De Anza Santa Cruz Homeowners Association



Indian Springs Mobilehome Owners Association
 El Dorado Homeowners Corporation
 Cabrillo Homeowners Association
 Yacht Harbor Manor Homeowners Association
 Portola Heights Homeowners Association
 Castle Mobile Estates Homeowners Association
 The Honorable Janet Beautz, Santa Cruz County Supervisor
~~Central Coast Center for Independent Living~~
 Blue Pacific Mobile Home Owners Association
 39 Individuals

Opposition: Greg Smith, San Diego County Assessor/Clerk/Recorder
 Western Manufactured Housing Communities Association
 O'Melveny & Myers LLP
 The Stirkorb Company, Inc.
 Law Offices of Gilchrist & Rutter
 Michael Shore, Residents Owned & Run (ROAR)
 Cindy Gross, Meadows Homeowners Association
 Russ Kohl, Rancho Carlsbad Owners Association



Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

(Arguments in support or opposition of the proposed laws are opinions of the authors)

9

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GENERAL ELECTION
Tuesday, November 7, 1972

Compiled by GEORGE H. MURPHY, Legislative Council
Distributed by EDmund G. BROWN Jr., Secretary of State

LIS - 5

PART I—ARGUMENTS

APPROVED FOR PUBLICATION
BY THE BOARD OF
SUPERVISORS
MAY 10 1966
MAY 10 1966

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MAY 10 1966

OFFICE OF THE CLERK OF THE SUPERIOR COURT
SAN FRANCISCO, CALIFORNIA
OFFICE OF THE CLERK OF THE SUPERIOR COURT
SAN FRANCISCO, CALIFORNIA

I repeat: A study of 3,000 heroin addicts showed that 95% started drug abuse with marijuana.

Vote NO on Proposition 19.

H. L. RICHARDSON
State Senator, 19th District
DR. HARDEN JONES, Ph.D.
Professor of Medical Physics and
Physiology; Asst. Director of
Donner Laboratory;
U. C. Berkeley

Argument Against Proposition 19

The active drug content in marijuana is tetrahydrocannabinol or THC. This chemical was isolated in the 1940's and very little research has been done on it. THC is a psychotomimetic drug (or a psychosis mimicker) which appears to directly affect the central nervous system. One obvious and dangerous aspect of THC's effect is progressive loss of inhibitions; distortion of judgment; distortion of space and time relationships; and abnormal alteration of all the senses.

Marijuana is remarkably unpredictable because no quality controls or standards are maintained, and this would be particularly true if anyone could grow...process and use their own. Marijuana reaction is also dependent on the mood of the user, compounding its unpredictable nature.

The hallmark of marijuana use is flight from reality and its assessment of its ability. One of America's strengths is its ability to solve its own problems. We must meet the challenges of today with all facilities unimpaired by the crippling effects of drug abuse.

Dr. Constantinos Miras from the University of Athens who has studied marijuana habits for more than 20 years, said: "I can recognize a chronic marijuana user from afar by the way he walks, talks and acts. You begin to see the personality changes that typify the long-time user—the slowed speech, the lethargy, the lowered inhibitions, the loss of morality."

The often used argument that marijuana is no more harmful than tobacco and alcohol shows monumental unawareness of the unpredictability of the drug, or intellectual dishonesty. The chemistry of alcohol and tobacco is readily understood and its effects generally predictable.

The statement that marijuana is not physically addicting is misleading. It can hook the chronic user with the same psychological bonds caused by other dangerous drugs, psychological dependence lasting long after the user has "kicked the habit."

Even one marijuana trip is dangerous because marijuana is the vehicle for crossing the psychological barrier to drug abuse. Liberalization of laws on marijuana would be the green light for even more drug abuse.

compounding a problem already raging out of hand.

No civilized nation on the face of the globe permits the sale and use of marijuana by law. In India where marijuana was formerly broadly used with no legal restriction whatsoever, it was discovered that the drug was draining the moral fiber of the population.

India is now ending the sale and use of cannabis on open legalization to the death penalty for sale and use of marijuana because the drug caused incredible social and political strife in Nigerian society and it was feared that the drug would abort her national growth.

Proposition 19 would open the door to every possible act of conduct endangering others. Law enforcement would be taxed beyond limits to cope with the problems created by the passage of this measure. With any person legally capable of cultivating his own "weed" patch, it would be impossible to enforce existing legislation.

I cannot too strongly urge your "NO" vote on Proposition 19.

H. L. RICHARDSON
State Senator, 19th District
DR. HARDEN JONES, Ph.D.
Professor of Medical Physics and
Physiology; Asst. Director of Donner
Laboratory, U.C. Berkeley

Rebuttal to Argument Against Proposition 19

Enormous research has been done on marijuana beginning in 1893. Most recently it has been exhaustively studied by President Nixon's Commission on Marijuana and similar national commissions in Canada and England. All found marijuana not guilty and have recommended decriminalization.

Politicians are experts primarily on getting elected, not on drugs or morality. The total failure of our present criminal approach reflects this.

Marijuana is not a psychotomimetic. Like alcohol and sedatives, marijuana affects the nervous system, but does not cause a total loss of inhibitions. The predictable effects of alcohol and tobacco include one million deaths a year in America. No deaths have been reported from marijuana use.

Psychological dependence can occur with caffeine, marijuana or television, but abuse only exists if there is measurable damage to health or functioning.

Dr. Fort has personally studied drug use in India, Nigeria, and Greece. Millions of people there use marijuana, as they do here, despite its illegality and with no evidence of social or health damage. Reputable drug experts in these countries agree. Dr. Miras' study was specifically refuted by President Nixon's Commission which found that "the Greek sub-

jects did not evidence any deterioration of mental or social functioning which could be attributed solely to marijuana use."

Marijuana users in America include middle-aged legislators, housewives, businessmen and politicians. These people are not criminals and the law should recognize that reality.

Help yourself, help police, and reduce drug abuse. VOTE YES.

JOEL FORT, M.D.
Public Health Specialist and Criminologist; former Consultant on Drug Abuse for the World Health Organization
MARY JANE FERNANDEZ
Educator
GORDON S. BROWNELL, J.D.
Former Member of White House Staff
(1969-1970)

COASTAL ZONE CONSERVATION ACT Initiative. Creates State Coastal Zone Conservation Commission and six regional commissions. Sets criteria for and requires submission of plan to Legislature for preservation, protection, restoration and enhancement of environment and ecology of coastal zone, as defined. Establishes permit area within coastal zone as the area between the seaward limits of state jurisdiction and 1000 yards landward from the mean high tide line, subject to specified exceptions. Prohibits any development within permit area without permit by state or regional commission. Prescribes standards for issuance or denial of permits. Act terminates after 1976. This measure appropriates five million dollars (\$5,000,000) for the period 1973 to 1976. Financial impact: Cost of \$1,250,000 per year plus undeterminable local government administrative costs.

20	NO
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(For Full Text of Measure, See Page 27, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this initiative statute is a vote to create the California Coastal Zone Conservation Commission and six regional commissions; to regulate, through permits issued by the regional commissions, development within a portion of the coastal zone (as defined); and to provide for the submission of a California Coastal Zone Conservation Plan to the Legislature for its adoption and implementation. The statute would terminate on the 31st day after final adjournment of the 1976 Regular Session of the Legislature.

A "No" vote is a vote against adopting the measure.

For further details, see below.

Detailed Analysis by the Legislative Counsel

This initiative statute would enact the "California Coastal Zone Conservation Act of 1972." The principal provisions of the act would:

1. Create the California Coastal Zone Conservation Commission and six regional commissions. The regional commissions would be composed of members of the boards of supervisors, city councilmen, and members of regional agencies, plus an equal number of knowledgeable members of the public. The state commission would consist of a representative from each of the regional commissions, plus an equal number of knowledgeable members of the public.
2. Require the state commission to submit to the Legislature, by December 1, 1975, a California Coastal Zone Conservation Plan based on studies of all factors that signifi-

(Continued on page 59, column 1)

Cost Analysis by the Legislative Analyst

This initiative declares that the California coastline is a distinct and valuable resource and it is state policy to preserve, protect and where possible, restore the natural and scenic resources of the coastal zone for present and succeeding generations. The coastal zone generally includes the land and water area extending seaward about three miles and inland to the highest elevation of the nearest coastal range. In Los Angeles, Orange and San Diego Counties the inland boundary can be no more than five miles.

The initiative would create one state and six regional commissions to:

1. Study the coastal zone and its resources,
 2. Prepare a state plan for its orderly, long-range conservation and management, and
 3. Regulate development by a permit system while the plan is being prepared.
- The commissions begin February 1973. They must adopt the plan by December 1976 and terminate after adjournment of the 1976 Legislature which presumably would establish a permanent commission based on the plan. Commission membership would be balanced between local government officials and state appointed members.
- The initiative requires the commission to study a broad range of subjects pertaining to the coastal zone. The final plan must include recommendations on:

1. Ecological planning principles and assumptions for determining suitability and extent of development.
2. Land use.

(Continued on page 59, column 2)

Detailed Analysis by the Legislative Counsel

(Continued from page 51, column 1)

cently affect the "coastal zone," generally defined as land and water areas extending seaward to the outer limit of the state jurisdiction and inland to the highest elevation of the nearest coastal mountain range.

3. Require each regional commission, in cooperation with appropriate local agencies, to make recommendations to the state commission relevant to the coastal zone plan by April 1, 1975.

4. Beginning February 1, 1973, require a permit from a regional commission for any proposed development (with specified exemptions) within the "permit area," defined, generally, as that portion of the coastal zone lying between the seaward limit of the jurisdiction of the state and 1,000 yards landward from the mean high tide line, subject to various exceptions. Provision is made for appeals to the state commission and to the courts.

5. Define "development" to include the following activities when conducted on land or in or under water:

- (a) Placement or erection of any solid material or structure.
- (b) Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste.
- (c) Grading, removing, dredging, mining, or extraction of any materials.
- (d) Change in the density or intensity of use of land, including, but not limited to, subdivision of land and lot splits.
- (e) Change in the intensity of use of water, ecology related thereto, or access thereto.

(f) Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility.

(g) Removal or logging of major vegetation.

6. Provide criminal penalties for violation of provisions relating to conflict of interest and specify civil fines for violation of other provisions of the act.

In addition, the initiative statute would add provisions to:

- 1. Require each county and city to transmit to the state commission a copy of each tentative map of any subdivision located in the portion of the coastal zone within its jurisdiction.
- 2. Appropriate \$5,000,000 to the state commission to support it and the regional commissions for the fiscal years 1973 to 1976, inclusive.
- 3. Terminate the initiative statute on the 91st day after final adjournment of the 1976 Regular Session of the Legislature.

4. Authorize the Legislature, by two-thirds vote, to amend the initiative statute "in order to better achieve the objectives" of the statute.

Cost Analysis by the Legislative Analyst

(Continued from page 51, column 2)

- 3. Transportation.
- 4. Public access.
- 5. Recreation.

6. Public services and facilities including a powerplant siting study.

7. Ocean mineral and living resources.

8. Maximum desirable population densities.

9. Reservations of land or water for certain uses or prohibited uses.

10. Recommendations for governmental policies, powers and agencies to implement the plan.

The regional commissions, cooperating with local agencies prepare plan recommendations to the state commission, which shall prepare and adopt the plan for submission to the Governor and Legislature.

During the four years the initiative would be in effect, new developments by any person or state or local agency in the permit area of the coastal zone would be severely restricted. The permit area includes generally the sea and 1,000 yards inland but excluding area under the San Francisco Bay Conservation and Development Commission. Certain urban land areas may also be excluded. No development permit shall be issued unless the regional commission, or the state commission on appeal, has found that the development will not have any substantial adverse environmental or ecological effect and will be consistent with objectives of the initiative which specify orderly, balanced preservation and utilization of coastal zone resources, maintenance of quality of the coastal zone environment, avoidance of irreversible commitments and other stated considerations.

The Legislature may amend the initiative by a two-thirds vote to achieve the objectives of the measure.

The direct state cost is \$5 million appropriated to support the commission through 1976 from a fund created in 1971 with \$40 million of the one-time revenue from withholding state personal income taxes.

Although staff and funds for the Comprehensive Ocean Area Plan (COAP) are to be transferred to the commission, no funding was provided for COAP in 1972-73.

The state plan must propose reservation of land or water in the coastal zone for certain uses or prohibition of certain uses. The acquisition of such land would probably be necessary but would require additional legislation. However, stringent application of the permit process could result in unknown damages from inverse condemnation suits on lands not acquired. Oil and gas extraction would probably be restricted, reducing revenues to the state from extraction and possibly resulting in damages for loss of oil production.

(Continued on page 53, column 2)

Argument in Favor of Proposition 20

Save California's beaches and coastline for the people of California, vote **YES** on this proposition.

THE PROBLEM

Our coast has been plundered by haphazard development and land speculators. Beaches formerly open for camping, swimming, fishing and picnicking are closed to the public. Campgrounds along the coast are so overcrowded that thousands of Californians are turned away. Fish are poisoned by sewage and industrial waste dumped into the ocean. Duck and other wildlife habitats are buried under streets and vacation homes for the wealthy. Ocean vistas are walled off behind unsightly high rise apartments, office buildings, and billboards. Land speculators bank their profits, post their "no trespassing" signs and leave the small property owner with the burden of increased taxes to pay for streets, sewers, police and fire protection. The coast continues to shrink.

THE REASONS FOR THE PROBLEM

Massive construction projects are often approved solely to benefit corporate landowners. We need a coastal plan, but responsibility is fragmented among 45 cities, 15 counties and dozens of government agencies without the resources to evaluate and prevent developments whose destructive effects may overlap local boundaries.

THE SOLUTION?

Your YES vote!

YOUR YES VOTE WILL:

(1) Give the people direct participation in planning. No important decisions will be made until commissions hold public hearings and the citizen is heard. Coastal commissions are composed in equal number of locally elected officials and citizens representing the public.

(2) Furnish immediate protection of California's beaches from exploitation by the corporate land grab.

(3) Prevent tax increases resulting from irresponsible developments.

(4) Stimulate growth of the \$4.2 billion annual tourist industry and make new jobs; (5) Stop our beaches from becoming the exclusive playground of the rich;

(6) Bring a runaway construction industry back to the cities where jobs and new homes are needed;

(7) Use the coast to enrich the life of every Californian;

(8) Prevent conflicts of interest. Tough provisions modeled after federal law will keep coastal commissioners from planning for personal profit.

(9) Develop a fair Statewide Plan for balanced development of our coast.

(10) Increase public access to the coast.

(Continued in column 2)

Cost Analysis by the Legislative Analyst

(Continued from page 53, column 2)

The commission may, in its discretion, require a reasonable filing fee to permit applications and the reimbursement of expenses. Therefore, the revenues received depend on fee schedules established by the commission. Local agencies would have some additional costs assisting the regional commissions in planning and forwarding applications for permits. There are 15 counties within the coastal zone and an estimated 40 cities. The size of their workload would depend largely on the precise location of permit area boundaries and the exclusion of urban areas as determined by the regional commissions. Deferral of developments along the shoreline would also defer local property revenues.

(Continued from column 1)

THE SAFEGUARDS:

(1) This act will not impose a moratorium or prohibit any particular kind of building, but ensures that authorized construction will have no substantial adverse environmental effect;

(2) Homeowners can make minor repairs and improvements (up to \$7,500) without any more permits than needed now;

(3) The Legislature may amend the act if necessary.

YOUR YES VOTE ENACTS A BILL:

(1) Supported by more than 50 Republican and Democratic state legislators;

(2) Almost identical to legislation killed year after year by lobbyists in Sacramento;

(3) Modeled after the San Francisco Bay Conservation and Development Commission established by the Legislature in 1969, which has operated successfully to plan and manage the San Francisco Bay and its shoreline;

(4) Sponsored by the California Coastal Alliance, a coalition of over 100 civic, labor, professional and conservation organizations.

YOUR YES TO SAVE THE COAST

JOHN V. TONNEY

United States Senator

DONALD L. GRUNSKY

State Senator

R—Santa Cruz, Monterey, San Luis Obispo and San Benito Counties

BOB MORETTI

Assemblyman

Speaker—California State Assembly

Rebuttal to Argument in Favor of Proposition 20

Proposition 20

The proponents' Argument for Proposition 20 is a textbook example of circumvention of the facts.

It is filled with such misleading statements as "protection of California's beaches from exploitation by the corporate land grab".

"Stop our beaches from becoming the exclusive playground of the rich"; "this act will not impose a moratorium"; "give the people direct participation in planning";

The truth is that the only "land grab" is that planned by the proponents of Proposition 20 who have devised a scheme for appropriating private property without paying for it.

The truth is that Proposition 20 would make beach lands a haven for the rich who have already developed "exclusive playgrounds." The foremost motivation of the Initiative's dlist proponents is to preclude the enjoyment of coastal areas by retired and working people.

The truth is that Proposition 20 would, as a practical matter, establish a two to four year moratorium on virtually all building in the coastal area, including development for recreational purposes. The result would be a sharp reduction in land values, assessments and local tax collections which would create a severe economic depression in every one of the 15 coastal counties.

The truth is that people would have no direct participation in planning, which would be the sole prerogative of super-State and regional agencies composed of appointed commissioners.

Proposition 20 is discriminatory legislation and should be roundly defeated so that the people's elected representatives can get on with the job of completing sensible environmental and zoning controls over California's coastline.

- JAMES S. LEE, President
State Building and Construction
Trades Council of California
- GEORGE CHRISTOPHER
Former Mayor of San Francisco
- JOHN J. ROYAL
Executive Secretary, Treasurer
Fishermen's & Allied Workers
Union, I.L.W.U.

Argument Against Proposition 20

Proposition 20 on the November 7 ballot represents bad government for all Californians. Proposition 20 is bad because it takes government from the hands of the voters.

In the name of coastal protection, Proposition 20 would impose an appointed, not elected, super-government to control the destinies of almost 34 million people who live near and over 1 million who work close to our ocean shore.

California's 1,087 mile coastline is not endangered.

The State's official Comprehensive Ocean Area Plan, which has inventoried the total coastal area, shows that 74% of the land is in open space, 65.1% is undeveloped in any way, and 54% is already in public ownership.

Proposition 20 is a power grab—and a land grab—by those who would by-pass the democratic process.

It would substitute for that process the judgment of a vast new bureaucracy and appointive commissioners largely representative of a single purpose point of view.

It is on the ballot because its sponsors have ignored all reasonable efforts by the State, by local government, by labor, by business and civic organizations, to develop an orderly land management policy for California through the legislative and traditional processes and they are working.

A recent State-adopted plan for ocean waste discharges, for example, will cost \$770 million—about \$5.70 a year for every Californian—but the plan was approved in democratic fashion.

Yet the sponsors of Proposition 20 would lock up California's coastline for at least three years, and probably forever.

The results of Proposition 20 if it should pass include:

- Loss of \$25,750,000 in tax revenues annually as values in the coastal zone are reduced and assessments dropped, thus forcing higher taxes on coastal counties, cities and school districts.
- Loss of millions of dollars and thousands of jobs in needed development projects, jobs especially important to racial and economic minorities in the construction industry.
- Delay of needed oceanfront and beach recreational projects because of the measure's disastrous fiscal implications to the State as a whole.
- Loss of local control and local voice in local affairs.
- Threat of increased power shortages and possible brownouts because of delays in construction of new power generating plants.
- Loss of property rights through inverse condemnation without compensation as private land use is denied but properties are not purchased by government.

Even more important if Proposition 20 passes, what's next?

Will the elitists who would grab our coastline for their own purposes then be after our mountains, our lakes and streams, our farmlands? And at what cost?

Nowhere in the planning principles set forth in Proposition 20 are the words "economy" or "economics" used once.

If the people of California want statewide land planning such planning must apply equally to all areas of the State, not just the coast. The federal government, the California Legislature, state and local government plus regulatory agencies are ready to complete the job.

Proposition 20 would halt that effort. Don't lock up California's coastline. Vote NO on Proposition 20.

- JAMES S. LEE, President
State Building and Construction
Trades Council of California
- GEORGE CHRISTOPHER
Former Mayor of San Francisco
- JOHN J. ROYAL
Executive Secretary, Treasurer
Fishermen's & Allied Workers
Union, I.L.W.U.

Rebuttal to Argument Against Proposition 20

The real opponents of the Coastline Initiative—the oil industry, real estate speculators and developers, and the utilities—are primarily concerned with profits, not the public interest. Their arguments are simply not true.

- Every government study, every scientific report, every trip to the beach proves that our beaches ARE endangered.
- The public has been denied access to hundreds of miles of beaches and publicly owned tidelands by freeways, private clubs, residential and industrial developments.
- Two-thirds of California's estuaries and many of our beaches have been destroyed.
- Of California's 1,072 miles of coast, 659 are privately owned; of the 413 miles public

ly owned, only 292 are available for public recreation.

- Proposition 20 represents an open beach and public access policy for Californians now locked out from swimming, beach recreation, surf-fishing and skin diving.
- The initiative process, the essence of democracy, gives the people this opportunity to enact themselves what unresponsive government has for years refused to do.
- Proposition 20 contains NO prohibition on the construction of power plants. Rather, it offers a sensible plan to determine where not if—new plants may be built.
- One-half the membership of the six coastal commissions will be locally elected officials.
- The opponents claim revenue and job losses. These scare tactics have no basis in fact.
- Many labor unions, including the I.L.W.U., Northern and Southern District Councils, are on record in support of the Coastline Initiative.

Vote YES on Proposition 20.

- JOHN V. TUNNEY
United States Senator
- DONALD I. GRUNSKY
State Senator
- Re-Santa Cruz, Monterey, San Luis Obispo and San Benito Counties)
- BOB MORETTI
Assemblyman
- Speaker—California State Assembly

ASSIGNMENT OF STUDENTS TO SCHOOLS. Initiative. Adds section to Education Code providing: "No public school student shall, because of his race, creed, or color, be assigned to or be required to attend a particular school." Repeals section establishing policy that racial and ethnic imbalance in pupil enrollment in public schools shall be prevented and eliminated. Repeals section which (1) establishes factors for consideration in preventing or eliminating racial or ethnic imbalances in public schools; (2) requires school districts to report numbers and percentages of racial and ethnic groups in each school; and (3) requires districts to develop plans to remedy imbalances. Financial impact: None.

21

General Analysis by the Legislative Council
A "Yes" vote on this initiative statute is a vote to prohibit any public school student from being assigned to a particular school because of his race, creed, or color, and to repeal the existing statutes and void the existing regulations of the State Board of Education which declare the state policy of preventing and eliminating racial and ethnic imbalance in pupil enrollment and which make provision for carrying out such policy. A "No" vote is a vote against enactment of the initiative act.

For further details, see below.

(Detailed analysis on page 56, column 1)

Existing law requires school districts to submit statistics to the State Department of Education regarding the racial and ethnic makeup of school populations in each school; (2) study and consider plans for alternate pupil distributions if the State Department of Education finds that the percentage of pupils of one or more racial or ethnic groups differs significantly from the statewide percentage; and (3) submit a report of alternate plans and a schedule of implementation to the State Department of Education for acceptance or rejection. The State Board of Education is directed to adopt rules and regulations to implement the above requirements.	NO
Existing law requires school districts to submit statistics to the State Department of Education regarding the racial and ethnic makeup of school populations in each school; (2) study and consider plans for alternate pupil distributions if the State Department of Education finds that the percentage of pupils of one or more racial or ethnic groups differs significantly from the statewide percentage; and (3) submit a report of alternate plans and a schedule of implementation to the State Department of Education for acceptance or rejection. The State Board of Education is directed to adopt rules and regulations to implement the above requirements.	YES

Cost Analysis by the Legislative Analyst

(Continued on page 56, column 2)

55

people not to buy "leisure." Violation of the law is punishable by one-year in-jail-or-a-\$5,000 fine or both.

Proposition 22 is an attack on all working people. It outlaws all secondary boycott activity and most primary boycott activity. It provides for 60-day injunctions against strikes and boycotts; it outlaws collective bargaining over certain "management rights" (e.g., use of labor contractors and use of machinery); Proposition 22 is the first step toward anti-labor legislation in industries other than agriculture.

PLEASE VOTE NO ON PROPOSITION 22.

CESAR E. CHAVEZ, Director
United Farm Workers, AFL-CIO
JOHN F. HENNING
Executive Secretary-Treasurer
California Labor Federation, AFL-CIO
REV. WAYNE (CHRIS) HARTMIRE
Director, California Migrant Ministry
Rebuttal to Argument Against
Proposition 22

"Yes" vote on Proposition 22 gives California farm workers the same protection the National Labor Relations Act provides for all other union workers.

Proposition 22 provides for a secret ballot in an election.

Proposition 22 provides for an impartial 5-man labor relations board; two from labor, two farm employers, and one impartial public member, to supervise the Farm Labor Act.

The right to strike and picket is safeguarded. A consumer boycott is legal, but the public is protected against fraud.

A "Yes" vote provides self-determination to farm workers to organize and strike under the same conditions as other union workers; and to enter into collective bargaining agreements. It is an effort to bring the rule of law to workers and farmers alike.

Proposition 22 prevents the farmer from any activity interfering with the workers right to organize.

Proposition 22 gives the farm workers' union the protection of law. Unions are more successful operating under a labor law than attempting to operate outside one.

Seasonal workers are permanent employees, under the Act and can vote in union elections. Only 4% of the total California agricultural workers are migrant.

Pay for California farm workers is the highest in the nation.

Child labor is regulated by State law as are standards for living quarters and sanitary conditions.

Proposition 22 provides a 60-day mediation period for negotiating over a table rather than over the rotting crops.

Vote "Yes" on Proposition 22.

JOY G. JAMESON
Farmer
MRS. JOYCE R. VALDEZ
Housewife
RENNICK J. HARRIS
Rancher

PART II--APPENDIX

If the motion to suppress the evidence is granted on the grounds of an unlawful seizure, the property shall be restored, unless it is subject to confiscation as contraband, as provided for in Section 313.31 in which case it shall not be returned.

313.31. (a) Materials proscribed by Chapter 77 or 78 of this title and advertisements for matter represented to be such materials are contraband and shall be destroyed.

(b) Upon the conviction of the accused or rendition of a court order declaring such matter to be contraband and subject to confiscation, the court shall, when such judgment becomes final order, upon five days' notice to the defendant, any materials or advertisement, in respect to which the accused stands convicted, and which remains in the possession or under the control of the district attorney or any law enforcement agency, to be destroyed, and the court shall cause to be destroyed any such material in the possession or under its control, retaining only such copies as are necessary for law enforcement purposes. Provided that destruction of such matter shall be stayed until after the time provided for filing a notice of appeal has expired, and provided further that where an appeal is timely filed, such destruction shall be stayed pending the decision on appeal.

313.32. Chapters 7.5, 7.6, 7.7, 7.8 and 7.9 of this title do not occupy the field in the regulation of the materials and conduct proscribed by such chapters, and counties, cities, and other political subdivisions of this state are hereby specifically given the right to further regulate such materials and conduct.

313.33. (a) Every person who violates any provision of Chapter 7.7 or Chapter 7.8 of this title is punishable by fine of not more than two thousand (\$2,000) or by imprisonment in the county jail for not more than six months, or both such fine and such imprisonment.

(b) If such person previously has been convicted of any violation of Section 313.7, 313.8, 313.9 or 313.10 of Chapter 7.7, or of any violation of Section 313.21, 313.22, 313.23 or 313.28 of Chapter 7.8, or of any violation of Section 311.2, 311.4, 311.6 or 311.7 of Chapter 7.5, or of any violation of Section 313.1 of Chapter 7.6, all chapters of this title, he is punishable by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment.

(c) If such person previously has been convicted five or more times under any of the sections enumerated in paragraph (b) of this section, he is punishable by imprisonment in the state prison for not more than five years.

313.34. If any provision of chapter 7.7 or 7.8 of this title or the application of such chapter to any person, or circumstance, is

which can be given effect without the invalid provision or application, and to the end the provisions of this chapter are declared to be severable.

Section 6, Chapter 7.9 (commencing with Section 313.50) is added to Title 9 of Part 1 of the Penal Code, to read:

CHAPTER 7.9. INJUNCTIVE RELIEF

313.50. The superior courts of the State of California have jurisdiction to enjoin the sale or distribution of any book, magazine, or any other publication or article, or the public showing of any motion picture film, slide, exhibit, or performance which is prohibited under Chapters 7.5, 7.6, 7.7 or 7.8 of this title.

313.51. The district attorney of any county in this state in which a person, firm, or corporation sells or distributes, or is about to sell or distribute, or is about to acquire possession with intent to sell or distribute any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing, photograph, or other publication or matter which is prohibited by the above enumerated chapters may maintain an action for an injunction against such person, firm, or corporation in the superior court to prevent the sale or further sale or the distribution or further distribution of any such prohibited publications or articles.

313.52. The district attorney of any county in this state in which a person, firm, or corporation shows publicly, or is about to show publicly, or is about to acquire possession with intent to show publicly any motion picture film, slide, exhibit, or performance which is prohibited under the above enumerated chapters may maintain an action for an injunction against such person, firm, or corporation in the superior court to prevent the public showing or further public showing of such prohibited matter or activity.

313.53. The person, firm, or corporation sought to be enjoined is entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days after the conclusion of the trial.

313.54. In the event that an order or judgment be entered in favor of the district attorney and against the person, firm, or corporation sought to be enjoined, such final order or judgment shall contain a provision directing the person, firm, or corporation surrendering the person, firm, or corporation to such peace officer as the court may direct or to the sheriff of the county in which the action was brought any of the matter described in Section 313.51 or 313.52, and such sheriff or officer shall be directed to seize and destroy the same, provided that destruction of such matter shall be stayed until after the time provided for filing a notice of appeal has expired, and provided further that where an appeal is timely filed, such destruction shall be stayed pending the decision.

313.55. In any action brought pursuant to the provisions of this chapter, the district attorney is not required to file any bond before the issuance of an injunction order provided for by this chapter, is not liable for costs, and is not liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person, firm, or corporation sought to be enjoined.

313.56. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

MARIJUANA. Initiative. Removes state penalties for personal use. Proposes a statute which would provide that no person eighteen years or older shall be punished criminally or denied any right or privilege because of his planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, or possessing or using marijuana. Does not repeal existing or limit future legislation prohibiting persons under the influence of marijuana from engaging in conduct that endangers others. Financial impact: None.

19 YES
NO

(This Initiative Measure proposes to add a section to the Health and Safety Code. It does not amend any existing law. Therefore, its provisions are printed in **BOLD-FACE TYPE** to indicate that they are **NEW**.)

PROPOSED SECTION 11530.2. HEALTH AND SAFETY CODE.

SECTION 11530.2

(1) No person in the State of California 18 years of age or older shall be punished criminally, or be denied any right or privilege,

legally, by reason of such person's planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, or possessing marijuana for personal use, or by reason of that use.

(2) This provision shall in no way be construed to repeal existing legislation, prohibiting persons under the influence of marijuana from engaging in conduct that endangers others.

20

COASTAL ZONE CONSERVATION ACT. Initiative. Creates State Coastal Zone Conservation Commission and six regional commissions. Sets criteria for and requires submission of plan to Legislature for preservation, protection, restoration and enhancement of environment and ecology of coastal zone, as defined. Establishes permit area within coastal zone as the area between the seaward limits of state jurisdiction and 1000 yards landward from the mean high tide line, subject to specified exceptions. Prohibits any development within permit area without permit by state or regional commission. Prescribes standards for issuance or denial of permits. Act terminates after 1976. This measure appropriates five million dollars (\$5,000,000) for the period 1973 to 1976. Financial impact: Cost to state of \$1,250,000 per year plus undeterminable local government administrative costs.

217000. This division may be filed as the California Coastal Zone Conservation Act of 1972.

27001. The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem; that the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment it is necessary for pre-

YES	NO
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(This Initiative Measure proposes to add and repeal a division of the Public Resources Code and add and repeal a section of the Business and Professions Code. It does not amend any existing law; therefore, its provisions are printed in **BOLD-FACE TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

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

SECTION 18. CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

CHAPTER 1. GENERAL PROVISIONS AND FINDINGS AND DECLARATIONS

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

27001. The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem; that the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment it is necessary for pre-

serve the ecological balance of the coastal zone and prevent its further deterioration and destruction; that it is the policy of the state to preserve, protect, and, where possible, to restore the resources of the coastal zone for the enjoyment of the current and succeeding generations; and that to protect the coastal zone it is necessary:

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

(b) To prepare, based upon such study and in full consultation with all affected governmental agencies, private interests, and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation and management of the natural resources of the coastal zone, to be known as the California Coastal Zone Conservation Plan.

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

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

CHAPTER 2. DEFINITIONS

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

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

27102. (a) "Commissioner" means the California coastal zone conservation commission.

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

27103. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land pursuant to the Subdivision Map Act and any other division of land, including lot splits; change in the intensity of use of water; ecology related thereto, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structures, including any facility of any private, public, or municipal utility, and the removal or logging of major

vegetation. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, fence, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

27104. "Permit area" means that portion of the coastal zone lying between the seaward limit of the jurisdiction of the state and 1,000 yards landward from the mean high tide line of the sea subject to the following provisions:

(a) The area of jurisdiction of the San Francisco Bay Conservation and Development Commission is excluded.

(b) If any portion of any body of water which is not subject to tidal action lies within the permit area, the body of water together with a strip of land 1,000-foot wide surrounding it shall be included.

(c) Any urban land area which is (1) a residential area zoned, stabilized and developed to a density of four or more dwelling units per acre on or before January 1, 1972; or (2) a commercial or industrial area zoned, developed, and stabilized for such use on or before January 1, 1972, may, after public hearing, be excluded by the regional commission at the request of a city or county within which such area is located. An urban land area is "stabilized" if 80 percent of the lots are built upon to the maximum density or intensity of use permitted by the applicable zoning regulations existing on January 1, 1972.

Tidal and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach or to the mean high tide line where there is no beach shall not be excluded.

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

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

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

27106. "Person" includes any individual, organization, partnership, and corporation, including any utility and any agency of federal, state, and local government.

27108. "Sea" means the Pacific Ocean and all the harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through a connection with the Pacific Ocean, excluding nonnavigable rivers and creeks.

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

Article 1. Creation and Membership of Commissions and Regional Commissions

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

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

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

27201. The following six regional commissions are hereby created:

(a) The North Coast Regional Commission for Del Norte, Humboldt, and Mendocino Counties shall consist of the following members:

(1) One supervisor and one city councilman from each county.

(2) Six representatives of the public.

(b) The North Central Coast Regional Commission for Sonoma, Marin and San Francisco Counties shall consist of the following members:

(1) One supervisor and one city councilman from Sonoma County and Marin County.

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

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

(4) Seven representatives of the public.

(c) The Central Coast Regional Commission for San Mateo, Santa Cruz, and Monterey Counties shall consist of the following members:

(1) One supervisor and one city councilman from each county.

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

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

(4) Eight representatives of the public.

(d) The South Central Coast Regional Commission for San Luis Obispo, Santa Barbara, and Ventura Counties shall consist of the following members:

(1) One supervisor and one city councilman from each county.

(2) Six representatives of the public.

(e) The South Coast Regional Commission for Los Angeles and Orange Counties shall consist of the following members:

(1) One supervisor from each county.

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

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

(4) One city councilman from Orange County.

(5) One delegate to the Southern California Association of Governments.

(6) Six representatives of the public.

(f) The San Diego Coast Regional Commission for San Diego County, shall consist of the following members:

(1) Two supervisors from San Diego County and two city councilmen from San

Diego County, at least one of whom shall be from a city which lies within the permit area.

(2) One city councilman from the City of San Diego selected by the city council of such city.

(3) One member of the San Diego Comprehensive Planning Organization.

(4) Six representatives of the public.

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

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

(b) All city councilmen except under subsections (e) (2) and (f) (3), by the city selection committee of their respective counties;

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

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

Article 2. Organization

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

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

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

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

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

27224. The commission and regional commissions shall meet not less than once a month at a place convenient to the public. Unless otherwise provided in this division, no decision on permit applications or on the adoption of the coastal zone plan or any part thereof shall be made without a prior public hearing. All meetings of the commission and each regional commission shall be open to the public. A majority affirmative vote of the legal authorized membership shall be necessary to approve any action required or permitted by this division, unless otherwise provided.

27225. The first meeting of the commission shall be no later than February 16, 1973. The first meeting of the regional commissions shall be no later than February 1, 1973.

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

Article 2.5. Conflicts of Interest

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

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

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

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

27231. No member or employee of the commission or any regional commission shall participate, in any official capacity whatsoever, in any proceeding, hearing, application, request for ruling or other official determination, judicial or otherwise, in which any of the following has a financial interest: the member or employee himself; his spouse; his child; his partner; any organization in which he is then serving or has, within two years prior to his selection or appointment to or employment by such commission or regional commission, served, in the capacity of officer, director, trustee, partner, employer or employee; any organization within which he is negotiating for or has any arrangement or understanding concerning prospective partnership or employment.

27232. In any case within the coverage of Section 27230, the prohibitions therein contained shall not apply if the person concerned advises the commission in advance

of the nature and circumstances thereof, including full public disclosure of the facts which may potentially give rise to a violation of this article, and obtains from the commission a written determination that the contemplated action will not adversely affect the integrity of the commission or any regional commission. Any such determination shall require the affirmative vote of two-thirds of the members of the commission.

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

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

Article 3. POWERS AND DUTIES

27240. The commission and each regional commission, may:

(a) Accept grants, contributions, and appropriations;

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

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

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

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

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

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

CHAPTER 4. CALIFORNIA COASTAL ZONE CONSERVATION PLAN

Article 1. Generally

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

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

27302. The coastal zone plan shall be consistent with all of the following objectives:

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

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

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

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

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

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

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

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

(c) A component which includes the following elements:

(1) A land-use element.

(2) A transportation element.

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

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

(5) A recreation element.

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

(7) An ocean mineral and living resources element.

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

(9) An educational or scientific use element.

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

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

27305. The commission shall, within six months after its first meeting, publish

objectives, guidelines, and criteria for the collection of data, the conduct of studies, and the preparation of local and regional recommendations for the coastal zone plan.

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

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

CHAPTER 5. INTERIM PERMIT CONTROL

Article 1. General Provisions

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

Except as provided in Sections 27401 and 27402, no permit shall be issued without the affirmative vote of a majority of the total authorized membership of the regional commission, or of the commission on appeal.

27401. No permit shall be issued for any of the following without the affirmative vote of two-thirds of the total authorized membership of the regional commission, or of the commission on appeal:

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

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

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

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

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

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

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

(b) That the development is consistent with the findings and declarations set forth

In Sections 27001 and 27002 the objectives set forth in Section 27302. The applicant shall have the burden of proof on all issues.

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

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

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

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

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

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

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

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

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

Article 2. Permit Procedure

27430. (a) The commission shall prescribe the procedures for permit applications and their appeal and may require a

reasonable filing fee and the reimbursement of expenses.

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

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

27431. Each unit of local government within the permit area shall send a duplicate of each application for a development within the permit area to the regional commission at the time such application for a local permit is filed, and shall advise the regional commission of the granting of any such permit.

27432. The commission shall provide, by regulation, for the issuance of permits by the executive directors without compliance with the procedure specified in this chapter in cases of emergency or for repairs or improvements to existing structures not in excess of twenty-five thousand dollars (\$25,000) and other development not in excess of ten thousand dollars (\$10,000). Nonemergency permits shall not be effective until after reasonable public notice and adequate time for the review of such issuance has been provided. If any two members of the regional commission so request at the first meeting following the issuance of such permit, such issuance shall not be effective and instead the application shall be set for a public hearing pursuant to the provisions of Section 27430.

27433. (a) An applicant, or any person aggrieved by approval of a permit by the regional commission may appeal to the commission.

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

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

27434. Any person, including an applicant for a permit, aggrieved by the decision or action of the commission or regional commission shall have a right to judicial review of such decision or action by filing a petition for a writ of mandate, pursuant to Section 1084 of the Code of Civil Procedure, within 90 days after such decision or action has become final.

27426. Any person may maintain an action for declaratory and equitable relief to restrain violation of this division. No bond shall be required for an action under this section.

27428. Any person may maintain an action for the recovery of civil penalties provided in Sections 27600 and 27601.

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

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

CHAPTER 6. PENALTIES

27600. Any person who violates any provision of this division shall be subject to a civil fine not to exceed ten thousand dollars (\$10,000).

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

CHAPTER 7. REPORTS

27600. (a) The commission shall file annual progress reports with the Governor and the Legislature not later than the fifth calendar day of the 1974 and 1976 Regular Session of the Legislature, and shall file its final report containing the coastal zone plan with the Governor and the Legislature not later than the fifth calendar day of the 1978 Regular Session of the Legislature.

CHAPTER 8. TERMINATION

27650. This division shall remain in effect until the 91st day after the final adjournment of the 1978 Regular Session of the Legislature, and as of that date is repealed.

Sec. 2. Section 11528.2 is added to the Business and Professions Code, to read: 11528.2. The clerk of the governing body or the advisory agency of each city or county or city and county having jurisdiction

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

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

Sec. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 4. There is hereby appropriated from the Bagley Conservation Fund to the California Coastal Zone Conservation Commission the sum of five million dollars (\$5,000,000) to the extent that any moneys are available in such fund and if all or any portions thereof are not available therefrom the General Fund for expenditure to support the operations of the commission and regional coastal zone conservation commissions during the fiscal years of 1973 to 1978 inclusive, pursuant to the provisions of Division 18 (commencing with Section 27000) of the Public Resources Code.

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

ASSIGNMENT OF STUDENTS TO SCHOOLS Initiative. Adds section to Education Code providing: "No public school student shall, because of his race, creed, or color, be assigned to or be required to attend a particular school." Repeals section establishing policy that racial and ethnic imbalance in pupil enrollment in public schools shall be prevented and eliminated. Repeals section which (1) establishes factors for consideration in preventing or eliminating racial or ethnic imbalances in public schools; (2) requires school districts to report numbers and percentages of racial and ethnic groups in each school; and (3) requires districts to develop plans to remedy imbalances. Financial impact: None.

YES	
NO	

(This Initiative Measure proposes to repeal and add sections of the Education Code. Therefore, EXISTING PROVISIONS proposed to be REPEALED are printed in **SPRINKLER TYPE** and NEW PROVISIONS proposed to be ADDED are printed in **BOLDFACE TYPE**.)

Section 1, Section 1009.6 is added to the Education Code, to read:

PROPOSED LAW

California Coastal Plan

*California Coastal Zone
Conservation Commissions*

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California Coastal Plan

**California Coastal Zone
Conservation Commissions**

December 1975

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The California Coastal Plan was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972.

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COASTAL DEVELOPMENT

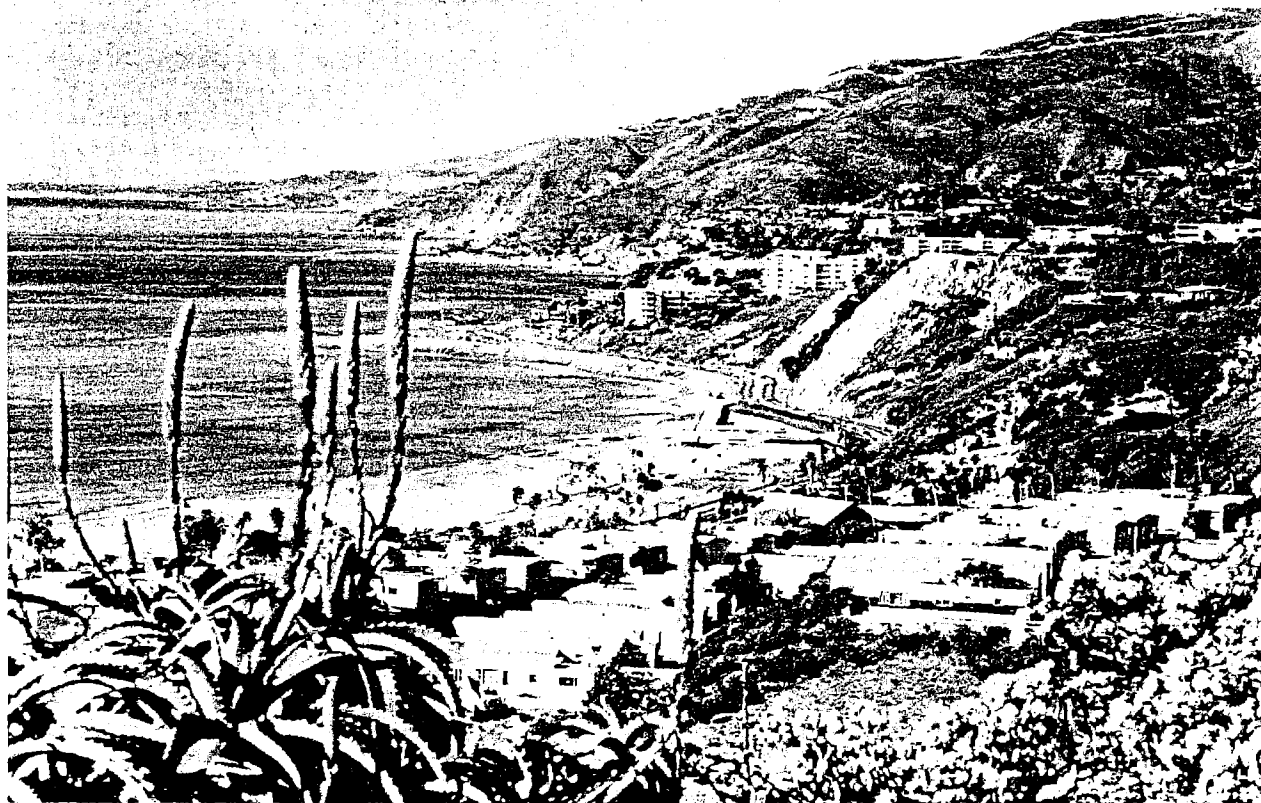
DEVELOPMENT AND NATURAL RESOURCES

Findings

Natural Resources Support Human Life and Uses of the Coast. Valuable natural resource areas of the coastal zone have been identified in preceding Plan chapters. These finite resources, which often extend inland farther than 1,000 yards, support human life and make possible enjoyment and use of the coast. Such resources include:

- wetlands and estuaries,
- tidepools,
- coastal streams vital to anadromous fish runs and continued sand supply to the coast,
- natural areas that should be preserved for future scientific study, education, and public enjoyment,
- habitats of rare and endangered species of animals and plants,
- agricultural (including grazing) and forestry lands,
- mineral deposits,
- clean air,

Pacific Palisades



- sandy beaches and dunes.
- recreational lands and waters, and
- highly scenic areas and coastal landforms.

Policy

57. Design Development to Complement Natural and Scenic Resource Areas. In natural and scenic resource areas other than those designated for maintenance in agricultural or forestry uses (see Policies 30-34 and 38) and where some development may be allowed consistent with the resource protection and access policies of the Coastal Plan, first priority shall be given to activities that

complement the resource values of the site (such as farm residences) or allow for compatible recreation use (such as horse stables and riding facilities, dude ranches and summer camps, outdoor recreation, fishing and hunting preserves, and small-scale tourist facilities to the extent that the need for them outside already developed areas can be demonstrated). If no other use is feasible or appropriate, individual homes may be permitted, provided that minimum acreage and siting requirements are first established in accordance with the resource preservation and scenic view policies of the Coastal Plan, with particular regard to the cumulative impact of potential development in the area for which the requirements are to be adopted.

SPECIAL COASTAL COMMUNITIES AND NEIGHBORHOODS

Findings

Certain Small Towns and Neighborhoods Within Large Urban Areas Are Significant Coastal Resources. Certain communities and neighborhoods have special cultural, historical, architectural, and aesthetic qualities that are as important to the coastal zone as are its natural resources. These areas are resources either because they have a physical coherence that complements the visual character of the coastal zone, or because they provide significant opportunities for access to the coast through pedestrian orientation or through the provision of housing and recreation-oriented commercial facilities in a broad price range.

Special Characteristics of Such Coastal Areas. These resource areas include both small coastal towns and coastal neighborhoods in larger cities that are characterized by orientation to the water, usually a small scale of development, pedestrian use, diversity of development and activities, public attraction and use of facilities, distinct architectural character, historical significance, or ethnic or cultural characteristics sufficient to yield a sense of identity and differentiation from nearby areas. Examples include such different coastal communities as:

- The Ocean Beach and La Jolla areas of the City of San Diego and the community of Encinitas in San Diego County,
- The Naples area of Long Beach and the Venice area of the City of Los Angeles,
- The Pierpont Beach area of the City of Ventura,
- Summerland in Santa Barbara County,
- Morro Bay and Cayucos in San Luis Obispo County,
- Carmel in Monterey County,

- The town of Bolinas in Marin County, and
- The towns of Mendocino in Mendocino County and Ferndale in Humboldt County.

Careful Development Is Required to Complement the Distinctive Qualities of Special Neighborhoods. As recreational and visitor attractions and as an integral part of the experience of the coast, distinctive coastal neighborhoods are of value to their residents and the public at large. Maintaining their qualities is dependent on maintaining the prevailing scale and mix of development. In some areas large-scale condominiums, townhouses, highrises, shopping centers, and motel developments are replacing architecturally interesting and lower-density, smaller-scale uses, destroying special places and neighborhoods, displacing lower-income residents in favor of the more affluent, and increasing the level of traffic congestion in the community for residents and visitors alike.

Policy

58. Protect and Enhance Special Coastal Communities and Neighborhoods. The unique cultural, historical, architectural, and aesthetic qualities of special coastal communities (e.g., La Jolla, Carmel, Mendocino) and neighborhoods that contribute to the enjoyment of the coast shall be protected and, where feasible, enhanced. New developments shall not be allowed to significantly detract from the special qualities of these areas. The protection

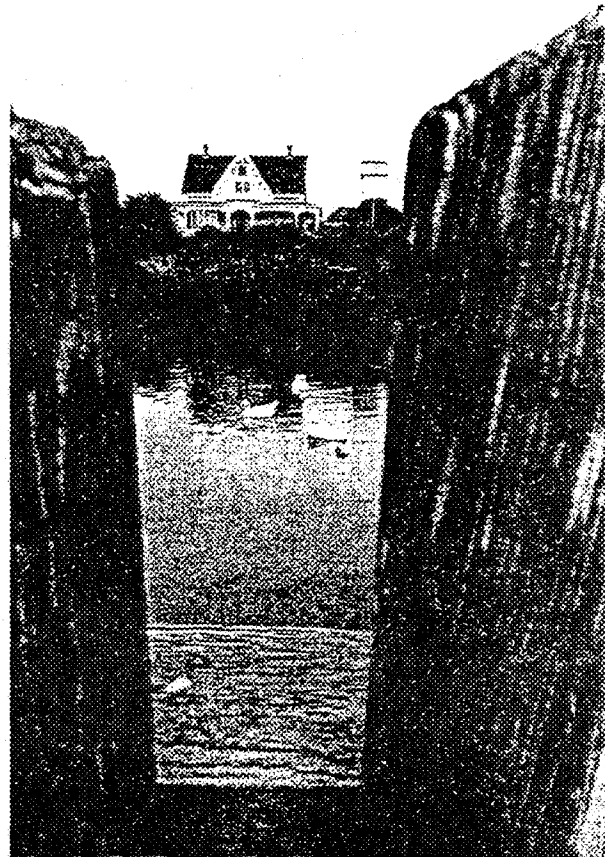
this policy offers may not be used in any way for exclusionary purposes.

a. Identification of Special Communities and Neighborhoods. The special qualities of coastal communities and neighborhoods, although hard to define with precision, nevertheless exist in a limited number of places and include the following: (1) areas characterized by a particular cultural, historical, or architectural heritage and continuity that is distinctive in the coastal zone; (2) areas presently recognized as important visitor destination centers on the coastline; (3) areas with small-scale and limited automobile traffic providing opportunities for pedestrian and bicycle access for visitors to the coast; (4) areas having a physical scale consistent with and complementary to coastal landforms or having a particular physical coherence that adds to the visual attractiveness of the coast for residents and for the general public traveling to the coast; (5) areas that provide a diversity of coastal housing opportunities, particularly for low- and moderate-income persons and the elderly; or (6) areas within walking distance of a beach with generally 20 per cent of all parcels in either small-scale hotel-motel or beach-oriented commercial uses. Normally such coastal neighborhoods and communities will be within walking distance of the coastline — roughly 1,000 yards — but in some cases they may extend further landward.

b. Community Participation. As part of the subregional or local coastal planning process (see Policies 161 and 162), residents of a coastal neighborhood or community, perhaps organized in community advisory committees, shall assist in determining the particular values of their area and how new development can be consistent with them.

c. Restrict Inappropriate Development. Development out of scale, size, or social character shall not be allowed in designated special communities and neighborhoods. In determining the appropriateness of a proposed development, consideration shall be given to intensity of use (e.g., lot size, unit size, residential composition, height, bulk), pedestrian accessibility, open space, economic and social factors, and the cumulative impact that potential development would have on an area's resources.

d. Coastal-Dependent Development and Access Facilities Desirable. Considerations of appropriateness of development shall not preclude coastal-dependent development or coastal access and visitor-serving facilities. In coastal villages in rural surroundings, visitor facilities



McCallum House (Inn), Mendocino

shall be consistent with the local community scale in size and shall not necessarily be concentrated in any one village or location.

e. Design Guidelines. Permissible new or expanded development shall be designed to be compatible with the special values and character of the community and shall avoid the overcrowding of access roads and local streets. Development shall (1) strengthen the physical form of the community or neighborhood, (2) enhance and restore visual qualities by being of a bulk, height, and color that is compatible with the existing character, (3) harmonize with the essential design characteristics that distinguish the place from other communities (e.g., a rustic weathered or whitewashed appearance of the waterfront), (4) protect ocean views from many vantage points, and (5) provide for maximum pedestrian circulation and shoreline access. Motels in rural coastal villages, for example, shall be unpretentious in appearance (stereotyped motel-chain architecture shall be prohibited) and shall feature some small separate structures rather than large bulky facilities so as to complement the detached homes and small commercial buildings that characterize most such villages.

ORDERLY, BALANCED DEVELOPMENT

CONCENTRATING DEVELOPMENT IN URBAN AREAS

Findings

Priorities Are Needed Among Competing Coastal Zone Uses. The coast is an extremely desirable place to live, work, and play. In the past 30 years, California's population has tripled to more than 20 million; 85 per cent of this population lives within 30 miles of the coast, and 64 per cent within the 15 coastal counties. In San Diego County, nearly 56 per cent of the population lives within 5 miles of the coast. Pressures for all types of development on or near the coast are high and can be expected to increase due to increased leisure time, mobility, changing life styles, and immigration from some inland communities. The finite resources of the coastal zone cannot, however, accommodate all the pressures for development and change and still meet the needs of present and future generations for recreation, production of agricultural crops, and the enjoyment of unique coastal experiences. Therefore, priorities must be established among competing uses of the coast, to assure orderly, balanced use and preservation of coastal zone resources.

Concentrating Development Enhances Use of the Coastal Zone. If development is prevented from sprawling over large land areas by being channeled to already developed areas (where public services exist), and by increasing the intensity of development in some areas consistent with the objectives of the Coastal Plan, the following advantages over sprawling development will often result:

- Natural, agricultural, and other coastal resources will be preserved for the economic benefits and human enjoyment they provide;
- A desirable contrast and diversity between city and country will be maintained;
- Air pollution and energy needs will be diminished because of shortened trips and the increased feasibility of public transportation;
- Duplication and costs of public services will be reduced by utilizing services already in place;
- Opportunities for increased physical and visual access to the coast for all people will be increased;
- Options for the future will be preserved by setting aside larger areas of land for potential future uses;
- Irreversible and irretrievable commitments of land inconsistent with the Coastal Plan will be avoided; and
- Existing downtown areas that have declined as a result of suburban sprawl will be revitalized.

Growth Can Be Accommodated Away from the Coastline. There are many alternatives to intensive urbanization of the shoreline and nearcoast area. Many existing urban areas inland from the coast could accommodate such growth without degrading coastal resources.

Properly Located High-Intensity Development Can Absorb Some Demand for Coastal Land. High-rise office buildings, large apartment and condominium buildings, shopping complexes, amusement parks and tourist attractions, and similar high-intensity developments in appropriate areas of cities can, if properly designed and located, absorb a substantial portion of the demand for those purposes that is now directed at older residential neighborhoods, open space areas, and other resource areas in the coastal zone. In addition, such high-intensity development near the coast, especially in existing downtown areas, could at the same time enhance the viability of mass transit and reduce the consumption of energy used for heating and cooling because of the milder climate of coastal areas. High-intensity development could also take up some of the presently underused capacity of many sewer and water systems without the need for costly new expenditures for public services and, by being located in existing urban areas, avoid the extension of growth-inducing services to open space or resource areas.

Policies

59. Concentrate Development in Already Developed Areas. New residential, commercial, industrial, and institutional development shall be channeled into existing developed areas able to accommodate additional development, areas suitable and planned for redevelopment, or in areas determined in subregional or other approved implementation plans (see Policies 161 and 162) to be consistent with the goals set forth in the findings above. (The developed areas delineated in Part IV of the Coastal Plan are shown for general reference purposes and not for purposes of applying this policy. The precise designation of where growth should be concentrated consistent with Coastal Plan policies shall be as shown in approved Regional Supplements, subregional plans, or local coastal plans.) To this end:

- a. **Use Developed Areas Effectively Before Allowing Expansion Along Coast.** New residential, commercial, industrial, and institutional development shall not be permitted to sprawl, project by project, into open areas. Expansions of existing developed areas (other than expansion on the inland side of the community) shall



New subdivision, Half Moon Bay

- not be allowed until the land resources within the existing developed areas are effectively used.
- b. **Locate Visitor Facilities Near Existing Developments.** Visitor-serving facilities shall be located in or adjacent to some existing developed areas consistent with the community scale objectives of Policy 58, in existing isolated developments (such as Sea Ranch and Timber Cove), and at selected points of attraction for visitors such as at the entrance to Point Reyes National Seashore).
 - c. **Concentrate Commercial Development.** Commercial development shall be located where travel conflicts between residents and coastal visitors are minimized. To this end, general commercial development such as shopping centers shall, wherever feasible, be located where local residents may travel to such developments without driving along major routes to and along the coast. Existing general commercial developments that cause significant adverse impacts on coastal access shall be relocated to areas consistent with this policy where possible.
 - d. **Channel High-Intensity Development to Appropriate Areas.** High-intensity development shall be channeled towards existing downtown areas and other areas within and outside of the coastal zone where: (1) development would not adversely affect coastal resources or coastal access; (2) mass transit capable of serving the development already exists or is planned and funded; and (3) development pressure on resource areas is relieved through enforceable development restrictions.
 - e. **Restrict Significant Developments in Areas Removed from Employment and Commercial Centers.** Major new residential, commercial, institutional, or industrial developments or other traffic-generating uses in locations removed from employment and commercial service areas shall be permitted only if (1) the project will be adequately served by public transportation that reduces pollution, total vehicle mileage, and energy consumption (such as buses); or (2) the project will not contribute directly or cumulatively to significant degradation of air quality and will not result in unnecessary fuel consumption. Determinations of air quality impact and fuel consumption shall include consideration of distances to employment and service centers and alternative locations for such developments.

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f. Plan Development to Reduce Auto Dependence.

New development shall be planned to: (1) facilitate provision or extension of transit service, (2) provide commercial facilities within or adjoining residential development to minimize the need for outside travel, and (3) provide non-automobile circulation within the development (e.g., shuttles, bikepaths, and walkways).

60. Criteria for Divisions of Rural Land. The division of land outside areas designated for concentrating development (see Policy 59) shall be permitted either if it is in accordance with an adopted subregional or local coastal plan or, in the absence of such an approved plan, if all of the following conditions are met: (1) more than 80 per cent of the usable lots in a non-urbanized area have been developed to existing zoned capacity; (2) the parcels resulting from the division would be no smaller than the average size

of surrounding parcels; (3) no significant growth-inducing impact or precedent for development in a natural resource or scenic resource area would be established by the division; (4) the division would not restrict future options for productive lands or lands of significance because of their scenic, wildlife, or recreational values; and (5) all public services are readily available. (See also Policy 36 regarding agricultural lands and Policy 38 regarding forestry lands.) Where an increase in the number of parcels available for residential use is permitted, priority shall be given to lands in or near already developed areas. This policy shall not be interpreted to require development of parcels that would adversely affect coastal natural and scenic resources. This policy shall not apply to areas where 80 per cent of the land within a half-mile radius of the proposed division of land is developed to a density of two units per acre or more.

PROVISION OF PUBLIC SERVICES

Findings

Public Services Availability Influences Development. The type, size, timing, and location of providing public service and transportation facilities, such as roads, water, and sewers, are major determinants of the pattern of land use. Their availability, or lack thereof, often directly encourages or discourages development. Extending urban services into coastal recreational, agricultural, and wildlife areas would make possible development that might not otherwise occur. Excessive expansion of services in already-developed areas can result in additional development to the extent of creating unwanted congestion and impeding public access to the coastline. Programming service provision in accordance with land use objectives is necessary for balanced and orderly development.

Policy

61. Regulate New or Expanded Public Service and Transportation Facilities. Public service and transportation facilities, especially sewer and water systems and roads, shall be provided or

expanded only to the extent that the location and amount of development and population that the systems will potentially serve is consistent with other Coastal Plan policies. Similarly, special districts or local governments shall not be formed or expanded except where assessment for and provision of the service would be in accord with these policies. Where the physical effects of the expansion of the public service system itself are in conflict with Coastal Plan policies, service system expansion shall not be permitted, and development shall be regulated to assure that the capacity of the existing service system is not exceeded. Plans for major sewer, water, and road systems and assessment districts with the potential for adverse effects on coastal resources or access shall be reviewed by the coastal agency for conformity with the Coastal Plan. (See also the Coastal Land Environment section on Coastal Streams and Watershed Management, regarding water supply systems; the Transportation chapter regarding transportation facilities; and Policy 56, regarding siting and design of major public facilities.)

COASTAL-DEPENDENT AND INDUSTRIAL DEVELOPMENT

Findings

Coastal-Dependent Developments Require Oceanfront Area Sites. Some developments are "coastal-dependent" in that they must have an oceanfront area site to be able to function at all. These include fishing, aquaculture, and port facilities, extraction of coastal minerals (e.g., sand and offshore petroleum), tanker terminals, boat works and shipyards, and marinas.

Industrial Developments May Have Special Siting Requirements. Although obviously essential to the State's economy, industrial developments can have major impacts on the coast, consuming valuable lands, intruding on the visual qualities of the coast, interfering with access, and affecting air and water quality. Locations for industry must take into account these impacts on the coastal environment. In addition, planning for industrial sites should take into account safety concerns and growth-inducing effects.

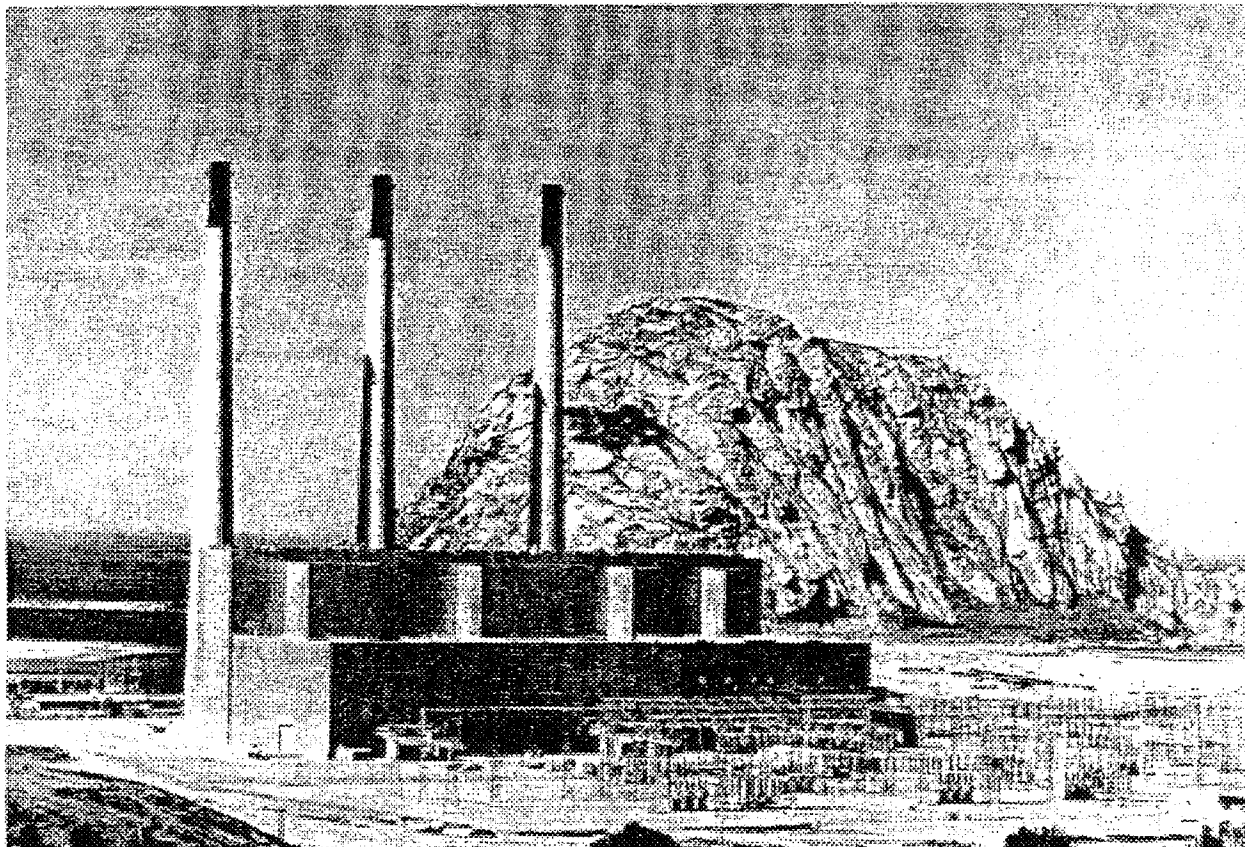
Policies

62. Give Priority to Coastal-Dependent Development. Coastal-dependent developments, which by their very nature require a coastal site, shall

have priority over other development on or near the shoreline. Where coastal-dependent industrial, commercial, and recreational developments (such as ports, yacht basins, certain mineral extraction activities—such as salt evaporation or special grades of sand for glass) would have a substantial adverse effect on coastal resources, they shall be permitted only if (1) alternative locations are either infeasible or more environmentally damaging; (2) a careful balancing of environmental effects against regional, State, and national economic needs is made, with irreversible environmental damage weighing heavily in the comparison; and (3) the environmental damage is mitigated to the maximum extent technically feasible in the design and execution of the project. (See also relevant policies in the Coastal Land Environment, Recreation, Transportation, and Energy chapters, and Policy 153 requiring restoration measures for developments that degrade coastal resources.)

63. Criteria for Location of Industrial Development. Industrial development shall be concen-

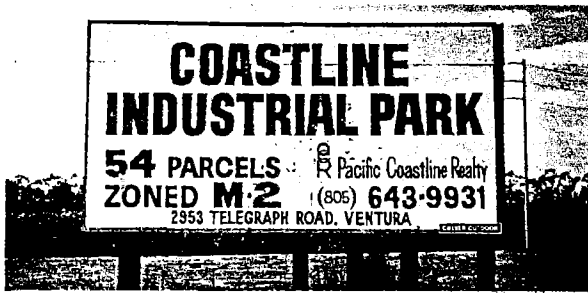
Power Plant, Morro Rock



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trated in already developed areas unless public health or safety requires other locations as provided in the Energy chapter. New industrial faci-

lities (except for coastal-dependent industry as provided in Policy 62) shall not adversely affect environmentally sensitive coastal resources, highly scenic areas, and manmade resources. All potentially hazardous industrial activities or other industrial development that Coastal Plan policies have determined cannot be located in already-developed areas (e.g., possibly liquefied natural gas plants or nuclear power-generating facilities) shall be sited a safe distance away from population centers. All potential industrial sites in such areas shall be used to the maximum extent feasible (subject to safety requirements) prior to the commitment of any new areas.

DEVELOPMENT IN HAZARDOUS AREAS

Findings

Certain Coastal Areas Are Hazardous for Development. Certain types of land areas are hazardous for development and this should be taken into account in locating future

development. Hazardous areas include:

- Presently unprotected and undeveloped flood hazard areas;
- Fault zones and other areas of high seismic risk;
- Tsunami (seismic sea wave) run-up areas, and
- Unstable soils, slopes, coastal cliffs, and bluffs subject to landslide and mudslides.

FLOOD-HAZARD AREAS

Findings

Coastal Stream Flooding Provides Several Benefits. Minor flooding is a frequent occurrence; major floods occur less frequently but unpredictably. Although the harmful effects of flooding are well understood, people do not always realize that the beneficial role of floods on coastal streams include:

- the maintenance of salmon and steelhead spawning grounds;
- the continued supply of beach sands;
- the removal of vegetation choking the river channel, restoring the channel's capacity to contain minor flood flows;
- the long-term deposition along the floodplain of sediments that provide highly fertile soils;
- flushing of undesirable salts from the surface layers of soils; and
- the preservation of valuable plant communities on overflow lands, such as giant redwood groves.

During flooding, floodplains augment the streambed's normal capacity and provide a temporary storage area for flood waters. Uncontrolled development in flood-hazard areas (i.e., 100-year floodplains) diminishes both of these functions.

Flood Damage Results from Poorly Conceived Uses of Floodplains and Flood-Hazard Areas. The loss of life and property damage caused by floods is due in large part to man's poorly conceived uses of floodplains. Because clearing of vegetation and surface paving of areas reduce the porous surface area, they can contribute to the intensity of flooding. Buildings, bridges, and other obstructions back up the flood water until those obstructions are swept away. Demolished structures may then contribute hazardous debris and pollution downstream. The cumulative effect of many small structures reduces the floodplain's storage capacity. Along with changes in hydrologic characteristics of the watershed, such reduction may increase velocity of flood waters, thereby diminishing seepage necessary for groundwater recharge. Flooding may also destroy valuable habitat areas and kill wildlife.

Necessity to Restrict Development in Flood-Hazard Areas Is Increasingly Recognized. In the past, emphasis has been on flood control projects that often ignore the beneficial aspects of floods. Public policy now recognizes that many floodplains should not be developed in a way that requires construction of costly public-financed flood protection works, and that allowable uses should be those that can endure periodic flooding and not contribute to the flood hazard. Under the Flood Disaster Protection Act of 1973 (PL 93-234), the flood insurance program of the Department of Housing and Urban Development (HUD) offers incentives and will soon implement sanctions to encourage local governments to restrict uses in identified flood-hazard areas. On the State level, the Cobey-Alquist Floodplain Management Act now requires establishment of floodplain regulations as a condition of State contributions toward the cost of lands, easements, and rights of way for local flood control projects.

Costly Flood Control Projects Can Be Avoided by Floodplain Controls. Substantial public funds can and should be saved by early planning that permits acquisition of right-of-way before land costs escalate and by land use regulations that eliminate the need to build costly protective structures. Additionally, flood insurance premiums and federally subsidized insurance costs can be reduced by preventing inappropriate floodplain uses. Because flood-hazard area policies (or lack of policies) in one community can endanger communities at far distant points, consistent application of flood-hazard area policies throughout a watershed is needed.

Policy

64. Restrict Development in Flood-Hazard Areas. To avoid the need for new flood control works and interference with natural watershed processes that would adversely affect coastal resources such

as sand supply and anadromous fisheries, development in flood-hazard areas shall be regulated as follows:

- a. **Criteria for New Developments in Unprotected Flood-Hazard Areas.** Only new developments that can sustain periodic flooding and that will not create public burdens by aggravating the flood problem, impeding floodwater storage capacity, or increasing pressure for new flood control projects shall be allowed in presently unprotected flood-hazard areas (those subject to inundation by a 100-year flood), consistent with the existing Federal insurance program. Examples of permissible uses include agriculture and recreation, with necessary incidental structures.
- b. **Restrict Use of Flood-Hazard Areas during Flood-Prone Periods.** During flood-prone periods, flood-hazard areas shall not be used for log decks or storage of materials that can be carried downstream by flood waters unless mitigation (such as anchoring devices or berms) is adequate.
- c. **Review Inland Flood-Hazard Area Projects That Could Affect Coastal Zone.** It is recommended that the Legislature establish procedures to ensure opportunities for public review of proposed inland flood-hazard area projects that could adversely affect lives and property in the coastal zone. (See also Coastal Land Environment section on Coastal Streams and Watershed Management.)

GEOLOGIC HAZARD AREAS

Findings

Four Major Geologic Hazards Pose Substantial Risks to Human Life and Property. The four major geologic hazards in the California coastal zone are: (1) earthquakes (ground shaking, rupture, or liquefaction); (2) tsunamis (seismic sea waves) and storm waves; (3) landslides and mudflows; and (4) bluff and shoreline erosion, including loss of beach sands. All of these may involve substantial risks to human life or property. Subsidence of land areas can also pose major problems for development. Development that interferes with or ignores these natural geologic processes may impose direct or indirect danger and costs on the public and accelerate or aggravate long-term natural geologic

processes of the coast. Of direct concern for shoreline management are the shoreline erosion processes; most of the others are of broad concern throughout the State.

EARTHQUAKES

Earthquakes Are Common in the Coastal Zone. Much earthquake activity in California occurs within the coastal zone, which is part of the earthquake-prone belt extending around the rim of the Pacific Ocean. The coastal area contains many complex fault zones. Ground shaking and liquefaction of certain soil materials (especially fill) can cause tremendous damage in addition to the rupture at the

fault; however, proper engineering can overcome some of these hazards.

Earthquakes Are Unpredictable. Almost every section of the coastal zone has experienced earthquakes with various intensities. The recorded history of approximately 175 years is too brief, however, for definitive assessment of the earthquake vulnerability of any coastal section. In all areas, seismic activity is virtually certain, but it may not occur for centuries. Similarly, the absence of any high-intensity shock in any area in the past 175 years does not rule out earthquake possibility.

Definitive Studies of Earthquake Hazard and Probability Are Lacking. Definitive studies of earthquake hazard and probability are lacking. The technology of data collecting, processing, and interpretation, although rapidly improving, is still in a state of development. Only the areas of recent high-level earthquake activity have been intensively studied. Instrumentation and seismic theory itself is in the process of continual revision. Maps of active fault areas only indicate a portion of the earthquake-prone areas in the State. Many earthquakes occur in previously unmapped areas.

Potential Earthquake Damage in the Coastal Zone Is Great. The scale of earthquake shaking hazard is indicated by the California Division of Mines and Geology projection of \$21 billion in damage statewide between 1970 and 2000 if the present rate of losses continues into the future. A large amount of this damage would occur in the coastal zone.

TSUNAMI AND SEA WAVES

Tsunami and Other Sea Waves Can Cause Coastal Damage. Large-scale seismic sea waves (tsunami) in the Pacific Ocean basin have caused some degree of damage along much of the California coast; for example, large waves followed the 1964 Alaskan earthquake. Nearshore earthquakes can generate localized tsunami, such as the Santa Barbara Channel event of 1812. Much damage can also occur as a result of waves and winds during great storms, as for example the storm of February 1960 in northern and central California. A combination of storm waves and high tide, or storm waves and a tsunami, or all three, could cause especially severe damage along the California coast.

Susceptibility to Tsunami Varies Along the Coast. Tsunami damage recurs in certain areas of the coast more than in others, because waves may be focused by the configuration of the ocean floor. Generally, the coast north of Point Conception is more susceptible to Pacific Ocean events, while areas such as Santa Barbara and Santa Monica are more susceptible to locally generated tsunami. Crescent City on the north coast has been repeatedly damaged. Areas from Santa Barbara to San Diego suffered minor damage from the great waves of 1964. These tsunami struck the southern coast at low tide; had high tide prevailed, damage might have been greater.

Identifying Areas of Probable Tsunami Risk Can Aid Land Use Decisions. Assessment of tsunami hazard on the California coast is based on a brief and partial history. No such assessment can anticipate future extraordinary events. However, identifying areas of probable tsunami risk can provide useful information for land use decisions. Limited mapping of possible runup areas in southern California is now under way by the U.S. Army Corps of Engineers for

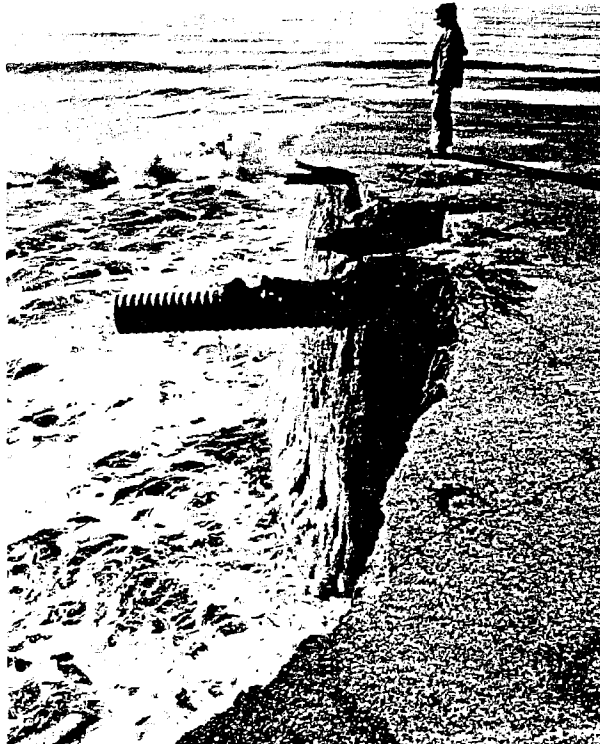
the Federal Flood Insurance Program (in part based on earlier work by the U.S. Geologic Survey). The State Division of Mines and Geology has outlined general areas vulnerable to tsunami along the coastline. Local and regional studies are often available to augment this information.

LANDSLIDES

Many Landslides Occur in the Coastal Zone. Much of the landslide activity in California occurs in the coastal zone, due to the instability of the prevailing rock units and the steep-canyon topography of the coastal ranges. Many types of landslides, both ancient and recent, are observable, including rock falls, slides, and slow and fast mudflows, but many have been obscured by erosion and subsequent vegetation growth. Landslides and fast mudflows are caused by earthquake ground shaking, unstable rock formations, supersaturated ground material, torrential rainfall, and poorly planned development of landslide-prone areas. (For example, building on steep slopes, especially involving cuts and fills, may increase landslide risk if not properly planned.)

Fast Mudflows Are Also a Problem in the Coastal Range. A special problem in the California coastal range is the potential for fast mudflows on canyon walls and on alluvial plains or canyon mouths. The potential for these mudflows is greatly increased by sudden heavy precipitation and by loss of ground cover, especially from fire. Revegetation programs after fire can help in reducing risks, but complete

Old coastal highway, Princeton, San Mateo County



stabilization of these flow-prone areas is virtually impossible. In spite of this, these sites are often developed and suffer from later damage (for example, Topanga Canyon in southern California and the Big Sur area in central California). If the present rate continues, for the 30-year period after 1970 landslide damage statewide is expected to total \$10 billion, according to a projection by the Division of Mines and Geology. Much of this will occur in the coastal zone.

Slope Stability Hazards Can Be Minimized by Mapping and Regulation. Slope-stability mapping is a primary tool for assessing potential landslide hazard, while regulation of land use and site preparation is the chief means of minimizing slope stability hazards. At present, both mapping and regulation are incomplete within the coastal counties. Mapping has often been undertaken only when intensive development is contemplated and landslide hazard is suspected; however, the Division of Mines and Geology has or is preparing maps for Sonoma, Marin, Santa Cruz, Ventura, Los Angeles, Orange, and San Diego Counties. Regulation is normally adopted only after damaging landslides occur. Slope-stability maps must be supplemented by specific analysis of individual sites if construction is proposed in areas indicated to be hazardous.

SUBSIDENCE

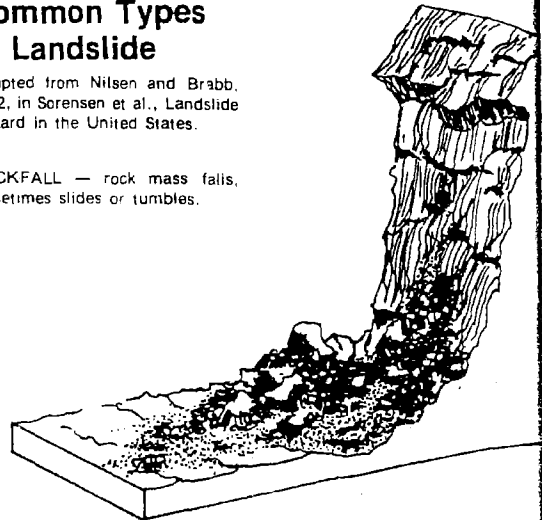
Subsidence Is Also a Hazard in Some Coastal Areas. Subsidence is the relative sinking of the surface of the earth's crust in limited areas. This geologic hazard can be either natural or man-induced (primarily from overdraft of subsurface liquids such as water and petroleum); can break or shift many structures, such as buildings, transmission lines, and pipelines; and can cause inundation of beaches and low-lying areas. The South Coast Region has suffered and may still suffer from the greatest amount of subsidence in the coastal zone. The Division of Mines and Geology estimates that statewide losses due to subsidence will total \$26 million between 1970 and the year 2000 if current practices are continued. Continuous monitoring of surface elevation changes and associated horizontal movements is necessary for early detection of subsidence. (See Policy 83[g] regarding measures to minimize subsidence hazard in petroleum extraction operations).

Legislation to Expand State Geologic Hazards Program Has Been Recommended. The Joint Legislative Committee on Seismic Safety in January 1974 recommended several measures, including (1) broadening the provisions of the Alquist-Priolo Act (which presently is limited to concern about construction on or near certain active fault traces) to include all major geologic hazards and to cover State and Federal, as well as local and private, projects; and (2) assigning responsibility for setting criteria for and reviewing land use policies related to geologic hazards to an effective State agency able to work with local governments. Legislative response, however, has been incomplete. In 1974 the Seismic Safety Commission Act was enacted, establishing a Seismic Safety Commission, which is developing valuable information through the strong-motion instrumentation program and will make further recommendations. Legislation that would have required geologic reports for subdivisions in areas of high geologic risk (as designated by local Seismic or Safety Plan Elements) and in all areas of 2:1 slope or greater was passed by the Legislature in 1974 but vetoed by Governor Reagan.

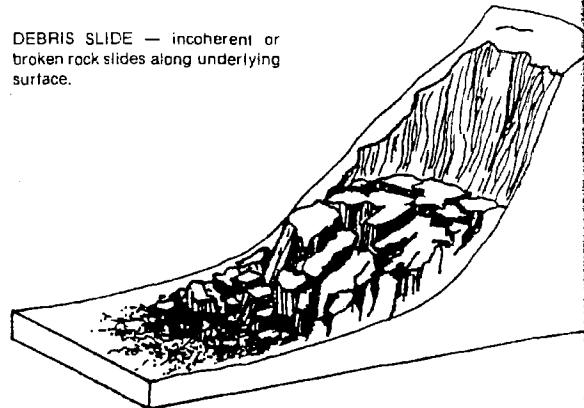
Common Types of Landslide

Adapted from Nilsen and Brabb, 1972, in Sorensen et al., *Landslide Hazard in the United States*.

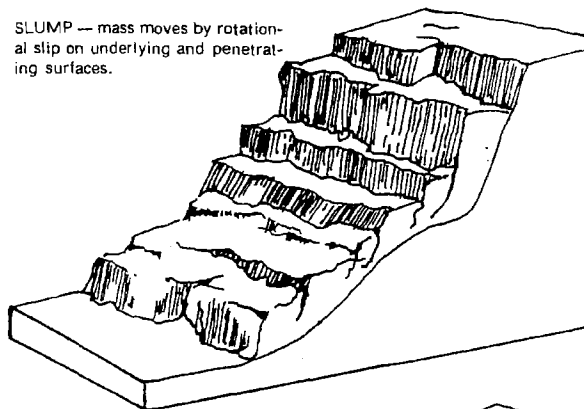
ROCKFALL — rock mass falls, sometimes slides or tumbles.



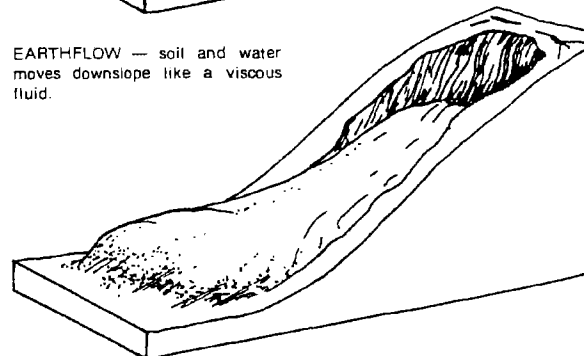
DEBRIS SLIDE — incoherent or broken rock slides along underlying surface.



SLUMP — mass moves by rotational slip on underlying and penetrating surfaces.



EARTHFLOW — soil and water moves downslope like a viscous fluid.



Policies

65. Improve Measure California are need

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b. Stre It i ass the app- geol- nec- bui- (3) im- to- Of- po- for- re- for- co- (6) pl- st- wi- fu- di- be- ha- ag- a-

Policies

65. Improve Statewide Geologic Safety Measures.

Measures to ensure geologically safe land use in California and particularly within the coastal zone are necessary to protect the public. To this end:

a. Improve Local Government Geologic Hazards Programs.

Local governments' seismic safety elements of general plans, and planning, funding, and implementation of city and county geologic hazards programs, shall be improved. It is recommended that legislation be adopted requiring local governments to: (1) adopt, implement, and enforce at a minimum Chapter 23, dealing with earthquake-resistant design requirements, and Chapter 70, dealing with grading requirements, of the Uniform Building Code; and (2) conduct geologic evaluations and require adequate engineering specifications to determine to the extent possible site stability and structural safety for all proposed construction projects and subdivisions that are in areas identified by appropriate governmental agencies as being of high geologic hazard or for projects that involve public service facilities and high-occupancy buildings (e.g., police and fire stations, schools and hospitals, major utility and industrial structures, multi-story residential and commercial buildings).

b. Strengthen State Role in Geologic Programs.

It is recommended that legislation be enacted assigning, empowering, and adequately funding the State Division of Mines and Geology or other appropriate State agency to: (1) designate geologic risk areas; (2) recommend and, where necessary, impose appropriate land use and building regulations related to the designations; (3) research and recommend appropriate improvements to the Uniform Building Code to both the International Conference of Building Officials and local governments; (4) be responsible for enforcing standards and site review for proposed State projects and for advisory review of Federal projects; (5) establish criteria for local governments' specific review of construction projects in hazard areas; and (6) review and approve local seismic safety plans, land use policies, and building code standards and enforcement for consistency with statewide designations and goals. State funding assistance to the local government for disaster relief and other such programs could be made contingent upon satisfactory geologic hazards policies and enforcement. The State agency shall also compile and distribute to all appropriate State, regional, and local agencies,

the large amount of pertinent data on geologic hazards being developed by such agencies as the State Division of Mines and Geology, U.S. Geological Survey, National Ocean Survey, U.S. Army Corps of Engineers, the Seismological Laboratory of California Institute of Technology, local governments, universities, colleges, and private organizations. This information shall be fully utilized in the formulation of land use plans and building standards, and in development evaluations, including septic tank and erosion control considerations, affected by geologic conditions.

66. Require Filing of Geologic Hazards Information.

Geologic hazards information developed by qualified personnel and approved by an appropriate governmental agency for specific areas or sites shall be permanently filed in the public records of the coastal counties. The full reports shall be cited and a summary of all relevant conclusions, understandable to the layman, shall be included as part of the chain of title to property (and be a normal part of a title report) and also as part of the State Real Estate Commissioner's report for subdivisions.

67. Review and Regulate New Developments for Geologic Safety.

In coastal areas of high geologic hazard as defined below, all proposed structures for human occupancy and other developments that could significantly alter geologic processes or contribute to hazards shall be reviewed and regulated to avoid risks to life and property.

a. Definition of High Hazard Areas for Development.

Areas of high geologic hazard include: (1) seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soils maps indicating materials particularly prone to shaking or liquefaction, and in local and regional seismic safety plans; (2) tsunami runup areas delineated by U.S. Army Corps of Engineers' 100-year recurrence maps, by other scientific or historic studies, and other known areas of tsunami risk; (3) landslide hazard areas delineated on slope stability maps, and in local and regional geologic or safety plans; (4) bluff and cliff areas designated as unstable (see Policy 70); (5) beach areas that are subject to erosion; and (6) other geologically hazardous areas designated by the Coastal Plan.

b. Project Review Procedure. Where such project review is necessary, geologic and soils reports of the site prepared at the applicant's expense shall be required unless adequate and currently applicable information is already available. Until

the statewide system recommended in Policy 65 is in effect, project review shall be by the coastal agency or an agency designated by it to carry out this function subject to independent review by the coastal agency within its area of jurisdiction. (For example, some local governments are or may become adequately staffed and authorized to perform project review, and the Forestry Board may adequately review potential hazards of timber operations).

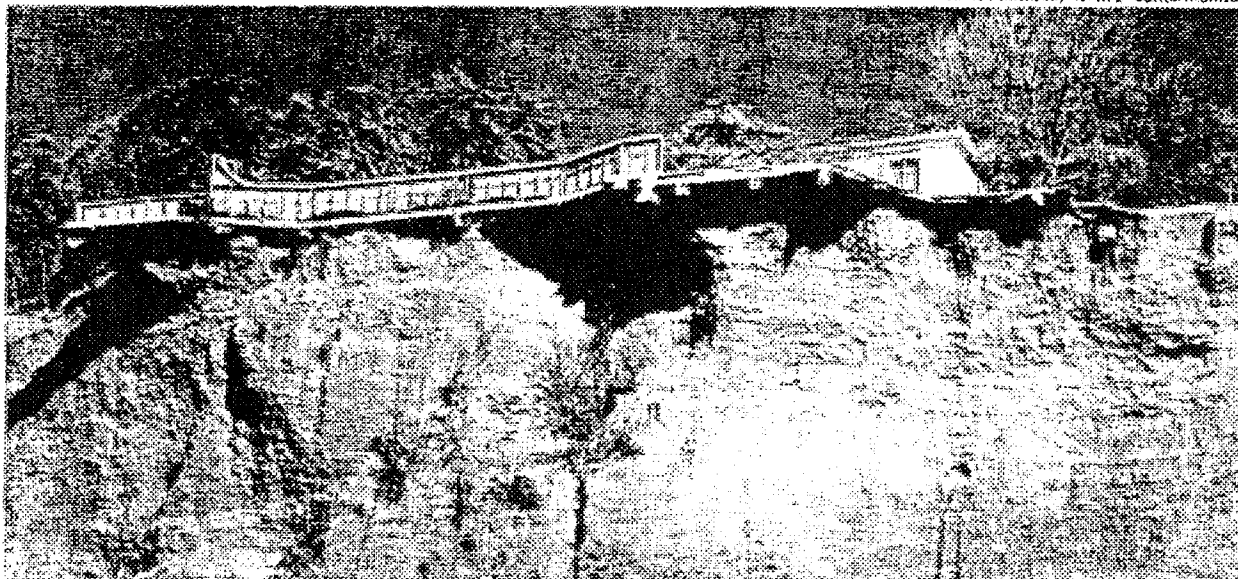
- c. **Division of Mines and Geology to Assist.** It is recommended that the Legislature enable and fund the Division of Mines and Geology to serve in an official advisory capacity to the coastal agency to assist as necessary in project review. A review team shall be available, where necessary, with expertise in geology, seismology, coastal processes, oceanography, soils engineering, engineering geology, structural engineering, civil engineering, architecture, landscape architecture or coastal botany, and building code enforcement. The team may include personnel from other State agencies as well as local experts. The coastal agency may also establish advisory boards to supplement this agency assistance.
- d. **Interim Land Use Designations.** Pending more precise data and land use regulations, appropriate land uses, such as agriculture, forestry, sand and gravel mining, outdoor recreation, and parking lots, shall be encouraged in all currently undeveloped areas of high geologic hazard.
- e. **Criteria for Development in Hazard Areas.** Proposed structures for human occupancy or

developments that could contribute to potential hazards, such as cuts and fills in landslide areas, shall be permitted in high geologic hazard areas only if site treatment and construction techniques (permissible in accordance with other Plan policies) are adequate to overcome the hazard.

- f. **Public Buildings in Hazard Areas.** All existing high-occupancy public buildings within areas of high geologic hazard shall be phased out or adequately protected as soon as feasible.
- g. **Restrict Reconstruction in Hazard Areas.** In locations where structures have been rendered unfit for human occupancy by geologic instabilities, reconstruction shall be prohibited unless geologic and engineering data on the site demonstrates that the proposed replacement structure will not be rendered unfit for human occupancy in the future by the same type of geologic event.

68. Prevent Public Subsidy for Hazardous Developments. While the standards set forth in Policy 67 above shall be binding in the coastal resource management area and are strongly recommended for all areas of high geologic hazard statewide, it is recommended that State legislation be enacted to further assure that, if for any reason new structures for human occupancy are built in high geologic hazard areas without precautions to substantially eliminate risk to life and property: (1) there shall be no public assistance for such construction or reconstruction (e.g., FHA loans, publicly-financed service facilities, etc.) and no presumption of public liability for property loss (e.g., disaster loans or forms of insurance borne

Pacific Palisades, north of Santa Monica



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by the general public); and (2) all occupants and successor purchasers of such structures shall be advised of the hazard and liability.

69. Establish Safety Measures for Possible Tsunami Occurrence. Communities within the 100-year tsunami (seismic sea wave) runup zone shall include within their safety elements a disaster preparedness plan for a tsunami occurrence; such

a plan shall include evacuation routes and an effective emergency warning system capable of adequately informing all residents and visitors of an impending tsunami occurrence. Based upon accumulated information, the Department of Navigation and Ocean Development shall establish and enforce standards for marinas and harbors, including debris clearance and emergency evacuation procedures, to reduce potential damage from tsunami occurrences.

BLUFFTOPS

Findings

Bluff Erosion Is Caused by Natural Processes and Human Activities. The breakdown of seacliffs and bluffs by wave action is a natural and constant process, the rate of erosion depending on such factors as the resistance of the cliff material, the conformation of the shoreline, the height of the cliff, the erosion from upland areas, and the direction of approach, height, and frequency of waves. Much of the coast consists of terraces of former beach sand overlying a bedrock; the sand layer is very erodible. In addition to natural causes, cliff erosion can be accelerated by saturation from irrigation or other increased water runoff at bluff tops, disruption of surface materials (for example, by foot traffic over bluffs), undercutting of the base, removing sand or rock materials that protect the base, loading by structures on the top, and improperly designed walls or stairways down the bluff face. Runoff water and saturation can be the major source of cliff and bluff erosion in many areas where landscaping and irrigated fields have been permitted on bluff tops. In many cases, drainage could be directed away from the bluff to correct this problem.

Natural and Artificial Measures Can Protect Bluffs. The best natural defense of seacliffs against wave action is a fronting beach that is both high and wide. Areas of seacliff lacking natural protection can be preserved by artificial means, such as construction of a beach seaward of the cliffs; armoring the cliff with rock or other non-erodible material; construction of offshore reefs or breakwaters to reduce wave energy that reaches the cliffs; and construction of cliff retaining walls.

Bluff Protective Works Are Costly and Involve Problems. However, these measures can be extremely costly, may be unsightly in the case of retaining walls, may interfere with access along the shore, may require continual sources of sand for replenishment, and must be carefully engineered to avoid beach erosion and shoaling elsewhere along the shoreline. A decrease in sand supply (especially affecting pocket beaches) also may result in some cases when artificial protective measures interfere with natural bluff erosion processes.

Avoiding Extensive Protective Works Requires Control of Development. The best means of avoiding the many problems associated with construction of bluff protective works, including public costs and visual impact on the natural landforms of the coast, is to limit construction on or near bluffs that might eventually require such works. Some additional protective works may be required, however, for certain public service facilities and for protecting existing structures.

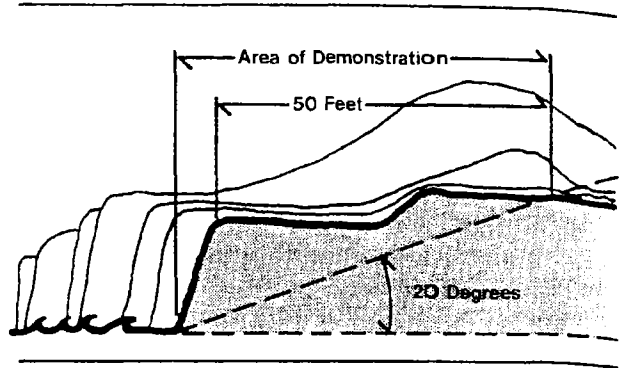
Policy

70. Regulate Bluff and Cliff Developments for Geologic Safety. Bluff and cliff developments shall be permitted if design and setback are adequate to assure stability and structural integrity for the expected economic lifespan of the development and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosional problems or geologic instability of the site or surrounding area. Design solutions shall in no case include destruction of cliffs and bluffs by excavation or other means. Bluff protection works may be permitted only in accordance with Policy 19. With that exception, no new lot shall be created or new structure built that would increase the need for bluff protection works.

a. Expert to Evaluate Site Stability. The demonstration of stability shall include a report prepared by a registered geologist, a professional engineer specializing in soils engineering, and/or a certified engineering geologist acting within their areas of expertise, based on an on-site evaluation. The report shall consider (1) historic cliff erosion, (2) cliff geometry,

(3) geologic conditions, including soil and rock characteristics, (4) landslides, (5) wave and tidal action, (6) ground and surface water conditions and variations, (7) potential effects of earthquakes, (8) the effects of the proposed development including landscaping and drainage measures, and (9) any other factors that may affect slope stability. The report shall express a professional opinion as to whether the site and development will meet the above standards during all foreseeable normal and unusual conditions, including ground saturation and maximum 100-year probable seismic forces (using best available information), throughout the lifespan of the project. The report shall use a currently acceptable engineering stability analysis method and shall also describe the limitation in this professional judgment due to assumptions and unknowns in the analysis. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project; no significant risk to human life shall be acceptable.

- b. **Area of Stability Demonstration.** As a general rule, the area of demonstration shall include the base, face, and top of all bluffs and cliffs



(of 10 feet in height or greater measured from the toe of the cliff face) extending inland to a line formed by a 20-degree angle from the horizontal plane at the base of the cliff or bluff (a 2.75:1 slope) or 50 feet from the top edge of the cliff, whichever is greater. However, the coastal agency may designate a lesser area of demonstration in specific areas of known geologic stability (as determined by adequate geologic evaluation and historic evidence) or where adequate protective works already exist, and may designate a greater area of demonstration and/or an area of absolute development exclusion in areas of known high instability.

FURTHER STAGES OF PLANNING

Findings

Some Further Planning Necessary to Avoid Impacts on Resources and Access. While in many areas (e.g., prime agricultural lands, timberlands, beaches) the Coastal Plan gives specific direction to guide governmental agencies in carrying out the Coastal Plan, in other areas more detailed planning is needed to identify the location and sensitivity of coastal resources and to assess the impacts of development over time in order to avoid the potential for future adverse impacts on coastal resources and coastal access. Certain areas of the coast have been designated in Part IV of the Plan as special study areas; generally these appear to pose the most immediate need for resolution, but not all of the areas needing further planning are designated.

Need for Cumulative Impact Assessment of All Coastal Zone Development. In some coastal areas, development has been so rapid and extensive that its cumulative effects could not be fully understood until it was substantially completed. For example, many small subdivisions and lot splits may be approved and gradually built up before it is discovered that road capacity has been exceeded, thereby impairing coastal access or forcing the construction of an environmentally damaging and costly road expansion. Coordination of the timing, size, location, and type of development is often difficult because of fragmentation among the large number of local governments, special districts, public utilities, and regional, State, and Federal agencies involved in land use and public service decisions. Without an assessment of cumulative impacts and coordination among various agencies, local governmental agencies often have no choice but to guide the pace and location of development so as to protect coastal resources.

Population Densities Affect Coastal Resources and Their Use. In many areas of the coast, development beyond a certain population or density will adversely affect the preservation of coastal zone resources or access to the coast through the direct effects of development itself (e.g., the conversion of agricultural lands or the congestion of coastal access roads) or through the impact of services necessary to serve new development (e.g., the construction of new or widened roads). Conversely, higher population densities in other areas of the coast (e.g., the downtown areas of major cities) could take place without adverse impacts on resource preservation and access policies if sufficient public services (including public transit and recreation areas) are provided to serve the new development.

Setting of Population Densities Needs Precise Area Analysis. The Coastal Act requires the Coastal Plan to contain "a

population element for the establishment of maximum desirable population densities." Precise population limits, including both ultimate amount and location, cannot now be established for all coastal regions. To do so requires precise analysis of each area now developed or proposed for development in light of the specific resources in the areas that need protection and the access needs and problems. With information that is currently available, specific development concerns (e.g., the need to protect agricultural lands from conversion or to keep development from exceeding road capacity) can be identified for particular geographic areas of the coastal zone. However, translating development concerns into precise determinations of the rate, type, location and pace of development is a complex and continuing process that involves detailed planning and close cooperation with local governments, since they control zoning, the provision of public services, and open space acquisition. Setting of population densities therefore must be a continuing responsibility in the continuing planning process proposed in Part III. In those few cases where sufficient information was available within the deadline for submitting the Coastal Plan to the Legislature, such a determination was made.

Subregional Plans Provide Planning Overview. Certain subregions of the coast are experiencing complex development problems, such as degradation and depletion of natural resources, restricted access, and transition to more intense uses resulting in increased congestion and degradation of community character, that are difficult to resolve on a project-by-project basis. Similarly, within these areas there often exists a distinct potential to preserve and enhance unique natural resources and/or to create imaginative, high-quality, manmade environments. Because of the unique nature of each such area, plans are needed for subregions of the coastal zone. These plans, some of which can be completed or at least well begun during the life of the Coastal Commissions, would greatly aid in Plan implementation by establishing a basis for local plan revision. (See Part III, Carrying Out the Coastal Plan).

Policies

161. Prepare Regional and Local Plans to Carry Out the Coastal Plan. To apply Coastal Plan policies, to help local governments carry out the Plan, and to fully inform land owners and developers as to permissible uses of specific coastal sites, more detailed planning is needed

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in many coastal areas. To this end:

a. Regional Supplements. Regional Supplements may be prepared by the Regional Commissions to illustrate the Coastal Plan policies in greater detail than provided in Part IV. When the Regional Supplement is approved by the state-wide coastal agency as being consistent with the Coastal Plan, it may be used as an amplification of the maps in Part IV.

b. Subregional Plans. Subregional plans may be prepared for some coastal areas as described in Policy 162.

c. Local Coastal Plans. Local governments shall revise their general plans as necessary to conform to the Coastal Plan (and approved amplifications of it). Such local coastal plans may involve conforming existing general plan elements or preparation of a special coastal element. In particularly sensitive areas or areas designated for restoration, specific plans or special studies may be necessary. Such local plans could also incorporate existing community plans where these have been adopted by local governments and are found to be consistent with the Coastal Plan. Once local plans have been brought into conformance with the Coastal Plan, implementing ordinances and programs (e.g., capital improvement budgets for public services, specific programs for acquisition of public open space and recreational facilities, specific programs for improved public transit, appearance and design guidelines, and specific programs for preserving and restoring coastal resources) shall be prepared to provide for local implementation of the Coastal Plan. (See Part III regarding the content and function of local implementation programs.)

162. Prepare Subregional Plans for Some Coastal Areas. Subregional plans shall be prepared, in a joint effort of the Commissions or the coastal agency and local governments, regional agencies, other State agencies, and citizen groups, for coastal areas where the cumulative impact of development over time has the potential for adversely affecting coastal resources or coastal access. These plans shall apply Coastal Plan policies to subregional areas in order to establish development alternatives that are consistent with the Coastal Plan.

a. Boundaries for Subregional Plans. The boundaries for such subregional plans shall be

based on natural geographic features (e.g., major valleys), important public services (e.g., a coastal road network), and situations where development occurring in more than one local jurisdiction would have a cumulative impact on resources and access. (In most cases, these boundaries correspond with the subregions designated in Part IV.)

b. Means of Establishing Development Alternatives. The subregional plans shall: (1) define the nature and extent of the current commitment to development; (2) analyze the changes that would result in these development patterns if Coastal Plan policies oriented toward specific types of resources (e.g., agricultural lands, estuaries, coastal neighborhoods) are applied; (3) examine the implications of these different patterns of development for coastal access, public services, and other Coastal Plan policies (e.g., concentrating development); (4) determine major development alternatives that are consistent with the Coastal Plan; and (5) create a system for monitoring the effectiveness of subregional plans in protecting resources and preserving access.

c. Goals of the Assessment of Development Alternatives. The assessment of development alternatives shall attempt to: (1) resolve questions about the type of development that shall have priority in specific areas; (2) indicate where density shifts (including increases or reductions) could or should occur, including setting the limits of urban development, where appropriate; (3) determine the relative ability or inability of particular coastal resource areas to tolerate development, where it is not designated in the Coastal Plan; (4) indicate the conditions that must accompany different levels of development (e.g., open space necessary to serve new development, improvements in transportation systems required beyond a certain level of development); and (5) define conditional uses appropriate for specific sensitive resource areas. The possibility and desirability of categorizing coastal resources for the purpose of establishing appropriate development guidelines shall also be investigated as part of the subregional planning program.

d. Provide State Funding For Subregional Planning Programs. It is recommended that State grants be made available for this work in a new program similar to the Federal 701 planning program.

PLAN MAP 9: MAP NOTES

SUBREGION 3: MENDOCINO COUNTY

Bear Harbor and Usal Creek. Complete the current acquisition of 3,660 acres by the State Department of Parks and Recreation; acquire an additional 2,000 acres to connect the Bear Harbor and Usal Creek areas.

King Range to DeVilbis Ranch. Develop a segment of the coastal trail system from the King Range National Conservation Area south to the DeVilbis Ranch, linking with trails in the proposed California Department of Parks and Recreation Bear Harbor-Usal Creek acquisition.

Usal Creek. Maintain buffer areas and manage construction activities within the watershed to ensure high water quality and to protect osprey nesting sites. Do not allow logging activities to begin until the nesting season is over.

SUPPLEMENTAL NOTES

Coastal Roads. Keep Highway 1 along the Mendocino Coast essentially a two-lane scenic highway. Protect the scenic qualities of the existing county road system and upgrade to all-weather standards to provide coast-to-valley transportation corridors as alternatives to the State highways.

Streams, Estuaries, and Wetlands. Preserve and protect the remaining estuaries and wetlands and buffer areas necessary to protect the wetlands and their wildlife habitat. Maintain the fish resources and water quality in coastal streams.

Recreation. Study the impact of recreation on areas of biological concern within the region, including: Gualala River, Garcia River, Navarro River, Albion River, Big River, Noyo River, and Ten Mile River.

Soil and Forest Resources. Complete detailed upland soils surveys for Mendocino County. Develop programs for rehabilitation and enhancement of commercial timber resources to ensure continued timber productivity.

Kelp Resources. Protect the kelp beds near Fort Bragg, Point Arena, and Saunders Reef as a limited resource, important for providing food, habitat, and shelter for numerous species of birds, fish, and marine invertebrates. Do not allow commercial kelp harvesting in this region.

Boating Needs. Study boating needs (principally for commercial fishing) along the Mendocino Coast to determine best means for meeting these needs consistent with resource protection.

Subdivisions and Lot Splits. Undertake special studies in three large areas (Fort Bragg to Navarro River, Mallo Pass Creek to Garcia River, and Iversen Point to Gualala River) to evaluate the impact of lot splits and subdivisions within the coastal resource management area. The studies shall be undertaken jointly by the Regional Commission and the Mendocino County Planning Department. Objectives of the studies include preventing conversion to residential uses of timberlands that remain in economic units and limiting new development to existing community boundaries.

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King Range National
Conservation Area

Map
9
North
Coast

Whale Gulch

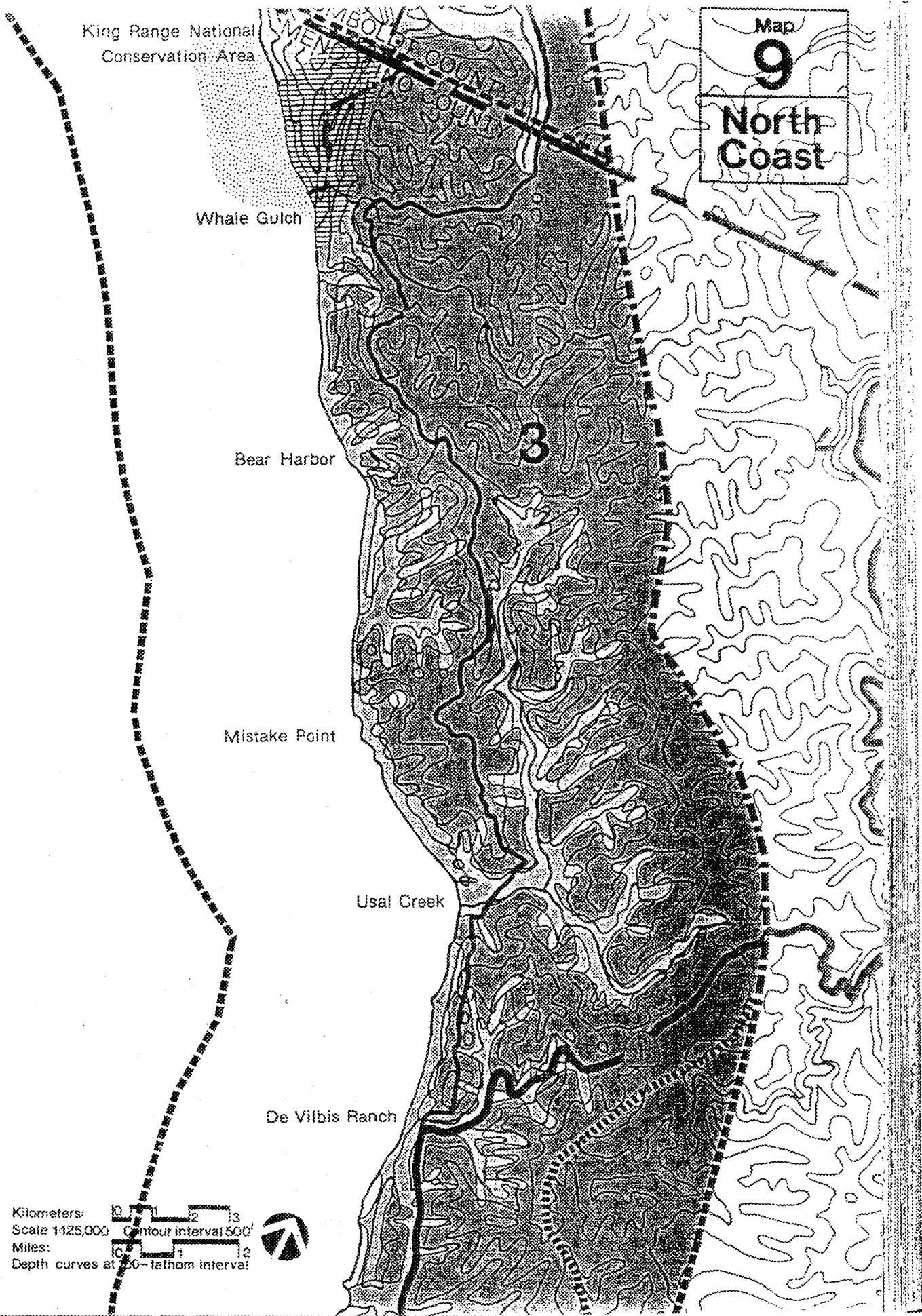
Bear Harbor

Mistake Point

Usal Creek

De Vilbis Ranch

Kilometers: 0 1 2 3
Scale 1:125,000 Contour interval 500'
Miles: 0 1 2
Depth curves at 20-fathom interval



PLAN MAP 10: MAP NOTES

SUBREGION 3: MENDOCINO (CONTINUED)

Cottoneva Creek and Rockport Bay. Acquire 120 acres of canyon, hills, and beaches for preservation of the valuable riparian habitat along the banks and the small estuary at the mouth of Cottoneva Creek. Maintain present uses at Rockport Bay (a significant historical area, formerly a lumber schooner port).

Westport. Undertake a detailed study for the community of Westport, in cooperation with the Mendocino County Planning Department.

Seaside Creek. Acquire 25 acres, including the wetland area at the mouth of the creek, for preservation of the estuarine habitat.

Ocean Meadow Subdivision. Acquire this 31-acre planned subdivision on coastal grasslands for open space and agricultural use.

Ten Mile River. Acquire approximately 170 acres, including the extensive wetland habitat area, for preservation of the estuarine environment (one of the most important estuaries of the Mendocino coast).

Ten Mile Dunes and Inglenook Fen. Acquire this 745-acre wetland and dune area for preservation as a wildlife habitat.

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MAP
10
North
Coast

Cottoneva Creek
Rockport Bay

Abaigone Point

Westport

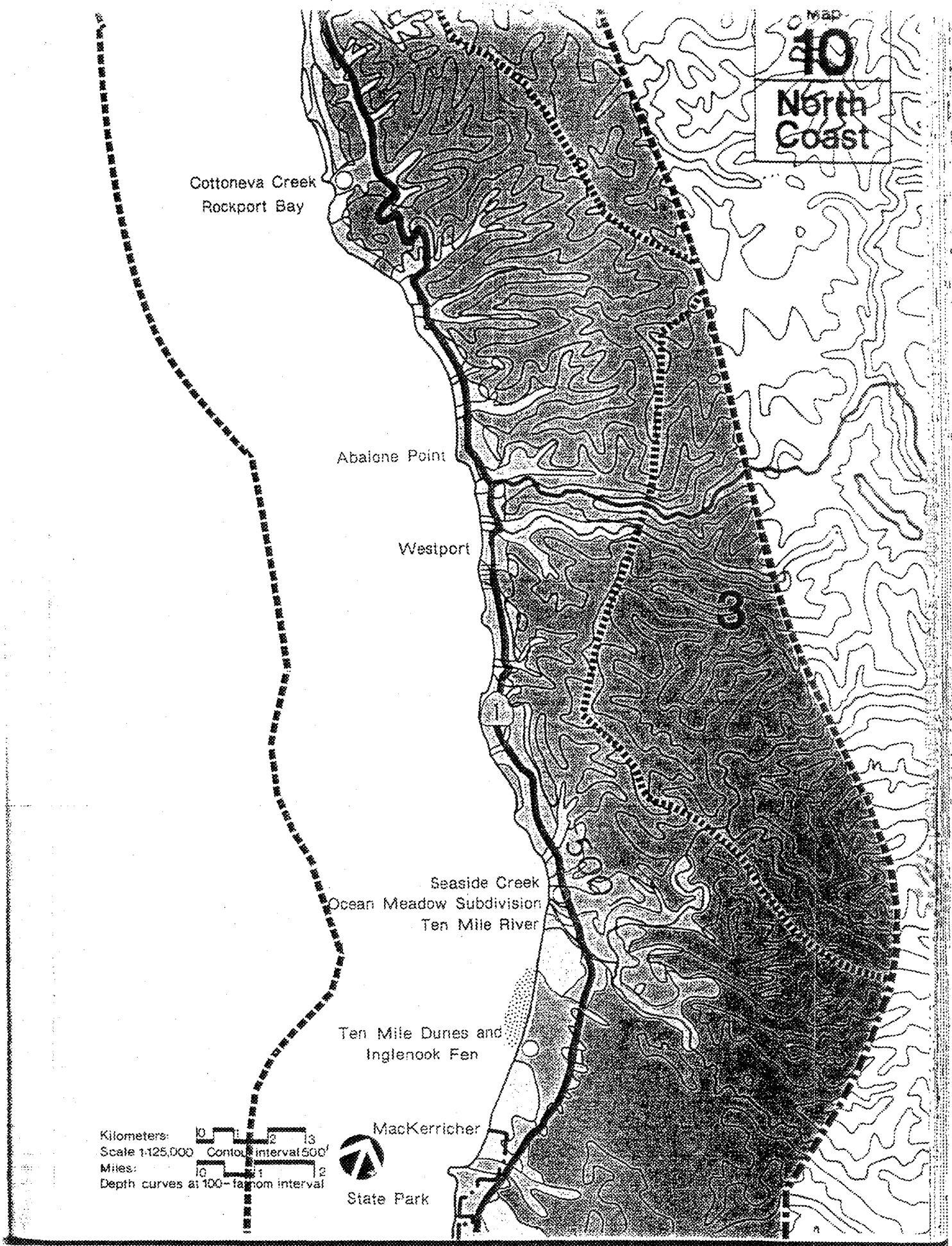
Seaside Creek
Ocean Meadow Subdivision
Ten Mile River

Ten Mile Dunes and
Inglenook Fen

MacKerricher

State Park

Kilometers: 0 1 2 3
Scale 1:125,000 Contour interval 500'
Miles: 0 1 2
Depth curves at 100-fathom interval



PLAN MAP 11: MAP NOTES

SUBREGION 3: MENDOCINO (CONTINUED)

Cleone Acres. Do not allow strip development in undeveloped areas along Highway 1 north of Cleone Acres.

Fort Bragg. Allow future development consistent with the existing and proposed water and sewage systems to ensure adequate water supplies and the maintenance of water quality.

Noyo Harbor. Permit maintenance dredging as necessary to maintain existing harbor facilities.

Noyo Headland. Acquire 18 acres of bluffs and grasslands for open space.

Todd Subdivision. Acquire this four-acre-plus planned subdivision on coastal grasslands for open space.

Fort Bragg to Navarro River Special Study Area. Undertake a special study to evaluate the impact of lot splits and subdivisions, with the objectives of preventing conversion to residential uses of timberlands that remain in economic units and limiting new development to existing community boundaries.

Jefferson to Jug Handle Creek. Acquire 121 acres, including Jefferson subdivision and the surrounding grasslands, bluffs, and rocky beaches, for general recreational use, wildlife preservation, and educational use.

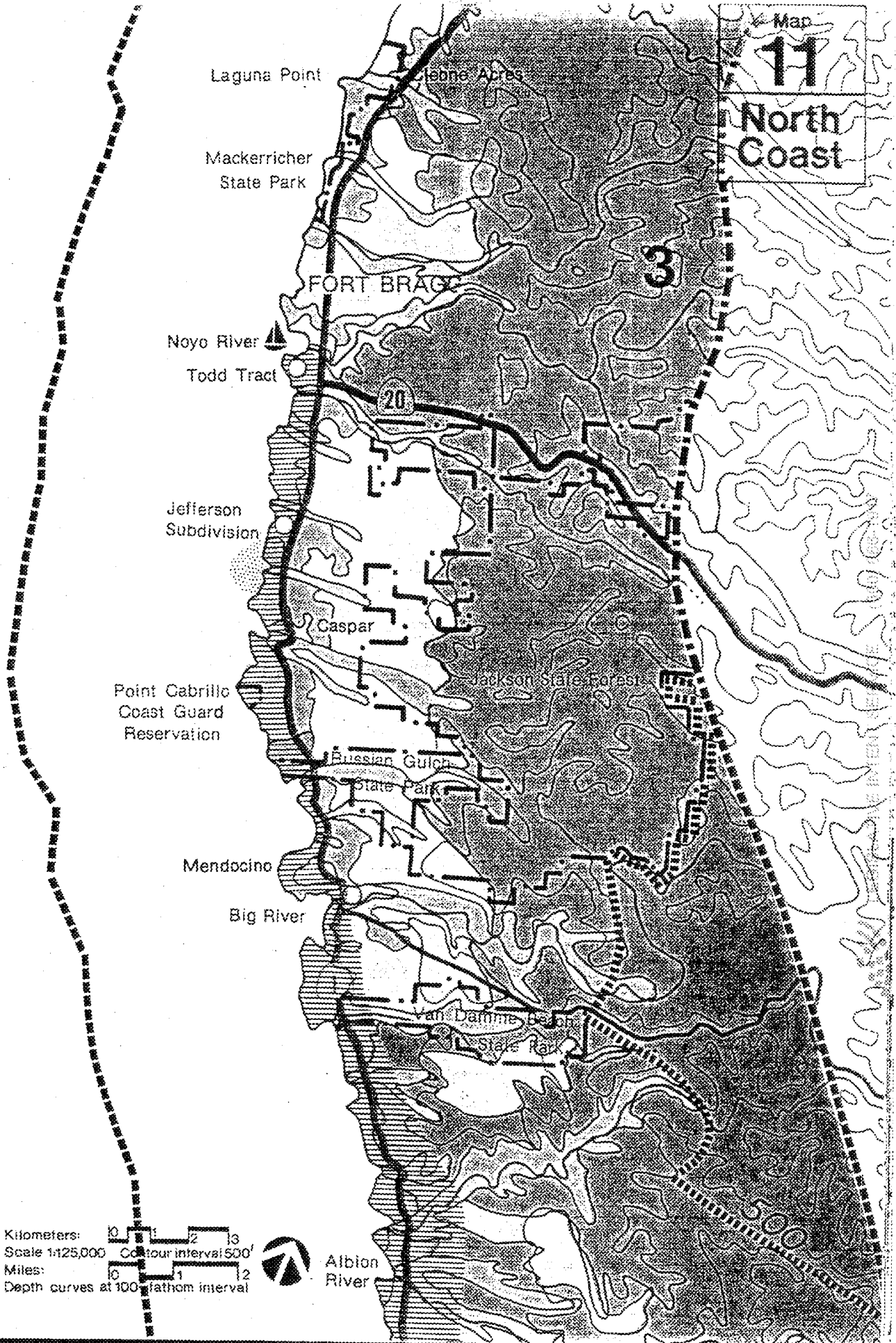
Caspar. Maintain the special character of Caspar as an historically significant community in a scenic area; limit service facilities for subdivisions in the area and maintain open space.

Mendocino. Protect the unique qualities of the town as a community of special character; apply design guidelines west of Highway 1.

Big River Wetland. Acquire 150 acres for preservation of the extensive estuarine and wetland habitats (comparable in importance to those of Ten Mile River).

LEGISLATIVE INTENT SERVICE (800) 666-1817

Map
11
North Coast



Kilometers: 0 1 2 3
 Scale 1:125,000 Contour interval 500'
 Miles: 0 1 2
 Depth curves at 100 fathom interval



Albion River

PLAN MAP 12: MAP NOTES

SUBREGION 3: MENDOCINO (CONTINUED)

Albion River Wetland. Acquire 145 acres for preservation of the estuarine habitat.

Elk. Maintain the unique, special character of Elk, restricting linear development along Highway 1.

Elk Creek Wetland. Acquire 720 acres for preservation of the estuarine habitat.

Mallo Pass Creek to Garcia River Special Study Area. Undertake a special study to evaluate the impact of lot splits and subdivisions, with the objectives of preventing conversion to residential uses of timberlands that remain in economic units and limiting new development to existing community boundaries.

Laguna Ranch Marsh. Acquire 40-acre marshland for preservation of the wildlife habitat and for general recreational use.

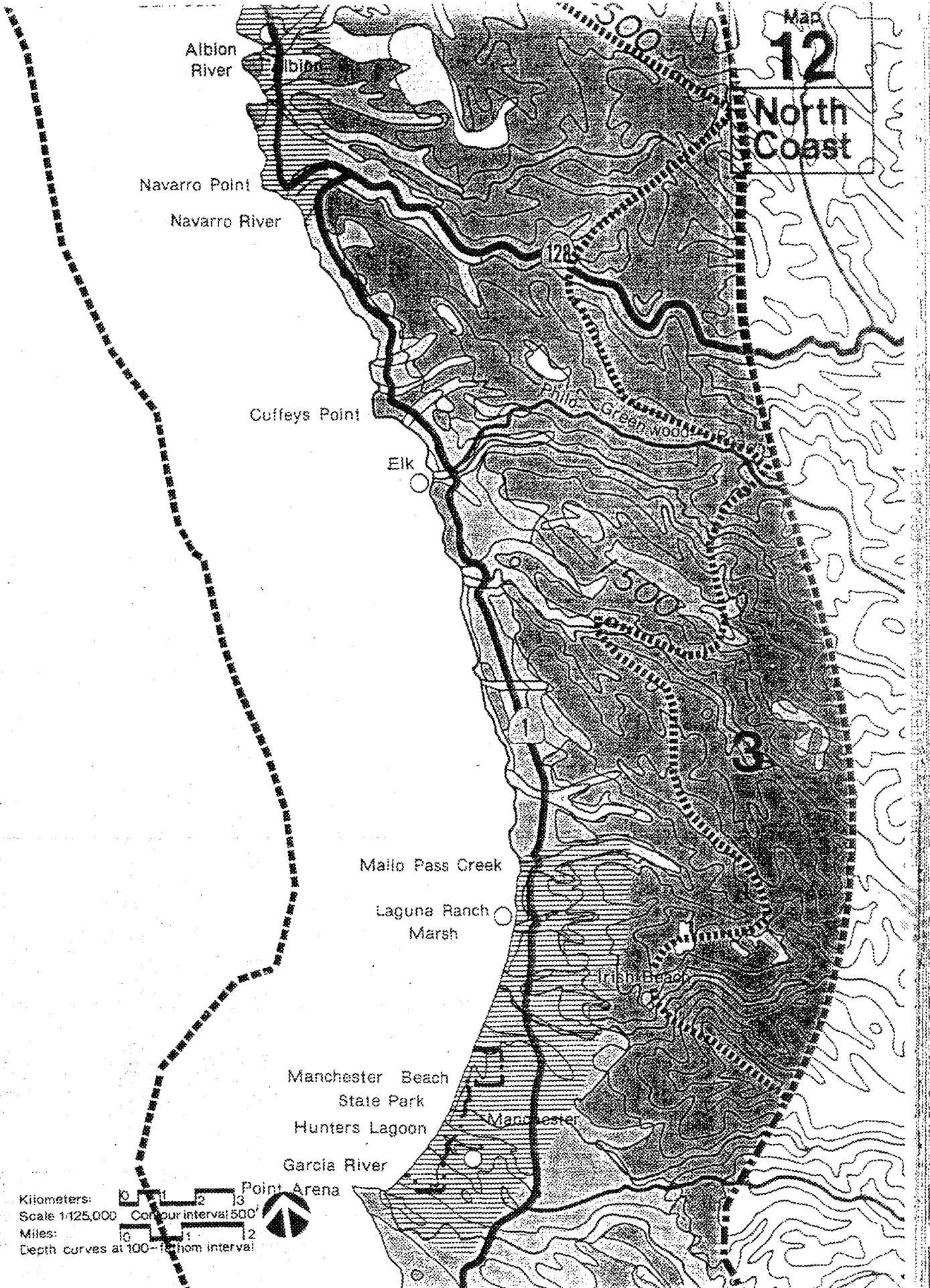
Irish Beach. Restrict expansion of Irish Beach subdivision, because expansion would degrade this scenic area and exceed the capacity of existing service facilities. Build new residences within the existing subdivision or in Point Arena.

Hunters Lagoon. Acquire 450 acres of marshland adjacent to Manchester State Beach, now partially subdivided, for preservation of the wildlife habitat. After acquisition the area should be restored as feasible to its original natural state.

Garcia River. Acquire 200 acres for preservation of the estuarine habitat.

STATE OF CALIFORNIA
LEGISLATIVE INTELLIGENCE SERVICE
LEGISLATIVE INTELLIGENCE SERVICE

Map
12
North
Coast



Kilometers: 0 1 2 3
Scale 1:125,000 Contour interval 500'
Miles: 0 1 2
Depth curves at 100-foot interval



PLAN MAP 13: MAP NOTES

SUBREGION 3: MENDOCINO (CONTINUED)

Point Arena. Concentrate high-intensity development, service centers, and commercial activity within existing city limits, to prevent uncontrolled growth.

Whiskey Shoals. Acquire this 100-acre planned subdivision on coastal grasslands for open space and agricultural use.

Iversen Point to Gualala River Special Study Area. Undertake a special study to evaluate the impact of lot splits and subdivisions, with the objectives of preventing conversion to residential uses of timberlands that remain in economic units and limiting new development to existing community boundaries.

Havens Neck. Acquire this 15-acre grassy headland to preserve open space values and for general recreational use.

State Park
Hunter's Lagoon
Point Arena

Map
13
North
Coast

Point Arena
City

Whiskey Shoals

Iversen Point

Havens Neck

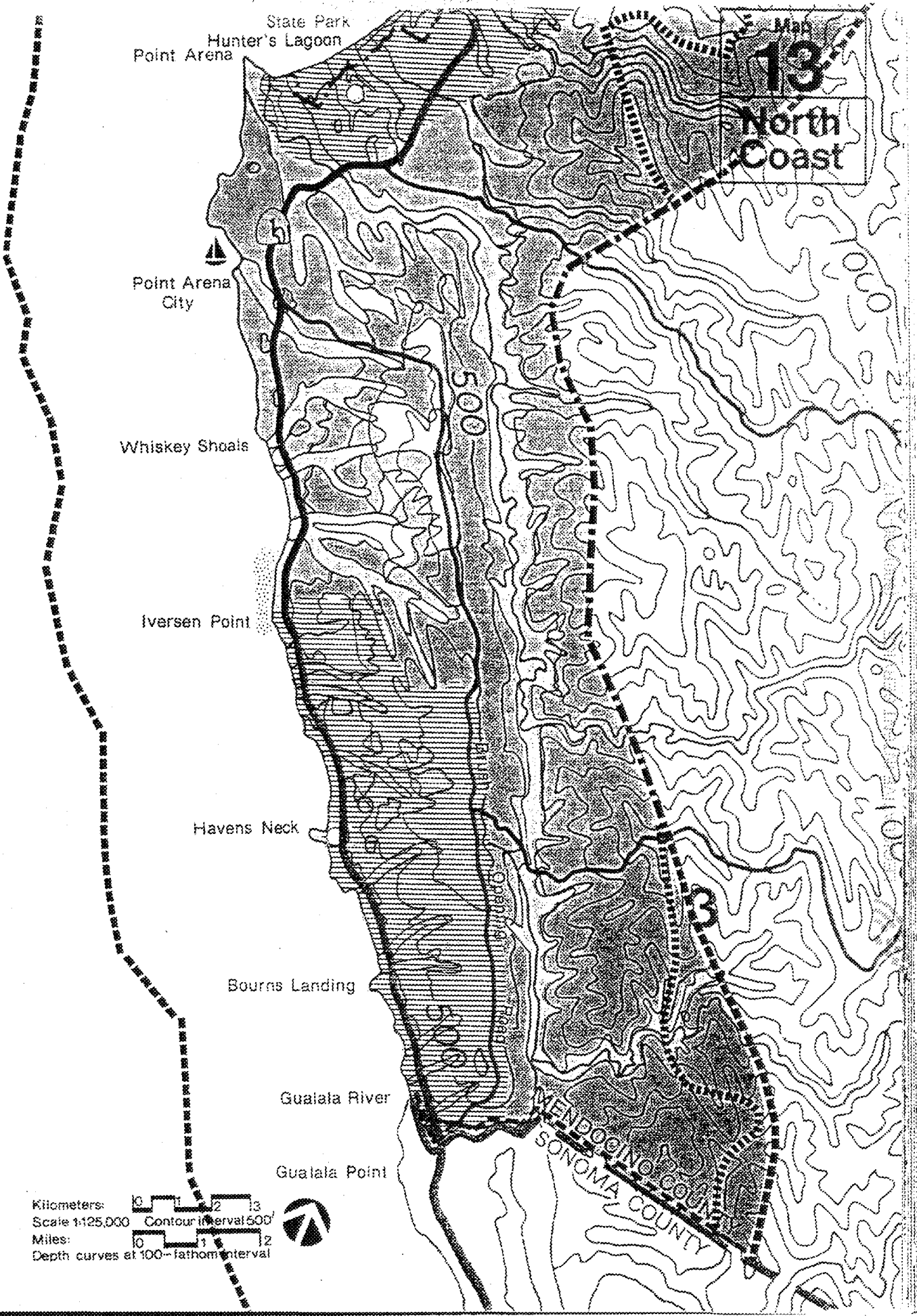
Bourne Landing

Gualala River

Gualala Point

MENDOCINO COUNTY
SONOMA COUNTY

Kilometers: 0 1 2 3
Scale 1:125,000 Contour interval 500'
Miles: 0 1 2
Depth curves at 100-fathom interval



GLOSSARY

Note: The glossary below, an adopted part of the Coastal Plan, includes words and terms that are used throughout the Plan, and are listed here for convenience. Most other words and terms are defined where they occur in the text. Although every effort has been made to conform to technical, dictionary, and popular usage, it should be emphasized that these definitions reflect how the words and terms are used in this document.

Parts of the Coastal Zone

Following are terms used in Plan policies and elsewhere to indicate parts of the coastal zone and adjacent areas:

- **Ocean waters** — marine waters beyond the seaward extent of the State's jurisdiction (three miles).
- **Coastal waters** — marine waters from the shoreline seaward to the State's three-mile limit.
- **Intertidal area** — the area from the lowest low tide line to the shoreline (the landward extent of the tidal influence), including estuaries and coastal wetlands.
- **Shoreline, coastline** — the precise interface between land and sea, coinciding with the line marking the landward extent of tidal influence. (Term can be used informally for an actual area near the shoreline.)
- **Oceanfront area** — the area from the shoreline landward, including the beach and/or rocks above the high tide line to the top of adjacent bluffs and cliffs, and in most parts of the coastal zone including the first coastal road where it parallels the coast, and first tier of lots. Usually extends not more than 1,000 feet landward.
- **Coast** — encompasses the intertidal area and the oceanfront

area. (Term can be used informally for a broader area.)

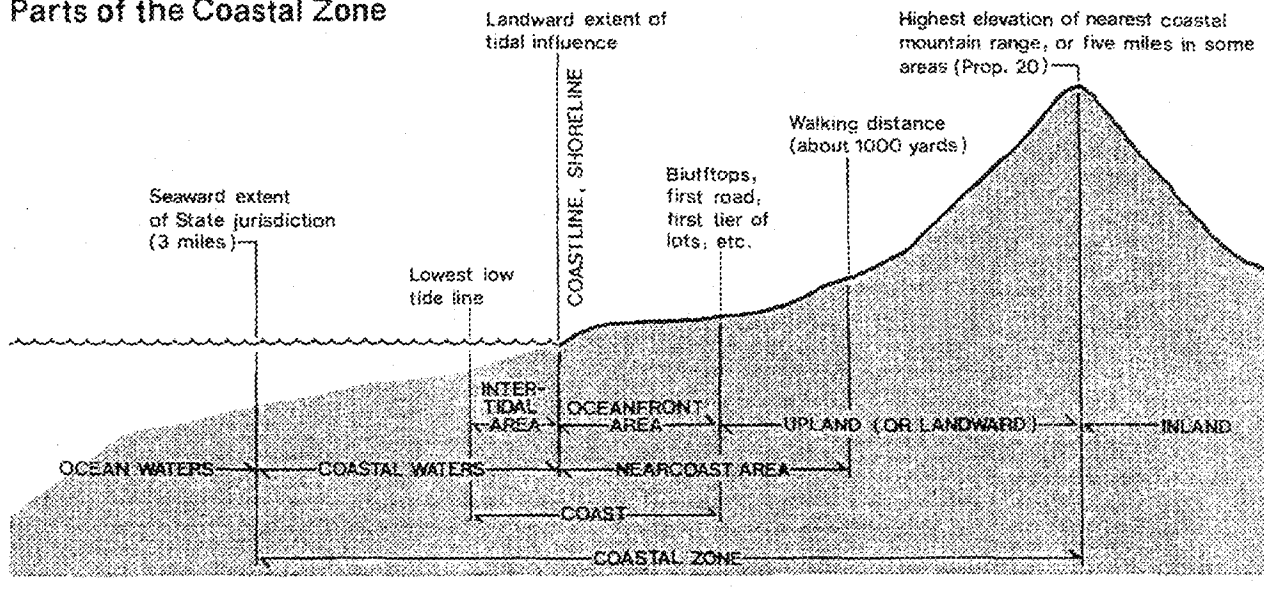
- **Nearcoast area** — the area within easy walking distance — generally 1,000 yards — of the shoreline.
- **Upland** — pertains to the area landward from the oceanfront area, generally to the coastal zone boundary.
- **Coastal zone** — as defined in the California Coastal Zone Conservation Act of 1972 (Proposition 20) — see elsewhere in the Appendix for complete text.
- **Coastal resource management area** — the area within which local plans would be brought into conformity with the Coastal Plan. See complete definition in Part IV, in Introduction to Plan Maps.
- **Inland** — any land area outside the coastal zone.
- **Coastal** — pertains to anything within the coastal zone.

Coastal Resources

Coastal resources — natural or man-made areas or features on or near the coast or enhanced by a coastal location that are of value to man for economic, environmental, recreational, cultural, and aesthetic reasons. These resources are divided into several overlapping categories:

- **Natural resources** — e.g., agricultural and timber lands, coastal waters, beaches, clean air.
- **Marine resources** — e.g., coastal waters, kelp beds, salt marshes, tidepools, islets and offshore rocks, anadromous fisheries.
- **Coastal land resources** — e.g., watersheds, freshwater

Parts of the Coastal Zone



supplies, agricultural land, open space, bluffs, dunes, wild-life, natural habitat areas.

- **Productive resources** — e.g., aquaculture areas, gravel deposits, agricultural and timber lands, petroleum resources.
- **Manmade resources** — coastal communities and neighborhoods with particular cultural, historical, architectural, and aesthetic qualities. These towns and neighborhoods are characterized by orientation to the water, usually a small scale of development, pedestrian use, diversity of development and activities, public attraction and use of facilities, distinct architectural character, historical significance, or ethnic or cultural characteristics sufficient to yield a sense of identity and differentiation from nearby areas.
- **Historical and prehistorical resources** — e.g., recognized historical landmarks such as the Franciscan missions and Fort Ross; outstanding architectural landmarks; Indian burial sites and shellmounds; plant and animal fossils.
- **Recreational resources** — e.g., beaches, coastal streams, marinas, SCUBA diving areas, scenic coastal roads, and other land and water areas with the potential for providing significant recreational use for the public.
- **Scenic resources** — e.g., open space areas, coastal landforms, highly scenic areas.
- **Educational and scientific resources** — e.g., marine life refuges, rare and endangered species habitat, primitive areas, tidepools, wetlands.
- **Renewable resources** — those of the above that can be replenished either by nature or human effort, e.g., water, timber, agriculture, fisheries.
- **Non-renewable resources** — those of the above that are finite in ultimate quantity, e.g., beaches, gravel deposits, petroleum resources, primitive areas, wetlands.

Coastal Agriculture

- **Coastal agricultural land** — all lands within the coastal climate zone currently being used or suitable for raising agricultural products (crops and livestock).
- **Prime agricultural land** — crop or grazing lands that, because of soils or economic productivity, are especially valuable, as defined in the Williamson Act:
 - (1) All land which qualifies for rating as Class I and Class II in the Soil Conservation Service land use capability classifications.
 - (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.
 - (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
 - (4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
 - (5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

- **Non-prime agricultural land** — other coastal agricultural lands that are now in use for crops or grazing, or that are suitable for use as agricultural lands.
- **Coastal-related crops** — those crops that achieve substantial production advantages attributable to the coastal climate influence, including artichokes, brussels sprouts, asparagus, lima beans, snap beans, broccoli, cabbage, carrots, cauliflower, celery, cucumbers, spinach, tomatoes, avocados, grapefruit, lemons, oranges, strawberries, and floriculture.

Estuaries, Wetlands, and 'Sensitive Areas'

- **(Coastal) estuary** — all or part of the mouth of a river, stream, or other semi-enclosed body of water (such as a bay, slough, or lagoon) connecting with the sea permanently or periodically and within which seawater is continuously, periodically, or occasionally diluted with freshwater runoff from the land.
- **(Coastal) wetlands** — saltwater and related freshwater marshes and mudflats.
- **Environmentally and biologically sensitive areas** — areas in which plant or animal life and their habitats are either rare or especially valuable because of their special nature or role in a life system and which are easily disturbed or degraded by human activities and developments, including: Areas of Special Biological Significance as identified by the State Water Resources Control Board; rare and endangered species habitat identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; tidepools, sea caves; islets and offshore rocks; kelp beds; indigenous dune plant habitats; wilderness and primitive areas.
- **Coastal watersheds** — the lands that drain into streams that in turn drain into coastal rivers, wetlands, or the ocean itself, as shown on the four Coastal Resource Area maps preceding the Plan Maps in Part IV. More specifically, coastal watersheds include all lands within the State Water Resources Control Board's Basin Planning Areas 1A (except the Lost River-Butte Valley Hydrographic Unit), 1B, 2 (except all land areas that drain directly into San Francisco Bay), 3, 4A, 4B, 8, and 9.
- **Highly scenic areas** — include (1) landscape preservation projects designated by the California Department of Parks and Recreation in the California Coastline Preservation and Recreation Plan; (2) open areas identified in the Coastal Plan as being of particular value in providing visual relief from urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, in carrying out the policies of the Coastal Plan, or as scenic open space; and (3) scenic areas and historical districts designated by cities and counties in their design procedures and standards prepared pursuant to Policy 46.

Types of Development

- **Development** — means, on land, in or under water, (1) the placement or erection of any solid material or structure; (2) discharge or disposal of any dredged material or of any

gaseous, liquid, solid, or thermal waste; (3) grading, removing, dredging, mining, or extraction of any materials; (4) change in the density or intensity of use of land, including, but not limited to, subdivision of land pursuant to the Subdivision Map Act and any other division of land, including lot splits; (5) change in the intensity of use of water, ecology related thereto, or of access thereto; (6) construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; (7) the removal or logging of major vegetation; (8) acquisition, sale, or lease of land by a public agency; (9) annexations of land to or establishment of incorporated cities or service districts; and (10) official determinations of urban service boundaries or spheres of influence.

- **Structure** — includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. Development occurs in several forms, including: residential, commercial, industrial, institutional, agricultural, public service, transportation, energy, recreation (and commercial recreation), and visitor-serving facilities. As these terms are used in Coastal Plan policies, they generally refer to both the major structures (e.g., house, apartment house, highway, shopping center, factory) and appurtenant structures (e.g., fences, patios, parking lots, signs, gate houses, motor yards, overhead conveyors, curbs, gutters, bridges) insofar as the major structure necessitates the minor structures. The terms as used generally do not apply to these secondary structures if proposed separately (e.g., as structures to complete a planned system or as replacements) from the major structure or structures, though other policies will apply.
- **Residential development** — houses (generally several) and other dwelling units, including single and multiple-family units and mobile homes, but not including transient quarters such as hotels and motels.
- **Commercial development** — buildings or facilities in which products or services are bought and sold, generally for private profit, including shops, stores, shopping centers, offices, gas stations, theaters, hotels, restaurants, stands, commercial parking lots and garages. The term may also include temporary and outdoor activities conducted for private profit where applicable.
- **General commercial** — refers to all such commercial development except commercial recreation and visitor-serving facilities (see following definitions).
- **Recreation facilities** — buildings and land and water areas serving active recreational uses, such as swimming, boating, tennis, hiking, riding, golf, ball-playing, picnicking, sunbathing, fishing, diving, bowling, birdwatching, etc. Generally includes campgrounds, parking lots, and other support facilities, though these may not require the same location as the principal recreational use.
- **Commercial recreation** — pertains to facilities serving public recreational needs but operated for private profit, including recreational areas and services (e.g., golf courses, riding stables, commercial party fishing boats), tourist attractions (e.g., Queen Mary), shopping areas (e.g., Ports O'Call), and amusement parks (e.g., Marineland).

- **Visitor-serving facilities** — both public and private developments that provide visitor accommodations, food, and services, including certain commercial recreation developments such as shopping, eating, and amusement areas for tourists, as well as hotels, motels, recreational vehicle and tent campgrounds, and restaurants.
- **Recreational support facilities** — buildings and land areas that provide goods and services for users of recreational facilities but that do not provide for recreational use by themselves, including parking lots, restaurants and snack bars, recreational equipment sales and repair shops, maintenance facilities, and park administrative buildings.
- **Industrial development** — buildings or facilities for the extraction, manufacture, processing, storage, distribution, and handling of materials and products, including energy facilities, ports, major agricultural processing plants, mineral extraction sites and equipment, lumber mills and yards, processing plants, assembly plants.
- **Public service facilities** — buildings, lines, pipes, etc., necessary for the provision and distribution of utility services, including water, electricity, gas, telephone, sewer, solid waste disposal, storm drainage, etc., and public safety, health, and welfare services, including fire houses, police stations, civil defense, and public works facilities.
- **Energy facilities** — power plants, refineries, tanker terminals, liquefied natural gas terminals, petroleum drilling, production, and handling facilities, or any other facilities necessary for the extraction, recovery, import, or processing of materials that provide energy.
- **Transportation facilities** — roads, public parking lots or structures, ports, airports, railroad and transit facilities and stations, and related structures such as bridges and trolley wires.
- **Institutional development** — buildings and facilities for public or quasi-public institutions such as schools, colleges, hospitals, libraries, museums, art and music centers, and government offices.
- **Agricultural development** — includes farm buildings, packing and processing plants, greenhouses, and pumps.
- **High-intensity development** — includes highrise office buildings, large apartment and condominium buildings, shopping centers, amusement parks, and tourist attractions.
- **Coastal-dependent developments** — developments that must have an immediate coastal site to be able to function at all. These include fishing, aquaculture, and port facilities, extraction of coastal minerals (e.g., sand and offshore petroleum), tanker terminals, boat works, shipyards, and marinas.

Other Terms

- **Feasibility** — Practicability based on a case-by-case analysis, taking into account short-term economic, social, and technological constraints as weighed against the long-term benefits of strict and immediate compliance with a Coastal Plan policy.
- **Significant** — important, weighty, not trivial.



ENROLLED BILL REPORT

FORM 4

DEPARTMENT Housing and Community Development	AUTHOR Henry Mello (D-Watsonville)	BILL NUMBER SB 583
SUBJECT Coastal Zone: Housing Policy		

SUMMARY:

Would, among other things, amend the coastal housing provisions to specifically include mobilehomes and residential hotels within the definition of conversion and demolition; and would allow the conversion or demolition of residential uses for a time-share project under specifically-defined circumstances. (Other non-housing provisions of the bill are of no concern to this department and therefore, not discussed herein).

ANALYSIS:

A. Detailed. Prior to the January 1, 1982, effective date of existing law, the California Coastal Commission had the authority to protect and, where feasible, provide housing opportunities for low and moderate income households through the development permit review and Local Coastal Program certification process. On January 1, 1982, Government Code Section 65590 became law, transferring that responsibility to local governments. This new law was enacted through SB 626 (Mello, Chapter 1007 of 1981) and amended in AB 321 (Hannigan, Chapter 43 of 1982).

Government Code Section 65590 sets forth very specific findings that must be made if a residential dwelling in the coastal zone is proposed to be converted or demolished. Under specific circumstances, the conversion or demolition request may be denied. Also, in specific cases, there is a requirement that replacement housing be provided where the conversion or demolition of a unit occupied by a low or moderate income household is approved.

This bill would specifically define mobilehomes and residential hotels as a residential dwelling unit to be protected under the provisions of Government Code Section 65590. This is clarification of the intent of SB 626.

One of the major protections in existing law is the requirement that before the conversion or demolition of a residence may be permitted (to a use which is non-residential and non-coastal dependent), the local government must first determine whether it is feasible to retain the land for residential purposes. If the answer is "yes," the local government must deny the demolition request (Government Code Section 65590(c)). The rationale, of course, is the preservation of low and moderate income housing in the state's coastal communities. Where conversion or demolitions of residential units is allowed and where replacement housing is required, the replacement housing must be provided within three years.

This bill would allow the conversion or demolition of residential to new time share projects, which may not otherwise be allowed by law, if replacement housing is provided before any loss of the existing housing occurs. This provision sunsets January 1, 1985.

The bill also includes amendments to the Coastal Act with respect to air pollution requirements.

(I. Donald Turner, unavailable for signature)

RECOMMENDATION			
SIGN <i>Paul Turner</i>			
Department I. Donald Turner, Director	Date 9-10-82	By <i>Charles M. Allen</i>	Date 9/10/82

LEGISLATIVE INTENT SERVICE (800) 666-1917



B. Cost. There is no cost associated with this bill.

LEGISLATIVE HISTORY:

The bill was amended by the author to correct what he believed to be an erroneous legal interpretation by Legislative Counsel. The bill defines mobilehomes and residential hotels as residential dwellings for purposes of evaluating proposals for conversion and demolition in the coastal zone. In an opinion dated March 31, 1982, Legislative Counsel opined that the provisions of Government Code Section 65590 do not apply to a mobilehome park where the mobilehome lots are rented to individual mobilehome owners for residential use if the owner of the park elects to convert the mobilehome park to another high-density residential use.

It was Senator Mello's and the sponsor's intent in carrying SB 626 that mobilehome parks be included within the definition of a residential dwelling. SB 583 was amended to clarify that such is the intent of this section. It also clarifies a technical point that residential hotels are also considered a residential dwelling within the meaning of Government Code Section 65590.

The provision regarding time-share condominiums is to respond to a developer in Orange County that is seeking local approval to convert the 266 unit "Treasure Island" mobilehome park in South Laguna Beach to a 440 unit time-share condominium. Approximately 100 of the tenants are low or moderate income permanent residents. The developer intends to provide on-site replacement housing for many of the displaced tenants. (Part of the development is an apartment building.) This developer will provide replacement housing before any of the mobilehome units are removed.

REASON FOR RECOMMENDATION:

SIGN. It was the Legislature's intent to include mobilehomes and residential hotels within the meaning of residential units. Both were considered within the housing provisions when the Coastal Commission had housing responsibilities. These forms of housing provide opportunities for low and moderate income households.

The provision to allow the conversion or demolition of residential uses to allow new time-share projects, not otherwise allowed, is narrowly drafted to limit potential future loss of affordable housing. Furthermore, the provisions requires that the replacement housing be provided before any housing is removed.

Prepared by: Ruth Schwartz



CERTIFICATE OF SERVICE BY MAIL

The undersigned declares:

I am over the age of 18 years and am not a party to the above entitled cause. I caused to be served --

MOTION FOR JUDICIAL NOTICE OF LEGISLATIVE HISTORY MATERIALS

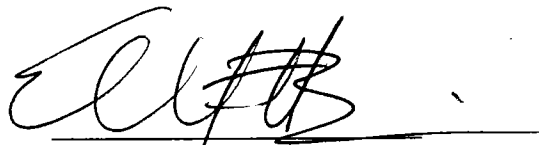
by enclosing a true copy of said document in an envelope with proper postage prepaid and addressed to --

Carmen A. Trutanich, Esq.
City Attorney
Amy Brothers, Esq.
Deputy City Attorney
200 North Main Street, 700 CHE
Los Angeles, CA 90012

Attorneys for Respondent,
City of Los Angeles

and placing same for delivery by the United States Postal Service in my usual manner on the date stated below.

The foregoing is true and correct. Executed under penalty of perjury at Novato, California, on March 1, 2011.

A handwritten signature in black ink, appearing to read 'Elliot L. Bien', is written over a horizontal line.

ELLIOT L. BIEN