

1972

COASTAL ZONE CONSERVATION ACT

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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 policemen. 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)

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.	YES	
		NO	

(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 91st 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 52, 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 1975 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 52, column 2)

Detailed Analysis by the Legislative Counsel

(Continued from page 51, column 1)

cantly affect the "coastal zone," generally defined as land and water area 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 processes 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 al 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 52, 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 1965, 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.

VOTE YES TO SAVE THE COAST

JOHN V. TUNNEY

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

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 devolved 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 elitist 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 3½ 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 regulatory process.

These are the 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, 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 planning regulatory agencies are ready to complete the job.

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

JAMES S. LEE, President
State Building & 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 1072 miles of coast, 659 are privately owned; of the 413 miles pub-

licly owned, only 252 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 ILWU, 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 L. GRUNSKY
State Senator
(R-Santa Cruz, Monterey, San Luis
Obispo and San Benito Counties)
BOB MORETTI
Assemblyman
Speaker—California State Assembly

21 **ASSIGNMENT OF STUDENTS TO SCHOOLS. Initiative.** Add 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	

(For Full Text of Measure, See Page 33, Part II)

General Analysis by the Legislative Counsel

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)

Cost Analysis by the Legislative Analyst

Existing law requires school districts to (1) 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 districtwide 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.

(Continued on page 56, column 2)

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.

<p>19</p> <p>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, 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.</p>	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 privi-

lege, 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, or limit the enactment of future legislation, prohibiting persons under the influence of marijuana from engaging in conduct that endangers others.

<p>20</p> <p>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.</p>	YES	
	NO	

(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:

DIVISION 18. CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION
CHAPTER 1. GENERAL PROVISIONS AND FINDINGS AND DECLARATIONS OF POLICY

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

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

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

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

vegetation. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, structure, aqueduct, telephone line, and electric 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 of the mean high tide line where there is no beach shall not be excluded.

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

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

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

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

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

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

Article 1. Creation and Membership of Commissions and Regional Commissions

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

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

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

27201. The following six regional commissions are hereby created:

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

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

(2) Six representatives of the public.

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

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

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

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

(4) Seven representatives of the public.

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

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

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

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

(4) Eight representatives of the public.

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

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

(2) Six representatives of the public.

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

(1) One supervisor from each county.

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

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

(4) One city councilman from Orange County.

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

(6) Six representatives of the public.

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

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

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

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

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

(4) Six representatives of the public.

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

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

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

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

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

Article 3. Organization

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

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

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

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

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

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

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

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

Article 2.5. Conflicts of Interest

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

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

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

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

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

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

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

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

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

Article 3. POWERS AND DUTIES

27240. The commission and each regional commission, may:

(a) Accept grants, contributions, and appropriations;

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

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

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

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

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

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

CHAPTER 4. CALIFORNIA COASTAL ZONE CONSERVATION PLAN

Article 1. Generally

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

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

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

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

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

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

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

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

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

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

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

(c) A component which includes the following elements:

) A land-use element.

) A transportation element.

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

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

(5) A recreation element.

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

(7) An ocean mineral and living resources element.

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

(9) An educational or scientific use element.

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

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

Article 2. Planning Procedure

27320. (a) The commission shall, within six months after its first meeting, publish

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

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

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

CHAPTER 5. INTERIM PERMIT CONTROL

Article 1. General Provisions

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

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

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

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

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

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

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

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

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

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

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

in Sections 27001 and with the objectives set forth in Section 27302.

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

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

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

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

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

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

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

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

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

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

Article 2. Permit Procedure

27420. (a) The commission shall prescribe the procedures for permit applications and their appeal and may require a

reasonable filing fee and the reimbursement of expenses.

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

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

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

27422. The commission shall provide, by regulation, for the issuance of permits by the executive directors without compliance with the procedure specified in this chapter in cases of emergency or for repairs or improvements to existing structures not in excess of twenty-five thousand dollars (\$25,000) and other developments not in excess of ten thousand dollars (\$10,000). Nonemergency permits shall not be effective until after reasonable public notice and adequate time for the review of such issuance been provided. If any two members of the regional commission so request at the first meeting following the issuance of such permit, such issuance shall not be effective and instead the application shall be set for a public hearing pursuant to the provisions of Section 27420.

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

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

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

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

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

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

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

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

CHAPTER 6. PENALTIES

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

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

CHAPTER 7. REPORTS

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

CHAPTER 8. TERMINATION

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

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

11528.2. The clerk of the governing body or the advisory agency of each city or county or city and county having jurisdic-

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

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

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

Sec. 4. There is hereby appropriated from the Bagley Conservation Fund to the California Coastal Zone Conservation Commission the sum of five million dollars (\$5,000,000) to the extent that any moneys are available in such fund and if all or any portions thereof are not available then from the General Fund for expenditure to support the operations of the commission and regional coastal zone conservation commissions during the fiscal years of 1973 to 1976, inclusive, pursuant to the provisions of Division 18 (commencing with Section 27000) of the Public Resources Code.

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

21 **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 **STRIKED TYPE** and **NEW PROVI-**

SIONS proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED LAW

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