

# Foreword

**I**MET JANA ZIMMER IN 2011 at our first Coastal Commission meeting, where we were fortuitously seated together, two of five new commissioners. I came to the Commission as an environmental activist, and although I am a lawyer and have experience with legislative and environmental work, I had little experience with the Commission’s policies, regulations, and procedures. Our introduction was a trial by fire: three days of fifteen-hour meetings with only a Commissioner “New Commissioner Packet” and a single in-person briefing by the executive director to guide us.

Jana jumped in feet first. She had deep knowledge and experience as a coastal land use lawyer and was able to help me and other new commissioners orient themselves to the law and the process of the Coastal Act. In my years on the Commission, I have met few commissioners with her depth of knowledge and her gift for analysis. We became close friends and comrades, helping each other through the decision-making process. We did not always agree on the outcome, but we helped each other to uncover the facts and to clarify our positions, always in a mutually respectful way.

On more than one occasion, we talked about the mystery of why, almost forty years after adoption of the Coastal Act, only a handful of people in the state had the specific experience needed to present a case effectively to the Coastal Commission. In contested cases, we watched representatives of permit applicants, appellants, and others who did not adequately understand the law or process squander their opportunity to adequately present their position.

I am so pleased that, after Jana’s term ended in 2015, she wrote this book. It is a comprehensive, well-organized guide to the Coastal Act: its regulations, the public hearing process, and the legal standards that govern the Commission’s work. I believe that readers—whether they be attorneys, clients, or public servants—will benefit immensely.

Dayna Bochco, Chair, California Coastal Commission

# Preface

**T**HIS IS THE BOOK I WISHED I had as a lawyer working with the California Coastal Act for the past thirty years. During that time, I have been fortunate to have the opportunity to participate in the Coastal Act process as an advocate, representing various interests, and as a Coastal commissioner, and now to offer my perspective through this lens.

During my career, I found relatively little practical information for lawyers working with the Coastal Act, and nothing at all that was reasonably accessible to non-lawyers—planners, architects, local government staff, environmentalists, and the interested public—to provide a coherent approach and relatively comprehensive guide to this beautifully structured, complex, and demanding law.

The first case I filed under the Coastal Act was in the early 1980s, as a legal aid lawyer trying to prevent the eviction of extremely low-income elderly tenants from a single-room-occupancy hotel (SRO) in Venice. A developer sought to convert the building to a luxury boutique hotel on the beach. The Los Angeles rent control law had virtually no protections against eviction, and I was at a loss. A progressive realtor friend of mine casually asked whether the owner had obtained a coastal development permit for the conversion. “A what?” I said. I subsequently obtained a preliminary injunction preventing any evictions until that permit was obtained. Ultimately, the case was settled, with the owner granting a life estate of sorts to my clients. So, my clients got to live out their lives in their long-term homes, at the beach, which was my goal.

I returned to my home in Santa Barbara in 1986 and found a position as a land-use lawyer in the County Counsel’s office. Santa Barbara was then ground zero for the development of on-shore facilities to serve offshore drilling in federal and state waters. In the County Counsel’s office, I was thrown into the “oil wars,” and, after the Exxon Valdez incident in 1989, the dispute over whether oil transportation by tanker could or should be allowed. Subsequently, in private practice, I represented such clients as American Oceans Campaign on the tankering issue, the League for Coastal Protection, local environmental groups concerned with development in sensitive habitat, local agencies, home-

owner's associations wanting to preserve open space, and property owners seeking to develop visitor serving uses in the area.

After my retirement from active law practice, I felt that my relationship to the coast and coastal protection was not complete, so I applied for an appointment to the Coastal Commission. I served as an appointee of Speaker of the Assembly John Perez from 2011 to 2015. While my most recent legal work had been focused on the protection of habitat, as the "primary" goal of the Coastal Act, I took a walk on the beach the week before my first meeting, and saw about 300 teenagers get off buses from Bakersfield School District. It was their graduation trip, and their first time at the beach. My own priorities shifted back to coastal access for all Californians.

When my term on the Commission was over, encouraged by friends and colleagues, I decided to write this book. I hope that my work reflects a clear and straightforward portrayal of the law, the process, and the major policy issues, and how the Commission has approached them, and most importantly that it reflects a dispassionate explanation of the competing values behind the law.

I am especially grateful that Solano Press was enthusiastic about including my art work, the only place where I have consciously allowed myself an "editorial" posture, and the wonderful photographs of Santa Barbara photographer Reeve Woolpert, which reflect such a great love of this precious California coast.