

The Coastal Commission: How Well Has It Worked?

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By MARK BERGSTROM
Sentinel Staff Writer

The six regional Coastal Commissions which have guided development along the state's shoreline since voters mandated regulation in 1972 go out of business on Tuesday.

The significance of the voters' coastline preservation initiative, Proposition 20, and of the commissions that proposition created, perhaps can only be found in the answers to two questions: Has the coastline been protected over the past 8½ years and, if so, will it continue to be protected in the future?

To get to those answers, one must look first at the past. Santa Cruz City Councilman Bert Muhly was Santa Cruz County planning director through the '60s and a contributor to Proposition 20, which was passed by state voters in 1972. He explains the reasons for the citizens' action this way:

"Through the '60s, local government was losing control of the California coast." Using this county as an example, Muhly explains that on the eve of Proposition 20, there were plans for some 30,000 buildings at various stages of the planning process that threatened to impact the coastal

area from the Pajaro River to Ano Nuevo. Many were proposed for ecologically-sensitive areas, such as dunes and wetlands.

Aptos Seascape, Muhly says, already had covered seven acres of sand and construction had begun on the dunes at what was to become known as Pajaro Dunes. He recalls there was pressure also for more beachfront development at La Selva Beach. The Sand Dollar project was occupying the beachfront to the south and Place de Mer, he explains, already had cut into the cliffside.

On the north coast, the Santa Cruz General Plan of 1964 would have accommodated a large housing project at Wilder Ranch. A 2,200-unit subdivision was proposed for the Scaroni Ranch, and another 5,500-unit development was planned at the tip of the county in the vicinity of Waddell Creek.

In the middle of that, says Muhly, PG&E had proposed a 6,000-megawatt nuclear power plant on the Coast Dairies property near Davenport and a 3,000-megawatt nuclear plant in the area of Highway 1 and Morales Road

south of Moss Landing.

Santa Cruz County at the time, Muhly explains, had a sophisticated planning process, much more so than other counties, especially those along the far Northern California coast. Still, from his post as planning director, he saw the difficulty this county was having withstanding the pressures of development.

Muhly says he made a personal decision at that time to leave his county post to direct pressure on the state Legislature to take some action

to manage the coastline. He worked with then-assemblyman and now state Sen. Alan Sieroty, D-Beverly Hills, on a strong coastal protection bill. That bill, says Muhly, went the way of all other similar legislation — down to defeat.

Then, he recalls, "Knowing we could not expect any resolve from the Legislature, we went to the people for an initiative." Sieroty's defeated bill became the heart of Proposition 20.

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Soul-Searching Liberals Decide Now Is The Time To Regroup

By DON McLEOD

WASHINGTON (AP) — While insisting that their hearts were always in the right place, leaders of the American liberal movement are slowly admitting they may have invited a budget backlash by blinking at abuses in the social service programs they helped create.

"The greatest problem we confront is that we are called liberals," former Rep. Elizabeth Holtzman said Saturday in keynote speech at the annual convention of Americans for Democratic Action.

The four-day gathering promised to be a soul-searching session for the organization, which was in the vanguard of liberalism in the 1960s and is relegated to fighting a rearguard action against conservatism in the 1980s.

Father Robert F. Drinan, former congressman from Massachusetts, was elected the organization's 18th president Saturday, succeeding Patsy Mink, who retired after three one-year terms. Drinan was unopposed for the post.

Drinan also called on liberals to stick by their humanitarian principles. "While President Reagan and his right-wing supporters propose to attack government, to do away with substantial programs that protect and help people, it is incumbent on ADA to rally the opposition.

"We will do this, as always, by pointing out the follies of their programs and proposing constructive alternatives," he said.

Ms. Holtzman, Ms. Mink and other speakers held firm

to their commitment to compassion in politics and dedication to the concept of government as a legitimate vehicle for achieving social good.

Their failure, they seemed to conclude, came from complacency in good times and stubbornness under challenge.

"Frankly, liberalism has come to mean something pejorative over the past few years," Ms. Holtzman said. "It is associated with give-aways, with a prodigal, prolific public spending of people's hard earned tax dollars.

"It's this definition that the Democratic Party has to address at this moment in history. It has to go back to the root of liberalism, which is compassion, and ask in very

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The initiative actually only stated a goal. The nuts and bolts of implementing action to reach that goal was set forth by the legislative process.

Implementation of Proposition 20 involved the interpretation of the initiative by state lawmakers, many of whom, Muhly says, were either opposed to the initiative or under heavy political pressure that was, and continues to be, brought by property rights groups and development interests.

To implement the voter mandate, the Legislature created six regional commissions and a state Coastal Commission, and charged them with developing a coastal management plan that would eventually return permit authority to local governments.

Until that could be accomplished, the six regional and one state commissions were given the power to regulate development within the coastal zone, generally an area 1,000 yards inland from the coastline.

In 1976, the Legislature set down guidelines for documents, known as Local Coastal Programs (LCPs), to be developed by local governments which would be used in the resumption of local control of the coastline.

Gov. Edmund Brown Jr., Muhly says, had promised his support to coastline management, but was busy most of that year on the presidential campaign trail.

"When he returned to the state in June, he realized his political future depended on fulfilling his promises. He spent all summer with Leo McCarthy and Jim Mills, and in the final days of the Legislature in August on the floor of the Senate, you had Brown, McCarthy and Mills."

What resulted, Muhly contends, was imperfect legislation.

accomplished the basic goal of Proposition 20.

Norman Walters of Santa Cruz, who served on the regional commission from its inception in 1973 until just a few months ago, views the accomplishments from the conservative and minority viewpoint of the commission.

The environmental majority made the rules, through interpretation of the Coastal Act, but much of the action taken, Walters believes, was arbitrary. In many cases, he believes the commission plainly "overstepped its bounds" in conditioning permits.

Walters recalls a couple of specific examples, one involving a property owner who was required to provide an access easement on his Pleasure Point area property, even though there were eight existing access points to the beach within a quarter-mile of his property at the time. Such impediments, Walters explains, can be grounds for a loan refusal by a lending institution.

During the 1976-77 drought, he continues, the regional commission rejected permits within the coastal zone of Monterey because of a water shortage there. As it turned out, he explains, permits were denied to persons proposing to build within the two-block-wide coastal zone, while people with lots just across the street from that narrow zone were getting permits from the city of Monterey.

"The people I really have felt for have been the people whose land had been in the family for years and their project was turned down. I had a real hard time with that," Walters explains. He believes if government is going to restrict the use of property, the owner should be compensated.

Incidents such as those, Walters says, were recounted by state Sen. Jerry Smith

Brown, who stepped in as regional staff director in 1974, recalls that his first major recommendation was a "no" on the Lighthouse Field proposal, made, he says, at the largest public hearing ever conducted by any of the regional commissions. Some 2,500 persons turned out for that hearing.

The regional commission, Patton points out, also stopped two planned motel developments on the beachfront between Marina and Monterey.

The Holiday Inn of Monterey, built prior to Proposition 20 on land in the middle of the two proposed motels, Patton says, is a good example of coastal land abuse that led voters to demand shoreline protection.

In addition to regulating building, Patton says the regional commission has made other important, but less visible, contributions.

"Because they (commissioners) have had to approve utility projects, our commission has made sure new water and especially sewer facilities have not been growth-inducing as they always had been in the past."

Also, Patton explains, the commission has insured the protection of prime agri-

cultural land and of wetlands and marshes, on which the biological productivity and economic well-being of the Central Coast depends.

Another contribution, says Patton, has been in the protection and provision of affordable housing within the state's coastal zone.

Thousands of affordable housing units, Patton explains, have been insured for the next 50 years. "That's a far greater number than local governments have been able to provide," he says.

The Coastal Commission has come under perhaps its most intense criticism for entering the field of housing, but commissioners defend their actions by saying they never sought that authority; rather it was given to them when the Legislature passed the Coastal Act of 1976.

State Sen. Henry Mello, D-Watsonville, has sponsored a bill in this session of the Legislature which is designed to remove that housing provision. The bill recently cleared the Senate and is headed for a vote in the Assembly.

Patton is somewhat pessimistic about the future of coastline preservation with the demise of the regional commissions,

an action he has opposed.

Local governments, he says, had not been able to withstand the pressure of development before Proposition 20 and he has reservations that they will be able to do so now.

Even though the state Coastal Commission will remain a permanent body, Patton believes it will be too remote to be able to understand all the ramifications of every local issue.

Ed Brown is more optimistic, saying the guidelines for the development of the coastal programs by local governments were deliberately narrow to prevent too much flexibility for the future.

Ironically, explains Walters, the regional commission here kept telling local governments during the preparation of the programs that "it's your plan," but in reality they are the product of Coastal Commission staff mandates.

Whereas he opposed Proposition 20 from the start, saying he felt it was

"ambiguous," Walters says he supported the concept of coastal preservation. He hopes the LCPs that will be adopted will be successful to that end.

Muhly believes a lesson has been learned by the local governments along the coast.

"Most local governments that I have observed have become conscious of the fact they aren't planning a Bakersfield — they're planning in a very special area. In addition to their responsibility to the local people, they have to maintain a stewardship for people everywhere who have an interest in the coast."

Ultimate protection of the coastline, Muhly believes, rests with the people of California, who elect local officials who will guide coastal development with the LCPs in the future."

One thing is for sure, he says. "The people will never go back . . . and they will remain ready to fight for their values."

Up To \$200 Off

Mills, and in the final days of the Legislature in August on the floor of the Senate, you had Brown, McCarthy and Mills."

What resulted, Muhly contends, was imperfect legislation.

"There were some prices that had to be paid and the most critical price of that kind of crisis legislation was that Brown and the regional commissions would self destruct in 1978." Ultimately, the six regional commissions were extended until June 30, 1981 — Tuesday — to give them enough time to get the Local Coastal Programs in place. That has proven to be insufficient time.

Another problem, explains Muhly, was caused when the Legislature discarded the separate permit and planning zones established by Proposition 20 and arbitrarily drew up a single zone.

In this region, Muhly explains, the line followed no real logical order and took in a wide area on the North Coast as far as Bonny Doon, yet just a narrow zone — "so narrow you can stand on the boundary line and throw pebbles into the ocean" — at Pacific Grove.

"With a more reasonable line, there would have been far fewer problems" and complaints from citizens, Muhly believes.

Even though the regional commissions will be out of business at the close of the work day on Tuesday, only about one-third of the local governments up and down the coast of California will not have their LCPs completed and certified.

Ed Brown, executive director of the Central Coastal Commission, the regional panel that has overseen development in San Mateo, Santa Cruz, Monterey counties, says it will be sometime in 1982 before all local jurisdictions in this region and in the state have their coastal programs adopted.

In the interim, the state Coastal Commission will assume permit authority. The regional office here will become a district office of the state commission to continue to handle permits and LCP preparation until all the programs in this region are completed. The 21-member staff, Brown explains, gradually will be phased out.

During its 8½-year lifespan, the Central Coastal Commission, comprised of 16 members representing local governments and state appointments, did not stifle development, says Gary Patton, chairman of the Santa Cruz County Board of Supervisors and a coastal commissioner from 1975 to mid-1978.

Rather, he says, the commission changed the rules for development.

"What we've seen is a radically changed kind of development," said Patton. Permits which have been granted — some 95 percent of the applications — have carried conditions insuring public access to the coastline and measures to insure environmental protection.

In that respect, both Patton and Muhly say they believe the regional commissions

that, Walters explains. "If the government is going to restrict the use of property, the owner should be compensated."

Incidents such as those, Walters says, were recounted by state Sen. Jerry Smith, D-Saratoga, who sponsored the Coastal Act of 1976. Smith, recalls Walters, addressed coastal commissioners at a statewide meeting that year at Asilomar and expressed reluctance to carry the bill because of such horror stories.

Smith, Walters says, told the commissioners they'd better end the excesses of the past. But, Walters claims, the Central Coastal Commission carried on as it had in the past.

Whereas the Central Coastal Commission conditioned most development it approved, it rejected the most major beachfront development proposals.

A prime example — or "the gem" as Patton calls it — was the rejection of a proposal for development of a convention center on Lighthouse Field in Santa Cruz.

That action, says Patton, was the major factor in preserving Lighthouse Field.

Patton authored a local initiative on Lighthouse Field, and that initiative won overwhelming voter approval. But, he explains, that initiative only barred local government from participating in the development of Lighthouse Field and may not on its own have been able to protect the open space area along West Cliff Drive.

City Election Petitions Due On Tuesday

Tuesday at 5 p.m. is the deadline for returning petitions seeking initiative elections in the Santa Cruz municipal election set for Nov. 3.

The Community United Against Rape and Battery (CURB) is asking all its petitioners to return their petitions no later than Sunday so they can be delivered to the City Clerk's office Monday at 10 a.m.

"We have gathered more than 7,500 signatures," reports Mardi Wormhoudt, a CURB coordinator, "and we still have a lot of petitions out."

On Tuesday at 8:30 a.m., the Santa Cruz Coalition Against U.S. Intervention in Central America will turn in its petitions seeking to put the issue of U.S. military and economic aid to the junta in El Salvador before the city voters.

Should the petitions bear the legally required number of validated signatures of registered city voters, the City Council will be mandated either to call the special initiative elections requested or to adopt the legislation the petitioners seek.